

A428 Black Cat to Caxton Gibbet improvements

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9.107 Applicant's comments on other parties' responses to the third
round of written questions

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Planning Act 2008

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(Examination Procedure) Rules 2010**

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Development Consent Order 202[]

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Table of contents

Chapter	Pages
1 Applicant's comments on other parties responses to third round of written questions	1

Table of Tables

Table 1-1 Applicant's comments on other parties response to the Examining Authority's third round of written questions	2
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1 Applicant's comments on other parties responses to the third round of written questions

1.1.0 This document has been prepared by the Applicant to set out its comments on other parties' responses to the Examining Authority's (ExA's) third round of written questions.

1.1.1 These can be found in **Table 1-1**.

Table 1-1 Applicant's comments on other parties response to the Examining Authority's third round of written questions

No.	Question/Applicant's Comments
Q3.1	General and Cross Topic
<p>Q3.1.2.1 - Environment Act 2021</p> <p>The ExA is aware that the Environment Act 2021 received royal assent on 9 November 2021.</p> <p>a) All Parties and the Applicant are invited to explain, with reasons, whether the assent of the Act has any implications on the Proposed Development, including with regard to Air Quality, Biodiversity, Water, Waste and Monitoring.</p> <p>b) More specifically, Section 99 and Schedule 15 of the Act and the subsequent amendments to the Planning Act 2008 will require certain NSIPs to increase biodiversity by 10% compared to predevelopment values. Do you believe there are any implications on the Proposed Development, if so explain with reasons, including if relevant, how any additional measures could be delivered.</p>	
Cambridgeshire Authorities	<p>a) Whilst the Environment Act 2021 (EA2021) received royal assent on 9 November 2021, the majority of the operative provisions of the Environment Act 2021, including those of relevance to the Scheme, are yet to come into force. Section 147 of the EA2021 provides that the key provisions are to come into effect on such a date as the Secretary of State may by regulations appoint. The precise timescales for the majority of the provisions are yet to be announced.</p> <p>Once in force, the key provisions of relevance to the Scheme are those relating to biodiversity, set out in section 99 and schedule 15 of the EA2021.</p> <p>b) Section 99 and schedule 15 of the EA2021 are not yet in force and will come into effect on a date to be appointed in regulations made by the Secretary of State. In its current consultation on Biodiversity Net Gain Regulations and Implementation, the government has stated its intention that the mandatory 10% biodiversity net gain requirement will apply for all terrestrial NSIP projects by November 2025.</p> <p>Whilst these precise statutory requirements are not yet in force, NPS NN requires the Secretary of State to consider whether the Applicant has maximised opportunities for building in beneficial biodiversity or geological features (paragraph 5.33).</p> <p>Paragraph 5.25 of the NPS NN requires, as a general principle, that significant harm to biodiversity and geological conservation interests is avoided, mitigated or compensated.</p> <p>The Councils have expressed concerns relating the Scheme's ability to comply with these policy requirements and reference is made in particular to pages 8-10 of the Councils' response to the Applicant's response to the Councils; Local Impact Report [REP4-058] and the Councils' Biodiversity Net Gain Technical Note [REP6-062].</p>

No.	Question/Applicant's Comments
Applicant's comments	<p>The Applicant maintains its position that development of the Scheme has taken the opportunities to benefit biodiversity as stated in Chapter 8 Biodiversity [APP-077] of the Environmental Statement and the Applicant's response to Q3.1.2.1 and Q3.3.2.1 set out in the Applicant's Response to the Examining Authority's Third Round of Written Questions [REP8-014], submitted at Deadline 8.</p>
Central Bedfordshire Council	<p>CBC note the main concerns were regarding Section 99 and Schedule 15 relating to biodiversity. In relation to water, flood risk in particular, after looking into the Environment Act for the team late last year it has very little direct influence on CBC approach to operating. Therefore, from CBC perspective we don't believe it will have had any implications to the proposed development in terms of flood risk. Important to note that sustainable drainage features can be used to biodiversity increase but in this development it doesn't appear to be the case. Any water quality and main river issues should be being handled by the EA.</p> <p>Notwithstanding the Environment Act 2021 delivers key aspects of the Clean Air Strategy 2019 (which proposes tackling pollution from a wide range of sources, including transport).</p> <p>The Government will, through commitments made in the Environment Act 2021, adopt a binding standard for PM2.5 particulates. However, specific targets have yet to be set out and so it is difficult to project the full implications on the Black Cat development, but the Act will set targets for air pollution by October 2022 and will include:</p> <ul style="list-style-type: none"> • Reducing annual mean PM2.5 in ambient air • Reducing population exposure to PM2.5 At this time, CBC are not sure of the potential impacts on other pollutants (i.e. NO2) and potential changes to their current target values/objectives, which may result. <p>The government says the "principle of a population exposure reduction target is to prioritise action that is most beneficial for public health and drive continuous improvement". Additionally, Defra have stated that the Environment Act 21 "strengthens the LAQM framework to enable greater cooperation at a local level and broaden the range of organisations that play a role in improving local air quality. Responsibility for tackling local air pollution will now be shared with designated relevant public authorities, all tiers of local government and neighbouring authorities". This puts the onus on greater partnership working to work towards achieving the Air Quality Objectives or whatever targets/limit values are set out by October 2022.</p> <p>Schedule 11 of the Environment Act 2021, details amendments to the Local Air Quality Management Framework, amending the Environment Act 1995.</p> <p>The Act introduces the 5 Principles to which organisations must have regard</p> <ol style="list-style-type: none"> (i) Integration (environmental protection should be integrated into the making of policies); (ii) Prevention (preventative action should be taken to avert environmental damage);

No.	Question/Applicant's Comments
	<p>(iii) Precautionary (a precautionary approach should be taken to the possibility of environmental harm);</p> <p>(iv) Rectification At Source (where possible any environmental harm should be rectified at source); and</p> <p>(v) Polluter Pays (the person(s) who causes the harm must suffer the financial penalty both in terms of mitigation and compensation) Therefore it is likely that the current proposals for works at the Black Cat roundabout, which worsens the air quality at receptors (cottages fronting the southbound A1 at Sandy) without any mitigation, will not be within the spirit of the Environment Act 2021.</p>
Applicant's comments	<p>In relation to the 5 Principles set out above, the Government will publish a policy statement on these in due course. As set out in the Applicant's Response to Third Written Questions [APP8-014] it is not possible to establish how the policy statement will affect the Scheme, however through the Environmental Impact Assessment and best practice, the Applicant has addressed the principles appropriate to the Scheme.</p> <p>Sustainable drainage features do provide opportunities for biodiversity, although their primary function is for drainage. Example of measures to improve biodiversity within the Scheme include the restoration and enhancement of ponds 9 and 83, which are included in section 1.6 of Annex D within the First Iteration Environmental Management Plan [TR010044/APP/6.8v3] submitted at Deadline 9. Also the proximity of some of the attenuation ponds to ponds used by amphibians including Great Crested Newt means that the grassland and wetland will provide terrestrial foraging habitat for these amphibians and habitat for other wildlife.</p> <p>In terms of the Scheme not being in the spirit of the Environment Act, as set out previously, including in the Applicant's Response to Third Written Questions [REP8-014], the predicted change in pollutant concentrations at the properties fronting the southbound A1 at Sandy is imperceptible. This is a change so small as to not be measurable and would be removed in less than a year due to ongoing improvements in air quality.</p>
Natural England	<p>a) In our view assenting of the Environment Act 2021 is unlikely to have any implications for the Proposed Development given the transition period to develop the framework of regulations and statutory guidance, before requirements become mandatory.</p> <p>b) Please see our comments above. We have provided comments on the Applicant's biodiversity metric calculation below, in response to Q3.3.2.1.</p>
Applicant's comments	<p>The Applicant notes Natural England's comments regarding the Environment Act 2021.</p>

No.	Question/Applicant's Comments
Q3.3	Biodiversity and Ecological Conservation
Q3.3.2	Biodiversity Net Gain (BNG)
	<p>Q3.3.2.1 - Metric for calculating BNG</p> <p>a) NE, following discussions at ISH4 [EV-060] and the submissions at D6 [REP6-036] [REP6-030] [REP6-068] [REP6-062] confirm if you consider the Applicant's calculation for BNG using the DEFRA 2.0 metric shows a net loss or net gain or neutral finding.</p> <p>b) NE, if you consider the calculations to show a net gain, and based on your current position that you are satisfied that the delivery of the Proposed Development would achieve genuine gains in biodiversity when compared with existing conditions [REP6-017], why do you still feel that the ES should be updated with the findings of the DEFRA 2.0 metric?</p> <p>c) NE, in what way do you believe that the findings of the DEFRA 2.0 metric would revise the assessment of the effects of the Proposed Development on biodiversity in the ES with reference the NPS NN (Paragraph 5.33) which requires the Applicant to maximise opportunities resulting in beneficial biodiversity or geological features in and around developments? Applicant and LAs may respond.</p> <p>d) Applicant, explain the reasons and criteria that would be determine the use of DEFRA 2.0 for road NSIPs [REP6-030] [REP6-062], and if those criteria be relevant here. NE and LAs may respond.</p> <p>e) NE and LAs, with particular reference to Rules 3 and 5 of the DEFRA User Guide [REP6-068] and the Cambridgeshire Council's position [REP6-062 Sections 3, 4, and 6] comment on the Applicant's position at ISH4 [EV-060] that a quantitative increase of low quality habitat outweighs or is equivalent to the high value habitats being replaced. Applicant may explain.</p> <p>f) Applicant and NE, the Cambridgeshire Councils raise concerns regarding the loss of habitats of medium/high distinctiveness and that further on-site and off-site compensation is required [REP4-059, Q2.3.2.1] [REP6-064] [REP6-062 Sections 3, 4, and 6]. What are your views on this and how it could be delivered?</p>
Cambridgeshire Authorities	<p>a) to d) and f) request comments from the Applicant and other Interested Parties, including on the Councils' submission REP6-062. The Councils would welcome the opportunity to comment on the responses from the Applicant and other Interested Parties once submitted.</p> <p>e) The DEFRA User Guide [REP6-068], Rule 5, states that it is not the area of habitat created that determines whether ecological equivalence or better has been achieved but the net change in biodiversity unit. The BNG spreadsheet [REP3-013] currently shows a net loss in hedgerows and uncompensated loss in high/medium quality habitats and therefore does not meet Rules 3 (trading down) and 5 (using biodiversity units instead of area). The purpose of the metric is to conserve the highest quality habitats and therefore loss of these should be avoided. From a nature conservation perspective, the creation of low-quality habitat is not beneficial and will lead to further degradation and habitat loss.</p>

No.	Question/Applicant's Comments
Applicant's comments	<p>The Applicant notes the response provided by the Cambridgeshire Authorities.</p> <p>The Applicant has responded and where required provided further explanation to the applicable sections of the Councils' Biodiversity Net Gain Technical Note [REP6-062] in Document 9.95 the Applicant's comments on the Biodiversity Net Gain Technical Note [REP8-010], submitted into the examination at Deadline 8.</p>
Central Bedfordshire Council	CBC have no comment on this question
Applicant's comments	The Applicant notes the response provided by Central Bedfordshire Council.
Natural England	<p>As indicated in our response to the ExA Second Written Questions [REP4-070], it is not within Natural England's remit to review and comment on biodiversity metric calculations; however, in response to a query from the Local Authorities, Natural England's BNG specialists have advised that the Applicant's metric calculation appears to have incorrectly applied the Defra 2.0 Metric rules on trading down of habitat distinctiveness. On this basis Natural England believes the c.16% BNG calculation may be incorrect and our advice is that the trading down rules should be correctly applied to inform a revised metric calculation.</p> <p>If the revised metric confirms that the Proposed Development will deliver significantly lower BNG, the Applicant should identify opportunities for biodiversity off-setting, for example through enhancement of existing woodlands and parkland etc.</p> <p>The Applicant has indicated that the biodiversity net gain calculation is separate to the assessment of the biodiversity impacts of the scheme presented in Chapter 8 of the ES. Natural England accepts this and is satisfied that the calculation does not affect the conclusions of the ES.</p>
Applicant's comments	The Applicant notes the comments made by Natural England. Further clarification on the issue of apparent trading down was provided in the Applicants comment on Biodiversity Net Gain Technical Note [REP8-012] .

No.	Question/Applicant's Comments
Q3.3.4	European Designated Sites
<p>Q3.3.4.1 - Ouse Washes SPA and Ramsar site</p> <p>a) Applicant, comment on the discrepancy between the Ouse Washes SPA qualifying features listed in the 1992 citation provided by the Applicant at Deadline 6 [REP6-030 Appendix A] and the 2019 Supplementary Advice on conserving and restoring site features produced by NE and referenced at Footnote 5 of the RIES [PD-013].</p> <p>b) Applicant, confirm whether all the features listed in the RIES [PD-013, Table 2.1] have been assessed for LSE in the NSER [APP-233]. NE to comment.</p> <p>c) Applicant, comment on whether the SPA and Ramsar species population estimates in the NSER [APP-233, Appendix F, Table 1] are reliable given the age of the datasets, and what implications this has on the assessment of the loss of wetland and arable habitat? NE to comment.</p> <p>d) The NSER [APP-233, Appendix F] states that the populations of SPA and Ramsar qualifying waterbird features occurring within the Proposed Development boundary are not significant, applying a threshold for significance of 5% of any of the citation populations. What is the Applicant's justification for using a 5% threshold? NE to comment.</p>	
Natural England	<p>b) Natural England would welcome confirmation from the Applicant that all the features listed in the RIES [PD-013, Table 2.1] have been assessed in the NSERc)</p> <p>c) Natural England believes that the species population estimates in the NSER are taken directly from the SPA and Ramsar citations; these would have been based on datasets available when the sites were designated.</p> <p>d) Natural England would welcome the Applicant's clarification on the application of a 5% population threshold; however, based on location/distance (approx. 30km) we believe that birds recorded within the Proposed Development boundary are unlikely to be part of the SPA species populations</p>
Applicant's comments	<p>b) As confirmed in 9.98 Applicant's response to Section 3 of the RIES submitted at Deadline 8 [REP8-015] all of the features listed in the RIES were assessed in the No Significant Effects Report [APP-233].</p> <p>c) The Applicant notes the comment made by Natural England.</p> <p>d) As stated in the Applicant's response to Third Written Questions at Deadline 8 [REP8-014] the 5% threshold was used to provide a benchmark for those qualifying waterbird species recorded within the Scheme Order Limits. However, this is actually not relevant to the assessment, which has concluded no LSE on the basis of the significant intervening distance between the SPA and the Scheme such that none of these species is part of the populations of the SPA and Ramsar site.</p>

No.	Question/Applicant's Comments
<p>Q3.3.4.2 - Eversden and Wimpole Woods SAC</p> <p>a) Applicant and NE, following your meeting on 23 November 2021, provide an update regarding [REP4-044, Paragraph 4.2.7]: justification of the survey approaches undertaken at Transect locations 3, 5, 7 & 8, and at Pillar Plantation; and justification as to why Natural England's recommendation to survey 40 crossing points [REP1-032] was scoped out of the assessment.</p> <p>b) Applicant and NE highlight any areas of disagreement, if any, regarding the scope of the 2018 surveys and the current survey. If there are disagreements, can they be resolved without the applicant undertaking more survey work?</p> <p>c) Applicant and NE, with reference to the approach to the 2018 survey are you satisfied that the baseline has been characterised reliably in terms of Barbastelle but also other bats. Explain with reasons. If there are concerns with the scope, approach of the survey, and as such the baseline, has the Applicant addressed these issues in the current survey round? Explain with reasons.</p> <p>d) Applicant, list with EL reference, or ensure copies have been submitted to the Examination, of all surveys/reports that have led to the conclusion of no likely significant effects on the SAC, including the Cambridgeshire Bat Group and the South Cambridgeshire District Council survey referenced at WQ3 [EV-059]. Details of the times and dates of the surveys should be included. NE/LAs what is your view of these surveys/reports?</p> <p>e) Applicant and NE, as stated by the Applicant at ISH4 [EV-059] the full suite of 2021 surveys of the Barbastelle bats of the SAC, including the hibernation suitability at Pillar Plantation, will not be completed until after Deadline 6 has passed, with the consequent reports to be submitted later. In this context, Applicant and NE provide by Deadline 8 your reasoned positions as to whether an Appropriate Assessment is required for the HRA.</p>	
Cambridgeshire Authorities	<p>d) The Councils are not aware of the Cambridgeshire Bat Group dataset and the SCDC survey referred to by Mr Max Wade at 1:0730, ISH4 [EV-059]. Therefore we cannot provide any further comments. The Councils would welcome the opportunity to comment on the data once submitted.</p>
Applicant's comments	<p>d) The survey reports were submitted as appendices to the response to Q3.3.4.2 in document 9.97 Applicant's response to the Examining Authority's Third Written Question [REP8-014].</p> <ul style="list-style-type: none"> • Cambridgeshire Bat Group Survey is: Damant, S. and Vine, C. (2006). The Barbastelle at Wimpole. Nature in Cambridgeshire, (48), 60-64. (See Appendix to Q3.3.4.2 Part 1). • The South Cambridgeshire District Council publication is: South Cambridgeshire District Council (2009) Local Development Framework Biodiversity Supplementary Planning Document (Adopted 2009). (See Appendix to Q3.3.4.2 Part 2).

No.	Question/Applicant's Comments
Central Bedfordshire Council	CBC have no comment on this question
Applicant's comments	The Applicant notes the comment from Central Bedfordshire Council.
Natural England	<p>a) Natural England has yet to see the responses to our most recent queries regarding the justification of survey approaches for the referenced crossing points (issued to NH on 10 December 2021). Please note that Natural England has requested this information several times since August 2021, as documented in REP4-044 and, as referenced in updates to Appendix C of the Applicant's 9.54 Barbastelle Bat Surveys and Mitigation Technical Note. We are still awaiting a breakdown and reasoning for why 33 (of the 40 in total) of the crossing points were scoped out.</p> <p>b) Until we have the justification for why the 33 other crossing points were scoped out for further survey, we are not able to agree that the 2018 surveys were sufficiently robust.</p> <p>The only transect survey and static detector survey that was undertaken in the eastern section was transect 6. The justification for only surveying April, July and September was based on habitat suitability being assessed as low. Natural England considers the survey on transect 6 to be adequate and hence would not require additional survey effort in 2022. However, it is noted (as raised previously in our email to the Applicant on 10/12/2021) that there is a large section between transect 8 and transect 6 that was not subject to any surveys (transect, static detectors or crossing point). Justification is required to why a further transect was not undertaken between transect 8 and 6. This justification should also apply to the other areas along the route where there is a break between 1 transect and another (i.e., between transects 5 and 8, transects 4 and 5, transects 3 and 4, and transects 2 and 7).</p> <p>Notwithstanding the above, it may well be necessary to undertake top up surveys depending on when construction commences.</p> <p>c) See above comments. We would like to see the justification for scoping out the other 33 other potential crossing points (and respective crossing structures - as applicable) before we can fully comment on this question. Should the justification be sound for scoping out these 33 crossing points, then we may be satisfied that these surveys could be used as a robust baseline on which to determine the activity of barbastelle and other bats and thus used to develop the monitoring regime.</p> <p>d) We would like to see a full report containing all the survey information. If the ES section for bats is updated with the additional survey information we would want to see the additional/ new information highlighted. We have not seen a full report containing all surveys and this includes the results from the Cambridgeshire Bat Group and South Cambridgeshire District Council survey.</p> <p>e) Natural England's position remains that the level of survey and assessment undertaken to inform the HRA equates to an Appropriate Assessment, as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and European Court of Justice</p>

No.	Question/Applicant's Comments
	<p>caselaw, cited in the HRA, including 'People Over Wind'. On this basis we believe that the HRA should be re-labelled as an Appropriate Assessment. The HRA should reference all relevant survey data used to support assessment conclusions alone and in combination.</p>
<p>Applicant's comments</p>	<p>a) The rationale for the crossing point surveys was explained in the Applicant's response to Q3.3.4.2 [REP8-014] and in Section 5 of the Barbastelle Bat Surveys and Mitigation Technical Note submitted at Deadline 8 [REP8-009] the Applicant has provided a rationale in Appendix E of that note for the scoping of the 40 crossing points down to 7 crossing points, for survey in 2019.</p> <p>b) Substantial detail on the surveys including the individual transects was provided in the response to Q3.3.4.2 [REP8-014] and [REP8-009]. As stated in 9.54 Barbastelle Bat Surveys and Mitigation Technical Note [REP8-009] no further transects were considered necessary for the following reasons. The gap between transect 3 and 4 comprises the existing A428 and arable fields and is generally low quality habitat of similar value to that along the northern section of Transect 3. Transect 4 surveys covers a section of the hedge crossed by the junction (Transect point P1). The junction was covered by BCP5 in 2019 that comprised six surveys at this location. There is also information from bat roost surveys in this area used in the assessment. The gap between transect 4 and 5 is a 500m section of arable field along the route of the proposed carriageway so not a priority to survey for bats as a large intensively managed field has very low foraging value for bats. There is low habitat suitability for bats between Transect 5 and 8 (due to there being arable fields with one end of a hedge that ends in the middle of the field, i.e. a limited 'out and back' route for bats rather than a well-connected route with good foraging habitat). Similarly, for Transect 8 and 6, there are arable fields and the existing A428, so here too the existing habitat is of low value to foraging bats. With regards to comments on top-up surveys, pre-commencement surveys for bats will be carried out to update data as necessary, as stated in the updated Biodiversity Pre-commencement Plan submitted at Deadline 8 [REP8-004].</p> <p>c) See a) on the rationale for scoping crossing point surveys. The Applicant notes the point about use of the surveyed locations for subsequent monitoring.</p> <p>d) The survey reports were submitted as appendices to the response to Q3.3.4.2 in the Applicant's response to the Examining Authority's Third Written Question [REP8-014].</p> <p>e) The Applicant submitted a Habitats Regulations Assessment: Report to Inform Appropriate Assessment [REP8-016] 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>

