

# A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 9

9.77 Written submission of oral case Issue Specific Hearing 5  
on 1 December 2021

Planning Act 2008

Rule 8(1)(k)

The Infrastructure Planning (Examination Procedure)  
Rules 2010

December 2021

Infrastructure Planning

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(Examination Procedure) Rules 2010**

**A428 Black Cat to Caxton Gibbet improvements**  
Development Consent Order 202[ ]

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# 1 Introduction

- 1.1.1 This document summarises the case put forward by National Highways (the Applicant), at the Issue Specific Hearing 5 on highways matters including the draft Development Consent Order which took place via MS Teams on 1 December 2021.
- 1.1.2 Scott Lyness QC of Landmark Chambers represented the Applicant and was assisted by experts at AECOM and Skanska.
- a. Samya Ghosh (AECOM) represented the Applicant on the anticipated operational traffic effects on the surrounding highway network and the junctions of the project road and the surrounding network.
  - b. Andrew Cuthbert (AECOM) represented the Applicant on the Sensitivity Test Outputs for the junction modelling [REP5-018].
  - c. Ted Doherty (AECOM) represented the Applicant on highway layouts and structures and the effects on Non-motorised Users (NMU).
  - d. Julian See (Skanska) represented the Applicant on the Outline Construction Traffic Management Plan [APP-244] and good design matters.
  - e. Jon Rooney (AECOM) represented the Applicant on good design matters.
  - f. Pamela Lowery (AECOM) represented the Applicant on noise matters.
  - g. Elisha Coutts (AECOM) represented the Applicant on air quality matters.
  - h. Jamie Gleave (AECOM) represented the Applicant on environmental matters.
- 1.1.3 The summary of the submissions below broadly follows the Examining Authority's (ExA's) Agenda for those items that were covered at the Issue Specific Hearing. It should be noted that due to time constraints not all Agenda items were covered during the Issue Specific Hearing and as such those items are not covered below.

## 2 Representations at the Issue Specific Hearing 5

Table 2-1 - Written summaries of oral submissions made at Issue Specific Hearing 5

Item	ExA Question/Context for discussion	Applicant's Response
<b>AGENDA ITEM 3 - Anticipated operational traffic effects on the local highway network</b>		
3(a) (i)	<p>Applicant's Junction Model Sensitivity Testing [REP5-018]</p> <p>Methodology</p> <p>The ExA invited comments from the councils on the methodology.</p> <p>Bedford Borough Council (BBC), the Cambridgeshire authorities (Cambs auth) and Central Bedfordshire Council (CBC) stated they were content the modelling provides a sound basis for testing.</p>	<p>1. The Applicant made no comment in response to this Agenda point.</p>
3(a) (iii)	<p>Findings</p> <p>The ExA commented there appears to be a worsening of junction performance in some areas compared to what was previously modelled.</p> <p>The also ExA noted that the evidence from meetings between the Applicant and councils regarding the modelling is not before the Examination and would need to be submitted to be given weight.</p>	<p>1. The Applicant explained that it is difficult to go into detail at every location, although there are indications the junction picture can change and even worsen in some cases. The concern raised by the Councils is regarding overcapacity and speeds at junctions in later years.</p> <p>2. The Applicant noted that Black Cat and Caxton Gibbet are principal junctions and that they remain within capacity after the sensitivity testing was undertaken. There are specific locations where the traffic modelling shows a larger extent of reduced speed areas on the approach to those junctions. However, the Applicant believes the relevant councils are satisfied the principal scheme junctions remain in capacity.</p> <p>3. The Applicant explained in relation to Wyboston and Barford Road junctions, that the reason for increased queuing relative to that reported in the TAA is because the Applicant has gone back to an alternative way of looking at traffic data using the traffic data from in the 2016, 2017 and 2018 traffic counts instead of taking traffic flows straight from the Strategic Model. This has led to more traffic overall in the model. The difference reflects this compared to the strategic model where there is more</p>

