

A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 9

9.65 Applicant's comments on other parties' responses to second
round of written questions

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Rule 8(1)(b)

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(Examination Procedure) Rules 2010**

A428 Black Cat to Caxton Gibbet improvements

Development Consent Order 202[]

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responses to second round of written questions**

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1 Applicant's comments on other parties responses to second round of written questions

1.1.0 This document has been prepared by the Applicant to set out its comments on other parties' responses to the Examining Authority's (ExA's) second round of written questions.

1.1.1 These can be found in **Table 1-1**.

Table 1-1 Applicant's comments on other parties response to the Examining Authority's second round of written questions

No.	Question/Applicant's Comments
Q2.1	General and Cross Topic
Q2.1.1	Equality Impact Assessment
<p>Q2.1.1.1 – Equality Impact Assessment</p> <p>The EQIA states that “Further actions have been undertaken to ensure that any freeholders, leaseholders and tenants affected by the demolition of properties are more widely supported. This has included working with those potentially affected and local authorities to identify alternative housing options in the area that fulfil the needs of tenants where required” [APP-245, Page 23].</p> <p>a) Applicant and BBC, summarise the progress that has been made in this regard.</p> <p>b) Applicant, confirm whether other LAs have been so engaged, and summarise the progress made.</p> <p>c) Applicant, the table in the Conclusions section of the EQIA [APP-245] identifies both positive and negative impacts of the Proposed Development on certain protected characteristics. However, it is unclear from the summary reasons in the table what the positive impacts are. Explain the reason for each section of the Conclusions table where positive impacts are identified.</p> <p>d) The EQIA states [APP-245, Page 23] “Ongoing engagement will be undertaken with all relevant parties and will continue to be inclusive of any specific requirements of those involved. This includes where tenants may need specific reasonable adjustments to enable them to fully participate in engagement activities due to their protected characteristics.” Applicant, list all instances where you made, or attempted to make contact with parties who would be affected by the Proposed Development as listed under construction impacts in the EQIA [APP-245, Page 22 onwards], especially but not limited to residents whose homes would be demolished, businesses, residents of Kelpie Marina and residents of Eltisle Manor nursing home. Provide details and summarise any reasonable adjustments requested or made to facilitate their engagement.</p>	
Bedford Borough Council	a) The Council is not aware of discussions in this regard, further information has been sought from the applicants.
Applicant Comment:	The Applicant has provided a detailed response to this question in the Applicant Response to the Examining Authority's Second Round of Written Questions [REP4-037], submitted at Deadline 4.
Q2.2	Air Quality

No.	Question/Applicant's Comments
Q2.2.1	Effects on human and ecological receptors
Q2.2.1.1 – Sandy Air Quality Management Area	
<p>In the absence of specific schemes or initiatives contained within the CBC Air Quality Action Plan 2019 - 2024 [Appendix 7, REP1-055] provided at Deadline 1, how can the effects on air quality in Sandy, as described by the Council in REP1-055 and Local Impact Report [REP2-003] be adequately mitigated?</p>	
Central Bedfordshire Council	<p>The Action Plan for Sandy and Ampthill provided some options to work towards reducing the concentrations of pollution within the AQMAs, with the resources available at the time. As monitoring continues, it helps build a background of data to shape future plans through a better understanding in trends/changes, identifying if any AQAP measures have been successful and if any tweaks are necessary, or if new measures may be more appropriate. At the time of producing the AQAP Highways England were requested to assist in identifying measures to work towards reducing air quality pollution in the AQMA (Sandy) and were consulted at all stages of its development.</p> <p>Feedback and collaboration with Highways England on identification of further possible mitigation methods would be advantageous and encouraged (average speed cameras to prevent vehicles braking and accelerating away as currently occurs with the speed camera near the cottages fronting the A1; investigate if reducing the speed from 50 to 40mph would have a positive impact on AQ concentrations in the section of A1 through Sandy, studies have been carried out in other areas and have shown to be of benefit with permanent speed restriction limits).</p>
Applicant Comment:	<p>As set out in the Applicant's response to CBC's Local Impact Report [REP2-004g] and as described in the Applicant's Response to the Relevant Representation [REP1-021], under [RR-016], using the traffic models and data generated for the Scheme, the air quality effects within the Sandy Air Quality Management Area (AQMA) are predicted to be, at worst, imperceptible worsenings, with some small improvements. This is set out in Chapter 5, Air Quality [APP-074] of the Environmental Statement. In summary, predicted changes would be -0.7 to +0.2 $\mu\text{g}/\text{m}^3$ in annual mean nitrogen dioxide. An imperceptible change (<1% of the objective value of $40\mu\text{g}/\text{m}^3$) is one so small as to not be measurable and is therefore not considered to be a worsening in air quality at these receptors.</p> <p>These effects are not considered to be significant for air quality based on advice within the Design Manual for Roads and Bridges (DMRB) LA 105 air quality standard that has been applied to the Scheme. As such, no mitigation is required to manage air quality effects associated with the Scheme.</p> <p>In 2017/2018 the Applicant engaged with CBC to consider options for the management of the AQMA. The measures considered and discussed at that time included barriers alongside the A1, managing tidal one way traffic flows and retrofitting buses. However, the Applicant's studies showed that none of these measures would be viable in this locality or in the cases of retrofitting buses, make a measurable improvement in annual mean nitrogen dioxide concentrations.</p>

No.	Question/Applicant's Comments
	The Applicant will continue to engage with CBC to discuss the AQMA and review the Councils AQAP measures although, for the reasons given above (i.e. no mitigation is required to manage air quality effects associated with the Scheme), this would be undertaken outside of the DCO process.
Q2.3.2	Biodiversity Net Gain (BNG)
	<p>Q2.3.2.1 – Metric calculating BNG</p> <p>e) NE and LAs, please provide comments on the revised BNG assessment using the DEFRA 2.0 metric, submitted by the Applicant [REP3-012] [REP3-013].</p> <p>f) NE, LAs, Applicant, comment on the DEFRA 2.0 metric net gain of 16.48% Habitat units, the net gain of 9.96% of River units and the net loss of -31.66% Hedgerow units, in contrast to the BNG score of 20.5% using the Highways England Metric. How would you describe the overall impact of the Proposed Development on biodiversity and does this affect the ES conclusions in this regard?</p> <p>g) Applicant, in terms of the DEFRA 2.0 metric scores for Habitat units, River units, and Hedgerow units, does the Proposed Development offer opportunities for further improvements/mitigation, such as those identified in the WQ1 response by the Cambridgeshire Councils [REP1-051]?</p> <p>h) Applicant, what would the BNG score be using the DEFRA 3.0 metric?</p>
Cambridgeshire Authorities	<p>e) We welcome the revised BNG assessment. However, it does not take into account the 2021 habitat survey work (to be submitted at deadline 4). The Councils request that an updated BNG assessment is submitted once the results of the 2021 habitat survey work are available.</p> <p>The assessment is also based on Phase 1 surveys, rather than UK Habitats classification (required for Defra Metric 2.0), which does not consider the condition of the habitats. Therefore, the assessment is based on assumptions of habitat condition rather than field assessment.</p> <p>Page 7 of the calculations [REP3-013] identifies a number of high and medium distinctive habitats (area) that require further compensation in order to deliver the required number of units to reach no net loss.</p> <p>f) The results of the Biodiversity Metric [REP3-012] does affect the ES conclusions. Table 8-10 of the Biodiversity Chapter [page 71, APP-077] concludes beneficial effects during operation on hedgerow, 'ponds and other wetlands' and woodland. However, this does not accord with the Biodiversity Metric 2.0 calculator [REP3-013] which shows there will be a net loss of habitat (area) of high/medium distinctiveness for these habitats. It also highlights that compensation is required in order to deliver the required number of units to reach no net loss (discussed below). Therefore, the current scheme will have an adverse effect on these habitats and not deliver 'no net loss'.</p> <p><u>Loss of habitats of medium/high distinctiveness</u></p> <p>The BNG metric 2.0 report [REP3-012] identifies an overall +16% increase of habitat (areas). However, it fails to discuss the fundamental</p>

No.	Question/Applicant's Comments
	<p>trading error, which will result in a net loss in habitat (area) of high and medium distinctiveness.</p> <p>Rule 3 of the Biodiversity Metric 2.0 – User Guide (page 21) states that <i>“Trading down’ must be avoided. Losses of habitat are to be compensated from on a “like for like” or “like for better basis”. Ideally, new or restored habitats should aim to achieve a higher distinctiveness and / or condition than habitats lost”</i>.</p> <p>Page 7 of the calculations [REP3-013] shows rule 3 has not been implemented because insufficient habitat of the same distinctiveness (or better) has been proposed. An overall loss of the following habitat has been identified:</p> <ul style="list-style-type: none"> – 117.19 units loss of high distinctiveness, including reedbed, woodland and wood pasture habitats. – 94.84 units loss of medium distinctiveness, including arable field margins (tussocky), mixed scrub, ditches and woodland Page 7 also clearly identified that further compensation is required in order to deliver the required number of units to reach no net loss. <p><u>Compensation</u></p> <p>CCC/HDC/SCDC consider that some, if not all, of the net loss of habitat (areas) and hedgerows could be addressed on-site through:</p> <ul style="list-style-type: none"> – Increasing distinctiveness of proposed habitats (e.g., woodland) – Habitat creation/enhancement within temporary construction areas, including borrow-pits and site compounds/spoil storage areas, which are currently proposed to return to agricultural land. For example, arable field margins, hedgerows, wood-pasture/parkland, woodland, ditches and reedbed can be easily incorporated into agricultural land. <p>Any residual net loss in habitat (area) and hedgerows should be compensated off-site.</p> <p>The Councils request that the Applicant submits further compensation proposals to address the net loss of hedgerow habitat.</p>
<p>Applicant Comment:</p>	<p>The Applicant refers the Cambridgeshire authorities to the responses to [REP4-060bb] and [REP4-061m] provided in <i>Document 9.64 Applicant's Comments on Submissions made at Deadline 4 [TR010044/EXAM/9.64]</i> which has been submitted at Deadline 5.</p> <p>In addition to the above, the Applicant wishes to clarify that outputs on the BNG Metric 2.0 calculation which was undertaken at the request of the Examining Authority and submitted at Deadline 3 [REP3-012] was for information only. It was not intended to be interpreted as a mechanism to question the robustness of the Environmental Statement's conclusions or the appropriateness/adequacy of the biodiversity-related mitigation measures identified. Currently National Highways have aspirational policy targets relating to net loss and net gain and these BNG metric calculations are undertaken in isolation of the environmental assessment process and do not inform or influence the findings and/or conclusions of the Environmental Statement (ES).</p>

No.	Question/Applicant's Comments
	The Applicant refers the Joint Authorities to its response to Q.2.3.2.1 [REP4-037] which clarifies that the Scheme will deliver overall increases in woodland, grassland habitat and hedgerow length when compared to baseline values and explains why, in the case of hedgerows, a negative score (-31%) has been calculated for this unit type despite some 3.4km of new hedgerow being created.
Natural England	e) As indicated in our response [REP1-088] to the Examining Authority's First Written Questions Natural England's view is that the recently released Biodiversity Metric 3.0 is the preferred metric since it features significant updates and changes to the Biodiversity Metric 2.0; however, we acknowledge that, until implementation of the Environment Bill, biodiversity net gain is not currently a mandatory requirement. We also recognise that the Applicant's scheme has been designed utilising a different metric which may be best applied to Biodiversity 2.0 rather than Metric 3.0. We therefore welcome submission of the Applicant's revised BNG assessment using the DEFRA 2.0 metric. Natural England's remit does not extend to reviewing and commenting on BNG metrics hence our only advice is that the ES should be updated with the findings of the Defra 2.0 metric to inform a revised assessment of the effects of the Proposed Development on biodiversity.
Applicant Comment:	The Applicant notes and welcomes the response from Natural England. However, the Applicant does not agree with Natural England's advice that the Environmental Statement should be updated with the findings of the Defra 2.0 metric to inform a revised assessment of the effects of Scheme on biodiversity. The biodiversity assessment has been completed based on the scope identified in the Scoping Report [APP-258] and the Planning Inspectorate's Scoping Opinion [APP-038] and the mitigation is based on the findings presented in the biodiversity chapter [APP-077] of the Environmental Statement. BNG metric calculations are undertaken in isolation of the environmental assessment process and do not inform or influence the findings and/or conclusions of the Environmental Statement.
Q2.3.4	European Designated Sites
Q2.3.4.1 – Eversden and Wimpole Woods SAC	
ExA notes the updates provided at ISH3 [EV-044] and at D3 [REP3-023] and also notes that the substantive survey results and corresponding HRA conclusions are not expected before D6. Submit interim updates on the ongoing survey and ongoing discussion between NE and the Applicant, in particular any exploratory discussion on further mitigation and compensatory measures in response to this question and at each intervening Deadline.	
Natural England	<p>Ongoing discussions regarding potential barbastelle bat SAC mitigation measures are taking place between the Applicant and Natural England as set out in the '9.54 Barbastelle Bat Survey and Mitigation Table Technical Note' (November 2021) submitted by the Applicant at Deadline 4. This document commits to ongoing discussions between the Applicant and Natural England to discuss bat survey updates, lighting information, construction mitigation measures and criteria to inform decision making.</p> <p>These discussions will inform the agreement of detailed barbastelle bat SAC mitigation measures following the completion of ongoing bat surveys and revisions to the ES Chapter 8 Biodiversity [APP-077] and the HRA. It is noted that these are not necessarily bespoke SAC barbastelle bat mitigation measures; proposed features, particularly underpasses, may serve multiple functions such as accommodating</p>

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	watercourses, footpaths and bridleways and also as mitigation for impacts to other bat species and mammals.
Applicant Comment:	<p>The Applicant is having valued ongoing discussions with Natural England. The <i>Barbastelle Bat Surveys and Mitigation Technical Note (Revision 2)</i> [REP4-044] submitted at Deadline 5 updates on the progress made with respect to both agreement on mitigation measures and ongoing surveys for Barbastelle.</p> <p>Further updates on discussions with Natural England will be provided at Deadline 6.</p>
Q2.3.5	Habitat Fragmentation
<p>Q2.3.5.1 – Adequacy of mitigation measures</p> <p>a) At ISH3 [EV-044] the Applicant made reference to five underpasses that may be suitable for bats to use to cross the Proposed Development. Applicant, indicate the locations of all these underpasses on the Environmental Masterplan [APP-091], and the associated foraging routes. Explain why they are not all referenced in the Schedule of Mitigation [APP-235, EMB – B9].</p> <p>b) Applicant, confirm whether the crossings listed in the Schedule of Mitigation [APP-235, EMB – B9], together with the five underpasses, represent the full extent of mitigation measures proposed for all species of animal.</p> <p>c) NE and LAs to comment on the adequacy of measures in quantitative, qualitative, and locational terms.</p>	
Cambridgeshire Authorities	<p>c):</p> <p><u>Bats</u></p> <p>Underpasses for bats are considered more successful than overpasses or wire gantries, although not as successful as green bridges. However, success of bats utilising an underpass varies between different roads. Underpasses that connect along existing commuting corridors and are of sufficient height to minimise disruption to bat flight paths are considered to be more successful (Berthinussen A. & Altringham J. (2015)¹.</p> <p>The applicant has supplied insufficient evidence to demonstrate how the structures will retain existing bat flight lines and heights adequately to demonstrate they will provide adequate mitigation (as discussed below).</p> <p>In addition, the appropriateness of the structures will not be fully known until the final results of the winter 2021 Barbastelle bat surveys. For example, research in Germany has suggested Barbastelle bats flew over roads more often than through an underpass (Kerth & Melber 2009)² and therefore, it will depend on Barbastelle movements as to whether the underpasses are appropriate mitigation measures.</p> <p><u>Hen Brook</u></p> <p>We note that the dimensions of the proposed underpass are shown on the Engineering Sections – Part 3 drawing [work no. 72, sheet 12, APP-</p>

No.	Question/Applicant's Comments
	<p>019]. The structure is also shown on Appendix C of the Scheme Design Approach [REP3-014], but it is concerning that bat mitigation is not specifically identified as a 'key constraint on structure design'.</p> <p>The Applicant's response to Q1.13.3.1(a) states for Hen Brook underpass <i>"the alignment of which allow bats to pass without changing flight height or direction"</i> (page 167, [REP3-007]. However, the proposed structure will be 7m above existing ground level (page 59, Appendix C, [REP3- REP3- 014]) and therefore will result in change to the current flight path/height.</p> <p>The Applicant has provided no evidence has been provided to demonstrate how the structure is specifically designed for bats and how these relate to the current bat flight path and height.</p> <p>The Councils are concerned about the dual purpose of the bat underpass and NMU route. There has been no engagement from the Applicant about the design of the underpass for NMU. In addition, given the length of the culvert it is likely to require lighting (either natural gaps or artificial lighting) to best serve as a NMU route. However, if artificial lighting is required, this will conflict with the Applicant's statement that there will be no lighting of the bat tunnel or other underpasses (last paragraph, page 165 [REP3-007]). At this stage, insufficient information has been provided to demonstrate they have been successfully designed to address both requirements.</p> <p><u>Pillar Plantation</u></p> <p>We note that the dimensions of the proposed underpass are shown on the Engineering Sections – Part 3 drawing (work no. 92, sheet 16, [APP-019]). The structure is also shown on Appendix C of the Scheme Design Approach [REP3-014], but it is concerning that bat mitigation is not specifically identified as a 'key constraint on structure design'.</p> <p>The Applicant's response to Q1.13.3.1(a) states for Pillar Plantation underpass <i>"the alignment of which allow bats to pass without changing flight height or direction"</i> (page 167, [REP3-007]. It is also concerning that the structure will be 2.5m above existing ground level (page 61, Appendix C, [REP3- REP3- 014]), which suggests there will be a change in flight path/height.</p> <p>The Applicant has not provided evidence to demonstrate how the structure is specifically designed for bat and how these relate to the current bat flight path and height.</p> <p>The Councils are concerned about the dual purpose of the bat underpass and NMU route. There has been no engagement from the Applicant about the design of the underpass for NMU. In addition, given the length of the culvert it is likely to require lighting (either natural gaps or artificial lighting) to best serve as a NMU route. However, this conflicts with the Applicant's statement that there will be no lighting of the bat tunnel or other underpasses (last paragraph, page 165 [REP3-007]). At this stage, insufficient information has been provided to demonstrate they have been successfully designed to address both requirements.</p> <p><u>Bridleway Accommodation Bridge (north of Croxton Park)</u></p> <p>Table 2-1 Chapter 2 – The Scheme [page 52-53, APP-071] identifies Bridleway accommodation bridge (north of Croxton Park) as having <i>"consideration of existing bat flight paths during the development of the preliminary designs of the following structures incorporated into the</i></p>

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	<p><i>Scheme</i>" and is shown on the Environmental Masterplan [APP-091] as a "EP.1 Protected Species Bat, badger and other mammals crossing North Farm access track overpass". However, no details are proposed for this crossing and it is unclear whether it is suitable for bats.</p> <p>Toseland Road overbridge (Gallows Brook Environmental Masterplan (sheet 11) shows a "EP.1 Protected Species Bat, badger and other mammals crossing Toseland Road overpass" [APP_091]. However, no details are proposed for this crossing and it is unclear whether it is suitable for bats.</p>
<p>Applicant Comment:</p>	<p>The bat tunnel proposed (structure 098) is located along the commuting route with the highest recorded bat activity. It is 4.5m high x 5m wide and 56m long and will connect adjacent hedges and woodland along the line of an existing bat foraging/commuting corridor. It is of a sufficient design (based on recommendations in Berthinussen A. & Altringham J. (2015) and on CEDR guidance^[1]) to accommodate the species recorded at this location and does not require bats to alter their flight path. The tunnel entrance is in the same level as the bats current flight height, i.e. no need for bars to alter height. A bridge is not feasible here as the Scheme is on an embankment and would result in bats having to significantly deviate vertically above the road. The CEDR guidance uses multiple studies to suggest that both tunnels and underpasses are suitable for most bat species and the tunnel is correctly designed including for Barbastelle.</p> <p>There are other structures that will accommodate the movement of bats, including:</p> <ul style="list-style-type: none"> • The East Coast Main Line Bridge (structure 013) 6m to 7.2m above the ground and approximately 70m wide. • Hen Brook underpass (structure 019) between 4.25m up to 5.1m high over the ditch. • Pillar Plantation underpass (structure 037) 5.5m wide and 3.7 up to 4.2m high. • The viaduct over the River Great Ouse (structure 009) (minimum 3m clearance). <p>There is no lighting proposed within or adjacent to these structures. There are also other structures such as farm access bridges, road bridges, and footbridges that may also be used by bats.</p> <p>Whilst bat behaviour in relation to crossing point structures is still being researched, the current guidance on design has been followed, within any engineering constraints, and bat movements along the structures will be monitored to provide feedback on any changes that may be needed to management, such as additional fencing and, or planting that might be required.</p> <p>A summary of the proposed structure designs and locations is provided in the First Iteration Environmental Management Plan [APP-234], engineering structures drawings [APP-019] and the environmental masterplan [REP4-047]. The First Iteration EMP [APP-234] is subject to revision with further updates expected prior to construction, with more detail on the structures in relation to their design and connection to the surrounding landscape, such as planting and fencing. This will include any recommendations made following the autumn/winter 2021 Barbastelle surveys.</p>

No.	Question/Applicant's Comments
	<p><u>Hen Brook</u></p> <p>There was only limited bat movement recorded along Hen Brook with a mean of 10.5 passes (compared to 51.5 at the bat tunnel) with common and soprano pipistelle and brown long-eared bats. There is no set guidance on the provision of crossing point structures, however input was provided to ensure that these bats and other wildlife would be able to utilise this crossing feature with the structure between approximately 4.25m and up to 5.1m high over the ditch section and a total of approximately 6.8m wide. The Applicant can confirm that the structure is located along the water course and is not located 7m above the existing ground level. No artificial lighting of the Hen Brook underpass is proposed.</p> <p><u>Pillar Plantation (West Brook) crossing</u></p> <p>The proposed Pillar Plantation (West Brook) bridleway crossing will also provide permeability for bats and other fauna in the future. The feature combines strong hedgerow structure along a watercourse (the West Brook) with the habitat that will be present along the Scheme. There is no current bat crossing point at this location.</p> <p><u>Bridleway Accommodation Bridge (north of Croxton Park)</u></p> <p>Table 2-1 Chapter 2 – The Scheme [page 52-53, APP-071] identifies Bridleway accommodation bridge (north of Croxton Park) as having “consideration of existing bat flight paths during the development of the preliminary designs of the following structures incorporated into the Scheme” and is shown on the Environmental Masterplan [APP-091] as a “EP.1 Protected Species Bat, badger and other mammals crossing North Farm access track overpass”. However, no details are proposed for this crossing and we do not currently consider it is suitable for bats.</p> <p><u>Bridleway Accommodation Bridge and Toseland Road overbridge (north of Croxton Park)</u></p> <p>As with Pillar Plantation (West Brook) crossing, these structures have not been provided specifically for bat mitigation as they are not located along bat crossing points but they are features that could be utilised in future by bats to contribute to north-south permeability through the Scheme.</p>
<p>Central Bedfordshire Council</p>	<p>c) No issues within CBC.</p>
<p>Applicant Comment:</p>	<p>The Applicant notes and welcomes the response from Central Bedfordshire Council.</p>
<p>Natural England</p>	<p>As indicated in our response [REP1-088] the key species to which these questions relate are bats, badger, GCN and otter.</p> <p>The principles of measures to mitigate impacts to SAC barbastelle bats are being agreed between the Applicant and Natural England, through ongoing discussions as set out in the ‘9.54 Barbastelle Bat Survey and Mitigation Table Technical Note’ (November 2021), discussed above. As</p>

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	<p>previously mentioned, in addition to mitigating impacts to SAC barbastelles many of these measures serve other functions and will also seek to mitigate impact to other bat species and mammals.</p> <p>With regard to other bat species Natural England will review proposed mitigation measures following the completion of ongoing bat surveys and revisions to the ES Chapter 8 Biodiversity [APP-077]. Should the likely requirement for a European Protected Species (EPS) licence for bats be identified the applicant will need to submit a full draft EPS licence application to Natural England as soon as possible in order to expedite the agreement of mitigation measures and the issue of a 'Letter of No Impediment' (LONI). The LONI will confirm that Natural England sees no impediment to granting a licence in the future subject to the outlined issues with the method statement being addressed before the licence application is formally submitted.</p> <p>We understand that a submission has been made to NatureSpace for a District Level Licence (DLL) which will fully address GCN mitigation requirements, including habitat loss, for the scheme in Bedfordshire. Measures to mitigate impacts associated with the Proposed Scheme in Cambridgeshire (and Bedfordshire should DLL not be forthcoming) will be provided in a draft EPS licence submitted to Natural England. We understand that the Cambridgeshire EPS licence application will be submitted to Natural England by the middle of November. Once the details of the draft EPS licence application have been agreed Natural England will issue a LONI.</p> <p>Our response [REP1-088] has already confirmed that Natural England is satisfied in principle with the mitigation measures set out in the Biodiversity Mitigation Plan for otters and farmland birds, subject to agreement of the detail following completion of survey updates.</p> <p>Mitigation to address impacts on badgers have been identified in a draft licence application which has been assessed by Natural England and a LONI has been issued.</p>
Applicant Comment:	The Applicant notes the comments made by Natural England and will continue discussing licensing for the Scheme within the Statement of Common Ground.
Q2.3.6	Aquatic Environment and Biodiversity
	<p>Q2.3.6.1 – Mitigations measures</p> <p>a) EA, how could the various measures identified under Biodiversity in your RR [RR-036], be addressed by the Proposed Development, such as by updating the dDCO or the First Iteration EMP? Applicant to comment.</p> <p>b) Why are Penstock chambers to be provided for some but not all watercourses? Why are Penstock valves, to restrict pollutants entering drainage channels and waterbodies, not to be provided for these chambers, given the important role of these waterbodies and watercourses for biodiversity, including replacement habitat for GCNs [APP-082, Paragraphs 13.8.6 and 13.8.36, Table 13-7]?</p> <p>c) Include comments from LAs in the Joint Position Statement with the Applicant and NE on Drainage Ponds [REP3-026].</p>

No.	Question/Applicant's Comments
Cambridgeshire Authorities	<p>c) The Joint Position Statement [REP3-026] does not include the Councils' comments. Please see commentary in the cover letter submitted at Deadline 4 [CLA.D4.CL].</p> <p>The Local Authorities require clarity about how attenuation pond 83 will be restored to mitigate the permanent habitat loss.</p> <p>The Local Authorities request that Annex A of the Joint Position Statement be updated with the proposed enhancements to the existing pond.</p>
Applicant Comment:	<p>c) The Joint Position Statement was re-submitted at Deadline 4 [REP4-034] to take account of further comments received. The Applicant confirmed in a meeting held on the 30th September 2021 with the Cambridgeshire Authorities, that the Applicant would address the issue relating to Pond 83 by Deadline 7.</p>
Central Bedfordshire Council	<p>d) No issues within CBC.</p>
Applicant Comment:	<p>The Applicant notes and welcomes the response from Central Bedfordshire Council.</p>
Environment Agency	<p>e) We consider that measures could be addressed within iterations of the Environmental Management Plan (EMP), as noted by the applicant in their responses (RR-036).</p>
Applicant Comment:	<p>The Applicant notes the Environment Agency's response.</p>
Q2.5	Compulsory Acquisition and Temporary Possession
Q2.5.2	Protective Provisions
<p>Q2.5.2.1 – Protective Provisions</p> <p>a) Comments are invited from relevant Statutory Undertakers with respect to the updates provided in Statutory Undertakers Progress Schedule Rev 1 [REP1-036] and the update at CAH1 [EV-024] to [EV-031]. Comments may be provided by way of confirmation of the update that is expected to be provided by the Applicant at D4.</p>	

No.	Question/Applicant's Comments
b)	Applicant, in light of the augmenting of the resources at the DVS [REP3-018, Appendix B] respond to the representations by Anglian Water [REP3-031] and provide an update.
NGG and NGET	A draft side agreement and modified protective provisions, in respect of NGG and NGET apparatus, are currently under negotiation and are the subject of ongoing discussions between the parties. A Statement of Common Ground is in circulation.
Applicant Comment:	The Applicant notes and welcomes the response from NGG and NGET and agrees this is an accurate reflection of the current situation.
Q2.5.3	Affected Persons' site specific issues
	<p>Q2.5.3.1 – Different types of agreements</p> <p>ExA sought clarification at the CAH1 [EV-024] to [EV-031] on the difference between several terms that had been used in the various representations: such as options agreement, voluntary agreement, lease agreement and heads of terms. Provide the explanation in writing, the sequence in which these agreements might be reached during the DCO process and their status in the DCO process, clearly identifying which would be considerations in the Examination, and which would be negotiated outside the scope of the Examination. Or signpost where this explanation can be found [REP3-021].</p>
Davison and Co (Great Barford) Ltd	<p>As established by the ExA in CA1, in order to satisfy the requirements of Section 122 of the Planning Act 2008 and the Department for Levelling Up, Housing and Communities "Planning Act 2008 Guidance related to procedures for compulsory acquisition of land" ('CPO Guidance'), the Applicant is required to demonstrate that there is a compelling case in the public interest for the proposed compulsory acquisition and temporary possession of land for the purposes of the scheme. This includes seeking all reasonable alternatives to the proposed powers of compulsory acquisition sought in the DCO, including seeking to acquire land by negotiation wherever practicable and only seeking authority to acquire land compulsorily if attempts to acquire by agreement have failed (see 'R(oao FCC Environment (UK) Ltd) v Secretary of State for Energy & Climate Change [2015] EWCA Civ 55 and paragraph 25 of the CPO Guidance').</p> <p>Accordingly, whether the Applicant has evidenced reasonable attempts to enter into voluntary agreements with Davison Ltd to acquire the land or rights over the land by negotiation is highly material to the question whether the Applicant's request for DCO powers over Davison Ltd's land is a tool of last resort and, overall, whether the Applicant has demonstrated a compelling case in the public interest for the proposed powers of compulsion sought in the DCO powers over Davison Ltd's land.</p> <p>Heads of Terms are a document which sets out the keys terms of a commercial transaction, used to set out the parties' agreement in principle on the key commercial issues at an early stage of a transaction and provides the baseline and framework around which the detailed legal agreement(s) are then drawn up and negotiated. The typical, and most effective approach to entering into voluntary agreements is to first agree Heads of Terms between agents / surveyors.</p>

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	<p>Once agreed, these form the basis for the preparation of detailed contractual agreements between the parties' solicitors. In this case, subject to agreeing Heads of Terms with the Applicant (in respect of which Davison Ltd are seeking urgent and detailed engagement with the Applicant given the expedited examination timescales), it is proposed that a lease for the land needed on a temporary basis (e.g. the borrow pit), and an option for the land required permanently (e.g. the route of the main carriageway, etc.); giving the Applicant the option on defined triggers and in specified circumstances of purchasing the relevant land from Davison Limited within a fixed time frame, would be entered into. As stated at CAH1, Davison Ltd remain concerned at the level of engagement by the Applicant with these proposed voluntary agreements.</p>
<p>Applicant Comment:</p>	<p>The Applicant would comment that it is not always a prerequisite that Heads of Terms should precede any Option or Lease Agreements. Each case should be judged on its own merits and where there is a standard conveyance or lease agreement it may be appropriate to enter directly into discussions on the legal documents. Please refer to the Applicants response to Q2.5.3.1 set out in the Applicant's Response to the Examining Authority's Second Round of Written Questions [REP3-037].</p> <p>The Applicant has engaged regarding the acquisition by agreement of the permanent land and the lease agreement for the borrow pit area.</p> <p>Heads of Terms were received from the Interested Party's agent on 6 July 2021 for the Applicant's consideration, which are now subject to the Applicant's internal governance process. Please refer to the updated Compulsory Acquisition Schedule [REP3-027] submitted at Deadline 4.</p> <p>By way of a summary, however, a draft Option Agreement was issued to the Interested Party on the 7 September 2021 and Heads of Terms for the borrow pit lease were shared on the 7 October 2021.</p> <p>The Applicant received the Interested Party's response to those documents (Heads of Terms for the Option Agreement and Lease Agreement) on 10 November 2021 and is currently reviewing these. The Applicant will respond to the Interested Party before the Compulsory Acquisition Hearing, scheduled for 2 December 2021.</p>
<p>The Church Commissioners of England</p>	<p>NH expressly states in its response to CCfE's initial written representations [TR010044/EXAM/9.21], that it is willing to "discuss" entering into a private agreement for land required both permanently and temporarily and will "continue to engage". As noted above, progress with NH on the various documents is extremely slow. CCfE confirms that a private position statement has been provided by NH, but that is of little practical use in progressing negotiations. The current status is as follows.</p> <ul style="list-style-type: none"> The heads of terms for a "framework agreement" were sent to NH by CCfE on 27 August 2021. The heads of terms comprise a high-level summary of what an agreement could include, to seek agreement on principles before detailed drafting commences. This proposed that CCfE would work with NH in respect of its freehold interest in land to facilitate the delivery of the scheme without the use of powers of compulsion in respect of that interest.

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	<ul style="list-style-type: none"> • Some 2 months later, although NH has confirmed that the permanent land take can be by agreement and many of the points put forward by CCfE in the heads of terms for a “framework agreement” can be accepted, a detailed response has not been received save in respect of the borrow pit area as described below. It is anticipated that there would be an “option agreement” or other form of conditional agreement, where NH would have the ability to acquire CCfE’s land as and when needed. CCfE are also willing to grant rights over its land on appropriate terms as necessary for the scheme to proceed. • NH has also confirmed that the land required for a borrow pit can be leased to enable temporary possession by NH for the duration of the works, without any need for permanent acquisition. It provided heads of terms for an agreement for lease on 7 October, which were responded to on behalf of CCfE on 21 October. The agreement for lease would cater for the grant of a lease to NH on appropriate terms. <p>NH’s proposed timetable for completing these documents is unknown. In contrast, the legal position is clear.</p> <ul style="list-style-type: none"> • By law, CCfE’s solicitors, Charles Russell Speechlys LLP, advise the land must be “required” for the development or required to facilitate or be incidental to the development and there must be a compelling case in the public interest. Compulsory powers cannot be used where those tests are not met. <p>Under the September 2013 ‘Guidance’ (<i>Guidance related to procedures for the compulsory acquisition of land</i>), acquisition must be for a legitimate purpose and proportionate – the Secretary of State must be satisfied that the land is needed and “is no more than is reasonably required”. Case law has previously established in the context of compulsory purchase in a planning context that whilst “required” did not mean “indispensable”, it does mean “necessary in the circumstances of the case” and it is not enough for it to be “desirable” or “convenient” (<i>Sharkey & another v Secretary of State for the Environment and South Buckinghamshire District Council 1991</i>).</p> <ul style="list-style-type: none"> • The Guidance requires the applicant to demonstrate to the Secretary of State’s satisfaction that “all reasonable alternatives” to compulsory purchase have been explored. Crucially the Guidance requires that “applicants should seek to acquire land by negotiation wherever practicable” and powers to acquire compulsorily “should only be sought ... if attempts to acquire by agreement fail”. • Applicants are urged to consider offering full access to alternative dispute resolution techniques throughout the whole process. <p>It is for NH to justify its case for dispossession of or seeking rights over third-party land. The requirement to demonstrate a compelling case in the public interest is a high hurdle, which should not be taken lightly by those purporting to act in the public interest. To date, NH has:</p> <ul style="list-style-type: none"> • failed to justify that all compulsory purchase powers are required and are in respect of land that is no more than is reasonably required • failed to use all reasonable alternatives to compulsory purchase • failed to acquire land by negotiation despite it being practicable to do so – it is not even close to exhausting attempts to acquire by agreement • failed to offer access to alternative dispute resolution.

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	<p>It is abundantly clear that to date NH has not discharged its responsibilities nor met the requirements set by statute and by Guidance as advised by Charles Russell Speechlys LLP.</p> <p>CCfE await to see NH's response to question 2.5.3.1 and are likely to wish to respond further. NH should without delay explain its proposed timetable for concluding negotiations. At the present rate of progress by NH, it seems extremely unlikely that agreements will be concluded by early December (CAH2 being scheduled for early December).</p> <p>Only once those negotiations have reached a conclusion and NH's position is fully articulated, will it become possible for landowners to put forward to the ExA a considered position as to whether or not NH's final position complies with statute and Guidance. If further sessions are not programmed, landowners' ability to present a full and proper case to Examination will be prejudiced.</p> <p>Given the slow rate of progress, it is of no comfort to landowners if NH says that it will continue to use its endeavours to acquire by agreement after the Examination closes (if indeed that is NH's position). That will not make good NH's failure to satisfy the legal tests and requirements of Guidance.</p> <p>If NH are unable to fulfil their responsibilities within the time set by Examination, the Examination should be paused to enable the necessary negotiations to conclude.</p>
<p>Applicant Comment:</p>	<p>The Applicant notes that the Church Commissioners for England only recently became an Interested Party when it acquired the subject land earlier this year. The Applicant has engaged with the Church Commissioners for England since it became aware they were now an Interested Party. Meetings have been held on the 19 May 2021, 13 August 2021, 17 September 2021, and 15 October 2021.</p> <p>The Applicant most recently met with the Church Commissioners for England on the 12 November 2021 regarding the acquisition by agreement of the permanent land and the lease agreement for the borrow pit area where the following agenda was discussed:</p> <ul style="list-style-type: none"> • Stopping up order area. • Impact on future use. • Registration. • NH proposal & consequence of "best value". • Rights. • Solutions. • Tenant. • FBT.

