

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

Responses to Examining Authority's (ExA) comments on proposed amendments to the draft DCO

Prepared by
Central Bedfordshire Council (CBC)

Deadline 9 (25.1.22)

Reference	ExA comments	CBC response
Q4.8.1.7	New Requirement Throughout the Examination, LHAs have consistently raised concern regarding potential unanticipated traffic effects on the local road network during operational phases of the Proposed Development and the likelihood of either the Applicant or the LHA being able to mitigate such effects in a timely manner [REP6-060] [EV-069]. Whilst the ExA accepts that such potential effects are largely unknown at this stage, it remains concerned that there is a possibility that the Proposed Development could	CBC welcomes a new DCO requirement on this issue.

	<p>effect the local network and indeed the LHAs’ ability to deliver their statutory Network Management Duty, as defined in S16 of the Traffic Management Act, 2004. In that regard, the ExA finds that the current traffic monitoring methodology being proposed by the Applicant is neither robust, nor secured through the dDCO [REP6-041]. Therefore, subject to responses to WQ3, the ExA is minded to propose a Requirement relating to quantitative Traffic Monitoring and Mitigation for the Proposed Development’s operational phase, should consent be granted. Applicant to provide suggested wording, including definitions if relevant. LHAs have provided wording for such a Requirement [REP6-074], which the Applicant may consider.</p>	
<p>Construction phase traffic monitoring and mitigation</p>	<p>No monitor and mitigation DCO requirement for construction phase local highway network impacts</p>	<p>On the construction phase, CBC questions why a similar requirement is not proposed by the ExA as for the operational phase (see above).</p> <p>The ExA in WQ3 commented that:</p> <p><i>“Monitoring of traffic re-routing during construction</i> <i>The ExA are unconvinced that there is currently a robust mechanism or methodology agreed between the Applicant and LHAs to effectively monitor and manage the impact of traffic re-routing on to the local network during the construction phases of the Proposed Development.”</i></p> <p>As far as CBC can see, nothing further of significance has been submitted to convince that what is</p>

		<p>proposed by NH would be a robust mechanism and methodology.</p> <p>CBC contends that the previous view of the ExA was correct and that a similar requirement to the operational phase is required for the construction phase.</p> <p>In responding to WQ3, the LHAs put forward a joint position, including evidence from Cambridgeshire County Council (CCC) that was supported by the other LHAs. CCC confirmed that the A14 DCO, as an example, included a DCO requirement for monitoring and mitigation that was not limited to solely to the construction or operational phase in its wording. However, CCC confirmed that, in practice, the scheme submitted in respect of the A14 development pursuant to the DCO requirement did not specifically include traffic monitoring during the construction phase and, as a consequence, resulted in a major issue both in terms of the impact on local communities and damage to the local road network.</p> <p>CBC is of the view that the experience from that A14 DCO should not be repeated.</p> <p>Considering the view of the ExA expressed in WQ3 and the experience of CCC on the A14 DCO, CBC continues is of the view that a DCO requirement for monitoring and mitigating traffic impacts during the construction phase is justified and necessary on the evidence available.</p>
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		CBC requests that the Secretary of State/ExA imposes such a requirement.
Other	Other CBC requested DCO requirements (see CBC Deadline 6 submission)	CBC continues to request that the Secretary of State/ExA imposes all of the DCO requirements requested by CDC at Deadline 6. Drafts were provided for most matters.