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		<p>traffic in the 'do minimum' scenario without the Scheme. Overall, the Scheme is still beneficial in regards to Wyboston and Barford Road junctions, however, there are some queue length increases on specific approach arms and actions have been taken away from a meeting with CCC to review these.</p> <ol style="list-style-type: none"> <li>4. The Applicant notes there are elements of further work being discussed with CCC and the Applicant aims to submit some initial material to the Councils by Deadline 6 and a formal response to the Hearing by Deadline 7.</li> <li>5. The Applicant notes this changing picture is to be expected in the sensitivity testing when this type of change on base traffic flows happens, regardless of location. It was confirmed that none of the sensitivity testing would lead the Applicant to believe that design changes to the Scheme would be required.</li> </ol>
3(b)	<p>Whether the additional modelling undertaken by the Applicant enables Local Highway Authorities (LHAs) to conclude that the operation of the Proposed Development would not interfere with the expeditious movement of traffic on the local highway network and the LHAs' ability to fulfil their Network Management Duty.</p> <p>The ExA noted it will follow up in written questions including what level that duty should be interpreted at, noting the duty includes reference to 'as far as reasonably practicable'.</p>	<ol style="list-style-type: none"> <li>1. The Applicant explained that the Scheme is a significant benefit – at Great North Road South it is reducing the pm peak meaning the queue is reduced from 73 to 11 vehicles. At Great North Road North, the Applicant considers the impact of the Scheme is marginal. Queues in the pm peak go from 48 to 53, so only five more vehicles. This is the local road network so the responsibility will fall to Cambridgeshire County Council (CCC) to manage.</li> <li>2. The Applicant intends to respond to a specific query from CCC on the Wyboston junction following the hearing. This relates to the potential to re-allocate road space once the Scheme opens, so as to make best use of the underlying capacity of the junction for the remaining traffic. The results of these discussions are to be provided at Deadline 7.</li> <li>3. The Applicant noted for the Biggleswade North junction, that when junctions become over-capacity Arcady struggles for accuracy. However, our results show substantial over-capacity by 2040 without the Scheme, and the impact of the Scheme is a relatively small worsening on A1 arm of junction with a small benefit to side arm of junction. The Applicant notes that there is an existing problem here, but that the Scheme is not making it substantially worse. This location is a case for monitoring as part of the Strategic Road Network (SRN), and possibly the Applicant could do a future study of the A1, but this junction does not require mitigation as part of the Scheme.</li> <li>4. In respect of Sandy, the Applicant noted that it has sought to provide a robust analysis, and not go by the forecasts of the strategic models which don't give the same levels of accuracy on congestion and delays at the junctions. The output from Vissim is the correct output, and the impact on the local road</li> </ol>

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		<p>network is marginal (the main impact is on the SRN which is itself not significant). The SRN impact would be included in monitor and manage strategy post-implementation.</p> <p>5. In respect of the Barford Road junction, the Applicant said the results of sensitivity test show substantial benefit as a result of scheme, and at a meeting two days ago agreed to engage in discussions with the local highway authority to explore the reallocation of road space to the northern arm which is not benefiting as much. At the request of BBC the Applicant agreed to involve BBC in these discussions.</p> <p>6. The Applicant stated it does not accept the information before the panel suggesting the LHAs would not be able to perform their network management duty. The ExA are requested to look at wider benefits of the scheme in considering this issue rather than the a few granular junction specific changes in traffic flow levels.</p>
3(a) (ii)	Extent of modelling undertaken.	<p>1. CCC explained that during a meeting on Monday the Applicant confirmed they will submit at Deadline 6 additional modelling on M11 J13, Eltisley link junction, Camborne junction by Deadline 7, and look at flows at Potton Road and A428 Toseland Road by Deadline 7. The Applicant agreed with this summary of the steps agreed.</p> <p>2. Regarding flows on the Biggleswade North junction the Applicant noted it has agreed to provide details of flows using sensitivity testing at Biggleswade North junction and will be issuing these to Central Bedfordshire.</p>
	<p>Monitor and Manage.</p> <p>The ExA queried whether funding would be ring fenced for the monitoring and management.</p> <p>The ExA also requested further detail on what the monitor and manage approach entails. On the aspect of management, the ExA requested further detail on how interventions could be delivered in a timely manner and how they would be funded.</p>	<p>1. The Applicant stated funding is not ring fenced for monitoring – it is treated as part of the Applicant's wider network management duty. Monitoring of key locations for the scheme's benefits will be continuous.</p> <p>2. The Applicant noted the Transport Assessment summarises the monitor and manage approach.</p> <p>3. The Applicant further explained the Transport Assessment is not the only place the monitor and manage approach is referred to. It is also covered in the junction sensitivity testing conclusions. This refers to post-opening project evaluation programme.</p> <p>4. The Applicant agreed to bring together the detail on monitor and manage into one place, and comment on what the Applicant considers is the responsibility of the local highway authorities in this</p>