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	<ul style="list-style-type: none"> • Approach to VP. • Compensation/consideration. • Land. • Disturbance (loss of crops/loss of ability to crop during possession and after hand back/reduced productivity/failure to maintain or allow access). • Landlord/tenant. • Fees. • Borrow pit. • Area (and what is happening to the rest of that plot). • Utilities – none so far as we understand from Skanska. • Specified works. • Timely and suitable restoration to agreed specification & information on works done. • Option to renew bearing in mind above. • Maintenance of land. • Next steps – timing of production of draft documents/workshop to agree and complete. <p>The following update is available on that meeting:</p> <p>The Applicant is working with the Church Commissioners for England to reach an acceptable solution for the Church Commissioners for England.</p> <p>The Church Commissioners for England will engage with the tenant with a view to obtaining vacant possession to allow the Applicant to take possession of the borrow pit area without recourse to Compulsory Powers.</p> <p>Discussions were held with the Church Commissioners for England's agent to discuss the basis of compensation and any consideration for the acquisition of the land. The Church Commissioners for England is to provide evidence to the Applicant for consideration and to review the Applicant's proposals regarding the basis of any compensation/rent that may be payable.</p>

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	<p>The Applicant clarified the intended uses of the plots within the Order Limits and will provide further details on the utilities and specified works as and when that detail becomes available. The Church Commissioners for England is to return updated Heads of Terms to the Applicant for consideration.</p> <p>Progress was made in respect of terms for the maintenance of the land and the Applicant is to provide wording to that effect to the Church Commissioners for England for its consideration.</p> <p>A timetable was discussed. Both parties' conveyancing solicitors have been instructed and the Applicant will begin the drafting of the formal legal documents based on the current versions of the Heads of Terms and imminent updates. This is expected to take between 4-6 weeks.</p> <p>The Applicant set out its case for the compulsory acquisition of land in CAH1 in terms of compliance with the legal and guidance provisions and also set this out in the Written submission of oral case for Compulsory Acquisition Hearing on 22 September 2021 [REP3-021]. That document also cross references to the other relevant application documents. The Applicant does not propose to repeat its case and considers that it has met the tests with regard to its case for the compulsory acquisition of land. The Applicant has sought, and continues to seek the acquisition of the necessary interests by agreement with progress having been made at the latest meeting on 12 November 2021 as set out above. Further meetings are due to take place to seek to progress matters to a reasonable conclusion for both parties.</p>
	<p>Q2.5.3.3 – Proposed Overbridge Specification at the Little Barford Estate</p> <p>a) Executors of N A Alington and NFU, provide justification with reference to other NSIP schemes and relevant policies, that the future proofing of the overbridge and other similar provisions is a reasonable request from the Applicant [REP3-025].</p> <p>b) Applicant, confirm that the proposed overbridge is equivalent to the current access, and would accommodate vehicle width of 4.3 meters? While you have stated that the overbridge width requested by the Executors of N A Alington is not justified, are you able to accommodate the request for the purpose of future proofing to accommodate changes in farming practices.</p> <p>c) Executors of N A Alington, the ExA acknowledges the need to accommodate changes in farming practices; however, explain how equivalent capacity would leave you worse off.</p> <p>d) Applicant and Executors of N A Alington, provide an update on the negotiations, which the ExA notes are ongoing, including a view from both parties if the capacity of the bridge (as proposed) can be changed or increased should the need arise in the future.</p>
<p>NFU</p>	<p>The NFU in 2016 petitioned the Select Committee in regard to HS2 Phase 1, London to West Midlands in regard to future proofing accommodation over bridges.</p> <p>(a) all accommodation overbridges provided for farmers shall be no less than 5 metres wide and capable of taking a loading of 60 tonnes;</p> <p>(b) any new or modified vehicular farm access to the highway is at least 20 metres long and capable of use by all road legal agricultural vehicles.</p>

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	<p>The NFU requested that a specification for all access accommodation works like overbridges should be negotiated with each farmer where necessary to access severed land.</p> <p>The NFU would expect to see the overbridge to be wider than the legal road width of a vehicle and also the weight bearing capacity. To be able to work efficiently on a daily basis, tractors with cultivating equipment and at harvest time, combines need to be able to run easily over the overbridge. To take the width of cultivating equipment between the parapets of the bridge easily is essential.</p> <p>The NFU asks for overbridges to be future proofed due to the problems which are now occurring with bridges which give access over certain railway lines to severed blocks of land.</p>
<p>Applicant Comment:</p>	<p>The response provided by the Applicant to the Examining Authorities Second Written Questions on this matter still reflects the current position. Refer to the Applicant response to Q2.5.3.3 in the Responses to the Examining Authority's Second Round of Written Questions [REP4-037]. In any event the Applicant can find no information to support whether the NFU were successful in their petition on HS2 Phase 1 – having checked the HS2 Phase 1 register of assurances and undertakings there does not appear to be anything which indicates that HS2 agreed to any future proofing in the terms sought by the NFU. The comments made by the NFU are therefore not considered applicable. Further to this, HS2 is a Hybrid Bill as opposed to a DCO application.</p>
<p>Executors of N A Alington</p>	<p>a) Currently there is an unrestricted access for machinery around the principle arable farming block at Top Farm without having to demount or disassemble equipment. The Applicant is proposing a bridge with 3.5m carriageway and 0.6m borders, a 4.7m total width between parapets, on the basis that the track is about 3.5 m wide. However, the track (and other tracks around the farm) adjoin grass margins or fields and therefore machinery can either run on grass or the track could be widened at modest expense if needed to carry wider equipment. Examples of the current machinery have been provided, together with the widths. The proposed bridge in some cases is of insufficient width for the machinery, or in others is theoretically wide enough (eg Quadtrack at 4.2 m, combine without header) but the tolerance or clearance is too small to be safe and damage to the protective fencing and machinery is likely. Farm machinery has increased in size as farm sizes increase and bridges of sufficient width in the late 20th century are now too small to be of practical use.</p> <p>The best example of obsolescence is the underpass under the East Coast Mainline at the Little Barford Estate. Other examples in the locality are:</p> <p>M11 Cambridge - Cantelupe Farm Trumpington</p> <p>The construction of the M11 finished in 1980. Cantelupe Farm to the south-west of Cambridge was severed by this road scheme. To connect the blocks of farmland a bridge of 4.7m total width between parapets was provided.</p> <p>Cantelupe Farm is operated by a large farming business with modern equipment of similar or larger size than used at Top Farm. The farm was a ring-fenced unit without restriction on farm machinery (then smaller than now) but the M11 severed off proportions of the farm and two bridges were provided. The bridges are of insufficient size (and bearing) for the farm and are only used by smaller farm equipment. Instead large cultivation machinery needs to be taken onto the public road network. For the smaller block of land cropping has been changed, for example use</p>

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	<p>of set-aside, fallow or environment schemes that do not require cultivation. These however reduce farming profitability and are dependent on continuing farming support from Government, which is unlikely to continue and indeed will be abolished from 2027. Whereas this solution has been possible on smaller blocks, Top Farm is a large block split in two and reducing cropping would substantially reduce farm profits, commercial viability and in due course farm value.</p> <p>A14 Cambridge – Park Farm Histon</p> <p>The original A14 route split a farm occupied by NIAB (The National Institution for Agricultural Botany) at Histon, due north of Cambridge, utilised for seed and crop trials. A bridge was installed to accommodate movement of farm machinery between both sides of the farm. As with the bridge provided at Cantelupe Farm, it measures approximately 4.7m between parapets. It also a 'humped back' bridge with no line of site across from either side. This was deemed at the time to be sufficient. It, like the other bridges, is now clearly not. The impact on the operation of the farm here is admittedly less adverse because much of the equipment used for the trial plots is small and specialised, but any large farm machinery must be taken onto the public highway. Because of the difficulties of access and lack of vision this bridge now requires a traffic light system to control access.</p> <p>We have observed that such bridges may also become used for other purposes over time. The Park Farm bridge is a good example. The overbridge is now being proposed for allocation of a cycleway between Histon and Girton. This is recorded in the Histon and Impington Neighbourhood Plan where an aspirational cycle route is delineated across the A14 overbridge.</p> <p>This neighbourhood plan has been ratified by South Cambridgeshire District Council. As such this document forms part of the development plan for the district. Provision of new bridges for pedestrian or bicycle access is expensive and it is easier to use existing facilities. If this progresses there will be a conflict in use, as there is insufficient room for both agricultural and foot/bicycle access.</p> <p>Such a cycle path was clearly not the intention of the original A14 project when building this bridge. Whilst the bridge at Top Farm is not currently being proposed for use by pedestrians, this could easily change in the future. This would prejudice safe use of farm machinery at Top Farm, if such a small bridge was provided.</p> <p>On a smaller scale on the A14 and the A120 Little Hadham Bypass the gateways on new accesses from the highway or the new service roads have been provided at a minimum of 6m, most frequently two 3.1 m (10ft) gates. This is in recognition of the size of modern farm machinery.</p> <p>We disagree that equivalent capacity will be delivered under the Applicant's current proposal, so if left unchanged it actually restricts traffic around the farm. We repeat that the Executors and their farm contractor currently have an unrestricted access route around the farm.</p> <p>There could be various options available to the Executors if the proposal remained unchanged.</p> <p>a) Unhitch and fold up or load and trail equipment on each occasion there was travel between fields. This results in additional time and therefore cost. Typically, once machinery is delivered work is carried out by one individual but if machinery had to be dismantled extra staff are required.</p>

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	<p>b) Use smaller machinery. This is inevitably more time consuming and therefore more costly. As a result, profit will be adversely impacted and therefore the commercial viability of the farm is diminished. Larger machinery is more efficient in fuel and labour time, as well as limiting travel over land to minimise compaction and number of operations required.</p> <p>Farming operations are seasonally specific and in many cases weather conditional, so need to use precise weather windows, which may be quite limited. A smaller and therefore inadequate bridge as currently proposed makes the farming business inefficient and less productive. If smaller machinery is used, this is also less efficient and means agricultural operations take a greater amount of time.</p> <p>The farm utilises a 48m Controlled Traffic Farming (CTF) system at Top Farm. This is critical to prevent over-compaction of soils and is good agricultural practice. A CTF system means that all machinery is of appropriate sizes so that machinery only need to use a certain number of tramlines in the field. This prevents farm machinery having to regularly drive across the field, which damages crops and can also cause significant damage to soil structures. Smaller machinery would mean we could not continue a CTF system.</p> <p>Maintaining the most up to date and best farm practice is essential to maintain profitability. Government policy for both farming and the environment is directed at reducing direct farm support and concentrating on environmental gain including mitigating climate change. This is represented by the cut in the Basic Payment Scheme subsidy (derived from the EU common agricultural policy) to zero by 2027. This will place additional pressure on farmers to make conventional farming more efficient and maintain profitability.</p> <p>c) Change cropping. In reality this is not feasible for this sort of land which is most suited to combinable crops, where the use of the larger machinery shows the best returns. For example, smaller scale vegetable production is not possible on land of this type. Therefore, the only possible changes would be to a livestock system, which would entail substantial expense in fencing and housing, water supplies and restoration of grass, or move to habitat, fallow or conservation crops. The returns from these are entirely dependent on government grants and will not lead to long term, sustainable farming profitability. In addition, except for livestock, it doesn't produce any actual food.</p> <p>Restriction of activity on the farm will adversely affect value and returns as the farm would not be capable of supporting modern production.</p> <p>Negotiations are ongoing following a productive virtual meeting with HE. It was concluded that it would not be feasible to upgrade the size or capacity of the bridge in the future and that replacement in the future with a larger bridge would only be possible with substantial traffic disruption and expense.</p> <p>HE noted that there were ongoing discussions for the provision of additional junctions along the A428. If any of Top Farm is allocated for development under the emerging Local Plan, actual development would take place from west of the East Coast mainline over many years so agricultural use will continue on all or part. The Executors are aware of the proposals for allocation of land for development to the south (around Tempsford) and are involved in consultations regarding the route of EWR so have given consideration to the location of a future or new junction to serve prospective developments and the new station. The proposals for a junction in the vicinity of Top Farm would need to be separate from the bridge improvements at Top Far, as part of the DCO process. The latter relates purely to the operation of the agricultural estate.</p>

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	<p>We consider that HE accepted that the 4.7m wide bridge would restrict use and therefore is investigating the provision of a bridge sufficient with to accommodate machinery up to 6m wide safely. For the avoidance of doubt this bridge must have a weight bearing capacity of not less than the maximum permitted weight for road vehicles (currently 44 tonnes). This would be an acceptable compromise for the Executors.</p>
<p>Applicant Comment:</p>	<p>The Applicant notes the comments made and would refer to its response to Q2.5.3.3 and included in 9.47 Applicant Response to the Examining Authority's Second Round of Written Questions [REP4-037].</p> <p>In particular, the Applicant wishes to reiterate the point that further discussions have been held with the Executors' agent on 21 October 2021 and the design of the bridge and current operational farming requirements were discussed. The Applicant is currently reviewing the design of the bridge as discussed at that meeting on 21 October 2021 and the Applicant is considering whether an alternative width is deliverable as a compromise between the two parties. The Executors' Agent is also considering whether an alternative width is acceptable to their Client.</p>
<p>Q2.5.3.4 – Dove House Farm, The Lane, Wyboston</p> <p>The ExA has surmised from the evidence presented so far by Duncan and Maxine Buchanan [REP1-061] to [REP1-072] [REP3-046] [REP3-047] that they have concerns in two broad areas: lack of justification for the private loss of land and the lack of meaningful negotiations; and the alternative proposal that they believe could reduce the effect of the Proposed Development on their land specifically. ExA notes the Applicant's justification and responses [APP-030, Annex A] [REP1-062] [REP3-008].</p> <ol style="list-style-type: none"> Applicant, provide further justification in line with CA guidance that for the relevant plots of land (2/8 various, and 2/9a) all reasonable alternatives to CA, including modifications to the scheme, have been explored. Duncan and Maxine Buchanan, we note that the private loss of your land would affect the development opportunity on your land [REP1-062]. Are there other ways in which your business and home life would be affected? Duncan and Maxine Buchanan, the Applicant has provided the purpose for which your land is required to deliver the Proposed Development in the Statement of Reasons [APP-030, Annex A] and in response to your WR [REP3-008]. In your most recent submission [REP3-046] [REP3-047] you have stated that you remain unconvinced by the Applicant's justification. Taking account of the Applicant's responses so far, explain with reasons if you still believe the Applicant's specified uses for which they seek to acquire your land to be excessive. Duncan and Maxine Buchanan, the ExA notes that your alternative proposal would require more land than the Proposed Development, effecting other properties especially on The Lane, Chawston Lane, and Nags Head Lane, and have other effects [REP3-008, Points a-h]. Provide your response. Applicant, respond to the concerns regarding light pollution and loss of hedgerows [REP3-046] [REP3-047]. Applicant, provide details and context (if any) of the objections raised by Nags Head Lane Residents [REP3-046]. What is BBC's view on the alternative highway proposals put forward by the Duncan and Maxine Buchanan, including the changes proposed to Roxton Road Bridge [REP3-046] [REP3-047]. 	

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Bedford Borough Council	<p>g) The Council cannot identify any benefits as the Local Highway Authority.</p> <p>The proposal will also cause HGVs accessing Payne's yard to pass through the residential section of The Lane. This will impact on the residents of this area who currently do not have HGVs running passed their properties as the existing access is from the A1.</p>
Applicant Comment:	<p>The Applicant notes and agrees with the response from Bedford Borough Council.</p>
Duncan and Maxine Buchanan	<p>We are not attacking personal conduct but in our experience there has been an arrogance, that the Applicant is above scrutiny. In our case it has appeared that they don't have to abide by obligations but just look as if they have! We have endured a hostile, attacking environment when all we wanted was to explore an alternative, to indulge the possibility that there was another way to deliver the scheme which would effect us less. When we sought clarity because the reasons were flimsy and unconvincing we were met with silence or a factually inaccurate response. We were not disputing the land is needed for this scheme but not as much of it as the current design takes. The Examination process does call the Applicant to account but it is what happens to Interested Parties before you get to this stage. It is all consuming, frightening and frustrating the years before the Examination process begins.</p>
Applicant Comment:	<p>The Applicant has given full and proper consideration to the alternative proposed and significant engagement has been undertaken between the parties in this respect. Full details explaining the approach taken by the Applicant and the reasons why the alternative was not considered suitable are set out in [REP4-043]. The Scheme has been subject to non-statutory consultation, statutory consultation and is currently subject to examination, and therefore has been subject to considerable scrutiny. .</p>
Duncan and Maxine Buchanan	<p>With regard to the loss of land as development opportunity there is the likelihood this would have delivered a higher number of houses than the LPA stipulates as policy, as we have demonstrated in a recent development on the other side of the Lane in Wyboston which was deemed as a site of rural exception. We have a track record of delivering schemes that deliver to the wider community.</p>
Applicant Comment:	<p>The Applicant understands that the land has been put forward as a result of Bedford Borough Council's "call for sites" as part of the Local Plan 2040 review. It is anticipated that the presence of a high quality and fully adopted public highway, with facilities for pedestrians and cyclists will be advantageous to having the site allocated. Without the new road the allocation of that site may, in the Applicant's opinion, be viewed less favourably.</p>
Duncan and Maxine Buchanan	<p>RESPONSE FOR EXAMINER Q2.5.3.4. c</p> <p>Taking into account the response of the Applicant so far we feel it is necessary to include some background information which will explain how we have gone from accepting the scheme and it's design entirely to objecting to the amount of land being taken from us. We note from the Statement</p>

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	<p>of reasons (APP-030) that the applicant has provided a justification of why our land is required to deliver the scheme however we remain unconvinced by the argument put forth for the amount of land that is needed when alternatives could have been adopted that required not only less land from us but also other land owners. In 2019 we were presented with a design that was logical, fair and transparent. The 2019 design utilised a paddock of land that sits to the south of our land. The road went through our land and continued through this paddock. A google earth photograph attached as Paddock A will demonstrate it's location and how it could be seen as the logical design if minimal land acquisition is the objective. We have been informed by the applicant that this 2019 design was changed to the current proposal in response to the objections of Nags head lane residents.</p>
Applicant Comment:	<p>The primary reason for the change in road alignment was on road safety grounds to introduce the staggered junction where the Roxton Road Link meets Chawston Lane. This is discussed in the Applicant's comments on the WSP Technical Note in relation to the Roxton Road Link [REP4-043] submitted at Deadline 4.</p>
Duncan and Maxine Buchanan	<p>This meant the Paddock (Paddock A) which was the applicant's preferred route suddenly became off limits. The avoidance of this paddock resulted in more of our land being taken as the road in the current proposal swept across our entire boundary and into a paddock adjacent to paddock A. At the public consultation we were told that changes couldn't be made to accommodate us, that our land was needed to appease local objections but that changes could be secured by Nags Head Lane residents.</p>
Applicant Comment:	<p>A number of alternatives were considered for this area as explained in [REP4-043]. As stated previously, the road alignment was changed for road safety purposes. The comments that had been made by members of the public, including residents of Nagshead Lane, about noise and visual impacts of the road, were a secondary consideration as it is not always possible to adopt an alignment which addresses all comments. The change in alignment allowed the road to be sited to the west of an existing hedgerow, which would provide visual screening. It was desirable to preserve as much of the hedge as possible and to have routed the road through the paddock simply to reduce land acquisition from one owner to the detriment of another could not have been reasonably justified.</p>
Duncan and Maxine Buchanan	<p>Whilst our preference would have been a revert to the 2019 proposal such was the David/Goliath position we found ourselves in we realistically knew our fears over unfair land acquisition, most prominently that more land is being taken from us than was necessary to deliver the scheme, would be drowned by the Nags Head Lane residents, none of whom were effected by permanent land acquisition in either design.</p>
Applicant Comment:	<p>As explained above, all comments received were properly considered by the Applicant and it was not possible to identify a solution which addressed all comments. The Applicant would also note that one resident of Nagshead Lane would have been partially affected by the concept design and an owner to the south would have had their entire plot acquired.</p>

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Duncan and Maxine Buchanan	Combined with this the very first response before any reports, calculations or data came the frank admission from a project manager that they didn't want to change the alignment.
Applicant Comment:	The Applicant believes that the design that has been prepared is the most appropriate solution. It was not possible to change the design as proposed due to reasons of road safety.
Duncan and Maxine Buchanan	We then made the decision to employ an expert in the field of road design to present some minimal changes that would make the design less unacceptable! This proposal was delivered to the team at a site meeting on 17/07/2019 and was well received. Please note this is NOT the proposal that the Applicants responded to in REP3-008 points a-h. We attach this proposal for MINIMAL changes as WSP1 and WSP1 technical note for your reference and will refer to it in this document as WSP1 proposal to avoid confusion. To clarify 2 alternatives were provided by WSP and paid for by us. One aforementioned WSP 1 and the other contained within Anthony's WSP report.
Applicant Comment:	<p>For clarity, [REP3-008] relates to WSP Technical Note 1368-WSP-00-XX-RP-CV-0002 dated 09 June 2021 (this is referred to as "Anthony's WSP report" by the respondent). The Applicant will refer to this report as WSP2. The report being referred to as WSP1 is an earlier WSP Technical Note 1368-WSP-00-XX-RP-CV-0001 dated 22 July 2019. The latter provided an alternative design that suggested using less land from Dove Farm and moved the road partly into the paddock that is owned by others to the south east.</p> <p>This alternative was considered in the Applicant's Technical Note HE551495-ACM-GEN-GEN_ZN1_SR_Z_ZZ-TN-CH-0001 (included as Appendix A of [REP4-053]), which compared the Applicant's design against the alternative. The rationale for the alternative design in highway terms was not clear and the comparison found that the alternative, whilst acceptable in terms of highway design, did not perform as well as the Applicant's design in terms of road safety (albeit marginally), land take, preservation of habitat and screening and distance to residential dwellings, including the listed building Scuttle Cottage.</p> <p>The alternative route suggested in WSP2 put forward an entirely new route to the west and this was commented on as part of [REP3-008] and more recently in the Applicant's comments on the WSP Technical Note in relation to the Roxton Road Link [REP4-043] submitted at Deadline 4, which noted that the route put forward in WSP2 did not take account of numerous constraints in the area and would have a significant impact on numerous properties and residents. Bedford Borough Council, in their response [REP4-049] to Written Question 2.5.3.4 advised that this route offered no benefits.</p>
Duncan and Maxine Buchanan	We note the Applicant's response to Anthony's report in points a-h, but it is the 2019 design changes and WSP's first proposal (WSP1) that we are seeking clarification. The Applicant's justification thus far for these changes from the 2019 to the current design is what we remain unconvinced by.

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Applicant Comment:	The Applicant would refer to the responses above.
Duncan and Maxine Buchanan	<p>Additionally the refusal to accommodate any aspect of the WSP1 proposal The Applicant has given the following reasons for both the failure to adopt WSP1 and the changes from the 2019 design in favour of the current one: • Safety • Light Pollution • Listed Buildings • Preservation of Habitat/ hedgerow removal. • Nags Head Lane residents objections • Keep Land Owners affected by permanent land take to a minimum/cost • WSP1 proposal required more land take. We remain unconvinced for the following reasons:</p> <p>Safety: The safety aspects of the double bend could still have been achieved without having to avoid Paddock A. Furthermore we have been told by the applicant that "safety is paramount" So we cannot understand then that a proposal was put to public consultation that was unsafe? Surely not? Are we to be believe that the design team, an accredited team of engineers supposed experts in their field designed a proposal and did not take safety into account? Was it really Nags Head Lane residents who pointed this out? We seek clarification that the safety aspects of a double bend could not be achieved whilst still utilising Paddock A? In addition a clarification that the WSP1 proposal was not as safe as the current design.</p>
Applicant Comment:	The Applicant has already set out the reasons why the alternative design was not adopted in the Applicant's comments on the WSP Technical Note in relation to the Roxton Road Link [REP4-043] submitted at Deadline 4.
Duncan and Maxine Buchanan	<p>Light Pollution: We have tried unsuccessfully for years to obtain the report that informed this decision. We felt a report which supposedly drove the decision not to use Paddock A would justify the current design. We felt the report could explain to us how houses that front the opposite direction and are so adequately screened could be impacted by light pollution so extensively that it resulted in a redesigned alignment. Incredulously despite our first request on 17/07/2019 and it being promised plus repeated email requests the Applicant has finally admitted on 06/10/2021 that a light and impact assessment was never conducted! Firstly why repeatedly promise a report could be provided to justify the design when surely the Applicant knew it never existed. Secondly how can a road be moved to mitigate light pollution without such a report which would firstly investigate the light pollution and if present how the later design mitigates? Finally in understanding how the Applicant can then justify ignoring the WSP1 proposal in regards to light pollution we would need a response that details how the 2019 caused light pollution in comparison to the current design and secondly how the WSP1 proposal caused more light pollution (if indeed any at all) in comparison to the current design.</p>
Applicant Comment:	The issue of light pollution is not clear. The new road will not be lit and this has been confirmed in the response to REP3-047b [REP4-035] . The respondent requested sight of a light impact report and the response was given at that time by the Applicant that it would be provided and this was made in good faith. However a light pollution report would not have considered the impacts on humans, it would only have considered the impact on nocturnal species. As the road is not to be lit a light pollution report is not required. The Applicant regrets that this was not made clear to the respondent.

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Duncan and Maxine Buchanan	<p>Listed Buildings: Again we remain unconvinced that the 2019 design harmed the setting of a listed building and would again ask why a design was presented to the public that supposedly harmed the setting of a listed building? Surely the Applicant was aware of the listed building on Nags Head Lane? If they were not then perhaps this is because it is so extensively screened and set back it was not possible to see?! We do not accept the 2019 proposal would harm the setting of a listed building. Again we have sought clarity from the Applicant regarding this by email back in 2020 but have received no response. In addition to our understanding the supposed harm caused by the 2019 proposal we would seek separate clarity in how the WSP1 proposal would harm the setting of a listed building. To date the applicant has not provided sufficient explanation as to how a balancing/drainage pond could harm a screened listed building or indeed how a suggested footpath which was almost 100m away could harm the setting of the said listed building?</p>
Applicant Comment:	<p>The Applicant was aware of the listed building, Scuttle Cottage, on Nagshead Lane. The concept design passed it at a distance of approximately 60m. As a result of the design changing (due to road safety issues associated with the junction at Chawston Lane), the road now passes Scuttle Cottage at a distance of approximately 100m. Given that there is no road in this location at the moment the Applicant wished to maximise the distance of the road from the listed building. This was possible because the road alignment had to be adjusted due to road safety issues.</p>
Duncan and Maxine Buchanan	<p>Furthermore REP3-008 refers to the Scheduled Monument. We would seek explanation as to how the Applicant believes that WSP1 proposal would harm or effect this monument.</p>
Applicant Comment:	<p>[REP3-008] does not refer to the Schedule Monument. The WSP1 alternative design has no greater impact on the scheduled monument than the Applicant's design.</p>
Duncan and Maxine Buchanan	<p>Preservation of Habitat/ hedgerow removal. Again something we are struggling to comprehend. The WSP1 proposal has according to the applicant been dismissed because it would require the removal of part of a hedgerow. It appears to us somewhat hypocritical to change their own 2019 proposal which did not require the removal of a hedgerow and replace it with the current scheme that requires the removal of in excess of 30m of hedgerow to avoid Paddock A! Surely if we are to accept that the Applicant's objective was habitat preservation and retention of hedgerows the 2019 proposal would be the logical choice since it did not require ANY hedgerows to be removed and additionally would utilise Paddock A which is a manicured Paddock where habitat has been destroyed by horses! The current proposal in comparison requires the removal of hedgerow and the use of the neighbouring paddock which affords the best opportunity at habitat preservation. This is our point, it is simply not acceptable to say the scheme was changed to preserve habitat without acknowledging this. If the Applicant wants to preserve habitat then revert to the 2019 proposal. If not the Applicant should acknowledge the hypocrisy of their current choice! Furthermore with further investigation the WSP1 proposal could retain additional hedgerow to the west and thus would afford a more sympathetic approach to habitat preservation.</p>

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Applicant Comment:	The Applicant's reasons for adopting the current alignment are set out in [REP4-043]. In addition, it is incorrect to say that no hedgerow would have been removed as part of the concept design. Hedgerow would have been removed as part of the concept design, where the route crosses Chawston Lane.
Duncan and Maxine Buchanan	Nags Head Lane residents objections We welcome the Applicant's response to Q2.5.3.4.f. To date we have not seen any evidence to suggest the objections of the Nags Head Lane residents warrant the change in alignment or justify taking more of our land. We understand thus far that the road was moved further into our land from the 2019 proposal as the surrounding residents felt like they would become an Island?! How does the current alignment alleviate that concern?
Applicant Comment:	As explained above, the road alignment was adjusted for road safety reasons. The Applicant would like to note that the drawing considered within this point was a concept level representation shared with the IP as draft.
Duncan and Maxine Buchanan	We also understand there was a concern that "the headlights would reflect off the water of the ponds" into a residents lounge? Again here we do not find this a valid objection that justifies the scheme changes from 2019 to the current proposal. Would it not be prudent to alleviate this concern with a simply explanation that the ponds very rarely hold water and therefore would unlikely reflect headlights?
Applicant Comment:	The road alignment was moved for road safety reasons. The ponds are likely to be dry under normal conditions, but even when holding water it is unlikely that vehicle headlights would reflect off the surface of the water and cause a nuisance. This would have been the case for both the concept design and the current design and has no bearing whatsoever on the change in road alignment.
Duncan and Maxine Buchanan	Other objections we have been privy to is the argument that length of ownership should dictate who gets their objections upheld. We are not aware this would be part of the process but would welcome the Applicant's expertise!
Applicant Comment:	The duration of land ownership has no bearing on the design of the road or land acquisition considerations.
Duncan and Maxine Buchanan	Keep Land Owners affected by permanent land take to a minimum/cost It has been explained the WSP1 proposal was not used as it would "introduce another landowner effected by permanent land take." The Applicant has said it is "standard HE practice to keep land owners to a minimum". Is the Applicant therefore willing to acknowledge that the changes made from the 2019 to the current proposal did not follow standard practice? The 2019 proposal required 2 owners, the 2020 3 until a scheme wide landscape review removed one. Again the hypocrisy that when it suits, when it avoids Paddock A the Applicant will abandon "standard practice" but would not do so to entertain the WSP1 proposal in any way! Additionally the scheme wide landscape review does not, we believe, justify ignorance of the hypocrisies and inaccuracies highlighted. As far

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	back as 25/06/2019 we highlighted in an email that their chosen design did not adhere to standard practice but this issue has never been afforded a response.
Applicant Comment:	The concept design of the Roxton Road Link between Chawston Lane and The Lane would have involved permanent land acquisition from three landowners. The current design, prior to reviewing the extent of landscaping, would also have involved permanent land acquisition from three landowners. Following the landscape review the number of affected landowners subject to permanent land acquisition reduced to two. However, the primary reason for adopting the current alignment is due safety of the highway as explained above.
Duncan and Maxine Buchanan	At REP3-008 the Applicant refers to "affordability, value for money..." We would seek an explanation of the cost implications of the 2019 proposal and the current and also the WSP1 versus the current. Our belief that the 2019 was the cheaper option! WSP1 proposal required more land take. We will present in more detail in our response to Q.2.5.3.4d but would briefly add. The WSP1 proposal in both the technical note(WSP1 Technical Note) and Anthony's report(Anthony WSP Report) stresses the size of the ponds should not be relied upon as the information was supplied in the incorrect format for them to be calculated accurately. It is stated very clearly "sizing of the ponds could be reduced if further design detail was provided by the Applicant."
Applicant Comment:	The information available to WSP was sufficient for a professional company such as WSP to make a reasonable estimate of the size of ponds. There was no evidence however to support the assertion that the ponds could be reduced or by how much and this should not be relied upon. The text in [REP3-008] that is referred to is the respondent's text from the Written Representation, which is copied from section 5.5.3 of the Applicant's Statement of Reasons [APP-030] . This text applies to the whole Scheme's consideration of alternatives and not just the Roxton Road Link.
Duncan and Maxine Buchanan	We battled for years to get the calculations needed to formally address this issue. Constant emails requesting it were either ignored or contained responses of We'll get it to you next week only then to be let down. After literally years of promises came the admission they didn't have them! Why promise information that was not available? Why delay a technical meeting for such information the Applicant never had any intention of supplying?
Applicant Comment:	The Applicant regrets that this situation arose. The Applicant did not delay or postpone any meetings.
Duncan and Maxine Buchanan	Why misrepresent this issue in REP1-021 as us postponing a meeting "until their consulting engineers have spoken with them."?! In a recent position statement meeting the Applicant has clarified that what they actually meant in the numerous emails promising the said information, that we misunderstood these promises and what they really meant was "all the information is on our website" you should find it yourselves! We do not accept that the WSP1 proposal would take more land. In the technical note the applicant supplied in response to the WSP1 proposal the Applicant provides a table (Anthony's report Appendix A 1.1.15 Table 1 Areas of land acquisition) that is therefore misleading when the author of the WSP1

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	<p>proposal stated from the outset that the detail of the ponds should not be relied on to determine land take. However in the interests of transparency we would welcome additions to that table of land take figures to include the required land take of WSP1 with the correct size drainage ponds and the increase in land take from the 2019 proposal with and without the landscape review in comparison to the current scheme. We believe this demonstrates an example of the common theme of hypocrisy!</p>
<p>Applicant Comment:</p>	<p>The calculation of areas within the Applicant's response that is referred to was based on measurements made using the PDF versions of the Applicants drawing and the WSP1 drawing. The WSP1 alignment did show that more land was required and the measurements made were based on the information provided. It is not practical to carry out a comparison of the concept design against the current design or the WSP1 alternative, as the vertical alignment of the concept design was not fully developed and neither was the landscape design or drainage design. The concept design was approximately 628m in length from Chawston Lane to The Lane, whereas the current design is 652m long, so the area of highway would be less, but a direct comparison is not possible without fully developing the concept design. The Applicant accepts that the concept design would have required less land within Dove Farm, but the concept design was not suitable and had to be changed for the reasons already discussed.</p>
<p>Duncan and Maxine Buchanan</p>	<p>In responses so far the Applicant has said they would have used Paddock A had it been required. Again this summarises our point: Paddock A is required if the Applicant is to abide by it's obligation of "minimal" land take.</p>
<p>Applicant Comment:</p>	<p>Having changed the concept design to address the safety issues associated with the junction at Chawston Lane it was found that there was no need to take land within the paddock. It should be reiterated though that this was not the purpose of changing the design.</p>
<p>Duncan and Maxine Buchanan</p>	<p>Taking into account the responses so far to the above we still remain unconvinced that the amount of land take from us is anything other than excessive. In addition the Applicant has failed to respond to any of the questions/queries/responses raised in Anthony's report. These were numerous and shown in italics for reference. (Anthony's WSP report page 2: "specific questions we wish to raise are shown in italics for ease of reference.")</p>
<p>Applicant Comment:</p>	<p>The land required to construct the Roxton Road Link is not excessive. It is proportionate and normal for a road of this nature. The items in italics in the WSP2 note are copied below.</p> <p><i>Can HE please clarify the optioneering process it has undertaken in selecting the route corridor for the Roxton Road link and how this satisfies the above EIA Regulations?</i></p> <p>The optioneering process and the reasons why the alternative design was not adopted is explained in the Applicant's comments on the WSP Technical Note in relation to the Roxton Road Link [REP4-043] submitted at Deadline 4.</p>

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	<p><i>Would HE consider an alternative design for the Roxton road link, such as the one illustrated in Appendix B? If not, can HE please provide clear reasons that support such a decision?</i></p> <p>This is discussed in the Applicant's comments on the WSP Technical Note in relation to the Roxton Road Link [REP4-043] submitted at Deadline 4 and also the Applicant's Comments on Written Representations [REP3-008] submitted at Deadline 3.</p> <p><i>Can HE please clarify why an alternative drainage design, as illustrated on the plan included in Appendix C, has not been considered and why their proposed drainage design for Roxton Road link (north) is the most appropriate?</i></p> <p>This is discussed in the Applicant's comments on the WSP Technical Note in relation to the Roxton Road Link [REP4-043] submitted at Deadline 4.</p> <p><i>Can HE please clarify the position in this regard so that further investigation of the size of Ponds 1 & 2 can be undertaken?</i></p> <p>This relates to the discharge rate that has been adopted for the outfall from the ponds into Begwary Brook. The details of this are given on page 30 of the Drainage Strategy Report [APP-219]. This states that the pond volumes have been determined from the calculated Qbar rate of 2.2l/s. There is a recommendation that an operational discharge rate of 5l/s should be used, but the storage volumes must still meet Lead Local Flood Authority requirements to use the Qbar values.</p>
<p>Duncan and Maxine Buchanan</p>	<p>Additionally Anthony's report (Anthony WSP Report page 5) which clarifies that WSP "has provided responses to the main finds of the HE tech note (Anthony's WSP report: Appendix A) but we would point out the Applicant has not responded to this in REP3-008 or previously. The Applicant has merely adopted a cut and paste approach without backing up their assertions with evidence.</p> <p>Furthermore there is no response to the drainage alternative provided in Anthony's report or any admission that there is no Light Pollution report. The Applicant has provided the justification for the need for the drainage ponds REP3-008 i/ii/iii/iv but has not justified their location. They have failed to provide a response that details why their location is not up for negotiation. Yes they have provided an account of when they were added but not that alternative drainage has been sufficiently explored with detail so as to satisfy the obligation to keep land take to a minimum.</p>
<p>Applicant Comment:</p>	<p>This is discussed in the Applicant's comments on the WSP Technical Note in relation to the Roxton Road Link [REP4-043] submitted at Deadline 4.</p>
<p>Duncan and Maxine Buchanan</p>	<p>In relation to points i-1v (REP3-008) page 223, the Applicant admits these ponds have been "designed to fit within the land to the east rather than take additional land to the west." Surely a road should be designed first and deal with constraints rather than plot it where Nags Head Lane residents want it then design the ponds retrospectively to fit a design that silenced objectors. Also here we see a revert to the "keeping land owners to a minimum", as previously requested we are seeking a greater understanding of how keeping Land owners to a minimum sits within the matrix of cost, safety, and land take. This admission of "designing to fit within" our land summarises our objection perfectly: The scheme should</p>

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	have been designed with minimal land take not "designed to fit" into our land because we did not object to the 2019 draft proposal, because we supported the scheme and acknowledged the safety benefits of closing dangerous access to the A1 northbound.
Applicant Comment:	The ponds fit into space that was created between the designed road alignment and the property boundary. The reference to land to the west has been misinterpreted or wasn't clear in the original text. The intention was to note that the ponds could have been located to the west of the road, within Dove Farm, and ideally closer to Begwary Brook, but they were designed to fit into the space available, rather than unnecessarily take more land within Dove Farm to the west of the new road.
Duncan and Maxine Buchanan	Equally as concerning is that the responses provided at both REP1-021 and REP3-008 are factually incorrect. We have highlighted these inaccuracies to the Applicant in a recent position statement meeting and also in a detailed email on 11/10/2021 and a chase up of 25/10/2021 when no response was received. We expect the Applicant to acknowledge the corrections and evidence and in the interests of presenting an honest and accurate response amend their current responses in both REP3-008 and REP1 in light of this. Furthermore the Applicant has been made aware of their inaccuracies. Emails and photos have been sent to the Applicant to demonstrate they are incorrect to suggest forms were not returned but AGAIN no response has been given to these emails. We continue to work with the Applicant to produce a statement that is not only factually accurate but one which provides a more honest account of the treatment we have received during this process to date.
Applicant Comment:	The Applicant is currently reviewing the correspondence with Duncan and Maxine Buchanan and will provide an update at Deadline 6.
Duncan and Maxine Buchanan	<p>RESPONSE FOR EXAMINER Q2.5.3.4.d</p> <p>We note the applicant's response to RR030 the proposal contained with Anthonys WSP report and their REP3-008 points a-h. We acknowledge this proposal suggested drastic changes and we thank the applicant for such a detailed response. However we would draw to the attention of the Examiner that a previous proposal referred to in our responses as WSP1 and attached as WSP1, that was presented to the Applicant in July 2019 has not been afforded such a detailed response and it is this proposal that we refer to in our objections. It is this proposal that we remain unconvinced by and the Applicant's refusal to adopt or even consider any aspect of. It seems to us that if refutation is simple then the Applicant will respond in detail but if they can't justify we are met with silence or given a string of reasons that are not evidence based or supported by reports or data. Most recently when asked to justify, the Applicant's response was "We stand by our design!" We found this response to fall short of being evidence based.</p>
Applicant Comment:	The alternative design is discussed in the Applicant's comments on the WSP Technical Note in relation to the Roxton Road Link [REP4-043] submitted at Deadline 4.

