

A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 9

9.93 Applicant's Comments on Deadline 6 Submissions

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Rule 8 (1)(k)

Infrastructure Planning (Examination Procedure) Rules 2010

January 2022

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010****A428 Black Cat to Caxton Gibbet
improvements
Development Consent Order 202[]**

9.93 Applicant's Comments on Deadline 6 Submissions

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1 Introduction

- 1.1.1 The Development Consent Order (DCO) application for the A428 Black Cat to Caxton Gibbet improvements scheme (the Scheme) was submitted by National Highways (the Applicant) to the Secretary of State for Transport via the Planning Inspectorate on 26 February 2021 and accepted for Examination on 23 March 2021.
- 1.1.2 The purpose of this document is to set out the Applicant's comments on submissions made by Interested Parties at Deadline 6 of the Examination.
- 1.1.3 The following representations submitted at Deadline 6 are addressed in this document:
- a. REP6-054 – Bedford Borough Council
 - b. REP6-057 – Cambridgeshire county Council, Huntingdonshire District Council, South Cambridgeshire District Council (Cambridgeshire Authorities)
 - c. REP6-058 – Cambridgeshire Authorities
 - d. REP6-060 – Cambridgeshire Authorities
 - e. REP6-061 – Cambridgeshire Authorities
 - f. REP6-069 – Cambridgeshire Authorities
 - g. REP6-071 – Cambridgeshire Authorities
 - h. REP6-074 – Cambridgeshire Authorities
 - i. REP6-091 – Central Bedfordshire Council
 - j. REP6-092 – Davison & Company
 - k. REP6-093 – Davison & Company
 - l. REP6-094 – East West Rail
 - m. REP6-095 – East West Rail
 - n. REP6-096 – Veale Wasborough on behalf of Exolum
 - o. REP6-097 – Hilton Parish Council
 - p. REP6-098 – National Farmers Union
 - q. REP6-104 – Deloitte on behalf of the Church Commissioners for England
 - r. REP6-134 – Transport Action Network

2 Applicant's Comments on Deadline 6 Submissions from Interested Parties

REP6-054 – Bedford Borough Council

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| REP6-054a | <p>The Applicant has not inspected or valued BBC's land, or taken any steps to do so. Nevertheless we understand the Applicant has very recently made it a condition of entering into an agreement that land values must first be agreed. This is likely to put landowners in a materially worse position than compared to proceeding by compulsory purchase, as it means values will be fixed well in advance of the Applicant taking ownership and in advance of powers being granted. It is for the ExA to conclude if such an approach comprises reasonable endeavours to reach agreement and to use compulsory purchase as a last resort.</p> <p>Notwithstanding this Bedford Borough Council's ('BBC') principal concerns relate to its land at Black at Roundabout that will be retained. Specifically:</p> <ol style="list-style-type: none"> 1. To retain as much land as possible, specifically flood mitigation land which in BBC's view could be returned to BBC following scheme works. 2. Securing a right of way to plots landlocked by the scheme. 3. Preserving the potential of retained land at plot 1/8q (Temporary Possession as a construction compound) for a sustainable employment development. BBC are seeking engagement with the Applicant to provide assurances that the Scheme will not fetter or preclude such a development through changes to the road network |
| Applicant's comments | <ol style="list-style-type: none"> 1. A final response in relation to the need for the Applicant to permanently acquire land for flood compensation purposes was given to Q2.5.3.6 in the Applicant's comments on other parties' responses to second round of written questions [REP5-015]. 2. The Applicant has proposed access routes to the landlocked plots and awaits the Council's response. 3. The proposed scheme does not preclude or diminish the development potential of this land. It may in fact improve the potential and value of the land. However, the precise nature of the intended development is at this stage undefined and cannot be guaranteed with or without the scheme. The Applicant has repeatedly informed BBC of the required steps to undertake development in proximity to the SRN and remains committed to working with BBC when these steps have been taken. |

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| | <p>With regard to sums paid under option agreements, the Applicant has previously received an indication through email that BBC would accept a 10% enhancement on land values. This was declined. As a public body the applicant cannot commit to sums beyond current market value because it is bound by the compensation code. However, BBC would also be entitled to receive loss payments in accordance with the code even with acquisition by agreement. Matters of valuation are not for the Secretary of State to assess.</p> <p>The Applicant has sought to agree acquisition of the subject land by agreement in line with the Compulsory Purchase Code. The valuation date as set out in Section 5A of the Lands Compensation Act 1961 is the earliest of the date of agreement, entry, vesting, or determination by a tribunal. The Applicant has offered an Option Agreement whereby the method of acquisition is a General Vesting Declaration. This would allow the Landowner to leave agreement of land values in abeyance and allow reference to the Upper Tribunal Lands Chamber if agreement cannot be reached, whilst still allowing other terms to be agreed and set out in the Option Agreement.</p> <p>The Applicant is not able to leave agreement of land values in abeyance as the conveyance of the land cannot be completed until the purchase price has been agreed and paid. This would lead to delays in delivering the scheme.</p> <p>The Applicant is still awaiting an assessment of value from the Landowner to allow discussions to begin.</p> |

REP6-057 – Cambridgeshire County Council, Huntingdonshire District Council and South Cambridgeshire District Council

Comments on the other parties' D5 Submissions

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| REP6-057a | <p>Borrow Pits – 3.3 & 3.6</p> <p>The submission of Church Commissioners for England (CCE) is noted. The Council wishes to highlight the purpose of Policy 19 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan, that being seeking to ensure land used for borrow pits is restored to the same or preferably better environmental condition to which it was prior to extraction. As set out in the Policy, where it is determined that restoring the land to agricultural use is the most suitable option (in whole or part), then the land must be restored to the same or better agricultural land quality as it was pre-development. The Council, therefore, supports CCE's submission for a requirement to that effect.</p> <p>This is not inconsistent with seeking biodiversity gain from borrow pit restoration and The Councils' view is that both are achievable.</p> |
| Applicant's comments | <p>The Applicant would like to clarify that the Church Commissioners for England (CCfE), in their Deadline 6 representation [REP6-104], noted and accepted that it may not be possible to restore land to the same Agricultural Land Classification as it was prior to the works being undertaken. They also stated that the critical issue for CCfE is to have a detailed works and restoration plan worked up in due course that aligns with the DCO requirements. Any reduction in land productivity can be addressed through compensation and the appropriate restoration scheme.</p> <p>Restoration details for the borrow pits are contained within Revision 2 of the First Iteration Environmental Management Plan, submitted to the Examination at Deadline 6, [REP6-008], Annex R, which explains (page R-4) that a phasing schedule for the working and restoration of the borrow pits will be included in the Second Iteration Environmental Management Plan (SIEMP). The SIEMP (as well as the third iteration EMP) are secured through Requirements 3 and 4 of the draft DCO [REP6-003].</p> |

REP6-058 – Cambridgeshire County Council, Huntingdonshire District Council and South Cambridgeshire District Council

Comments on the Applicant's D5 submissions

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| 9.54 Barbastelle Bar Surveys and Mitigation Technical Note (Rev 2) | |
| REP6-058a | <p>Pillar Plantation – hibernation surveys – 3.1.20</p> <p>The Councils are concerned that the applicant has been unable to survey Pillar Plantation for bat hibernation (as agreed with Natural England) and therefore there will be no evidence to inform the affect of the road scheme on hibernation roosts in this location. If access cannot be obtained, a precautionary principle must be adopted and assumption of usage of the site by hibernating Barbastelles.</p> <p>Any outstanding survey work must be incorporated into Biodiversity Pre-Commencement Plan and inform the constraints plan (paragraph 1.2.4 [APP-239]).</p> |
| Applicant's comments | <p>Following a delay in gaining access to Pillar Plantation, the Applicant has been able to undertake bat hibernation surveys within Pillar Plantation in accordance with the survey scope agreed with Natural England.</p> <p>The results of these surveys have been reported in the Barbastelle Bat Surveys and Mitigation Technical Note [TR010044/EXAM/9.54v4] submitted at Deadline 8.</p> <p>The Applicant confirms that pre-commencement bats surveys will be undertaken in accordance with the measures set out within the Biodiversity Pre-Commencement Plan [TR010044/EXAM/6.13v2] submitted at Deadline 8.</p> |
| REP6-058b | <p>Bat crossing surveys – 3.2.6</p> <p>Until further information and assessment is submitted at Deadline 6, it is not possible for the Councils to determine the appropriateness of the proposed bat mitigation</p> |
| Applicant's comments | <p>The Applicant notes this comment from the Cambridgeshire Authorities.</p> |
| REP6-058c | <p>Final Assessment – 3.2.11</p> |

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| | <p>The Councils are concerned that the final assessment will be reported at Deadline 7. This gives very little time to undertake discussions or make alterations to the design, should the findings suggest the proposed bat mitigation is not adequate.</p> |
| Applicant's comments | <p>The bat surveys agreed with Natural England were completed by the end of in December 2021 and, following analysis of the findings, the Applicant has compiled further evidence to demonstrate that the Scheme will not result in likely significant effects on Barbastelle (<i>Barbastella barbastellus</i>), the qualifying feature of the Eversden and Wimpole Woods SAC.</p> <p>Survey results are included in the updated 9.54d Barbastelle Bat Surveys and Mitigation Technical Note (Rev 4) submitted at Deadline 8 [TR010044/EXAM/9.54v4].</p> <p>The Applicant has accordingly submitted a the Habitats Regulations Assessment: Report to Inform Appropriate Assessment [TR010044/EXAM/9.99] at Deadline 8 which confirms that the Scheme will have no adverse effect on the integrity of Eversden and Wimpole Woods SAC either alone or in-combination with other plans and projects..</p> |
| REP6-058d | <p>Natural England's position – 4</p> <p>The Councils support Natural England comments requiring further information and justification for the design and location of the bat mitigation structures proposed within Cambridgeshire.</p> |
| Applicant's comments | <p>The Applicant notes this comment and a meeting with Natural England and the Cambridgeshire and Bedfordshire councils was held on 7 January 2022 to discuss further. The meeting covered a review of the basis for proposed bat underpasses; the stages in the assessment and decision-making process; the crossing point structures within the Scheme; and the acceptability of underpasses at crossing points. The Applicant took away actions to provide further rational for scoping out crossing point locations and points to consider at detailed design.</p> |
| REP6-058e | <p>Appendix B – Bat mitigation summary note – Pages 30, 33-35</p> <p>Until further information and assessment is submitted at Deadline 6, it is not possible for the Councils to determine the appropriateness of the proposed bat mitigation.</p> |
| Applicant's comments | <p>The Applicant notes this comment from the Cambridgeshire Authorities.</p> |

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| 9.58 Aquatic Habitats Surveys 2021 Technical Note | |
| REP6-058f | <p>Adequacy of survey work/ES assessment for Aquatic Habitats, Fish and Aquatic Habitats, Fish and Aquatic Invertebrates – 6.1.7</p> <p>The Councils welcome the findings of the 2021 survey work, which confirms the watercourses and ponds identified as dry in 2018 are considered to be permanently dry. This addresses our previous concerns with regards to the adequacy of survey work/assessment of aquatic habitats, fish and aquatic invertebrates. The Councils consider the assessment set out Chapter 8, Biodiversity [APP-077] of the Environmental Statement to be appropriate</p> |
| Applicant's comments | The Applicant notes this comment from the Cambridgeshire Authorities. |
| 9.59 Barn Owl Survey Update Technical Note | |
| REP6-058g | <p>Barn Owl nest (new) – 1.1.3</p> <p>The Councils note that a new active Barn Owl nest was identified in 2021. The location of the new nest is confidential and not provided within the document. Therefore, it is not possible to determine whether the Applicant's conclusion that the nest will not be impacted by the scheme is accurate. The Councils request bilateral discussions with the Applicant in relation to this matter.</p> |
| Applicant's comments | <p>Paragraph 10.3 of Planning Inspectorate Advice Note Six makes clear that "information about the presence and location of rare or sensitive species where disturbance, damage, persecution or commercial exploitation may result from publication of the information" can be kept confidential and should not be released into the public domain. However, given the Cambridgeshire Authorities status as local authorities in the Examination, the Applicant is content to send the findings of the recent survey on an updated confidential location figure direct to relevant officers outside of the Examination process to enable the joint authorities to confirm whether they accept the Applicant's position that the nest will not be impacted by the Scheme.</p> |

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| 9.60 Updated Bat Surveys 2021 Technical Note | |
| REP6-058h | <p>Transect 10, Spot Count Point SP1 (no bat mitigation) – Page 6 & 7 – Figure 4, page 37 & 38</p> <p>The results of the transect 10 survey identify a number of bat passes (Common Pipistrelle and Soprano Pipistrelle) at Spot Count Point SP1 during 12 August 2021 and 09 September 2021. The results demonstrate a bat commuting route along the east-west hedge, that will be severed by the proposal.</p> <p>The Councils are concerned that sheet 5 of the Environmental Master Plan [REP4-047] does not include any bat mitigation measures to avoid impact as a result of severance of the bat flight path. The lack of bat mitigation at this point has the potential to result in injury and killing of bats, as well as affecting access to established foraging/commuting routes and therefore has the potential to affect the local bat population. The Councils seek justification from National Highways as to why no bat mitigation measures have been proposed for this location.</p> |
| Applicant's comments | <p>There was a similar pattern in 2021 to previous transect data from 2018 with two common species of bat observed foraging here, mainly around some trees and woodland to the west of the transect rather than using the transect line and section of hedge as a commuting feature. Whilst bats may commute across this feature as along many other hedges, tracks, ditches and field margins, there is no crossing point structure proposed at this location, as the focus for the provision of bat crossing structures are on features with higher numbers of bats and a wider range of species. It is not feasible to provide suitable crossing point structures on every hedge or other feature used by bats. There will however be significant woodland habitat planting down to the Top Farm Bridge linking in with retained hedges and fencing to help guide bats across the Scheme here (500m to the south) and also further south to use the Bat Tunnel to cross. See planting and fencing layout in the Environmental Masterplan [REP6-006] with description of new habitats and mitigation in the First Iteration Environmental Management Plan [REP6-008].</p> |
| REP6-058i | <p>Transect 12 – Gallows Brook – Page 10-12 of Figure 4</p> <p>The results of Transect 12 show Gallow Brook (running of the southern side of the A428, running parallel to the proposed road) is a key foraging/commuting route for bats.</p> <p>The alignment of the proposed Toseland overpass will go over Gallows Brook. However, no bat mitigation is proposed on mitigation on sheet 11 of the Environmental Master Plan [REP4-047] to ensure there will be no adverse effect to this key commuting/foraging route for bats.</p> |

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| | <p>The Councils seek further information from National Highways to demonstrate how the existing bat flight path along Gallow Brook has been preserved at part of the design of the Toseland Overbridge.</p> |
| Applicant's comments | <p>Passage and foraging along Gallow Brook will be maintained for bats underneath Toseland Bridge. Space under the bridge will allow good permeability for bat movements east and west on both sides, particularly along the south side (approximately 45m wide and 5.3m high) to adjacent woodland, grassland and wetland. There are new hedges north and south of Toseland Bridge and substantial areas of new woodland, grassland habitat either side and an attenuation basin, all of which will provide foraging habitat.</p> |
| REP6-058j | <p>Transect 12 – Static Location S5 (north-south hedge) – Table 6, Page 70</p> <p>Static Location S5 recorded moderate bat activity in July and September 2021, indicating that the north-south hedge is a key bat commuting corridor for the local bat population.</p> <p>The alignment of the proposed A428 will result in the severance of this north-south hedge. No mitigation is proposed upon sheet 11 of the Environmental Master Plan [REP4-047] to mitigate the effect on this bat commuting/foraging route.</p> <p>Given the evidence provided, the Councils consider that bat mitigation measures are required at this location to avoid adverse effects on the local bat population. The Councils seek justification from National Highways as to why a bat crossing has not been proposed at this location.</p> |
| Applicant's comments | <p>Activity transects and static detector results in 2021 confirmed similar species assemblages and numbers of passes to those found in 2018, (with relatively higher activity at Static Location 2 on Transect 9 as described in the report).</p> <p>The level of activity on this transect in 2018 did warrant further investigation at this habitat feature and therefore crossing point surveys were undertaken here in 2019, and repeated in autumn 2021 (specifically for Barbastelle). At this location (BCP7) in 2019 there was a mean of 12.8 passes per survey (each of 1 hour duration) associated with the hedge. Common Pipistrelle was the dominant species recorded, accounting for 48% of the passes, with Soprano Pipistrelle 23%, Brown Long-eared bat 17% and a lower number of passes of Noctule (2%), Barbastelle (<1%), Myotis species (<1%) and unidentified bats (5%). There was very low activity in the autumn of 2021 at BCP7 with a mean of 5.33 passes and very low activity on the static detector (a maximum of 1.8 passes per hour).</p> <p>As a comparison, the habitat features where the two main crossing point structures are proposed over the River Great Ouse (BCP1) and an east-west hedge (BCP2) linking to ancient woodland in the west to woodland to the east had a mean of 27.3 and 51.5 passes respectively per survey, significantly higher than BCP7 with 12.8 passes. BCP1 and 2 had similar species assemblages, but with higher numbers of rarer species such as Daubenton's and Barbastelle.</p> |

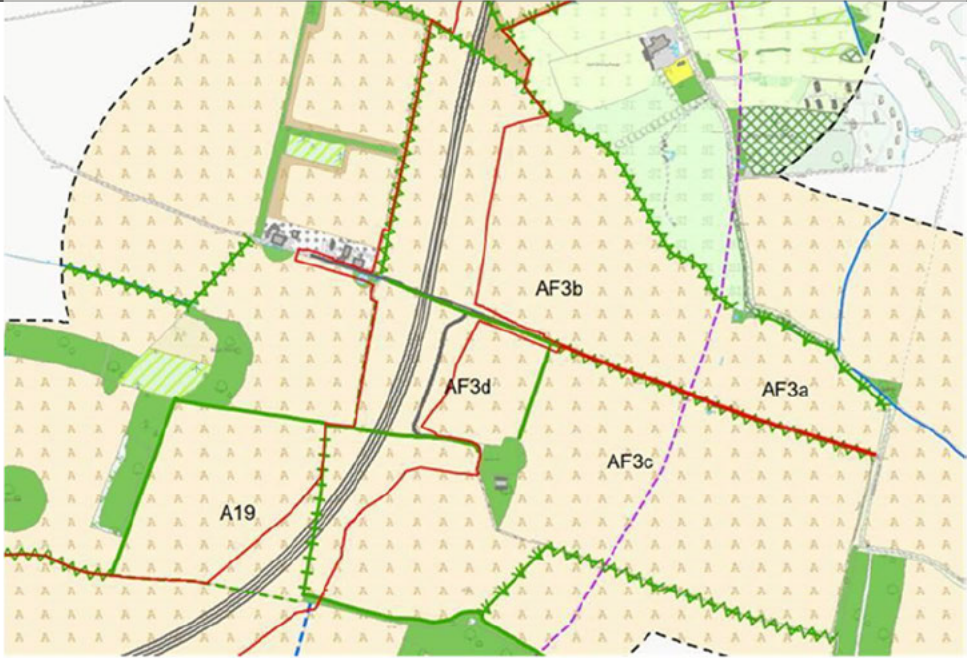
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| | <p>A description of the habitat features and rationale for the provision of mitigation structures is provided in Appendix C of the Barbastelle Bat Surveys and Mitigation Technical Note [TR010044/EXAM9.54v4] submitted at Deadline 8. This includes a description of two main structures over the River Great Ouse at BCP1 and a bat tunnel at BCP2, three additional crossing structures and a list of other structures that will facilitate the movement of bats, along with the legacy A428 which will remain as a strong corridor for bat movement but without the traffic numbers that it experiences at present. Bats will be able to move east-west benefiting from foraging along the Scheme. This will reduce the need for bats to cross the Scheme.</p> |
| <p>9.61 Great Crested Newt Survey Update Technical Note</p> | |
| <p>REP6-058k</p> | <p>Pre-commencement GCN surveys – 5.1.1</p> <p>The Councils note that ponds will be resurveyed in the survey season prior to the start of construction to inform either a District Level Licence for Great Crested Newt or an EPS licence.</p> <p>The Councils continue to be concerned that the requirement for pre-commencement Great Crested Newt surveys have not been included within the Biodiversity Commencement Plan [APP-239], as set out in our response to WQ1 [REP1-051] Q1.3.5.1.c. It is therefore not possible to determine whether adequate survey work for Great Crested Newt will be delivered as part of the scheme.</p> |
| <p>Applicant's comments</p> | <p>The requirement for pre-commencement surveys for Great Crested Newt has been included in the revised Biodiversity Pre-commencement Plan [TR0010044/APP/6.13v2] submitted at Deadline 8. Furthermore, surveys will be required to inform a Protect Species Licence application prior to commencement, which is also included in the Biodiversity Pre-commencement Plan [TR0010044/APP/6.13v2]. It is also confirmed in the Letter of No Impediment on the draft mitigation licence application for Great Crested Newt received from Natural England on 13 January 2022. In a meeting with Natural England on 12 January 2022 the Applicant confirmed that the details requested for the formal submission of the Method Statement would be provided, including an updated amphibian survey</p> |

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| REP6-058I | <p>Pond 37 – 7.2.1 & 7.2.3</p> <p>Pond 37 is one of two ponds that will be lost in Cambridgeshire as a result of the proposed development.</p> <p>The status of Pond 37 remains inconclusive, because eDNA were taken outside of the optimal survey season. The Councils support National Highways approach that the presence of GCN continues to be assumed on a precautionary basis.</p> <p>National Highways confirms that <i>“further updating surveys will be carried out prior to the start of construction of the Scheme”</i>, however, they have not been included within the Biodiversity Pre-Commencement Plan [APP-239]. The Councils are therefore concerned that National Highways have not clearly demonstrated that an adequate level of survey work will be completed prior to commencement of works.</p> <p>In addition, the Environmental Master Plan [REP4-047] and First Iteration EMP [APP-234] does not include any new Great Crested Newt breeding ponds to off-set the loss of a GCN breeding pond within Cambridgeshire. The Councils are concerned that the un-mitigated loss of the breeding pond will result in adverse impact on the favourable conservation status of this protected species.</p> <p>The Councils raised concerned with regards to the lack of mitigation for loss of breeding ponds within our response to questions WQ1 [REP1-051], Q1.13.3.1d. This has not been addressed.</p> |
| Applicant's comments | <p>As stated in the latest version of the Statement of Common Ground with the Cambridgeshire Authorities submitted at Deadline 6 [REP6-020], Pond 37 will not be lost due to the Scheme as it is outside the Order limits of the Scheme. Mitigation has now been proposed in that area as part of a draft European Protected Species Licence application which was submitted to Natural England on 26 November 2021. A Letter of No Impediment was issued to the Applicant in response on 13th January 2022.</p> <p>Terrestrial habitat near Pond 37 will be lost during construction, most of which is arable. Access to semi-natural habitat to the east will remain unaffected. Mitigation measures will be carried out under a protected species licence during site clearance to avoid harm to any Great Crested Newts present.</p> <p>After construction, the Scheme would provide more favourable conditions for Great Crested Newt if present because, as shown on the Environmental Master Plan [REP6-006] there would be new grassland, scrub and woodland and the intermittently wet grassland of two attenuation basins, all of which would provide better quality terrestrial habitat for amphibians. In addition, in this area a new pond would be created for Great Crested Newt, separate from the attenuation</p> |

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| | <p>basin. This is shown on the updated Environmental Masterplan submitted at Deadline 6 [REP6-006], which includes three new ponds which will be created for Great Crested Newt. No breeding ponds for Great Crested Newt will be lost.</p> <p>Updating surveys have been included as a requirement in the updated Biodiversity Pre-commencement Plan [TR010044/APP/6.13v2] submitted at Deadline 8.</p> |
| REP6-058m | <p>Pond 84 – 7.3.1</p> <p>Pond 84 is one of two ponds that will be lost in Cambridgeshire as a result of the proposed development.</p> <p>Pond 84 was found to be dry in 2021. We support National Highways conclusion that the pond is unlikely to support any regular breeding by Great Crested Newts. Therefore, this addresses our previous concern with regards to the loss of this ponds for GCNs.</p> |
| Applicant's comments | The Applicant notes this comment from the Cambridgeshire Authorities. |
| 9.63 Updated Terrestrial Habitat Surveys 2021 Technical Note | |
| REP6-058n | <p>Wildlife Trust 2019 survey – 1.1.5 & 5.3.1</p> <p>National Highways refer to the most recent assessment of PRV S8 undertaken by the Wildlife Trust (2019) but have not provided this assessment as evidence to Examination.</p> <p>Cambridgeshire County Council commissions survey work of the Protected Road Verges in Cambridgeshire, with surveys of PRV S8 completed in 2007 and 2012. The Councils are not aware of the 2019 Wildlife Trust survey report and therefore request a copy be submitted to the Examination as evidence.</p> |
| Applicant's comments | <p>The Applicant wishes to clarify that a full survey of Protected Road Verges was not carried out by the Wildlife Trust in 2019 and is not aware of any written report that could be submitted to Examination. To clarify, the incomplete citation in the technical note [REP5-013] was from communication with the road verge warden for the Wildlife Trust, specifically a letter dated 24 July 2019 within a plant list attached from the 2012 survey and photograph of betony from the warden's site visit on 19 July 2019, together with a comment that cowslip and bluebell had been seen on the adjacent ditch bank in spring 2019.</p> |

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| REP6-058o | <p>Protected Road Verge S8 – 5.3.2</p> <p>The survey confirmed the Protected Road Verge is of district/county importance. The Councils seek the First Iteration EMP [APP-234] to be updated to include protection of PRV S8 grassland verge.</p> |
| Applicant's comments | <p>As stated in the latest version of the SOCG with the Cambridgeshire authorities submitted at Deadline 6 [REP6-020], National Highways stands by its assessment made in the Environmental Statement that the road verge will not be impacted by construction and that indirect impacts can be mitigated for through best practice. Protection of PRV S8 has been included in the Biodiversity Pre-commencement Plan submitted at Deadline 8 [TR010044/APP/6.13v2].</p> |
| REP6-058p | <p>Arable Flora – 5.4.1</p> <p>National Highways state that the “details of the flora identified in these parcels [six arable fields] is provided in Appendix B and Appendix E”, however the information in Appendices B and E relates only to grassland, not arable fields.</p> <p>It is therefore not possible to determine the location of the flora, its importance and whether/not is its located within the Order Limits.</p> <p>The Councils seek further details of the flora, including location of the notable species, recorded during the arable field surveys.</p> |
| Applicant's comments | <p>The importance of the arable flora was assessed by the usual method as described in the Updated Terrestrial Habitat Surveys 2021 Technical Note [REP5-013], leading to the rating of fields AFb and AFc (see figure below) as District important on the basis of the assemblage. Dwarf spurge (<i>Euphorbia exigua</i>) (score 7) at TL 19723 56173 in AF3b and slender tare (<i>Ervum gracile</i>) (score 7) at TL 19742 56150 in AF3c are the only species for which individual locations were recorded during the survey. This only represents records at the time of survey. Because the arable flora is comprised of annual plants the distribution changes from year to year in the field in response to climatic conditions, the crop in the field and its management. The arable flora generally only survives on bare ground in the less intensively managed crop margin (field headland) because herbicide treatments on the main area of crop lead to loss of the annual plants. The spread of seeds by wind and cultivation mean it is likely that the two species above, and other species reported in the survey occur in other parts of the field margins.</p> <p>Where the field margin is lost during construction the arable flora will be temporarily affected, as stated in Chapter 8, Biodiversity [APP-077] of the Environmental Statement. Whilst the Scheme would sever AF3b the remaining part of the field would be outside Order Limits, except for the existing access track on the south side. This means that there would be a new arable field margin adjacent to the Scheme. Assuming that the existing arable management continues,</p> |

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| | <p>conditions in the new margin would be suitable for the arable flora and seeds would germinate from the existing soil seedbank and by colonisation from the unaffected margins of the field. Similarly, a corner of A19 would be lost to the Scheme, but again there would be a new arable margin where soils will be unaffected and can also be expected to develop arable flora. Field A19 shows the year to year variability because more species were recorded in that field in 2019 than in 2021.</p> <p>Arable flora typically benefit from temporary areas of bare or sparsely vegetated soil during the construction of schemes, as these are species that require disturbed ground. An example of this is during the construction of the A5/M1 Link in Bedfordshire, where scarce arable flora from calcareous clay arable developed on top soil mounds, various areas of disturbed ground, including recently sown grassland and on an exposed chalk cutting.</p> <p>The opportunities for arable flora are limited within the Scheme post-construction because the species do not persist in permanent grassland with a closed sward, nor in woodland. Even so, the potential for arable flora to grow and seed during the construction of the Scheme would compensate for any temporary reduction in the soil seedbank due to loss of parts of the field margins in fields rated as District important for arable flora. The update survey does not change the findings or conclusions of the biodiversity assessment presented within Chapter 8, Biodiversity of the Environmental Statement [APP-077] which reports a Slight effect on arable flora for the Scheme as a whole.</p> <p>In recognition of the opportunities for biodiversity from temporary habitats during the construction period the First Iteration Environmental Management Plan Annex D will be revised and submitted at Deadline 9. <u>This will</u> include the creation and management of temporary habitats during the construction period as part of the soil management strategy. This will include a mitigation strategy for scarce arable flora.</p> |

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| |  <p>The map displays a rural landscape with several agricultural fields. A prominent red line boundary runs across the fields. Fields AF3a, AF3b, AF3c, and AF3d are outlined in green. The A19 road is shown as a grey line with white markings. The background is a light brown color with a pattern of small 'A' characters, likely representing arable land. There are also some green areas and a blue line representing a water feature.</p> |
| REP6-058q | <p>Arable Flora – fields AF3a, AF3b – 5.4.3-5.4.5</p> <p>Fields AF3a, AF3b and AF3c support notable arable plants. No evidence has been provided to determine that the plants are located outside of the Order Limits. Therefore the Councils seek a plan showing the location of these plants and how this relates to the red line boundary. If the plants are located within the redline boundary, the First Iteration EMP [APP-234] should be updated to include arable field margin mitigation strategy.</p> |
| Applicant's comments | <p>Arable flora is addressed in the response to REP6-058p.</p> |

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| REP6-058r | <p>Arable Flora – field A19 – 5.4.7</p> <p>Field A19 supports notable arable plants. No evidence has been provided to demonstrate that the plants are located outside of the Order Limit. Therefore the Councils seek a plan showing the location of these plants and how this relates to the red line boundary. If the plants are located within the redline boundary, the First Iteration EMP [APP-234] should be updated to include arable field margin mitigation strategy.</p> |
| Applicant's comments | Arable flora is addressed in the response to REP6-058p. |
| REP6-058s | <p>Condition Assessment for biodiversity net gain – 5.5.1</p> <p>It is unclear how the condition assessment will affect the values used in the Biodiversity Net Gain metrics and consequently the BNG losses/gains. Therefore, the Councils request a revised BNG calculation to take into account the latest survey area.</p> |
| Applicant's comments | <p>A response is provided in <i>The Applicant's comments on Biodiversity Net Gain Technical Note [TR010044/EXAM/9.95]</i> submitted at Deadline 8. The Applicant does not propose to revise the BNG calculation at this stage. A habitat condition survey will be carried out in pre-commencement as stated in the Biodiversity Pre-commencement Plan [TR010044/APP/6.13v2] submitted at Deadline 8 to inform update of the BNG calculation.</p> |
| <p>9.64 Applicant's Comments on submissions made at Deadline 4</p> | |
| <p>REP4-057: Comments on the Applicant's comments on other parties' responses to Examining Authority's First Written Questions (WQ1)</p> | |
| REP6-058t | <p>Climate Change/Decarbonising Transport Q.1.1.1 – REP4-057a</p> <p>The authorities note that the DfT's approach to supporting the roll out of ultra-low emissions vehicles is via the creation of a Rapid Charge Fund. We welcome the reference to the applicant seeking to identify opportunities to create capacity within the electrical supply at both Caxton Gibbet and the Black Cat junction areas to enable the installation of charge points as well as the potential for any charge points installed at the compound at the Back Cat junction to remain after completion of the Scheme.</p> |

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| Applicant's comments | The Applicant notes and welcomes the response received from the Cambridgeshire Authorities. |
| REP6-058u | <p>Climate Change and carbon emissions Q1.4.1.1 – REP4-057c</p> <p>Please refer to the Councils' comments on submission made by the authorities on 9.52 Construction Phase Greenhouse Gas Emissions [REP4-042] in Deadline 5 submission REP5-020.</p> |
| Applicant's comments | The Applicant notes this comment from the Cambridgeshire Authorities. |
| REP6-058v | <p>Borrow Pits Q1.6.2.1 – REP4-057d</p> <p>The Applicant's responses are noted. In respect of Policy 7 and Policy 19, the Councils and the Applicant appear to be of differing views. The Councils propose to pursue this through the Statement of Common Ground. The Councils notes that the Applicant, as stated in ISH5, intends to submit additional material in respect of the borrow pits and the EMP at Deadline 6. The Councils will therefore reserve further comment until that documentation is available for review.</p> <p>The Councils believes that the Applicant may have misinterpreted paragraph 1 of Policy 19 in relation to the requirement to secure a restoration and aftercare scheme, if necessary, by legal agreement. This is normally used to secure restoration and aftercare in instances where it is not possible to do so using planning conditions. This is often in relation to longer term aftercare, or where there are phased schemes or involves land outside the planning permission area. Assuming that the borrow pit is restored as according to the landowners' wishes, i.e. agriculture, we will leave it to their judgement as to the legal agreements to which they wish to have with the Applicant to ensure the land is returned to them in a satisfactory state, in a timely manner. The Councils' position is that a requirement securing borrow pit restoration is necessary to ensure that borrow pits are adequately restored from a public interest perspective, as well as any agreement with landowners to ensure that the restored borrow pits meets the landowner's needs.</p> <p>This comment has also been made below for '9.65 Applicant's comments on other parties' responses to second round of written questions [REP5-015]', and should be read in the context of other comments made by the Councils with regards to biodiversity, elsewhere in this document. Relevant previous submissions include: Written Representations [REP1-048] Section 13; Local Impact Report [REP2-003] Table 10, paragraphs 8.9.3-4 and Appendix A; REP4-057 Q1.6.2.1; and REP4-060 Minerals and Waste REP1-048cn.</p> |

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| Applicant's comments | <p>The Borrow Pit Management Plan (Annex R) forms part of the updated First Environmental Management Plan [REP6-008] submitted at Deadline 6. The Second Iteration Environmental Management Plan, is secured under Requirement 3 of the dDCO and is subject to Secretary of State approval in consultation with a number of bodies, including the Cambridgeshire Authorities. Therefore, it is unnecessary to include an additional requirement because borrow pit restoration is already secured under the dDCO.</p> <p>The Applicant notes the Councils' explanation regarding the use of legal agreements to secure restoration and aftercare schemes. The Applicant also notes their view that a Requirement is needed to secure borrow pit restoration. However, the Applicant maintains its view that borrow pit restoration is already secured within the draft DCO through Requirements 3 and 4 in relation to the Environmental Management Plan.</p> |
| REP6-058w | <p>Article 13(3), dDCO Q1.7.3.4 – REP4-057e</p> <p>The Councils note the assurance provided by the Applicant that the “maintenance obligation of private access tracks will rest with the Applicant or the relevant landowner as the case may be.” The Councils request clarification from the Applicant as to where this assurance will be secured in the dDCO. CCC acknowledges the applicant's agreement to amend article 13(9) to reflect the fact that LHA's should not be responsible for the surface course of new bridges that carry both a public right of way and a private means of access.</p> |
| Applicant's comments | <p>Article 13(9) of the dDCO submitted by the Applicant at Deadline 6 [REP6-003] now reflects that in the case of a bridge constructed under this Order to carry a shared public right of way and private access track over a special road or trunk road, the bridge must be maintained by and at the expense of the Applicant.</p> |
| REP6-058x | <p>Articles 13 and 14, dDCO – certification Q1.7.3.10 and 1.7.3.11 – REP4-057g and REP4-057h</p> <p>The Applicant's assertion that inserting a certification process in the dDCO and in the legal agreement would be “two measures that would secure the same outcome” misunderstands the Councils' position. The Councils acknowledge that the Applicant would be bound by both the Order and the legal agreement, however, the Councils' amendments to the dDCO would ensure that the Order operates in tandem with the more detailed mechanism proposed in the legal agreement to avoid conflict between the terms of the Order and the agreement. In case of a conflict between the two, the Order would take precedence by operation of law. It is therefore key to the Councils that the basis for the Councils' certification of the highways is established in the Order, with the detail to follow in the legal agreement.</p> <p>The Councils also note that, whilst discussions in relation to the legal agreement are ongoing, there remain points at issue between the parties.</p> |

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| Applicant's comments | <p>The Applicant has responded on this point previously in their response to actions arising from Issue Specific Hearing 6 (action point 7) [REP6-033], which was submitted at Deadline 6. In short, this response confirmed that Article 13 requires that the highways constructed, altered or diverted under this power must be completed to the 'reasonable satisfaction' of the local highway authority. Therefore, the local highway cannot be complete until that first test is met i.e. that it has been completed to the reasonable satisfaction of the local highway authority. Only when that test is met could the local highway be considered to be 'complete' and then transferred over to the local highway authority in accordance with Article 13. The Agreement adds the detail around this process so it is not necessary for this detail to be contained in both documents. For the avoidance of doubt, it is noted that no certification process has been sought by the Cambridgeshire authorities with regards Article 14. Article 13 stands independently, as does the Agreement, and so Article 14 is not relevant here.</p> <p>It should be noted that in the case of conflict between the terms of the order and the Agreement, it is not necessarily the case that the terms of the Order would prevail to the exclusion of the Agreement, By way of example, protective provision side agreements are common practice in DCOs and serve to override terms on the face of the Order.</p> |
| REP6-058y | <p>Transport Modelling Q1.11.1 (REP1-051) - REP4-57k</p> <ul style="list-style-type: none"> a) CCC note the approach taken in relation to Cambourne to Cambridge scheme. CCC is concerned that the omission of the Cambourne to Cambridge scheme might impact the benefits of the proposed scheme. b) CCC acknowledge that there have been a number of meetings and workshops between the Applicant and CCC but the focus of most of these meetings was the strategic modelling which has been deemed to be suitable for the assessment of the strategic impacts of the proposed scheme. <p>The main concern for CCC has been about the opportunity to influence the detailed junction modelling, not the strategic model. CCC asked for sight of the detailed junction models in March 2020 and a second request was made in September 2020. The Applicant confirmed that they would be provided for review, however, the models were only supplied for review after the DCO was submitted in March 2021.</p> <p>CCC were therefore unable to influence the data used in the building of the junction models and the approach taken by the Applicant in the generation of the traffic flows used in the junction models, and this is the root cause of the remaining issues CCC had with the local junction modelling, which could have been avoided had meaningful consultation been undertaken earlier in the process. The comments made by CCC have largely been resisted by the Applicant and their consultants with the response that the modelling undertaken was reasonable and proportionate and the Applicant has resisted undertaking any additional work requested by CCC. Further to a meeting between the Applicant and CCC on 29 November, the Applicant has agreed to undertake additional sensitivity tests, although</p> |

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| | <p>there are still outstanding areas that the Applicant are unwilling to test, such as Great North Road and Cambridge Road in St Neots. The result of the additional information provided is that the count data used in the sensitivity testing is deemed to be suitable. However, there is still additional information needed to enable the full details of the junction modelling to be agreed.</p> <p>c) CCC are concerned that the principal scheme junctions will operate with too much spare capacity. In addition, the results reported in the TA and the sensitivity tests for the scheme junctions focus on the speed of traffic through the junctions and whilst this is one aspect of a junction's performance, it is only one consideration and in fact the volume of traffic is a better indication of the performance of a junction and also informs the form that the junction should take and the number of lanes required. This information is not reported in the TA or the sensitivity test report [REP5-018]. CCC were supplied with the models and supporting information by email at 18:06 on Wednesday 24 November 2021. The revised information indicated that the flows used in the sensitivity test are reasonable and form a reasonable basis for the assessment of the scheme. However, the results present in the sensitivity test report [REP5-018] focus solely on the speeds of traffic which is not the key metric for assessing the operation of a junction. Additional information was requested at the meeting on the 29th November and was received by email at 09:30 on Friday 3 December. More analysis is required of this information and therefore our comments will be provided at D8.</p> <p>CCC require confidence in the traffic flows used in the junction assessments as this is fundamental in enabling the design elements to be confirmed for the junctions included in the sensitivity tests [REP5-018]. The traffic flows have been agreed to be reasonable and are therefore agreed. At the meeting on 29 November 2021 the Applicant agreed to undertake additional sensitivity testing with the results of these tests to be submitted at Deadline 6 or 7. More analysis of this information is required once it has been submitted by the Applicant.</p> |
| Applicant's comments | <p>a. The Applicant relies on its response to REP4-057K in the Applicant's Comments on submissions made at Deadline 4 [REP5-014]. The Applicant remains willing to discuss the purpose of a sensitivity test relating to the proposed Cambourne to Cambridge Bus-way and the data requirements required to support a meaningful test. However, given the proximity of the proposed Bus-way from the Scheme, it is considered unlikely that the Bus-way would impact on the benefits of the Scheme.</p> <p>b. The additional sensitivity testing requested on 29 November 2021 has been undertaken. The results were shared with CCC on 22 December and 4 January and are presented in document [TR010044/EXAM/9.105] submitted at Deadline 8. The Applicant maintains that it is neither proportionate nor necessary to assess further local junctions on either Great North Road or Cambridge Road in St Neots for the reasons already set out in documents such as the 'Scope of Junction Model Sensitivity Test' [REP3-029] and 'Consultation Report Appendix W: Response to traffic queries raised by the Joint Response from the Cambridgeshire and Peterborough Local Authorities' [APP-069].</p> |

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| | <p>c. The Applicant notes that the Councils have now received the additional information regarding the performance of the principal Scheme junctions and are in the process of reviewing it.</p> |
| <p>REP6-058z</p> | <p>Methodology, inputs and outputs Q1.11.2 (REP1-051) – REP4-0571</p> <p>a) CCC have provided detailed comments on the sensitivity tests report [REP5-018] undertaken by the Applicant and submitted at Deadline 5. But it is clear that the sensitivity tests do not include all the junctions for which CCC require greater confidence in the traffic flows used. This confidence is required in order to ensure that the design is adequate to enable the smooth operation of the local road network. The Applicant agreed to undertake additional sensitivity testing at the Eltisley Link junction and the Cambourne Junction at the meeting on 29th November 2021 this is due to be submitted at either Deadline 6 and 7. The Applicant also agreed to provide flow checks at the A428/Toseland Road Junction and the Potton Road junction which is due by Deadline 7.</p> <p>b) CCC do not agree with the position taken by the Applicant in relation to the impact of the scheme on Great North and Cambridge Roads in St Neots as both these roads are shown to experience significant growth in traffic volumes as a direct result of the scheme. CCC need confidence that the upstream junctions on these roads can accommodate the proposed levels of traffic as, without this, it is not possible for us to confirm that they can discharge their duty to ensure smooth operation of the local road network.</p> <p>c) In addition, if the upstream junctions are shown not to be able to accommodate the predicted levels of traffic this will impact on the level of rerouting away from St Neots Town Centre which could reduce the real benefits of the scheme as traffic continues to use alternative routes rather than rerouting to use the proposed scheme.</p> <p>d) The Applicant refers to the possibility of monitoring the impacts of the scheme in this area post opening, but the detail of this monitoring is not to be agreed until after the DCO process has been completed. CCC are therefore concerned that areas that need monitoring will not be included and are also concerned about what will be done if the monitoring were to indicate that there were issues as a direct result of the scheme. CCC refers to its submission relating to 'Monitor and Manage' also submitted at Deadline 6.</p> <p>e) If a monitor and manage approach is to be taken in relation to the impacts of the scheme on any areas including Great North Road and Cambridge Road in St Neots then CCC require an assessment to be undertaken, and the mitigation likely to be required to be agreed as part of the DCO to give confidence that if issues are shown then a solution is ready to be implemented.</p> |

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| Applicant's comments | <p>a) Please refer to the Responses to Issues Raised at Issue Specific Hearing 5 [TR010044/EXAM/9.105] which has been submitted at Deadline 8. This document provides submissions in respect of the Eltisley and Cambourne junctions and A428/Toseland Road Junction and the B1046/ Potton Road junction. The majority of these submissions have been shared with CCC in advance of Deadline 8.</p> <p>b) and c) The Applicant maintains that it is neither proportionate nor necessary to assess further local junctions on either Great North Road or Cambridge Road in St Neots for the reasons already set out in documents such as the 'Scope of Junction Model Sensitivity Test' [REP3-029] and 'Consultation Report Appendix W: Response to traffic queries raised by the Joint Response from the Cambridgeshire and Peterborough Local Authorities' [APP-069].</p> <p>d) and e) The Applicant has previously defined the role of post scheme opening monitoring and the scope of the Monitor and Manage approach within the Monitor and Manage technical note submitted at Deadline 6 [REP6-041]. This document also discusses funding options available to LHA's for any required interventions. The Applicant maintains that there is no legal requirement for operational monitoring to be secured within the DCO. Please also refer to the Applicants response to Q3.11.2.1 set out in the Applicant's Response to the Examining Authority's Third Round of Written Questions [TR010044/EXAM/9.97]o</p> |
| REP6-058aa | <p>Cambridgeshire traffic impacts Q1.11.1.4. (REP1-051) – REP4-057m</p> <p>a) The flows used in the VISSIM models were not provided in a form that CCC could verify and there was a very real danger that if CCC undertook to redo this work that different assumptions would be made which could result in different results. Further information has now been provided on the traffic flows used in the junction modelling. The revised traffic flows are deemed to be reasonable for use in the assessment of the local junctions.</p> <p>b) No further comment on this point.</p> <p>c) The Councils commented on the Girton Technical Note [REP4-040] at Deadline 5 [REP5-020], however the model was not supplied to CCC which means that the revised results could not be agreed. This is due to be submitted by the Applicant at Deadline 6.</p> <p>d) No further comment on this point.</p> <p>e) The impact of the Cambourne to Cambridge scheme on the A428 scheme and vice versa is something that the Applicant should be looking to understand as they are going to be closely related and may impact the benefits of the scheme. It is important to note that the A428 scheme is included in the Cambridge Subregional Model that was used to assess the Cambourne to Cambridge Scheme.</p> |

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| Applicant's comments | <p>a) The Applicant notes and welcomes this response.</p> <p>b) No further comments required.</p> <p>c) The results of the sensitivity test to assess the impact of the coding issues at Girton are fully detailed in the Strategic Model Test at Girton [REP4-040]. The Applicant does not consider that providing the model is necessary for CCC to be able to approve the results. The Applicant notes the CCC has a cordon version of the strategic model that would enable CCC to carry out the test if required.</p> <p>d) No further comments required.</p> <p>e) The Applicant relies on its response to REP4-057K in the Applicant's Comments on submissions made at Deadline 4 [REP5-014]. The Cambourne to Cambridge Bus-way was not included due to uncertainty over the status of the proposals. The applicant remains willing to discuss the purpose of a sensitivity test relating to the proposed Cambourne to Cambridge Bus-way and the data requirements required to support a meaningful test. However, given the proximity of the proposed Bus-way from the Scheme, it is considered unlikely that the Bus-way would impact on the benefits of the Scheme.</p> |
| REP6-058ab | <p>Road Layout Q1.11.2 (REP1-051) – REP4-057n</p> <p>The Applicant has provided no new information on highway design, and CCC would welcome further discussion on this matter.</p> |
| Applicant's comments | <p>The Applicant notes the comment by the Cambridgeshire Authorities and have been liaising with the Cambridgeshire Authorities on this matter.</p> |
| REP6-058ac | <p>De-Trunking Q1.11.5.1 – REP4-057p</p> <p>The DCO as drafted gives the Applicant the ability to set a de-trunking date without any agreement from the LHA, and to de-trunk the road without any agreement over the condition of the existing A428. Even if a separate legal agreement exists setting out the process for the handover of de-trunked assets, if the Applicant determined a date for detrunking without the LHA's agreement, the highway would be de-trunked as a matter of law, irrespective of what is set out in the agreement.</p> <p>It remains the view of CCC that there needs to be a clear mechanism in the DCO for the de-trunking date to be agreed between the LHA and the Applicant.</p> |

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| Applicant's comments | The Applicant has responded on this point previously in their response to actions arising from Issue Specific Hearing 6 (action point 7) [REP-6-033] , which was submitted at Deadline 6. The Applicant has inserted a new paragraph (9) to Article 14 in the updated dDCO submitted at Deadline 6 [REP6-002] . This requires that any de-trunking date must consented to by the Secretary of State and that the Secretary of State must consult with the relevant local highway authority in advance of providing such consent. |
| REP6-058ad | Cumulative impacts Q1.7.5 REP4-057r The impact of the Cambourne to Cambridge scheme on the A428 scheme and vice versa is something that the applicant should be looking to understand, as set out above in response to REP4-057m. |
| Applicant's comments | The Applicant relies on its response to REP4-057K in Applicant's Comments on submissions made at Deadline 4 [REP5-014] . The Cambourne to Cambridge Bus-way was not included due to uncertainty over the status of the proposals. The applicant remains willing to discuss the purpose of a sensitivity test relating to the proposed Cambourne to Cambridge Bus-way and the data requirements required to support a meaningful test. |
| REP6-058ae | Local Highway impacts Q1.11.10 – REP4-057s The comments made by CCC on the model scope have not been acted on by the Applicant. CCC have provided detailed comments on the sensitivity tests results [REP5- 018] separately. The key issue being that there is insufficient information in the Junction Model Sensitivity Test Results Technical Note [REP5-018] submitted at D5 for CCC to form a view on the validity of the results. The models and supporting information were provided to CCC on 24 November 2021, The review of this information indicates that the traffic flows used in the junction models are reasonable, however, the sensitivity test results [REP5-018] only showed speed results for the VISSIM models. Additional information was requested at the meeting on the 29 November 2021 and supplied to CCC on 3 December. CCC are reviewing this information. Please see detailed comments above with reference REP4- 057k. |
| Applicant's comments | The Applicant notes that the Councils have now received the additional information regarding the performance of the principal Scheme junctions and are in the process of reviewing it. |
| REP6-058af | Cultural Heritage Q1.12.1.1 a) – REP4-057t The Applicant's response has not accounted for all of the archaeology in Field 73 in this response. The southern part of this field contains the northern extent of newly discovered non designated Medieval remains from the Wintringham Deserted Medieval Village to the south (Historic Environment Record [HER] number MCB1642/01270b), in part overlying |

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| | <p>the remains of Iron Age and Roman settlement (HER MCB28818), the date for which was established by the trench-based evaluation. Medieval settlement remains from Wintringham DMV also extended into Field 70 but not seen in Field 72, both to the south side of Cambridge Road. Owing to the presence of Medieval DMV settlement remains in the southern half of Field 73, and the presence of a large Iron Age and Roman settlement in the north and centre of the field, mitigation area covers the whole of Field 73. Multi-phased Iron Age and Roman settlement evidence continues east into Field 74, earlier phases being unenclosed. This is the disputed field where the Applicant has defined mitigation area based on obvious areas of later forms of enclosed settlement only (see CCC response to REP4-058n below). As the Regional Research Agenda advises that archaeological investigations should gain an understanding of the earlier, unenclosed forms of prehistoric settlement (REF46 in REP4-031, page 87), it is not clear why the Applicant is not following published professional advice in Field 74. We advise that it is not possible to interpret settlement from an evaluation, merely to provide a high-level indication of presence/absence, general character, extent and date (where possible). All of the known remains within Field 74 should be included in the mitigation area, as consistently advised by CCC, to ensure that the research objectives for 'Iron Age' that are set out in Appendix D to REP4-031 (page 192) can be attempted by the archaeological contractor.</p> <p>Decisions should be taken in the field to deselect archaeological features that might not contribute to knowledge gain, as is a typical working procedure in Cambridgeshire, but this is based on suitably selected mitigation areas in the first instance – based on the evaluation results and not historic presumptions of site dynamics.</p> |

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| Applicant's comments | <p>It is not clear why the Cambridgeshire Authorities have raised the medieval remains in Field 73. The previous question and response were in relation to recently discovered archaeological remains at Wintringham Park, in Field 59, rather than those associated with the Wintringham DMV to the south-west. Regardless of this, the Applicant is well aware of the medieval remains within Field 73 and the Archaeological Mitigation Strategy includes research questions for this site in Appendix D [REP4-031]. However, the inclusion of the entirety of Field 73 was not just for recorded Iron Age and Roman enclosure systems, or the medieval remains (limited to one ditch and field boundaries – no evidence of medieval settlement was found during the evaluations). As reiterated in the response to REP4-057t in the Applicant's comments on submissions made at Deadline 4 [REP5-014], it has also been to investigate the potential for other forms and periods of activity, including open settlement.</p> <p>The Applicant's reasoning for not extending the excavation in Field 74 has been discussed extensively previously and will not be repeated here (see Applicant's comments on Written Representations [REP3-008] and Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045]).</p> <p>The Applicant does not agree that "the Applicant is not following published professional advice in Field 74." The remains across the mitigation area are being excavated in proportion to their significance. While the Cambridgeshire Authorities "advise that it is not possible to interpret settlement from an evaluation, merely to provide a high-level indication of presence/absence, general character, extent and date (where possible)" the Applicant reiterates that there is no further knowledge to be gained.</p> |
| REP6-058ag | <p>Cultural Heritage Q1.12.4.1 e) – REP40057v</p> <p>CCC is pleased that the Applicant now agrees to work in line with the Archeological Brief (Appendix B in REP4-031) and CCC accordingly requests that the Applicant removes the 'Targeted Excavation' approach as a site category in a further amendment to an Updated Archaeological Mitigation Strategy, as this is a method of investigation that can only be applied following an appraisal of a stripped site.</p> |
| Applicant's comments | <p>Category c 'Targeted Excavation' will not be removed from the mitigation strategy. The reasons have previously been provided (see 9.74 Comments on submissions made by the Cambridgeshire Authorities at Deadline 5 [REP6-034], specifically responses to REP5-020ai and REP5-020aj).</p> |

