

# **Application by National Highways for an Order Granting Development Consent for the A428 Black Cat to Caxton Gibbet Road Improvement scheme**

## **Post-Hearing Submission Including Oral Submissions at Issue Specific Hearings 4 – 6 on 30 November – 2 December 2021**

**Prepared by  
Central Bedfordshire Council**

### **Deadline 6**

#### **ISSUE SPECIFIC HEARING 5**

1. Below are the written submissions of the Central Bedfordshire Council (CBC) following the Issue Specific Hearing 5 (ISH5) (including matters such as CBC's response to the Network Management Duty question raised by the Examining Authority, which is jointly agreed with the other local authorities).

#### ***Anticipated operational traffic effects on the local highway network***

##### ***a. Applicant's Junction Model Sensitivity Testing [REP5-018].***

##### ***i. Methodology***

##### ***ii. Extent of modelling undertaken***

##### ***iii. Findings***

##### ***iv. Views of LHAs***

2. The junctions of concern in the CBC area (those on the A1 within Central Bedfordshire and at the M1 J13) are expected to experience increases in flow as a result of the proposed scheme and are predicted to operate over capacity (in both with and without development forecast scenarios). 42.
3. In addition, the operation of the local road approaches to these junctions are considered to be sensitive to increases in flow on the A1 Strategic Route, and as such it is important to have a full understanding of potential scheme impacts.

4. For example, at Biggleswade North junction (A1/Hill Lane), the base model was not validated and junction surveys associated with recent planning applications show higher levels of queuing than modelled within the Transport Assessment Annex for this junction, which gives rise to concerns over the confidence that can be given to the modelling.
5. When the CBC data on observed flows at this junction were inputted by National Highways (NH) to the sensitivity testing, the outcome was significantly worse. The junction is not just over capacity in 2040, but seriously over capacity so any worsening is significant.
6. Based upon NH's 'Monitor and Manage' approach on a junction which is acknowledged as having 'significant problems' with predicted queues of over 600 vehicles on the A1 (S) approach to the junction in the 2040 PM peak (table 4-3), CBC's view is that there should be funded and programmed mitigation works. Given the uncertainties over the modelling (and the sensitivity of the junctions to small changes as demonstrated in the sensitivity test technical note), CBC requires more certainty than the current Monitor and Manage provides.
7. CBC is also concerned that there is now a significant range of potential impacts from the Scheme on Sandy because of the disparity between the VISSIM model outputs and those from the Saturn strategic model. The strategic model suggests an increase in traffic through the town; the VISSIM model indicates that this will be confined to the A1. NH do not deny this is the case.
8. The potential implications within Sandy, should the initial Strategic Model results be more representative than the VISSIM modelling, are significant, resulting in considerable increases in flow through the centre of the town.
9. To not cover the issue through mitigation would effectively amount to a "hope for the best" approach, which would be wrong in principle.
10. This also has implications for the air quality impacts on 7 properties north of Carter Street, Sandy in the Air Quality Management Area. CBC will address that further below.
11. The impacts and uncertainty in the modelling necessitates that the Secretary of State (SoS) requires a far greater and clearly defined and controlled Monitor and Manage as a DCO requirement or through

other means that is legally secured in connection with the DCO. CBC will address that further below.

***b. 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.***

12. The following joint Network Management Duty position statement has been agreed by CBC, Cambridgeshire Authorities (Cambridgeshire County Council, Huntingdonshire District Council and South Cambridgeshire District Council) and Bedford Borough Council:

1. "As an action from ISH5, the Examining Authority asked for a note on:

*"Positions of Local Highway Authorities (LHAs) and Applicant on how the Network Management Duty should be considered, at the wider network level or the more granular detail of individual junctions, and providing relevant policy justification for any view."*

2. This follows on from item 3(b) of the Agenda for ISH5 which was:

*"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."*

### **Law and Policy**

3. The Network Management Duty is set out in Section 16 of the Traffic Management Act 2004 which states as follows:

*(1) It is the duty of a local traffic authority or a strategic highways company ("the network management authority") to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives—*

*(a) securing the expeditious movement of traffic on the authority's road network; and*

*(b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.*

*(2) The action which the authority may take in performing that duty includes, in particular, any action they consider will contribute to securing-*

*(a) the more efficient use of their road network; or*

*(b) the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network or a road network for which another authority is the traffic authority; and may involve the exercise of any power to regulate or co-ordinate the uses made of any road (or part of a road) in the road network (whether or not the power was conferred on them in their capacity as traffic authority)."*

4. The Secretary of State has issued the following statutory guidance under S18 of the Act:

4.1 The "Traffic Management Act 2004 Network Management Duty Guidance" dated November 2004 (2004 Guidance); and

4.2 The "Traffic Management Act 2004: network management to support recovery from Covid-19" dated 30 July 2021 (2021 Guidance).

5. The 2004 Guidance explains:

*"12. The overall aim of the "expeditious movement of traffic" implies a network that is working efficiently without unnecessary delay to those travelling on it. But the duty is also qualified in terms of practicability and other responsibilities of the authority. This means that the duty is placed alongside all the other things that an authority has to consider, and it does not take precedence. So, for example, securing the expeditious movement of vehicles should not be at the expense of an authority's road safety objectives. But, the statutory duty reflects the importance placed on making best use of existing road space for the benefit of all road users.*

*13. Road users do not generally view the road network as divided between local authorities. They use the network as a whole, irrespective of who is responsible. Under the duty, not only does an authority need to consider its own network, but also the effects of its actions on the networks of others. This is to prevent either results being achieved by moving the problem elsewhere, or conflicting policies causing problems across administrative boundaries. But more positively, it is to achieve the best operation of the network as a whole, especially in conurbations where networks of adjacent authorities can be highly inter-related.*

6. Paragraph 27 of the 2004 Guidance recognises that LHA need information in order to meet their duty to identify current and future causes of congestion and disruption, and to plan and take action accordingly. It is recognised that "*The efficient management of the road network relies heavily upon the collection and use of accurate, reliable and timely data.*" (paragraph 91).

7. Paragraph 34 explains that:

*"Primarily, the network management duty is about dealing efficiently with the traffic presented on the network – both now and in the future – and the various activities that are causing or have the potential to cause congestion or disruption to the movement of traffic."*

8. The approach to the Network Management Duty has been recently considered in *HHRC Limited v Hackney Borough Council* [2021] EWHC 2440 (Admin). Although not of particular relevance to the current considerations, the High Court made the following observations on the principles that apply to the duty:

*42. In evaluating these competing submissions there are, in my judgment, some important elements of context. Firstly, it is clear in my view that the terms of section 16 of the 2004 Act provide the defendant with broad parameters within which to act consistently with the duty. This necessarily constrains the scope for a conclusion that the duty has been breached. The objectives that are identified are broad objectives and are qualified by the need to act as far as reasonably practicable having regard to the authority's other obligations and policies.*

*43. Secondly, it is important to note that for the purposes of section 16 of the 2004 Act the term traffic includes pedestrians by virtue of section 31 of the 2004 Act ; there was a consensus that the term also included cycling. Thus all transport modes of use of the road network are the subject of consideration under the network management duty.*

*44. Thirdly, regard needs to be had to the publication of the statutory guidance pursuant to section 18 of the 2004 Act issued by the Secretary of State for Transport in the form of the COVID-19 Guidance. This was issued specifically for the purpose of enabling highway authorities to deliver their network management duty...*

46. ...The duty is owed to all road users, and requires balances to be struck between their interests in formulating policies for managing the road network...