No.	Question/Applicant's Comments
Q3.3.5	Habitat Fragmentation
<p>Q3.3.5.1 - Adequacy of mitigation measures</p> <p>a) Applicant, for the identified bat crossings of the Proposed Development identify all existing and proposed landscaping features that will help guide bats to these crossing points. What assurance can the ExA have that the proposed landscaping will function as intended?</p> <p>b) What landscaping or other measures will help guide other animal species, including mammals, birds, amphibians to these crossing points?</p> <p>c) Applicant, provide examples of the evidence referred to at ISH4 [EV-060] showing that bats will use multi-purpose underpasses, including ones used by humans.</p> <p>d) What evidence is there that other animal species will use such multipurpose underpasses?</p>	
Bedford Borough Council	<p>Maintaining functional connectivity is a significant challenge for all developments. The linear nature of road schemes means they often act as barriers to wildlife movement across large areas of the landscape. Although this scheme is only within Bedford Borough for a relatively short distance (our comments are restricted to this area), there are three points where it crosses wildlife commuting and foraging routes which are of particular significance. These were all identified within the surveys carried out as part of the Environmental Statement. The quality, quantity and availability over time of the landscape features connecting to these crosses points, are all vital elements which will impact on their continued use by wildlife. We will consider each significant crossing point in turn plus an additional point which is marked as a crossing point on the Environmental Management Plan:</p> <ol style="list-style-type: none"> 1) River Great Ouse – this is a major wildlife corridor within the Borough. It includes a range of wetland habitats which support diverse species assemblages, as well as linking many other wildlife rich sites. In the area where this scheme crosses the river it is known to be used as a commuting and foraging route for bats, badgers and otters, along with a range of other species. As the proposed road would cross the Black Cat Quarry and the river on a viaduct, it is unlikely that it would act as a significant barrier for species moving along the river once operational. The viaduct is high with no built structures within the river. Maintaining the vegetation along the banks of the river during construction is vital to enabling it to continue to function as a commuting route during this phase. 2) East Coast Mainline Railway – the vegetation along the sides of the railway line creates a linear feature across the landscape which is known to be used by bats and is likely to be used by a variety of other species. The band of vegetation along the railway line is quite narrow in the area where this proposed road would cross. To maintain the connectivity across the scheme during both the construction and operational phase this vegetation needs to be retained and enhanced. The Environmental Master Plan does include vegetation retention at this point. The commuting route would be enhanced by the continuation of the hedgerow planting within the scheme's boundary to the south of the road. 3) Hedgerow Linkages north of Sir John's Wood County Wildlife Site– The ecological surveys included in the Environmental Statement

No.	Question/Applicant's Comments
	<p>highlighted the importance of the hedgerows north of Sir John's Wood for commuting bats and badgers. There are several small woodlands either side of the proposed scheme in this area which are currently linked by hedgerows. To maintain one of these linkages, a bat tunnel is included within the scheme along the line of the hedgerow where most bat and badger activity was observed. Other hedgerow linkages would be lost. The Environmental Master Plan does include areas of woodland planting, species-rich grassland, hedgerow and mammal fencing to guide wildlife towards the tunnel and away from commuting routes severed by the scheme. The bat tunnel has a grill at each end which includes an opening to allow badgers (and other wildlife) through. It is not linked to any pedestrian routes. It is the only feature like this included within the scheme. Whilst we are satisfied with the specification of the bat tunnel and the proposals for surrounding landscaping, no information has been provided to describe how this important commuting route will be maintained through the construction period and be fully operational as the scheme (if granted permission) opens. The existing hedgerow is marked for removal. We had hoped that this would be provided in the second iteration of the Environmental Management Plan, however, the revised First Iteration clarifies that this is not to be the case. To maximise the chances of the bat tunnel being successful, the existing hedgerows linking it to the surrounding woodlands need to be retained through the construction period, with the surrounding landscaping designed to become functional as soon as the scheme becomes operational. These are key elements to create functional connectivity across the road. Without consideration of these issues an isolated bat tunnel would be installed which is not connected to the surrounding landscape until the new planting matures many years into the future.</p> <p>4) New Alington Top Farm Accommodation Bridge – This bridge is a new structure which is indicated as being suitable for mammal crossing in the Environmental Management Plan. It is primarily an access crossing with very limited use for wildlife. The verges on each side of the bridge are marked for amenity grassland planting with no vegetation on the bridge itself. The bridge provides limited connectivity for wildlife, however, opportunities to enhance the landscaping proposals to improve this could be explored.</p>
Applicant's comments	<p>In response to 1) protection of retained vegetation and provisions for bat crossing are included in Annex D of the First Iteration Environmental Management Plan [TR010044/APP/6.8v3] section 1.4.</p> <p>2) As far as possible the existing hedgerows north of the crossing will be retained, as shown on Figure 2-4 (v4) Environmental Masterplan [TR010044/APP/6.2]. The crossing of the East Coast Mainline Railway includes woodland planting on both sides of the railway to the south of the crossing. Provision of additional enhancement of the commuting route with a hedge south of the road is constrained by two factors, firstly by the access track and secondly because the lineside which extends to the south is not within the Scheme and the land taken temporarily southeast of the crossing will be returned to arable use, so a hedge has not been included there. This is not considered to reduce the effectiveness of the crossing. The crossing under the bridge is suitable for all the bat species. The crossing has a 7.2m minimum height and 28m width, so will provide good access for bats through the crossing on either side of the rail line to the north and south of the Scheme. It will also allow movement of bats from the bat tunnel location to the north-east and to other habitats to the north and south of the Scheme.</p> <p>3) The Applicant notes the comments on timing of works during construction and maintenance of habitat linkages. Whilst there will be habitat clearance at this crossing point as required during construction, there will also be replanting of hedges and guide fencing leading up</p>

No.	Question/Applicant's Comments
	<p>to the tunnel entrances (as shown in an update of Figure 2-4 (v4) Environmental Masterplan [TR010044/APP/6.2] submitted at Deadline 9). These measures will be undertaken as soon as possible during construction, as stated in the First Iteration Environmental Management Plan Annex D 1.8.19-1.8.20 submitted at Deadline 9 [TR010044/APP/6.8v3]. Consideration will be given to undertaking these works to avoid disturbance in the main bat activity season and limiting construction lighting at night will allow bats to use the feature as quickly as possible. It will also be possible for bats to divert to the south around the Scheme using new planting as a guide both during construction and operation. Further detail on the planning and timing of works to maintain the function of the bat crossing point would be provided by the PC contractor in the second iteration of the Environmental Management Plan.</p> <p>4) Top Farm bridge is along the alignment of an existing bat commuting route with an east-west hedge and track leading up to the bridge. There is substantial new woodland planting habitat to the north and south and new hedge links provided in Figure 2-4 (v4) Environmental Masterplan [TR010044/APP/6.2] between the retained hedge and bridge to replace any lost for construction access. As the bridge is on a similar vertical and horizontal alignment to the existing track, and limited to farm vehicle use mainly in daytime, it has good suitability to be used by bats in the future.</p>
Cambridgeshire Authorities	<p>b) There are no specific landscape measures to help guide other animal species bat crossing points within Cambridgeshire. Normally, we would expect to see guide fencing for badgers, however, we are unclear if this will be provided as part of the scheme.</p> <p>Bat crossing point 4 [REP6-006] is located on the alignment of an existing wildlife corridor of the Hen Brook and therefore, we would anticipate species already commuting along the watercourse would be able to utilise the underpass, once the proposed landscape vegetation along the watercourse has established.</p> <p>Bat crossing point 5 [REP6-006] is not an existing wildlife corridor and therefore, it is unclear how species will be guided to this safe crossing point.</p> <p>d) The Councils require the NMU underpass to be suitably open and naturally lit, so that they do not look threatening to users. Naturally lit and open structures would benefit mammals (Yanes, Velasco and Suarez, 1995) and this is therefore the preferred option of the Councils.</p> <p>However, if artificial lighting is required for NMU route, this would have an impact on wildlife. Illuminated structures are less likely to be used/avoided by light sensitive species, such as otter/bat (Bhardwaj. M. <i>et al</i> 2020).</p> <p>Underpasses are likely to be more successful if located on existing wildlife corridors and guide fencing/planting is utilised. There is considerable amount of information available on the use and design of underpasses for Identifying Conflicts and Designing Solutions.</p>
Applicant's comments	<p>b)Mammal fencing (including for badgers) has been provided for the Scheme as shown on the Environmental Masterplan [APP-091]. Clarity of fencing and additional fencing to facilitate use of crossing structures for mammals and to deter bats crossing the highway at unsafe height has been provided on Figure 2-4 (v4) Environmental Masterplan [TR010044/APP/6.2] submitted at Deadline 9. It is also included</p>

No.	Question/Applicant's Comments
	<p>in Annex D of the First Iteration Environmental Management Plan [TR010044/APP/6.8v3] section 1.8 submitted at Deadline 9.</p> <p>The Applicant notes the comments made on Crossing Point 4 and agree that species already commuting along the watercourse would be able to utilise the underpass. The design of the Hen Brook Underpass will facilitate bats crossing the watercourse. Watercourses function as commuting routes and the existing and additional adjacent hedges and trees plus restored riparian habitat will have a role in enhancing their use.</p> <p>The Applicant notes the comments made on Crossing Point 5.. The Applicant's response on how this can be used by bats in future is provided in 9.54 Barbastelle Bat Surveys and Mitigation Technical Note Section 5 and Appendix C [REP8-009]. In summary, bats were observed in 2019 to the north of this location (within 50m) on transect surveys and on a static detector in the woodland shelterbelt with low-moderate bat activity indicating bats in the vicinity. There is potential for bats to use a new crossing point structure here, particularly as new habitat linkages establish and mature, for example to the west towards Pillar Plantation. Figure 2-4 (v4) Environmental Masterplan [TR010044/APP/6.2], submitted at Deadline 9 provides clarity on guide fencing around the structure and new planting at this location.</p> <p>d) There are no plans to artificially light Hen Brook and Westbrook underpass at night. As per the Applicants response on lighting on page 245 in the Applicant's Comments on Deadline 6 Submissions [REP8-010] these underpasses would not be lit at night, when and people using them at night would need their own lighting to use public rights of way and reach the structure.</p>
Central Bedfordshire Council	CBC have no comment on this question
Applicant's comments	The Applicant notes the comment from Central Bedfordshire Council.
Environment Agency	<p>It is noted that pre-construction ecological surveys for habitats and species have been included within the general responsibilities of the Principal Contractor and ECoW, within the First Iteration EMP, and these will be carried forward into the second iteration EMP (s1.1.13 First Iteration EMP).</p> <p>It is also noted that preconstruction ecological surveys are proposed for 2022, under Biodiversity issues in Table 3-1 of the draft SoCG with the EA.</p> <p>It is noted that ecology related comments relating to culverts have been considered under Biodiversity issues in Table 3-1 of the draft SoCG, and that culvert design will be determined in consultation with us, as per National Highways Position comments. It is also noted that 'Proposed works to the watercourses should be programmed to minimise impacts during fish spawning (typically March-June) if possible'</p>

No.	Question/Applicant's Comments
	(s4.3.2 First Iteration EMP).
Applicant's comments	The pre-construction surveys for habitats and species and responsibilities of the Principal Contractor and ECoW are included in the updated Biodiversity Pre-commencement Plan sections 1.4 and 1.5 submitted at Deadline 8 [REP8-004] and the First iteration Environmental Management Plan paragraphs 1.1.5 and 1.1.13 carry forward the requirements into the Second Iteration Environmental Management Plan. Ecological surveys and controls are included in Annex D of the First Iteration Environmental Management Plan [TR010044/APP/6.8v3].
Natural England	As indicated in our response to WQ2 the principles of bat mitigation measures are being agreed between the Applicant and Natural England, through ongoing discussions as set out in the '9.54 Barbastelle Bat Survey and Mitigation Table Technical Note' (Rev 3, 20/12/21). However, we still require further information to be satisfied with the principles of the location, design and suitability of bat mitigation measures, including underpasses and other measures to minimise severance of bat flight paths. We are aware that detailed mitigation measures, including construction mitigation and a sympathetic lighting strategy, will be agreed at the detailed stage, through relevant plans including the Biodiversity Mitigation Plan. Whilst the Applicant is seeking to provide information to address NE's concerns we will require additional time to review this. NE is therefore unable to offer any further comment in response to the ExA's questions regarding the adequacy of bat mitigation measures
Applicant's comments	Further discussion on mitigation was undertaken at a meeting with Natural England and the Cambridgeshire Authorities on 7 January 2021 (Appendix D, REP8-009), and the Applicant's responses on bat mitigation comments are provided in Section 5, Table 5.1 of [REP8-009]. Additional clarity on the Environmental Masterplan submitted at Deadline 9 [Figure 2.4v4 of TR010044/APP/6.2] and additional planting/fencing to facilitate bat mitigation, to enhance the use of crossing structures by bats will be provided by the Applicant as shown on Figure 2-4 (v4) Environmental Masterplan [TR010044/APP/6.2] submitted at Deadline 9.
Q3.3.6	Aquatic Environment and Biodiversity
	<p>Q3.3.6.1 - Mitigation measures</p> <p>a) Applicant and EA have you reached agreement that the various biodiversity measures identified by EA [RR-036] would be addressed by the Proposed Development within iterations of the Environmental Management Plan (EMP). How is this secured?</p> <p>b) Applicant, respond to the Cambridgeshire Council's concerns regarding Pond 83 [REP4-054]?</p>
Cambridgeshire Authorities	The Councils would welcome the opportunity to comment on the Applicant's response to Q3.3.6.1.

No.	Question/Applicant's Comments
Applicant's comments	The Applicant notes the comment from the Cambridgeshire Authorities. If further comments are received, the Applicant will provide a response at Deadline 10.
Central Bedfordshire Council	CBC have no comment on this question
Applicant's comments	The Applicant notes the comment from Central Bedfordshire Council.
Q3.4	Climate Change and Carbon Emissions
Q3.4.1	Emissions
<p>Q3.4.1.1 - Assessment of effects for the Proposed Development alone and cumulatively at a local and regional level</p> <p>a) Applicant, your response to [REP4-037, WQ2.4.1.1] and your position at ISH4 [EV-062] is unclear to the ExA. Indicate what level of emissions would be considered significant in this context, for the Proposed Development alone and for cumulative and in-combination effects. In particular, with reference to Paragraph 5.18 of the NPS NN, what increase in carbon emissions would be considered “so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets”?</p> <p>b) Paragraph 5.17 of the NPS NN requires applicants to “provide evidence of the carbon impact of the project”. This is addressed at various locations within the examination library, including [APP-254 paragraph 4.4.7]. Applicant, the GHG emissions of the Proposed Development of -£127.0 million in discounted 2010 prices is a greater negative sum than the combined accident and journey time reliability benefits [APP-240 Table 4-4]. Explain how environmental effects of such a scale are not considered to be significant.</p> <p>c) Applicant, TAN, would the changes to the Green Book and increased carbon values adopted by BEIS and DfT in September and October 2021 [REP6-134] [REP6-135] affect the assessment of cumulative effects?</p> <p>d) BBC and the Cambridgeshire Councils, evidence to show carbon budgets for Bedford [REP6-134 Annex 1], Huntingdonshire and South Cambridgeshire [REP6-063] produced by the Tyndall Centre has been provided. However, for all cases the Carbon Budgets are described as “Energy Only”. Confirm whether this would include transport emissions such as would be produced by the Proposed Development during construction and operation. Applicant and TAN may comment.</p>	

No.	Question/Applicant's Comments
	<p>e) TAN, BBC and the Cambridgeshire Councils, what would be the effect on these local and regional carbon budgets [REP6-134 Annex 1] [REP6-063] of the Proposed Development over the 60-year project lifetime, with particular regard to the apportionment of carbon emissions for road transport used by BEIS [REP6-121]? Applicant may comment.</p> <p>f) Applicant and LAs, in what way would the Proposed Development affect the ability of LAs to meet any locally or regionally adopted carbon reduction targets?</p> <p>g) Does the cancellation of the Oxford Cambridge Expressway project in March 2021 in any way change the need for the Proposed Development and, or, effect the economic justification and the BCR for the scheme?</p>
Bedford Borough Council	<p>d) This is not a matter the Council has the expertise to comment on.</p> <p>e) This is not a matter the Council has the expertise to comment on.</p> <p>f) It would not impact BBC as a local adopted target, as the Council currently has a net zero target by 2030 but this is currently based on its own emissions as a Council.</p>
Applicant's comments	<p>a) The Applicant has set out its position on what level of emissions would be considered significant in this context, for the Proposed Development alone and for cumulative and in-combination effects in the response to the ExA Rule 17 Letter Request for Further Information, Cumulative Effects of greenhouse gas emissions from the Proposed Development [TR010044/EXAM/9.113].</p> <p>b) The Applicant responded to this question at Deadline 8 and has nothing further to add. Please refer to the Applicant's response Q3.4.1.1 (b) [REP8-014].</p> <p>c) The Applicant responded to this question at Deadline 8 and has nothing further to add. Please refer to the Applicant's response to Q3.4.1.1 (c) [REP8-014].</p> <p>d) The Applicant responded to this question at Deadline 8 and has nothing further to add. Please refer to the Applicant's response to Q3.4.1.1 (d) [REP8-014].</p> <p>e) The Applicant has set out its position on the use of local and regional budgets in the response to the ExA Rule 17 Letter Request for Further Information, Cumulative Effects of greenhouse gas emissions from the Proposed Development [TR010044/EXAM/9.113].</p> <p>f) As per the response to part 'e' above.</p> <p>g) The Applicant responded to this question at Deadline 8 and has nothing further to add. Please refer to the Applicant's response to Q3.4.1.1 (g) [REP8-014].</p>

No.	Question/Applicant's Comments
Cambridgeshire Authorities	<p>d) The Councils can confirm that the Tyndall Centre 'energy only' carbon budgets do include transport related emissions as it includes energy/fuel used in transport as well as in buildings and industry. The term 'energy only' is used as the budgets do not include the CO2 emissions associated with elements such as soil, deforestation, waste decay, or industrial process chemical reactions. International aviation and shipping are also excluded from the Tyndall Centre budgets. As such the budgets do consider the emissions associated with the transport emissions associated with the construction and operation of the Scheme.</p> <p>e) Whilst the Councils have not carried out an assessment of the significance of effects of the Scheme against local carbon budgets, it is likely that the effects would be classified as significant and as such greater clarity on mitigation measures would therefore be required. We remain of the view that it is for the Applicant to carry out such an assessment.</p> <p>f) As set out in the Councils' joint Local Impact Report [REP2-003], a key approach to reducing carbon emissions associated with transport across Cambridgeshire is a reduction in vehicle miles travelled. The Cambridgeshire and Peterborough Independent Climate Commission have recommended a reduction in car miles travelled of 15% by 20306, a recommendation that has been endorsed by the Councils and the Cambridgeshire and Peterborough Combined Authority (CPCA). The climate change chapter of the Environment Statement [APP-083] notes at paragraph 14.9.12 that the increase in operational emissions is associated with an increase in vehicle kilometres travelled. This increase therefore has the potential to impact on the ability of the CPCA to meet the targets set out in the Climate Commission.</p> <p>As set out in detail at the Councils' response to Q3.11.2.1 below, securing modal shift from vehicles to non-motorised modes of transport is critical to enabling the region to achieve the Climate Commission's targets endorsed by the Councils and the CPCA. The package of NMU improvements requested by the Councils to be delivered as part of the A428 scheme is therefore fundamental to securing that vital modal shift. This includes the strategic NMU route along the old A428 between St Neots and Caxton Gibbet, and improvements to the design of the NMU underpasses west of the new Wintringham Park development. As set out in the Councils' response to Q3.11.2.1 below, the NICE report demonstrates the importance of creating attractive and effective NMU infrastructure at the outset to encourage and enable lasting behavioural change in transport usage. This is true for both existing populations within major urban centres and in outlying villages such as at Abbotsley, Croxton and Toseland, and for new populations. As the 2,500 new homes being built at Wintringham Park directly adjacent to the new A428 will be delivered over the next 5 years or so, the timing is ideal for the A428 scheme to help ensure a high level of active travel and healthy lifestyle within that new population.</p>
Applicant's comments	<p>a) The Applicant responded to this question at Deadline 8 and has nothing further to add. Please refer to the Applicant's response to Q3.4.1.1 [REP8-014].</p> <p>b) The Applicant has set out its position on the use of local and regional budgets in the response to the ExA Rule 17 Letter Request for Further Information, Cumulative Effects of greenhouse gas emissions from the Proposed Development [TR010044/EXAM/9.113].</p> <p>c) The Applicant notes the Cambridgeshire Authorities comment.</p>

