



Application by Highways England for an Order Granting Development Consent for A428 Black Cat to Caxton Gibbet Improvements

The Examining Authority's written questions and requests for information (WQ3) Issued on Wednesday 22 December 2021

This document is the Examining Authority's (ExA) Third Written Questions and requests for information (WQ3). Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues (Rule 6 letter, Annex C), issues as they have arisen from representations, and to address the assessment of the application against relevant policies. Responses to WQ3 are due on **Deadline 8, 14 January 2022**.

Column 1 sets out the unique reference number to each question which starts with 'Q3' (indicating that it is from WQ3), followed by an issue number, a sub-heading number and a question number. When you are answering a question, please start your answer by quoting the unique reference number.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. Please provide a substantive response to the questions directed at you, or indicate why the question is not relevant to you. You may also respond to questions that are not directed at you, should the question be relevant to your interests.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact A428.Blackcat@planninginspectorate.gov.uk and include 'A428 Black Cat to Caxton Gibbet' in the subject line of your email.

If your response to a question has been addressed elsewhere in other submissions, such as a Local Impact Report, Written Representation or the oral summary of the case presented at a Hearing, you are requested to provide a summary response addressing specifically the matters raised in the question and list the other relevant submissions where more detailed information can be found, clearly identifying the Examination Library reference number and specific sections and paragraphs.

Responses are due by Deadline 8, 14 January 2022



List of abbreviations

PA2008	The Planning Act 2008	HE	Highways England (the Applicant, as known previously)
AMS	Archaeological Mitigation Strategy	HistE	Historic England
AP	Affected Persons	HRA	Habitats Regulations Assessment
AQMA	Air Quality Management Area	IP	Interested Parties
BBC	Bedford Borough Council	ISH	Issue Specific Hearing
BCR	Benefit Cost Ratio	km	Kilometre
BEIS	Department for Business, Energy & Industrial Strategy	LA	Local Authority
BRIIDB	Bedfordshire and River Ivel Internal Drainage Board	LIR	Local Impact Report
BMV	Best and Most Versatile	LLFA	Lead Local Flood Authority
BNG	Biodiversity Net Gain	LHA	Local Highway Authority
BoR	Book of Reference	LPA	Local Planning Authority
Cambridgeshire Councils	Cambridgeshire County Council, South Cambridgeshire District Council, and Huntingdonshire District Council	LVIA	Landscape and Visual Impact Assessment
CA	Compulsory Acquisition	m	Metre
CAH	Compulsory Acquisition Hearing	NE	Natural England
CBC	Central Bedfordshire Council	NH	National Highways (the Applicant)
CCA	Climate Change Allowance	NMU	Non-Motorised User



CCC	Cambridgeshire County Council	NPS	National Policy Statement
CCE	The Church Commissioners of England	NPS NN	National Networks National Policy Statement
CO2	Carbon Dioxide	NPPF	National Planning Practice Framework
CTMP	Construction Traffic Management Plan	NR	Network Rail
D	Examination Deadline [PD-007, Annex A)	NSER	No Significant Effects Report
dDCO	Draft Development Consent Order	NSIP	Nationally Significant Infrastructure Project
DEFRA	Department for Environment, Food and Rural Affairs	OS	Ordnance Survey
DfT	Department for Transport	POPE	Post Opening Project Evaluation
DVS	District Valuer Services	PRoW	Public Rights of Way
EA	Environment Agency	R	Requirement
ECML	East Coast Mainline	RR	Relevant Representation
EIA	Environmental Impact Assessment	S	Section (in relation to legislations and regulations)
EL	Examination Library	SCDC	South Cambridgeshire District Council
EM	Explanatory Memorandum	SoCG	Statement of Common Ground
EMP	Environmental Management Plan	SoS	Secretary of State
EQIA	Equality Impact Assessment	SAC	Special Area of Conservation
ES	Environmental Statement	SPA	Special Protection Area
EWR	East West Rail Company Limited	TP	Temporary Possession
ExA	Examining Authority	TA	Transport Assessment
FRA	Flood Risk Assessment	TAN	Transport Action Network



GCN Great Crested Newt

HDC Huntingdonshire District Council

TAR Transport Assessment Report

WCH Walkers, Cyclists and Horse-riders

Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in [the Examination Library](#). The Examination Library will be updated regularly as the Examination progresses.

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Q3.1. General and Cross-topic Questions		
Q3.1.1 Equality Impact Assessment		
		No further questions at this stage.
Q3.1.2 Environment Act 2021		
Q3.1.2.1	All Parties Applicant	<p>Environment Act 2021</p> <p>The ExA is aware that the Environment Act 2021 received royal assent on 9 November 2021.</p> <p>a) All Parties and the Applicant are invited to explain, with reasons, whether the assent of the Act has any implications on the Proposed Development, including with regard to Air Quality, Biodiversity, Water, Waste and Monitoring.</p> <p>b) More specifically, Section 99 and Schedule 15 of the Act and the subsequent amendments to the Planning Act 2008 will require certain NSIPs to increase biodiversity by 10% compared to predevelopment values. Do you believe there are any implications on the Proposed Development, if so explain with reasons, including if relevant, how any additional measures could be delivered.</p>
Q3.2. Air Quality		
Q3.2.1 Effects on human and ecological receptors		
Q3.2.1.1	Applicant	<p>Sandy Air Quality Management Area</p> <p>The NPS NN (Paragraph 5.11) states that Air Quality considerations are likely to be particularly relevant when proposed schemes could bring about changes to exceedances of the Limit Values of an AQMA. The ExA note the position of CBC on this matter and is not persuaded by the Applicant's position that no further mitigation is necessary because any increase in NO₂ would be imperceptible, an AQMA already exists at this location and an increase in NO₂ is forecast [APP-074]. Applicant, provide further evidence and justification or suggest adequate mitigation.</p>
Q3.3. Biodiversity and Ecological Conservation		