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| REP6-058ah | <p>Cultural Heritage Q1.12.4.1 e) – REP40057w</p> <p>CCC reminds the Applicant that the archaeological programmes in Cambridgeshire are led by research objectives (to which we contribute periodic updates) and that this is nothing new. Replacing 'Sampling' with 'Targeted Excavation' is tautologous, however the Applicant's ideology behind the approach has not changed, assuming that no more knowledge can be gained beyond that already gained by the evaluation. With this, and therefore the areas selected for mitigation by a prescribed light touch approach to sites listed for Targeted Excavation, CC does not agree.</p> |
| Applicant's comments | <p>Please see response to REP6-058ag above. It should be noted that the Applicant has never used the term 'light touch'. Rather our strategy is proportionate to the results and is designed to be responsive should unexpected remains be located.</p> |
| REP6-058ai | <p>Noise and Vibration Q1.16.1 – REP4-057x</p> <p>The Councils maintain their position in relation to construction hours.</p> |
| Applicant's comments | <p>The Applicant held a meeting with the Cambridgeshire authorities on the 11 January 2022 to discuss construction hours in which a few potential changes to Requirement 19(2) of the draft DCO were discussed. These were the following:</p> <p>(i) deleting 'including but not' from Requirement 19 (2).</p> <p>(ii) sub clauses (k), (m), (n) and (o) would require agreement with the relevant local authority in advance of the works described in these sub clauses taking place.</p> <p>The Applicant will reflect these changes in the draft DCO at Deadline 10.</p> |
| REP6-058aj | <p>Noise – Monitoring Q1.16.2.5 – REP4-057x</p> <p>The Applicant's reason for not agreeing to undertake short-term operational noise monitoring is because noise barriers have not been proposed. The short-term operational noise monitoring was requested to confirm the accuracy of the noise modelling, not to prove the effectiveness of any noise barrier.</p> |
| Applicant's comments | <p>The clarification on the reason for requesting operational noise monitoring is welcomed. The Applicant refers to its response to Q3.16.2.1 in the Applicant's Response to the Examining Authority's Third Round of Written Questions [TR010044/EXAM/9.97], submitted at Deadline 8.</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
|---|--|
| REP4-058: Comments on the Applicant's comments on Local Impact Reports | |
| REP6-058ak | <p>Local Impacts REP2-003b – REP4-058a</p> <p>a) CCC do not agree with the position taken by the Applicant in relation to the impact of the scheme on Great North Road and Cambridge Roads in St Neots as both these roads are shown to experience significant growth in traffic volumes as a direct result of the scheme and CCC need confidence that the upstream junctions on these roads can accommodate the proposed levels of traffic as, without this, it is not possible for CCC to confirm that they can discharge their duty to ensure smooth operation of the local road network.</p> <p>b) In addition, if the upstream junctions are shown not to be able to accommodate the predicted levels of traffic this will impact on the level of rerouting away from St Neots town centre which would reduce the real benefits of the scheme. Further to a meeting between the Applicant and CCC on 29 November, the Applicant have now agreed to investigate potential mitigation measures at Wyboston roundabout which could mean that the Great North Road arm of the Junction might work better thus negating the need for the assessment of additional junctions. This additional work is due to be submitted by the Applicant by Deadline 8 and CCC will provide comments once it is available.</p> <p>c) The Applicant refers to the possibility of monitoring the impacts of the scheme in this area post opening, but this is not to be agreed until after the DCO process has been completed. CCC are therefore concerned about what will be done if the monitoring were to indicate that there were issues as a result of the scheme. If this approach is to be followed than CCC require the assessment to be completed and the mitigation likely to be required to be agreed as part of this stage of the process to give confidence that if issues are shown then a solution is ready to be implemented. CCC refers to its submission relating to 'Monitor and Manage' also submitted at Deadline 6.</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
|----------------------|--|
| Applicant's comments | <p>a) and b) The Applicant maintains that it is neither proportionate nor necessary to assess further local junctions on either Great North Road or Cambridge Road in St Neots for the reasons already set out in documents such as the 'Scope of Junction Model Sensitivity Test' [REP3-029] and 'Consultation Report Appendix W: Response to traffic queries raised by the Joint Response from the Cambridgeshire and Peterborough Local Authorities' [APP-069].</p> <p>Additionally, the reasons for not undertaking additional tests in these two corridors have been deliberated at significant length in ISH-5 and the position taken by the Applicant based on the robust outputs of the sensitivity tests were agreed by all parties. Hence, the Applicant can see no benefit in discussing the issue further.</p> <p>b) As regards the investigation of potential mitigation measures at Wyboston roundabout, this work has been undertaken and the intention is to submit it at Deadline 8.</p> <p>c) Please see the response to REP6-058z. Post opening Monitoring data collected by the Applicant from the local road network will be used to assess scheme benefits only.</p> |
| REP6-058al | <p>Toseland REP2-003c – REP4-058b</p> <p>Yelling REP2-003d – REP4-058c</p> <p>Eltisley REP-003d – REP4-058d</p> <p>CCC welcome the fact that the Applicant is willing to consider monitoring of the impacts of the scheme in these locations, but CCC require greater details of the monitoring to be undertaken and what mitigation would be put in place if required as part of the DCO rather than waiting until after the DCO. CCC refers to its submission relating to 'Monitor and Manage' also submitted at Deadline 6.</p> |
| Applicant's comments | <p>The Applicant has previously defined the role of post scheme opening monitoring and the scope of the Monitor and Manage approach within the Monitor and Manage technical note submitted at Deadline 6 [REP6-041]. This document also discusses funding options available to LHA's for any required interventions. The Applicant maintains that there is no legal requirement for operational monitoring to be secured within the DCO. Please also refer to the Applicants response to Q3.11.2.1 in the Applicant's Response to the Examining Authority's Third Round of Written Questions [TR010044/EXAM/9.97], submitted at Deadline 8. Post opening monitoring data collected by the Applicant from the local road network will be used to assess scheme benefits only.</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| REP6-058am | <p>Cambourne REP2-003f – REP4-058e</p> <p>Detailed comments were provided to this point at D5 [REP5-020] and therefore there are no further comments at this stage.</p> |
| Applicant's comments | <p>The Applicant notes this comment from the Cambridgeshire Authorities.</p> |
| REP6-058an | <p>Dry Drayton REP2-003g – REP4-058f</p> <p>Madingley REP2-003h – REP4-058g</p> <p>Coton REP2-003i -REP4-058h</p> <p>CCC welcome the fact that the Applicant is willing to consider monitoring of the impacts of the scheme in these locations, but CCC require greater details of the monitoring to be undertaken and what mitigation would be put in place if required as part of the DCO rather than waiting until after the DCO. CCC refers to its submission relating to 'Monitor and Manage' also submitted at Deadline 6.</p> |
| Applicant's comments | <p>Please see the response to REP6-058z. Post opening Monitoring data collected by the Applicant from the local road network will be used to assess scheme benefits only.</p> |
| REP6-058ao | <p>Local Junction Impacts REP2-003j and REP2-003k – REP4-058i</p> <p>Please refer to the Councils' comments on REP4-061as to REP4-061bm.</p> |
| Applicant's comments | <p>Please see responses to REP6-058co to REP6-058db within this document.</p> |
| REP6-058ap | <p>Construction traffic REP2-003l – REP4-058j</p> <p>CCC welcome the fact that the Applicant is willing to consider monitoring of the impacts of self-diverting traffic during construction. However, CCC require greater details of the monitoring to be undertaken and what mitigation would be put in place if required as part of the DCO rather than waiting until after the DCO. CCC refers to its submission relating to 'Monitor and Manage' also submitted at Deadline 6.</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| Applicant's comments | Please see the response to REP6-058z. Post opening Monitoring data collected by the Applicant from the local road network will be used to assess scheme benefits only. |
| REP6-058aq | <p>Cultural Heritage – negative impacts REP2-003z – REP4-058n</p> <p>CCC remind the Applicant that all work in Cambridgeshire is led by research objectives, to which we contribute information annually and that this is nothing new. Replacing 'Sampling' with 'Targeted Excavation' is tautology, however the ideology behind the approach has not changed, which over-simplifies the archaeological evidence and assumes that nothing more can be gained beyond the evaluation results. With this, and therefore the areas selected for mitigation by a prescribed light touch approach, CCC does not agree.</p> |
| Applicant's comments | Please see response to REP6-058ag and REP6-058ah above. |
| REP6-058ar | <p>Ecology – negative impacts during construction – REP4-058p</p> <p>The Councils welcome the submission of the 2021 ecological survey work, however this has not addressed all of our previous concerns with regards to negative impact of the scheme, and has raised additional concerns.</p> <p>Bats: The Councils are concerned that key bat commuting routes identified within the 2021 survey work (to date) [REP5-010] will be lost to the proposal, resulting in adverse impact to the local bat population due to collisions. The Councils note that the scheme will provide some bat crossings in Cambridgeshire but they are either at locations not currently used as bat crossings and/or could be compromised by other functions (NMU) and are therefore concerned they are not fit for purpose. There is also no evidence how these features will link into the wider landscape.</p> <p>The Councils consider it would be more appropriate to mitigate impact to bats by incorporating bat crossing points at existing bat commuting routes identified within bat surveys [APP-192] and [REP5-010], subject to Natural England's considered view on this subject.</p> <p>Great Crested Newt breeding pond [REP5-013], pond 37, will be lost from Cambridgeshire. No new ponds are proposed for Cambridgeshire and therefore, the scheme does not compensate for the loss of the GCN breeding pond. It is noted that the Protected Road Verge has over-time decreased in botanical quality, due to lack of management. From 2021, the County Council has improved its management of the PRVs by implementing a cut-and-collect regime. This is expected to have a positive impact on the quality of the PRVs, including S8. To help re-establish the wildflower grassland on the</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments | | | | | | | | |
|----------------------|--|------------------|--|------------------|----------|------|----|----|--|
| | <p>PRVs, the Councils seek that the soil structure and seedbank of the PRV are protected during construction works. The Councils require measures to protect the section of PRV within the Order Limit to prevent vehicles / construction activities from encroaching onto the PRV and damaging/destroying the flora to be incorporated into the First Iteration EMP [REP5-010].</p> <p>The impact of light pollution on terrestrial invertebrates has not been addressed. Without further survey work to clarify the impact of lighting on light sensitive species, we cannot determine the level of impact on the local populations and as a precaution, it is considered the scheme will result in an adverse impact.</p> <p>We note that Table 1 clarifies where lighting will be located, however it doesn't confirm the type of lighting to be used. Some types of lighting (e.g. UV emitting or LEDs) have greater impact on the lifecycle of invertebrates. The Councils require further information about how the lighting scheme will be designed to mitigate impact to invertebrates, including the maximum level of light spill on to habitats and type of lighting that will be used. This issue was raised at SoCG meeting between the Councils and National Highways on 14 September 2021. A way forward, proposed by National Highways, was to set out principles of how lighting will be designed to minimise impact to invertebrates. The Councils seek further discussions on this matter.</p> | | | | | | | | |
| Applicant's comments | <p>Regarding bats and crossing points the Applicant refers the Cambridgeshire authorities to its response to REP6-058dc.</p> <p>Pond 37 will be retained. There will be no loss of breeding ponds for Great Crested Newt in Cambridgeshire or Bedfordshire. Three new ponds for Great Crested Newt will be created in Cambridgeshire as shown on the Environmental Masterplan submitted at Deadline 6 [REP6-006] and Pond 83 will be restored to maintain its status as a breeding pond for Great Crested Newt.</p> <p>With respect to lighting, the surveys of insects and other invertebrates did not identify any habitats within or adjacent to the Scheme that had the potential for notable species that might be impacted by lighting of the Scheme as shown in Appendix 8.16, Terrestrial Invertebrates of the Environmental Statement [APP-203]. Regardless, the extent of lighting in the operational phase is very similar to the baseline situation (see table), i.e. the majority of the route is unlit and, assuming that there might be an impact on invertebrates in lit areas, this would be no more than as at present.</p> <table border="1" data-bbox="465 1214 1541 1398"> <thead> <tr> <th data-bbox="465 1214 779 1310">Section of route</th> <th data-bbox="779 1214 913 1310">Current lighting</th> <th data-bbox="913 1214 1070 1310">Planned lighting</th> <th data-bbox="1070 1214 1541 1310">Comments</th> </tr> </thead> <tbody> <tr> <td data-bbox="465 1310 779 1398">A421</td> <td data-bbox="779 1310 913 1398">No</td> <td data-bbox="913 1310 1070 1398">No</td> <td data-bbox="1070 1310 1541 1398">The new dual carriageway will not be lit</td> </tr> </tbody> </table> | Section of route | Current lighting | Planned lighting | Comments | A421 | No | No | The new dual carriageway will not be lit |
| Section of route | Current lighting | Planned lighting | Comments | | | | | | |
| A421 | No | No | The new dual carriageway will not be lit | | | | | | |

A428 Black Cat to Caxton Gibbet improvements
 Applicant's Comments on Deadline 6 Submissions

| Reference Number | Interested Parties Submission/Applicant's Comments | | |
|------------------|--|---------------------------|--|
| | Black Cat roundabout | Yes Yes | Planned lighting to include slip road roads and Bedford Road approach to circulatory |
| | Roxton Road | None Yes | On approach to Roxton Road roundabout |
| | Roxton Road Link (south) | None Yes | On approach to Roxton Road roundabout |
| | A1 | Yes Yes | Entire length of the realignment to connect with the existing infrastructure |
| | A1 Services Link | No (road not present) Yes | Entire length of service road up to Black Cat junction circulatory |
| | New A428: Black Cat to B1428 roundabout | No (road not present) No | New dual carriageway will not be lit |
| | Cambridge Road junction | Yes Yes | Junction will be lit, including the slip road and B1428 approaches to the dumbbell roundabouts as well as the link between the existing Cambridge Road roundabout and the proposed Cambridge Road junction northern roundabout to be lit in its entirety to tie in with the existing infrastructure. |

| Reference Number | Interested Parties Submission/Applicant's Comments | | | |
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| | New A428: Cambridge Road junction to Eltisley junction | No (road not present) | No | New dual carriageway will not be lit |
| | Toseland Bridge | No | No | |
| | New A428: Eltisley Link to Caxton Gibbet roundabout | No | No | New dual carriageway will not be lit |
| | Eltisley Link | Yes | Yes | The roundabout and the approaches will be lit. |
| | Caxton Gibbet roundabout | Yes | Yes | The roundabouts and approaches will be lit |
| | <p>The design of lighting will avoid lightspill into sensitive habitats such as woodland. Where the Scheme has to be lit, lighting will be directed onto the highway and lightspill beyond the highway verge will be minimized. The Applicant acknowledges that recent research has shown that LED lights with a 'warm' spectrum are less attractive to insects than those with a higher content of blue light. The lighting type and other details will be developed during detailed design. Nonetheless, the areas affected by light will be those within the new soft estate adjacent to the lights, rather than extending into other habitats.</p> | | | |
| REP6-058as | <p>Ecology – missed opportunities REP2-003ad – REP4-058p(i)</p> <p>Biodiversity Net Gain: The Councils disagree. The scheme will result in a net loss in biodiversity value due to the uncompensated losses of high and medium distinctiveness habitats and hedgerows. please refer to the Council's response to Issue Specific Hearing 4, Action Point 8 found in our Deadline 6 submission CLA.D6.ISH4.AP8.</p> <p>The applicant has failed to adequately justify these losses [REP3-012] or provide adequate compensation. Which is disappointing given the potential opportunities to off-set compensation within agricultural restoration of temporarily used land, including borrow-pits.</p> | | | |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| | <p>The Biodiversity Net Gain metric provides quantitative evidence that should be considered as part of the biodiversity assessment. The ES Biodiversity Chapter [APP-077] assessment, including tables 8-9 and 8-10 should be updated to reflect the findings of the Biodiversity Net Gain metric, page 7 [REP3-013]. Of particular concern:</p> <p>Table 8-9 [APP-077]: Table 8-9 summarises loss of priority habitats. However, it does not include losses of reedbeds and wood-pasture and parkland which are identified as priority habitats (i.e. high distinctive habitats) within [REP3-013].</p> <p>Table 8-10 [APP-077]: Table 8-10 provides a summary of the operational impacts of the scheme. Inconsistencies with the Biodiversity Net Gain (BNG) metric calculations [REP3- 013] are listed below:</p> <p>Table 8-10 shows the scheme will have a slight significant benefit to woodlands of low value and but the BNG metric shows net losses in woodland of high value (high distinctiveness), namely lowland mixed deciduous woodland (-98.77 units) and wood-pasture and parkland (-6.65 units).</p> <p>Table 8-10 shows the scheme will have a slight significant benefit to ponds and other wetland habitats of medium value but the BNG metric shows net loss in reedbeds of high value (high distinctiveness, -11.77 units).</p> <p>Table 8-10 shows the scheme will have a slight significant benefit to hedgerows of medium value but the BNG metric shows net loss in hedgerows (-31%).</p> <p>Table 8-10 does not include net losses of mixed scrub, ruderal/ephemeral and ditches (medium distinctiveness) shown within the BNG metric.</p> <p>Arable field margins: The Councils refer National Highways to the Councils' comments above in response to [REP5-013]. Insufficient information has been provided to demonstrate there will be no impact to priority habitat arable field margins.</p> |
| Applicant's comments | <p>Please refer to the Applicant's comments on Biodiversity Net Gain Technical Note [REP6-062] [TR010044/EXAM/9.95] submitted at Deadline 8 which addresses the loss of high and medium distinctiveness habitats shown in the metric calculations which have resulted from an over-precautionary approach and no further compensation is required. The results of the Metric 2.0 calculations [REP3-013] demonstrate net gain in habitat and river units, and the net loss of hedgerow units is explained in Paragraph 4.1.21.</p> <p>The Applicant refers the Examining Authority to its response to Actions Arising from ISH4 [REP6-030]. This explained that in response to the Examining Authority's Second Written Question Q2.3.2.1, [REP4-037], it was detailed that the assessment of effects on biodiversity, and the calculation of Biodiversity Net Gain (BNG) are two separate processes. The BNG metric calculation is not a mandatory requirement for nationally significant infrastructure projects and therefore</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| | Chapter 8, Biodiversity [APP-077] of the Environmental Statement does not need to be updated with the results of the Metric 2.0 calculation [REP3-013]. |
| REP6-058at | <p>Noise and Vibration REP2-003af – REP4-058q</p> <p>The Councils understand that the Applicant will consider noise insulation and temporary rehousing of all properties in the vicinity of the construction works at the detailed design stage, which we are in agreement with.</p> |
| Applicant's comments | The Applicant notes this comment from the Cambridgeshire Authorities but wishes to clarify that such noise insulation and temporary rehousing will only be offered to those properties which meet the criteria to be set out in the Noise and Vibration Management Plan. This Plan will include construction noise criteria based on the noise insulation and temporary rehousing trigger levels as set out in BS 5228 Part 1, which will be applicable to all residential properties. This is set out in paragraph 1.4.4 of Annex B of the First Iteration Environmental Management Plan [REP6-008]. |
| REP6-058au | <p>Climate – negative impacts REP2-003am – REP4-058t</p> <p>With regards to the approach to offsetting, whilst we note that the approach to carbon offset in relation to the strategic road network is still to be defined, the authorities are concerned that as a result it is not possible to provide adequate certainty for testing this element of the proposed scheme's impacts. In addition, elsewhere in the submissions from the Applicant, for example in the Statement of Common Ground [REP5-003], the Applicant has stated that the scheme will not benefit from carbon offsetting. As such, the Councils request clarity from the Applicant as to its position on this matter and greater certainty and commitment from the Applicant with regards to offsetting residual emissions and the monitoring of offsetting, even if it is not yet possible to precisely determine the means by which this offsetting will be undertaken. We note that paragraph 4.18 of the National Policy Statement on National Networks states that where it is not possible at the time of the application for development consent for all aspects of the proposal to have been settled in precise detail, the applicant should explain in its application which elements of the proposals have yet to be finalised and the reasons why this is the case. As this would appear to be the case with regards to mitigating climate impacts and the approach to carbon offsetting, we would ask that the applicant clearly sets out what aspects of the approach to offsetting need to be finalised and how this will be secured as the Scheme progresses beyond the DCO process.</p> |
| Applicant's comments | Further to the response provided at deadline 6 to REP5-020cb in the Applicants Comments on submissions made by the Cambridgeshire Authorities at Deadline 5 [REP6-034], and in line with the Draft Statement of Common Ground with Cambridgeshire County Council, South Cambridgeshire District Council and Huntingdonshire District Council [REP6-020], the Applicant will not be implementing an offsetting strategy for the construction of this Scheme. |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| | Greenhouse gas mitigation appropriate to the current design stage of the Scheme are presented in the Climate chapter of the Environmental Statement [APP-083]. A further commitment has been made under Ref 4.2 in Table 3-4 of the Draft Statement of Common Ground with Cambridgeshire County Council, South Cambridgeshire District Council and Huntingdonshire District Council [REP6-020]. |
| REP6-058av | <p>Climate – missed opportunities REP2-003an – REP4-058u</p> <p>The authorities note that the DfT's approach to supporting the role out of ultra-low emissions vehicles is via the creation of a Rapid Charge Fund. We welcome the reference to the Applicant seeking to identify opportunities to create capacity within the electrical supply at both Caxton Gibbet and the Black Cat junction areas to enable the installation of charge points as well as the potential for any charge points installed at the compound at the Back Cat junction to remain after completion of the Scheme.</p> |
| Applicant's comments | The Applicant notes this comment from the Cambridgeshire Authorities. |
| REP6-058ax | <p>Pedestrian, Cyclists and Equestrian travellers – REP4-058v</p> <p>8.7.7: In their response the Applicant states that they “can foresee no reason why rights of way should not be opened soon as possible”. With the A14 scheme, a decision was made during construction by the Applicant to prioritise work teams on the mainline A14 and put the PRoW & NMU work on hold until after the road was opened. We seek reassurance that the same decision would not be made again.</p> |
| Applicant's comments | The Applicant has engaged with the Cambridgeshire Authorities with respect to the temporary diversions and closure of public rights of way to facilitate the works and are awaiting comments back on a technical note submitted to them. The Applicant is committed to opening up rights of way as soon as possible, subject to the routes being safe to use. The Applicant will not be able to specifically prioritise the construction of rights of way to the detriment of the overall programme and the delay to traffic. |
| REP6-058ay | <p>Minerals and Waste – negative impacts – REP4-058y</p> <p>See response to REP4-057d above.</p> |
| Applicant's comments | The Applicant notes this comment from the Cambridgeshire Authorities. |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| REP6-058az | <p>Economy – negative impacts – REP-058z</p> <p>The Applicant have not changed their position or addressed concerns raised around the access to and from St Neots Station. Modelling suggests AADT increases of 24% and peak hour increases 200 PCUs on Cambridge Road. If the A428 upgrade is going to underpin strong economic growth as part of the Ox-Cam-Arc development, ease of access to and from St Neots station to the A428 must be accommodated as a pre-requisite. A response to this specific point from the Applicant would be appreciated.</p> |
| Applicant's response | The Applicant has nothing further to add to its response to REP4-057z in the Applicant's Comments on submissions made at Deadline 4 [REP5-014] and maintains that with the Scheme, there will be an overall improvement in accessing St Neots railway station from other parts of St Neots and the surrounding villages. |
| REP6-058ba | <p>Borrow Pits – Policy Assessment – REP4-058aa</p> <p>See response to REP4-057d above.</p> |
| Applicant's response | The Applicant notes this comment from the Cambridgeshire Authorities. |
| REP6-058bb | <p>Cultural Heritage – REP4-058ac</p> <p>CCC maintains its position in relation to this matter.</p> |
| Applicant's comments | The Applicant notes the Cambridge Authorities response. The Applicant's position also remains the same on this matter. |
| REP4-060: Comments on Applicant's comments on Written Representations | |
| REP6-058bc | <p>Traffic Modelling REP1-048a – REP4-060a</p> <p>The remaining issues from the issues log are still outstanding are all set out in the latest SoCG.</p> |
| Applicant's comments | The Applicant considers that all outstanding modelling issues have been addressed. The Applicant would be grateful for clarification on which specific modelling issues the Cambridgeshire Authorities consider remain outstanding as this is not |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| | clear from the Draft Statement of Common Ground with Cambridgeshire County Council, South Cambridgeshire District Council and Huntingdonshire District Council [REP6-020] . |
| REP6-058bd | <p>Traffic Modelling REP1-048b – REP04-060b</p> <p>The conclusion of the Girton note [REP4-040] was that strategic model contained coding errors and that the Applicant would monitor the Girton Interchange. CCC are happy with this approach, so no further action needed here.</p> |
| Applicant's comments | The Applicant notes this comment from the Cambridgeshire Authorities. |
| REP6-058be | <p>Traffic Modelling REP1-048c – REP04-060c</p> <p>CCC's conclusion on the Coton Note [REP1-028] was that the strategic model is wrong in this area and therefore CCC require traffic through Coton to be monitored; the details of which should be secured in the DCO from CCC perspective. CCC refers to its submission relating to 'Monitor and Manage' also submitted at Deadline 6.</p> |
| Applicant's comments | The Applicant acknowledges minor discrepancies within the strategic model in this location, but maintains they have no impact on the reliability of the forecast change, as the discrepancy is consistent between the base level and output. The Applicant maintains that the scheme will not result in any significant increase in flows at Coton as the degree of change is minor. The reasoning for this conclusion was submitted within Traffic Routing Impacts at Coton Technical note [REP1-028] submitted at Deadline 1. The Applicant will consider monitoring in this location as part of the Post Opening Evaluation. |
| REP6-058bf | <p>Traffic Modelling REP1-048d – REP04-60d</p> <p>CCC require a suitably cordoned network with 'CSV' files of the select link matrices for the B1040 Select Link Analysis.</p> |
| Applicant's comments | Details of the Select Link analysis for the B1040 were provided to CCC on 3 December 2021. A cordoned model has already been supplied to CCC and the Applicant considers this information is sufficient and does not intend to provide CSV files. |
| REP6-058bg | <p>Traffic Modelling REP-048f – REP04-60f</p> <p>Traffic Modelling REP-048g – REP04-60g</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
|----------------------|---|
| | <p>CCC do not agree with the position taken by the Applicant in relation to the impact of the scheme on Great North and Cambridge Roads in St Neots as both these roads are shown to experience significant growth in traffic volumes as a direct result of the scheme. CCC need confidence that the upstream junctions on these roads can accommodate the proposed levels of traffic as without this confidence it is not possible for CCC to confirm that they can discharge their duty to ensure smooth operation of the local road network.</p> <p>In addition, if the upstream junctions are shown not to be able to accommodate the predicted levels of traffic this will impact on the level of rerouting away from St Neots town centre which would reduce the real benefits of the scheme.</p> |
| Applicant's comments | <p>The Applicant maintains that it is neither proportionate nor necessary to assess further local junctions on either Great North Road or Cambridge Road in St Neots for the reasons already set out in documents such as the 'Scope of Junction Model Sensitivity Test' [REP3-029] and 'Consultation Report Appendix W: Response to traffic queries raised by the Joint Response from the Cambridgeshire and Peterborough Local Authorities' [APP-069].</p> <p>Additionally, the reasons for not undertaking additional tests in these two corridors have been deliberated at significant length in ISH-5 and the position taken by the Applicant based on the robust outputs of the sensitivity tests were agreed by all parties. Hence, the Applicant considers this issue to be closed.</p> |
| REP6-058bh | <p>Traffic Modelling REP1-048h – REP4-60h</p> <p>The principle of monitoring the performance of Girton Interchange is agreed by CCC but more detail is needed as to what this will include and what will be done if mitigation is found to be necessary. This needs to be secured in the DCO to ensure confidence that significant effects on the local road network will be mitigated. CCC refers to its submission relating to 'Monitor and Manage' also submitted at Deadline 6.</p> |
| Applicant's comments | Please see the response to REP6-058z. |
| REP6-058bi | <p>Traffic Modelling REP1-048i – REP 04-60i</p> <p>CCC welcome the fact that the Applicant is willing to consider monitoring of the impacts of the scheme through Coton, but CCC require greater details of the monitoring to be undertaken and what mitigation would be put in place if required at this stage rather than waiting till after the DCO. This needs to be secured in the DCO to ensure confidence that significant effects on the local road network will be mitigated. CCC refers to its submission relating to 'Monitor and Manage' also submitted at Deadline 6.</p> |

A428 Black Cat to Caxton Gibbet improvements
 Applicant's Comments on Deadline 6 Submissions

| Reference Number | Interested Parties Submission/Applicant's Comments |
|----------------------|--|
| Applicant's comments | Please see the response to REP6-058z and REP6-058be |
| REP6-058bj | <p>Traffic Modelling REP1-048j – REP04-60j</p> <p>CCC require a suitably cordoned network with 'CSV' files of the select link matrices to examine the routing of traffic using the proposed new road and the A1198 south of A428</p> |
| Applicant's comments | Details of the Select Link analysis for the A1198 south of A428 were provided to CCC on 3 December 2021. The Applicant considers this information is sufficient and does not intend to provide CSV files and a cordoned model has already been supplied to CCC. |
| REP6-058bk | <p>Traffic Modelling REP1-048k – REP04-60k</p> <p>The principle of monitoring traffic flows through Dry Drayton is agreed by CCC but more detail is needed as to what this will include and what will be done if mitigation is found to be necessary. This needs to be secured in the DCO to ensure confidence that significant effects on the local road network will be mitigated. CCC refers to its submission relating to 'Monitor and Manage' also submitted at Deadline 6.</p> |
| Applicant's comments | Please see the response to REP6-058z. |
| REP6-058bl | <p>Traffic Modelling REP1- 048l - REP04-60l</p> <p>The principle of monitoring traffic flows through Madingley is agreed by CCC but more detail is needed as to what this will include and what will be done if mitigation is found to be necessary. This needs to be secured in the DCO to ensure confidence that significant effects on the local road network will be mitigated. CCC refers to its submission relating to 'Monitor and Manage' also submitted at Deadline 6.</p> |
| Applicant's comments | Please see the response to REP6-058z. |
| REP6-058bm | Traffic Modelling REP1- 048m - REP04-60m |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| | The approach used by the applicant is roughly in line with the alternative method suggested by CCC as being acceptable. CCC have reviewed the traffic flows used in the sensitivity tests and are broadly content with the flows used. |
| Applicant's comments | The Applicant notes this comment from the Cambridgeshire Authorities. |
| REP6-058bn | <p>Traffic Modelling REP1- 048n - REP04-60n</p> <p>The issue for CCC in relation to the Cambourne junction was the use of traffic flows directly from the Strategic model which does not give CCC confidence in the performance of this junction as a result of the scheme.</p> <p>It is clear that this junction has not been included in the sensitivity testing undertaken by the applicant and therefore, CCC still have reservations relating to the impact of the scheme at this junction. Following a meeting between the Applicant and CCC on 29 November, the Applicant has agreed to undertake a sensitivity test at this junction using the developer's revised flows for 2040. This will be submitted at Deadline 7.</p> |
| Applicant's comments | Sensitivity testing has now been carried out in respect of this junction. The results were shared with CCC on 4 January 2022 and are set out in Applicant's Responses to Issues Raised at ISH5 on 2 December 2021 [TR010044/EXAM/9.105] submitted at Deadline 8. |
| REP6-058bo | <p>Traffic Modelling REP1- 048o - REP04-60o</p> <p>The Madingley Mulch junction is a key junction on the local road network and without additional assessment CCC are not in a position to comment on the performance of this junction. CCC would appreciate early sight of the revised M11 J13 model which the Applicant have indicated will be provided by Deadline 6.</p> |
| Applicant's comments | The revised M11 J13 model has now been provided to CCC, together with a Technical Note (TN80) which was shared with CCC on 23 December 2021 and has been formally submitted at Deadline 8 as 'Results of additional VISSIM modelling at M11 Junction 13' [TR010044/EXAM/9.102]. |
| REP6-058bp | <p>Traffic Modelling REP1- 048p - REP04-60p</p> <p>The Wyboston junction is included in the sensitivity tests report [REP5-018] that have been undertaken and comments are provided on this document separately below, in the table '9.68 Junction Model Sensitivity Test Results'.</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| Applicant's comments | The Applicant notes this comment from the Cambridgeshire Authorities. |
| REP6-058bq | <p>Traffic Modelling REP1- 048q - REP04-60q</p> <p>Traffic Modelling REP1- 048r - REP04-60r</p> <p>Traffic Modelling REP1- 048s - REP04-60s</p> <p>The Vissim model assumptions for the key scheme junctions have been amended in the junction model sensitivity tests and comments are provided on this document [REP5-018] separately below, in the table '9.68 Junction Model Sensitivity Test Results'.</p> |
| Applicant's comments | The Applicant notes this comment from the Cambridgeshire Authorities. |
| REP6-058br | <p>Traffic Modelling REP1- 048u - REP04-60u</p> <p>OCTMP has been updated.</p> |
| Applicant's comments | The Applicant notes this comment from the Cambridgeshire Authorities. |
| REP6-058bs | <p>Traffic Modelling REP1- 048v - REP04-60v</p> <p>Traffic Modelling REP1- 048w - REP04-60w</p> <p>Traffic Modelling REP1- 048x - REP04-60x</p> <p>CCC welcome the fact that the Applicant is willing to consider monitoring of the impacts of self-diverting traffic during construction. However, CCC require greater details of the monitoring to be undertaken and what mitigation would be put in place if required as part of the DCO rather than waiting until after the DCO is agreed. CCC refers to its submission relating to 'Monitor and Manage' also submitted at Deadline 6.</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| Applicant's comments | The Applicant's position is set out in its response to REP6-058z. Please also see the Applicants response to Q3.11.75 where the Applicant proposes a collaborative approach to construction phase traffic monitoring to be defined in a Joint Position Statement to be submitted at Deadline 9. |
| REP6-058bt | Highway assets REP1- 048z - REP4-060y Please refer to the Councils' comments against REP4-057g and REP4-057h above, relating to Articles 13 and 14, dDCO – certification, Q1.7.3.10 and 1.7.3.11. |
| Applicant's comments | The Applicant notes this comment from the Cambridgeshire Authorities. |
| REP6-058bu | Limits of deviation – REP1-048aa - REP4-060z Further discussions have taken place with the Applicant on this matter. CCC may be content to proceed without specific limits of deviation drawn for each public right of way if the legal agreement contains the requirement for any deviation to the alignment shown on the Streets, Rights of Way and Access Plans [APP-013] to be approved by CCC prior to detailed design taking place. We understand that this approach is acceptable in principle to the Applicant. |
| Applicant's comments | Further to CCC's written representation on this issue [REP1-048] the Applicant submitted a revised dDCO at Deadline 4 [REP4-006] to expressly refer to the limits of deviation as they relate to non-motorised user routes. In addition, the Applicant submitted revised Streets, Rights of Way and Access Plans [REP4-003] showing those limits of deviation relating to non-motorised user routes. CCC has previously requested specific limits of deviation for each public right of way [REP5-020] or, in the alternative, an obligation for the Applicant to secure CCC's approval to any deviation from the alignment shown on the Streets, Rights of Way and Access Plans [REP4-003]. Whilst the Applicant, as previously stated [REP6-034], is not in agreement with the need for such unnecessary controls within the limits of deviation as currently presented in the Application, the parties are continuing to engage with a view to resolving the issue by way of legal agreement. |
| REP6-058bv | Highway maintenance liability – REP1048ab - REP4-060aa Article 13(3) of the dDCO does not provide the clarity requested by CCC, that shared public rights of way and private means of access will be maintained by the private party benefiting from the access. |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| | CCC welcomes the Applicant's intention to amend Article 13(9) and will comment further on the proposed drafting following submission of the updated dDCO at Deadline 6. |
| Applicant's comments | <p>As outlined above at reference number REP6-058w, the Applicant has amended Article 13(9) to reflect that in the case of a bridge constructed under this Order to carry a shared public right of way and private access track over a special road or trunk road, the bridge must be maintained by and at the expense of the Applicant. This does not provide that private means of access which are shared with public rights of way will be maintained by the private party benefiting from the access. It is noted that there are two instances across the scheme where a public right of way is shared with a private means of access. These are Bridleway 1/18 and the new Bridleway between Caxton Gibbet junction and Brockley Road.</p> <p>The Applicant has recently issued a set of Maintenance Boundary Drawings to the Cambridgeshire authorities (see [REP6-034] printed page 2). Of these two public rights of way, the plans show one route designated as responsibility for the private landowner (the Applicant by result of the permanent compulsory acquisition) and the other for CCC to maintain. These drawings are still in draft form.</p> |
| REP6-058bw | <p>Highway boundaries – REP1-048ac - REP4-060ab</p> <p>CCC wishes to clarify its comments in that CCC's proposed amendments to Article 13 [REP3-039] that the extent of the highway boundary is included in any request for certification of local highways would address CCC's concerns in relation to the extent of the publicly maintained local highways being ascertainable by the public and provide the necessary legal event. This would avoid the need for the extent of the local highways to be specified on the order plans.</p> |
| Applicant's comments | The Applicant refers to its previous response on this point including the drafting of Article 13 (see the Applicant's comments against [REP5-020] contained in document [REP6-034]) and why it considers reference to certification in the dDCO to be unnecessary. |
| REP6-058bx | <p>Landscaping – REP1- 048ac - REP4-060ac</p> <p>CCC welcomes the Applicant's amendment to the dDCO at Schedule 2 item 6.</p> |
| Applicant's comments | The Applicant notes this comment from the Cambridgeshire Authorities. |

| Reference Number | Interested Parties Submission/Applicant's Comments |
|----------------------|--|
| REP6-058by | <p>NMU and PRoW – REP1-048az - REP4-060av and REP4-060aw</p> <p>The Councils continue to be of the view that there are missed opportunities with regards to NMUs and that greater provision for NMUs should be provided by the Applicant as part of the Scheme. The Councils refer to the high-level feasibility analysis carried out following Issue Specific Hearing 5 and submitted at Deadline 6.</p> |
| Applicant's comments | <p>Please refer to the Applicant's comments on the Brief Feasibility Study for a new NMU link between St Neots and Cambourne [TR010044/EXAM/9.96], submitted at Deadline 8.</p> |
| REP6-058bz | <p>NMU and PRoW – REP1-048bb - REP4-060ax</p> <p>6.5.7 b): The response that the verges on the bridge "should be sufficiently wide to accommodate a future NMU facility" does not provide adequate reassurance that this will be the case. The Councils still consider that it is reasonable to require the Applicant to provide all-inclusive NMU provision on all bridge crossings. The Councils note that the Applicant stated at ISH5 that it has agreed to provide equestrian parapets on the Roxton Road bridge crossing, and requests again that the same is provided on the Potton Road and Toseland bridge crossings, as requested in the Councils Joint Written Representations [REP1-048].</p> <p>6.5.7 k): The Councils look forward to receiving confirmation that the section of footway highlighted will be upgraded to a shared use footway/cycleway.</p> <p>6.5.8: Designated Funds were provided for the design and construction of a cycle route from Papworth Everard to Caxton Gibbet (tying in with the Applicant's works on the Caxton Gibbet north roundabout). The section from Brockley Road to Cambourne was not included in the designated funds allocation.</p> |
| Applicant's comments | <p>6.5.7b) Equestrian parapets are being provided at the Roxton Road bridge via National Highways Designated Funds. The Scheme is not funding this as there was no justification for doing so as a result of the Scheme itself. The Applicant would be willing to assist CCC in a Designated Funds application for these parapets.</p> <p>6.5.7k) The section of footway is in the process of being considered and a decision is pending.</p> <p>6.5.8 Designated Funds were used in 2019 to provide a preliminary design of a CCC led scheme for a footway/cycleway between Papworth Everard and Cambourne via the A1198, Caxton Gibbet and Brockley Road. The Applicant understands that CCC are in the process of implementing the section from Papworth Everard to Caxton Gibbet but are not implementing the section from Caxton Gibbet to Cambourne. The Applicant has not been advised of the reason for not implementing this section.</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| REP6-058ca | <p>Biodiversity - Underpass design - NMU & bats - REP4-060ay</p> <p>6.6.1 Reference is made to the Councils' comments on the Scheme Design Approach and Design Principles [REP3-014] submitted at Deadline 6 in document CLA.D6.ISH5.AP15 in relation to dual functionality of underpass design.</p> |
| Applicant's comments | <p>Please refer to Appendix A of this document and also to the updated Scheme Design Approach and Design Principles [TR010044/EXAM/9.26v2] submitted at Deadline 8.</p> |
| REP6-058cb | <p>Ecology REP1-048be - REP4-060az</p> <p>The Councils are concerned about the impact to Great Crested Newt, Protected Road Verge S8, arable field margins, bats and terrestrial invertebrates. Please refer to The Councils response to REP4-058p.</p> |
| Applicant's comments | <p>The Applicant makes reference to the responses to REP6-058h-j.</p> |
| REP6-058cc | <p>Ecology REP1-048bf - REP4-060ba</p> <p>The Applicant's response hasn't addressed the Councils previous comments. The Applicant has failed to justify losses to high and medium distinctiveness habitats [REP3-012], which should have been compensated in accordance with the technical guidance for both the Defra Biodiversity Off-setting Metric 2012 (upon which the Highways England metric [APP-206] is based) and the more recent Defra Biodiversity Metric 2.0 (used in [REP3-013]).</p> <p>Please refer to the Council's response to Issue Specific Hearing 4, Action Point 8 submitted at Deadline 6, in document CLA.D6.ISH4.AP8.</p> <p>The loss of hedgerows can only be assessed against the evidence provided as part of the application submission. If the Biodiversity Net Gain assessment is out-of-date, and doesn't reflect the latest design/hedgerow retention, the Councils suggest it is updated with a more accurate representation of hedgerow losses/gains.</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| | <p>Section 4 of the Applicant's comments on Biodiversity Net Gain Technical Note [REP6-062] [TR010044/EXAM/9.98] provides additional justification to demonstrate how the loss of high and medium distinctiveness habitats shown in Appendix 8.19 Biodiversity Net Gain [APP-206] of the Environmental Statement and the Biodiversity Net Gain: Metric 2.0 [REP3-012] is due to an over-precautionary approach to the classification and the extent of loss of certain habitats.</p> <p>The Applicant refers to the responses to REP6-058as in this document which includes reference to Table 8-10 in Appendix 8.19, Biodiversity Net Gain [APP-206] of the Environmental Statement showing overall a slight beneficial effect for hedgerows which is based on the overall net increase in hedgerow length. The Biodiversity Net Gain: Metric 2.0 calculation [REP3-012] was based on a precautionary approach with an overall increase in length of 3.4 km. This resulted in a 32% net loss of hedgerow units.</p> |
| REP6-058cd | <p>Ecology REP1-048bh and Rep1-048bi - REP4-060bc</p> <p>The First Iteration EMP [APP-234] does not refer to the protection of the Protected Road Verge S8 to prevent damage/degradation during construction works (e.g. vehicle damage to soil structure). Please see response to REP4-058p above. The Councils reiterate their request for the Applicant to submit evidence of the Protected Road Verge survey undertaken by Wildlife Trust 2019 referenced within their response.</p> |
| Applicant's comments | <p>As stated in the Applicant's response to REP6-058o, protection of PRV S8 has been included in the Biodiversity Pre-commencement Plan submitted at Deadline 8 [TR010044/APP/6.13v2]. As stated in the Applicant response to REP6-058n, there is no Wildlife Trust report available.</p> |
| REP6-058ce | <p>Noise REP1-048bv - REP4-060bg</p> <p>Working hours: CCC maintains its position in relation to working hours.</p> <p>Commitment to continuous noise monitoring (during construction): The Councils agree that the complaints procedure should be developed at the detailed design stage.</p> <p>Noise limits at receptors during construction: Agreed.</p> <p>Noise monitoring once scheme is operational: See the response to REP4-057z above.</p> <p>Local construction management plans: Agreed.</p> <p>Commitment to providing off-site Noise barriers: See the response to REP4-057y above.</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
|----------------------|---|
| Applicant's comments | <p><u>Working hours</u></p> <p>The Applicant is not willing to change the core working hours as set out in Chapter 2, The Scheme [APP-071] of the Environmental Statement, as these time periods are required in order to deliver the Scheme within the overall construction programme. A consequence of a change to the core working hours would be an extension to the construction programme.</p> <p>However, the Applicant is willing to engage in discussions with the local authorities so that agreements can be sought when working close to sensitive locations, such as residential properties, or where there are specific activities, such as during school exams, where noise from construction could potentially be minimised. Where appropriate, discussions will be held with local authorities on these matters during the detailed design stage where mitigation can be discussed in more detail.</p> <p>A meeting was held with the Cambridgeshire Authorities on 11 January 2022 to discuss construction working hours in which a few potential changes to Requirement 19(2) of the draft DCO were discussed. These were the following:</p> <p>(i) deleting 'including but not' from Requirement 19 (2)</p> <p>(ii) sub clauses (k), (m), (n) and (o) would require agreement with the relevant local authority in advance of the works described in these sub clauses taking place.</p> <p>The Applicant will reflect these changes in the draft DCO at Deadline 10.</p> <p><u>Commitment to continuous noise monitoring (during construction):</u></p> <p>The comment from the Cambridgeshire Authorities is noted.</p> <p><u>Noise limits at receptors during construction:</u></p> <p>The agreement of the Cambridgeshire Authorities on this matter is welcomed.</p> <p><u>Noise monitoring once scheme is operational:</u></p> <p>The Applicant refers to its response to Q3.16.2.1 in the Applicant's responses to the Examining Authority's Third Written Questions [TR010044/EXAM/9.97].</p> <p><u>Local construction management plans:</u></p> <p>The agreement of the Cambridgeshire Authorities on this matter is welcomed.</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
|----------------------|--|
| | <p><u>Commitment to providing off-site noise barriers:</u></p> <p>The Applicant notes that the response to REP4-057y is missing from the Authorities' submission. However, the Authorities position on this matter was confirmed in an email exchange on 30th December 2021 between the Applicant and a representative of the Cambridgeshire Authorities. This exchange confirmed that the Authorities had decided that it was not reasonably practical or environmentally sustainable to build the off-site barriers due to the heavy vegetation at Parkers Farmhouse, Rectory Farm Cottage and 1 and 2 Wintringham Cottages.</p> |
| REP6-058cf | <p>Cultural Heritage REP1-048cf - REP4-060bj</p> <p>Although discussed at length, very little change was made in the meetings and communications following the presentation of site areas to the County Archaeologists. We would encourage the Applicant to take a more positive view of the contribution County Archaeologists are able to make when designing mitigation schemes, as we have significant experience of archaeological resource of our areas.</p> |
| Applicant's comments | <p>The Applicant has consulted with the Cambridgeshire Authorities throughout the project. The strategy to focus excavations on key areas was first discussed at a meeting in April 2020, and the mitigation areas were first developed in September 2020. The Applicant has exchanged numerous e-mails and held at least ten meetings since September 2020. The Applicant has taken comments from CCC into account, as demonstrated by increases to the following mitigation areas following consultation with CCC: 10, 11, 13, 15, 16, 17, 18, 20, 22, 24, 29, 30, 31 and 34 (note: it is acknowledged that not all of these areas have been extended to the extent required by CCC, but the areas were increased in all cases). However, there is no justification to change the extent or category of the remaining areas, as detailed in the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045].</p> |
| REP6-058cg | <p>Cultural Heritage REP1-048cf - REP4-060bk</p> <p>We agree with the importance of physical field evaluation as a tool, just not with the Applicant's interpretation of the results in some areas and have previously set out our reasons for this in submissions such as REP5-020 (table 9.55), REP4-059 (Q2.12.4.1b), REP3-041 (Cultural Heritage section, pages 6-8), REP2-003 (paragraph 6.2.10) and REP1-048 (section 12.2).</p> |
| Applicant's comments | <p>The Applicant notes the response from the Cambridgeshire Authorities. Our previous response has not changed as set out in the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045].</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
|----------------------|--|
| REP6-058ch | <p>Minerals and Waste REP1-048cn and REP1-048cp - REP04-060bp REP04-060bq</p> <p>See response to REP4-057d above.</p> |
| Applicant's comments | <p>See response to REP4-057d above.</p> |
| REP6-058ci | <p>Climate Change REP1- 048cz - REP4-060by</p> <p>The authorities note that the DfT's approach to supporting the role out of ultra-low emissions vehicles is via the creation of a Rapid Charge Fund. We welcome the reference to the Applicant seeking to identify opportunities to create capacity within the electrical supply at both Caxton Gibbet and the Black Cat junction areas to enable the installation of charge points as well as the potential for any charge points installed at the compound at the Back Cat junction to remain after completion of the Scheme.</p> <p>With regards to the offsetting of emissions, while we note that the approach to carbon offset in relation to the strategic road network is still to be defined, the authorities are concerned that as a result it is not possible to provide adequate certainty for testing this element of the proposed scheme's impacts. In addition, elsewhere in the submissions from the Applicant, for example in the Statement of Common Ground [REP5-003], the Applicant has stated that the scheme will not benefit from carbon offsetting. As such, the Councils request clarity from the Applicant on this point and require greater certainty and commitment from the applicant with regards to offsetting residual emissions, even if it is not yet possible to precisely determine the means by which this offsetting will be undertaken.</p> |
| Applicant's comments | <p>The Applicant notes and welcomes the comments made with regard to the identification of opportunities to enable the installation of charge points for electric vehicles.</p> <p>With regard to the offsetting of emissions please see the response to REP6-058au above.</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| REP4-061: Comments on the Applicant's D3 submissions | |
| REP6-058cj | Sensitivity testing of strategic traffic model flows in junction models – REP04-061ae This is addressed in response to REP4-61az-bm below. |
| Applicant's comments | Please refer to the Applicant's comments on REP6-058cp – REP6-058db in this table. |
| REP6-058ck | Joint position statement on modelling methodology – REP04-061af This is addressed in response to REP4-61az-bm below. |
| Applicant's comments | Please refer to the Applicant's comments on REP6-058cp – REP6-058db in this table. |
| REP6-058cl | Non-motorised users – REP-061al Regarding the A1198 crossing, South of the Southern Roundabout to enable NMUs to cross safely to access services, CCC welcomes the Applicant's consideration of a provision of a signalized crossing at this location and awaits their conclusions. |
| Applicant's comments | The Applicant notes the comments made by the Cambridgeshire Authorities and considers that the matters on the provision of signalised crossing are concluded. |
| REP6-058cm | Limits of Deviation - REP-061an Further discussions have taken place with the Applicant on this matter. CCC may be content to proceed without specific limits of deviation drawn for each public right of way if the legal agreement contains the requirement for any deviation to the alignment shown on the Streets, Rights of Way and Access Plans [APP-013] to be approved by CCC prior to detailed design taking place. We understand that this approach is acceptable in principle to the Applicant. |
| Applicant's comments | Please refer to the Applicant's response at REP6-058bu. |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| REP6-058cn | Handover of Highways – REP4-061ao CCC maintains its position, as most recently articulated in document REP5-020 . |
| Applicant's comments | The Applicant notes this comment from the Cambridgeshire Authorities. |
| REP6-058co | Impact on Dry Drayton and Madingley – REP4-061as to REP4-061ay The only difference between the Do Minimum and the Do Something is the introduction of the scheme. The Note on the impact on Dry Drayton and Madingley [REP3-028] indicates that the model coding through Dry Drayton and Madingley was incorrect. The Councils require the impact of the scheme through Dry Drayton and Madingley to be monitored as most of the suggested scheme is likely to be due to the errors in the model coding meaning that the roads through Dry Drayton and Madingley are more attractive in the model that they would be in real life. The monitoring requested aims to show that the scheme does not have a significant impact in these settlements despite what the modelling indicates. |
| Applicant's comments | The Applicant's position is set out in its response to REP6-058al in this table. |
| REP6-058cp | Scope of Junction Modelling Sensitivity Test - REP4-061az In the review of the Scope of Junction Modelling Sensitivity Test [REP3-029] CCC set out the rationale for the requirement for all junctions to be tested using the revised Traffic flows. The Applicant has unilaterally decided that this was not necessary and as such CCC do not have sufficient information to form a view on the impact of the proposed scheme on the local road network or the suitability of the proposed DCO design. At the meeting on 29 November 2021 the Applicant undertook to provide additional information on the remaining junctions that CCC are seeking information for. These are due to be submitted at Deadline 6 and 7. This information will be reviewed in due course when available. |
| Applicant's comments | Please refer to the Applicant's Responses to Issues Raised at ISH5 on 2 December 2021 [TR010044/EXAM/9.105] which has been submitted at Deadline 8. This document provides submissions in respect of the Eltisley and Cambourne junctions: these submissions were shared with CCC on 22 nd December and 4 th January, respectively. Submissions in respect of the A428/Toseland Road Junction and the B1046/ Potton Road junction are also included in TR01044/RXAM/9.105, although they were not shared with CCC in advance. |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| REP6-058cq | <p>Modelling of additional junctions in St Neots Table 3-1 Row 1 - REP04-061ba</p> <p>a) CCC do not agree with the position taken by the Applicant in relation to the impact of the scheme on Great North and Cambridge Roads in St Neots as both these roads are shown to experience significant growth in traffic volumes as a direct result of the scheme, and CCC need confidence that the upstream junctions on these roads can accommodate the proposed levels of additional traffic. Without this, it is not possible for CCC to confirm that they can discharge their duty to ensure smooth operation of the local road network. In addition, if the upstream junctions are shown not to be able to accommodate the predicted levels of traffic, this will impact on the level of rerouting away from St Neots town centre which would reduce the real benefits of the scheme.</p> <p>b) CCC welcome the fact that the Applicant is willing to consider monitoring of the impacts of the scheme on Great North Road and Cambridge Road in St Neots, but CCC require greater details of the monitoring to be undertaken and what mitigation would be put in place if required at this stage rather than waiting until after the DCO is agreed. This needs to be secured in the DCO to ensure confidence that significant effects on the local road network will be mitigated. CCC refers to its submission relating to 'Monitor and Manage' also submitted at Deadline 6.</p> <p>c) the Applicant has agreed to look at possible mitigation at Wyboston junction. It is possible that this will remove the issues indicated on Great North Road. This information will be reviewed once it has been submitted (most likely at Deadline 7).</p> |
| Applicant's comments | <p>a) The Applicant maintains that it is neither proportionate nor necessary to assess further local junctions on either Great North Road or Cambridge Road in St Neots for the reasons already set out in documents such as the 'Scope of Junction Model Sensitivity Test' [REP3-029] and 'Consultation Report Appendix W: Response to traffic queries raised by the Joint Response from the Cambridgeshire and Peterborough Local Authorities' [APP-069].</p> <p>Additionally, the reasons for not undertaking additional tests in these two corridors have been deliberated at significant lengths in ISH-5 and the position taken by the applicant based on the robust outputs of the sensitivity tests were agreed by all parties. Hence, the applicant considers this issue to be closed.</p> <p>b) The Applicant's position is set out in its response to REP6-058a</p> <p>c) As regards the investigation of potential mitigation measures at Wyboston roundabout, this work has been undertaken and the results are set out in [TR010044/EXAM/9.105] which has been submitted at Deadline 8, and were shared with CCC on 5^h January 2022..</p> |