9. It is clear throughout the 2004 Guidance that the duty does require a fairly granular, localised approach:

"96. Some congestion is simply the outcome of the demand for road space exceeding the capacity of the road network. An authority should identify and map locations where congestion occurs on their road network on a regular basis and establish the most likely reasons for this congestion. It should also look too for trends at locations that suggest traffic growth will shortly lead to congestion, and take action accordingly. Such congestion can be caused by:

- insufficient junction capacity or width of carriageway to cope with the demand;
- outdated and badly sited road signs;
- poorly designed road markings;
- poorly implemented and poorly maintained traffic signals and traffic control systems;
- poorly sited parking and loading bays and poor levels of enforcement of traffic and
- parking regulations."

and also:

"51. Authorities are expected to have a clear understanding of the problems facing the different parts of their network and the needs of different road users, along with balanced policies for addressing them. It is for the local authority to decide the levels of priority given to the different road users on each road. Although priority may be given to one mode over another on certain roads, for example pedestrians in town centres or to buses through roadspace re-allocation on a radial road, an authority should take a balanced approach to overall network management."

### **Conclusion on Action Point Question**

10. The LHAs presently require more information from the Applicant to understand the impact of the Scheme at certain road junctions. That is consistent with the requirements on them under their network management duty set out in paragraphs 27 and 91 of the 2004 Guidance as highlighted above.

11. Further, it is clear that the impacts at a junction level can be significant enough to affect the expeditious movement of traffic in

the authority's area or outside of it. That is clear from a common sense understanding of how traffic expeditiously moves across a network but also is clear from the approach of the 2004 Guidance as set out above, with its focus on understanding problems on specific parts of the network and the need to map specific locations of congestion.

12. In the case of the junctions identified within CBC where 'Monitor and Manage' is proposed, these are predominantly located on key strategic routes, such as the A1, where an increase in delay at an individual junction, or in this case a sequential series of junctions, has the potential to significantly impact upon route choice and the related operation of the surrounding network (both strategic and local).

13. This has been evidenced through the transport work and subsequent sensitivity testing undertaken as part of the DCO application. To provide two relevant examples, the initial Saturn modelling work provided to CBC by National Highways predicted the displacement of an additional 3,928 vehicles through the centre of Sandy over a 12 hour period as a result of congestion at the A1 / A603 junction (2040 Do Something minus 2040 Do Minimum flows), whilst the sensitivity testing for the Biggleswade North A1 junction, reported at Deadline 5 demonstrates the significant change in wider impact that can result from comparatively minor changes in modelling approaches or assumed flows (as shown when considering the differences apparent in Figure 4-15).

14. A key point for Cambridgeshire is the performance of the Wyboston Junction and the impact that this has on the wider network due to its key location on the edge of St Neots. The modelling done so far indicates that, whilst some arms work better with the scheme, the Great North Road (Northern) arm is shown to experience an increase in delay and Queueing. This is important because if this junction does not work well then traffic will continue to reroute through St Neots Town Centre and use other less suitable routes such as the route through Toseland and Yelling for onward journeys instead of rerouting to the revised road layout introduced by the scheme. From this it is possible to see that the performance of this one key junction has the potential to impact the operation of the local road network over a much wider area.

15. A network is only the product of its various components, particularly junctions, as such the network management duty *does* require a more granular understanding.

## **Further comments on the importance of Monitoring**

16. The 2004 Guidance places emphasis on monitoring. The LHAs are strongly of the view that the Monitoring and Mitigation approach of the Applicant needs to be strengthened and are separately submitting a proposed Requirement in relation to that at Deadline 6.

17. Should it be the case that by the end of the Examination, adequate information regarding impacts at specific junctions is still not available, a sufficiently strong approach to Monitoring and Mitigation might allow the LHAs nevertheless to conclude that their network management duty is upheld as the Monitoring and Mitigation would ensure that any (known or unknown) affects on the expeditious movement of traffic would be avoided or countered.”

13. The ISH5 action point referred to a policy justification for the approach. The matter is a statutory duty, rather than a policy requirement, but the performance of the duty is supported by statutory guidance issued in November 2004 and 2021 under S18 of the Traffic Management Act 2004 as noted above, which the highway authorities (network management authorities) must have regard.
14. In CBC’s view there is a relationship between the performance of the Network Management Duty and the Monitor and Manage mechanism mitigating issues that arise. The policy references in regard to the latter can be found below in relation to the Monitor and Manage process. However, the NPS would appear not to contain policies directly dealing with the Network Management Duty.
15. In conclusion, based on the mitigation, particularly through the Monitor and Manage process proposed by NH, CBC considers that the A428 project will interfere with CBC’s performance of its duty. There will be impacts on the local highway network that impact on CBC “securing the expeditious movement of traffic on the authority’s road network” that cannot be left unaddressed under the duty. They will have to be addressed. It would be highly challenging for CBC to discharge its Network Management Duty without this.
16. As such, the SoS is requested to impose the draft DCO requirements for Monitor and Manage covering the construction and operational phases (Appendix 1).



**c. The approach and likely timeliness for delivery, of any required interventions identified as a result of 'Monitor and Manage', as detailed in Transport Assessment Annexe [APP-243].**

17. Under the Networks National Policy Statement (NPS), paragraph 4.11 it is noted that "*Linear infrastructure is connected to a wider network, and any impacts from the development will have an effect on pre-existing sections of the network.*"
18. Under NPS policy in paragraph 5.211 "*The Examining Authority and the Secretary of State should give due consideration to impacts on local transport networks and policies set out in local plans*".
19. In the context of considering whether mitigation is "proportionate and reasonable" (paragraph 5.215, NPS), other policies must be considered.
20. Paragraph 5.216, in particular, says that "*Where development would worsen accessibility such impacts should be mitigated so far as reasonably possible.*"
21. Relevant local policies include CBC's Highway Safety and Design (Adopted CBC Local Plan 2015 – 2035) includes the following:

*Policy T2:*

- 1. The proposal is, or will be, well integrated with the existing transport network within and beyond the development itself; avoiding severance of communities as a result of measures to accommodate increased levels of traffic on the network;**
- 2. The proposal does not impede the free flow of traffic on the existing network or create hazards to that traffic and other road users;**
3. *The proposal retains or enhances existing footpaths, bridleways and cycleway links;*
4. *The proposal promotes walking and cycling permeability and ensures that linkages and publicly accessible through-routes are created to successfully integrate the development into wider networks;*
5. *The development provides safe and convenient access and has regard to the appropriate standards in the Council's Design Guide and Highway Construction Standards and Specifications Guidance, that promote accessibility for all users and all modes of transport and includes designs, where appropriate, that incorporate low speeds;*

6. *The proposal must make adequate provision for loading and unloading, circulation, servicing and vehicle turning; and*
7. ***The proposal fully funds where appropriate, or contributes towards the costs of any measures required to cost effectively mitigate the impacts arising from the development.'***

Policy T6 as states: *Where a development will result in the movement of freight as part of its operations, Central Bedfordshire Council will:...(2) Ensure that developments forecast to generate significant freight movements are located where they deliver the greatest benefits for businesses, and the least negative impact on the environment and local communities... (3) Require traffic management measures and developer contributions to mitigate impacts where necessary.*

22. As can be seen above, there is more than sufficient policy justification for the Monitor and Manage mechanism proposed by CBC and the other local authorities jointly (see Appendix 1).
23. NH's proposed Monitor and Manage does not provide a suitable framework for monitoring and managing the impacts of the operation project A428 project for the following reasons:
  - (i) It is not a response to the issues and potential impacts that arise from the particular project, providing no more than what NH ordinarily do across the whole of the strategic road network;
  - (ii) In particular, it does not apply to, or offer anything for, the local highway network. This was acknowledged by NH at ISH5, when questioned on the matter by the Examining Authority.
  - (iii) References to Monitor and Manage in the DCO application documentation are limited, vague and general. The main description of it is in the Transport Assessment Annex, which is no more than a very general description in a couple of paragraphs;
  - (iv) Even in relation to the strategic road network, there is no detail of how the Monitor and Manage approach would operate in practice.
  - (v) Perhaps more fundamentally it is not contained in a document that is tied in as mitigation in the draft DCO for the A428 project. As such, there is no clear legal obligation on NH to provide it.