Q3.3.1 General		
		No further questions at this stage.
Q3.3.2 Biodiversity Net Gain (BNG)		
Q3.3.2.1	Applicant Natural England Local Authorities	<p>Metric for calculating BNG</p> <p>a) NE, following discussions at ISH4 [EV-060] and the submissions at D6 [REP6-036] [REP6-030] [REP6-068] [REP6-062] confirm if you consider the Applicant's calculation for BNG using the DEFRA 2.0 metric shows a net loss or net gain or neutral finding.</p> <p>b) NE, if you consider the calculations to show a net gain, and based on your current position that you are satisfied that the delivery of the Proposed Development would achieve genuine gains in biodiversity when compared with existing conditions [REP6-017], why do you still feel that the ES should be updated with the findings of the DEFRA 2.0 metric?</p> <p>c) NE, in what way do you believe that the findings of the DEFRA 2.0 metric would revise the assessment of the effects of the Proposed Development on biodiversity in the ES with reference the NPS NN (Paragraph 5.33) which requires the Applicant to maximise opportunities resulting in beneficial biodiversity or geological features in and around developments? Applicant and LAs may respond.</p> <p>d) Applicant, explain the reasons and criteria that would be determine the use of DEFRA 2.0 for road NSIPs [REP6-030] [REP6-062], and if those criteria be relevant here. NE and LAs may respond.</p> <p>e) NE and LAs, with particular reference to Rules 3 and 5 of the DEFRA User Guide [REP6-068] and the Cambridgeshire Council's position [REP6-062 Sections 3, 4, and 6] comment on the Applicant's position at ISH4 [EV-060] that a quantitative increase of low quality habitat outweighs or is equivalent to the high value habitats being replaced. Applicant may explain.</p> <p>f) Applicant and NE, the Cambridgeshire Councils raise concerns regarding the loss of habitats of medium/ high distinctiveness and that further on-site and off-site compensation is required [REP4-059, Q2.3.2.1] [REP6-064] [REP6-062 Sections 3, 4, and 6]. What are your views on this and how it could be delivered?</p>
Q3.3.3 Hedgerows		

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Q3.3.3.1	Applicant	<p>Quantum of Hedgerows</p> <p>a) Applicant, in terms of hedgerow lengths explain the different values before the ExA: loss of 0.82km [APP-077, Table 8-9]; increase of 4.3km [REP1-022, Q1.3.3.1]; and increase of 3.4km [REP4-037, Q2.3.2.1]. Explain and confirm the actual length of new hedgerows to be provided and the difference as a result of the Proposed Development.</p> <p>b) Are there any implications on the ES and both the BNG scores?</p>
<p>Q3.3.4 European Designated Sites</p>		
Q3.3.4.1	Applicant Natural England	<p>Ouse Washes SPA and Ramsar site</p> <p>a) Applicant, comment on the discrepancy between the Ouse Washes SPA qualifying features listed in the 1992 citation provided by the Applicant at Deadline 6 [REP6-030 Appendix A] and the 2019 Supplementary Advice on conserving and restoring site features produced by NE and referenced at Footnote 5 of the RIES [PD-013].</p> <p>b) Applicant, confirm whether all the features listed in the RIES [PD-013, Table 2.1] have been assessed for LSE in the NSER [APP-233]. NE to comment.</p> <p>c) Applicant, comment on whether the SPA and Ramsar species population estimates in the NSER [APP-233, Appendix F, Table 1] are reliable given the age of the datasets, and what implications this has on the assessment of the loss of wetland and arable habitat? NE to comment.</p> <p>d) The NSER [APP-233, Appendix F] states that the populations of SPA and Ramsar qualifying waterbird features occurring within the Proposed Development boundary are not significant, applying a threshold for significance of 5% of any of the citation populations. What is the Applicant's justification for using a 5% threshold? NE to comment.</p>
Q3.3.4.2	Applicant Natural England Local Authorities	<p>Eversden and Wimpole Woods SAC</p> <p>a) Applicant and NE, following your meeting on 23 November 2021, provide an update regarding [REP4-044, Paragraph 4.2.7]:</p> <ul style="list-style-type: none"> • justification of the survey approaches undertaken at Transect locations 3, 5, 7 & 8, and at Pillar Plantation; and • justification as to why Natural England's recommendation to survey 40 crossing points [REP1-032] was scoped out of the assessment.

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		<p>b) Applicant and NE highlight any areas of disagreement, if any, regarding the scope of the 2018 surveys and the current survey. If there are disagreements, can they be resolved without the applicant undertaking more survey work?</p> <p>c) Applicant and NE, with reference to the approach to the 2018 survey are you satisfied that the baseline has been characterised reliably in terms of Barbastelle but also other bats. Explain with reasons. If there are concerns with the scope, approach of the survey, and as such the baseline, has the Applicant addressed these issues in the current survey round? Explain with reasons.</p> <p>d) Applicant, list with EL reference, or ensure copies have been submitted to the Examination, of all surveys/ reports that have led to the conclusion of no likely significant effects on the SAC, including the Cambridgeshire Bat Group and the South Cambridgeshire District Council survey referenced at WQ3 [EV-059]. Details of the times and dates of the surveys should be included. NE/ LAs what is your view of these surveys / reports?</p> <p>e) Applicant and NE, as stated by the Applicant at ISH4 [EV-059] the full suite of 2021 surveys of the Barbastelle bats of the SAC, including the hibernation suitability at Pillar Plantation, will not be completed until after Deadline 6 has passed, with the consequent reports to be submitted later. In this context, Applicant and NE provide by Deadline 8 your reasoned positions as to whether an Appropriate Assessment is required for the HRA.</p>
<p>Q3.3.5 Habitat Fragmentation</p>		
<p>Q3.3.5.1</p>	<p>Applicant Natural England Local Authorities</p>	<p>Adequacy of mitigation measures</p> <p>a) Applicant, for the identified bat crossings of the Proposed Development identify all existing and proposed landscaping features that will help guide bats to these crossing points. What assurance can the ExA have that the proposed landscaping will function as intended?</p> <p>b) What landscaping or other measures will help guide other animal species, including mammals, birds, amphibians to these crossing points?</p> <p>c) Applicant, provide examples of the evidence referred to at ISH4 [EV-060] showing that bats will use multi-purpose underpasses, including ones used by humans.</p> <p>d) What evidence is there that other animal species will use such multipurpose underpasses?</p>

