

## Comments on responses to Third Written Questions (WQ3)

This document sets out the comments on other parties' responses to WQ3 by Cambridgeshire County Council (**CCC**), Huntingdonshire District Council (**HDC**) and South Cambridgeshire District Council (**SCDC**) (together, the **Councils**). The tables below set out the document in question that the Councils are commenting on, together with the relevant question number.

Except where expressly stated otherwise below, the Councils reiterate and rely on their comments submitted to the ExA at previous deadlines.

### National Highways [REP8-014]

Topic	Question Number	Councils' Comment
Biodiversity and Ecological Conservation		
Biodiversity Net Gain	3.3.2.1	<p>c) The Councils are not yet convinced by the Applicant's claims that National Highways BNG calculations show "<i>positive results of BNG calculations for area-based habitat</i>" for the reasons set out in our BNG Technical Note [REP6-062] and confirmed by Natural England's BNG specialists in their response to Question Q3.3.2.1 [REP8-049]. However, the Councils are considering this point further in light of the information provided by National Highways at Deadline 8 [REP8-012]. We will review and respond to this information at Deadline 10.</p> <p>The Councils consider that it is self-evident that the parts of the ES that rely upon the previous BNG calculation should be updated to take account of the new BNG calculation.</p> <p>d) The BNG calculation provides a key aspect of the ecological assessment and is standard practice to be included with NSIP scheme submissions, upon which the impact of the scheme is assessed. See our BNG Technical Note for examples of NSIP scheme submissions that have used a biodiversity metric [REP6-062].</p> <p>The Biodiversity Metric helps in the decision-making process, as follows:</p> <p>In accordance with NPS NN (paragraph 5.26) the impact of schemes on habitats of principle importance and biodiversity in the wider environment must be taken into account by the</p>

