

TEXT_ISH5_Session2_01122021

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All

00:03

right.

00:05

Welcome back, everybody. The time is now 1156. And I'm resuming Session Two of the fifth issue specific hearing.

00:16

Can the case team please confirm everyone who wishes to be here has joined back?

00:27

Hi, Matthew, I can confirm that everyone said meant to be his back and that the livestream has also started and recording as well.

00:36

Okay, thank you, Mr. Williams.

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So moving on to Agenda Item four, this is around highway layouts and junction arrangements. This this second session focuses on the approach of the applicant to propose departures from design standards interfaces with the Swiss rail scheme and also later non motorised users as well. I'm so sorry. Yes, going to departure from standards. First of all, we have previously discussed matters relating to departures from standards that is h two and h four I think actually. So however, given the respective positions of the applicant and in particularly Cambridgeshire county council, we further we feel further discussion is necessary, but solely in relation to any likely effects on road safety at the locations referred to in the agenda.

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So, with regards, a

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four A on this one, the local highway authority have have had opportunity to review the applicants document responding to their concerns in relation to written question 1.11 point 2.1 And that was rep five dash 017. So if we can firstly turn to toseland Road,

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look, this local authority have a formal road safety audit for you.

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In regards to the proposed departure from standard tostones road.

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Saffron stern on behalf Cambridge authorities can ask Mr. John Border to join.

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So the allow Mr. Border to speak,

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rather than hear from me.

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Okay, so as far as toes and roads concerned,

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I think I just like to sort of start by pointing out, pointing out the obvious good road design is far more than just measuring the existing width of the road and read providing it, it's far more complicated than that. And just measuring the existing road width is a somewhat naive approach. And I'm sure we can all agree that making poor design decisions leads to roads with poor safety records. So this, this is a very important point about selection of the roadway that the applicant has as

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followed dmrB To the extent that

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they've selected 100 kph design speed for the road.

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And

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that is a matter of measuring the alignment constraints and the layout constraints, which is the bendiness the visibility, or the type of road it is The Verge with the visibility, visibility and amount of from tages, as well as the road width. So what I'm saying is that the selection of the design speed takes into account the existing width. So it takes into account all these multitude of other factors as well. Sorry, Mr. Border? Is this the formal Road Safety Audit view of?

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Well, I'm sorry, I'm trying to work my way round.

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into this. I understand that we've we've been through we've been through this, this location before and some of the background and and what's considered to be the limitations of the highway authority in terms of how it's been approached by the applicant. So if we could, if we could go to a better understand that the formal Road Safety Audit view of what has been proposed here, the applicant is responsible for carrying out the formal road safety audit on their scheme.

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And in my view, the Cambridge county council should be a console T are an observer of that road safety audit process because it's a road to which they are expected to ultimately adopt that road.

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The views that the road safety audit done by the applicant that the narrow road the six metre wide road is not accepted by Cambridge county council. So that that view that

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It's, it's it's safe and it's going to be okay. Is is not Cambridge county council for you.

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Okay, so if this was if this was a developer, any other developer coming forward with, with a proposals such as this to depart from dmr, for example, and the

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and they provided a road safety audit with the council take with the council typically provide a road safety audit view in response to that, or would it be as as as the approach here, where you're saying you're, you're effectively consulte, to respond to the Road Safety Audit has been taken to the client, the overseeing organisation, if you like, is,

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is ultimately has the decision to whether to accept the recommendations of the auditor, or perhaps a contrary view put forward by by the designer, or indeed a third view put forward by the, by the overseeing organisation that's, that's in the hands of the overseer organisation to take that opinion. If if this was a developer proposing something and we'd have agreed 100 kph design speed, that's broadly 60 miles an hour, then we would not be accepting a six metre wide road, in my opinion in the opinion of Cambridge county council. Six metre wide road is okay on urban roads for 50 or 60 kph design speeds. And this is the this is the key point. When vehicles are going slowly, particularly HGVs. They can pass each other safely carefully. At low speeds 50 or 60 kph that's 30 Maybe 40 miles an hour okay for urban roads. Not okay for railroads were 100 kilometres an hour has been agreed as the design speed. We've got we've got a road that has a horizontal alignment of vertical alignment Superelevation visibility, all designed for 100 kph design speed, that road will be

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giving out messages to drivers that 100 kph is that is is acceptable and safe to drive at on that road

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HGVs in particular, just just just point out typically, the tractor unit of an HGV and Arctic would be 2.55 metres wide the body

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but regulations. road vehicle construction use regs allow track to be up to 2.75 metres wide. And then the mirrors over projected beyond that and there's a certain edge shine as well from the from the curb, you add all of that up, and it means there's a matter of inches, maybe 100 millimetres, maybe a small dimension available for these vehicles to cross each other.

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So at 30 miles an hour, 40 miles an hour urban situation that's acceptable.

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What is not acceptable is to for 100 kph road for these vehicles to be crossing each other trucks that are expecting to be able to drive 50 miles an hour on this road, that's an opposing speed of 100 miles an hour, expecting to pass within a few inches of each other. It's not realistic, it's not safe. And the assessment, the departure application that's coming to Cambridge county council previously,

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in our view, doesn't set out that that assessment in any meaningful way. It's not holistic, it doesn't cover all issues. It focuses in on single issues and doesn't really cover the whole

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range of range of issues like I've mentioned. I mean, there are other ones as well. You're aware of the drainage issues, etc, etc. So

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what I would say is that dmr proposes a lane width of 3.65 metres as opposed to three metres

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if you want to look at other standards manual for streets, which is really only for urban roads, but that would push you towards three and a half as a sort of dimension for a lane for a higher speed road. And so Cambridgeshire county council don't have any local adopt locally adopted design standards for highways separate to dmr or manual for streets. cmrp. Is this the is the guideline that would be applicable for a rural road. State Road guidelines aren't relevant here. So I don't think it's worth raising. So you do have you do have locally adopted design standards or you rely on DMR dmr. Okay,

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Thank you

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over to the over to the applicants respond on particular toseland Road.

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And this seems quite a different view compared to your road safety audit. And I suppose in in that it's trying to understand why there can be this this quite fundamental difference of opinion

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Scotland's to the applicant, alas, Mr. Doherty to pick up this point in the first instance please.

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Come on, he said Ted Doherty upsetting the applicant, I I understand and accept Do you have a concern about the conflict and I would suggest there is a conflict and the simple fact is, we undertook a safety review of the outline design of the scheme. The recommendation from our safety audit team at that stage was to maintain existing are similar carriageway widths for the local roads. As I said before, the this approach has been accepted and adopted by both Bedfordshire Borough Council and central Babbage again. So and I would say, in both cases, it has been slowly directed by that approach was directed by the council's

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I don't I'm not discounting Mr. Border's, views, and I do respect his views very much. And maybe Chris, Mr. Christos would

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come in in a bit because obviously discussions happy or not, obviously, discussions have been progressing. And engagement on the detailed design with Mr. Bordeaux has made some good progress, I would say. But I'll just point out that the carriageway width that we are proposing is greater than the existing carriageway width.

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As Mr. Border says the the geo geometry and visibility

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requirements or proposals that were providing meet with the dmr b standards, I would say that they are probably in terms of safety, particularly visibility is one of the primary fundamental determinants of safety, inadequate visibility can lead to a very unsafe road. What we are trying to do on the local roads is, is manage speed, we want to discourage high speeds of vehicles. And that's been, I would say one of our primary objectives with this this approach. And I think as we said before, it's been ratified by you know, what happened on the A 14, you know, this approach that came preacher insisting on was implemented on a 14. And as a consequence of the state three safety audit, retrospective measures had to be implemented to mitigate for the increased speeds and

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overtaking concerns that were identified on the completed words. So I think that's really all I can say. I don't know whether Mr. Christos would like to add to that.

13:07

Thanks, Ted, Christos Chrisou for the applicant. Yeah, just pick up on that point. I think just to outline how we've progressed discussions with with John and also CCC.

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I think firstly, the Road Safety Audit, the second Road Safety Audit we will be planned to undertake next year, we've actually split it down by local borough roads, in order to enable the local authorities to participate as observers, foreign observers, because there is a limitation when you with that is that within the timeframe of the examination, I know Paul, that the outcome will fall outside of it.

13:43

So that's a secondary title the next next year, but we have agreed that will will will include the local local authorities, with the respect of roads as part of that road safety audit, as foreign observers. Secondly, we've got acknowledging what what John has has outlined. And also what Ted has done, what we've committed to with John is to undertake further assessments with regards to the road design, and mystically, so not just the geometry, and we're looking at, at this stage data design, being able to undertake a, an assessment that looks at the review the design speed of the roads, and the additional features may be required to impose more or restrict drivers from from speeding. So we'll be looking at existing road, what the corresponding design speed is, and then looking at how that applies to the detailed design. And I think the outcome of that

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with either organisation hoping we'll be able to sort of buy into it, and then provide the validation or verification for the departure that we'll be applying for if we continue to apply for them. And so what sort of timeframes are we looking at for that?