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Q3.3.6 Aquatic Environment and Biodiversity		
Q3.3.6.1	Natural England Environment Agency Applicant Local Authorities	<p>Mitigation measures</p> <p>a) Applicant and EA have you reached agreement that the various biodiversity measures identified by EA [RR-036] would be addressed by the Proposed Development within iterations of the Environmental Management Plan (EMP). How is this secured?</p> <p>b) Applicant, respond to the Cambridgeshire Council’s concerns regarding Pond 83 [REP4-054]?</p>
Q3.3.7 Arboreal Environment		
		No further questions at this stage.
Q3.4. Climate Change and Carbon Emissions		
Q3.4.1 Emissions		
Q3.4.1.1	Applicant Transport Action Network Local Authorities	<p>Assessment of effects for the Proposed Development alone and cumulatively at a local and regional level</p> <p>a) Applicant, your response to [REP4-037, WQ2.4.1.1] and your position at ISH4 [EV-062] is unclear to the ExA. Indicate what level of emissions would be considered significant in this context, for the Proposed Development alone and for cumulative and in-combination effects. In particular, with reference to Paragraph 5.18 of the NPS NN, what increase in carbon emissions would be considered “so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets”?</p> <p>b) Paragraph 5.17 of the NPS NN requires applicants to “provide evidence of the carbon impact of the project”. This is addressed at various locations within the examination library, including [APP-254 paragraph 4.4.7]. Applicant, the GHG emissions of the Proposed Development of -£127.0 million in discounted 2010 prices is a greater negative sum than the combined accident and journey time reliability benefits [APP-240 Table 4-4]. Explain how environmental effects of such a scale are not considered to be significant.</p>

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		<p>c) Applicant, TAN, would the changes to the Green Book and increased carbon values adopted by BEIS and DfT in September and October 2021 [REP6-134] [REP6-135] affect the assessment of cumulative effects?</p> <p>d) BBC and the Cambridgeshire Councils, evidence to show carbon budgets for Bedford [REP6-134 Annex 1], Huntingdonshire and South Cambridgeshire [REP6-063] produced by the Tyndall Centre has been provided. However, for all cases the Carbon Budgets are described as “Energy Only”. Confirm whether this would include transport emissions such as would be produced by the Proposed Development during construction and operation. Applicant and TAN may comment.</p> <p>e) TAN, BBC and the Cambridgeshire Councils, what would be the effect on these local and regional carbon budgets [REP6-134 Annex 1] [REP6-063] of the Proposed Development over the 60-year project lifetime, with particular regard to the apportionment of carbon emissions for road transport used by BEIS [REP6-121]? Applicant may comment.</p> <p>f) Applicant and LAs, in what way would the Proposed Development affect the ability of LAs to meet any locally or regionally adopted carbon reduction targets?</p> <p>g) Does the cancellation of the Oxford Cambridge Expressway project in March 2021 in any way change the need for the Proposed Development and, or, effect the economic justification and the BCR for the scheme?</p>
Q3.4.1.2	Applicant Transport Action Network Local Authorities	<p>Legislation, policy and international obligations</p> <p>a) Applicant, do any UK Government obligations made at the United Nations Climate Change Conference (COP26) affect the assessment of carbon emissions of the Proposed Development? Given a climate emergency has been declared what additional measures would the Applicant propose are adopted to reduce the anticipated carbon emissions of the Proposed Development.</p> <p>b) The UK is committed to achieving net-zero carbon emissions by 2050 and has established carbon budgets to both inform and measure progress. Applicant, what assurance can the ExA have that carbon emissions up to and beyond 2050 will be satisfactorily mitigated, in light of forecasts in the Decarbonising Transport Strategy [REP6-131] and by the Climate Change Committee [REP6-118] [REP6-119]?</p>
Q3.4.2 Climate Change Adaptation		
Q3.4.2.1	Applicant	Climate change resilience

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	Transport Action Network Local Authorities	Applicant, with reference to the Green Book advice referenced by TAN at Deadline 6 [REP6-113], what assessment has been made of the resilience of the Proposed Development to a global temperature increase of 4 degrees Celsius?
Q3.5. Compulsory Acquisition and Temporary Possession		
Q3.5.1 Compulsory Acquisition schedule		
Q3.5.1.1	Applicant	Schedule of all agreements, negotiations and objections Provide an update on all agreements, negotiations and objections to the grant of CA or TP powers [REP6-024].
Q3.5.2 Protective Provisions		
Q3.5.2.1	Statutory Undertakers Applicant	Protective Provisions a) ExA notes in the Statutory Undertakers Progress Schedule [REP6-026], relevant SoCGs [REP6-011] [REP6-012] [REP6-013] [REP6-014] [REP6-022] and submissions [REP6-096] that Protective Provisions are still under discussion with matters not agreed. Applicant and Statutory Undertakers list and explain if there are any fundamental areas of disagreement, and identify any disagreements that you envisage not being agreed before close of the Examination, explaining the implication of not reaching agreement. b) Statutory Undertakers, in particular if the area of disagreement is in the wording of Protective Provisions in the dDCO [REP6-003] then provide proposed revised wording and accompanying justification and reasons for the ExA to consider. c) Applicant, explain the nature of the side agreement referred to in several updates [REP6-026]. What is the relationship between the side agreement with parties where Protective Provisions are also included in the dDCO [REP6-026], such as Cadent Gas? You may provide a list of all instances and explain individually if the response is unique to each such update. d) Statutory Undertakers as and when agreement is reached, provide a statement confirming all matters have been agreed and there are no outstanding objections, either in the SoCG if there is one or via a Deadline submission.
Q3.5.2.2	East West Rail	Proposed draft Protective Provisions by EWR