		<p>Secretary of State. The Biodiversity Metric 2.0 calculation provides quantitative evidence to demonstrate whether or not the scheme will deliver net losses (or gains) of biodiversity value of habitat.</p> <p>For this scheme, the Biodiversity Metric 2.0 [REP3-013] clearly shows the scheme will result in uncompensated for losses in both habitats of principle importance for nature conservation (i.e. priority habitats) and wider habitats, as set out in our Technical Note [REP6-062]. The Technical Note also highlights inconsistencies between the assessment in the Environmental Statement Chapter 12 and the Biodiversity Metric 2.0 results.</p> <p>In accordance with NPS NN (paragraph 5.25), schemes that are unable to fully mitigate for such losses, biodiversity-offsetting should be required to achieve net loss and preferable net gain in biodiversity. The Biodiversity Metric helps to inform the level of biodiversity offsetting required, which takes into account the location of the off-setting and whether the scheme delivers strategic priorities for the area.</p> <p>e) The Applicant has stated that the Defra Metric 2.0 has “<i>over-estimated the loss of biodiversity units</i>”. We do not accept this justification. Habitat survey work was undertaken in 2021 to inform the Defra Metric, paragraph 2.1.6 [REP5-013]. The survey work has provided no significant changes to the Defra Metric 2.0 calculations. Therefore, we are unclear how there can be an over-estimation of loss of biodiversity. We suggest the current values of the Defra Metric 2.0 [REP3-013] should be applied, unless the Applicant can undertake further survey work or provide a more accurate scheme design (to minimise losses) to address these ‘over-estimations’.</p> <p>The Council disagrees with the Applicant’s statement that trading rules are “suggested actions”. We refer the applicant to Natural England response to question 3.3.2.1 [REP8-049]. Natural England’s BNG Specialists have advised the trading down rules of the metric have been applied incorrectly and the assessment should be updated to correctly apply the trading down rules. The Biodiversity Metric 2.0 User Guide [REP6-068] describes the rules as underpinning the metric (paragraph 2.2) and that “[u]sers wanting to apply the metric properly should conduct their assessments with regard to a set of key principles and rules for its use” (paragraph 2.23). Rather than being suggested actions, the Councils consider these rules to be fundamental to the correct application to the metric.</p>
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	<p>We acknowledge that following the trading rules “may not be feasible” within the scheme. In these situations, compensation should be addressed through off-setting.</p> <p>f) The Councils refer to Natural England’s position, who confirm that the scheme may result in net loss in biodiversity value. As set out above Q3.3.2.1(e), such uncompensated losses should be addressed through biodiversity off-setting (paragraph 2.25 NPS NN). If the Applicant is able to provide any adequate biodiversity compensation within the scheme, then a biodiversity offsetting scheme should be providing.</p> <p>The Councils are concerned that the Applicant has not provided any proposal for biodiversity offsetting and therefore, it is unclear whether the Applicant is able to adequately address biodiversity net loss as part of the Scheme. The Councils seek a Biodiversity Net Gain Strategy to set out how ‘no net loss’ will be achieved by the Scheme, including an outline biodiversity off-setting scheme and update BNG assessments at detailed design stage, construction and long-term management to demonstrate that ‘no net loss’ in biodiversity value will be delivered.</p> <p>The Council is unclear how the Applicant will secure ‘no net loss’ through the current dDCO and therefore suggest an additional Requirement for Biodiversity Net Gain. The Councils will comment further on this alongside their comments on the Biodiversity Technical Note [REP8-049] at Deadline 10.</p> <p>Presently, the Councils consider that the ExA should contemplate a Requirement in the following terms:</p> <p><i>“(1) No part of the authorised development is to commence until a biodiversity offsetting scheme has been submitted to and approved in writing by the Secretary of State following consultation with the relevant local planning authority. The biodiversity offsetting scheme must include provision for:</i></p> <ul style="list-style-type: none"> <li><i>(a) how the predicted habitat losses incurred as a result of the authorised development will be offset and the target condition for each habitat;</i></li> <li><i>(b) an update to the biodiversity net gain calculations following the detailed design of the authorised development; and</i></li> <li><i>(c) a programme for monitoring and management of biodiversity offset proposals to meet the policy requirements that the biodiversity habitat be maintained for at least 30 years.</i></li> </ul>
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		<i>(2) The biodiversity offsetting scheme must provide for its implementation [prior to/][within 3 years] of completion of the authorised development.”</i>
Quantum of Hedgerows	3.3.3.1	<p>b) Given it will “<i>not be possible to determine the hedgerows which will be retained... until detailed design stage</i>”, it must therefore be assumed all hedgerows will be removed and BNG calculations assessed as such. If the Applicant is unable to provide adequate compensation for loss of hedgerow biodiversity value within the Scheme, then a biodiversity offsetting scheme should be provided.</p> <p>As set out in the Councils response above to 3.3.2.1.(f) it is suggested that a Biodiversity Net Gain Strategy is produced to confirm how the scheme will deliver no net loss, including biodiversity off-setting and monitoring of BNG calculations throughout the development.</p>
Habitat Fragmentation	3.3.5.1	<p>b) The Councils have requested that further details of the landscaping and design of the bat tunnel are included as part of the Scheme Design and Design Principles Document (see the Councils’ mark up at <b>REP6-063</b>), which will ultimately be secured through Requirement 12 – Detailed Design. The Councils note the submission of an updated version of the Scheme Design Approach and Design Principles report at Deadline 8 [<b>REP8-007</b>]. We will submit comments accordingly at Deadline 10.</p>
Aquatic Environment and Biodiversity	3.3.6.1	<p>b) The Councils welcome clarification of the proposed enhancement works to pond 83, which mitigate the loss of two other ponds within Cambridgeshire (ponds 37 and 84).</p> <p>The Councils seek an update to the First Iteration Environmental Management Plan [<b>REP6-008</b>] and Environmental Masterplan [<b>REP6-006</b>] to include these proposed enhancement works and management.</p>
<b>Climate Change and Carbon Emissions</b>		
Emissions	3.4.1.1 e) and f)	<p>The Applicant maintains that there is no requirement for them to assess the significance of the scheme on regional or local carbon budgets and that the NPSNN does not require them to carry out such an assessment. This overlooks the EIA guidance which specifies that the significance of effects should be assessed on a national, regional and local level.</p>

