

A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 9

9.110 Applicant's comments on submissions received at
Deadline 8

Planning Act 2008

Rule 8(1)(k)

Infrastructure Planning (Examination Procedure) Rules 2010

January 2022

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010**

**A428 Black Cat to Caxton Gibbet
improvements
Development Consent Order 202[]**

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Regulation Reference:	Rule 8(1)(k)
Planning Inspectorate Scheme Reference	TR010044
Application Document Reference	TR010044/EXAM/9.110
Author	A428 Black Cat to Caxton Gibbet improvements Project Team, National Highways

Version	Date	Status of Version
Rev 1	25 January 2022	Deadline 9

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1 Introduction

- 1.1.1 The Development Consent Order (DCO) application for the A428 Black Cat to Caxton Gibbet improvements (the Scheme) was submitted by National Highways (the Applicant) to the Secretary of State for Transport via the Planning Inspectorate on 26 February 2021 and accepted for Examination on 23 March 2021.
- 1.1.2 The purpose of this document is to set out the Applicant's comments on submissions made at Deadline 8 of the Examination.
- 1.1.3 The following representations are addressed in this document:
- a. REP8-026 – Bedford Borough Council
 - b. REP8-027 – Cambridgeshire Authorities
 - c. REP8-029 – Cambridgeshire Authorities
 - d. REP8-032 – Cambridgeshire Authorities
 - e. REP8-039 – Darl Sweetland/Anglian Water
 - f. REP8-042 – Davison & Company (Great Barford) Limited
 - g. REP8-043 – Deloitte LLP on behalf of the Church Commissioners for England
 - h. REP8-045 – East West Rail Company Limited
 - i. REP8-048 – Natural England

2 Applicant's comments on submission made at Deadline 8 from Interested Parties

REP8-026 – Bedford Borough Council

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-026a	<p>In Compulsory Acquisition Hearing 2 the ExA's formal action for the Applicant was to provide Evidence of an established dialogue over outstanding issues, such as schedule of meetings and agreed timetable relative to the Examination Timetable.</p> <p>At Deadline 6 the Applicant responded:</p> <p>"A timetable has not been agreed with Bedford Borough Council because the landowner is still considering whether they are interested in entering into an option agreement under the terms proposed by The Applicant."</p> <p>As was made clear on behalf of Bedford Borough Council at Compulsory Purchase Hearing 2, and discussed subsequently with the Applicant's agent, there is a range of matters other than a potential option that need to be agreed. This includes agreements that may be entered into. We do not consider the Applicant's reason for not seeking to agree a timetable is reasonable and consider this action needs urgently completing. We will address with the Applicant and keep the ExA advised</p>
Applicant's comments	<p>The Applicant has met with the Landowner and their representatives on several occasions as set out in the Compulsory Acquisition Schedule [REP8-005]. The Applicant held a further meeting with the Landowner and their professional representatives on 19 January 2022.</p> <p>The first agenda item was Traffic Modelling. It was discussed who within National Highways the Landowner should be discussing any necessary improvements to the highway with to facilitate their development aspirations on their land once the A428 Black Cat to Caxton Gibbet Improvement Scheme is completed. It was agreed a follow up meeting would be arranged between both parties to discuss this point once information had been provided by the Landowner. It should be noted that these discussions are separate to any acquisition or position statement discussions.</p> <p>It was also confirmed by the Landowner that it was not possible to enter into a voluntary agreement on the temporary possession land due to an existing tenancy on the land and the use of Compulsory Powers was the only alternative for the Applicant to secure access. The Applicant is currently considering the Landowner's proposal of entering into a Memorandum of Understanding with the Landowner on reinstatement provisions and the length of any occupation. A Memorandum of Understanding is a written document between parties to cooperatively work together on an agreed objective. The Applicant has agreed to respond within two weeks.</p>

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Reference Number	Interested Parties Submission/Applicant's Comments
	<p>It was also agreed by the Landowner that the Applicant was required to acquire flood mitigation land permanently.</p> <p>The Landowner has received access proposals to certain plots and will consider its position and revert to the Applicant in due course. The Applicant has confirmed it will consider acquiring the freehold title to these plots if acceptable access arrangements cannot be agreed.</p> <p>It was also confirmed by the Landowner's Agent that it was not practical to hold meetings every two weeks as previously proposed as most points have been agreed or are being dealt with in isolation with the relevant individuals from both parties.</p>

REP8-027 – Cambridgeshire Authorities

Reference Number	Interested Parties Submission/Applicant's Comments
Issue Specific Hearing 4 (ISH4)	
REP8-027a	<p>7 - Local Authorities to be involved in discussions on design of bat crossings and routes to those crossing points.</p> <p>The Councils have attended a meeting with National Highways and Natural England on 7 January 2022 to discuss the design of the bat crossing points and routes to those crossing points.</p>
Applicant's comments	The Applicant notes the comment from the Cambridgeshire Authorities.
REP8-027b	<p>11 - Technical note regarding groundwater and surface water modelling and sensitivity testing. IPs to provide comment at following deadline or include in Statement of Common Ground.</p> <p>The Councils confirm that REP6-042 and REP6-043 have been reviewed and we have no comments to make.</p>
Applicant's comments	The Applicant notes the comment from the Cambridgeshire Authorities.
Issue Specific Hearing 5 (ISH5)	
REP8-027c	<p>1 - Update to be provided on discussions regarding potential road space reallocation related design changes referred to by Cambridgeshire County Council (CCC) and Bedford Borough Council (BBC) in Agenda Item 3.</p> <p>This refers to the mitigation testing that is being undertaken at Wyboston and Barford Road junctions to see if reallocation of road space will improve the operation of all arms at these junctions. The Applicant supplied a draft copy of the proposed submission to CCC. This states that as the junction is remote from the scheme they are not proposing any mitigation of the impacts of the scheme. This is considered not to be satisfactory to CCC and therefore, CCC are undertaking modelling of possible mitigation at these junctions using the sensitivity tests models provided by the Applicant. The results of this analysis will be submitted at Deadline 9.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	<p>The Applicant provided a substantive response to this request at Deadline 8 in the Applicant's Responses to issues raised at Issue Specific Hearing 5 on 1 December 2021 [REP8-022]. This provided a more detailed and reasoned rationale for not proposing mitigation at these locations than simply the junctions' remoteness from the Scheme. The Applicant notes the comment from the Cambridgeshire Authorities and will provide comments at Deadline 10 on the results of the analysis submitted at Deadline 9.</p>
REP8-027d	<p>2 - Further modelling at M11 Junction 13 and Eltisley Junction to be undertaken and flow checks to be provided for Potton Road and Toseland Road for CCC. Update/outcome to be submitted to Examination.</p> <p>The revised modelling of this junction was supplied to CCC on 22 December 2021 and is due to be formally submitted to examination at D8. The revised model is currently being reviewed and the Councils will comment on it at Deadline 9.</p>
Applicant's comments	<p>The Applicant submitted Results of Additional Modelling at M11 Junction 13 [REP8-019] and for the assessment of the Eltisley, Potton Road and Toseland Road junctions in the Applicant's Responses to issues raised at Issue Specific Hearing 5 on 1 December 2021 [REP8-022]. Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.</p>
Issue Specific Hearing 6 (ISH6)	
REP8-027e	<p>6 - Update in relation to de-trunking agreement to be provided in the next Statement of Common Ground with Local Highway Authorities (LHAs). Timetable for agreement of the Detrunking agreement to also be provided.</p> <p>A revised draft of the de-trunking agreement was provided to the Councils on 7 January 2022. An escalation meeting between CCC and the Applicant took place on 7 January 2022 to discuss the key points at issue between the parties. The Councils are considering the Applicant's revisions and will revert to the Applicant with comments shortly after D8.</p>
Applicant's comments	<p>The Applicant notes the comment from the Cambridgeshire Authorities and, at the time of writing, is still awaiting comments from the Cambridgeshire Authorities to the draft provided on 7 January 2022.</p>

REP8-029 – Cambridgeshire Authorities

Reference Number	Interested Parties Submission/Applicant's Comments
Central Bedfordshire Council	
REP8-029a	<p>Post-Hearing Submission Including Oral Submissions at Issue Specific Hearings 4 – 6 on 30 November – 2 December 2021 [REP6-091]</p> <p>Non-motorised users (NMU) – Adequacy of provision - 5a (i) 47 – 51, 53, 55- 56, 58, 61.</p> <p>CCC supports Central Bedfordshire's comments regarding the adequacy of intended NMU provision where new local highway infrastructure would be provided, or existing highway be de-trunked. CCC has made similar comments on the Applicant's proposals for NMUs.</p>
Applicant's comments	<p>The Applicant notes the Cambridgeshire Authorities' comments on Central Bedfordshire Council's submission and reiterates that the Applicant's position is that the proposed NMU provision in the Scheme are both reasonable and proportionate.</p>
REP8-029b	<p>Post-Hearing Submission Including Oral Submissions at Issue Specific Hearings 4 – 6 on 30 November – 2 December 2021 [REP6-091]</p> <p>Non-motorised users (NMU) – potential for Designated Funds schemes - 5b 62-67.</p> <p>CCC supports Central Bedfordshire's comments regarding the fact that designated funding decisions are made separately to the A428 process, and there are no guarantees as to when and what funding may be provided. As a result of the uncertainty, both Authorities see Designated Funding as having very little weight in terms of providing necessary mitigation.</p> <p>CCC has made similar representations regarding the uncertainty and risk to Local Highway Authorities when designated funds are being stated as a means of mitigation.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	<p>The Applicant proposes Designated Funds as a source of funding for enhancements only, and that are not therefore necessary as mitigation for the Scheme. The Applicant maintains the position that the Scheme's proposed NMU provision are both reasonable and proportionate.</p> <p>It should be noted that 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 Cambridgeshire 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 (January 2022) to assess, price and develop proposals for the following proposals:</p> <ul style="list-style-type: none"> • Cambourne to Madingley Mulch WCH route (8km). • St Neots to Cambourne WCH route (12km). • Eltisley to Caxton Gibbet junction WCH route (0.65km). • A new crossing of the existing A428 at Wintringham (0.2km). <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>
East West Rail Company	
REP8-029c	<p>EWR Company: Written submission of oral case at ISH5 [REP6-094]</p> <p>Side agreement - General.</p> <p>Paragraph 1.3 states <i>"i. EWR Co confirmed that the approach taken to the drafting of the protective provisions was to provide the ability for the Scheme's design to flex to accommodate the EWR Project, subject to the caveat that any such</i></p>

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	<p><i>changes do not result in any materially new or materially different environmental effects from those reported in the environmental statement.</i></p> <p><i>ii. EWR Co confirmed that the majority of the potential interfaces would be with side roads rather than the NSIP itself. Therefore, it would be possible to address these changes under 1990 Act applications, to the extent that the Scheme's design could not be flexed within the confines of the DCO."</i></p> <p>CCC wishes to reiterate that any flex of the Scheme design or layout pursuant to the side agreement would require significant control by CCC. Such a process could result in the realignment of local highway assets that has not been given effect by a legal order and therefore require CCC to implement the necessary legal instruments to rectify the legal status of the highway and to update the Definitive Map and Statement in relation to public rights of way. This could result in a costly and time-consuming process for CCC. It should also be noted that the implementation of the required legal instruments would require a public process, the outcome of which could not be guaranteed.</p>
Applicant's comments	<p>The Applicant is in positive negotiations with EWR regarding a draft cooperation agreement. However, this does not affect the Applicant's ability to comply with the streets, rights of way and access plans (article 14(7)) and Scheme design approach and design principles (requirement 12).</p>

REP8-032 – Cambridgeshire Authorities

Reference Number	Interested Parties Submission/Applicant's Comments
3.1 Updated draft Development Consent Order [REP6-002 and REP6-003]	
REP8-032a	General - . General The Councils' comments on the updated dDCO are contained in a separate mark-up (document reference CLA.D8.dDCO.C).
Applicant's comments	The Applicant's comments on the marked up dDCO are set out in Appendix A of this document [TR010044/APP/3.1v5] .
6.2 Environmental Master Plan [REP6-006]	
REP8-032b	Great Crested Newt mitigation (pond) - Sheet 5 The Councils are concerned about the appropriateness of the proposed Great Crested Newt mitigation pond given it has been located within a field to be restored to arable and located away from known GCN populations. Further clarify is sought as to why this is suitable for GCN, rather than locating the pond within the affected GCN metapopulation boundary identified on the GCN Survey Update Tech Note [REP5-011] and therefore within surrounded by areas of optimal terrestrial habitat.
Applicant's comments	The location of that pond for Great Crested Newts will not be on land which is to be restored to agricultural use. It will be located within the area currently shown as woodland on the Environmental Masterplan. The new pond will have some adjacent grassland for amphibian foraging and access for maintenance. No ponds with a breeding population of Great Crested Newt will be lost to the Scheme. The surroundings of this pond will provide an area where newts which may be found during site clearance could be relocated. A new pond west of the Scheme here will provide an opportunity to establish a breeding population, which could then utilise the extensive habitat along the west side of the Scheme. As such there is the potential for extension of the population to other ponds beyond the Scheme which do not have breeding populations at present. This was discussed and agreed in a meeting with Natural England on 12 January 2022. The amended pond location is shown on Figure 2-4 (v4) Environmental Masterplan [TR010044/APP/6.2] , submitted at Deadline 9.