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		<p>regard. The Applicant further commented the monitoring it undertakes is part of its licence obligations, therefore it is not suggesting it should be a DCO requirement.</p> <p>5. On management, the Applicant said any local interventions would be through designated funds so wouldn't be in competition with other scheme related works. Relatively small works, such as signage, could be delivered quickly potentially through the operational maintenance budget of the local highway authorities.</p> <p>6. The Applicant confirmed the note it has agreed to prepare for Deadline 6 will address the points raised by the local highway authorities concerning responsibility for interventions and their funding. The Applicant does not accept local road impacts must be cured as part of this scheme. It is impossible to give a funding commitment as it is the role of monitoring to identify any management required.</p> <p>7. The Applicant explained the overall impact of the scheme should be adjudged in its broadest sense – the scheme improves the highway network overall. Local network junction impacts on the ground do not need to be mitigated to make the DCO acceptable. The monitor and manage approach will go as far as the Applicant is required to go in respect of the scheme. There may be impacts off the scheme, but even though local impacts may be negative we need to look at scheme overall.</p> <p>8. The Applicant confirmed its monitor and manage approach would cover the SRN only. The scheme needs to be considered in the broadest sense when the overall effect of scheme is beneficial and taking traffic off local roads. It is not the proper approach to be looking at individual junctions. The Applicant does not accept it should be chasing every small impact on local roads, this is not the role of the scheme.</p> <p>9. The Applicant would need to consider which impacts it would specifically target for mitigation beyond the approach as stated. Road safety would likely be a top priority.</p> <p>10. The Applicant explained that under the NPS mitigation under 5.2.5 needs to be proportionate and reasonable and relate to the design and operation of the scheme. Again, it is not for the Applicant to chase down impacts when its scheme has a broader positive impact on the wider network. Furthermore, the Applicant considers it is mitigating all significant impacts, as required under the NPS.</p>
<b>AGENDA ITEM 4 – Highways layouts and junction arrangements</b>		
4a	Whether the approach of the Applicant to proposed Departures from Standards	1. The Applicant explained it undertook a safety review which indicated it should maintain similar carriageway width. Bedfordshire and Central Bedfordshire Councils have accepted the Applicant's



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	<p>(DfS) on the local road network have any likely road safety implications, particularly at Toseland Road, B1046 and Potton Road, Cambridgeshire [REP4-056, WQ2.11.2.1], specifically:</p> <p>i. Road Safety Audit findings regarding proposed DfS on the local road network.</p> <p>ii. Implications, if any, on the Proposed Development in the event of no agreement being reached on DfS between the LHA and Applicant.</p>	<p>approach. The Applicant's proposed carriageway width is nevertheless greater than currently and meets the DMRB standard with respect to visibility, which is a primary determinant for safety and is key. The Applicant's approach is to use reduced road cross sections to manage vehicle speeds. CCC's suggested approach was implemented on the A14 and it led to mitigation works being necessary. Discussions with CCC have nevertheless been constructive and continue.</p> <ol style="list-style-type: none"> <li>2. The Applicant stated the second Road Safety Audit will be next year and split by local borough roads so councils can participate as observers. The Applicant has also committed with CCC to undertake further holistic assessments to cover not just geometry and consider additional features to restrict drivers from speeding. The outcome is intended to be a joint approach and it is hoped to finish this by end of examination.</li> <li>3. The Applicant agreed to provide a drawing showing what the Applicant is proposing and what CCC is proposing at this stage in respect of each of these locations referred to in the agenda item so the panel can see the differences side by side.</li> <li>4. The Applicant agreed with CCC's summary of the position – a pre-stage 1 audit recommended lane widths were to be reduced from 3.65 to 3 metres. The stage 1 audit was silent on cross sections. The departure process is part of DMRB, but needs to be acceptable to CCC and presented as a holistic departure application. The Applicant further noted the issue was not picked up in Stage 1 as had it agreed the recommendations pre-stage 1.</li> </ol>
	<p>4b Update on any proposed draft protective provisions or intended amendments to the dDCO relating to highways design matters associated with the potential interfaces with the EWR scheme, and the current position of the Applicant regarding any associated future design changes [REP4-037] [REP4-067] [REP5-024, WQ2.10.2.1 and WQ2.17.4.1].</p>	<ol style="list-style-type: none"> <li>1. The Applicant explained its position is EWR is at a very early design stage with no preferred route. The A428 DCO is far more advanced, for example with defined limits of deviation. There is a lack of clear relationship between the schemes. The Applicant's view is it is not realistic to have design commitments. It is for the EWR scheme design, when developed, to look for ways in which it would fit in with A428 scheme.</li> <li>2. The Applicant noted it has no obligation to accommodate a future unknown EWR design. The presentation of Protective Provisions by EWR is premature where no asset in place. The Applicant has no in principle objection to cooperation, but it is not for this Order to include Protective Provisions as proposed by EWR.</li> <li>3. EWR agreed to submit their draft Protective Provisions at Deadline 6 and the Applicant agreed will comment on these Protective Provisions also by Deadline 6 but the Applicant noted it would not be a 'counter-offer' as it fundamentally disagrees with the rationale for such Protective Provisions.</li> </ol>