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| REP6-058cr | <p>Flows to be used in the sensitivity test of Key Scheme Junctions Table 3-2 Row 1 - REP04-061bb</p> <p>CCC asked to be included in the discussion of the flows to be used in the sensitivity tests. This did not happen, and the Applicant unilaterally devised the flows. The Note setting out the results of the sensitivity tests [REP5-018] does not include the information to enable the results to be agreed. Additional information was provided to CCC by email at 18:06 on 24 November 2021. A detailed response to the sensitivity tests is provided separately below, for REP5-018.</p> |
| Applicant's comments | <p>The VISSIM and Junctions models, the base traffic flows (counts) and the calculations supporting the flows used in the models were provided to CCC on 24 November 2021, for the following junctions:</p> <ul style="list-style-type: none"> • Black Cat (Vissim); • Cambridge Road (Vissim); • Caxton Gibbet (Vissim); • Wyboston (Junctions); • Barford Road (Junctions). |
| REP6-058cs | <p>Vissim Parameters Table 3-2 Row 1 - REP04-061bc</p> <p>CCC has provided a detailed response to this point in the review of the Junction Model Sensitivity Test Results Technical Note [REP5-018] below.</p> |
| Applicant's comments | <p>Please refer to the Applicant's comments on REP6-058dx – REP6-058ek in this table.</p> |
| REP6-058ct | <p>A428/Toseland Road/Abbotsley junction Table 3-2 Row 2 - REP04-061be</p> <p>CCC do not agree with the decision to exclude this junction from the sensitivity testing. Without this information CCC does not have sufficient information to form a view on the operation of this junction in the with scheme scenario. Further to a meeting with CCC on 29 November, the Applicant has agreed to conduct a sensitivity test on this junction using 2040 flows derived using observed flows. This is due to be submitted by Deadline 7.</p> |
| Applicant's comments | <p>Please refer to the Applicant's Responses to Issues Raised at ISH5 on 2 December 2021 [TR010044/EXAM/9.105] which has been submitted at Deadline 8. This document includes further analysis undertaken in respect of observed traffic flows at this junction. This information has been shared with CCC in advance of Deadline 8.</p> |

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| REP6-058cu | <p>Potton Road/B1046 Junction Table 3-2 Row 4 - REP04-061bf</p> <p>CCC do not agree with the decision to exclude this junction from the sensitivity testing. The flows indicated by the Strategic traffic model do not accurately reflect the observed flows at this location and impacts the proposed design at this junction. Without this information CCC does not have sufficient information to form a view on the operation of this junction in the with scheme scenario. Further to a meeting with CCC on 29 November, the Applicant has agreed to conduct a sensitivity test on this junction using 2040 flows derived using observed flows. This is due to be submitted by Deadline 7.</p> |
| Applicant's comments | <p>Please refer to the Applicant's Responses to Issues Raised at ISH5 on 2 December 2021 [TR010044/EXAM/9.105] which has been submitted at Deadline 8. This document includes further analysis undertaken in respect of observed traffic flows at this junction. This information has been shared with CCC in advance of Deadline 8.</p> |
| REP6-058cv | <p>Eltisley Link Junction Table 3-2 Row 5 - REP04-061bg</p> <p>This is a completely new junction configuration that is situated directly on the scheme and CCC need to be sure that size and form of the junction proposed is suitable for the level of traffic projected to be using it in the future. Given that this junction is directly on the scheme and fundamentally changes as a direct result of the scheme it is disappointing that this junction was excluded from the sensitivity testing presented in the Junction Model Sensitivity Test Results Technical Note [REP5-018]. Further to a meeting with CCC on 29 November, the Applicant has agreed to conduct a sensitivity test on this junction using 2040 flows derived using observed flows. We understand this is due to be submitted by the Applicant at Deadline 8.</p> |
| Applicant's comments | <p>Please refer to the Applicant's Responses to Issues Raised at ISH5 on 2 December 2021 [TR010044/EXAM/9.105] which has been submitted at Deadline 8. This document includes further analysis undertaken in respect of observed traffic flows at this junction. The results were shared with CCC on 4 January 2022.</p> |
| REP6-058cw | <p>Cambourne Junction Table 3-2 Row 6 – REP04-061bh</p> <p>CCC does not agree with the decision to exclude this junction from the sensitivity testing. Without this information CCC does not have sufficient information to form a view on the operation of this junction in the with scheme scenario. Further to a meeting with CCC on 29 November, the Applicant has agreed to conduct a sensitivity test on this junction using 2040 flows derived from the Cambourne development Transport Assessment. This id due to be submitted at Deadline 7.</p> |

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| Applicant's comments | Please refer to the Applicant's Responses to Issues Raised at ISH5 on 2 December 2021 [TR010044/EXAM/9.105] which has been submitted at Deadline 8. This document includes sensitivity testing carried out in respect of this junction. The results were shared with CCC on 4 January 2022. |
| REP6-058cx | Scotland Road, Hardwick Junction Table 3-2 Row 7 – REP04-061bi At the meeting on 29 November CCC agreed to forego any further testing at this junction as the impacts are likely to be marginal. |
| Applicant's comments | The Applicant notes this comment from the Cambridgeshire Authorities. |
| REP6-058cy | Madingley Mulch Junction Table 3-2 Row 8 – REP04-0161bj The revised VISSIM model results are not included in the sensitivity testing and therefore CCC are not in a position to form a view on the revised modelling of this junction. Outputs from the revised M11 Junction 13 model (which now includes the Madingley Mulch junction) is due to be submitted at Deadline 6. The Applicant confirmed that they will try to share this with CCC in advance of Deadline 6. |
| Applicant's comments | The revised M11 J13 model has now been provided to CCC, together with a Technical Note (TN80) which has been formally submitted at Deadline 8 as Results of additional VISSIM modelling at M11 Junction 13 [TR010044/EXAM/9.102]. |
| REP6-058cz | Wybotson Roundabout Table 3-2 Row 8 – REP04-061bk CCC has provided a detailed response to this pint in the review of the Junction Model Sensitivity Test Results Technical Note [REP5-018] below. |
| Applicant's comments | The Applicant has provided individual responses to the individual comments contained in sections 058ef to 058ej below. |
| REP6-058da | A428 Barford Road Roundabout Table 3-2 Row 10 – REP04-061bl CCC has provided a detailed response to this pint in the review of the Junction Model Sensitivity Test Results Technical Note [REP5-018] below. |

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| Applicant's comments | The Applicant has provided a detailed response to the comments contained in section 058ek below. |
| REP6-058db | <p>M11 J13 and Buckden Roundabout Table 3-2 Row 11 – REP04-061bm</p> <p>With regards to M11 J13, the Applicant states that the results of the extended VISSIM model will be shared with CCC in advance of Deadline 6.</p> |
| Applicant's comments | <p>The revised M11 J13 model has now been provided to CCC, together with a Technical Note (TN80) which has been formally submitted at Deadline 8 as Results of additional VISSIM modelling at M11 Junction 13 [TR010044/EXAM/9.102].</p> |
| <p>9.65 Applicant's comments on other parties' responses to second round of written questions</p> | |
| REP6-058dc | <p>Biodiversity – Adequacy of mitigation measures – Q2.3.5.1 c)</p> <p>Bats: Further information is required to understand the relationship between the proposed bat crossing points, the existing flight paths and the connections to the wider landscape/any guide planting. The Councils await further submissions by the Applicant at Deadline 6 on this subject before commenting further.</p> <p>The requirement for the Councils to be involved with bat mitigation discussions, along with Natural England, will help further understand whether or not the designs are appropriate. Please refer to the Councils' annotated Design Principles document, submitted at D6 as CLA.D6.ISH5.AP15, which has identified specific issues for multi-functional underpass structures (NMU and bat/mammal requirements) in Appendix C. However, until survey work/assessment has been completed, the Councils will not know whether or not additional mitigation (e.g. crossing structures) are required.</p> <p>The Councils are concerned that the Environmental Master Plan [REP4-047] identifies a number of crossings as "EP3.1 Protected Species Bat, badger and other mammals crossing", however, the response to question Q2.3.5.1.c suggests that some of these structures have not been designed for bats and some are unsuitable. The Councils request an update of the Environmental Master Plan [APP4-047] to better reflect what these 'mammal crossings' will be/will not be designed for.</p> <p>The Councils are also concerned that existing bat crossing points identified in the bat survey work have not been included within the A428 scheme. Currently, there is only one crossing point on an existing bat flight line (Hen Brook) and none at locations supporting moderate bat activity, or low bat activity, see our response above to [REP5-010]. This seems very concerning given the highly fragmented landscape within Cambridgeshire, where commuting routes with</p> |

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| Applicant's comments | <p>even moderate/low activity would be considered important. The Councils hope these points can be discussed further and addressed through bat mitigation discussions with the Applicant and Natural England.</p> <p>The Applicant notes that the Cambridgeshire Authorities were awaiting further submissions by the Applicant at Deadline 6 on this subject and confirms that a meeting was held to discuss the matter involving the Cambridgeshire and Bedfordshire councils and Natural England on 7 January 2022. Clarification regarding the design of underpasses is provided in the Scheme Design Approach and Design Principles [TR010044/EXAM/9.26] update submitted at Deadline 8 and the response to Q3.3.5.1 in the Applicant's responses to the Examining Authority's Third Round of Written Questions [TR010044/EXAM/9.97].</p> <p>A rationale for the provision of mitigation structures is provided in Appendix C of the Barbastelle Bat Surveys and Mitigation Technical Note submitted at Deadline 6 [REP6-027] and relevant points listed as follows: The results of the surveys of bats using the Scheme and the landscape around it show that the movements of bats across the Scheme are at low levels along most of the proposed route and this is particularly pronounced in the eastern half of the Scheme. This outcome is not unexpected given the landscape of intensive arable agriculture with large fields and poor quality hedgerows. The evidence from the survey data has identified the need for two crossing points, the River Great Ouse and the hedgerows between Sir John's Wood and Boy's Wood, which had significant numbers of bats of a number of species. The proposed mitigation in terms of crossing points responds to these findings with underpass crossing points being included at these two locations.</p> <p>It is anticipated that the pattern of bat movement will change in time as a result of the substantial amount of habitat that will be created, in large measure replacing the arable fields. Given the anticipated increase in bat activity, the Scheme includes three additional crossings: the East Coast Main Line railway bridge, Hen Brook underpass and the Pillar Plantation (West Brook) underpass plus other crossing points to facilitate the movement across the Scheme (mostly north-south). These are all described below. Additionally, the movement of bats east-west is facilitated by both the proposed Scheme and the legacy A428 which will remain as a strong corridor for bat movement but without the traffic numbers that it experiences at present.</p> <p>The Applicant has provided detail on these five crossing point structures and their suitability, demonstrating that they can be used by foraging and commuting bats.</p> <p>In addition to Figure 2.4, Environmental Masterplan of the Environmental Statement (as updated in the submission at Deadline 6 [REP6-051], all structures are detailed on the Engineering Sections drawings [APP-019]. It should be noted that all structures will be unlit and will have suitable planting and fencing around the entrances/exits. This will require</p> |

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| | <p>detailed design prior to construction. Viaducts and underpasses comprising tunnels and culverts are accepted as effective interventions if designed properly to mitigate road impacts on bat species. Data on long-term effectiveness of structures by bats are limited and monitoring as part of this Scheme will be included to document this.</p> <p>Six other structures including road, cycle and foot bridges along the Scheme, whilst not deemed to be essential mitigation for bats and their movement across the Scheme, are considered likely to be used by bats¹ particularly those structures located along existing habitat features such as hedges. They are unlit and have links to adjacent habitats. These are shown on Figure 2.4, Environmental Masterplan (as updated in the submission at deadline 6 [REP6-051] and the Engineering Sections drawings [APP-019]. These are the footbridge, 2.6m wide, near Cambridge Road Junction Wintringham, Toseland Bridge, 13.5 wide open to vehicles with a 4m footway and 2.5m verge; Eltisley Bridge, 14.8m wide open to vehicles with a 4m footway and 2.5m verge, Barford Road Bridge, open to vehicles, 2.5m verges only, Top Farm Bridge, 5.7m wide along existing commuting route, light farm vehicle use, unlikely to be used much at night, and farm access bridge, 7m wide near Croxton. light farm arm vehicle use, and unlikely to be used by vehicles much at night.</p> <p>As noted by the Cambridgeshire councils, these points can be discussed further and addressed through bat mitigation discussions with the Applicant and Natural England.</p> <p>¹Elmeros, M., Møller, J.D., Dekker, J., Garin, I, Christensen, M, Baagøe, H.J and Forskning F (2016) CEDR Transnational Road Research Programme Call 2013: Roads and Wildlife. Fumbling in the dark – effectiveness of bat mitigation measures on roads bat mitigation measures on roads – a guideline. December 2016.</p> |
| REP6-058dd | <p>Biodiversity - Aquatic habitats - Q2.3.6.1. c)</p> <p>We await the submission of further information at Deadline 7 to address concerns relating to Pond 83.</p> |
| Applicant's comments | <p>The Applicant can confirm that measures will be implemented to restore and enhance the condition of Pond 83 such that it is suitable for breeding Great Crested Newt. This will be secured by Annex B of the First Iteration Environmental Management Plan [REP6-008] which will be further updated at Deadline 9.</p> |
| REP6-058de | <p>Borrow Pits - Q2.6.2.1</p> <p>The Applicant's responses are noted. In respect of Policy 7 and Policy 19, Councils and the Applicant appear to be of differing views. The Councils proposes to pursue this through the Statement of Common Ground. The Councils notes that the Applicant, as stated in ISH5, intend to submit additional material in respect of the borrow pits and the EMP at Deadline 6. The Councils will therefore reserve further comment until that documentation is available for review.</p> |

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| | <p>The Councils believe that the Applicant may have misinterpreted paragraph 1 of Policy 19 in relation to the requirement to secure a restoration and aftercare scheme, if necessary, by legal agreement. This is normally used to secure restoration and aftercare in instances where it is not possible to do so using planning conditions. This is often in relation to longer term aftercare, or where there are phased schemes or involves land outside the planning permission area. Assuming that the borrow pit is restored as according to the landowners' wishes, i.e. agriculture, we will leave it to their judgement as to the legal agreements to which they wish to have with the Applicant to ensure the land is returned to them in a satisfactory state, in a timely manner. The Councils' position is that a requirement securing borrow pit restoration is necessary to ensure that borrow pits are adequately restored from a public interest perspective, as well as any agreement with landowners to ensure that the restored borrow pits meets the landowner's needs.</p> <p>This comment has also been made above for '9.64 Applicant's Comments on submissions made at Deadline 4 [REP5-014]', and should be read in the context of other comments made by the Councils with regards to biodiversity, elsewhere in this document. Relevant previous submissions include: Written Representations [REP1-048] Section 13; Local Impact Report [REP2-003] Table 10, paragraphs 8.9.3-4 and Appendix A; REP4-057 Q1.6.2.1; and REP4-060 Minerals and Waste REP1-048cn.</p> |
| Applicant's comments | <p>A Borrow Pit Management Plan (Annex R) is available in the updated First Iteration EMP [REP6-008].</p> <p>Please see the Applicant's comments above at REP6-058v regarding the Borrow Pits Management Plan. In summary, the Applicant notes the Councils' explanation regarding the use of legal agreements to secure restoration and aftercare schemes. The Applicant also notes their view that a Requirement is needed to secure borrow pit restoration. However, the Applicant maintains its view that this is not necessary as the restoration of the borrow pits is secured through Requirements 3 and 4 (in relation to the EMP) of the draft DCO [REP6-003].</p> <p>The Applicant notes the Councils' explanation regarding the use of legal agreements to secure restoration and aftercare schemes. The Applicant also notes their view that a Requirement is needed to secure borrow pit restoration. However, the Applicant maintains its view that borrow pit restoration is already secured within the draft DCO through Requirements 3 and 4 in relation to the Environmental Management Plan.</p> |
| REP6-058df | <p>Borrow pits Construction compounds - Q2.6.2.2</p> <p>Agreed that details of the noise and dust mitigation measures should be contained within the second iteration Environmental Management Plan.</p> |

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| Applicant's comments | The Applicant notes this comment from the Cambridgeshire Authorities. |
| REP6-058dg | Discharging requirements and conditions - Q2.7.1.1 In relation to the comments on Article 9(2), further discussions have taken place between the Councils and the Applicant. The Councils would be content for the approval of the alignment of local highways to be secured through the legal agreement and understand that this is acceptable to the Applicant in principle. |
| Applicant's comments | The Applicant remains of the view that any approval by the local highway authority under Article 9(2) is unnecessary and the approval should remain solely with the Secretary of State, noting the Applicant's amendment to the dDCO submitted at Deadline 4 [REP4-006] to include the relevant highway authority as a consultee in relation to any application to the Secretary of State under Article 9(2). The Councils state they would be content if their approval in respect of Article 9(2) is secured by way of legal agreement, in the alternative. The Applicant however maintains its position that it is appropriate for such approval to rest with the Secretary of State alone. |
| REP6-058dh | Requirement 19 – Construction Hours CCC maintains its position and requests detailed discussions with the Applicant on this matter. |
| Applicant's comments | A meeting was held on 11 January 2022 between the Applicant and the Cambridgeshire Authorities to discuss construction working hours, in which a few potential changes to Requirement 19(2) of the draft DCO were discussed. These were the following: (i) deleting 'including but not' from Requirement 19 (2) (ii) sub clauses (k), (m), (n) and (o) would require agreement with the relevant local authority in advance of the works described in these sub clauses taking place. The Applicant will reflect these changes in the draft DCO at Deadline 10. |
| REP6-058di | Methodology, inputs and outputs Q2.11.1.1 The Applicant states <i>"In respect of the Eltisley Link junctions, the Applicant does not propose to re-visit the junction capacity modelling for the reasons set out in document 9.44 Scope of Junction Model Sensitivity Test [REP3-029]. In summary, this is because the junction layout changes fundamentally: the future layout does not resemble the existing</i> |

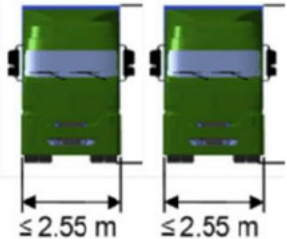
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| | <p><i>layout; the pattern of traffic flows at this junction will be fundamentally different with the Scheme because of the removal of through traffic from the existing A428; and that this junction is predicted to operate well within capacity in 2040 with the Scheme in place (max RFC=0.33). Please refer to the Transport Assessment [APP-241] Table 6-9 for more detail. This junction could therefore in principle carry more than double the amount of traffic assigned to it in the Model before reaching its capacity. There is therefore no reason for further modelling, to confirm the adequacy of the layout proposed at this junction in the Scheme."</i></p> <p>From this it is possible to see that based on the traffic flows predicted the junction is significantly larger than it needs to be. It is for this reason that CCC require the model to be reassessed using revised traffic flows. Further to a meeting with CCC on 29 November, the Applicant has agreed to conduct a sensitivity test on this junction using 2040 flows derived using observed flows.</p> |
| Applicant's comments | Please refer to the Applicant's Responses to Issues Raised at ISH5 on 2 December 2021 [TR010044/EXAM/9.105] which has been submitted at Deadline 8. This document provides submissions in respect of the Eltisley junctions. These submissions have been shared with CCC in advance of Deadline 8. |
| REP6-058dj | <p>Road design and layout - Q2.11.2.1</p> <p>Cambridgeshire CC agree with BBC that the issue of highway design standard is dependent on context, and acceptance of a lower design standard for BBC's local roads does not imply acceptance of the principle in other LHAs or on other schemes.</p> <p>Cambridgeshire CC have responded separately below to the Applicant's comments in REP5-017 on our previous submission REP4-056.</p> |
| Applicant's comments | The Applicant notes this comment from the Cambridgeshire Authorities. |
| REP6-058dk | <p>Detrunking Proposals - Q2.11.5.1</p> <p>The Authority notes that the Applicant states that sufficient information regarding the condition of the assets to be handed over will be provided. However, the Authority has received very little information to date and does not understand why such information cannot be provided at this juncture.</p> <p>Article 14(8) of the dDCO remains to be satisfactorily amended to require the Applicant to agree the date of de-trunking with the LHA.</p> |

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| Applicant's comments | <p>To date, the Cambridgeshire authorities have not requested information regarding the condition of the assets to be handed over and has been satisfied with the Applicant's proposals to provide such information following completion of the Agreement under negotiation between the parties. This is on the basis that it is not necessary to provide this information now.</p> <p>The Applicant has amended Article 14(8) in the dDCO submitted at deadline 6 [REP6-002] and awaits the Cambridgeshire authorities' comments.</p> |
| REP6-058dl | <p>Highway Condition - Q2.11.7.4</p> <p>The Applicant appears to accept that diverted and construction traffic will cause damage to the local road network. Given this acceptance, CCC considers that subsection 3 of Section 59 of the Highways Act is applicable and CCC wishes to agree a sum by way of compensation for this damage.</p> |
| Applicant's comments | <p>The Applicant disagrees with this interpretation and has not accepted that damage will occur on local roads. To clarify, the Applicant has committed to carry out inspections prior to and following the use of some local roads by construction related vehicles (rather than self-diverting traffic) to ensure that any existing damage, poor condition or normal wear and tear is not erroneously attributed to the Scheme when works are complete. If damage is found and is deemed to have been caused by construction vehicles the Applicant has committed to carry out appropriate repairs, as agreed at that time with the relevant local highway authority (Section 3.3.7 Outline Construction Traffic Management Plan [REP6-010]).</p> <p>The Applicant has asserted previously in the Applicant's comments on other parties' responses to second round of written questions [REP5-015] that Section 59 of the Highways Act 1980 would not be applicable and that it would be for CCC to establish that the relevant tests contained within that section have been met at the time they seek to rely on it.</p> |
| REP6-058dm | <p>Borrow pits – Q2.16.1.1</p> <p>Agreed that noise mitigation will be assessed at the detailed design stage, i.e. the Second Iteration EMP where the Applicant will use the "Best Practical Means" (BPM) to reduce noise which may include temporary noise barriers/screens.</p> |
| Applicant's comments | <p>The Applicant notes this comment from the Cambridgeshire Authorities.</p> |

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| 9.66 Outline Travel Plan | |
| REP6-058dn | <p>Incentives – 3.1.1</p> <p>National Highways should provide incentives for those staff who use a sustainable travel mode, or disincentivize staff from using a private car. In addition to the measures proposed, this could be done by charging for car parking, offering priority parking for car sharers, offering free bus taster tickets, or holding 'bike doctor' sessions.</p> |
| Applicant's comments | <p>The Outline Travel Plan includes measures and incentives to encourage the use of sustainable travel modes however the diverse locations from which staff and labour will be drawn together with the lack of public transport options means that most of the workforce will need to travel to the site in cars, van and minibuses.</p> <p>Charging for car parking has not been considered as the impact of this may be to encourage the workforce to park in inappropriate locations in the vicinity of the works to avoid a charge. Paragraph 3.5.1 of the Outline Travel Plan [REP6-008] includes the option of offering designated car sharing bays in all of the compounds. As there are no bus stops close to the compound locations it is not appropriate to offer free bus tickets however the potential for holding 'bike doctor' sessions will be considered in the development of the Travel Plan.</p> |
| REP6-058do | <p>Walking – 3.2.1</p> <p>It may be appropriate for a shuttle service to collect and drop off local staff who live within a 2-5 mile radius from the main sites.</p> |
| Applicant's comments | <p>The Applicant will consider the option of providing a minibus to collect and drop off workers locally where a demand is identified.</p> |
| REP6-058dp | <p>Cycling – 3.3.1 a.</p> <p>Drying rooms also to be considered for staff that cycle.</p> |
| Applicant's comments | <p>Drying rooms will be provided for site operatives which can also be used by staff that cycle. This will be added into the Outline Travel Plan [REP6-008] at Deadline 9.</p> |
| REP6-058dq | <p>Public transport – 3.4.1</p> |

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| | <p>The Councils welcome the Applicant's consideration of a shuttle service that collects and drops off staff from St Neots train station to the Main Compound and Western Compound, based on the shift work timings. This would encourage staff to use the train, allowing them to catch the shuttle to the main sites.</p> |
| Applicant's comments | <p>The Applicant notes this comment.</p> |
| REP6-058dr | <p>Electric/hybrid vehicles – 3.6.1 a.</p> <p>This point is not considered to provide sufficient clarity at present. The phrase 'where possible' needs to be expanded on, and details of how many charging points will be available at Wintringham (main site) and the Western Compound should be provided. These sites have 600 and 400 spaces respectively, and so a commitment to a certain proportion of EV charging points should be given.</p> |
| Applicant's comments | <p>The detailed design of the compounds has not been progressed and thus the number of charging points for EVs has not been determined. The Travel Plan that will be developed and issued as part of the Second Iteration EMP will include details of the number of EV charging points that will be installed in the Wintringham and western compounds. .</p> |
| REP6-058ds | <p>Appointment of a Travel Plan Champion/Coordinator – 4.2.1</p> <p>The Travel Plan Champion should be a dedicated post to promote greener travel for staff working over the three sites. The Councils would recommend that each site has a Welcome Pack, which will highlight all the sustainable travel options available to staff. Individuals are much more open to changing behaviours when starting a new job or moving location so it is crucial that interventions are put in place in the early stages, and therefore this role should be resourced appropriately.</p> |
| Applicant's comments | <p>The responsibility of the Travel Plan will be assigned to a dedicated person who will actively promote sustainable travel and deliver the strategy set out in the Travel Plan.</p> <p>The recommendation of a Welcome Pack is taken onboard. This will be added into the Outline Travel Plan [REP6-008] at Deadline 9.</p> |
| REP6-058dt | <p>Staff consultation – 4.3.1</p> |

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| | The site induction should extend to regular 'toolbox' talks to disseminate information to staff to make them aware of the public transport routes. |
| Applicant's comments | Staff will be made aware of public transport routes at the induction and regularly throughout the construction phase. This will be added into the Outline Travel Plan [REP6-008] at Deadline 9. |
| REP6-058du | <p>Staff consultation – 4.3.2</p> <p>National Highways should make personal travel planning available to staff. This is one-to-one tailored advice offered to an individual to show their available travel options when travelling from home to work. It would be the responsibility of the Travel Plan Coordinator (TPC) to offer this as a service to staff and highlight all options available to each employee. This is the prime opportunity to demonstrate and encourage sign-up to the internal car-sharing platform, and show employees potential car sharing matches.</p> |
| Applicant's comments | The Travel Plan Champion will be available for personal consultation on their travel planning options. This will be added into the Outline Travel Plan [REP6-008] at Deadline 9. |
| REP6-058dv | <p>Example Construction Workers Travel Plan</p> <p>The Councils would encourage the Applicant to seek best practice examples from other schemes to ensure the Travel Plan is well-considered, and would point to the Silvertown Tunnel Construction Workers Travel Plan (Appendix B, Construction Traffic Management Plan¹) as a suitable example.</p> |
| Applicant's comments | The Applicant will seek to use best practice from other similar schemes . The Silvertown Tunnel Construction Workers Travel Plan will also be reviewed however it is noted that this scheme is located in an urban environment with extensive local public transport links which contrasts significantly to the A428 Scheme which is located predominantly in a remote rural setting with sparse public transport connections. |
| 9.67 Applicant's comments on Cambridgeshire County Council's response to WS2.11.2.1 | |
| REP6-058dw | <p>Highway design standards</p> <p>The Applicant has not responded to the main point made in CCCs answer to WQ2.11.2.1 contained in REP4-056.</p> |

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| | <p>As stated at paragraph 3.4 of REP4-056, <i>Prudent selection and consistent application of an appropriate speed to the new section of road will help to ensure 'route continuity' with the existing road.</i></p> <p>The Applicant has selected <u>100km/h</u> as the design speed for B1040, Potton Road and Toseland Road and has proposed horizontal alignment, vertical alignment and superelevation consistent with that speed.</p> <p>However, when it comes to cross section, it appears that the Applicant seems unwilling to propose a cross section commensurate with 100km/h (62.5 mph). The Applicant proposes a 3.0m lane width, which is not suitable on roads where HGVs or buses are likely to encounter each other at oncoming speeds up to 80km/h legally, when the clearance between opposing vehicles' mirrors and between tyre and road edge is likely to be 200mm or less.</p>  <p>At 3.42 the Applicant asserts that 'design speed does not determine the carriageway width'. CCC point out the converse is true: that it is the carriageway width along with the range of factors involved in calculating the alignment and layout constraints (as previously set out in REP4-056) that determines an appropriate design speed. CCC can confirm that a 3.0m lane width would be acceptable to them on a 50 or 60 km/h design speed road, but not at 100km/h.</p> <p>The Applicant repeatedly talks of the need to decrease vehicle speeds, with no reason given as to why vehicle speeds commensurate with the design speed should not be considered acceptable without the need for further intervention. The Applicant does not mention what average speeds it would expect if 7.3m wide carriageway was constructed, nor what difference reducing that to 6.0m is expected to make. At 3.46 a 7mph reduction due to narrowing is mentioned, but no reason as to why that is necessary or desirable.</p> <p>A driver travelling on a road designed for 100km/h, but stuck behind a slow-moving vehicle such as a tractor, might still attempt to overtake on a 6.0m road which would be a riskier manoeuvre than on a 7.3m road.</p> <p>6.0m wide roads are likely to suffer early deterioration of the carriageway edge. This can itself lead to settlement, pavement failure ('potholes'), standing water on the road and further loss of effective carriageway width or loss of traction. This can only serve to make the road less safe.</p> |

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| | <p>It is therefore impossible to conclude that a road properly designed for 100km/h in all respects apart from its 6.0m width, is intrinsically safer than the same road built a little wider. That is far too simplistic.</p> <p>A road which has had an appropriate design speed selected, and then has each of the elements of that road designed to accord with that speed, is likely to have a better safety record.</p> <p>To respond to the point made by the Applicant at 3.26, we would agree that application of DMRB standards to the non-trunk road network needs to consider the character and classification of the road. This can be achieved by selecting an appropriate design speed as previously set out, from which appropriate alignment and layout constraints are fixed. Alongside this, Departures from Standards can be proposed by the Designer to suit local characteristics. It should be noted that the Departure process is part of the DMRB, and if acceptable to the relevant Highway Authority, then the design can be considered to be compliant with DMRB. To date, the only departures submitted are for 6.0m wide carriageways which are not acceptable to Cambridgeshire County Council, for all the reasons stated previously.</p> <p>We agree with the point at 3.28 and later at 3.6.5; that the Designer needs to adhere to its obligations under CDM and assess holistically its proposals. It is for the Designer to persuade the Highway Authority (not the other way round) that the proposals are the safest and most appropriate outcome in order to accept any Departure. Cambridgeshire CC are not convinced 6.0m is the safest dimension.</p> <p>Discussions are ongoing with The Applicant on this matter.</p> |
| Applicant's comments | <p>The Applicant has addressed the selection of design speed within paragraph 3.3.6 of 9.67 Applicant's comments on Cambridgeshire County Council's response to WQ2.11.2.1 [REP5-017]. The Applicant has selected design speeds for local roads on the Scheme that are congruent with the continuation of the existing routes and their characteristic to minimise, as far as reasonably practicable, significant changes that could influence driver's behaviour.</p> <p>The Applicant does not agree with the argument put forward by CCC that roads with a lane width of 3m or less, with a speed limit of 60mph, where buses or HGVs may pass each other are unsafe. Many local roads under the jurisdiction of CCC have lane widths less than 3m and speed limits of 60mph and buses and HGVs can and do use them. CCC have already stated in a previous submission (item REP1-048ae of [REP4-060]) that they do not consider their roads to be unsafe, whilst at the same time they suggest that the Applicant's proposals for the same or a slightly wider cross section (where the existing road is less than 6m wide) is unsafe.</p> <p>The Applicant appreciates that the width of a road has a bearing on driver behaviour, speed and willingness to overtake. The selection of the design speed is a function of the nature of the road, as described previously in the Applicant's comments on Cambridge County Council's response to WQ2.11.2.1 [REP5-017]. The point that the Applicant has put forward throughout is that the use of different road widths over a relatively short length can lead to a false sense of</p> |

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| | <p>security in driver's minds, where the wider road is perceived by drivers to be suitable for higher speeds, only for the driver to then encounter the original narrower road but will be travelling at an inappropriate speed. A wider cross section may also encourage frustrated drivers stuck behind slower moving vehicles to overtake on the widened section and again be travelling at higher speeds that are inappropriate when encountering the original road.</p> <p>Discussions with CCC are ongoing.</p> |
| 9.68 Junction Model Sensitivity Test Results | |
| REP6-058dx | <p>Scope of sensitivity testing – 3.1.1</p> <p>CCC welcome the further sensitivity testing at the five locations within their county but note that the Applicant unilaterally decided which junctions to assess with no liaison with Las. CCC require the testing of all the junctions included in the TA [APP-241 and App-242] and TAA [APP-243]. At the meeting on 29 November 2021, the Applicant agreed to undertake a number of additional tests. These assessments are due to be submitted at either Deadline 6 or Deadline 7. These assessments will be reviewed once available.</p> |
| Applicant's comments | <p>Please refer to the Applicant's Responses to Issues Raised at ISH5 on 2 December 2021 [TR010044/EXAM/9.105] which has been submitted at Deadline 8. This document provides submissions in respect of the Eltisley and Cambourne junctions and A428/Toseland Road Junction and the Potton Road junction. These submissions have been shared with CCC in advance of Deadline 8.</p> |
| REP6-058dy | <p>Changes made to the scheme junctions models tested – 3.1.2.a.</p> <ol style="list-style-type: none"> i. Use of National Highways guidance for the standstill distance in the Vissim models is welcomed and agreed. ii. The splitting of HGV's into two classes is welcomed. Details of the methodology used in undertaking this exercise is being reviewed as part of the VISSIM model review that is being undertaken. iii. CCC welcome the use of 10 random speeds. However, it is important to note that it is not just confidence in average speed that is required by CCC, it is confidence in all results forecast by the model. iv. The use of observed flows to determine the peak hours is welcomed by CCC. v. The development of base year matrices for all vehicle types for existing movements is welcomed. |

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| | <ul style="list-style-type: none"> vi. The use of absolute flow changes from the Saturn model appears reasonable. The Councils are currently reviewing the detailed information supplied to CCC on 24 November 2021. vii. The Applicant converted these flows to vehicles and factored them to the peak hours as in the original TA, which is agreed. viii. The use of the Saturn model to inform the proportion of trips on the new or existing roads is agreed. |
| Applicant's comments | The Applicant welcomes these comments from CCC. |
| REP6-058dz | <p>Changes made to the local junctions tested – 3.1.2.b</p> <ul style="list-style-type: none"> i. The use of pre-Covid observed data is agreed. ii. Identification of AM and PM peak hours using surveyed data is agreed, following review of the additional information supplied to CCC on 24 November 2021. iii. The flow matrices are agreed, following review of the additional information noted above. iv. The use of Arcady is agreed. v. The comparison with pre-Covid queue data is welcomed but as with the scheme junctions there is more to the assessment of a junction's performance than just queues. vi. There is more to validation of the models than just queue lengths. This will be assessed from the additional information. vii. Another method is to increase the demand. Observed traffic flows will always get through a junction by definition. If there is a bigger queue when observed flows are modelled, it could be that there is more demand at the junction than can pass through. Hence demand flows could be calibrated to generate known queue lengths. viii. This was done on vehicle flows factored to the peak hours rather than direct output PCU flows from SATURN, which is agreed. ix. The method used to derive DS flow matrices is agreed. |
| Applicant's comments | The Applicant welcomes these comments from CCC. |

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| REP6-058ea | <p>Outcomes of sensitivity test Black Cat junction – 4.2.1</p> <p>CCC had previously stated that average speed plots alone were not acceptable measures of junction performance. Traffic flows and queue lengths are also required. Additional information setting out the flows and Queue lengths was supplied to CCC by email at 09:30h on 3 December 2021. CCC are reviewing this information as part of the VISSIM review.</p> |
| Applicant's comments | The Applicant notes this comment from CCC. |
| REP6-058eb | <p>Outcomes of sensitivity test Cambridge Road junction – 4.3.1</p> <p>CCC had previously stated that average speed plots alone were not acceptable measures of junction performance. Traffic flows and queue lengths are also required. Additional information setting out the flows and Queue lengths was supplied to CCC on 3 December 2021. CCC is reviewing this information.</p> |
| Applicant's comments | The Applicant notes this comment from CCC. |
| REP6-058ec | <p>Outcomes of sensitivity test Cambridge Road junction – Figure 4.7</p> <p>Speed on the de-trunked A428 in PM peak looks very slow, indicating extensive queuing. Additional information setting out the flows and Queue lengths was supplied to CCC on 3 December 2021. CCC is reviewing this information.</p> |
| Applicant's comments | The Applicant notes this comment from CCC. |
| REP6-058ed | <p>Outcomes of sensitivity test Caxton Gibbet junction – 4.4.1</p> <p>CCC had previously stated that average speed plots alone were not acceptable measures of junction performance. Traffic flows and queue lengths are also required. Additional information setting out the flows and Queue lengths was supplied to CCC on 3 December 2021. CCC is reviewing this information.</p> |
| Applicant's comments | The Applicant notes this comment from CCC. |

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| REP6-058ee | <p>Outcomes of sensitivity test - Wyboston junction – 4.5.1</p> <p>CCC have checked the input flows and geometric inputs. The flows are produced in accordance with the method CCC suggested and 2016 base year model has been run. This shows that the junction is operating reasonably close to what CCC would expect, therefore CCC can confirm that they are happy with forecasting to be based on this model.</p> <p>Forecast flows are acceptable, so CCC are reasonably content with future year assessment of junction.</p> |
| Applicant's comments | <p>The Applicant welcomes these comments from CCC.</p> |
| REP6-058ef | <p>Outcomes of sensitivity test - Wyboston junction – Table 4-1</p> <p>The results of the test indicate that the introduction of the scheme does result in a reduction in Ratio of Flow to Capacity (RFC) of the Great North Road southern arm from 1.09 AM and 1.13 PM to 0.70 AM and 0.94 PM, whilst the RFC of Great North Road Northern Arm increases in both the AM and PM peak periods; 0.90 to 0.97 AM and 0.99 to 1.01 PM. The RFC values of all other movements at the junction remain very similar. In addition, the changes in delay and Queues at the junction has been assessed and it is clear that whilst there are significant reductions in the levels of Queue and delay on the Great North Road Southern arm the changes to the other arms are more limited with Great North Road Northern arm showing and increase in both Queue and delay. This means that overall, the scheme has a negligible impact on this junction. #Further to a meeting between the Applicant and CCC on 29 November, the Applicant has agreed to examine this junction to see if the impact of the scheme may be minimised by reallocating road-space to provide more balanced flows on each approach arm.</p> <p>RFC values quoted in table 4.1 are from lane results in lane simulation. Values quoted in this table are the worst RFC values per lane per arm during the modelled period. Values may therefore be from different 15 minute time slices for each arm.</p> |

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| Applicant's comments | <p>The Applicant notes the above comments and maintains that the overall impact of the Scheme on this junction is significantly beneficial.</p> <p>As regards the re-allocation of road space, please refer to the Applicant's Responses to Issues Raised at ISH5 on 1 December 2021 [TR010044/EXAM/9.105] which has been submitted at Deadline 8. This document contains an assessment of the potential for the reallocation of road space at this location and this material was shared with CCC on 5 January 2022.</p> |
| REP6-058eg | <p>Outcomes of sensitivity test - Wyboston junction - Figure 4-10 Wyboston junction 2040 DS AM</p> <p>This figure shows that the queues in the revised model are more what would be expected indicating that the AM peak extend back to the Alpha Drive junction on the Great North Road Northern Arm whilst the A428 and the Great North Road Southern Arm show very similar queues.</p> <p>CCC have asked the Applicant to look at potential mitigation at this junction to try and balance the flow, queues and delays out around the junction as without this the scheme has a very negligible impact at this junction. The Applicant has agreed to this with the additional information due to be submitted by Deadline 7.</p> |
| Applicant's comments | <p>The Applicant notes the comments above on the results of this sensitivity test.</p> <p>As regards mitigation, please refer to the Applicant's Responses to Issues Raised at ISH5 on 1 December 2021 [TR010044/EXAM/9.105] which has been submitted at Deadline 8. This document contains an assessment of the potential for the reallocation of road space at this location and this material was shared with CCC on 5 January 2022.</p> |
| REP6-058eh | <p>Outcomes of sensitivity test - Wyboston junction - Figure 4-11 Wyboston Junction 2040 DS PM</p> <p>This figure shows that the queues in the revised model are more what would be expected indicating that the PM peak extend back past the Alpha Drive junction on the Great North Road Northern Arm whilst the A428 and the Great North Road Southern Arm show very similar queues (which are worse than in the AM peak).</p> <p>CCC have asked the Applicant to look at potential mitigation at this junction to try and balance the flow, queues and delays out around the junction as without this the scheme has a very negligible impact at this junction. The Applicant has agreed to this with the additional information due to be submitted by Deadline 7.</p> |

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| Applicant's comments | As regards mitigation, please refer to the Applicant's Responses to Issues Raised at ISH5 on 1 December 2021 [TR010044/EXAM/9.105] which has been submitted at Deadline 8. This document contains an assessment of the potential for the reallocation of road space at this location and this material was shared with CCC on 5 January 2022. |
| REP6-058ei | <p>Outcomes of sensitivity test - Wyboston junction - Paragraph 4.5.8</p> <p>CCC disagree that the scheme has a significantly beneficial impact on the Wyboston Junction at best the scheme has a negligible impact as the junction has to be considered as a whole.</p> |
| Applicant's comments | The Applicant maintains that the impact of the Scheme at Wyboston is significantly beneficial overall. |
| REP6-058ej | <p>Barford Road Junction – 4.5.1</p> <p>CCC have checked the input flows and geometric inputs. The flows are produced in accordance with the method CCC suggested and 2016 base year model has been run. This shows that the junction is operating reasonably close to what CCC would expect, therefore CCC can confirm that they are happy with forecasting to be based on this model.</p> <p>Forecast flows are acceptable, so CCC are reasonably content with future year assessment of junction.</p> |
| Applicant's comments | The Applicant notes and welcomes this response. |
| REP6-058ek | <p>Barford Road Junction - Table 4-2 Results of Sensitivity Testing: Barford Road Junction</p> <p>The scheme is shown to significantly improve the operation of the existing A428 arms of the junction but the changes to the Barford Road arms is less marked with Barford Road south still over capacity despite the significant reduction in delay and Queue especially in the PM peak.</p> <p>CCC have asked the Applicant to look at potential mitigation at this junction to try and balance the flow, queues and delays out around the junction as without this the scheme has a very negligible impact at this junction. The Applicant has agreed to this with the additional information due to be submitted by Deadline 8.</p> |

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| Applicant's comments | <p>The Applicant notes and welcomes this response.</p> <p>As regards mitigation, please refer to the Applicant's Responses to Issues Raised at ISH5 on 1 December 2021 [TR010044/EXAM/9.105] which has been submitted at Deadline 8. This document contains an assessment of the potential for the reallocation of road space at this location and this material was shared with CCC on 5th January 2022.</p> |

REP6-060 – Cambridgeshire County Council, Huntingdonshire District Council and South Cambridgeshire District Council

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| REP6-060a | <p>1. As an action from ISH5, the Examining Authority asked for a note on: <i>"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."</i></p> <p>2. This follows on from item 3(b) of the Agenda for ISH5 which was: <i>"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."</i></p> <p>Law and Policy</p> <p>3. The Network Management Duty is set out in Section 16 of the Traffic Management Act 2004 which states as follows:</p> <p><i>(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—</i></p> <p><i>(a) securing the expeditious movement of traffic on the authority's road network; and</i></p> <p><i>(b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.</i></p> <p><i>(2) The action which the authority may take in performing that duty includes, in particular, any action they consider will contribute to securing-</i></p> <p><i>(a) the more efficient use of their road network; or</i></p> <p><i>(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;</i></p> |

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| | <p><i>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)."</i></p> <p>4. The Secretary of State has issued the following statutory guidance under S18 of the Act:</p> <p>4.1 The "Traffic Management Act 2004 Network Management Duty Guidance" dated November 2004 (2004 Guidance); and</p> <p>4.2 The "Traffic Management Act 2004: network management to support recovery from Covid-19" dated 30 July 2021 (2021 Guidance).</p> <p>5. The 2004 Guidance explains:</p> <p><i>"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.</i></p> <p><i>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.</i></p> <p>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 <i>"The efficient management of the road network relies heavily upon the collection and use of accurate, reliable and timely data."</i> (paragraph 91).</p> <p>7. Paragraph 34 explains that:</p> <p><i>"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."</i></p> |

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| | <p>8. The approach to the Network Management Duty has been recently considered in <i>HHRC Limited v Hackney Borough Council</i> [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:</p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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...</i></p> <p><i>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...</i></p> <p>9. It is clear throughout the 2004 Guidance that the duty does require a fairly granular, localised approach:</p> <p><i>"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:</i></p> <ul style="list-style-type: none"> <i>• insufficient junction capacity or width of carriageway to cope with the demand;</i> <i>• outdated and badly sited road signs;</i> <i>• poorly designed road markings;</i> <i>• poorly implemented and poorly maintained traffic signals and traffic control systems;</i> |

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| | <ul style="list-style-type: none"> • <i>poorly sited parking and loading bays and poor levels of enforcement of traffic and</i> • <i>parking regulations."</i> <p><i>and also:</i></p> <p><i>"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 roads space re-allocation on a radial road, an authority should take a balanced approach to overall network management."</i></p> <p>Conclusion on Action Point Question</p> <p>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.</p> |
| Applicant's comments | <p>It should first be recognised that the Network Management Duty is a duty applicable to Local Highway Authorities (LHAs) as well as the Applicant. This is evident from the very first paragraph of the 2004 Network Management Duty Guidance (2004 Guidance). As has been acknowledged in the Monitor and Manage Technical Note [REP6-041], submitted at Deadline 6, the Applicant recognises a need to comply with this duty so far as to cause no impediment to the LHA's duty by facilitating an expeditious movement of traffic on the LHA's networks, and this has been fully complied with.</p> <p>The Cambridgeshire authorities' submission above notably omits reference to paragraphs 72-74 of the 2004 Guidance, which specifically covers the relationship between National Highways (then named the Highways Agency) and LHAs. These paragraphs refer to the need for the Applicant to facilitate the movement of traffic on local road networks and to cooperate with LHAs. However, this text does not allocate any responsibility on the part of the Applicant to monitor or manage the local network or commit to temporary or ongoing provision of monitoring information to LHAs. In fact, there is a specific acknowledgement of the Applicant's parallel duty for management of its own network. The Applicant, therefore, submits that it is the duty of the LHAs to identify and consider non-insignificant effects on their local road networks.</p> |
| REP6-060b | <p>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</p> |

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| | <p>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.</p> <p>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).</p> <p>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).</p> <p>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.</p> <p>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.</p> |
| Applicant's comments | <p>The Applicant notes the Cambridgeshire Authorities' contention that the 2004 Guidance focusses on understanding problems on specific parts of the network and the need to map specific locations of congestion as well as requiring a more granular understanding. While the Cambridgeshire authorities make no specific reference to paragraphs of the 2004 Guidance, the Applicant identifies paragraphs 30, 96 and 100 as relevant to this interpretation. The Applicant considers it important to contextualise statements made regarding the Network Management Duty within the 2004 Guidance. For example, paragraph 30 requires LHAs to "identify trends in traffic growth on specific routes" and "put in place policies for managing incremental change". However, this does not require monitoring and</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| | <p>management of all routes proximate to the A428 Scheme. It is important to consider the specifics of the overarching statutory duty in which the 2004 Guidance is based, which specifically states at section 17(4) that <i>"nothing in this subsection is to be taken to require the identification or consideration of anything appearing to have only an insignificant effect (or potential effect) on the movement of traffic on their road network."</i> Furthermore, the need to map specific locations of congestion is referred to in paragraphs 96 and 100 of the 2004 Guidance. This provides illustrative examples of the factors that could be causing congestion and would need monitoring and managing as a result. The illustrative list of examples are all clearly within the remit of the LHA, for example, poorly designed road markings and poorly sited parking and loading bays and poor levels of enforcement of traffic and parking regulations. Notably, congestion as a result of works in the strategic road network is not listed as a factor for which potential congestion should be mapped. Paragraph 100 states that <i>"systems to record and co-ordinate both planned utilities' works and planned road works should be in place"</i>. Therefore, if a common-sense approach considers certain junctions to be vulnerable to road works, the LHA should already have systems in place to monitor such suspected impacts. Where the Applicant's assessment finds that there will be no significant effects resulting from the development of the Scheme, this should not impact on the processes which the LHA already has a duty to put in place.</p> |
| REP6-060c | <p>Further comments on the importance of Monitoring</p> <p>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.</p> <p>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.</p> |
| Applicant's comments | <p>The Applicant has provided detailed information regarding Monitoring and Management in its Monitor and Manage Technical Note [REP6-041], submitted at Deadline 6. The Applicant provides comment on the unsuitability of the Monitor and Manage Requirement proposed by the Cambridgeshire authorities in its comments at reference REP6-074a.</p> |

REP5-061 – Cambridgeshire County Council, Huntingdonshire District Council and South Cambridgeshire District Council

See Table in Appendix A

| Reference Number | Interested Parties Submission/Applicant's Comments |
|----------------------|--|
| REP5-061a | Marked up copy of the pre-commencement plan TR010044-001567-CCC.I, HDC and SCD - Post-Hearing submissions14.pdf (planninginspectorate.gov.uk) |
| Applicant's comments | Please refer to Appendix A of this document which sets out the Applicant's comments on the marked up version of the pre-commencement plan submitted by the Cambridgeshire Authorities [REP6-061] . An updated version of the Pre-Commencement Plan [TR010044/EXAM/9.48v3] has been submitted at Deadline 8. |

REP6-069 – Cambridgeshire County Council, Huntingdonshire District Council and South Cambridgeshire District Council