24. Where mitigation is not clearly legally secured, as is the case with NH's Monitor and Manage, it is almost immaterial and can only be given very limited weight, but, in any event, it does not apply to the local highways network as noted above, although the technical information submitted in support of the DCO makes it clear that application to the Local as well as Strategic network is necessary.
25. The example of the proposed scheme having wider potential impacts within Sandy has been given within the Joint Position Statement on junction modelling (REP5-005) and CBCs Written Representations (REP1-055). In this example case the applicant has provided two contrasting sets of modelled traffic data, with the strategic (Saturn) modelling predicting increased congestion on the A1 as a direct result of the A428 scheme, displacing traffic onto the adjacent and parallel local road network within Sandy. The modelling predicts increases in flow (between the '2040 no scheme' and '2040 with scheme' scenarios) on St. Neots Road of 272 trips in the AM peak hour, and 328 additional trips in the PM peak hour. The modelling also predicts a daily increase of 3927 trips over a 12-hour period.
26. Whilst the alternative VISSIM modelling approach submitted shows a lesser impact within Sandy, the variation between the model results, and the reliance upon the Saturn model when assessing other environmental impacts, would suggest that the authority should give these results a reasonable degree of credibility when considering the potential impacts of the scheme upon the adjacent local road network.
27. These levels of increase, if realised, would have a significant impact within Sandy, and would, for example, be sufficient to trigger the need for the assessment of Transport Impacts under the IEMA Guidelines for the Environmental Assessment of Road Traffic, with expected impacts including Severance, Driver Delay, Pedestrian Delay, and Pedestrian Amenity.
28. As such, to leave these matters un-addressed, and outside of the proposed Monitor and Manage process (as would be the case with the current approach), would be contrary to Local Central Bedfordshire Local Plan Policy T2, parts 1,2 and 8, and by association, contrary to Para 5.211 of the NPSNN. The significant increase in traffic through the centre of Sandy could also be expected to worsen conditions for pedestrians and cyclists, worsening accessibility contrary to Para 5.216 of the NPS.

29. This would also impact upon the Local Authorities ability to fully discharge its Network Management Duties as discussed above.
30. The issues cannot be disaggregated. As Monitor and Manage is put as the mitigation mechanism, but is not effective for the reasons mentioned above, that raises issues with the performance and compliance with the Network Management Duty. Effective and legally secured Monitor and Manage mechanisms for the construction and operational phases as requested by the Local Authorities would help address these issues.
31. It is therefore considered both appropriate and necessary that the operational phase Monitor and Manage process is extended to cover:
- (i) The operation of local road approaches to strategic road junctions.
  - (ii) The operation of adjacent, parallel local routes, where there is a realistic expectation that traffic will displace as a result of the proposed development.
32. CBC would be happy to discuss and agree the extent of this, based upon proximity to, and relationship with, the list of junctions detailed in para 3.22.5 of the Transport Assessment Annex and has put forward suggestions in the draft DCO requirements in Appendix 1. This has been sent to NH.
33. CBC would request that a more specific Monitor and Manage process is defined within the DCO process, addressing the impacts of this scheme, and that this is secured by an appropriate obligation within any consent. The obligation should include:
- (i) Governance arrangements for the Monitor and Manage process, including Local Authority involvement where there are junctions or routes of shared interest, or which are the responsibility of the Local Authority.
  - (ii) The extent of the network covered by the Monitor and Manage process.
  - (iii) Details of the monitoring process, including the funding, timing, frequency, and form of any initial baseline data collection and subsequent and ongoing survey programme.
  - (iv) Confirmation of the trigger points for intervention / mitigation works.

- (v) Details of funding sources split between shorter term interventions, which CBC would expect to be covered by a specific ring-fenced sum, and larger scale interventions, in terms of progressing major mitigation works through the RIS process or other larger funding pots.

34. CBC is of the view that the DCO requires need to capture the following (and incorporating the above requirements):

- (i) Tying in the Monitor & Manage to the DCO requirements;
- (ii) Extending Monitor & Manage to cover affected parts of the local highway network (for example the likes of the side road approaches to the Biggleswade North junction etc);
- (iii) That means including the local highway authorities in the operation of the Monitor and Manage in relation the local highway network;
- (iv) Specific and detailed requirements as to how it operates (with the Local Authorities jointly proposed approach provided in Appendix 1).

35. CBC is content that the approach proposed is a reasonable and proportional response to the issues identified, in terms of being necessary and directly related to the proposed development, based upon both the levels of potential impact identified and the acknowledgement within the applicant's Transport Assessment Annex that mitigation in the form of Monitor and Manage is required.

36. Without any such commitment, the approach to mitigation as proposed for junctions within the CBC authority area would remain undefined, would not be secured through the DCO, and could therefore be given little weight when considering the impacts of the proposals and associated mitigation package.

37. A situation of little to no mitigation for the local highway network and undefined monitoring and managing limited to the SRN, which is not secured under the requirements of the DCO, as presently proposed, is not a credible package of mitigation for a DCO project and potentially questionable under the Environmental Impact Assessment (EIA) Regs.

38. Paragraph 5.217 does not say mitigation "should relate to the design, lay-out or operation of the scheme" as NH's Counsel

suggested. It says “may” relate to it. It is not an exclusive reference to the extent of mitigation that may be provided. Although the Monitor and Manage mechanism requested by CBC and the other local authorities jointly is partially related to outside of the redline area of the project, necessary mitigation of the A428 project is not limited to the redline and, inevitably, requires some mitigation elsewhere, as already has been accepted in relation to some other mitigation.

39. However, Appendix 1 contains the joint approach for draft DCO requirements for Monitor and Manage covering the operational phase, but also viewed as justified and suitable for the construction phase and agreed by the CBC, the Cambridgeshire Authorities (Cambridgeshire County Council, Huntingdonshire District Council and South Cambridgeshire District Council) and Bedford Borough Council.

40. CBC requests that the SoS imposes the proposed provisions in Appendix 1 as DCO requirements.

41. CBC considers the A428 project is likely to worsen accessibility on parts of the local highway network, although the full specifics of are not yet know. Hence, the Monitor and Manage mechanism put forward by CBC and the other joint local authorities provides mitigation measure that is “proportionate and reasonable” as set out in paragraph 5.215 of the NPS and reflects what NH has considers as proportionate and reasonable for its strategic road network. The changes proposed proportionately and reasonably extend it to the local highway network and secure it as a DCO requirement. NH cannot reasonably object to the latter.

#### **4. Highway layouts and junction arrangements**

***a. Whether the approach of the Applicant to proposed Departures from Standards (DfS) on the local road network have any likely road safety implications, particularly at Toseland Road, B1046 and Potten Road, Cambridgeshire [REP4-056, WQ2.11.2.1], specifically:***

43. No comment.

***i Road Safety Audit findings regarding proposed DfS on the local road network;***

44. No comment.

***ii Implications, if any, on the Proposed Development in the event of no agreement being reached on DfS between the LHA and Applicant.***

45. No comment.

***b. 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].***

46. No comment.

### ***5. Provision for Non-Motorised Users***

***a. 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:***

***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.***

47. NPS policy in paragraph 5.205 says that “Applicants should consider reasonable opportunities to support other transport modes in developing infrastructure. As part of this, consistent with paragraph 3.19-3.22 above, the applicant should provide evidence that as part of the project they have used reasonable endeavours to address any existing severance issues that act as a barrier to non-motorised users.”