No.	Question/Applicant's Comments
Central Bedfordshire Council	CBC have no information we could add. We feel that these questions are aimed at the applicant to answer.
Applicant's comments	The Applicant notes the comment from Central Bedfordshire Council.
Transport Action Network	<p>2 Response to Q3.4.1.1</p> <p>2.1 Response to Q3.4.1.1, parts a, b and c</p> <p>2.1.1 This section responds to Q3.4.1.1 sections a, b and c but is also relevant to Q3.9.4 and Q3.11.1, particularly 3.11.1.1</p> <p>New Carbon Values</p> <p>2.1.2 The test NH has used to determine significance relates to para 5.18 of the 2014 National Policy Statement for National Networks which states:</p> <p><i>“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>2.1.3 Note that this relates to the case where increase in carbon emissions is considered as an issue in itself as a reason for refusing consent. (The wording of the ExA's question is a good one in relation to (a) and should provide insight and be subject to comment). However (b) indicates that the 'ability... to meet carbon reduction targets' is not the only test of importance, since there is a legal obligation to report significant carbon effects in the context of the Environmental Impact Assessment and the calculation of the business case for a scheme. Logically in this case the significance of carbon costs (as of any other element of costs or benefits, such as values of time savings or costs of construction) is determined by whether each element is big enough to make a difference to the overall value for money. This is why sensitivity tests are carried out for each substantial element, including carbon values.</p> <p>2.1.4 Therefore even if the 2014 test is being applied in the right way, and with the right figures, and the right principle, it is still absolutely relevant to test whether the total cost of carbon, calculated in accordance with the Government's values, is sufficiently large to influence the business case in addition to how it might impact on local and regional targets.</p> <p>2.1.5 It is quite clear that application of the new values is large enough to affect the business case for the scheme, very materially. This arises because the revised values, recommended by BEIS (the responsible Department) in September 2021 and incorporated into the TAG data-book by the DfT in Nov 2021 [REP6-135], were so very much larger than the previously used figures.</p>

No.	Question/Applicant's Comments
	<p>2.1.6 Advance warning had been given by the DfT that an increase was likely in July 2020 and May 2021. (This is recorded in the 'update history' commentary in the DfT data book). The advice at that time was that:</p> <p><i>"TAG users should continue to use the existing high carbon values series for sensitivity testing until the values are updated, in accordance with the July 2020 forthcoming change notice"</i> [our emphasis]</p> <p>2.1.7 National Highways did indeed carry out that calculation, as a sensitivity test, but the problem that has now arisen is that the increased values, now they have been updated, are much higher than the test, using the previous 'high' values, had foreshadowed. The equivalent recalculation implied is that the new 'medium' figures should replace the previous NH base calculation, and the new 'high' values should replace the previous NH sensitivity test. When this is done it shows that the carbon costs, considered as a business cost in the business case (labelled as a 'negative benefit' but this means cost) are so large that they outweigh all the estimated benefits of the scheme [paragraph 2.4.13, REP6-134].</p> <p>2.1.8 There is then a potential issue about whether there are circumstances which justify not using the updated figures: in general, both the 2014 policy statement and all successive versions of TAG advice express a preference for using 'the latest available figures' wherever feasible. In this case there is no feasibility problem since the recalculation is a very straightforward application of simple arithmetic to already estimated quantities. One might think that an argument for not using the new values might be that this would require a 'retrospective' reassessment, but this does not apply in this case, since all the recalculations are about future impacts, and decisions yet to be made, not past ones.</p> <p>2.1.9 The ExA's specific question asks about the effect of the new values on the calculation of cumulative or combination effects. As discussed above, it certainly affects the appraisal of carbon effects in combination with other costs and benefits: that is at the heart of the change. But it does not seem to change anything about the nature of the relationship between carbon effects of one scheme with other schemes, or with aspects of the carbon calculations which have been omitted (such as effects of land use on long term behavioural choices). It simply makes them quantitatively more important. If carbon costs are genuinely so small as to be not even within sight of 'significance' then the omission of synergy and cumulative impacts might not make much difference. Where they are sufficiently large to be within sight of significant in terms of the ability of Government to meet its carbon objectives, or the robustness of the business case, or both, then the omission of combined and cumulative effects will itself be even more material.</p> <p>Green Book Changes</p> <p>2.1.10 The changes made to the Green Book will be important in either case. This is particularly because consideration of climate change scenarios of 2°C or 4°C will not only affect the risk registers for flooding, etc for specific locations, but also economic growth and population location, with big effects on demand forecasts. This relates to the issues in Q3.9.4 (on which 'no further questions at this stage' are stated), and Q3.11.1 (yet to be incorporated in the DfT data book, but will surely be amended along the lines suggested).</p> <p>Note on cumulative impacts</p>

No.	Question/Applicant's Comments
	<p>2.1.11 We are concerned as to how transparent the traffic and emissions modelling has been particularly with respect to cumulative impacts. From the Transport Assessment [part 1, Table 4-2, page 44, APP-241] developments described as 'near certain' or 'more than likely' have been included in the core scenario. The assessment also states (para 4.3.4, page 47) that "schemes being planned in the Roads Investment Strategy (RIS) period 1 have been included in the 'core' scenario". This would suggest that this document is rather older than the date on the cover suggests (February 2021), given this was a year into the RIS2 period. This presents a risk to the conclusions in that it won't necessarily have the latest list of schemes that should be included in the assessment.</p> <p>2.1.12 In terms of cumulative impacts, we can find very few mentions of this within the documentation, but equally it is difficult to navigate around 400 - 700 page documents when no paragraph or page numbers are given when the applicant references the document. From what we can see, the Do Minimum scenarios include developments described as 'near certain' or 'more than likely'. Similarly, the Do Something contains all of these developments but with the scheme added in.</p> <p>2.1.13 By including these projects in the modelling both with and without the scheme, it is not possible to assess the cumulative effects of the scheme with these developments - we only know the effects it would have as a standalone scheme. To ascertain cumulative effects as prescribed by the EIA regulations, the traffic model would need to be run without these developments for a both a Do Minimum (without scheme) and a Do Something (with scheme) future, with a third run of Do Something with these developments included.</p> <p>2.1.14 Otherwise, it is not possible to determine the cumulative change being imposed on the area, particularly with regards to carbon emissions. There's also the need for an up-to-date list of developments to be considered in these calculations to ensure that the cumulative impact is not understated.</p> <p>2.1.15 Related to this point, there are discussions about the implications of the revised carbon values in relation to many schemes up and down the country. It is likely that as a result there will be many recalculations of value for money in different proposals before they are implemented. It cannot be assumed that every scheme thought of as certain or nearly certain when this appraisal was carried out, will in fact be implemented. This will have a consequential effect not only on the carbon costs, but also on the congestion impacts, values of time, and induced traffic. For these reasons also it is necessary to carry out an appraisal on the basis of the scheme alone. Therefore, we recommend the ExA request the applicant produces up to date traffic and emissions modelling, and submits an up-to-date list of developments that are to be assessed for cumulative impacts.</p> <p>2.2 Response to 3.4.1.1, part d</p> <p>2.2.1 The Tyndall budgets are indeed energy only budgets for the local areas and are developed by removing "global 'overheads' for land use, land use change and forests (LULUCF) and cement process emissions related to development" (see Annex 1 for a full explanation). They also exclude international aviation, shipping and military transport which are taken off at a national level.</p> <p>The remaining budget allocated to Bedford <i>"include[s] emissions from fossil combustion within the region and a share of the emissions from national electricity generation (relative to the Bedford area's end-use electricity demand)."</i> (Step 6, Method, see Annex</p>

No.	Question/Applicant's Comments
	<p>1). This includes all fuel emissions associated with transport use in construction and operation. It should be noted that as it stands, National Highways does not include emissions associated with the use of electric vehicles, which arise through electricity generation, as well as the embedded carbon in the manufacture of electric vehicles and the accelerated disposal of old ones.</p> <p>2.3 Response to 3.4.1.1, part e</p> <p>2.3.1 We stated in section 2.7 [REP6-134], that the local and regional targets are already very challenging, before extra emissions from the new road are added in. For Bedford, the level of emissions associated with road transport in 2019 is 290,330 tCO₂e [from REP6-121]. Given that we estimated the emissions associated with the new A428 within Bedford were around 40,304 tCO₂e in the 5th carbon budget (about 5% of its total local budget) and higher for the 6th carbon budget (11.3% of its total local budget) [paragraphs 2.7.8 and 2.7.9 REP6-134] on an annual basis this represents 2.8% - 3.1% of the existing transport emissions.</p> <p>2.3.2 While this might seem low, that it is because these are future emissions projections being compared to 2019 emissions values. During the 5th and 6th carbon budgets, when transport emissions should have fallen, the actual percentages of these projected emissions as a proportion of Bedford's total transport emissions will be significantly higher and therefore will represent a serious challenge for Bedford's ability to achieve its 2030 target, which is half way through the 5th carbon budget.</p> <p>2.3.3 Obviously at a regional level the impact will be more diluted but when taken together with wider development and road building plans in the region, it will severely hamper England's Economic Heartland's ability to reduce private car traffic by 5% by 2030.</p> <p>2.4 Comment on National Highways' response [REP6-035] to our REP5-025</p> <p>2.4.1 National Highways have failed to address the points we raise about the need to assess carbon impacts against local and regional targets. Aside from repeating that they only need to meet the NPSNN 'test' against UK wide carbon budgets they also claim that these are not legally binding and therefore should be ignored. They also confuse what we have said about economic benefits being assessed against UK GDP and instead appear to suggest that we said that it should be done in the context of greenhouse gas emissions. They state that: "NPSNN does not require a specific test against economic benefits of the scheme in the context of GHG emissions" (page 12)</p> <p>2.4.2 This is quite true but we never stated this either. What we said was that if you assessed economic benefits against UK GDP they would be a tiny percentage, much smaller than the percentage of UK carbon budgets that the scheme's emissions would represent, yet the latter are dismissed as "insignificant" by National Highways.</p> <p><i>REP5-025b & c</i></p> <p>2.4.3 On the local and regional targets, they do not provide any evidence as to why these should be dismissed. Stating they are not legally binding (pages 14 & 15) is not a strong argument, given that many other policy statements or positions are not necessarily legally</p>

No.	Question/Applicant's Comments
	<p>binding but nonetheless are given careful consideration in decision making processes. Secondly, they fail to comment on the EIA guidance that specifically talks of the need to address this issue in the Environmental Impact Assessment. The need to consider local and regional carbon impacts is not overruled by the NPSNN as National Highways seem to be inferring.</p> <p>2.4.4 National Highways says that it has undertaken a high sensitivity test but as we explained in REP6-134 and in this submission, this is no longer valid as it hugely underestimates the values of carbon that should be used. Therefore, National Highways can no longer suggest that the carbon emissions associated with the scheme only have a marginal impact on its viability and value for money (pages 15/16).</p> <p>2.4.5 It is worth bringing to the Examining Authority's attention to the Secretary of State's consultation letter on the redetermination of the A38 Derby Junctions, dated 7 January, 2021, addressed to National Highways and Network Rail (Annex 2), which states:</p> <p><i>"The Secretary of State invites the Applicant to update its response of 31 August 2021 to the Statement of Matters to provide (or, to the extent that it has already been provided, identify) its assessment of the cumulative effects of Greenhouse Gas emissions from the scheme with other existing and/or approved projects on a local, regional and national level on a consistent geographical scale (for example an assessment of the cumulative effects of the Road Investment Strategy ("RIS") 1 and RIS 2 at a national level).</i></p> <p><i>This should: take account of both construction and operational effects; identify the baseline used at each local, regional and national level; and identify any relevant local, regional or national targets and/or budgets where they exist (including the carbon budgets, the 2050 net zero target under the Climate Change Act 2008, and the UK's Nationally Determined Contribution under the Paris Agreement). It should be accompanied by reasoning to explain the methodology adopted, any likely significant effects identified, any difficulties encountered in compiling the information, and how the assessment complies with the Environmental Impact Assessment Regulations.</i></p> <p><i>The Secretary of State would also welcome confirmation that the response to all parts of this question has been prepared by a competent expert. Please can links be provided to any documents referenced and their relevance fully explained."</i> [our emphasis]</p> <p>2.4.6 It would suggest that if local and regional targets are irrelevant, as National Highways are suggesting within this Examination in Public, why is the Secretary of State asking questions about local and regional targets in addition to national targets for the redetermination of the scheme? He is also asking for specific comment as to how the assessment complies with the Environmental Impact Assessment Regulations, and not the NPSNN as NH exclusively focusses on.</p> <p>REP5-025d</p> <p>2.4.7 National Highways fails to respond to the concern that it is the short to medium impact of carbon emissions that are most critical as there is an urgent need to reduce emissions as quickly as possible. Therefore, just reiterating that overall land use change and sequestration represents a net increase in carbon stocks is missing the point. Also, while these might form a minor part of the construction emissions, they are not an insignificant amount when considering the impact in the early years. As we demonstrated in</p>

No.	Question/Applicant's Comments
	<p>REP5-025 (paragraph 5.3) the reported construction emissions are understated by around 15% during the critical early period, not counting losses from soil disturbance which may or may not be recovered.</p>
<p>Applicant's comments</p>	<p>New Carbon Values (para. 2.1.2 to 2.1.9) The Applicant notes the comments from Transport Action Network.</p> <p>Green Book Changes (para. 2.1.10) The Applicant notes the comments from Transport Action Network</p> <p>Note on cumulative impacts (para. 2.1.11 to 2.1.15) The Applicant has set out its position on the use of local and regional budgets for assessing the significance of greenhouse gas emissions in the response to the ExA Rule 17 Letter Request for Further Information, Cumulative Effects of greenhouse gas emissions from the Proposed Development [TR010044/EXAM/9.113].</p> <p>Response to 3.4.1.1, part d (para.2.2.1) The Applicant has set out its position on the use of local and regional budgets for assessing the significance of greenhouse gas emissions in the response to the ExA Rule 17 Letter Request for Further Information, Cumulative Effects of greenhouse gas emissions from the Proposed Development [TR010044/EXAM/9.113].</p> <p>Previously the Traded element (grid generation) for electric vehicles was not considered significant as there were so few EVs in the fleet. Therefore, traded was excluded from the ES calculations and also there was no direct Design Manual for Roads and Bridges (DMRB) tool or Emissions Factors Toolkit (EFT) output to report traded emissions. However, the recent update to the EFT (v11) adds in additional EVs (cars and vans only currently) to the vehicle fleet after 2030. This makes these vehicles a more important part of the vehicle fleet in the future. Traded outputs are now provided within the EFT. This is why the traded outputs have now been provided within the EFT to reflect the increased emissions associated with the greater anticipated EV vehicle charging in the future. The updated emissions reported in [TR010044/EXAM/9.113] and based on EFT v11 includes both traded (electricity generation) and non-traded (tailpipe) emissions. The traded emissions account for approximately 1% of the total emissions for the operation of the Scheme</p> <p>With regard to the impact of the manufacture and disposal of electric vehicles the Applicant does not consider it appropriate to include this within the scope of the greenhouse gas assessment. The purpose of EIA is to understand the direct and indirect impacts arising as a result of the Scheme. It would not be appropriate therefore to attribute the emissions from the manufacture and disposal of vehicles using the Scheme as it is likely that these vehicles would be manufactured anyway, even if the Scheme does not go ahead.</p> <p>Response to 3.4.1.1, part e (2.3.1 to 2.3.1) The Applicant has set out its position on the use of local and regional budgets for assessing the significance of greenhouse gas emissions in</p>

No.	Question/Applicant's Comments
	<p>the response to the ExA Rule 17 Letter Request for Further Information, 9.113 Cumulative Effects of greenhouse gas emissions from the Proposed Development [TR010044/EXAM/9.113].</p> <p>Comment on National Highways' response [REP6-035] to our (para. 2.4.1 to 2.4.7)</p> <p><i>REP5-025</i></p> <p>The Applicant notes Transport Action Networks' comment in response to the Applicants comment in response to REP5-025.</p> <p><i>REP5-025b & c</i></p> <p>The Applicant notes Transport Action Networks' comment. The Applicant has set out its position on the use of local and regional budgets with regard to the assessment of greenhouse gas emissions in the response to the ExA Rule 17 Letter Request for Further Information, 9.113 Cumulative Effects of greenhouse gas emissions from the Proposed Development [TR010044/EXAM/9.113].</p> <p><i>REP5-025d</i></p> <p>The Applicant notes Transport Action Networks' comment in response to the Applicant's comment in response to REP5-025c.</p>
<p>Q3.4.1.2 - Legislation, policy and international obligations</p> <p>a) Applicant, do any UK Government obligations made at the United Nations Climate Change Conference (COP26) affect the assessment of carbon emissions of the Proposed Development? Given a climate emergency has been declared what additional measures would the Applicant propose are adopted to reduce the anticipated carbon emissions of the Proposed Development.</p> <p>b) The UK is committed to achieving net-zero carbon emissions by 2050 and has established carbon budgets to both inform and measure progress. Applicant, what assurance can the ExA have that carbon emissions up to and beyond 2050 will be satisfactorily mitigated, in light of forecasts in the Decarbonising Transport Strategy [REP6-131] and by the Climate Change Committee [REP6-118] [REP6-119]?</p>	
<p>Central Bedfordshire Council</p>	<p>CBC have no information we could add. We feel that these questions are aimed at the applicant to answer.</p>
<p>Applicant's comments</p>	<p>The Applicant notes the comment from Central Bedfordshire Council.</p>
<p>Q3.4.2.1 - Climate change resilience</p>	

No.	Question/Applicant's Comments
	Applicant, with reference to the Green Book advice referenced by TAN at Deadline 6 [REP6-113], what assessment has been made of the resilience of the Proposed Development to a global temperature increase of 4 degrees Celsius?
Central Bedfordshire Council	CBC have no information we could add. We feel that these questions are aimed at the applicant to answer.
Applicant's comments	The Applicant notes the comment from Central Bedfordshire Council.
Q3.5	Compulsory Acquisition and Temporary Possession
Q3.5.2	Protective Provisions
	<p>Q3.5.2.1 - Protective Provisions</p> <p>a) ExA notes in the Statutory Undertakers Progress Schedule [REP6-026], relevant SoCGs [REP6-011] [REP6-012] [REP6-013] [REP6-014] [REP6-022] and submissions [REP6-096] that Protective Provisions are still under discussion with matters not agreed. Applicant and Statutory Undertakers list and explain if there are any fundamental areas of disagreement, and identify any disagreements that you envisage not being agreed before close of the Examination, explaining the implication of not reaching agreement.</p> <p>b) Statutory Undertakers, in particular if the area of disagreement is in the wording of Protective Provisions in the dDCO [REP6-003] then provide proposed revised wording and accompanying justification and reasons for the ExA to consider.</p> <p>c) Applicant, explain the nature of the side agreement referred to in several updates [REP6-026]. What is the relationship between the side agreement with parties where Protective Provisions are also included in the dDCO [REP6-026], such as Cadent Gas? You may provide a list of all instances and explain individually if the response is unique to each such update.</p> <p>d) Statutory Undertakers as and when agreement is reached, provide a statement confirming all matters have been agreed and there are no outstanding objections, either in the SoCG if there is one or via a Deadline submission.</p>
Bedford Borough Council	<p>Statutory Undertakers as and when agreement is reached, provide a statement confirming all matters have been agreed and there are no outstanding objections, either in the SoCG if there is one or via a Deadline submission.</p> <p>Noted no comments to add at this time.</p>

No.	Question/Applicant's Comments
Applicant's comments	The Applicant notes the comment from Bedford Borough Council.
Bryan Cave Leighton Paisner LLP on behalf of National Grid	<p>a)</p> <p>Modified protective provisions have been agreed in principle between NGG and the Applicant.</p> <p>However, specific interactions between NGG apparatus and the scheme have been identified where a more detailed package of protective measures is required. Discussions between the parties remain ongoing in this regard.</p> <p>In particular:</p> <ul style="list-style-type: none"> (i) Four locations have been identified where the scheme intersects and/or interacts with the NGG high-pressure gas transmission pipeline (namely crossing points NG01, NG02A, NG02B and NG03). The parties are working to identify and agree measures and/or engineering solutions which will adequately protect the NGG apparatus at these crossing points; and (ii) The parties have been working to agree a suitable alignment for the Kelpie Marina access road, such that this road is located outside of the land area over which NGG currently has rights and interests by way of easements associated with the NGG high-pressure gas transmission pipeline. A suitable alignment has been identified and the parties are working to agree revised work plans. <p>Both parties recognise and acknowledge the site specific interactions identified above.</p> <p>The gas pipeline forms an essential part of the gas transmission network in England, Wales and Scotland. NGG is under a statutory duty to develop and maintain an efficient and economical network for the conveyance of gas. NGG therefore seeks assurance that its apparatus are adequately protected, or otherwise diverted to avoid such interactions.</p> <p>NGG and the Applicant are working to agree a package of measures in relation to the above specific site interactions. These measures are required in order to:</p> <ul style="list-style-type: none"> (i) ensure appropriate protection of NGG apparatus during and after construction of the scheme in accordance with the agreed protective provisions and the relevant safety standards; and (ii) ensure that NGG interests and rights in land, including rights of access to the gas pipeline are unaffected by the scheme. Maintaining appropriate property rights to support its assets is fundamental to ensuing safety. <p>The parties are working to agree protective measures in relation to the identified site specific interactions before the close of the Examination. NGG is confident that this is achievable. However, should it not be possible to reach agreement with the Applicant by this date, NGG reserves the right to:</p>