Issue Specific Hearing 5 – Action 16 – Detailed design requirements

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| REP6-069a | <p>1. Following the discussions at ISH5, the ExA requested that the Applicant and interested parties provide comparison information with other Nationally Significant Infrastructure Project linear road schemes, such as for the A14, in terms of consultation undertaken at detailed design stage.</p> <p>2. In this regard, Cambridgeshire County Council (CCC), Huntingdonshire District Council (HDC) and South Cambridgeshire District Council (SCDC) (together, the Councils) draw the ExA's attention to three categories of detailed design requirements from other NSIP schemes, summarised as follows:</p> <p>2.1 Category A - Schemes where the relevant requirement provides for the consultation of the Design Council's Design Review panel on the detailed design and for the panel's comments to be taken into account. This approach was taken in relation to the DCO granted for the A14 Cambridge to Huntingdon Improvement Scheme and the Silvertown Tunnel scheme.</p> <p>2.2 Category B - Schemes where the relevant requirement provides for the approval of the detailed design by the Secretary of State, following consultation with relevant parties including the relevant planning authority and the local highway authority on matters relating to their functions. This approach was adopted in relation to the A303 Sparkford to Ilchester Dualling.</p> <p>2.3 Category C – Schemes where approval by the planning authority of part of the detailed design for the scheme is required prior to commencement of construction of the relevant part. This approach was adopted in relation to the Silvertown Tunnel scheme.</p> <p>3. CCC is seeking approval of the detailed design of local highways assets ultimately to be adopted by CCC through the legal agreement. CCC's ability to approve the design of local highways may need to be secured through an amendment to requirement 12 of the dDCO [REP4-006] should agreement not be reached on this point.</p> <p>4. The Councils note that the Applicant intends to amend requirement 12 so that the Scheme Design Principles document [REP3-014] is secured. The Councils will comment further on the wording of the amended requirement following submission of the updated draft DCO at Deadline 6. 5. The wording of the relevant requirement is set out alongside the relevant Order in the table below.</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments | | |
|------------------|--|---|--|
| | Category | Order | Requirement |
| | A | The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 | <p>Preparation of detailed design, etc.</p> <p>3.—(1) The authorised development must be designed in detail and carried out so that it is compatible with the preliminary scheme design shown on the works plans and the engineering section drawings unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority on matters related to its functions and provided that the Secretary of State is satisfied that any amendments to the works plans and the engineering section drawings showing departures from the preliminary design would not give rise to any materially new or materially worse adverse environmental effects in comparison with those reported in the environmental statement.</p> <p>(2) Where amended details are approved by the Secretary of State under sub-paragraph (1), those details are deemed to be substituted for the corresponding works plans or engineering section drawings and the undertaker must make those amended details available in electronic form for inspection by members of the public.</p> <p>(3) No part of the authorised development is to commence until options for the detailed design of that part of the authorised development have been submitted to the Design Council's Design Review panel and the undertaker has received and considered the advice of the Design Council's Design Review panel in respect of the detailed design of that part of the authorised development.</p> <p>(4) The undertaker must, in the course of developing the detailed design of the authorised development, consult with the relevant planning authorities, the Parish Forums, the Community Forums, the Landowner Forums and the Environment Forum in accordance with the provisions of the code of construction practice.</p> <p>(5) No part of the authorised development is to commence until details of the external appearance of the viaduct to be constructed as Work No. 5(gg)</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments | | |
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| | | | <p>have been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority.</p> |
| | A and C | The Silvertown Tunnel Order 2018 | <p>Design principles and design review panel</p> <p>3.—(1) The authorised development must be designed and implemented—</p> <p>(a) in accordance with the design principles; and</p> <p>(b) in general accordance with the general arrangement plans.</p> <p>(2) TfL must consult with—</p> <p>(a) the Silvertown Tunnel Design Review Panel; and</p> <p>(b) the Silvertown Tunnel Stakeholder Design Consultation Group, during the detailed design of the authorised development and in the manner provided for by the design principles and have regard to the responses received.</p> <p>Detailed design of above ground buildings and structures.</p> <p>4.—(1) Construction of each part of the authorised development specified in column (1) of the table below must not commence until the details of the elements specified in relation to that part in column (2) of that table have been submitted to and approved in writing by the relevant planning authority.</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|--|---|--|---------------|---------------------|---------------|---|---------------|---|----------------|---|----------------|--|----------------|--|----------------|--|----------------|--|----------------|--|-------------|--|----------------|--|----------------|---------------------|----------------|--|----------------|--|----------------|--|---------------|---|--|---------------------|
| | | <table border="1" data-bbox="1025 339 1713 1037"> <thead> <tr> <th data-bbox="1025 339 1368 391"><i>(1)</i> <i>Part of the authorised development</i></th> <th data-bbox="1368 339 1713 391"><i>(2)</i> <i>Elements to be approved</i></th> </tr> </thead> <tbody> <tr><td>Work No. 1(d)</td><td>External appearance</td></tr> <tr><td>Work No. 5(a)</td><td>External appearance of the retaining wall</td></tr> <tr><td>Work No. 6(a)</td><td>External appearance of the retaining wall</td></tr> <tr><td>Work No. 10(b)</td><td>External appearance of the retaining wall</td></tr> <tr><td>Work No. 11(b)</td><td>Siting, design and external appearance</td></tr> <tr><td>Work No. 11(c)</td><td>Siting, design and external appearance</td></tr> <tr><td>Work No. 12(a)</td><td>Siting, design and external appearance</td></tr> <tr><td>Work No. 12(c)</td><td>Siting, design and external appearance of the operational parking facilities</td></tr> <tr><td>Work No. 12(e)</td><td>Siting, design and external appearance</td></tr> <tr><td>Work No. 13</td><td>Siting, design and external appearance</td></tr> <tr><td>Work No. 15(c)</td><td>External appearance of the retaining walls</td></tr> <tr><td>Work No. 15(d)</td><td>External appearance</td></tr> <tr><td>Work No. 17(a)</td><td>Siting, design and external appearance</td></tr> <tr><td>Work No. 17(c)</td><td>Siting, design and external appearance of the operational parking facilities</td></tr> <tr><td>Work No. 17(e)</td><td>Siting, design and external appearance</td></tr> <tr><td>Work No.18(d)</td><td>External appearance of the retaining wall</td></tr> <tr><td>Any above ground permanent work constructed as ancillary or related development under paragraph(c)(i) – (xii) of Schedule 1 which constitutes a viaduct, bridge, retaining wall or wing wall, or under paragraph (c)(xiii) of Schedule 1 which constitutes a permanent above ground building or structure, and ordinarily would not benefit from planning permission granted under article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015(a), unless otherwise agreed in writing between the relevant planning authority and TfL.</td><td>External appearance</td></tr> </tbody> </table> <p data-bbox="1025 1061 1915 1157">(2) The authorised development must be carried out in accordance with details approved by the relevant planning authority under sub-paragraph (1).</p> | <i>(1)</i> <i>Part of the authorised development</i> | <i>(2)</i> <i>Elements to be approved</i> | Work No. 1(d) | External appearance | Work No. 5(a) | External appearance of the retaining wall | Work No. 6(a) | External appearance of the retaining wall | Work No. 10(b) | External appearance of the retaining wall | Work No. 11(b) | Siting, design and external appearance | Work No. 11(c) | Siting, design and external appearance | Work No. 12(a) | Siting, design and external appearance | Work No. 12(c) | Siting, design and external appearance of the operational parking facilities | Work No. 12(e) | Siting, design and external appearance | Work No. 13 | Siting, design and external appearance | Work No. 15(c) | External appearance of the retaining walls | Work No. 15(d) | External appearance | Work No. 17(a) | Siting, design and external appearance | Work No. 17(c) | Siting, design and external appearance of the operational parking facilities | Work No. 17(e) | Siting, design and external appearance | Work No.18(d) | External appearance of the retaining wall | Any above ground permanent work constructed as ancillary or related development under paragraph(c)(i) – (xii) of Schedule 1 which constitutes a viaduct, bridge, retaining wall or wing wall, or under paragraph (c)(xiii) of Schedule 1 which constitutes a permanent above ground building or structure, and ordinarily would not benefit from planning permission granted under article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015(a), unless otherwise agreed in writing between the relevant planning authority and TfL. | External appearance |
| <i>(1)</i> <i>Part of the authorised development</i> | <i>(2)</i> <i>Elements to be approved</i> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Work No. 1(d) | External appearance | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Work No. 5(a) | External appearance of the retaining wall | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Work No. 6(a) | External appearance of the retaining wall | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Work No. 10(b) | External appearance of the retaining wall | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Work No. 11(b) | Siting, design and external appearance | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Work No. 11(c) | Siting, design and external appearance | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Work No. 12(a) | Siting, design and external appearance | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Work No. 12(c) | Siting, design and external appearance of the operational parking facilities | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Work No. 12(e) | Siting, design and external appearance | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Work No. 13 | Siting, design and external appearance | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Work No. 15(c) | External appearance of the retaining walls | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Work No. 15(d) | External appearance | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Work No. 17(a) | Siting, design and external appearance | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Work No. 17(c) | Siting, design and external appearance of the operational parking facilities | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Work No. 17(e) | Siting, design and external appearance | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Work No.18(d) | External appearance of the retaining wall | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Any above ground permanent work constructed as ancillary or related development under paragraph(c)(i) – (xii) of Schedule 1 which constitutes a viaduct, bridge, retaining wall or wing wall, or under paragraph (c)(xiii) of Schedule 1 which constitutes a permanent above ground building or structure, and ordinarily would not benefit from planning permission granted under article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015(a), unless otherwise agreed in writing between the relevant planning authority and TfL. | External appearance | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | B | <p data-bbox="672 1189 963 1316">The A303 Sparkford to Ilchester Dualling Development Consent Order 2021</p> <p data-bbox="1025 1189 1915 1396">Detailed design 12.—(1) No part of the authorised development is to commence until the detailed design of that part has, after consultation with the Defence Infrastructure Organisation, the relevant planning authority and local highway authority on matters related to their functions, been approved in writing by the Secretary of State.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| Reference Number | Interested Parties Submission/Applicant's Comments | | |
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| | | | <p>(2) The details to be approved under this requirement must include— (a) plans, with annotations where required, showing the limits of responsibility for the operational maintenance of any work and which person or body is responsible for maintaining any part; (b) a signage strategy for the authorised development, including two information boards in the vicinity of the authorised development and which are accessible by the public to set out the history of the road; and (c) the width and limitations of any public rights of way which are created or altered by this Order.</p> <p>(3) Where protective works under article 21 are required to a listed building within the meaning of the Planning (Listed Buildings and Conservation Areas) Act 1990(a), and such works would cause or require to be caused permanent change or alteration of the listed features in any manner which would affect its character as a building of special architectural or historic interest, the protective works must be set out in the detailed design submitted under sub-paragraph (1) and consultation on the relevant details must be undertaken with the Historic Buildings and Monuments Commission for England in addition to the bodies listed in sub-paragraph (1).</p> <p>(4) Following approval of detailed design under subparagraph (1), the undertaker may, after further consultation with the relevant planning authority and local highway authority on matters related to their functions, submit in writing amended detailed design for any part of the authorised development to the Secretary of State.</p> <p>(5) The details to be approved under sub-paragraph (1) or any subsequent amendment of those details approved under sub-paragraph (4) may depart from the preliminary scheme design shown on the works plans and the engineering section drawings only where the Secretary of State is satisfied that departures from the preliminary scheme design would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</p> <p>(6) Where amended details are approved by the Secretary of State under sub-paragraph (1), those details are deemed to be substituted for the</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments | | | | | | | | | | | |
|---|---|---|--|--|---|--|---|--|--|--|--|--|
| | | | <p>approved details, corresponding works plans or engineering section drawings and the undertaker must make those amended details available in electronic form for inspection by members of the public and must be notified by means of electronic transmission to the Environment Agency, the local highway authority, the relevant planning authority, and where works relate to the Hazlegrove House Registered Park and Garden, the Historic Buildings and Monuments Commission for England.</p> | | | | | | | | | |
| <p>Applicant's comments</p> | <p>The Councils have the benefit of the highly detailed Scheme Design Approach and Design Principles on the A428 Scheme. Therefore, the Councils already have a much more advanced view of the design leading to increased certainty of the design prior to the making of the Order. In addition to this, all interested parties have had the opportunity to comment on the more detailed design included in the Application throughout the examination period.</p> <p>The Applicant submitted an in-depth review of the detailed design requirements across all made National Highways orders at Deadline 6 [REP6-032]. Silvertown was not part of this review as it is a Transport for London scheme. As there is a library of established National Highways orders to take precedent from, there is no justification for adopting alternative drafting from a Transport for London Order.</p> <p>To repeat what was submitted at Deadline 6 [REP6-032], all National Highways DCOs (save for the A14, which was distinguished in the Deadline 6 submission) do not have a Detailed Design Review Panel process as part of their Order.</p> <table border="1" data-bbox="510 991 1783 1334"> <thead> <tr> <th data-bbox="510 991 882 1334"> Comparison Between Made DCO and A428 Black Cat to Caxton Gibbet improvements ("A428") Detailed Design Requirement(s) Red = Made DCO, Green = Text which appears in both, Blue = A428 </th> <th data-bbox="882 991 1115 1334"> Made DCO Detailed Design Requirement(s) </th> <th data-bbox="1115 991 1323 1334"> A428 Detailed Design Requirement </th> <th data-bbox="1323 991 1783 1334"> Comparison against A428 Requirement and Made DCO Requirement(s) </th> </tr> </thead> <tbody> <tr> <td data-bbox="510 991 882 1334"></td> <td data-bbox="882 991 1115 1334"></td> <td data-bbox="1115 991 1323 1334"></td> <td data-bbox="1323 991 1783 1334"></td> </tr> </tbody> </table> | | | | Comparison Between Made DCO and A428 Black Cat to Caxton Gibbet improvements ("A428") Detailed Design Requirement(s) Red = Made DCO, Green = Text which appears in both, Blue = A428 | Made DCO Detailed Design Requirement(s) | A428 Detailed Design Requirement | Comparison against A428 Requirement and Made DCO Requirement(s) | | | | |
| Comparison Between Made DCO and A428 Black Cat to Caxton Gibbet improvements ("A428") Detailed Design Requirement(s) Red = Made DCO, Green = Text which appears in both, Blue = A428 | Made DCO Detailed Design Requirement(s) | A428 Detailed Design Requirement | Comparison against A428 Requirement and Made DCO Requirement(s) | | | | | | | | | |
| | | | | | | | | | | | | |

| Reference Number | Interested Parties Submission/Applicant's Comments | | | | |
|------------------|--|---|--|--|--|
| | <p>Detailed Design</p> <p>principles and 12.—(1) The detailed design review panel3.—(1) The for the authorised development must be designed and implemented—accord with:</p> <p>(a) in accordance with the design principles; and</p> <p>(b) in general accordance with (a) the preliminary scheme design shown on the works plans, the general arrangement plans, and the engineering section drawings; and</p> <p>(b) the principles set out in the environmental masterplan; and</p> <p>(2) TfL must consult with—</p> <p>(a) the Silvertown Tunnel Design Review Panel; and</p> <p>63</p> | <p>“Design principles and design review panel</p> <p>3.—(1) The authorised development must be designed and implemented—</p> <p>(a) in accordance with the design principles; and</p> <p>(b) in general accordance with the general arrangement plans.</p> <p>(2) TfL must consult with—</p> <p>(a) the Silvertown Tunnel Design Review Panel; and</p> <p>(b) the Silvertown</p> | <p>“Detailed design</p> <p>12.—(1) The detailed design for the authorised development must accord with:</p> <p>(a) the preliminary scheme design shown on the works plans, the general arrangement plans and the engineering section drawings;</p> <p>(b) the principles set out in the environmental masterplan; and</p> <p>(c) the design principles set out in the</p> | <p>Whilst the drafting of requirement 12(1) of the A428 dDCO and requirement 3(1) of the Silvertown Tunnel scheme (“Silvertown”) slightly differ in terminology, both (on the whole) follow the same processes and stages in relation to the development and implementation of the scheme’s detailed design.</p> <p>However, requirement 3(2) adds a condition that TfL (as the applicant) must consult with the Silvertown Tunnel Design Panel, and Stakeholder Design Consultation group.</p> <p>In addition to this, requirement 4 of the Silvertown scheme adds a condition that those works detailed in the referenced table cannot commence without planning authority approval.</p> <p>Silvertown has been distinguished from the A428 Scheme by reference to the above comments.</p> | |

| Reference Number | Interested Parties Submission/Applicant's Comments | | | | |
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| | <p>(b) the Silvertown Tunnel Stakeholder Design Consultation Group, during the detailed design of the authorised development and in the manner provided for by (c) the design principles and have regard to the responses received. set out in the scheme design approach and design principles.</p> <p><u>unless otherwise agreed in writing by the Secretary of State following consultation with the relevant local authority on matters related to their functions, provided that the Secretary of State is satisfied that any amendments would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</u></p> | <p>Tunnel Stakeholder Design Consultation Group, during the detailed design of the authorised development and in the manner provided for by the design principles and have regard to the responses received.</p> <p>Detailed design of above ground buildings and structures.</p> <p>4.—(1) Construction of each part of the authorised development specified in column (1) of the table below must not commence until</p> | <p>scheme design approach and design principles,</p> <p>unless otherwise agreed in writing by the Secretary of State following consultation with the relevant local authority on matters related to their functions, provided that the Secretary of State is satisfied that any amendments would not give rise to any materially new or materially different environmental</p> | | |

| Reference Number | Interested Parties Submission/Applicant's Comments | | | |
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| | <p>Detailed design of above ground buildings and structures</p> <p>4.—(1) Construction of each part of the authorised development specified in column (1) of the table below must not commence until the details of the elements specified in relation to that part in column (2) of that table have been submitted to and approved in writing by the relevant planning Authority.</p> <p>(2) The authorised development must be carried out in accordance</p> | <p>the details of the elements specified in relation to that part in column (2) of that table have been submitted to and approved in writing by the relevant planning authority.</p> <p>(2) The authorised development must be carried out in accordance with details approved by the relevant planning authority under</p> | <p>effects in comparison with those reported in the environmental statement.</p> <p>(2) Where amended details are approved by the Secretary of State under paragraph (1), those details are deemed to be substituted for the corresponding plans or sections and the undertaker must make those amended details available in electronic form for inspection by</p> | |

| Reference Number | Interested Parties Submission/Applicant's Comments | | | | |
|------------------|---|----------------------------|--------------------------------|--|--|
| | <p>with details approved by the relevant planning authority under sub-paragraph (1).</p> <p><u>(2) Where amended details are approved by the Secretary of State under paragraph (1), those details are deemed to be substituted for the corresponding plans or sections and the undertaker must make those amended details available in electronic form for inspection by members of the public.</u></p> | <p>sub-paragraph (1)."</p> | <p>members of the public."</p> | | |

REP6-071 – Cambridgeshire County Council, Huntingdonshire District Council and South Cambridgeshire District Council

Response to Action Points arising from ISH4, ISH5 and ISH6

| Reference Number | Interested Parties Submission/Applicant's Comments |
|--|--|
| <i>Issue Specific Hearing 4 (ISH4)</i> | |
| REP6-071a | 8 Submit DEFRA 2.0 metric technical appendix and user guide in relation to interpreting Biodiversity Net Gain (BNG). Please see the Councils' separate submission CLA.D6.ISH4.BNG – Biodiversity Net Gain Technical Note, Sections 2-4 and Appendix B: CLA.D6.ISH4.BNG.AB . |
| Applicant's comments | Please refer to the Applicant's comments on the Biodiversity Net Gain Technical Note [TR010044/EXAM/9.95] submitted at Deadline 8. |
| REP6-071b | 9 Provide evidence as to whether the use of the DEFRA metrics in assessing Biodiversity Net Gain (BNG) has been included in other NSIPs. Please see the Councils' separate submission CLA.D6.ISH4.BNG – Biodiversity Net Gain Technical Note, Section 5. |
| Applicant's comments | Please refer to the Applicant's comments on the Biodiversity Net Gain Technical Note [TR010044/EXAM/9.95] submitted at Deadline 8. |
| REP6-071c | 10 Position and supporting policy basis, especially in NPS NN, regarding the need to use BNG metrics. Please see the Councils' separate submission CLA.D6.ISH4.BNG – Biodiversity Net Gain Technical Note, Section 6. |
| Applicant's comments | Please refer to the Applicant's comments on the Biodiversity Net Gain Technical Note [TR010044/EXAM/9.95] submitted at Deadline 8. |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| REP6-071d | <p>11 Technical note regarding groundwater and surface water modelling and sensitivity testing. IPs to provide comment at following deadline or include in Statement of Common Ground.</p> <p>The Councils confirm that the technical note will be reviewed following publication and will be commented on at Deadline 7.</p> |
| Applicant's comments | <p>The Applicant notes this comment from the Cambridgeshire Authorities.</p> |
| REP6-071e | <p>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.</p> <p>As part of agenda item 7, Mr Parkin asked about understanding the significance of effects of the greenhouse gas emissions of the Proposed Development by making like for like comparisons at a local, regional, national and international level. The Proposed Development has already been assessed against the national carbon budgets. The Cambridgeshire Authorities have made representations regarding the potential to assess the scheme against carbon budgets, which was discussed at a meeting related to the Statement of Common Ground on the 8 July 2020.</p> <p>While like for like comparisons at local, regional, national and international levels are complex due to the way in which carbon budgets are calculated at different geographies, at a local level, as referenced during the ISH4 session, the authorities consider that the most appropriate budgets to use would be those produced by the Tyndall Centre (as submitted to the examination under reference CLA.D6.ISH4.AP18). These budgets are aligned with the commitments in the United Nations Paris Agreement, informed by the latest science on climate change and defined by science-based carbon budget setting. Budgets are available for each of the local authority areas within which the Proposed Development is located, split into five yearly budgets.</p> |
| Applicant's comments | <p>The agenda item 7a of the Applicant's Deadline 6 Submission "Written submission of oral case Issue Specific Hearing 4 on 30 November 2021" [REP6-036] presents the Applicants position on presenting the Scheme in the context of local, regional and international carbon budgets.</p> <p>To summarise, the Applicant has completed an assessment of the Scheme in alignment with paragraph 5.17 and 5.18 of the National Networks NPS and DMRB La114 Climate which sets out a guidance on presenting the scheme in the context of national carbon budgets. This is presented in Chapter 14, Climate [APP-083] of the Environmental Statement.</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| | <p>There are no requirements for a like for like comparisons at local, regional or international level. EIA Regulations do not define thresholds for significance of GHG emissions. National targets are used as a proxy to the global climate to understand the impact of a Scheme. Only Government can determine what is significant, cumulative or otherwise at a national level. The approach to carbon reduction is set on an economywide basis, emissions in sectors need to be seen in that sense. There is no basis on which policy suggests using a local approach. In any event, conceptually emissions do not arise or have effect locally which means there is difficulty in how this would be fed into assessments given emission will arise and impact beyond a Scheme's locality.</p> <p>The Applicant has reviewed the Tyndall Centre targets and how this could be applied, there is no method of doing this in a meaningful or robust way which is why it has been discounted.</p> <p>The Applicant has carried out assessment at national level because this is what is required and where the legally binding targets sit.</p> |
| Issue Specific Hearing 5 (ISH5) | |
| REP6-071f | <p>1 Update to be provided on discussions regarding potential road space reallocation related design changes referred to by Cambridgeshire County Council (CCC) and Bedford Borough Council (BBC) in Agenda Item 3.</p> <p>The Councils confirm that an update will be provided at Deadline 7.</p> |
| Applicant's comments | The Applicant notes this comment from the Cambridgeshire Authorities. |
| REP6-071g | <p>2 Further modelling at M11 Junction 13 and Eltisley Junction to be undertaken and flow checks to be provided for Potton Road and Toseland Road for CCC. Update/outcome to be submitted to Examination.</p> <p>The Councils look forward to further modelling being provided by the Applicant. We will comment when available.</p> |
| Applicant's comments | <p>Further modelling in respect of M11 Junction 13 has been carried out and the models, the results and a draft Technical Note were shared with CCC on 22/23 December. This is submitted into the Examination as Results of additional VISSIM modelling at M11 Junction 13 [TR010044/EXAM/9.102].</p> <p>Please refer to the Applicant's Responses to issues raised at Issue Specific Hearing 5 on 1 December 2021 [TR010044/EXAM/9.105] which has been submitted at Deadline 8. This document provides analysis of traffic flows at the Eltisley, Potton Road and Toseland Road junctions. These submissions have been shared with CCC in advance of Deadline 8.</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| REP6-071h | <p>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.</p> <p>Please see the Councils' separate submission CLA.D6.ISH5.AP4 – Network Management Duty.</p> |
| Applicant's comments | Please refer to the Applicant's comments on REP060a, REP060b and REP6-060c within this document. |
| REP6-071i | <p>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 secured and policy justification for respective positions.</p> <p>The Councils have agreed a joint suggested approach with Central Bedfordshire Council (CBC) 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. This has been submitted to the Applicant ahead of D6, and is submitted to the ExA as CLA.D6.ISH5.AP5 – Monitor and Manage draft requirement.</p> <ol style="list-style-type: none"> 1. 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." 2. 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". 3. Paragraph 5.215 of the NPS states that mitigation measures should be "proportionate and reasonable" (paragraph 5.215, NPS). Since the proposed requirement relates to the monitoring and mitigation of acknowledged potential direct impacts from the Scheme, the Councils' view is that the proposed requirement is both proportionate and reasonable. 4. Paragraph 5.216, in particular, states that "Where development would worsen accessibility such impacts should be mitigated so far as reasonably possible." |
| Applicant's comments | Please see the Applicants response to Question 3.11.2.1 in the Applicant's Responses to the Examining Authority's Third Round of Written Questions [TR010044/EXAM/9.97] and response to REP6-074a below. |
| REP6-071j | 12 CCC to confirm current status and details of proposal to restrict HGV traffic through Hilton. |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| | <p>CCC are currently advertising the Cambridgeshire County Council (Various Roads, Hilton Area) (Prohibition of Heavy Commercial Vehicles) Order 20-- .</p> <p>The effect of the Order will be to introduce a Prohibition of Heavy Commercial Vehicles at all times on B1040 Potton Road and St Ives Road at Hilton, between Hemingford Grey/Fenstanton and Papworth Everard. At present that length of road is subject to the same prohibition, but only during the hours of 11pm and 7am. The existing full-time prohibition on other roads in the Hilton, Boxworth, Childerely, Conington, Elsworth, Fenstanton, Knapwell and Papworth Everard area will be unchanged. Vehicles over 7.5 tonnes will be permitted to enter the whole restricted area for loading/unloading and other essential access purposes.</p> <p>Objections to the above proposals are required by 17th December 2021.</p> |
| Applicant's comments | <p>The Applicant notes this comment from the Cambridgeshire Authorities. The B1040 through Hilton has been included as a prohibited route for construction vehicles within the updated version of the Outline Construction Management Plan submitted at Deadline 6 [REP6-010] in case the making of the Order by CCC is delayed or cancelled.</p> |
| REP6-071k | <p>14 Submission of Local Transport Note 1- 20 to the Examination Library.</p> <p>Local Transport Note 1/20: Cycle Infrastructure Design3 is submitted to the examination under reference CLA.D6.ISH5.AP14.</p> |
| Applicant's comments | <p>The Applicant notes this comment from the Cambridgeshire Authorities.</p> |
| REP6-071l | <p>15 What specific changes would be needed to particular parts of the Design Principles document, so as to affect the design of specific components of the Proposed Development. Marked up changes requested.</p> <p>A marked up copy of the Design Principles document is submitted to the examination under reference CLA.D6.ISH5.AP15.</p> |
| Applicant's comments | <p>Please refer to Appendix B of this document which sets out the Applicant's comments on the marked up version of the Scheme Design Approach and Design Principles submitted by the Cambridgeshire Authorities [REP6-063].</p> <p>An updated version of the Scheme Design Approach and Design Principles [TR010044/EXAM/9.26v2] has been submitted at Deadline 8.</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| REP6-071m | 16 Comparison information with other Nationally Significant Infrastructure Project linear road schemes, such as for the A14, in terms of consultation undertaken at detailed design stage. Please see the Councils' separate submission CLA.D6.ISH5.AP16 – Detailed Design Requirements. |
| Applicant's comments | Please refer to the Applicants comments on REP069a within this document. |
| REP6-071n | 20 A428 Non-Motorised User linear route (pre)feasibility report to include level of land take and whether deliverable within existing built highway. Please see the Councils' D6 submission: CLA.D6.ISH5.AP20 – A Brief Feasibility Assessment for a new Non-Motorised User Link between St Neots and Cambourne. |
| Applicant's comments | Please refer to the Applicant's comments on the Brief Feasibility Study for a new NMU link between St Neots and Cambourne [TR010044/EXAM/9.96] submitted at Deadline 8. |
| Issue Specific Hearing 6 (ISH6) | |
| REP6-071o | 2 Local Authorities (Las) to Provide any further comments on Pre-commencement plan, such as through a marked up copy. A marked up copy of the Pre-commencement Plan is submitted to the examination under reference CLA.D6.ISH6.AP2 . |
| Applicant's comments | Please refer to Appendix A of this document which sets out the Applicant's comments on the marked up version of the pre-commencement plan submitted by the Cambridgeshire Authorities [REP6-061]. An updated version of the Pre-Commencement Plan [TR010044/EXAM/9.48v3] has been submitted at Deadline 8. |
| REP6-071p | 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. The Concils can confirm an update in relation to the de-trunking agreement is provided in the latest Statement of Common Ground, to be submitted by the Applicant at D6. The Councils have not had a chance to discuss a timetable with the Applicant, however our proposed timetable is set out below: |

A428 Black Cat to Caxton Gibbet improvements
 Applicant's Comments on Deadline 6 Submissions

| Reference Number | Interested Parties Submission/Applicant's Comments | | | | | | | | | | | | | | | | | | |
|----------------------|---|-------|------|------------|------------|-------------|----------|--------------------|--------|-------------|-------------|--------------------|---------------------------|-------------|--------|---------------|--------------------|----------------|---------|
| | <table border="1"> <thead> <tr> <th data-bbox="526 331 853 352">Event</th> <th data-bbox="860 331 1182 352">Date</th> </tr> </thead> <tbody> <tr> <td data-bbox="526 357 853 378">LA version</td> <td data-bbox="860 357 1182 378">D6, 14 Dec</td> </tr> <tr> <td data-bbox="526 378 853 399">NH response</td> <td data-bbox="860 378 1182 399">B4 7 Jan</td> </tr> <tr> <td data-bbox="526 399 853 419">Escalation meeting</td> <td data-bbox="860 399 1182 419">10 Jan</td> </tr> <tr> <td data-bbox="526 419 853 440">LA response</td> <td data-bbox="860 419 1182 440">14 Jan (D8)</td> </tr> <tr> <td data-bbox="526 440 853 461">Escalation meeting</td> <td data-bbox="860 440 1182 461">Between 17 Jan and 21 Jan</td> </tr> <tr> <td data-bbox="526 461 853 481">NH response</td> <td data-bbox="860 461 1182 481">21 Jan</td> </tr> <tr> <td data-bbox="526 481 853 502">Final version</td> <td data-bbox="860 481 1182 502">Before D9 - 25 Jan</td> </tr> <tr> <td data-bbox="526 502 853 523">[possible ISH]</td> <td data-bbox="860 502 1182 523">[8 Feb]</td> </tr> </tbody> </table> | Event | Date | LA version | D6, 14 Dec | NH response | B4 7 Jan | Escalation meeting | 10 Jan | LA response | 14 Jan (D8) | Escalation meeting | Between 17 Jan and 21 Jan | NH response | 21 Jan | Final version | Before D9 - 25 Jan | [possible ISH] | [8 Feb] |
| Event | Date | | | | | | | | | | | | | | | | | | |
| LA version | D6, 14 Dec | | | | | | | | | | | | | | | | | | |
| NH response | B4 7 Jan | | | | | | | | | | | | | | | | | | |
| Escalation meeting | 10 Jan | | | | | | | | | | | | | | | | | | |
| LA response | 14 Jan (D8) | | | | | | | | | | | | | | | | | | |
| Escalation meeting | Between 17 Jan and 21 Jan | | | | | | | | | | | | | | | | | | |
| NH response | 21 Jan | | | | | | | | | | | | | | | | | | |
| Final version | Before D9 - 25 Jan | | | | | | | | | | | | | | | | | | |
| [possible ISH] | [8 Feb] | | | | | | | | | | | | | | | | | | |
| Applicant's comments | A timetable for the de-trunking agreement has now been agreed between the parties. | | | | | | | | | | | | | | | | | | |

REP6-074 – Cambridgeshire County Council, Huntingdonshire District Council and South Cambridgeshire District Council

Monitor and Manage

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| REP6-074a | <p>Monitor and Manage</p> <p>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.</p> <p>The local authorities request that the following is inserted as requirements into Schedule 2 of the DCO:</p> <p>Construction Phase Monitor and Manage Scheme</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> (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): <ol style="list-style-type: none"> (i) <i>Bedford Borough:</i> <ol style="list-style-type: none"> a. Roxton b. Great Barford c. Willington d. Little Barford e. Chawston f. Colesden |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| | <ul style="list-style-type: none"> g. Wilden Renhold h. Ravensden i. Staploe and Duloe (ii) <i>Cambridgeshire:</i> <ul style="list-style-type: none"> 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) <i>Central Bedfordshire:</i> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| | <ul style="list-style-type: none"> a. Moggerhanger b. Blunham c. Sandy <ul style="list-style-type: none"> i. Bedford Road ii. St. Neots Road d. Potton e. Wrestlingworth f. Everton g. Biggleswade <ul style="list-style-type: none"> i. Hill Lane E ii. Hill Lane W <p>(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):</p> <ul style="list-style-type: none"> (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; <p>(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;</p> <p>(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</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| | <p>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;</p> <p>(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;</p> <p>(g) the funding from the undertaker that will be available to implement the monitoring and mitigation required by the Scheme including:</p> <p>(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</p> <p>(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</p> <p>(h) details of when the Construction Phase Monitor and Manage Scheme will come to an end.</p> <p>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.”</p> <p>Operational Phase Monitor and Manage Scheme</p> <p>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:</p> <p>(a) locations on the trunk highway network where monitoring must take place;</p> <p>(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): :</p> <p>(i) <i>Bedford Borough</i>:</p> <p>a. Roxton</p> <p>b. Great Barford</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| | <ul style="list-style-type: none"> c. Willington d. Little Barford (ii) <i>Cambridgeshire:</i> <ul style="list-style-type: none"> a. St Neots <ul style="list-style-type: none"> 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) <i>Central Bedfordshire:</i> <ul style="list-style-type: none"> a. Barford Road (Tempsford) b. Blunham c. Moggerhanger d. Sandy <ul style="list-style-type: none"> i. Bedford Road ii. St. Neots Road e. Biggleswade |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| | <ul style="list-style-type: none"> i. Hill Lane E ii. Hill Lane W f. Junction 13 M1 <ul style="list-style-type: none"> i. Salford Road ii. Bedford Road N iii. Bedford Road S g. Marston Mortaine <ul style="list-style-type: none"> i. Beancroft Road <p>(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):</p> <ul style="list-style-type: none"> (v) the numbers and type of vehicles by time; (vi) periods for collection of initial baseline data; (vii) a programme for regular surveys during the period of construction of the authorised development; and (viii) 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; <p>(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;</p> <p>(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;</p> <p>(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;</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| | <p>(g) the funding from the undertaker that will be available to implement the monitoring and mitigation required by the Scheme including:</p> <ul style="list-style-type: none"> (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 <p>(h) details of when the Operational Phase Monitor and Manage Scheme will commence.</p> <p>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."</p> |
| Applicant's comments | <p>For the reasons outlined within the Monitor and Manage Technical Note, submitted at Deadline 6 [REP6-041], the Applicant does not consider the inclusion of this proposed Requirement justified or at all appropriate. Please see the Applicant's response to Written Question 3.11.2.1(g) in the Applicant's Responses to the Examining Authority's Third Round of Written Questions [TR010044/EXAM/9.97] for a further more detailed response on this proposed requirement.</p> |

REP6-091 – Central Bedfordshire Council

Post-Hearing Submission

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| REP6-091a | <p>ISSUE SPECIFIC HEARING 5</p> <p>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).</p> <p><i>Anticipated operational traffic effects on the local highway network</i></p> <p><i>a. Applicant's Junction Model Sensitivity Testing [REP5-018].</i></p> <p><i>i. Methodology</i></p> <p><i>ii. Extent of modelling undertaken</i></p> <p><i>iii. Findings</i></p> <p><i>iv. Views of LHAs</i></p> <p>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).</p> <p>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.</p> <p>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.</p> <p>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.</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| | <p>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.</p> <p>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.</p> <p>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.</p> <p>9. To not cover the issue through mitigation would effectively amount to a "hope for the best" approach, which would be wrong in principle.</p> <p>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.</p> <p>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.</p> |
| Applicant's comments | <p>2,3,4 and 5) The A1 and junctions within CBC, and M1 junction 13 are within the Strategic Road Network (SRN) and as such are already routinely monitored. However specific monitoring to assess scheme benefits can be considered as part of the Post Opening Evaluation.</p> <p>6) The issues with predicted levels of future year queueing at the Biggleswade North junction are acknowledged by the Applicant. Document 9.68 Junction Model Sensitivity Test Results [REP5-018] provides more details. The results in Table 4-3 indicate that, by 2040, a significant capacity problem will exist at this junction whether the Scheme goes ahead or not. The queue of over 600 vehicles referred to in the 2040 'Do Something PM peak, represents an increase in queueing of some 82 vehicles on a 2040 'Do Minimum' queue of 529 vehicles. Thus, the underlying problem here is not generated by the Scheme, although the Scheme would exacerbate it. The need to monitor and manage this queue is acknowledged at para 3.22.5 of the Transport Assessment Annex (TAA) [APP-243]. Since these queues are manifested on the A1 main carriageway, they would be subject to National Highways routine monitoring in any case. Paragraphs 3.22.6 - 3.22.7 of the TAA [APP-243] describe the process by</p> |

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| | <p>which such monitoring is used to inform decisions to bring forward solutions. It is therefore for the Applicant to bring forward a future scheme to address this issue and not part of the remit of this Scheme to do so.</p> <p>7, 8 and 9) The Applicant maintains that the Strategic model is a robust forecast of scheme changes on the SRN and that the VISSIM model is the appropriate tool for forecasting scheme impacts within a local context. The VISSIM model indicates no adverse effect within Sandy. Whilst the Strategic Model has been calibrated and validated to the appropriate level of accuracy, it does not provide the level of detail of a local road network and its junctions that a VISSMI model does. The VISSIM model of Sandy has been built, calibrated and validated to the appropriate level of detail for a local model. Therefore it is able to assign to the local network traffic flows provide by the Strategic Model, in a way that reflects local conditions more precisely than the Strategic Model could reasonably be expected to do so. The Applicant therefore has confidence that the VISSIM model results represent the best and more accurate forecast of future year conditions in Sandy in both the 'Do Minimum and 'Do Something' scenarios.</p> <p>10) The Applicant maintains that changes in Air Quality at Sandy are imperceptible as set out in the Applicant's comments on other parties' responses to second round of written questions [REP5-015].</p> <p>11) As previously stated within the Monitor and Manage Technical note [REP6-041] the Applicant has no right or responsibility to manage the Local Road Network.</p> <p>Please also see the Applicants response the Q3.11.7.5 where the Applicant proposes a collaborative approach to construction phase traffic monitoring to be defined in a Joint Position Statement to be submitted at Deadline 9.</p> |
| REP6-091b | <p>b. <i>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.</i></p> <p>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:</p> <p>1. "As an action from ISH5, the Examining Authority asked for a note on:</p> <p><i>"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."</i></p> |

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| | <p>2. This follows on from item 3(b) of the Agenda for ISH5 which was:</p> <p><i>"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."</i></p> <p>Law and Policy</p> <p>3. The Network Management Duty is set out in Section 16 of the Traffic Management Act 2004 which states as follows:</p> <p><i>(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—</i></p> <p><i>(a) securing the expeditious movement of traffic on the authority's road network; and</i></p> <p><i>(b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.</i></p> <p><i>(2) The action which the authority may take in performing that duty includes, in particular, any action they consider will contribute to securing-</i></p> <p><i>(a) the more efficient use of their road network; or</i></p> <p><i>(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)."</i></p> <p>4. The Secretary of State has issued the following statutory guidance under S18 of the Act:</p> <p>4.1 The "Traffic Management Act 2004 Network Management Duty Guidance" dated November 2004 (2004 Guidance); and</p> <p>4.2 The "Traffic Management Act 2004: network management to support recovery from Covid-19" dated 30 July 2021 (2021 Guidance).</p> <p>5. The 2004 Guidance explains:</p> |

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| | <p><i>"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.</i></p> <p><i>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.</i></p> <p>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 <i>"The efficient management of the road network relies heavily upon the collection and use of accurate, reliable and timely data."</i> (paragraph 91).</p> <p>7. Paragraph 34 explains that:</p> <p><i>"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."</i></p> <p>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:</p> <p><i>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</i></p> |

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| | <p><i>included cycling. Thus all transport modes of use of the road network are the subject of consideration under the network management duty.</i></p> <p><i>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 COVID19 Guidance. This was issued specifically for the purpose of enabling highway authorities to deliver their network management duty...</i></p> <p><i>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...</i></p> <p><i>9. It is clear throughout the 2004 Guidance that the duty does require a fairly granular, localised approach:</i></p> <p><i>"96. Some congestion is simply the outcome of the demand for road space exceeding the capacity of the road network. <u>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:</u></i></p> <ul style="list-style-type: none"> <i>• insufficient junction capacity or width of carriageway to cope with the demand;</i> <i>• outdated and badly sited road signs;</i> <i>• poorly designed road markings;</i> <i>• poorly implemented and poorly maintained traffic signals and traffic control systems;</i> <i>• poorly sited parking and loading bays and poor levels of enforcement of traffic and • parking regulations."</i> and also: <p><i>"51. <u>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.</u>"</i></p> <p>Conclusion on Action Point Question</p> |

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| | <p>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.</p> <p>11. Further, it is clear that the impacts at a junction level can be significant enough to affect the expeditious movement of traffic in 7 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.</p> <p>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).</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>Further comments on the importance of Monitoring</p> |

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| | <p>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.</p> <p>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.”</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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).</p> |
| Applicant's comments | <p>The Applicant cannot accept responsibility for monitoring Local Authority roads and has previously set out its position on this and Network Management responsibilities within the Technical note Monitor and Manage submitted at Deadline 6 [REP6-041] together with its response to Question 3.11.2.1 of the Applicant's Response to the Examining Authority's Third Round of Written Questions [TR010044/EXAM/9.97], where the Applicant has set out reasons why the proposed Requirement submitted by the LHA's cannot be considered to be a valid Requirement to include within the dDCO.</p> |

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| REP6-091c | <p>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].</p> <p>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."</p> <p>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".</p> <p>19. In the context of considering whether mitigation is "proportionate and reasonable" (paragraph 5.215, NPS), other policies must be considered.</p> <p>20. Paragraph 5.216, in particular, says that "Where development would worsen accessibility such impacts should be mitigated so far as reasonably possible."</p> <p>21. Relevant local policies include CBC's Highway Safety and Design (Adopted CBC Local Plan 2015 – 2035) includes the following:</p> <p><i>Policy T2:</i></p> <ol style="list-style-type: none"> 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. <i>The proposal retains or enhances existing footpaths, bridleways and cycleway links;</i> 4. <i>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;</i> 5. <i>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;</i> |

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| | <p>6. <i>The proposal must make adequate provision for loading and unloading, circulation, servicing and vehicle turning; and</i></p> <p>7. <i>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.'</i></p> <p>Policy T6 as states: <i>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.</i></p> <p>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).</p> <p>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:</p> <ul style="list-style-type: none"> (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. <p>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.</p> |

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| | <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>29. This would also impact upon the Local Authorities ability to fully discharge its Network Management Duties as discussed above.</p> <p>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.</p> <p>31. It is therefore considered both appropriate and necessary that the operational phase Monitor and Manage process is extended to cover:</p> <p>(i) The operation of local road approaches to strategic road junctions.</p> |

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| | <p>(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.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> (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. <p>34. CBC is of the view that the DCO requires need to capture the following (and incorporating the above requirements):</p> <ul style="list-style-type: none"> (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). |

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| | <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>40. CBC requests that the SoS imposes the proposed provisions in Appendix 1 as DCO requirements.</p> <p>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.</p> |

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| Applicant's comments | For the reasons explained in response reference REP6-074a, the Applicant does not consider that a monitor and manage requirement would be necessary, appropriate or valid. |
| REP6-091d | <p>4. Highway layouts and junction arrangements</p> <p>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:</p> <p>43. No comment.</p> <p>i. Road Safety Audit findings regarding proposed DfS on the local road network;</p> <p>44. No comment.</p> <p><i>ii Implications, if any, on the Proposed Development in the event of no agreement being reached on DfS between the LHA and Applicant.</i></p> <p>45. No comment</p> <p>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].</p> <p>46. No comment.</p> |
| Applicant's comments | The Applicant notes this comment from Central Bedfordshire Council. |
| REP6-091e | <p>5. Provision for Non-Motorised Users</p> <p>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:</p> |

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| | <p><i>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.</i></p> <p>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.”</p> <p>48. Paragraphs 3.19 to 3.22 of the NPS include the following:</p> <p>3.19 <i>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.</i></p> <p>3.20 <i>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:</i></p> <ul style="list-style-type: none"> • <i>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.</i> <p>3.22 <i>Severance can be a problem in some locations. Where appropriate applicants should seek to deliver improvements that reduce community severance and improve accessibility.</i></p> <p>49. According to paragraph 5.215 of the NPS “<i>Mitigation measures for schemes should be proportionate and reasonable, focussed on promoting sustainable development .</i>”</p> <p>50. Paragraph 5.217 says that “Mitigation measures may relate to the design, lay-out or operation of the scheme.</p> <p>51. CBC’s Highway Safety and Design (Adopted CBC Local Plan 2015 – 2035), policy T2 includes the following:</p> <p><i>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</i></p> |

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| | <p><i>contributes towards the costs of any measures required to cost effectively mitigate the impacts arising from the development.</i></p> <p>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.</p> <p>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'.</p> <p>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.</p> <p>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.</p> <p>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 <i>"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."</i></p> <p>57. Further detail contained in the policies is referenced above, but the following is noted in respect of the Barford Road Bridge:</p> <ul style="list-style-type: none"> (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 |

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| | <p>NH "should seek to deliver improvements that reduce community severance and improve accessibility" in this instance.</p> <p>(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.</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>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.</p> |
| Applicant's comments | <p>The Applicant notes the comments from Central Bedfordshire Council (CBC). The Barford Road bridge has 2.5m wide verges. There are no existing NMU facilities on any part of Barford Road. CBC has offered no new information or justification for the requested NMU facilities and the Applicant's position is as set out in item REP1-055e of the Applicant's Comments on Written Representations [REP3-008] and Q3.11.6.1(b) within the Applicant's response to the Examining Authority's Third Written Question [TR010044/EXAM/9.97].</p> |
| REP6-091f | <p><i>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.</i></p> |

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| | <p>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.</p> <p>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.</p> <p>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.</p> <p>65. CBC understands from comments at ISH5 that the Examining Authority has questions of its own that it proposes to ask NH in writing.</p> <p>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.</p> <p>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.</p> |
| Applicant's comments | The Applicant maintains that NMU provision within the Scheme is reasonable and proportionate; meeting the requirements of the National Networks National Policy Statement and the Scheme Objectives. Please refer to the Applicant's response to Q 2.11.6.1 set out in the Applicant Response to the Examining Authority's Second Round of Written Questions [REP4-037]. Designated Funds is the appropriate means to secure additional provision beyond that which is required for the Scheme. |
| REP6-091g | <p><i>c. Signalled 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.</i></p> <p>No comment</p> |
| Applicant's comments | The Applicant notes this comment from Central Bedfordshire Council. |
| REP6-091h | 6. Outline Construction Traffic Management Plan (Outline CTMP) |

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| | <p>a. Adequacy of the submitted second iteration Outline CTMP [REP4- 012] and whether any further iterations are proposed during the Examination</p> <p>68. Whilst there have been a few positive moves, the Outline Traffic Management Plan remains inadequate.</p> <p>69. Particular CBC issues of concern raised at ISH5 are as follows.</p> <p>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.</p> <p>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).</p> <p>72. NH suggested 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> |

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| | <p>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.</p> <p>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.</p> <p>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.</p> <p>80. Other issues are raised in CBC's written representation dated August 2021.</p> <p>81. CBC requests the SoS secure and impose the requested mitigation through a DCO requirement (or the traffic management plan in Schedule 2).</p> |
| Applicant's comments | <p>The Applicant notes that CBC have acknowledged that positive changes have been made to the Outline Construction Traffic Management Plan [REP6-010] to address issues raised during the Examination.</p> <p>The construction of the new crossing of the East Coast Mail Line (ECML) to carry the new dual carriageway over this railway line is critical to the delivery of the scheme. The works required to deliver this new infrastructure requires a sequence of activities which must be completed in series. The archaeological mitigation must be completed before Cadent can undertake any of the works to divert the high pressure Cadent Gas main away from the railway.</p> <p>The bridge construction cannot progress until the gas main has been diverted, commissioned and protected and the bridge construction works will be constrained by the very limited period for railway possessions that can be utilised to minimise the impact of these works on the operation of the ECML.</p> <p>While it is planned to provide a logistic route from the east along the trace of the new dual carriageway to supply all aspects of the construction for the later phases of the works to complete this new crossing, constraints including archaeology, ecology and other utilities need to be addressed before this route can be established. During this period the access through Station Road Tempsford, that has already been used for the Archaeological Mitigation works in field 44, will be required for the gas main diversion works and the abutment construction.</p> |

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| | <p>As noted in the response to item 6b below, HGV movements have been carefully controlled during the works that have already been completed using the access through Station Road, Tempsford including the existing railway crossing. A similar level of supervision will be implemented to maintain a safe access for all users of this route during the gas main diversion and abutment construction works.</p> <p>The diversion route shown in the Outline Construction Traffic Management Plan [REP6-010] to the west of the A1 via the A603 is the approved National Highways diversion route that is used currently when planned maintenance works or an emergency closure is required on the network. Through the Outline Construction Traffic Management Plan [REP6-010] the Applicant has committed to the implementation of a Traffic Management Forum, the purpose of which will be, amongst other things, to establish what additional temporary measures may be needed at the A603 Vinegar Hill junction when it is used as part of a diversion route. The Plan also confirms that Collision Risks on the network will be identified ensuring traffic management design layouts integrate risk areas and mitigate them appropriately.</p> |
| REP6-091i | <p><i>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]</i></p> <p>82. See the section above.</p> <p>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.</p> <p>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).</p> <p>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.</p> |
| Applicant's comments | <p>The archaeological works in Field 44 that required access via Station Road Tempsford are significant and have been completed over a seven month period. The remote and inaccessible location of this area of archaeology required the initial establishment of a suitable access and compound area to facilitate the safe delivery of these works. This is a significant element of works with forty full time employees working on the site for the duration of these works and using Station Road, Tempsford as the only means of access.</p> |

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| | <p>Two Planning Applications were submitted to CBC and consent was received to enable these works to be undertaken. The first consent was for the "Temporary change of use and formation of site compound comprising site offices, welfare facilities and off road parking with associated works." The second was for the "Archaeological excavation and associated engineering works".</p> <p>The works completed under these planning applications included the construction of approximately 900m of new access track and 2300m² of hardstanding for the office, welfare and parking facilities. The construction of these items required the import of more than 5000 tonnes of stone, all of which was delivered to the site via Station Road, Tempsford. Careful management and coordination enabled the construction team to complete the work over a five week period with 20 HGV's (e.g. 40HGV movements) per day used to deliver the stone material required for these works.</p> <p>Further HGV movements were required to deliver the construction plant required both for the access track and hard standings works and to facilitate the archaeology. These included two 20 tonne excavators, a large all terrain dumper, a 14 tonne excavator, rollers and water pumps and mobile lighting towers. All of these items of plant were delivered and removed from site on either HGV low loader type wagons or HGV flat bed vehicles via Station Road Tempsford.</p> <p>In addition HGVs with 'wide' loads were required to establish of the office and welfare facilities required for the works. Fifteen mobile office units (3m wide) were delivered via Station Road, offloaded and positioned using a large lorry mounted HIAB crane.</p> <p>The Applicant understands the constraints of this access and has shown through the delivery of the archaeology and associated enabling works that by the careful management HGVs can be used to access this area of the site through Station Road, Tempsford with minimal disruption to the residents.</p> <p>The Outline Construction Traffic Management Plan [REP6-010] shows this route as restricted for the gas main and abutment works as these are critical for the delivery of the scheme and the Applicant will manage the HGVs movement required to facilitate these works in a similar way to that already used successfully for the works completed under the Planning Applications.</p> |
| REP6-091j | <p>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</p> <p>86. No comment.</p> |

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| Applicant's comments | The Applicant notes this comment from Central Bedfordshire Council. |
| REP6-091k | <p>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]</p> <p>87. The relevant policy framework is set out under the Monitor and Manage section above, including in particular paragraph 5.216, NPS and local polices T2 and T6.</p> <p>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.</p> <p>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):</p> <ul style="list-style-type: none"> (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. <p>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.</p> <p>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.</p> <p>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.</p> |

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| Applicant's comments | Please see the Applicants response to REP6-074a. |
| REP6-091l | <p>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</p> <p>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.</p> |
| Applicant's comments | <p>The Applicant has committed to carry out inspections prior to and following the use of some local roads by construction related vehicles (rather than self-diverting traffic) to ensure that any existing damage, poor condition or normal wear and tear is not erroneously attributed to the Scheme when works are complete. If damage is found and is deemed to have been caused by construction vehicles the Applicant has committed to carry out appropriate repairs, as agreed at that time with the relevant local highway authority (Section 3.3.7 Outline Construction Traffic Management Plan [REP6-010]).</p> <p>The Applicant has set out previously in the Applicant's comments on other parties' responses to second round of written questions [REP5-015] that Section 59 of the Highways Act 1980 would be not be applicable and that it would be for the relevant local highway authority to establish that the relevant tests contained within that section have been met at the time they seek to rely on it.</p> |
| REP6-091m | <p>f. Adequacy of the submitted Outline Travel Plan [REP5-016] and the Applicant's intended approach to any future iterations</p> <p>94 No comment.</p> |
| Applicant's comments | The Applicant notes this comment from Central Bedfordshire Council. |
| REP6-091n | <p>7. Good Design</p> <p>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</p> <p>95. Refer to comments elsewhere, which are relevant to good design. No additional comments.</p> |

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| Applicant's comments | The Applicant notes this comment from Central Bedfordshire Council. |
| REP6-091o | <p>b. Applicant's proposed iterative design development process for detailed design (if consent is granted), and how that can be secured</p> <p>96. No comment.</p> <p>8. Construction methods and effects</p> <p>a. Progress on pending issues relating to Borrow Pits</p> <p>97. No comment.</p> <p>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]</p> <p>98. No comment.</p> <p>c. Further details on the uses proposed in the construction compounds</p> <p>99. No comment.</p> |
| Applicant's comments | The Applicant notes this comment from Central Bedfordshire Council. |
| REP6-091p | <p>9. Noise</p> <p>a. Mitigation measures requested by CBC in response to anticipated noise effects at Rectory Farm</p> <p>100. Paragraph 5.195 of the NPS states as follows:</p> <p><i>"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:</i></p> <ul style="list-style-type: none"> <i>• avoid significant adverse impacts on health and quality of life from noise as a result of the new development;</i> <i>• mitigate and minimise other adverse impacts on health and quality of life from noise from the new development; and</i> <i>• contribute to improvements to health and quality of life through the effective management and control of noise, where possible."</i> |

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| | <p>101. At ISH5, NH essentially adopted the stance that NH is required to do not more than:</p> <ul style="list-style-type: none"> (i) Not cause "significant adverse health" impacts; and (ii) Meet its 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. <p>102. CBC does not accept or agree with NH's policy approach.</p> <p>103. The Rectory Farm residence is located approximately east of the Black Cat junction and accessed off Little Barford Road.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p> |