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Depending on the level, the amount of time we have, we're hoping to sort of finish that process again, hooray near the end of the examination period, ideally. But again, it depends on attendance and availability for meetings.

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So

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If I think we is examining authority, we would request that information well before the end of the examination, otherwise, effectively, the Secretary of State would if it was Go ahead, we'd have to make a decision as to as to which way to go on it.

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So if we can ask that that be expedited,

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fully understand you've got to do a proper job on it. And that can take a bit of time. But if we can have that provided to us, but also as a fallback, could you prefer it could you could a, effectively a drawing be

provided, which very simply side by side shows exactly what Cambridgeshire county council they're after? And exactly what you're proposing is provided is to be provided at this stage, so we can better understand the detail of the difference. Yes, yeah. Christos Christou Yeah, we were agreed with on board and we produce it sort of schematics and then sort of typical sections as well. But progress that I'm aware, it's been described, you know, by the by Cambridgeshire county council before but to have it actually, side by side would be helpful. Mr. Tyrrell I see your hands up.

16:18

So thank you for answering on behalf of the central authorities, I just wanted to supplement what Mr. Border said just in relation to a point that we have already raised in our response to the written questions,

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secondary questions to 11 to one, which I don't think was dealt with in the applicants response to that, in relation to this notion of the Road Safety auditor audit and what it did look at, because I think a lot has been made that the Road Safety Audit on behalf of the applicant did consider the widths and found them. Okay.

16:48

Having looked at the road safety audit, we don't really find that this point was expressly considered by the road safety audit.

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The tax we found is in relation to what's referred to as problem d to one where I think actually the root cause it really is considering bridges, and what should happen in and around bridges. So this generalised notion that the width is okay is not something and I appreciate I'm speaking somewhat of a layperson on this. But this is not something which is expressly considered in the documentation on the road safety audit that we have seen along the border to speak if I

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put that incorrectly but I think a lot of Reliance has been placed on the Road Safety Audit so far, but I don't see anything expressly which is looking at this particular concern that we've raised.

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Mr. Border was there anything you wanted to add to that?

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Yes, I just say

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it's the pre there was a pre stage one audit, I believe held, which which, which recommended that the

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road widths were reduced from from linewidths and 3.65 to three,

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I believe.

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I subsequently a stage one audit was silent on the topic of cross sections, presumably, they had been supplied with details of the cross sections, and presumably they would have commented had they had had a problem. But as far as I know, they haven't explicitly endorsed the six metre width. So that that was the point I was trying trying to make there.

18:28

But what I would say is there is in my view, scope for a compromise here. I don't want to make out that Cambridge county council are stuck in the mud with total insistence on

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DMA DMA but dmr standard. What I would say is that a a design that is designed to dmr but has a unapproved departure application, accepted departure application

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is compliant with dmr. The departure process is part of the dmr. So if the applicant was to propose a dimension that was acceptable to Cambridge and backed it up with a acceptable fully and fully worked up ballistic departure application, that would potentially be acceptable for Cambridge county council, but the position right now is that a departure for a three metre wide lane with a six metre wide road has been submitted and rejected. Okay.

19:39

Thank you, Mr. Doherty

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Ted Doherty representing the applicant. I just wanted to confirm Mr. Borders interpretation of how things developed in terms of

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development of the design is correct. Yes, this this issue was raised at the safety review, which I mentioned earlier. It wasn't picked up in the

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Stage One votes at audit because we had incorporated effectively incorporated their recommendations. But I and I agree. I appreciate Mr. Border's, comments on the compromise.

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Thank you. So, okay, so, before it just recap on I'm sorry, we've got a hand up. Yep.

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So Christos Christou, the applicant. Yeah, just to reiterate that the the applique for the departure was done pre detailed design. So again, we're agreeing that various validation and supporting information with John Border CC to make the application blank.

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So is we in the same for just confirm on that on the action here. Are we in the same position with the B 1046? Pot and road which which should be spelt with two O's rather than an E in the agenda? is that are we in the same position there?

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John Border on behalf of Cambridge county council Yes, I think it's the same position on each of the three roads, I would just start the pot and road is a B class road tows sorry, B 1046 is obviously a B class road Patan road, the side road element of it is a C Class road as is Tozan. Road

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that might imply a certain hierarchy of standards.

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Yes, so just so just on. So the immediate action that I would like is for these locations for effectively the side by side drawings to be provided of where Cambridgeshire county council are at the moment compared to where the applicant is. And then for the then as this discussion that the discussions continue for us to be updated on that.

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And as I say, we're really keen that that comes into the examination as soon as practicable.

21:59

Scott Lyness, the applicant? Sorry, yes, that's understood. And as you've heard, discussions are ongoing, and we'll make sure that they can be expedited as quickly as possible. Okay. Thank you

22:19

I don't think we need to go into that that given what's been said so Okay, thank you very much, everyone on that that's been helpful. I'll now turn to the next agenda item which is east west, east west rail.

22:42

Thank you.

22:46

So as this item may well relate to DCAA matters would miss a high light to join me for this one.

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The examining authority previously requested the submission of draft protective provisions from the Swiss rail company and understand that these a bit recently been shared with the applicants at a meeting.

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Firstly, can the East West rail company confirm when the examiner authority will receive these draft protective provisions?

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Needless to say that they may assist in preparing the examining authorities proposed schedule of changes to the draft DCA, which will follow later in January, or effectively. Do they form part of what has been submitted recently in regard to the design principles? If you could just clarify that please, Mr. Bassford, that'd be helpful. Of course, MSI. The protection provisions were shared a little while ago with with national highways. And there is also a side agreement which we would not normally share with you, those are usually agreed between the parties that ensure the smooth running of protective provisions. And the parties have discussed those. I think we're coming to a point where the the position of Israel is that there needs to be provision in the order to ensure that the the position of the projects is properly reflected.

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And so therefore, we shall be sharing the protective provisions with you.

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We you will also have seen the submissions we've made about changes to the design code and the requirements. And I think what underpins this is that whilst East West Rail is not Network Rail or national grid or party like that, what is at stake here is the implementation of two infrastructure projects potentially in very close proximity and we accept that we're not yet at preferred route announcement, but there's a real possibility that the two schemes could be very, very close together. And in those circumstances, it is possible to avoid the environmental impacts and community disruption caused by

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two projects successively, reworking the same area of ground, affecting the same same links, then a mechanism needs to be imposed, what not imposed and secured in order to achieve that. And so whether it is through the protective provisions are another means that that simply ought to happen in the public interest to protect the environment. And so it has been the public funds. And so, so we shall provide those to you, you've also seen our other submissions, and we believe that it is for the parties to to advance discussions on design as national highways comes to it. So it's design and all being well, you recommend the grant of the DCO. And, and they implement their scheme.

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Mr. Bassford just to confirm the protective provisions that you provided to the applicant on the 15th of October?

26:04

Is there any resemblance between Thor's and the changes that you have proposed to requirement 12? The protect they are they are quite different. So the protection provisions are those that are similar to those which would apply to an ordinary statutory undertaking. So Israel is not at this stage, a statutory Undertaker. But we've given some thoughts as to whether

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the extent to which it's possible to draft a protective provision that enables the engagement to be secured.

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And to secure the

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outcomes in the public interest that I was referring to earlier. That's our starting point to assist national highways in terms of drafting. We haven't yet heard back from them with an alternative mechanism.

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They have assured us that they and in fact, they've said it in their submission to you that they're willing to engage with us. We think you need more than a statement that they're willing to engage. We think that in order in the event of the schemes being in proximity, we need, that there needs to be something that makes sure that the parties

27:14

manage their interfaces properly. And so that's the model we've adopted our drafting and that's what we've shared with with national highways. We know that they're they're very busy with your your examination, and we hope to hear back from them with a constructive compromise that enables enables that co working to to be worked out in the event that there are going to be interfaces when preferred route announcement is is made.

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Mr. Scriven, the only point I'll make here is that

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given that we've not seen what you're asking for in terms of protected provisions, given that we don't know what the applicants responses in terms of I think they mentioned a cooperation agreement as an alternative at the first issue specific hearing your requests that you have made with respect to the design principle and changes to the requirement requirement. 12 are a little bit in vacuum for us to even think about or consider. So I think those matters, Mr. Scriven can be discussed in Agenda Item Seven is my view those specific items the the the requested changes to the design principle and but so so with that clarity, I can hand back to you and perhaps the applicant.