No.	Question/Applicant's Comments
	<p>(i) make further representations to the Examining Authority in relation to any detailed issues remaining in dispute between the parties; and</p> <p>(ii) attend an Issue Specific Hearing to address the required format of protective measures and any necessary amendments to the Draft Order.</p> <p>b) Please see answer to Q3.5.2.1(a) above.</p> <p>c) Question addressed to the Applicant.</p> <p>d) Noted. NGG will notify the Examining Authority as and when all matters have been agreed.</p>
Applicant's comments	<p>(a)</p> <p>As noted by NGG and in the Applicant's response to this question [REP8-014] modified protective provisions are agreed between the parties. Further, the protective provisions to be included in the Order at Schedule 9 Part 4 are agreed between the parties with updates included in the revised dDCO [TR010044/APP/3.1v5] submitted at Deadline 9.</p> <p>It is the Applicant's view that the protective provisions included in the dDCO (as amended at Deadline 9) apply to appropriately safeguard NGG's assets, but without prejudice the Applicant continues to engage with NGG in relation to the matters of detail identified by NGG. Regarding the prospects of reaching agreement prior to the close of the Examination, the Applicant agrees with NGG in saying it is confident this is achievable. The Applicant does not consider there to be any fundamental areas of disagreement.</p>
Bryan Cave Leighton Paisner LLP on behalf of National Grid Electricity Transmission	<p>a)</p> <p>Modified protective provisions have been agreed in principle between NGG and the Applicant.</p> <p>However, specific interactions between NGET apparatus and the scheme have been identified where a more detailed package of protective measures is required. Discussions between the parties remain ongoing in this regard.</p> <p>In particular:</p> <p>(i) The scheme intersects the route of the NGET high voltage overhead power line. This will result in the obstruction/removal of, existing access routes and rights relied upon by NGET to access that part of the NGET apparatus comprising tower 386, tower 387, tower 388, tower 389 and tower 390 and the high voltage overhead power line strung between these towers. The parties are working to agree new/alternative access routes and easements to enable NGET to continue to effectively access, maintain or use these assets; and</p> <p>(ii) The proposed construction of the scheme will interact with NGET's planned refurbishment of its apparatus along the Eaton Socon/Wymondley overhead power line. The parties are working to agree arrangements which will support and facilitate NGET's ability to undertake the planned refurbishment works.</p>

No.	Question/Applicant's Comments
	<p>Both parties recognise and acknowledge the site specific interactions identified above.</p> <p>The overhead line forms an essential part of the electricity transmission network in England and Wales. NGET is under a statutory duty to maintain an efficient, co-ordinated and economical system of electricity transmission. NGET therefore seeks assurance that all rights and easements are secured for access to its apparatus at all times. NGET also wishes to ensure that it is able to carry out the refurbishment of the Eaton Socon/Wymondley overhead power line in accordance with the planned timetable and associated outage periods.</p> <p>NGET and the Applicant are working to agree a package of measures in relation to the above specific site interactions. These measures are required in order to:</p> <ul style="list-style-type: none"> (i) ensure appropriate protection of NGET apparatus during and after construction of the scheme in accordance with the agreed protective provisions and the relevant safety standards; and (ii) ensure that NGET interests and rights in land, including rights of access to the gas pipeline are unaffected by the scheme. Maintaining appropriate property rights to support its assets is fundamental to ensuing safety. <p>The parties are working to agree protective measures in relation to the identified site specific interactions before the close of the Examination. NGET is confident that this is achievable. However, should it not be possible to reach agreement with the Applicant by this date, NGET reserves the right to:</p> <ul style="list-style-type: none"> (i) make further representations to the Examining Authority in relation to any detailed issues remaining in dispute between the parties; and (ii) attend an Issue Specific Hearing to address the required format of protective measures and any necessary amendments to the Draft Order. <ul style="list-style-type: none"> b) Please see answer to Q3.5.2.1(a) above. c) Question addressed to the Applicant. d) Noted. NGET will notify the Examining Authority as and when all matters have been agreed.
Applicant's comments	<p>(a)</p> <p>As noted by NGET and in the Applicant's response to this question [REP8-014] modified protective provisions are agreed between the parties. Further, the protective provisions to be included in the Order at Schedule 9 Part 4 are agreed between the parties with updates included in the revised dDCO [TR010044/APP/3.1v5] submitted at Deadline 9.</p> <p>It is the Applicant's view that the protective provisions included in the dDCO (as amended at Deadline 9) apply to appropriately safeguard NGET's assets, but without prejudice the Applicant continues to engage with NGET in relation to the matters of detail identified by NGET. Regarding the prospects of reaching agreement prior to the close of the Examination, the Applicant agrees with NGET in saying it is confident</p>

No.	Question/Applicant's Comments
	this is achievable. The Applicant does not consider there to be any fundamental areas of disagreement.
<p>Q3.5.2.2 - Proposed draft Protective Provisions by EWR</p> <p>a) The ExA had requested to see EWR's draft Protective Provisions and the Applicant's counter proposal of a cooperation agreement since the start of the Examination [EV-016] [PD-008] [PD-009], and this has only partially been made available at D6 [REP6-094] [REP6-030]. The ExA intends to highlight the delay in responding to these matters as the reason, should matters not be agreed between parties before the close of the Examination. Applicant and EWR provide reasons for the delay and proposed way of working to conclude matters.</p> <p>b) Applicant, provide any further comments on the draft Protective Provisions proposed by EWR [REP6-094], if this version is different to what you have commented on before [REP6-030].</p> <p>c) EWR, you have stated that your proposed Protective Provisions are adapted from those used in previous DCOs in respect of railway undertakings [REP6-094]. Can you list examples of made DCOs where Protective Provisions (that you have used as a model) were secured for a proposed railway scheme in a similar stage of development as your proposed scheme. Applicant may respond.</p> <p>d) EWR, given the early stages of development, how and when would you define the specified work supply in 95(1)?</p> <p>e) Applicant and EWR, can 95(3) be delivered within the provisions of the current draft of the dDCO [REP6-003]?</p> <p>f) EWR, notwithstanding the provision in 95(5), how can the ExA secure in the dDCO daptation and integration of approved work without any details before it, or understanding the associated environmental effects?</p> <p>g) Applicant does your position stated at CAH2 [REP6-032] that you would not be providing a revised wording to the Protective Provisions for the negotiations, still stand? If not, provide your proposed amendments.</p> <p>h) Applicant, the ExA can see some merit in the arguments you have presented in response to the EWR's proposed draft Protective Provisions; however, the ExA considers that your counter proposal, [REP6-094], would not provide adequate protection for the EWR scheme in the dDCO. Consider the protections sought in the Protective Provisions and provide a suitably worded draft Cooperation Agreement that may provide similar protections, for EWR to consider. This may be shared between parties in advance of D8, and the ExA would welcome EWR's response to proposed draft, alongside at D8.</p> <p>(See related questions in <i>Significant Cumulative Effects</i>.)</p>	
East West Rail	<p>a)</p> <p>2.1 EWR Co has endeavoured to provide drafting in a timely manner, but to enable discussions to take place between the parties discretely and without troubling the ExA unnecessarily, it submitted the draft Protective Provisions to the Examination at Deadline 6 [REP6-094] in response to Action Point 7 of [EV-092]. Prior to submission to the Examination, EWR Co issued the draft Protective</p>

No.	Question/Applicant's Comments
	<p>Provisions to the Applicant's legal team on 15 October 2021. In addition, EWR Co provided the Applicant with a draft Interface Agreement on 19 November 2021.</p> <p>2.2. EWR Co had not previously submitted the draft Protective Provisions to the Examination so as to allow for discussions with the Applicant outwith the Examination process.</p> <p>2.3. EWR Co and the Applicant continue to engage in discussions as to the draft Protective Provisions and the heads of terms for an accompanying agreement. Discussions remain ongoing as to the terms of any such agreement, although EWR Co has not received comments on its draft or a revised/alternative version, but EWR Co anticipates that agreement is still capable of being reached before the close of the Examination. In the meantime, EWR Co maintains its position that the draft Protective Provisions are proportionate and necessary for the reasons set out in this response and Appendix A of [REP6-094].</p> <p>b)</p> <p>2.4. The draft Protective Provisions detailed at Appendix A of [REP6-094] are in the form previously shared with the Applicant, although cross references have been updated and paragraph 100(3) deleted.</p> <p>2.5. EWR Co reserves its position pending receipt of the Applicant's response to this question.</p> <p>c)</p> <p>2.6. The draft Protective Provisions are adapted from those used in previous DCOs in respect of traditional railway undertakings such as Network Rail. In light of the early stage of development of EWR and because EWR Co does not own physical assets in this area, particularly prior to announcing a preferred route alignment, the draft Protective Provisions include adaptations. These set out the mechanism for coordinating interactions without rigidly defining those interactions or seeking the protection of particular assets. Further, 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 and, if they are triggered, this will only be to the extent necessary.</p> <p>2.7. Provision in respect of a development to be the subject of a future DCO application was included in the Able Marine Energy Park Development Consent Order 2014 ("Able DCO"), 1 which included provisions to deal with rail elements.</p> <p>2.8. While not a 'purely' railway scheme, Part 5 of Schedule 9 to the Able DCO includes provisions for the protection of C.GEN Killingholme Limited ("C.GEN"). At the time of the examination of the Able Marine Energy Park scheme, C.GEN was proposing to make an application for a DCO in relation to a thermal generating station nearby. C.GEN made representations to that effect, successfully requesting and achieving the inclusion of protective provisions. As such, the principle of including protective provisions in respect of subsequent development is already established.</p> <p>2.9. In the case of the EWR Project, the draft Protective Provisions incorporate and adapt drafting from both the traditional Network Rail protective provisions (as included in numerous DCOs, including the recent A1 Birtley to Coal House Development Consent Order</p>

No.	Question/Applicant's Comments
	<p>2021 and the draft provisions included at Part 5 of the dDCO for the Scheme) and the provisions at Part 5 of Schedule 9 to the Able DCO. This approach ensures reasonable and proportionate provision for the accommodation of the EWR Project in order to ensure the proper management of key interfaces, the efficient delivery of both projects and the minimisation of environmental impacts and impacts on the public purse.</p> <p>d)</p> <p>2.10. The reference at paragraph 95(1) of the draft Protective Provisions to “specified work supply” should be read in the context of the wider provision, which requires the supply by the undertaker of plans prior to the commencement of construction of any specified work. As such, the relevant defined term is “specified work”, rather than “specified work supply”. Specified work is defined at paragraph 94.</p> <p>2.11. The definition of “specified work” is drafted such that the provision under paragraph 95(1) will only be triggered where the authorised development is situated:</p> <ul style="list-style-type: none"> • upon, across, under, over or within 15 metres of, or that may in any way adversely affect, the EWR alignment; or • 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. <p>2.12. In turn, “EWR alignment” is defined as being the EWR project route which is the latest of that:</p> <ul style="list-style-type: none"> • confirmed by a preferred route alignment announcement; • presented within any statutory consultation; • specified within an application made pursuant to section 37 of the 2008 Act; or • specified within a development consent order. <p>2.13. As a result, should insufficient progress be made in relation to the design of the EWR Project ahead of commencement of construction of the relevant Scheme work, the provision under paragraph 95(1) of the draft Protective Provisions would not be triggered. This position acknowledges the differing stages of development of the EWR Project and the Scheme, and represents a proportionate level of protection for the EWR Project.</p> <p>e)</p> <p>2.14. Paragraph 95(3) provides for the construction of specified works by EWR Co. As noted in Appendix A of [REP6-094], the protective provision is accompanied by an addition to article 11(5) of the dDCO. The proposed addition to article 11(5) would mean that the Secretary of State’s consent would not be required in order for the undertaker to transfer or grant the benefit of the provisions of the</p>

No.	Question/Applicant's Comments
	<p>dDCO to EWR Co. This reflects the position in respect of the statutory undertakers listed at article 11(5) and would circumvent the administrative burden associated with seeking the Secretary of State's consent where specified works were to be constructed by EWR Co, which is already a fit and proper person for the exercise of such powers (it is owned by the Secretary of State and is a named party for purposes of the equivalent transfer provision in the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 20202).</p> <p>2.15. Avoiding the requirement for the Secretary of State's consent would be advantageous to both EWR Co and the Applicant. However, if the amendment to article 11(5) were not included, meaning the Secretary of State's consent would be required for the undertaker to transfer or grant the benefit of the provisions of the dDCO to EWR Co, this would not preclude the operation of paragraph 95(3) of the draft Protective Provisions.</p> <p>f)</p> <p>2.16. By virtue of the differing stages of development of the EWR Project and the Scheme, the precise nature of the protective works, interfaces and construction programme requirements cannot be defined at this stage. For that reason, the draft Protective Provisions secure the mechanism for the inclusion of protective works, implementation of an interface scheme and refinement of construction programming matters at the appropriate stage.</p> <p>2.17. This reflects the position in the provisions for the protection of Network Rail in numerous DCOs, including the recent A1 Birtley to Coal House Development Consent Order 2021 and the draft provisions included at Part 5 of the dDCO for the Scheme. In addition to reflecting the established position adopted in respect of Network Rail, the proposed provisions are subject to the parameters at paragraph 95(5) of the draft Protective Provisions, which carve out protective works, interface schemes and construction programming matters that would give rise to any materially new or materially different environmental effects from those reported in the environmental statement.</p> <p>2.18. As a result, the draft Protective Provisions follow an established mechanism to provide for protective works, an interface scheme and construction programming matters while being subject to suitable parameters to ensure any such amendments do not give rise to materially new or materially different environmental effects. This acknowledges the differing stages of development of the EWR Project and the Scheme while ensuring a mechanism is in place to provide for the accommodation of the EWR Project.</p> <p>g)</p> <p>2.19. EWR Co will provide a further response on receipt of the Applicant's response to this question</p> <p>h)</p> <p>2.20. EWR Co received the draft cooperation agreement from the Applicant on 12 January 2022, so is unable to provide a full response to the proposed draft at Deadline 8 but will provide comments at Deadline 9. In addition, EWR Co will review the draft agreement in the</p>

No.	Question/Applicant's Comments
	<p>meantime and continue to engage with the Applicant.</p> <p>2.21. On an initial review, EWR Co does not consider that the draft cooperation agreement accords with the ExA's request for the draft cooperation agreement to consider the provision of similar protections to those offered by the draft Protective Provisions. As such, EWR Co's position remains that the required protections should be secured by way of the draft Protective Provisions."</p>
Applicant's comments	<p>The Applicant provided EWR Co with a draft co-operation agreement on 12 January 2022 and a subsequent meeting was held to discuss EWR Co's initial amendments (that the Applicant was yet to receive as an amended draft document) to this draft on 19 January 2022. The Applicant was informed by EWR Co within the meeting of 12 January 2022 that a copy of the co-operation agreement containing EWR Co's amends would be provided on 21 January 2022. The discussions between the Applicant and EWR Co within the meeting on 19 January 2022 were positive and productive; with the possibility of finalising the draft co-operation agreement prior to the end of the examination discussed as well as submitting a joint position statement (which was agreed would be drafted by EWR Co) to summarise the position to the ExA. This joint position statement will be submitted as part of EWR's comments on the Applicant's response to Q3.5.2.2(a) for Deadline 9.</p> <p>The Applicant followed up with EWR Co on 24 January 2022 as the Applicant was yet to receive drafts of the amended co-operation agreement and joint position statement and EWR Co provided both drafts of these documents on 24 January 2022. The Applicant is currently considering the amended co-operation agreement and a meeting with the Applicant and EWR Co has been scheduled for 26 January 2022 to discuss these amendments with a view to finalising the draft co-operation agreement as soon as possible. However, in the Applicant's view, even if the co-operation agreement is not finalised before the end of the examination, the ExA can be satisfied that there will be no detriment to EWR's proposed project (which have still to reach a preferred route stage and statutory consultation) irrespective of whether a co-operation agreement is entered into.</p> <p>EWR cites the Able Marine DCO where C.GEN secured Protective Provisions for its proposed North Killingholme Scheme. The Protective Provisions which C.GEN secured in the Able Marine DCO included the protection for an existing railway. There was also close alignment in terms of the timing of those 2 schemes. The Able Marine DCO was made on 13 January 2014 but did not come into force until 29 October 2014. The North Killingholme DCO was made on 2 October 2014 and came into force before the Able Marine DCO on 2 October 2014. In relation to the current Application, EWR Co has no assets to protect and has not even reached the Preferred Route Announcement stage so as to identify the location of any future potential assets. There are no existing assets which EWR can seek to protect.</p> <p>The Applicant maintains the position that the Protective Provisions proposed by EWR Co are unsuitable given the early stage of their proposals and the absence of any clear existing apparatus which ought to be protected through the use of Protective Provisions and that the co-operation agreement forms a more suitable mechanism through which engagement between the two parties can be managed in relation to the A428 Scheme. This is further supported by the recent productive discussions with the Applicant and EWR Co in respect of progressing the co-operation agreement. The Applicant will continue to engage with EWR Co in respect of the co-operation agreement and will provide a further update at Deadline 10.</p>

No.	Question/Applicant's Comments
Q3.6	Construction methods and effects
Q3.6.2	Borrow pits, construction compounds, waste management
Q3.6.2.1 -Borrow pits Comment on Annex R Borrow Pits Management Plan in the First Iteration EMP [REP6-008].	
Bedford Borough Council	<p>Bedford Borough has reviewed the information supplied by the applicant to PINS. The information supplied within the Annex R really doesn't do anything to change the position of the Council in this matter.</p> <p>We continue to have concerns in relation to noise and dust that mean the Council cannot remove their objection with regard to the borrow pits</p> <p>As before, National Highways has listed a number of control systems. These are significant and would likely be in line with Best Practicable Means as has been alluded to by NH. This means that should the mitigation be undertaken and residents continue to be disturbed it would be unlikely the Council would be able to require further action from the Primary Contractor.</p> <p>However, although there is now a proposed list of equipment to be used in the borrow pits there is still no data of the level of noise impact and dust impact occurring from the activities within the borrow pits that would need to be mitigated. Therefore it is still not possible to assess whether these strategies would successfully protect the local residents.</p> <p>The core issue is still extant. There are a list of mitigation strategies but no assessment of the noise impact to measure those strategies against.</p>
Applicant's comments	<p>Annex R of the First Iteration Environmental Management Plan contains control measures and not an assessment of effects.</p> <p>An assessment of the Air Quality effects of the Scheme including the borrow pits has been presented in Chapter 5 Air Quality [APP-074] of the Environmental Statement and an assessment of the noise impacts specifically relating to the borrow pits is reported in paragraphs 2.3.47-2.3.48 (Site 4) and paragraphs 3.3.39-3.3.40 (Site 14) of the Borrow Pits Excavation and Restoration Report [REP3-011] submitted at Deadline 3. The Borrow Pits Excavation and Restoration Report [REP3-011] also contains mitigation, however this is all captured in Annex R of the First Iteration Environmental Management Plan [TR010044/APP/6.8(Rev3)].</p>
Cambridgeshire Authorities	<p>The Councils have commented on Annex R Borrow Pits Management Plan in the First Iteration EMP [REP6-008] in our Deadline 8 submission CLA.D8.OS.A.C</p>

No.	Question/Applicant's Comments
Applicant's comments	Please refer to the Applicant's comments on submissions made at Deadline 8 [TR010044/EXAM.9.110], submitted at Deadline 9. This provides comments on the response from the Cambridgeshire Authorities to Annex R Borrow Pits Management Plan. The Applicant has submitted an updated First Iteration Environmental Management Plan [TR010044/APP/6.8v3] at Deadline 9.
Central Bedfordshire Council	CBC have had a look at Annex R and could not see any amendments that would cause us to change our position on borrow pits.
Applicant's comments	In their Response to the ExA's Second Written Questions [REP4-062], Central Bedfordshire Council set out that " <i>There are no proposed borrow pits within CBC and therefore we have left it to the other relevant councils to take a lead and comment on these</i> ". The Applicant therefore understands this to be Central Bedfordshire Council's position on this matter and as a result has no further comment to make.
Q3.6.3	Environmental Management Plan
Q3.6.3.1 - First Iteration EMP a) Applicant, set out a schedule of the fundamental changes proposed in the First Iteration EMP [ref]. Is there any relevance to the colour coding in the track change versions [REP6-007]? b) All relevant Parties comment, if you have concerns, to the changes proposed in the First Iteration EMP [REP6-008]. c) The ES provides detail of construction related activities that would fall outside the defined construction working hours [APP-071 Annex K, paragraph 1.4]. Applicant, no reference to 'departure' is made in the updated First Iteration EMP [REP6-008, 1.4.3 a. or b.] Therefore, would the departure of delivery vehicles from site and the departure of vehicles from the works compounds fall within the scope of the set construction hours? d) All Parties, provide comment as to whether those activities referred to in First Iteration EMP [REP6-008, 1.4.3 a or b] are reasonable to be excluded from the set construction hours set out in the ES. How would they be controlled?	
Bedford Borough Council	d) BBC considers that it would be reasonable to set a restriction on the times that the activities in REP6 – 008 Appendix K 1.4.3 could take place outside the set construction hours. In terms of vehicles arriving to site or the compounds, there could be local disturbance if the site is not opened before 0700hrs, or if vehicles leave site after closedown. The Principal Contractor should monitor compliance against the activity outside the agreed construction hours.
Applicant's comments	The Applicant notes the comment made by the Council.