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-032c	<p>Great Crested Newt mitigation (pond) - Sheet 9</p> <p>The Councils are concerned that a drainage attenuation pond is not suitable as a GCN pond. Its primary function as a drainage feature means it is likely to be dry and at risk of poor water quality. Further clarity is sought to demonstrate how this attenuation pond will be designed to support adequate water quality & quantity to support breeding GCN.</p>
Applicant's comments	<p>This pond was incorrectly shown on the Environmental Masterplan submitted at Deadline 6 [REP6-006]. It will be a separate pond for Great Crested Newt, near to but separate from the attenuation pond. Any amphibians which breed in the pond will have access to extensive semi-natural habitat for foraging, in and around the attenuation pond and other grassland, scrub and woodland planting including the surroundings of another attenuation pond next to the New Cambridge Road junction.</p> <p>The amended pond location is shown on Figure 2-4 (v4) Environmental Masterplan [TR010044/APP/6.2], submitted at Deadline 9.</p>
REP8-032d	<p>Bat crossing points</p> <p>The Councils welcome the addition of bat crossing point labels to be installed as part of the Scheme. However, clarification is sought as to why only two of the three embedded measures for bat flight were taken into consideration in ES Chapter 2: Scheme Design Page 2 of 49 [APP-071]. The omitted bat crossing point at Bridleway Accommodation Bridge (north of Croxton Park) should be included in the Environmental Masterplan.</p>
Applicant's comments	<p>The Applicant notes that the addition of bat crossing point labels on the Environmental Masterplan is welcomed. In response to ExA Written Question 2 [PD-009] Q2.3.5.1 (Habitat Fragmentation) five main structures suitable for use as crossing point structures for bats were labelled as Crossing Points 1 to 5 as shown on the Environmental Masterplan [Figure 2.4v4 of TR010044/APP/6.2]. There are six other structures that may also be used by bats as described in responses to Natural England (Appendix C Bat mitigation responses 7 December) in [REP8-009]. All of these structures are labelled on the Environmental Masterplan submitted at Deadline 9 [Figure 2.4v4 of TR010044/APP/6.2] and shown in detail in cross-section drawings [APP-019]. Note, the bridleway accommodation bridge, north of Croxton Park, which is one of the six other structures is labelled by name on the Environmental Masterplan [Figure 2.4v4 of TR010044/APP/6.2]. All relevant structures embedded in the Scheme design (see Table 2-1 Chapter 2: Scheme Design [APP-071] of the Environmental Statement) have been considered in the Environmental Assessment of the Scheme.</p>

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6.8 First Iteration Environmental Management Plan – Rev 2 [REP6-007 and REP6-008]	
REP8-032e	<p>Cultural Heritage - Table 3-4</p> <p>The Archaeological Mitigation Strategy (AMS) [REP4-031] referenced in Table 3-4 is not agreed by the Councils. By default, all documents that refer to the AMS, including the First Iteration Environmental Management Plan [REP6-007 and REP6-008], are also not agreed. We have set out proposed amendments in REP1-048 section 12, REP2-003 6.25 - 6.2.11; REP3-041 Cultural Heritage response, REP4-059 responses to Q2.12.4 1a and 1b, and REP6-058 Q1.12.1a and e.</p>
Applicant's comments	<p>Comments made by the Cambridgeshire Authorities on the Archaeological Mitigation Strategy [REP4-031] have been addressed previously. The reasons have previously been provided (see 9.74 Comments on submissions made by the Cambridgeshire Authorities at Deadline 5 [REP6-034], specifically responses to REP5-020ai and REP5-020aj).</p>
REP8-032f	<p>Biodiversity - Annex D: Biodiversity Management Plan paragraph 1.6.1</p> <p>As set out in previous consultation response [REP5-058], there is insufficient measures to protect the Protected Road Verge (S8), Brockley Road and mitigate loss of arable field margins. Additional measures should be incorporated into the Biodiversity Management Plan to address this matter.</p>
Applicant's comments	<p>The Applicant can confirm that additional measures to protect the Protected Road Verge (PRV) (S8) during the construction phase of the part of the Scheme that has the potential to impact PRV S8, have been included within the Biodiversity pre-commencement plan [REP8-004] submitted by the Applicant at Deadline 8. These measures include:</p> <ul style="list-style-type: none"> • Fencing will be installed by the Principal Contractor to protect this site from pre-commencement works. • Management by mowing and removal of arisings will be carried out during the pre-commencement and construction periods in accordance with the management requirements for species-rich grassland. • Positioning of the fencing will not impede the required management of the Protected Road Verge. • The issue of scarce arable flora in some arable margins was addressed in the Applicant's comments on Deadline 6 submission [REP8-010] in response to [REP6-058p]. Mitigation is provided by continuity of arable management in affected fields and by temporary habitat during the construction period. This has been included in Annex L section 1.9

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	of the First Iteration Environmental Management Plan submitted at Deadline 9 [TR010044/APP/6.8v3].
REP8-032fi	<p>Biodiversity - Annex D: Biodiversity Management Plan paragraph 1.14.2</p> <p>The proposed Great Crested Newt mitigation does not account for the loss of pond 37, which is identified within Table 13-4 of ES Chapter 13 [APP-082]. The Councils seek further evidence to demonstrate this pond will not be directly affected by the scheme.</p>
Applicant's comments	Pond 37 is outside of the Scheme Order Limits and will not be directly affected by the Scheme.
REP8-032g	<p>Biodiversity - Annex D Table D-1</p> <p>The Councils are concerned about the proposed post-construction monitoring of the bat crossing points being limited to Years 1, 2 and 3. The functionality of these new crossings will be limited until the proposed landscaping scheme, including guide planting for bats, has established to reinstate/create new bat commuting routes. Therefore the bat crossing points should continue to be monitored until the bat commuting routes have become well established. Only at this point will the Applicant be able to provide adequate evidence to demonstrate that the bat mitigation, including the crossing point structures and guide planting, has/has not been successful and establish whether any remedial action is required to address any failures.</p>
Applicant's comments	<p>The Applicant notes these comments and the time it may take for new crossing structures to function properly. The timing of the post-construction monitoring as stated in the First Iteration Environmental Management Plan Table D-1 [REP6-008] is indicative and the full programme would be determined by the Principal Contractor. Natural England has requested that this be undertaken in years 2, 4 and 6. This timing is expected to be sufficient to establish whether any remedial action is required to address any failures.</p> <p>The amended information is set out in Annex D of the First Iteration Environmental Management Plan [TR010044/APP/6.8v3], submitted at Deadline 9.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-032h	<p>Flood Risk - Annex F: Water Management Plan paragraph 4.2.17</p> <p>It is noted that proprietary treatment is an option for the management of surface water during construction. However, it would be worth noting that the LLFA has a preference towards the options including settlement tanks or lagoons for the treatment of this water, as proprietary treatment systems require regular maintenance to ensure their continued performance.</p>
Applicant's comments	<p>Any proprietary treatment systems used during construction would be fully maintained during the temporary construction phase and therefore those systems should continue to perform as required. The performance of water treatment systems during construction will be monitored for water quality, level and flow, as stated in Table 310 (Ref: ESS-RD1) of the Scheme First Iteration EMP [TR010044/APP/6.8v3].</p>
REP8-032i	<p>Cultural Heritage - Annex J: Archaeological management plan</p> <p>1.3.2: Category c is not approved by the Councils. The methods for excavation should comply with section 6 of the Joint Authorities' Archaeology Brief (currently in REP4-031 Appendix B).</p> <p>1.3.3: a. and b. should be shown together to prevent confusion as to the mitigation requirements (both involving excavation) and to indicate that time will be needed to excavate the sites prior to release.</p> <p>1.3.4: The levels of excavation shown in the lists are not approved owing to the definition of 'Excavation', 'Archaeological excavation' and 'Targeted excavation'. The Councils are concerned that the latter category amounts to a reduction in excavation response in areas that warrant a detailed approach.</p> <p>Table J-1 will require revision to comply with a final approved Archaeological Mitigation Strategy. Nowhere in this Outline Management Plan is it stated that a stockpile might be placed over archaeological remains at Site 17 (Fields 69 & 70). This is welcome as such works would be deleterious to archaeological remains. However, the Councils remain concerned at the Applicant's response in their Comments on the D6 submissions at REP6-034 for REP5- 020ak, which together with section 11.3 of the Archaeological Mitigation Strategy REP4- 031 indicates an intention to bury archaeological remains beneath fill. It is our requirement that archaeological sites should not be subject to damage caused by temporary works, even if the Applicant considers that no harm would befall vulnerable archaeological remains. The Councils' advice is to move stockpiles away from archaeological areas or to excavate them in advance for the reason given below.</p> <p>The Councils raise attention to the First Iteration Environmental Management Plan Annex E [REP6-007 and REP6-008], 1.5.12k regarding topsoil stripping, specifications and standards for their handling, and also 1.5.17 for the handling of</p>

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	<p>subsoils. While archaeological consideration is welcome at 1.5.10 and 1.5.18d, it appears that sections 1.78-1.79 on soil restoration with regard to ripping and decompaction have not been taken on board by the Applicant when it comes to archaeological sites. The Councils note that stockpiles will avoid trees and root protection zones and be located 10m from watercourse and consider that vulnerable, finite archaeological remains appear to be classed of lower value than these other environmental considerations. This is not acceptable practice. Archaeological sites within the Scheme boundary should be fenced off and not stripped as shown at REP4-031 11.2, or excavated in advance of temporary works (Sections 8-9).</p>
Applicant's comments	<p>Comments made by the Cambridgeshire Authorities on Appendix J have been addressed previously in comments to the Archaeological Mitigation Strategy [REP4-031]. As has been stated previously, Category c 'Targeted Excavation' will not be removed from the mitigation strategy. The reasons have previously been provided (see 9.74 Comments on submissions made by the Cambridgeshire Authorities at Deadline 5 [REP6-034], specifically responses to REP5-020ai and REP5-020aj).</p> <p>Table J-1 mirrors Table 5-1 in the Archaeological Mitigation Strategy [REP4-031] and will not be updated.</p> <p>Comments on potential for the possible use of Site 17 for topsoil storage has been discussed previously. Please see the Applicant's comments on the Written Representation from Cambridgeshire County Council/Huntingdonshire District Council/South Cambridgeshire District Council [REP3-008] in response to REP2-003z.</p> <p>The First Iteration Environmental Management Plan Annex E [REP6-008] will be updated for Deadline 9 to include a reference to Section 11 of the Archaeological Mitigation Strategy [REP4-031]. This contains details of an accepted and proven methodology for preservation of archaeological remains under soil storage. This has been utilised on a number of other schemes, including the A1 Dishforth to Barton, A1 Darrington to Disforth and the A46 Newark to Widmerpool Improvement. For clarity, paragraph 11.3.8 of the AMS states "Following construction, the protective fill material will be removed by the Principal Contractor, under supervision by the Archaeological Contractor, leaving the sites in their original condition." It is also expected that the Site Specific Written Schemes of Investigation will detail the exact methodology.</p> <p>While Para 11.3.1 states "perhaps elements of Site 17", as stated in [REP3-008] this will only be decided once the topsoil and subsoil is stripped, and the nature, extent and robustness of the features is determined. It is anticipated that the only</p>