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		<p>4. The Applicant said it has been engaging with EWR but a fundamental problem is the lack of detail. Regarding the public interest argument put forward by EWR, it is difficult to see what this is when there are no scheme details, or what potential changes to the Applicant's scheme might be needed. The Applicant is moving to detailed designed, EWR has no design detail at all.</p> <p>5. The Applicant queried how the public interest argument (to minimise impacts on the public or environment) links to the Applicant's scheme, as it would be for EWR's scheme to consider cumulative impacts.</p>
<b>AGENDA ITEM 5 – Provision for Non-Motorised Users</b>		
5a	<p>Current position of the Applicant regarding the provision for NMUs and accordance with National Policy Statement for National Networks (NPS-NN) paragraphs 5.20, 5.215 and 5.216, DfT Local Transport Note 1/20 and local policies with particular regard to:</p> <p>i. Adequacy of intended NMU provision where new local highway infrastructure would be provided or existing highway be de-trunked, specifically at Roxton Road Bridge, Barford Road Bridge and along the existing A428.</p>	<p>1. In respect of the Roxton Road bridge, the Applicant confirmed a designated funds application has been approved for raised parapets. This is now with the detailed design team. The changes would be delivered as part of the Scheme.</p> <p>2. The Applicant noted in respect of the requests for equestrian provision that there needs to be a wider strategy for the area. None of the routes connect to Roxton Road Bridge currently. The Applicant is not precluding it being designated a bridleway in the future however. The Applicant would not class the Roxton Road Bridge area as a 'missing link'. North of existing the A421 leading to Wyboston there are no bridleways. The Applicant understand the ambition but this needs to be part of wider strategy promoted by Bedford BC. Again, the DCO doesn't preclude this.</p> <p>3. In respect to Barford Road Bridge, the Applicant confirmed there have been no changes to the design or applications for designated funds. There would need to be a separate structure to accommodate NMUs as there is likely to be inadequate separation on the existing bridge. There is no justification for this as part of the DCO.</p> <p>4. In respect to EWR and the possibility the provision will be needed as a result of that scheme, the Applicant noted there is little detail and with passive provision it is often in the wrong place. It is not for this scheme to deliver.</p> <p>Existing A428</p> <p>1. The Applicant explained that what it is proposing aligns with the future delivery of the council's policy. The route approach is consistent and not the responsibility for the DCO to provide. The DCO provides for safe access for pedestrians and cyclists.</p>

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		<ol style="list-style-type: none"> <li>2. The Applicant is content to put forward a proposal for designated funds for a feasibility study into the council's suggested proposal. There is already a designated funds application in with respect to the missing link.</li> <li>3. The Applicant would question whether the proposed route at the A428 is appropriate for horses (as advocated by other parties), but what the DCO is providing does not preclude a future NMU route.</li> <li>4. The Applicant reiterated that the question is what is proper and reasonable provision. There is no justification for additional infrastructure to be delivered as part of the DCO.</li> </ol>
5(b)	<p>The realistic potential for use of 'Designated Funds' [REP-037, WQ2.11.6.1] to provide additional NMU infrastructure, how any successful schemes would be delivered and over what timescale.</p>	<ol style="list-style-type: none"> <li>1. The Applicant said it is not aware of any other designated funds application being progressed. It was noted Cambourne cycle route is currently under construction and this is through designated funds.</li> </ol>
5(c)	<p>Signalised crossing facilities – clarification in light of the Applicant's response to ISH2 Hearing Action point 16 [REP3-019], including where such infrastructure is shown on submitted plans or described in the schedule of works.</p>	<ol style="list-style-type: none"> <li>1. The Applicant will signpost where in the application the various signalised crossing points are described or shown.</li> <li>2. The Applicant confirmed it would respond in writing but briefly noted signalised crossings are covered within the order as ancillary works and to be delivered as part of the detailed design.</li> </ol>