No.	Question/Applicant's Comments
	<p>Site opening hours will be communicated to all staff and operatives and it will be made clear that vehicles are not permitted to arrive or leave after these hours. This instruction will be communicated through various methods including the project induction, start of shift briefings and toolbox talks.</p>
Cambridgeshire Authorities	<p>b) The Councils refer to their comments on the updated First Iteration EMP at section 6.8 of document reference CLA.D8.OS.A.C, also submitted at Deadline 8.</p> <p>d) Following discussions with the Applicant on 11 January 2022, the Councils' position is now reflected in our comments on the draft Development Consent Order (CLA.D8.dDCO.C). 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 CLA.D8.dDCO.C include the removal of certain previous exceptions that were considered to be potentially noisy activities.</p>
Applicant's comments	<p>The Applicant notes the comments made by the Authority to b) and d).</p> <p>The Applicant can confirm that it has proposed changes to the exceptions currently listed in Requirement 19(2). The Applicant has reflected these changes in the draft DCO [TR010044/APP/3.1v5] submitted at Deadline 9. In summary, these changes are as follows:</p> <p>(i) replacing 'including but not' with 'comprising' from Requirement 19 (2)</p> <p>(ii) sub paragraphs (k), (m), (n), and (o) would require agreement with the relevant local authority in advance of works described in these paragraphs taking place.</p>
Central Bedfordshire Council	<p>The arrival and departures of delivery vehicles should be included within activities controlled by time, as there is scope for deliveries to cause both noise and disturbance.</p> <p>In addition, it is noted that (by cross—reference) restrictions will not apply to the exceptions detailed in para 2.6.246 of Document APP-071. This excludes earthworks, piling and concrete pours, and also includes the wording – “These activities include, but are not limited to...” As such there appears to be a relatively open-ended exclusion from working hours for engineering activities. CBC would seek any such activities to be agreed by exception rather than by default.</p> <p>In more detail</p> <p>B) No changes noted in respect of Air Quality or Noise & Vibration sections, and no concerns identified as a result.</p> <p>D) For a) CBC would not normally expect or permit these to be excluded from controlled construction hours for construction sites. The only exception to this has been for construction sites during the pandemic where some relaxation of working hours was demonstrated as necessary to ensure covid safety, and then only if the contractor could demonstrate that there would be minimal noise impacts which could be controlled and/or mitigated. CBC would not consider it reasonable to exclude the arrival of delivery vehicles per se unless it can be clearly</p>

No.	Question/Applicant's Comments
	<p>demonstrated there will be no noise impacts on noise sensitive receptors as a result.</p> <p>For b) CBC would not normally include the arrival of workers personal vehicles in a works compound in the definition of construction activities, and as such we think it reasonable for these to be excluded.</p>
Applicant's comments	<p>The Applicant notes the comments made by the Council.</p> <p>With regard to the exceptions detailed in para 2.6.246 of APP-071, the Applicant can confirm that it has proposed changes to the exceptions currently listed in Requirement 19(2). The Applicant has reflected these changes in the draft DCO [TR010044/APP/3.1v5] submitted at Deadline 9. In summary, these changes are as follows:</p> <p>(i) replacing 'including but not' with 'comprising' from Requirement 19 (2)</p> <p>(ii) sub paragraphs (k), (m), (n), and (o) would require agreement with the relevant local authority in advance of works described in these sub paragraphs taking place.</p> <p>b) The Applicant notes the comment made by the Council. The Applicant has proposed changes to the Noise and Vibration commitments included within the First Iteration EMP at Deadline 9 [TR010044/APP/6.8v3] to address the issue raised by the ExA in Q4.8.1.6 in 'The Examining Authority's commentaries and proposed changes to the draft Development Consent Order (dDCO)' [PD-015]</p> <p>d) The Applicant notes the comment made by the Council.</p>
East West Rail	<p>b)</p> <p>3.1. As detailed in its response to Q2.10.1.1(b) [REP4-067], EWR Co considers that it is necessary and appropriate to include a design principle to require the consideration at detailed design of the opportunities to integrate the Scheme and the EWR Project, both in terms of design changes to allow for engineering efficiencies and the coordination of construction programmes. In [REP4-067], EWR Co proposed an additional design principle for inclusion in the First Iteration 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> <p>3.2. At Item 1, Table 2 of [REP6-095], EWR Co further justified the inclusion of the above design principle in its response to the Applicant's Deadline 5 submission, highlighting that:</p> <p><i>"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</i></p>

No.	Question/Applicant's Comments
	<p><i>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."</i></p> <p>3.3. At paragraph 1.2.1 of [REP3-014] the Applicant identifies that the design principles set out in that document will be secured in the First Iteration Environmental Management Plan. While [REP6-008] includes a number of design principles in the annexed Landscape and Ecology Management Plan, it does not include the design principle proposed by EWR Co.</p> <p>3.4. As a result, EWR Co's concerns as to the exclusion of the above design principle remain.</p>
Applicant's comments	The Applicant notes the response provided by the EWR Co. The Applicant has responded fully to this point previously in the Applicant's comments on other parties' responses to second round of written questions [REP5-015] , see the Applicant's comment at Q2.10.2.1.
Environment Agency	<p>We have no groundwater protection concerns in respect of the proposed changes to the First Iteration EMP [REP6-008]. However, in respect of Section 4.2.47 to 4.2.49, the applicant should be aware that, in accordance with Section 24 of the Water Resources Act 1991, we would only grant a licence for a water abstraction that might cause derogation of an existing 3rd party protected right if the person entitled to the right gives their prior consent. We would expect an equivalent level of derogation protection to be extended to the owners of protected rights should Section 24 be disapplied.</p> <p>b) Whilst we are pleased to see that a number of commitments relating to flood risk are included in Table 3-13 (p.43-44) of the revised First Iteration EMP, we have concerns with the wording of some of these commitments. In particular, we are concerned that no timeframe has been given for the provision of 'as-built' hydraulic models for us to review following completion of the scheme to allow us to make changes to our Flood Map.</p> <p>Given that one of the site compound areas is shown to be located entirely within Flood Zone 3 in Appendix B of the FRA Technical Note dated December 2021, we would like the First Iteration EMP to include some mitigation measures in relation to this to ensure there is no increase in flood risk elsewhere during the construction phase.</p> <p>The First Iteration EMP (sections 1.737, 1.738, 4.2.28 and 4.2.29) states that no hazardous materials (COSHH) will be located in Flood Zone 3 (area at highest risk). However, Appendix B of the Flood Risk Assessment (FRA) Technical Note dated December 2021 still shows a number of site compound and soil storage areas within Flood Zone 3 and some of these are immediately adjacent to watercourses where we would expect flood water to regularly flow and be stored. We therefore consider that no soil storage areas or site compounds should be located within Flood Zone 3.</p>
Applicant's comments	It has been agreed and stated in FG4 of Table 313 in the First Iteration Environmental Management Plan [TR010044/APP/6.8v3] that "Within 6 months of the authorised development being opened to traffic, all 'as built' hydraulic model files and shapefiles of the maximum levels and flows, are to be provided for the 1% and 0.1% undefended scenario storm events to allow the Environment Agency to update

No.	Question/Applicant's Comments
	<p>their Flood Map.”</p> <p>The Applicant has provided additional text to the First Iteration Environmental Management Plan [TR010044/APP/6.8v3] ESS-RDS1 of Table 311, to say that “control measures such as temporary compound floodplain compensation, constructing temporary structures above floodplain levels and construction phasing to ensure no loss of floodplain storage and contingency actions such as using flood early warning systems to remove equipment and materials out of floodplains during flood events”</p> <p>Furthermore, the Applicant has provided additional text to the First Iteration Environmental Management Plan [TR010044/APP/6.8v3] ESS-RDS1 of Table 311, to say that “All appropriate mitigation measures will be implemented to ensure that the risk of pollution is minimised for the construction activities within flood zone 3”</p>
Natural England	<p>Natural England has undertaken a brief review of the track changes version of the First Iteration EMP [REP6-007]. With regard to matters in our remit the changes appear largely to include updates on bat mitigation and submission of species licences and minor edits to wording and references. We therefore have no concerns with the updates to First Iteration EMP.</p>
Applicant's comments	<p>The Applicant notes and welcomes the comments from Natural England.</p>
Q3.7.2	Definitions
<p>Q3.7.2.1 - Pre-commence and pre-commencement</p> <p>All relevant parties comment on the Pre-commencement plan [REP6-028] and definition of pre-commencement in Article 2 of the dDCO [REP6-003].</p>	
Bedford Borough Council	<p>The Council has no concerns with the wording.</p>
Applicant's comments	<p>The Applicant notes and welcomes the comments from Bedford Borough Council.</p>
Cambridgeshire Authorities	<p>The Councils refer to their comments on the Pre-commencement plan [REP6-028] at section 9.48 of document reference CLA.D8.OS.A.C, as well as comments on the marked-up copy of the draft development Consent Order, reference CLA.D8.dDCO.C, also submitted at Deadline 8.</p>

No.	Question/Applicant's Comments
Applicant's comments	The Applicant has responded to these points in the Applicant's comments on submissions made at Deadline 8 [TR010044/EXAM.9.110]. Appendix A of the document sets out the Applicant's comments on the marked up copy of the draft DCO.
Central Bedfordshire	<p>The additional text in paras. 3.1.48 to 3.1.54 is noted and welcomed, however CBC remain of the view that some of the works defined as 'pre-commencement' could have relatively significant traffic management implications, particularly site compound set up, the diversion and laying of underground apparatus and utilities and the protection of services. As such we would be seeking for the need for traffic management on the Local Road Network to be agreed in consultation with the relevant LHA as part of the process for significant pre-commencement works. At present it appears that the applicant will only approach the LHA where it is determined (presumably by the applicant) that traffic management is required.</p> <p>It is noted that the working hours proposed extend beyond those generally permitted within CBC, and with an additional hour before and after for 'set-up' and 'shut down'. Construction traffic activities within CBC (whether related to pre-commencement or other works) should be limited to the same hours of operation as prescribed within the CBC construction code of practice.</p> <p>CBC have previously advised that we do not agree with the proposed hours for construction works within Central Bedfordshire. The works detailed in this document are within the Cambridgeshire authorities' jurisdiction. However, we note that the proposed works to Breedon's Quarry are some 500m from the nearest noise sensitive receptors (at the closest point) in Central Bedfordshire. The proposed hours of work include a 1 hr period for setting up and closing down of works which could extend the impacts of noise beyond the construction hours specified in the document further. This is not something that CBC would accept for other construction sites within Central Bedfordshire, and would be concerned for further noise impacts on noise sensitive receptors as a result.</p>
Applicant's comments	<p>The Applicant notes the comments made by Central Bedfordshire Council.</p> <p>With regard to the working hours and associated activities, the Applicant can confirm that it has proposed changes to the exceptions currently listed in Requirement 19(2). The Applicant has reflected these changes in the draft DCO [TR010044/APP/3.1v5] submitted at Deadline 9. In summary, these changes are as follows:</p> <p>(i) replacing 'including but not' with 'comprising' from Requirement 19 (2)</p> <p>(ii) sub paragraphs (k), (m), (n), and (o) would require agreement with the relevant local authority in advance of works described in these sub paragraphs taking place.</p> <p>With regard to the setting up and closing down the activities which may be carried out will have minimal impact on nearby receptors. These activities may include the following:</p> <ul style="list-style-type: none"> • Arrival of delivery vehicles to site. • Arrival of vehicles to the main compounds.

No.	Question/Applicant's Comments
	<ul style="list-style-type: none"> • Plant and machinery checks • Arrival and departure of workforce at site(s) • Site briefings • Site inspections • Site preparation, (no plant in use). • Site clean-up • Refuelling
Q3.8.3	Excavating the archaeological remains
Q3.8.3.1 - Excavating the archaeological remains Provide any relevant updates and confirm a projection for progress before the close of Examination.	
Central Bedfordshire Council	<p><u>CB/20/04391/FULL – Land West of 1 The Barns, Field 34, Little Barford Rd, Little Barford, PE19 6YF</u></p> <p>Planning permission for advanced archaeological works in relation to the diversion of the high-pressure National Grid pipeline in Field 34 (Site 4 – part of)</p> <ul style="list-style-type: none"> • The archaeological fieldwork commenced the week beginning 22nd March 2021 and was completed on 21st April 2021. Regular monitoring meetings were held during the course of the excavations • The excavation summary report was released the LPA on 10th May 2021 • The post excavation programme was released to the LPA on 16th August 2021 and the projected issue date for the post excavation assessment (as required by condition 6, part b.2) was due to be submitted on 18th October 2021. This deadline was missed due to delays in the assessment of the ICP and soil micromorphology results (undertaken by an external contractor), a revised deadline of 22nd October 2021 was agreed • The post excavation assessment report was received by the Central Bedfordshire Council Archaeologist on 27th October 2021 (having been submitted to National Highways on 22nd October 2021) • A meeting was held with the National Highways Archaeological Lead (Steve Sherlock), Hannah Firth (CBC Archaeologist) on 12th November 2021 to discuss the contents of the assessment report • Comments on the post excavation assessment report made by the Central Bedfordshire Council Archaeologist were sent to National Highways for circulation to MOLA on 16th November 2021

No.	Question/Applicant's Comments
	<ul style="list-style-type: none"> A meeting was held with the National Highways Archaeological Lead (Steve Sherlock), Hannah Firth (CBC Archaeologist) Gary Brogan and Louise Fowler from MOLA on 19th November to discuss questions relating to the document To date (29th December 2021) there has been no re-issued document <p><u>CB/20/04185/FULL – Land to the west of Hills Farm, Station Road, Tempsford SG19 2BP</u></p> <p>Planning permission for advanced archaeological works in relation to the diversion of the high-pressure gas main in Field 44 (Site 7)</p> <ul style="list-style-type: none"> The archaeological fieldwork commenced the week beginning 19th July 2021 (compound works and road upgrading started around 5th July) Monitoring meetings have been held regularly during the course of the excavations (mostly two weekly in frequency) with the last meeting held on 17th December 2021 The majority of the hand excavation was completed by the week commencing 20th December, a strategy for the final phase of machining of dry valley deposits was agreed 24th December 2021. This strategy is due to be implemented in early January.
Applicant's comments	<p><u>CB/20/04391/FULL – Land West of 1 The Barns, Field 34, Little Barford Rd, Little Barford, PE19 6YF</u></p> <p>The Applicant understands that the revised report will be reissued by 31 January 2022 at the latest.</p> <p><u>CB/20/04185/FULL – Land to the west of Hills Farm, Station Road, Tempsford SG19 2BP</u></p> <p>The work is anticipated to be fully complete, including demobilisation, by Friday 18 February 2022. The majority of archaeological works are complete to the satisfaction of the Central Bedfordshire Archaeologist. Remaining works are focussed on a narrow corridor in the eastern part of the site.</p>
Q3.9	Flood Risk
Q3.9.2	Interactions between different sources of flooding
	<p>Q3.9.2.1 - Black Cat Junction</p> <p>The EA has raised concerns regarding the effects of permanently sealing the A1 Black Cat junction to prevent significant groundwater ingresses on flows along South Brook, and that further modelling and sensitivity testing is required [REP4-068]. BRIIDB, advise whether you share the EA's concerns in this respect and set out your position with regard to the proposals for the Black Cat Junction.</p>

No.	Question/Applicant's Comments
Environment Agency	<p>Following review of the revised Technical Note dated December 2021, we no longer consider that further modelling and sensitivity testing is required.</p> <p>We are satisfied with the modelling that has been undertaken to assess the likely impacts on surface water flows that would result from sealing the A1 Black Cat Junction Underpass. The results of the modelling and sensitivity analyses indicate only minor changes to the magnitudes of groundwater discharges to South Brook and Rockham Ditch. We do not anticipate that such changes would have adverse impacts upon the ecologies of the streams. We understand that FCRA are satisfied that there would be no unacceptable increase in fluvial flood risk as a result of the proposals to permanently seal the underpass.</p>
Applicant's comments	<p>The Applicant notes that within the Environment Agency's Deadline 8 submission [REP8-046] the Environment Agency confirm it is now satisfied with the modelling the Applicant has undertaken to assess the likely impacts on surface water flows that would result from sealing the A1 Black Cat Junction Underpass.</p>
<p>Q3.9.2.2 - Drainage and Flood Risk Management</p> <p>a) EA you have stated [REP4-068] that you have not yet seen the FRA Technical Note, but this seems to contradict your signed SOCG that states the FRA Technical Note was issued on 15 July 2021. Provide an update.</p> <p>b) Applicant, has the latest version of the FRA Technical Note also been made available to other parties, in particular the LLFAs and BRIIDB?</p> <p>c) Applicant, what further updates to the FRA Technical Note are proposed? When will the final version be submitted to the ExA? Will the FRA or relevant ES chapters [APP-077] [APP-082] require updating in light of the FRA Technical Note?</p>	
Bedford Borough Council	<p>No comments to add.</p>
Applicant's comments	<p>The Applicant notes the comments from Bedford Borough Council.</p>
Central Bedfordshire Council	<p>-Part a) question directed to the EA.</p> <p>-Part b) CBC have not received or viewed an updated FRA Technical Note. Having looked on the National Infrastructure Planning page for the project I cannot locate it.</p> <p>-Part c) CBC cannot comment on what further updates have been proposed due to the answer to part b).</p>

No.	Question/Applicant's Comments
Applicant's comments	The Applicant notes the comments from Central Bedfordshire Council. To assist Central Bedfordshire Council, the Applicant emailed a link to the Flood Risk Assessment Technical Note [REP6-042] on 21 January 2022.
Environment Agency	We have recently received a revised FRA Technical Note dated December 2021. This is the Technical Note we referred to in our previous response [REP4-068] . Please note that we previously provided comments on earlier versions of the Technical Note, dated July 2021 and November 2021. Please also note that we still have some concerns with the revised FRA Technical Note.
Applicant's comments	The Applicant has noted the Environment Agency concerns raised with the revised FRA Technical Note [REP6-042] and plan to share a copy of the final update of the FRA Technical Note to the Environment Agency before submitting to the Examination panel by Deadline 10. The Applicant anticipates that the final version would cover the concerns raised.
Q3.11	Highways – network and structures
Q3.11.2	Road layout, junctions and bridges
<p>Q3.11.2.1 - Operational phase monitoring and evaluation</p> <p>Further to discussion at ISH5 [EV-069], the Applicant has provided a technical note regarding the 'monitor and manage' approach [REP6-041]. The Technical Note explains that the locations referred to in the Transport Assessment Annex [APP-243], identified as requiring a 'monitor and manage' approach on the Strategic Road Network, would be dealt with under the <i>'business as usual' activities of the Applicant, under its 2015 Operating Licence. As such, the Applicant does not consider that the 'monitor and manage' approach needs to be secured separately through the DCO.</i> The Applicant has previously explained that post scheme monitoring of the local road network could occur at certain junctions across the extent of the scheme [REP5-014], in response to representations of the joint Cambridgeshire authorities [REP4-58]. However, this appears to be entirely different from the 'monitor and manage' process as the Applicant does not consider it their duty to monitor and manage beyond the SRN. Instead, the Technical Note explains that a Post Opening Project Evaluation (POPE) will occur and sections of the local road network will likely be included, albeit the scope is as yet undefined. Additionally, the Technical Note [REP6-041], Paragraph 1.5.5] also states that there is no requirement to intervene upon the evaluation of the Proposed Development, although any findings may inform future solutions.</p> <p>a) Applicant, confirm whether the operational monitoring described in the Technical Note is intended to form any form of mitigation relied upon in the ES to reduce effects of the Proposed Development.</p> <p>b) Applicant, explain with reasons if there has been a divergence in your approach to operational monitoring of the effects of the Proposed Development on the local road network during the Examination.</p>	