48. Paragraphs 3.19 to 3.22 of the NPS include the following:

*3.19 The Government is committed to creating a more accessible and inclusive transport network that provides a range of opportunities and choices for people to connect with jobs, services and friends and family.*

*3.20 The Government’s strategy for improving accessibility for disabled people is set out in Transport for Everyone: an action plan to improve accessibility for all. In particular:*

....

- *The Government expects applicants to improve access, wherever possible, on and around the national networks by designing and delivering schemes that take account of the accessibility requirements of all those who use, or are affected by, national networks infrastructure, including disabled users. All reasonable opportunities to deliver improvements in accessibility on and to the existing national road network should also be taken wherever appropriate.*

3.22 *Severance can be a problem in some locations. Where appropriate applicants should seek to deliver improvements that reduce community severance and improve accessibility.*

49. According to paragraph 5.215 of the NPS *“Mitigation measures for schemes should be proportionate and reasonable, focussed on promoting sustainable development”*

50. Paragraph 5.217 says that *“Mitigation measures may relate to the design, lay-out or operation of the scheme.”*

51. CBC’s Highway Safety and Design (Adopted CBC Local Plan 2015 – 2035), policy T2 includes the following:

*Development will be permitted where.... (2) The proposal does not impede the free flow of traffic on the existing road network or create hazards to that traffic or other road users... (4) the proposal promotes walking and cycling permeability and ensures that linkages and publicly accessible through routes are created to successfully integrate the development into wider networks... (7) the proposals fully fund where appropriate, or contributes towards the costs of any measures required to cost effectively mitigate the impacts arising from the development.*

52. The proposed works to Barford Road Bridge have the potential to create a barrier to longer term sustainable movement North and South as referred to policy as to be policy. CBC requests that this bridge is constructed with sufficient width to accommodate pedestrians, cyclists and horse riders and this is secured by the SoS through the imposition of a DCO requirement.

53. The lack of access for sustainable modes of transport is not in line with local policies and the NPS as referred above. These state ‘Mitigation measures for schemes should be proportionate and reasonable, focussed on promoting sustainable development’.

54. As was explained at ISH5, there is an expectation within strategic policy documents such as the Spatial Framework document ‘Planning



for Sustainable Growth in the Oxford-Cambridge Arc, para 1.23 and the March 2020 Budget policy paper para 2.12), that significant growth is being considered in this location.

55. It is simply not credible or realistic in the today's world and the current national and local policy context, which is summarised in the policy references above, to construct a significant piece of road infrastructure, such as new Barford Road Bridge, and the wider A428 project to not provide for future non-motorised user access.
56. It runs against the neat summary of the Government's policy approach in paragraph 3.19 under the "Sustainable transport" section of the NPS that "*The Government is committed to creating a more accessible and inclusive transport network that provides a range of opportunities and choices for people to connect with jobs, services and friends and family.*"
57. Further detail contained in the policies is referenced above, but the following is noted in respect of the Barford Road Bridge:
- (i) NH has not considered "*reasonable opportunities to support other transport modes*" in developing the bridge proposal (para 3.19, NPS);
  - (ii) NH has not "*used reasonable endeavours to address any existing severance issues that act as a barrier to non-motorised users*" north – south at this location as noted above (para 3.19, NPS);
  - (iii) As noted above, there is the potential for the lack of provision now to create a future severance issue, and one which would be far more complex and costly to resolve following the introduction of the new bridge, and it is appropriate to address or least provide now for a "bolt on" option later. Paragraph 3.22 says that NH "*should seek to deliver improvements that reduce community severance and improve accessibility*" in this instance.
  - (iv) The Government policy and commitment in today's world is clear and sufficient justification in itself. However, to the extent that further justification is needed, it can be found in policy T2 (see above) which is very clear that development will be permitted where "*the proposal promotes walking and cycling permeability and ensures that linkages and publicly accessible through routes are created to successfully integrate the development into wider networks*" and fully funded.

58. It may be that NH's focus on the strategic road network is on safe and expeditious movement of vehicles, since opportunities for non-motorised user tips on that network will understandably be much less, but the policies above are clear that on NH projects, a "*more accessible and inclusive transport network*" is a Government commitment, "*reasonable opportunities to support other transport modes*" should be considered and projects should seek to reduce severance, with reasonable endeavours used. The Barford Road Bridge would seem a classic paradigm example for the application of these policies, particularly given it is a new bridge that is part of the DCO project itself, so fits within the description that may be provided under paragraph 5.217 (see above).

59. As such, in summary, the mitigation measures would be "reasonable and proportionate" as referred to in policy 5.215 for NH to provide now for non-motorised use access on the Barford Bridge, which is CBC's preferred option, or alternatively at least provide now for the ability to "bolt it on" later when the opportunity arises.

60. It is simply not credible or realistic in the context of today's world and current policy and guidance to build a significant new bridge with no access other than for motorised vehicles.

61. As such, CBC has put forward drafting for a DCO requirement and requests that the SoS imposes it as set out in Appendix 2.

***b. 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.***

62. The designated funds is not a specific response to the scheme and selection of mitigation for expenditure with respect to the extent of allocation of funds for mitigation connected to the A428 project is uncertain and unclear.

63. NH's A428 project team acknowledged at ISH5 that they could not say what would or is likely to be available in connection with this project as the decisions would be made by someone else with NH.

64. CBC invites the Examining Authority to read very carefully the Designated Funds document put forward by NH. It is a very limited document and most of the document is about mitigation on NH's highways eg safety for NMU on p16; limited references to integration

with other networks eg p14. The examples given are park & ride schemes and bus facilities.

65. CBC understands from comments at ISH5 that the Examining Authority has questions of its own that it proposes to ask NH in writing.
66. The designated funds also does not appear to be tied into the DCO requirements so any funds that may be available, if any, can only be given very limited weight regarding dealing with any necessary mitigation.
67. The document and availability of general designated funds operated by NH does not address or satisfy CBC's concern over the lack of non-motorised user access across the Barford Road Bridge, as the designated funds are highly unlikely to be suitable for providing such access at a later date or to be allocated any funding.

***c. 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.***

No comment

***6. Outline Construction Traffic Management Plan (Outline CTMP)***

***a. Adequacy of the submitted second iteration Outline CTMP [REP4-012] and whether any further iterations are proposed during the Examination***

68. Whilst there have been a few positive moves, the Outline Traffic Management Plan remains inadequate.
69. Particular CBC issues of concern raised at ISH5 are as follows.
70. First, the Outline Traffic Management Plan does not address the plan identifying the route to the east of Tempsford as a permitted construction traffic route and CBC remains of the view that Station Road is not suited to accommodating significant construction traffic or extraordinary loads, with sections of the road narrow and generally surrounded by residential properties in Tempsford.
71. Station Road is generally narrow. At the western end the road runs through a residential area, with adjacent dwellings and cars parked on the street on both sides, the middle section is a single track where an

HGV cannot pass another vehicle travelling in the other direction, and the eastern end the route is severed by a rail line and a regularly used level crossing (with National Rail Census detailing 248 trains a day using the route).