Construction methods and effects		
Environmental Management Plan	3.6.3.1 c)	Following discussions with the Applicant on 11 January 2022, the Councils position is now reflected in our comments on the draft Development Consent Order [ <b>REP8-028</b> ] and in our D8 submission <b>REP8-032</b> . In summary, construction work for the authorised development must only take place between 0700 hours and 1800 hours Monday to Friday, and 0700 hours to 1300 hours on Saturdays, with no activity on Sundays or bank holidays, except as specified in Schedule 2 Part 1 paragraph 19(2). Our amendments in <b>REP8-028</b> include the removal of certain previous exceptions that were considered to be potentially noisy activities.
Good Design		
Visual appearance and design principles	3.10.1.1	The Councils note the submission of an updated version of the Scheme Design Approach and Design Principles report at Deadline 8. We will submit comments accordingly at Deadline 10 [ <b>REP8-007</b> ].
Design development process	3.10.2.1	<p>Please see the Councils' response to the ExA's Proposed Changes to the dDCO, Q4.8.1.4, submitted at Deadline 9 in document <b>CLA.D9.ExA.dDCO.C</b>.</p> <p>As there are outstanding concerns including the suitability of structures for appearance and place making, usability for non-motorised users, and compatibility with proposed mammal corridor functions, and consultation on the details of structures remains high-level, local authorities request further consultation and collaborations through detailed design as detailed in the above response.</p> <p>The Councils welcome the conclusion the ExA has drawn regarding detailed design and engagement and we agree with the findings.</p> <p>Approval of the detailed design will have regard to the Second Iteration Environmental Management Plan and the Environmental Master Plan, to ensure an attractive setting for the structures, in terms of landscape character and visual quality, as well as a functional setting, both in terms of human and wildlife needs. The Councils would also look to the design to achieve the aims of all local and national active travel Policies along the length of the proposals.</p>

		A plan showing the bat survey data and proposed structures should be made available to the local authorities and Natural England, prior to the further development of design detail, with the opportunity to respond on the number and location of any further mammal crossings needed.
Transport Modelling		
Changes DfT TAG Data Book	3.11.1.1	The proposed approach by the Applicant in relation to updates to the TAG data book and the Emissions Factor Tool Kit appears reasonable.
Operational phase monitoring and evaluation	3.11.2.1	<p>CCC require the monitoring of the impact of the Scheme (both positive and negative) and not the general operation of the entire LRN. Where there is shown to be a negative impact as a result of the scheme then this should be mitigated by the applicant. The use of the POPE to undertake the evaluation of the scheme is reasonable but CCC would like to see an agreement as part of the DCO setting out the areas where the impact of the scheme needs monitoring. CCC along with Central Bedfordshire and Bedford Borough Councils have set out the requirements for monitoring, these are set out in the note submitted at Deadline 6 [REP6-074]. The locations set out in this note should be included in the POPE and should be secured through the DCO process to give the Councils the confidence that the monitoring and evaluation of the scheme will cover all the necessary areas.</p> <p>The Councils disagree that the Councils have not provided an evidence based justification for the locations selected. The Councils' response to Q3.11.2 [REP8-035] sets out the rationale for selection of these locations, drawing on the evidence submitted by the Applicant.</p> <p>The Councils disagree that the proposed Requirement [REP6-074] does not meet the requisite tests as set out in PINS Guidance Note 15, as follows:</p> <p><b>Precise</b> – the Applicant has taken the extracted wording of the Requirements out of context. The Requirements oblige the Applicant to prepare a scheme for the monitoring and management of adverse traffic impacts arising from the construction of the Scheme. The general specification of the relevant locations allows the Applicant sufficient flexibility to produce a scheme which allows monitoring of the relevant general locations in a manner which is practically implementable. As set out in the Councils' response to Q3.11.2 [REP8-035], similar Requirements were including in the A14 Cambridge to Huntingdon Improvement Scheme DCO and the A303 Sparkford to Ilchester Dualling DCO. Neither Requirement set out precise junction locations at which</p>