28:36

Thank you. So again, to Swiss rail company would appear from the deadline fives response that you feel design changes may be needed, but they can wait until after the examination has ended? Is that a

correct understanding? Well, the the way that we approached the wording was to enable the design to flex so far as possible to accommodate East West Rail and we we use the terms I just turn up the

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the wording used the term with which you'll be familiar

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about making sure that the changes would not require any new or materially different environmental effects. Now, it's it's always possible that there would be new or materially different environmental effects, but how does that affect the DCO? That that's an important consideration for us.

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The impacts are the interfaces would be with side roads rather than with the inset that is comprised in the scheme because as you'll know from our submission, which shows where the interfaces take place,

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the

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they are all on side roads and therefore it would be pretty

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possible to address those under 1998 applications rather than needing a change to your DCO were made, and that that would be attended obviously by suitable EIA at the relevant time. It's quite normal that one approach is a

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preliminary works for a major infrastructure scheme in this manner, that 19 90x applications are made in advance of DCs, which, of course, would be the necessary consenting procedure for East West Rail. And that this would be something that is managed between national highways and East West Rail. In terms of the consequences for administration. That's where one could well imagine a cooperation agreement would come in the point, though, is that the politics need to be made to have those discussions and that's what we think.

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Yes, revisions of the authorship.

31:01

Okay, okay, so, can I turn to the applicant, then if you have any comments to make on this, Scotland's for the applicant, just some summary comments with Miss Henry larae, Hendry, for the applicant from one more Dickinson needs to add any comments? I'm sure she will. But in summary, our our position is as expressed before, me, the fundamental point principle here is that East West Rail, it's a very early design stage, hasn't even aligned to preferred route, prepared its preliminary design or consulted on it.

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And contrast, we've gone through the preliminary design process, we've taken on board comments from consultation completed an EA,

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including setting limits of deviation. And we've commenced the detailed design stage for the scheme. So given that sort of relationship or lack of it, we would say, between the schemes, we stick to our view that given a very early stage in the design of East West rail, it's not possible or realistic, friendly design commitments to be sought within this within the scheme.

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Can I just jump in there? So when you send design commitments, do you mean changes to the design or commitments to involve? The either either, sir,

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essentially, it's our view that it would be for the East West Rail scheme, design when it is developed

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to look for ways in which it would fit into a scheme for the a 48, which has been developed to a far greater extent. And there shouldn't be any obligation on our scheme to redesign or make changes to incorporate a future design from East West Rail and other information simply isn't available. Now, we we see that protected provisions have been suggested. We think that is premature and circumstances where you don't have an asset that's in place. And we maintain our position that whilst

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we have no principal objection to a cooperation agreement being reached between the parties, which can set out ways in which cooperation can be provided. It's not really for this order to include

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protective provisions in the way that East West Rail suggests this is a matter that needs to be dealt with by broader cooperation agreements rather than through protected provisions or in any particular change to the Design Principles Document. I think it's really a question of principle.

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Mr. Scriven, before you go to the two hands that are up, I would just like to jump in there.

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Given that we haven't seen the protective provisions, or indeed your response to it, it's very hard to have this conversation, we are having a very conceptual conversation. So the first couple of things that I want to say, and this is my first question, actually is to Mr. Basford, is that you, if I've understood correctly, the design changes that you think that might be needed, or the impact will be on side roads, which could be covered through a route outside the DCR process when you are in the DCO process. And so I think, I think that besides being able to actually see what you're asking for, it would be helpful to also understand what your justification is for needing protective provisions, which may not

otherwise be covered through what Mr. Lyness is referring to as the cooperation agreement, it is, you know, it could potentially be a way of working so I but you know, I'm just giving you an example is that, you know, it's that justification of why you require protective provisions within the DCO in order to achieve the kind of working arrangement or indeed, design changes which which as you've described, may not be to the the actual

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able to eat and separate self? So that's my first question. The second question is, is there a reason that these things are not before us yet? Are you waiting for some sort of agreement? Or, you know, given that there, what you're asking is for it to be included in our DCO? In this DCO, then it's just is there a reason that you're not put that before us? And when can we see it?

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That hard, I said on behalf of East West Railway Company.

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Two questions to answer before I turn to Mr. Lyness point. In terms of the design changes, tired wrote, I would prefer to come to you in writing on that, because then we can set out the approach and the philosophy there.

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And why one looks beyond the cooperation agreement. But what I would say is that whether it's an agreement or not, there is no agreement, you need to be assured that the public interest and the environment are properly protected. Now, there needs to be a mechanism for that. We've put forward a mechanism, we haven't had one back yet from national highways. And that's

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that's obviously something we're very happy to work with. And we spoke to them very recently. And that brings me to the second point, which is that in fairness to an applicant's when, when I'm representing a, a, an objector seeking protects provisions, I don't protect division provisions before the examining authority, until I've given applicant an opportunity to discuss it with me, because that way, we may come closer together. Now, the the response of national highways has been

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the answer's no, what was the question? At present time, appreciate that. There may be some movement on that, but

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but we need to make make some progress there. And so therefore, now is a suitable time I think, to provide those to the attorney to Mr. Lyness, the submissions.

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There, you have had a bit of a theme before you I think today, that will take you back to the it is not for us to address, it is not for us to look at impact and chase them all down. It's not for us to deal with East

West Rail. And this is a project that is trying to protect itself, obviously. And I think we understand that and it's an important project which which each of us rail does not want to cause to be delayed or to cause problems. But there is an interface which potentially needs to be managed. And there needs to be a mechanism to achieve that. Mr. Lyness says, we don't know enough about the project at present course it's open to two national highways and express rail stands ready to engage, to come to us and engage with us and understand more about where the project is. And in our recent meeting,

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I

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made that offer on behalf of my client, I'll make it before you.

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And of course, it is the first December you are in mid examination will fervently hope course that the that you recommend a DCi to the

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to some considerable time before Mr. Lyness this client will be ready to put a spade in the ground. And there is ample time to be working on this project. So the fact that Mr. Lyness is not satisfied with the the design now does not mean that provision cannot be made. And a good protected version achieves this cannot be made a point of implementation, because that's what we're looking for is to make sure that that is happening when he he won't be ready to put a spade in the ground with the day of TCO either, because he's going to have to make a lot of submissions to the Secretary of State in order to clear his requirements. It may or may have promoted those may have been discussing those on risk the other party sounds to me like there's quite a lot of other water to flow under the bridges that the equal to eight before before that can take take place based upon discussions today. So I think what we're looking for is a pragmatic approach brings the parties together short engagement and make sure that we're able to mitigate impact on the environment manage two schemes, should they be close together?

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Mr. Scriven, I do have questions, but I I think you've got a few comments waiting. So I'll let you get on with that. And then I'll come in a bit later on.

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So at this point, let me just have a look yet Mr. Tyrrell, I see your hands up. I presume it's around the side roads.

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Thank you. Apologies to be predictable. Funds turn on behalf of the cable authorities.

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I'll see the authorities are conscious that both both at the end of the scheme and East West Rail, enjoy policy support and the authorities would obviously encourage the applicant and East West rail to

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discuss and try and make sure that both schemes can accommodate each other as best they might. That said,

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we also echo and observe the points made by Mr. Lyness in terms of the status of East West Rail at the moment and the level of design for that scheme.

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And we also suffer from the fact that we have not seen the protective provisions or maybe proposed, just wanted to lay down a market really insensitive nothing from the authorities point to nothing in those protective provisions, kind of actively circumvent the other processes that would normally be followed, and can certainly not relate or end up with any changes to the road layouts, which we have, as you will be painfully aware, the panel been trying to carefully agree with the applicant and put it in concern around to working with the applicants to get those right. We could not have the position where they are changed without the authorities involvement in the normal manner that they would be involved either through a process such as this in terms of the East West Rail DCO, or the other processes that Mr. Bassford referred to, because there was an alternative mechanism operable under the protective provisions attached to this DCO. So we would strongly resist anything of that nature. Obviously, electricians can do a variety of things, and we haven't seen them. But insofar as they allow for or would require the applicant to change the design in certain circumstances, we would not be content with that,

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either in general, I think is the base position, but certainly not without very significant control by the local authorities.

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Thank you.

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If I may suggest

41:33

you're on to interrupt. I'm just going to Mrs Sahai is on mute at the moment. Apologies. Just a clarification point before Mr. Bassford responds to that. And I'm also aware that the applicants not had an opportunity to respond

41:47

what processes specifically do you think protective provisions in this instance could circumvent that you feel you want to avoid?

41:58

Well, in particular, Francis Tyrrell from above authorities

42:03

ordinarily, the requirements of the East West Rail scheme which stands for referred to be authorised by its CEO, now obviously, they may take the view that they wanted to do some preliminary works ahead of the DCA by other means, they may be looking at hydrates order or or planning applications. For those, all of those methodologies would involve the local highway authorities and obviously have an array. I'm sure you're aware of the detail of how they work, but they have significant involvement and controls for the local highway authority. So it's not for us to argue with those they are what the law provides for at the moment, and we are therefore content with them equally, obviously, we are content with the DCO process, because as you've seen, we have the involvement in there.