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<p>Duncan and Maxine Buchanan</p>	<p>We attach this proposal as WSP1 and accompanying technical note as WSP1 technical note. For Clarity we provide the background detail in our response to Q.2.5.3.4.c. The WSP1 proposal would not we believe effect properties on The Lane, Chawston Lane or to any significant degree Nags Head Lane. We refer to the WSP1 technical note and Anthony's WSP report which both clearly state the ponds are not to be relied upon in their current form.</p> <p>For clarity:</p> <p>Anthony's report states:</p> <ul style="list-style-type: none"> . Whilst the alternative design may require more land than the proposed layout, according to HE's calculations this would equate to 0.0386 hectares of additional land which is considered to be a modest amount in the overall context of the Scheme. Furthermore, due to the drainage design issues described on pages 3 & 4 of this note, subject to further design iteration there would appear to be an opportunity to reduce the land requirement of the alternative design such that the overall land requirement of each design could be broadly similar. . ii) These comments are largely due to drafting issues when preparing the alternative design as it was only possible to use pdf versions of the Scheme drawing to generate the alternative design. They could be satisfactorily addressed through further design iteration and through the availability of drawings and topographical information in AutoCAD format. <p>This demonstrates that whilst currently the proposal may require marginally more land, if the calculations for drainage were available then there would be an "opportunity to reduce land requirement."</p> <p>Thus confirming the Applicant's reasons for refusal to adopt minimal changes could be "satisfactorily addressed" through further design and availability of drawings. In unison with this WSP1 Technical note (WSP1 Technical note) acknowledges that: "...the accuracy of measurements taken cannot be guaranteed as the applicant provided the drawings in PDF format..."</p> <p>We would draw to your attention the table of land take from the Applicant's technical note which can be found in Anthony Wsp report, Appendix A 1.1.15 Table 1 Areas Of Land Acquisition. We find the nominal amount could be addressed if further design detail was provided by the applicant. Despite being promised for literally years the Applicant has now clarified their position on this detail that we should seek to find it ourselves. We note in the REP3-008 responses that other interested parties are being provided with requested information and find it frustrating that we are being told despite promises spanning 2 years that the applicant won't provide us with the detail needed here. There has also been the suggestion that this detail is not yet available. This is disappointing as we maintain our view that once available this would clearly demonstrate the WSP1 proposal would not mean increased land acquisition but would indeed provide reduced land take and thus provide an opportunity to (REP3-008) "avoid unnecessary land take"</p>
<p>Applicant Comment:</p>	<p>All of these points are addressed in previous comments within this response and individual points are also discussed in the Applicant's comments on the WSP Technical Note in relation to the Roxton Road Link [REP4-043] submitted at Deadline 4.</p>

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Duncan and Maxine Buchanan	<p>To conclude we feel the Applicant should not consider that the land included in the draft DCO to be the “minimum land take” required when an alternative is being dismissed for unsubstantiated reasons without the detail needed to ascertain land take. By their own admission the “ponds could be located on either side...” To this end we have approached the Applicant for meetings to discuss this in detail and also present areas where we as the landowner could compromise further to allow the Applicant to deliver this scheme BUT importantly deliver it with their promise of minimal land take.</p>
Applicant Comment:	<p>The Applicant firmly believes that the current design does represent the minimum amount of land that is reasonably required to provide a road of this nature and be able to accommodate the drainage and landscape infrastructure that accompanies it. A meeting was held on 11 November with the respondent to discuss some of the details of the design and what flexibility there may be in engineering terms to adapt that design to best suit the respondent's aspirations for the site, without compromising the fundamental design of the road.</p> <p>Furthermore, in promoting the Scheme the Applicant has had regard to the impact of the Scheme on those directly affected as a result of land acquisition and with land adjacent to it. Full environmental impact assessment has been undertaken and the Applicant has had regard to the impact on the Human Rights of those affected by compulsory acquisition of land. This is detailed in the Applicant's Statement of Reasons [APP-030] and was also dealt with by the Applicant in CAH1. The Applicant is satisfied that it has fully addressed the impacts on the Respondent.</p>
<p>Q2.5.3.5 – Travelodge Hotel Limited</p> <p>a) Applicant, in light of the augmenting of the resources at the DVS [REP3-018, Appendix B] respond to the representation by Travelodge Hotels [REP3-052] and provide an update.</p> <p>b) Applicant and Travelodge Hotels Limited, explain with reference to relevant legislation and policies, if the Compulsory Purchase Association Land Compensation Claims Protocol or any part of it is relevant to the ExA's consideration and recommendation to the SoS.</p>	
Travelodge Hotel Limited	<p>b) The Examining Authority (ExA) confirmed in CA1 that to satisfy the requirements of Section 122 of the Planning Act 2008 the Applicant is required to demonstrate a compelling case in the public interest for CA. This includes making reasonable efforts to avoid using CA, including only seeking authority to acquire land compulsorily if attempts to acquire by agreement have failed (see <i>R(oao FCC Environment (UK) Ltd) v Secretary of State for Energy & Climate Change</i> [2015] EWCA Civ 55 and paragraph 25 of government guidance (Planning Act 2008 Guidance related to procedures for compulsory acquisition of land).</p> <p>It follows it is relevant to consider what reasonable attempts to acquire land by agreement looks like?</p> <p>The Compulsory Purchase Association Land Compensation Claims Protocol (the 'Protocol') is a statement of best practice in relation to land compensation claims. It also has formal relevance to the compulsory purchase process. The Upper Tribunal (Lands Chamber) Practice Directions (19 October 2020) state:</p>

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	<p>"Parties to references for compensation for compulsory purchase or loss caused by public works are encouraged to follow the pre-reference protocol published by the Compulsory Purchase Association at http://compulsorypurchaseassociation.org/landcompensation-claims-protocol-1.html The Tribunal will take an unreasonable refusal to follow the Protocol into account when deciding what order for costs to make at the conclusion of the reference."</p> <p>The Protocol is therefore an authoritative guide showing what reasonable endeavours to acquire property by agreement looks like, and is accordingly relevant to the ExA's consideration and recommendation.</p>
Applicant Comment:	<p>The Applicant disagrees with this response and would refer the Examining Authority to its response to this question set out in the Applicant's Response to the Examining Authority's Second Round of Written Questions [REP4-037]. The Applicant reiterates that the protocols referred to above are non-binding and primarily relate to matters of compensation.</p>
<p>Q2.5.3.6 – Land to the South and East of the current Black Cat roundabout</p> <p>a) Besides the written and oral submissions regarding these matters, the ExA notes that the effect of the Proposed Development and negotiations regarding safeguarding the development of this land has been addressed in principle in the SoCG with Bedford Borough Council [REP1-012]. Provide an update on these discussions with greater detail on specific pending issues. Parties may choose to report on matters in principle in the SoCG and the Schedule of all agreements, negotiations and objections (Annex A), and provide a more detailed report in the separate Joint Position Statement.</p> <p>b) Are you likely to reach agreement before the close of the Examination?</p>	
Bedford Borough Council	<p>The parties met on 2nd November 2021. The following issues are pending in discussions:</p> <ol style="list-style-type: none"> 1. Position of BBC's new boundary <p>National Highways (NH) have confirmed that following changes to the layout of the Black Cat roundabout, BCC's retained freehold title will abut the new adopted highway. NH are to provide plans confirming the same.</p> <ol style="list-style-type: none"> 2. Flood compensation land <p>BBC contend that temporary possession (TP) is sufficient to deliver the Scheme. NH speculated that they would be potentially subject to criminal sanctions in the event of a breach of the DCO by a third party that owned or occupied the land. BBC's position remains that TP are sufficient to deliver the scheme and have requested NH to set out its position and reasoning in full.</p> <ol style="list-style-type: none"> 3. Plots 3/3b & 3/3c are landlocked under current DCO land plans <p>NH have confirmed they will provide a right of way to this land if an alternative solution cannot be found. BBC await seeing the proposed route and specification.</p>

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	<p>4. Voluntary Agreement NH's agent undertook to provide heads of terms by close of business on Friday 5th November 2021.</p> <p>5. Sustainable strategic employment development NH have agreed to continue work with BBC to explore development potential at their retained land to the south east of the Black Cat roundabout, including discussions with their Operational Development Team, and as appropriate making Non-Material Amendments. The scheme will extinguish the existing road services at the Black Cat Roundabout and make access to other road services on the A1 more circuitous. Accordingly, BBC consider that as a minimum the scheme design should not preclude the provision of replacement roadside services. BBC will shortly be sharing further information on traffic modelling with NH as a basis for progressing discussions</p>
Applicant Comment:	<ol style="list-style-type: none"> 1. The Applicant can confirm that discussions on this matter are ongoing. 2. Upon review it has been established that any disposal of essential mitigation including areas identified as flood compensation, would expose the company to potential criminal sanction for breach of the terms of the planning consent if the landowner failed to maintain the mitigation area. That consent would in part be granted on the basis of the Applicant's provision of essential mitigation. National Highways only remedy would be to seek to enforce the covenant against the landowners in the civil courts. There is thus an 'imbalance of consequence' where the company faces greater jeopardy than the wrongdoer. The Applicant therefore considers this an unreasonable risk. Mitigation management agreements are therefore not proposed. 3. The Applicant is currently considering what access can be provided, and thereafter will await confirmation from BBC that they would seek to retain plots 3/3b and 3/3c. 4. The Applicant can confirm that Heads of Terms were sent to Bedford Borough Council on 5 November 2021. 5. To clarify, the Applicant will not be seeking non-material amendments to the Scheme as a result of discussions with Bedford Borough Council. Any change that is required to the Black Cat roundabout as a result of development on land to the south and east would be subject to a separate planning application following construction of the Scheme. It should also be noted that the exact nature of development on the site is not yet confirmed nor is the site allocated in the Bedford Local Plan.
<p>Q2.5.3.7 – Farmland at Caxton Gibbet</p> <ol style="list-style-type: none"> a) Applicant, is it reasonably possible to return the land to its original condition after the purpose for which it is being acquired has been completed? b) If the landowners agree to the land being returned in a materially changed condition, can the Applicant consider TP rather than CA? What conditions would need to be imposed in this case and how would those conditions be secured? c) Davison and Co (Great Barford) Ltd, respond to the above questions as relevant, and to the Applicant's case [REP3-018, Point 6]. 	

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d)	Provide an update on the negotiations relating to the Voluntary Agreement.
Davison and Co (Great Barford) Ltd	<p>a) n/a</p> <p>b) Contrary to what the Applicant is suggesting, materially changing the condition of the borrow pits land is not an impediment to using Temporary Possession (TP) rather than Compulsory Acquisition (CA).</p> <p>It is common-place for DCOs to authorise TP powers which also authorise land to be materially changed (e.g. article 29 of the M4 Motorway (Junctions 3 to 12) (Smart Motorway) Development Consent Order 2016). Indeed, we note that the Applicant's Draft DCO (dDCO) itself provides for land subject to TP to be materially changed at article 40 'a' to 'f':</p> <p><i>(4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker is not required to—</i></p> <p><i>(a) replace a building removed under this article;</i></p> <p><i>(b) restore the land on which any permanent works have been constructed under paragraph (1)(d);</i></p> <p><i>(c) remove any ground strengthening works which have been placed on the land to facilitate construction of the authorised development;</i></p> <p><i>(d) remove any measures installed over or around statutory undertakers' apparatus to protect that apparatus from the authorised development;</i></p> <p><i>(e) restore the land on which any soil reprofiling work has occurred; or</i></p> <p><i>(f) remove any temporary works where this has been agreed with the owners of the land</i></p> <p>That the borrow pits land may be materially changed is no justification for the proposed compulsory of such land which the Applicant themselves concede is required for a temporary period only for the purposes of the construction phase of the DCO scheme and not the operational stage. As such, it is neither necessary nor justified for such land to be taken by the Applicant permanently. Suitable reinstatement provisions to the reasonable satisfaction of Davison Ltd can be included in the voluntary agreements or in default of agreement is provided for in article 40 of the dDCO.</p> <p>c) We note The Applicant's response to issues arising from Compulsory Acquisition Hearing 1. At Table 1 – 1 the Applicant states:</p> <p><i>"The Applicant however maintains the position that all land within Plot 14/16a, including the borrow pit land should remain in the Order as Permanent Acquisition, due to the nature of the works proposed on the land and the extent to which it will be materially altered. To impose material changes on a landowner through temporary possession powers and expect the land to be returned to the landowner in a materially changed condition would not be acceptable, therefore permanent acquisition is required"</i></p>

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	<p>As explained above in our response to Q2.5.3.7 b), the Applicant's response provides no answer or justification for the proposed compulsory acquisition of Plot 14/16A for the purposes of the borrow pit land in circumstances when:</p> <ul style="list-style-type: none"> (a) Davison Ltd are agreeable in principle to the proposed material change of such land and are willing to agree suitable reinstatement provisions to be included in the voluntary agreement; (b) DCOs routinely authorise TP powers in circumstances when it is proposed that the TP land will be materially changed (c) In default of agreement with Davison Ltd, the dDCO itself, at article 40, envisages and seeks authority for land subject to TP to be materially changed and (d) the Applicant themselves admit that such land is not required permanently and, to that end, have proposed that a temporary lease is entered into for such land. . <p>d) By way of update on negotiations for a Voluntary Agreement:</p> <ul style="list-style-type: none"> – The Landowner sent Heads of Terms to the Applicant in June 2021. In summary, these proposed terms for: <ul style="list-style-type: none"> i. Temporary possession of borrow pit land. ii. Sale of land needed for the highway. iii. Temporary possession of compound land. iv. Dealing with safeguards for the Landowner's retained land. <p>The Applicant has recently responded with draft heads of terms for a lease of the borrow pit land, but to date has not responded at all on the other elements of the Heads of Terms (other than to provide a generic off-the-shelf template option agreement with no proposed bespoke or scheme specific drafting included in it) which Davison Ltd consider to be highly unsatisfactory and insufficient evidence that the Applicant is using the required reasonable endeavours to enter into the voluntary agreements with it.</p> <p>As stated at CAH 1, Davison Ltd requests urgent and detailed engagement with the Applicant/ Applicant's team to promptly agree all elements of the Heads of Terms (which need to be negotiated and agreed as a package of measures) and thereafter to draw up and negotiate the proposed voluntary agreements which would both (a) enable the Applicant to acquire the land/ rights over the land it seeks for the purposes of the DCO scheme and (b) safeguard delivery of Davison Ltd's land which is being actively promoted as a part of a strategically important employment development for allocation in the emerging Greater Cambridge Local Plan, thereby securing relevant synergies.</p>
Applicant Comment:	<p>a) n/a</p> <p>b) The Applicant has always sought (on this and other schemes) to acquire land required for borrow pits on a permanent basis. As such it is included for permanent acquisition. However where landowners are willing to agree for possession to be secured on a different</p>

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	<p>arrangement – in this case a lease – the Applicant is engaging with the Affected Party on that basis. c) As was explained in CAH1 it is not possible to acquire a new lease using compulsory powers. Whilst DCOs can provide for the temporary possession of land which will be materially changed, the extent of the impact here is that the restoration provisions in the dDCO [REP4-006] contained within article 40 would not apply given the extent of change occurring to the subsoil. The dDCO [REP4-006] does not provide for the interests required for the borrow pits to be secured temporarily and so Article 40 does not apply. The legal position is that given the nature of change and limitations on restoration as would be the case for temporary possession it is necessary to acquire the land permanently but in circumstances where it is possible to reach agreement then the Applicant is willing to negotiate a lease. This contains more specific restoration provisions which can be agreed between the parties. However if agreement is not possible for whatever reason with any landowner the Applicant must be able to secure the land permanently.</p> <p>c) The above representation does not accord with the Applicant's interpretation of the current status of negotiations. The Applicant has engaged with the Affected Party regarding the acquisition by agreement of the permanent land and the lease agreement for the borrow pit area. Heads of Terms were received for the Applicant's consideration by the Affected Party's agent on 6 July 2021, which are now subject to the Applicant's internal governance process. Please refer to the updated Compulsory Acquisition Schedule [REP3-027] submitted at Deadline 4. By way of a summary, however, a draft Option Agreement was issued to the Affected Party on the 7 September 2021 and Heads of Terms for the borrow pit lease were shared on the 7 October 2021. The Applicant received the Affected Party's comments on the Heads of Terms for the voluntary agreements (Option Agreement and Lease Agreement) on 10 November 2021 and is currently reviewing these. The Applicant will respond to the Affected Party before the Compulsory Acquisition Hearing, scheduled for 2 December 2021.</p> <p>c) As was explained in CAH1 it is not possible to acquire a new lease using compulsory powers. Whilst DCOs can provide for the temporary possession of land which will be materially changed, the extent of the impact here is that the restoration provisions in the dDCO [REP4-006] contained within article 40 would not apply given the extent of change occurring to the subsoil. The dDCO [REP4-006] does not provide for the interests required for the borrow pits to be secured temporarily and so Article 40 does not apply. The legal position is that given the nature of change and limitations on restoration as would be the case for temporary possession it is necessary to acquire the land permanently but in circumstances where it is possible to reach agreement then the Applicant is willing to negotiate a lease. This contains more specific restoration provisions which can be agreed between the parties. However if agreement is not possible for whatever reason with any landowner the Applicant must be able to secure the land permanently.</p> <p>d) The above representation does not accord with the Applicant's interpretation of the current status of negotiations. The Applicant has engaged with the Affected Party regarding the acquisition by agreement of the permanent land and the lease agreement for the borrow pit area. Heads of Terms were received for the Applicant's consideration by the Affected Party's agent on 6 July 2021. Please refer to the updated Compulsory Acquisition Schedule [REP3-027] submitted at Deadline 4.</p>

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	<p>By way of a summary, however, a draft Option Agreement was issued to the Affected Party on the 7 September 2021 and Heads of Terms for the borrow pit lease were shared on the 7 October 2021.</p> <p>The Applicant received the Affected Party's comments on the Heads of Terms for the voluntary agreements (Option Agreement and Lease Agreement) on 10 November 2021 and is currently reviewing these. The Applicant will respond to the Affected Party before the Compulsory Acquisition Hearing, scheduled for 2 December 2021.</p>
<p>Q2.5.3.8 – Affected Persons' site-specific issues – Land near Caxton Gibbet</p> <p>The ExA notes several outstanding issues remain unresolved, many of which are being examined across the Proposed Development and not just relating to the land in question here [REP3-044]. The ExA seeks clarification on some matters that specifically effect the land owned by CCE.</p> <p>a) CCE, identify where in the Statement of Reasons you require further detail [APP-030, Annex A]?</p> <p>b) Applicant, respond to the concerns raised regarding Plots 13/10c and 13/10d and the landowner not being able to identify which land will be affected or assess the impact on its land. CCE provide further details.</p> <p>c) CCE, which specific accesses effect your land?</p> <p>d) Parties may choose to report on matters in principle in the Schedule of all agreements, negotiations and objections (Annex A), and provide a more detailed report in the separate Joint Position Statement.</p> <p>CCE provide further details regarding Plots 13/10c and 13/10d and the landowner not being able to identify which land will be affected or assess the impact on its land</p>	
<p>Church Commission ers for England</p>	<p>a) CCfE requests further information on the justification of the extent of permanent acquisition of Plot 14/6e for use as a borrow pit etc as this is a substantial area of land take where land is <u>not actually required for permanent works</u>. Annex A of the Statement of Reasons (page 70) states that the land is required, amongst other things, for a construction area north west of the Caxton Gibbet junction (work no. 106).</p> <p>No detail is provided in that document as to how NH has calculated the necessary area of land as being required for construction works and as a borrow pit. It is for NH to demonstrate that the land take is "necessary" which, as noted above, does not mean merely "desirable" or "convenient".</p> <p>Further, this is in the context that: (a) permanent compulsory acquisition is not necessary as the parties have agreed in principle that the area can be leased, and the lack of progress by NH in those negotiations does not and cannot justify compulsory purchase; (b) in any event, permanent land take is not necessary given sufficient rights can be acquired compulsorily; and (c) even if the ExA agreed that permanent land take was appropriate for a borrow pit given the change in land form, that would not justify permanent acquisition of the areas merely required for construction works.</p>

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	<p>NH therefore needs to demonstrate what area of land is required for borrow pit and what area of land for construction works, should they continue to rely on the argument that compulsory purchase is "necessary". However, that would still only apply if NH properly exhaust their attempts to acquire by agreement.</p> <p>In its response to CCfE's initial written representations [TR010044/EXAM/9.21], NH state that a larger and shallower borrow pit offers more efficient means of material extraction, simpler management of groundwater and safer maintenance; plus simpler restoration. NH also states that the extent of the plots has been determined by a "buildability contractor who are a competent contractor with experience of schemes of similar scale and an understanding of the minimum land required to construct the works safely and efficiently". CCfE and its consultant team have not seen the justification for this in any examination documentation and have not seen the buildability contractor's report, but would be happy to be directed to the relevant document. Otherwise, stating, without evidence which affected parties can review and comment on, that a competent contractor is content with the position is not adequate justification.</p> <p>CCE provide further details regarding Plots 13/10c and 13/10d and the landowner not being able to identify which land will be affected or assess the impact on its land</p> <p>As highlighted in CCfE's Deadline 3 Submissions, permanent rights / temporary possession are being sought over Plots 13/10c and 13/10d for statutory undertaker work. According to NH, the extent of the land subject to the permanent rights is not yet known and will only be narrowed down following detailed design.</p> <p>As noted above, Charles Russell Speechlys LLP, advise that the legislation does not allow for compulsion to be used where acquisition is "convenient" or "desirable", it must be "necessary". In acknowledging that it may not require all of Plots 13/10c and 13/10d, NH has failed to establish that the temporary land take and permanent rights are needed for the development and are no more than is reasonably required. NH should explain why it is promoting a DCO where the scheme has not been sufficiently designed to establish land requirements.</p> <p>A helpful meeting with NH was held on 4 November where it was suggested that NH would use endeavours to keep the location of utilities to the perimeter of plots where appropriate. However, that does not seem to be a formal requirement in the DCO and there is no commitment to continue to engage with landowners on the detailed design.</p> <p>In the circumstances, CCfE is unable to determine where utilities will run through its land and how those permanent rights might affect its ability to deal with its land in the future. Whilst the land is used for agriculture, taking land for utilities will have obvious impacts. However, this land is also being promoted for future development. Not knowing where utilities will be located within the relevant plots limits CCfE's ability to put forward considered plans.</p> <p>c) Access to CCfE land is currently taken from the accesses shown numbered 1, 2, 3 and 6 on the plan attached to these submissions at Appendix 1. The accesses numbered 4 and 5 on the plan relate to land over which CCfE has an interest in by virtue of an option agreement (shown shaded blue on the plan). Access is critical to those farming the land and the accesses shown on the plan must continue to be maintained at all times.</p>

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	d) NH has not approached CCfE regarding a Joint Position Statement.
Applicant Comment:	<p>a) The Applicant has updated the Land Plans [REP4-002] to separate the plots for the proposed borrow pit from the permanent works (Plot 14/21h and 14/21g respectively) to show more clearly the extents of landtake required for the borrow pit. Further details of the excavation and restoration of the proposed borrow are provided in Section 4 of document 9.24 Borrow Pits Excavation and Restoration Report [REP-011]. This includes details on the volumes of earthworks material required and justification for the extent of land required for the borrow pit.</p> <p>A meeting was held with the Church Commissioners for England on 12 November 2021, see the Applicant's comments on Q2.5.3.1 for the scope of the discussions.</p>
Q2.6	Construction methods and effects
Q2.6.2	Borrow pits, construction compounds, waste management
Q2.6.2.1 – Borrow pits	<p>a) LAs, NFU and CCE, comment on the Borrow Pits Excavation and Restoration Report [REP3-011] and provide a list of issues relating to size and location, alternatives such as any working quarries, restorations and aftercare, biodiversity, and land contamination that remain outstanding.</p> <p>b) Applicant, tabulate all the issues raised regarding borrow pits from the LAs, CCE, NFU and any other IPs, and provide your summary responses to each issue, with signposts to details that are elsewhere in your submissions. Cover the issues raised regarding environmental effects, as well as the CA and TP related matters.</p> <p>c) Applicant, how will the detail contained within the Borrow Pits Excavation and Restoration Report [REP3-011] be secured.</p> <p>d) Applicant, confirm how the Borrow Pits Optioneering Report [APP-246] would be secured in the dDCO.</p> <p>e) Applicant, provide details and a specific update here on the possibility of plots affected by borrow pits to be secured by lease.</p>
Bedford Borough Council	<p>The Council's main concern in relation to the borrow pits within it's area has been the lack of detailed proposals for the working and restoration of the borrow pits. This affects the ability of the applicant to properly assess the environmental impact of the proposals. The report (para. 1.2.9) states that the Environmental Statement (ES) does not disaggregate and report the environmental conditions and effects of the borrow pits separately as a discreet element of the overall development. The report is an attempt to bring together the relevant sections of the ES that relate to the borrow pits. However, the report first focuses on the role of the Environmental Management Plan. The First Iteration of the EMP is at a very high level and identifies what actions are required to manage and minimise the environmental effects of the scheme and provide a blueprint for more detailed mitigation in the Second and Third Iterations. This does appear to be a 'cart before the horse' approach. The details in the report are therefore a compilation of existing information submitted in the ES. As the Council was already aware of this and considered it</p>

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	<p>deficient in terms of it's detail, the report, whilst a useful summary of information relation to the borrow pits, does not address the Council's fundamental concern.</p> <p>The Section 18 (3) (c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 states that an ES should include a description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment. It is considered that it is not acceptable to propose that this is delivered by a set of high level methodologies that could be applied to any similar development.</p>
Applicant Comment:	<p>The Applicant refers Bedford Borough Council to responses it has previously made to the Cambridgeshire Authorities at Deadline 3 in [REP3-041n], and prior to this its responses to Relevant Representations [RR-013ag], [RR048ag] and [RR-100ag] which relate to the matters raised and collectively explain / clarify how activities associated with the formation, operation and restoration of the borrow pits have formed an integral component of the Scheme and why these are not disaggregated as separate components.</p> <p>The Applicant wishes to correct Bedford Borough Council insofar that the EIA Regulations it has stated in fact apply to developments progressing through the statutory procedures of the Town and Country Planning Act. As a Nationally Significant Infrastructure Project, the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 are the applicable Regulations for the Scheme and these have been followed when undertaking and reporting the environmental impact assessment. The Applicant can confirm that the requirements stipulated in Part 7 of Schedule 4 of these Regulations have been reported within the Environmental Statement, and that the environmental impact assessment process – including the assessment of the borrow pits – has not been delivered using 'high level methodologies' as suggested.</p> <p>The Applicant can confirm that the level of information and detail associated with the borrow pits has been sufficient to undertake an assessment of their likely environmental effects (when considered within the wider construction assessments of the Scheme).</p>
Cambridgeshire Authorities	<p>a) The applicant should ensure any imported infill material is not contaminated.</p> <p>The submission of the Borrow Pits Excavation and Restoration Report [TR010044/EXAM/9.24] [REP3-011] (BPERR) is welcomed, however, many of the Council's concerns remain.</p> <p>It is, noted that the policy assessment in the BPERR does not match the Applicant's response to the Local Impact Report (LIR) Policy Assessment, in that no reference is made to Policy 19 or 20 in the BPERR.</p> <p>In the Applicant's response to Written Representations (TR010044/EXAM/9.21 Entry REP1-048ck, page 149) [REP3-008], the applicant raises Policy 18 (Amenity Considerations) of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021). The lack of inclusion in the LIR was an oversight and the Council welcomes its highlighting by the Applicant. As the ExA will note, Policy 18 addresses a number of topics such as noise, dust, light, air quality, disturbance and other matters covered under the general heading of amenity. It states:</p>

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	<p><i>“Proposals must ensure that the development proposed can be integrated effectively with existing or planned (i.e. Development Plan allocations or consented schemes) neighbouring development. New development must not result in unacceptable adverse impacts on the amenity of existing occupiers of any land or property, including: (a) risk of harm to human health or safety; (b) privacy for the occupiers of any nearby property; (c) noise and/or vibration levels resulting in disturbance; (d) unacceptably overbearing; (e) loss of light to and/or overshadowing of any nearby property; (f) air quality from odour, fumes, dust, smoke or other sources; (g) light pollution from artificial light or glare; (h) increase in litter; and (i) increase in flies, vermin and birds.</i></p> <p><i>Where there is the potential for any of the above impacts to occur, an assessment appropriate to the nature of that potential impact should be carried out, and submitted as part of the proposal, in order to establish, where appropriate, the need for, and deliverability of, any mitigation.”</i></p> <p>The Borrow Pits Excavation and Restoration Report [TR010044/EXAM/9.24] (BPERR) notes the proximity of occupied buildings, including residential buildings and a hotel, at the two sites near Caxton Gibbet, (see BPERR pages 36 and 45). The Council refers to the relevant specialisms to assess whether this policy has been met and directs the ExA and the Applicant to the relevant sections contained within the council's submission for acceptability of the development against Policy 18. Given the proximity to occupied buildings a robust management plan will almost certainly be required. No explicit reference is made in the BPERR to Policy 18, but the several of the topics contained within the policy are referenced.</p> <p>The Council reiterates its concern as set out in the Councils Joint Written Representations [CLA.D1.WR paragraph 13.7.3] [REP1-048].</p> <p>Paragraph 5.33 of the NPSNN requires the Secretary of State to consider whether the applicant has maximised opportunities for building in beneficial biodiversity or geological features as part of the design. Given that no attempt has been made to undertake an assessment of the development against Policy 19 or an assessment of what opportunities, particularly in relation to biodiversity, may be present, it is not possible for the applicant to demonstrate they have maximised these opportunities.</p> <p>For reference Policy 19 is as follows:</p> <p><i>“All mineral extraction related proposals, and all waste management proposals which are likely to be temporary in nature, must be accompanied by a restoration and aftercare scheme proposal, secured if necessary, by a legal agreement.</i></p> <p><i>Such a proposal must, where appropriate:</i></p> <p><i>(a) set out a phasing schedule so as to restore available parts of the site to a beneficial afteruse as soon as is reasonably practicable to do so, and to restore the whole of the site within an agreed timeframe. Only in exceptional circumstances, such as where the afteruse is a reservoir or on very small sites where phasing is not practical, will a non-phased scheme be approved;</i></p>

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	<p><i>(b) reflect strategic and local objectives for countryside enhancement and green infrastructure, including those set out in relevant Local Plans and Green Infrastructure Strategies, in the Local Nature Partnerships vision and strategic proposals, as well as any applicable wider Development Plan objectives;</i></p> <p><i>(c) contribute, if feasible, to identified flood risk management and water storage needs (including helping to reduce the risk of flooding elsewhere) or water supply objectives and incorporate these within the restoration scheme;</i></p> <p><i>(d) demonstrate net biodiversity gain through the promotion, reservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets;</i></p> <p><i>(e) protect geodiversity and improve educational opportunities by incorporating this element within the restoration scheme, by leaving important geological faces exposed and retaining access to them; and (f) incorporate within the restoration scheme amenity uses, such as formal and informal sport, navigation, and recreation uses.</i></p> <p><i>Where it is determined that restoring the land to agricultural use is the most suitable option (in whole or part), then the land must be restored to the same or better agricultural land quality as it was pre-development.</i></p> <p><i>In the case of mineral workings, restoration schemes which will contribute to addressing or adapting to climate change will, in principle, be supported e.g. through flood water storage; through biodiversity proposals which create habitats that enhance ecological networks (and thus assist species to adapt to climate change); and/or through living carbon sinks.</i></p> <p><i>Any site-specific restoration and after-care requirements are set out in Policy 2: Providing for Mineral Extraction. Where there is a conflict between this policy and Policy 2, then the provisions of Policy 2 take precedence."</i></p> <p><i>The BPERR states in 1.2.20 that "The borrow pits will be restored in accordance with the principles set out in Environmental Masterplan [APP-091] which is secured through Requirements 6 and 12 of the dDCO [REP1-003]." Also relevant are requirements 3 and 4 in securing the Second and Third Environmental Management Plan. Requirement 12 Detailed Design requires that the "detailed design for the authorised development must accord with: (a) the preliminary scheme design shown on the works plans, the general arrangement plans and the engineering section drawings; and (b) the principles set out in the environmental masterplan". In the context of the lack of adequate assessment of local policy, as highlighted by the lack of reference assessment of relevant policy as shown in the BPERR, such a requirement would be inadequate for securing compliance with local policy.</i></p> <p><i>In summary, the following issues remain unresolved:</i></p> <ol style="list-style-type: none"> <i>1) Inadequate assessment, consideration of restoration options and consequent non-compliance with Minerals and Waste Local Plan Policy. This has implications for the design, operation and restoration of the Caxton Gibbet borrow pits.</i> <i>2) In the absence of an assessment against Policy 19, CCC will require the ability to approve the detailed design of the borrow pits and restoration proposals, so that the assessment against Policy 19 can be undertaken when the required detail is available.</i>

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Applicant Comment:	<p>The Borrow Pit Excavation and Restoration Report [REP3-011] explains that borrow pit land would only be backfilled with excavated material which is not suitable for construction/engineering purposes.</p> <p>The Applicant has responded to this local plan policy matter in its comments in respect of other Interested Parties representations at Deadline 4, in response to REP4-057d set out in the Applicants comments on submissions made at Deadline 4 [TR010044/EXAM/9.64]. The key parts of that response explain:- The Applicant, in restoring the borrow pits to agricultural land, is addressing the needs of the land-owners and the NFU, who do not wish to see agricultural land used for biodiversity. The Applicant is currently negotiating the possibility of obtaining the borrow pit land by lease outside the compulsory acquisition process, where the land-owners wish to do this. This process accords with the Planning Act 2008: guidance related to procedures for the compulsory acquisition of land. Furthermore, in order to request Ccompulsory Aacquisition of land for the Scheme, under the Planning Act 2008, ArticleSection 122, there has to be a compelling case in the public interest for the land to be acquired compulsorily. Obtaining land as part of the Scheme, under compulsory acquisition powers, in order to provide opportunities for breeding and wintering birds and create habitat for GCNs when the Scheme will not result in significant adverse effects to breeding birds and wintering birds; or when GCN habitat is not required as part of the mitigation, would not meet the stringent tests necessary for the cCompulsory Aacquisition of land under the Planning Act 2008 and its associated guidance.</p> <p>The Applicant's response to the Joint Authorities LIR [REP3-009] considers Policy 19 and explains why it is not relevant to the Scheme. In summary, the biodiversity requirements of the National Policy Statement for National Networks (NPSNN) apply on a scheme-wide basis and do not require specific provision to be made for individual elements such as borrow pits.</p> <p>In any event, Policy 19 requires a restoration and aftercare scheme proposal, to be secured if necessary, by legal agreement. Where appropriate, it must...(d) demonstrate net biodiversity gain through the promotion, preservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets. The following explains why the Applicant considers that this policy is not relevant to the restoration of the borrow-pits.</p> <p>Firstly, the restoration of the borrow pits is addressed in the First Iteration Environmental Management Plan (FIEMP) [APP-234], which is secured through Requirements 3 and 4 of the draft Development Consent Order [REP4-006]. The need to secure restoration and aftercare proposals by legal agreement would only arise in the case of minerals and waste operators who do not subscribe to a reputable trade association restoration and aftercare guarantee fund, such as the one that is managed by the Mineral Products Association (MPA) which covers member companies' restoration obligations, should they become financially insolvent. In the case of the Applicant for the Scheme, there is no likelihood of that scenario occurring. There is therefore no need for the restoration and aftercare to be secured by legal agreement. In respect of parts (d) of the policy; it is shown below that it is not appropriate to demonstrate net biodiversity gain for the borrow pits or any other individual components of the Scheme; biodiversity net gain is achieved for the Scheme as a whole.</p> <p>Secondly, the design of the Scheme has considered biodiversity matters and addressed biodiversity mitigation across the whole Scheme. The restoration of agricultural land to its former use is a sustainable outcome; required by the current land-owners as well as the NFU. While the Joint Authorities response had earlier requested restoration of the borrow-pits for breeding and wintering birds and GCN habitat, it is now</p>