No.	Question/Applicant's Comments
	<p>c) LHAs comment on the content of the Technical Note [REP6-041], including whether the approach explained in the document differs from that previously presented by the Applicant. If not, what are the implications, if any, of the residual effects after mitigation that is secured in the dDCO, excluding 'monitor and manage'.</p> <p>d) Applicant, is the POPE intended to be secured in the DCO, if so how? Would LHAs see any value in the POPE being secured in the DCO given it appears to be a generic approach to post scheme evaluation of the Applicant?</p> <p>e) If the POPE, or other traffic monitoring on the local road network, is not secured in the DCO, how can LHAs have any certainty that the monitoring previously suggested by the Applicant [REP5-014] would be undertaken by the Applicant?</p> <p>NPS NN (Paragraph 5.211), explains that the ExA and SoS should give due consideration to impacts on local transport networks, and that where development would worsen accessibility such impacts should be mitigated as far as possible (Paragraph 5.2156).</p> <p>f) Notwithstanding no definition of 'accessibility' in this regard is provided in the NPS NN how can the Applicant be confident that no adverse impact affecting accessibility to, or within, the local transport networks would occur and not require mitigation without operational phase monitoring of traffic on such networks?</p> <p>The affected LHAs have provided a document [REP6-074] outlining how they consider a joint approach with the Applicant to an operational 'monitor and manage scheme' should be taken forward through the use of a Requirement in the DCO.</p> <p>g) Applicant, comment on the proposed Requirement associated with an operational monitor and manage scheme submitted by the LHAs [REP6-074].</p> <p>h) It would appear that LHAs consider the full costs associated with the requested monitor and manage scheme should be met in full by the Applicant. How is this justified given your own statutory duties to manage the expeditious movement of traffic on the local network?</p> <p>i) Are LHAs aware of similar Requirements being included in other made DCO road schemes such as the recently constructed A14 Cambridge to Huntingdon Improvement Scheme? How is it justified in relation to the Proposed Development? Applicant to also respond.</p> <p>j) LHAs, what would be the trigger point(s) of such a Requirement?</p> <p>(See related questions to <i>Monitoring of traffic re-routing during construction</i>)</p>
Bedford Borough Council	<p>c)</p> <p>It is the view of Bedford Borough Council that the approach to Monitor and Manage has not been clearly laid out through the DCO process. Only one location in Bedford Borough was identified in the Transport Assessment Annex APP-243 section 3.16 for a 'monitor and manage' approach - (the A421/A6 junction). This gives reassurance that the future performance of this junction will be reviewed after the scheme opens.</p> <p>However, Bedford Borough Council is of the view that the impact of the scheme should be considered in a wider context that just that on the</p>

No.	Question/Applicant's Comments
	<p>strategic road network (SRN). BBC has identified a list of locations where traffic monitoring in advance, during, and after the scheme's construction is considered to be informative. These lists are included in BBC's responses to section h) of this question, and Q3.11.7.5 d).</p> <p>Although REP6-041 clarifies the position on the Monitor and Manage process, it also makes clear that the extent of National Highways' monitoring activities will be restricted to the SRN only, and that Local Highway Authorities are expected to take on the responsibility for addressing unforeseen impacts on the local highway network which might arise from the scheme. No additional earmarked funding is allocated to gathering evidence of these impacts or for any follow on mitigations, and the LHAs would have to apply to Government funding pots to fund them. BBC's view is that the impacts of the scheme should as a matter of principle be considered more widely than the immediate SRN corridor only.</p> <p>If the mitigation of the scheme as reflected in the Monitor and Manage approach remains as proposed, there is a risk that some of the scheme's impacts on the local highway network would go unmitigated. As yet, there is no mechanism to identify, monitor, or mitigate potential local impacts.</p> <p>h)</p> <p>The monitoring requested by the Local authorities is not directly related to the network management duty. It relates to the need to assess and understand the impact of the proposed development. BBC has requested monitoring in the following locations which we consider may be adversely affected by traffic diverting away from the current SRN during the operation of the scheme,</p> <ul style="list-style-type: none"> • Roxton • Great Barford • Willington • Little Barford <p>The results of this monitoring will help in the Network Management duty but not replace it. This scheme monitoring is related to the impact of the scheme and therefore should be funded by the Applicant as with any other development scheme.</p> <p>i)</p> <p>BBC is aware that the DCO for the A14 includes a signed agreement that sets out the need for a monitoring schedule to be in place prior to any construction taking place. This agreement stipulated the location of the counts and the responsibility for undertaking as the sites include sites on the Counties annual monitoring rota as well as sites that are included in the monitoring of the Northstowe Development.</p> <p>The monitoring was to take into account the impact of specific development traffic and background growth from the base year counts undertaken before any works or advanced signage was erected with the surveys being undertaken in April 2016.</p>

No.	Question/Applicant's Comments
	<p>The agreement was entered into as a result of a requirement contained in the DCO that required a scheme of monitoring and mitigation to be submitted to and approved by the LHA including a mechanism for the future agreement of mitigation measures (paragraph 17, Schedule 2 of the A14 DCO). The signed agreement was the mechanism for discharging the latter requirement. The arrangements were included at the suggestion of National Highways who considered it necessary on that scheme. The present DCO application is not viewed differently in this respect by the LHAs, but greater detail in the DCO as per the wording put forward by the LHAs would be beneficial to all parties and is necessary to clarify the extent of responsibilities.</p> <p>j)</p> <p>BBC understands that if the monitoring highlighted an adverse impact as a direct result of the A14 scheme, then the Applicant was to fund mitigation that should be agreed with CCC and the local Parish Council. The triggers were to be discussed and agreed by all parties on a site-by-site basis as some sites may be more directly impacted by development traffic than other sites. BBC would seek to adopt a similar way of working.</p>
Applicant's comments	<p>The Applicant has prepared document 9.116 (National Highways Position Statement on Operational Traffic Monitoring [TR010044/EXAM/9.116]) and document 9.118 (National Highways Position Statement on Construction Phase Traffic Monitoring [TR010044/EXAM/9.118]) to address these points.</p>
Cambridgeshire Authorities	<p>c, d, and e) The Councils refer to their comments on the Monitor and Manage Technical Note at section 9.81 of the Councils' Comments on the Applicant's D6 Submissions (document reference CLA.D8.OS.A.C) submitted at Deadline 8</p> <p>The Councils would request that the POPE includes the monitoring and review of the positive and negative impacts of the scheme on NMU and active travel policy requirements and aspirations, and on the climate change agenda. With the A14 scheme there were significant problems with the way detailed design was evolved and how NMU aspects of the scheme were delivered. Although a lessons learned exercise has been undertaken at CCC's instigation, it was not formally attached to the scheme and there does not appear to be any formal commitment from National Highways to ensuring that the outcomes are actively fed into future schemes. The Councils have not yet seen any POPE relating to the A14 scheme either.</p> <p>Central government requirements relating to active travel and climate change are advancing rapidly, as seen in their response to the ongoing pandemic and the COP26 summit. In October the Cambridgeshire & Peterborough Independent Commission on Climate published its seminal report Fairness, Nature and Communities, which provides independent recommendations to central and local government, the broader public sector and business on setting and meeting carbon reduction targets for Cambridgeshire and Peterborough and on preparing for climate local and strategic road networks (see (h) below for more detail), the outcomes will significantly affect the region's ability to achieve its net zero carbon targets. It would therefore be extremely valuable for the A428 POPE to include both subjects in its scope. A similar recent example is the A11 Elveden dualling POPE. The Councils would welcome discussion with the Applicant to agree to scope of the A428 POPE.</p> <p>h) The monitoring and management of traffic at certain locations on the local network, requested by the LHAs arises from the predicted</p>

No.	Question/Applicant's Comments
	<p>impacts of the Scheme. As the need to monitor and manage local traffic at these locations is a direct consequence of the Scheme, the LHAs consider that this monitoring and mitigation ought to be funded by the Applicant, as would be expected for other predicted Scheme impacts such as noise impacts. This is common practice for major developments and the LHAs do not consider there to be a conflict between this approach and the LHAs' broader network management duty. Indeed, the LHAs consider that securing the 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>The evidence submitted by the Applicant indicates that some areas will see a reduction in traffic levels namely St Neots town Centre, Toseland, Yelling and Eltisley, whilst other areas will see an increase in traffic as a direct result of the introduction of the scheme namely Great North Road and Cambridge Road St Neots, Cambourne, Dry Drayton, Madingley and Coton.</p> <p>The examination of the evidence supplied by the Applicant undertaken by the Councils indicates that some of the adverse impacts of the scheme are because of errors in the coding of the model such as in:</p> <ul style="list-style-type: none"> • Coton, • Dry Drayton, and • Madingley. <p>Therefore, the Councils have requested monitoring of the impacts of the scheme in the following locations so that the actual impact of the scheme can be assessed.</p> <ol style="list-style-type: none"> a. St Neots <ol 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) b. Toseland c. Yelling d. Eltisley e. Cambourne f. Coton g. Dry Drayton, and

No.	Question/Applicant's Comments
	<p>h. Madingley.</p> <p>i) The A14 Cambridge to Huntingdon Improvement Scheme DCO contains the following Requirement: <i>“Traffic Monitoring and Mitigation 17.—</i> <i>(1) No part of the authorised development is to commence until written details of a traffic impact monitoring and mitigation scheme has been submitted to and approved in writing by the highway authority. (2) The traffic impact monitoring and mitigation scheme must include— (i) a before and after survey to assess the changes in traffic; (ii) the locations to be monitored and the methodology to be used to collect the required data; (iii) the periods over which traffic is to be monitored; (iv) the method of assessment of traffic data; (v) control sites to monitor background growth; (vi) the implementation of monitoring no less than 3 months before the implementation of traffic management on the existing A14; (vii) agreement of baseline traffic levels; (viii) the submission of survey data and interpretative report to the highway authority; and (ix) a mechanism for the future agreement of mitigation measures (3) The scheme approved under sub-paragraph (1) must be implemented by the undertaker.”</i></p> <p>A similar Requirement is contained in the A303 Sparkford to Ilchester Dualling DCO.</p> <p>The Requirement requires a traffic monitoring and mitigation scheme to be submitted to and approved in writing by the local highway authority prior to the commencement of the authorised development. The Requirement does not limit the monitoring and mitigation scheme to solely the construction or operation phase.</p> <p>The approved monitoring and mitigation scheme required monitoring to take into account of the impact of specific development traffic and background growth from the base year counts undertaken before any works or advanced signage was erected with the surveys being undertaken in April 2016. The monitoring of the A14 scheme impacts is ongoing.</p> <p>j) The LHAs have proposed a draft Requirement to address the impacts of this Scheme on the local road network at document REP6-074 and REP6-091. The Requirement would require a monitor and manage scheme to be submitted to and approved by the Secretary of State, in consultation with the relevant local highway authorities, prior to the commencement of the authorised development.</p> <p>Under the A14 monitoring and mitigation scheme, if the monitoring highlighted an adverse impact as a direct result of the A14 scheme then the Applicant was to fund mitigation that should be agreed with CCC and the local Parish Council. The triggers for the mitigation measures were influenced by the predicted traffic impacts shown by the model and were discussed and agreed by National Highways, CCC and the local Parish Council on a site-by-site basis as some sites may be more directly impacted by scheme traffic than other sites.</p>
Applicant's comments	<p>The Applicant has prepared document 9.116 (National Highways Position Statement on Operational Traffic Monitoring [TR010044/EXAM/9.116]) and document 9.118 (National Highways Position Statement on Construction Phase Traffic Monitoring [TR010044/EXAM/9.118]) to address these points.</p>

No.	Question/Applicant's Comments
Central Bedfordshire	<p>CBC submits the following as a joint approach agreed with the other local highway authorities (LHA) and some additions that are CBC specific.</p> <p>c) It is the view of CBC that the approach to Monitor and Manage has not been clearly laid out throughout the DCO process, a concern that has been reflected in the representations made at each deadline. However, it may have been reasonable to interpret the way in which 'Monitor and Manage' was referenced within the Transport Assessment Annex APP-243, as a process being proposed by the applicant to provide mitigation, if found to be necessary, at a number of locations across the highway network. For example, in the case of the Sandy A1/A603 junction, para. 3.18.29 of the Transport Assessment Annex states:</p> <p>"Highways England propose to adopt a 'monitor and manage' approach at the A1/A603 roundabout at Sandy, in which the performance of the network will be monitored and consideration given to the need for intervention if required." The most recently submitted technical note by National Highways (REP6-041) does provide clarity on the 'Monitor and Manage' process, but only in so far as confirming that it is not intended to be applied as a specific means of mitigation with regards to the A428 DCO and is limited to the 'business as usual' activities of National Highways. It is also made clear in paras. 1.1.6 and 1.1.7 of REP6-041 that the Local Highway Authorities are expected to take on the responsibility for addressing unforeseen impacts arising from the scheme, in terms of applying for central government funding, rather than a funding pot specific to addressing scheme impacts. It is not considered that impacts as identified within the DCO application (and supporting modelling work) as meriting Monitor and Manage could reasonably be considered as 'unforeseen', nor is it considered appropriate for the responsibility for addressing these impacts to be passed to the Local Highway Authorities, in particular where there is no certainty over the funding sources referenced within REP6-041.</p> <p>As outlined in paras 17 to 28 of the CBC deadline 6 submission REP6-091 the residual effects on elements of the CBC network have the potential to be severe if discounting any scope for intervention via a robust 'Monitor and Manage' process. As outlined in the CBC response, there is scope for significant variation in predicted impacts, depending upon which model results are relied upon, with a worst case resulting in significantly increased flows on local roads through Sandy, increased delay on local road approaches to Strategic junctions, and related impacts upon pedestrian and driver delay, pedestrian amenity, and severance, and therefore also upon accessibility. This is considered particularly important as 'Monitor and Manage' is the only approach to mitigation proposed within the CBC network, on key routes within the Authority area. In the absence of a robust Monitor and Manage process this would result in the development impacts at these locations being entirely unmitigated.</p> <p>h) The monitoring and management of traffic at certain locations on the local network, requested by the LHAs arises from the predicted impacts of the Scheme. As the need to monitor and manage local traffic at these locations is a direct consequence of the Scheme, the LHAs consider that this monitoring and mitigation ought to be funded by the Applicant, as would be expected for other predicted Scheme impacts such as noise impacts. This is common practice for major developments and the LHAs do not consider there to be a conflict between this approach and the LHAs' broader network management duty. Indeed, the LHAs consider that securing the monitoring and management of predicted areas of congestion at an early stage to be a proactive method of discharging that network management duty.</p>

No.	Question/Applicant's Comments
	<p>The evidence submitted by the Applicant indicates that some areas will see a reduction in traffic levels, whilst other areas will see an increase in traffic as a direct result of the introduction of the scheme namely those located on the A1 south of the scheme. The example of Sandy has previously been given, and the rationale for its inclusion within Monitor and Manage fully detailed within the CBC submission at Deadline 6 (REP6- 091).</p> <p>Therefore, the Councils have requested monitoring of the impacts of the scheme at appropriate locations. The areas where operational phase monitoring has been requested within CBC are detailed within Appendix 1 of the representation (REP6-091).</p> <p>i) CBC are in agreement with CCC and BBC that the A14 sets a reasonable, recent, and relevant precedent for the approach the LHA's are looking to see delivered in the case of the A428 project.</p> <p>The A14 Cambridge to Huntingdon Improvement Scheme DCO contains the following Requirement:</p> <p>"Traffic Monitoring and Mitigation 17.—</p> <p>(1) No part of the authorised development is to commence until written details of a traffic impact monitoring and mitigation scheme has been submitted to and approved in writing by the highway authority.</p> <p>(2) The traffic impact monitoring and mitigation scheme must include— (i) a before and after survey to assess the changes in traffic; (ii) the locations to be monitored and the methodology to be used to collect the required data; (iii) the periods over which traffic is to be monitored; (iv) the method of assessment of traffic data; (v) control sites to monitor background growth; (vi) the implementation of monitoring no less than 3 months before the implementation of traffic management on the existing A14; (vii) agreement of baseline traffic levels; (viii) the submission of survey data and interpretative report to the highway authority; and (ix) a mechanism for the future agreement of mitigation measures</p> <p>(3) The scheme approved under sub-paragraph (1) must be implemented by the undertaker."</p> <p>The approved monitoring and mitigation scheme required monitoring to take into account of the impact of specific development traffic and background growth from the base year counts undertaken before any works or advanced signage was erected with the surveys being undertaken in April 2016. The monitoring of the A14 scheme impacts is ongoing.</p> <p>The present DCO application is not viewed differently in this respect by the LHAs, but greater detail in the DCO as per the wording put forward by the LHAs would be beneficial to all parties and is necessary to clarify the extent of responsibilities.</p> <p>j) The LHAs have proposed a draft Requirement to address the impacts of this Scheme on the local road network at document REP6-074 and REP6-091. The Requirement would require a monitor and manage scheme to be submitted to and approved by the Secretary of State, in consultation with the relevant local highway authorities, prior to the commencement of the authorised development.</p> <p>Under the A14 monitoring and mitigation scheme, if the monitoring highlighted an adverse impact as a direct result of the A14 scheme then the Applicant was to fund mitigation that should be agreed with CCC and the local Parish Council. The triggers for the mitigation</p>

No.	Question/Applicant's Comments
	<p>measures were influenced by the predicted traffic impacts shown by the model and were discussed and agreed by National Highways, CCC and the local Parish Council on a site-by-site basis as some sites may be more directly impacted by scheme traffic than other sites.</p> <p>It is considered that a similar approach would be appropriate in the case of the A428 project for locations within the CBC network.</p> <p>At Issue Specific Hearing 5, NH's barrister was suggesting NH has gone much further on the A428 DCO than others, but it would appear that this is incorrect in terms of DCO requirements and the operational Monitor and Manage for the local highway network as demonstrated by the A14 DCO</p>
Applicant's comments	<p>The Applicant has prepared document 9.116 (National Highways Position Statement on Operational Traffic Monitoring [TR010044/EXAM/9.116]) and document 9.118 (National Highways Position Statement on Construction Phase Traffic Monitoring [TR010044/EXAM/9.118]) to address these points.</p>
<p>Q3.11.2.3 - Cambridgeshire and Peterborough Vision Zero Strategy</p> <p>The Cambridgeshire Authorities have requested that an enforceable commitment is provided by the Applicant to accord with the Cambridgeshire and Peterborough Vision Zero road safety strategy on both the strategic and local highway network [REP6-020].</p> <p>a) Confirm the status of this strategy document and signpost to when it, or extracts of it, were submitted to the Examination for consideration.</p> <p>b) What form should such an 'enforceable commitment' take and how could it realistically be enforced given the array of factors that can influence the safety of the highway at any given point in time?</p> <p>c) Applicant to comment and provide an agreed position with the Cambridgeshire Authorities.</p>	
Cambridgeshire Authorities	<p>a) The Vision Zero strategy document has been approved by the Vision Zero Partnership (which includes National Highways) and was adopted by CCC on 7 July 2020. It was first referenced in the Councils' joint Written Representations [REP1-048] and subsequently expanded on in submission CLA.D4.WR.AC.C (Comments on the Applicant's comments on Written Representations) [REP4-060]. The visions, aims and objectives can be found in strategy document.</p> <p>b) and c) It has been agreed with the Applicant that, as National Highways are already part of the Partnership, no further 'enforceable commitment' is required.</p>
Applicant's comments	<p>The Applicant notes the comment from the Cambridgeshire Authorities.</p>

No.	Question/Applicant's Comments
Q3.11.6	Non-motorised users
	<p>Q3.11.6.1 - Providing opportunities for NMUs</p> <p>At ISH5 [EV-070] and throughout the Examination to date, it is clear various parties including Local Highway Authorities, CamCycle, the British Horse Society and individual representations consider the Applicant should go further in terms of NMU provision across the extent of the Order Limits of the Proposed Development. The scheme objectives [APP-071], also referred to in the Statement of Reasons [APP-030], include ensuring the safety of cyclists, walkers and horse riders and those who use public transport by improving the routes and connections between communities improving accessibility. The ExA note this local concern, particularly where there may be scope to maximise future and potentially lock-in benefits of the Proposed Development, specifically along the A428 to be de-trunked and Barford Road bridge.</p> <p>a) A428 corridor</p> <p>The Applicant has previously explained how it considers that the construction of a NMU link along the existing A428, once de-trunked, to be beyond the scope of the Proposed Development [Q2.11.6.1, REP4-037], also that there is an absence of likely usage or feasibility information to justify such provision. Notwithstanding likely usage data is somewhat unclear, the development of such a route, by virtue of the communities served and underlying topography, may assist in meeting the objectives of the scheme, the NPS-NN, local policies and LTN 1/20, particularly in terms of modal shift, improving health and wellbeing. CCC have provided a pre-feasibility document [REP6-065] outlining the form such a scheme could take. The Applicant has explained there is nothing to prevent the LHA from pursuing such a scheme once de-trunked. Would the Applicant commit, through the dDCO or other means, to undertaking detailed design of such a route, in liaison with the LHA, so as to enable a scheme to be constructed in future by the LHA, potentially through designated funds or other funding streams? Would parties consider this to be sufficient given the current status of such a scheme?</p> <p>b) Barford Road bridge</p> <p>At ISH5 [EV-070] the Applicant explained that any future aspirations of CBC for the provision of NMU infrastructure at or near the proposed Barford Road bridge could be dealt with by either a bolt-on structure to that intended as part of the Proposed Development or the creation of a separate crossing facility. The ExA is unaware of such a design having been considered previously by the Applicant, particularly in terms of visual impact or the suitability of the proposed road bridge to accommodate such a bolt-on structure. As such, should the intended bridge not provide a crossing with sufficient deck space to retrofit NMU facilities within its footprint in future?</p>
Bedford Borough Council	No further comments to make
Applicant's comments	The Applicant notes the comment from Bedford Borough Council.