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	kinds of features that would be suitable are medieval field boundaries. It is not proposed for the Bronze Age remains, (which have been recognised as distinctive circular ditches with Bronze Age pottery) or any other fragile remains.
REP8-032j	<p>Construction working hours - Annex K: Construction Compound Management Plan, paragraph 1.4</p> <p>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	The Applicant's comments on the marked up dDCO are set out in Appendix A of this document.
REP8-032k	<p>Biodiversity - Annex L: landscape and Ecology Management Plan Paragraph 1.10.16</p> <p>The Councils welcome further consultation work to consider feasibility of including elm within the mix, to address our concerns with regards to the adverse impact of the Scheme to elm specialist invertebrates. These discussions should be undertaken as soon as possible - clarification is sought as to the timescale.</p>
Applicant's comments	<p>Paragraph 1.10.16 of Annex L: Landscape and Ecology Management Plan within the First Iteration Environmental Management Plan (EMP) [REP6-008] confirms that "<i>Further work and consultation with relevant local authorities is required to confirm the feasibility of using elm in the planting mix and if so, to identify appropriate stock availability</i>". Consultation is secured under Requirement 3 prior to submitting the Second Iteration Management Plan to the Secretary of State for approval and will be undertaken during the detailed design of the Scheme.</p>
REP8-032l	<p>Biodiversity - Annex L: landscape and Ecology Management Plan paragraph 1.12</p> <p>The LEMP does not include establishment management for the Great Crested Newt mitigation ponds that have been added to the latest Environment Master Plan [REP6-006]. The management of ponds, including GCN ponds, should be included.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	The Applicant can confirm that information relating to the long-term management of Great Crested Newt mitigation ponds has been included within the First Iteration Environmental Management Plan [TR010044/APP/6.8v3] for the Scheme submitted at Deadline 9 of the examination.
REP8-032m	Biodiversity - Annex L: landscape and Ecology Management Plan paragraph 1.13 The LEMP does not include long-term management of Great Crested Newt mitigation ponds that have been added to the latest Environment Master Plan [REP6-006]. The management of ponds, including GCN ponds, should be included.
Applicant's comments	The Applicant can confirm that information relating to the long-term management of Great Crested Newt mitigation ponds has been included within the First Iteration Environmental Management Plan [TR010044/APP/6.8v3] for the Scheme submitted at Deadline 9 of the examination.
REP8-032n	Biodiversity - Annex L: Landscape and Ecology Management Plan paragraph 1.14.2 The LEMP does not include long-term management of the Great Crested Newt mitigation grassland that has been added to the latest Environment Master Plan [REP6-006]. The management of species-rich grassland (LE 1.3) should be updated to include management of tussock grassland for the benefit of GCN.
Applicant's comments	The Applicant can confirm that information relating to the long-term management of Great Crested Newt mitigation grassland has been included within the First Iteration Environmental Management Plan [TR010044/APP/6.8v3] for the Scheme submitted at Deadline 9 of the examination
REP8-032o	Travel Plan - Annex Q: Travel Plan The additional information in the Travel Plan is welcomed. The Councils rely on our previous comments on the Travel Plan [REP5-016] submitted at Deadline 6 [REP6-058].
Applicant's comments	The Applicant notes the comment from the Cambridgeshire Authorities. The Applicant's comments on REP6-058 are set out in the Applicant's comments on submissions made at Deadline 6 [REP8-010].

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REP8-032p	<p>Borrow Pits - Appendix R: Borrow Pits Management Plan</p> <p>The Minerals and Waste Planning Authority (MWPA) has reviewed the EMP 2nd Revision with a specific focus regarding borrow pits and their management, which is mainly set out in Appendix R of the EMP. The additional information provided is welcomed. The MWPA wishes to request the following minor alterations:</p> <p>Page R8 – Paragraph 1.2.2. An additional role is requested to liaise with the relevant MWPA to inform them of any complaints or other issues that the MWPA should be aware of.</p> <p>Page R-9. Paragraph 1.3.2. It is requested that the complaints procedure also include that on receipt of a complaint relating to a borrow pit, that the relevant MWPA is notified that a complaint has been received and the broad nature of the complaint, and on resolution, the nature of the resolution of the complaint.</p> <p>The two requests above would aid in ensuring that complaints are handled appropriately should they be made to Community Relations Manager (CRM) and/or the MWPA. It is also requested that the Applicant provide clarification as to the duration for which the CRM will be appointed for, i.e., will it extend into aftercare?</p> <p>Page R-19. As part of the phasing plans, the MWPA requests that the Applicant notify the MWPA, landowners and any other interested parties of the commencement of site restoration, and completion of site restoration. This is to ensure that all parties are aware of the status of the land.</p> <p>Page R-20. An additional item “Adequate off-road parking facilities for staff”, is requested to ensure that nuisance parking does not occur.</p> <p>its noted that the only reference to aftercare in relation to borrow pits is made on Page R4, which indicates that it will be delivered through the Second and Third Iteration EMPs. To ensure adequate aftercare, it is requested that the envisioned timescales for aftercare is included within the First Iteration EMP. The timescale proposed should be adequate for ensuring that restoration has been successfully completed, and that the land is returned to the required standard as per Paragraph 50, Reference ID: 27-050-20140306 of the Minerals Planning Guidance and by Policy 19 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021). Considering agriculture is the preferred restoration option, the MWPA is of the view that this should by default extend to 5 years.</p> <p>Page R-34 – In relation to Minerals Assets and Waste at Site 3 it is stated “The composition of material proposed to be used as infill will be determined in consultation with the local authority prior to use.” It is noted that this is the only site against which this is stated. It would be appreciated if NH would elaborate on the reasoning for this additional measure at</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>this site, or whether this was intended to be applied to all borrow pit sites. Furthermore, clarification as to which 'local authority' and in which capacity it is being consulted, would be appreciated.</p> <p>Pages R-38 and R-39. Limited detail regarding restoration is provided on these pages. It is noted that against Site 11 some phasing is indicated, which does not seem to be present in relation to Site 14, 3 and 4. Additionally, there does not appear to be any statement giving an indication of timescales for restoration, nor a commitment to monitoring arrangements during aftercare (paragraph 1.8.2. indicates restoration will follow completion of construction but does not indicate the time required for restoration). Nor does there appear to be any reference to the soil management plan which the Applicant has referenced elsewhere in the EMP. The Councils would ask the Applicant to include the above information in this section. Furthermore, it is requested that the Applicant includes a commitment that the within the Second and Third iterations of the EMP that the design demonstrates how it complies with local policy, including Policy 19 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.</p> <p>The MWPA also makes the following observations:</p> <p>Page R-15. It is noted that there appears to be uncertainty as to the agricultural land classification of the soil within Site 3. The MWPA expects this to be clarified prior to any soil-stripping takes place, as part of pre-construction surveys and soil testing, as set out on page R-25.</p> <p>Page R-4 Policy 19 - As set out in previous representations, the Councils disagree with this assessment. Depending on the Inspectors' findings, this section may require alteration. The comments above are in addition to previous comments made in previous submissions including:</p> <ul style="list-style-type: none"> • REP1-048: Section 13; • REP2-003: Table 10, paragraphs 8.9.3-4, and 11.0 Appendix A; • REP4-057: Q1.6.2.1 Borrow Pits (pages 2-4); • REP4-060: Minerals and Waste REP1-048cn (page 27); and • REP6-058: Borrow Pits Q1.6.2.1 (pages 6-7) and Q2.6.2.1 (pages 30-31). <p>The Councils concerns set out in these responses regarding ensuring compliance with minerals and waste local policy in both design, extraction, restoration, and aftercare remain unresolved.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	<p>The Applicant has reviewed the Cambridgeshire Authorities comments regarding the Borrow Pit Management Plan and has the following responses to make to the points raised:</p> <ul style="list-style-type: none"> • The role of liaising with the relevant MWPA to comply with statutory duties is addressed within section 2.1 (Site roles and Responsibilities) within the wider First Iteration Environmental Management Plan [TR010044/APP/6.8v3]. In Table 2-1 Roles and responsibilities, the overall responsibility of the Principal Contractor's Environmental Manager (EM) is "for ensuring that the Scheme complies with all environmental legislation, consents, objectives, targets and other environmental commitments, including those arising from the ES [APP-070 – APP-239] throughout the relevant project phase". Informing the appropriate authorities of complaints, where required is part of this role and it is not proposed to add a separate role specifically for MWPA's. • With regards to the complaints regarding the borrow pits, it is part of the EM role to "implement follow-up corrective actions to ensure compliance with UK regulations and legislation". This role is not specifically relating to the operation of borrow pits and as such, it is not proposed to limit the remit of the role. • Should complaints be raised externally regarding the operation of the borrow pits, these should be raised with the Authority in the first instance because it states in Table 2-1 Roles and Responsibilities, the overall responsibility of the Authority is to "monitor the PCs' performance against the contract including any environmental commitments and targets agreed for the Scheme. These commitments and targets are encompassed within the ES and EMP and the Authority will liaise with the Principal contractor and environmental manager to resolve them. • It is expected the role of the CRM will be complete by the end of construction and then this role will pass over to the Authority as they are responsible for the operation of the Scheme. • With regard to paragraph 1.5.8 of the Borrow Pit Management Plan relating to the phasing and timing of works, the Applicant does not propose to limit the discussions proposed, however where phasing and timing of work within the borrow pits is proposed as an agenda item, the forum and meeting stakeholders will be informed in advance. This would be the expected protocol of all such forums and meetings. • Based on a review of the outline traffic management plan, we propose to make this inclusion regarding adequate parking to Annex R – Borrow Pit Management Report. • With regard to after care, Annex R states "Restoration and aftercare will be delivered through the Second and Third Iteration EMPs in line with Requirements 3 and 4 of the DCO [TR010044/APP/3.1v5]. A phasing schedule for the working and restoration of the borrow pits, including indicative timeframes, will be included in Second Iteration EMP". It

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>is not proposed to give indicative timescales as part of the First Iteration EMP because they are dependent on the construction programme, which is currently being developed. However, the ES has assessed that the borrow pits restoration will be completed by the end of the construction period.</p> <ul style="list-style-type: none"> • This additional measure was included to ensure groundwater protection in line with the findings presented in 9.83 Groundwater Risk Assessment Technical Note [REP6-043]. However, to reiterate the measures already presented within the Material Management Plan, which was also informed by the Groundwater Risk Assessment Technical Note [REP6-043], it is proposed to state in the borrow pit management report that all site won fill material will have to display geochemical and geotechnical acceptability in line with the Material Management Plan. • The reasons for the absence of a timescale have already been mentioned previously in this response. With regard to monitoring, as it is expected that the land the borrow pits occupy will be returned to agriculture, monitoring arrangements will be agreed between the landowner and the Authority to ensure the land is fit for agricultural use post restoration. • Annex R references Annex E: Soil handling and management plan as part of the source of generic control measures to be followed for soils and geology and climate environmental topics for the duration of the Scheme (because the restoration of the borrow pits has to be completed by the end of the construction period). • Annex E: Soil handling and management plan contains the outline proposals for soil management (section 1.5) which includes pre-construction surveys and soil testing. • In response to the Cambridgeshire Authorities comment regarding its desire for the Applicant to include a commitment when preparing the Second and Third Iteration EMP, to include a statement to the effect that the detailed design must comply with local policy, including Policy 19, the Applicant would like to draw the ExA's attention to its response to the Cambridgeshire Authorities submissions made at Deadline 4 [REP5-014] pages 5-7. This explains that much of Policy 19 is not relevant to the borrow pits within the Scheme. The Applicant does not see any need for such a commitment. Indeed, the National Policy Statement for National Networks (NPS NN) explains in paragraph 4.9 that the Secretary of State should only impose requirements in relation to a development consent, that are necessary, relevant to planning, relevant to the development being consented, enforceable, precise, and reasonable in all other respects. The Applicant considers that as the working and restoration of the borrow pits is secured through Requirements 3 and 4 of the dDCO [REP6-003], the suggestion by the Cambridgeshire Authorities would not be in accordance with the NPS NN in respect of being necessary, relevant to planning or reasonable in all other respects.