42:46

We what cannot happen is for once this DCA has been settled. And we've had discussions that we've had in length for them things to then happen under the authority of this DCA, which effectively circumvents those normal processes.

43:01

Thank you. That's all for me. Mr. Bassford? Would you like to respond on that? I'm sure that wouldn't be the intention would? It's? Absolutely not, sir. And indeed, I was going to assure Mr. Tyrrell that the intention is that it would be a protection for East West Rail, as opposed to a circumvention of the procedures which apply and this DCO and under the other regimes, which which are in place for good highway design and management. So so his clients, I imagine would be as involved as they would have been in any case, rather than there being a derogation of some sort for or in favour of East West Rail.

43:41

So Mr. Bassford, you've said now would be enough. I think you said now would be an opportune time to share these protective provisions. Can we have them for deadline six?

43:53

Yes, sir.

43:55

Thank you. Okay. Mr. Lyness? Was there anything you wanted to add? Briefly, sir, obviously, we will comment on those protected provisions when they are submitted formally. But just to reread we at our position, we don't think it's a particularly helpful characterization of opposition. In fact, it's the opposite to say, the answer is no. What's the question that fundamentally misrepresents the position that we've taken on this issue? Similarly, we have been engaging with East West rail and the fundamental problem that has been encountered is the lack of detail that East West really are able to provide as part of that engagement. And really, insofar as mentioned made of the public interest and be protected provision is very difficult to see. Really what that is when there aren't sufficient scheme details from East West rail to indicate what potential environmental impacts are going to be, or what potential changes to our scheme are, are needed. And as we said previously, we're at the stage where we're moving in towards detailed design stage

45:00

They haven't even reached preliminary design. We're not even sure what timescales are going to be operating to where there's going to be any slippage beyond what are reasonably long scale time periods in any event. So for all those reasons, we just don't see that there's a justification for protected provisions in the form that are being suggested or that there's a strong public interest in the way it's been put by Mr. Bassford.

45:27

I think I'd like to see the

45:30

suggested provisions and

45:34

then everyone can respond to them. So hi. Yeah, I think Mr. Lyness the

45:43

given that this matter was raised in the first issue specific hearing, if I could suggest and given that you've had sight of these protective provisions since the 15th of October, can I suggest that not only do we have the draft protected provisions into examination by deadline six, but also your response to them by deadline six? And indeed, not just your response to the protective provisions, but also what your

46:08

offer back to Israel is, in terms of what you feel would be reasonable to either embed in the DCO? Or indeed have alongside it? So I think deadline six, we would, we would need to be able to see that in order to for it to inform I know it doesn't that's not the absolute last deadline milestone but for it to inform the applicants sheduled of changes to the DCO. So that's the one thing.

46:34

If you can commit to that, that'd be helpful.

46:38

The second point

46:41

is something that Mr. Lyness has raised and is a question to Mr. Bassford. You've talked about public interest and environmental effects, and it's you know, the duty to minimise that just help elaborate on that a little bit more just explained to us how that given that in response to cumulative effects and whether this project should be considered within cumulative effects

47:08

for the April two, Blackadder Caxton gibbet scheme,

47:12

the response really is that no it is premature it is possibly for East West rail to consider cumulative effects alongside with respect to A for to it, how is it within the remit of this examination and this scheme to consider public interest and environmental effects alongside a scheme that is still in concept stage?

47:40

This, this goes, madam, to the point that I'm making about the timing and the state of the evolution of the projects, which is to say that, whilst project we agree is it doesn't have to assume something which is following after it and which is

48:04

which is at an earlier stage in its evolution, that that is that is not the law, but what it is in the public interest to

48:15

is to minimise environmental effects, these are two big projects and if they are if one approaches them separately, then you can have one set of environmental impacts and if one looks at how they can accommodate each other or one of them will always go first that is just a question of physics.

48:37

Then, in those circumstances, you can have a second set of eight, which by collaboration ought to be capable of being minimised better through good management and that that is simply a case of ensuring that it happens. Now,

48:57

it is

48:59

the lawyers job to draft for questions of conditionality

49:03

and matters which are not fully foreseen.

49:07

And to do that, so far as possible a week we accept that there may be options which don't There are alignments which don't interface with the

49:20

with the April choice scheme at all. So, so, there are outcomes from preferred route alignment, which may have very little impact on this at all, but if there are,

49:33

it is in the public interest to manage them in just at the very simple level

49:39

by making passive provision for East West Rail,

49:44

it would be possible to reduce the impacts on the side roads of

49:52

closing them shortly after they'd been built. Okay.

49:57

That that would make life for me

50:00

The two projects and also no doubt communities easier.

50:05

And so that that's what we're seeking to ensure takes place. But

50:11

as at first December 2021, the ability to see that will not be as great as it will be at the point of implementation. And so it's about managing the period from now to the point of implementation, ensuring the parties come together. And in that i i Welcome Mr. Lionesses restatement of national highways engagement with us. I should apologise for having given the

50:37

the answer's no. What was the question

50:42

earlier, but it's very welcome that they wish to continue to engage with us.

50:48

I don't have any further questions. Mr. Scriven. All I would say is that the commitment that we get commitment from both East West rail and the applicant for the hearing action, which is to see protected provisions and the justification for protective provisions at this stage,

51:06

including the arguments regarding public interest and environmental impacts. And indeed, the response to protect the provisions and the counteroffer, I would say from the applicant and their corresponding justification by deadline six

51:22

Scott Lyness for the applicant, ma'am, we can provide that information by by deadline six. The reference to the counteroffer, I can just lay down a marker that the chances are that any kind of offer

being expressed in terms of an amendment or protected revisions and the DCO is very low to zero at this stage, but obviously, we will provide our

51:50

responses in in due course.

51:55

So even if the chances of that is low to zero, whatever it is the counteroffer you have referred to a cooperation agreement. Yes, we will take that'd be helpful to see

52:06

Scotland and for the applicant. Yes, we will in that response.

52:10

Describe the approach that we think should be

52:15

taken, but I'm saying you should not anticipate that this will involve any suggested change to the draft DCO itself. No, that's fine. Okay. Thank you, Mr. scruffy. Thank you. I think we shall now move on to the next agenda item. Opportunity. Mr. Mr. Scriven. Before you do, are you expecting to hear from me then in relation to item seven on good design as well? Yes.

52:45

Yes, Mr. Bassfrd. I think what what we determined sorry to jump in Mr. Scriven is that you've proposed some changes to requirement 12. And indeed, proposed a design principle wording for a design principle. And it was my intention to just come to that briefly. Having said that, given that we still don't have protected provisions in front of us, like I said, it is a little bit that conversation could potentially be a little bit in vacuum. So

53:11

it would be helpful to have representation from AWS aren't on agenda item seven, but it's very likely that a lot will be down to written subs later on in the hearing.

53:25

Examination and the reason I say is, indeed, the reason I say is because because otherwise I am effectively waiting for the entire day for two appearances rather than taking it

53:40

so that you have dealt with my party once and I also have a client representative and a colleague on this hearing.

53:55

Mr. Scriven, I'm happy for that agenda item to proceed without East West Rail and whatever input is required. can come in writing later, the written route is that there's that's Yeah, okay.

54:09

Yep. Thank you what what I can assure you we shall do Madam is the we if of course, if you have any written questions, as always happy to respond to those, we will of course, listen to the recording of the hearing, to ensure that that is ensure that we take account of and respond to anything as helpful as possible. Brilliant. So if there are any hearing actions, then you

54:34

certainly look out for those as well. Okay, thank you very much. All right. Thank you very much.

54:42

Right, I'm very mindful of time, but I do want to move on to discuss the effects on now non motorised users. Now. So

54:53

numerous submissions have been received at both pre examination and examination stages regarding the perceived effects of proposed a

55:00

element on non motorised users including walkers, cyclists and horse riders. I refer to this group as an amuse at lshs. to unwrap the previous rounds of written questions. We've previously explored a wide range of matters relating to links affected by the proposed development, those which are not directly affected by it and also any potential new links. Given the volume and content of submissions I only intend to focus on what the examining authority currently seeks further clarification on specifically at the proposed Roxon Road Bridge, Barford Road bridge and along the existing a four to eight more general scheme wide design principles will be discussed in Agenda Item seven. So if we could first go to look at Roxon Road bridge design, first of all, and I would welcome

55:51

the local highway authority and any interested parties who have come to attend on on this matter to turn their cameras on.

56:06

Okay,

56:08

thank you.