72. NH suggested at ISH5 that at ISH5 that the access route is related to limited works, referring to bridge abutment works and gas main works, further stating that the works would take around 8-12 months, but could not provide further details.
73. When NH say the works are limited, that is correct in a sense, but only in the context of the substantial nature of the overall scheme. The works referred to remain substantial in their own right, predicted to generate peak demands of up to 50 HGV movements in a day.
74. The National Rail census data referred to above also detailed the expectation that 82 pedestrians or cyclists would use the crossing on a daily basis, with Footpath FP4 and Bridleways BW2 and BW6 both accessed to the east of the crossing. As such the eastern (and narrow) end of the proposed route would be shared by HGVs and pedestrians and cyclists.
75. Dealing with the issue in the traffic management plan under Schedule 2 of the DCO is the appropriate and right response to the A428 project issues.
76. CBC requests that the SoS imposes a DCO requirement restricting the use of Station Road by larger vehicles, with the preferred option being for construction access to the works associated with the East Coast Rail Bridge and the utilities diversion works to be via an extension of the works required to deliver the section of the A428 to the immediate east.
77. CBC has put forward wording for a draft DCO requirement and is CBC's recommended and requested proposal (Appendix 2). A draft version of the proposed drafting has been sent to NH.
78. In the alternative, should the Secretary of State disagree, NH said in a joint position statement that "The use of Station Road by construction traffic would be limited to specific elements of work until haul roads are in place". It is requested this is secured by the SoS pursuant to a Schedule 2 traffic management plan, which, for the reasons outlined above, should also include the need to agree specific works to safely manage the interactions between construction traffic and other highway users.

79. Secondly, further detail and commitment on the mitigation is required at this stage for the A603, west of the A1, which is a signed diversion route and has a serious collision history. Temporary or permanent signal control or other works are necessary to regulate traffic flows.

80. Other issues are raised in CBC's written representation dated August 2021.

81. CBC requests the SoS secure and impose the requested mitigation through a DCO requirement (or the traffic management plan in Schedule 2).

***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]***

82. See the section above.

83. NH said at ISH5 that the route has already been used during the archaeological investigations in the area, seemingly to infer this was evidence of its suitability for construction use.

84. It is fairly obvious archaeological works are not comparable to HGV construction, with the officer's report at the time of the planning application for the archaeological works referring to minimal HGV traffic associated with the proposals (and limited purely to the delivery of site cabins).

85. It is CBCs view that greater clarity and constraint is required if the SoS is not minded to accept CBC's request that a requirement is included that Station Road not be used by larger construction vehicles.

***c. 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***

86. No comment.

***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]***

87. The relevant policy framework is set out under the Monitor and Manage section above, including in particular paragraph 5.216, NPS and local policies T2 and T6.
88. Currently approach and mitigation for the local highway network is inadequate as a considerable amount of monitoring, management and local liaison that will be required throughout the construction period.
89. The mitigation measures originally requested by CBC are set out in its written representation dated August 2020 and, therefore, were not repeated at ISH5. However, these are as follows (with any subsequent updates):
- (i) A CBC officer with specific responsibility for monitoring, addressing, and managing local impacts, including local liaison.
  - (ii) Automatic Traffic Counters on the routes most impacted by displaced traffic and to be in place throughout the construction period to enable and support monitoring and mitigation where needed. These would need to be supplemented by more detailed survey work (using cameras and / or ANPR) where specific issues are identified.
  - (iii) Temporary and / or permanent signage.
  - (iv) Other measures as necessary.
90. A similar response and approach to the Monitor and Manage mechanism for the operational phase appears appropriate and justified in CBC's and the joint local authorities' view.
91. As such, Appendix 1 contains the joint approach for draft DCO requirements for monitoring traffic during the construction of the A428 project and managing the impacts. Similar provisions to the Monitor and Manage covering the operational phase are as justified and suitable and have been agreed by the CBC, the Cambridgeshire Authorities (Cambridgeshire County Council, Huntingdonshire District Council and South Cambridgeshire District Council) and Bedford Borough Council.

92. CBC requests that the SoS imposes the proposed provisions in Appendix 1 as DCO requirements and considers them justified by the relevant policies and circumstances.

***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***

93. CBC would support the need for NH to fund necessary repairs to the local highway network, as a result of the construction of the Proposed Development and as relates to Section 59 of the Highways Act 1980.

***f. Adequacy of the submitted Outline Travel Plan [REP5-016] and the Applicant's intended approach to any future iterations***

94. No comment.

***7. Good Design***

***a. 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***

95. Refer to comments elsewhere, which are relevant to good design.  
No additional comments.

***b. Applicant's proposed iterative design development process for detailed design (if consent is granted), and how that can be secured***

96. No comment.

***8. Construction methods and effects***

***a. Progress on pending issues relating to Borrow Pits***

97. No comment.

***b. Information that is in the Borrow Pits Excavation and Restoration Report [REP3-011] that is not included in the First Iteration EMP [APP-234]***

98. No comment.

**c. Further details on the uses proposed in the construction compounds**

99. No comment.

**9. Noise**

**a. Mitigation measures requested by CBC in response to anticipated noise effects at Rectory Farm**

100. Paragraph 5.195 of the NPS states as follows:

*“The Secretary of State should not grant development consent unless satisfied that the proposals will meet, the following aims, within the context of Government policy on sustainable development:*

- avoid significant adverse impacts on health and quality of life from noise as a result of the new development;*
- mitigate and minimise other adverse impacts on health and quality of life from noise from the new development; and*
- contribute to improvements to health and quality of life through the effective management and control of noise, where possible.”*

101. At ISH5, NH essentially adopted the stance that NH is required to do not more than:

- (i) Not cause “significant adverse health” impacts; and
- (ii) Meet it legal requirements under the Noise Insulation Regulations. Therefore, it can provide no mitigation other than any embedded mitigation if the noise limits under those Regulations are not exceeded.

102. CBC does not accept or agree with NH’s policy approach.

103. The Rectory Farm residence is located approximately east of the Black Cat junction and accessed off Little Barford Road.

104. The starting point is to put the noise increase at the Rectory Farm residence in context. The latest data requested and received by CBC from NH states that there will be a night time traffic noise increase of 9.3 to 10.7dB at the Rectory Farm residence and 10.8 to 14.5dB increase during the day time.

105. To put that in context, a 10dB increase represents a doubling to the ear of the traffic noise levels, so at night time we are talking approximately a doubling.



106. Paragraph 11.9.58 of the noise chapter in the ES says that “*Significant adverse operational noise effects during both the day and night at these six properties are likely due to the Scheme*”, which includes the Rectory Farm residence.
107. In this context and under EIA and NPS policy, it is simply not credible to propose no specific mitigation against an acknowledged significant impact in NH’s own ES or to have not properly considered all reasonable mitigation measures for addressing this issue.
108. It is understood that NH have excluded from at source mitigation on a cost benefit analysis and the limited noise reduction for the Rectory Farm residence.
109. However, there has been no assessment at all (or at least no proper assessment) of mitigation at the receptor site. This is required and without mitigation the project is not in conformity with the NPS noise policy.
110. Whilst the level of noise may not exceed the Noise Insulation Regulations level to legally require NH to carry out or make a grant for the cost of carrying out insulation at the Rectory Farm residence, this is the absolute bare minimum level of legal protection for residents. However, that is a separate regime to the assessment of likely significant environmental effects under the EIA regime applicable to the assessment of the A428 project and the level of significance is acknowledged to be major by NH. As such, mitigation is justified in policy EIA terms to mitigate what will otherwise be a major adverse effect, irrespective of what the bare minimum legal protection is under the separate Noise Insulation Regulations. In other words, seeking to achieve the “bare minimum” on such issues is not the objective of the NSIP regime and NPS policy.
111. CBC’s view is that it is not credible and impossible to conclude that night time increases of 9.3 to 10.7dB at the Rectory Farm residence and 10.8 to 14.5dB increases during the day time (as per the latest data requested and provided to CBC) do not have a significant adverse impact on at least the “quality of life” residents at the Rectory Farm residence. “Significance” in the context of dealing with noise impacts does not mean “a large number of people or properties”. As such policy, 5.195 of the NPS directs that the Secretary of State should not grant the DCO without mitigation.