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	Applicant	<ul style="list-style-type: none">a) The ExA had requested to see EWR's draft Protective Provisions and the Applicant's counter proposal of a cooperation agreement since the start of the Examination [EV-016] [PD-008] [PD-009], and this has only partially been made available at D6 [REP6-094] [REP6-030]. The ExA intends to highlight the delay in responding to these matters as the reason, should matters not be agreed between parties before the close of the Examination. Applicant and EWR provide reasons for the delay and proposed way of working to conclude matters.b) Applicant, provide any further comments on the draft Protective Provisions proposed by EWR [REP6-094], if this version is different to what you have commented on before [REP6-030]c) EWR, you have stated that your proposed Protective Provisions are adapted from those used in previous DCOs in respect of railway undertakings [REP6-094]. Can you list examples of made DCOs where Protective Provisions (that you have used as a model) were secured for a proposed railway scheme in a similar stage of development as your proposed scheme. Applicant may respond.d) EWR, given the early stages of development, how and when would you define the specified work supply in 95(1)?e) Applicant and EWR, can 95(3) be delivered within the provisions of the current draft of the dDCO [REP6-003]?f) EWR, notwithstanding the provision in 95(5), how can the ExA secure in the dDCO adaptation and integration of approved work without any details before it, or understanding the associated environmental effects?g) Applicant does your position stated at CAH2 [REP6-032] that you would not be providing a revised wording to the Protective Provisions for the negotiations, still stand? If not, provide your proposed amendments.h) Applicant, the ExA can see some merit in the arguments you have presented in response to the EWR's proposed draft Protective Provisions; however, the ExA considers that your counter proposal, [REP6-094], would not provide adequate protection for the EWR scheme in the dDCO. Consider the protections sought in the Protective Provisions and provide a suitably worded draft Cooperation Agreement that may provide similar protections, for EWR to consider. This may be shared between parties in advance of D8, and the ExA would welcome EWR's response to proposed draft, alongside at D8.
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		(See related questions in <i>Significant Cumulative Effects</i> .)
Q3.5.3 Affected Persons' site specific issues		
		No further questions at this stage.
Q3.6. Construction methods and effects		
Q3.6.1 Approach to construction and proposed programme		
		No further questions at this stage.
Q3.6.2 Borrow pits, construction compounds, waste management		
Q3.6.2.1	Local Authorities National Farmers Union The Church Commissioners of England	Borrow pits Comment on Annex R Borrow Pits Management Plan in the First Iteration EMP [REP6-008].
Q3.6.3 Environmental Management Plan		
Q3.6.3.1	Applicant All Parties	First Iteration EMP a) Applicant, set out a schedule of the fundamental changes proposed in the First Iteration EMP [ref]. Is there any relevance to the colour coding in the track change versions [REP6-007]? b) All relevant Parties comment, if you have concerns, to the changes proposed in the First Iteration EMP [REP6-008]. c) The ES provides detail of construction related activities that would fall outside the defined construction working hours [APP-071 Annex K, paragraph 1.4]. Applicant, no reference to 'departure' is made in the updated First Iteration EMP [REP6-008, 1.4.3 a. or b.] Therefore, would the departure of delivery vehicles from site and the departure of vehicles from the works compounds fall within the scope of the set construction hours?

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		d) All Parties, provide comment as to whether those activities referred to in First Iteration EMP [REP6-008, 1.4.3 a or b] are reasonable to be excluded from the set construction hours set out in the ES. How would they be controlled?
Q3.7. Draft Development Consent Order		
Q3.7.1 General		
		No further questions at this stage.
Q3.7.2 Definitions		
Q3.7.2.1	Applicant Local Authorities	Pre-commence and pre-commencement All relevant parties comment on the Pre-commencement plan [REP6-028] and definition of pre-commencement in Article 2 of the dDCO [REP6-003].
Q3.7.3 Articles		
		No further questions at this stage.
Q3.7.4 Schedules		
		No further questions at this stage.
Q3.7.5 Requirements		
		See related questions in <i>Highway – network and structures</i>
Q3.8. Diversion of high-pressure pipeline		
Q3.8.1 Application material		
		No further questions at this stage.
Q3.8.2 Determining if the pipeline diversion would be an NSIP		
Q3.8.2.1	Applicant Cadent Gas	Screening Assessment

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		Provide any relevant updates and confirm a projection for progress before the close of Examination.
Q3.8.3 Excavating the archaeological remains		
Q3.8.3.1	Applicant Central Bedfordshire Council	Excavating the archaeological remains Provide any relevant updates and confirm a projection for progress before the close of Examination.
Q3.8.4 Environmental effects		
		No further questions at this stage.
Q3.9. Flood Risk		
Q3.9.1 Sequential approach to route selection and design		
		No further questions at this stage.
Q3.9.2 Interactions between different sources of flooding		
Q3.9.2.1	Environment Agency Bedfordshire and River Ivel Internal Drainage Board	Black Cat Junction The EA has raised concerns regarding the effects of permanently sealing the A1 Black Cat junction to prevent significant groundwater ingresses on flows along South Brook, and that further modelling and sensitivity testing is required [REP4-068]. BRIIDB, advise whether you share the EA's concerns in this respect and set out your position with regard to the proposals for the Black Cat Junction.
Q3.9.2.2	Applicant Environment Agency Natural England Local Authorities Bedfordshire and River Ivel Internal Drainage Board (BRIIDB)	Drainage and Flood Risk Management a) EA you have stated [REP4-068] that you have not yet seen the FRA Technical Note, but this seems to contradict your signed SOCG that states the FRA Technical Note was issued on 15 July 2021. Provide an update. b) Applicant, has the latest version of the FRA Technical Note also been made available to other parties, in particular the LLFAs and BRIIDB?