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	<p>stating, "that through assessment of policy and options for restoration, biodiversity gains may be identified. These may be large in form for set-aside habitats, or small in the form of hedgerow planting or specific agricultural treatment of the restored land". The Applicant maintains that such decisions regarding the restored borrow-pits would be for the land-owners, once the borrow pit land has been returned to them.</p> <p>The Applicant considers that as the Scheme delivers biodiversity net gain, and through design has avoided and/or minimised disturbance to a range of nearby important habitat including woodland; the Secretary of State can be assured that the proposed Scheme does not require further obligations or requirements in these matters.</p> <p>The Applicant, in its response to the Local Impact Reports [REP3-009], in pages 121-122, has considered the Scheme against Policy 20, which also relates to biodiversity (as well as geodiversity) and considers that the Scheme is compliant with the relevant parts of that policy.</p>
<p>Central Bedfordshire Council</p>	<p>c) There are no proposed borrow pits within CBC and therefore we have left it to the other relevant councils to take a lead and comment on these.</p>
<p>Applicant Comment:</p>	<p>The Applicant notes this response from Central Bedfordshire Council.</p>
<p>Church Commissioners for England</p>	<p>a) CCfE's comments on the Borrow Pits Excavation and Restoration Report (the Report) relate to Site 3 (Plot 14/6e) owned by CCfE, which lacks detail. CCfE would like clarity as to the status of the Report, and how compliance with the Report will be secured.</p> <p>The Report (or the First Iteration EMP as appropriate) should include the following measures:</p> <ul style="list-style-type: none"> • Requirements to consult and engage with affected landowners in relation to soil and agriculture including on establishing baseline conditions, the necessary mitigation measures and the detailed proposals for restoration. For example, paragraph 1.7.6 of the Soil Handling and Management Plan at Annex E to the First Iteration EMP states that the PC must undertake further inspections of the restored agricultural land with the landowner / tenant / NH's soil expert to assess the progress of the restoration but there is no information provided as to how that will be secured; • Obligations on NH to provide specifications for the reinstatement materials before restoration (which should be materials that would not need to be removed in the case of development of the site) and evidence of the borrow pit extents (e.g. a topographical survey showing works done); • Obligations on NH to ensure that the relevant site is restored to the same Agricultural Land Classification as it was prior to the borrow pit works being undertaken. <p>e) Please see above. CCfE is ready, willing and able to enter into an agreement to facilitate the grant of a lease.</p>

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Applicant Comment:	<p>The Applicant would refer the CCfE to its response to Q2.6.2.1 included in 9.47 Applicant Response to Examining Authority's Second Round of Written Questions [REP4-037] in particular in connection with its position on how compliance with 9.24 Borrow Pits Excavation and Restoration Report [REP3-011] will be secured.</p> <p>The Applicant can confirm that it has and will continue to engage with the CCfE on the above matters. A meeting was held between the Applicant and CCfE on 12 November. The parties have agreed to progress the development of terms for a lease agreement for temporary land requirements in addition to terms for an option agreement for the permanent acquisition of land.</p> <p>The proposals for restoration of the borrow pits would be completed at the detailed design phase. The Applicant can also confirm that paragraph 1.3.2 of Annex E Soil Handling and Management Plan within the First Iteration Environmental Management Plan [APP-234] states that topsoil management will adhere to the Defra Code of Practice for the Sustainable Use of Soils on Construction Sites. It will not be possible to restore the site of the proposed borrow pit to the same Agricultural Land Classification as it was prior to the works being undertaken.</p>
<p>Q2.6.2.2 – Borrow pits Construction compounds</p> <p>a) The ExA notes and acknowledges that details about the height of hoardings around construction compounds in specific locations should be a matter for agreement with the LAs in advance of installation [APP-234, Paragraph 1.6.2]. However, to have greater certainty about visual and landscape effects and other effects, the ExA is persuaded by the several representations [REP1- 043] [REP1-051] [REP1-054] [REP1- 055] [REP1- 084] stating that the maximum height of any hoardings that may be required in the construction compounds should be secured. Applicant, without prejudice, provide details of how you would determine what the maximum height should be and how would you secure it?</p> <p>b) Applicant and NFU, what details regarding the proposed use of construction compounds have you agreed? What matters remain pending? Have LAs been consulted? What are their views?</p>	
Bedford Borough Council	<p>b) The submission of the Borrow Pits Excavation and Restoration Report [TR010044/EXAM/9.24] (BPERR) is welcomed. It is noted that there appears to be some differences in between the July version and the October version; these mostly appear to be additional information from the First Iteration Environmental Management Plan. Changes were noted in relation to noise, landscape, air quality. As the noted in the Council's representation it was written on the basis that the BPERR was submitted as part of the original submission. Consequently, many of the Council's concerns remain.</p> <p>It is, noted that the policy assessment in the BPERR does not match the Applicant's response to the Local Impact Report (LIR) Policy Assessment, in that no reference is made to Policy 19 or 20 in the BPERR.</p> <p>Unfortunately there are still outstanding areas of concern in relation to noise.</p> <p>As described below, the concerns regarding the potential impact on the nearby residents through the siting of the borrow pits remain of paramount concern. The primary issue remaining is that despite repeated requests there has yet to be supplied information on noise levels</p>

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	<p>from plant within the borrow pits nor the level of dust impact that will affect the residents. These issues are still outstanding and the information provided does not resolve these matters.</p> <p>It has been made clear to the applicant that we are unable to advise what height any compound barriers should be without awareness of noise levels emitted from such compounds and therefore what if any level of mitigation is necessary</p>
Applicant Comment:	<p>The response provided by the Applicant to the Examining Authority's Second Written Questions on this matter still reflects the current position. Refer to the Applicant's response to Q2.6.2.2 b) in the Responses to the Examining Authority's Second Round of Written Questions [REP4-037].</p> <p>As noted in this response, the Applicant will continue to engage with landholders and the local authorities to ensure they remain informed as further detail is developed during detailed design and construction planning.</p>
Cambridgeshire Authorities	<p>b) We have agreed the location of the construction compounds. It is accepted that general use of these compounds will be acceptable, but details of mitigation for noise and dust impacts are due to be confirmed in the 2nd Iteration of the EMP. No details have since been received. The first Iteration is too high level and general to contain the site specific details required to be agreed.</p>
Applicant Comment:	<p>The Applicant notes the response from the Cambridgeshire Authorities with regard to the location and general use of the compounds. The site-specific details for each of the construction compounds have not been developed. This level of detail will only be established during the construction and logistics planning that will be progressed once the detailed design is complete. These details will be used to inform any site specific mitigation for noise and dust required at each location and these will be included in the Second Iteration EMP.</p>
Central Bedfordshire Council	<p>b) CBC have not been consulted on such details.</p>
Applicant Comment:	<p>The Applicant can confirm that Central Bedfordshire Council has not been consulted on this matter as there are no borrow pit construction compounds within their area.</p>
NFU	<p>The NFU had a further meeting with National Highways (NH) on Friday 29th October 2021 and NH stated that they are not prepared to give any more detail than highlighted already in Schedule 7 of the draft DCO. As stated in answers to first written questions the draft DCO presently states that each compound site will be 'required to provide temporary storage, laydown areas, access and working space to facilitate the construction of.' The NFU as requested before would like to see that Schedule 7 highlights if any compound is going to be used for something specific, as an example the DCO for A303 Stonehenge highlighted that two compound sites were to be used for a slurry treatment plant and a batching plant. If it is stated clearly in the DCO then there are no surprises when construction starts, and a landowner will know what to expect to see taking place</p>

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	within a compound site on his land. It was not made clear at the start of the A14 Improvement Scheme and a lot of questions were raised to Highways England at the time over the uses taking place on compound sites. Therefore, the matter is still outstanding with NH.
Applicant Comment:	<p>The response provided by the Applicant to the Examining Authority's Second Written Questions on this matter still reflects the current position. Refer to the Applicant's response to Q2.6.2.2 b) in the Responses to the Examining Authority's Second Round of Written Questions [REP4-037].</p> <p>The Applicant has set out the outline details for the use of the construction compounds in [APP-071] 2.6.256 – 2.6.284. This includes information about the intended locations for batching plants, bulk material processing plants and waste management and segregation areas. These facilities are planned to be located on sites which are designated for future development. The site-specific details for each of the construction compounds have not been developed. This level of detail will only be established during the construction and logistics planning that will be progressed once the detailed design is complete. The Applicant's Stakeholder and Engagement team will ensure that landowners are kept informed as the detailed requirements for each of the compounds are confirmed.</p>
2.6.3	Environmental Management Plan
<p>2.6.3.1 – Agriculture Liaison Officer</p> <p>a) Applicant, you state that the Principal Contractor will allocate a named individual within the stakeholder and community engagement team as the ALO; you also state that the ALO would need to commission consultancy support should specialist expertise be required [REP3-019, Point 15]. This does not give any assurance that the ALO would have the specific expertise that the NFU have made a case would be required to deliver the required responsibilities. Applicant and NFU to comment.</p> <p>b) The ExA remains unconvinced that the specialist expertise that would be required for engagement with landowners with farming businesses, would be available and to hand. Applicant and NFU to comment.</p>	
Church Commissioners for England	<p>CCfE agree. NH has confirmed in its comments on other parties' responses to WQ1 [TR010044/EXAM/9.20, page 51] that there has been no specific consideration of particular farming calendars in the programming of the works but that farming timings and constraints will be evaluated where possible and practicable in the development of the detailed construction programme.</p> <p>CCfE submits that it is necessary to have a dedicated ALO with an in depth understanding of farming practices to liaise with agricultural landowners and tenants regarding the proposed scheme and to minimise the impact of the proposed works on farming practices.</p>
Applicant Comment:	In the Applicant's updated Statement of Common Ground with the National Farmers Union submitted for Deadline 4 [REP4-019] the Applicant updated the section relating to the ALO to include the wording: As part of the Community/Stakeholder Engagement Team, resource will be

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	<p>identified to operate as an Agricultural Liaison Officer (ALO). This individual will be the dedicated point of contact for the farming community throughout the duration of the Scheme construction.</p> <p>The Applicant is committed to providing an ALO role within the team who will have the relevant experience to hold the role.</p>
NFU	<p>The NFU at a meeting held with NH on 29th October 2021 discussed the ALO role and the responsibilities to be undertaken. NH highlighted that the Principal Contractor will deploy an experienced Community Stakeholder Engagement Team and resource within will be identified to operate as an Agricultural Liaison Officer. The NFU highlighted that the Role of the ALO or ALO Team is far more than community engagement, but it is in agreement if the correct resource is set up and the team of ALOs have the correct experience as highlighted in the wording provided/detailed in the full written representation 31st August 2021 this is acceptable.</p> <p>A further discussion took place in regard to the roles/responsibilities that the NFU has highlighted that it would like to see covered by the ALO. NH highlighted that some of the roles/responsibilities highlighted may be carried out by different teams within construction. An example was highlighted that the Construction Delivery Team would co-ordinate drainage liaison. The NFU stated at the meeting that it understands that some of the roles may be undertaken by a different team and if this were the case it would like to see where in any of the DCO documents submitted the different responsibilities are covered. If they are not highlighted then it wishes to see the experience requirements, the times and phone number to be contacted on for an ALO or Team along with roles not covered to be agreed and highlighted within the FI -EMP.</p> <p>NH are to review and have said they will clarify to the NFU.</p>
Applicant Comment:	<p>In the Applicant's updated Statement of Common Ground with the National Farmers Union submitted for Deadline 4 [REP4-019] the Applicant updated the section relating to the ALO to include the wording: As part of the Community/Stakeholder Engagement Team, resource will be identified to operate as an Agricultural Liaison Officer (ALO). This individual will be the dedicated point of contact for the farming community throughout the duration of the Scheme construction.</p> <p>The Applicant is committed to providing an ALO role within the team who will have the relevant experience to hold the role. The Applicant also undertook in the updated SoCG to provide a breakdown of the responsibilities of the ALO proposed by the NFU by Deadline 6 including a description as to who would be undertaking each responsibility.</p>
<p>2.6.3.2 – Roles and Responsibilities</p> <p>a) Applicant, you have not included 'Community Relations Manager' in the list of [REP1- 022, Q1.6.3.3], but references have been made elsewhere. Has this been omitted in error, provide details?</p> <p>b) Who would employ the Traffic Management Officer?</p>	

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Cambridgeshire Authorities	b) The Councils are of the view that the Traffic Management Officer should be employed by the Applicant or their contractor.
Applicant Comment:	The Applicant confirmed in its response to Q2.6.3.2 that the Traffic Management Officer would be employed by the Principal Contractor.
Q2.7	Draft Development Consent Order
Q2.7.1	General
Q2.7.1.1 – Discharging Requirements and Conditions a) All discharging authorities to check the Schedules in the dDCO for accuracy and provide the ExA with suggested corrections and amendments. b) The Applicant states that discharging authority for all requirements is the Secretary of State, following consultation with other bodies as appropriate, for example the relevant planning authority or relevant local highway authority [REP1-022, WQ1.7.1.3]. Applicant to confirm. LAs to comment.	
Bedford Borough Council	a) Requirement 24 – Register of Requirements The undertaker is only being required to maintain a register for a period of three years following the completion of the authorised development. Local authorities are required to maintain a register of planning applications and decisions with no end date. This applies to the smallest of developments. Why is it, that some of the largest developments in the country may be 'invisible' on the planning record after such a short time? The aftercare period for maintaining the landscaping may still apply after the requirement to keep a record of the approved details has expired. b) The LPA would normally expect to be the determining authority for discharging the requirements due to the local knowledge of the area rather than the SofS.
Applicant Comment:	The Applicant maintains its response to the same point made by Bedford Borough Council (RR-008abl) in the Applicant's Response to Relevant Representations at Deadline 1 [REP1-021], that the requirement to maintain the register for three years after the completion of the authorised development is a standard requirement for development consent orders made. There is precedent for this approach in the A1 Birtley to Coal House Development Consent Order 2021, the A19 Downhill Lane Junction Development Consent Order 2020, the M42 Junction 6 Development Consent Order 2020.

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	<p>The Applicant notes the point made by BBC in relation to maintenance of landscaping and the fact that this requirement would go on longer than the requirement to maintain the register. However, in practice the approved documents could be requested from the Scheme at any point and would therefore be available should the Council have any concerns.</p> <p>The Applicant refers to its response to this question in the Applicant's Responses to the Examining Authority's Second Round of Written Questions [REP4-037]. In addition, the Applicant notes that the Secretary of State will have the benefit of the Local Planning Authority's local knowledge in discharging the requirements as the relevant Local Planning Authority is a consultee in relation to any requirement that requires discharging that would be of relevance to that body.</p>
<p>Cambridgeshire Authorities</p>	<p>a) The Councils have submitted comments and suggested amendments to the dDCO at REP3-039. The Councils also highlight a number of inaccuracies in relation to Part 7, Schedule 3 of the dDCO in their Written Representation [REP1-048] at paragraphs 6.6.2 and 6.6.3.</p> <p>In addition, the Councils highlight the following required updates and corrections:</p> <p>(i) Schedule 3- - In relation to Part 6, page 89, the location should be described as <i>"from point 102 on Sheet 8 to point 101 on Sheet 9"</i>.</p> <ul style="list-style-type: none"> - In relation to Part 7, page 91, the new footpath between points 8/1 and 8/2 is noted as being 166m in Schedule 3 and 160m in Schedule 4. - In relation to Part 7, page 91, the new cycle track between 8/4 and 9/1 is stated to be 402m in Schedule 3 and 372m in Schedule 4. - In relation to Part 7, page 92, the new cycle track from 9/2 to 9/3 is stated to be 40m in Schedule 3 and 45m in Schedule 4. - In relation to Part 7, page 92, the new cycle track from 9/4 to 9/5 is stated to be 199m in Schedule 3 and 191m in Schedule 4. - In relation to Part 7, page 92, the new cycle track from 9/6 to 9/7 is stated to be 234m in Schedule 3 and 228m in Schedule 4. - In relation to Part 7, page 92, the new cycle track from 9/8 to 9/9 is stated to be 95m in Schedule 3 and 101m in Schedule 4. - In relation to Part 7, page 92, the new cycle track from 9/10 to 9/11 is stated to be 54m in Schedule 3 and 58m in Schedule 4. - In relation to Part 7, page 92, the new footpath from 11/5 to 11/6 is stated to be 495m in Schedule 3 and 489m in Schedule 4. - In relation to Part 7, page 92, the footway from 11/6 to 11/17 is stated to be 1033m in Schedule 3 and 1040m in Schedule 4. - In relation to Part 7, page 93, the new cycle track from 14/7 to 14/8 is stated to be 140m in Schedule 3 and 149m in Schedule 4. <p>(ii) Schedule 4 –</p> <ul style="list-style-type: none"> - In relation to Part 2, page 104, Reference FA, Sheet 6 of the Streets, Rights of Way and Access Plans [APP-013] appear to show the entirety of the highway on the west of the new dual carriageway, rather than finishing on the east.

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	<ul style="list-style-type: none"> - In relation to Part 2, page 107, Reference IB, the proposed highway is also shown on Sheet 8 of the Streets, Rights of Way and Access Plans [APP-013]. (iii) Schedule 10 – - A number of updates have been proposed to the First Iteration Environmental Management Plan [APP-234], for example, to incorporate the Scheme Design Approach and Design Principles document [REP3-014]. Schedule 10 will need to be updated to refer to the revised version once submitted. - Reference to the environmental statement should include documents 6.4 to 6.13 [APP-230 to APP-239]. - Reference to the archaeological mitigation Strategy should be updated to refer to REP3- 010. - Reference to biodiversity pre-commencement plan should be amended to pre-commencement plan and refer to the pre-commencement plan once submitted by the Applicant. <p>b) In respect of requirement 6, the Councils request that consultation on landscaping proposals is carried out with the relevant LHA as well as the relevant planning authority, insofar as the proposals relate to highway functions (e.g., landscaping on road verges).</p> <p>Beyond the requirements, with reference to Article 9(2) and where the maximum limits of deviation relating to local highways are to be extended after the Order is made, CCC requests that such an extension should be subject to approval of the local highway authority as well as the Secretary of State.</p> <p>Furthermore, with reference to 'Article 13 and Article 14, should the text of article 13 of the draft DCO be amended to provide for the LHA to act as the certifier that new highways have been satisfactorily completed. CCC as the relevant LHA would become the discharging authority for that part of the works.</p> <p>In relation to Article 45 (Felling or lopping of trees and removal of hedgerows), the Councils request that removal of hedgerows within the Order limits but not set out in Part 1 of Schedule 8, is permitted with the prior approval of the local planning authority.</p> <p>The Councils have provided draft amendments and comments on the dDCO at REP3-039 and discussions with the applicant are ongoing.</p>
<p>Applicant Comment:</p>	<ul style="list-style-type: none"> a)i)The references will be checked. a)ii) The references will be checked. a)iii) Schedule 10: <ul style="list-style-type: none"> - The Applicant has updated the revision numbers of the various documents in the dDCO as submitted at Deadline 4 [REP4-006]. - In relation to the additional documents identified by the Cambridgeshire Authorities we note the following:

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	<p>6.4 – Non-Technical Summary: This will be added to the elements of the Environmental Statement to be certified in Schedule 10 in the next iteration of the dDCO to be submitted at Deadline 6.</p> <p>6.5 – Scoping Opinion: The purpose of the Scoping Opinion is to shape the content of the Environment Statement and as such should not be a certified document.</p> <p>6.6 – Statutory Nuisances Statement: This is not a document which is referenced in the dDCO [REP4-006] or other certified documents given its purpose is to inform decision making rather than to secure mitigation, so it is not clear what purpose it would serve to include it as a certified document. The Statutory Nuisances Statement has been informed by the Environmental Statement and First Iteration Environmental Management Plan [APP-234] which include all relevant mitigation (as summarised in the Schedule of Mitigation) and have been certified as such.</p> <p>6.7 – HRA: No Significant Effects Report: The purpose of this report is only to record that there is no effect in order to inform the decision making. Post consent it does not have a role and is not referred to in the dDCO and does not need to be certified for that reason.</p> <p>6.8 – First Iteration EMP: This document is already separately certified in the dDCO.</p> <p>6.9 – Schedule of Mitigation: The purpose of the Schedule of Mitigation is as a sign posting document and as such it is not intended to be separately secured. The dDCO does not refer to the Schedule of Mitigation given that the Environmental Statement and First Iteration Environmental Management Plan [APP-234] contain the relevant mitigation to be secured. Accordingly, there is no useful purpose in certifying the Schedule of Mitigation.</p> <p>6.10 - Statutory and Non-Statutory Nature Conservation Plans: The Applicant can confirm this document has been prepared to satisfy the requirements of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. These plans are currently presented as Document 6.10 - Statutory and Non-Statutory Nature Conservation Plans [APP-236] within the Environmental Statement for the Scheme.</p> <p>6.11 - Statutory and Non-Statutory Historic Sites and Features: The Applicant can confirm this document has been prepared to satisfy the requirements of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. These plans are currently presented as Document 6.11 - Statutory and Non-Statutory Historic Sites and Features [APP-237] within the Environmental Statement for the Scheme.</p> <p>6.12 – Archaeological Mitigation Strategy: This document is already separately certified in the dDCO.</p> <p>6.13 – Biodiversity Pre-Commencement Plan: This document is already separately certified in the dDCO.</p> <p>- The document number for the Archaeological Mitigation Strategy has been updated in the dDCO as submitted at Deadline 4 [REP4-006].</p>

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	<p>- As a separate 'pre-commencement plan' was submitted by the Applicant which has been added to Schedule 10 this amendment is not necessary.</p> <p>b) Requirement 6 as amended in the dDCO as submitted at Deadline 4 [REP4-006] now requires consultation with the relevant local highway authority so far as it is relevant to its function.</p> <p>In relation to the amendments sought to Article 9(2) of the dDCO the Applicant maintains its position as set out in Appendix B to the Applicant's Comments on Deadline 3 Submissions [REP4-036].</p> <p>The Applicant maintains its position that it is not necessary for the local highway authority to certify any aspect under Articles 13 or 14 and as such does not agree that Cambridgeshire County Council as local highway authority should be the discharging authority for these aspects.</p> <p>The Applicant has amended Article 45 (Felling or lopping of trees and removal of hedgerows) to include a consultation role for the relevant local planning authority.</p>
<p>Central Bedfordshire Council</p>	<p>a) There are no proposed borrow pits within CBC and therefore we have left it to the other relevant councils to take a lead and comment on these.</p> <p>Notwithstanding the Archaeology Team are satisfied with Schedule 2, Part 1.9 (Archaeology).</p> <p>Schedule 1 – Authorised development It is noted that there are sections of land identified adjacent to the A1, on continuation 1A of works plan Regulation Sheet 1m which have no cross referenced works numbers within the schedule of authorised development. From a reading of the remainder of the Draft DCO text this land appears to be purely for a continuation of works 8 related to utilities, however confirmation would be appreciated.</p> <p>My only other comments were with regards to Schedule 2 – this isn't an error in the text or an inaccuracy – so this may not be the appropriate place to raise the query – but the wording re. working hours still appears overly flexible, applying very little control on works carried out during unsociable hours.</p> <p>Schedule 2 – Requirements</p> <p>Construction Hours – whilst not an error, CBC has previously made representations with regards to the duration of time during which construction activities can take place, and the wide range of activities which can be undertaken outside of those periods – including bridge and gantry demolition and installation, works over and adjacent to the East Coast Mainline Railway, works associated with the diversion of utilities, lifting operations, delivery of plant, concrete pours and piling. As such, as currently worded, a large proportion of construction activities would not be subject to any control in terms of timing. CBC would be seeking for its own local standards to be applied, as detailed within: https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes_of_practice_for_planning/2</p>

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	As such CBC would request that the wording of para 19 is amended to refer to local standards, with exceptions by agreement with the Local Authority.
Applicant Comment:	<p>The Applicant confirms that the land identified adjacent to the A1 as show on continuation 1.A of Sheet 1 of the Works Plans [APP-009] will be works associated with the A1 namely vegetation clearance on the approach to the Barford Road diverge and lay-by works.</p> <p>Regarding construction hours, the Applicant is willing to engage in discussions with the local authorities so that agreements can be sought when working close to sensitive locations, such as residential properties, or where there are specific activities, such as during school exams, where noise from construction could potentially be minimised. Where appropriate, discussions will be held with local authorities on these matters during the detailed design stage where mitigation can be discussed in more detail.</p>
<p>Q2.7.1.2 – Authorities and Statutory Undertakers Comment if you have concerns [REP1- 022, Appendix to WQ1.7.1.3]</p>	
NGG and NGET	A draft side agreement and modified protective provisions, in respect of NGG and NGET apparatus, are currently under negotiation and are the subject of ongoing discussions between the parties. A Statement of Common Ground is in circulation.
Applicant Comment:	The Applicant notes and agrees with this response from NGG and NGET.
Cambridgeshire Authorities	<p>In the Appendix to WQ1.7.1.3 in relation to article 46(2)(c) (trees subject to tree preservation orders), the Applicant states that there are currently no trees subject to tree preservation orders within the Order limits. Nevertheless, in so far as the Applicant still believes that it is necessary to include this power in the Order, the relevant authorities should be listed (Central Bedfordshire Council, Bedford Borough Council, Huntingdonshire District Council and South Cambridgeshire District Council).</p> <p>The Councils note that Bedford Borough Council and Central Bedfordshire County Council are listed as 'statutory undertaker' for all relevant articles, but none of the Cambridgeshire Councils are. The Councils do not necessarily suggest that is incorrect but do not presently understand the distinction and would be grateful for the Applicant's explanation.</p>
Applicant Comment:	<p>At Deadline 3 the Applicant corrected the error noted in the Appendix to WQ1.7.1.3 and confirmed that there are trees subject to Tree Preservation Orders within the Order Limits [REP3-015]. The Applicant agrees that the relevant local planning authorities would be as listed by the Cambridgeshire Authorities.</p> <p>In relation to the list of 'statutory undertakers', the Applicant notes that Bedford Borough Council and Central Bedfordshire Council are listed as they are highway authorities which are 'statutory undertakers' for the purposes of section 127(8) of the Planning Act 2008. In that regard, the list</p>

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	<p>should have also included Cambridgeshire County Council as a relevant highway authority and as such the correct list of statutory undertakers for the purposes of Article 2(1) of the dDCO is as follows:</p> <ul style="list-style-type: none"> Anglian Water Services Limited Bedford Borough Council Cadent Gas Limited Central Bedfordshire Council Cambridgeshire County Council Cambridgeshire Water / South Staffordshire Water PLC Eastern Power Networks PLC Environment Agency Exolum Pipeline System Ltd (formerly CLH Pipeline System Ltd) National Grid Electricity PLC National Grid Gas PLC Network Rail Infrastructure Limited Openreach Beds and River Ivel IDB UK Power Networks (Operations) Limited (UKPN) Virgin Media Vodafone
Q2.7.2	Definitions
<p>Q2.7.2.1 – Pre-commence and pre-commencement</p> <p>The ExA awaits the Pre-commencement plan at D4 [REP3-030].</p> <p>a) LAs do you have any comments on definition for pre-commencement as proposed by the Applicant [REP1-022, WQ1.7.2.1], and should it be included in the dDCO in addition to a pre-commencement plan. Applicant to comment.</p> <p>b) Applicant, would the pre-commencement be included in the First Iteration EMP, or be a stand alone document? Would it be a certified document? LAs to comment.</p>	
Bedford Borough Council	<p>a) Section 2 in Part 1 of the Order defines commencement as:</p> <p>“commence” means beginning to carry out any material operation (as defined in section 56(4) of the 1990 Act) forming part of the authorised development other than operations consisting of archaeological investigations and mitigation works, environmental surveys, preconstruction</p>

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	<p>mitigation works, investigations for the purpose of assessing and monitoring ground conditions and levels, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, temporary hard standing, receipt and erection of construction plant and equipment, diversion and laying of underground apparatus and utilities, protection works, demolition (save in relation to Brook Cottages), site clearance, construction compound set up, and the temporary display of site notices or advertisements, and "commencement" is to be construed accordingly;</p> <p>I would appear that this does not apply to the borrow pits where there are potential noise concerns in relation to site clearance and the construction compounds.</p>
Applicant Comment:	<p>The Applicant notes the response from Bedford Borough Council and further points to the Pre-Commencement Plan that was submitted by the Applicant at Deadline 4 [REP4-038].</p>
Cambridgeshire Authorities	<p>In so far as the Applicant now intends to introduce a pre-commencement plan (the Councils understand that this will be separate to the First Iteration EMP) to control the impacts of any works not included in the current definition of 'commence' in the draft Order [REP1-003], i.e. the pre-commencement works, then the Councils agree that a separate definition for 'pre-commencement works' is necessary for clarity – it will then be simpler to understand which plans apply to each set of works. As to the content of the definition of pre-commencement works, the Councils will have to withhold their comments until they see the content of the pre-commencement plan. There is a direct correlation between what can be included as pre-commencement works and the nature of the controls to be put in place under the pre-commencement plan. For example, if the proposed controls under the pre-commencement plan are insufficient in relation to HGV movements, then it may not be appropriate for the definition of pre-commencement works to include HGV heavy activities, such as demolition and site clearance.</p>
Applicant Comment:	<p>The Applicant notes the response from the Cambridgeshire Authorities and will respond to any further comments on this topic where necessary.</p>
Q2.7.3	Articles
<p>Q2.7.3.1 – Article 2(4) and 2(5) - Interpretation</p> <p>a) Without prejudice, provide suitable wording for Article 2(4) to clarify that measurements and distances in this dDCO, while 'approximate' will remain within the Limits of Deviation in Article 9.</p> <p>b) Without prejudice, provide suitable wording for Article 2(5), that the expected tolerance for the areas described in the Book of Reference allow for small tolerance and will remain within the Limits of Deviation in Article 9.</p> <p>c) Parties, state if you have comments or concerns.</p>	

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Cambridgeshire Authorities	The Councils await the Applicant's answer to questions a) and b) before commenting. The Councils also refer to their comments in relation to Q2.7.3.7 below.
Applicant Comment:	The Applicant notes this response from the Cambridgeshire Authorities.
NGG and NGET	No comment – not relevant to NGG/NGET apparatus/interests.
Applicant Comment:	The Applicant notes this response from NGG and NGET.
Q2.7.3.4 – Article 5 – Maintenance of authorised development, and Article 13 – Construction and maintenance of new, altered or diverted streets and other structures. Awaiting relevant update [REP3-007, REP1-048ab] in SoCGs in response to CCC [REP1-048] and CBC [REP1-054 and REP1-055].	
Central Bedfordshire Council	Presume that this will be updated in light with the SoCG. However at present CBC are still awaiting a legal costs undertaking and initial heads of terms with regards to the proposed highways side agreement proposed by National Highways.
Applicant Comment:	While the Applicant has provided a means of covering Central Bedfordshire Council's legal costs in relation to the legal agreement using an established method of covering the Council's costs to date this is yet to be confirmed as acceptable by Central Bedfordshire Council. The parties are working together to solve this issue. In relation to the heads of terms, the Applicant notes that a draft legal agreement was provided to Central Bedfordshire Council on 18 June 2021 and only high level comments have been received to date.
Q2.7.3.5 – Article 6 – Application of the 1990 Act a) Applicant, should this Article specify the temporary roundabout access at the Wintringham Construction Compound (Work No.74) (Compound) within the District of Huntingdonshire [REP3-008]. HDC to comment.	
Cambridgeshire	HDC is of the view that Article 6 does not need to specify the temporary roundabout access. The Wintringham Park outline planning permission (17/02308/OUT) approved a permanent roundabout from the current A428. The understanding of HDC is that this is to be constructed for the

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Authorities	compound access and thereafter it will revert back to access for the Wintringham Park development. It is therefore not a temporary measure as was approved under outline planning permission 17/02308/OUT.
Applicant Comment:	The Applicant notes this response from the Cambridgeshire Authorities.
Q2.7.3.6 – Article 13 – Construction and maintenance of new, altered or diverted streets and other structures <i>See related question(s) in Highway – network and structures</i>	
Central Bedfordshire Council	Unclear as to the cross-reference provided, so cannot comment further.
Applicant Comment:	The Applicant notes this response from Central Bedfordshire Council.
Q2.7.3.7 – Article 14 – Classification of roads, etc <i>See related question(s) in Highway – network and structures</i>	
Cambridgeshire Authorities	<p>We deal with the relevant questions below. However, more broadly we have submitted suggested changes to this article in our Comments on Applicant's DCO [REP3-039]. Further to those comments, the Councils believe that once the Applicant has revealed how it intends to make provision for the limits of deviation in relation to PROWs, further amendment to this article may be necessary. This would be to deal with the fact that any PROWs that are provided in application of the power to deviate may not be as described in the final column of Schedule 3, Part 7 and therefore article 14(7) may not be complied with. The PROWs listed in Schedule 3, Part 7 also appear in column (4) of Part 2 of Schedule 4 to the dDCO and are the replacement PROW that must be provided before the PROW listed in columns (1) and (2) of that Part are stopped up. Column (4) includes detailed requirements as to the length of, location of and points to be connected by the replacement PROWs. Again, there PROWs are provided pursuant to the power to deviate may not be compliant with these descriptions – with the result that the condition on which the relevant PROWs can be stopped up is not met. In order to deal with these difficulties, the Councils suggest that any power to deviate in relation to PROWs must be limited so that any deviated PROWs must either (i) continue to connect the points specified in relation to the PROW to be deviated in column (2) of Part 7 of Schedule 3 and column (3) of Part 2 of Schedule 4, or (ii) be agreed by the LHA as providing equivalent functionality to the PROW as originally proposed in Part 7, Schedule 3 / Part 2, Schedule 4.</p>

No.	Question/Applicant's Comments
Applicant Comment:	At Deadline 4 the Applicant provided an updated dDCO [REP4-006] together with updated Streets, Rights of Way and Access Plans [REP4-003] now showing the limits of deviation for the public rights of way. The amendments to the DCO (including a new paragraph (16) to Article 14) ensure that should the public rights of way be constructed taking advantage of the limits of deviation, sufficient information will be supplied to the local highway authority to update the Definitive Map and Statement.
Central Bedfordshire Council	Unclear as to the cross-reference provided, so cannot comment further.
Applicant Comment:	The Applicant notes this response from Central Bedfordshire Council.
Q2.7.3.8 – Traffic Manager responsibilities Typically no response from a LHA to a permit application is deemed to be acceptance of the request for road space booking. Why does CCC consider this approach to be unacceptable in relation to the Proposed Development?	
Cambridgeshire Authorities	CCC can confirm that no response after 28 days can be deemed as acceptance.
Applicant Comment:	The Applicant notes this response from the Cambridgeshire Authorities.
Q2.7.3.9 - Article 22(4) – Protective work to buildings Cambridgeshire Councils, provide justification why a longer notice period, for the undertaker to serve notice on the owners and occupiers of the building of its intention of carrying out protective works under this article, would be more appropriate, in light of the Applicant's response [REP3-007, WQ1.7.3.15].	
Cambridgeshire Authorities	A longer notice period would be more appropriate, as an occupier of a building requiring this type of work may be temporarily absent (e.g., on holiday), which could be reasonably expected to be for up to 14 days. Therefore, it is possible they will miss the notice given and not be able to respond. Additionally, such works may be very disruptive and require families to make temporary alternative arrangements for their lives and possibly accommodation. For this reason, as much notice as possible should be given, i.e. 28 days, as the applicant should be aware of these works in advance (except in unforeseen emergencies).

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Applicant Comment:	<p>The Applicant maintains its position that 14 days' notice is sufficient given the purpose of this power is to carry out protective works. The Applicant submits that an assumption that protective work required could be so disruptive as to require landowners to vacate the premises should be coupled with an assumption that there is a need to act quickly in order to prevent or limit the amount of damage being caused. Further it should be noted that, where the Applicant is able to provide additional notice or enter the land by agreement this will be done but the Applicant does not accept that the Cambridgeshire Authorities have provided sufficient justification to deviate from an established principle in providing 14 days' notice before exercising this power.</p>
<p>Q2.7.3.10 - Article 23 - Authority to survey and investigate the land</p> <p>a) Applicant, how can you justify forcing a landowner to provide access to their land which is adjacent to but outside the order limits (notwithstanding subject to notice period and compensation) given that this landowner may never have been consulted on the Proposed Development? Respond with reference to potential human rights interference of the landowners who might be affected.</p> <p>b) While the ExA could see the need for such a provision, with the evidence in Examination so far [REP3-050] [REP1-022], the ExA is not convinced that the provision of this article on land which is adjacent to but outside the order limits is reasonable without a clear definition of the word 'adjacent' in terms of clearly defined distances, and without knowing which landowners could be affected by it, is reasonable. Applicant to comment.</p> <p>c) Without prejudice, provide suitable wording for definition and any related revisions to wording of the Article.</p> <p>d) Applicant, quantify the significance of effect, in terms of construction programme and other effects, that imposing a longer notice period for Article 23 and Article 40 would have.</p> <p>e) NFU and CCE, state how specifically your members and your farming practices respectively would be affected by the 14 days' notice period.</p>	
Church Commissioners for England	<p>The power under Article 23 is extremely broad. It does not just relate to access for surveys and investigations, but also excavations, trial holes, boreholes, discharge of water and placing and leaving of apparatus.</p> <p>The proposed 14 day notice period would have a negative impact on farming practice because it does not give the tenant sufficient notice to:</p> <ul style="list-style-type: none"> • mitigate the undertaking of cultivations, crop planting or any crop husbandry on the affected area. Any loss incurred will be at a full level; • plan any field operations and to manage those in the context of their wider farm holding; • mitigate any field operations which may create health and safety concerns to either the farming operator or the construction team if they take place concurrently.