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-032q	<p>Landscaping - General</p> <p>The Councils sought an update to requirement 6 of the DCO [REP3-039] to include reference to the Code of Practice for the Sustainable Use of Soils on Construction Sites published by the Department for Environment, Food and Rural Affairs. The Applicant has responded (see Applicant's Comments on submissions made at Deadline 5 by the Cambridgeshire Authorities at reference REP5-020x [REP6-020] that this reference has instead been included in the updated First Iteration Environmental Management Plan [REP6-007 and REP6-008]. The Councils note that the Code of Practice is only referred to in the section of the FIEMP on soil handling and management, rather than landscaping. Given the updated draft dDCO [REP6-003] only requires the landscaping scheme to be in accordance with mitigation measures applicable to landscaping set out in the First Iteration Environmental Management Plan, the Councils request that the First Iteration Environmental Management Plan is updated to include reference to compliance with the Code of Practice for the Sustainable Use of Soils to ensure that this is appropriately secured.</p>
Applicant's comments	<p>Requirement 6 of the DCO in part (5) states "All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice". As the Code of Practice for the Sustainable Use of Soils on Construction Sites is a recognized code of good practice and captured as such in the First Iteration Environmental Management Plan, this practice is already secured.</p>
<p>7.4 Outline Construction Traffic Management Plan – Rev 3 [REP6-009 and REP6-010]</p>	
REP8-032r	<p>Construction traffic routes - 3.3.5</p> <p>The addition of Hilton as a prohibited route is welcomed by the Councils.</p>
Applicant's comments	<p>The Applicant notes and welcomes the comment from the Cambridgeshire Authorities.</p>
REP8-032s	<p>Walkers, Cyclists and Equestrians - 3.10</p> <p>The Councils welcome the provision regarding walkers, cyclists and equestrians but in light of poor experience with the A14 scheme, we request the inclusion of the following additional points highlighted in bold, in order to protect NMU needs and support modal shift requirements (see principle 1.2.5 on page 10 of the National Institute for Health and Care Excellence guidance <i>Physical activity and the environment</i>):</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>“3.10.3 Temporary diversions will be provided to ensure that they are accessible and safe. The diversion routes will be developed during the detailed design and the construction stages in consultation with the relevant LHA. This will be undertaken as early as possible in order to enable the implementation of appropriate, timely measures and avoid unnecessary inconvenience to NMUs. Survey counts have been completed to identify which routes are used regularly and will be taken into consideration when deciding whether a diversion is required. Permanent diversions and closures are secured within the DCO along with the power to temporarily close or divert Public Rights of Way. Some temporary closures may be required for safety reasons.</p> <p>3.10.4 NMUs will not be not be inconvenienced any longer than reasonably practicable by road construction. Routes temporarily closed or diverted will be actively reviewed in consultation with the LHA and reopened as soon as possible, in order to support existing NMU needs and ongoing modal shift policy requirements.</p> <p>3.10.5 Works crossings will be required, but will be minimised as far as possible by combining routes in close proximity via diversions.</p> <p>3.10.6 Where works crossings are required then these will be designed to ensure that the crossing locations are safe and clearly visible to users and to construction vehicles moving within the site through the use of manned crossings, signs, fencing and barriers for example. The details and operation of such crossings will be developed during the detailed design stage in consultation with the relevant LHA.”</p>
Applicant's comments	<p>The Applicant notes the proposals from Cambridgeshire Authorities and has revised the Outline Construction Traffic Management Plan [TR010044/APP/7.4v4] submitted at Deadline 9 to include the items shown in bold but with the following modifications (also shown in bold italics):</p> <p>3.10.3 Temporary diversions will be provided to ensure that they are accessible and safe. The <i>temporary</i> diversion routes will be developed during the detailed design and the construction stages in consultation with the relevant LHA. This will be undertaken as early as possible in order to enable the implementation of appropriate, timely measures and avoid unnecessary inconvenience to NMUs. Survey counts have been completed to identify which routes are used regularly and will be taken into consideration when deciding whether a diversion is required. Permanent diversions and closures are secured within the DCO along with the power to temporarily close or divert Public Rights of Way. Some temporary closures may be required for safety reasons</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	3.10.4 NMUs will not be inconvenienced any longer than reasonably practicable by road construction. Routes temporarily closed or diverted will be actively reviewed in consultation with the LHA and reopened as soon as <i>it is reasonably practicable and safe to do so</i> , in order to support existing NMU needs and ongoing modal shift policy requirements.
8.1 Draft Statement of Common Ground with the Environment Agency [REP6-011]	
REP8-032t	Road Drainage and the water environment - Table 3-1, Embedded and essential mitigation (page 21) The LLFA supports the suggestion of the inclusion of penstocks to give ponds and watercourses an added level of protection from any spills.
Applicant's comments	The Applicant notes the comment from the Cambridgeshire Authorities, the rationale for where penstocks are included has been provided in the response to Q2.3.6.1 in the Applicant's response to second round of written questions [REP4-037].
8.2 Draft Statement of Common Ground with Historic England [REP6-016]	
REP8-032u	Record of Engagement - Table 2-1 Regrettably and contrary to standard practice, an opportunity was missed to inform the principles of archaeological mitigation with expert localised input from County Council archaeologists (although it is noted that Historic England and an academic advisory panel were asked for comments on 31 March 2020), resulting in issues that could have been resolved locally now referred to the examination process.
Applicant's comments	The meeting held with Historic England on 31 March 2020 was not attended by the academic advisory panel, although possible members of the panel was discussed. One of the actions from the meeting held with Historic England was that "It was agreed that a meeting will be held with the county archaeologists to discuss the research led approach to archaeological mitigation." This meeting was held on 14 April 2020. At this meeting the strategy to focus excavations on key areas was first discussed. It is incorrect to say that there was a missed opportunity to consult with the County Council archaeologists as they were consulted here and at numerous subsequent meetings. As stated in the response to REP6-058cf , the mitigation areas were first developed in September 2020. This was the first opportunity to do this, given the programme of the evaluation trenching. The Applicant has exchanged numerous e-mails and held at least ten meetings since September 2020. The Applicant has taken comments from CCC into account, as demonstrated by increases to the following mitigation areas following consultation with CCC: 10, 11, 13, 15, 16, 17, 18, 20,

Reference Number	Interested Parties Submission/Applicant's Comments
	22, 24, 29, 30, 31 and 34 (note: it is acknowledged that not all of these areas have been extended to the extent now requested by CCC, but the areas were increased in all cases).
8.3 Draft Statement of Common Ground with Natural England [REP6-017]	
REP8-032v	<p>Biodiversity Net Gain - Row 1, Table 3-5, page 51</p> <p>The Councils support Natural England's advice that the "ES should be updated with the findings of the Defra 2.0 metric to inform a revised assessment of the effects of the Proposed Development on biodiversity".</p>
Applicant's comments	<p>Natural England has clarified their position in their response to Q 3.3.2.1 of the Examining Authority's Third Written Questions [REP8-049] which states that, <i>"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."</i></p> <p>The Applicant is in agreement with Natural England and therefore will not be updating the conclusions of the Environmental Statement.</p>
8.4 Draft Statement of Common Ground with Central Bedfordshire Council [REP6-018]	
REP8-032w	<p>Noise and Vibration - Page 82</p> <p>The Councils agree with CBC's concern that the proposed construction hours may cause unacceptable noise. Please see our comments on 6.8 First Iteration Environmental Management Plan - Rev 2 [REP6-007 and REP6-008] above, on Annex K: Construction Compound Management Plan, paragraph 1.4.</p>
Applicant's comments	<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> <ul style="list-style-type: none"> (i) replacing 'including but not' with 'comprising' from Requirement 19 (2) (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.

Reference Number	Interested Parties Submission/Applicant's Comments
<p>9.48 Pre-Commencement Plan [REP6-028]</p> <p>The Councils provided their comments on the previous version of the Pre-Commencement Plan in document REP6-061. The Applicant would not have seen those comments before producing REP6-028 and unfortunately many of the matters raised are not dealt with in REP6-028, although the Councils are grateful for the clarification as to the status of the comments in the different sections of the document as set out in the reworded section 1 of REP6-028. As such, the Councils reiterate their comments in REP6-061. In addition, the Councils make the following comments:</p>	
<p>REP8-032x</p>	<p>Biodiversity Pre-commencement Plan - 1.1.5</p> <p>Paragraph 1.1.5 confirms that pre-commencement requirements for biodiversity are contained within the Biodiversity Pre-commencement Plan [APP-239]. However, the Councils are concerned that neither the Pre-commencement Plan or Biodiversity Pre-Commencement Plan contain pre-commencement requirements for great crested newt, including further survey work.</p> <p>The Councils require the Biodiversity Pre-commencement Plan to be updated to resolve this issue.</p>
<p>Applicant's comments</p>	<p>The Applicant can confirm that the Biodiversity pre-commencement plan [REP8-004] submitted at Deadline 8, includes the commitment to undertake additional Great Crested Newt (GCN) surveys and outlines the measures to mitigate the impact on Great Crested Newts. These measures include:</p> <ul style="list-style-type: none"> • The creation of receptor sites (as shown on the latest version of the Environmental Masterplan for the Scheme [REP6-006] by the Principal Contractor for the translocation of GCN during the site clearance works. • Fencing consisting of perimeter and drift fencing will be erected in areas of suitable newt habitat to exclude newts from entering development areas.
<p>9.54 Barbastelle Bat Surveys and Mitigation Technical Note (Rev 3) [REP6-027]</p>	
<p>REP8-032y</p>	<p>General</p> <p>The Councils welcome the amended document. We are aware that a final version will be submitted at Deadline 8 to incorporate the final survey results and would welcome the opportunity to comment on it in due course.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	The Applicant notes the comment from the Cambridgeshire Authorities. The final version of the document was submitted at Deadline 8 [REP8-009].
REP8-032z	<p>Bat crossing points - 2.3</p> <p>Further clarification is sought as to the criteria for how and where the crossing points were selected.</p>
Applicant's comments	The 12 crossing points selected for survey in 2021 were discussed and agreed with Natural England as per the method in Section 2.3 of REP6-027 and Appendix C in REP1-032 submitted at Deadline 1. These 12 agreed survey sites comprised 7 previously surveyed crossing points in 2019 and 5 additional sites to the east of the Scheme.
REP8-032aa	<p>Bat Crossing Points & Environmental Statement - Response to Comment SC6 (pages 37-38 & 169)</p> <p>The Applicant has confirmed that only two structures, both within Bedfordshire (River Great Ouse and Bat Tunnel/Mammal Underpass), have been specifically provided for safe passage of bats as part of the scheme. However, the Applicant considered three additional structures, including West Brook (Pillar Plantation) and Hen Brook in Cambridgeshire, are suitable for bats and this has been taken into account in the assessment of potential impacts in the ES. Therefore, it is essential that these structures successfully perform as safe bat commuting routes, in order to comply with the assumptions underpinning the assessment of the impact on bats set out in the ES.</p>
Applicant's comments	The Applicant notes these comments and the justification of the likely use of these structures to provided safe passage for bats under the Scheme is provided in REP6-027, at SC2 pages 2 and 5. This refers to published guidance of the use of such structures. The Applicant considers all these structures suitable to provide safe commuting routes for bats.
REP8-032ab	<p>Bat Crossing Point 5 – West Brook - Response to Comment SC7 (pages 38 & 169)</p> <p>The Applicant not provided adequate evidence to demonstrate that the proposed bat crossing 5 [REP6-006] at West Brook will perform as a successful bat corridor. This is particularly concerning given that the ES biodiversity assessment is based on the assumption of the provision of an effective bat crossing point at this location.</p> <p>The primary function of bat crossing point 5 is as an NMU route. It is a long tunnel and as such, the Councils require NMU underpasses to be well lit and open. At this stage, it is still unclear whether artificial lighting will be needed for the NMU route. Artificial lighting will render this structure unsuitable for a bat crossing point.</p>