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| | <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> |
| Applicant's comments | <p>The Applicant confirms that a ‘Joint Position Statement with Central Bedfordshire Council and National Highways on discussions regarding noise and mitigation measures’ [REP6-046] was submitted at Deadline 6. The joint statement set out the positions of the Applicant and Central Bedfordshire Council on matters relating to the mitigation of significant adverse traffic noise effects at Rectory Farm. The issues raised above broadly reflect the position set out by Central Bedfordshire Council in REP6-046.</p> <p>As set out in paragraph 1.1.4 of REP6-046, discussions between the parties are continuing and an updated position statement will be submitted at Deadline 9.</p> |
| REP6-091q | <p><i>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</i></p> <p>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.</p> |

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| Applicant's comments | The Applicant refers to the response to REP6-091p above. |
| REP6-091r | <p>10. Air Quality in Sandy</p> <p>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</p> <p>115. The properties in question are seven properties to the north of Carter Street in Sandy.</p> <p>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.</p> <p>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.</p> |
| Applicant's comments | <p>10</p> <p>a. As set out in the Applicant's comments on other parties' responses to second round of written questions [REP5-015], in 2017/2018 the Applicant engaged with CBC to consider options for the management of the AQMA. The measures considered and discussed at that time included barriers alongside the A1, managing tidal one way traffic flows and retrofitting buses. However, the Applicant's studies showed that none of these measures would be viable in this locality or in the cases of retrofitting buses, make a measurable improvement in annual mean nitrogen dioxide concentrations.</p> <p>115. The Applicant agrees these are the properties in question.</p> <p>116. As identified in the Applicant's comments on other parties' responses to second round of written questions [REP5-015], the Applicant considers that, in line with DMRB LA 105, the impacts on these properties are imperceptible and therefore not significant and as such no mitigation is required. The Applicant sets out its view on the mitigation measures identified above by CBC in response to WQ 3.2.1.1 in the Applicant's responses to the Examining Authority's Third Written Questions [TR010044/EXAM/9.97].</p> <p>117. The Applicant has offered to meet with CBC. This will be arranged as soon as possible and a note summarising the discussion will be submitted at the next Examination deadline which follows any meeting held.</p> |

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| REP6-091s | <p>b. If applicable, justification for not proposing mitigation</p> <p>118. Paragraph 5.10 of the NPS states as follows:</p> <p><i>"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."</i></p> <p>119. Paragraph 5.11 states:</p> <p><i>"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."</i></p> <p>120. Paragraph 5.15 states:</p> <p><i>"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."</i></p> <p>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.</p> <p>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:</p> <p>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.</p> |

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| | <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>128. Similarly, the specific area of concern here is the Sandy AQMA.</p> <p>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.</p> <p>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:</p> <p><i>"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 –</i></p> <p><i>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).</i></p> |

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| | <p><i>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.</i></p> <p><i>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).</i></p> <p><i>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.</i></p> <p>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.</p> |
| Applicant's comments | <p>b See response to REP6-091r above.</p> <p>118-120 The Applicant acknowledges the NN NPS paragraph quotes and reiterate that the Applicant considers the air quality effects of the scheme to be compliant with these policies.</p> <p>121-123 As set out in previous responses [e.g. REP5-015], the Applicant's position is that the predicted change in the Sandy Air Quality Management Area is less than 1% of the objective value and is therefore imperceptible and not significant and therefore mitigation measures are not required. A change of this magnitude is so small as to be beyond both monitoring and modelling precision. A change of this magnitude would be removed due to general improvements in air quality in less than 12 months. Additional detail on this point is presented in response to WQ 3.2.1.1 in the Applicant's responses to the Examining Authority's Third Written Questions [TR010044/EXAM/9.97].</p> <p>124 It is not clear where the quoted text in this statement is from "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", however as set out in the Applicants response to other parties responses to WQ2 [REP5-015] in 2017/2018 the Applicant engaged with CBC to consider options for the management of the AQMA. The measures considered and discussed at that time included barriers alongside the A1, managing tidal one-way traffic flows and retrofitting buses. However, the Applicant's studies showed that none of these measures would be viable in this locality or in the cases of retrofitting buses, make a measurable improvement in annual mean nitrogen dioxide concentrations.</p> |

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| | <p>125-129 As set out in the Applicant's response to actions arising from Issue Specific Hearing 5 on 1 December 2021 [REP6-031] the air quality modelling uses traffic data from the SATURN model as this is the appropriate model for use for this type of assessment. The SATURN model is a strategic transport model that provides national coverage with a more detailed focus on the area impacted by the Scheme. The spatial coverage is illustrated in Figure 3.2 of the Combined Modelling and Appraisal Report [APP-252]. The VISSIM models were developed to provide a more detailed assessment of local areas including junctions. Given the localised coverage of the VISSIM models that are intended to model specific local junctions a full evaluation of air quality effects on sensitive receptors over a wider area using VISSIM models is not possible. Additionally, the SATURN model includes traffic projections for the AM, inter peak and PM peak time periods. These can be factored to account for the full 24-hr period assessed for air quality. The VISSIM models only consider the AM and PM peak hours, which would be insufficient for the air quality assessment. Additional detail on the validation of the SATURN model against local count data is provided in [REP6-037].</p> <p>130 There are a number of differences between the VISSIM and SATURN modelling that mean the direct comparison of values presented in this paragraph is not appropriate. The peak hour in the VISSIM model is a single hour, whereas the peak period in the SATURN model is 3 hours, therefore it would be expected that the peak value in the VISSIM model would be higher than the SATURN model. The VISSIM modelling is primarily based on single day counts collected in November and December 2019 (reviewed against weekly like count data to confirm the day was a representative weekday in November 2019), whereas the SATURN model is based on an average day in June 2015 and is considered to be representative of an average annual weekday. As set out above, the SATURN model is considered the appropriate model for use for the environmental assessment and it is the industry standard to utilise the strategic model.</p> <p>131 As set out above, the predicted change in concentrations at this location are less than 1% of the objective value and are imperceptible. Changes of this magnitude will be removed within 12 months due to general improvements in air quality and therefore would not significantly adversely affect air quality in this area.</p> |

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| REP6-091t | <p>ISSUE SPECIFIC HEARING 4 & 6</p> <p>132. Appendix 3 contains the CBC's responses to the Examining Authority's actions that are relevant to CBC.</p> <p>CONCLUSION</p> <p>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.</p> <p>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.</p> |
| Applicant's comments | <p>The Applicant notes the comments from CBC. Please refer to REP6-091a – REP6-091ah which sets out the Applicant's position on the matters contained in the submission from CBC.</p> |
| REP6-091u | <p>Appendix 1</p> <p>Joint Local Authorities' approach to Monitor and Manage – Requested DCO Requirements</p> <p><u>Monitor and Manage</u></p> <p>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.</p> <p>The local authorities request that the following is inserted as requirements into Schedule 2 of the DCO:</p> <p>"Construction Phase Monitor and Manage Scheme</p> <p>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:</p> |

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| | <p>(a) locations on the trunk highway network where monitoring must take place;</p> <p>(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):</p> <ul style="list-style-type: none"> (i) Bedford Borough: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> a. Abbotsley b. Broadway, Bourn Airfield c. Cambourne d. Caxton e. Coton f. Elsworth g. Eltisley h. Eynesbury Hardwicke i. Gamlingay |

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| | <p>j. Great Gransden k. Highfields Caldecote l. Knapwell m. Little Gransden n. Madingley o. Toseland p. Waresley q. Yelling</p> <p>(iii) Central Bedfordshire:</p> <p>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</p> <p>(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):</p> <p>(i) the numbers and type of vehicles by time;</p> |

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| | <p>(ii) periods for collection of initial baseline data;</p> <p>(iii) a programme for regular surveys during the period of construction of the authorised development; and</p> <p>(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;</p> <p>(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;</p> <p>(e) who will make decisions on when and what mitigation measures are necessary according to the criteria in paragraph (d) and the decisionmaking 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;</p> <p>(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;</p> <p>(g) the funding from the undertaker that will be available to implement the monitoring and mitigation required by the Scheme including:</p> <ul style="list-style-type: none"> (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 <p>(h) details of when the Construction Phase Monitor and Manage Scheme will come to an end.</p> <p>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.”</p> <p>Operational Phase Monitor and Manage Scheme</p> |

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| | <p>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:</p> <p>(a) locations on the trunk highway network where monitoring must take place;</p> <p>(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):</p> <ul style="list-style-type: none"> (i) Bedford Borough: <ul style="list-style-type: none"> a. Roxton b. Great Barford c. Willington d. Little Barford (ii) Cambridgeshire: <ul style="list-style-type: none"> a. St Neots <ul style="list-style-type: none"> 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. |

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| | <p>(iii) Central Bedfordshire:</p> <ul style="list-style-type: none"> a. Barford Road (Tempsford) b. Blunham c. Moggerhanger d. Sandy <ul style="list-style-type: none"> i. Bedford Road ii. St. Neots Road e. Biggleswade <ul style="list-style-type: none"> i. Hill Lane E ii. Hill Lane W f. Junction 13 M1 <ul style="list-style-type: none"> i. Salford Road ii. Bedford Road N iii. Bedford Road S g. Marston Mortaine <ul style="list-style-type: none"> i. Beancroft Road <p>(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):</p> <ul style="list-style-type: none"> (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 |

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| | <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(g) the funding from the undertaker that will be available to implement the monitoring and mitigation required by the Scheme including:</p> <ul style="list-style-type: none"> (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 <p>(h) details of when the Operational Phase Monitor and Manage Scheme will commence.</p> <p>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.</p> |
| Applicant's comments | Please see the Applicant's response to REP6-074a. |
| REP6-091v | Appendix 2 |

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| | <p>CBC Requested DCO Requirements – Highways, Air Quality & Noise Issues</p> <p>Traffic Management Plan – Construction</p> <p>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):</p> <p style="padding-left: 40px;">“(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.”</p> |
| Applicant's comments | <p>The Applicant is not in agreement with imposing any restriction on the weight of construction vehicles on Station Road, Tempsford.</p> <p>Please refer to the responses to REP6-091h and REP6-091i which detail why this route is critical to the project and how the Applicant has successfully managed HGV movements on this route previously and will control these movements during the main construction.</p> |
| REP6-091w | <p>Barford Bridge</p> <p>2) Following the Issue Specific Hearing 5 (ISH5), CBC requests the Secretary of State imposes the following as a new DCO requirement:</p> <p style="padding-left: 40px;">“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 1 I.</p> <p style="padding-left: 40px;">2. The Barford Bridge shall be constructed according to the amended works plans approved under paragraph 1.”</p> |
| Applicant's comments | <p>The Applicant disagrees with CBC that a new DCO Requirement should be imposed because the provision of pedestrian and cycle access has not been justified as stated in the Applicant's response to REP6-091e above. The Applicant does not prevent Central Bedfordshire Council from financially contributing for the additional overprovision for which they seek and recuperating the cost from developers in the future. It is not the Applicant's responsibility to deliver infrastructure, for other developers or developments, that is not essential to the Scheme.</p> |
| REP6-091x | Air Quality & Noise |

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| | <p>3) The air quality and noise issues relate to the following that were raised at the ISH5:</p> <ul style="list-style-type: none"> 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. <p>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:</p> <p>Air Quality Impacts – 7 Carter Street properties</p> <p>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:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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 |

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| | <p>them out, having regard to suitable mitigation measures contained within Section 5.0 of the Central Bedfordshire Air Quality Action Plan dated June 2019.</p> <p>2. The undertaker shall at its own expense carry out the mitigation measures in accordance with the approval under paragraph 1(3) above."</p> |
| Applicant's comments | <p>As set out above in response to REP6-091s, the SATURN model is the appropriate model to use for the air quality assessment of the Scheme. The VISSIM models were developed to provide a more detailed assessment of local areas, particularly with respect to assessing the detailed traffic and operational impacts of the Scheme</p> <p>With regards to the mitigation measures identified above, this is responded to in detail in the response to Q3.2.1.1 in the Applicant's responses to the Examining Authority's Third Round of Written Questions [TR010044/EXAM/9.97].</p> |
| REP6-091y | <p>Noise Impact – Rectory Farm</p> <p>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.</p> <p>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."</p> |
| Applicant's comments | The Applicant refers to the response to REP6-091p above. |
| REP6-091z | <p>Appendix 3</p> <p>CBC Table of Responses to Actions from Issue Specific Hearings 4 – 6</p> <p>Issue Specific Hearing 4 Actions</p> <p>Actions arising from the Issue Specific Hearing 4 held on Tuesday 30 November 2021:</p> <p>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.</p> |

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| Applicant's comments | The Applicant notes this comment from Central Bedfordshire Council. |
| REP6-091aa | 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 Marczevska. 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. |
| Applicant's comments | The Applicant notes this comment from Central Bedfordshire Council. |
| REP6-091ab | <p>Issue Specific Hearing 5 Actions</p> <p>CBC responses to actions arising from the Issue Specific Hearing 5 held on Wednesday 1 December 2021</p> <p>3. Biggleswade North traffic flows to be provided to Central Bedfordshire Council (CBC) for any comment. Jethro Punter. The flows provided clarify that the pattern is the same as previously 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.</p> |
| Applicant's comments | This response is noted by the Applicant. Whilst the Applicant acknowledges the predicted over capacity at this junction, the modelling indicates that the problems on the local road network are not made significantly worse by the traffic flows arising from the Scheme. As set out in the Junction Model Sensitivity Test Results [REP5-018] . |
| REP6-091ac | 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. |
| Applicant's comments | Refer to the Applicant's comments to REP6-091b within this document. |
| REP6-091ad | 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 |

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| | be secured and policy justification for respective positions. Jethro Punter. Addressed in CBC's Post Hearing Submissions for ISH5 submitted at Deadline 6. |
| Applicant's comments | Refer to the Applicant's comments to REP6-091c within this document. |
| REP6-091ae | 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. |
| Applicant's comments | The Applicant refers to the response to REP6-091p above. |
| REP6-091af | 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. |
| Applicant's comments | The Applicant is meeting with CBC on 18 January 2022. A note summarising the discussion will be submitted to the Examination at Deadline 9. |
| REP6-091ag | <p>Issue Specific Hearing 6 Actions</p> <p>CBC responses to actions arising from the Issue Specific Hearing 6 held on Thursday 2 December 2021:</p> <p>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.</p> |
| Applicant's comments | The Applicant has submitted a revised pre-commencement plan [TR010044/EXAM/9.48v3] at Deadline 8. |
| REP6-091ah | 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. |

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| Applicant's comments | <p>A meeting was held with CBC on the 20 December 2021 to progress the legal agreement and negotiations have now started with CBC on the handover process under the agreement. A provisional timetable has been agreed as follows:</p> <p>17 December 2021: LHA will have provided any amendments sought to the Legal Agreement.</p> <p>14 January 2022: National Highways will have provided comments on the amendments sought.</p> <p>14 January – 15 February 2022: The parties work towards agreeing a final version of the Legal Agreement by Deadline 9 prior to the close of the Examination.</p> |

REP6-092 – Davison & Co (Great Barford) Ltd

Response of Davison & Company (Great Barford) Ltd to the Applicant's submissions received at D5 ('9.65 Applicant's comments on other parties' responses to second round of written questions')

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| REP6-092a | <p>Q2.5.3.1 – Different types of agreement</p> <ul style="list-style-type: none"> • Contrary to what the Applicant suggests, the proposed lease and option agreements reasonably required to both (a) deliver the DCO scheme and (b) protect the proposed employment land allocation on Davison & Co's land, are not "standard" and this is not reasonable justification for issuing a template legal agreement with no bespoke drafting in lieu of properly and reasonably engaging with the landowner over its case specific circumstances/proposed terms. • The option agreement presented to Davison & Co, was not a 'draft' agreement as is claimed, but a template 'off the shelf' agreement with no bespoke drafting whatsoever. Davison & Co have to date received no confirmation /communications that any solicitors have been instructed by the Applicant to proceed with the voluntary agreements drafting and/or any costs assurances in relation to its costs; • The Applicant states they "will respond to the Interested Party before the Compulsory Acquisition Hearing, scheduled for 2 December 2021." Nevertheless, as at 2nd December (and contrary to the assertion of the Applicant's representatives at the CA Hearing), the Applicant had not made any substantive response to either the: <ul style="list-style-type: none"> o Heads of Terms for an option agreement issued by Davison & Co on 6th July 2021 and/or o Heads of Terms for a lease agreement on the borrow pit land returned to the Applicant on 10th November 2021. • The Applicant has very recently confirmed that it is not prepared to enter into voluntary agreement unless land values are first agreed. This despite the Applicant's valuers to date not having valued Davison & Co's affected property, or sought to inspect. The requirement to agree values in advance means that the valuation date could be up to six years in advance of when possession and ownership of the land is transferred under the option. This puts the claimant in a materially worse position compared to compulsory purchase. In offering terms which are worse than compulsory purchase the Applicant is manifestly failing to use reasonable endeavours to avoid compulsory purchase and to reach voluntary agreement. |

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| | <ul style="list-style-type: none"> It follows that Davison & Co consider the Applicant, to date, has consistently and throughout the process fallen well below the standard required in national policy to make reasonable endeavours to acquire land by agreement and for compulsory purchase to be a tool of last resort which are both highly relevant and material considerations when assessing whether the Applicant has demonstrated the necessary compelling case in the public interest for the proposed acquisition of the land by compulsion in the DCO. |
| Applicant's comments | <p>The Applicant has sought to acquire the landowner's interests by agreement. At opening negotiations a template Option Agreement was issued on 7 September 2021. This was followed up with a phone call to the Landowner's agent on 7 October 2021 to enquire as to whether there were any terms within the draft Option Agreement that were unacceptable to their client. The initial response was that there were no issues with the draft Option Agreement. However, in subsequent meetings the Landowner's agent has requested that Heads of Terms be agreed before an Option Agreement is drafted.</p> <p>The Applicant drafted Heads of Terms based on the terms set out in the template Option Agreement for another of their clients on 5 November 2021 and reference was made to these heads of Terms for initial discussions. The Landowner's Agent returned the amended Heads of Terms for the Option Agreement to the Applicant on 10 November 2021. The Applicant discussed these amendments with the Landowner's agent on 26 November 2021. Further discussions were had via email on 29 November 2021. Revised Heads of Terms were issued by the Applicant on 8 December 2021. A meeting was held on the 9 December 2021 to agree a timetable for discussions. The revised Heads of Terms were returned by the Landowner's agent on 10 December 2021. A meeting was held on 13 December 2021 to discuss whether land values can be left unagreed until the DCO receives consent and reserved rights. A further email was received by the Applicant on 13 December 2021 regarding valuation dates. The Applicant responded on 14 December 2021 clarifying the Applicant's position. The Landowner's agent emailed the Applicant on 4 January 2022 regarding reserved rights. A meeting was held on 6 January 2022 to discuss this issue. The Applicant confirmed with the Landowner that the Applicant requires time to consider the implications and practicalities of agreeing to this request. The Landowner's Agent also provided a revised timetable later the same day. The Landowner's Agent reverted to the Applicant on 11 January 2022 to confirm their client's solicitor had been instructed.</p> <p>The Applicant has sought to acquire the subject land in line with the Compulsory Purchase Code. The valuation date as set out in Section 5A of the Lands Compensation Act 1961 is the earliest of the date of agreement, entry, vesting, or determination by a Tribunal. The Applicant is not able to leave agreement of land values in abeyance as the conveyance of the land cannot be completed until the purchase price has been agreed and paid. This would lead to delays in delivering the scheme. The Applicant has offered an Option Agreement whereby the method of acquisition is a General Vesting Declaration. This would allow the landowner to leave agreement of land values in</p> |

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| | <p>abeyance and allow reference to the Upper Tribunal Lands Chamber if agreement cannot be reached, whilst still allowing other terms to be agreed and set out in the Option agreement.</p> |
| <p>REP6-092b</p> | <p>Q2.5.3.7 – Farmland at Caxton Gibbet</p> <ul style="list-style-type: none"> <p>Contrary to what the Applicant states, the dDCO could be amended to provide for the borrow pits land to be subject to temporary possession ('TP'), whilst still making material changes to the land. It is therefore no answer for the Applicant to say <i>"The dDCO does not provide for the interests required for the borrow pits to be secured temporarily and so Article 40 does not apply."</i></p> <p>Specifically, the Applicant has failed to demonstrate why material changes to land used as borrow pits in particular precludes the use of TP, and not in other circumstances envisaged in Article 40 of the dDCO, where permanent works would be authorised on land subject only to TP?</p> <p>In essence, what the Applicant is proposing amounts to permanently acquiring the borrow pit land despite no permanent works being needed because the dDCO is purportedly set in stone and cannot be amended. No undertaking has been provided to offer back this land when it becomes surplus to requirements and Davison and Co are very concerned that, absent suitable safeguards and protective provisions, that the Applicant can and will seek to circumvent the offer back obligation in the Crichel Down rules if, as they state, the land will have been materially changed during the construction stage leaving Davison & Co wholly unprotected in these circumstances.</p> <p>Davison & Co further note that the Applicant does not refer to the borrow pits (or related activities) at all in their Statement of Reasons, despite this being the primary document setting out the purported compelling case in the public interest justification for the proposed compulsory acquisition of this land for the purposes of the DCO scheme. Davison & Co consider this failing is a significant deficiency in the Applicant's application</p> <p>Accordingly, among other things, for the reasons set out above, It follows that the main pre-conditions for the CA of land in S.122 of the Planning Act 2008 have clearly not been met in this case, which are, in summary that:</p> <ol style="list-style-type: none"> Applicant has failed to reasonably demonstrate that compulsory acquisition of the borrow pit land is "required" for the stated purposes (in respect of which the case of <i>Sharkey and Another v SSFe (1992) 63 P. & C.R 332</i>, among other things, is relevant, defining "required" as more than "desirable" or "convenient" but means "necessary in the circumstances of the case); and There is no compelling case in the public interest for the borrow pit land to be acquired compulsorily as alleged by the Applicant or at all. |

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| | <ul style="list-style-type: none"> • As stated above (and contrary to the assertion of the Applicant's representatives at the Compulsory Acquisition Hearing of 2nd December 2021), the Applicant had not by this date made any substantive response to: <ul style="list-style-type: none"> o Heads of Terms for an option agreement issued by Davison & Co on 6th July 2021. o Heads of Terms for a lease agreement on the borrow pit land returned to the Applicant on 10th November 2021. • Unless and until Davison & Co see substantive and a prolonged level and period of engagement by the Applicant with agreeing Heads of Terms and negotiating and finalising the necessary legal agreements, it is hard to conclude that the Applicant is doing anything other than paying lip service to the national policy requirements to use reasonable endeavours to acquire land by agreement and to only seek and use compulsory purchase powers as a tool of last resort. • Davison & Co are significantly concerned that there is now only 2 months remaining during the examination period and the Applicant by their general inactivity and are running the clock down on the examination period with a token level of engagement to enable them to assert that there has been insufficient time to negotiate the necessary agreements and thereby DCO powers are required to be authorised over its land. • Among other things, for this reason, to ensure that there is sufficient time for the Applicant to fulfil its policy requirement to demonstrate reasonable attempts to acquire by agreement, and to enable the necessary agreements to be entered into, Davison & Co would request that that the Examining Authority (which they understand is a request made by other landowners in a similar dissatisfactory position) consider a suitable extension to the DCO examination period to enable the necessary level of engagement to take place between the Applicant and Davison & Co. • Davison & Co would ask that this response be placed before the Examining Authority at its earliest convenience and consideration given to its request. Davison & Co are happy to supplement and add to this response as necessary and as required by the Examining Authority. |
| Applicant's comments | <p>The Applicant has been in negotiation with the Landowner for a lease on the borrow pit area. Heads of Terms for the borrow pit lease were issued by the Applicant on the 7 October 2021. A further email was sent by the Applicant to request a response to the proposed Heads of Terms on 1 November 2021. The amended Heads of Terms were returned to the Applicant on the 10 November 2021. Negotiations have continued with the Landowner as set out in the updated Compulsory Acquisition schedule [TR010044/EXAM/9.94] but to summarise the Landowner's Agent</p> |

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| | <p>emailed the Applicant on 14 January 2022 to confirm that the Heads of Terms had been agreed and to provide details of their solicitor.</p> <p>The Applicant has set out its case for the need to acquire the interests within the Scheme in both the Application documents and in CAH1 and CAH2. The Applicant has explained that the extent of work would not make the land suitable for temporary possession. As the land cannot be acquired on a leasehold basis if compulsory acquisition powers are required the only option, and what is necessary to deliver the Scheme, is for the freehold to be acquired but with an offer back of the land. However, as the Affected Party has indicated, and it is the Applicant's preference, a lease is being negotiated between the parties.</p> <p>The Applicant does not consider there are any grounds to extend the Examination on the grounds requested.</p> |

REP6-093 – Davison & Co (Great Barford) Ltd

Summary or oral representations made on behalf of Davison and Co (Great Barford) Ltd at Compulsory Purchase Hearing 2 (2nd December 2020)

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| REP6-093a | <ol style="list-style-type: none"> 1. The matter of principal concern to Davison and Company (Great Barford) Ltd ('Davison & Co') relates to the proposed compulsory acquisition ('CA') of land in Plot 14/16a for borrow pits. The return of this land is of great importance to Davison & Co. who have advanced proposals to develop this and adjacent land. 2. The Applicant acknowledges the borrow pit land is only required on a temporary basis. So why are CA powers sought? 3. The Applicant asserts CA powers are needed because the borrow pit land will be materially changed by the works. However the dDCO already provides for the construction of permanent works on land subject only to Temporary Possession ('TP') powers (article 40). By definition these permanent works will involve material changes to the affected land. It follows that the need for material changes to the borrow pit land cannot be a barrier to using TP powers. 4. Davison & Co also note that the applicant did not refer at all to the borrower pits in its statement of case submitted as part of the DCO application. 5. We conclude the Applicant has not reasonably demonstrated that CA of the borrow pit land is required and has not satisfied S.122 of the Planning Act 2008. 6. Davison & Co's objection to the CA of the borrow pit land could be readily resolved by the Applicant entering into a lease agreement on suitable terms. 7. Much greater urgency is required from the Applicant in negotiations on the terms of a lease. We do not agree with the Applicant that the Secretary of State's decision is the deadline for agreement, rather the end of the examination; alternatively how can the ExA make a reasonably informed recommendation? 8. We ask the Applicant in good faith, to increase the urgency to try and agree a lease. If the end of the examination period is reached without a satisfactory agreement, then Davison & Co. will maintain and if necessary, enforce their objection to CA of this land. |

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| Applicant's comments | <p>The Applicant received confirmation from the Landowner's Agent that Heads of Terms for the borrow pit lease have been agreed and details of the Landowner's solicitor have been provided. Pending confirmation of fees The Applicant's solicitors will be instructed in due course.</p> <p>In addition to the comments in response to REP6-092b the Applicant did not refer to specific uses by name for all of the sperate parcels of land required for freehold acquisition because this was dealt with by cross reference to the Work Numbers in the dDCO. The borrow pits are referred to in Work Numbers 2, 23, 106 and 111, with Work 111 covering Plots 14/16a as detailed in Annex A to the Applicant's Statement of Reasons [APP-030].</p> |

REP6-094 – East West Rail

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| Issue Specific Hearing 4 – Response to Actions Points | |
| REP6-094a | <p>Action Point 5 - EWR Co</p> <p>Confirm whether (and if so when) East West Railway Company (EWR) 2020 bat surveys, that have been relied upon to draw conclusions for this Examination, can be submitted to the Examination.</p> <p>i. EWR Co has discussed the bat surveys with the Applicant and has agreed that the relevant report may be submitted to the Examination at Deadline 6 with the redaction of individuals' details and the grid references of the identified roosts.</p> |
| Applicant's comments | The Applicant submitted the bat surveys undertaken by East West Rail at Deadline 6, see the East West Rail Bat Survey [REP6-053]. |
| Issue Specific Hearing 5 – Written Summary of Oral Submissions and Response to Action Points | |
| <i>4(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.</i> | |
| REP6-094b | <p>1.1 EWR Co</p> <p>EWR Co to provide an update in respect of protective provisions.</p> <p>i. EWR Co confirmed that the protective provisions and a draft side agreement had been shared with the Applicant, and that discussions between the parties were ongoing. EWR Co also confirmed that the protective provisions would be submitted to the Examination at Deadline 6. As is normal, only the draft protective provisions will be shared with the Examination, in this case along with a commentary.</p> <p>ii. EWR Co's position is that there needs to be protection in the A428 dDCO to reflect the potential proximity of the EWR Project to the Scheme and the need for these key infrastructure projects to work together. While it was accepted that EWR Co is not a statutory undertaker, who is presently in the position of Network Rail for example, the potential proximity of the two projects means that if it is possible to avoid increased environmental, community</p> |

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| | <p>and economic impacts, then this ought to be secured. It is also in the public interest that resources be used appropriately.</p> <p>Action Point 7 - Protective Provisions from East West Rail Company and justification for them.</p> <p>i. Appendix A to this summary sets out EWR Co's response to Action Point 7 (<i>not repeated in this document</i>)</p> |
| Applicant's comments | Please see the Applicant's comments at 'Applicant response to actions arising from Issue Specific Hearing 5', action point 7 [REP6-031] as well as the Applicant's response to written question 3.5.2.2. |
| REP6-094c | <p>1.2 EWR Co</p> <p>EWR Co to explain the relationship between the protective provisions and the comments submitted in relation to the design principles.</p> <p>i. EWR Co confirmed that the response provided to WQ2.10.1.1 and WQ2.10.2.1 at Deadline 4 [REP4-067] dealt solely with the Applicant's design principles, which are a separate matter to the protective provisions.</p> <p>Action Point 15 - What specific changes would be needed to particular parts of the Design Principles document, so as to affect the design of specific components of the Proposed Development. Marked up changes requested.</p> <p>i. In the response provided to WQ2.10.1.1 and WQ2.10.2.1 at Deadline 4 [REP4-067], EWR Co set out its position in relation to the Applicant's proposed design principles. This included a request for a design principle to ensure engagement with EWR Co, as well as an amendment to requirement 12 of Schedule 2 to the dDCO to secure the consultation in respect of the design development process. In both cases, the proposed drafting was provided.</p> <p>ii. EWR Co considers that as a minimum the Applicant ought to consult proactively with EWR Co in order to establish the extent to which accommodation of the two projects can be achieved. Such an approach would reflect obligations in respect of good design contained in the NN NPS at paragraph 4.28 et seq. Such an obligation is appropriate and should be seen as an important inclusion in the dDCO regardless of the parties' positions in respect of protective provisions.</p> <p>iii. For clarity, the above amendments in relation to Design Principles requested by EWR Co are set out at Appendix B to this summary with tracked changes showing. This does not represent a change to the amendments previously set out in [REP4-067].</p> |

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| Applicant's comments | Paragraph 4.28 of NN NPS states generally that " <i>Applicants should include design as an integral consideration from the outset of a proposal.</i> " The Applicant has complied within this policy requirement. |
| REP6-094d | <p>1.3 EWR Co</p> <p>EWR Co to confirm that, as set out in its Deadline 5 submissions, design changes may be needed but can be addressed after the Examination.</p> <p>i. EWR Co confirmed that the approach taken to the drafting of the protective provisions was to provide the ability for the Scheme's design to flex to accommodate the EWR Project, subject to the caveat that any such changes do not result in any materially new or materially different environmental effects from those reported in the environmental statement.</p> <p>ii. EWR Co confirmed that the majority of the potential interfaces would be with side roads rather than the NSIP itself. Therefore, it would be possible to address these changes under 1990 Act applications, to the extent that the Scheme's design could not be flexed within the confines of the DCO.</p> <p><u>Post Hearing Note</u></p> <p>iii. The key exception to (ii) is the potential interaction between the EWR Project and the Scheme at Black Cat Junction. As detailed at section 3.3 of Appendix 1 to [REP4-067], Route Alignments 1,2 and 6 would closely interact with the Black Cat Junction. As a result, the mechanism secured by the protective provisions is required to ensure the efficient coordination of works in this location.</p> |
| Applicant's comments | The Applicant notes that no single route alignment has yet been selected for the EWR Scheme, no statutory consultation undertaken and no consent has yet been applied for or granted. Therefore, the potential for interaction is highly uncertain. Should there be any interaction as the EWR Scheme develops, this would be protected through protective provisions contained within the Order for the EWR Scheme, should this be made. |
| REP6-094e | <p>1.4 EWR Co</p> <p>EWR Co to confirm why the protective provisions are not yet before the Examination.</p> <p>i. EWR Co highlighted that the key issue for the Examination is the need for the ExA to be assured that the public interest and the environment are protected.</p> |

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| | <p>ii. EWR Co confirmed that, in order to provide the Applicant with the opportunity to discuss the protective provisions outside the Examination, the protective provisions had not yet been submitted but would be provided at Deadline 6.</p> <p>iii. In response to the points raised by the Applicant, EWR Co explained that the protective provisions set out appropriate coordination mechanisms so that these will be in place ahead of implementation. This provides a pragmatic approach to ensure engagement and mitigate the potential for increased impacts on communities and the environment.</p> |
| Applicant's comments | <p>The Applicant has made comments on the proposed EWR protective provisions at 'Applicant response to actions arising from Issue Specific Hearing 5', action point 7 [REP6-031] as well as the Applicant's response to written question 3.5.2.2 set out in the Applicant's responses to the Examining Authority's Third Written Questions [TR010044/EXAM/9.97].</p> |
| REP6-094f | <p>1.5 EWR Co</p> <p>EWR Co to comment on the concerns raised by the Cambridge Authorities.</p> <p>i. EWR Co confirmed that the protective provisions are not intended to circumvent engagement or consultation with the relevant local authorities. Rather, they operate alongside the existing mechanisms in the DCO to provide protection for EWR Co.</p> <p>ii. Therefore, even if a change to design or other inclusion is needed as a result of the operation of the protective provisions, this would still be subject to necessary approvals from local planning and highway authorities, for example.</p> |
| Applicant's comments | <p>The Applicant has no comment.</p> |
| REP6-094g | <p>1.6 EWR Co</p> <p>EWR Co to explain why it is within the remit the Applicant to consider the EWR Project.</p> <p>i. EWR Co explained that the question of the remit for consideration of the EWR Project goes to the timing and state of evolution of the two projects. Crucially, it is in the public interest to minimise environmental impacts and avoid unnecessary impact on the public purse, which can be achieved by coordinating the design and delivery of the two projects.</p> |

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| | <p>ii. In preparing the protective provisions, EWR Co has drafted for questions of conditionality. This is due to certain EWR Project alignments not interfacing with the Scheme, meaning that there are outcomes which may have little impact. However, if there are interactions, it is in public interest to ensure that these are appropriately managed. By ensuring engagement and providing the mechanism for passive provision, the protective provisions facilitate the reduction in impacts where there are substantial interactions.</p> <p>iii. Although it is not incumbent upon the Applicant to assess its Scheme cumulatively with the EWR Project, this does not mean that it cannot accommodate the EWR Project. This is why, for example, at paragraph 1.3 (i) above, it is explained that there is a requirement to remain within the assessed envelope of effects for the Scheme.</p> <p>iv. EWR Co confirmed that it would continue to engage with the Applicant.</p> |
| Applicant's comments | Please see the Applicant's comments at 'Applicant response to actions arising from Issue Specific Hearing 5', action point 7 [REP6-031] as well as the Applicant's response to written question 3.5.2.2 set out in the Applicant's responses to the Examining Authority's Third Written Questions [TR010044/EXAM/9.97]. |
| REP6-094h | Appendix A – ISH5 - Action Point 7 – Protective Provisions |
| Applicant's comments | Please see the Applicant's comments at 'Applicant response to actions arising from Issue Specific Hearing 5', action point 7 [REP6-031] as well as the Applicant's response to written question 3.5.2.2 set out in the Applicant's responses to the Examining Authority's Third Written Questions [TR010044/EXAM/9.97]. |
| REP6-094i | Appendix B – Action Point 15 – Design Principles |
| Applicant's comments | The Applicant's position remains unchanged. The Applicant is has started the detailed design phase and therefore cannot change elements of this design to accommodate the EWR prospective Scheme. |
| REP6-094j | <p>Appendix C – Schedule of Amendments</p> <p>PLANNING ACT 2008 A428 BLACK CAT TO CAXTON GIBBET IMPROVEMENTS DEVELOPMENT CONSENT ORDER 202[] EAST WEST RAILWAY COMPANY SCHEDULE OF AMENDMENTS DEADLINE 6</p> <p>1. Draft Development Consent Order</p> <p>1.1. Insert the below provision at article 11(5):</p> |

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| | <p><i>“(j) East West Railway Company Limited (company number 11072935), whose registered office is at One Grafton Mews, Midsummer Boulevard, Milton Keynes, England, MK9 1FB in relation to any rights acquired over the Order land pursuant to article 28 and the construction of any specified works or protective works pursuant to paragraph 95 of schedule 9.”</i></p> <p>1.2. Delete requirement 12 of Schedule 2 and replace with the following:</p> <p>“Detailed Design</p> <p><i>12. - (1) The detailed design for the authorised development must accord with:</i></p> <p><i>(a) the preliminary scheme design shown on the works plans, the general arrangement plans and the engineering section drawings;</i></p> <p><i>(b) the principles set out in the environmental masterplan; and</i></p> <p><i>(c) the First Iteration EMP,</i></p> <p><i>unless otherwise agreed in writing by the Secretary of State following consultation with the relevant local authority on matters related to their functions, and in the case of the First Iteration EMP consultation with East West Railway Company Limited, provided that the Secretary of State is satisfied that any amendment would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement.</i></p> <p><i>(2) The detailed design for the authorised development must be prepared in consultation with East West Railway Company Limited in respect of the consideration of engineering efficiencies and the coordination of construction programmes between the authorised development and East West Rail pursuant to the East West Rail design principle contained within the First Iteration EMP. (3) Where amended details are approved by the Secretary of State under paragraph (1), those details are deemed to be substituted for the corresponding plans or sections and the undertaker must make those amended details available in electronic form for inspection by members of the public.”</i></p> <p>1.3. Insert the below protective provisions following Part 7 of Schedule 9:</p> <p><i>93 The following provisions of this Part of this Schedule have effect, unless otherwise agreed in writing between the undertaker and EWR Co.</i></p> <p><i>94 In this Schedule—</i></p> |

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| | <p><i>"construction" includes execution, placing, alteration and reconstruction and "construct" and "constructed" have corresponding meanings;</i></p> <p><i>"engineer" means an engineer appointed by EWR Co for the purposes of this Order;</i></p> <p><i>"EWR alignment" means the EWR project route alignment:</i></p> <p><i>(a) confirmed by a preferred route alignment announcement;</i></p> <p><i>(b) presented within any statutory consultation;</i></p> <p><i>(c) specified within an application made pursuant to section 37 of the 2008 Act; or</i></p> <p><i>(d) specified within a development consent order,</i></p> <p><i>in respect of the EWR project, whichever comes latest;</i></p> <p><i>"EWR Co" means East West Railway Company Limited (company number 11072935 whose registered office is at One Grafton Mews, Midsummer Boulevard, Milton Keynes, England, MK9 1FB);</i></p> <p><i>"EWR project" means the project to construct and operate new and upgraded railways between Oxford and Cambridge, including a new railway to be constructed between Bedford and Cambridge;</i></p> <p><i>"interface scheme" means a scheme comprising plans, programmes, methodologies and designs and such other materials as shall be reasonably necessary to demonstrate how the final design of the authorised development has been designed so as to enable the integration of the authorised development with the EWR project;</i></p> <p><i>"plans" includes the interface scheme, sections, designs, design data, software, drawings, specifications, soil reports, calculations, descriptions (including descriptions of methods of construction), staging proposals, programmes, details of the extent, timing and duration of any specified work and any such other information as may be specified by the engineer acting reasonably;</i></p> <p><i>"protective works" means any works specified by the engineer under paragraph 51(4); and</i></p> <p><i>"specified work" means so much of any of the authorised development as is situated:</i></p> <p><i>(a) upon, across, under, over or within 15 metres of, or that may in any way adversely affect, the EWR alignment; or</i></p> <p><i>(b) within the order limits presented during the statutory consultation for the EWR project or within the development consent order application for the EWR project, whichever is most recent.</i></p> |

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| | <p>95(1) <i>The undertaker must before commencing construction of any specified work supply to EWR Co proper and sufficient plans of that work for the reasonable approval of the engineer and the specified work must not be commenced except in accordance with such plans as have been approved in writing by the engineer or settled by in accordance with article 54 (arbitration).</i></p> <p>95(2) <i>The approval of the engineer under sub-paragraph (1) must not be unreasonably withheld, and if by the end of the period of 28 days beginning with the date on which such plans have been supplied to EWR Co the engineer has not intimated his disapproval of those plans and the grounds of disapproval the undertaker may serve upon the engineer written notice requiring the engineer to intimate his approval or disapproval within a further period of 28 days beginning with the date upon which the engineer receives written notice from the undertaker. If by the expiry of the further 28 days the engineer has not intimated his approval or disapproval, the engineer shall be deemed to have approved the plans as submitted.</i></p> <p>95(3) <i>If by the end of the period of 28 days beginning with the date on which written notice was served upon the engineer under sub-paragraph (2), EWR Co gives notice to the undertaker that EWR Co desires itself to construct any part of a specified work which in the opinion of the engineer will or may improve the efficiency of joint construction programming matters then, if the undertaker desires such part of the specified work to be constructed, EWR Co must construct it without unnecessary delay on behalf of and to the reasonable satisfaction of the undertaker in accordance with the plans approved or deemed to be approved or settled under this paragraph, and under the supervision (where appropriate and if given) of the undertaker.</i></p> <p>95(4) <i>When signifying approval of the plans the engineer may specify any adaptations required in order to enable integration of the authorised works and the EWR project, protective works (whether temporary or permanent) or construction programming matters which in his opinion should be carried out or specified before the commencement of the construction of a specified work to ensure the safety or stability of the EWR alignment and such protective works as may be reasonably necessary for those purposes must be constructed by EWR Co or by the undertaker, if EWR Co so desires, and such protective works must be carried out at the expense of the undertaker in either case without unnecessary delay and the undertaker must not commence the construction of the specified works until the engineer has notified the undertaker that the adaptations or protective works have been completed and the construction programming matters specified to the engineer's reasonable satisfaction.</i></p> <p>95(5) <i>The undertaker shall not be required to construct any protective works (whether temporary or permanent), or any part of the interface scheme or accommodate any construction programming matters specified under paragraph 95(4) where those works or matters would give rise to any materially new or materially different environmental effects from those reported in the environmental statement.</i></p> |

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| | <p><i>96(1) Any specified work and any protective works to be constructed by virtue of paragraph 95(4) must, when commenced, be constructed—</i></p> <p><i>(a) without unnecessary delay in accordance with the plans approved or deemed to have been approved or settled under paragraph 95;</i></p> <p><i>(b) under the supervision (where appropriate and if given) and to the reasonable satisfaction of the engineer; and</i></p> <p><i>(c) so far as is reasonably practicable, so as not to interfere with or obstruct the free, uninterrupted and safe access to the EWR alignment by EWR Co.</i></p> <p><i>96(2) If any such interference or obstruction shall be caused by the carrying out of, or in consequence of the construction of a specified work, the undertaker must, notwithstanding any such approval, pay to EWR Co all reasonable expenses to which EWR Co may be put and compensation for any loss which it may sustain by reason of any such interference or obstruction.</i></p> <p><i>96(3) Nothing in this Part of this Schedule imposes any liability on the undertaker with respect to any damage, costs, expenses or loss attributable to the negligence of EWR Co or its servants, contractors or agents or any liability on EWR Co with respect of any damage, costs, expenses or loss attributable to the negligence of the undertaker or its servants, contractors or agents.</i></p> <p><i>97 The undertaker must-</i></p> <p><i>(a) at all times afford reasonable facilities to the engineer for access to a specified work during its construction; and</i></p> <p><i>(b) supply the engineer with all such information as the engineer may reasonably require with regard to a specified work or the method of constructing it.</i></p> <p><i>98 EWR Co must at all times afford reasonable facilities to the undertaker and its agents for access to any works carried out by EWR Co under this Part of this Schedule during their construction and must supply the undertaker with such information as it may reasonably require with regard to such works or the method of constructing them.</i></p> <p><i>99 The undertaker must repay to EWR Co all reasonable fees, costs, charges and expenses reasonably incurred by EWR Co —</i></p> <p><i>(a) in constructing any part of a specified work on behalf of the undertaker as provided by paragraph 95(3) or in constructing any protective works under the provisions of paragraph 95(4) including, in respect of any permanent protective works, a capitalised sum representing the cost of maintaining and renewing those works; and</i></p> |

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| | <p><i>(b) in respect of the approval by the engineer of plans submitted by the undertaker and the supervision by the engineer of the construction of a specified work or a protective work.</i></p> <p><i>100(1) The undertaker must pay to EWR Co all reasonable costs, charges, damages and expenses not otherwise provided for in this Part of this Schedule which may be occasioned to or reasonably incurred by EWR Co—</i></p> <p><i>(a) by reason of the construction or maintenance of a specified work or a protective work or the failure thereof; or</i></p> <p><i>(b) by reason of any act or omission of the undertaker or of any person in its employ or of its contractors or others whilst engaged upon a specified work or a protective work;</i></p> <p><i>and the undertaker must indemnify and keep indemnified EWR Co from and against all claims and demands arising out of or in connection with a specified work or a protective work or any such failure, act or omission; and the fact that any act or thing may have been done by EWR Co on behalf of the undertaker or in accordance with plans approved by the engineer or in accordance with any requirement of the engineer or under the engineer's supervision shall not (if it was done without negligence on the part of EWR Co or of any person in its employ or of its contractors or agents) excuse the undertaker from any liability under the provisions of this sub-paragraph.</i></p> <p><i>100(2) EWR Co must give the undertaker reasonable written notice (and in any event not less than 7 days) of any such claim or demand and no settlement or compromise of such a claim or demand shall be made without the prior written consent of the undertaker.</i></p> <p><i>101 EWR Co must, on receipt of a request from the undertaker, from time to time provide the undertaker free of charge with written estimates of the costs, charges, expenses and other liabilities for which the undertaker is or will become liable under this Part of this Schedule (including the amount of the relevant costs mentioned in paragraph 100) and with such information as may reasonably enable the undertaker to assess the reasonableness of any such estimate or claim made or to be made pursuant to this Part of this Schedule (including any claim relating to those relevant costs).</i></p> <p><i>102 In the assessment of any sums payable to EWR Co under this Part of this Schedule there must not be taken into account any increase in the sums claimed that is attributable to any action taken by or any agreement entered into by EWR Co if that action or agreement was not reasonably necessary and was taken or entered into with a view to obtaining the payment of those sums by the undertaker under this Part of this Schedule or increasing the sums so payable.</i></p> <p><i>103 The undertaker and EWR Co may enter into, and carry into effect, agreements for the transfer to EWR Co of—</i></p> <p><i>(a) any lands, works or other property held by the undertaker in connection with the authorised works; and</i></p> |

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| | <p><i>(b) any rights and obligations (whether or not statutory) of the undertaker relating to the authorised works.</i></p> <p><i>104 The undertaker must give written notice to EWR Co if any application is proposed to be made by the undertaker for the Secretary of State's consent, under article 11 (Consent to transfer benefit of Order) of this Order and any such notice must be given no later than 28 days before any such application is made and must describe or give (as appropriate)—</i></p> <p><i>(a) the nature of the application to be made;</i></p> <p><i>(b) the extent of the geographical area to which the application relates; and (c) the name and address of the person acting for the Secretary of State to whom the application is to be made.</i></p> <p><i>105 The undertaker must no later than 28 days from the date that the plans and documents submitted to and certified by the Secretary of State in accordance with article 52 (certification of Documents, etc.) are certified by the Secretary of State, provide a set of those plans and documents to EWR Co in an agreed electronic read only format.</i></p> <p>2. Environmental Management Plan</p> <p>2.1. Insert the below design principle into the Environmental Management Plan:</p> <p><i>"In preparing the detailed design and the construction programme, the potential interfaces with the East West Rail Project shall be taken into account. So far as reasonably practicable, the detailed design and construction programme shall provide for and demonstrate the realisation of design and programming efficiencies between the Scheme and the East West Rail Project."</i></p> |
| Applicant's comments | <p>The Applicant's position remains unchanged. The Applicant has started the detailed design phase and therefore cannot change elements of this design to accommodate a prospective EWR Scheme which has no identified preferred route.</p> |

REP6-095 – East West Rail

Response to Deadline 5 Submission

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| <p><i>Table 1: EWR Co's response to the Applicant's comments on EWR Co's submissions made at Deadline 4 [REP5-014]</i></p> | |
| <p>REP6-095a</p> | <p>1 Applicant's Comments on submissions made at Deadline 4 - [REP5-014], page 143.</p> <p>EWR Co's Response to Applicant's Response [REP3- 007] on page 190 to EWR Co's response to Q1.17.4.1 East West Rail [REP1- 074] b and c</p> <p>Applicant's Response:</p> <p><i>"East West Rail Co (EWR) is in the very early design stage not yet having even announced a preferred route, prepared its preliminary design or consulted on that design. In contrast, the Applicant has completed its preliminary design taking on board comments from consultation, completed its Environmental Impact Assessment (including setting its limits of deviation) and has commenced the detailed design stage for the Scheme. The Applicant maintains its view that given the very early stage of the design for the EWR Scheme it is not possible for any design commitments to be sought for EWR within the A428 Scheme. The nature of the DCO process is such that by the time a scheme is in Examination there are certain elements required in order to provide certainty and control over the design but as a consequence of that certainty there is also a reduction in the ability to accommodate changes at a late stage. Therefore, it is the Applicant's view that it would be for the EWR Scheme design (when completed) to look for efficiencies based on the existing design of the A428 Scheme. There should not be an obligation on the A428 Scheme to redesign or make changes to incorporate a future design from EWR when that information is not currently available.</i></p> <p><i>Whilst the Applicant is still of the view that protective provisions for an asset that is not yet in place is premature, the Applicant is reviewing the proposed Protective Provisions provided. The Applicant notes that EWR were to provide a separate Interface Agreement and the Applicant would like to consider the Protective Provisions in line with this agreement which has not yet been received. Once the Interface Agreement has been shared the two can be considered together and any cooperation possible between the schemes can be considered."</i></p> <p>EWR Co does not dispute that the proposals for the EWR Project and the Scheme are at different stages of evolution. However, it is not accepted that it is not possible for any design commitments to be sought. Further, as is apparent from the draft protective provisions submitted to the Examination at Deadline 6, EWR Co are not seeking design changes at this stage. Rather, the protective provisions establish the mechanism for the post-consent</p> |

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| | <p>adaptation of the Scheme (by way of works to integrate the Scheme and the EWR Project), protective works and amendments to construction programming. This mechanism is subject to an exclusion of works or matters that would give rise to materially new or materially different environmental effects from those reported in the environmental statement. This provides for the proportionate management of key interfaces without the need to amend the Scheme during the course of the Examination.</p> <p>In light of EWR Co's present lack of physical assets and the absence of a confirmed route alignment, the protective provisions set out the mechanism for coordinating interactions without rigidly defining those interactions or seeking the protection of particular assets. Crucially, should the final route alignment for the EWR Project not be in the vicinity of the Scheme, the key approval mechanisms would not be triggered. This provides a proportionate level of protection, taking account of the differing extent to which the EWR Project and the Scheme are currently progressed.</p> <p>As requested at Action Point 7 of ISH5, EWR Co submitted the draft protective provisions to the Examination at Deadline 6, along with full justification for each provision. EWR Co provided the Applicant with a draft Interface Agreement on 19 November 2021. The Applicant's counter proposal is awaited, and is anticipated to be received at Deadline 6.</p> <p>EWR Co remains committed to further engagement with the Applicant.</p> |
| Applicant's comments | <p>The Applicant's position remains unchanged. The Applicant has started the detailed design phase and therefore cannot change elements of this design to accommodate a prospective EWR Scheme which has no preferred route. The Applicant's position regarding the proposed protective provisions and interface agreement have been confirmed at 'Applicant response to actions arising from Issue Specific Hearing 5', action point 7 [REP6-031] as well as the Applicant's response to written question 3.5.2.2.</p> |
| REP6-095b | <p>2 Applicant's Comments on submissions made at Deadline 4 - [REP5-014], page 144. EWR Co's Response to Applicant's Response [REP3- 007] on page 190 to EWR Co's response to Q1.17.4.1 East West Rail [REP1- 074] d and e</p> <p><i>Applicant's Response: "Please refer to the Applicant's response to REP4-066a above."</i></p> <p>EWR Co's response to the Applicant's response to REP4- 066a is set out at item 1, above.</p> |
| Applicant's comments | <p>As set out in the response to REP6-095a, the Applicant's position remains unchanged.</p> |

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| REP6-095c | <p>3 Applicant's Comments on submissions made at Deadline 4 - [REP5-014], page 145. EWR Co's response to Applicant's Response [REP3- 007] on page 203 to CPRE Cambridgeshire and Peterborough (REP1-056e), Q1.11.1.3</p> <p><i>Applicant's Response: "Please refer to the Applicant's response to REP4-066a above."</i></p> <p>EWR Co's response to the Applicant's response to REP4- 066a is set out at item 1, above</p> |
| Applicant's comments | As set out in the response to REP6-095a, the Applicant's position remains unchanged. |
| REP6-095d | <p>4 Applicant's Comments on submissions made at Deadline 4 - [REP5-014], page 145. EWR Co's response to Applicant's comments [REP3- 030] on EWR Co Response [REP1-073] to Action Points 1, Table 2.1, page 2 EWR Co Response</p> <p><i>Applicant's Response: "Please refer to the Applicant's response to REP4-066a above."</i></p> <p>EWR Co's response to the Applicant's response to REP4- 066a is set out at item 1, above.</p> |
| Applicant's comments | As set out in the response to REP6-095a, the Applicant's position remains unchanged. |
| REP6-095e | <p>5 Applicant's Comments on submissions made at Deadline 4 - [REP5-014], page 146. EWR Co's Response to Applicant's comments [REP3- 030] on EWR Co Response [REP1-073] to Action Points 2, Table 2.1, Page 3 EWR Co Response</p> <p><i>Applicant's Response: "Please refer to the Applicant's response to REP4-066a above."</i></p> <p>EWR Co's response to the Applicant's response to REP4- 066a is set out at item 1, above.</p> |
| Applicant's comments | As set out in the response to REP6-095a, the Applicant's position remains unchanged. |