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	<p>Whilst a 28 day notice period may still cause impacts, having double the notice significantly increases the chance that the tenant may be able to mitigate. In any event, this should only be in the context of ongoing engagement by NH or its ALO (see below) with farmers so that they have advance notice of requirements save in the case of emergency.</p> <p>There is felt to be a lack of understanding and respect by NH for farming practice and the time and resources of farmers. Compensation (which can be disputed and delayed) is not an adequate remedy, where a little more care and co-operation would lead to less damage in the first place.</p> <p>CCfE is concerned at NH's response to Action 14 arising from ISH3 regarding the meaning of "adjacent" in Article 23 [TR010044/EXAM/9.33 at Appendix B] which suggests that in some cases "adjacent" land could be up to 250 metres from the Order Limits. In addition to the above, this could affect landowners and tenants in ways which they were not aware of when initially consulted, or who have not been consulted on the proposed development at all.</p>
Applicant Comment:	<p>The Applicant maintains its response to this question as provided for in the Applicant's Response to the Examining Authority's Second Round of Written Questions [REP4-037]. As noted in that response the Applicant would look to agree, so far as possible, voluntary access to the land for the purposes allowed under Article 23 before exercising this power in an effort to reduce the potential impact and disruption caused to landowners.</p>
NFU	<p>The NFU under other DCO schemes has agreed to 14 days' notice for surveys as stated within the draft DCO but subject to the agreement that where land is within an environmental scheme a 28 day notice would be given where a derogation will be needed. The NFU believes that this is not an unreasonable request, this would give a landowner time to request from the Rural Payments Agency (RPA) a derogation in regard to the affected area of land which would avoid the landowner receiving a financial penalty.</p>
Applicant Comment:	<p>The response provided by the Applicant to the Examining Authority's Second Written Questions on this matter still reflects the current position. Refer to the Applicant's response to Q2.7.3.10 d) in the Responses to the Examining Authority's Second Round of Written Questions [REP4-037].</p> <p>As set out in the above mentioned response, 'In Practice the Applicant will be in discussions with the landowner in advance of the exercise of these powers and as such the landowner will have more than 14 days within which to prepare for the access being taken and it would only be in the event that voluntary access was not possible that notice would be served.' This would also allow any landowners who may require derogations of the type described by the NFU to inform the Applicant of this and where allowance can be made the Applicant would look to do so.</p>
<p>Q2.7.3.11 - Article 40 – Temporary use of land for carrying out the authorised development and Article 41 – Temporary use of land for maintaining the authorised development</p> <p>e) Notwithstanding the drafting of the Model Provisions, the ExA can see merit in the case put forward by NFU [REP1-085] and CCE [REP3-044] regarding the need for a longer (28 days) notice period under the provisions of this Article.</p>	

No.	Question/Applicant's Comments
a) What were the circumstances that enabled the Applicant to accept the longer notice period for A30 Chiverton to Carland Cross, particularly with respect to due consideration for affected landowners, and are those applicable to the Proposed Development? b) Applicant, quantify the significance of effect, in terms of construction programme and other effects, that imposing a longer notice period for Article 23 and Article 40 would have.	
NFU	<p>The NFU would like to see a 28 day notice being given when notices are served to take land on a temporary basis for construction of the scheme. A 28 day notice is essential as a minimum and the landowners will still require prior notice to this. It is not possible to plan or change arrangements on farm within a 14 day notice period or give a third party any notice. A landowner/farmer could be away on holiday for two weeks and so would not know if a notice for 14 days had arrived. This helps to change supply deliveries like sprays and fertilisers and if livestock need to be moved from an area this is easier to achieve with 28 days' notice. The 28 days will be needed for a derogation as above where land is in an environmental scheme.</p> <p>As stated by NH</p> <p>in the SoCG to the NFU the Neighbourhood Planning Act 2017 has stated that under Part 2 Section 20 this requires acquiring authorities to give at least three months' notice and it also requires the acquiring authority to specify the period for which temporary possession is going to be taken. Even though this is still not in force it shows that it has been realised that under Compulsory Purchase that actually a 28 day notice is not sufficient let alone a 14 day notice.</p> <p>HS2 already gives 28 days' notice before temporary possession can be taken and this lead in time has caused farmers problems. Therefore, the NFU petitioned for three month notice to be included in the Hybrid Bill for Phase 2a. In response to this the Select Committee for Phase 2a in their Second Special Report instructed HS2 that where possession may be for longer than a week farmers should be given advance warning of the quarter year in which the temporary possession is likely to be taken and notice should be not less than three months prior to that quarter. HS2 following this offered an Assurance to NFU on 18th April 2019 and it states, "the Nominated Undertaker will provide at least 3 months' written notice in advance of the date of entry to the landowner and any occupier in respect of the relevant land to be occupied under temporary possession powers ("the Notice")".</p> <p>The NFU believes is not unreasonable to request a 28 day notice and if as has been stated to the NFU by NU that relevant landowners will already have had prior notice via consultation it would like to see that it is agreed under the ALO role that advance warning of the notice will be given at least 2 months before the notice is served.</p> <p>The NFU would like the notice which is served by HE to take temporary possession to state how long the temporary occupation will be for and for details on the programme of works to be provided by the contractor.</p> <p>The NFU therefore ask the Examining Authority to change the 14 day notice to a 28 day notice at Article 40 para (2). The NFU believes very strongly that a 28 day notice as a minimum is essential for temporary land take on large infrastructure schemes like Black Cat to Caxton Gibbet.</p>

No.	Question/Applicant's Comments
Applicant Comment:	<p>The response provided by the Applicant to the Examining Authority's Second Written Questions on this matter still reflects the current position. Refer to the Applicant's response to Q2.7.3.10 d) in the Responses to the Examining Authority's Second Round of Written Questions [REP4-037].</p> <p>As stated in the Applicant's Comments on Landowner's submissions at Deadline 3 [REP4-035]: the 14 day period was included in the Model Provisions and numerous other granted development consent orders, the Neighbourhood Planning Act 2017 (NPA) is not in force, and the application of notice provisions under the NPA to DCOs is not certain, therefore the method of a 14 day notice period (already accepted by practitioners, agents and contractors) should take precedent over the NPA.</p> <p>As also stated in [REP4-035], the outline programme will be provided to landholders at the start of each phase to provide a forward look of upcoming access requirements. The 14-day notice period will also confirm precise dates within the broader outline programme. This provides the landowners with the information required.</p> <p>Through ongoing engagement with the relevant landowners, the Applicant will look to provide as much notice as possible but the Applicant cannot accept an additional requirement from the NFU that a further 2 months' notice is provided on top of the 14 days required by Article 40. The landowners affected by Article 40 are well aware of the Scheme have been consulted thoroughly. The landowners will also be made aware of the decision to grant the Order (section 134 of the Planning Act 2008) and as such will be put on notice that powers under the Order may be exercised after the point the Order comes into force. This notice coupled with the ongoing engagement with landowners means that sufficient notice would be provided to those affected.</p>
<p>Q2.7.3.12 - Article 55 – Traffic regulation</p> <p>e) Applicant, confirm if different parts of the authorised development will be open for public use at different times [REP1-051].</p> <p>f) If so, then the ExA could see the point made by the Cambridgeshire Councils [REP1-051] that the provisions in this Article are ambiguous; for instance, would the period of 12 months in Article 55(3) and 24 months in Article 55(7) could then be different calendar periods. How would this be managed and monitored?</p> <p>g) Cambridgeshire Councils further elaborate on your concerns [REP1-051].</p>	
Cambridgeshire Authorities	<p>e) CCC are awaiting Applicant's response to 2.7.3.12. c) and d) to clarify how this will function.</p>
Applicant Comment:	<p>The Applicant notes this response from the Cambridgeshire Authorities.</p>

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Central Bedfordshire Council	N/A - as related to Cambridgeshire queries.
Applicant Comment:	The Applicant notes this response from Central Bedfordshire Council.
Q2.7.3.13 - Article 58 – Works in the River Great Ouse Awaiting updates [REP1- 076] [REP3-007].	
Environment Agency	We have no further comments to add to our previous response (REP1-076) as we are still in discussion with the Applicant with regard to the wording of Article 58.
Applicant Comment:	The Applicant notes this response from the Environment Agency and understands that the wording of Article 58 as set out in the dDCO submitted at Deadline 4 [REP4-006] is now agreed with the Environmental Agency.
Q2.7.5	Requirements
Q2.7.5.2 – Requirement 19 – Construction hours Awaiting clarification from Cambridgeshire Councils [REP1-051] [REP3-007].	
Cambridgeshire Authorities	The Councils withdraw their note of inconsistencies set out in REP1-051 . The Councils' position in response to Paragraph 2.6.244 of APP-071 and Requirement 19 of the dDCO [APP-025] is that core construction hours should be 8am to 6pm Monday to Friday, 8am to 1pm Saturday, and no working on Sundays and Bank Holidays. Start-up and shutdown periods of one hour is anticipated, either side of these core hours.
Applicant Comment:	The Applicant can confirm that the core construction hours are as those set out in Paragraph 2.6.244 within Chapter 2 The Scheme [APP-071] of the Environmental Statement. These are as follows: <ul style="list-style-type: none"> • 07:00-18:00 Monday to Friday • 07:00-13:00 on Saturdays

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	<p>The start-up and shut down periods would be either side of these times. During these periods, the Principal Contractor will be undertaking activities that cause minimal noise such as:</p> <ul style="list-style-type: none"> • Arrival of delivery vehicles to site • Arrival of vehicles to the works compounds • Plant and machinery checks • Arrival and departure of the works force at site • Site briefings • Site inspections • Site preparation – without the use of plant • Site clean up • Refuelling <p>The First Iteration Environmental Management Plan [APP-234] will set out these activities when it is updated at Deadline 6.</p>
Q2.9	Flood Risk
Q2.9.2	Interactions between different sources of flooding
	<p>Q2.9.2.1 – Grade separated junctions</p> <p>In light of the Applicant's response [REP1-022, WQ1.9.2.1], provide any further comments on the interactions between groundwater and surface water at the three grade separated junctions, the various underpasses and culverts, and any geographical low points?</p>
Cambridgeshire Authorities	<p>The Applicant is proposing to deal with this at the detailed design. If this is necessary at any of the junctions within Cambridgeshire it would be expected that there would be no adverse impact on any receiving surface waters, such as increased flows or pollution.</p>
Applicant Comment:	<p>The Applicant notes the Cambridgeshire Authorities' comments and agrees that there should not be any adverse impacts on any receiving surface waters, such as increase flows or pollutions at any junctions.</p>

No.	Question/Applicant's Comments
Central Bedfordshire Council	<p>CBC have no additional comments on the interaction between groundwater and surface water. The response given by the Applicant in 'Deadline 1 Submission - 9.2 Applicant's Response to the Examining Authority's First Round of Written Questions' and the referenced information provided relating to groundwater and surface water in Section 13.9 of '6.1 Environment Statement, Chapter 13: Road Drainage and Water Environment' addresses the issue of potential sources of flooding.</p>
Applicant Comment:	<p>The Applicant notes the comments from Central Bedfordshire Council.</p>
Environment Agency	<p>As noted by the Applicant, Chapter 13 of the Environmental Statement (ES) includes assessments of the interactions between groundwater and surface water at the three grade separated junctions and the various underpasses, cuttings and borrow pits.</p> <p>Based upon the information and analyses provided, the impacts on groundwater surface water interactions at these locations during the construction and operational phases are likely to be minor in most cases. However, in the case of the A1 Black Cat junction, the Applicant has outlined proposals to permanently seal the A1 underpass in order to prevent significant groundwater ingresses, the minor residual groundwater inflows (around 5m³/day) being collected within the road drainage network - as per <i>AECOM Technical Note: A428 Black Cat to Caxton Gibbet Improvements: Groundwater Risk Assessment. [60541541 October 2021] v1</i>. Further assessment by the applicant of the potential flood risk implications of these proposals is required. The model results that they have provided indicate that there will be an increase in flows within South Brook during the operational phase, and evidence needs to be provided to demonstrate that this will not result in any increase in flood levels within third party land. The hydraulic modelling should be revisited and a sensitivity test should be undertaken based upon a worst case scenario increase in flows to demonstrate that there will be no increase in flood risk as a result of the proposal to seal the A1 Black Cat underpass. The results of this sensitivity test should be included within the FRA Technical Note that we are still awaiting to review to address our other flood risk concerns.</p>
Applicant Comment:	<p>A further assessment of the impact of A1 groundwater flood risk on fluvial modelling has been completed using the groundwater inflow (approximately 5m³/day) stated in the Groundwater Technical Note, which is still being discussed with the EA. It has been calculated that this small maximum possible increase in volume from groundwater will not adversely affect the proposed Scheme SuDs provision for the A1 where nearly 10,000m³ of storage is to be provided for the A1 drainage design, pond BC2, as indicated in Appendix 13.3 - Drainage Strategy Report of the Environmental Statement [APP-219]</p> <p>The Applicant has assessed the groundwater flow impacts on South Brook and the groundwater discharge rates for South Brook in the maximum (extreme) scenario is 176 m³/day which equates to an increase of approximately 2.8% in groundwater flow and an average flow of 0.002m³/s. The 1% AEP plus climate change (design event) fluvial flow for South Brook is 14.1m³/s and therefore the change in groundwater discharge is less than 0.02% of this peak fluvial flow. Given that this calculation is based upon the most extreme scenario, the magnitude of</p>

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	<p>change in groundwater discharge rates is likely to be lower, and the resultant flood levels will not change. It is therefore considered that further hydraulic modelling is not required to demonstrate that changes in groundwater discharge will not impact upon fluvial flooding for South Brook.</p> <p>A FRA Technical Note has been prepared by the Applicant and sent to the Environment Agency for comment. The Applicant hopes to submit the FRA Technical Note at Deadline 6.</p>
<p>Q2.9.2.2 – Groundwater Dewatering</p> <p>a) Applicant, provide an update on the proposed permanent groundwater dewatering systems to be used in connection with the Proposed Development [APP-082, Paragraphs 13.9.118–123], including ongoing maintenance and costs.</p> <p>b) EA and LAs to comment.</p>	
<p>Central Bedfordshire Council</p>	<p>No comment can be made on the proposed permanent groundwater dewatering system until its design and maintenance has been provided at an upcoming detailed design stage</p>
<p>Applicant Comment:</p>	<p>The Applicant notes the response from Central Bedfordshire Council and that comments on proposed groundwater dewatering will be made at the upcoming detailed design stage.</p>
<p>Environment Agency</p>	<p>We previously understood that significant permanent groundwater dewatering might be required for the scheme, notably at the proposed A1 Black Cat Underpass. We indicated to the Applicant that this would not be acceptable. Subsequently, the Applicant has outlined proposals to permanently seal the A1 underpass in order to prevent significant groundwater ingresses during the operational phase, thereby mitigating the need for significant, permanent groundwater dewatering in this location - as per <i>AECOM Technical Note: A428 Black Cat to Caxton Gibbet Improvements: Groundwater Risk Assessment. [60541541 October 2021] v1</i>. Potential operational phase groundwater ingresses into other scheme elements are likely to be low and [according to TR010044/APP/6.1] can be mitigated by the use of groundwater flow path barriers. Further assessment by the applicant of the potential flood risk implications of permanently sealing the A1 underpass is required, as outlined within our response to Q2.9.2.1. Assuming that these proposals are implemented, however, then significant permanent groundwater dewatering is unlikely to be required for the scheme.</p>
<p>Applicant Comment:</p>	<p>The Applicant notes the Environment Agency's comment that provided the proposals are implemented then significant permanent groundwater dewatering is unlikely to be required for the Scheme.</p>
<p>Q2.9.4</p>	<p>Climate Change resilience</p>

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	<p>Q2.9.4.1 – Question repeated to seek response from specific respondents</p> <p>Flood Risk and Pollution Control</p> <p>a) With reference to the Exception Test, does the FRA demonstrate that the project will be safe for its lifetime, without increasing flood risk elsewhere (NPS NN, paragraphs 5.90 5.115)?</p> <p>b) Will the users of the Proposed Development remain safe in time of flood, even when climate change is considered?</p> <p>c) Will the River Great Ouse replacement floodplain storage be adequate, including with regard to the ongoing quarry restoration works?</p> <p>d) Have all sources of flooding been adequately considered in this assessment, including in-combination effects and the likely effects of climate change?</p> <p>e) Have all reasonable opportunities been taken to reduce overall flood risk as part of the Proposed Development?</p> <p>f) Are the proposed pollution control mechanisms sufficient to protect the environment, including with regard to climate change?</p>
<p>Cambridgeshire Authorities</p>	<p>b) In line with the modelling which has been submitted, the scheme is proposed to accommodate the impacts of climate change while managing surface water.</p> <p>d) The applicant has covered all sources of flooding within the FRA and Drainage Strategy. Modelling carried out within the hydraulic reports considers 65% climate change on watercourse models and 40% on surface water design, which is the current national standards.</p> <p>f) While the proposals are treating the majority of surface water through SuDS, where there is a requirement for additional treatment from areas of higher risk when measured against HEWRAT proprietary treatment is proposed. The LLFA would require greater justification to support the use of proprietary treatment, with more emphasis on natural means of treatment such as suitable planting within the basins which can remove more pollutants.</p>
<p>Applicant Comment:</p>	<p>b) The response from the Cambridgeshire Authorities is noted.</p> <p>e) The response from the Cambridgeshire Authorities is noted.</p> <p>f) The Applicant will consider reviewing the Drainage Strategy Report [APP-219] wording relating to the water treatment system principals for the Scheme.</p>
<p>Q2.10</p>	<p>Good Design</p>
<p>Q2.10.1</p>	<p>Visual appearance and design principles</p>

No.	Question/Applicant's Comments
	<p>Q2.10.1.1 – Scheme Design Approach and Design Principles</p> <p>a) The ExA is seeking views from LAs and all parties on the content of the Applicant's Scheme Design Approach and Design Principles [REP3-014], and if the design approach, design vision and design principles will guide the development of the detailed design post consent (should consent be granted) to deliver the following outcomes:</p> <ul style="list-style-type: none"> i) sensitivity to place, siting and design measures relative to existing landscape, character and function (NPS NN, Paragraphs 4.29, 4.30, 4.33) (other relevant local policies [REP1-051], [REP1- 054] [REP1- 055]); ii) producing high quality, beautiful and sustainable places (NPS NN, Paragraphs 4.29, Chapter 12 of the NPPF) iii) meeting principal objectives of the Proposed Development, mitigating problems, minimising adverse impacts, and sustaining the improvements to operational efficiency (NPS NN, Paragraph 4.31); iv) taking into account functionality, aesthetics, and technology (NPS NN, Paragraph 4.33); and v) best possible integration with the surrounding landscape [REP3-014, Paragraph 3.1.1]. <p>b) Do you feel that the design principles and features of specific structures [REP3-014, Appendix C] cover the range of physical structures, landscape features, and other measures that design principles should be set out for?</p> <p>c) Do you have understanding of the rationale behind the design principles for individual structures, in relation to the immediate surroundings, for instance [REP3-014, Appendix C]?</p> <p>d) Are you clear how the Scheme Design Approach and Design Principles would be secured through the DCO process, and is that adequate [REP3-014, Paragraphs 1.2.1-2]?</p>
<p>Bedford Borough Council</p>	<p>Response to a)</p> <p>BBC considers that the Applicant's Scheme Design Approach and Design Principles as set out in REP3-014 will deliver the outcomes set out in 1) to v) above. However, it is noted that in para 1.1.4 that the applicant expects limited further design progression within the parameters and principles, and that only minor changes to key structures and features will be possible. The design principles, are well progressed and there has been little opportunity to date for local authorities to input into these principles.</p> <p>Response to b)</p> <p>BBC considers that the design principles as set out in App C covers the range of structure and features along the route in Bedford Borough.</p> <p>Response to c)</p>

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	<p>BBC understands the rationale behind the design features as set out in App C.</p> <p>Response to d)</p> <p>BBC understands that the Scheme Design Approach and Design Principles would remain the same in all iterations of the Environmental Management Plan (EMP). As such, BBC is keen to engage in further discussion on structure and feature details during the examination and before the First Iteration of the EMP is completed.</p>
Applicant Comment:	<p>The Applicant welcomes BBC's position that it considers that the Design Approach and Design Principles as set out in REP3-014 will deliver the outcomes listed in the ExA's question Q2.10.1.1. The document is clear that, whilst the design is well-progressed, there will be opportunities for stakeholders to comment on the design details and to input into the Second Iteration Environmental Management Plan.</p>
NGG and NGET	<p>No comment – not relevant to NGG/NGET apparatus/interests.</p>
Applicant Comment:	<p>The Applicant notes the response from NGG and NGET.</p>
Cambridgeshire Authorities	<p>a) i) The conceptual approach to sensitivity is acceptable but all subject to detailed design progression.</p> <p>a) ii) At a detailed level much more could be done to create high quality, beautiful and sustainable places. The applicant refers to the aesthetic quality of structures, and in paragraph 3.3.15 that <i>“Structures have been designed as a family, with common design details, materials and structures. This approach has been taken to reinforce sense of place, create a memorable journey and maximise efficiency and buildability.”</i></p> <p>It is considered that there is nothing in the design of the features that relates particularly to the Cambridgeshire landscape or vernacular, and the authorities struggle to see how the structures would reinforce a sense of place. It is not clear at this stage whether the development will add to the overall quality of the area although its function is not debated.</p> <p>Paragraph 130 (b-c) of the NPPF requires that developments are visually attractive as a result of good architecture, layout and appropriate landscaping. Developments should be sympathetic to local character and history. The authorities question why such a utilitarian palette has been employed, when, particularly on NMU structures, for example sustainable timber, or green “living” bridges that connect both people and wildlife, or public art features would much better have reflected the Department of Levelling Up, Housing & Communities aspirations for the region. There is also little reference to local policy in relation to Design Principles including the South Cambridgeshire Local Plan policy HQ/1 which requires all new development to create coherent, place responsive design, which is legible and creates a positive sense of place and identity whilst also responding to the local context and respecting local distinctiveness.</p>

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	<p>a) iii) Notwithstanding ongoing discussions on mitigation planting and improving NMU experiences, it is considered that most of the principal objectives of the proposed Development have been met.</p> <p>a) iv) The proposed development is functional, but it is considered that aesthetics and technology have not been a key driver to the design. See comment ii above.</p> <p>a) v) The Councils have expressed concerns about planting mixes locations and quantum of trees, hedges and other landscape typologies which we considered to not yet be acceptable, and which has been resisted repeatedly by the applicant as having been agreed and deferred to the 2nd Iteration Environmental Management Plan.</p> <p>b) Yes, broadly agreed. Please comments on REP3-014 in the Council's D4 submission CLA.D4.OS.A.C for further information.</p> <p>c) No. No information has been provided as to how the individual structures identified have been designed to incorporate embedded biodiversity mitigation. Of particular concern are those structures identified as EP3.1 'mammal crossing' on the Environmental Masterplan [APP-091]. For example, preserving the existing bat flight paths are not identified as 'key constraints on structure design' for S19 (New Hen Brook Culvert and Underpass), S37 (Pillar Plantation Culvert and underpass), S31 (Toseland Road Bridge). It is not clear why other structure types or design were either omitted or discounted in the process. (i.e., Overpass designs could include green bridges). Please comments on REP3-014 in the Council's D4 submission CLA.D4.OS.A.C for further information.</p> <p>d) The applicant has confirmed in the Scheme Design Approach and Design Principles document [REP3-014] that this will be incorporated into the First Iteration EMP. However, this alone is not adequate as Requirement 12 does not currently require the detailed design to be developed in accordance with the First Iteration EMP. It is necessary that Requirement 12 be updated to refer to the First Iteration EMP in order to ensure that these principles are secured.</p> <p>We have stated in other parts of this question, in Q2.10.2.1 and in the Councils' D4 submission CLA.D4.OS.A.C, that the Scheme Design Approach and Design Principles are themselves not adequate. There are changes that we would like to see incorporated in to that document and we will seek to resolve through the DCO process and, by legal agreement, the mechanism for the Councils' approval of relevant elements of the detailed design.</p>
<p>Applicant Comment:</p>	<p>The Applicant welcomes the comments provided by the Cambridgeshire Authorities and responds as follows:</p> <p>a) (i) Noted.</p> <p>(ii) The Scheme Design Approach and Design Principles [REP3-014] clearly explain how the design has been developed from the outset to respond to and reinforce the local landscape character. This includes route alignment, earthworks, placement, scale, height and massing of structures and their visual appearance.</p> <p>Paragraph 5 of the NPPF states that it <i>“does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision making framework in the Planning Act 2008 (as amended) and relevant national policy</i></p>

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	<p><i>statements for major infrastructure, as well as any other matters that are relevant'</i>. It notes that this may include the National Planning Policy Framework, but it is not specific about which aspects could be relevant to infrastructure schemes. Paragraph 130, quoted by the Councils, refers principally to planning policies related to the design and laying out of developments, with references to arrangements of streets and appropriate mixes of development for example.</p> <p>(iii) Noted.</p> <p>(iv) see the Applicant's response to (iv) above.</p> <p>(v) The Applicant has explained in response to questions at Deadline 3, that the Councils' previous comments on planting mixes made before the application was submitted, but repeated in the Examination, have already been addressed. If the Councils have further comments specifically on the plant mixes, they will be considered in developing the Second Iteration Environmental Management Plan.</p> <p>Regarding the locations and quantum of trees, hedges and other landscape typologies, the Applicant notes that the Councils have largely agreed with the findings of the Landscape and Visual Impact Assessment presented in Chapter 7 of the Environmental Statement [APP-076]. The Applicant considers that additional mitigation for landscape and visual effects is not required or justified.</p> <p>b)</p>
<p>Central Bedfordshire Council</p>	<p>Comments from CBC have been responded to adequately.</p>
<p>Applicant Comment:</p>	<p>The Applicant notes and welcomes the response from Central Bedfordshire Council.</p>
<p>East West Rail Company</p>	<p>b) EWR Co considers that it is necessary and appropriate to include a design principle to require the consideration at detailed design of the opportunities to integrate the Scheme and the EWR Project, both in terms of design changes to allow for engineering efficiencies and the coordination of construction programmes. As set out in the below response to WQ2.10.2.1, it is appropriate that EWR Co should be consulted by NH about both the EWR Project specific design principle and to any changes to be made to the Scheme during detailed design.</p> <p>Whilst the Applicant may consult EWR Co as a matter of good practice, the inclusion of such a principle is appropriate as it will ensure engagement in the public interest.</p> <p>The below design principle is proposed for inclusion in the Environmental Management Plan [APP-234]:</p>

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	<p><i>"In preparing the detailed design and the construction programme, the potential interfaces with the East West Rail Project shall be taken into account. So far as reasonably practicable, the detailed design and construction programme shall provide for and demonstrate the realisation of design and programming efficiencies between the Scheme and the East West Rail Project."</i></p>
<p>Applicant Comment:</p>	<p>Given the different stages that the two projects are at, the Applicant does not consider that a design principle relating to East West Rail Co (EWR) is appropriate. The design process for the EWR Scheme, which is yet to announce a preferred route, prepare its preliminary design for that route or consult on that design, all of which could result in significant changes, is at a very early stage. This is in contrast to the Scheme which has already completed its preliminary design taking on board comments from consultation, completed its Environmental Impact Assessment, set its limits of deviation and has commenced the detailed design stage.</p> <p>Given this significant difference in design development between the two schemes, there is too much uncertainty for any real consideration to be given to any potential interfaces with EWR, especially as EWR's design is likely to be subject to change and evolve during its non-statutory or statutory consultation. However, the Applicant is willing to continue engagement with EWR through the regular monthly engagement meetings between the parties and will consider further cooperation opportunities when EWR provide a copy of the Interface Agreement that they have referred to. The Applicant will continue to engage with EWR to clarify this position.</p>
<p>Natural England</p>	<p>Natural England is broadly satisfied with the Scheme design approach and design principles subject to details of ecological mitigation features, identified on the Environmental Masterplan [APP-091], being reviewed to reflect the findings of ongoing species surveys and any advice through Natural England's review of draft licence applications. Details of ecological mitigation features, including any required landscaping and habitat connectivity to these features, will need to be agreed at the detailed stage.</p> <p>We note that it is anticipated that the design principles set out in Scheme Design Approach and Design Principles [REP3-014] will be incorporated into the First Iteration Environmental Management Plan [APP-234] in order that the commitments made can be secured through the Development Consent Order (DCO) process. Natural England is satisfied that this approach to securing the design commitments is adequate.</p>
<p>Applicant Comment:</p>	<p>The Applicant notes and welcomes the comments from Natural England.</p>
<p>Q2.10.2</p>	<p>Design development process</p>
<p>Q2.10.2.1 – Design development process</p>	

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a) Are you clear about the design development process and which parties would be consulted through the process [REP3-014, Section 5]?	
b) Are you content with the proposed design development process and which parties would be consulted through the process [REP3-014, Section 5]?	
Bedford Borough Council	<p>Response to a) and b)</p> <p>From reading Section 5 (and 4), it is not clear how NH will engage with stakeholders on detailed design issues. In addition, changes are expected to cover minor engineering efficiency / generation of information for construction changes. The process described in Section 5 suggests that any changes will be generated from within NH who will then engage with appropriate external stakeholders. This puts the onus on LAs and other external stakeholders to be fully aware of the design process project plan.</p>
Applicant Comment:	<p>In addition to the design development process set out in section 5 of the Scheme Design Approach and Principles [REP3-014] the Applicant is also engaging with Local Authorities to prepare the Local Highways Standards, which will aim to provide further clarity regarding detailed design development. In the development of the Local Highways Standards the Applicant is engaging with the various subject matter experts from Local Authorities to understand their requirements and demonstrate how these will be addressed through the design development process. The Local Highways Standards will be incorporated in the corresponding legal agreement that will outline additional processes for managing the implementation of the standards and engagement with Local Authorities.</p>
NGG and NGET	<p>No comment – not relevant to NGG/NGET apparatus/interests.</p>
Applicant Comment:	<p>The Applicant notes the response from NGG and NGET.</p>
Cambridgeshire Authorities	<p>a) Paragraph 5.1.4 [REP3-014] does not provide clarity on which parties will be consulted and at key stage of the design development process, including:</p> <ul style="list-style-type: none"> – detailed landscape scheme – detailed borrow-pit restoration – detailed design of biodiversity mitigation, such as mammal/bat underpasses – production of second/third iteration EMP – detailed design, routing and boundaries of highway assets. <p>b) The Councils consider that section 5 of REP3-014 does not contain sufficient detail in relation to the detailed design and consultation processes. The key elements of the consultation process result from the responses to the questions the Applicant poses at paragraph 5.1.4.</p>

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	<p>Item 9 of Appendix B of document REP3-014 (EXAM/9.26), 'Scheme response to the Road to Good Design', is headed 'Good road design is collaborative'. The document however does not outline what collaborative working is to be undertaken with CCC as the LHA to agree the extent of local highways and highway assets that are proposed to be handed over to the LHA upon completion of the scheme. As is noted by CCC at para 3.30 of document REP1-048, the agreement of highway boundaries for local roads is of significant importance to CCC in understanding the extent of the assets it is due to inherit as a result of the scheme. Such collaboration is also of value to the applicant and to adjoining private landowners as it serves to clarify, at an early stage, which parties are expected to assume ongoing responsibility for different assets. This is relevant to the principles of 'good design' as it allows areas of land to be identified that are not necessary for highway purposes which can be returned to their original rural condition or can be allocated for other landscaping or environmental purposes. The applicant has not commented on the means of engagement they intend to undertake with LHAs on this matter.</p>
Applicant Comment:	The Applicant will engage further with the Cambridgeshire Authorities to clarify points raised
Central Bedfordshire Council	Yes
Applicant Comment:	The Applicant notes and welcomes the response from Central Bedfordshire Council.
East West Rail Company	<p>It is not clear from [REP3-014] which parties would be consulted during the design development process, how these parties would be identified or how the requirement to consult is secured. In light of the potential interfaces between the Scheme and the EWR Project, as identified in [REP1-074], [AS011] and the Appendix to this response, EWR Co considers that it should be a consultee to the design development process.</p> <p>Paragraph 5.1.1 of [REP3-014] identifies that the nature of the changes anticipated during detailed design relate to engineering efficiency and the generation of information for construction. Given the potential for engineering and construction efficiencies to be achieved through the coordination of the Scheme and the EWR Project, EWR Co should be consulted in respect of:</p> <ul style="list-style-type: none"> • the consideration of engineering efficiencies and the coordination of construction programmes pursuant to the EWR Project design principle proposed in the above response to WQ2.10.1.1(b); • the identification of any necessary changes; and • the realisation of any such changes.