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	<p>The structure has not been designed for bats, given that it does not meet the standard minimum height (4.5m) for a bat underpass and has not been located within existing bat flight lines. Instead, it is located within an area considered currently unsuitable to support commuting bats (the location was scoped out of any bat surveys for this reason) and isolated from other bat habitat.</p> <p>The Councils are concerned that the proposed landscaping scheme around bat crossing point 5 [REP6-006] will be insufficient to establish a strong bat corridor to areas of known bat activity. For example, it does not provide good connectivity to Pillar Plantation woodland. Opportunities to further enhance the quality of the landscape around the bat crossing point must be secured, if this crossing point is to be effective. This should include enhancement of the route of the West Brook and greater connectivity to Pillar Plantation (hedgerow/woodland edge). These features should be planted in advance of construction, wherever possible, to allow establishment of vegetation as soon as possible.</p> <p>If it cannot be demonstrated that the bat crossing will be effective, then the assumptions underpinning the conclusions in the ES will be incorrect.</p> <p>Given the issues outlined above, the Councils consider it would be more appropriate for a separate bat crossing structure be created along the existing bat flight line near known bat activity at Pillar Plantation woodland. Creating a crossing structure within areas of existing bat habitat that is to be retained and enhanced as part of the Scheme would provide an instant enhancement of the landscape for the bat population, rather than having to wait for the new landscape scheme (around West Brook) to be planted and established as bat habitat. It is noted that the surveys confirmed the level of bat activity near Pillar Plantation is relatively low and the hedgerow in this location is currently suboptimal for bat corridor (gappy), however we would suggest enhancement of an existing bat commuting route (strengthening the corridor) would be more effective than creating a new bat crossing point within areas currently unsuitable for bats. Furthermore, the Applicant has already identified a mammal crossing point (for other species, including badger) at this location [REP6-006], which could easily be incorporated into a bat underpass.</p>
Applicant's comments	<p>The Applicant notes these comments and refers the Cambridgeshire Authorities to the responses provided in Q3.3.5.1 a) and c), the Applicant's Response to the Examining Authority's Third Round of Written Questions [REP8-014] on the suitability of the mitigation structures to provide safe passage for bats across the Scheme. In addition, remaining comments on the suitability of Westbrook Underpass from Natural England have been addressed by the Applicant in Section 5 and Table 5-1, under Comment 11 in the updated Barbastelle Bat Surveys and Mitigation Technical Note [REP8-009].</p> <p>As per the Applicant's response on lighting on page 245 Applicant's Comments on Deadline 6 Submissions [REP8-010]</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>these underpasses would not be lit at night, and people using them at night would need their own lighting to use public rights of way and reach the structure.</p> <p>Additional clarity on the Environmental Masterplan [APP-091] highlighting the new planting proposed (including the retention of the hedge to the north and new scrub, hedge and trees to the south linking adjacent woodland) along with fencing to guide bats into the structure has been provided by the Applicant on Figure 2-4 (v4) Environmental Masterplan [TR010044/APP/6.2], submitted at Deadline 9.</p> <p>The suggested additional hedgerow planting south along West Brook tributary to enhance this habitat feature for commuting/foraging bats is outside the land that would be permanently acquired for the Scheme. It is not part of the mitigation for bats within the Scheme. Enhancement to the south by provision of a hedgerow, or by scattered shrubs and trees will be discussed with the landowner during detailed design but any enhancement would be dependent on landowner agreement.</p>
REP8-032ac	<p>Bat crossing points – links to landscape - Response to SC2 (pages 159-165)</p> <p>The Councils welcome the additional clarification of the proposed bat crossing structures, however there is still insufficient detail to demonstrate that these structures will be adequately linked to the wider landscape and therefore the Councils are concerned about the effectiveness of the proposed bat commuting route through the bat crossing.</p>
Applicant's comments	<p>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 [APP-091] with additional planting/fencing to facilitate bat mitigation, to enhance the use of crossing structures by bats has been provided by the Applicant on Figure 2-4 (v4) Environmental Masterplan [TR010044/APP/6.2], submitted at Deadline 9.</p>
REP8-032ad	<p>Bat crossing point 4 – Hen Brook - Response to SC3 (page 170)</p> <p>The Councils are concerned that the proposed bat crossing point structure has not been designed adequately for bats and defer to Natural England for their opinion on this matter. The Applicant has not adequately addressed the issue of the design of the structure for NMU route and the requirement for it to be well lit, which is contrary to its function as a bat crossing point (stated as being unlit in previous documentation).</p>

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	<p>Following the Applicant's response on this comment by Natural England, a further comment was provided by Natural England and clarification was provided by the Applicant under Comment 7, Table 5-1 in [REP8-009]. The Applicant noted comments on the Environmental Masterplan and an update to Figure 2-4 (v4) Environmental Masterplan [TR010044/APP/6.2], has been submitted at Deadline 9. This includes clarity of fencing and planting around the entrances. Note the soil storage/flood area is a temporary construction feature that would be returned to its former land-use following construction. The entrances of the underpass align with the existing watercourse and it is likely to be used by bats particularly as waterways function as commuting routes, and the existing and additional adjacent hedges and trees plus restored riparian habitat upstream will have a significant role in enhancing its use.</p> <p>Hen Brook underpass would not be lit at night so bats would not be discouraged from using it. People using the underpasses at night would need their own lighting to use public rights of way to reach the structure. The Applicant notes the location of underpasses on existing wildlife corridors are likely to be more successful and the Applicant confirms that guide fencing and planting will be utilised at these underpasses.</p>
<p>9.70 Applicant response to actions arising from Issue Specific Hearing 4 [REP6-030]</p>	
REP8-032ae	<p>Biodiversity Net Gain & NPS NN - Action Point 10</p> <p>The Councils disagree with the Applicant's position that the calculation of BNG and effects on biodiversity are two separate processes.</p> <p>A BNG assessment provides a quantitative analysis of the losses and gains in biodiversity value of habitats. It provides a standardised approach to identify where a scheme will deliver better or lower quality habitat and whether a scheme will deliver no net loss, as required by NPS NN (paragraph 5.25).</p> <p>The Applicant has failed to interpret the results of the Biodiversity Metric correctly and the Scheme will result in net loss in biodiversity [REP6-062]. The Applicant has provided no evidence to demonstrate how these net losses will be offset as part of the Scheme, in accordance with NPS NN.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	<p>The Applicant wishes to clarify that the National Policy Statement for National Networks does not specify the requirement for biodiversity net gain or the need to use a metric for Nationally Significant Infrastructure Projects (NSIP).</p> <p>The Applicant refers the Cambridgeshire Authorities to the Applicant's comments on the Biodiversity Net Gain Technical Note [REP8-012], submitted into the examination at Deadline 8. The Applicant would also point out that Natural England state in their response to Q 3.3.2.1 of the Examining Authority's Third Written Questions [REP8-049] that <i>"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."</i></p>
9.71 Response to actions arising from Issue Specific Hearing 5 [REP6-031]	
REP8-032af	<p>Road Space reallocation - Action Point 1</p> <p>This refers to the mitigation testing that is being undertaken at Wyboston and Barford Road junctions to see if reallocation of road space will improve the operation of all arms at these junctions. The Applicant provided CCC with a draft copy of the information to be submitted at Deadline 8. this states that as the junctions are remote from the scheme they are not proposing any mitigation at these junctions. Therefore, CCC are undertaking work to look at possible mitigation at these junctions using the applicant's sensitivity tests models. This work will be submitted at Deadline 9.</p>
Applicant's comments	<p>The Applicant provided a substantive response to this request at Deadline 8 in the Applicant's Responses to issues raised at Issue Specific Hearing 5 on 1 December 2021 [REP8-022]. This provided a more detailed and reasoned rationale for not proposing mitigation at these locations than simply the junctions' remoteness from the Scheme. The Applicant notes the comment from the Cambridgeshire Authorities and will provide comments at Deadline 10 on the results of the analysis submitted at Deadline 9.</p>
REP8-032ag	<p>M11 J13 - Action Point 2</p> <p>The revised modelling of this junction was supplied to CCC on 22 December 2021 and is due to be formally submitted to examination at D8. The revised model is currently being reviewed and the Councils will comment on it at Deadline 9.</p>
Applicant's comments	<p>The Applicant submitted Results of Additional Modelling at M11 Junction 13 [REP8-019]. Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-032ah	<p>Eltisley Junction - Action Point 2</p> <p>The retesting of this junction is also due to be submitted to examination at D8. Draft information on the likely traffic flows has been supplied to CCC on 3 January 2022 and the review of the revised modelling will be addressed by the Councils at D9.</p>
Applicant's comments	<p>The Applicant submitted the Applicant's responses to issues raised at Issue Specific Hearing 5 on 1 December 2021 [REP8-022] which provided a comparison of observed data and the base model SATURN flows. Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.</p>
REP8-032ai	<p>Potton Road and Toseland Road - Action Point 2</p> <p>Revised flows at these junctions are awaited. Nothing further has been received on these junctions as yet.</p>
Applicant's comments	<p>The Applicant submitted the Applicant's responses to issues raised at Issue Specific Hearing 5 on 1 December 2021 [REP8-022] which provided a comparison of observed data and the base model SATURN flows. Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.</p>
REP8-032aj	<p>Network Management Duty - Action Point 4</p> <p>CCC notes the following comment made by the Applicant: <i>"To fulfil this commitment National Highways extensively monitors the performance of its network using data collected from daily counters, manual counts and feedback from local authorities and its operational teams. The monitoring data and Post Opening Evaluations Data from major schemes is analysed to develop Route Strategies. The outputs of which drive study areas and form a key building block of National Highways' future works programme."</i></p> <p>CCC carries out general network-wide monitoring of the local highway network as part of the discharge of its Network Management Duty. However, in order to understand the realworld implications of the construction and operation of this Scheme, monitoring and management of particular areas of the local road network, which are likely to be impacted by the Scheme as shown by the Applicant's monitoring is required. CCC's view is that this should be proposed and funded by the Applicant, as is typical of major developments. The Councils have commented further on this in their responses to written questions 3.11.2.1 and 3.11.7.5 (document reference CLA.D8.WQ3.R).</p>

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	<p>The Applicant has previously set out funding options available to Local Highway Authorities (LHA's) in the Monitor and Manage Technical note [REP6-041]. These sources are genuinely available to LHA's. The Applicant makes further comment regarding CCC's reluctance to apply for these additional funds at the response to REP8-032de below. Whilst it is typical of private sector, profit making developments to commit funds under S106 obligations for local road improvements to mitigate impact of developments it is not typical of National Highways schemes, which are principally developed to improve the Strategic Road Network (SRN) and support economic growth. The scheme does not create traffic in the same way that other major developments such as new housing or employment land. Instead, it returns traffic to more suitable roads. The Applicant does not therefore consider that monitoring or mitigation on the LRN is required as part of the scheme.</p> <p>Notwithstanding and without prejudice to the Applicant's position on the need for construction monitoring, the Applicant has proposed locations for the monitoring of construction phase traffic, where the traffic model suggests notable changes in driver behaviour. The Applicant has proposed a collaborative process in which it will undertake baseline counts for comparison against LHA construction phase monitoring. The Applicant has further committed to interventions when agreed necessary at Traffic Management Forums within the Outline Construction Traffic Management Plan [TR010044/APP/7.4v4].</p> <p>The Applicant maintains that following the Schemes opening, the overall traffic impacts will be beneficial across the Scheme and surrounding area. These are set out in section 6.2 of the Transport Assessment [APP-241-242]. Traffic will re-route away from villages and back to the SRN, utilising routes that would currently be used if the existing A428 did not suffer from congestion and delays. Without the Scheme, there is forecast to be an increase of 80-100% in traffic along minor east-west routes from 2015 to 2040, that results from an increase in the use of alternative routes to the SRN ([APP-241] para 6.2.5). The Applicant therefore considers the LHA responsibility to maintain these routes not only to be unchanged by the Scheme, but supported when compared to the Do Minimum scenario. Notwithstanding this, the Applicant is willing to undertake operational monitoring in the five areas identified by the Applicant as having potentially notable impacts as specified within 'National Highways Statement on Operational Phase Monitoring' [TR01004/EXAM/9.116] submitted at Deadline 9.</p>
REP8-032ak	<p>Network Management Duty - Action Point 4</p> <p>CCC would highlight that the Network Management Duty under section 16 of the Traffic Management Act 2004 contains two limbs: (a) securing the expeditious movement of traffic on the authority's road network; and (b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>CCC is particularly concerned with the Applicant's ability to meet limb (b) of this duty in light of the concerns raised in relation to (i) the traffic modelling undertaken by the Applicant and therefore whether the impacts of the Scheme can be accurately predicted; and (ii) the absence of a proposal to monitor and mitigate the impacts on the local road network.</p> <p>Further comments on the Monitor and Manage Technical Note [REP6-041] are also set out at 9.81 below.</p>
Applicant's comments	<p>The Applicant maintains the view that by maintaining expeditious movement of traffic on the SRN it prevents impediment to the Local Road Network. Furthermore, as stated within the Monitor and Manage Technical Note [REP6-041] 'Whilst there is a requirement to facilitate the expeditious movement of traffic on road networks for which another authority is the traffic authority, this does not extend to a requirement for NH to address pre-existing local network impacts or provide betterment to LHA networks beyond the Scheme'.</p> <p>The strategic traffic model has been agreed as robust and sensitivity tests conducted confirmed this. The Applicant is confident it has conclusively represented forecast Scheme impacts as far as reasonably practicable. Whilst the Applicant has conducted extensive modelling on this Scheme, more than normally undertaken on similar schemes.</p> <p>The Applicant is not required to monitor and mitigate impacts on every arm of every local junction potentially impacted by the Scheme, in the same way that LHAs are not expected to mitigate the impact of cumulative growth in their areas which has resulted in the need for these improvements to the SRN.</p>
REP8-032al	<p>Monitor and Manage - Action Point 5</p> <p>The Councils comments on the Monitor and Manage Technical Note [REP6-041] are set out at 9.81 below.</p>
Applicant's comments	<p>The Applicant notes the comment from the Cambridgeshire Authorities.</p>
REP8-032am	<p>Proposed Cross sections of CCC Highways - Action Point 6</p> <p>Further discussion has now taken place between the Applicant and CCC at a meeting on 14 December 2021. Although no agreement has been reached on proposed cross sections, it was emphasised by CCC that:</p> <ul style="list-style-type: none"> Although 7.3m plus 1.0m hard strips is DMRB standard, CCC would consider a departure application for a reduced cross section. However 6.0m width is considered too narrow for a 100km/h design speed road.