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<b>AGENDA ITEM 6 – Outline Construction Traffic Management Plan (Outline CTMP)</b>		
6(a)	Adequacy of the submitted second iteration Outline CTMP [REP4-012] and whether any further iterations are proposed during the Examination.	<ol style="list-style-type: none"> <li>Regarding the question of further consultation on the detail of the OCTMP, the Applicant noted Requirement 11 which requires that no part of the development is to commence until a Traffic Management Plan for that part of development is approved by the Secretary of State in consultation with the local highways authority. This would be the primary mechanism for consultation following the OCTMP.</li> <li>When asked why parties such as landowners are not to be consulted again in addition, the Applicant explained the local highway authority is the key body for managing the network in their area, however the views of other bodies would be sought including emergency services.</li> <li>The Applicant stated there is no intention to submit a further iteration of the OCTMP during the Examination though agreed Bedford BC's comment that the approach is a subject of the SoCG between them and the ExA expects to see an update on this at Deadline 6.</li> </ol>
6(b)	Clarification regarding construction vehicle route restriction drawings, in addition to the anticipated frequency, number and duration of heavy goods vehicle (HGV) movements using green and orange routes shown in the second iteration Outline CTMP [REP4-012, Appendices C and D].	<ol style="list-style-type: none"> <li>The ExA noted it appears the drawings are in the wrong appendix for the restricted route. The Applicant agreed there does appear to be an error and will correct this if so.</li> <li>Regarding the ExA's query as to whether it is possible to annotate the construction route restriction plans with HGV movements, potentially on a phase by phase basis, the Applicant said it is not able to provide that level of detail at this stage of the scheme. There are a number of constraints to establishing logistics route. Once the Applicant has the route it will be able to supply the site largely straight off the SRN. However, the construction programme detail is not available at this stage – for example, where deliveries are from and what of. The Station Road route has been looked at and will likely be used for a limited period (an assessment will be made on this).</li> <li>The Applicant further explained the SRN is the primary supply route, but plant and materials could come in from any direction. The Applicant has reviewed other DCOs to see if this level of detail has been given, but was not aware that it had. The M42 scheme did not produce an OCTMP and therefore the Applicant believes it is providing the same or more detail than similar schemes. The further detail would follow the Examination once there is a detailed construction programme.</li> <li>The Applicant said that whilst for some parts of the assessment there have been assumptions regarding total traffic, this is not necessarily disaggregated down to HGVs involved in construction. Total volumes of construction traffic was used in the traffic modelling, nothing more granular.</li> </ol>

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		<p>However, the Applicant wishes to clarify that HGV construction traffic volumes on the network can be extracted for each construction phase if required, as the construction HGV's were assigned a separate user class within the model, so HGV construction traffic volumes could be extracted if required.</p> <ol style="list-style-type: none"> <li>5. Regarding Station Road, Thamesford, the Applicant explained it has been in discussion with Central Bedfordshire about this route. Its use by the Scheme is limited – for the Cadent gas main and bridge abutment works – which are critical to Scheme. The detail as to when Cadent can complete their diversion works is not yet known. Cadent need to complete their design before programming the duration of the works.</li> <li>6. The Applicant noted it had used the route recently for archaeological works. Central Bedfordshire have suggested a passing bay which the Applicant is considering, if it can be provided in the Order Limits. For the archaeological works timed delivery of cabins (oversized loads) was adopted outside of peak times to avoid disruption.</li> <li>7. When asked whether the Applicant's figures on HGV movements are per day or week, the Applicant confirmed the average is 30 HGVs per week across the total use of the route, but for specific activities there may be peak days.</li> <li>8. The Applicant re-emphasised that until it has full detail from Cadent it cannot be specific on the time it will need the route for. The Applicant's belief is that it will be between 8 and 12 months.</li> <li>9. The Applicant agreed it would ask Cadent for an update during the Examination.</li> </ol>
6(c)	<p>Whether the lack of detail at this stage of the Examination relating to anticipated construction HGV traffic is typical of other nationally significant infrastructure highway schemes.</p>	<ol style="list-style-type: none"> <li>1. The Applicant noted that traditionally it is not typical of a National Highways scheme to have a main contractor involved at this stage, and therefore it has provided more information than normal.</li> <li>2. The Applicant agreed to provide the ExA with details of similar recent (linear) schemes and how this issue has been dealt with.</li> <li>3. Regarding concern over HGVs passing through the village of Hilton, the Applicant explained it has produced a plan showing the restricted routes. Extending it as far out at Hilton – quite a long way out of the scheme area – would be a strange approach. The Applicant has channelled the logistics routes down the SRN and A roads. The Applicant does not see there being demand for the Hilton route – the A14 route is more likely.</li> </ol>