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	<p>In order to secure the consultation in respect of the design development process, the below amendment to requirement 12 of Schedule 2 to the dDCO [APP-025] is proposed:</p> <p><i>“Detailed Design</i></p> <p><i>12. - (1) The detailed design for the authorised development must accord with:</i></p> <p><i>(a) the preliminary scheme design shown on the works plans, the general arrangement plans and the engineering section drawings;</i></p> <p><i>(b) the principles set out in the environmental masterplan; and</i></p> <p><i>(c) the First Iteration EMP,</i></p> <p><i>unless otherwise agreed in writing by the Secretary of State following consultation with the relevant local authority on matters related to their functions, and in the case of the First Iteration EMP consultation with East West Railway Company Limited, provided that the Secretary of State is satisfied that any amendment would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</i></p> <p><i>(2) The detailed design for the authorised development must be prepared in consultation with East West Railway Company in respect of the consideration of engineering efficiencies and the coordination of construction programmes between the authorised development and East West Rail pursuant to the East West Rail design principle contained within the First Iteration EMP.</i></p> <p><i>(3) Where amended details are approved by the Secretary of State under paragraph (1), those details are deemed to be substituted for the corresponding plans or sections and the undertaker must make those amended details available in electronic form for inspection by members of the public.”</i></p>
<p>Applicant Comment:</p>	<p>As explained above, East West Rail Co (EWR) is in the very early design stage not yet having even announced a preferred route, prepared its preliminary design or consulted on that design. In contrast, the Applicant has completed its preliminary design taking on board comments from consultation, completed its Environmental Impact Assessment, set its limits of deviation and has commenced the detailed design stage for the Scheme. Therefore, if EWR wish to influence the Scheme's detailed design, they should provide comments to the Applicant in this respect now provided they have enough certainty regarding their design to do so. Dealing with this post consent and through amendments to paragraph (2) of Requirement 12 of the dDCO will simply not achieve what EWR seek.</p> <p>In addition, the requirement to consult under paragraph (1), which would only apply if the Applicant wished to deviate from the preliminary design, should be limited to those bodies who have decision making functions within the relevant administrative areas and can inform the Secretary of State on related matters. It is not appropriate to afford EWR a similar status to a decision making body simply due to their promotion of a Nationally Significant Infrastructure Project which has yet to be submitted or consented. To the extent that the Department for</p>

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	<p>Transport require the Applicant to work with EWR on matters relating to engineering efficiencies and the coordination of construction programmes, this is a matter which can and should be dealt with outside of the DCO process.</p> <p>To date, insufficient information has been provided by EWR to enable any meaningful engagement between the parties in relation to detailed design. The Applicant anticipates that this is because EWR have not yet developed the level of detail required to enable this, and will not do so until a preferred route has been announced, statutory consultation has been completed, and the design developed in response to stakeholder comments. The window of opportunity to inform detailed design of the Scheme is now, and unless this information is provided in short order with a significant level of certainty (which will not be possible until EWR has selected a route, and designed and consulted on that route) there will be limited opportunities to take it into account without causing potential delay to the Scheme.</p> <p>Finally, it is not yet certain if there will be any overlap of construction programmes or, if there is overlap, its extent and whether co-ordination could be facilitated without impacts to the Scheme's construction programme. Despite this, the Applicant is willing to continue engagement with EWR through the regular monthly engagement meetings and will consider further cooperation opportunities as these arise.</p> <p>Given this, the changes proposed by EWR to Requirement 12 of the dDCO are not necessary and would not achieve the purpose for which they have been proposed.</p>
Natural England	<p>Section 5.1.4 [REP3-014] does not appear to provide any detail regarding which parties would be consulted through the proposed design development process; further clarity on this would be welcome. Natural England would only expect to be consulted on matters within our statutory remit such as the design of mitigation features for protected species which will need to be agreed through Natural England's licensing process.</p>
Applicant Comment:	<p>The Applicant will engage further with Natural England to clarify this position</p>
Q2.11	Highways – network and structures
Q2.11.1	Transport Modelling
<p>Q2.11.1.1 – Methodology, inputs and outputs</p> <p>The NPS NN (Paragraphs 5.203, 5.204) explains that the Applicant should have regard to policies set out in local plans and that the Applicant should consult relevant LHAs and LPAs, as appropriate on the assessment of transport impacts. S16 The Traffic Management Act 2004, places a Network Management Duty (NMD) on local traffic authorities, or a strategic highways company (the network management authority), so far as is reasonably practicable, to ensure the expeditious movement of traffic on the authority's road network and facilitating the expeditious movement of traffic on road networks for which another authority is</p>	

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	<p>the traffic authority. At ISH2 [EV-038] both CCC and CBC stated that on the basis of the information before them that they were unable to comment on the Proposed Development's likely impact on them being able to fulfil their NMD.</p> <p>a) Given the Applicant acknowledges the limitations of applying strategic modelling to the localised level of individual junctions, sections of highway and in the case of Coton, how can the ExA and LHAs be confident in the traffic effects stated in the Case for the scheme [APP-240] and Transport Assessment [APP-241 and APP-242] at specific points elsewhere on the local highway network?</p> <p>b) The ExA welcome that the Applicant has proposed to undertake further sensitivity testing, in liaison with LHAs at various locations described in Scope of Junction Model Sensitivity Test [REP3-029]. Do CBC and CCC agree that the scope of that assessment will enable greater confidence in the traffic effects of the Proposed Development? Explain with reasons.</p> <p>c) Do LHAs intend on undertaking further analysis such as has been provided for Caxton Gibbet [REP2-003, Fig 1, 7.2.22]? If so, which locations would this relate to and when will this be provided to the ExA?</p>
<p>Cambridgeshire Authorities</p>	<p>c) NH undertook junction assessments that have been used to assess the operation of key junctions both directly on the scheme and in more removed locations. The main scheme junctions are included in the Transport Assessment (APP-241 and APP-242) and the Transport Assessment Annex (APP-243).</p> <p>The key issue for CCC with the local junction modelling is that the traffic flows (both Base and future year) have been taken directly from the Strategic Model without any reference to observed count data. Whilst it is acknowledged that this is an acceptable practice if there is no other alternative, it is not best practice as strategic models are not validated to individual turning movements. NH claim that they have followed best practice due to the major changes being made to several of the junctions (especially those on the scheme) meaning that it was not possible to provide validated base models. This point is not supported by CCC.</p> <p>As stated above the approach taken by NH in extracting the flows directly from the strategic model is an acceptable methodology if there is no other alternative. However, in order to make this approach acceptable it is important to verify how the turning proportions in the models compare to any available observed count data. This is required to enable a check to be made as to the turn proportions within the strategic model. CCC have undertaken a review of the information provided in support of both NH's Technical Note 73 [REP1-030] and Technical Note 81 (not submitted as part of the Examination).</p> <p>The result of this review is that some of the turning movements at junctions both on the scheme and on the local road network in the Base Year Saturn model do not accurately represent the observed turning proportions from the available count data. These differences are exacerbated in the future year models and therefore, CCC are of the opinion that the approach followed NH is not appropriate for the assessment of the scheme on the local road network.</p> <p>The example included in the Local Impact Report included the data for Caxton Gibbet, this is repeated below for consistency.</p>

No.	Question/Applicant's Comments
	<p>In the information below, the first table is the data supplied by NH and the second represents the comparisons of the turning movements undertaken by CCC.</p> <p>Caxton Gibbet AM Peak</p> <p>Table will not copy into this document</p> <p>From this information it is possible to see that the link flows are very similar in the model and the observed data meaning that there is no issue with the use of the strategic model in this location. However, when the individual turn proportions are analysed, it is possible to see that the model does not accurately reflect the turn proportions in the observed count data. The worst arm is the A1198 (South) where the model overestimated the traffic heading North on the A1198 by 40% while the turn proportion on to the A428 (East) is underestimated by 39%. Due to the issues with the A1198 (South) turn proportions the Councils require this junction to be included in the sensitivity testing proposed by NH in light of the matters highlighted at ISH2.</p> <p>Caxton Gibbet PM</p> <p>Table will not copy into this document</p> <p>From this information it is possible to see that the link flows are very similar in the model and the observed data meaning that there is no issue with the use of the strategic model in this location. However, when the individual turn proportions are analysed, it is possible to see that the model does not accurately reflect the turn proportions in the observed count data. The worst arm is the A1198 (South) where the model overestimated the traffic heading North on the A1198 by 55% while the turn proportion on to the A428 (East) is underestimated by 38% and the A428 Cambridge Road (wase) is underestimated by 17%. Due to the issues with the A1198 (South) turn proportions the Councils require this junction to be included in the sensitivity testing proposed by NH in light of the matters highlighted at ISH2.</p> <p>Black Cat AM Peak</p> <p>Table will not copy into this document</p> <p>As can be seen that, whilst the link flows for each arm at the junction are not exactly the same in the model as in the observed traffic data, they are within a reasonable range. when the turning proportions are examined it is clear that the model reasonably represents the observed movements in the AM peak and therefore the use of the strategic model flows in the assessment of this junction is reasonable.</p> <p>Black Cat PM Peak</p> <p>Table will not copy into this document</p> <p>As can be seen that whilst the link flows for each arm at the junction are not exactly the same in the model as in the observed traffic data, they are within a reasonable range. when the turning proportions are examined it is clear that the model reasonably represents the observed movements in the PM peak and therefore the use of the strategic model flows in the assessment of this junction is reasonable.</p>

No.	Question/Applicant's Comments
	<p>Cambridge Road AM Peak</p> <p>Table will not copy into this document</p> <p>The link flow comparison indicates that the model has reasonable link flow comparison for the B1428 and A428 west but has too much traffic on the A428 Cambridge Road (+434). In addition, the turning proportions in the model are not representative of the observed data with the main issues seen on the B1428 Cambridge Road where the model underestimates the number of vehicles turning west and overestimates the number turning east onto the A428 from this junction, whilst the turn proportions from the A428 are reasonable representative. Due to the issues with the Cambridge Road turn proportions the Councils require this junction to be included in the sensitivity testing proposed by NH in light of the matters highlighted at ISH2.</p> <p>Cambridge Road PM Peak</p> <p>Table will not copy into this document</p> <p>The link flow comparison indicates that the model has reasonable link flow comparison for the B1428 and A428 west but has too much traffic on the A428 Cambridge Road (+257) the level of flow discrepancy is lower than in the AM peak. The turning proportions are more representative than in the AM peak and therefore the Councils require this junction to be included in the sensitivity testing proposed by NH in light of the matters highlighted at ISH2.</p> <p>Potton Road AM Peak</p> <p>Table will not copy into this document</p> <p>The link flow comparison indicates that the model in this location does not show a reasonable link flow comparison on all arms. The turning proportions are also significantly different for all movements than indicated by the observed count data and therefore the Councils require this junction to be included in the sensitivity testing proposed by NH in light of the matters highlighted at ISH2.</p> <p>Potton Road PM Peak</p> <p>Table will not copy into this document</p> <p>The link flow comparison indicates that the model in this location does not show a reasonable link flow comparison on all arms. The turning proportions are also significantly different for all movements than indicated by the observed count data and therefore the Councils require this junction to be included in the sensitivity testing proposed by NH in light of the matters highlighted at ISH2.</p> <p>St Ives Road AM Peak</p> <p>Table will not copy into this document</p>

No.	Question/Applicant's Comments
	<p>The link flow comparison indicates that the model has reasonable link flow comparison on all arms meaning that the Strategic model is reasonable for use in the assessment of the strategic impact of the proposed scheme. However, the turning proportions are more reasonable on the A428 in both directions but the turn proportions on the B1040 St Ives Road are not representative of the observed data and therefore the Councils require this junction to be included in the sensitivity testing proposed by NH in light of the matters highlighted at ISH2.</p> <p>St Ives Road PM Peak</p> <p>Table will not copy into this document</p> <p>The link flow comparison indicates that the model has reasonable link flow comparison on all arms meaning that the Strategic model is reasonable for use in the assessment of the strategic impact of the proposed scheme. However, the turning proportions are more reasonable on the A428 in both directions but the turn proportions on the B1040 St Ives Road are not representative of the observed data and therefore the Councils require this junction to be included in the sensitivity testing proposed by NH in light of the matters highlighted at ISH2.</p>
<p>Applicant Comment:</p>	<p>In respect of the Caxton Gibbet and Cambridge Road junctions, the issues raised by the Cambridgeshire Authorities in the section above will be addressed through the sensitivity testing that has been undertaken. A report on the Sensitivity Testing undertaken, Junction Model Sensitivity Test Outputs [TR010044/EXAM/9.68], has been submitted at Deadline 5. This will set out the results of the sensitivity tests undertaken. In respect of the Eltisley Link junctions, the Applicant does not propose to re-visit the junction capacity modelling for the reasons set out in document 9.44 Scope of Junction Model Sensitivity Test [REP3-029]. In summary, this is because the junction layout changes fundamentally: the future layout does not resemble the existing layout; the pattern of traffic flows at this junction will be fundamentally different with the Scheme because of the removal of through traffic from the existing A428; and that this junction is predicted to operate well within capacity in 2040 with the Scheme in place (max RFC=0.33). Please refer to the Transport Assessment [APP-241] Table 6-9 for more detail. This junction could therefore in principle carry more than double the amount of traffic assigned to it in the Model before reaching its capacity. There is therefore no reason for further modelling, to confirm the adequacy of the layout proposed at this junction in the Scheme.</p> <p>Similarly in respect of the B1046/ Potton Road junction (Transport Assessment [APP-241] Table 6-6).</p>
<p>Cambridgeshire Authorities</p>	<p>a) The modelling that supports the proposed scheme includes the use of a bespoke strategic model which is based on the South East Regional Transport Model (SERTM) and is built using Saturn Software. The strategic model has been built and validated in accordance with the Department for Transport's Transport Analysis Guidance (TAG) which is Industry standard best practice.</p> <p>The Local Model Validation Report (LMVR) suggests that the model validates very well against the criteria set out in TAG. NH provided CCC with a cordon of the A428 model that covered the whole of Cambridgeshire. CCC have undertaken a review of the model supplied and have agreed that the model forms a reasonable basis for the assessment of the strategic Impact of the proposed scheme.</p>

No.	Question/Applicant's Comments
	<p>The review of the strategic model did however highlight several areas where potentially strange routing patterns were noted within the model most notably in the following locations:</p> <ul style="list-style-type: none"> • Coton • B1040 throughout the whole County • A1198 south of Caxton Gibbet • Dry Drayton, and • Madingley <p>NH have provided several technical notes throughout the examination process that look to address these issues, as follows.</p> <p>Coton</p> <p>The routing issues affecting Coton were addressed in Deadline 1 Submission – 9.8 Traffic Routing Impacts at Coton [REP1- 027] This note acknowledges that the routing issues highlighted were due to coding errors in the model at M11 J13 and J12. The routing suggested by the strategic model is very unlikely to be realised due to the nature of the road through Coton and, therefore, the Councils have requested monitoring of traffic through Coton to gauge the true impact of the scheme on this location.</p> <p>B1040</p> <p>The routing along the B1040 was addressed in the applicant's response to the Councils Written Representations [REP3-008], in this document NH states they have undertaken a Select Link Analysis (SLA) within the model to understand the full origin and destination of the trips using the B1040 and that most of the trips originate from further south on the A1. This assertion appears reasonable but the SLA referred to has not been shared with the Councils and so it has not been possible to verify the origins of trips using the B1040. The Councils have requested monitoring of traffic through Eltislely to gauge the true impact of the scheme on this location.</p> <p>A1198 South of Caxton Gibbet</p> <p>The routing on the A1198 is also covered in REP3-008 but as with the B1040 the results of the SLA have not been shared with the Councils. In addition, the reporting of the SLA results focuses on the destination of the trips rather than the origin. At the meeting with the Applicant on the 19th October 2021 CCC requested the results of the SLA as of the 25th October 2021 this information has not been received.</p> <p>Dry Drayton and Madingley</p> <p>The routing of traffic through Dry Drayton and Madingley has been addressed by NH in Technical Note 9.43 Assessment of Traffic flows at Dry Drayton and Madingley [REP3- 028]. This note indicates that there are coding errors in the model in both Dry Drayton and Madingley areas that means the roads through these Villages are more attractive in the model than they would be in reality. Therefore, as the impact</p>

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	<p>cannot be accurately predicted before the Order is granted, the Councils have requested monitoring of traffic through both Dry Drayton and Madingley to gauge the true impact of the scheme on these Villages.</p> <p>The result of this exercise indicates that in areas more remote from the scheme there are issues with some of the coding in the strategic transport model. However, despite these issues the validation of the model especially near the proposed scheme remains very high and therefore, the Councils remain of the opinion that the strategic model remains suitable for use in the assessment of the strategic impact of the scheme, but it is not suitable for use in the assessment of detailed local impacts due to the issues highlighted in these locations and the comparisons that have been undertaken on the correlation between observed turning movements and the turn proportions indicated by the base year traffic model.</p> <p>b) The local junction modelling is key to understanding the operation of the road network this is vital in enabling the Councils to fulfil their Network Management Duty (NMD). The modelling of individual junctions also plays a key role in the agreement of the design of the proposed scheme, i.e., are the junctions of sufficient size and scale to cater for the levels of traffic predicted or are they too large which might lead to increased induced traffic which is not policy compliant.</p> <p>As set out in the Local Impact Report (LIR) [REP2-003] 7.2.22 in figure 1 the link flow comparisons between the strategic model and the observed data from 2015 and 2016 show that the model reasonably accurately represents the level of traffic on each approach arm (Link Flow) to the junctions but, as figure 2 indicates, the turn proportions do not accurately represent the observed data. Therefore, the Councils have requested additional analysis be undertaken on the junctions tested in the Transport Assessment As set out in the Local Impact Report (LIR) [REP2-003] 7.2.22 in figure 1 the link flow comparisons between the strategic model and the observed data from 2015 and 2016 show that the model reasonably accurately represents the level of traffic on each approach arm (Link Flow) to the junctions but, as figure 2 indicates, the turn proportions do not accurately represent the observed data. Therefore, the Councils have requested additional analysis be undertaken on the junctions tested in the Transport Assessment [APP-241 and APP-242] using observed count data to adjust future year traffic flows from the strategic model so that they better reflect the turn proportions seen in the observed data. This information is required to give the Councils the confidence in the traffic flows being used in the junction assessments, which, in turn, will allow the Councils to form a view on the suitability of the proposed scheme design, especially with regard to the elements that the Councils will be asked to adopt. using observed count data to adjust future year traffic flows from the strategic model so that they better reflect the turn proportions seen in the observed data. This information is required to give the Councils the confidence in the traffic flows being used in the junction assessments, which, in turn, will allow the Councils to form a view on the suitability of the proposed scheme design, especially with regard to the elements that the Councils will be asked to adopt.</p> <p>The additional sensitivity testing proposed by NH is welcomed by the Councils but the level of confidence that these tests will afford will depend on the information that is put forward by NH</p>

No.	Question/Applicant's Comments
	<p>The scoping note submitted [REP3-029] indicates that the sensitivity tests will be carried out using a methodology consistent with option 2 from the note submitted by the Councils. This should ensure that the sensitivity testing gives a better indication of performance of the junctions tested but this will depend on the exact process used by NH. The Councils request early sight of the traffic data to be used in the sensitivity tests to try to get these agreed as soon as possible and minimise the risk of further disagreement.</p> <p>The other issue that will enable the Councils to have confidence in the modelling of the scheme and resulting impacts on the Local Road Network is a clear understanding of the junctions that will be retested as part of this process. The Councils require all the junctions currently included in the Transport Assessment [APP-241 and APP-242] to be retested using the revised traffic data.</p> <p>In addition, the Councils have set out a list of additional junctions that need to be assessed to enable the impact of the scheme on the Local Road Network to be assessed, specifically junctions on Great North Road and Cambridge Road St Neots as both these roads are shown to experience significant increases in traffic as a result of the scheme (Approximately 24% increase in AADT with Approx. 200 additional PCU's in the peak hours). The assessment of these junctions should be informed by observed data as required in the sensitivity tests.</p> <p>The Councils require the assessment of these junctions because both Great North Road and Cambridge Road experienced significant delays in 2015 due to congestion on the A428 which regularly saw queues extend back to the Nelson Road/Great North Road and Station Road/Cambridge Road/Cromwell Road Junctions and therefore the Councils need to be assured that the junctions on the LRN can accommodate the additional traffic suggested. Without this information the Councils are not convinced they can fulfil their NMD.</p> <p>c) The Councils undertook a comparison of the turning proportions at all of the junctions for which NH provided information. This information is appended to the Councils' D4 submission in document CLA.D4.WQ2.AS2</p>
<p>Applicant Comment:</p>	<p>a) The Applicant welcomes CCC's statement that the model forms a reasonable basis for the assessment of the strategic impact of the Scheme. The Applicant notes the request for the select link analysis carried out for the B1040 and A1198 south of Caxton Gibbet and will make this available to CCC but will require CCC to specify that format in which this information is required. While the Applicant considers the issues raised at the locations highlighted by CCC have been fully addressed in the various Technical Notes prepared in an attempt to provide clarity and transparency.</p> <p>b) The Junction Model Sensitivity Test Outputs [TR010044/EXAM/9.68], have been submitted at Deadline 5 and explain the data sources and methodology, which aligns with the Cambridgeshire Authorities' suggested methodology following ISH2.</p> <p>b) The Applicant accepts the Cambridgeshire Authorities' approach to developing future year traffic flows for sensitivity tests. This is explained in document 9.44 'Scope of Junction Model Sensitivity Test' [REP3-029]. The Cambridgeshire Authorities have requested that these tests are undertaken at all the junctions assessed as part of the DCO application and has requested assessment of additional junctions. However, the Applicant does not intend to undertake further modelling at all junctions, or for the additional junctions requested, and the rationale for this is explained in document 9.44 'Scope of Junction Model Sensitivity Test' [REP3-029].</p>

No.	Question/Applicant's Comments
	c) The Applicant has reviewed the document and noted the points suggested by the Cambridgeshire Authorities. The Applicant accepts this approach to developing future year traffic flows for sensitivity tests. This is explained in document 9.44 'Scope of Junction Model Sensitivity Test'[REP3-029]. The Cambridgeshire Authorities have requested that these tests are undertaken at all the junctions assessed as part of the DCO application and has requested assessment of additional junctions. However, the Applicant does not intend to undertake further modelling at all junctions, or for the additional junctions requested, and the rationale for this is explained in [REP3-029].
Central Bedfordshire Council	Agreed that the sensitivity testing proposed will provide greater confidence in the assessment and forecasting of traffic effects for the Biggleswade North junction. At present CBC are not proposing to undertake further independent junction analysis.
Applicant Comment:	The Applicant notes and welcomes the response from Central Bedfordshire Council.
Q2.11.1.2 – COVID-19 At Deadline 1 the Applicant provided additional submission Assessing the Potential Impacts of COVID 19 – The implications for traffic forecasts for the Scheme [REP1-029]. Do LAs and all parties broadly accept the findings of the document provided? If not explain with reasons.	
Bedford Borough Council	BBC accepts the findings of the document provided at REP1-029.
Applicant Comment:	The Applicant notes and welcomes the response from Bedford Borough Council.
NGG and NGET	No comment – not relevant to NGG/NGET apparatus/interests.
Applicant Comment:	The Applicant notes the response NGG/NGET.
Cambridgeshire Authorities	CCC accept that modelling the impacts of COVID 19 at present is difficult. CCC would welcome the assessment of the impact of COVID 19 on the proposed scheme after DfT release the Uncertainty Toolkit later this year.

No.	Question/Applicant's Comments
Applicant Comment:	The Applicant notes the Cambridgeshire Authorities' acknowledgement of the difficulty in modelling the impacts of COVID-19. The Applicant has been advised by the Department of Transport that the Uncertainty Toolkit together with the release of updated National Trip End Model projections, will not occur until March 2022 at the earliest. Please refer to 'Statement on Forthcoming Updates to DfT Transport Appraisal Guidance' [REP4-046].
Central Bedfordshire Council	CBC broadly agree.
Applicant Comment:	The Applicant notes and welcomes the response from Central Bedfordshire Council.
Q2.11.1.3 – Economic Sensitivity Test At Deadline 1 the Applicant provided additional submission Economic Sensitivity Test Technical Note [REP1-027]. Do LAs and all parties broadly accept the findings of the document provided? If not explain with reasons.	
Central Bedfordshire Council	No comment
Applicant Comment:	The Applicant notes and welcomes the response from Central Bedfordshire Council.
Bedford Borough Council	BBC accepts the findings of the document provided at REP1-027.
Applicant Comment:	The Applicant notes and welcomes the response from Bedford Borough Council.
NGG and NGET	No comment – not relevant to NGG/NGET apparatus/interests.

No.	Question/Applicant's Comments
Applicant Comment:	The Applicant notes the response NGG/NGET.
Q2.11.2	Road layout, junctions and bridges
<p>Q2.11.2.1 – Road design and layout</p> <p>CCC [REP1-048] have requested that new highways infrastructure be provided in accordance with DMRB.</p> <p>c) With particular regard to route continuity and road safety considerations, how is this justified where the existing roads leading to those points do not currently appear to conform with DMRB? Please provide justification for each location referred to.</p> <p>d) Do other Local Highway Authorities share the view that new highways infrastructure, for which they will be responsible for in future, should conform with DMRB?</p>	
Bedford Borough Council	e) BBC's response is that in this case, and without commenting on the general principle, the issue of highway design standard is dependent on context. The new or replacement LHA roads within Bedford Borough (excluding Black Cat junction) are either access roads to residential units (e.g. Great North Road) / private facilities (Kelpie Marina), or in the case of Roxton link, a road which provides access for units which previously had direct access to the A1 north. In this context, BBC has accepted a lower standard of design than DMRB on the basis that the new and replacement roads have been provided and designed for specific purposes. Acceptance of a lower design standard for BBC's local roads does not imply acceptance of the principle in other LHAs or on other schemes.
Applicant Comment:	The comments made by BBC are noted. The Applicant confirms that agreement has been reached with BBC on these matters and that this is reflected in the preliminary design submitted as part of the Application.
Cambridgeshire Authorities	Please see separate document CLA.D4.WQ2.AS1 for the Councils' response to this question
Applicant Comment:	The Applicant has prepared a response [TR010044/EXAM/9.67] to the Cambridgeshire Authorities' document CLA.D4.WQ2.AS1 [REP4-056] which was submitted as a separate document at Deadline 5..
Central Bedfordshire	Broadly agreed that infrastructure should conform with DMRB, however a minor relaxation in terms of widths has been discussed for a short section within CBC, which is considered likely to be acceptable as it reflects the widths of the connecting carriageway.

No.	Question/Applicant's Comments
Council	
Applicant Comment:	The comments made by CBC are noted. The Applicant confirms that agreement has been reached with CBC on these matters and this is reflected in the preliminary design submitted as part of the Application.
<p>Q2.11.2.2 – Black Cat Junction</p> <p>a) The ExA note the response of the Applicant to ISH3 Hearing Action Points 3 and 4 was not submitted at D3. This information is critical to the ExA's understanding of the evolution of the Proposed Development and to be satisfied that reasonable alternatives were explored relating to the proposed Black Cat Junction. Provide this information at D4.</p> <p>b) Is BBC satisfied that the proposed access to the south east of the gyratory would facilitate future development intentions of the Council [RR-008a]?</p>	
Bedford Borough Council	To be addressed by consultants
Applicant Comment:	The Applicant notes this response from Bedford Borough Council. The Applicant has submitted an Overview of the Alternatives considered at the Black Cat Junction [REP4-032] .
Q2.11.5	De-trunking proposals and new local highway infrastructure
<p>Q2.11.5.1 – De-trunking proposals</p> <p>f) Further to the Applicant's written and oral submissions received so far in the Examination [REP1-021] [REP1-022] [REP3-008], do LHAs consider that they have an accurate understanding of the condition in which the highway asset to be de-trunked will be transferred?</p> <p>g) Applicant, provide updates on the progress made on de-trunking agreements.</p> <p>h) How will LHAs' agreement to handover at a specific point in time be secured?</p> <p><i>See related question(s) in Draft Development Consent Order</i></p>	
Cambridgeshire Authorities	a) CCC has little understanding of the condition in which assets to be de-trunked will be handed over to the LHA. The LHA requires clarity regarding the condition of assets to be handed over, as this will be essential to the assessment of the future maintenance liabilities that the LHA is acquiring.

No.	Question/Applicant's Comments
	<p>The Authority LHA seeks an accurate assessment of the existing condition of the relevant assets and wishes to reach agreement with the Applicant on the condition in which the assets will be handed over. This will enable agreement with the Applicant regarding the works to be undertaken by the Applicant prior to acceptance and handover.</p> <p>c) CCC has proposed amendments to Article 14 of the dDCO [REP3-039] which provide that the roads to be de-trunked will cease to be trunk roads on a date to be agreed between the applicant and the LHA. CCC is content with the detail of the handover process being included in the legal agreement.</p>
Applicant Comment:	<p>a) The Applicant notes the comments made by the Cambridgeshire Authorities and would refer to its response to Q Q2.11.5.1 included in 9.47 Applicant's Response to the Examining Authority's Second Round of Written Questions [REP4-037]. The Applicant would also refer to 9.49 Overview of handover process for de-trunked assets and local highways [REP4-039] which provides details of the handover process for existing assets to be de-trunked. The De-Trunking Handover Plan which is a requirement of the legal agreement will include a range of details as agreed between the parties but essentially will provide sufficient information to the local highway authority to understand the current extent of the asset to be detrunked, including any drainage, landscaping fencing etc., as well as its current condition.</p> <p>The Applicant is therefore of the opinion that sufficient information about the condition of assets will be provided and the process for this will be secured in the legal agreement.</p> <p>c) The Applicant maintains its position that the amendments sought by the Cambridgeshire Authorities to Article 14 of the dDCO are unnecessary and that the appropriate controls will be contained within the legal agreement to be entered into between the parties. The Applicant welcomes the statement from the Cambridgeshire Authorities that the detail of the handover process can be set out in the legal agreement.</p>
Central Bedfordshire Council	N/A - as there are no sections proposed for de-trunking within CBC,
Applicant Comment:	The Applicant notes the comments made by CBC.
Bedford Borough Council	The mechanism for agreeing the condition in which the highway asset to be detrunked will be transferred is via Side Agreements. BBC is still in discussion with NH on the content of the Side Agreements relating to de-trunking. From BBC's view, agreements also need to be made with the other LHAs so that de-trunking can be carried out at the same time along the entirety of the de-trunked sections. This is particularly important where there are cross boundary sections.

No.	Question/Applicant's Comments
Applicant Comment:	The Applicant agrees with Bedford Borough Council that the de-trunking process is being addressed within a legal agreement between the parties. However, the Applicant does not agree that a further agreement is required between the parties to ensure that the de-trunking occurs at the same time across the route. The maintenance obligations between the relevant local highway authorities would be the same regardless of who the neighbouring local highway authority was, i.e. it should have no practical implication if sections of the existing A428 are de-trunked at different times.
Q2.11.5.2 – Speed limits a) CCC, you have referred the ExA to your Written Representations [REP1-048], WQ1.11.5.2]; for completeness provide associated paragraph numbers. b) Likewise, Applicant in your comments you have referred the ExA to your comments on Written Representations [REP3-008], WQ1.11.5.2]; provide associated paragraph numbers.	
Cambridgeshire Authorities	Please see paragraph 4.15.1 of [REP1-048].
Applicant Comment:	The Applicant notes the response from the Cambridgeshire Authorities.
Q2.11.6	Non-motorised users
Q2.11.6.1 – Providing opportunities for NMUs At ISH2 [EV-034] it was clear that numerous parties consider the Proposed Development does not sufficiently improve the existing PROW network. The scheme objectives [APP-071], also referred to in the Statement of Reasons [APP-030], include ensuring the safety of cyclists, walkers and horse riders and those who use public transport by improving the routes and connections between communities improving accessibility. The Applicant explains that the PROW network will increase in length by 4.13 km [REP1-022]. However, it is noted that this includes sections of PROW diversions required as a result of the Proposed Development. a) Applicant, what additional NMU provision can be reasonably considered to meet the scheme objectives [APP-071], address the concerns of LHAs and other parties, and align with policy requirements (NPS NN, Paragraphs 3.3 and 5.205)?	

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	<p>b) CCC [REP2-003] has expressed concerns that there is a likelihood of increased vehicle speeds on the existing A428 because the traffic levels would reduce as a result of the Proposed Development. Has the Applicant considered the need for physical engineering interventions to ensure the potential for increased traffic speeds do not lead to adverse road safety impacts, particularly for NMUs crossing the corridor but also along it? Explain with reasons.</p> <p>c) CCC, have feasibility studies relating to the provision of a continuous off-road walking and/or cycling link between St Neots and Cambourne been undertaken [EV-034]? Provide evidence that there is demand for such a link. How deliverable is such a scheme, particularly in regard to funding and any known delivery constraints?</p> <p>d) Applicant, justify the gap of approximately 600m in off-road NMu provision between Eltisley and Caxton Gibbet North roundabout.</p> <p>e) The Applicant proposes that LAs could seek funding from Designated Funds associated with RIS2 to improve NMu provision locally [APP-243]. Provide detail regarding this fund, including how the bidding process works and how potential schemes are assessed. Explain how it is better value for such schemes to be delivered separately from the Proposed Development.</p>
<p>Cambridgeshire Authorities</p>	<p>c) No feasibility work has been undertaken by CCC relating to the provision of a continuous off-road walking/cycling link between St. Neots and Cambourne. It is, however, cited in three key transport strategy documents:</p> <ol style="list-style-type: none"> 1. In the Cambridgeshire LTP 2011- 20313 , p4-11 'Interurban cycle network – need for high quality cycle route linking Cambridge with market towns'. There is an indicative map on p4-24 at fig 4.14 showing the strategic cycle route between Cambridge, Cambourne and St Neots (and the link between Cambourne and Huntingdon that has just been completed through the A14 scheme). 2. As a scheme in CCC's Transport Investment Plan4 which was envisaged to be delivered by National Highways. See TIP List - Cambridge City and South Cambridgeshire – 2021(No. 134). 3. In the Transport Strategy for Cambridge and South Cambridgeshire: Transport Strategy and High-Level Programme (March 2014)5 p4-29. Policy TSCSC 13 states: <i>"Where there is a requirement for new roads or increased road capacity, these should adhere to the highest possible design standards. Where feasible, pedestrian and cycle facilities will be provided alongside new road infrastructure... This policy applies to new roads delivered by the County Council, new roads that will be passed to the Council through a relevant legal agreement, and those that will remain in third party ownership."</i> <p>Fig 5.14 on pp5-23 to 5.24 specifically lists: 'Create direct cycle route along corridor, connecting Cambridge to Cambourne and onwards to St Neots' as a required intervention alongside the requirement for the A428 highway improvement.</p> <p>National Highways' <i>Walking, Cycling Horseriding Assessment and Review (WCHAR) Assessment Report</i> dated February 2020 [APP-241 Appendix 8.1] itself highlights at 2.8 that employment, shops and schools in St Neots and Cambourne are all potential future NMu trip generators. The document also highlights at 2.14.2 the lack of good connectivity of existing rights of way, and the sheer impossibility of NMUs using many of the crossings due to the enormous volume of traffic on the A428 at present. The user groups Sustrans and Cycling UK highlighted in the consultation that Cambourne is an 'island' due to lack of safe connections east and west as well as the need for a</p>

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	<p>continuous NMU active travel route from Cambourne to St Neots (see p25, Table 3 Stakeholder issues log). Therefore, any surveys of NMUs undertaken by National Highways or anyone else are unlikely to be indicative of actual demand, or of likely demand were good infrastructure to be put in place.</p> <p>The American Journal of Preventative medicine concluded from the research undertaken by MRC Epidemiology Unit Cambridgeshire 'guided busway' encouraging people to be more active on the commute - MRC Epidemiology Unit that 'Providing new sustainable transport infrastructure was effective in promoting an increase in active commuting. These findings provide new evidence to support reconfiguring transport systems as part of public health improvement strategies.' and as the lead researcher stated, <i>'People might naturally think of cycle lanes as part of these changes – but this research suggests that we need to look at the wider infrastructure as well.'</i></p> <p>The Councils know from experience of the Cambridgeshire Guided Busway (CGB) that it is difficult to measure actual latent demand for NMU routes prior to new transport schemes, but once in place people are far more likely to use them. In addition, anecdotally, cycle user groups that took part in the WCHAR consultation stated that cyclists in the Cambridge area are generally more willing to commute further than the average cyclist.</p> <p>The CGB comprises 14 miles (22km) of bridle/cycleway alongside the busway itself linking the towns of St Ives, Northstowe new town and Cambridge as well as villages enroute (there is a further 2 miles from Cambridge south to Trumpington). Initially the NMU route was proposed as a rural bridleway but late in design stages was changed to a hard-top surface. The route has been phenomenally successful for commuting cyclists, many of whom regularly cycle the full distance between St Ives and Cambridge. It is successfully shared by equestrians and pedestrians and is a key safe off-road connector in the bridleway network for equestrians. The new NMU route alongside the local access route provided as part of the A14 scheme from Fenstanton to Cambridge is 11 miles (17.7km). It already being well-used by all classes of NMUs and is set to be similarly successful. This demonstrates the importance of strategic transport authorities taking that commonsense lead to put in place appropriate infrastructure that then encourages modal shift, enables positive change in the health and well-being of communities and provides new employment opportunities regardless of the fact that hard statistical evidence of demand may not be available predevelopment. The geography of distance between settlements of St Neots, and Caxton/Cambourne is similar to that of St Ives-Northstowe-Cambridge (CGB) and Fenstanton-Bar Hill-Cambridge (A14), and it is our view that an A428 NMU route would be equally successful in achieving significant modal shift, health and well-being, and economic benefits.</p> <p>As well as the east-west lateral NMU routes, the CGB NMU route now also links northsouth from Rampton south to Northstowe, through Longstanton to the A14 LAR NMU route, and down a new NMU route alongside the A1198 to Caxton. The St Neots-Caxton NMU route would link directly into this, providing a long-distance route into Cambridge. There is also an alternative 'soft' bridleway and byway network leading from Cambourne back northwards through Knapwell and Childerley to Bar Hill and the A14 LAR NMU route/new bridleway links at Madingley through to Girton/Cambridge, into which the A428 NMU route would link.</p> <p>Further evidence of the need for the NMU route is that the Wintringham Park development adds nearly 3000 new homes to the already sizeable 36,000 population of the market town of St Neots. The developer's website rightly highlights footpaths, cycle routes and connectivity with the countryside as a benefit of the new development. St Neots as a town is currently poorly served with good strategic NMU routes</p>

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	<p>connecting the surrounding villages and other towns. The Hen Brook path will be a primary strategic route out from both the new development and the wider town into the countryside (particularly if upgraded to a bridleway as the Councils request). Both this and the Pillar Plantation bridleway could easily link with a new NMU route running alongside the old A428 to Caxton/Cambourne. Cambourne itself has a population of over 10,000 and it should be borne in mind that residents may wish, and should be encouraged to, travel west to St Neots for a variety of trigger journeys including employment. This would relieve pressure on traffic heading into Cambridge.</p> <p>The applicant maintains that the significant reduction in traffic predicted along the old A428 will mean it is safe for NMUs to use the carriageway. Experience from the section of the A428 which has already been dualled, from Cambridge to Cambourne, shows that traffic volumes and speed are likely to remain too high for use by people walking and on horses and too high for it to feel useable for all but the most confident cyclists.</p> <p>f) As detailed in the Joint Written Representations at 6.5.7 [REP1-048], the Councils believe that NMU improvements within the redline boundary of the development should be delivered by the scheme promotor as they are considered to be essential mitigation for the Scheme. Bidding for funds through Designated Funds is an unknown entity and, as the funds are not guaranteed, this places burden and risk onto the County Council, which it considers is unreasonable. There is a risk that if funds are not secured, the NMU mitigation essential to the Scheme cannot be delivered and this would be to the detriment of local communities. There is also a financial burden on the Council in resourcing officers in trying to secure such funding.</p>
<p>Applicant Comment:</p>	<p>The Applicant, through the WCHAR and Scheme development, has considered appropriate improvements and is satisfied that the approach is reasonable and proportionate based on the evidence gathered; any additional provision above this is outside the scope of the Scheme. The role of the WCHAR is to identify opportunities where a highway scheme may be able to contribute towards wider improvements. It does not require every identified opportunity to be provided as part of a scheme, which will include those opportunities that are not needed as mitigation for the impacts of a scheme. Those additional opportunities can then be considered for Designated Funds applications, the process for which was set out in [REP3-009] and which will require the funding to be justified to ensure value for money is achieved. Based on the information provided by the Cambridgeshire Authorities, the Applicant maintains its view that there is no justification or evidenced need for the provision of a continuous off-road walking and/or cycling link between St Neots and Cambourne.</p> <p>The Applicant has already stated elsewhere in [REP3-008] and [REP4-018] for example that it considers that reasonable opportunities have been taken to provide new, upgraded and replacement facilities where this is required.</p>
<p>Central Bedfordshire Council</p>	<p>N/A - as related to Cambridgeshire queries.</p>
<p>Applicant</p>	<p>Noted.</p>

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Comment:	
Q2.11.7	Construction traffic impacts
<p>Q2.11.7.1 – Outline CTMP Clarification – Travel Plan</p> <p>Notwithstanding the Applicant's response at D3 to ISH2 Action Point 5 [REP3-019], the Proposed Development would result in around 900 temporary workers being employed in the locality over a number of years.</p> <p>f) How will the commuting effects of workers, employees and contractors involved in the Proposed Development be managed, mitigated and minimised given the Applicant does not currently intend to produce a Travel Plan? LAs to comment.</p> <p>a) How does your position align with the policy requirement in the NPPF (Paragraph 113) which states that all developments that will generate significant amounts of movement should be required to provide a travel plan. LAs to comment.</p> <p>b) Without prejudice, what is the implication of producing a Travel Plan; when can it be produced and presented into Examination; and how would this be secured? LAs to comment.</p>	
Cambridgeshire Authorities	<p>a) CCC encourages the Applicant to follow the policy requirement in the NPPF and to provide a Travel Plan. In the absence of said plan, local authorities are limited to signposting the Applicant's employees to information regarding alternative modes of travel.</p> <p>b) The Travel Plan could be secured by incorporating it into the outline traffic management plan, secured by requirement 11. CCC requests that the applicant provide a Co-ordinator to ensure the actions in the plan are achieved.</p>
Applicant Comment:	The Applicant has submitted an Outline Travel Plan [TR010044/EXAM/9.66] at Deadline 5.
Central Bedfordshire Council	CBC would be seeking a Travel Plan for construction staff and would be happy to engage with National Highways and / or their delivery partner on this matter.
Applicant Comment:	The Applicant has submitted an Outline Travel Plan [TR010044/EXAM/9.66] at Deadline 5.
Bedford Borough	BBC response to a) and b)