Reference Number	Interested Parties Submission/Applicant's Comments
	<ul style="list-style-type: none"> CCC indicated that for Toseland Road and B1046, a cross section of 6.3m plus 0.5m edge strips would be favourably considered, if backed up with a comprehensive Departure application. For Potton Road a cross section of 6.0 plus 0.3m edge strips would be similarly considered. <p>CCC awaits the Applicant's response to these suggestions.</p> <p>In addition CCC expects the verge widths on Toseland Road and B1046 to be wide enough for a shared use NMU route.</p> <p>One verge of the B1046 should be wide enough and free of significant obstructions to accommodate future provision of a shared use NMU path of minimum width 3.0m, so the verge needs to be approximately 5m minimum width on embankments tapering to 3.5m minimum width on bridge. The bridge parapet should be equestrian height (1.8m) on NMU side.</p> <p>One verge of Toseland Road should include provision of a shared use NMU path of minimum width 3.0m, so the verge needs to be approximately 5m minimum width on embankments tapering to 3.5m minimum width on bridge. The bridge parapet should be equestrian height (1.8m) on NMU side.</p> <p>The 3.5m proposed verge on Potton Road should be adequate.</p>
Applicant's comments	<p>The Applicant notes the comment from the Cambridgeshire Authorities. Further engagement is being undertaken to finalise geometry and accommodate requirements without increasing bridge cross sections. The Applicant agrees with the principles set out in CCC's response.</p>
REP8-032an	<p>Signalised crossings - Action Point 9</p> <p>CCC accepts that the signalised crossings do not need to be shown on the DCO drawings. CCC re-affirms its position that signalised crossings must be designed appropriately for all NMU users, in line with our position that equestrians should be included on the roadside NMUs. This missed opportunity was set out in the Council's Local Impact Report [REP2- 003], paragraph 8.7.17.</p> <p>CCC awaits the outcome of the consideration that the Applicant is giving to provision of a signalised crossing of the A1198 approximately 45m south of the southern roundabout.</p>
Applicant's comments	<p>The Applicant can confirm that a signalised crossing of the A1198, south of the southern Caxton Gibbet roundabout, will be provided.</p>

A428 Black Cat to Caxton Gibbet improvements
 Applicant's comments on submissions received at Deadline 8

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-032ao	<p>HGV movements - Action Point 11</p> <p>The Councils note National Highways response.</p>
Applicant's comments	<p>The Applicant notes the comment from the Cambridgeshire Authorities.</p>
REP8-032ap	<p>HGV movements through Hilton - Action Point 12</p> <p>The Councils welcome the addition of Hilton as a restricted route.</p>
Applicant's comments	<p>The Applicant notes and welcomes the comment from the Cambridgeshire Authorities.</p>
REP8-032aq	<p>Good design - Action Point 16</p> <p>The Councils welcome the amendment to Requirement 12 of the updated dDCO [REP6-003] to require the detailed design of the Scheme to accord with the design principles set out in the scheme design approach and design principles document. The Councils note that the absence of any further consultation or control over detailed design post-consent would be dependent on the Secretary of State concluding that the design principles document [REP3-014] was sufficiently detailed and robust to justify the absence of further consultation or control. The Councils submit that their proposed amendments set out at REP6-063 are necessary to reach that conclusion.</p>
Applicant's comments	<p>The Applicant notes and welcomes the comment from the Cambridgeshire Authorities regarding the amendment to Requirement 12. The Applicant took into account comments from the Cambridgeshire Authorities in the second version of the Scheme Design Approach and Design Principles [REP8-007] which was submitted at Deadline 8. Appendix B of the Applicant's comments on submissions made at Deadline 6 [REP8-010] sets out how the points put forward by the Cambridgeshire Authorities were considered.</p>
<p>9.73 Response to actions arising from Issue Specific Hearing 6 on 2 December 2021 [REP6-033]</p>	
REP8-032ar	<p>Provision of a copy of the legal agreement - Action Point 7</p> <p>The Councils disagree with the Applicant's view that the updated dDCO [REP6-003] contains sufficient control to ensure that the Applicant will be unable to handover an unsatisfactory asset to the local highway authority. The Councils' detailed</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	comments on this matter are set out in relation to Articles 13 and 14 of the Councils' comments on the dDCO (document reference CLA.D8.dDCO.C).
Applicant's comments	The Applicant has considered CCC's comments [REP8-028] and has proposed amendments to Article 13 and Article 14 in the updated dDCO [TR010044/APP/3.1v5] submitted at Deadline 9.
9.74 Comments on submissions made by the Cambridgeshire Authorities at Deadline 5 [REP6-034]	
REP8-032as	Land take - REP5-020a and REP5- 020g The Councils welcome the continued discussion with the Applicant in relation to the maintenance boundary plans. The Councils propose amendments to Article 13 of the dDCO (see document reference CLA.D8.dDCO.C) to ensure that there is a mechanism for the highway boundary to be ascertainable by the public at large. The Councils consider that this detail must be included in the DCO and not only in the legal agreement.
Applicant's comments	The Applicant has considered CCC's comments [REP8-028] and has proposed amendments to Article 13 in the updated dDCO [TR010044/APP/3.1v5] submitted at Deadline 9.
REP8-032at	Limits of deviation – Sheets 7 and 13 - REP5-020c The Councils provide the further detail requested as Appendix 1 to this document.
Applicant's comments	Please refer to the Applicant's comments at REP8-032ez and REP8-032fa in this document.
REP8-032au	Plans - REP5-020d The Councils refer to their comments on Sheet 13 at Appendix 1.
Applicant's comments	Please refer to the Applicant's comments at REP8-032fb in this document.
REP8-032av	Plans - RE5-020e, REP5-020f The Councils welcome the Applicant's proposals to update the relevant plans and await sight of these following Deadline 8.

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	The Applicant notes and welcomes the comment from the Cambridgeshire Authorities. The Applicant submitted updated Streets, Rights of Way and Access Plans [REP8-003] at Deadline 8 and has submitted a further update at Deadline 9.
REP8-032aw	Requirements – traffic management - REP5-020x(i) The Councils agree the Applicant's response.
Applicant's comments	The Applicant notes and welcomes the comment from the Cambridgeshire Authorities.
REP8-032ax	Requirements – working hours - REP5-020z The Councils refer to the mark up of requirement 19 of the dDCO (document reference CLA.D8.dDCO.C).
Applicant's comments	The Applicant's comments on the marked up dDCO are set out in Appendix A of this document.
REP8-032ay	Impact and value of heritage assets -REP5-020af The assessment method is not in doubt but the value given to individual heritage assets is at variance with our understanding of the contribution that combined assets provide.
Applicant's comments	This comment was in response to the Cambridgeshire Authorities comments on the Statement of Common Ground with Historic England. While the Cambridgeshire Authorities have raised issues regarding the magnitude of impact and the significance of effects, they have never raised concerns over the value assigned to heritage assets. The Applicant is consequently unclear over which sites the Cambridgeshire Authorities disagree on with regards to this matter. Nevertheless, the methodology has followed that outlined in LA104 for DMRB, which is the accepted methodology for assessing value of heritage assets on all road schemes.
REP8-032az	Aims of specific intervention types - REP5-020ai Using Site 17 [REP4-031 Appendix D] as an example of a site where Targeted excavation is shown as an excavation method, the Mitigation strategy is shown as: <ul style="list-style-type: none"> • Excavation of Bronze Age features.

Reference Number	Interested Parties Submission/Applicant's Comments
	<ul style="list-style-type: none"> Targeted excavation of Saxon-Norman remains to establish the feature relationships and the association with the Deserted Medieval Village. Mapping of ridge and furrow. <p>The Councils maintain that it is not possible to identify features of Bronze Age or Saxo-Norman date prior to their excavation. Also, given that Saxo-Norman archaeological remains are rarely excavated in Cambridgeshire, their importance is, therefore, raised and any such remains should be subject to detailed excavation. Furthermore, it is our view that other periods of archaeological occupation might be present (undated features excavated in the evaluation trenches in this area could relate to any phase of occupation), owing to the proximity of the Roman Road (Site 35 to the west) and the large Roman settlement site in Site 18 to the north east, which will make this prescriptive approach rather hard to achieve in the field.</p>
Applicant's comments	<p>Within the AMS [REP-031] Site 17 is identified as follows in Table 5-1:</p> <p>b. Group value/key site Excavation of Bronze Age features. Saxon-Norman remains will be stripped and excavated to establish feature relationships and association with DMV. Mapping of ridge and furrow alignment. Record relationship of the ridge and furrow to medieval</p> <p>Appendix D states:</p> <p>"Excavation of Bronze Age features. Targeted excavation of Saxon-Norman remains to establish the feature relationships and the association with the DMV. Mapping of ridge and furrow"</p> <p>Nowhere in the AMS does it say that decisions will be made over which features to excavate until the site is stripped. The AMS will be updated for Deadline 10 to clarify this, and to provide clarity in Appendix D regarding Site 17. It is also noted that features within this mitigation area will need to be investigated to determine their date before decisions can be made. Based on the results of the evaluation trenching [APP-175], many of the features represent enclosure ditches, with a trackway formed of ditches also identified. It is possible that a full 10% of field systems will not be warranted. This is why the AMS states that the excavation here will be targeted.</p> <p>For Site 17, the Cambridgeshire Authorities stated "<i>Removal of the word "solely" would make the strategy acceptable.</i>" [REP3-041, response REP3-041j]. As detailed in the Applicant's Comments on Deadline 3 Submissions [REP4-036], the</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>response to REP3-041j states "The Applicant has removed the word 'solely' from the text in Table 5.1 of the AMS submitted at Deadline 3 [REP3-010]. It is assumed that this site is now acceptable and agreed."</p>
REP8-032ba	<p>Archaeological mitigation requirements 5.1.2 and 5.1.3 - REP5-020aj</p> <p>See the response above to REP5-020ai, using Site 17 as an example. The Archaeological Mitigation Strategy [REP4-031] prescribes that Bronze Age features are to be subject to Excavation and Saxo-Norman remains to Targeted excavation. This is a stated prescribed decision made at the pre-stripping stage, one that we consider impossible to deliver on.</p>
Applicant's comments	<p>Please see the response to REP8-032az above.</p>
REP8-032bb	<p>Archaeological mitigation sites - REP5-020ak</p> <p>The Applicant is reminded that the Councils are responsible for the management of the archaeological resource in the county and the Applicant should seek to comply with pragmatic advice and recommendations from them regarding the management of change to non-designated heritage assets, with particular reference to Site 17).</p> <p>We can confirm that one of these sites listed as '23' should in fact be Site 24.</p> <p>The information on the sites and their recommended strategies was issued on 15 October 2020, 6 November 2020, 30 June 2021 and again on 25 October 2021 with subsequent discussions. They have been shown for the benefit of the Examiners in maplets included in the response to 9.87 Archaeological Mitigation Areas with Evaluation Data [REP6-047, REP6-048, REP6-049 and REP6-050] below. This shows that in many cases the areas required are only slightly larger than the Applicant's proposed areas, but are intended to investigate site relationships to watercourses and to each other where the case can and has been made. The exception sites for considerable expansion are at Sites 23 & 24 (merging these, and Sites 36-39, doing the same for clearly related sites in the proposed Borrow Pit at Caxton Gibbet). Reasons for expansion of these sites is given in the Councils' response to 9.87.</p>
Applicant's comments	<p>The comments from the Cambridgeshire Authorities are noted.</p> <p>As stated in response to REP8-032u, the council archaeologists have been consulted throughout.</p> <p>Individual sites have been discussed at a minimum of ten meetings, not just those mentioned above.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>While some of the increases in site areas requested by the Cambridgeshire Authorities are only minor, others are not. For example, the additional area requested in Field 74 is approximately 0.9ha. Cumulatively these additional areas amount to over 20ha of additional excavation, approximately a 30% increase in the areas to be excavated. This adds significant costs to the project, without adding to the archaeological research questions or knowledge gain. Therefore, there is no public benefit for this significant additional cost.</p> <p>Amalgamating Sites 36-39 and incorporating the entirety of the borrow pit area totals 14.8ha. This adds 10.26ha to the requirement for archaeological mitigation, which currently stands at 4.54ha. This is a 200% increase to target areas that do not contain significant archaeological remains. It should also be noted that the area requested by the Cambridgeshire Authorities for this site has changed from excavation of the full field, to extending the existing areas, and is now back at excavation of the full field. Further detail is contained in the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045].</p>
REP8-032bc	<p>Archaeological mitigation sites - REP5-020al</p> <p>The multi-period remains established at Site 17 should be subject to excavation. Following the removal of temporary works, the restoration of the substrate where archaeological remains are present is harmful to archaeological remains. Page 19 of 49 We refer the Applicant to REP6-007 and REP6-008, First Iteration Environmental Management Plan Annex E, 1.5.12 for topsoils and 1.5.17 and 1.5.18d for subsoils. Sections 1.78-1.79 have not been taken into account by the Applicant in regard to proposed temporary works on archaeological sites. Archaeological sites in areas of temporary works should be subject to adequate prior investigation.</p>
Applicant's comments	Please see the response to REP8-032az above.
REP8-032bd	<p>9.41 Joint Position Statement (Ponds) - REP5-020am</p> <p>The Councils' request for inclusion of enhancement to pond 83 (to compensate for the loss of two other ponds) has not been incorporated into Annex A of the JPS (LEMP Appendix L) [REP4-034].</p>
Applicant's comments	The Applicant has updated the Joint Position Statement with host authorities and Natural England relating to attenuation basins [TR010044/EXAM9.41v3] , and submitted this into the Examination at Deadline 9, to update the position on Pond 83.