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		c) Applicant, what further updates to the FRA Technical Note are proposed? When will the final version be submitted to the ExA? Will the FRA or relevant ES chapters [APP-077] [APP-082] require updating in light of the FRA Technical Note?
Q3.9.3 Passing the Exception Test		
		No further questions at this stage.
Q3.9.4 Climate Change resilience		
		No further questions at this stage.
Q3.10. Good Design		
Q3.10.1 Visual appearance and design principles		
Q3.10.1.1	Applicant	Scheme Design Approach and Design Principles Provide a further iteration of the Scheme Design Approach and Design Principles [REP3-014], in light of the comments provided in at ISH5 and at D6 and any others. Provide your justification and reasons for not taking on board any comments.
Q3.10.2 Design development process		
Q3.10.2.1	Applicant	Design development process a) It is the ExA's understanding that you have scoped out further consultation with parties on the Scheme Design Approach and Design Principles document after this Examination. Confirm if this position still stands. b) If so, describe the scope and purpose of the 'detailed design stage' and the engagement expected with parties during 'detailed design stage'. Should this be described in the Design Approach and Design Principles document?
Q3.11. Highways – network and structures		
Q3.11.1 Transport Modelling		

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Q3.11.1.1	Applicant	<p>Changes to DfT TAG Data Book v 1.17</p> <p>The Statement on Forthcoming Updates to DfT Transport Appraisal Guidance (TAG) [REP4-046], explained that revisions were likely to be made to TAG parameters including carbon values and fuel costs in November 2021, and a more significant release may follow no earlier than March 2022 (after the close of the examination).</p> <p>a) Can the Applicant confirm if any revisions were made to the DfT TAG Data Book and what, if any, implication this has had on the BCR for the Proposed Development.</p> <p>b) If a more significant update follows the close of the Examination how will the Applicant deal with any material change to the BCR? Would the SoS need to consider any updates to the DfT TAG Data Book before determining the outcome; and if so how?</p>
Q3.11.1.2	Applicant	<p>Junction Model Sensitivity Test Results</p> <p>The Junction Model Sensitivity Test Results [REP5-018] focuses on average speeds at certain junctions rather than traffic flows and queue lengths. For completeness, submit any additional information to the Examination which was provided to CCC, (understood to have been provided on 3 December 2021) relating to traffic flows and queue lengths at:</p> <p>a) Black Cat Junction;</p> <p>b) Cambridge Road Junction; and</p> <p>c) Caxton Gibbet Junction.</p>
Q3.11.1.3	Applicant	<p>Effect of Junction Model Sensitivity Testing</p> <p>The Applicant has undertaken additional traffic modelling and model sensitivity testing throughout the Examination, including but not limited to, Junction Model Sensitivity Test Results [REP5-018], Coton [REP1-028], Dry Drayton and Madingley [REP3-028], Girton [REP4-040] and Cambourne [REP4-041]. How do the results of the testing undertaken to date affect the BCR?</p>
<p>Q3.11.2 Road layout, junctions and bridges</p>		
Q3.11.2.1	Applicant Local Highway Authorities	<p>Operational phase monitoring and evaluation</p> <p>Further to discussion at ISH5 [EV-069], the Applicant has provided a technical note regarding the 'monitor and manage' approach [REP6-041]. The Technical Note explains that the locations referred to in the Transport Assessment Annex [APP-243], identified as requiring a 'monitor and manage' approach on the Strategic Road Network, would be dealt</p>