		<p>monitoring was to take place in the requirement itself but provided that the locations were to be set out in the scheme in the same manner as the Council’s proposed Requirements [REP6-074]. The Secretary of State evidently concluded that these Requirements were sufficiently precise so as to be valid.</p> <p><b>Enforcement</b> – the Councils disagree with the Applicant that it would not be in the public interest to enforce this requirement. As set out in the Councils’ response to Q3.11. 2 [REP8-035], the examination of the evidence supplied by the Councils reveals the need for monitoring of the local road network. These potential impacts arise purely as a result of the Scheme and, should there be a need to manage the network accordingly, there is no secured commitment from the Applicant to do so. The burden of management of any Scheme impacts would therefore fall to the local highway authority, which may result in inappropriate budgetary pressures on CCC’s functions. The Councils consider it to be in the public interest that the Requirement is secured and, if necessary, enforced.</p> <p><b>Necessary</b> – the Councils have set out in their response to Q3.11.2 [REP8-035] that the need for monitoring and management of the local highway network arises due to (i) the predicted effects on traffic as a result of the Scheme; and (ii) the presence of errors in the coding of the model in key locations. The Councils wish to emphasise that the first element of the Requirement is for these impacts to be monitored. Should the monitoring reveal no significant impacts, the Councils would not anticipate a requirement for any mitigation or management measures, in line with NPSNN policy. The triggers for those mitigation measures would be proposed by the Applicant and ultimately approved by the Secretary of State, following consultation with the relevant local highway authority. However, the need for those measures cannot be properly understood until such time as the monitoring has been carried out. Limiting the monitoring only to areas where the Applicant has predicted significant impacts could result in other actual significant effects being missed due to the limitations in the model.</p> <p><b>Relevant to the development</b> – the Councils have set out in their response to Q3.11.2 [REP8-035] and above that the need for monitoring and, if necessary following that monitoring, mitigation, arises as a direct consequence of the Scheme and is therefore relevant to the development. CCC is not requesting that the Applicant carries out broader, speculative monitoring of the wider network. CCC refutes the assertion that they are overlooking their own general Network Management Duty obligations. Indeed, CCC considers that securing the</p>
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		<p>monitoring and management of predicted areas of congestion at an early stage to be a proactive method of discharging that network management duty.</p> <p><b>Relevant to planning and reasonable</b> – for the reasons outlined above, the proposed Requirement meets the relevant tests set out in PINS Guidance Note 15.</p>
Funding mechanism for future improvements	3.11.2.2	<p>The Councils have not been advised of the Applicant’s comments regarding Designated Funds bid approvals. The Councils request further detail on the precise proposals set out at b) to allow the Councils to effectively assess what has been granted and respond.</p> <p>For Councils, as a general rule, Designated Funds are an unsatisfactory method of achieving improvements compared to the DCO. The funding is not guaranteed; Designated Funds do not give the legal certainty that the project will be delivered, as has been demonstrated with the upgrades of Public Footpaths Girton 4 &amp; 5 [REP5-022 pages 7-8]. Furthermore, in addition to match funding, legal costs are not covered by Designated Funds. Those Designated Funds that have been approved, will only be up to 2025, which gives no certainty that the funding to construct designed works will be granted.</p>
Providing opportunities for NMU	3.11.6.1 a)	<p>The Councils have not been advised of the Applicant’s comments regarding Designated Funds bid approvals. The Councils request further detail on the precise proposals set out at b) to allow the Councils to effectively assess what has been granted and respond. The Councils’ concerns regarding the lack of certainty are explained in our response to Q3.11.2.2 [REP8-035].</p> <p>We continue to maintain our position regarding LTN 1/20 and reject the Applicant’s assertions.</p>
Local impacts of construction traffic	3.11.7.4	<p>The Councils will consider and respond to points relating to the local impacts of construction traffic at Deadline 10, alongside the construction HGV flows to be provided at Deadline 9 by the Applicant.</p>
Monitoring of traffic re-routing during construction	3.11.7.5	<p>The locations that CCC require monitoring during construction are set out in the note set out in the note submitted at Deadline 6 [REP6-074]. CCC note that the Applicant intend to adopt a “collaborative approach to construction phase traffic monitoring to be defined in a joint position statement with the LHA’s to be submitted at Deadline 9”. This approach is welcomed and the locations that CCC require monitoring of self-diverting traffic are set out in the note submitted at</p>



		<p>Deadline 6 [REP6-074]. There has been no substantive discussion between the Applicant and CCC on this matter.</p> <p>The Councils refer to their comments at Q3.11.2.1 above in relation to the Applicant's response to the proposed Requirement.</p>
Proposed mitigation, management and monitoring		
Operational noise monitoring	3.16.2.1	Operational noise monitoring is needed to verify modelled predictions are accurate for post construction noise. It would be possible due to the absence of other significant sources of extraneous noise.

#### Natural England [REP8-049]

Topic	Question Number	Councils' Comment
	Q3.3.2.1	<p>The Councils welcome Natural England's confirmation that the BNG calculations of 16% BNG may be incorrect and that trading down rules should be correctly applied. This provides further weight to the Council's concerns that the scheme doesn't adequately compensate for habitat loss in biodiversity value [REP6-062].</p> <p>The Councils support Natural England's position that the Applicant should identify opportunities for biodiversity off-setting.</p>
	Q3.3.4.2	The Councils support Natural England position requiring further justification for the level of survey work undertaken.
	Q3.3.5.1	The Councils agree with Natural England's position that further information is required to inform the bat mitigation measures.