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| REP6-095f | <p>6 Applicant's Comments on submissions made at Deadline 4 - [REP5-014], page 148. EWR Co's Response to Applicants Comments [REP3- 030] on EWR Co response to Cambridgeshire County Council, Huntingdonshire District Council and South Cambridgeshire District Council Comments on Applicant's Statement of Common Ground with Central Bedfordshire Council and Applicant's Statement of Commonality [REP3- 040], page 5</p> <p><i>Applicant's Response: "Please refer to the Applicant's response to REP4-066a above. The Applicant reiterates that it is not reasonably possible to make provision for the accommodation of the EWR Scheme when design for that scheme is so uncertain and lacking in any detail.</i></p> <p><i>The Applicant agrees with EWR in relation to the approach regarding cumulative impacts."</i></p> <p>EWR Co's response to the Applicant's response to REP4- 066a is set out at item 1, above.</p> |
| Applicant's comments | As set out in the response to REP6-095a, the Applicant's position remains unchanged. |
| <p><i>Table 2- EWR Co's comments on the Applicant's comments on other parties' responses to second round of written questions [REP5-015]</i></p> | |
| REP6-095g | <p>1 Applicant's Response to East West Rail's response to EXA Q2.10.1.1 – Scheme Design Approach and Design Principles in REP5-015 on page 75.</p> <p><i>Q2.10.1.1 – Scheme Design Approach and Design Principles "Given the different stages that the two projects are at, the Applicant does not consider that a design principle relating to East West Rail Co (EWR) is appropriate. The design process for the EWR Scheme, which is yet to announce a preferred route, prepare its preliminary design for that route or consult on that design, all of which could result in significant changes, is at a very early stage. This is in contrast to the Scheme which has already completed its preliminary design taking on board comments from consultation, completed its Environmental Impact Assessment, set its limits of deviation and has commenced the detailed design stage.</i></p> <p><i>Given this significant difference in design development between the two schemes, there is too much uncertainty for any real consideration to be given to any potential interfaces with EWR, especially as EWR's design is likely to be subject to change and evolve during its non-statutory or statutory consultation. However, the Applicant is willing to continue engagement with EWR through the regular monthly engagement meetings between the parties and will consider further cooperation opportunities when EWR provide a copy of the Interface Agreement that they have referred to. The Applicant will continue to engage with EWR to clarify this position."</i></p> |

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| | <p>As set out in the response at item 1 of Table 1, above, EWR Co does not dispute that the proposals for the EWR Project and the Scheme are at different stages of evolution. However, it is not accepted that there is too much uncertainty for any real consideration to be given to potential interfaces.</p> <p>As for the draft protective provisions, the logic behind the inclusion of a design principle relating to the EWR Project is to establish the mechanism to ensure appropriate engagement between the parties at the appropriate stage. At that stage, further information in respect of the EWR Project is likely to be available and can then be taken into account. Nevertheless, the difference in the design development of the two projects is acknowledged in the wording of the draft design principle, which refers to the "potential interfaces" and "so far as reasonably practicable". Clearly, if the EWR Project is not sufficiently progressed at the point when the design principle is triggered, the weight to be attached to it will be reduced.</p> <p>As requested at Action Point 7 of ISH5, EWR Co submitted the draft protective provisions to the Examination at Deadline 6, along with full justification for each provision. EWR Co provided the Applicant with a draft Interface Agreement on 19 November 2021. The Applicant's counter proposal is awaited, and is anticipated to be received at Deadline 6.</p> <p>EWR Co considers that it is important for the Scheme to demonstrate that it has proactively sought to engage with and accommodate the EWR Project in the public interest and to give effect to good design in accordance with the National Networks National Policy Statement.</p> <p>EWR Co remains committed to further engagement with the Applicant.</p> |
| Applicant's comments | As set out in the response to REP6-095a, the Applicant's position remains unchanged. |
| REP6-095h | <p>2 Applicant's Response to East West Rail's response to EXA Q2.10.2 – Design Development Process in REP5-015 on page 78.</p> <p><i>"As explained above, East West Rail Co (EWR) is in the very early design stage not yet having even announced a preferred route, prepared its preliminary design or consulted on that design. In contrast, the Applicant has completed its preliminary design taking on board comments from consultation, completed its Environmental Impact Assessment, set its limits of deviation and has commenced the detailed design stage for the Scheme. Therefore, if EWR wish to influence the Scheme's detailed design, they should provide comments to the Applicant in this respect now provided they have enough certainty regarding their design to do so. Dealing with this post consent and through amendments to paragraph (2) of Requirement 12 of the dDCO will simply not achieve what EWR seek.</i></p> |

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| | <p><i>In addition, the requirement to consult under paragraph (1), which would only apply if the Applicant wished to deviate from the preliminary design, should be limited to those bodies who have decision making functions within the relevant administrative areas and can inform the Secretary of State on related matters. It is not appropriate to afford EWR a similar status to a decision making body simply due to their promotion of a Nationally Significant Infrastructure Project which has yet to be submitted or consented. To the extent that the Department for Transport require the Applicant to work with EWR on matters relating to engineering efficiencies and the coordination of construction programmes, this is a matter which can and should be dealt with outside of the DCO process.</i></p> <p><i>To date, insufficient information has been provided by EWR to enable any meaningful engagement between the parties in relation to detailed design. The Applicant anticipates that this is because EWR have not yet developed the level of detail required to enable this, and will not do so until a preferred route has been announced, statutory consultation has been completed, and the design developed in response to stakeholder comments. The window of opportunity to inform detailed design of the Scheme is now, and unless this information is provided in short order with a significant level of certainty (which will not be possible until EWR has selected a route, and designed and consulted on that route) there will be limited opportunities to take it into account without causing potential delay to the Scheme."</i></p> <p><i>Finally, it is not yet certain if there will be any overlap of construction programmes or, if there is overlap, its extent and whether co-ordination could be facilitated without impacts to the Scheme's construction programme. Despite this, the Applicant is willing to continue engagement with EWR through the regular monthly engagement meetings and will consider further cooperation opportunities as these arise.</i></p> <p><i>Given this, the changes proposed by EWR to Requirement 12 of the dDCO are not necessary and would not achieve the purpose for which they have been proposed.</i></p> <p>As set out in the response at item 1 of Table 1, above, EWR Co does not dispute that the proposals for the EWR Project and the Scheme are at different stages of evolution. In light of the ongoing Examination, EWR Co has sought to establish the mechanism to ensure engagement and cooperation at the point of detailed design rather than seeking substantive design changes during the Examination.</p> <p>Paragraph 5.1.1 of [REP3-014] identifies that the nature of the changes anticipated during detailed design relate to engineering efficiency and the generation of information for construction. Given the potential for engineering and construction efficiencies to be achieved through the coordination of the Scheme and the EWR Project, this is an appropriate stage for engagement between the parties to occur. In light of the lack of a secured mechanism for consultation with any parties in relation to the application of the design principles, the amendments to Requirement</p> |

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| | <p>12 are necessary. EWR Co notes that the ExA has requested that other interested parties provide proposed drafting in relation to this point, and reserves its position in relation to any submissions made.</p> <p>The requirement to consult under paragraph (1) would apply in the event of a deviation from any of the items listed. The public interest lies in ensuring that lack of coordination between the EWR Project and the Scheme does not result in increased environmental, community or economic impacts. Therefore, it is appropriate for EWR Co to be consulted where a deviation from the principles in the First Iteration EMP is proposed.</p> <p>The information submitted to the Examination to date identifies potential alignments, allowing for the possible interfaces between the EWR Project and the Scheme to be considered. While it is accepted that there is an element of optionality, it is not the case that it is not possible to understand the potential impacts or consider the mechanisms to manage those impacts at a stage when greater design certainty can be achieved. Further detail as to the logic behind the inclusion of appropriate mechanisms, rather than substantive changes to the Scheme, is provided in the response to item 1 of Table 2, above. For these reasons, it is not accepted that the proposed changes to Requirement 12 are unnecessary or unworkable.</p> <p>EWR Co will continue to engage with the Applicant, both in respect of the continued development of the design of the EWR Project and the appropriate mechanism to secure the avoidance of increased environmental, community and economic impacts.</p> |
| Applicant's comments | <p>The Applicant's position remains unchanged. The Applicant has started the detailed design phase and therefore cannot change elements of this design to accommodate the EWR prospective Scheme.</p> |
| REP6-095d | <p>3 Applicant's Response to East West Rail's response to EXA Q2.17.4.1 – East West Rail in REP5-015 on page 128.</p> <p>a) Oral Summary of ASI b) Design Changes currently proposed or being proposed</p> <p><i>"a) The Applicant notes this response from East West Rail Co.</i></p> <p><i>b) The Applicant notes this response from East West Rail Co. The Applicant would also comment that the additional information provided in the Appendix does not change the current position, which is that there remains too much uncertainty to understand the impact of the East West Rail scheme on the A428 Scheme.</i></p> <p>The Appendix to [REP4-067] was submitted to the Examination to ensure that the most recent information in respect of EWR Co's ongoing option development and emerging preferences is before the Examination. The information presented identifies potential alignments, allowing for the possible interfaces between the EWR Project and the Scheme to be considered. While it is accepted that there is an element of optionality, it is not the case that it</p> |

A428 Black Cat to Caxton Gibbet improvements
Applicant's Comments on Deadline 6 Submissions

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| | is not possible to understand the potential impacts. Furthermore, it is open to the Applicant to engage with EWR Co to enhance its understanding of potential interfaces. |
| Applicant's comments | The Applicant's position remains unchanged. The Applicant has started the detailed design phase and therefore cannot change elements of this design to accommodate the EWR prospective Scheme. |

REP6-096 – Veale Wasbrough Vizards LLP

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| REP6-096a | <p>Exolum operates a network of fuel distribution pipelines that form a critical part of the UK's fuel supply system. Exolum has been engaging with the Promoter as the Scheme potentially impacts and interferes with Exolum's existing apparatus. Exolum requires protective provisions to be agreed with the Promoter to ensure its apparatus is adequately protected and to ensure the safe ongoing operation of its pipelines.</p> <p>The draft DCO contains protective provisions relating to Exolum's apparatus at Schedule 9 Part 6. We have reviewed the draft protective provisions and proposed some amendments, which we provided to the Promoter's solicitors on 13 December 2021. The proposed amendments are intended to ensure the ongoing operation and safety of Exolum's apparatus.</p> <p>Exolum will continue to collaborate with the Promoter to progress the protective provisions. Should it not be possible to reach agreement of the protective provisions with the Promoter, Exolum reserves its right to attend compulsory acquisition or issue specific hearings to address the required format of the protective provisions.</p> |
| Applicant's comments | <p>The Applicant notes this comment from Exolum and is engaged in negotiations of the proposed Protective Provisions.</p> |

REP6-097 – Hilton Parish Council

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| REP6-097a | <p>Construction Traffic</p> <p>Our Chairman, Cllr Peter Balicki, attended the online issue specific hearing number 5 on 1st December 2021. At this meeting, he requested that National Highways were asked to ensure that all construction traffic for this upgrade is routed along the A road network and not through the village of Hilton on the B1040, should the Planning Inspectorate approve the proposed upgrading of the A428.</p> <p>It was clear from comments made by a representative of National Highways that traffic restrictions were not being considered as far north as Hilton for this project, so we are writing to confirm this request.</p> <p>Cambridgeshire County Council supported our Chairman's comments and they also confirmed that, despite undertakings by National Highways to ensure construction traffic did not pass through Hilton during the construction of the A14 southern bypass, it did and was a constant source of irritation within the village.</p> <p>Both Hilton Parish Council and Cambridgeshire Country Council believe that construction materials for some of the upgrade may come from the St Ives are and that the most direct route between St Ives and the A428 development is through Hilton along the B1040. Consequently, we have made the request for National Highways to be instructed to order construction traffic from St Ives to use the A1307 and A1198 to reach the road works,</p> <p>It was mentioned by Cllr Peter Balicki at the issue specific hearing that Hilton Parish Council are in the process of trying to obtain, through Cambridgeshire County Council, a full 24-hour ban on Heavy Commercial Vehicles along the B1040 through Hilton, but this matter is still progressing and may not be concluded before the end of the Planning Inspectorate's enquiry.</p> <p>We see that this matter has been listed under item 12 of matters arising from Issue Specific Hearing 5. The action points state that the Applicant is to consider whether construction HGV traffic should be subject to route restriction through Hilton, but Hilton Parish Council would like to see the restriction on traffic being imposed on the Applicant by the Planning Inspectorate and to include all construction traffic associated with the A428 upgrade, not just heavy commercial vehicles.</p> <p>Hilton Parish Council looks forward to receiving your support in this matter.</p> |

A428 Black Cat to Caxton Gibbet improvements
Applicant's Comments on Deadline 6 Submissions

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| Applicant's comments | The Outline Construction Traffic Management Plan [REP6-010] was updated and submitted at Deadline 6. This incorporated a change to the prohibited routes for construction vehicles, which now includes the village of Hilton, ensuring that A428 construction related vehicles, including HGVs, cannot use the roads through the village regardless of whether the proposed weight restrictions have not come into effect in the meantime or not. |

REP6-098 – National Farmers Union

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| REP6-098a | <p>2.0 Issue Specific Hearing 6: 2nd December 2021:</p> <p>2.1 Draft Development Consent Order:</p> <p>(a) Article 23 -Authority to Survey and Investigate Land: The NFU as raised at the hearing would like NH to provide further details as to the type of surveys that will need to be carried out on land, which is adjacent to, but outside Order Limits. As highlighted at the hearing the NFU discussed this with NH at the meeting held on the 24th of November 2021 where NH highlighted that it was likely to be for the following types of surveys newts: 250m, badgers: 30m and water voles:500m. If this is the case, then the NFU sees no reason why NH cannot state the type and scope of surveys to be carried out.</p> <p>The NFU also raised concerns at the hearing that the surveys are supposed to be undertaken 'adjacent to but outside the Order Limits'. The surveys should only take place within the area of the authorised development. The Oxford dictionary describes adjacent as lying near to or contiguous. The NFU believes therefore that surveys should not be undertaken any further away than 500m as any further away, then the surveys are not adjacent to.</p> <p>It is essential that landowners and occupiers know what land could be disturbed by surveys going forward during the construction of the works so that they can plan cropping rotations and where livestock will be located in advance.</p> |
| Applicant's comments | <p>Types of Surveys</p> <p>National Farmers Union (NFU) have requested confirmation of the type of surveys to be undertaken on 'adjacent' land using the powers of article 23.</p> <p>The Applicant responded to this point at Deadline 6 (please see 'Applicant response to actions arising from Issue Specific Hearing 6' at action point 3 [REP6-033]). The Applicant has also previously outlined the anticipated types of surveys to be carried out in 'Applicant response to actions arising from Issue Specific Hearing 3' [REP3-020] (Appendix B: Response to Action Point 14).</p> <p>It is not possible to anticipate every survey which may be required because this will be dependent on site specific conditions which will be confirmed post consent. Therefore, it is not appropriate to restrict this power to surveys</p> |

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| | <p>which are specifically identified and listed in the dDCO, and doing so could inadvertently prevent necessary surveys from being undertaken which are required to deliver the Scheme in a lawful manner.</p> <p>The power to investigate and survey land adjacent to the Order limits is only permitted where it is 'reasonably necessary'. For example, it would be reasonably necessary to complete a survey outside the Order Limits when the survey data is required to comply with legal obligations, such as to inform a protected species derogation license or non-licensed mitigation.</p> <p>Adjacent land</p> <p>The Applicant considers that the scope of this power is already sufficiently limited by the words 'reasonably necessary' and 'adjacent'. The inclusion of adjacent land in Article 23 of the dDCO has precedent in the Silvertown Tunnel Order, the M42 Junction 6 Order and the A14 Huntingdon Order. For example, in the Examiner's Report to the Secretary of State regarding the M42 Junction 6 Order, the ExA confirmed that it was "<i>satisfied that in principle, such articles are well precedented and are acceptable in the particular circumstances of this application</i>". This ExA additionally accepted that "<i>species related surveys would be time sensitive and consider it unlikely that they would be significantly intrusive</i>" (Please see paragraphs 9.2.48 to 9.2.55 of the M42 Junction 6 Recommendation Report). Furthermore, as mentioned previously, in the unlikely event there should be any harm to land adjacent to the Order limits through such survey work, landowner's would be protected through the compensation provisions contained within Article 23(6).</p> <p>It is not possible to tell at this current time what exact areas of land will need to be affected by surveys adjacent to the Order limits. This would only become clear post-consent. In practice, there would be a dialogue with landowners about the surveys to take place and this is generally agreed without the need to exercise powers. The absence of litigation on the use of the power demonstrates its uncontroversial use in practice.</p> <p>The power granted under this article is also consistent with powers already available to the Applicant under section 289 of the Highways Act 1980. For example, this statute already provides that "<i>a person duly authorised in writing by a highway authority may at any reasonable time enter on any land for the purpose of surveying that or any other land in connection with the exercise by that authority, in their capacity as a highway authority, of any of their functions</i>" (s289(1)). It is not therefore appropriate to limit the power in the dDCO as requested by the NFU.</p> <p>Cropping rotations</p> <p>The Applicant understands that crop rotations are planned many months in advance of crops being planted, usually on a three or four year rotation, and therefore the extent of surveys are unlikely to be known until after cropping rotations have been set. However, as already explained in [REP3-020] the nature of the surveys is very limited and</p> |

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| | <p>unlikely to damage crops, although provisions at Article 23(6) ensure that should any loss or damage to crops arise, compensation for this is paid.</p> <p>Livestock</p> <p>During Issue Specific Hearing 6 and in their Deadline 6 submissions [REP6-098], the NFU suggested that additional notice is necessary to enable livestock to be relocated. At this current time, the Applicant understands that only a singular parcel of 0.773 hectares is in use for sheep grazing across the entire Scheme. However, following discussions with landowners on 4 May 2021, the Applicant understands that the landlord has served Notice on the tenant to have vacant possession at the time of acquisition. In any event, the nature of the surveys envisaged is very unlikely to affect livestock or require livestock to be moved in advance of the surveys occurring.</p> <p>Notwithstanding the ExA's request in Actions arising from Compulsory Acquisition Hearing 2 (action point 10), the Applicant notes that the NFU has still to submit a list of the clients which it represents and how they would be specifically affected by these powers and this was a point also raised by the Applicant in CAH1.</p> |
| REP6-098b | <p>(b) Notice Period of 14 days in Articles 23 and 40:</p> <p>Article 23: Surveys: The NFU confirmed that it is acceptable for a 14 day notice to be served for surveys to be undertaken under Article 23 but it would like to see that HE will agree to a 28 notice where a landowner may need to get a derogation from Natural England/RPA where land is in an environmental scheme like Higher Level Scheme (HLS) or Countryside Stewardship. It will be very difficult to get a derogation from the RPA within 14 days and if a derogation is not obtained then the landowner/occupier could be fined.</p> <p>Article 40: Temporary Use of Land: The NFU as requested would like to see that NH serves a 28 day notice as a minimum on landowners before taking land under temporary possession.</p> <p>Under Article 40 it states that only 14 days' notice has to be given to a landowner before entry can be taken by the undertaker. The NFU believes strongly that HE should be able to give a longer notice period of 28 days. It is impossible for a farmer to change operations/cultivations or make arrangements to do something different on an area of land whether crops or livestock within 14 days. It might be that orders for fertilisers, sprays etc have to be changed and there is a greater chance of a change being possible if 28 days is given rather than 14 days. Further a landowner/farmer may be on holiday for two weeks and if only a 14 day notice was served, they would not even know if it had been served and the notice period would have ended before their return to the farm. It has to be that as a minimum NH serve a 28 day notice and NH should realise that this is necessary and proportionate.</p> |

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| | <p>As stated in the last submission if the DCO only states 14 days then NH will only serve a 14 day notice. NH has stated that they will be in discussions with landowners about temporary land take in advance of the 14 day notice and if this is the case then it should be possible to serve a longer notice period.</p> <p>The NFU would like the notice which is served by NH to take temporary possession to state how long the temporary occupation will be for and for details on the programme of works to be provided by the contractor.</p> |
| Applicant's comments | <p><u>Article 23:</u></p> <p>The Applicant has previously responded on implications that a 28 day notice period would have for the construction timeline at Deadline 6 (please see 'Applicant response to actions arising from Issue Specific Hearing 6' at action point 5 [REP6-033]). This previous submission sets out the potentially significant risks to programme that would result from increasing the notice period.</p> <p>As outlined above (reference: REP6-098a), cropping rotations are planned many months in advance, meaning that an additional two weeks' notice will not enable cropping plans to be altered and there is very limited livestock farming across the Scheme which would justify the need for a longer notice period (see Applicant's comments on REP6-098a above). In practice, ongoing engagement with landowners will enable them to plan ahead with more certainty.</p> <p><u>Derogation</u></p> <p>The Applicant is grateful for the NFU's confirmation that 14 days' notice for surveys under Article 23 is considered acceptable, subject to the concern raised in relation to derogation.</p> <p>The Applicant does not accept that an exception to the 14 day notice period needs to be made for land within a HLS or Countryside Stewardship Scheme. If the land in question is subject to powers of compulsory acquisition, as would be the case here, the landowner or tenant in receipt of the subsidies would be able to apply to the Rural Payments Agency (RPA) under force majeure to avoid any fines or requirement for derogation. The timescale for this is eight weeks. Given this, there is no justification to extend the notice period to 28 days where land is affected by a HLS or a Countryside Stewardship scheme. For example, please see section 7.11 of the Countryside Stewardship Mid Tier and Wildlife Offers Manual, which specifically confirms that the time limit has been increased to eight weeks.</p> <p><u>Article 40</u></p> <p><u>Holiday</u></p> |

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| | <p>As explained above, there will be ongoing engagement with landowners and therefore, while only 14 days' formal notice is required, landowners will be made aware of the approximate timeframe for the notice to be served significantly in advance of service of the notice. Therefore, landowners will be aware if a notice is likely to be served at any particular time and can make arrangements with those individuals managing their operations if they anticipate being away during this period.</p> <p>Additionally, any land agents of whom the Applicant is aware of will be served notice as well as the landowner themselves. This would ensure that the notice is brought to the landowner's attention even if away at the point the notice is served.</p> <p>Content of notices</p> <p>With regards the content of the notice to be provided under article 40(2), the Applicant will endeavor to provide indicative timescales to landowners in advance of and when taking temporary possession. However, due to construction programme risks, it will not be possible to provide a fixed timescale for the duration of temporary possession.</p> <p>It is noted that whilst this is a NFU request no Affected Persons have made this request and the NFU has not confirmed whether they are acting for any specific Affected Persons, and if they are who those Affected Persons are.</p> |

REP6-099 – National Farmers Union

Submissions of National Farmers Union on the Compulsory Acquisition Hearing on 2nd December 20201

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| REP6-099a | <p>2.0 Compulsory Acquisition Hearing 2nd December 2021:</p> <p>2.1 Position Statements.</p> <p>James Bailey from Brown & Co raised concerns at the hearing over the use of Position Statements with clients and the fact that they are not legally binding. James Bailey actually raised this issue with the NFU on 25th October 2021 and highlighted that he had raised the issue with NH and that they had responded as follows:</p> <p><i>"As for your question on position statements/SOGCs, Highways England have opted to use position statements with landowners on the scheme. The intention is that they will be signed once both parties are in agreement on the said matters and will be used to form an agreement between, HE and the landowner".</i></p> <p>The NFU and Brown & Co are concerned about issues which are raised and not agreed on behalf of clients/members before the end of the examination due to the problems which have occurred on the A14 Improvement scheme especially in regard to accommodation works.</p> <p>The question which is being asked of NH is how clients/members can enforce matters in the position statement and what weight they can give to even relying on them.</p> <p>The NFU raised this issue with NH at the meeting which was held on 24th November 2021 and the NFU does understand this time that NH are recording all issues and requests within the position statements which did not happen on the A14. NH have confirmed to the NFU that they are intending for both parties to sign the position statements and that this does show an intention by NH to agree to the issues and requests made. But from experience on other schemes NH can start at the beginning of a scheme with good intentions but it is difficult to implement some of the intentions when construction of a scheme is coming to an end and landowners are wanting to see accommodation works implemented. The NFU believes that it is essential that accommodation works should be agreed within the position statements which should include specification details for example gates, fences, accesses.</p> <p>The NFU would like to see it stated somewhere within the DCO perhaps under 'Requirements' that accommodation works stated within position statements are carried out.</p> |

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| Applicant's comments | <p>The Applicant remains committed to honour any commitments agreed to through the signed/countersigned position statements with landowners. Following the CAH2, where the Applicant expressed concern that only one of Mr Bailey's clients had requested a meeting to discuss the position statement and detailed design matters, a request was received from Mr Bailey to arrange a meeting to discuss the position statements for all of his clients and to consider the detailed design matters they wish to ensure are secured. A meeting was arranged for the 20 December 2021 and all clients (total of 14) were discussed along with their specific requirements. The Applicant will consider the detailed design questions raised and where possible provide a response as soon as possible.</p> <p>The Applicant is committed to provide where possible 'like for like' in matters of reinstatement and where this approach is not possible the compensation provisions will apply.</p> |
| REP6-099b | <p>2.2 Detailed Design.</p> <p>James Bailey from Brown & Co raised the issue over detailed design and how this is not achieved by NH until way through the construction of the scheme. Therefore, how do landowners/farmers influence final design and what triggers NH having to negotiate final design with landowners and farmers especially in regard to accommodation works. The NFU raised that this had also been an issue which was discussed during the hearings for the A303 Stonehenge Scheme. It was very difficult on the A14 Improvement Scheme to get NH to negotiate on accommodation works once the examination of the scheme had concluded.</p> <p>If there is a Design Principles document, is it not possible to include a section in this document which stipulates that final design and accommodation works must be negotiated with landowners and farmers. Perhaps it could also be included as a role for the ALO to instigate and coordinate discussions on final design and accommodation works.</p> <p>It has been agreed with NH that the role of the ALO will be included within the first iteration of the Environment Management Plan.</p> <p>Previously the NFU highlighted that it understands that NH do not have detailed design for the scheme yet and that this may influence what land is required permanently. NH has stated that they will only take what land is needed once detailed design is known. The NFU would like this recorded in a document within the DCO along with that NH will only take the rights required to build the road. NFU highlighted that experience from other schemes have shown that it is difficult to get NH to engage once the examination of the project has concluded. This is another reason for final design to be negotiated with landowners/farmers and as requested before it does need to be stated within a document which forms part of the DCO.</p> |

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| Applicant's comments | <p>The Applicant is seeking to conclude Position Statements with landowners to agree matters raised in representations and to agree where possible matters of detail design. Position Statements have been issued and meetings have been held where requested. The Applicant has followed up with those parties/land agents issued with position statements on 3 further occasions to offer meetings to discuss concerns raised and matters of detailed design. The Applicant remains committed to these discussions and will continue to try to engage where landowners are willing to discuss.</p> <p>The Applicant does not consider that it is necessary or appropriate to include any specific requirements within the Design Principles document stipulating that the detailed design of accommodation works must be negotiated with landowners and farmers as this is and will be adequately secured through the Position Statements.</p> <p>In accordance with the Planning Act 2008 – 'Guidance Related to Procedures for the Compulsory Acquisition of Land' 'Guidance on Compulsory Purchase Process and Crichel Down Rules the Applicant has sought to and can only acquire land which is necessary for the delivery of the scheme. The Applicant will return all land that is deemed surplus under the Crichel Down Rules.</p> |
| REP6-099c | <p>2.3 Voluntary/Option Agreement</p> <p>Further to the last submission of the NFU, the NFU again raised the issue over voluntary agreements with NH at the meeting on the 24th of November 2021. The issue was raised because agents are still informing the NFU that NH are not entering properly into voluntary agreements which was raised by Mark Warnett at the hearing.</p> <p>It is really important that NH are prepared to enter into detailed heads of terms first for an option and it is normal that these heads of terms would be discussed and negotiated before any values are negotiated. It is impossible to discuss values until all heads of terms are known. The NFU has highlighted this to NH and is therefore surprised that it is expecting the DV to negotiate all heads of terms.</p> <p>The NFU believes that NH need to address this issue immediately where voluntary agreements are requested otherwise NH are just relying on the DCO being granted and receiving compulsory purchase powers.</p> |
| Applicant's comments | <p>The Applicant has been progressing discussions with landowners where voluntary agreements have been requested and an update on the position is set out in the Compulsory Acquisition Schedule [TR010044/EXAM/9.4v4].</p> |
| REP6-099d | <p>2.4 Outstanding Issues with National Highways</p> |

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| | <p>2.4.1 Soils: The NFU has agreed wording in regard to soils which was submitted to the Examiners within the full written representation 30th August 2021 and to NH where it is now highlighted within the Annex of the SoCG, number 6. There are two sections of wording that NH has not agreed to under 'Monitoring of Soil During the Works' which is as follows:</p> <p style="padding-left: 40px;">3.2 Monitoring of Soil During the Works</p> <ul style="list-style-type: none"> <i>o 3.2.1 The Developer's soil expert shall consult with the landowner/occupier (through the ALO if necessary) to assess as to whether to continue with or commence the Works in circumstances where long term and/or adverse weather conditions have led to cumulative wetting of the land so as to make it unsuitable for the Works to be carried out, provided that this regulation shall not apply where the Developer is required to work on stone or other similar material (including inter alia roads, access tracks and compounds).</i> <i>o 3.2.2 Works that have been suspended or not commenced under paragraph 6.2.1 may be carried out only with consultation having taken place with the Soil Expert and the landowner/occupier. The Soil Expert may suggest the conditions necessary before works start again.</i> <p>The NFU would like to know if this wording cannot be agreed, the procedure that NH will follow during long term/very adverse weather conditions as to when works are stopped and the decision to re start the works.</p> |
| Applicant's comments | <p>Earthworks and soil management is one of the largest construction activities on the Scheme. These works will be planned and completed by an experienced and competent earthworks contractor, with specialist staff who have detailed knowledge and understanding of soil management. They will employ modern methods, industry leading plant and plan their works to include haul routes and working platforms where necessary to facilitate the efficient delivery and minimise the potential impact of weather conditions. Productivity is a key driver to this activity and the earthworks contractors will have a detailed understanding of when works should be suspended in in wet weather periods to minimise the potential of excavated material being damaged such that it becomes unusable.</p> <p>The Applicant's Principal Contractor will be responsible for deciding when works should be suspended due to adverse weather conditions. This will be dependent on various factors and considerations including the safety of the workforce and advice from the specialist earthworks contractor.</p> |
| REP6-099e | 2.4.2 Under 6.3 Restoration and Soil Aftercare within the Annex to the SoCG at 6.3.2 (b) |

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| | <p>NH are only agreeing aftercare maintenance of soil for 12 months. It will not be possible to carry out the required aftercare to soils after major construction of a road scheme like this within 12 months. The NFU has requested that after care is carried out over five years and has requested the following wording:</p> <ul style="list-style-type: none"> o <i>the schedule of aftercare maintenance is to include soil testing, appropriate to the target specification for a period of up to five years following completion of the relevant construction work.</i> <p>Linked to this the NFU has requested the following wording:</p> <ul style="list-style-type: none"> o <i>During the aftercare period, there will be annual monitoring of physical soil characteristics and soil nutrient levels to set aftercare management requirements for the following year. Undertake inspections of restored agricultural land with the landowner/occupier and the Developer's soil expert to assess the progress of the restoration.</i> <p>NH have not agreed to this wording as they have stated as above that aftercare can be carried out within 12 months. The NFU strongly believes that this is not possible and requests that NH agree to the above wording which is linked to aftercare being carried out over five years.</p> <p>The NFU have the requested that the wording '<i>The landowner shall approve and agree the reinstatement works before and after soil replacement</i>' is agreed and accepted at 6.3.4 in the Annex but NH have deleted this wording.</p> <p>The NFU would like NH to agree to all of the above wording to be included under 'Restoration and Soil Aftercare', the NFU hopes that the Examiners can see how important the correct aftercare of soil is for land that is to be returned back to agricultural use.</p> |
| Applicant's comments | <p>The Applicant is unable to accept an additional requirement to agree the reinstatement works with each landowner when article 40(4) of the dDCO [REP6-003] contains a restoration obligation.</p> |
| REP6-099f | <p>2.4.3 Agricultural Land Drainage: The NFU has requested wording to be included to cover agricultural land drainage and again this is highlighted within the Annex of the SoCG. At 5.3 the NFU has requested that <i>the services of a suitably qualified drainage consultant, who will have experience of working in the region, will be employed.</i></p> <p>NH have not accepted that the drainage consultant should have experience of working in the region which the NFU believes is essential. Reinstating all of the agricultural field drainage will be one of the main reinstatement works that NH have to carry out and so a consultant with experience of drainage in the region is essential.</p> |

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| Applicant's comments | In the updated First Iteration Environmental Management Plan [REP6-008] Paragraph 4.2.46 of Annex F was amended to state the following "A dispute resolution process will be established including the appointment of a jointly agreed Independent Expert, who shall have at least 5 years' experience of dealing with land drainage issues in the region, for drainage design and implementation, if required. Where agreement cannot be reached on the appointment of the expert the matter will be referred to the President of the Institution of Civil Engineers." |

REP6-104 – Deloitte LLP on behalf of the Church Commissioners for England

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| REP6-104a | <p>1 INTRODUCTION</p> <p>The submissions below have been prepared by Charles Russell Speechlys LLP on behalf of the Church Commissioners for England (CCE) in connection with CCE's land that will be impacted by the A428 improvement scheme proposed by National Highways (NH).</p> <p>2 POST-HEARING SUBMISSIONS</p> <p>2.1 CCE wishes for the following brief points to be made, as arising from CAH2.</p> <p>2.2 CCE are ready, willing and able to enter into an agreement with NH to facilitate the scheme. An agreement with NH is a practicable solution. It remains the case that there are no "showstoppers" to prevent NH from entering into such an agreement.</p> <p>2.3 Compulsory purchase is a draconian tool and the use of it comes with the responsibility of meaningful engagement to seek to acquire by agreement. That is not about ticking boxes – the fact that NH has appeared at a certain quota of meetings or provided template agreements does not make engagement meaningful or meet the requirements of Government guidance.</p> <p>2.4 If negotiations fail, the critical question is why acquisition by negotiation has not been practicable. It is NH's responsibility to help drive negotiations to a conclusion and to ensure that they have sufficient resources to do so in a timely manner.</p> <p>2.5 By way of further update following CAH2, in respect of the two key documents to be concluded:</p> <p>2.5.1 The draft option agreement for permanent acquisition and associated matters has been received by NH (outside the agreed timetable for its production). It is being reviewed by CCE.</p> <p>2.5.2 NH has not produced the draft option agreement or lease for the borrow pit area. These are still awaited.</p> <p>2.6 CCE see no reason why the agreements cannot be concluded swiftly – subject to NH performing to its proposed timetable.</p> <p>2.7 Should ultimately NH say that there are "showstoppers", then CCE should have the opportunity to respond to those before the examination concludes.</p> |

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| | <p>2.8 Fundamentally, CCE does not consider that it is appropriate for a DCO to be made in circumstances where the applicant's endeavours have fallen short of what can reasonably be required, as is the case here to date.</p> |
| Applicant's comments | <p>The Applicant has set out its case for compulsory acquisition in CAH1 and CAH2 as well as the written summaries [REP3-021] and [REP6-038], in addition to the application documents referred to in those hearings. The current position on the status of the negotiation with CCE is set out in the Compulsory Acquisition Objection Schedule [TR010044/EXAM/9.4v4].</p> |
| REP6-104b | <p>3 COMMENTS ON INFORMATION & SUBMISSIONS RECEIVED AT DEADLINE 5</p> <p>3.1 We refer to document TR010044/EXAM/9.65 (National Highways' responses to the ExA's WQ2).</p> <p>3.2 Q2.5.3.1:</p> <p>3.2.1 CCE returned the heads of terms to NH. The position on the drafting is as set out above.</p> <p>3.2.2 CCE has confirmed to the Applicant that it can serve notice under the tenancy agreement to obtain vacant possession of the relevant land within a 12-month period. Otherwise, it remains open for NH to use its compulsory purchase powers in respect of the tenant's interest. CCE awaits a considered response from NH.</p> <p>3.2.3 CCE has provided details of its view of market value of the property to NH. However, CCE also notes that any disputes as to compensation can be referred to the Upper Tribunal in the usual way and this is not a reason for NH to refuse to enter into an agreement.</p> <p>3.3 Q2.6.2.1</p> <p>3.3.1 CCE note and accept that it may not be possible to restore land to the same Agricultural Land Classification as it was prior to the works being undertaken. The critical issue for CCE is to have a detailed works and restoration plan worked up in due course that aligns with the DCO requirements. Any reduction in land productivity can be addressed through compensation and the appropriate restoration scheme.</p> <p>3.4 CCE await NH's detailed responses and the draft option agreement / lease for the borrow pit before further comments can be made on NH's position. CCE is very willing to give further details of negotiations if it would be helpful to the Examination.</p> |

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| Applicant's comments | The Applicant notes the CCE's position and the current position on the status of the negotiation with CCE is set out in the Compulsory Acquisition Objection Schedule [TR010044/EXAM/9.4v4]. |
| REP6-104c | <p>4 OTHER INFORMATION</p> <p>4.1 We note that the "Hearing Action Points" arising out of CAH2 require the submission by the Applicant of a substantive response to the actions agreed at the meeting on 3 November with CCE and evidence of an established dialogue over outstanding issues, including a schedule of meetings and agreed timetable including confirmation of the 4-6 week commitment. CCE are committed to facilitating such a timetable.</p> |
| Applicant's comments | <p>Following the meeting held on 12 November 2021 and the CAH2, the Applicant committed to providing a substantive response to the outstanding actions agreed at the November meeting. The Applicant attended the following meeting held on 3 December to explain National Highways' position in relation to CCE's concerns. A draft timetable to agree a private agreement was shared with the Church Commissioners on 10 December 2021, and a revised timetable was received by the Applicant and accepted on 14 December 2021.</p> <p>This detail was submitted to the Planning Inspectorate in the Applicant response to actions arising from Compulsory Acquisition Hearing 2 [TR010044/EXAM/9.72], submitted at Deadline 6.</p> |

REP6-134 – Transport Action Network

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| REP6-134a | <p>2 Responding to the issues raised at ISH4</p> <p>2.1 <i>Understanding the significance of effects of the greenhouse gas emissions (GHG) of the Proposed Development by making like for like comparisons at a local, regional, national and international level (part a)</i></p> <p>2.1.1 In a report¹ from Climate Crisis Advisory Group, established and chaired by Sir David King, former UK Government's Chief Scientific Advisor from 2000 to 2007, it states that:</p> <p><i>"The CCAG is clear that the current shift in global emissions is not sufficient to avoid global disaster, and there is no 'remaining Carbon Budget'. If proper account is taken of all greenhouse gases, and their CO2 equivalence, the 450ppm threshold has already passed, contradicting the widespread notion of a 'carbon budget' that could still be spent whilst remaining below 1.5°C temperature rise."</i></p> <p>2.1.2 Ahead of COP26, the IPCC released its 6th assessment report, described as "nothing less than a code red for humanity" by UN General Secretary, Antonio Guterres as reported in an article in the House of Lords Library . After COP26, it is clear that a huge amount needs to be done to reduce emissions sufficiently to even have a chance to keeping 1.5 alive. Therefore, any development increasing carbon emissions, however big or small, is making that task harder and sending out the wrong message to others about the need to urgently cut emissions. The more we emit today, the bigger the burden we place on future generations to pay for technologies that don't exist at sufficient scale to remove carbon from the atmosphere quickly enough.</p> <p>2.1.3 The evidence and messaging from the scientists is clear. We are in an emergency and need to act fast to reduce emissions and avoid making things worse. That's why National Highways (NH) needs to be challenged over its approach to this scheme which will undermine local, regional and national targets.</p> <p>2.1.4 NH's current position has three strands to it:</p> <ol style="list-style-type: none"> 1. It doesn't need to consider emissions at any level other than at the UK level because that is what is stipulated in the NPSNN. 2. There is no need to consider emissions further because they are only a very small fraction of the UK carbon budget and are therefore not significant at a national level. NH also often incorrectly cites the RIS2 court case and the de minimus argument. |

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| | <p>3. In any case, the emissions calculated are likely an overestimate as they don't account for new targets to ban the sale of new petrol and diesel cars in 2030, further making the case to ignore carbon emissions as an issue.</p> <p>2.1.5 Taking point 1, first, the NPSNN says in paragraph 5.17: <i>"for road projects applicants should provide evidence of the carbon impact of the project and an assessment against the Government's carbon budgets."</i></p> <p>2.1.6 We do not dispute that that is what NH are asked to do in the NPSNN. However, NH presents this as this is all they are required to do. Yet the NPSNN is quite clear in paragraph 5.17 that: <i>"Where the development is subject to EIA, any Environmental Statement will need to describe an assessment of any likely significant climate factors in accordance with the requirements in the EIA Directive."</i> [our emphasis]</p> <p>2.1.7 The sentence that NH relies on to claim that it only needs to consider emissions at a UK level clearly contains a supplementary directive to NH's legal requirements under the EIA regulations as set out in the same paragraph, which in turn is an abbreviated version of the requirements set out in paragraph 4.15. It does not supplant them.</p> <p>2.1.8 As we have already submitted to the Examination, the EIA regulations do not specify what is deemed significant leaving it <i>"to be assessed in light of the Project's specific circumstances"</i>. The guidance also highlights that <i>"significance determinations should not be the exclusive prerogative of 'experts' or 'specialists': significance should be defined in a way that reflects what is valued in the environment by regulators and by public and private stakeholders"</i>. Given the high level of public concern about climate change and the substantial carbon emissions generated as a result of the scheme, it is hard to see how they could not be considered as anything other than significant on this basis.</p> <p>2.1.9 Given the nature of carbon emissions, it can be hard to comprehend what is deemed significant in terms of environmental impact. That is why the latest official guidance on this very point, states: <i>"The assessment should take relevant greenhouse gas reduction targets at the national, regional, and local levels into account, where available."</i> Earlier, special guidance on climate change, which hasn't been superseded, specifically mentions road schemes as an example where local and regional impacts should be considered: <i>"Judging an impact's magnitude and significance must be context-specific. For an individual project — e.g. a road project — the contribution to GHGs may be insignificant on the global scale, but may well be significant on the local/regional scale, in terms of its contribution to set GHG reduction targets."</i></p> |

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| | <p>2.1.10 It is abundantly clear from the above that an Environmental Statement should be including reference to carbon emissions targets at the local and regional levels. Especially since, as we have previously demonstrated, there are relevant local and regional carbon and traffic reduction targets. Given this directive comes from official guidance sitting alongside the legislation, NH cannot dismiss this and claim that the wording in the NPSNN obviates the need to produce a fit and proper Environmental Statement. Its position does not stand up to scrutiny.</p> <p>2.1.11 Additionally, the Institute of Environmental Management & Assessment (IEMA) based in March, Cambridgeshire, has produced guidance on greenhouse gas assessment. This is referenced in the Environmental Statement for the A55 in Wales. In this document it states:</p> <p><i>“Greenhouse Gas Assessment IEMA guidance indicates that all GHG emissions should be considered as significant, but that it is appropriate to contextualise emissions against local, national, etc. emissions.” [our emphasis]</i></p> <p>2.1.12 This speaks for itself but reinforces our contention that NH should have included a local context within the Environmental Statement and without this information it is deficient (see paragraph 2.1.25 below).</p> <p>2.1.13 Turning to point 2, in NPSNN paragraph 5.18 it states that:</p> <p><i>“The Government has an overarching national carbon reduction strategy (as set out in the Carbon Plan 2011) which is a credible plan for meeting carbon budgets. It includes a range of non-planning policies which will, subject to the occurrence of the very unlikely event described above, ensure that any carbon increases from road development do not compromise its overall carbon reduction commitments. The Government is legally required to meet this plan. Therefore, any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets.”</i></p> <p>2.1.14 This quote is interesting because it shows how much the NPSNN is out of date, based on a plan and policy set before net-zero, before Paris and before the UK's setting of its Nationally Determined Contribution of a 68% cut in emissions by 2030 on 1990 levels as part of the Paris Agreement. The reason given in paragraph 5.18 for effectively ignoring carbon emissions when deciding planning permissions for road and rail projects is therefore based on out-dated and flawed logic. This is highlighted by the fact that the Government finally committed to reviewing the NPSNN in the Transport Decarbonisation Plan (only after TAN had twice initiated judicial review proceedings), in part due to the change in circumstances around climate change. Given that the first part of paragraph 5.18 is no longer relevant, the final sentence that gives</p> |

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| | <p>a free pass on carbon emissions no longer stands either. Its justification is based on the integrity of the first part of the paragraph which has now fallen.</p> <p>2.1.15 No doubt it will be argued that the Government has a new plan, in the Transport Decarbonisation Plan, but this is not the relevant document referenced in the NPSNN. This is a plan that was much delayed, having originally been promised for publication in the autumn of 2020, but didn't get released until July 2021. That's over two years after Parliament declared a climate emergency. It will now be probably another 18 months before a revised NPSNN is published which will be nearly four years since a climate emergency was declared. So, any suggestion that the Government is taking the urgency of the situation seriously is questionable.</p> <p>2.1.16 As we highlighted previously, Lord Deben, Chair of the Climate Change Committee stated after the publication of the TDP that: <i>"the Government must be congratulated on its targets and attacked on the basis it has not delivered on the mechanisms for delivering those targets."</i> At the same time he also said: <i>"We've also got to ask ourselves a very big question about the road building programme. There's a very great deal of money there that should be used in other ways."</i></p> <p>2.1.17 In its assessment of the Government's Net Zero Strategy the Climate Change Committee, while welcoming it / the TDP, expressed concerns in a number of areas, relevant to new infrastructure projects such as new roads: <i>"The Government has not yet put forward plans for a Net Zero Test, as we had recommended, to ensure that all policy and planning decisions are consistent with the path to Net Zero. Such a test is still needed to avoid locking in high carbon developments."</i></p> <p>2.1.18 This highlights that the CCC is concerned that large new roads, such as the A428, are potentially taking us in the wrong direction and need to be appraised against a new net-zero test. <i>"There is less emphasis on consumer behaviour change than in the Committee's scenarios. The Government does not address the role of diets or limiting the growth of aviation demand in reducing emissions, while policies to reduce or reverse traffic growth are underdeveloped. These options must be explored further to minimise delivery risks from an increased reliance on technology and to unlock wider co-benefits for improved health, reduced congestion and increased well-being."</i> [our emphasis]</p> <p>2.1.19 This obviously would need to take a different approach to the NPSNN as otherwise the CCC would not have bothered to recommend this. They also highlight the need for demand management to play a greater role and that the Government is taking more risk than the CCC does in its scenarios which means there is less</p> |

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| | <p>certainty that the Government will be able to deliver the carbon reductions needed. In the current situation, increasing emissions from new roads is adding to that risk and uncertainty and is something that should be avoided and not dismissed lightly.</p> <p>2.1.20 Finally, turning to the third and final strand of its defence, NH claims that the calculated user carbon emissions over the 60 year appraisal period are likely to be an overestimate. We accept that the total user emissions are likely to be an overestimate, especially as we are meant to be at net-zero from 2050 so road user emissions should be minimal by then. However, while much hope is being placed on technology and that the vehicle fleet will be electrified, this is unlikely to happen quickly enough. Even with a ban on new fossil fuel cars in 2030, and a newly announced Zero Emission Vehicle mandate, most cars on the road in 2030 will still be wholly or partly fossil-fuelled.</p> <p>2.1.21 Additionally, we do not believe that all of the user emissions have been properly assessed as illustrated by our quoting of Professor Phil Goodwin¹⁵. We also have doubts as to the modelling of induced traffic and cumulative impacts which we will hope to expand on for a future deadline. If we are correct, emissions over the next 10 – 15 years, the most crucial years for emissions, are likely to be an underestimate, whereas beyond that they are likely to be an overestimate.</p> <p>2.1.22 This is particularly important when considering the local and regional targets with their shorter timeframes. Bedford, for example, has a 2030 target, while England's Economic Heartland aims to be at net-zero by 2040.</p> <p>2.1.23 National Highways has only assessed carbon emissions at a UK wide level, contrary to EIR guidance to consider local and regional impacts as set out in REP4-073 and REP5- 025. For this scheme, as we set out in REP4-073, section 5, the regional context is particularly challenging given it has transport emissions growing faster than anywhere else in the UK, yet it wants to attain net-zero by 2040. The sub-national transport body is also aiming for a 5% reduction in car traffic per decade. Without closure of the old road and demand management measures and investment in sustainable transport we cannot see how this road fits with such a strategy.</p> <p>2.1.24 Further on the point of compliance with the EIA regulations we would like to state that since this information hasn't been included by National Highways, the ES is not compliant and therefore the Examining Authority might like to consider whether section 20 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA regulations) should be invoked given the serious nature of this omission.</p> <p>2.1.25 Section 20 provides for a set procedure to be followed in cases where an <i>"applicant has submitted a statement that the applicant refers to as an environmental statement"</i> and <i>"the Examining authority is of the</i></p> |

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| | <p><i>view that it is necessary for the statement to contain further information". "Further information" is defined in Section 3 as meaning:</i></p> <p><i>"additional information which, in the view of the Examining authority, the Secretary of State or the relevant authority, is directly relevant to reaching a reasoned conclusion on the significant effects of the development on the environment and which it is necessary to include in an environmental statement or updated environmental statement in order for it to satisfy the requirements of regulation 14(2);"</i></p> <p>2.1.26 What Section 20(1c) and 20(3) essentially require is that where further information is considered necessary the applicant must provide that information and, subsequently, there must be a new public notification and consultation process, which allows interested parties (not limited to those interested parties who have already been involved in the Examination process) to consider and comment on the updated environmental statement including the further information.</p> <p>2.1.27 We would invite the Examination Authority to seriously consider whether the Examination needs to be suspended until such time that National Highways provides an adequate Environmental Statement that properly assesses carbon emissions at a local and regional level as spelt out by EIA guidance and a new ES is consulted upon.</p> |
| Applicant's comments | <p>With regard to the impact of the Scheme, an Environmental Statement is required to include such information as is reasonably required to assess the environmental effects of the development and which the applicant can reasonably be required to compile having regard to current knowledge.</p> <p>Whilst the Government is under a legal duty to ensure attainment of the carbon budget targets and to attain net zero, Parliament has not imposed any legal duty upon local authorities to attain any particular targets whether carbon budgets or net zero 2050. There are no legal duties which require particular geographical areas within the UK to achieve particular reductions in carbon emissions by particular dates.</p> <p>There is no sectoral target for transport, or any other sector. There is also no requirement in the CCA 2008, or in government policy for carbon emissions, for all road transport to become net zero.</p> <p>The national carbon budgets are themselves cumulative i.e. the sum of carbon emissions from a range of sectors between now and the end of the 6th carbon budget (2037).</p> <p>The CCA 2008 does not impose a legal duty to set carbon budgets at a smaller scale than national i.e. regional or local. Specifically:</p> |

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| | <p>a) In setting carbon budgets parliament has not imposed any legal duty upon local authorities to attain any particular targets whether carbon budgets or for net zero 2050. i.e. there are no legal duties which require particular geographical areas within the UK to achieve particular reductions in carbon emissions by particular dates.</p> <p>b) There are no sectoral targets for transport, or any other sector. There is no requirement in the CCA 2008, or in government policy, for carbon emissions for all road transport to become net zero.</p> <p>c) Emissions in one sector, or in part of one sector, may be balanced against better performance in others. A net increase in emissions from a particular policy or project is managed within the government's overall strategy for meeting carbon budgets and the net zero target as part of an economy-wide transition.</p> <p>Accordingly, as the UK Government does not publish carbon budgets at a local or regional scale, National Highways is not in a position to provide an assessment of the cumulative effects of the greenhouse gas emissions for the A428 for anything other than at the national level carbon budgets.</p> <p>As presented in the Applicant's response to Q2.4.1.1, Deadline 3 [REP4-037], this Schemes' contribution to the UK carbon budgets is commensurate with other schemes from RIS 1 and RIS 2, which were found not to have a significant impact, or have a material effect, on the ability of the UK to meet its carbon reduction targets. This included the A1 Morpeth to Ellingham (0.01-0.001% of the relevant carbon budgets), A38 Derby Junctions (less than 0.01% of the relevant carbon budgets), M42 Junction 6 Improvement (less than 0.006% of the relevant carbon budgets) and the A1 Birtley to Coal House (0.001-0.005% of the relevant carbon budgets).</p> <p>In the absence of specific policy-based criteria on what is significant, whether the impact of a scheme is significant is a matter of judgement in individual cases based on the information relating to the scheme in question and not on some other notional scheme with different carbon emissions. In this case the Applicant has assessed the carbon emissions arising from the Scheme and reached a judgment that the effect would not be significant for the reasons set out above. Further, those reasons demonstrate why the policy test in the NPS NN would be met.</p> |

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| | <p>How the Assessment Presented for A428 Complies with the Environmental Impact Assessment Regulations</p> <p>An Environmental Statement is required to describe the likely significant effects of a proposed development on the environment (Regulation 14 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017¹. This includes a description of the likely significant effects on the environment from, inter alia, the impact of the project of climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change. An environmental statement is also required to describe the likely significant cumulative impacts of the development proposed together with those from other "existing and/or approved projects" (see paragraph 5 (e) of Schedule 4 to the 2017 Regulations).</p> <p>To undertake this work and come to an informed judgement an environmental statement is required to include such information as is reasonably required to describe the environmental effects of the development and which the applicant can reasonably be required to compile having regard to current knowledge². In the context of assessing cumulative carbon impacts, the only assessment National Highways can be reasonably required to undertake is one having regard to current knowledge and, so it can only assess the change in CO₂e emissions from the scheme in absolute terms and against the national carbon budgets.</p> <p>The procedures and evaluation criteria set out in DMRB LA 114 Climate, are appropriate and sufficient to ensure that the cumulative effects of proposed road schemes upon climate change are assessed in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and to provide sufficient evidence for the decision making requirements set out in paragraph 5.18 of the NPS NN.</p> <p>On this basis, the environmental statement produced for the A428 is sufficient to comply with the Environmental Impact Assessment Regulations.</p> <p>Response to Point 2</p> <p>Decarbonising Transport (page 103) recognises that the NPSNN was formulated in the context of previous climate change targets:</p> |