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Council	<p>BBC does not consider that the justification set out in REP3-019 for not producing a Travel Plan is convincing. BBC accepts that the employees will be drawn from a large area, and different operatives will have different shift patterns. Also, BBC accepts that public transport may not be an option for many employees because of the remote location of the sites.</p> <p>We would normally expect the promoters / developers of a large project to provide a Framework Travel Plan at the Outline planning application stage with submission of the Final TP to be agreed up to 6 months after development begins. In this sense, the TP is similar to the OCMTP in that principles are agreed as is a process for considering the details. Many of the mitigations which would be considered in a TP are already included in the response at D3, such as promoting shared transport, and shuttle buses between sites or from key locations.</p> <p>The scale of the project suggests that employee travel behaviour will impact on the local network, and in this case, the impact and any appropriate mitigations should be logged and monitored. A TP would provide the opportunity to do so.</p>
Applicant Comment:	<p>The Applicant has submitted an Outline Travel Plan [TR010044/EXAM/9.66] at Deadline 5.</p>
<p>Q2.11.7.3 – Local Highway Impacts</p> <p>On the basis of the information received at D3, ISH2 Action Point 6 [REP3-019], the Applicant proposes to deal with matters relating to traffic informally diverting on to the local network during construction, primarily at source on the strategic road network with little if any measures to discourage or restrict informal traffic diverting on the local highway network. Do LHAs consider this to be sufficient? If not, explain with reasons. Applicant to comment.</p>	
Cambridgeshire Authorities	<p>Please see comments under Q2.11.7.4 regarding highway condition and diverted traffic, as well as paragraphs 5.5 – 5.10 of the Councils' Written Representation [REP1- 048].</p>
Applicant Comment:	<p>The Applicant has made a commitment via the updated Outline Construction Traffic Management Plan [REP4-012] to establish a traffic management forum, which will, amongst other things, review the results of traffic monitoring on the strategic road network and consider this against any LHA reports of significant increases in self-diverting traffic on the local road networks. If a relationship between the two is established than the traffic management forum will agree on a range of measures that could be deployed to further discourage self-diverting traffic.</p>
Central Bedfordshire Council	<p>CBC do not consider this to be sufficient. The modelling work carried out to support the application predicts significant and long term informal diversion of traffic during the construction process. CBC have made previous representations on this matter and identified a series of monitoring, management and mitigation actions considered to be proportionate and directly relevant to the predicted impacts of the DCO application. The views of CBC and the mitigation proposed are outlined fully in the Joint position statement 9.29 (Document ref. REP3-016).</p>

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Applicant Comment:	The Applicant has made a commitment via the updated Outline Construction Traffic Management Plan [REP4-012] to establish a traffic management forum, which will, amongst other things, review the results of traffic monitoring on the strategic road network and consider this against any LHA reports of significant increases in self-diverting traffic on the local road networks. If a relationship between the two is established than the traffic management forum will agree on a range of measures that could be deployed to further discourage self-diverting traffic.
Bedford Borough Council	BBC considers that it is inevitable that other network users (i.e. not construction vehicles) will divert on to local roads and not follow the diversion routes on the SRN. However BBC does not accept the premise that local routing will necessarily be related to problems on the SRN diversion routes alone. Our preferred option would be to work with NH when it becomes obvious that a local route is experiencing heavier traffic loads than expected (notwithstanding the diversion routes) and to work with NH to find a local solution, through the mechanism of the CMTP.
Applicant Comment:	The Applicant has made a commitment, that concurs with the views of Bedford Borough Council, via the updated Outline Construction Traffic Management Plan [REP4-012] , to establish a traffic management forum, which will, amongst other things, review the results of traffic monitoring on the strategic road network and consider this against any LHA reports of significant increases in self-diverting traffic on the local road networks. If a relationship between the two is established than the traffic management forum will agree on a range of measures that could be deployed to further discourage self-diverting traffic.
Q2.11.7.4 – Highway condition a) How does the Applicant intend to ensure no damage occurs to the local highway network as a result of construction traffic using it for access during construction and how will this be secured? b) The Applicant states that highway condition surveys will be undertaken at all access points used by construction vehicles [REP1-022, Q1.11.7.11] . Confirm if this is solely at the point of access to the site from the local highway network or for the entire length of the road leading to and from the site from the existing strategic road network? How will this be secured? c) LHAs to comment.	
Cambridgeshire Authorities	<p>CCC considers it inevitable that both construction and diverted traffic will cause damage to the local network of roads. Repairing such damage will constitute an additional financial burden to the LHA. The LHA therefore seeks agreement with the Applicant regarding the Applicant reimbursing the Authority for this additional expense.</p> <p>CCC considers that construction traffic and diverted traffic constitute extraordinary traffic upon the local road network and notes that a very high proportion of construction traffic will have heavy axle loads. It is such heavy traffic that is most damaging to roads, especially those that might not have been designed to withstand such use.</p>

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	<p>Accordingly, CCC considers that Section 59 of the Highways Act 1980 is applicable. The Authority wishes to seek agreement with the Applicant in accordance with subsection 3 of Section 59 of the Highways Act. The agreement of such a sum by way of compensation at the outset would obviate the need for such discussions once works have commenced and would provide clarity for both parties at the outset.</p> <p>CCC requests the opportunity to comment on the Applicant's response to this question.</p>
Applicant Comment:	<p>The Applicant has made a commitment via the updated Outline Construction Traffic Management Plan [REP4-012] that local roads which are to be used as part of an official diversion route or for construction traffic will be inspected prior to and following their use and that damage that has occurred as a result of the Scheme will be repaired in consultation with the Local Highway Authority.</p> <p>The Applicant does not accept at this stage that Section 59 of the Highways Act 1980 would be applicable. As would be the usual case in any claim under Section 59, it would be for Cambridgeshire County Council to establish that the relevant tests contained within that section have been met at the time they seek to rely on it.</p>
Central Bedfordshire Council	<p>CBC do not consider that condition surveys at the point of access only would be acceptable. It is considered that the full route from the Strategic Road network to the construction access would require surveying. CBC would also request that CBC highways officers are included within the condition survey process.</p>
Applicant Comment:	<p>The Applicant has made a commitment via the updated Outline Construction Traffic Management Plan [REP4-012] that local roads which are to be used as part of an official diversion route or for construction traffic will be inspected prior to and following their use and that damage that has occurred as a result of the Scheme will be repaired in consultation with the Local Highway Authority.</p>
Q2.11.7.5 – Outline CTMP Clarification	
<p>a) To assist in understanding the impact of construction traffic using Station Road, Tempsford, provide a summary of customer contact received relating to the effects of the recent usage of the link by construction HGVs for the archaeological surveys as described at ISH2, Session 3 [EV-035].</p>	
Central Bedfordshire Council	<p>This is not considered to be a representative comparison, as the archaeological works, outside of the initial delivery of the site cabins, was identified by the applicant as generating light vans and 4 x 4s only. The officer report for the related planning application (ref. CB/20/04083) states that 'with regards to highway and pedestrian safety, there will be no heavy-construction vehicles accessing the site. Vehicles will be of a domestic scale and movements will largely be concentrated at peak times.' In contrast the additional information submitted by the applicant in document ref. 9.32 (Appendix A) suggests that during peak periods up to 25 HGVs may use this route each day. Presuming each HGV is a return journey, this would equate to a peak of 50 HGV movements on Station Road per day.</p> <p>To my knowledge there has been single instance of contact from a local resident regarding the HGV traffic involved in preparing the access for the AW archaeological mitigation at Field 44. The local resident contacted the Planning Case Officer (David Gauntlett) on 20/07/21 and the</p>

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	<p>Archaeology Team responded with an update on the same day. The concerns raised appeared to relate to the HGVs that were upgrading part of the private road and preparing the access track. It is understood the information was passed back to the local resident. I am not aware of any further contact from customers about the use of Station Road to access F44 by HGVs or other vehicles.</p>
Applicant Comment:	<p>The Applicant notes the comments and would emphasise that the usage by 25 HGV per day s only likely to occur occasionally and would not be for sustained periods of time and would not be for the duration of the overall construction period. It would be for bulk deliveries of stone or concrete (for a concrete pour on a particular day for example). At other times and as stated in [REP3-019] it is anticipated that 30 HGV a week will use Station Road.</p>
Q2.12	Highways – network and structures
Q2.12.1	Methodology
<p>Q2.12.1.1 – Alignment with National and Local Policy</p> <p>How is the Black Cat Junction option selection process and the preferred option aligned with relevant Policy documents, particularly the NPS NN, the NPPF, and the Bedford Local Plan 2030.</p>	
Bedford Borough Council	<p>The LPA is awaiting the applicants submission of the option selection process in relation to heritage from the Applicant at Deadline 4 to see how this is aligned with relevant policies and will update as soon as possible.</p>
Applicant Comment:	<p>The Applicant submitted the document, "Overview of the Alternatives considered at Black Cat Junction" [REP4-032] to the Examination at Deadline 4 and welcomes comments from Bedford Borough Council in respect of the report.</p>
Historic England	<p>We cannot comment on the Black Cat junction options selection process and the preferred option. These consider issues of highway engineering in which are do not have expertise so are unable to confirm if retention of the listed Brook Cottages in situ is possible by an alternative option. We are therefore unable to comment on the alignment with policy, including if due weight has been given to the designated heritage asset in this process.</p>
Applicant Comment:	<p>The Applicant notes Historic England's position regarding this matter.</p>
Q2.12.2	Brook Cottages

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	<p>Q2.12.2.1 – Demolition of Brook Cottages</p> <p>The NPS NN (Paragraph 5.131) states that: <i>“Given that heritage assets are irreplaceable, harm or loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II Listed Building...should be exceptional.”</i></p> <p>a) HistE, in your response to WQ1 [REP1-078, Q1.2.2] and at ISH3 [EV-045] you stated that you were unable to comment on the highways design and layout of the Proposed Development. Explain if this position prevents you from reaching a conclusion as to whether <i>“a clear and convincing justification”</i> can be made for the removal of Brook Cottages. If it does not prevent you from reaching such a conclusion, state if the Applicant has provided such a justification and what you consider it to be.</p> <p>b) BBC do you believe that <i>“a clear and convincing justification”</i> can be made for the removal of Brook Cottages. State if the Applicant has provided such a justification and what you consider it to be.</p> <p>c) ExA considers that the effect of the Proposed Development on Brook Cottages would need to be assessed in line with Chapter 16 of the NPPF (and in particular Paragraph 201) and the intended protection for listed buildings as specified under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. BBC and HistE, comment with reasons. If so, do you believe this justification to be clear and robust in the Applicant's case? Applicant may also comment.</p>
<p>Bedford Borough Council</p>	<p>b) Yes – it seems likely that clear and convincing justification can be made for the removal of Brook Cottages, although the application has yet to demonstrate this. Justification for the removal of Brook Cottages will need to be provided within the Applicant's forthcoming evidence setting out the consideration of reasonable alternative designs and layout, as well as the methodology for the selection of the current route.</p> <p>From this starting point, the Applicant should then proceed to clarify what the 'removal' of the asset specifically entails. This will initially require an invasive structural survey to establish the condition of the building as a whole; including the timber frame, infill material, chimney stacks, roof structure and internal features such as the staircase and bread oven. Following this, and assuming the building could theoretically be dismantled and rebuilt; a methodology should be provided relating to the building's dismantling, transportation and reconstruction and the potential impact on significance this will have. Finally, a suitable location for the building will need to be found – the most appropriate location will depend on numerous factors which may point either to its reuse as a domestic building (preferably within the locality) or as an exhibit in a museum.</p> <p>The above is a staged process broadly in accordance with that endorsed in Historic England's Written Representation [REP1-077; paras 3.41-3.42], and is an approach both Historic England and the Council have recommended well before the Examination. Such a pathway would lead to two potential outcomes: the first would be the successful relocation of Brook Cottages, resulting in either less than substantial harm or substantial harm. The second outcome would be to find that relocation is not possible, or that its relocation would result in such loss of significance that it would effectively constitute 'total loss' of the designated heritage asset. Following the process correctly, it seems likely that in both instances the Applicant would be able to demonstrate clear and convincing justification for the removal of Brook Cottages.</p>

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	<p>At this time however, the Applicant has not provided a sufficient level of detail within the application to justify the removal of the asset. Should the Applicant demonstrate that a feasible alternative route is not possible and that the loss of Brook Cottages is unavoidable (as requested by the ExA); the removal of Brook Cottages could be justified.</p> <p>The question then turns to whether there is clear and convincing justification for the 'total loss' of the asset. In the Council's view, this has not been demonstrated in the application, but equally it is acknowledged that the Applicant has explored options to avoid total loss. One potential solution will be to amend Requirement 16 to allow for the relocation process to occur post determination, as recommended by Historic England [3.46 of REP1-077]. Historic England have stated that in their opinion, the relocation of Brook Cottages will constitute substantial harm [REP1-009, p.24]. The Council are still not convinced that it is possible to say what impact 'removal' will have on significance (whether it is less than substantial, substantial or total loss) given the lack of relevant information (which has been requested several times); although in the absence of further information, the Council would have to advise the ExA that a level of substantial harm should be assumed as a 'worst case scenario' for the purposes of the decision-making process. At that point, a reworded Requirement would likely be appropriate and reasonable to avoid total loss of the building if possible, and secure any public benefits which would arise from that outcome (please see the answer given to Q.2.12.2(g)).</p> <p>c) Referencing Paragraph 201 of the NPPF would suggest that the proposed dismantling and relocation of Brook Cottages will result in either substantial harm to, or total loss of, the listed building. This is the position reached by the applicant in paras 5.5.55 – 5.5.63 of APP-240, which states that the proposal will result in substantial harm. This assessment was reached based on a non-intrusive visual assessment informing a fairly brief Heritage Appraisal [APP-178]. From this, assertions are made in the application which are not based on a sound evidence base but rather assumptions (this is confirmed in para A.5.3.4 of APP-240). A subsequent technical note [AS-009] has been submitted which is helpful in terms of additional detail regarding the significance of the building, but does not contribute to an understanding of the specific impact relocation would have on the significance of Brook Cottages.</p> <p>As such, and as previously advised, it has not been demonstrated that the Proposed Development will necessarily result in substantial harm or total loss to the designated heritage asset. In the event that sufficient information relating to the specific impact of the development on the significance of the listed building is not provided by the Applicant during the Examination, then it seems reasonable to assume a 'worst case scenario' - that the development will result in substantial harm to the significance of Brook Cottages. The test set out in paragraph 201 of the NPPF/5.133 of the NPS NN will then be applied.</p> <p>The Council agree that the application needs to be considered in-line with s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. As per Section 33 (1)(i) of the Planning Act 2008, listed building consent is not separately required for the demolition of listed buildings in this instance, and so no other part of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant.</p>
Applicant Comment:	b) and c)

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	<p>Further information was provided on the Applicant's approach to option appraisal and consideration at Deadline 4 in Overview of the Alternatives considered at Black Cat Junction [REP4-032].</p> <p>Following discussions with BBC and Historic England it has become apparent that the invasive structural survey requested can only be undertaken as part of the work required to dismantle and record Brook Cottages. Accordingly, the Applicant is preparing a methodology for the survey, dismantling and recording of Brook Cottages to be discussed with Historic England, as well as a revised Requirement 16 for the dDCO to secure this. Given that BBC's position is that the degree of harm to Brook Cottages cannot be established until the invasive structural survey has been undertaken and, as set out above, it has been agreed that this can only take place during the dismantling and recording process, the Applicant considers its approach to the assessment of substantial harm in the DCO application to be appropriate. BBC's response also recognises that this ensures assessment and decision making would be undertaken on a worst case basis.</p> <p>The Applicant considers that Requirement 16 of the dDCO already secures the potential for Brook Cottages to be relocated post consent, if feasible. Notwithstanding this, the Applicant is willing to engage further with BBC and Historic England to seek to reach agreement on the appropriate form Requirement 16 of the dDCO should take. It should also be remembered that relocation of Brook Cottages is not mitigation for the harm which would occur (whether substantial or less than substantial), and that mitigation is limited to the recording of Brook Cottages during the dismantling process.</p> <p>Subject to ongoing engagement with BBC and Historic England, the Applicant hopes to be in a position to submit the methodology for survey, dismantling and recording works as well as an updated version of Requirement 16 of the dDCO at Deadline 6.</p>
<p>Historic England</p>	<p>a) We are not able to comment on the Black Cat junction options selection process and the preferred junction design as these discuss issues of highways engineering in which we do not have expertise. We are therefore unable to comment on the justification for this preferred design and the necessity of demolishing the cottages to implement it. However, we have advised on the potential for the harm resulting from the demolition to be reduced by relocation of some of the listed building's fabric which we consider should also be considered as part of the justification.</p> <p>c) We would agree with the Examining Authority that section 66.1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by which local planning authorities shall have special regard to the desirability of preserving listed buildings and paragraph 201 of the NPPF are key in this case. In particular, paragraph 201 relates to substantial harm to or total loss of the significance of listed buildings, which is proposed for Brook Cottages. Paragraph 201 sets out a number of tests which might be applied in such cases, but we consider the relevant one is that it should be demonstrated that 'the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss'. The 'substantial public benefits' would be delivered by improving the A428/A1 junction at the Black Cat roundabout. We consider it is for the Examining Authority to ultimately decide if these outweigh these benefits against the harm to the listed building. However, in considering the necessity for causing substantial harm and/or total loss of significance to the listed building in order to deliver these benefits we believe there are two aspects to consider. Firstly, if it is possible to design an improved Black Cat junction which would deliver the public benefits without demolishing the Cottages. As the arguments for the preferred option are based on highways engineering issues we are not</p>

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	<p>in a position to assess the robustness of the justification. Secondly, if substantial harm to and/or total loss of the listed building's significance are unavoidable even if it is demolished. In this area we have given advice on appropriate methods to establish the potential for mitigation through relocating the building but as the application stands do not consider a clear and robust case has been made by the applicant.</p>
<p>Applicant Comment:</p>	<p>a) The Applicant notes Historic England's response.</p> <p>c) As explained in the Applicant's response to the Examining Authority's second written questions [REP4-037], whilst the Applicant does not disagree that the ExA and the Secretary of State must have regard to the National Planning Policy Framework as a matter which is both important and relevant to the Secretary of State's decision under section 104(2)(d) of the Planning Act 2008, it should be remembered that as the application falls to be determined under section 104(3), the Secretary of State must decide the application in accordance with the National Policy Statement for National Networks (NPSNN), subject to certain exceptions listed within section 104.</p> <p>In the Case for the Scheme [APP-240], the Applicant has demonstrated the substantial public benefits which will be afforded by the Scheme in accordance with paragraph 5.133 of the NPSNN, which the Applicant considers outweighs the substantial harm to the loss of Brook Cottages. The Applicant welcomes Historic England's agreement that substantial benefits could be delivered by improving the junction at the Black Cat roundabout, whilst recognising this is ultimately a question of judgement for the Secretary of State.</p> <p>The Applicant also notes that the Secretary of State, when deciding whether to grant consent, must also observe the requirement at Regulation 3(1) of the Infrastructure Planning (Decisions) Regulations 2010 to have regard to the desirability of preserving Brook Cottages, as explained in the Applicant's response to Q2.12.2.1 in [REP4-037].</p> <p>The Applicant understands that it is not possible to undertake the invasive structural survey now requested by Historic England without also dismantling (and recording) Brook Cottages. Therefore, it will not be possible to know whether relocation is feasible in advance of a decision to grant consent for the Scheme. The Applicant assesses that substantial harm would occur to Brook Cottages as a result of the Scheme and considers it would be appropriate for the Secretary of State to determine the application on this basis. The Applicant considers that Requirement 16 of the dDCO already secures the potential for Brook Cottages to be relocated post consent, if feasible. Notwithstanding this, the Applicant is willing to engage further with BBC and Historic England to seek to reach agreement on the appropriate form Requirement 16 of the dDCO should take. It should also be remembered that relocation of Brook Cottages is not mitigation for the harm which would occur (whether substantial or less than substantial), and that mitigation is limited to the recording of Brook Cottages during the dismantling process.</p> <p>Subject to ongoing engagement with BBC and Historic England, the Applicant hopes to be in a position to submit the methodology for survey, dismantling and recording works as well as an updated version of Requirement 16 of the dDCO at Deadline 6.</p>

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Q2.12.2.1 – Occupier(s) of Brook Cottages	
Applicant and BBC to confirm (without specifying any personal details) if protected characteristics of S4 of the Equality Act 2010 would trigger the Public Sector Equality Duty.	
Bedford Borough Council	The Council are not currently aware of any protected characteristics that would trigger the PSED further details have been requested from the applicants on this.
Applicant Comment:	The Applicant notes the response from Bedford Borough Council.
Q2.12.2.2 – Survey of Brook Cottages	
<p>a) Applicant, at ISH3 [EV-045] you indicated that the intrusive surveys needed to assess the feasibility and value of dismantling Brook Cottages and rebuilding them in a museum setting, or for residential use, could only take place once you had secured possession of the building. Clarify this position, which is different to that previously stated [APP-240, Appendix E], where difficulty gaining access to the property was said to be the reason for surveys not taking place.</p> <p>b) Applicant, notwithstanding the above point, has there been any further progress regarding gaining access to Brook Cottages, to undertake the surveys referred to at ISH3 [EV-045] and previously [APP-240, Appendix E], concerning the feasibility and value of re-locating Brook Cottages to a museum or as a dwelling?</p> <p>c) Applicant, why has notice under S53 of PA2008 or similar legislation such as S172 of the Housing and Planning Act 2016, not been served to secure access? Will this be done during the Examination and if so, when?</p> <p>d) Applicant, confirm whether or not the surveys referred to at ISH3 [EV-045] to assess the feasibility and value of dismantling/rebuilding Brook Cottages will be completed before the end of the Examination.</p> <p>e) HistE, if the survey is not completed prior to the close of the Examination, in your view what level of harm (e.g. Substantial or Less Than Substantial) would the loss of Brook Cottages cause for the purpose of the ExA's assessment.</p> <p>f) Applicant and HistE, how can the ExA give any weight to the potential future mitigation of any of the identified harm following the completion of the surveys, if the surveys are completed after the Examination has closed?</p> <p>g) Applicant, would it be possible to secure potential future mitigation reliant on survey findings, in the dDCO to provide greater assurance and certainty. Explain with reason and any relevant precedence. Provide suitable wording for R16 [REP1-003]. HistE and BBC may also comment.</p>	

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<p>Bedford Borough Council</p>	<p>g) Section 4.9 of the NPS NN states that the ExA should only recommend requirements where they are necessary and reasonable in all other aspects. Assuming that there will be an absence of further information from the Applicant during the Examination regarding the specific impact of the removal of Brook Cottages, then it is reasonable to conclude that the Proposed Development will be determined on the basis that substantial harm to the asset will arise – the ‘worst case scenario’. However, the specific impact, which could be less than substantial harm, substantial harm or total loss to Brook Cottages will not be known until after the Examination process. A level of less than substantial harm would require a different test when determining the application (5.134 of the NPS NN rather than 5.133) – a test where there is a more favourable presumption for development. The Council also consider that there are public benefits likely to arise should relocation be possible, even if the level of harm is ‘substantial’; as it would avoid the total loss of the building.</p> <p>This poses the question as to whether future mitigation reliant on survey findings is possible, or even reasonable, and secondly whether this can provide greater assurances now. The answer to the first part of the question likely depends on whether ‘total loss’ of the listed building weighs more heavily against the development than ‘substantial harm’ (the assumed ‘worst case scenario’), and that Requirement 16 will be used to avoid, if possible, the former. In the 2013 case of Bedford BC v SSCLG38, substantial harm is defined as “serious such that very much, if not all, of the significance was drained away”. Paragraph 18a-018 of the NPPG states that substantial harm is “a high test” where “an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest”. The definition of ‘total loss’ is self-explanatory.</p> <p>Substantial harm can arise without the total loss of a designated heritage asset and so the two are not the same, even if they are both considered in the same way in terms of paragraph 201 of the NPPF. For example, it is possible that avoiding the total loss of the asset will, in this instance, result in public benefits flowing from the Proposed Development, including heritage benefits (for example securing the preservation of historic fabric, reducing risks or securing its optimum viable use; albeit reduced by the direct impact of removal). This may be the justification for imposing a Requirement setting out the process for relocation of the asset (and also whether this is possible), but ultimately depends on the asset’s ‘removal’ resulting in substantial harm. The Council can see merit in the approach recommended by Historic England.</p> <p>Whether this provides greater assurance and security within the Examination is a different question. As noted in other answers, the application cannot currently demonstrate clear and convincing justification for the removal of the asset. Should this matter be resolved, a suitably-worded Requirement would provide a pathway for retaining the building, which will ultimately result in either avoiding total loss (but resulting in harm), or justifying total loss if relocation is not feasible, and so some measure of clarity could be provided to the ExA when reaching their decision. However, in the Council’s opinion, the Applicant has not demonstrated that dismantling and relocating the asset would not result in ‘less than substantial harm’; although it is accepted that the ExA must assume ‘substantial harm’ in the event that no additional information (which as a minimum would involve a detailed structural survey) is forthcoming.</p> <p>It is still advised (as it was during the pre-Examination process) that the Applicant seeks to undertake a structural survey as a matter of urgency.</p>

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Applicant Comment:	<p>g) Following further discussions with Historic England and BBC, the Applicant understands that the invasive structural survey requested is of such an extent that it can only be undertaken post consent as part of the work required to dismantle and record Brook Cottages.</p> <p>The Applicant has assessed the impact of the Scheme on Brook Cottages as substantial harm arising from the total loss of Brook Cottages and considers that the Secretary of State should determine the application on this basis. The Applicant considers that the substantial public benefits afforded by the Scheme outweigh the substantial harm to Brook Cottages arising from its total loss, and does not rely on any benefits afforded from a potential relocation of Brook Cottages in making this case, as explained in the Case for the Scheme [APP-240]. As noted previously, the Applicant's position is that the relocation of Brook Cottages will not mitigate the impact of the Scheme and would not reduce the level of harm to Brook Cottages.</p> <p>However, the Applicant is engaging with BBC and Historic England to seek to agree the form of Requirement 16 for the dDCO which would secure the relocation of Brook Cottages to the extent that this is feasible and would provide additional heritage value and public benefits.</p>
Historic England	<p>e) The demolition would result in total loss of significance of the listed building, which also constitutes substantial harm.</p> <p>f) The full potential for mitigation through dismantling and relocation of the listed building can only be established through survey work and consideration of options for dismantling. If this information is not available prior to the close of the Examination we are unsure how it could be given weight in decision making. However, we would suggest the Examining Authority consider if the process of exploring potential for mitigation and, if appropriate, its implementation could still be secured by Requirement 16 as an alternative.</p>
Applicant Comment:	<p>e) The Applicant notes Historic England's response. The Scheme has been assessed on the basis of substantial harm as a result of the total loss of Brook Cottages.</p> <p>f) The mitigation for the loss of Brook Cottages is its recording during the dismantling process. Relocation of Brook Cottages will not mitigate the harm caused to Brook Cottages as a result of the Scheme and the Applicant does not rely on this as mitigation. Whilst there may be some public benefits in the relocation of Brook Cottages should this be feasible, the potential for, and value of, relocation will only be known post consent once Brook Cottages has been dismantled. Therefore, in making the case that the Scheme affords substantial public benefits which outweigh the substantial harm to Brook Cottages, the Applicant does not rely on any potential benefits from the relocation of Brook Cottages, and only relies on the wider benefits afforded by the delivery of the Scheme itself, as explained in the Case for the Scheme [APP-240]. Notwithstanding this, as set out above, the Applicant continues to engage with Historic England to agree the form of Requirement 16 of the dDCO, which already includes the requirement to relocate Brook Cottages should this be feasible and offer heritage benefits.</p>
Black Cat Junction Options	

No.	Question/Applicant's Comments
	<p>As requested at ISH1 [EV-011], the Applicant submitted a summary narrative of the criteria considered in the assessment of alternatives for the Black Cat junction and alignment of the A1 in the immediate and wider area, with particular reference to historic environment, flood risk and floodplain compensation, land take, effects on other residential and commercial uses, the restoration of the quarry, and on the gas main to the south of the existing roundabout.</p> <p>a) Applicant, what evidence, such as costings and metrics is there to support the statements made at [REP1-034, Appendix B, Paragraphs 1.1.4 and 1.1.5 and 1.1.16 and 1.1.17] in particular?</p> <p>b) Applicant, provide evidence relating to flood risk, including compensatory floodplain storage and the role this evidence played in the assessment of alternatives.</p> <p>c) Applicant, how were the issues [REP1-034, Appendix B, Paragraphs 1.1.4 and 1.1.5 and 1.1.16 and 1.1.17], considered as part of the Option development and selection process?</p> <p>d) Applicant, were options, perhaps showing some of the alternatives that would not entail the demolition of Brook Cottages (that were previously referred to and discounted by the Applicant), considered and subjected to any consultation? If so, how was this used in the Option development and selection process?</p> <p>e) HistE, BBC, EA what engagement have you had with the Applicant regarding reasonable alternative options that did not entail the demolition of Brook Cottages?</p> <p>f) EA, with reference to NPS NN and the NPPF are you satisfied that the Applicant has had appropriate regard to flood risk, including compensatory floodplain storage, in all of their Option development and selection work?</p>
Bedford Borough Council	<p>No engagement in relation to Heritage regarding alternative locations which might have retained Brook Cottages in situ appear to have taken place with the Applicant.</p>
Applicant Comment:	<p>Two Environmental Stakeholder Forums were held during PCF Stage 1 and the stakeholders were asked to identify specific environmental features that they felt should be considered in the process of option identification for the main route alternatives. Brook Cottages was not identified as a concern for consideration in the ongoing development of the Scheme. Bedford Borough Council was invited to these forums, but our records show they did not attend. Options for Black Cat junction specifically were developed from PCF Stage 2 onwards and three grade separated junction options were presented at the non-statutory consultation. Bedford Borough Council responded to the consultation in support of Option C, which was one of the options that "may result in the removal of the Grade II listed building to the north of Black Cat roundabout".</p>
Historic England	<p>e) We have been consulted on the Black Cat design options document. These included options which did not involve demolition, but as the arguments surrounding these options involved matters of highways engineering we do not have the expertise to comment on them</p>

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Applicant Comment	The Applicant notes the comments from Historic England.
Q2.12.4	Archaeological Remains
<p>Q2.12.4.1 – Archaeological Mitigation Strategy</p> <p>a) Please confirm your views on the scope of the revised AMS submitted at D3 [REP3-010] and its response to the joint Archaeological Design Brief?</p> <p>b) In particular, Cambridgeshire Councils, with regard to the Applicant's comments in [REP3-007, Q1.12.4.2], are you satisfied that all areas are included in the revised AMS [REP3-010]?</p> <p>c) CBC are you satisfied that the revised AMS accords with the approved scopes of work and Written Schemes of Investigation for the advanced archaeological works?</p> <p>d) BBC, with regard to R9, are you satisfied with the Applicant's revised wording, as described in [REP3-007, Q1.12.4.2]?</p>	
Bedford Borough Council	<p>c) It is acknowledged that the AMS is much improved however Bedford Borough Council still has some minor concerns/queries with certain parts of the revised AMS as follows:</p> <p>Paragraph 1.6.1, subsection b): The version of the NPPF referred to is now out of date having been revised this year.</p> <p>Paragraph 1.7.3: The East of England Regional Research Framework was updated in 2021 and is now online East of England Research Framework (researchframeworks.org) whilst I recognise that the research themes in the AMS were drawn up prior to this being published it would be useful to refer to this so that it can be considered in the SSWSIs and subsequent reports when revision of research questions may take place if necessary.</p> <p>Paragraph 2.1.2: This paragraph should reference that the exact level of excavation of each site will be agreed with the curators in the SSWSIs. Ultimately we are responsible for ensuring that archaeological remains in our respective areas impacted by development proposals are satisfactorily investigated and recorded.</p> <p>Paragraph 2.3.6: This still reads as though these sites are being somewhat discarded with no reference to meeting research aims etc. almost as though 'we are going to look at these sites because we know you're going to insist on it but we don't really want to'. Whereas to my mind points a), b), and c) from the 2.3.4 above will still be equally applicable to these sites.</p> <p>Paragraph 4.2.1, subsection b): See comment for 1.7.3 above, the research agenda for these papers is now online.</p>

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	<p>Paragraph 4.4.16, subsection c): 'Further excavations of Roman rural sites across much of the Central West, Upland Wales and the Marches, the North and the South-West regions are all highly desirable'...whilst this may be the case I am not sure it has much relevance to the A428 works in the East of England region?</p> <p>Paragraph 5.1.7: Site 2 has been miscategorised here and should be moved to paragraph 5.1.6.</p> <p>Paragraph 6.1.1: This reads as an instruction to the curators 'you will approve the SSWSIs within four weeks of receipt', whilst I will happily commit to reviewing the SSWSIs within four weeks I reserve the right to request amendments and will not approve a SSWSI until I am satisfied it is acceptable. If the applicants Archaeological Contractor or ACoW takes longer than four weeks to make these amendments then this is not the responsibility of the curators.</p> <p>Paragraph 7.2.6: The term 'a form of arbitration will be proposed' is rather vague, it is unclear what form this arbitration is likely to take. Further detail on this would be welcome. Section 8.9: For sites such as Site 9 where the evaluation uncovered human remains the MoJ Licence should be in place prior to the start of works.</p> <p>Paragraph 9.1.2: Site 2 has been miscategorised here and should be moved to paragraph 9.1.1.</p> <p>Paragraph 9.2.7: I suspect it will only become clear after the site strip as to whether there are any features which can safely only be recorded in plan, I would be reluctant to agree this until that stage and so it would be prudent to work on the assumption that some form of hand excavation is likely to be required for most features.</p> <p>Paragraph 9.2.9, subsection b): Not sure why stakeholes have been dropped from this section when they are included for intrinsic sites, I assume they are just as likely within excavation and sampling sites and therefore likely to require investigation?</p> <p>i) Bedford Borough Council is satisfied that the applicant appears to have agreed in the most part to the revised wording suggested by Bedford Borough Council in response to Q1.12.4.2 with the exception of including a timetable in the AMS. For clarity the timetable suggested would not be linked to a specific date but would take the form of a sentence in the AMS reading for example 'A final publication report will be submitted no later than 5 years after the completion of the final stage of archaeological fieldwork on the A428 corridor unless otherwise agreed with the curators'. We do not see what detail to be revealed in the consented DCO prevents such a commitment being made. The reason for the commitment is to ensure the completion of post-excavation analysis and publication in a timely fashion, in the past open ended projects with no commitment to publish within an agreed timescale has led to a failure to publish results. We would welcome further discussion with the applicants and other curators in order to finalise agreed wording of R9 if required.</p>
<p>Applicant Comment:</p>	<p>c) Paragraph 1.6.1, subsection b): The NPPF date was updated in the revised Archaeological Mitigation Strategy submitted at Deadline 4 [REP4-031].</p>

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	<p>Paragraph 1.7.3: A reference to the updated East of England Regional Research Framework was added to the revised Archaeological Mitigation Strategy submitted at Deadline 4 [REP4-031].</p> <p>Paragraph 2.1.2: This is stated in numerous points in the Archaeological Mitigation Strategy. In particular, this is detailed in Section 5.2.</p> <p>Paragraph 2.3.6: Revised text has been included in the revised Archaeological Mitigation Strategy submitted at Deadline 4 [REP4-031]. The purpose is to supplement the results of the evaluation excavation, where the nature, significance and extent of features does not warrant more detailed excavation, to record the nature, depth, extent, character and date of archaeological features. It should be noted that the Archaeological Mitigation Strategy submitted at Deadline 4 [REP4-030] has been updated so that the term 'Sampling' has been changed to 'Targeted Excavation'.</p> <p>Paragraph 4.2.1, subsection b): A reference to the updated East of England Regional Research Framework was added to the revised Archaeological Mitigation Strategy submitted at Deadline 4 [REP4-031].</p> <p>Paragraph 4.4.16, subsection c): The stated text ('Further excavations of Roman rural sites across much of the Central West, Upland Wales and the Marches, the North and the South-West regions are all highly desirable') has been deleted from the revised Archaeological Mitigation Strategy submitted at Deadline 4 [REP4-031].</p> <p>Paragraph 5.1.7: This has been updated in the revised Archaeological Mitigation Strategy submitted at Deadline 4 [REP4-031].</p> <p>Paragraph 6.1.1 has been updated in the revised Archaeological Mitigation Strategy submitted at Deadline 4 [REP4-031].</p> <p>Paragraph 7.2.6: The form of arbitration will be established by the Principal Contractor and their Archaeological Contractor.</p> <p>Section 8.9: Where sites need the Ministry of Justice licence in place prior to start of work, this will be stated in the Site Specific Written Scheme of Investigation.</p> <p>Paragraph 9.1.2: This has been updated in the revised Archaeological Mitigation Strategy submitted at Deadline 4 [REP4-031].</p> <p>Paragraph 9.2.7: The text has been updated to "Not all features will require excavation and some features may only be recorded in plan" in the revised Archaeological Mitigation Strategy submitted at Deadline 4 [REP4-031].</p> <p>Paragraph 9.2.9, subsection b): Reference to stake-holes were never included in this bullet point. Nevertheless, this has been added in the revised Archaeological Mitigation Strategy submitted at Deadline 4 [REP4-031].</p>