56:10

So

56:14

firstly, before we go before we go anywhere with this one, does the applicant propose any current change other

56:21

changes currently proposed to the design of Roxon Road Bridge,

56:28

Scott Lyness to the applicant? I'll ask Mr. Doherty to take this item please.

56:33

Good afternoon, sir. Yes, Ted Doherty representing the applicant. I just want to confine firm and advise that the designated funds application for the approved or the increased height horsepower, parapets are across Roxton Road bridge has been approved. It is currently with the DEA that detailed design team for verification and confirmation of implementation. But that's our current position regarding that matter. Okay, thank you very much. That's useful clarification. Could I go to Bedford Borough Council? So just in terms of that, so just in terms of that, that is pure that would be installed at the same time as this proposed proposed development? It's not something that will be proposed will be installed now and then taken out and then installed again, it is purely to do with the proposed development talkity representing the applicant? Yes, the intention would be that it would be delivered as part of the scheme. Right, understand. Okay. So, Bedford Borough Council, Miss MacLeod, is there anything you wish to raise on this matter now, given what we've just heard?

57:50

Thank you. So I'm going to ask my colleague Andrew Prigmore. To comment on this one.

57:57

Hello, sir. Andrew Prigmore on Bethabara. Council. Given the

58:02

the comments from Mr. Doherty we are content now with the with with that, we welcome that amendment to the bridge. Okay, true.

58:13

So I would rather we didn't have interruptions as we're going I will tend to all IPS if possible. So can I invite if you wish to talk on this item and the interested parties? Could you put your hand up and I can come to you in a in an order.

58:31

So should we go first of all to the British Horse Society and is that Mr. Weston

58:38

Thank you, sir. The point I would like to make in respect to this point is that we welcome that clarity from Mr. Doherty. But the point we would make is that obviously the the walk oblique cycleway needs now to include horse riders. Otherwise, horse riders are going to be left on on the cat carriage way, which is not a safe place for them. For them to be left, they need to be off off the carriageway in the same place as as the safe provision that's going to be provided for walkers and cyclists.

59:13

So sorry, where are they at the moment?

59:16

Well, my understanding is that they would be on the carriage way. Now. Sorry, where are they cut yet? Where are they currently at this point in time in terms of making that that movement

59:27

where they would be on as I understand it on the on the carriageway? Kim Googler may be able to give more clarity and respect to that. School bluff. Yeah, an opportune time to introduce you.

59:40

Hello, thank you very much. Kim Gubler representing the Boston Roxton bride away group. And yes, we absolutely do welcome the raising of the parapet.

59:53

It's a shame it's taken this long but there we go.

59:59

The difficulty

1:00:00

It's sort of representing somewhere in the region of, I think it's 117 equestrians. So individual equestrians, and set have about 150 horses in the area. And there have been

1:00:19

some surveys, I think there's been three surveys done. One was done on the bank holiday in 2020. When, as you know, quite often people are doing other things. And I think there were two sheduled. I don't know whether they took place in the week in the, in the week working day, to be able to ascertain what where horses are. Now.

1:00:41

The problem is, I'm probably in the minority in that I do use that bridge, ride over that bridge. And yes, we are currently on the route carriageway. But the difference here is that the northern routes, the only way into why Boston will be on that way, excuse me, now, or in future.

1:01:07

Currently, lorries are coming in from different directions in different inlets into my Boston. So all of the lorries will come down that one round. And at the moment, as I say, the sort of

1:01:22

horse riders and and drivers and horse drivers

1:01:27

will be sharing the road with the lorries. And as you know, horses and lorries don't mix terribly well. My concern is that the risk of death and injury is significant.

1:01:44

It also means that if a horse is hit, and it can go into the cycle and walkway, just as much as it can be hit into oncoming traffic.

1:02:00

So really, and truly, we know that we're on the carriageway at the moment, but it's going to be a different configuration.

1:02:08

Okay, thank you. I'm going to turn before I go to the applicant, I'm going to turn to miss MacLeod and Bedford Borough Council just in terms of kind of policy position would this would the would effectively the shared use of of this infrastructure by buyer questions be something that is supported by policy? Or is it something you look to avoid what's the current was composition the Highway Authority?

1:02:35

Thanks, thank you sir. I'm gonna have to ask Andy to come back on if that's okay.

1:02:43

Thank you, Andrew Prigmore Bethabara counsel. We don't have any specific policies but we will certainly support

1:02:52

all any provision for all nm use either well, on any part of their infrastructure.

1:03:00

Okay, all right. Okay.

1:03:05

And question then for I think for the British Horse Society is their nationally agreed policy that supports this argument

1:03:16

Thank you, sir. They've certainly been statements from the from the minister in in the house that we should be included in such schemes and not not left out.

1:03:28

He Okay. Okay.

1:03:31

Miss Gubler

1:03:35

just refer to, obviously to quite close by in Milton Keynes

1:03:41

where the horse tracks and and cycleways have been running side by side for decades.

1:03:50

So just to say anything like that isn't in the isn't before us an examination as far as I know at this point in time. So if you want to submit anything at the next deadline, you're welcome to do that.

1:04:03

And also we would the the written ministerial statements wouldn't be before us either, Mr. Western, so if you wish to submit that or any of that material at the next deadline, which is deadlines, six on the 14th of December, then that would be welcomed as well.

1:04:22

Again, okay, and if it can I just get the applicant to just to respond briefly on on particularly Roxton Road bridge please.

1:04:32

Now, Scott, last topic and last Mr. Doherty to respond please. Yet Ted Doherty representing the applicant? I think our position here is

1:04:42

with the view there needs to be a sort of a clearer and wider strategy with regard. By the ways in the area. There are no vital ways that are linked to oxygen vode. At the moment, I think there's a coordinated approach needs to

1:04:59

respond to the environment.

1:05:00

We have discussed this with Bedford Borough Council previously, you know, it is a matter that we have raised with them. I think our position is that we are not precluding it being designated as a vital way in the future. The issue we have is we don't see how and

1:05:17

we'll connect into the network as it currently stands.

1:05:22

Okay, so Miss Gubler, would you like to respond on that?

1:05:27

Just to say that that is

1:05:31

the linking.

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bridleways, which is sort of 1638 37 and

1:05:38

17, I think, off the top of my head, the only way to get to them from why Boston is sort of that route, and Roxton is that route to be able to link up with them to be able to come back in Bedford we don't we have very few bridleways that sort of start on your doorstep, you have to use the roads to get to them.

1:06:01

Okay, thank you.

1:06:05

Mr. Doherty. Is that your understanding, then?

1:06:09

Effectively, I'm not sure. Because it's a missing link. It's it's just that there are north of the existing a four to one leading to,

1:06:21

to why Boston, there are no vital ways. We were aware that there is a you know, aspiration and understandable aspiration to link up on the northern side, the route,

1:06:32

April two, one or the existing vitalize. But we were to say, I feel that that's should be Well, part of a wider strategy that is promoted by better power counsel rather than

1:06:43

the scheme. As I say, I reiterate, we are not precluding that designation at some time in the future. And with that, development of that strategy.

1:06:54

Miss Kennedy, I see your hands up.

1:06:57

Yes. And I was just going to point out to you that if you look in the very bottom left corner of the general arrangement, plan, one, you will actually see the end of a bridleway that connects there to a road. And that road then leads to the bridge. I was going to suggest that Kim and I might submit as part of the written documentation for was it the 16th You wanted it

1:07:24

a lot for

1:07:26

a wider plan that shows the bridleway network and the circuit that Kim is talking about, that the bridge forms an important part of because then I think you can set that in context. I agree that they're all outside the scheme, but the scheme provides that important link to make a circuit. So we have before us at the moment a map that shows all the bridleways

1:07:53

in the in this across the area of the proposed development. But if you wish to submit any information regarding the the the routes that are taken, regularly provided for or are taken by questions, and that would obviously also be welcome. We'll do that. Thank you.

1:08:11

Okay.

1:08:13

I am going in this hands up. So I'm going to move on to the next location.

1:08:24

This is relation to Buffett Road bridge. And if I could bring central Bedfordshire council here

1:08:33

as well.

1:08:37

Please. So just before we go anywhere, again, over to the applicant, are there any changes proposed to the current design that we should be aware of? Or any, anything going on with designated funds, for example?

1:08:51

Ted Doherty representing the applicant. I could confirm that we're proposing no changes at the moment, currently and no applications have been made

1:09:00

in respect to designated funds. I would just also add, I think this probably linked to the conversation just earlier regarding East West Rail as well.

1:09:11

Okay, so can I ask central Bedfordshire council if you could just confirm your position regarding enemy provision at Barford Road Bridge, in terms of it being a requirement of any adopted policy?

1:09:27

Yes, thank you, sir.

1:09:30

Well, the first point is an MP s.