112. Even if the Secretary of State were to take the view that the impact on “quality of life” is not significant at the Rectory Farm residence (which is not CBC’s view), NH is neither “mitigating and minimising” “other adverse effects” on quality of life, nor “contributing to improvements to health and quality of life through the effective management and control of noise, where possible” in this instance under paragraph 5.195, given the large increase in traffic noise at the property, which is acknowledged as a major adverse impact under the EIA. As such, that would also be contrary to paragraph 5.195 of the NPS without mitigation.

113. As, regrettably, an agreed position on mitigation has not been agreed with NH, CBC requests the Secretary of State to impose it as a DCO requirement (Appendix 2) and has sent the drafting to NH.

***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***

114. SoS is requested to impose a DCO requirement that the project cannot commence until a scheme for noise mitigation at the receptor property (Rectory Farm) has been submitted to and approved by the SoS and the NH has made a legally binding offer to carry out or fund the mitigation at the receptor site to the owners of Rectory Farm as set out in Appendix 2.

***10. Air Quality in Sandy***

***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***

115. The properties in question are 7 properties to the north of Carter Street in Sandy.

116. No specific mitigation is proposed. CBC has proposed the types of mitigation that could be considered in its original written representation dated August 2021, but this has not been taken up by NH. The Secretary of State and the Examining Authority is requested to refer to that document for the relevant measures that can be considered as suitable.

117. CBC understands that NH has not considered the measures as it does not consider them to be justified and has not heard from NH

since the ISH5 hearing, suggesting NH maintains the same position.

**b. If applicable, justification for not proposing mitigation**

118. Paragraph 5.10 of the NPS states as follows:

*“The Secretary of State should consider air quality impacts over the wider area likely to be affected, as well as in the near vicinity of the scheme. In all cases the Secretary of State must take account of relevant statutory air quality thresholds set out in domestic and European legislation. Where a project is likely to lead to a breach of the air quality thresholds, the applicant should work with the relevant authorities to secure appropriate mitigation measures with a view to ensuring so far as possible that those thresholds are not breached.”*

119. Paragraph 5.11 states:

*“Air quality considerations are likely to be particularly relevant where schemes are proposed... where changes are sufficient to bring about the need for a new AQMA or change the size of an existing AQMA; or bring about changes to exceedences of the Limit Values.”*

120. Paragraph 5.15 states:

*“Mitigation measures may affect the project design, layout, construction, operation and/or may comprise measures to improve air quality in pollution hotspots beyond the immediate locality of the scheme. Measures could include, but are not limited to, changes to the route of the new scheme, changes to the proximity of vehicles to local receptors in the existing route, physical means including barriers to trap or better disperse emissions, and speed control. The implementation of mitigation measures may require working with partners to support their delivery.”*

121. As Sandy is an Air Quality Management Area (AQMA), any increase in nitrogen dioxide levels without any or adequate mitigation is significant and contrary to the NPS air quality policy. When potentially serious health issues are at stake it is not sufficient to say only a small number of properties and people are impacted. That is not the principal material factor.

122. Reference need only be made to 9 year old Ella Adoo-Kissi-Debrah, who lived near the South Circular Road in Lewisham,

south-east London and who regrettably died in 2013. Corner Phillip Barlow's inquest, which was reported on the BBC website on 21 April 2021, found that air pollution "made a material contribution" to her death. See:



123. In any event, 7 households is not small in the context of serious health issues. CBC considers the lack of any specific mitigation unacceptable.
124. Air quality policy and requirements are not complied with in this instance as the Secretary of State is required to take into account "*air quality thresholds set out in domestic... legislation*" and as there is likely to lead to a greater breach of the air quality thresholds, NH should have worked with "*the relevant authorities to secure appropriate mitigation measures with a view to ensuring so far as possible that those thresholds are not breached*", but has failed to do so. This is "particularly relevant" here because the A428 project it will "*bring about changes to exceedences of the Limit Values*". It is no answer to say the change is only small.
125. In any event, in previous submissions, the applicant team have stated that the VISSIM model is more reflective and accurate of the traffic around Sandy, but NH acknowledged at the ISH5 that the air quality modelling is based on the Saturn model.
126. It is inconsistent and, given the serious health risks at stake, no answer, as NH's Counsel suggested at ISH5, to say that the one cannot assume the model outcomes produce for one purpose would be of a similar relevance for another purpose.
127. A note from NH will not resolve this issue because presumably it will be based on the wider geographical scope of the Saturn model, but the NH highways/traffic team apparently considered it insufficient for the Sandy area and, hence, produced the VISSIM model.
128. Similarly, the specific area of concern here is the Sandy AQMA.
129. Given the serious health risks at stake and the obvious significant risk of significantly higher air quality impacts on the 7 properties of concern in Sandy (and potentially others in the AQMA depending on the outcome), the air quality impact should be sensitivity assessed using the VISSIM model to better understand

the impact, and which could be even more significant than currently assessed.

130. Mr Punter in CBC's highways department has reviewed the VISSIM and Saturn model data in the particular area and have updated as follows:

*"I have looked up some of the VISSIM and Saturn flows with regards to the Air Quality queries. The following isn't exhaustive and would probably need verifying by NH, but hopefully of some help -*

*The Saturn Model – 2040 forecast shows a 12-hour flow reduction (of -66 vehicles) on the A1 west of Carter Street as a result of the A428 DCO scheme, with all the increased southbound A1 traffic using St. Neots Road (+ 2227 vehicle trips to east of Carter Street).*

*Whilst the VISSIM model doesn't provide comparable 12-hour flows in the 2040 forecast AM peak the A1 flows increase by +282 two-way vehicle movements north of the Bedford Road junction, for comparison – during the 2040 AM peak the Saturn Model shows an increase of +114 trips.*

*The total flows are also very different. The southbound 2040 forecast flow passing Carter Street (with development) in the Saturn Model in the AM peak is 1060 vehicles, in the VISSIM model its 1345 (actual flow), or 1517 (demand flow).*

*As such it does seem clear that there are fundamental differences between the flows on the A1 when comparing models, which could presumably impact upon the Air Quality Modelling.*

131. CBC requests that the SoS give the currently proposed unmitigated harm significant weight in his decision and require that adequate mitigation is provided. CBC requests that the SoS impose as a DCO requirement the proposed provisions in Appendix 2. These have been sent to NH.

## **ISSUE SPECIFIC HEARING 4 & 6**

132. Appendix 3 contains the CBC's responses to the Examining Authority's actions that are relevant to CBC.

## **CONCLUSION**

133. Whilst CBC remains supportive of the proposal in principle, this should not be misinterpreted as meaning that significant impacts should not be mitigated or that any additional mitigation is unnecessary or unjustified under NPS policy. CBC is of the clear and firm view that the mitigation requested is justified and in its view is a requirement of the proposal to mitigate its impacts acceptably and adequately, including by reference to relevant parts of the NPS.

134. Whilst CBC remains open to further discussions over additional mitigation, current indications are that NH do not intend to agree or provide. As such the SoS is requested to impose it.