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		<p>with under the 'business as usual' activities of the Applicant, under its 2015 Operating Licence. As such, the Applicant does not consider that the 'monitor and manage' approach needs to be secured separately through the DCO. The Applicant has previously explained that post scheme monitoring of the local road network could occur at certain junctions across the extent of the scheme [REP5-014], in response to representations of the joint Cambridgeshire authorities [REP4-58]. However, this appears to be entirely different from the 'monitor and manage' process as the Applicant does not consider it their duty to monitor and manage beyond the SRN. Instead, the Technical Note explains that a Post Opening Project Evaluation (POPE) will occur and sections of the local road network will likely be included, albeit the scope is as yet undefined. Additionally, the Technical Note [REP6-041, Paragraph 1.5.5] also states that there is no requirement to intervene upon the evaluation of the Proposed Development, although any findings may inform future solutions.</p> <ul style="list-style-type: none">a) Applicant, confirm whether the operational monitoring described in the Technical Note is intended to form any form of mitigation relied upon in the ES to reduce effects of the Proposed Development.b) Applicant, explain with reasons if there has been a divergence in your approach to operational monitoring of the effects of the Proposed Development on the local road network during the Examination.c) LHAs comment on the content of the Technical Note [REP6-041], including whether the approach explained in the document differs from that previously presented by the Applicant. If not, what are the implications, if any, of the residual effects after mitigation that is secured in the dDCO, excluding 'monitor and manage'.d) Applicant, is the POPE intended to be secured in the DCO, if so how? Would LHAs see any value in the POPE being secured in the DCO given it appears to be a generic approach to post scheme evaluation of the Applicant?e) If the POPE, or other traffic monitoring on the local road network, is not secured in the DCO, how can LHAs have any certainty that the monitoring previously suggested by the Applicant [REP5-014] would be undertaken by the Applicant? <p>NPS NN (Paragraph 5.211), explains that the ExA and SoS should give due consideration to impacts on local transport networks, and that where development would worsen accessibility such impacts should be mitigated as far as possible (Paragraph 5.2156).</p>
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		<p>f) Notwithstanding no definition of 'accessibility' in this regard is provided in the NPS NN how can the Applicant be confident that no adverse impact affecting accessibility to, or within, the local transport networks would occur and not require mitigation without operational phase monitoring of traffic on such networks?</p> <p>The affected LHAs have provided a document [REP6-074] outlining how they consider a joint approach with the Applicant to an operational 'monitor and manage scheme' should be taken forward through the use of a Requirement in the DCO.</p> <p>g) Applicant, comment on the proposed Requirement associated with an operational monitor and manage scheme submitted by the LHAs [REP6-074].</p> <p>h) It would appear that LHAs consider the full costs associated with the requested monitor and manage scheme should be met in full by the Applicant. How is this justified given your own statutory duties to manage the expeditious movement of traffic on the local network?</p> <p>i) Are LHAs aware of similar Requirements being included in other made DCO road schemes such as the recently constructed A14 Cambridge to Huntingdon Improvement Scheme? How is it justified in relation to the Proposed Development? Applicant to also respond.</p> <p>j) LHAs, what would be the trigger point(s) of such a Requirement?</p> <p>(See related questions to <i>Monitoring of traffic re-routing during construction</i>)</p>
Q3.11.2.2	Applicant	<p>Funding mechanisms for future improvement measures</p> <p>In addition to the information provided in response to WQ2.11.6.1 [REP4-037], at ISH5 [EV-070] the Applicant explained that the main sources of funding for any future improvement measures on the nearby highway network would likely come from RIS2 or Designated Funds (both understood to be national funding sources) or from local operational maintenance funds for minor works.</p> <p>a) The ExA notes that the current Designated Funds Plan [Appendix Q2.11.6.1 REP4-037] has a timeframe running between 2020 and 2025. To what extent are funds currently available in future years that would tie in with the Proposed Development's construction programme?</p>

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		b) Noting that the Funding Principles section of the Designated Funds Plan states that proposals should align with all, or most, of the 14 stated funding principles, can the Applicant confirm that funding principle 12 would not represent a 'show-stopper' to proposals for the types of NMU infrastructure previously requested by IPs, located within the development limits of the Proposed Development?
Q3.11.2.3	Cambridgeshire Authorities Applicant	<p>Cambridgeshire and Peterborough Vision Zero Strategy</p> <p>The Cambridgeshire Authorities have requested that an enforceable commitment is provided by the Applicant to accord with the Cambridgeshire and Peterborough Vision Zero road safety strategy on both the strategic and local highway network [REP6-020].</p> <p>a) Confirm the status of this strategy document and signpost to when it, or extracts of it, were submitted to the Examination for consideration.</p> <p>b) What form should such an 'enforceable commitment' take and how could it realistically be enforced given the array of factors that can influence the safety of the highway at any given point in time?</p> <p>c) Applicant to comment and provide an agreed position with the Cambridgeshire Authorities.</p>
Q3.11.3 Signage and lighting		
		No further questions at this stage.
Q3.11.4 Operational effects beyond the extent of the proposed scheme		
		No further questions at this stage.
Q3.11.5 De-trunking proposals and new local highway infrastructure		
		No further questions at this stage.
Q3.11.6 Non-motorised users		
Q3.11.6.1	Applicant All Parties	<p>Providing opportunities for NMUs</p> <p>At ISH5 [EV-070] and throughout the Examination to date, it is clear various parties including Local Highway Authorities, CamCycle, the British Horse Society and individual representations consider the Applicant should go further in terms of NMU provision across</p>