1:09:36

Paragraph 5.2 15, which has been referred to before Yeah, so sorry. Just before you go on I we've we've there's no need to repeat what has previously been said by central Bedfordshire Council on this I'm particularly interested in is there any local policy position that supports the request?

1:09:56

Yeah, well, yeah. Okay. And following on from that you also

1:10:00

No, that provision refers to focusing on promoting sustainable development. There is there is a policy and I'll get Mr. Punter in a minute to confirm that further. But it's contained in the council's strategic level for future growth in a spatial framework. And perhaps I will get Mr. Punter to come in, and Mr. Cundy if necessary to explain that. Thank you. Thank you.

1:10:31

Mr Punter. Thanks.

1:10:35

I think and I'm kind of mindful, this would probably be to live to be reiterating comments you've previously heard from the council.

1:10:43

But the viewpoint of the council has been that there's an opportunity to to futureproof the bridge deck with regards to the wider growth that is potentially identified for the area within the spatial structure, particularly Oxford Cambridge Park, as referred to just nearby.

1:11:02

But my understanding from previous discussions with the applicant team, is that they're looking at the project very much with the current situation

1:11:12

Handlepost local, like, rather than the future,

1:11:16

potential connections, like, for example, going to the doctor, he returned to the relationship with this restaurant,

1:11:22

which I think also has a bearing on the request that the council performed in this case.

1:11:30

Okay, so for the

1:11:34

applicant, then there's, is there anything that precludes the local highway authority from providing us infrastructure in future as a result of the proposed development can be accommodated within what has been intended to be provided

1:11:53

to a doctor representing the applicant, obviously, it's dependent upon the level of infrastructure or proposal that's been put forward, I would suggest at this stage that the bridge structure

1:12:06

would not be adequate to accommodate a bit cycleway, schedule cycleway, footway, with adequate separate separation, I would suggest that there would be the need for a potentially a separate structure over the main line to accommodate that facility.

1:12:24

I think I've just like to add, I don't I can't say we understand that the position of

1:12:30

the Council on this matter, but if we just don't feel that it is, there's no justification for that provision as part of the scheme the reasonable and proportionate delivery of the scheme.

1:12:45

So just the Highway of what you what what sort of timescales do you think would you would be looking at for the introduction of such a route?

1:12:56

As Mr. Punter and Miss Kennedy down, so that question, so thank you.

1:13:04

Thanks. So Jethro Punter from Central Bedfordshire Council. I think that's probably not a question I could immediately answer in terms of for programming, because there are quite a number of other unknowns that be associated with that. I think it's more a case of what the authority considered to be prudent forward planning.

1:13:23

And certainly the differential in the delivery of the scheme between delivering it now as part of a comprehensive single bridge, rather than looking at it independently, at some point in the future. So that there's, there's an obvious differential and complications delivering our scheme. Yes. And so to the applicant, really what, just how much of a change would it be to provide at least the ability to do this in

future as part of the existing bridge deck rather than having to effectively bolt something onto the side of it or, or have a separate bridge, because this is the location

1:14:01

and East West rail has been mentioned, where presumably the cost and the disruption that could be caused of introducing a separate structure or doing fundamental work, so this bridge in future would likely carry an economic cost in itself and

1:14:17

talkity represented the applicant, I wouldn't disagree with you. It's just again, with respect to East West Rail, it's it's that lack of detail, passive provision, my experience with passive provision is it's always in the wrong place.

1:14:33

I you know, that the change that would be required, probably not, in the

1:14:40

overall scheme of things may not seem significant, but I think the point we need to make here is that why is it for this scheme to deliver that passive provision?

1:14:51

Okay, and it's whether or not there would merit further discussion on this site, particularly around not necessarily building that infrastructure.

1:15:00

At least be able to retrofit it reasonably easily in future. Is that something that you would be willing to continue with? With? With the council? I would certainly not discount it. I think national highways, obviously, I wouldn't need to take instruction from them on that point.

1:15:19

Yes, I will say yes, we will continue discussion on that matter.

1:15:24

Okay. And if there's any other suggestions how to take this forward, then I'd obviously welcome that. But if there's further discussion, Mr. Bruce, was there anything you wanted to add?

1:15:36

Yeah, just to say that, well, clearly, the national policy does refer to promoting sustainable development that is part of this. And I think it's almost not credible these days to suggest that significant infrastructure can be built without accommodating non or non motorised uses, and sustainable transport. That's almost a not not credible proposition. So we'll be very happy to continue discussions with obviously, our understanding is, Well, my understanding from being informed by officers who are discussing directly with national highways is that it's not nothing further is going to be offered. So we're asking the security state to impose it as a requirement. Thank you.

1:16:21

And at a future date, we would welcome sight of what you could do that requirement might be how that might be worded.

1:16:28

I think at this point in time where we are is

1:16:33

the discussions can continue, then that would be that would at least be helpful, I think for us.

1:16:41

Okay, scope allows for the applicant that's noted certain blinged out to Mr. Doherty, these comment.

1:16:48

Thank you.

1:16:51

So I'd now like to move on to the existing a four to eight. So if I could bring in the relevant highway authority there, and I believe come cycle as well.

1:17:07

Okay.

1:17:09

So, the D trend kind of the existing a four to eight would would appear to potentially provide opportunity to encourage greater uptake of sustainable travel along the corridor and may not only assist in improving health and well being but also reducing the need for private car use on both the local and strategic road network. However, at this point, these are somewhat anecdotal views and in the absence, it appears to us these are somewhat anecdotal views. And in the absence of any for design of feasibility studies, it would be reasonable to expect that such provision would carry a not so insignificant cost, potentially including land take and associated negotiations with relevant landowners to

1:17:50

Cambridgeshire county council, what is the realistic realistic likely uptake of all mode switching that would occur if this if the requested nmu infrastructure was provided along this corridor?

1:18:09

So thank you, Francis Tyrrell on behalf came from authorities

1:18:13

will see this is something that if you would like some sort of model detail on we could respond to you in writing on I can ask Miss Rhodes to give her initial views on that. You've asked a number of points, I think one is likely uptake.

1:18:31

I'll ask Miss Rhodes to get some preliminary views on and we can obviously follow that up in writing. Secondly, I think you've also asked about land take anything, in addition would be required for land take is the authorities use that what they've suggested in relation to

1:18:46

enemy provision alongside the a 48 could be accommodated within the existing footprint.

1:18:52

The

1:18:55

thirdly,

1:18:58

as we consider likely uptake, I think we also need to bear in mind other policy initiatives. And we had the discussion yesterday I said before, in relation to some of the mitigation for climate change impacts and encouraging modal shift.

1:19:12

The there's a difference between latent demand and obviously what could be generated by modal shift by policy initiatives to encourage more and use on the de Trump day 48. So I think we need to be careful when we're looking at latent demand, which I think is where your question is going to but

1:19:29

I'll ask Miss Rhodes to get some views obviously, that'd be very preliminary because we this is

1:19:35

fine. Yeah. Okay. Miss Rhodes.

1:19:40

What I'm what I'm particularly interested in is at this point in time, it appears to be relatively anecdotal evidence as to the necessity for

1:19:50

the requested infrastructure along the April 208, and I wondered if you could elaborate any further on that and it needs to be taken away for for written submissions.

1:20:00

And that's what, that's what we can do.

1:20:04

Thank you, sir. Yes, and we did provide some additional evidence on this matter which I'm sure you have seen in our response to examiner's written questions to to 11 Six one C,

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which I don't know if it was of assistance but in summary we

1:20:22

the need for a nmu route along this corridor has been well recognised for for some time and is already incorporated within the three local transport policies and strategies. It's it's in the local that Cambridgeshire local transport plan for an inter urban cycle network of requirements and need for high quality cyclists thinking came to market towns and it shows a strategic route to the plan and that shows a strategic route between Cambridge Camborne and Sydney it's

1:20:59

it's also in the Cambridgeshire County Council's transport investment plan

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as it being envisaged to have been delivered by national highways and I think this is part of the reason why why we don't have a feasibility study that is catered to County Council's because it's always it's been long known that this is a very important corridor that is needed development. It's already cited within vitamin the first rights were improvement plan from 2006 highways agencies they were then were consulted upon that it's in there as a statement of action. And then statement of action five for its

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say in the track chemistry transports investment plan was envisaged to be dealt with delivered by nachos as part is a four to eight scheme. When it when it was I remember these these discussions going right back to the early 2000s between officers on with with various parts of highways, England, their predecessors, so it's been a long time in conception. And then thirdly, the travel the transport strategy for Cambridge and South Cambridgeshire transport strategy and high level programme,

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which is

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policy, T SC. SC 13.