No.	Question/Applicant's Comments
Cambridgeshire Authorities	<p>a) Detailed design work for a NMU route between St Neots and Cambourne by the Applicant would be welcomed by the Councils as part of the dDCO. The Councils remain concerned that leaving the construction work to a Designated Funds bid considerable uncertainty, as there is no guarantee funding for the work will be approved. Securing the work through the dDCO would ensure the detailed design and construction work is completed.</p> <p>It is the Councils' view that it is critical to deliver this strategic route simultaneously with the delivery of the main scheme because research shows that this is the optimum time to change people's behaviour and achieve modal shift, for benefits to population health and well-being and wider costs benefits to the NHS, as well as benefit for climate change. This is because people are most likely to try out new infrastructure when first put in place because they have been forced to change their routine. If they feel it benefits them personally they are likely to maintain the change permanently. See the National Institute for Health and Clinical Excellence's 2018 guidance NG90 'Physical activity and the environment', in particular Rationale 1.2.3 at P57.</p> <p>Therefore the Councils' request that this NMU route is formally secured in the DCO. The Councils suggest that this could be achieved through an additional section delivered as a different work package, but related to, the main scheme. This model was used for delivery of improvements to the local highway network around Huntingdon as Section 6 of the A14 scheme. In the first instance the Councils would suggest that it is the Applicant's responsibility to design and delivery the route. As set out in the Preliminary Feasibility report submitted by CCC, as route is considered possible within the red line boundary of the dDCO. The Councils are committed to working with the Applicant to deliver a suitable route.</p> <p>Notwithstanding the above, and as set out in the Preliminary Feasibility report submitted by CCC [REP6-065], any provision made by the Applicant in the Scheme should connect properly and safely to the adjacent network, and in that respect, completing the gaps in the DCO scheme identified at locations 1, 2 and 10 in that report should be considered essential parts of the base DCO scheme.</p>
Applicant's comments	<p>As advised in the Applicant comments on submissions made at Deadline 8 [TR010044/EXAM/9.110] and in the Applicant's comments on the Joint Authorities' Brief Feasibility Study [REP8-013]; the Applicant proposes Designated Funds as a source of funding for other enhancements that are not necessary as mitigation for the Scheme. The Applicant maintains the position that the Scheme's proposed NMU provision is both reasonable and proportionate.</p> <p>The Applicant has made the Cambridgeshire Authorities aware of the National Highways Designated Funds process as a mechanism to seek funding for enhancements to NMU provision.</p> <p>This mechanism has delivered the preliminary design of the footway/cycleway along St Neots Road (Gap 1a) in consultation with the Joint Authorities. In addition, Designated Funds has enabled the delivery of the Papworth Everard to Caxton Gibbet roundabout NMU provision, currently being constructed.</p> <p>The Applicant has recently secured feasibility funding (Jan 2022) to assess, price and develop proposals for the following proposals:</p>

No.	Question/Applicant's Comments
	<p>a. Cambourne to Madingley Mulch WCH route (8km). b. St Neots to Cambourne WCH route (12km). c. Eltisley to Caxton Gibbet junction WCH route (0.65km). d. A new crossing of the existing A428 at Wintringham (0.2km).</p> <p>Whilst National Highways will fund and deliver the feasibility study, the Cambridgeshire Authorities will be required to input into the feasibility study, particularly in relation to whether the County's standards for NMU provision can be met. If the enhancements for the provisions can be feasibly delivered, the Applicant will work with the Cambridgeshire Authorities to submit further applications for Designated Funds to deliver the proposals.</p>
Central Bedfordshire Council	<p>With regards to the Barford Road Bridge, to confirm that CBC are seeking a bridge deck which will allow for the future (retrofit) implementation of a footway/cycleway and has put forward suggesting wording for a DCO requirement at Deadline 6, which continues to be requested by CBC.</p> <p>The introduction of the bridge, on what is currently an at-grade route, would significantly add to the engineering challenges and costs of delivering a future footway/cycleway scheme on Barford Road, as there would be a significant cost differential between providing an at-grade length of footway/cycleway alongside the existing carriageway (as would be required in the current scenario), with that of adding a 'bolt-on' or separate pedestrian/cycle bridge, which would be required following the delivery of the scheme.</p>
Applicant's comments	<p>The Applicant maintains the position that the Scheme's proposed NMU provision is both reasonable and proportionate and the position regards Barford Road is as advised in [REP1-055e] of the Applicant's Comments on Written Representations [REP3-008] and the Applicant's Response to the Examining Authority's Third Round of Written Questions [REP8-014], that additional provision as suggested is unjustified and that the requirement for such mitigation will only arise as a result of development i.e. East West Rail and that it would be for such a developer to pay for and provide, should the need actually arise. There are no examples on this Scheme of provision made for unconfirmed development, as to do so would contravene Wehtag guidance.</p>
Q3.11.7	Construction traffic impacts
<p>Q3.11.7.1 - Construction Workers Travel Plan</p> <p>The Applicant has provided an Outline Travel Plan [REP5-016] for workers associated with the construction of the proposed development.</p> <p>a) The Examining Authority invites comments on its content and scope from any Interested Party so as to inform any future iterations of the document.</p>	

No.	Question/Applicant's Comments
<p>b) Does the Applicant intend to investigate further the feasibility of provision of temporary bus stops or the creation of welfare facilities that may encourage sustainable travel to site compounds?</p> <p>c) Is it the intention of the Applicant that the Travel Plan would relate to pre-commencement works? If not, explain with reasoning. If so, provide wording for cross-referencing between the two certified documents.</p>	
<p>Bedford Borough Council</p>	<p>The Outline Travel Plan is included as part of the Environmental Management Plan, and LHAs will have be consulted on the Second Iteration of the EMP before it is submitted to the Sec of State for Transport for discharge.</p> <p>Travel Plans should be iterative plans which can evolve if circumstances change throughout the project delivery. The proposed appointment of a Travel Plan Champion is usual practice and to be welcomed, but the mechanism for the champion to respond to possible changes in travel patterns due to operational requirements is unclear if the Travel Plan is fixed before discharge. Section 4.3 suggests that certain initiatives will be implemented where appropriate, but there is no indication of how or if this will be monitored.</p>
<p>Applicant's comments</p>	<p>The Travel Plan will be included in the Second Iteration Environmental Management Plan and will provide details of all initiatives that will be implemented during the main construction works. This will include the development of those items shown in Section 4.3 of the Outline Travel Plan [REP5-016] and include details of how the outcomes of focus groups will be applied across the scheme. The Travel Plan Champion will promote and publicise the Travel Plan with the workforce throughout the construction phase and should the Champion identify changes in the travel patterns due to operational requirements the Travel Plan will be updated in accordance with the requirements of the DCO.</p>
<p>Cambridgeshire Authorities</p>	<p>a) The Councils submitted comments on 9.66 Outline Travel Plan [REP5-016] on pages 33-34 of our Deadline 6 submission CLA.D6.OS.A.C [REP6-058].</p>
<p>Applicant's comments</p>	<p>The Applicant has responded to these comments in the Deadline 6 submission [REP6-058] at Deadline 8 in document [REP8-010].</p>
<p>Central Bedfordshire Council</p>	<p>CBC would welcome the opportunity to work with the applicant on the delivery of the proposed Travel Plan where relevant. However, at present the content of the plan remains at too high a level for meaningful detailed comments to be made. It is assumed that the consultation on the Second Iteration EMP will also include any updated Travel Plan Appended.</p>
<p>Applicant's comments</p>	<p>The Applicant notes the comments from CBC. The Second Iteration EMP will include an updated Travel Plan – this will be based on the Outline Travel Plan [REP5-016] but will include further detail on the specific initiatives. During the development of this Plan there will be an opportunity for the LAs to review and comment on the proposals.</p>

No.	Question/Applicant's Comments
<p>Q3.11.7.2 - Adequacy of updated Outline CTMP</p> <p>All parties comment on and highlight any pending concerns with the updated Outline CTMP [REP4-011], giving due regards to the Applicant's summary table detailing how comments received to date from IPs and particularly LHAs have been addressed or considered [REP4-037, WQ2.11.7.2].</p>	
Bedford Borough Council	Bedford Borough hasn't raised any specific issues in the last set of WQs. Our concerns are picked up in the following questions.
Applicant's comments	The Applicant notes the comments from Bedford Borough Council.
Cambridgeshire Authorities	The Councils refer to their comments on the updated Outline CTMP [REP6-009] in document reference CLA.D8.OS.A.C , also submitted at Deadline 8.
Applicant's comments	This comment is noted and is responded to in the Applicant's comments on submissions received at Deadline 8 [TR010044/EXAM/9.110].
Central Bedfordshire Council	<p>The inspection of diversion routes is welcomed, as is the confirmation that local road space booking processes will be adhered to.</p> <p>The concerns with regards to the use of Station Road, Tempsford remain, and the CBC position remains as per REP6-091 paras 76-78.</p> <p>It appears that the concerns with regards to the A603 diversion route may have been misinterpreted. Whilst the before and after condition surveys as outlined in amended para. 3.5.8 are welcomed, the concern is with regards to the safe operation of the junction of the A603 with Vinegar Hill, which is known to be an existing constraint, and which will require active traffic management (most likely in the form of signals) in order to function effectively as part of a diversion route.</p> <p>The addition of para. 3.5.10 is not considered sufficient to address the previous concerns raised by the LHAs, as this places the responsibility for monitoring potential self-diverting routes upon the LHAs rather than the applicant.</p> <p>In addition, without the monitoring (both baseline and during construction) requested by the LHAs within the submission at Deadline 6, demonstrating a relationship between network performance and diverting traffic would be very difficult.</p>
Applicant's comments	The Applicant maintains its position with regards the use of Station Road being essential for delivery of the Scheme to programme. Please refer to the Applicant's Comments on Deadline 6 Submissions [REP8-010]. This also reiterates and acknowledges that traffic management measures may be needed on the A603 at Vinegar Hill when it is being used as part of the strategic diversion route and that measures that could be deployed there will be discussed and agreed during traffic management forums, the commitment to which is given in the Outline

No.	Question/Applicant's Comments
	Construction Traffic Management Plan [REP6-010].
	<p>Q3.11.7.4 - Local impacts of construction traffic</p> <p>Notwithstanding the Applicant's response to ISH5 Action Point 11 [REP6-031], the ExA is concerned that there is a lack adequate evidence before it in relation to the likely construction traffic effects of the Proposed Development, particularly with regard to likely HGV movements in, or near, residential areas. At ISH5 [EV-071], the ExA requested that the construction traffic restriction maps contained in the Outline CTMP [REP4-011] be annotated to give an indication of potential HGV movements, ideally by construction phase, providing an indication of a range if there was uncertainty. However, this was rejected by the Applicant. The ExA note that the Applicant does not consider impacts associated with construction traffic would be significant following mitigation [REP6-41, Paragraph 1.9.6] based upon the findings of the strategic traffic model.</p> <p>a) How does the strategic traffic model provide a reliable picture of likely construction traffic movements in the absence of such data being available to the ExA?</p> <p>b) Applicant, provide the HGV data referred to for each site compound or signpost to where in the Examination this information has been presented.</p> <p>c) Applicant, for clarity what mitigation measures described in the Schedule of Mitigation [APP-235] relate to HGV construction traffic? How has the effectiveness of the mitigation been assessed in the absence of HGV numbers?</p>
Bedford Borough Council	The strategic traffic model potentially indicates the worst-case scenario as a result of self-diverting traffic as the model assumes that traffic in the base year was travelling at or close to the speed limit (60mph) whereas in actual fact the traffic was travelling much slower due to high volumes of traffic and congestion at key junctions including Black Cat. Therefore, the model shows the potential for widespread rerouting caused by traffic self-diverting away from the existing A428 due to the reduced speed limits to be imposed.
Applicant's comments	<p>In relation to model speeds REP4-060v notes that the strategic model does not generally overstate traffic speeds as demonstrated in the Combined Modelling and Appraisal report – Appendix B – Local Model Validation Report (LMVR) [APP-252] which indicates good validation compared with observed travel times for the peak periods. REP4-060v also notes that Technical Note 43 (Construction modelling Assessment) issued to the Local Authorities and included with Appendix 9.1 of the TA (Part 1) - [APP-241], clarifies the impact of the construction phase journey times. Here it is shown (Figure 36) that the model forecasts modest increases in journey times on the existing A428 during construction. These vary between stages with the most severe increases being between 2.5 - 4 minutes during off peak periods and between 1.5 and 3.7 minutes during peak times. The Applicant does not anticipate that in practice these slight increases would account for high levels of drivers opting to undertake a longer diverted journey.</p> <p>In addition, and as noted in REP3-038r, strategic traffic models assign traffic to the road network on the basis of minimising cost, which takes into account both time and distance. This implies that drivers will have perfect knowledge of the local road network, whereas drivers without local knowledge are more likely to follow signposted major routes and would be less likely to use alternative routes.</p>

No.	Question/Applicant's Comments
Cambridgeshire Authorities	<p>a) The strategic traffic model potentially indicates the worst-case scenario in terms of self-diverting traffic as the model assumes that traffic on the A428 in the base year was travelling at or close to the speed limit (60mph) whereas in actual fact the traffic was travelling much slower due to high volumes of traffic and congestion at key junctions along the existing route including Caxton Gibbet. Therefore, the model shows widespread rerouting caused by traffic self-diverting away from the existing A428 due to the reduced speed limits imposed during construction. The impact of self-diverting traffic indicated by the traffic model has the potential to impact a wide area of the County leading to significant increase in AADT flows for up to 3 years in some areas. However, in the absence of any other information the model represents the only available information on which to gauge the impact of self-diverting traffic during construction.</p>
Applicant's comments	Please see response to BBC above.
Central Bedfordshire Council	<p>The model is understood to include use classes specific to construction HGV traffic, although the TA does not provide accessible disaggregated information on construction traffic routing. The strategic traffic model does however provide combined flow plot information, which identifies the combined impacts of construction including self-diverting traffic.</p> <p>This highlights the importance of a suitable monitoring regime, to capture effects which are either lesser, or greater, than predicted within the forecast modelling work.</p> <p>CBC continues to request the DCO requirements it put forward at Deadline 6</p>
Applicant's comments	As noted in [REP8-014] (Q3.11.7.4, part a) the Applicant will provide details of construction HGV flows at Deadline 9 based upon the Outline Construction Traffic Management Plan that was available at the time when the strategic construction models were being developed.
<p>Q3.11.7.5 - Monitoring of traffic re-routing during construction</p> <p>The ExA are unconvinced that there is currently a robust mechanism or methodology agreed between the Applicant and LHAs to effectively monitor and manage the impact of traffic re-routing on to the local network during the construction phases of the Proposed Development.</p> <p>a) Do the Applicant and LHAs agree that such an approach is necessary, for the purposes of effective traffic management during construction phases, beyond any existing arrangements for collaboration? Explain with reasoning.</p> <p>b) The Applicant is asked to respond to the proposed Requirement of the LHAs [REP6-074] relating to a construction phase monitor and manage scheme.</p> <p>c) It would appear that LHAs consider the full costs associated with the requested monitor and manage scheme should be met in full by the Applicant. How is this justified given your own statutory duties to manage the expeditious movement of traffic on the local network?</p>	

No.	Question/Applicant's Comments
	<p>d) Are LHAs aware of similar Requirements being included in other made DCO road schemes such as the recently constructed A14 Cambridge to Huntingdon Improvement Scheme? How is it justified in relation to the Proposed Development? Applicant to respond.</p> <p>e) LHAs, what would be the trigger point(s) of such a Requirement? (See related questions to <i>Operational phase monitoring and evaluation</i>)</p>
<p>Bedford Borough Council</p>	<p>a) The Local Authorities are of the opinion that such an approach is necessary because the impact of unrestricted self-diverting traffic especially HGV traffic away from the SRN can have a significant impact on affected communities.</p> <p>BBC understands that this has been a particular issue in Cambridgeshire during the construction of the A14 where a range of problems were experienced (these are set out in more detail in the CCC response to this question).</p> <p>b) and c)</p> <p>As with the operational phase comments above the focus of this requirement is to understand the impact of the scheme and introduce measures to limit the impact of the scheme on local communities, it does not replace the Network management duty but rather expands on the information available.</p> <p>d) We understand from CCC that the A14 agreement did not specifically include Construction traffic but the experience of the Cambridgeshire Authorities is that selfdiverting traffic during construction was a major issue both in terms of impact on local communities and damage to the local road network and therefore the Councils request that monitoring of construction traffic be specifically included in the DCO. The locations in Bedford Borough where this monitoring would be required during construction includes, but is not limited to the following:</p> <ul style="list-style-type: none"> • Roxton • Great Barford • Willington • Little Barford • Chawston • Colesden • Wilden Renhold • Ravensden

No.	Question/Applicant's Comments
	<ul style="list-style-type: none"> • Staploe and Duloe <p>e) The trigger point(s) would need to be agreed on a site by site basis.</p>
Applicant's comments	<p>The Applicant has prepared document 9.118 (National Highways Position Statement on Construction Phase Traffic Monitoring [TR010044/EXAM/9.118]) to address these points.</p>
Cambridgeshire Authorities	<p>a) The Local Authorities are of the opinion that such an approach is necessary because the impact of unrestricted self-diverting traffic especially HGV traffic away from the SRN can have a significant impact on affected communities.</p> <p>The monitor and manage scheme submitted pursuant to the Requirement covered only operational impacts and not construction impacts. This led to real issues in Cambridgeshire during the construction of the A14 where the following were experienced:</p> <ul style="list-style-type: none"> • contravening the night-time weight restrictions through villages despite permanent signage and increased large temporary signs, • attempting to drive under low bridges (ignoring signage) and getting stuck, • HGVs driving down narrow streets and getting stuck and damaging walls and even the side of a house, • HGVs using narrow single track country lanes and causing significant damage to verges and laybys and road surface, • HGVs using narrow lanes through villages causing a noise nuisance to the local residents, as this was mainly at night, as the HGVs attempted to avoid the night time closures on the A14, • Excessive number of additional HGVs on roads through Cambridge at night avoiding the strategic diversion e.g. Huntingdon Road causing vibration and noise nuisance to residents, • HGVs speeding when self-diverting, • HGVs not updating sat navs and continuing to try to find their way onto the old route then ending up getting lost and driving down unsuitable routes and HGVs following sat navs suitable for cars which took them down unsuitable routes. <p>The Local Authorities consider this to be a key lesson to be learnt from the A14 scheme.</p> <p>c) As with the operational phase comments above (see response to question 3.11.2.1) the focus of this requirement is to fully understand the precise impact of the scheme in practice and introduce measures to limit the impact of the scheme on local communities. The Applicant's model indicates that certain areas on the local network will be subject to significant adverse effects as a result of the construction of the Scheme and those impacts therefore need to be fully understood and arrangements made for mitigation. The Local Authorities do not consider there to be a conflict with the discharge of their network management duties.</p>

No.	Question/Applicant's Comments
	<p>d) The A14 DCO included Requirement 17 on Traffic Monitoring and Mitigation (see extract in response to question 3.11.2.1 above). The Requirement does not limit the monitoring and mitigation scheme to solely the construction or operation phase.</p> <p>In practice, the scheme submitted in respect of the A14 development did not specifically include traffic monitoring during the construction phase. The experience of the Cambridgeshire Authorities is that self-diverting traffic during construction was a major issue both in terms of impact on local communities and damage to the local road network and therefore the Councils request that monitoring of construction traffic be specifically included in the DCO (see response to part (a) above). These impacts could have been avoided had construction phase traffic monitoring and mitigation been secured in the scheme under the Requirement.</p> <p>The locations where this monitoring would be required include but are not limited to the following:</p> <ul style="list-style-type: none"> • Abbotsley • Broadway, Bourn Airfield • Cambourne • Caxton • Coton • Elsworth • Eltisley • Eynesbury Hardwicke • Gamlingay • Great Gransden • Highfields Caldecote • Knapwell • Little Gransden • Madingley • Toseland • Waresley