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-032be	<p>Traffic Modelling Methodology - REP5-020an</p> <p>The modelling set out in 9.68 Junction Model Sensitivity Test Results [REP5-018] has been agreed by the Councils. In respect of the remaining issues arising from ISH5, the Applicant has provided draft CCC with copies of the additional information to be submitted at Deadline8. The Councils will provide a formal response to this information at Deadline 9.</p>
Applicant's comments	<p>The Applicant notes the comment from the Cambridgeshire Authorities and will provide comments at Deadline 10 on the response submitted at Deadline 9.</p>
REP8-032bf	<p>Impacts of the scheme on Coton - REP5-020ao</p> <p>CCC has set out its expectations for the monitor and manage/mitigate methodology and locations in the draft requirement submitted at D6 [REP6-074] and Coton is one of these.</p>
Applicant's comments	<p>The Applicant notes the comment from the Cambridgeshire Authorities. Please refer to the Applicant's response to the Examining Authority's third written questions [REP8-013] at questions 3.11.2.1 and Applicant's responses to the ExA's proposed schedule of changes to the dDCO [TR010044/EXAM/9.108] at Q4.8.1.7.</p>
REP8-032bg	<p>Operation of Caxton Gibbet - REP5-020ap</p> <p>The modelling set out in the Sensitivity Test Results [REP5-018] at this junction has been agreed by the Councils.</p>
Applicant's comments	<p>The Applicant notes and welcomes the comment from the Cambridgeshire Authorities.</p>
	<p>Roadside Non-motorised Users (NMUs) and encouraging modal shift - REP5-020ar</p> <p>The Councils' position remains unchanged.</p>
Applicant's comments	<p>The Applicant notes Cambridgeshire County Council's position.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-032bh	<p>Biodiversity Net Gain - REP5-020at</p> <p>The Councils disagree with the Applicant's position. The scheme will result in net loss in biodiversity value of hedgerows, as shown in the Biodiversity metric 2.0 calculation [REP3-013] and high/medium distinctiveness habitat as explained in detail in the Councils' BNG Technical Note [REP6-062].</p>
Applicant's comments	<p>The Applicant has responded and where required provided further explanation to the applicable sections of the Councils' BNG Technical Note [REP6-062] in Document 9.95 the <i>Applicant's comments on the Biodiversity Net Gain Technical Note [REP8-012]</i>, submitted into the examination at Deadline 8.</p>
REP8-032bi	<p>Scheme junctions - REP5-020au</p> <p>The additional modelling will be commented on once it has been submitted.</p>
Applicant's comments	<p>The Applicant submitted Results of Additional Modelling at M11 Junction 13 [REP8-019] and for the Eltisley, Cambourne, Potton Road and Toseland Road junctions in the Applicant's Responses to issues raised at Issue Specific Hearing 5 on 1 December 2021[REP8-022]. Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.</p>
REP8-032bj	<p>Wyboston and Barford Road junctions - REP5-020av, REP5- 020aw and REP5-020az</p> <p>Following the Applicant's sensitivity test modelling of Wyboston and Barford Road roundabouts, the traffic flows used in the modelling of these two junctions are now agreed. A draft technical note outlining the Applicant's position on the potential reallocation of road space at Wyboston and Barford Road roundabouts was provided to CCC on 5 January 2022. We understand that the Applicant intends to submit this to examination at Deadline 8. The draft note falls short of CCC's expectations because the Applicant has not undertaken any modelling of potential options to demonstrate their effect on junction capacity. Instead, the Applicant has reported desktop exercises, explaining why various options will not work, and stating it is not their intention to mitigate the impacts of their scheme at these locations. This is not acceptable to CCC.</p> <p>The Councils welcome the opportunity to comment formally on this document when submitted to examination.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	The Applicant provided a substantive response to this request at Deadline 8 in the Applicant's Responses to issues raised at Issue Specific Hearing 5 on 1 December 2021 [REP8-022] . This provided a detailed and reasoned rationale for not proposing mitigation at these locations. The Applicant notes the comment from the Cambridgeshire Authorities and will provide comments at Deadline 10 on the response submitted at Deadline 9.
REP8-032bk	Madingley Mulch Junction - REP5-020av Results of the M11 Junction 13 sensitivity test modelling, which now includes the Madingley Mulch junction, were shared with CCC on 22 December 2021. In addition, a draft Technical Note was shared on 23 December 2021. CCC are still reviewing this modelling and will respond at Deadline 9.
Applicant's comments	The Applicant submitted Results of Additional Modelling at M11 Junction 13 [REP8-019] Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.
REP8-032bl	Cambourne and Scotland Road, Hardwick Junctions - REP5-020ax The Applicant provided initial results on sensitivity testing at the Cambourne junction to CCC on 4 January 2022. CCC is reviewing the modelling and will provide a response at Deadline 9. CCC confirms that no further work is required on the Scotland road junction.
Applicant's comments	The Applicant notes and welcomes the comment from the Cambridgeshire Authorities.
REP8-032bm	Traffic flows used in the sensitivity tests - REP5-020ay The Councils agree that this point has been adequately addressed.
Applicant's comments	The Applicant notes and welcomes the comment from the Cambridgeshire Authorities.
REP8-032bn	B1046/Potton Road Junction and Eltisley Link junctions - REP5-020ba Use of SATURN model flows to assess junction capacity for the proposed Eltisley Link junctions has now been agreed by CCC. CCC is still waiting for a technical note setting out the Applicant's rationale in choice of junction design and road layout around Eltisley.

Reference Number	Interested Parties Submission/Applicant's Comments
	CCC is still waiting for the Potton Road alternative flow assessment.
Applicant's comments	The Applicant submitted (at Deadline 8) the Applicant's responses to issues raised at Issue Specific Hearing 5 on 1 December 2021 [REP8-022] which provided a comparison of observed data and the base model SATURN flows at the Eltisley junction and provided a sensitivity test in respect of the Potton Road junction. Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.
REP8-032bo	Junction Sensitivity Testing - REP5-020bb and REP5- 020bc See the response to REP5-020av.
Applicant's comments	The Applicant submitted Results of Additional Modelling at M11 Junction 13 [REP8-019] Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.
REP8-032bp	B1046/Potton Road Junction and Eltisley Link junctions - REP5-020bd See the response to REP5-020ba. CCC is still waiting for the Potton Road alternative flow assessment.
Applicant's comments	The Applicant submitted the Applicant's responses to issues raised at Issue Specific Hearing 5 on 1 December 2021 [REP8-022] which provided a comparison of observed data and the base model SATURN flows at the Eltisley junction and provided a sensitivity test in respect of the Potton Road junction. Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.
REP8-032bq	B1046/Potton Road Junction and Eltisley Link junctions - REP5-020be to REP5- 020bi See the response to REP5-020bd.
Applicant's comments	The Applicant submitted the Applicant's responses to issues raised at Issue Specific Hearing 5 on 1 December 2021 [REP8-022] which provided a comparison of observed data and the base model SATURN flows at the Eltisley junction and provided a sensitivity test in respect of the Potton Road junction. Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-032br	Wyboston and Barford Road Junctions - REP5-020bj See the response to REP5-020av.
Applicant's comments	The Applicant submitted the Applicant's responses to issues raised at Issue Specific Hearing 5 on 1 December 2021 [REP8-022] which addressed the issues raised in respect of these junctions. Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.
REP8-032bs	Madingley Mulch Junction - REP5-020bk See the response to REP5-020av.
Applicant's comments	The Applicant submitted Results of Additional Modelling at M11 Junction 13 [REP8-019] Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.
REP8-032bt	Wyboston Junction - REP5-020bl See the response to REP5-020av.
Applicant's comments	The Applicant submitted Results of Additional Modelling at M11 Junction 13 [REP8-019] Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.
REP8-032bu	Barford Road Junction - REP5-020bm See the response to REP5-020av.
Applicant's comments	The Applicant submitted Results of Additional Modelling at M11 Junction 13 [REP8-019] Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.
REP8-032bv	Junction Sensitivity Testing - REP5-020bn CCC welcomes the sensitivity testing carried out by the Applicant at Eltisley Link and at the Cambourne junctions. CCC further welcomes the flow analysis to be provided for the B1046/Potton Road and A428/Toseland Road/Abbotsley Road junctions.

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>The use of SATURN flows for Eltisley Link junctions is now agreed and CCC is currently reviewing the latest Cambourne junction modelling and will respond at Deadline 9.</p> <p>CCC awaits flow analysis results for Potton Road and Toseland Road.</p>
Applicant's comments	<p>The Applicant submitted the Applicant's responses to issues raised at Issue Specific Hearing 5 on 1 December 2021 [REP8-022] which provided a comparison of observed data and the base model SATURN flows. Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.</p>
REP8-032bw	<p>Junction Sensitivity Testing - REP5-020bo</p> <p>All the additional junction sensitivity testing requested has either been completed or is in hand and due to be submitted by the Applicant at Deadline 8.</p>
Applicant's comments	<p>The additional junction sensitivity testing requested was submitted at Deadline 8 in documents 'Results of Additional Modelling at M11 Junction 13' [REP8-019] and 'Applicant's Responses to issues raised at Issue Specific Hearing 5 on 1 December 2021' [REP8-022].</p>
REP8-032bx	<p>Monitor and Manage - REP5-020bp to REP5- 020bs</p> <p>See the response to REP5-020ao.</p>
Applicant's comments	<p>The Applicant notes the comment from the Cambridgeshire Authorities. Please refer to the Applicant's response to the Examining Authority's third written questions [REP8-014] at questions 3.11.2.1.</p>
REP8-032by	<p>Construction hours - REP5-020by</p> <p>See the response to REP5-020z</p>
Applicant's comments	<p>The Applicant's comments on the marked up dDCO are set out in Appendix A of this document.</p>
REP8-032bz	<p>Emissions - REP5-020cb</p> <p>It is noted that it is not yet possible for the Applicant to set out precise means by which residual emissions associated with the scheme will be offset. However, the Councils still consider it important that the Applicant sets out a clear commitment</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	to addressing residual emissions and we are discussing a Legacy Monitoring Framework as the preferred means of delivering this.,
Applicant's comments	The Applicant notes the comments from the Cambridgeshire Authorities.
REP8-032ca	Permits and road space bookings - REP5-020ce The Councils agree with the Applicant's response.
Applicant's comments	The Applicant notes and welcomes the comment from the Cambridgeshire Authorities.
REP8-032cb	The handover process for detrunked assets. - REP5-020ch The Councils refer to their comments on the dDCO (document reference CLA.D8.dDCO.C).
Applicant's comments	The Applicant's comments on the marked up dDCO are set out in Appendix A of this document.
REP8-032cc	Strategic Model Test at Girton: Network Issues – 2.1.1 - REP5-020ci The Councils note the explanation given.
Applicant's comments	The Applicant notes the comment from the Cambridgeshire Authorities.
REP8-032cd	Strategic Model Test at Girton: Assessment – 3.1.7 - REP5-020ck The Councils note the explanation given.
Applicant's comments	The Applicant notes the comment from the Cambridgeshire Authorities.
REP8-032ce	Impact in Dry Drayton - REP5-020cl CCC has set out its expectations for monitor and manage/mitigate methodology and locations in the draft requirement submitted at D6 [REP6-074] and Dry Drayton is one of these locations.