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also states that where there's a requirement for new roads or increased road capacity, they should adhere to the highest possible standards and where feasible pedestrian cycling facilities should be provided long. So new infrastructure. Now, that's obviously a high level provision, but it is specified in these other documents, as well as the rights improvement plan. And in our response to the examiners. Question two,

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I did also provide

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some evidence from the

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AR experience, which is I accept its qualitative, but in my view is strong from our experience of the

1:23:00

enemy route that was provided alongside the cache guided busway which has now been there for since 2006. And

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also the new local access road nmu route provided alongside the a 14 which is obviously very recent but already that's been very well used. And

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so, for example, I can with the guy came she guided busway.

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bridleway originally that was proposed as just a soft surface bridleway. And it was realised that it could be in should be used for cyclists as well for commuting as well as leisure cyclists. And then it was hard talked and is extremely heavily used as an as an alternative important corridor between market towns. And

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this is a very similar length and similar kind of economic corridor

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when linking to settlements along the way. So

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it goes back to this question, okay.

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About latent demand, we know from experience with

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COVID, and these other schemes that we've done, that if you provide the infrastructure, then people will use it, if you don't provide it, people won't use the onroad provision because there'll be a perception it's not safe enough. It will only be used by really confident cyclists. It won't address equestrian needs we've that as part of our recipe improvement plan. It's identified, but the bribery network is fragmented. So this scheme can pick up all those things which aren't do have a policy background already there.

Yes. So and the I'll come to the other interest party shortly, but I guess my my point here is to provide what is being requested

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There isn't at this point in time, at least there's no no feasibility studies have been undertaken or design undertaken to understand the likely cost of this the likely deliverability of what's being proposed. And so

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I ended

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before we come to the

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applicant, we we previously heard from, from the applicant on their position on this. And I'm just considering, what is the way forward here? Is there a way forward for

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that would be suitable for this stage of the examination and beyond? Because even if, without this, without this, without this work being undertaken, how can it justify the expenditure of public funds on it?

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And so is there something that can be done in terms of this work being worth this work that being developed further, potentially, between the applicant and the, in the Highway Authority? Or where do we go from here?

1:26:05

And I'd suppose I would turn to maybe Mr. Tyrrell first.

1:26:12

So thank you, Francis Tyrrell on behalf of chemical authorities, obviously, we can look to provide the information that we have, in terms of the the benefits of the scheme, as I just suggested, LC Ms. Rhodes has set out the long standing policy and the underlying that policy will be a clearer understanding of the benefits and why it is beneficial to do in terms of cost and deliverability. And

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regarding feasibility,

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yes, we are happy to work alongside the applicant in relation to that, I would just now see, the commercial authorities have been raising these points with the applicant for a long time. Now, this is a new thing they've raised so that the feasibility or consideration of it has not been carried out before. And I would suggest that's most easily done by the applicant, because obviously they are on site doing works. And that's why we're raising it now. And it is worth bearing in mind, the applicant is proposing to

provide bits and bobs of NME provision along the a four to eight now and our point really is that that should be a consistent provision all the way along.

1:27:14

So we will try, I would suggest that the applicant is best placed to do that feasibility work with our input. And obviously, we can then take a look at what they've done.

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We equally can come to review on that I will need to take instructions as to how quickly we could do that. And

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it might not be possible for this to be done during the course of the examination.

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Yeah, I fully appreciate that. So I mean, obviously, as I said it would be slightly invidious. If it now can't be done because it hadn't been done previously, notwithstanding the authorities have raised this consistently for a long time. Okay. And I just like to bring in, can't just go to the applicant just for quick response on that. And then I'll bring in the other interested parties.

1:28:00

Mr. Lyness

1:28:03

Scott Lyness, Mr. Doherty, anything to say on this matter, petacchi representing the applicant.

1:28:12

The point the points I would make what we are proposing, as Mr. Tyrrell has said, aligns with the aspirational delivery or the delivery of the the policy that the council are promoting.

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Our approach along the route and how we dealt with the provision is consistent. Basically, we don't see that delivery of the route on the existing sections of VA four to eight is the responsibility or have acquired for the scheme. The provision that we are making, provides for Safe

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Access for pedestrians and cyclists through the proposed junctions. We are not precluding the delivery of this this scheme and facility in the in the future.

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Okay, so what Where are where are where's the applicant on this in terms of suggested if this is a potential way forward or not?

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To see to jointly look at this in future.

1:29:23

If I can just pick up on that.

1:29:26

As a starting point, I wouldn't have a problem with putting in a night. I know we're going to cover designated funds that later agenda point, but I'm more than happy to put forward a proposal for designated funds for a feasibility study into the delivery of such a

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facility. You're aware that

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the there is already a designated fund application in in connection with the missing link. I don't have any further update on

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that this this time.

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But other than that, I don't really have any other

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suggestion. Okay, thank you.

1:30:11

I would like to turn to let to bring in Mr. Danish, I think. And thank you for for waiting. I know we we are behind schedule. Yes, thank you. Okay, we have a lot of points in high response, I'll see if I can address these. First, just to introduce, as you asked earlier, Cam cycle. I'm a volunteer trustee. It's a volunteer led charity with over 1600 members working for more better and safer cycling for all ages and abilities in the Cambridge region. And we focus on cycling as a means of sustainable general transportation for everyday purposes. So for example, many of our members transport themselves and their families using a wide variety of cycles, such as cargo cycles, and cycles, tricycles become in cycles, disability adapted cycles and cycles of trailers. That's just the intro of, of Camp cycle.

1:31:04

So this is particularly particularly interested in your views of what you might have heard today, or what you've seen from submissions previously, above what you have previously submitted to the examination. Alright, so with regard to this particular agenda item, because we do have other agenda items of interest on the a four to eight section, we see is absolutely critical that there should be full provision for all nonmotorized road users that coherence and connecting between all the communities between the Camborne and St. Neots. And what I've seen here today is that the applicant appears to only be interested in motorised traffic, which is really, I think, not right, you have asked about, you

know, do we have modelling results, showing, you know, the latent demand or demand for travel between the two, there are some models that are formed, for example, the propensity to cycle to, and, of course,

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the county has raised the example of the guided busway track which I was going to as well, however, we all a bit another thing to point out is that people are simply not going to you can't get existing travel there just by looking at what's there currently, because what's there currently is 60 mile per hour, very dangerous roadways.

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And obviously, a lot of people are going to be turned off by that. i Furthermore, I have to ask why is this sudden suddenly this burden is being placed on non motorised users, when, for example, the whole scheme is predicated on creating additional car capacity between Canberra and St. Neots. And that is not a benefit. That's a dis benefit, that that actually creates more carbon pollution, more air pollution, and it will lead to more sprawling developments that will further embed car dependency. So I don't see how that makes policy goals for the government or the region. Whereas, increasing the amount of sustainable transport through with attractive travelling non motorised users is actually a benefit all and the more people that we can manage to convince the switch from a motor traffic to a motorised transport to individual motorised transport, private and motorised transport to active travel is a benefit to the skin. So that I find very, very puzzling about this whole discussion.

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Perhaps someone wants to jump in on there before I go on. I do have something to say about designated funds. But I think particularly about this agenda item. And so if there's if there's wider if there's wider issues beyond this particular agenda item I'd I would, and that hasn't been provided previously, then I'd be very happy to take that through as written submissions. I'm just going to turn to if I can just turn to miss Warth. In in relation to this agenda item.

1:33:58

Yes, yes, good afternoon. It's really important that this this path is provided for all the reasons that matters just just given. We all know, we all know where we're at with the need to provide for non motorised user traffic. But one thing I would say which also affects your discussion about the bridge, our Director of Safety so there's a bridge or society Director of Safety has recently made a statement regarding the creation of near side psychopaths. If you do a psychopath sample pedestrian path and you don't include equestrians, that leaves horses sandwiched between potentially fast moving cyclists on their inside and fast moving vehicular traffic on the outside the potential for horse to spook to the right when it's a suddenly a bike is bought upside it is a potential hazard which must be recognised and in the forms of road safety. And the statements are directly safety said that this should not

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He planned for

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this wharf. So this is related to previous agenda item. But obviously I've listened to what you're saying what I would what I would ask you do if you want that to be considered by the examining authority that needs to be submitted and to us so we can see it. Okay, absolutely not something that can be done before the next deadline, which is December that. But I would also point out that this doesn't need to be in full in and you to include your questions. If the path is not wide enough to include the questions as Matt has said, there's a great use in Cambridge here of cargo advice, which are no wider than any question and anything smaller is not fit for purpose. Okay, thank you.

1:35:44

Mr. Doherty, or sorry, Mr. Mr. Lyness, you're back in the room now. So is there anything that you immediately want to respond on here? I'm planning we take a break shortly.

1:35:56

I'm Scott Lyness s applicant at sir. i i met as part of because my connection dropped out, but I don't know if Mr. Doherty has anything to add to what's been what's been said.