² (see R. (Khan) v London Borough of Sutton [2014] EWHC 3663 (Admin) and Preston New Road Action Group v Secretary of State for Communities and Local Government [2018] Env. L.R. 18)

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| | <p>"The current National Policy Statement (NPS) on National Networks, the Government's statement of strategic planning policy for major road and rail schemes, was written in 2014 – before the Government's legal commitment to net zero, the 10 Point Plan for a Green Industrial Revolution, the new Sixth Carbon Budget and most directly the new, more ambitious policies outlined in this document. While the NPS continues to remain in force, it is right that we review it in the light of these developments, and update forecasts on which it is based to reflect more recent, post-pandemic conditions, once they are known."</p> <p>Therefore, there will be a review of the NPSNN in the future, as was announced on 21 July 2021. While the review is undertaken, the NPS remains relevant Government policy and has effect for the purposes of the Planning Act 2008. The NPS will, therefore, continue to provide a proper basis on which the planning inspectorate can examine, and the Secretary of State can make decisions on, applications for development consent.</p> |
| REP6-134b | <p>2.2 <i>Relative significance of the lifetime GHG emissions of the Proposed Development in comparison with other RIS2 schemes (part b)</i></p> <p>2.2.1 This scheme is the third or fourth largest scheme in RIS2 depending on whether you count the Lower Thames Crossing as still being within RIS2. The bigger schemes in terms of carbon emissions are the Lower Thames Crossing, M6 J21A - 26 'Smart' motorway and A66 Northern Trans-Pennine. The A428's emissions represent approximately 9% of all known emissions from RIS218 . However, the current RIS2 emissions total is an underestimate as it does not contain the user emissions from several listed schemes and the construction emissions from many more.</p> <p>2.2.2 The data used in calculating the RIS2 emissions all comes from National Highways' sources and is something it could have produced relatively easily if it was considering cumulative carbon emissions.</p> |
| Applicant's comments | <p>An assessment of the greenhouse gas emissions impact has been undertaken in line with NPS NN, paragraph 5.18, requiring a comparison with national carbon budgets. The results of this assessment were set out in Q1.4.1.1 within the Applicant's Response to the Examining Authority's First Round of Written Questions [REP1-022], submitted at Deadline 1.</p> |
| REP6-134c | <p>2.3 <i>Assessment of the effects of the national RIS2 programme against UK Carbon Budgets (part c)</i></p> <p>2.3.1 No proper assessment has been carried out by Highways England or the DfT regarding the full impact of all carbon emissions that arise out of RIS2. We have done our best to estimate the emissions associated with the second roads programme from National Highways figures and it is nearly 39 million tCO₂e over the 60 year appraisal period, but that isn't broken down against UK carbon budgets. As we describe above, the</p> |

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| | <p>current RIS2 emissions total is an underestimate as it does not contain the user emissions from several listed schemes and the construction emissions from many more. It also does not address the issue of cumulative impacts arising from increasing road capacity across the whole of the country and the associated car-based development it encourages.</p> <p>2.3.2 A more detailed analysis was done by Transport for Quality of Life which estimated that RIS2 would lead to an addition 20 MtCO₂e by 2032 (end of 5th carbon budget). The CCC estimate we need emissions from surface transport to go down from 119Mt in 2020 to 49Mt by 2032, at a time when all indications are that DfT is off track with surface transport emissions largely unchanged since 1990 and RIS2 schemes forecast to increase traffic growth.</p> |
| Applicant's comments | <p>The Applicant has complied with the policy requirements for assessing carbon impacts in accordance with NPS NN para 5.18. The results of this assessment were set out in Q1.4.1.1 within the Applicant's Response to the Examining Authority's First Round of Written Questions [REP1-022], submitted at Deadline 1.</p> |
| REP6-134d | <p>2.4 <i>Calculated emissions of the Proposed Development, given disagreements amongst the parties in this regard, and including with reference to paragraph 5.19 of the NPS NN which seeks to ensure that the carbon footprint of the Proposed Development is "not unnecessarily high" (part d)</i></p> <p>2.4.1 Paragraph 5.19 relates to design and construction, but that does not mean that it should be constrained to just considering construction emissions. The design of a transport project should explore all aspects, including whether a road is the best solution, and if it is deemed that that is the case, whether it should be a dual carriageway or not. Therefore, we would contend that this should have been more of a consideration during the design of the scheme.</p> <p>2.4.2 We would also argue that NH's approach is contrary to this paragraph in the NPSNN because the development is driving a coach and horses through local and regional carbon reduction targets and will make it much harder to deliver carbon reduction quickly enough. Given a new road is not required to deliver traffic reduction, a trebling of the road space which will induce significant extra traffic, cannot be considered "not unnecessarily high".</p> <p>2.4.3 There is also the serious omission by NH in its appraisal process which does not follow Green Book Advice, which was current at the document's submission date. This states:</p> <p><i>"Where longer time horizons are needed (i.e. beyond 2035), significant potential differences in climate effects start to emerge between each of the climate scenarios, with no indication of which is more likely than</i></p> |

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| | <p><i>another. It is therefore necessary to appraise using at least two climate scenarios. In practice this means considering a parallel approach in appraisal; one baseline should be consistent with a '2°C' scenario (RCP2.6) and the other appraisal baseline should be consistent with a global temperature rise of 4°C, or '4°C' scenario (RCP8.5). This approach is prudent to uphold the managing public money principles given our current understanding of risks."</i> [their emphasis]</p> <p>2.4.4 This affects the baseline forecasts, i.e. the 'without' or 'do nothing' case as well as the do something case with the scheme. Both scenarios will affect income growth and traffic growth, though by more than the sensitivities published in the Combined Modelling and Appraisal Report. Table E-1, Appendix E [APP-254] shows that moving from 'Core' to 'Low' Economic growth reduces the Present Value of Transport Economic Efficiency Benefits by 10%, by £55m.</p> <p>2.4.5 Table 4.14 [APP-254] showing the 'Initial' BCR gives a value 1.2, with an NPV of £78m. The low growth assumption alone would reduce this to a BCR of 1.05 so we can be confident that the more drastic economic outlook implied by the 2°C and 4°C scenarios would make the initial NPV negative, perhaps substantially so. Unfortunately, the Appraisal assumes that the extra benefits of agglomeration etc, inherently more uncertain than the core benefits, are the same in low and core growth, which seems very implausible and no rationale is given for this. On this assumption there is still some headroom for a positive NPV if one could assume that these would still apply in conditions of serious climate change.</p> <p>2.4.6 In addition, the estimated carbon values reported in the main analysis of the Combined Modelling and Appraisal Report [APP-254] are those which were recommended for appraisal at the time of the submission. However, it was already known that higher values were in prospect, and therefore the report included some sensitivity tests of what might happen if higher values were used.</p> <p>2.4.7 The core carbon value was calculated at £127m, from a total estimated carbon output for the 60 year life of the scheme of 3.3m tonnes [para 4.4.7, p36, APP-254], and assumed to be the same for high and low economic growth. [table 4.22, p50, APP-254]. This represents an average discounted value at 2010 prices of £38 per tonne.</p> <p>2.4.8 The 'high carbon value' test increased the cost ('negative benefit') of carbon to £196m, a 54% increase, or £67m [table 4.23, p51, APP-254]. This represents an average discounted value of £59 per tonne in 2010 prices. This reduced the BCR even before the extra impact of the Green Book climate change scenarios.</p> |

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| | <p>2.4.9 The carbon value has indeed now been increased, by the Department for Business, Energy & Industrial Strategy (BEIS) in September 2021, swiftly followed by DfT in October 2021. The new recommended values are now listed in the latest version of the TAG data book which was published on 29 November, 2021.</p> <p>2.4.10 This raises a much bigger issue because the approximately 50% increase in carbon value reported in the 'High Carbon Value' analysis was based on a substantial error of judgement about how big the increased value would turn out to be. This may have seemed like a reasonable assumption to make at the time, but it is a mark of how swiftly and seriously the science and policies of climate change have developed. Luckily, it is a calculation that would be extremely easy to update since it is just a question of multiplying the carbon quantities in a spreadsheet by the new carbon values. There is no conceivable reason why it would be wrong to update the calculation to take account of the current Government position on future carbon values, instead of the assumptions of 2 or 3 years ago. Indeed, given Parliament's declaration of a climate emergency, the UK's NDC and a much-reduced 6 th carbon budget all agreed since that time, it would seem imperative that this is done.</p> <p>2.4.11 The increases were not in the order of 50% envisaged in NH's stress test. The new values 'central' series now go from £209 per tonne in 2025, to £304 per tonne in 2050 and to £512 per tonne in 2085. The 'high' series (comparable with the 'high' test assumed) run from £313 per tonne in 2025, to £456 per tonne in 2050 and to £768 per tonne in 2085. All these figures are in 2010 prices.</p> <p>2.4.12 This means that the value of carbon over the scheme's 60 year lifespan is now, on average, over 9 times that used to estimate the financial cost of the carbon generated by the scheme in both the central and the high cost pathways. This means that the carbon cost of the scheme has been severely underestimated.</p> <p>2.4.13 In round terms, using the new figures we would expect a carbon cost (for user emissions) of around £1.2bn for the central scenario and around £1.8bn in the high cost scenario, all at 2010 prices. This is enough to wipe out not only the estimated transport economic benefits, but the whole of the less certain wider benefits too, even at high economic growth and with no allowance for the effect of climate change.</p> <p>2.4.14 For construction emissions this can also be calculated, perhaps more reliably, as this is a set amount which happens in a short space of time at the start of the process. Given that there is a carbon cost between 2023 – 2025 of land use clearance and construction, we can calculate the economic cost of the carbon used in this process. The carbon lost or used during the construction period is 231,784 tonnes CO₂e²³. If we use the 2024 value for carbon from the TAG data book, which is £205.76 per tonne CO₂e for the central value and £308.64 for the high value we can then estimate the cost of this carbon. For the central scenario this works out at £47.7 million and for the high scenario £71.5 million, values that will need to be added to the</p> |

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| | <p>user carbon costs. These are not insignificant values in themselves and won't change as a result of the phasing out of petrol and diesel vehicles as will happen with user emissions.</p> |
| <p>Applicant's comments</p> | <p>Response to 2.4:</p> <p>2.4.2 As presented in REP6-134a there are no legally binding local or regional targets against which the significance of the impact of the Scheme can be tested. National carbon budgets, of which the 6th budget aligns with the UK' net zero target, remain the most appropriate target against which to test the scheme against to determine if it will have a material effect on the UK meeting its carbon reduction targets.</p> <p>2.4.3 Appraisal of the Scheme has followed the Government's Transport Assessment Guidance (TAG) which provides information on the role of transport modelling and appraisal. The WebTAG process requires completion of the Appraisal Summary Table (AST) providing a summary of a schemes impacts including estimates of costs and benefits to transport users.</p> <p>The AST requires a monetized assessment of greenhouse emissions to be reported. GHG emissions are monetized following the supplementary guidance to Treasury's Green Book, 'Valuation of energy use and greenhouse gas emissions for appraisal.</p> <p>WebTAG currently places no requirement for a monetised assessment of the effects of climate change on the Scheme to be reported such as that presented in the supplementary Green Book guidance 'Accounting for the Effects of Climate Change', published by DEFRA.</p> <p>An assessment of the vulnerability of the Scheme to climate change impacts was undertaken in line with the requirements of the NPS NN (paragraphs 4.36 to 4.45) and DMRB LA114 Climate. The methodology and results are presented in Chapter 14, Climate of the ES [APP-083].</p> <p>NPS NN (paragraph 4.40 to 4.42 states:</p> <p>'Applicants must consider the impacts of climate change when planning, design, location and operation. Any accompanying Environmental Statement should set out how the proposal will take account of the projected impacts of climate change.</p> <p>Where transport infrastructure has safety-critical elements and the design life of the asset is 60 years or greater, the applicant should apply the UK Climate Projections 2009 (UKCP09) high emissions scenario (high impact, low likelihood) against the 2080 projections at the 50% probability level.</p> |

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| | <p>The applicant should take into account the potential impacts of climate change using the latest UK Climate Projections available at the time and ensure any environment statement that is prepared identifies appropriate mitigation or adaptation measures. This should cover the estimated lifetime of the new infrastructure. Should a new set of UK Climate Projections become available after the preparation of any environment statement, the Examining Authority should consider whether they need to request additional information from the applicant.</p> <p>DMRB LA 114 provides a method for assessing the impacts of climate change on a scheme in line with NPS NN. DMRB requires that the assessment of a project's vulnerability to climate change shall use published historical regional weather data to demonstrate the current climate impacts on a study area. It also requires that UK Climate Impacts Programme UK Climate Projections 2018 (UKCP18) is used to identify future climate impacts for the appropriate geographic area of the Scheme.</p> <p>In line with DMRB the assessment included all infrastructure and assets associated with the Scheme and assessed resilience against both gradual climate change and the risks associated with an increased frequency of extreme weather events, referencing UKCP18 data, A precautionary approach to climate vulnerability is taken using Representative Concentration Pathways (RCP) 8.5, 50th Percentile for the 2020s and 2080s. RCP 8.5 is consistent with a global temperature rise of 4°C, or '4°C' scenario. This is a high emissions scenario as required in the NPS NN. The climate change vulnerability assessment identified no significant impacts on the Scheme as a result of climate change.</p> <p>2.4.4 The applicant disagrees with the view that climate change would significantly impact on income growth and traffic growth. Scheme appraisal uses DfT TAG Data books and guidance for its assumptions on economic growth which are based on Government projections. This includes core, low and high growth forecasts as well as a later sensitivity test undertaken for the July 2020 Databook, which factors in weaker economic growth from COVID. There are therefore a total of 4 economic growth scenarios appraised in the submission. Scheme appraisal, based on standard TAG procedures, considers extensively the impact of the Scheme upon the environment, e.g., carbon emissions relevant to climate change. The impact of the environment, for example, climate change, upon the Scheme is discussed above at 2.4.3.</p> <p>2.4.4 The applicant disagrees with the view that climate change would significantly impact on income growth and traffic growth. Scheme appraisal uses DfT TAG Data books and guidance for its assumptions on economic growth which are based on Government projections. This includes core, low and high growth forecasts as well as a later sensitivity test undertaken for the July 2020 Databook, which factors in weaker economic growth from COVID. There are therefore a total of 4 economic growth scenarios appraised in the submission. Scheme appraisal, based on standard TAG procedures, considers extensively the impact of the Scheme upon the environment, e.g., carbon</p> |

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| | <p>emissions relevant to climate change. The impact of the environment, e.g. climate change, upon the Scheme is discussed above at 2.4.3.</p> <p>2.4.5 With regard to scenario testing refer to 2.4.4 above. Regarding agglomeration etc being the same across all scenarios, this is not the case and is given in Table 4-22 [APP-254] and for agglomeration is shown as £228.216, £230.456 and £284.979 for low, core and high growth respectively. Only journey time reliability is constant across the three scenarios.</p> <p>2.4.6 The applicant confirms this was reported at 4.10 [APP-254] as a High Carbon BCR.</p> <p>2.4.7 The core appraisal for traffic greenhouse gas emissions was 2.9 million tonnes, as reported in the AST, not the 3.3 million tonnes erroneously reported in the EAR. This therefore represents an average discounted value at 2010 prices of £43.8 per tonne and not £38 per tonne.</p> <p>2.4.8 Using the figures from [table 4.23, p51, APP-254] the increase is 69.369m (196.412-127.043) a 54.6% increase. This reduced the BCR from 1.9 for the core scenario to 1.8 for the High Carbon scenario.</p> <p>2.4.9 The Applicant confirms this is the case.</p> <p>2.4.10 The carbon prices used were in line with guidance at the time, and the high carbon price is expected to align reasonably closely with the updated BEIS carbon prices when both are presented in 2010 discounted values. As noted above, an updated carbon appraisal using the updated BEIS carbon prices is being prepared will be presented at a Deadline 9.</p> <p>2.4.11 New values confirmed as correct (Nov 2021 Data book v1.17).</p> |
| REP6-134e | <p>2.5 <i>R (Transport Action Network Limited) v SoST [2021] EWHC 2095 (Admin) (Appendix A [REP3-020]), including the interpretation of de minimis in the judgement [REP4-073] [REP5-014] (part e)</i></p> <p>2.5.1 We have nothing to add to our previous submission REP1-097. We are still awaiting to hear about permission from the Court of Appeal.</p> |
| Applicant's comments | The Applicant understands that TAN's permission to appeal to the Court of Appeal has been refused as of 13 January 2022. |

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| REP6-134f | <p>2.6 <i>Implications of the Proposed Development for UK net zero carbon emissions by 2050, given its measured 60-year lifespan would extend beyond 2050, and given the current uncertainties surrounding how the net zero figure will be achieved (part f)</i></p> <p>2.6.1 To reach net-zero by 2050, we need an ambitious trajectory as we're already off track. Since 1990, emissions from domestic transport have barely changed and now represent the largest source of emissions in the UK. Road transport makes up 91% of all surface transport emissions.</p> <p>2.6.2 Critically we need to achieve a 68% reduction by 2030 (our National Determined Contribution) and the 78% target by 2035 (from the 6th carbon budget). The TDP acknowledges the need to reduce traffic, stating: <i>"We want to reduce urban road traffic overall. Improvements to public transport, walking and cycling, promoting ridesharing and higher car occupancy, and the changes in commuting, shopping and business travel accelerated by the pandemic, also offer the opportunity for a reduction or at least a stabilisation, in traffic more widely."</i></p> <p>2.6.3 This is recognised by the CCC in its review of the Government's Net-Zero Strategy, saying: <i>"The Transport Decarbonisation Plan represents a big step forward in recognising the need to reduce traffic growth"</i>.</p> <p>2.6.4 However, the CCC review also cites <i>"clear targets and a credible policy to reduce traffic"</i> as one of the <i>"important areas [that] remain to be resolved"</i>. It also says that: <i>"While the recognition of the need to reduce traffic growth is a big step forward, a more comprehensive set of measures and more measurable targets (including on total car-kilometres) are needed to give confidence that the continuing trend of traffic growth can be reversed."</i></p> <p>2.6.5 Therefore, it is clear that the increase in traffic that this new road will create is an unwelcome hindrance to meeting the 6th carbon budget and net-zero. It is making an already difficult challenge even harder. Given the gap between rhetoric and policy and firm action, the Government will need all the help it can get to meet the 5th and 6th carbon budgets. And with significant challenges in reducing carbon other areas, it cannot assume other sectors will be able to take up the slack from transport.</p> <p>2.6.6 At the hearing NH claimed that nothing more needed to be done with regards to Paris as the UK's commitment is written into the 6th carbon budget. However, that is not true since the 6th carbon budget runs from 2033 – 2037. The UK's NDC is a specific new target that the Government has pledged to achieve by 2030, several years ahead of the 6th carbon budget. It falls firmly in the middle of the 5th carbon budget which was legislated for many years before the NDC was agreed and is considerably less demanding.</p> |

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| | <p>Therefore, the NDC is not covered by the carbon budgets and Climate Change Act 2008 and needs consideration in its own right. If the UK Government were to follow the 5th carbon budget pathway, it would miss its NDC. 2.6.7 It's worth noting that the devolved Governments in Scotland and Wales do not share the DfT's optimism that electrification will deliver sufficient carbon reductions quickly enough, although it's not clear that DfT entirely believes it either from the wording in the TDP.</p> <p>2.6.8 Scotland is committed to reducing car kilometres by 20% by 2030, the most ambitious traffic reduction target to date in the UK. While the Welsh Government "aim[s] to reduce average car driver miles per capita to 10% below 2019 levels by 2030". It has also placed a moratorium on road building while it carries out a review of all road schemes currently planned. The terms of reference for that review state:</p> <p><i>"In future, in accordance with the WTS [Welsh Transport Strategy], the priority and focus for road investment will be on:</i></p> <ul style="list-style-type: none"> • <i>the avoidance of action which increases carbon emissions from operating, maintaining and improving the road network, especially in the next 15 years;</i> • <i>the reallocation of existing road space to achieve a shift to sustainable forms of transport;</i> • <i>the adaptation of existing road infrastructure to cope with climate change;</i> • <i>investment which maintains the safety and serviceability of the existing road network in compliance with statutory duties, and</i> • <i>the improvement of biodiversity alongside major transport routes."</i> <p>2.6.9 In Lee Waters' (Welsh Government's Deputy Minister for Climate Change) written statement regarding his decision not to support any further work on the Llanbedr Access Road similarly says: <i>"The climate emergency makes it imperative that we avoid investment that increases carbon emissions, especially in the next 15 years when most cars on the road will still be petrol and diesel vehicles."</i></p> <p>2.6.10 These positions are backed up by recent studies:</p> <ul style="list-style-type: none"> • The Centre for Research into Energy Demand Solutions (CREDS), estimates that a 30-50% reduction in total car <i>mileage</i> is needed by 2030, relative to 2020 required. • A Green Alliance report estimates that traffic reduction of 20 – 27% will be required if there is not a fast uptake of battery electric vehicles. Even if there is a fast uptake as contained in the CCC's balanced pathway, it is worth noting that this scenario is also reliant on some demand management measures. |

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| | <p>This means that the traffic forecasts used to justify the road are likely to be higher than considered desirable to enable the UK to meet its carbon targets.</p> |
| <p>Applicant's comments</p> | <p>Government policy for decarbonising transport in the UK is set out in the Decarbonising Transport Plan and the Net Zero Strategy.</p> <p>Decarbonising Transport²:</p> <p>The Government's key policy in relation to road transport and climate change is "Decarbonising Transport" (HM Government 2021). This sets out the approach to reducing the impact of transport upon carbon emissions.</p> <p>Decarbonising Transport also recognises that there is uncertainty in the projected emissions reductions and it identifies that progress will need to be continually reviewed, with additional measures potentially required if carbon emissions targets are not being realised as anticipated. The Government, via the review process identified within Decarbonising Transport, will exercise its powers within the Planning System to deliver the reductions in carbon emissions from road transport that it anticipates will be achieved.</p> <p>Decarbonising Transport also states:</p> <p>"Projecting emissions out to 2050 is inherently uncertain, and technology, behaviour and policy development will continue to evolve. This is why we have committed to the next transport decarbonisation plan within five years, to ensure transport is on the correct pathway to achieve net zero. As can be seen in the chart there is a wide range of uncertainty around our current projections. Over time, we will continue to develop and refine the range of policies and proposals set out in this plan to ensure that the transport sector fulfils its contribution to our legally binding climate targets" (page 44)</p> <p>"The Government has committed to stretching carbon reduction targets up to the end of the Sixth Carbon Budget in 2037 and by 2050. As the largest emitting sector transport will need to make a sizeable contribution if these targets are to be met. And emissions from car and van use is the largest component of total transport emissions. Depending on progress in the sector at some points this may require additional targeted action (such as steps to reduce use of the most polluting cars and tackle urban congestion) to enable these targets to be met. We will regularly review progress against our targets, and continue to adapt and take further action if needed." (page 92)</p> <p>It can therefore be seen that the Government has the ability to review and introduce additional measures in the future if the scale of emissions reductions anticipated does not materialise.</p> |

| Reference Number | Interested Parties Submission/Applicant's Comments |
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| | <p>Decarbonising Transport also recognises the need for further road investment:</p> <p>"In 2019, our roads handled 88 per cent of all passenger travel by distance, the vast majority of it by car or van. Even doubling rail use across the country would only reduce this proportion to 75 per cent, assuming that overall demand did not rise. The roads also carry more than three-quarters of freight traffic, and of course nearly all pedestrian, cycling, bus and coach journeys. Continued high investment in our roads is therefore, and will remain, as necessary as ever to ensure the functioning of the nation and to reduce the congestion which is a major source of carbon." (page 103)</p> <p>Accordingly, there is policy recognition that there will be a need for further road investment particularly to address congestion on the network.</p> <p>Net Zero Strategy⁴:</p> <p>On the 19 October 2021 the Government published its Net Zero Strategy (HM Government, 2021), further presenting the requirement to decarbonise transport.</p> <p>The Strategy explains (page 17):</p> <p>"This document sets out clear policies and proposals for keeping us on track for our coming carbon budgets, our ambitious Nationally Determined Contribution (NDC), and then sets out our vision for a decarbonised economy in 2050.</p> <p>Whilst there are a range of ways in which net zero could be achieved in the UK, we set out a delivery pathway showing indicative emissions reductions across sectors to meet our targets up to the sixth carbon budget (2033-2037). This is based on our current understanding of each sector's potential, and a whole system view of where abatement is most effective. But we must be adaptable over time, as innovation will increase our understanding of the challenges, bring forward new technologies and drive down the costs of existing ones."</p> <p>The Strategy recognises therefore, that there are a range of policy measures available to achieve net zero emissions, and that the policy approach adopted by Government to ensure attainment of carbon reduction targets may vary over time. Nevertheless, the Strategy sets out a delivery pathway showing "indicative emissions reductions across sectors" from present day to 2037. This includes indicative emissions reductions within the transport sector as whole.</p> <p>The Strategy explains:</p> |

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| | <p>"We must deliver a step change in the breadth and scale of our ambitions and, to this end, in July 2021 we published our world leading Transport Decarbonisation Plan. This covered all areas of transport and set out an ambitious but deliverable pathway to reaching net zero and delivering against carbon budgets along the way. The pathway we have set out is not about stopping people from doing things. Rather, it's about doing the same things differently" (page 153 paragraph 2).</p> <p>The focus with the Strategy is upon replacing the use of combustion engines within vehicles. The Strategy explains: "This strategy sets out how we will make historic transitions to remove carbon from our power, retire the internal combustion engine from our vehicles and start to phase out gas boilers from our homes." (page 8).</p> <p>The Strategy continues:</p> <p>"Much of the change needed to deliver net zero for the transport sector is already underway and makes sense even without the global imperative of climate change. Decarbonisation will deliver fundamentally better transport, for everyone, every day. It will make it faster and more efficient, as well as cleaner, and provide benefits including increased reliability and better connectivity" (page 155 paragraph 7).</p> <p>Thus, the emphasis is to deliver a road transport system which is decarbonised and which is faster, more efficient with increased reliability and better connectivity.</p> <p>In relation to the local response to transport decarbonisation, the Strategy explains that:</p> <p>"We are driving decarbonisation and transport improvements at a local level by making quantifiable carbon reductions a fundamental part of local transport planning and funding. Local Transport Plans (LTPs) – statutory requirements that set out holistic place-based strategies for improving transport networks and proposed projects for investment – will need to set out how local areas will deliver ambitious carbon reductions in line with carbon budgets and net zero" (page 163 paragraph 47).</p> <p>No further detail is provided on when and how local areas will be set carbon reductions by Government.</p> <p>Net Zero Highways Strategy⁵:</p> <p>National Highways have recently published a Net zero highways plan. This sets out actions to achieve net zero, and includes targets for: net zero for own operations by 2030, net zero for maintenance and construction by 2040, and net zero carbon travel on our roads by 2050. This plan is based on science based targets and proposes actions that</p> |

⁵ [REDACTED]

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| | will ensure that we take wide ranging measures to align with limiting warming to 1.5 degrees, and facilitate the transition to net zero carbon travel across the Strategic Road Network. |
| REP6-134g | <p>2.7 Implications of the lifetime greenhouse gas emissions of the Proposed Development on the available global carbon budget to avoid dangerous climate change, including in light of the declared Climate Emergencies locally, regionally, nationally and internationally (part g)</p> <p>2.7.1 The next 10 years are critical for reducing emissions in order not to blow our carbon budgets, which are considered not demanding enough by some (as mentioned in section 2.1), in order not to place a bigger burden on future generations (to pay for technology that may or may not work at the scale required).</p> <p>2.7.2 COP26 has highlighted that we need to do all we can to reduce emissions as we cannot rely on other sectors (such as power) to bail out transport.</p> <p>2.7.3 In the hearing it was claimed by the local authorities that they had local plans for promoting sustainable transport. However, the plans mentioned by the Cambridgeshire authorities were for east of the Caxton Gibbett junction and therefore of little relevance to this scheme. Additionally, we are not aware of any local transport plans or strategies that specifically set out a pathway for reducing carbon emissions and traffic levels. These plans are usually based on aspiration without any evidence as to how they will achieve traffic reduction or modal shift, especially as they are often absent of any demand management measures.</p> <p>2.7.4 As we pointed out at the hearing, trebling the available road space between Black Cat and Caxton Gibbett, alongside increasing traffic speeds, is only going to increase car use and carbon emissions. Even the most optimistic of sustainable transport interventions would find it hard to dent the resultant rise in traffic.</p> <p>2.7.5 Most critical are the local impacts on Bedford Borough Council and South Cambridgeshire District Council. Both councils have around 20% of the new road length within their boundary, so it seems proportionate to allocate around 20% of the additional emissions generated by the new road to these councils. This is how the Department for Business, Energy and Industrial Strategy allocates road emissions for each borough and district across the country.</p> <p>2.7.6 As we said in REP5-025, construction emissions with land use change and clearance are a minimum of 231,784 tonnes CO₂e which will occur over the construction period. Given the scheme's opening year is 2025 and a decision is unlikely before August 2022, that would suggest a three year build, equating to 77,261 tCO₂e per year. This equates to an increase in emissions in the two councils' area of 15,452 tCO₂e per year for 2023, 2024 and 2025 just from construction.</p> |

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| | <p>2.7.7 Considering the impact on Bedford to meet its target, its total energy only carbon budget as calculated by the Tyndall Centre is 4.8MtCO₂. That equates to 800,000 tonnes CO₂ over the 5th carbon budget and 400,000 tonnes CO₂ over the 6th carbon budget (see Annex 1). And if Bedford can't realistically offset emissions in 2030, then even greater reductions might be required.</p> <p>2.7.8 Additional user emissions in the 5th carbon budget represent 201,520 tCO₂e³⁵ of which Bedford's share is approximately 40,304 tCO₂e. This equates to 5% of its budget. A significant rise when it is already seriously challenged by an annual reduction rate of around 13.7% (see Annex 1).</p> <p>2.7.9 For the 6th carbon budget, things are worse with additional user emissions of 226,637 tCO₂e³⁶, of which Bedford's share is approximately 45,327 tCO₂e. This represents 11.3% of Bedford's budget. South Cambridgeshire will also be similarly challenged.</p> <p>2.7.10 To put it in another perspective, Bedford's emissions in 2019 were 716,405 tCO₂e³⁷, almost its entire 5th carbon budget in just a single year and nearly half of its 4th carbon budget (1,600,000 tCO₂e) which starts in 2023. If that level of emissions is maintained, the level of reductions needed will be substantial and highly challenging, and impossible to meet with this new road.</p> |
| Applicant's comments | Please see response to REP6-134a. |
| REP6-134h | <p>2.8 <i>With reference to S104(4) of PA2008, the assessment of the Proposed Development (part h)</i></p> <p>2.8.1 S104(4) "This subsection applies if the [F8Secretary of State] is satisfied that deciding the application in accordance with any relevant national policy statement would lead to the United Kingdom being in breach of any of its international obligations."</p> <p>2.8.2 This comes down to the significance of the impact of the scheme, both alone and alongside other road programmes, on the necessary sharp reductions in carbon emissions needed from now onwards and in particular by 2030. The 68% cut by 2030 NDC target is at risk by continued road construction over the next, critical eight years and the approval of this road would add to that risk.</p> |
| Applicant's comments | Please see response to REP6-134a. |
| REP6-134i | <p>2.9 <i>Cancellation of the Oxford Cambridge Expressway, including the specific differences with the Proposed Development, such as respective costs and benefits (part i)</i></p> |

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| | <p>2.9.1 Cancellation of the project will further reduce the need for the development and will undermine the projected increases in traffic used to justify this scheme which will most likely be lower than suggested by National Highways given the ambitions of England's Economic Heartland's Transport Strategy for a 5% reduction in car traffic by 2030. This will further undermine the economic justification for the scheme.</p> |
| Applicant's comments | <p>The cancellation of the proposed Expressway has no bearing on the need, or the economic case, for the A428 Scheme.</p> <p>For traffic modelling and economic assessment purposes, other proposed transport schemes require a specified degree of certainty in proceeding to be included within the forecasting process. As the Expressway did not meet that certainty criteria it was not included in the A428 Scheme forecasting.</p> <p>Therefore, the traffic forecasts and economic benefits calculated for the A428 Scheme are not dependent upon completion of the Oxford to Cambridge Expressway and are unaffected by cancellation of the project.</p> |

Appendix A – Pre-commencement Plan comments with responses

This table has been prepared by the Applicant to respond to the 'Comments on Applicant's updated Pre-commencement Plan' [REP6-061].

| Pre-commencement Plan Comments | Applicant's Comment |
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| <p>1. Overview</p> <p>1.1 Introduction</p> <p>1.1.5 This document, together with the Biodiversity pre-commencement plan [APP-239] and the Archaeological Mitigation Strategy (AMS) [REP3-030] will apply to all pre-commencement works as defined in the dDCO and as set out in paragraph 1.1.3 of this document.</p> <p>CCC/HDC/SCDC Comment: The AMS [REP3-030] is not approved by the Cambs LAs. A revised document is required for approval and this reference should then be amended.</p> | <p>The Archaeological Mitigation Strategy [REP4-031] has yet to be agreed however, whether this document has been approved or not, the Applicant will work according to this (and the Site Specific Written Schemes of Investigation).</p> |
| <p>1. Overview</p> <p>1.2 Limitations</p> <p>1.2.1 As the detailed design of the Scheme has not been completed at the time of producing this document, the construction programme and methods have not yet been fully determined. Therefore, the scope and methods described in this document are provided on an indicative basis only, to give an indication of the type and magnitude of the proposed operations. The scope and methods described have therefore been determined as a best</p> | <p>This issue has been addressed in the Pre-commencement Plan [REP6-028], submitted at Deadline 6. – A specific mitigation section has been added to each pre-commencement activity in Section 2 of the document.</p> |

| Pre-commencement Plan Comments | Applicant's Comment |
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| <p>estimation using all information available at the time of preparing the pre-commencement plan. This means that that while the specific details of each method may change, the overarching tasks will not.</p> <p>1.2.2 In any event, all pre-commencement works will be subject to the general mitigation measures set out in Section 3 of this document and, to the extent they are relevant, to the specific mitigation measures for each pre-commencement work set out in Section 2 of this document together with the controls contained in the Biodiversity pre-commencement plan [APP-239] and the AMS [REP3-030].</p> <p>1.2.3 The final design of the pre-construction works will not give rise to materially greater environmental effects than those outlined indicatively in this pre-commencement plan.</p> <p>CCC/HDC/SCDC Comment: The Cambridgeshire authorities understand that these sections and the text in each following section will be revised and restructured to make clear what are the indicative scope and methodology elements and what are the required mitigation and control elements.</p> | |

| Pre-commencement Plan Comments | Applicant's Comment |
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| <p>2. Pre-Commencement Activities</p> <p>2.1 Pre-construction Mitigation Works</p> <p>Scope</p> <p>2.1.1 In order to minimise the impact to ecology caused by the main construction phase, a number of activities will be required within the pre-commencement phase. These are stated within 0 - Error! Reference source not found.</p> <p>CCC/HDC/SCDC Comment: Pre-commencement phase activities should be informed by the preliminary works surveys for Biodiversity pre-commencement plan [APP239] and method statement for any Natural England species mitigation licences (e.g. bats, Great Crested Newt, badger, Barn Owl) for activities that would otherwise be illegal. The Councils seek the document to be updated to reflect this, along with the need for no commencement prior to approval of the relevant licenses from Natural England.</p> | <p>The Pre-commencement Plan has been amended to include the reference to licence and RAMS. This is set out in the Pre-commencement Plan [TR010044/EXAM/9.48v3] submitted at Deadline 8.</p> <p>All species and habitats, including protected species and areas, will be managed and mitigated during the works to reduce harm.</p> <p>A similar system for managing and mitigating ecology was used successfully on the A14 Scheme and this will be implemented for the preconstruction activities on the A428 Scheme.</p> |
| <p>2. Pre-Commencement Activities</p> <p>2.1 Pre-construction Mitigation Works</p> <p>Scope</p> <p>2.1.2 Temporary fencing will be erected to protect ecological species and habitats from construction working areas where there is considered to be a risk from the construction activities.</p> | <p>This level of detail is not known at this time. However once the detailed design is complete and the pre-construction works defined, the location of the temporary fencing to protect ecological species and habitats from these construction activities will be submitted as part of the licence application, and will also be sent to the relevant local authorities for information. Paragraph 2.1.3 of the Pre-commencement plan [TR010044/EXAM/9.48v3] has been amended to clarify that where there is a requirement for temporary fencing to protect species or habitats this will be installed prior to the start of construction activities in that area.</p> |

| Pre-commencement Plan Comments | Applicant's Comment |
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| <p>CCC/HDC/SCDC Comment: It is unclear where exactly the fencing will be installed. Further clarification is required, including a table listing when / where the fencing will be installed, including a constraints map showing the location. Such as specified distances from Badger sett, watercourse, birds nest. This should include fencing around the section of Protected Road Verge S8, Brockley Road.</p> <p>If these details are not yet known, the Councils seek a mechanism to be consulted at to such details as the scheme progresses.</p> | |
| <p>2. Pre-Commencement Activities</p> <p>2.1 Pre-construction Mitigation Works</p> <p>Scope</p> <p>2.1.2 Temporary fencing will be erected to protect ecological species and habitats from construction working areas where there is considered to be a risk from the construction activities.</p> <p>CCC/HDC/SCDC Comment: If these details are not yet known, the Councils seek a mechanism to be consulted at to such details as the scheme progresses.</p> | <p>This is a repetition of a previous comment – response is as above.</p> |
| <p>2. Pre-Commencement Activities</p> <p>2.1 Pre-construction Mitigation Works</p> <p>Scope</p> | <p>The Pre-commencement Plan [TR010044/EXAM/9.48v3] has been revised.</p> <p>Updated document to read:</p> <p>“2.1.5 Bat boxes of various designs will be installed in retained woodlands within the Order limits together with any other appropriate bat mitigation measure.”</p> |

| Pre-commencement Plan Comments | Applicant's Comment |
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| <p>2.1.4 Bat boxes of various designs will be installed in retained woodlands within the Order Limits.</p> <p>CCC/HDC/SCDC Comment: Any other bat mitigation measures should be implemented. Including veteranisation of trees and any protection of existing flight-line (should gaps be formed during construction)</p> | |
| <p>2. Pre-Commencement Activities</p> <p>2.1 Pre-construction Mitigation Works</p> <p>Scope</p> <p>2.1.5 Bird nest boxes will be installed on selected retained trees within the Order Limits; these will be suitable for a range of species.</p> <p>CCC/HDC/SCDC Comment: Why is this limited to the Order Limits? Barn Owl boxes must be installed preconstruction, but must be 1.5km away from the Order Limits. Please update to include Barn Owl.</p> | <p>The Pre- commencement Plan [TR010044/EXAM/9.48v3] has been revised.</p> <p>Updated document to read:</p> <p>“2.1.6 Bird nest boxes will be installed on selected retained trees designed to be suitable for a range of species”.</p> |

| Pre-commencement Plan Comments | Applicant's Comment |
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| <p>2. Pre-Commencement Activities</p> <p>2.2 Remedial works in respect of any contamination or other adverse ground conditions</p> <p>Scope</p> <p>2.2.1 Within Breedon's Quarry on the alignment of the new dual carriageway lie a number of silt lagoons that create unfavourable ground conditions on which to construct. This is of key importance for the River Great Ouse Viaduct structure that is to be built here during the main construction phase, and which will require a firm platform to safely operate large cranes, plant and equipment.</p> <p>CCC/HDC/SCDC Comment: what measures are in place to deal with dewatering and possible contamination - akin to the measures at 3.1 of the First EMP?</p> | <p>This issue has been addressed in the Pre-commencement Plan [REP6-028], submitted at Deadline 6. The Mitigation section of the Pre-commencement Plan [REP6-028] was revised to include contamination and water quality. Note that no dewatering is required for the pre-commencement works in the Quarry.</p> |

| Pre-commencement Plan Comments | Applicant's Comment |
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| <p>2. Pre-Commencement Activities</p> <p>2.2 Remedial works in respect of any contamination or other adverse ground conditions</p> <p>Methodology</p> <p>2.2.5 Proposed Sequence</p> <p>d. Stone delivery vehicles will arrive via road through the existing quarry entrance and tip the imported stone.</p> <p>CCC/HDC/SCDC Comment: what are the relevant controls on HGV movements? Should there not be reference to traffic management measures as in the First EMP?</p> | <p>This issue has been addressed in the Pre-commencement Plan [REP6-028], submitted at Deadline 6.</p> <p>See paragraphs 2.2.8 – 2.2.9 and 3.1.56 – 3.1.57.</p> |
| <p>2. Pre-Commencement Activities</p> <p>2.3 Temporary Hard Standings</p> <p>CCC/HDC/SCDC Comment: The phasing of work to construct hardstanding areas and haul roads is critical to the success of the Archaeological Mitigation Strategy (once approved). Temporary works must take place after archaeological works been completed in those areas and where relevant. It would be helpful to have this stated for the avoidance of doubt.</p> | <p>The sites detailed in the Archaeological Mitigation Strategy [REP4-031] will be cleared and mitigated prior to installing the haul route, hardstanding or any other temporary works.</p> <p>It should be noted that hardstanding areas may be required for parking/compound/storage to facilitate the archaeological mitigation works – where these are required they will be located adjacent to or away from the relevant archaeology such that archaeological mitigation is not required prior to their installation.</p> <p>The Pre-commencement Plan [TR010044/EXAM/9.48v3], submitted at Deadline 8 has been revised to clarify this item.</p> |

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| <p>2. Pre-Commencement Activities</p> <p>2.3 Temporary Hard Standings</p> <p>Scope</p> <p>2.3.4 Haul routes will be required to form a suitable travelling surface for vehicles to access areas remote from the public highways. They will be approx. 6m wide and will also be constructed from a granular stone material.</p> <p>CCC/HDC/SCDC Comment: what are the relevant controls on HGV movements? Should there not be reference to traffic management measures as in the First EMP? Temporary works must take place after archaeological works been completed in those areas and where relevant. It would be helpful to have this stated for the avoidance of doubt.</p> | <p>The issue relating to HGV movement has been addressed in the Pre-commencement Plan [REP6-028], submitted at Deadline 6.</p> <p>See paragraphs 2.3.12-2.3.13 and 3.1.56 – 3.1.57.</p> <p>The Applicant notes that this repeats a previous comment. Please refer to the response above which addresses this issue.</p> |
| <p>2. Pre-Commencement Activities</p> <p>2.3 Temporary Hard Standings</p> <p>Scope</p> <p>2.3.6 Proposed Sequence</p> <p>c. Stone delivery vehicles will arrive via road through the site access point, travel to the work area and tip the imported stone.</p> <p>CCC/HDC/SCDC Comment: Do these vehicles comply with the construction traffic route restrictions set out in the OCTMP [REP4-011]?</p> | <p>This issue has been addressed in the Pre-commencement Plan [REP6-028], submitted at Deadline 6.</p> <p>See paragraphs 2.3.12-2.3.13 and 3.1.56 – 3.1.57.</p> |

| Pre-commencement Plan Comments | Applicant's Comment |
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| <p>2. Pre-Commencement Activities</p> <p>2.4 Receipt and erection of construction plant and equipment</p> <p>Methodology</p> <p>2.4. Significant Plant/Materials expected:</p> <p>a. Delivery vehicles (road-going, mainly flat-bed lorries and low-loaders).</p> <p>CCC/HDC/SCDC Comment: what are the relevant controls on HGV movements? Should there not be reference to traffic management measures as in the First EMP?</p> | <p>This issue has been addressed in the Pre-commencement Plan [REP6-028], submitted at Deadline 6.</p> <p>See paragraphs 2.4.5b and 3.1.56 – 3.1.57.</p> |
| <p>2. Pre-Commencement Activities</p> <p>2.4 Receipt and erection of construction plant and equipment</p> <p>Methodology</p> <p>2.4.5 Proposed Sequence</p> <p>f. The plant will be commissioned and tested.</p> <p>CCC/HDC/SCDC Comment: can the Applicant confirm that, apart from commissioning, the plant will not be operated under the pre-commencement works. If not, and the plant is to be operated, controls as to air quality (under something akin to the Air Quality Management Plan in the First EMP) and noise (akin to the Noise Management Plan) should be implemented.</p> | <p>The Pre-commencement Plan [TR010044/EXAM/9.48v3], submitted at Deadline 8 has been revised to clarify this item.</p> <p>A note has been added under item 2.4 to confirm the following:</p> <p>“This sequence does not include the operation of the plant other than that required to complete any testing and commissioning.”</p> |

| Pre-commencement Plan Comments | Applicant's Comment |
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| <p>2. Pre-Commencement Activities</p> <p>2.4 Receipt and erection of construction plant and equipment</p> <p>Methodology</p> <p>2.4.5 Proposed Sequence</p> <p>f. The plant will be commissioned and tested.</p> <p>CCC/HDC/SCDC Comment: From an AQ perspective other legislation is available to control this aspect as the batching plant will require an Environmental Permit under the Environmental Permitting Regulations (2016). This will contain conditions to minimise and control emissions to air. The Permit will be required prior to operation.</p> | <p>The Pre-Commencement Plan [TR010044/EXAM/9.48v3], submitted at Deadline 8 has been amended at paragraph 2.4.5 to clarify that this activity of 'receipt and erection of construction plant and equipment' does not include the operation of the plant other than that required to complete any testing and commissioning.</p> |
| <p>2. Pre-Commencement Activities</p> <p>2.6 Demolition (save in relation to Brook Cottages)</p> <p>Methodology</p> <p>CCC/HDC/SCDC Comment: what measures are in place to deal with any contaminated material encountered - should the Contaminated Land Management Plan not apply?</p> | <p>This issue has been addressed in the Pre-commencement Plan [REP6-028], submitted at Deadline 6.</p> <p>See paragraphs 3.1.43 – 3.1.46.</p> <p>The Mitigation section of the Pre-commencement Plan [REP6-028] was revised to include contaminated land and other contaminated materials.</p> |

| Pre-commencement Plan Comments | Applicant's Comment |
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| <p>2. Pre-Commencement Activities</p> <p>2.6 Demolition (save in relation to Brook Cottages)</p> <p>Methodology</p> <p>2.6.3 Generally, the demolition will involve the use of specially equipped excavators and other similar plant to raise the buildings to the ground in small sections. The demolition waste will be removed from site on HGVs and disposed/recycled as appropriate.</p> <p>CCC/HDC/SCDC Comment: what are the relevant controls on HGV movements? Should there not be reference to traffic management measures as in the First EMP?</p> | <p>This issue has been addressed in the Pre-commencement Plan [REP6-028], submitted at Deadline 6. See paragraphs 2.6.11 – 2.6.13 and 3.1.56 – 3.1.57.</p> |

| Pre-commencement Plan Comments | Applicant's Comment |
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| <p>2. Pre-Commencement Activities</p> <p>2.7 Site Clearance</p> <p>Scope</p> <p>2.7.2 The vegetation will be cleared in accordance with a Permit to Clear issued by the Ecological Clerk of Works (ECoW). A Permit to Clear is a procedure adopted by the PC that ensures that vegetation clearance only commences once the vegetation has been inspected by the ECoW. Once the ECoW is satisfied that there will be no detriment to ecology, they will issue a permit to the responsible person for that task, permitting the clearance works to proceed.</p> <p>CCC/HDC/SCDC Comment: This should follow methods agreed with the Archaeology Clerk of Works to prevent damage to archaeological sites in woodland areas.</p> | <p>The Pre-commencement Plan [TR010044/EXAM/9.48v3], submitted at Deadline 8 has been revised to clarify this item.</p> <p>Paragraph 2.7.2 has been revised to include the following:</p> <p>“A Permit to Clear is a procedure adopted by the PC that ensures all aspects including archaeology are checked pre-clearance. Vegetation clearance only commences once the vegetation has been inspected by the Ecological Clerk of Works (ECoW). Once the ECoW is satisfied that there will be no detriment to ecology, they will issue a permit to the responsible person for that task, permitting the clearance works to proceed.”</p> |

| Pre-commencement Plan Comments | Applicant's Comment |
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| <p>2. Pre-Commencement Activities</p> <p>2.7 Site Clearance</p> <p>Scope</p> <p>2.7.2 The vegetation will be cleared in accordance with a Permit to Clear issued by the Ecological Clerk of Works (ECoW). A Permit to Clear is a procedure adopted by the PC that ensures that vegetation clearance only commences once the vegetation has been inspected by the ECoW. Once the ECoW is satisfied that there will be no detriment to ecology, they will issue a permit to the responsible person for that task, permitting the clearance works to proceed.</p> <p>CCC/HDC/SCDC Comment: This doesn't cover areas of undisturbed bare ground, which are suitable for ground nesting birds. Permits should be extended to include areas of land left undisturbed period during the bird breeding season.</p> | <p>The Pre-commencement Plan [TR010044/EXAM/9.48v3], submitted at Deadline 8 has been revised to clarify this item.</p> <p>Paragraph 2.7.3 now clarifies that the permit to clear includes checks of all areas and habitats, including bare ground and areas of land left undisturbed for a period during the bird breeding season.</p> |
| <p>2. Pre-Commencement Activities</p> <p>2.7 Site Clearance</p> <p>Methodology</p> <p>CCC/HDC/SCDC Comment: the biodiversity management plan will apply.</p> | <p>The Applicant notes this comment. An updated Biodiversity Pre-Commencement Plan [TR010044/APP/6.13v2] has been submitted at Deadline 8.</p> |

| Pre-commencement Plan Comments | Applicant's Comment |
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| <p>2. Pre-Commencement Activities</p> <p>2.7 Site Clearance</p> <p>Methodology</p> <p>c. Any vegetation requiring protecting or retaining i.e. trees under Tree Protection Order, will be protected from damage.</p> <p>CCC/HDC/SCDC Comment: please add - veteran elm and Protected Road Verge S8.</p> | <p>The Pre-commencement Plan [TR010044/EXAM/9.48v3], submitted at Deadline 8 has been revised to clarify this item.</p> <p>Item 2.7.4 c. has been revised to read as follows:</p> <p>"Any vegetation requiring protecting or retaining including but not limited to 'veteran elm and the protected road verge S8 (Brockley Road)' and any trees under Tree Protection Order, will be protected from damage."</p> |
| <p>2. Pre-Commencement Activities</p> <p>2.8 Construction Compound Set-up</p> <p>Methodology</p> <p>c. Earthworks: All of the compound areas will first have the topsoil layer stripped and stockpiled in a designated bund. The bund will be sealed and seeded. The formation will be trimmed to the required level and the subsoil stockpiled separately from the topsoil. Hardstanding will be installed as previously described in Error! Reference source not found.</p> <p>CCC/HDC/SCDC Comment: comments above regarding Contaminated Land Management Plan apply.</p> | <p>This issue has been addressed in the Pre-commencement Plan [REP6-028], submitted at Deadline 6.</p> <p>The Mitigation section of this document has been revised to include contaminated land and other contaminated materials.</p> <p>See paragraphs 3.1.43 – 3.1.46.</p> |

| Pre-commencement Plan Comments | Applicant's Comment |
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| <p>3. Mitigation Measures</p> <p>Ecology</p> <p>CCC/HDC/SCDC Comment: Why does this section not refer to the Pre-commencement Biodiversity Plan [APP-239] and the proposed survey work and development of the constraints plan, which may influence the protection measures required. Why is there no reference to bats, badgers and Great Crested Newts during site clearance works? Or protection (fencing) of Protected Road Verge? Or no works to commence until the relevant mitigation licences obtained from Natural England? Which will also inform the list of pre-commencement requirements.</p> | <p>This issue has been addressed in the Pre-commencement Plan [REP6-028], submitted at Deadline 6, see Section 3 of the document.</p> <p>All species and habitats, including protected species and areas, will be managed and mitigated during the works to reduce harm.</p> |

| Pre-commencement Plan Comments | Applicant's Comment |
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| <p>3. Mitigation Measures</p> <p>Ecology</p> <p>3.1.19 If possible, vegetation must be removed outside of bird nesting season (March-August inclusive).</p> <p>CCC/HDC/SCDC Comment: What happens if it is not possible to remove vegetation outside of bird nesting season? What happens if the works are located close to Schedule 1 (WCA) bird nest?</p> <p>Consideration must also be given to commencement of works on areas of undisturbed bare earth suitable for ground nesting birds (e.g. Little Ringed Plover). Permits should be issued where areas have remained inactive for a period of time and could have been started to be used by breeding birds (as has happened as a result of the A14)</p> | <p>The Pre-commencement Plan [TR010044/EXAM/9.48v3], submitted at Deadline 8 has been revised to clarify this item.</p> <p>Paragraph 3.1.20 has been further developed to include the following:</p> <p><u>“Where possible, vegetation will be removed outside of bird nesting season (March-August inclusive), under the supervision of the ECoW. If vegetation removal is not possible outside of bird nesting season the project will comply with the process detailed in 3.1.19 above.”</u></p> |

| Pre-commencement Plan Comments | Applicant's Comment |
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| <p>3. Mitigation Measures Ecology</p> <p>3.1.20 Phased vegetation clearance outside the hibernation period for reptiles to render habitat unfavourable for reptiles to shelter, which will encourage dispersal into adjacent areas of suitable habitat.</p> <p>CCC/HDC/SCDC Comment: Why is there no consideration of vegetation clearance of Great Crested Newt habitat? including suitable hibernation sites / removal of ponds? And no clearance prior to licence(s).</p> | <p>The Pre-commencement Plan [TR010044/EXAM/9.48v3], submitted at Deadline 8 has been revised to clarify this item.</p> <p>Paragraph 3.1.21 has been revised to state the following:</p> <p>“Vegetation clearance will be phased outside the hibernation period for all amphibians and reptiles so as to render the habitat unfavourable for them to shelter, which will encourage dispersal into adjacent areas of suitable habitat.”</p> |
| <p>3. Mitigation Measures Traffic Management</p> <p>3.1.27 None of the pre-commencement works require long-term traffic management i.e. any traffic management required to complete pre-commencement works will be erected at the start of a shift and removed at the end of the same shift.</p> <p>CCC/HDC/SCDC Comment: this section requires greater detail with reference to relevant controls that are set out in the Traffic Management Plan of the First EMP.</p> | <p>This issue has been addressed in the Pre-commencement Plan [REP6-028], submitted at Deadline 6.</p> <p>See paragraphs 3.1.49 – 3.1.57.</p> |

| Pre-commencement Plan Comments | Applicant's Comment |
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| <p>3. Mitigation Measures Traffic Management</p> <p>3.1.27 None of the pre-commencement works require long-term traffic management i.e. any traffic management required to complete pre-commencement works will be erected at the start of a shift and removed at the end of the same shift.</p> <p>CCC/HDC/SCDC Comment: but they will require management of potential acute effects.</p> | <p>This issue has been addressed in the Pre-commencement Plan [REP6-028], submitted at Deadline 6.</p> <p>See paragraphs 3.1.49 – 3.1.57.</p> |
| <p>3. Mitigation Measures Soil Management</p> <p>CCC/HDC/SCDC Comment: this section requires greater detail with reference to the relevant policies of the Contaminated Land Management Plan.</p> | <p>This issue has been addressed in the Pre-commencement Plan [REP6-028], submitted at Deadline 6.</p> <p>The Mitigation section of the Pre-commencement Plan [REP6-028] has been revised to include contaminated land and other contaminated materials.</p> |