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		4. The Applicant agreed to comment on what measures it will put in place regarding avoidance of Hilton, noting the separate local application to ban HGVs from the village.
6(d)	Monitoring of traffic re-routing during construction and any subsequent interventions on the local highway network, including funding, organisational roles and responsibilities [REP4-012, paragraph 3.5.10] [REP4-037, WQ2.11.7.3].	<ol style="list-style-type: none"> <li>1. The Applicant explained it does not intend to monitor local roads. In keeping the SRN flowing well the Applicant would avoid self-diversion onto local roads. Use of communication with drivers regarding performance of SRN is an important part of this.</li> <li>2. The ExA asked the Applicant to clearly define the monitoring roles and responsibilities (separately under the construction and operational phases) given the comments from local highway authorities that monitoring should extend onto local roads. The Applicant agreed this would be covered in the note already identified as an action.</li> </ol>
6(e)	e. Requested approach of CCC to funding any necessary repairs to the local highway network, as a result of the construction of the Proposed Development.	1. The Applicant made no oral submissions.
6(f)	f. Adequacy of the submitted Outline Travel Plan [REP5-016] and the Applicant's intended approach to any future iterations.	<ol style="list-style-type: none"> <li>1. The Applicant said the Outline Travel Plan will be included in the revised First Iteration EMP to be submitted at Deadline 6. The Applicant does not intend to add more detail at this stage but is open to comments from the councils. The document is in 'outline' and this is the normal approach.</li> <li>2. Regarding comments on how and when the Outline Travel Plan is secured and its effect in relation to pre-commencement works, the Applicant suggested this was a matter to discuss in ISH6.</li> </ol>
<b>AGENDA ITEM 7 - Good Design</b>		
7a	Further information expected in Scheme Design Approach and Design Principles [REP3-014] [REP3-014, Appendix C] to enable the assessment of the Proposed Development against policy requirements in the NPS NN, NPPF and local planning policies.	<ol style="list-style-type: none"> <li>1. The Applicant commented that two issues appeared to be conflated – the issue started as one about bat mitigation and NMU provision. The second issue is whether this is for the design documents or specific to how bat mitigation is dealt with.</li> <li>2. The Applicant noted the underpasses have multiple uses – bats use them at night when there is very little passage by agricultural vehicles, horses or people. So, if lit during the day there would not be a negative impact. It is not desirable to light them at night, but provision could be made for specific types</li> </ol>