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		<p>the extent of the Order Limits of the Proposed Development. The scheme objectives [APP-071], also referred to in the Statement of Reasons [APP-030], include ensuring the safety of cyclists, walkers and horse riders and those who use public transport by improving the routes and connections between communities improving accessibility. The ExA note this local concern, particularly where there may be scope to maximise future and potentially lock-in benefits of the Proposed Development, specifically along the A428 to be de-trunked and Barford Road bridge.</p> <p>a) A428 corridor</p> <p>The Applicant has previously explained how it considers that the construction of a NMU link along the existing A428, once de-trunked, to be beyond the scope of the Proposed Development [Q2.11.6.1, REP4-037], also that there is an absence of likely usage or feasibility information to justify such provision. Notwithstanding likely usage data is somewhat unclear, the development of such a route, by virtue of the communities served and underlying topography, may assist in meeting the objectives of the scheme, the NPS-NN, local policies and LTN 1/20, particularly in terms of modal shift, improving health and wellbeing. CCC have provided a pre-feasibility document [REP6-065] outlining the form such a scheme could take. The Applicant has explained there is nothing to prevent the LHA from pursuing such a scheme once de-trunked. Would the Applicant commit, through the dDCO or other means, to undertaking detailed design of such a route, in liaison with the LHA, so as to enable a scheme to be constructed in future by the LHA, potentially through designated funds or other funding streams? Would parties consider this to be sufficient given the current status of such a scheme?</p> <p>b) Barford Road bridge</p> <p>At ISH5 [EV-070] the Applicant explained that any future aspirations of CBC for the provision of NMU infrastructure at or near the proposed Barford Road bridge could be dealt with by either a bolt-on structure to that intended as part of the Proposed Development or the creation of a separate crossing facility. The ExA is unaware of such a design having been considered previously by the Applicant, particularly in terms of visual impact or the suitability of the proposed road bridge to accommodate such a bolt-on structure. As such,</p>
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		should the intended bridge not provide a crossing with sufficient deck space to retrofit NMU facilities within its footprint in future?
Q3.11.7 Construction traffic impacts		
Q3.11.7.1	All Parties Applicant	<p>Construction Workers Travel Plan</p> <p>The Applicant has provided an Outline Travel Plan [REP5-016] for workers associated with the construction of the proposed development.</p> <p>a) The Examining Authority invites comments on its content and scope from any Interested Party so as to inform any future iterations of the document.</p> <p>b) Does the Applicant intend to investigate further the feasibility of provision of temporary bus stops or the creation of welfare facilities that may encourage sustainable travel to site compounds?</p> <p>c) Is it the intention of the Applicant that the Travel Plan would relate to pre-commencement works? If not, explain with reasoning. If so, provide wording for cross-referencing between the two certified documents.</p>
Q3.11.7.2	All Parties	<p>Adequacy of updated Outline CTMP</p> <p>All parties comment on and highlight any pending concerns with the updated Outline CTMP [REP4-011], giving due regards to the Applicant's summary table detailing how comments received to date from IPs and particularly LHAs have been addressed or considered [REP4-037, WQ2.11.7.2].</p>
Q3.11.7.3	Applicant	<p>Future customer consultation and stakeholder engagement regarding the Construction Traffic Management Plan</p> <p>The ExA notes reference to a Customer Plan and the Stakeholder Engagement and Communications Plan has been removed from the updated Outline CTMP [APP-244, Paragraph 3.15.2]. Where are the commitments previously contained in 3.15 located? Or if this detail has been removed all together, how would the Applicant engage with customers and stakeholders in shaping future versions of the CTMP in the event that consent is granted?</p>
Q3.11.7.4	Applicant Local Authorities	<p>Local impacts of construction traffic</p> <p>Notwithstanding the Applicant's response to ISH5 Action Point 11 [REP6-031], the ExA is concerned that there is a lack adequate evidence before it in relation to the likely</p>

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		<p>construction traffic effects of the Proposed Development, particularly with regard to likely HGV movements in, or near, residential areas. At ISH5 [EV-071], the ExA requested that the construction traffic restriction maps contained in the Outline CTMP [REP4-011] be annotated to give an indication of potential HGV movements, ideally by construction phase, providing an indication of a range if there was uncertainty. However, this was rejected by the Applicant. The ExA note that the Applicant does not consider impacts associated with construction traffic would be significant following mitigation [REP6-41, Paragraph 1.9.6] based upon the findings of the strategic traffic model.</p> <ul style="list-style-type: none"> a) How does the strategic traffic model provide a reliable picture of likely construction traffic movements in the absence of such data being available to the ExA? b) Applicant, provide the HGV data referred to for each site compound or signpost to where in the Examination this information has been presented. c) Applicant, for clarity what mitigation measures described in the Schedule of Mitigation [APP-235] relate to HGV construction traffic? How has the effectiveness of the mitigation been assessed in the absence of HGV numbers?
Q3.11.7.5	Applicant Local Highway Authorities	<p>Monitoring of traffic re-routing during construction</p> <p>The ExA are unconvinced that there is currently a robust mechanism or methodology agreed between the Applicant and LHAs to effectively monitor and manage the impact of traffic re-routing on to the local network during the construction phases of the Proposed Development.</p> <ul style="list-style-type: none"> a) Do the Applicant and LHAs agree that such an approach is necessary, for the purposes of effective traffic management during construction phases, beyond any existing arrangements for collaboration? Explain with reasoning. b) The Applicant is asked to respond to the proposed Requirement of the LHAs [REP6-074] relating to a construction phase monitor and manage scheme. c) It would appear that LHAs consider the full costs associated with the requested monitor and manage scheme should be met in full by the Applicant. How is this justified given your own statutory duties to manage the expeditious movement of traffic on the local network? d) Are LHAs aware of similar Requirements being included in other made DCO road schemes such as the recently constructed A14 Cambridge to Huntingdon Improvement

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		<p>Scheme? How is it justified in relation to the Proposed Development? Applicant to respond.</p> <p>e) LHAs, what would be the trigger point(s) of such a Requirement?</p> <p>(See related questions to <i>Operational phase monitoring and evaluation</i>)</p>
Q3.12. Historic Environment		
Q3.12.1 Methodology		
		No further questions at this stage.
Q3.12.2 Brook Cottages		
Q3.12.2.1	Historic England Bedford Borough Council	<p>Written summary of oral representation at ISH4</p> <p>HistE and BBC, submit a written summary of your oral representation for ISH 4 agenda item 6 [EV-055], referring to transcript [EV-066] and recording [EV-061].</p>
Q3.12.2.2	Applicant Historic England Bedford Borough Council	<p>Survey of Brook Cottages</p> <p>a) Applicant, provide the results for the first stage Survey for anthrax and asbestos [EV-061] [REP6-036] and its implication (if they can be determined) in the relocation proposal for Brook Cottages. HistE may comment.</p> <p>b) At ISH4 [EV-061] there was a discussion regarding the methodology, practicalities and the value of relocating Brook Cottages. Submit a joint position statement between Applicant, HistE and BBC, on matters including but not limited to:</p> <ul style="list-style-type: none"> • methodology of the survey; • the methodology and practicalities around the demolition and relocation of Brook Cottages; • views on what would be a suitable relocation venue, shortlist of specific locations and progress on any conversations; • the value of the relocation, including in terms of the assessment and significance of effects in the ES; • wording for Requirement 16 of the dDCO [REP6-003] concerning the demolition and potential reconstruction of Grade II listed Brook Cottages, including greater clarity