Appendix B – Scheme Design Approach and Design Principles comments with responses

This table has been prepared by the Applicant to respond to the comments made by the Cambridgeshire Authorities on the Scheme Design Approach and Design Principles document. Note the following:

- a. Green text denotes a comment made by the Cambridgeshire Authorities.
- b. Blue text denotes additional text proposed by the Cambridgeshire Authorities.
- c. Text that has been struck through denotes text that the Cambridgeshire Authorities consider should be deleted.

| Comments on Scheme Design Approach and Design Principles | Applicant's Comment |
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| <p>1. Introduction</p> <p>1.1.4 It is important to note that the design of the Scheme is already well advanced, as can be seen in the Application documents listed above. The Applicant expects limited further design progression within the parameters and principles set out here and in the other Application documents, provided that the relevant consultees are satisfied that concerns regarding wildlife corridors, non-motorised users and appearance have been satisfactorily addressed. Sections 4 and 5 of this document explain the scope of further engagement on the detailed design.</p> <p>CCC/HDC/SCDC Comment: Though it should be accepted that this is the first document on which the local authorities and other statutory and non-statutory consultees have had sight of the intended design of structures and other features, therefore some room for revision should be built</p> | <p>The Applicant does not accept the proposed changes.</p> <p>The Scheme Design Approach and Design Principles document [REP3-014] sets out the Application documents which provide detail on the design of structures and other features. Information on the design, including visualisations, was made available for review and comment at the statutory consultation in summer 2019 and the supplementary statutory consultation in summer 2020. Detail on general design principles is also provided in Annex L of the First Iteration Environmental Management Plan [APP-234]. This includes how the Scheme has been designed to integrate with rural landscapes, cross the grain/landform and alignment, follow the contours, cross valleys, retain significant features, the design of junctions and integration with the urban fringe landscape. These principles were presented to the Cambridgeshire authorities in 2018 and 2019 and comments received were taken into account, including the addition of Appendix A, which sets out design considerations for each published Landscape Character Area.</p> <p>As explained in the Scheme Design Approach and Design Principles document, comments received have been considered in finalising the design principles and the preliminary design set out in the Application. Where comments have been made on design matters, the Applicant has taken such comments into account through updates to the Design Principles document.</p> <p>It is not appropriate to include the Cambridgeshire Authorities' suggested text because this would add uncertainty and potentially delays to the process. The Applicant is willing to consider any</p> |

| Comments on Scheme Design Approach and Design Principles | Applicant's Comment |
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| <p>into the scheme to ensure high quality design that responds well to its context, as well as proper functionality of the multi-use structures is achieved.</p> | <p>revisions to the Scheme Design Approach and Design Principles document but cannot provide a further opportunity for consultation.</p> |
| <p>1. Introduction</p> <p>1.2 Securing commitments</p> <p>1.2.2 Requirement 3 of the updated draft DCO [REP1-003] sets out that relevant local planning and highway authorities are consulted on the Second Iteration Environmental Management Plan before it is submitted to the Secretary of State for Transport for discharge. However, as the design principles would remain the same in all iterations of the Environmental Management Plan, it is not intended that comments would be made on the principles set out at that stage. Instead, the design principles contained herein are being made available during the examination process to enable comments to be provided on them before the final design principles are incorporated into the First Iteration Environmental Management Plan. It is anticipated that further consultation will be required at the detailed design stage to ensure the following is achieved:</p> <p>1. The correct alignment and design of connections for mammals (crossings and wildlife corridors), which is informed by full survey and technical information,</p> | <p>The Applicant does not accept the proposed changes.</p> <p>A full suite of information has been provided and this is sufficient to enable effective engagement on design matters. The design of structures is already set out within the Application and the Scheme Design Approach and Design Principles document provides context to the process and design parameters that have been established. As has been consistently stated, the design of the Scheme is advancing and the Applicant does not envisage further consultation beyond the DCO and consequently any comments regarding the design that the Cambridgeshire Authorities' would like to make will be considered in finalising the Scheme Design Approach and Design Principles document. This document, as secured through Requirement 12(1)(c) of the dDCO, should provide comfort that further consultation on detailed design will not be required.</p> <p>Regarding point 1 the layout of connections and wildlife corridors have been informed by protected species surveys including those for bats, badger and otter as reported in the Environmental Statement - Chapter 8 – Biodiversity [APP-077].</p> <p>Regarding point 2, the Scheme has been designed to provide an inclusive and safe environment for all NMU users, including where relevant in hours of darkness. The design complies with the DMRB regarding modal shift and safety aspects.</p> <p>Regarding point 3, the Scheme Design Approach and Design Principles document sets out in detail how the Scheme has been designed to fit into context, with particular reference to the Landscape and Visual Impact Assessment [APP-076] and the Outline Landscape and Ecology Management Plan set out in Annex L of the First Iteration Environmental Management Plan [APP-234].</p> <p>Section 3 of the Scheme Design Approach and Design Principals document describes the hierarchical approach applied to the design, with the route alignment and siting of structures and features being the first and most important in responding to the physical characteristics of the</p> |

| Comments on Scheme Design Approach and Design Principles | Applicant's Comment |
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| <p>2. The design of features intended for use by non-motorised users are fully inclusive, safe and encouraging of modal shift, and</p> <p>3. The design fits into context and contributes to place making. That the above requirements have been met should be agreed with the relevant local and county officers.</p> <p>CCC/HDC/SCDC Comment: Whilst the overarching "design principles" may be agreed on in this document, provided a responsive consultation process, issues of "detailed design" should be consulted upon at later stages. The importance of this is threefold: 1. To ensure the proper design is in place to provide necessary connections for mammals 2. To ensure proper design is in place to provide an inclusive and safe environment for all NMU users - including in hours of darkness 3. To ensure the design fits into context and contributes to place making. And that any value engineering activities do not compromise these three essential components for this scheme.</p> | <p>landscape. This was followed by the earthworks design, the planting strategy and the height, scale, massing and materials of structures.</p> <p>With regards to placemaking, paragraph 4.29 of the NN NPS includes 'visual appearance' as a key factor in considering the design of new infrastructure. However, this is not the only factor listed as important to the criteria of 'good design'. For example, functionality, fitness for purpose, sustainability and cost are also relevant and it is acknowledged in paragraph 4.30 of the NPS NN that there are limitations on what the design is able to achieve in contributing to the enhancement of the quality of the area. This includes these Scheme's contribution to placemaking.</p> <p>The July 2021 version of the NPPF introduced further detail regarding achieving well-designed places. Paragraph 126 states that the "<i>creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve</i>" and "<i>good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.</i>"</p> <p>Paragraph 1.17 of the NPS states that "<i>the overall strategic aims of the National Planning Policy Framework (NPPF) and the NPS are consistent, however, the two have differing but equally important roles to play.</i>" Paragraph 1.20 of the NPS NN specifically addresses good design in the context of the NPPF. It states that "<i>the NPS provides guidance and imposes requirements on matters such as good scheme design, as well as the treatment of environmental impacts. So, both documents seek to achieve sustainable development and recognise that different approaches and measures will be necessary to achieve this.</i>"</p> |
| <p>3. Design vision and principles for the Scheme</p> <p>3.3 Scheme design</p> <p>Design principles</p> <p>3.3.2 This section sets out the scheme-specific design principles, which have been applied to the preliminary design and will inform the</p> | <p>In devising the design principles, regard has been given to relevant local policies. The Applicant has added references to relevant local planning policies to Appendix A of the Scheme Design Approach and Design Principles document [TR010044/EXAM/9.26v2].</p> <p>The local planning policies reference in the Cambridgeshire Authorities response to Q1.10.1.2 are as follows:</p> <p>South Cambridgeshire Local Plan 2018:</p> <ul style="list-style-type: none"> Policy NH/2 – Protecting and enhancing Landscape Character |

| Comments on Scheme Design Approach and Design Principles | Applicant's Comment |
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| <p>detailed design. They are structured as follows:</p> <p>CCC/HDC/SCDC Comment: Reference should be included to the relevant local policies set out in the Authorities' response to Q1.10.1.2 of FWQ [REP1-051] to ensure that they also inform the detailed design.</p> | <p>Huntingdonshire Local Plan 2019:</p> <ul style="list-style-type: none"> • Policy LP5 – Flood Risk • Policy LP6 – Waste Water Management • Policy LP11 – Design Context • Policy LP12 – Design Implementation • Policy LP30 – Biodiversity and Geodiversity • Policy LP31 – Trees, Woodland, Hedges and Hedgerows • Policy LP34 – Heritage Assets and their Settings • Policy LP37 – Ground Contamination and Groundwater Pollution <p>Huntingdonshire Landscape and Townscape SPD, 2007</p> <p>Huntingdonshire Design Guide SPD 2017</p> <p>The Applicant considers that the policies relevant to the Scheme Design Approach and Design Principles [TR010044/EXAM/9.26v2] from the above list are Policy NH/2, Policy LP11 and Policy LP12. These are set out in Appendix A of the Scheme Design Approach and Design Principles [TR010044/EXAM/9.26v2], together with the relevant policies from Bedford Borough Council and Central Bedfordshire Council.</p> <p>The Applicant has also provided a response to Policies NH/2, LP5, LP11, LP12, LP30, LP31 and LP37 in the Applicant's comments on the Local Impact Reports [REP3-009], submitted at Deadline 3.</p> |
| <p>3. Design vision and principles for the Scheme</p> <p>3.3 Scheme design</p> <p>Design principles</p> <p>3.3.3 The scheme-specific Design Principles describe the common, general, overall goal or objective, pursuant to the Design Vision, but are not intended to prescribe the precise</p> | <p>Engagement with local authorities since 2018 has informed the Scheme design principles. This includes the general principles set out in APP-234, which were presented to the Cambridgeshire authorities in 2018 and again in 2019 and were informed by a review of published Landscape Character Areas, as requested by the Cambridgeshire authorities at that time. This includes the concept of multi-functionality, which underpins the design vision. For example, paragraph 1.8.15 of Annex L of the First Iteration Environmental Management Plan [APP-234] includes consideration of the integration and interaction of different activities on the same parcel of land to:</p> <p>a. Integrate with wider walking and cycling networks.</p> |

| Comments on Scheme Design Approach and Design Principles | Applicant's Comment |
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| <p>means of achieving it. They address, as appropriate, the scale, height, massing, alignment and materials of the Scheme and the design of landscaping (for example, screen planting) proposed. Together with the illustrative material in the Application, these design principles provide clarity on an indication on the visual appearance of the Scheme.</p> <p>CCC/HDC/SCDC Comment: It is considered by the local authorities that we have not been involved in the decision making process for arriving at these design principles. It is unclear how the design of the features can be influenced by statutory consultees. It is unclear how acceptable alignments and compositions of features for multiple functions (mammal crossings as well as NMU uses) have been achieved, if indeed they have been achieved at all. It is unclear when the local authorities will have the opportunity to ensure both needs have been met.</p> | <p>b. Seek opportunities to restore fragmented landscapes.</p> <p>c. Enhance local landscape character and visual amenity.</p> <p>d. Provide visual connections and celebrate views to and from settlements and local landmarks to reinforce sense of place.</p> <p>This demonstrates that the alignments and composition of features for multiple functions have been considered throughout the design process. Engagement on this matter is ongoing with Natural England and the local authorities. To the extent that the Cambridgeshire authorities wish to see design principles included that deal with their concerns we are willing consider these in finalising the Scheme Design Approach and Design Principles document.</p> <p>Where further comments have been made on design matters during the Examination, the Applicant has taken such comments into account in making updates to the Scheme Design Approach and Design Principles document, for example in relation to the materials and finishes of structures. Reasons have been given in this document for why the Applicant considers it is appropriate to accept, amend or reject proposed amendments.</p> |
| <p>3. Design vision and principles for the Scheme</p> <p>3.2 Scheme design</p> <p>Design principles</p> <p>3.3.6 These principles recognise that there is a logical order to the design process in terms of avoiding or minimising the adverse impacts of</p> | <p>The Applicant does not accept the proposed changes.</p> <p>The section of the Scheme Design Approach and Design Principles document referred to here provides examples to explain how the design principles for specific Scheme elements have been applied. Therefore, it is not necessary to amend as proposed with detail regarding specific structures.</p> <p>Minimising the number, scale, mass and height of structures is a general principle to reduce clutter and impacts on the landscape, carbon, etc. It also considers the practicality and safety of construction and the maintenance requirements of complex structures. For all of these reasons they have been designed from the outset, where relevant, as multi-functional structures.</p> |

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| <p>the Scheme on the environment and maximising opportunities for integration:</p> <p>a. Need, alignment and positioning. For example, seeking to use using a single structure to provide more than one function, such as the Hen Brook underpass, which could provides for the watercourse, public right of way and connects habitats across the route (subject to the capacity of the structure to accommodate the technical requirements of the co-uses). Positioning and aligning structures, such as the bridleway bridge north of Wintringham to make use of existing vegetation and physical connections</p> <p>CCC/HDC/SCDC Comment: Amend as suggested</p> | |
| <p>3. Design vision and principles for the Scheme</p> <p>3.3 Scheme design</p> <p>Design principles</p> <p>3.3.6 These principles recognise that there is a logical order to the design process in terms of avoiding or minimising the adverse impacts of the Scheme on the environment and maximising opportunities for integration:</p> <p>c. Materials and finishes. For example, ensuring that materials respond well to their use and individual context, reflecting where possible local characteristics such as the Bedfordshire brick-making industry and</p> | <p>The Applicant does not accept the proposed changes.</p> <p>The criteria for good design set out in the NPS NN paragraph 4.29 state that national network projects should “<i>produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction, matched by an appearance that demonstrates good aesthetics as far as possible.</i>” Design must therefore be balanced against construction and operational considerations. Paragraph 4.31 states that a good design will “<i>be one that sustains the improvements to operational efficiency for as many years as is practicable, taking into account capital cost, economics and environmental impacts.</i>” Further, paragraph 4.33 states that the applicant should “<i>take into account, as far as possible, both functionality (including fitness for purpose and sustainability) and aesthetics (including the scheme’s contribution to the quality of the area in which it would be located)</i>”.</p> <p>Each structure has been designed to respond to its context as far as practicable, as part of the iterative assessment and design process. The design has applied a hierarchical approach as set out in Appendix C of the Scheme Design Approach and Design Principles document. Materials and finishes are the last step in this process, after consideration of need alignment and</p> |

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| <p>vernacular architecture, and using clear design language to communicate their function. For example, using a common palette of materials across all structures to reinforce sense of place and Scheme identity.</p> <p>CCC/HDC/SCDC Comment: It is not considered that a basic palette of commonplace materials (such as the proposed concrete and weathering steel) help to reinforce the sense of place of Cambridgeshire, nor the scheme identity. Furthermore, an overarching principle on materiality and form does not necessarily assist in "avoiding or minimising the adverse impacts of the Scheme on the environment and maximising opportunities for integration"</p> <p>This should read:</p> <p>c. For example, ensuring that materials respond well to their use and individual context, reflecting where possible local character and vernacular, and using clear design language to communicate their function.</p> | <p>positioning and scale, height and massing. Materials need to be safe, durable and resilient with regards to the future operation and maintenance of structures, for example not preventing future inspection of structural reinforcement.</p> <p>Consideration has been made to materials and finishes that respond to individual context and local characteristics where possible and within the context of infrastructure design and functional requirements. Further information on this is set out in a new section (add ref) of the Scheme Design Approach and Design Principles document. For example, soil reinforced structures will incorporate blockwork in buff tones to wing walls, taking reference from local vernacular building materials as referred to by the Cambridgeshire authorities in representations.</p> |
| <p>3. Design vision and principles for the Scheme</p> <p>3.3 Scheme design</p> <p>Design principles</p> <p>3.3.15 Structures have been designed as a family, with common design details, materials and structures. This approach has been taken to reinforce sense of place, create a memorable</p> | <p>The Applicant does not accept the proposed changes.</p> <p>The need, alignment and positioning and the scale, height and massing of structures are the first considerations in responding to landscape setting, applying the hierarchical approach set out in paragraph 3.3.6 of the Scheme Design Approach and Design Principles document. The NPS NN in paragraph 4.29 states that "applying "good design" to national network projects should therefore produce sustainable infrastructure sensitive to place", and this has been the focus of the design approach from the outset, as set out in Annex L of the First Iteration Environmental Management Plan [APP-234]. Whilst materials and finishes can make some contribution to creating a memorable journey, the key principle is to provide visual connections and celebrate</p> |

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| <p>journey and maximise efficiency and buildability. It is important to note that there is flexibility in this approach. As set out in Appendix C, each principal structure has been designed to respond to its setting within these general rules. The palette of materials is small, with structural elements being concrete or weathering steel. The application of these materials and finishes varies according to context. "Structures should be designed to respond appropriately to their individual settings, to accommodate the needs of all users and, where appropriate, facilitate the movement of wildlife. A range of design approaches have been employed to help create a memorable journey. The strategy enables locales to be recognisable not only by the character of the landscape, but by subtle changes in the materiality of structures, through which the structures are linked to the local vernacular. Moments along the journey should be marked by specific interventions, such as public art or the unique materiality/rendering of key structures.</p> <p>CCC/HDC/SCDC Comment: APPEARANCE</p> <p>We do not consider that the proposed elements create a memorable journey, or that the proposed materials/forms relate in any particularly to Cambridgeshire. They do not contribute to place making.</p> | <p>views to and from settlements and local landmarks to reinforce sense of place in what is a largely rural context. This is in line with best practice, as set out in the Landscape Institute Infrastructure Technical Guidance Note 04/20 with reference to design speed. For example, views along the River Great Ouse from the viaduct, from the road travelling west where the landscape opens out at Alington Hill and of Eltisley Church have informed the design. Subtle changes in the materiality of structures would not be readily perceptible to road users.</p> <p>The Scheme will intersect and divert public rights of way but will not create new public spaces. The primary reference to public art is the Black Cat sculpture, which has strong cultural associations with the Black Cat junction. This will be removed and stored during construction and replaced at the new junction on completion.</p> <p>The Applicant is continuing to engage with LPAs on NMU/mammal crossings. The Applicant considers that these uses are compatible and will give due consideration to comments received in refining the design principles.</p> <p>Regarding the Cambridgeshire authorities proposal for brick cladding of structures, this is not appropriate as it would conflict with future inspection and maintenance requirements (see above). Soil reinforced structures will incorporate blockwork in buff tones to wing walls, taking reference from local vernacular building materials as referred to by the Cambridgeshire authorities in representations.</p> <p>No green bridges are proposed on the Scheme. The Applicant undertook a review on the feasibility and value of green bridges and determined that was it not appropriate. For example, the tunnel that would be purposely built for bats and mammals at Alington Hill will provide the appropriate functions.</p> |

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| <p>This should be amended to state that the materials are to be used as the general basis for structures, however variation has been built in to respond appropriately to context (for example brick cladding would respond much more strongly to the Cambridgeshire vernacular that concrete and weathering steel, public art unique interventions to different structures might help to mark a point on a journey and could convey elements specific to their locale, and colour and lighting, for example to provide bright welcoming environments for NMUs.</p> <p>CONFLICTS BETWEEN NMUs and WILDLIFE</p> <p>It may also be that due to the specific alignments required by bats, or the conflicting requirements between NMUs and wildlife (specifically lighting) that it is simply not appropriate to accommodate both purposes in one structure, or that a green bridge is the only means by which both uses can be accommodated.</p> | |
| <p>3. Design vision and principles for the Scheme</p> <p>3.3 Scheme design</p> <p>Design principles</p> <p>3.3.21 The first design principle for lighting of the Scheme at these locations has been determined on the basis of increasing safety for all road users, including all NMUs. Lighting of new and improved sections of highway</p> | <p>The Applicant does not accept the proposed changes.</p> <p>The proposed addition of "... including all NMUs" is – out of place and is not appropriate to include.</p> <p>Regarding nocturnal species, it is not appropriate to add this text because the Applicant has demonstrated that these uses can be accommodated in one structure. With regard to lighting, given their location they can be lit during day but would not be lit at night, when people using them would need their own lighting to use public rights of way and reach the structure.</p> |

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| <p>within the Scheme has been confined to locations where road safety is a priority, in order to minimise the potential for lightspill in night time views across the landscape. The lighting design has sought to minimise the potential for adverse effects on the following:</p> <ul style="list-style-type: none"> a. Nocturnal species (for example bats, noting that human and wildlife needs uses are not always compatible and as such separate structures to accommodate the two may be necessary). a.b. Terrestrial invertebrates b.c. The existing landscape and night-time views of residential receptors. d. The setting of features associated with the historic environment (for example listed buildings). <p>CCC/HDC/SCDC Comment: The lighting design hasn't been designed with adequate baseline ecology information for light-sensitive species - the bat survey work / mitigation has not been concluded and there was no survey / consideration of light-sensitive terrestrial invertebrates.</p> <p>We require:</p> <ul style="list-style-type: none"> - principles for lighting design to minimise impact to terrestrial invertebrates (this is an outstanding SoCG issue, applicant has agreed to do this, but we haven't seen any information) | <p>Impacts on terrestrial invertebrates will be minimised by limiting lighting to those areas where it is required for safety and by designing lighting to avoid or minimise lightspill into adjacent terrestrial and aquatic habitats, including but not limited to roosts and other features used by bats.</p> <p>The Applicant is continuing to engage with LPAs on NMU/mammal crossings, including with respect to lighting. The relevant principles will be updated based on the results of this consultation.</p> |

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| <p>- how the lighting scheme principles will be updated to reflect the outcomes of the bat mitigation (currently under discussions with Natural England / Local Authorities).</p> | |
| <p>3. Design vision and principles for the Scheme</p> <p>3.3 Scheme design</p> <p>Design principles</p> <p>3.3.21 The first design principle for lighting of the Scheme at these locations has been determined on the basis of increasing safety for all road users, including all NMUs. Lighting of new and improved sections of highway within the Scheme has been confined to locations where road safety is a priority, in order to minimise the potential for lightspill in night time views across the landscape. The lighting design has sought to minimise the potential for adverse effects on the following:</p> <p>a. Nocturnal species (for example bats, noting that human and wildlife needs uses are not always compatible and as such separate structures to accommodate the two may be necessary).</p> <p>a.b. Terrestrial invertebrates</p> <p>b.c. The existing landscape and night-time views of residential receptors.</p> | <p>The Applicant does not accept the proposed changes.</p> <p>The proposed addition of "... including all NMUs" is – out of place and is not appropriate to include.</p> <p>Regarding nocturnal species, it is not appropriate to add this text because the Applicant has demonstrated that these uses can be accommodated in one structure. With regard to lighting, given their location they can be lit during day but would not be lit at night, when people using them would need their own lighting to use public rights of way and reach the structure.</p> <p>Impacts on terrestrial invertebrates will be minimised by limiting lighting to those areas where it is required for safety and by designing lighting to avoid or minimise lightspill into adjacent terrestrial and aquatic habitats, including but not limited to roosts and other features used by bats.</p> <p>The Applicant is continuing to engage with LPAs on NMU/mammal crossings, including with respect to lighting. The relevant principles will be updated based on the results of this consultation.</p> |

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| <p>d. The setting of features associated with the historic environment (for example listed buildings).</p> <p>CCC/HDC/ScDC Comment: Equally with the length of the underpasses being over 30 metres long, lighting (or light wells) will be needed to ensure sufficient safe lighting during daytime.</p> | |
| <p>3. Design vision and principles for the Scheme</p> <p>3.3 Scheme design</p> <p>Design principles</p> <p>With regards to the above local authorities will be consulted at detailed design stage to demonstrate how the lighting scheme principles have been updated to reflect the outcomes of the bat surveys and mitigation (currently under discussion with Natural England/Local Authorities).</p> <p>The above minimisation of harm is to be achieved whilst ensuring adequate lighting of pedestrian and other non-motorised user routes to promote sustainable travel in line with the scheme aspirations. This will include consideration of lighting in underpasses, some of which are approximately 30m long and located near to major housing sites, and will not receive adequate natural light even in daylight hours, and therefore may require lighting wells as well as artificial lighting.</p> | <p>The Applicant does not accept the proposed changes.</p> <p>The Scheme design has minimised the introduction of new sources of light at night to minimise impacts on sensitive receptors. Compatibility between uses will be achieved by lighting during the day, when structures are most likely to be used by NMU. Lighting will be directional to the path, not the whole underpass, to account for fauna using the underpass during the day, e.g. amphibians on the banks of a watercourse. These structures are located at a significant distance from centres of population and connected by public rights of way which are not lit at night. It is therefore assumed that people using these public rights of way and structures at night would use a torch to illuminate their path.</p> <p>All relevant surveys to inform the design have been completed and the results do not change the current position. Therefore no updates are proposed to the lighting scheme principles and there is no requirement to consult on any changes during detailed design. Engagement with Natural England and local authorities is ongoing regarding appropriate mitigation. Lighting has not been raised as an issue by Natural England.</p> <p>LPAs will not be consulted beyond this opportunity to inform the design principles and current ongoing consultation with LPAs.</p> |

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| <p>3. Design vision and principles for the Scheme</p> <p>3.3 Scheme design</p> <p>Design principles</p> <p>3.3.23 d. Maintaining and, where possible, enhancing accessibility, including through the provision of appropriate parapets for all users (including equestrians) and lighting to encourage sustainable travel and increased healthy lifestyles even during the darker winter months.</p> | <p>The Applicant does not accept the proposed changes.</p> <p>Parapets will be included on the Roxton Road bridge as part of a designated fund application, outside of the DCO process. It is not necessary to include such parapets on other structures</p> <p>Lighting will be minimised, for the reasons set out above.</p> |
| <p>3. Design vision and principles for the Scheme</p> <p>3.3 Scheme design</p> <p>Design principles</p> <p>3.3.37 e. The use of planting along the carriageway to minimise the risk of mortality to Barn Owl from traffic collisions.</p> <p>CCC/HDC/SCDC Comment: duplication of bullet point a.</p> | <p>Accepted – this duplicated point will be removed.</p> |

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| <p>4. Engagement on design matters</p> <p>4.1 Introduction</p> <p>4.1.2 a. A 'Road to Good Design' workshop, held on 27 June 2018 and facilitated by National Highways.</p> <p>CCC/HDC/SCDC Comment: It would be useful to know who the invitees and attendees were to these meetings.</p> | <p>This workshop was attended by National Highways and design consultants for the A428 Black Cat to Caxton Gibbet project.</p> |
| <p>5. Development of the detailed design</p> <p>5.1 Introduction</p> <p>5.1.1 The level of design development and consultation undertaken during preliminary design is advanced, such that minimal further design development is anticipated, once the contents of this documents has been agreed with the relevant authorities and other consultees, and it is agreed that all relevant survey information has been incorporated into the document. Combined with the nature of the Scheme, this means that the type of changes anticipated during detailed design will be limited to design development for the purpose of engineering efficiency, the correct alignment of features (subject to further survey data) and generation of information for construction.</p> | <p>The Applicant does not accept the proposed changes.</p> <p>The Scheme Design Approach and Design Principles document to be certified for the purposes of the Order will be the final document and there is no intention to prepare a further principles document at the detailed design stage.</p> <p>All relevant surveys have been completed and the results do not change the design principles. Therefore, no further survey work is needed.</p> |
| <p>5. Development of the detailed design</p> | <p>The Applicant does not accept the proposed changes.</p> |

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| <p>5.1 Introduction</p> <p>5.1.4 Steps 2 - Engagement: This process will identify the stakeholders that need to be engaged regarding the change in order to understand any potential impact and also ensure that the change is in accordance with the principles set out in this document. To initiate this process, National Highways will ask the following questions:</p> <ul style="list-style-type: none"> a. Who will be engaged? b. What those bodies will be engaged on? c. How they will be engaged? d. When they will be engaged? e. How the Applicant demonstrates its consideration of that engagement? <p>CCC/HDC/SCDC Comment: We request that the local authorities are consulted again at the detailed design stage to ensure that efficiency engineering does not have a negative impact on design.</p> | <p>It is not appropriate to include the Cambridgeshire Authorities' request because this would add uncertainty and potentially delays to the process. The Applicant is willing to consider any revisions to the Scheme Design Approach and Design Principles document but cannot provide a further opportunity for consultation.</p> |

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| <p>5. Development of the detailed design</p> <p>5.1 Introduction</p> <p>5.1.4</p> <p>Particular weight will be given to any changes that alter appearance or accessibility, lighting, the alignment or design of wildlife features or carriageway design. Changes to these matters would automatically trigger a consultation of the relevant local and county authorities.</p> | <p>The Applicant does not accept the proposed changes.</p> <p>It is not appropriate to include the Cambridgeshire Authorities' suggested text because this would add uncertainty and potentially delays to the process. The Applicant is willing to consider any revisions to the Scheme Design Approach and Design Principles document but cannot provide a further opportunity for consultation. .</p> |
| <p>5. Development of the detailed design</p> <p>5.1 Introduction</p> <p>5.1.5 The detailed design will also be presented through exhibitions to provide visibility to the solution being delivered.</p> <p>CCC/HDC/SCDC Comment: The detailed design will be consulted upon through exhibitions to ensure stakeholder comments are responded to.</p> | <p>Whilst the detailed design will be presented through exhibitions, no further consultation is proposed at the detailed design stage.</p> |
| <p>Appendix B: Scheme response to the Road to Good Design</p> <p>Page 39 of marked up version</p> <p>2 Good road design is inclusive.</p> <ul style="list-style-type: none"> The introduction of new combined footpaths and cycleways, some of which will be shared | <p>The Applicant is aware that the Cambridgeshire authorities are seeking to designate the proposed shared use footways/cycleways adjacent to carriageways and within their authority as NMU routes, which would allow their use by horses. The Applicant does not consider that such a change is needed or appropriate. The Applicant considers that there are fundamental risks associated with vehicles, cyclists, walkers and horse riders using the same route and the restricted space available on the shared use facility.</p> <p>Despite the foregoing, the Applicant's proposals do not preclude the Council from designating the shared use footways/cycleways within their authority as NMU routes at some time in the</p> |

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| <p>and combined with private means of access, and installed in road verges.</p> <p>CCC/HDC/SCDC Comment: These should be fully-inclusive NMU routes i.e. equestrian as well as per the Councils' requests.</p> | <p>future. The 3.0m width proposed for the shared use footway/cycleway facilities aligns with the required width confirmed by the Council for NMU routes.</p> |
| <p>Appendix B: Scheme response to the Road to Good Design</p> <p>Page 44 of marked up version</p> <p>6. Good road design is environmentally sustainable</p> <p>The lighting design has sought to minimise the potential for adverse effects on nocturnal species, the existing landscape and night-time views within it, and the setting of features associated with the historic environment.</p> <p>CCC/HDC/SCDC Comment: But it needs to also address human needs on all NMU routes, including the underpasses. Consideration needs to be given as to whether it is feasible to combine provision for human and ecological needs or whether they need to be separated</p> | <p>The Applicant is continuing to engage with LPAs on NMU/mammal crossings. The Applicant considers that these uses are compatible and will give due consideration to comments received in refining the design principles.</p> |
| <p>Appendix B: Scheme response to the Road to Good Design</p> <p>Page 48 of marked up version</p> <p>8. Good road design is innovative</p> | <p>The Applicant does not accept the proposed changes.</p> <p>The Applicant is continuing to engage with LPAs on NMU/mammal crossings. The Applicant considers that these uses are compatible and will give due consideration to comments received in refining the design principles.</p> <p>The design complies with the DMRB regarding modal shift and safety aspects. All relevant surveys to inform the design have been completed and the results do not change the current</p> |

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| <p>Innovative measures incorporated into the design of the Scheme and the approach to its construction include the following:</p> <ul style="list-style-type: none"> • An dedicated underpass structure to allow bats to pass freely beneath the new dual carriageway along an existing hedgerow either side of the new road, without having to change their flight path, combined with NMU provision. An innovative approach will be taken to ensure that both human and ecological needs can be successfully met within the one structure. <p>CCC/HDC/SCDC Comment: As noted above, this structure is also currently set out for NMUs but at 30m long they need lightning to meet basic human needs and modal shift policy requirements. Therefore this needs to recognise the human need and accurately reflect those differing needs</p> | <p>position. Therefore, no updates are proposed to the lighting scheme principles and there is no requirement to consult on any changes during detailed design. Engagement with Natural England and local authorities is ongoing regarding appropriate mitigation. Lighting has not been raised as an issue by Natural England.</p> |
| <p>Appendix B: Scheme response to the Road to Good Design</p> <p>Page 51 of marked up version</p> <p>10. Good road design is long-lasting</p> <p>As stated under Design Principle No. 6, the Scheme has been designed to be resilient to climate change taking into account future climate change scenarios with consideration for flood risk, drainage design and use of materials for construction. Future</p> | <p>The Applicant does not accept the proposed changes.</p> <p>The section where the amendment has been proposed sets out how the scheme has responded to the principles set out in the Road to Good Design. In this case, the Applicant has set out how the Scheme meets the principle of “Good road design is long lasting”.</p> <p>In this context the inclusion of the proposed text is not appropriate as it relates to an aspiration to provide all-inclusive NMU routes rather than how the Scheme has responded to the principle in the Road to Good Design.</p> <p>As stated previously, the Applicant is aware that the Cambridgeshire authorities are seeking to designate the proposed shared use footways/cycleways adjacent to carriageways and within their authority as NMU routes, which would allow their use by horses. The Applicant does not</p> |

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| <p>maintenance would be undertaken on a routine basis and following any major incidents or extreme weather events. Design should also, where possible, future-proof to enable modal shift through the provision of all-inclusive NMU routes adjacent to carriageways and infrastructure such as bridleway parapets that will enable delivery of upgraded status of NMU routes in the longer term at minimal capital cost. Periodic maintenance operations, similar to those being undertaken elsewhere on the strategic and local road networks, would be carried out on the following equipment and features:</p> | <p>consider that such a change is needed or appropriate. The Applicant considers that there are fundamental risks associated with vehicles, cyclists, walkers and horse riders using the same route and the restricted space available on the shared use facility.</p> <p>Despite the foregoing, the Applicant's proposals do not preclude the Council from designating the shared use footways/cycleways within their authority as NMU routes at some time in the future. The 3.0m width proposed for the shared use footway/cycleway facilities aligns with the required width confirmed by the Council for NMU routes.</p> <p>The Applicant cannot future proof. The Applicant can only include provision for known or confirmed, quantified growth.</p> |
| <p>Appendix C: Design principles and features for specific structures Page 60 of marked up version S17 – B1046 Bridge – Overbridge Three span integral prestressed pre-cast concrete bridge supported on reinforced concrete bank seats on top of non-reinforced embankments and reinforced concrete intermediate leaf piers. Please see comment. CCC/HDC/SCDC Comment: Identify local vernacular references and where these could be incorporated into the structures. The series of structures surrounding Wintringham Park (S17, S19, and S25) should be identifiable as a "set"</p> | <p>The Applicant does not accept the proposed changes.</p> <p>Section 3 of the Scheme Design Approach and Design Principles document describes the hierarchical approach applied to the design, with the route alignment and siting of structures and features being the first and most important in responding to the physical characteristics of the landscape. This was followed by the earthworks design, the planting strategy and the height, scale, massing and materials of structures.</p> <p>Regarding the Cambridgeshire authorities proposal for brick cladding of structures, this is not appropriate as it would conflict with future inspection and maintenance requirements (see above). Soil reinforced structures will incorporate blockwork in buff tones to wing walls, taking reference from local vernacular building materials as referred to by the Cambridgeshire authorities in representations.</p> |

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| <p>and respond to the vernacular buff tones and buff brickwork.</p> <p>The overarching principle for these features should read:</p> <p>"A common palette has been employed to identify the features relating to Wintringham Park. These include materials in buff tones and buff brickwork to reflect the local vernacular"</p> <p>In S17 this should be demonstrated through the incorporation of buff brick or stone facing to the reinforced concrete bank and/or piers.</p> | |
| <p>Appendix C: Design principles and features for specific structures</p> <p>Page 61 of marked up version</p> <p>S17 – B1046 Bridge – Overbridge</p> <p>Materials and finishes:</p> <p>Pre-cast concrete beams and metal parapet. Please see comment.</p> | <p>The Applicant does not accept the proposed changes.</p> <p>The materials proposed by the Cambridgeshire authorities are not appropriate for structural and safety critical elements of the Scheme. Regarding the Cambridgeshire authorities proposal for brick cladding of structures, this is not appropriate as it would conflict with future inspection and maintenance requirements (see above). Soil reinforced structures will incorporate blockwork in buff tones to wing walls, taking reference from local vernacular building materials as referred to by the Cambridgeshire authorities in representations.</p> |
| <p>Appendix C: Design principles and features for specific structures</p> <p>Page 61 of marked up version</p> <p>S19 – New Hen Brook Culvert and Underpass – Underbridge</p> <p>Pre-cast segmental concrete box culvert. Please see comment.</p> | <p>The Applicant does not accept the proposed changes.</p> <p>An oval shaped culvert was explored but is not feasible as there is insufficient space to form the curve of the arch within vertical limits and lowering the base would increase challenges associated with flood and ground water. The base and wing walls of the proposed culvert are integrated into the structure and designed to cope with flood and ground water. As a result reinforced concrete wing walls and approach slabs integrated into the main structure were the preferred solution. These will be enhanced through the use of cast in features such as aesthetic grooves. Other material such as brick would be significantly impacted by flood water and ground</p> |

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| <p>CCC/HDC/SCDC Comment: This should be an oval shaped underpass. The structure should be "welcoming" through the incorporation of an appropriate entrance feature, and should relate to the "Wintringham Park Series" of features through the inclusion of an appropriate entrance feature material within splayed wingwalls, such as buff brick. As this is a very long underpass, this may also be a good location to incorporate public art.</p> <p>There are safety concerns over the bend in the footpath immediately after the tunnel as this reduces visibility for NMUs.</p> <p>A lighting well as well as night-time lighting is requested to enable person-to-person facial recognition, encourage modal shift and enable non-motorised use at different times of day/year. A light well will also enable air flow.</p> <p>It needs to be recognised that humans, bats, and other mammals have different needs, and both those needs must be met without compromising the standards needed for the other. The compatibility of this structure with existing bat flight paths also needs to be ensured. If it is not possible to achieve these aims within one feature, an alternative tunnel may be required to align with the existing bat flight path.</p> | <p>water ingress resulting in long term impact to structural integrity or aesthetic finish with out significant levels of maintenance.</p> <p>This is a rural location, not part of the Wintringham Park development and public art is not proposed.</p> <p>The Scheme design has minimised the introduction of new sources of light at night to minimise impacts on sensitive receptors. Compatibility between uses will be achieved by lighting during the day, when structures are most likely to be used by NMU. These structures are located at a significant distance from centres of population and connected by public rights of way which are not lit at night. It is therefore assumed that people using these public rights of way and structures at night would use a torch to illuminate their path.</p> <p>All relevant surveys to inform the design have been completed and the results do not change the current position. Therefore no updates are proposed to the lighting scheme principles and there is no requirement to consult on any changes during detailed design. Engagement with Natural England and local authorities is ongoing regarding appropriate mitigation. Lighting has not been raised as an issue by Natural England.</p> |
| <p>Appendix C: Design principles and features for specific structures</p> | <p>The Applicant does not accept the proposed changes.</p> <p>These amendments are not related to key constraints, which have been addressed.</p> |

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| <p>Page 61 of marked up version</p> <p>S19 – New Hen Brook Culvert and Underpass – Underbridge</p> <p>Combining a watercourse culvert ,and NMU underpass and a bat and other mammals tunnel into one structure. The alignment and flood level of Hen Brook, the existing flight paths of bats, and buildability of structure within existing watercourse. Providing natural light as a minimum within such a long tunnel and ensuring an adequately dark tunnel for bats.</p> | |
| <p>Appendix C: Design principles and features for specific structures</p> <p>Page 61 of marked up version</p> <p>S19 – New Hen Brook Culvert and Underpass – Underbridge</p> <p>Yes, footway/cycleway and equestrian under the structure</p> | <p>The Applicant does not accept the proposed changes.</p> <p>The Hen Book Culvert aligns with a public footpath, not a bridleway. However, the use of the structure by equestrians is not precluded by design parameters and would comply with national standards for width and with approximately 4.25m of headroom.</p> |
| <p>Appendix C: Design principles and features for specific structures</p> <p>Page 63 of marked up version</p> <p>S19 – New Hen Brook Culvert and Underpass – Underbridge</p> <p>Alignment and positioning:</p> <p>Aligned to minimise the realignment of Hen Brook, tie in with existing bat flight path, and to integrate the</p> | <p>The Applicant does not accept the proposed changes.</p> <p>The Applicant is continuing to engage with LPAs on NMU/mammal crossings. The Applicant considers that these uses are compatible and will give due consideration to comments received in refining the design principles.</p> <p>The entrances of the underpass are along the existing alignment of the Hen Brook. This is a suitable alignment to accommodate mammals (including bats) and other wildlife using the existing Hen Brook corridor. The structure has been designed to accommodate the passage of mammals including bats. Waterways function as bat commuting routes and the existing and additional adjacent hedges and trees plus restored riparian habitat (at Wintringham to the west) will have a significant role in enhancing its use.</p> |

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| <p>adjacent PRoW. Positioned where the mainline will be on embankment.</p> <p>If it is not possible to find a suitable alignment that accommodates all three uses a separate feature for the bat mammal underpass tunnel-needs to be sought.</p> <p>Scale, height and massing:</p> <p>The structure will be integrated into the embankment with a slim cross-section to minimise its scale in elevation whilst providing the necessary flood functions.</p> <p>Materials and finishes:</p> <p>Precast concrete to facilitate safe construction. Please see comments.</p> <p>CCC/HDC/SCDC Comment: It is essential that the mammal tunnels tie in with the existing flight lines for bats, otherwise the tunnels will not be used by bats. Evidence from Berthinussen & Altringham (2012) shows that 96% of bats flew through underpasses along the original commuting route.</p> | |
| <p>Appendix C: Design principles and features for specific structures</p> <p>Page 63 of marked up version</p> <p>S25 – Cambridge Road Bridge – Overbridge</p> <p>Three span integral pre-cast concrete bridge supported on reinforced concrete bank seats on top of non reinforced embankments and reinforced</p> | <p>The Applicant does not accept the proposed changes.</p> <p>The materials proposed by the Cambridgeshire authorities are not appropriate for structural and safety critical elements of the Scheme. Regarding the Cambridgeshire authorities proposal for brick cladding of structures, this is not appropriate as it would conflict with future inspection and maintenance requirements (see above). Soil reinforced structures will incorporate blockwork in buff tones to wing walls, taking reference from local vernacular building materials as referred to by the Cambridgeshire authorities in representations.</p> |

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| <p>concrete intermediate leaf piers. Please see comment.</p> <p>CCC/HDC/SCDC Comment: This structure is the last in the “Wintringham Park” series of structures, and should, as the others, contain buff brick or stone details/retaining walls to help identify place.</p> | |
| <p>Appendix C: Design principles and features for specific structures</p> <p>Page 64 of marked up version</p> <p>S25 – Cambridge Road Bridge – Overbridge</p> <p>Materials and finishes: Precast concrete beams and metal parapet. Please see comment.</p> | <p>The Applicant does not accept the proposed changes.</p> <p>The materials proposed by the Cambridgeshire authorities are not appropriate for structural and safety critical elements of the Scheme. Regarding the Cambridgeshire authorities proposal for brick cladding of structures, this is not appropriate as it would conflict with future inspection and maintenance requirements (see above). Soil reinforced structures will incorporate blockwork in buff tones to wing walls, taking reference from local vernacular building materials as referred to by the Cambridgeshire authorities in representations.</p> |
| <p>Appendix C: Design principles and features for specific structures</p> <p>Page 65 of marked up version</p> <p>S31 – Toseland Road Bridge – Overbridge</p> <p>Two span weathering steel concrete composite bridge with reinforced concrete bank seats on top of sloping earth embankments and reinforced concrete intermediate leaf piers. Please see comment linked to “materials”</p> | <p>The Applicant does not accept the proposed changes.</p> <p>The materials proposed by the Cambridgeshire authorities are not appropriate for structural and safety critical elements of the Scheme. Regarding the Cambridgeshire authorities proposal for brick cladding of structures, this is not appropriate as it would conflict with future inspection and maintenance requirements (see above). Soil reinforced structures will incorporate blockwork in buff tones to wing walls, taking reference from local vernacular building materials as referred to by the Cambridgeshire authorities in representations.</p> |
| <p>Appendix C: Design principles and features for specific structures</p> <p>Page 65 of marked up version</p> | <p>The protected species crossing refers to Gallow Brook, located in an east-west direction under Toseland Road Bridge. Gallow Brook will continue to pass under the proposed bridge to the south of the A428 carriageway. Adequate space under bridge (c.45m span north to south and 5.3m high) will allow movements east-west on both sides of the Scheme, particularly along the</p> |

| Comments on Scheme Design Approach and Design Principles | Applicant's Comment |
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| <p>S31 – Toseland Road Bridge – Overbridge</p> <p>Crossing Gallow Brook and A428 mainline, maintenance access track, re-use of existing Toseland Road, vertical alignment of proposed Toseland Road</p> <p>CCC/HDC/SCDC Comment: A protected species crossing has been shown on the environmental master plan. Please clarify. How are these species going to be accommodated?</p> | <p>south side along Gallow Brook towards adjacent woodland, grassland and wetland habitats. It is therefore likely the structure will benefit bats and other species by facilitating movement under the bridge.</p> |
| <p>Appendix C: Design principles and features for specific structures</p> <p>Page 65 of marked up version</p> <p>S31 – Toseland Road Bridge – Overbridge</p> <p>Yes, footway/cycleway/equestrian route in verge over the structure.</p> <p>CCC/HDC/SCDC Comment: All structures should be all inclusive and include equestrian users. The only change needed would be to increase parapet height and change signage.</p> | <p>The Applicant does not accept the proposed changes.</p> <p>A footway will be provided over the Toseland Road bridge because this forms part of the diversion for FP278/7. There are no existing cycle or equestrian facilities on Toseland Road either side of the new bridge and there is no justification for providing such facilities on the bridge.</p> |
| <p>Appendix C: Design principles and features for specific structures</p> <p>Page 66 of marked up version</p> <p>S31 – Toseland Road Bridge – Overbridge</p> <p>Materials and finishes:</p> | <p>The Applicant does not accept the proposed changes.</p> <p>No green bridges are proposed on the Scheme. The Applicant undertook a review on the feasibility and value of green bridges and determined that it not appropriate. For example, the tunnel that would be purposely built for bats and mammals at Alington Hill will provide the appropriate functions.</p> |

| Comments on Scheme Design Approach and Design Principles | Applicant's Comment |
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| <p>Weathering steel to blend with natural, muted tones of the surrounding landscape. Please see comment</p> <p>CCC/HDC/SCDC Comment: Given the distinctly wooded character of this part of the journey an alternative material is required to help soften the feature into it's setting and assist with good place making such as timber cladding or a green bridge.</p> | <p>The planting strategy includes substantial woodland planting on the embankments and surrounding the overbridge, responding to the prevailing landscape character and assisting in screening the structure in views, as demonstrated in the photomontages supporting the LVIA.</p> |
| <p>Appendix C: Design principles and features for specific structures</p> <p>Page 66 of marked up version</p> <p>S37 – Pillar Plantation Culvert and underpass - Underbridge</p> <p>Pre-cast concrete box culvert segments.</p> <p>CCC/HDC/SCDC Comment: This should be an oval shaped underpass. The structure should be "welcoming" through the incorporation of an appropriate entrance feature that reflects the vernacular of the area.</p> <p>The structure/entrance feature should relate to the Western Claylands character area (LLCA 14 as identified in the Landscape and Visual Impact Assessment [APP-076]) through the incorporation of materials that reflect the local vernacular, such as buff brick or stonework.</p> <p>The same materiality should be incorporated in structures S38, S40 and S45.</p> | <p>The Applicant does not accept the proposed changes.</p> <p>An oval shaped culvert was explored but is not feasible as there is insufficient space to form the curve of the arch within vertical limits and lowering the base would increase challenges associated with flood and ground water. The base and wing walls of the proposed culvert are integrated into the structure and designed to cope with flood and ground water. As a result reinforced concrete wing walls and approach slabs integrated into the main structure were the preferred solution. These will be enhanced through the use of cast in features such as aesthetic grooves. Other material such as brick would be significantly impacted by flood water and ground water ingress resulting in long term impact to structural integrity or aesthetic finish with out significant levels of maintenance.</p> <p>The Pillar Plantation Culvert and underpass - Underbridge is located at a remote point in the landscape and public art is not considered appropriate. The Scheme design has minimised the introduction of new sources of light at night to minimise impacts on sensitive receptors. Compatibility between uses will be achieved by lighting during the day, when structures are most likely to be used by NMU. These structures are located at a significant distance from centres of population and connected by public rights of way which are not lit at night. It is therefore assumed that people using these public rights of way and structures at night would use a torch to illuminate their path.</p> |

| Comments on Scheme Design Approach and Design Principles | Applicant's Comment |
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| <p>This may also be a good location to incorporate public art.</p> <p>A lighting well as well as night-time lighting is requested to enable facial recognition, encourage modal shift and enable non-motorised use at different times of day/year. A light well will also enable air flow.</p> <p>It needs to be recognised that bats and humans have different needs, and both those needs must be met without compromising the standards needed for the other. The compatibility of this structure with existing bat flight paths also needs to be ensured. If it is not possible to achieve these aims within one feature, an alternative tunnel may be required to align with the existing bat flight path</p> | |
| <p>Appendix C: Design principles and features for specific structures</p> <p>Page 66 of marked up version</p> <p>S37 – Pillar Plantation Culvert and underpass - Underbridge</p> <p>Combining a watercourse culvert, bat flight path and NMU underpass into one structure, vertical alignment of A428 mainline, headroom for mounted horse riders, alignment and flood level of West Brook Tributary, buildability of structure within existing watercourse.</p> | <p>The Applicant does not accept the proposed changes.</p> <p>The Applicant is continuing to engage with LPAs on NMU/mammal crossings. The Applicant considers that these uses are compatible and will give due consideration to comments received in refining the design principles.</p> <p>The underpass is suitable for use by bats at 4.2m high above the watercourse and 3.7m above the footpath it allows sufficient height for bats, particularly as waterways function as commuting routes and restored riparian habitat, new hedgerow and woodlands proposed adjacent will have a significant role in enhancing its use by bats. There is also a large attenuation basin nearby that could be used by foraging bats.</p> |

| Comments on Scheme Design Approach and Design Principles | Applicant's Comment |
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| <p>Appendix C: Design principles and features for specific structures Page 69 of marked up version S45 -- PROW 1/16-1/17 54 NMU Overbridge</p> <p>CCC/HDC/SCDC Comment: assume this refers to FP St Neots 51. That path has actually been extinguished as it was a dead-end path meeting the railway. It would be better for this bridge to refer to existing paths that the bridge is accommodating e.g. Abbotsley FP 1/16 - 1/17.</p> | <p>This public right of way serves both FP1/16 and 1/17 on the eastern side of the new road, and FP1/17 on the west side because the short section of FP1/16 between the new road and the old A428 is being stopped up.</p> |
| <p>Appendix C: Design principles and features for specific structures Page 69 of marked up version S45 -- PROW 1/16-1/17 54 NMU Overbridge</p> <p>Single Span fabricated painted steel box girder supported on reinforced concrete Bank seats on top of reinforced earth abutments. See comment.</p> <p>CCC/HDC/SCDC Comment: This structure should be a part of the "Wintringham Park Series" of structures and incorporate a suitable material detail to visually connect with the other structures in the area and the local vernacular</p> | <p>The Applicant does not accept the proposed changes.</p> <p>Regarding the Cambridgeshire authorities proposal for brick cladding of structures, this is not appropriate as it would conflict with future inspection and maintenance requirements (see above). Soil reinforced structures will incorporate blockwork in buff tones to wing walls, taking reference from local vernacular building materials as referred to by the Cambridgeshire authorities in representations.</p> |