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		<p>of lighting which switch lighting on when they are used. The Applicant does not see any need for these additional measures however.</p> <ol style="list-style-type: none"> <li>3. The Applicant queried whether any additional steps relating to bat mitigation should be in the design principles document. The Applicant noted the narrow scope of this document so suggested this could be dealt with in the First Iteration EMP instead.</li> <li>4. The Applicant further explained the nature of the design principles document is that the Applicant takes on comments during the Examination and updates it. However, this document is not about bat mitigation. It is accepted there is an NMU element to this, and the Applicant can cross-reference to the requirement to meet standards for NMU provision (DMRB, though would not go as far as LTN 1/20 as advocated by other parties). The Applicant noted it refers to CD143 on the design of cycleways for aesthetics rather than wider design.</li> <li>5. The Applicant does not consider it is necessary to bring forward Appendix C material into the main body of the design principles. The Applicant will listen to other parties but believes Appendix C deals with the detail. Sufficiently.</li> <li>6. The Applicant explained it is proposing an amendment to Requirement 12 to require any detailed design relates to this design principles document – so input on the design principles needs to be now. If there were to be any departure, the Applicant would have to satisfy the Secretary of State and local highway authority that there were no materially new or different environmental effects.</li> <li>7. As to why Appendix C does not include structures such as gantries, the Applicant noted there are sections with specific reference to them. Signage is for detailed design and gantries are dealt with separately so are not included in Appendix C. The Applicant offered to include these in Appendix C for completeness if desired and the ExA confirmed this was desirable.</li> </ol>
7(b)	Applicant's proposed iterative design development process for detailed design (if consent is granted), and how that can be secured.	<ol style="list-style-type: none"> <li>1. The Applicant elaborated on the Requirement 12 process – any departures would need to be agreed as departures under the process in the requirement. They would need consultation with local authorities. The Applicant cannot just build what it wants – if a party sees the Applicant has not complied, they can seek to enforce the requirement. However, the opportunity for the stakeholders to influence the documents is now. This is a DCO where there is inevitably detailed design following the consent. Again, the Applicant is going further than most highways schemes. There is detailed design work already taking place for this scheme, hence our concern with EWR's suggestions. The Applicant</li> </ol>

Item	ExA Question/Context for discussion	Applicant's Response
		<p>needs to keep in mind if there is a further consultation this could impact programme, hence why stakeholder input is now.</p> <ol style="list-style-type: none"> <li>2. The Applicant referred to the previous action requesting a comparison to other schemes. The Applicant would not normally have consultation at detailed design stage so it can proceed to build quickly.</li> <li>3. The Applicant noted breach of a requirement would be enforceable as a criminal sanction in the same way as any requirement in a DCO. But the key point is that the engagement is at this point and we say it is adequate as all input can be fed into this document. It would be a discussion between the Applicant and councils on how plans are progressing and so they would be able to identify any issues.</li> <li>4. The Applicant acknowledges the design principles document needs to be updated in light of the use of Requirement 12. For example, section 1.2 says it would be secured through the First Iteration EMP. This was before the Applicant made the decision to have the design principles as a standalone certified document secured through Requirement 12.</li> <li>5. For clarification the Applicant noted it has referred to various technical standards it must comply with in its responses to written questions, but the design principles document is primary about wider design issues.</li> </ol>
<b>AGENDA ITEM 8 – Construction methods and effects</b>		
8(a)	Progress on pending issues relating to Borrow Pits.	<ol style="list-style-type: none"> <li>1. On a point raised by Bedford CC concerning the properties to north of borrow pits 14, the Applicant explained it had met with Mr Wren and colleagues earlier this week. No matters raised give rise to changes to matters addressed in the ES. The Applicant has agreed to prepare a Borrow Pits Management Plan, to be appended to the First Iteration EMP. This is intended for submission at Deadline 6.</li> </ol>
8b()	Information that is in the Borrow Pits Excavation and Restoration Report [REP3-011] that is not included in the First Iteration EMP [APP-234].	<ol style="list-style-type: none"> <li>1. The Applicant noted it is looking at the content of Borrow Pits Excavation and Restoration Report and is moving material from this into a new outline Borrow Pits Management Plan, which will form a new annex to the First Iteration EMP. A similar review of previous Examination submissions is also being undertaken to cover additional points raised.</li> <li>2. The Applicant explained it will focus on more specific measures to be brought into the Borrow Pits Management Plan, plus details on restoration. The First Iteration EMP has a more generalised</li> </ol>