**14 December 2021**

## **Appendices**

1. Joint LHAs approach to Monitor and Manage – Requested DCO Requirements
2. CBC Requested DCO Requirements – Construction Traffic (Station Road), Air Quality & Noise Issues
3. CBC Table of Responses to Actions from Issue Specific Hearings 4 – 6

## Appendix 1

### Joint Local Authorities' approach to Monitor and Manage – Requested DCO Requirements

#### Monitor and Manage

Following Issue Specific Hearing 5, the joint suggested approach of the Central Bedfordshire Council (CBC), Cambridgeshire Authorities (Cambridgeshire County Council, Huntingdonshire District Council and South Cambridgeshire District Council) and Bedford Borough Council to the 'Monitor and Manage' system and means of securing it as directly related to addressing the impacts of the A428 DCO scheme is detailed below.

The local authorities request that the following is inserted as requirements into Schedule 2 of the DCO:

#### **"Construction Phase Monitor and Manage Scheme**

1. The authorised development must not commence until full details of a Construction Phase Monitor and Manage Scheme to be implemented by the undertaker at the undertaker's cost in relation to any adverse traffic impacts resulting from the construction of the authorised development have been submitted to and approved by the Secretary of State in consultation with all relevant local highway authorities , which details must include:
  - (a) locations on the trunk highway network where monitoring must take place;
  - (b) locations on the local highway network where monitoring must take place (which will be locations that could be affected by the construction of the authorised development) including (but not limited to):
    - (i) *Bedford Borough:*
      - a. Roxton
      - b. Great Barford
      - c. Willington
      - d. Little Barford
      - e. Chawston
      - f. Colesden
      - g. Wilden Renhold
      - h. Ravensden
      - i. Staploe and Duloe

- (ii) *Cambridgeshire:*
- a. Abbotsley
  - b. Broadway, Bourn Airfield
  - c. Cambourne
  - d. Caxton
  - e. Coton
  - f. Elsworth
  - g. Eltisley
  - h. Eynesbury Hardwicke
  - i. Gamlingay
  - j. Great Gransden
  - k. Highfields Caldecote
  - l. Knapwell
  - m. Little Gransden
  - n. Madingley
  - o. Toseland
  - p. Waresley
  - q. Yelling

- (iii) *Central Bedfordshire:*
- a. Moggerhanger
  - b. Blunham
  - c. Sandy
    - i. Bedford Road
    - ii. St. Neots Road
  - d. Potton
  - e. Wrestlingworth
  - f. Everton
  - g. Biggleswade
    - i. Hill Lane E
    - ii. Hill Lane W

(c) specification of the monitoring to be carried out at the locations referred to in paragraphs (a) and (b) at the undertaker's expense which will include (without limitation):

- (i) the numbers and type of vehicles by time;
- (ii) periods for collection of initial baseline data;
- (iii) a programme for regular surveys during the period of construction of the authorised development; and
- (iv) a right for the relevant local highway authority to elect at their discretion to carry out any monitoring specified pursuant to



paragraphs (i) to (iii) above on the local highway network, without prejudice to the requirement for the cost of carrying out that monitoring to be the responsibility of the undertaker;

- (d) the criteria for determining when and what mitigation measures will be necessary on the highways referred to in paragraphs (a) and (b) due to any material adverse traffic impacts resulting from the construction of the authorised development;
  - (e) who will make decisions on when and what mitigation measures are necessary according to the criteria in paragraph (d) and the decision-making process which process must provide for the approval of the relevant local highway authority (or authorities where junctions or routes are of shared interest) for any mitigation measures relating to the local highway network and the consultation of the relevant local highway authority (or authorities where junctions or routes are of shared interest) for mitigation measures relating to the trunk highway network within their area;
  - (f) a right for the relevant local highway authority to elect at their discretion to carry out any mitigation measures determined to be necessary according to the process referred to in paragraph (e), without prejudice to the requirement for the cost of those measures to be the responsibility of the undertaker;
  - (g) the funding from the undertaker that will be available to implement the monitoring and mitigation required by the Scheme including:
    - (i) a ring fenced fund for specified categories of necessary mitigation on the local highway network and junctions and routes of shared interest with the undertaker; and
    - (ii) full details of how funds will be made available for other necessary mitigation demonstrating that it will be funded so that it can be provided when needed; and
  - (h) details of when the Construction Phase Monitor and Manage Scheme will come to an end.
2. Subject to the local highway authority consenting or agreeing in respect of any works on its local highway network, the undertaker shall comply with and carry out the approved Construction Phase Monitor and Manage Scheme from the commencement of the authorised development until the end date specified within the Scheme.”

## Operational Phase Monitor and Manage Scheme

3. The authorised development must not commence until full details of an Operational Phase Monitor and Manage Scheme to be implemented by the undertaker at the undertaker's cost in relation to any adverse traffic impacts resulting from the operation of the authorised development have been submitted to and approved by the Secretary of State in consultation with all relevant local highway authorities, which details must include:
  - (a) locations on the trunk highway network where monitoring must take place;
  - (b) locations on the local highway network where monitoring must take place (which will be locations that could be affected by the construction of the authorised development) including (but not limited to):
    - (i) *Bedford Borough:*
      - a. Roxton
      - b. Great Barford
      - c. Willington
      - d. Little Barford
    - (ii) *Cambridgeshire:*
      - a. St Neots
        - i. Great North Road (between Nelson Road and A428)
        - ii. Cambridge Road (between Station Road and A428)
        - iii. High Street (between Town Bridge and B1043 Huntingdon Street)
      - e. Toseland
      - f. Yelling
      - g. Eltisley
      - h. Cambourne
      - i. Dry Drayton
      - j. Madingley, and
      - k. Coton.
    - (iii) *Central Bedfordshire:*
      - a. Barford Road (Tempsford)
      - b. Blunham
      - c. Moggerhanger
      - d. Sandy
        - i. Bedford Road
        - ii. St. Neots Road
      - e. Biggleswade
        - i. Hill Lane E

- ii. Hill Lane W
- f. Junction 13 M1
  - i. Salford Road
  - ii. Bedford Road N
  - iii. Bedford Road S
- g. Marston Mortaine
  - i. Beancroft Road

- (c) specification of the monitoring to be carried out at the locations referred to in paragraphs (a) and (b) at the undertaker's expense which will include (without limitation):
- (i) the numbers and type of vehicles by time;
  - (ii) periods for collection of initial baseline data;
  - (iii) a programme for regular surveys during the period of construction of the authorised development; and
  - (iv) a right for the relevant local highway authority to elect at their discretion to carry out any monitoring specified pursuant to paragraphs (i) to (iii) above on the local highway network, without prejudice to the requirement for the cost of carrying out that monitoring to be the responsibility of the undertaker;
- (d) the criteria for determining when and what mitigation measures will be necessary on the highway referred to in paragraphs (a) and (b) due to any material adverse traffic impacts resulting from the operation of the authorised development;
- (e) who will make decisions on when and what mitigation measures are necessary according to the criteria in paragraph (d) and the decision making process which process must provide for the approval of the relevant local highway authority (or authorities where junctions or routes are of shared interest) for any mitigation measures relating to the local highway network and the consultation of the relevant local highway authority (or authorities where junctions or routes are of shared interest) for mitigation measures relating to the trunk highway network within their area;
- (f) a right for the relevant local highway authority to elect at their discretion to carry out any mitigation measures determined to be necessary according to the process referred to in paragraph (e), without prejudice to the requirement for the cost of those measures to be the responsibility of the undertaker;
- (g) the funding from the undertaker that will be available to implement the monitoring and mitigation required by the Scheme including:

- (i) a ring-fenced fund for specified categories of necessary mitigation on the local highway network and junctions and routes of shared interest with the undertaker; and
  - (ii) full details of how funds will be made available for other necessary mitigation demonstrating that it will be funded so that it can be provided when needed; and
- (h) details of when the Operational Phase Monitor and Manage Scheme will commence.
4. Subject to the local highway authority consenting or agreeing in respect of any works on its local highway network, the undertaker shall comply with and carry out the approved Operational Phase Monitor and Manage Scheme from the date on which it is to commence as specified within the scheme.”