No.	Question/Applicant's Comments
	<ul style="list-style-type: none"> • Yelling <p>e) The LHAs have proposed a draft Requirement to address the impacts of this Scheme on the local road network at document REP6-074 and REP6-091. The Requirement would require a monitor and manage scheme to be submitted to and approved by the Secretary of State, in consultation with the relevant local highway authorities, prior to the commencement of the authorised development.</p> <p>The trigger point for mitigation measures would need to be agreed in the scheme on a site by site basis, with different thresholds potentially applying to different parts of the route.</p>
Applicant's comments	<p>The Applicant has prepared document 9.116 (National Highways Position Statement on Operational Traffic Monitoring [TR010044/EXAM/9.116]) and document 9.118 (National Highways Position Statement on Construction Phase Traffic Monitoring [TR010044/EXAM/9.118]) to address these points.</p>
Central Bedfordshire Council	<p>CBC submits the following as a joint approach agreed with the other local highway authorities (LHA) some specific additions that are CBC specific.</p> <p>a) CBC agrees with the response put forward at Deadline 6 by the Cambridgeshire authorities. The lack of a monitor and manage of the construction traffic on the local highway network on the A14 DCO has apparently caused a real issue on for Cambridgeshire and, therefore, is the justification for the approach put forward by the LHAs at Deadline 6. It is necessary to avoid the same situation and impacts repeating.</p> <p>On CBC's review of the A14 DCO, it would appear light on its handling of construction traffic. CBC would submit this would appear to be a significant oversight and the Cambridgeshire County Council has confirmed (see below) it caused major issues in practice. In CBC's view, what is put forward by NH presently is not enough to address the issues and the DCO requirements put forward by the LHAs at Deadline 6 are justified to deal with the issue.</p> <p>The Local Authorities are of the opinion that such an approach is necessary because the impact of unrestricted self-diverting traffic especially HGV traffic away from the SRN can have a significant impact on affected communities.</p> <p>Whilst there is not recent relevant experience within CBC, this is something that has been a real issue in Cambridgeshire during the construction of the A14 where the following issues were experienced:</p> <ul style="list-style-type: none"> • contravening the nighttime weight restrictions through villages despite permanent signage and increased large temporary signs, • attempting to drive under low bridges (ignoring signage) and getting stuck, • HGVs driving down narrow streets and getting stuck and damaging walls and even the side of a house,

No.	Question/Applicant's Comments
	<ul style="list-style-type: none"> • HGVs using narrow single track country lanes and causing significant damage to verges and laybys and road surface, • HGVs using narrow lanes through villages causing a noise nuisance to the local residents, as this was mainly at night, as the HGVs attempted to avoid the night time closures on the A14, • Excessive number of additional HGVs on roads through Cambridge at night avoiding the strategic diversion e.g. Huntingdon Road causing vibration and noise nuisance to residents, • HGVs speeding when self-diverting, • HGVs not updating sat navs and continuing to try to find their way onto the old route then ending up getting lost and driving down unsuitable routes and HGVs following sat navs suitable for cars which took them down unsuitable routes <p>CBC therefore remains of the view that the currently methodology as proposed currently by National Highways is not sufficient to either monitor or manage the impacts of selfdiverting traffic, and that the approach as outlined in Appendix 1 of REP6-091 is necessary, reasonable, and proportionate.</p> <p>c) As with the operational phase comments above (see response to question 3.11.2.1) the focus of this requirement is to fully understand the precise impact of the scheme in practice and introduce measures to limit the impact of the scheme on local communities. The Applicant's model indicates that certain areas on the local network will be subject to significant adverse effects as a result of the construction of the Scheme and those impacts therefore need to be fully understood and arrangements made for mitigation. The Local Authorities do not consider there to be a conflict with the discharge of their network management duties.</p> <p>d) The A14 DCO included Requirement 17 on Traffic Monitoring and Mitigation (see extract in response to question 3.11.2.1 above). The Requirement does not limit the monitoring and mitigation scheme to solely the construction or operation phase.</p> <p>In practice, the scheme submitted in respect of the A14 development did not specifically include traffic monitoring during the construction phase. The experience of the Cambridgeshire Authorities is that self-diverting traffic during construction was a major issue both in terms of impact on local communities and damage to the local road network and therefore the Councils request that monitoring of construction traffic be specifically included in the DCO (see response to part (a) above). These impacts could have been avoided had construction phase traffic monitoring and mitigation been secured in the scheme under a DCO Requirement.</p> <p>e) The LHAs have proposed a draft Requirement to address the impacts of this Scheme on the local road network at document REP6-074 and REP6-091. The Requirement would require a monitor and manage scheme to be submitted to and approved by the Secretary of State, in consultation with the relevant local highway authorities, prior to the commencement of the authorised development. The trigger point for mitigation measures would need to be agreed in the scheme on a site by site basis, with different thresholds potentially applying to different parts of the route.</p>

No.	Question/Applicant's Comments
	In line with the joint approach of the LHAs, CBC continues to request the DCO requirements put forward by the LHAs at Deadline 6
Applicant's comments	The Applicant has prepared document 9.116 (National Highways Position Statement on Operational Traffic Monitoring [TR010044/EXAM/9.116]) and document 9.118 (National Highways Position Statement on Construction Phase Traffic Monitoring [TR010044/EXAM/9.118]) to address these points.
Q3.12	Historic Environment
Q3.12.2	Brook Cottages
Q3.12.2.1 - Written summary of oral representation at ISH4 HistE and BBC, submit a written summary of your oral representation for ISH 4 agenda item 6 [EV-055], referring to transcript [EV-066] and recording [EV-061].	
Bedford Borough Council	<p>6 (a) As per HE's response, early conversations with the applicant regarding the need to undertake the necessary survey work at Brook Cottages did throw up the issue of gaining entry and the permission of the occupant; although initially the applicant had hoped to negotiate with the occupant to allow this to happen. We became aware of the fact that the applicant would be unable to undertake the necessary survey work posed a challenge to the applicant probably in early 2020 and at the start of the COVID crisis when undertaking such a survey could prove dangerous to the occupant.</p> <p>6 (b) Based on the information currently available, the proposed removal of Brook Cottages will result in substantial harm to the significance of the asset. It is also likely that successful relocation would also result in substantial harm. Re-location (under the provision that sufficient historic fabric is retained during the process) would mitigate the impact in terms of avoiding the total loss of the heritage asset, a preferable outcome when compared to substantial harm; and would likely lead to heritage benefits (such as preserving the optimum viable use of the asset, or if used as a museum exhibit reveal historic building techniques and increase the understanding of its evidential interest). There may be other, non-heritage related public benefits flowing from its relocation, such as the retention of the building as a dwelling, or educational benefits.</p> <p>We agree with HE that different methods of dismantling needs to be built into the Requirement and the process therein, and would like to be involved in those discussions given that BBC will be involved in the discharge of Requirement 16 alongside HE. 6 (c) [No oral representation made]</p>
Applicant's comments	<p>The Applicant notes the response of Bedford Borough Council regarding the difficulties in gaining access to Brook Cottages.</p> <p>With regard to the mitigation for the substantial harm caused to Brook Cottages by the Scheme, the Applicant would like to confirm that the</p>

No.	Question/Applicant's Comments
	<p>relocation of the building is not considered to be mitigation. The mitigation, as reported within the Chapter 6 [APP-075] of the Environmental Statement is a Level 3 archaeological recording of the structure. Relocation is being considered in order to provide separate heritage benefits resulting from the Scheme.</p>
<p>Historic England</p>	<p>In regards to the role of the existing A1 main road in the setting of Brook Cottages and the consideration we gave to the effect of the proposed development on that setting, we confirmed that the existing road (whilst historically having always been part of the setting of the Cottages) was ultimately a negative aspect of its setting. The increase in the scale of development associated with the proposed Black Cat roundabout would compound that negative impact but this was not considered a significant factor given the nature of the existing road.</p> <p>We confirmed that we were made aware of the problems posed for access to Brook Cottages by the current resident at an early stage after I (David Eve) became involved in the project late in 2019 and that at this stage we also advised the applicant that intensive survey of the building would be required.</p> <p>We reiterated the view (set out in our Written Representations) that the applicant's approach to dismantling and reconstructing Brook Cottages appears to embody certain assumptions about the impracticality of retaining some elements of the historic fabric and the primary importance of dismantling and retaining structural timber members. It is our view but there is no evidence to suggest this is the only method of dismantling and relocation possible and that exploring a range of options for this should be built into the methodology agreed under Requirement 16. We are working with the applicants to refine the methodology to include this assessment of options and through it to establish the value and practicality of a process of relocation.</p>
<p>Applicant's comments</p>	<p>The Applicant notes Historic England's response.</p> <p>The Applicant has continued to work with Historic England and Bedford Borough Council to agree the wording presented in Requirement 16. This was submitted in Deadline 8 and is included in the updated dDCO submitted at Deadline 9 [TR010044/APP/3.1v5].</p>
<p>Q3.12.2.2 - Survey of Brook Cottages</p> <p>a) Applicant, provide the results for the first stage Survey for anthrax and asbestos [EV-061] [REP6-036] and its implication (if they can be determined) in the relocation proposal for Brook Cottages. HistE may comment.</p> <p>b) At ISH4 [EV-061] there was a discussion regarding the methodology, practicalities and the value of relocating Brook Cottages. Submit a joint position statement between Applicant, HistE and BBC, on matters including but not limited to:</p> <ul style="list-style-type: none"> • methodology of the survey; • the methodology and practicalities around the demolition and relocation of Brook Cottages; 	

No.	Question/Applicant's Comments
	<ul style="list-style-type: none"> • views on what would be a suitable relocation venue, shortlist of specific locations and progress on any conversations; • the value of the relocation, including in terms of the assessment and significance of effects in the ES; <p>c) Wording for Requirement 16 of the dDCO [REP6-003] concerning the demolition and potential reconstruction of Grade II listed Brook Cottages, including greater clarity in terms of specific and detailed reasons that would prevent reconstruction and timescale and mechanism for demolition and reconstruction, if considered appropriate.</p>
Bedford Borough Council	Following a virtual meeting dated 12/01/2022, a joint position statement has been written between the parties and will be submitted by the Applicant to meet Deadline 8.
Applicant's comments	The Applicant can confirm that the Joint Position Statement on methodology, practicalities and the value of relocating Brook Cottages [REP8-017] was submitted at Deadline 8.
Historic England	<p>a) We have no comment to make on these matters.</p> <p>b) We have added our comments to a joint position statement covering these matters prepared by the applicant who will submit it for this deadline on our behalf.</p>
Applicant's comments	The Applicant can confirm that the Joint Position Statement on methodology, practicalities and the value of relocating Brook Cottages [REP8-017] was submitted at Deadline 8.
<p>Q3.12.2.3 - Black Cat Junction Options</p> <p>a) Applicant, in the Black Cat Options overview report [REP4-032], Appendix C, row 19], the RAG table assumptions relating to “<i>Sites of Archaeological importance/listed buildings disturbed by option</i>” are medium or low. Explain how the ExA can have confidence in this approach given that despite these assumptions, the Proposed Development requires the demolition of a Grade II listed building? HistE and BBC may comment.</p> <p>b) Applicant, evidence what specific heritage expertise was used to inform the sifting and selection process? Provide evidence. HistE and BBC may comment.</p> <p>c) Explain how Option C became the preferred Option at PRA stage, despite Option A scoring significantly better in terms of Environmental effects (Cultural Heritage) [APP-072 Table 3-2]; better in terms of BCR [REP4-033, Table 10.2]; and the same in terms of addressing the identified problems, meeting the scheme objectives, deliverability, feasibility, traffic benefits, road safety and effects on NMUs [REP4-033 Table 10.2]. BBC may comment.</p> <p>d) Applicant, why was Option A not reconsidered at this stage, in light of its performance against Option C [REP4-033 Table 10.2]? Is there any evidence to show that it was impractical to amend Option A to avoid the demolition of Brook Cottages? BBC may comment.</p>	

No.	Question/Applicant's Comments
	<p>e) Please explain the reason for rejecting Option Orange C+, which did not require the demolition of Brook Cottages, which had the highest BCR of any of the Route/Junction options [REP6-040, Table 2-3] and which had a comparable effect on Road Safety and Traffic Benefits [REP4-033 Table 10.2] to the other options assessed at this stage? BBC may comment.</p> <p>f) Given the that the Proposed Development has numerous departures from DMRB standards within the vicinity of the Black Cat Junction and Brook Cottages [REP6-045] why were departures from standard associated with Option C+ considered so adverse?</p> <p>g) HistE, with reference to your comments at ISH3 [EV-045] and your response to the ExA's WQ2s [REP4-069 Q2.12.2.1] would you like to elaborate on your position in the SOCG regarding the (exceptional) justification for the demolition of Brook Cottages [REP6-016].</p>
Bedford Borough Council	<p>No further comments to add.</p> <p>a) No comment – BBC will await the answer given by the Applicant before commenting.</p> <p>b) No comment.</p> <p>c) No comment – BBC will await the answer given by the Applicant before commenting.</p> <p>d) No comment – BBC will await the answer given by the Applicant before commenting.</p> <p>e) No comment – BBC will await the answer given by the Applicant before commenting.</p>
Applicant's comments	<p>The Applicant notes the comment from Bedford Borough Council. If further comments are received, the Applicant will provide a response at Deadline 10.</p>
Historic England	<p>a) We have no comment to make on this matter.</p> <p>b) We have no comment to make on this matter.</p> <p>g) It remains our position that we are not able to comment on the Black Cat junction options and the preferred junction design as these discuss issues of highways engineering in which are do not have expertise. We are therefore unable to comment on the justification for this preferred design and the necessity of demolishing the cottages to implement it. The NPPF asks for the public benefits of the scheme to be weighed against the loss of the listed building, but this a balance it is for the determining authority to make.</p>
Applicant's comments	<p>The Applicant notes the comments from Historic England.</p>
Q3.14	Land use including open space and green infrastructure

No.	Question/Applicant's Comments
Q3.14.1	Geology and Soils
Q3.14.1.1 - Surveys a) Are you satisfied with the Applicant's Agricultural Technical Note on Soils and Agricultural Land? b) Do you have any outstanding concerns in this regard?	
Bedford Borough Council	The original information on the ALC grade for the unworked borrow pit land was grade 1 and Bedford Borough Council has questioned the ability for the worked area to be restored back to this grade. The Council is not aware of any examples where this has been achieved nationally and the information provided does not appear to confirm this.
Applicant's comments	The Applicant has responded to a similar point in the Applicant's comments on Deadline 5 submissions [REP6-035] in relation to REP5-023d. This sets out that the Applicant does not consider that restoring the land to the same ALC (or better) for the borrow pits would be necessary, nor would it be enforceable or practical to deliver as the ALC is a system primarily designed for assessing undisturbed soil quality prior to development and, whilst the original soil resources will be used in the restoration, soil structures which influence the ALC grade, will take some time to re-establish once the soil has been re-instated. Instead the Applicant is committed to restoring the soils for agricultural use.
Central Bedfordshire Council	CBC have no comment to make
Applicant's comments	The Applicant notes the comments from Central Bedfordshire Council.
Natural England	<p>Natural England has reviewed the Applicant's 9.69 Agricultural Technical Note – Soils and Agricultural land Classification (December 2021) and considers the survey methodology and results to be acceptable in providing a baseline assessment of land quality in the areas where a detailed survey has been carried out.</p> <p>In areas where access was not granted rather than rely upon the Regional 1:250 000 Series ALC map, a more detailed desk assessment of likely grades could have been carried out, making use of the findings of the field survey on the same soil types. The affected area amounts to nearly a third of the Order Limits. The findings of this assessment could then have been reported in place of paragraph 3.6.25. Nonetheless these areas are likely to be best and most versatile (BMV), as reported, but an indication of the balance of Grade 2 to Subgrade 3a could be made. This in turn would affect the conclusion in paragraph 4.1.1. Section 4 does not refer to this large area of land for which no detailed</p>

No.	Question/Applicant's Comments
	<p>survey data is available.</p> <p>Natural England would prefer to see a revision to the report, from paragraph 3.6.25 onwards, to take account of a detailed desk assessment of likely grading for the unsurveyed areas.</p>
Applicant's comments	<p>The Applicant has reviewed the request made by Natural England regarding the assessment of the agricultural land that would be impacted by the Scheme. The current baseline has been informed by a combination of survey findings and desk based information (as presented within Section 3.2 of the Agricultural Technical Note [TR010044/EXAM/9.69v2]) submitted as Deadline 9. This document states where Agricultural Land Classification (ALC) surveys could not be undertaken on land parcels, the Applicant has applied an ALC of Grade 2, thus impacts would be reported on a worst-case basis.</p> <p>Taking into consideration this approach, the Applicant does not intend to revisit the baseline and therefore the assessment of agricultural land as a result of the Scheme.</p>
Q3.16	Noise and Vibration
Q3.16.2	Proposed mitigation, management and monitoring
	<p>Q3.16.2.1 - Operational noise monitoring</p> <p>The Applicant has previously explained that no operational noise monitoring is proposed following the construction of the Proposed Development other than to ensure that 'measures' were installed as required [APP-080, Paragraph 11.10.2] [EV-072].</p> <p>a) Is this typical of other made DCOs for road schemes?</p> <p>b) Do IPs agree with this approach? If not, explain with reasons.</p> <p>c) Applicant, how would you deal with any unanticipated noise effects during operation, particularly for residential receptors such as at R16, R17 and R18 [REP6-018], Little Barford as well as receptors around the Potton Road Junction and Cambridge Road Junction [REP6-020]?</p>
Cambridgeshire Authorities	<p>a) The Councils only have experience of this for the A14 DCO. During the examination, we asked for post-construction (operational noise) monitoring. This was resisted by the Applicant who considered their assessment methodology, based on traffic flows to be sufficient.</p> <p>After completion, complaints were received by residents indicating noise had increased, but the absence of an appropriate Requirement meant that it was not possible to require the Applicant to undertake measurements of the impacts and the Applicant relied on the previous modelling to demonstrate sufficient protection was employed.</p> <p>b) The Councils do not agree with this approach, as while the performance specification of specific operational mitigation measures would</p>

No.	Question/Applicant's Comments
	<p>be confirmed at the Scheme detailed design stage to ensure the performance assumed in the assessment is achieved. This refers to design specifications rather than "real world" noise assessment once in situ. No further monitoring is proposed. Due to the inherent uncertainty of modelling and prediction methods we would like to see actual real time noise measurements being taken to demonstrate the levels of protection provided are in line with what was proposed. If they are not, further mitigation will be required. In order to carry out this assessment, only representative sampling is required, at sensitive locations, where residential properties are potentially impacted. Scheme-wide, long-term monitoring is not required, as appears to be being suggested as a reason for resisting any monitoring by the Applicant.</p>
Applicant's comments	<p>a) The Applicant notes the comment from the Councils.</p> <p>b) The Applicant notes the comment from the Councils and refers to its response to Q3.16.2.1 a) submitted at Deadline 8 [REP8-014]. This refers to its previous responses which detail why post opening noise monitoring at specific receptors is not normally undertaken. This response also refers to the proposed update to the Register of Environmental Actions and Commitments in the First Iteration Management Plan to secure the specification requirement for the proposed low noise surfacing and its delivery. This update has been submitted at Deadline 9 [TR010044/APP/6.8v3].</p>
Central Bedfordshire Council	<p>A) CBC have no experience of DCOs for other road schemes so cannot comment on whether this is typical.</p> <p>B) However, it is usual for CBC to require post-installation verification of a noise mitigation scheme where this has been identified as necessary to make a development scheme viable, so would expect some degree of post-completion monitoring to be undertaken for such a major infrastructure project.</p>
Applicant's comments	<p>a) The Applicant notes the comment from CBC.</p> <p>b) The Applicant notes the comment from CBC and refers its response to Q3.16.2.1 a) submitted at Deadline 8 [REP8-014]. This refers to its previous responses which detail why post opening noise monitoring at specific receptors is not normally undertaken. This response also refers to the proposed update to the Register of Environmental Actions and Commitments in the First Iteration Management Plan to secure the specification requirement for the proposed low noise surfacing and its delivery. This update has been submitted at Deadline 9 [TR010044/APP/6.8v3].</p>
Q3.17	Significant Cumulative Effects
Q3.17.4	East West Rail
Q3.17.4.1 - East West Rail	

No.	Question/Applicant's Comments
	<p>At ISH5 [EV-070] EWR explained that potential design changes to the Proposed Development would largely be limited to LHA side roads linking to the Proposed Development. However, EWR state in the post hearing note [REP6-094] that the exception to this would likely be at Black Cat Roundabout. Explain how the EWR Route Alignments 1, 2 and 6 would likely affect the intended layout or function of the proposed Black Cat junction.</p> <p>(See related questions in <i>Protective Provisions</i>.)</p>
East West Rail	<p>4.1. EWR Co and the Applicant have agreed the below response to Q3.17.4.1:</p> <p>"For EWR Route Alignments 1, 2 and 6, the EWR alignment would cross the Black Cat junction on a viaduct just to the north of the Black Cat Junction, over the slip roads and the A1. Therefore, the present design for EWR Route Alignments 1, 2 and 6 would not alter the main layout or function of the A428 Black Cat Roundabout and its slip roads in the permanent case. However, temporary changes to the layout or function of the junction may be necessary to facilitate access to and construction of the EWR viaduct. These could include lane closures, diversions and the construction of temporary and permanent structures alongside the highway. In addition, there may be a requirement for the slight realignment of local road infrastructure, such as the Roxton Road access road."</p>
Applicant's comments	<p>The Applicant notes the response from East West Rail Co, and can confirm that the statement above was prepared jointly in response to question 3.17.4.1.</p>