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Ted Doherty representing the applicant. And don't miss Ross. Comment about by the way, I will question whether the proposed shared use cycleway footway along the existing four to eight on completion vote is appropriate for horses. That aside, what I would add is that what we are proposing would not preclude in line with came to County Council's directions actions would not be preclude that being what we are providing being designated as they prefer to an nmu you route in the future.

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Thank you, Mr. Tyrrell, your hand is up.

1:36:48

Thanks so Francis Tyrrell on behalf of the commercial authorities just before we moved on or break for lunch, I just want to raise a couple of granular points. Firstly, in terms of what we're asking or see, we discussed about feasibility. I think it's also important just to emphasise that many of the points were requesting are not significant works. The some areas where we have a bit of a missing link, as we've said then before that is within the limits we believe. Secondly, there are a lot of what we're asking for is just better provision where things are already provided. So we heard earlier and we were quite interested to hear the discussion in relation to Roxon Road Bridge, where I think has been agreed that the parapet will be increased. Similarly, chemical authorities are asking for a horse suitable parapet on the chosen Road Bridge,

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that so far has not been forthcoming from the applicant, and we see no reason why that could not be done.

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And that, obviously, is an example of an eminently feasible thing that can be done without affecting this application. And there are other instances along the route as well. Secondly, just I don't mean to defer to only what you said. But

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it was the question is, is it for us to prove that it is feasible, or bearing in mind the national networks policy statement, particularly in relation to the need for development to enhance

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access for non motorised users, which is part of the central need set out in section two of the national networks national policy statement?

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Is it more for the applicant to suggest that it isn't feasible to carry out these works within its limits? As we've suggested?

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Okay, thank you. Yeah. Okay. I'm Mr. Doherty. I'll see you've got your hand up.

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Sorry, to dwell on this point. But it's a kind of drawback to proper and reasonable provision. Why is it for the scheme to deliver? That's what we don't we are unable to justify

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the delivery of that significant additional piece of infrastructure, principally between Cambridge road junction, and ultimately, we just we don't see that that it is appropriate for the scheme to deliver that. I think it needs to be considered in delivery as an alternative mechanism, however, but

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what we are providing would fit as I said earlier, with a future provision. Thank you.

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Mr. Danish. I

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aware that obviously, you've obviously got other issues you wanted to raise with regard the with regard the scheme as a whole

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would you have if you've prepared,

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you know, effectively written written material in advance of this hearing? Would that be something you'd be willing to, to submit to us to better understand?

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I, yes, I can submit additional comments. Of course, we have already submitted a written representation.

1:39:47

Anything on top of anything on top of that effectively? Yes, I can submit additional written representation. That's what is desired. Thank you.

1:39:59

Okay,

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I would like to move on this discussion now. And just very briefly touch on designated funds before we before we break for lunch. The only question I

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want to ask here, we will move. Some of these are some of this to written questions, I think, but what I would like to understand here from Mr. Doherty, are there any other elements that have been discussed or proposed by interested parties that have been taken forward in the designated funds process that we should be aware of now?

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Doctor representing the applicant. Now, I'm not aware of any other

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designated fund applications that are currently being progressed, I would note that the Petworth to Campbell and cycle boot was been or has been delivered to

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legacy funding from the APL team. So I think as

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an that is under construction as we presently speak. So I think there's there's quite

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a key point now, you but when you say legacy funding, was that is that funding that's attached to that scheme? Because there isn't that funding attached to

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this? Well, I I think I'd like to take that, that point outside unless Miss Anne-Marie Rogers is able to add further comment, but there potentially might be, I would suggest some opportunity for legacy fundings and future.

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Miss Rogers

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Anne-Marie Rogers on behalf of the applicant, I can confirm that it wasn't sorry to catch you. It was designated funds that funded that particular scheme. Okay. Thank you.

1:41:49

All tonight. Okay, thank you. I'm sorry. I see Miss warts hands up.

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Yes, just clarification is not a shared motor cycle and pedestrian path that is the full nmu path, which is important when it comes to talking about crossing across the cat's gingerbread crossing.

1:42:09

Okay, thank you.

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Mr. Tyrrell.

1:42:15

So thank you. I didn't know whether you intended to come to local authorities on the on the designated funds point or not. I don't know junkie.

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I'm happy to take a brief comment on just on what the applicant has said there. But I'm intended now to move this item to written questions just given where we are with the agenda.

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I get throughout the brain. Two brief observations that I think

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we understand the scheme Mr. Doherty is referred to is not fully funded. I think only the the aspect from Papworth to Caxton give it has been funded.

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There's a gap between Brock erode Campbell. And so I think this just sort of highlights the side the precarious nature of leaving things to after the event, bits and bobs are done and others.

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Also, incidentally, in in that context, on the 14, that scheme was actually outside the a 14 boundary itself. So it was very much an additional add on scheme and was therefore dealt with differently.

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The key point is this as wasn't designated funding is that obviously, some bits and bobs have been provided along the Arc de 24 to eight and other bits aren't. So when it comes to the use of designated funds, which are not not certain by any means. The suddenly, local authorities priorities may be reshuffled and other things trumped because it may come to the view that it suddenly has to do things on the A 48. To render better or more safe, what is being provided by the applicant, so that we don't have an amuse constantly on onto and off of the carriageway, which is the current position.

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That would mean that other things that the local authority may have intended to spend its limited funding on will suddenly fall down the key because it certainly has to repair effectively or not repair the wrong word, but deal with these aspects which didn't have to do previously. So there's that's the main observation on that. And obviously the other just to point to detail on on what actually has been provided on day 40. Thank you. Mr. Danish, I'll come to you briefly Next, if there's anything

1:44:19

to add on that. Yeah, just I wanted to. I agree with what France just said. And I'll just say that the designated funds is kind of is a very small part. It's not certain. It's used for things that are considered to be add ons. And it's clear that the view of the applicants here is that non motorised user travel is just an add on and that I think, is wrong. It should be viewed as a core part of the project. And you know, whether it's delivered on one particular alignment or details of this, and that is one thing, but it needs to be part of the core principles that there's going to be delivery of a coherent, non motorised user route network that just like you have delivered for motorised users.

1:44:58

Thank you. Thanks.

1:45:00

Thank you, Mr. Danesh. Mr. Bruce.

1:45:03

Yes, I prepped for we couldn't afford that better than Mr. Danish, which is similar point to say that I just invite the examining authority has no doubt they will be very carefully read that document that you've got.

1:45:16

Because actually, a lot of the document talks about things on our network, ie national highways network. And so for non motorised users on page 16 is talking about safety on our network. There is a couple of references to integration, but it's pretty limited to be fair, and the examples that are given on page 14 I think park and ride and a bus bus facilities or something so that's not addressing the concerns that the council is raising. Let's say I, I have various questions around that document. And I'm I will invite it written questions. I'll also invite

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local authorities and any other interested parties to respond on those questions as well.

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Just before we move to to lunch,

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I would just as a as a hearing action notes on regard to the signalised crossing points clarification, can the applicants

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signpost to were in this will be happy to do so as an action point can the applicant signpost to where in the application the various signalised crossing points are described or shown? The only reference in the works numbers to such provision appears to appears to me to be in relation to works number 111. And that's associated with Caxton gibbet.

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So if you can provide that signposting that would be helpful. And if that is not included, in what is before us, then how that doesn't represent a change to the proposed scheme.

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Providing

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Scotland's for the applicants, we can do that as an action.

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Point on as Mr. Doherty is going to say that

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we have discussed this the team because it was a question that you've raised, I think I'll be position at the moment is that it is covered within the order as ancillary works and will be delivered as part of the detailed design. The detailed design would dictate compliance with standards that the costings that we're proposing would be delivered.

1:47:28

As to I will take direction, if it needs to be shown on the drawings, we've given a firm commitment that that's crossings would be provided in our responses to questions. How was that secured? And I think if at the same time, then if you could come up with a justification as to as to why you're looking to go down that route. would be would be good for us.

1:47:54

Yeah, I have no further comment. Thank you. Okay. So apologies everyone, we have we have overrun here. The The time is now almost 145. And we will take a break for lunch at this point. And we will resume

1:48:12

can we say

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at would 20 Pass to be be okay for everybody? I appreciate that's less than the typical 45 minutes.

1:48:24

Mrs Sahai, you've appeared. Oh, you've gone again.

1:48:29

I was just going to be the spokesperson for all parties and say if we could come back to 30 minutes description, that'd be fair too. Really appreciated. We're going to come back at 230 Then we will we will need to be focused, let's say on on dealing with the issues in the in the afternoon session.

1:48:51

Okay, so 230 metres.

1:48:55

Thank you. If you decide to leave the meeting during the breaks, then you can rejoin using the same link provided in your invitation email. If you're watching via the live stream then please refresh your browser to resume each subsequent session.