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		<p>in terms of specific and detailed reasons that would prevent reconstruction and timescale and mechanism for demolition and reconstruction, if considered appropriate.</p>
<p>Q3.12.2.3</p>	<p>Applicant Historic England Bedford Borough Council</p>	<p>Black Cat Junction Options</p> <p>a) Applicant, in the Black Cat Options overview report [REP4-032, Appendix C, row 19], the RAG table assumptions relating to “<i>Sites of Archaeological importance / listed buildings disturbed by option</i>” are medium or low. Explain how the ExA can have confidence in this approach given that despite these assumptions, the Proposed Development requires the demolition of a Grade II listed building? HistE and BBC may comment.</p> <p>b) Applicant, evidence what specific heritage expertise was used to inform the sifting and selection process? Provide evidence. HistE and BBC may comment.</p> <p>c) Explain how Option C became the preferred Option at PRA stage, despite Option A scoring significantly better in terms of Environmental effects (Cultural Heritage) [APP-072 Table 3-2]; better in terms of BCR [REP4-033, Table 10.2]; and the same in terms of addressing the identified problems, meeting the scheme objectives, deliverability, feasibility, traffic benefits, road safety and effects on NMUs [REP4-033 Table 10.2]. BBC may comment.</p> <p>d) Applicant, why was Option A not reconsidered at this stage, in light of its performance against Option C [REP4-033 Table 10.2]? Is there any evidence to show that it was impractical to amend Option A to avoid the demolition of Brook Cottages? BBC may comment.</p> <p>e) Please explain the reason for rejecting Option Orange C+, which did not require the demolition of Brook Cottages, which had the highest BCR of any of the Route / Junction options [REP6-040, Table 2-3] and which had a comparable effect on Road Safety and Traffic Benefits [REP4-033 Table 10.2] to the other options assessed at this stage? BBC may comment.</p> <p>f) Given the that the Proposed Development has numerous departures from DMRB standards within the vicinity of the Black Cat Junction and Brook Cottages [REP6-045] why were departures from standard associated with Option C+ considered so adverse?</p> <p>g) HistE, with reference to your comments at ISH3 [EV-045] and your response to the ExA’s WQ2s [REP4-069 Q2.12.2.1] would you like to elaborate on your position in the</p>

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		SOCG regarding the (exceptional) justification for the demolition of Brook Cottages [REP6-016].
Q3.12.3 Milestone and Mileposts		
		No further questions at this stage.
Q3.12.4 Archaeological Remains		
		No further questions at this stage.
Q3.13. Landscape and Visual Effects		
Q3.13.1 General		
		No further questions at this stage.
Q3.13.2 Visual Impact		
		No further questions at this stage.
Q3.13.3 First Iteration EMP and Landscape and Ecology Management Plan		
		(See related question in <i>Construction Methods and Effects</i>)
Q3.14. Land use including open space and green infrastructure		
Q3.14.1 Geology and Soils		
Q3.14.1.1	NFU Natural England Local Authorities	Surveys a) Are you satisfied with the Applicant's Agricultural Technical Note on Soils and Agricultural Land []? b) Do you have any outstanding concerns in this regard?
Q3.14.2 Cumulative effects		
		No further questions at this stage.

Q3.15. Need for Development and Consideration of Alternatives		
Q3.15.1 Need for the development		
		No further questions at this stage.
Q3.15.2 Business case		
		No further questions at this stage.
Q3.15.3 Cost benefit analysis		
		No further questions at this stage.
Q3.15.4 Alternative modal solutions		
		No further questions at this stage.
Q3.16. Noise and Vibration		
Q3.16.1 Construction and Operational effects on sensitive receptors		
		No further questions at this stage.
Q3.16.2 Proposed mitigation, management and monitoring		
Q3.16.2.1	Applicant All Parties	<p>Operational noise monitoring</p> <p>The Applicant has previously explained that no operational noise monitoring is proposed following the construction of the Proposed Development other than to ensure that 'measures' were installed as required [APP-080, Paragraph 11.10.2] [EV-072].</p> <p>a) Is this typical of other made DCOs for road schemes?</p> <p>b) Do IPs agree with this approach? If not, explain with reasons.</p> <p>c) Applicant, how would you deal with any unanticipated noise effects during operation, particularly for residential receptors such as at R16, R17 and R18 [REP6-018], Little Barford as well as receptors around the Potton Road Junction and Cambridge Road Junction[REP6-020]?</p>

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	Applicant	<p>Low noise surfacing</p> <p>As discussed at ISH5 [EV-072], can the Applicant confirm that the intended low noise surfacing referred to in the Schedule of Mitigation [APP-235, Table 7] will be maintained as such in future?</p>
Q3.17. Significant Cumulative Effects		
Q3.17.1 Approach to assessment		
		No further questions at this stage.
Q3.17.2 Assessment of cumulative effects		
		No further questions at this stage.
Q3.17.3 Assessment of combined effects		
		No further questions at this stage.
Q3.17.4 East West Rail		
Q3.17.4.1	East West Rail Company Limited Applicant	<p>East West Rail</p> <p>At ISH5 [EV-070] EWR explained that potential design changes to the Proposed Development would largely be limited to LHA side roads linking to the Proposed Development. However, EWR state in the post hearing note [REP6-094] that the exception to this would likely be at Black Cat Roundabout. Explain how the EWR Route Alignments 1, 2 and 6 would likely affect the intended layout or function of the proposed Black Cat junction.</p> <p>(See related questions in <i>Protective Provisions</i>.)</p>
Q3.18. Socio-economic effects		
Q3.18.1 Methodology		
		No further questions at this stage.

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Q3.18.2 Local and national economic activity and employment		
		No further questions at this stage.
Q3.19. Water quality and resources		
Q3.19.1 General		
		No further questions at this stage.