## Appendix 2

### CBC Requested DCO Requirements – Highways, Air Quality & Noise Issues

#### Traffic Management Plan – Construction

- 1) Following the Issue Specific Hearing 5 (ISH5), CBC requests that the Secretary of State imposes a new requirement to paragraph 11 of Schedule 2 as follows (with the existing paragraph 11(2) becoming paragraph 11(3):

“(2) The traffic management plan shall include provisions setting out the steps the undertaker will take for the purpose of preventing construction vehicles of greater than 7.5 tonnes associated to the authorised development using Station Road in Central Bedfordshire.”

#### Barford Bridge

- 2) Following the Issue Specific Hearing 5 (ISH5), CBC requests the Secretary of State imposes the following as a new DCO requirement:

“1. Works for the construction of the new Barford Bridge over the A428 shall not commence until amendments to the works plans that provide suitable and safe pedestrian and cycle access across are submitted to and approved by the Secretary of State in consultation with Central Bedfordshire Council<sup>1</sup>l.

2. The Barford Bridge shall be constructed according to the amended works plans approved under paragraph 1.”

#### Air Quality & Noise

- 3) The air quality and noise issues relate to the following that were raised at the ISH5:
  - i) Air quality impacts affecting 7 properties north of Carter Street, Sandy, Central Bedfordshire, which is within an Air Quality Management Area; and
  - ii) Noise impacts on the owners and occupiers of the residence at Rectory Farm, off Little Barford Road, Central Bedfordshire.

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<sup>1</sup> CBC's preference is for non-motorised user (NMU) access to be provided now, but an alternative would be to provide now for the ability for later NMU access to be added to the bridge at a late date

- 4) Following ISH5, in the event that National Highways (NH) and Central Bedfordshire Council (CBC) are unable to reach a joint position on these 2 issues, CBC requests that the following are inserted as requirements into Schedule 2 of the DCO:

### **Air Quality Impacts – 7 Carter Street properties**

1. “The authorised development must not commence until the following has been submitted to and approved by the Secretary of State in consultation with the Central Bedfordshire Council:
  - (1)The air quality impact resulting from the operation of the authorised development has been assessed using the traffic data produced by the VISSIM model used for Sandy to inform the Transport Assessment Annex (document ref. APP-243) in relation to the 7 properties below and any others that could be affected as a result of the assessment based on the VISSIM model:
    - (a) 98 London Road, SG19 1DW;
    - (b) 100 London Road, SG19 1DN;
    - (c) 102 London Road, SG19 1DN;
    - (d) London Road, SG19 1DN;
    - (e) 106 London Road, SG19 1DN;
    - (f) 108 London Road, SG19 1DW; and
    - (g) 36 Carter Street, SG19 1BT.
  - (2)A report has been produced on the assessment in paragraph (1) as a sensitivity test against the existing air quality assessment in the environmental statement, together with any conclusions and recommendations;
  - (3)Full details of measures to mitigate the increased air pollution in the vicinity of the 7 properties mentioned above resulting as result of the operation of the authorised development, including a programme for carrying them out, having regard to suitable mitigation measures contained within Section 5.0 of the Central Bedfordshire Air Quality Action Plan dated June 2019.
2. The undertaker shall at its own expense carry out the mitigation measures in accordance with the approval under paragraph 1(3) above.”

## **Noise Impact – Rectory Farm**

3. “The authorised development must not commence until full details of measures to be installed at Rectory Farm, Barford Road, Little Barford to mitigate the noise impact on the owners and occupiers of the residence at that property resulting from the operation of the authorised development have been submitted to and approved by the Secretary of State in consultation with the Central Bedfordshire Council.
4. The authorised development must not commence until the undertaker has made a written offer to the owner and occupiers of the residence at Rectory Farm, Barford Road, Little Barford to carry out at the undertaker’s own expense or fund the carrying out of the approved mitigation measures under paragraph 3, which must be made in a form that is legally binding if accepted.”

## Appendix 3

### CBC Table of Responses to Actions from Issue Specific Hearings 4 – 6

#### Issue Specific Hearing 4 Actions

Actions arising from the Issue Specific Hearing 4 held on Tuesday 30 November 2021:

Action Point	Action	Officer responding	Response
9	Provide evidence as to whether the use of the DEFRA metrics in assessing Biodiversity Net Gain (BNG) has been included in other NSIPs.	Siobhan / Alexandra Fraser	CBC has no evidence relating to action point 9.
18	LAs to provide evidence relating to any local or regional carbon budgets, including formal adoption process and how individual schemes are considered in relation to those budgets.	Monika Marczewska	CBC has no formal regional carbon budgeting system. Our England's Economic Heartland transport strategy, published in February 2021, and agreed by our partners has an aspiration to achieve a net zero carbon transport system by 2040.

#### Issue Specific Hearing 5 Actions

CBC responses to actions arising from the Issue Specific Hearing 5 held on Wednesday 1 December 2021

Action Point	Action	Officer responding	Response
3	Biggleswade North traffic flows to be provided to Central	Jethro Punter	The flows provided clarify that the pattern is the same as previously



	Bedfordshire Council (CBC) for any comment.		identified, i.e.: that the mainline increases on the A1 (+183 vehicles in the 2040 forecast AM peak hour) are offset by decreases in flows approaching the junction from the local road network (-193 vehicles in the 2040 AM forecast peak hour). CBC therefore remain concerned that this is due to the increased difficulty in accessing the A1 from the side roads as flows increase.
4	Positions of Local Highway Authorities (LHAs) and Applicant on how the Network Management Duty should be considered, at the wider network level or the more granular detail of individual junctions, and providing relevant policy justification for any view.	Jethro Punter	Addressed in CBC's Post Hearing Submissions for ISH5 submitted at Deadline 6.
5	Detailed information on the Monitor and Manage process to be provided, in general and specifically in relation to the Proposed Development, including roles and responsibilities; funding for any necessary mitigation; how it would be	Jethro Punter	Addressed in CBC's Post Hearing Submissions for ISH5 submitted at Deadline 6.

	secured and policy justification for respective positions.		
17	Joint position statement from CBC and the Applicant on the discussions regarding noise and mitigation measures, which also highlights 'Agreed' and 'Not Agreed' matters.	Guy Quint	Addressed in separate document submitted at Deadline 6.  See also CBC's Post Hearing Submissions for ISH5 submitted at Deadline 6.
18	Meeting between CBC and Applicant to discuss potential air quality mitigation measures for Sandy and a note summarising to be submitted to examination.	Guy Quint	Addressed in separate document submitted at Deadline 6.  See also CBC's Post Hearing Submissions for ISH5 submitted at Deadline 6.

### Issue Specific Hearing 6 Actions

CBC responses to actions arising from the Issue Specific Hearing 6 held on Thursday 2 December 2021:

Action Point	Action	Officer responding	Response
2	Local Authorities (LAs) to Provide any further comments on Pre-commencement plan, such as through a marked up copy.	Jethro Punter	From a highways perspective the concern remains that the traffic impacts of pre-commencement activities are not adequately covered within the pre-commencement plan, which refers only to implementing traffic management in

			accordance with necessary consents.
6	Update in relation to de-trunking agreement to be provided in the next Statement of Common Ground with Local Highway Authorities (LHAs). Timetable for agreement of the De-trunking agreement to also be provided.	Jethro Punter	No further progress has been made – The Highways Agreements Team sent an email update to all parties on this matter on 10/12/2021.