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	<p>d)</p> <p>Text has been added to 13.4.1 of the revised Archaeological Mitigation Strategy submitted at Deadline 4 [REP4-031] as follows: It is envisaged that the final publication report will be submitted by the date the Scheme has been completed. The final programme for the post-excavation work shall be agreed between the Archaeological Contractor, ACoW and the Client, in consultation with the Curators.</p>
<p>Cambridgeshire Authorities</p>	<p>a) We are pleased to see that the Joint Authorities' Archaeological Brief has now been included in the Updated Archaeological Mitigation Strategy (UAMS [REP3-10]) as Appendix. This will allow the local authority curators to monitor compliance with this and the UAMS once it has been approved (see 7.1.2, 7.1.4-7.1.5).</p> <p>We are also pleased to see the requirements set out in the brief have now been inserted into Section 8 and 9 of the UAMS, although Section 9 still contains an aspect of site 'sampling' that is not acceptable and the inclusion of an unspecified area of Site 17 proposed for possible preservation in situ in Section 11 (11.3.1), which we have advised against in principle, as the features found in the evaluation of that area are not robust enough to withstand the effects of the construction of temporary works, removal and reinstatement (not specified).</p> <p>Appendix D and Table 5-1 of the UAMS show no amendment to the areas for excavation showing that conflicting interpretations of the evaluation of evidence remain between the Cambridgeshire Councils and the Applicant.</p> <p>The Councils reject the statement at 2.1.2, repeated elsewhere in the document: "Not all sites will be fully excavated, as the primary aim of the Strategy is to maximise knowledge gain", as we believe this is a non sequitur and consider that knowledge gain will only be acquired through the investigation of known archaeological evidence within the scheme.</p> <p>The two problems with this statement are:</p> <ol style="list-style-type: none"> 1) This position has led to the Applicant identifying features that only require 'sampling' (unspecified amount of excavation) and the deselection of associated features from an excavation programme. Archaeological sites are never subject to 'Full Excavation' they are only ever sample excavated (usually a third, a quarter or 10% of linear ditches), though some individual features will be excavated in full (e.g., structure, wells, burials) or discrete features, e.g., pits will be half-sectioned. The brief sets out our requirements and we expect that these will be upheld during the course of excavation. 2) Identifying features for excavation at the expense of others, or to conduct a very low level of investigation (not specified), risks the loss of important information within feature fills that cannot be seen on the surface. Recent excavation at the A428's proposed main compound site within Urban and Civic's Wintringham Park development area (Site 14 in Table 5-1 [REP3-010]) has revealed a Bronze Age cremation cemetery and unenclosed Iron Age settlement remains that had not been found or understood from the evaluation trenches. As an example, UAMS Appendix D shows the mitigation strategy for Site 23 - an area where Iron Age occupation including a cremation burial was found. The mitigation area shown is very small and excludes other known contemporary or associated features found in the wider field, while the mitigation strategy is shown as "Sampling around the roundhouse" followed by a long list of research objectives that

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	<p>cannot realistically be met by such an approach. We reject the strategy and the area for this site and have discussed this with the Applicant at length.</p> <p>To exclude areas of irreplaceable archaeological evidence that will otherwise be destroyed without record, and to attempt a reconstruction of past activity in an area based on a 3% evaluation trenching interval is not acceptable professional practice and does not conform to NPSNN policies for recording archaeological remains in 5.139- 5.142.</p> <p>We understand that the Applicant is to deposit a further update AMS to ensure that the principal sections and the Appendices provide consistency of message and are deliverable by an archaeological contractor.</p> <p>b) The Applicant selection of site areas is feature-based and too conveniently omits archaeological remains that provided no dating evidence in single 1m slots opened in ditches or in discrete e.g., ures (e.g., pits). The argument about which trenches contained no or undated evidence over those that did and restricting the mitigation areas to those that did, prevents the broader understanding of how the Iron Age and Roman settlement and task sites interrelated in this area on the clay plain, if at all, and how they worked in relation to roads/trackways and rivers for transport and associated sites known from the Historic Environment Record in very close proximity to the scheme. Designing areas for mitigation is not a perfect science and we have advised an approach that interprets the remains found and that will address the destructive impacts of the A428 scheme on this finite archaeological resource.</p>
<p>Applicant Comment:</p>	<p>a)</p> <p>The Applicant notes the response from the Cambridgeshire Authorities.</p> <p>The Archaeological Mitigation Strategy submitted at Deadline 4 [REP4-030] has been updated so that the term 'Sampling' has been changed to 'Targeted Excavation'.</p> <p>The Applicant stands by their position that there is no justification to amend the mitigation areas. Table 5.1 and Appendix D will not be amended. Further detail is contained within the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045].</p> <p>The Applicant does not agree with the assertion that the following statement in the strategy is a non sequitur "Not all sites will be fully excavated, as the primary aim of the Strategy is to maximise knowledge gain". This approach is increasingly taking place on other major infrastructure schemes, and is the approach being undertaken for HS2 Phase 1. It is about focussing limited resources on those sites that will add the most information to the archaeological record. The discoveries at Wintringham Park have only just been excavated and full results are not available to the Applicant. However, the remains were all found within the mitigation area identified by Cambridgeshire County Council, which was based on the results of the evaluation. These remains are rare, and as a Bronze Age cemetery has been identified in the area, it is extremely unlikely that another would be found in such close proximity. The Applicant's position on Site 23 is presented in the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045].</p>

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	<p>The average trench percentage is 3.44%, not 3%. The Applicant does not agree that this is 'unrecorded loss of archaeological remains' as the features have already been investigated. Paragraph 5.140 of the NPSNN states that "The extent of the requirement [for mitigation] should be proportionate to the importance and the impact." The mitigation proposed for the Scheme is proportionate to the importance of the features identified.</p> <p>b)</p> <p>The Applicant does not agree with CCC's assertion that the selection of mitigation areas is feature based, or that it omits archaeological remains the did not provide dating evidence. Our reasoning for each site is presented in the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045].</p>
<p>Central Bedfordshire Council</p>	<p>The Archaeology Team are satisfied with the amendments that have been made to the Archaeological Mitigation Strategy and are content that it is now in line with the approved scopes and written schemes of investigation for the advanced archaeological works at F34 and F44 in Central Bedfordshire.</p>
<p>Applicant Comment:</p>	<p>The Applicant notes and welcomes the response from Central Bedfordshire Council.</p>
<p>Historic England</p>	<p>c) We defer to the Local Authorities for overall comment on the conformity of the Updated Archaeological Mitigation Strategy with the detail of the brief.</p> <p>The remit for detailed comment and advice on non-designated archaeological remains lies primarily with the relevant Local Authority Archaeological Advisors. In our Written Representation, we offered some comments on the overall strategy, offered comment on the proposed methodology from our regional Science Advisor, and included suggestions of further detail we would like to see considered in the AMS in order to ensure that the strategy is robust (REP 077).</p> <p>We welcome that the revised Archaeological Mitigation Strategy incorporates the majority of the comments made in our Written Rep and are broadly satisfied that our comments have been met, with the exception of one detailed point. This is regarding our advice on employment of a range of techniques to contribute to chronological understanding, set out in our REP1 077bv (Archaeomagnetism, OSL, Dendro etc). We advise that a further update on this point should be added to Section 9 of the AMS, which relates to excavation and sampling strategy, to complement that added to section 10.3.2 concerning geoaerchaeological work.</p> <p>We also note from Deadline 3 submissions from the Applicant and Local Authorities that whilst the brief has been agreed and included in the Update Archaeological Mitigation Strategy, there are remaining areas of disagreement regarding the Updated Archaeological Strategy, identified by the applicant as relating particularly to the extent of some of the mitigation areas (TR010044/EXAM/9.20 page 156). Submitted documents include comments and the rationale behind them from both the Applicant and the Local Authorities We note that the Examiner is also still seeking views from all parties on the updated Archaeological Mitigation Strategy and that there will be further representations and responses. Whilst</p>

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	<p>Historic England has been involved in pre-application discussion and development of the DCO submission, we have not been party to detailed discussions on the extent of site areas or the excavation sampling strategies for individual sites, and we have not undertaken the same detailed review as Local Authorities. If the examining authority requires further comment on the matters under discussion, we would require the applicant to provide maps and plans to illustrate the proposed mitigation areas against the geophysical survey data and the results of trenched evaluation for sites where there is contention, to facilitate our reference back to the original data. We noted in our Written Representation that these plans would be of use (REP1 077bu and REP1 077cp).. At this stage however we would recommend the Applicant and the Local Authorities seek to resolve matters to the satisfaction of the ExA. Please also refer to our comments submitted at Deadline 4, on the Updated Archaeological Mitigation Strategy and the Applicant's Response to Written Reps.</p>
<p>Applicant Comment:</p>	<p>The Applicant notes the response from Historic England.</p> <p>With reference to the comment on the Archaeological Mitigation Strategy in relation to scientific dating, paragraph 8.3.2 states "Provision will also be made for the recovery of material suitable for scientific dating. An appropriate dating specialist with a background in chronological modelling will be consulted in advance of and throughout the fieldwork and will be available to advise on the ongoing strategy." There is no need to repeat this in Section 9, as paragraph 9.2.11 states "The methodology for recording, artefact recovery, environmental sampling, finds processing, human remains and treasure should follow the methodology detailed in Section 8 above."</p> <p>The requested figures will be submitted at Deadline 6.</p>
<p>Q2.12.4.2 – Black Cat Junction Options</p> <p>As requested at ISH1 [EV-011], the Applicant submitted a summary narrative of the criteria considered in the assessment of alternatives for the Black Cat junction and alignment of the A1 in the immediate and wider area, with particular reference to historic environment, flood risk and floodplain compensation, land take, effects on other residential and commercial uses, the restoration of the quarry, and on the gas main to the south of the existing roundabout.</p> <p>j) Applicant, what evidence, such as costings and metrics is there to support the statements made at [REP1-034, Appendix B, Paragraphs 1.1.4 and 1.1.5 and 1.1.16 and 1.1.17] in particular?</p> <p>k) Applicant, provide evidence relating to flood risk, including compensatory floodplain storage and the role this evidence played in the assessment of alternatives.</p> <p>l) Applicant, how were the issues [REP1-034, Appendix B, Paragraphs 1.1.4 and 1.1.5 and 1.1.16 and 1.1.17], considered as part of the Option development and selection process?</p> <p>m) Applicant, were options, perhaps showing some of the alternatives that would not entail the demolition of Brook Cottages (that were previously referred to and discounted by the Applicant), considered and subjected to any consultation? If so, how was this used in the Option development and selection process?</p>	

No.	Question/Applicant's Comments
n) HistE, BBC, EA what engagement have you had with the Applicant regarding reasonable alternative options that did not entail the demolition of Brook Cottages? o) EA, with reference to NPS NN and the NPPF are you satisfied that the Applicant has had appropriate regard to flood risk, including compensatory floodplain storage, in all of their Option development and selection work?	
Environment Agency	e) We are aware that four design options for the River Great Ouse crossing were considered in the scoping phase. We were consulted on a Technical Note for the River Great Ouse in 2019, which set out the flood risk implications of each of these four options and included the results of modelling that had been undertaken for each of the options. The preferred option was considered have the least adverse impact on flood risk. However, with the exception of the preferred option, we were not provided with any hydraulic models or details of compensatory floodplain storage for review. We consider that a flood risk sequential approach was taken in the selection of the preferred option for the River Great Ouse crossing as the model results for the other options showed greater increases in flood levels. However, we are unable to confirm that the Applicant had appropriate regard to flood risk, including flood compensatory storage, in all of their option development and selection work as we did not review the hydraulic models for the other options.
Applicant Comment:	The Applicant notes the above summary from the Environment Agency. Two Environmental Stakeholder Forums were held during PCF Stage 1 and the stakeholders were asked to identify specific environmental features in the study area that they felt should be considered the process of identification for the main route alternatives. The Environment Agency attended the first forum and the constraint of the River Great Ouse, flood risk and ensuring no detrimental impact on water quality and streams were among the environmental features identified for consideration. Brook Cottages was not identified at these forums as a concern for consideration in the ongoing development of the Scheme. Options for Black Cat junction specifically were developed from PCF Stage 2 onwards and three grade separated junction options were presented at the non-statutory consultation. As noted by the Environment Agency, a Technical Note on the River Great Ouse crossing was first provided to the Environment Agency in 2017, with the last version issued in 2020, which considered 4 design options for the crossing including the results of flood risk modelling. Whilst the EA did not specifically review the hydraulic models for all options, it is clear therefore that considerable regard was given to flood risk implications during option selection and, as noted by the EA, a flood risk sequential approach was taken in the selection of the preferred option. The identification of flood risk as a key environmental constraint and the consideration given to this in the development of route and Black Cat Junction options is also evidenced in the 'Overview of the Alternatives considered at the Black Cat Junction' [REP4-032] submitted at Deadline 4.
Q2.13	Landscape and Visual Effects

No.	Question/Applicant's Comments
Q2.13.1	General
<p>Q2.13.1.1 - Question repeated to seek response from specific respondents</p> <p>Methodology</p> <p>HistE's views are sought in light of heritage assets that are present, including scheduled monuments such as a Bronze Age barrow and medieval moated sites [APP-075, Paragraph 6.6.15], within the affected landscape.</p>	
<p>Historic England</p>	<p>The context of the question from the Examiner's First Questions is 'Within a predominantly rural landscape the ES states that the proposed scheme would have significant adverse residual effects, both during construction and operation [APP-076, section 7.9]. To provide further clarification, we have provided systematic comment on assets that may be affected by the scheme in sections 3 and 5 of our Written Rep, including consideration of the proposed impact of the scheme of the setting of monuments. We are satisfied that the impacts of the development on the significance of monuments through potential change in their landscape setting or their setting in relation to other heritage assets, has been adequately covered by the methodology of the ES chapter 6 and the Technical Note 'Historic England and Bedford Borough Council Clarification Note' [AS-010] which presented further consideration of heritage specific viewpoints.</p> <p>One matter remaining, and considered in our Statement of Common Ground with the applicant, is possible impacts on the setting of Pasture's Farm. We would agree with the conclusion of the applicant, that there will be less than substantial harm, and acknowledge the applicant's assessment (presented in The Applicant's Response to Written Reps TR010044/EXAM/9.21) that it will still be possible to understand the site in its landscape context, and in the context of its relationship to surrounding farmland and its connection to medieval villages nearby. However, the applicant's response to REP1077s also notes that the property at Pasture's Farm has a direct line of sight to the elevated dual carriageway and junction, and we welcome the proposed exploration of further landscape visualisation for this site, which could illustrate the scale and height of the proposed elevated elements of the scheme. Notwithstanding, we would confirm the assessment of a less than substantial level of harm.</p>
<p>Applicant Comment:</p>	<p>A visualisation for this location will be prepared and submitted at a future Examination deadline.</p>
Q2.13.3	First Iteration EMP and Landscape and Ecology Management Plan
<p>Q2.13.3.1 – Questions repeated to seek response from specific respondents</p> <p>Mitigation</p>	

No.	Question/Applicant's Comments
	<p>a) BBC, are you satisfied with the level of detail regarding the proposed mitigation that would have been secured through the First Iteration EMP, including the Landscape and Ecology Management Plan [APP-234] and the dDCO [APP-025]?</p> <p>b) The ES states that one of the measures to mitigate the effects of construction activities includes sympathetic lighting to minimise disturbance to nearby receptors. The Applicant is not intending to provide any further information about the objectives for lighting measures, than is already provided in the First Iteration EMP [APP-234, Section 1.4]. BBC to comment.</p> <p>c) Would the Proposed Development be sufficiently screened, particularly relative to existing settlements, such as Roxton, or St Neots?</p> <p>d) ExA seeks responses from the Cambridgeshire Councils and NE on the responses provided by the Applicant [REP3-007].</p>
<p>Cambridgeshire Authorities</p>	<p>d) The Applicant's response to Cambridgeshire Council's response at Q1.13.3.1 is based on the findings of 2021 survey work. However, this evidence has not been submitted to the Examination. Therefore, we cannot determine whether this survey work is appropriate and whether the Applicant's response [REP3-007] adequately addressed our comments.</p> <p><u>Bats</u></p> <p>We welcome acknowledgement that there will be no lighting of the bat tunnel or other underpasses (last paragraph, page 165 [REP3-007]) but it is unclear if this would be a conflict between its dual purpose as a NMU route.</p> <p>As discussed at question Q2.3.5.1 (above), there are no details on the Environmental Masterplan to demonstrate the bats will pass through underpasses with no change in flight height or direction [APP-091].</p> <p>We welcome the Applicant's confirmation that long term management of the proposed habitats will be carried out for the lifetime of the Scheme. The Applicant states that Annex L of the First Iteration Environmental Management Plan [APP-234] provides an outline of how these habitats will be managed. However, the management of ponds are covered by Annex L. This should be updated in line with the Joint Position Statement with the Applicant and NE on Drainage Ponds [REP3-026] (as amended per the Councils' comments in Cover Letter CLA.D4.CL submitted at Deadline 4. In addition, there's not information about the maintenance of artificial refugia, such as bat boxes.</p> <p>These management prescriptions will be developed further in the Second Iteration Environmental Management Plan. The Councils seek consultation on the development of the Second Iteration EMP.</p>
<p>Applicant Comment:</p>	<p>The Applicant can confirm that the following 2021 ecological survey updates have been submitted at Deadline 5:</p> <ul style="list-style-type: none"> • Barbastelle Bat Surveys and Mitigation Technical Note (Revision 2) [REP4-044]. • Updated Background Biodiversity Information 2021 Technical Note [TR010044/EXAM/9.57]. • Aquatic Habitat Surveys 2021 Technical Note [TR010044/EXAM/9.58].

No.	Question/Applicant's Comments
	<ul style="list-style-type: none"> • Barn Owl Survey Update Technical Note [TR010044/EXAM/9.59]. • Updated Bat Surveys 2021 Technical Note [TR010044/EXAM/9.60]. • Great Crested Newt Survey Update Technical Note [TR010044/EXAM/9.61]. • Reptile Survey Update Technical Note [TR010044/EXAM/9.62]. • Updated Terrestrial Habitat Surveys 2021 Technical Note [TR010044/EXAM/9.63]. <p>The Applicant wishes to clarify that the purpose of the Environmental Masterplan [REP4-047] is to illustrate the form and location of the environmental measures embedded into the Scheme design. It is not an appropriate plan on which to demonstrate how bats will pass through underpass structures. Accordingly, this information will not be added to the Environmental Masterplan [REP4-047].</p> <p>In relation to future management of the proposed habitats, the Applicant can confirm that a requirement has been included within Schedule 2, Part 1 of the draft DCO [REP4-006] which requires that the Second Iteration Environmental Management Plan must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and relevant highway authority prior to commencement of the authorised development. This requirement enables the Councils, in their role as the relevant planning authority, to inform the development of the mitigation measures within the Second Iteration Environmental Management Plan at the detailed design stage.</p>
<p>Q2.13.3.2 – Mitigation Comment on the responses provided by the Applicant [REP3-007].</p>	
<p>Cambridgeshire Authorities</p>	<p>Please see response to question Q2.13.3.1 (above). Whether or not the mitigation proposed by the Applicant is appropriate will depend upon the outcome of the 2021 surveys.</p>
<p>Applicant Comment:</p>	<p>The Applicant has submitted the 2021 ecological survey updates presented in its response to Q2.13.3.1 above at Deadline 5. Aside from the Barbastelle Bat Surveys and Mitigation Technical Note (Revision 2) [REP4-044], which comprises an update of ongoing Bat surveys that are yet to be completed and fully analysed, the Applicant can confirm that the findings of all the other baseline reports submitted at Deadline 5 indicate that no changes to the mitigation measures will be required.</p>
<p>Natural England</p>	<p>Further to our response to Q2.3.5.1 Adequacy of mitigation measures above, Natural England is satisfied with the Applicant's response [REP3-007] acknowledging that whilst no bat roosts have currently been found within or sufficiently close to the Scheme to warrant the submission of a draft licence the situation may change dependent upon the outcome of ongoing bat roost surveys. As we have indicated above, should the likely</p>

No.	Question/Applicant's Comments
	<p>requirement for an EPS licence for bats be identified the applicant will need to submit a full draft EPS licence application to Natural England as soon as possible in order to expedite the agreement of mitigation measures and the issue of a LONI.</p> <p>The Applicant's response [REP-007] also confirms that a submission to NatureSpace has been made to join the Bedfordshire GCN DLL scheme and that a draft European Protected Species mitigation licence is being prepared for GCN in Cambridgeshire. Natural England welcomes this and will review the draft licence application once received.</p> <p>In response to Q1.13.3.1 Mitigation [REP1-088] we commented that Natural England would expect to see further detail provided on sympathetic lighting measures to confirm that there will be no adverse disturbance impacts to light sensitive species including bats and otters. The Applicant's response [REP-007] indicates that the lighting strategy will be developed as part of the detailed design stage and lighting is only proposed at conflict areas, typically roundabouts, which mostly already have lighting and this will be similar in scale to the baseline. The Applicant's response [REP-007] confirms that neither the River Great Ouse viaduct nor the Toseland Road bridge will be lit and that for the majority of the Scheme and for the bat tunnel and other underpasses, there will be no lighting and hence there will be no impact from lighting on bats. Natural England looks forward to confirmation of this being provided in the detailed lighting strategy. We will be pleased to review the strategy in due course.</p>
Applicant Comment:	The Applicant notes Natural England's views and position on the matter of lighting.
Q2.16	Noise and Vibration
Q2.16.1	Construction and Operational effects on sensitive receptors
	<p>Q2.16.1.1 – Borrow Pits</p> <p>Does the Applicant's Borrow Pits Excavation and Restoration Report [REP3-011] adequately address concerns relating to noise associated with the use of Borrow Pits? If not, explain with reasoning.</p>
Bedford Borough Council	<p>No</p> <p>9.24 Borrow Pits Excavation and Restoration Report dated October 2021[REP3- 011].</p> <p>Point 1.2.12 of the report states that environmental matters relevant from borrow pits include amenity issues that include air quality and noise.</p>

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	<p>Table 1.1 shows that there is a list of measures that would be implemented to mitigate impacts on amenity including monitoring, covering of stockpiled materials, use of suppression techniques, erection of barriers, sheeting of vehicles, use of sweepers and washing and liaison with at risk residents for dust issues.</p> <p>With respect of noise the table lists ancillary plant to be positioned to cause minimum disturbance, acoustic barriers or enclosures to be provided if necessary. Working methods to be developed specific to the area. Plant and equipment to be shut down when not in use, regular maintenance of plant and for said plant to be used properly, vehicles to be fitted with exhaust silencers and maintained. Minimizing drop height for materials, use of less intrusive alarms, appropriate selection of plant, consideration of low vibration working methods, keeping haul routes clear and no stat up or shut down of large rollers within 50m of receptors and none of medium rollers within 15m of receptors.</p> <p>2.2.1 states that the Key Constraints for site 11 are the changes in noise levels and visual amenity for residential receptors which are up to 150m from the site at its closest. I would query whether that is 150 to the residential premises boundary or to a façade. The report goes on to say that a number of properties may be impacted by dust. Mitigation strategies for dust and noise are set out in annex A and B within the report.</p> <p>3.2.1 states that the Key Constraint for site 14 are the changes in noise levels and visual amenity for residential receptors on the A1 great north road and the individual property to the northeast which are 140m and 100m away respectively again I would query whether this is to the residential boundary or to a façade. Mitigation strategies for both dust and noise are again set out in annex A and B within the first iteration of the Environmental Management Plan.</p> <p>The Environmental Management plan first iteration states in table 3-4 that the Principle Contractor will develop and implement an Air Quality Management plan. This plan is to adopt a range of industry good practice construction phase dust mitigation and monitoring measures that will include relating to dust management.</p> <p>Table 3-10 states that the primary contractor will develop and implement a noise management plan. This plan will adopt a range of industry standard good practice construction phase (dust) mitigation and monitoring measures.</p> <p>Previous information supplied by the applicant within their earlier borrow pit document stated that they would operate BPM to control dust and noise but made no assessment of the level of noise impact likely on nearby residences.</p> <p>The new information supplied at this stage has given some more detail as to what BPM may entail but has still not supplied any further details as to the level of noise from the construction activity and therefore whether such BPM would be sufficient. Because of this lack of information I remain unable to assess whether or not such BPM mitigation would protect residents sufficiently or if they would be subject to harm that Environmental Health would be unable to act upon.</p> <p>Annex A of the 1st iteration EMP states that it sets out the specific as well as generic measures that will be used to manage dust emissions. 1.4.1 states best practicable means will be used to minimise dust emissions.</p>

No.	Question/Applicant's Comments
	<p>Table A-1 states a series of dust management and measurement methods will be developed and implemented. A list of actions are included in the proposed plan including a number of actions for closer locations to sensitive premises but no data to show the level of impact likely on those residences.</p> <p>Annex B of the 1st iteration EMP states that it sets out the generic measures to be used to manage noise and vibration. The measures detail that noise will be controlled by employing BPM and includes within 1.4.7 a list of control measures that will be implemented.</p> <p>The concern remains that with no detail supplied as to the level of noise or dust that will be emitted, it is impossible to know the proposed information on mitigation is sufficient.</p>
Applicant Comment:	<p>The Applicant confirms that the distances reported in paragraphs 2.2.1 and 3.2.1 of the Borrow Pits Excavation and Restoration Report [REP3-011] are from the closest edge of the borrow pit to the façade of the relevant receptor.</p> <p>The Applicant disagrees that noise levels predicted to result from construction activity in the borrow pits has not been supplied in the Borrow Pits Excavation and Restoration Report [REP3-011]. This information is provided in paragraphs 2.3.48 and 3.3.40 for Sites 11 and 14 respectively.</p>
NGG and NGET	<p>No comment – not relevant to NGG/NGET apparatus/interests.</p>
Applicant Comment:	<p>The Applicant notes the response from NGG/NGET.</p>
Cambridgeshire Authorities	<p>We accept the construction noise assessment reported in Chapter 11, Noise and Vibration of the Environmental Statement [APP-080] was based on reasonable worst-case assumptions, including for works associated with the borrow pits. However, whilst a brief description of the noise environment at each borrow pit is stated, site-specific details of mitigation to be employed are not given and do not take account of the actual noise sources present (i.e., equipment to be used and expected levels of attenuation expected after noise mitigation has been installed). Reference is again made to the details presented in the 1st Iteration EMP. As discussed, the first iteration is too high-level and general to contain the site-specific details required to be agreed at this stage. Details of mitigation for noise and dust impacts are due to be confirmed in the Second Iteration of the EMP, as reported in our response to Q2.6.2.2 b).</p> <p>During the ISH2 on 23rd September 2021, Agenda item 9.2 NH stated that temporary screens would not be used due to noise predictions indicating they would not be necessary. In order to provide “Best Practical Means” mitigation due to noisy construction works (especially at night when background noise levels are lower) temporary barriers will probably be essential in certain circumstances.</p>
Applicant	<p>The Applicant refers to the responses to item 10.2 of REP1-055h, item 5(l) of REP1-055l, both submitted at Deadline 3 [REP3-008] and discussions during Agenda item 9.2 of ISH2 [EV-041]. These confirm that site specific mitigation will be determined at the detailed design stage</p>

No.	Question/Applicant's Comments
<p>Comment:</p>	<p>when exact details of the works in terms of the location, extent and timing, and the number and type of plant to be used, will be more certain. This includes construction operations associated with the borrow pits. The construction noise assessment presented in Chapter 11 of the Noise and Vibration [APP-080] will be re-visited at the detailed design stage to ensure Best Practicable Means (BPM) is adopted and if localised noise barriers would be appropriate.</p> <p>With regard to temporary screens, the Applicant refers to the transcript of ISH2 (times 1:20:35-1:22:20) [EV-041]. Under this item, the Applicant confirmed that construction noise assessment reported Chapter 11 Noise and Vibration [APP-080] of the Environmental Statement was completed on a worse case basis and no benefit from temporary noise barriers were included in the construction noise predictions. However, the Applicant confirms that temporary screens will be considered at detailed design stage when details of the works are more certain. This is secured in the First Iteration Environmental Management Plan [APP-234].</p>
<p>Central Bedfordshire Council</p>	<p>CBC have had no involvement with the borrow pits or noise impacts from them. CBC believe this is more of an issue for residents within Bedford Borough.</p>
<p>Applicant Comment:</p>	<p>The Applicant notes the response from Central Bedfordshire Council.</p>
<p>Q2.16.1.2 – Noise baseline monitoring</p> <p>Do LAs and IPs agree with the rationale put forward by the Applicant [REP3-019, Appendix B] to explain how the baseline noise monitoring undertaken was sufficient for the purposes of the ES? If not, explain with reasons.</p>	
<p>Bedford Borough Council</p>	<p>No</p> <p>The described purpose of the baseline noise survey was to identify the local noise climate and its constituent parts and to validate the traffic noise prediction modelling by comparing predicted traffic noise levels with the measured noise levels.</p> <p>The validation exercise compared the baseline ambient noise levels measured in 2017 and the predicted traffic noise levels using 2015 base year traffic data. As can be seen the most recent measured noise data was from 4 years ago and was used to validate modelling from 6 years ago.</p> <p>The report states that the prediction only considers road traffic whereas the measurements would consider all ambient noise sources. This is of course true but rather than reducing the need for the assessment this increases the need for validation measurement to ensure accuracy.</p>

No.	Question/Applicant's Comments
	<p>1.1.24 of the report states that no material changes in baseline conditions have been identified between 2017 and 2021. Further validation work has been done but this involved further prediction work and no further monitoring. Bedford Borough Council and other local planning authorities have specifically asked that actual monitoring be done for the purpose of bearing out the accuracy of the calculated levels.</p> <p>I can therefore confirm that the concerns of Environmental Health are outstanding following the information supplied by the applicant at deadline 3.</p>
Applicant Comment:	<p>The Applicant notes the points raised by Bedford Borough Council. However, the Applicant disagrees that further validation measurements are required.</p> <p>As set out in paragraph 1.1.25 [REP3-019, Appendix B], the validation exercise reported in Chapter 11 Noise and Vibration [APP-080] concluded that there was a reasonable match between 2017 measured and 2015 predicted traffic noise levels at locations where roadside noise was dominant. As a result, the comparisons provided confidence that the noise model developed to estimate the traffic noise impacts of the Scheme is a reasonable approximation.</p> <p>The Applicant also refers to paragraph 1.1.26 [REP3-019, Appendix B] in which it confirmed that the further work undertaken identified that the magnitude of change in predicted traffic noise levels between 2015 and 2025 is negligible. Therefore, as set out in paragraph 1.1.28 [REP3-019, Appendix B], the Applicant considers that the additional analysis further validates its original conclusion regarding the validation of the model used to estimate noise impacts of the Scheme.</p> <p>It is noted that the other local authorities are no longer challenging this point.</p>
NGG and NGET	No comment – not relevant to NGG/NGET apparatus/interests.
Applicant Comment:	The Applicant notes the response from NGG/NGET.
Cambridgeshire Authorities	Agreed
Applicant Comment:	The Applicant notes and welcomes the response from the Cambridgeshire Authorities.

No.	Question/Applicant's Comments
Central Bedfordshire Council	CBC think we have challenged the point about the planned additional monitoring data sufficiently, and the applicants have now provided a response detailing why this has not been undertaken and the rationale behind it. CBC note that some additional monitoring/validation work has been undertaken (as referenced in paragraph 1.1.26 of Appendix B) which has identified a negligible change in traffic noise levels. CBC do not think we have reason to challenge this point further.
Applicant Comment:	The Applicant notes and welcomes the response from Central Bedfordshire Council.
Q2.16.1.3 – Noise and Vibration Errata Do LAs or IPs have any comments regarding REP3-27 which clarifies that dates of Base Year traffic data, as referred to in various submissions by the Applicant, should be 2015 rather than 2016.	
Bedford Borough Council	Only that the more up to date the data the more reliance can be placed on the models. This increases the importance that monitoring is undertaken in this year as relying on more historical data increases the potential of divergence between modelling and reality.
Applicant Comment:	The Applicant notes the response from Bedford Borough Council.
NGG and NGET	No comment – not relevant to NGG/NGET apparatus/interests.
Applicant Comment:	The Applicant notes the response from NGG/NGET.
Cambridgeshire Authorities	This 9.42 Chapter 11 Noise and Vibration Errata document does not change the methodology used or outcomes reported, as it appears only to correct a typographical error.
Applicant Comment:	The Applicant notes the response from the Cambridgeshire Authorities.

No.	Question/Applicant's Comments
Central Bedfordshire Council	No comment.
Applicant Comment:	The Applicant notes the response from Central Bedfordshire Council.
Q2.17	Significant Cumulative Effects
Q2.17.1	Assessment of combined effects
Q2.17.3.1 Applicant, for the receptors that would experience large adverse combined effects, and moderate adverse effects [APP-084] [APP-112] do you believe the First Iteration EMP should identify support and point of contact with the Community Liaison Manager or similar to provide immediate and short term mitigation to effects of construction period? Should this be identified as additional mitigation? LAs to comment.	
Bedford Borough Council	In general terms yes but the LA major concern for construction is that in areas such as the borrow pits mitigation may not be possible to adequately ensure an acceptable environment. Contact with a community liaison manager is only helpful where action taken by such a manager may ameliorate impact. We are yet to see any confirmation that this is the case and as such we are wary to rely on community engagement where this may just obfuscate a situation where, following granting of permission, no action can be taken to resolve a matter.
Applicant Comment:	The Applicant refers Bedford Borough Council to its response to Q.2.17.3.1 in the <i>Applicant's Response to the Examining Authority's Second Round of Written Questions</i> [REP4-037] which explains the functions and responsibilities of the Community Relations Manager, who would be employed during construction of the Scheme. The Applicant also refers Bedford Borough Council to its response to Q2.6.2.1 [TR010044/EXAM/9.56] which addresses these concerns.
Cambridgeshire Authorities	Any early engagement with receptors likely to be impacted by the Scheme would be a welcome inclusion. As discussed, the First Iteration EMP is too high level and general in nature (see response to Q2.6.2.2 b and Q2.16.1.1). Site specific details for construction will be required moving forward (Second Iteration EMP), but provision of this information may be too late in some circumstances.. Generally, an early intervention would speed up complaint resolution and reduce the potential for complaints to escalate. Therefore, we agree the First Iteration EMP should identify support and provide a point of contact for the Community Liaison Manager, or similar, to provide immediate and short-term mitigation to effects of the construction period.

No.	Question/Applicant's Comments
Applicant Comment:	<p>The Applicant refers the Cambridgeshire Authorities to its response to Q.2.17.3.1 in the <i>Applicant's Response to the Examining Authority's Second Round of Written Questions [REP4-037]</i> which explains the functions and responsibilities of the Community Relations Manager, who would be employed during construction of the Scheme.</p> <p>The Applicant remains of the view that no further support or point of contact will be required during construction in respect of this role.</p>
Central Bedfordshire Council	<p>The impact to the AQ will be from the operational phase of the development not from the construction phase. Therefore, CBC have no comment to make on this matter.</p>
Applicant Comment:	<p>The Applicant notes the response from Central Bedfordshire Council.</p>
<p>Q2.17.4.1 – East West Rail</p> <p>The EWR Company have submitted material [REP1-073] [REP3-048] relating to where, and to some degree, how the Proposed Development would interface with the proposed EWR scheme. Various interface points were also described at the ASI by the EWR Company [EV-022].</p> <p>a) EWR Company, provide oral summaries of that explained to the ExA at each stopping point of the ASI.</p> <p>b) Applicant, provide details of any design changes currently proposed or being developed for the Proposed Development on the basis of the information received to date.</p>	
East West Rail Company	<p>a) Oral Summary of ASI</p> <p>Prior to the ASI, EWR Co provided a written commentary of the matters for consideration by the ExA in Additional Submission [AS-011] - Submission regarding the Draft Itinerary for the Accompanied Site Inspection A428 Black Cat to Caxton Gibbet Improvement Scheme. This document made reference to the numbered stops proposed in [REP1-025], and proposed an additional stop at Roxton Road. The oral explanations provided to the ExA during the ASI were based upon the written descriptions of the potential interactions set out in [AS-011] and EWR Co's response to Q1.17.4.1 (b) [REP1-074].</p> <p>In light of the ExA's request for further information, and so as to ensure that the most recent information in respect of EWR Co's ongoing option development and emerging preferences is before the Examination, the Appendix to this response has been prepared for submission at Deadline 4.</p> <p>The potential interfaces referred to in [REP1-074] and [AS011] were described by reference to a design that had been developed in December 2020 for the purposes of comparing the various route alignments. Since the close of EWR Co's non-statutory consultation on 9</p>

No.	Question/Applicant's Comments
	<p>June 2021, the potential options to capitalise on value management opportunities in respect of the EWR Project have been considered further. The Appendix to this response both provides further descriptions of the potential interfaces referred to in [REP1-074] and [AS011] and describes the potential interfaces with the value managed design. It is important to note that these represent potential changes, and have not been incorporated in the EWR Project, but illustrate how the interfaces with the Scheme could be managed differently in an alternative scenario.</p> <p>b) Design Changes currently proposed or being proposed</p> <p>EWR Co's position is reserved, pending receipt of the Applicant's response.</p> <p>Appendix appended to East West Rail information</p>
Applicant Comment:	<p>a) The Applicant notes this response from East West Rail Co.</p> <p>b) The Applicant notes this response from East West Rail Co.</p> <p>The Applicant would also comment that the additional information provided in the Appendix does not change the current position, which is that there remains too much uncertainty to understand the impact of the East West Rail scheme on the A428 Scheme.</p>
Q2.18	Socio-economic effects
Q2.18.1	Methodology
Q2.18.1.1 – Human health	<p>Notwithstanding the responses from the Applicant [REP1-022] and PHE [REP1- 090], do you believe the First Iteration EMP should identify support and point of contact with the Community Liaison Manager or similar to provide immediate and short-term mitigation to receptors identified by the Cambridgeshire Councils [REP1-051] during the construction period? Should this be identified as additional mitigation? LAs to comment.</p>
Cambridgeshire Authorities	Please see the response to question 2.17.3.1.
Applicant Comment:	The Applicant notes the response from the Cambridgeshire Authorities.

A428 Black Cat to Caxton Gibbet improvements
Applicant's comments on other parties' responses to second round of written questions

No.	Question/Applicant's Comments
Central Bedfordshire Council	This is a question for Cambridgeshire Councils as it relates to their receptors.
Applicant Comment:	The Applicant notes the response from Central Bedfordshire Council.