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		<p>approach but the Applicant clarified that the Borrow Pits Management Plan will be more site-specific. The Applicant also clarified that the soil management measures detailed within Annex E of the First Iteration EMP will still apply as this is a scheme-wide management plan.</p> <p>3. The Applicant will consider whether the trial pit findings (soil samples) should be included in this new document. For Deadline 6 the Applicant is looking to get agricultural soil survey information so needs to work out the best way of presenting the information in the updates to the First Iteration EMP.</p>
<b>AGENDA ITEM 9 - Noise</b>		
9(a)	Mitigation measures requested by CBC in response to anticipated noise effects at Rectory Farm.	<ol style="list-style-type: none"> <li>1. The Applicant confirmed that no sustainable noise mitigation options have been identified to minimise the major increase in noise predicted at Rectory Farm, beyond the use of low noise surfacing along the length of the Scheme.</li> <li>2. The Applicant explained that Rectory Farm is predicted to experience a significant EIA effect due to the predicted increase in road traffic noise likely to result from the Scheme. However, the Applicant confirmed that the property was not predicted to experience a significant policy effect as, even with the predicted increases, the predicted traffic noise levels for day and night are at or around the Lowest Observed Adverse Effect Level.</li> <li>3. The Applicant confirmed that a road traffic noise source – Little Barford Road, currently exists approximately 700m west of property. However, when monitoring was undertaken here in 2017 the Applicant identified that other noise sources are evident at Rectory Farm which include overhead lines, rail, and agriculture, for example. The baseline day-time overall noise level measured during the monitoring ranged between 49-52dB(A). The Applicant confirmed that contribution from the road traffic noise sources derived from its noise model was around 45.4dB(A) showing there are more dominant noise sources in the area.</li> <li>4. The Applicant also confirmed that, therefore, the 14dB(A) increase in road traffic noise predicted at a facade facing the scheme would not result in a 14dB increase in overall noise at the property given other non-traffic sources.</li> <li>5. The Applicant confirmed that low noise surfacing is embedded mitigation in the scheme. The Applicant also confirmed that a meeting took place with CBC in which it discussed a 3m high noise barrier option which it considered on the westbound carriageway to avoid significant EIA effect at the property, and that the modelling of a long barrier was necessary as the property is set back from road</li> </ol>

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		<p>and has wide angle of view of it. However, the barrier option is not being taken forward owing to it not being identified as a sustainable noise mitigation measure. The Applicant confirmed that other measures suggested by CBC at the meeting, including noise bunding and noise insulation, were discussed. However, the Applicant noted that their view that such measures, as with the 3m high noise barrier option, would not be considered as sustainable mitigation.</p> <p>6. The Applicant stated it is their view that the approach to mitigation adopted in this location complies with policy as set out in the NPSNN.</p> <p>7. The Applicant agreed to record the nature of its discussions with CBC on noise by way of a submission at Deadline 6. The ExA requested this be a joint submission.</p>
9(b)	Intended approach of Applicant to the monitoring of noise and any subsequent interventions, within the development limits, during the construction and operation of the Proposed Development.	<p>1. The Applicant notes Annex B of the First Iteration of EMP sets out outline details of noise monitoring in the construction phase. The next iteration will cover more detail and in consultation with the local authorities. The location and duration of monitoring will be representative sample of impact on local population.</p> <p>2. Regarding any interventions, the Applicant said these would be identified through monitoring. The Applicant will review construction methods, for example, plant and equipment used.</p> <p>3. Regarding operational noise, the Applicant does not propose noise monitoring once the scheme is open. This would not be a reliable gauge to determine whether the magnitude and extent of operational adverse effects differ from those identified in the ES. This proposal is in line with National Highways noise and vibration assessment methodology contained in DMRB document LA 111</p> <p>4. The Applicant explained there are embedded measures including low noise surfacing. The ExA asked how these are secured on an ongoing basis, and the Applicant explained Requirement 18 deals with noise mitigation and how this is to be retained on an ongoing basis.</p> <p>5. The Applicant noted noise levels vary on day to day basis, for example with traffic and weather and that the predictions set out in the ES are based on annual average conditions. The Applicant confirmed that it is not possible to replicate these conditions through short term monitoring and that extensive monitoring before and after construction would be required to replicate the ES. The Applicant also confirmed that the assessment presented in the ES only predicts road traffic noise levels from the Scheme. As there are other noise sources in the area, the Applicant confirmed there would not be an exact match between overall measured levels and predicted road traffic noise levels.</p>

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<b>AGENDA 10 – Air Quality in Sandy</b>		
10(a)	Update from Applicant and CBC regarding what, if any, mitigation measures have been considered in relation to the predicted effects of the Proposed Development on air quality in Sandy.	<ol style="list-style-type: none"> <li>1. The Applicant explained the NNNPS refers to deterioration of air quality above thresholds. As set out in DMRB LA105 guidance and our assessment, the predicted change at receptors above the threshold is less than 1% - it is imperceptible to the extent it cannot be measured. The Applicant has reached out to CBC to suggest a further meeting but has not been able to align diaries.</li> <li>2. The Applicant confirmed the Saturn model is the validated traffic model used for the EIA including air quality.</li> </ol>