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	The Applicant notes the comment from the Cambridgeshire Authorities. Please refer to the Applicant's response to the Examining Authority's third written questions [REP8-014] at questions 3.11.2.1 and Applicant's responses to the ExA's proposed schedule of changes to the dDCO [TR010044/EXAM/9.108] at Q4.8.1.7. Notwithstanding this, the Applicant is willing to undertake operational monitoring in the five areas identified by the Applicant as having potentially notable impacts as specified within 'National Highways Statement on Operational Phase Monitoring' [TR01004/EXAM/9.116] submitted at Deadline 9.
REP8-032cf	Girton interchange - REP5-020cn The Councils note the Applicant's response.
Applicant's comments	The Applicant notes the comment from the Cambridgeshire Authorities.
REP8-032cg	Network Coding Issues in the model - REP5-020co CCC does not dispute use of the strategic model for assessing the strategic impacts of the proposed A428 scheme. CCC notes that the number of coding errors coming to light are increasing and therefore, if the A428 model were to be used for any other schemes, careful checks of the coding within the relevant study area should be undertaken. This is important because network coding on the strategic and local roads in the area of detailed modelling needs to be accurate, otherwise this gives rise to unrealistic routing patterns as demonstrated in the Coton area.
Applicant's comments	The Applicant notes the comment from the Cambridgeshire Authorities. The Applicant re-iterates the point that all coding errors have been subject to detailed investigation and the sensitivity tests have shown that the impacts of the coding errors are localised and the resulting flow changes are small.
REP8-032ch	Cambourne Roundabout - REP5-020cp CCC is currently reviewing the latest Cambourne junction modelling and will respond at Deadline 9.
Applicant's comments	The Applicant notes the comment from the Cambridgeshire Authorities and will provide comments at Deadline 10 on the response submitted at Deadline 9.

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-032ci	<p>Model Coding Errors - REP5-020cq</p> <p>The Councils note the Applicant's response.</p>
Applicant's comments	<p>The Applicant notes the comment from the Cambridgeshire Authorities.</p>
REP8-032cj	<p>Impact on A1198 Southern arm - REP5-020cr</p> <p>The Councils note the Applicant's response.</p>
Applicant's comments	<p>The Applicant notes the comment from the Cambridgeshire Authorities.</p>
REP8-032ck	<p>Construction phase emissions - REP5-020ct</p> <p>The Councils note that the calculations of land change have been based on Biodiversity Metric Gain: Metric 2 [REP3-012] report, however the figures do not match the BNG calculations set out in Appendix G of this document [REP3-013]. See our response to REP5-020df and REP5-020de, below.</p>
Applicant's comments	<p>The Applicant has provided a response to the BNG calculation differences below, see the Applicant's comments at REP8-032co below.</p>
REP8-032cl	<p>Archaeological mitigation with reference to - Site 23 REP5-020da</p> <p>Appropriate areas for archaeological excavation should be designed to enable the anticipated dispersed feature content of unenclosed occupation sites, including but not restricted to burial grounds and satellite burials, to be subject to controlled archaeological excavation led by professionals prior to destruction by construction works. Recognition of this type of archaeological evidence is not straightforward and the mitigation scheme should not rely on such evidence being recognised by construction teams who are unlikely to have the appropriate expertise.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	<p>The archaeological mitigation strategy has been designed to target areas where archaeological evidence is expected. Should features extend outside of the area there is a mechanism to extend the archaeological areas. This is detailed in 5.1.19 of the Archaeological Mitigation Strategy [REP4-031] which states, in paragraph 5.1.19 "The procedure for dealing properly with any unexpected finds during the construction process will be set out in each approved SSWSI and recorded in the EMP. This includes where unexpected features extend outside of the boundary of each mitigation area".</p> <p>The Cambridgeshire Authorities have accepted that strip, map and record of the whole Scheme is not required. Therefore, the mitigation strategy does not require areas in between the mitigation areas to be subject to archaeological monitoring. Information on Site 23 is contained within the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045].</p>
REP8-032cm	<p>Archaeological mitigation with reference to Site - 18 REP5-020dc</p> <p>The Applicant's response to the limits of Site 18 is unacceptable to the Councils as known archaeological assets will be subject to unrecorded loss along with as yet unknown, predicted associated remains. We continue to advise that the area for Site 18 is extended to that required by the Councils as shown on the maplet given in response to Sheet 18/41, REP6-048, Fig 9.87.</p>
Applicant's comments	<p>The Applicant's reasoning for not extending the excavation in Field 74 has been discussed extensively previously and will not be repeated here (see Applicant's comments on Written Representations [REP3-008] and Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045]).</p>
REP8-032cn	<p>Updates to TAG - REP5-020dd</p> <p>The Councils note the Applicant's response.</p>
Applicant's comments	<p>The Applicant notes the comment from the Cambridgeshire Authorities.</p>
REP8-032co	<p>Land use carbon calculations - REP5-020df and REP5- 020de</p> <p>The Applicant has not addressed the Councils' previous comments. Further clarity is required as to why the pre-works and post-works habitat areas set out in columns 2 & 3 of the Land Use Carbon Calculations [REP4-048] do not match the values within the Biodiversity Net Gain Metric calculations, Appendix G [REP3-013], as follows:</p>

Reference Number	Interested Parties Submission/Applicant's Comments		
		Land Use Carbon Calculations [REP-048]	Biodiversity Net Gain calculations [REP3-013]
	Phase 1 Habitat Category	Pre-works habitat (column 2), hectares	Pre-works habitat (page 9), hectares
	A3.1 Parkland and scattered trees – Broadleaved Urban Street Trees	0.14	0.09
	A.3.1 Parkland and scattered trees - broadleaved parkland scattered trees	0.96	-
	Phase 1 Habitat Category	Land Use Carbon Calculations [REP4-048] Post-works habitat (column 3), hectares	Biodiversity Net Gain calculations [REP3-013] Post-works habitat (pages 9/10), hectares
	A1.1.1 Woodland – Broadleaved-semi-natural	0	5.85
	A.1.1.2 - Woodland – Broadleaved – Plantation	82.15	76.3
	A3.1 Parkland and scattered trees – Broadleaved Urban Street Trees	0.114	1.14
	A.3.1 Parkland and scattered trees - broadleaved parkland scattered trees	0.76	0
B6 Poor semi-improved grassland	9.7	7	

Reference Number	Interested Parties Submission/Applicant's Comments		
	J2.6 Dry Ditch	0	0.04
Applicant's comments	The Land Use Calculations document should be updated accordingly.		
Applicant's comments	The Applicant has updated the Land Use calculation to address the points raised by the Cambridgeshire Authorities. An updated Land use Calculation sheet has been submitted at deadline 9 [TR010044/EXAM/9.52v2]. The value of sequestration as result of this amendment has change from -13,061 tCO2e to -13,036 tCO2e.		
REP8-032cp	<p>Historic England: The dating of archaeological remains prior to excavation - REP5-022a (page 86)</p> <p>To clarify this point on dating for the Applicant with reference to Site 17, for example, the Archaeological Mitigation Strategy [REP4-031] states in Appendix D that Bronze Age features will be excavated and Saxo-Norman remains will receive targeted excavation to establish the feature relationships and association of the Deserted Medieval Village of Wintringham (this is partly scheduled, where the best earthworks survive under pasture and is to the east and southeast of Site 17). The Councils contend that this strategy cannot be followed as, prior to excavation, one cannot know which features are Bronze Age and which are Saxo-Norman/Medieval. Given that fact and also that the SaxoNorman village remains are rarely excavated in Cambridgeshire, we require the multiperiod remains to be subject to the excavation methods of section 6 in the Joint Authorities' Archaeological Brief at Appendix B in the same document so that suitable decisions can be made during the post-excavation assessment and analysis stages regarding the contribution of these rare sites to the archaeological record and regional syntheses. We are resistant to attempts to reduce the excavation of these important remains in recognition of the value of excavation as a process that enables knowledge gain to occur at the appropriate stage: once sufficient evidence has been amassed from a site prior to damage or destruction. National Policy Statement for National Networks [REP4-031 REF 6] paragraph 140 refers.</p>		
Applicant's comments	Please see the response to REP8-032az above.		
REP8-032cq	<p>Sensitivity testing of Wyboston and Barford Road Junctions - REP5-022e</p> <p>See the response to REP5-020av above.</p>		

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	The Applicant submitted the Applicant's responses to issues raised at Issue Specific Hearing 5 on 1 December 2021 [REP8-022] Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.
REP8-032cr	Further testing of Madingley Mulch Junction - REP5-022e See the response to REP5-020av above.
Applicant's comments	The Applicant submitted Results of Additional Modelling at M11 Junction 13 [REP8-019] Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.
REP8-032cs	Sensitivity Testing of the Eltisley Junction - REP5-022e See response to REP5-020ba above.
Applicant's comments	The Applicant submitted the Applicant's responses to issues raised at Issue Specific Hearing 5 on 1 December 2021 [REP8-022] which provided a comparison of observed data and the base model SATURN flows. Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.
REP8-032ct	Sensitivity Testing of Potton Road and Toseland Road - REP5-022e CCC awaits flow analysis results for Potton Road and Toseland Road junctions, due to be submitted to examination by the Applicant at Deadline 8.
Applicant's comments	The Applicant submitted the Applicant's responses to issues raised at Issue Specific Hearing 5 on 1 December 2021 [REP8-022] which provided a comparison of observed data and the base model SATURN flows. Further comments on submissions relating to this document made at Deadline 9 will be provided by the Applicant at Deadline 10.
REP8-032cu	Wyboston and Barford Road Junctions - REP5-022f The Councils note the Applicant's response.
Applicant's comments	The Applicant notes the comment from the Cambridgeshire Authorities.

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-032cv	<p>M11 J13 - REP5-022f</p> <p>The Councils note the Applicant's response.</p>
Applicant's comments	<p>The Applicant notes the comment from the Cambridgeshire Authorities.</p>
REP8-032cw	<p>De-trunking Q2.11.5.1 - REP5-022h</p> <p>It is not accepted that the revised provisions in the dDCO stating that any de-trunking date must be consented to by the Secretary of State after consultation with the relevant local highway authority affords sufficient protection for the Authority. CCC requires specific provisions within the DCO regarding the de-trunking date(s) being agreed between the Applicant and the LHA.</p>
Applicant's comments	<p>Please see the Applicants comments on the marked up dDCO set out in Appendix A of this document. As is consistent throughout the Applicant's dDCO, the approval requirement should remain solely with the Secretary of State in consultation with the local highway authority. The Secretary of State would decide whether to provide consent only having considered the interests and recommendation of the local highway authority. Therefore, the mechanism proposed by the Applicant provides a more streamlined, consistent and clear decision-making process that adequately caters for both the needs of the Applicant and the local highway authority.</p>
REP8-032cx	<p>Non-motorised Users (NMUs): fragmented provision - REP5-022i Q2.11.6.1 a)</p> <p>The Councils would welcome the Applicant carrying out detailed design work along the current A428 with regard to providing roadside NMU provision. However, CCC's position regarding provision from Eltisley to Caxton Gibbet remains unchanged, and is further supported by the Councils comments made under REP5-022i.</p>
Applicant's comments	<p>The Applicant has recently secured feasibility funding (Jan 2022) to assess, price and develop proposals for the following links:</p> <ul style="list-style-type: none"> • Cambourne to Madingley Mulch WCH route (8km) • St Neots to Cambourne WCH route (12km) • Eltisley to Caxton Gibbet junction WCH route (0.65km)

Reference Number	Interested Parties Submission/Applicant's Comments
	<ul style="list-style-type: none"> A new crossing of the existing A428 at Wintringham (0.2km) <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>
REP8-032cy	<p>Non-motorised Users (NMUs): future demand - REP5-022j Q2.11.6.1 b)</p> <p>CCC's position remains unchanged. Information on the journey to work by bike which shows that, when one compares the number of people travelling from Cambourne to Cambridge with those travelling from a similar distance to Cambridge from other villages where there are cycle facilities, the numbers are measurably higher where off-road cycle routes are provided.</p> <p>The Councils' position is supported by the National Institute for Health and Clinical Excellence's 2018 guidance NG90 'Physical activity and the environment', particularly Rationale 1.2.3 on page 57. The research demonstrates the importance of delivering change to NMU infrastructure at the same time as major environmental changes such as a new transport scheme in order to engender desired behavioural and cultural change and achieve modal shift for optimum benefit to population health and well-being and wider cost benefits to the NHS. Such benefits will also have a positive impact on climate change.</p> <p>It is also important not to underestimate the impact of the COVID-19 pandemic on changing behaviour. There has been a sustained drop in use of public transport, with people shifting to private car or non-motorised modes of transport. It is critical to capture, encourage and support the shift to active travel modes of transport, and the new A428 scheme has the prime opportunity to do so.</p>
Applicant's comments	<p>The Applicant acknowledges the comments raised by the Cambridgeshire Authorities on health benefits of active travel but highlights that this does not address the Examining Authority's written question Q2.11.6.1 b) which specifically concerns traffic speeds along the existing A428 affecting safety. The Applicant has previously requested evidence of this claim and the Cambridgeshire Authorities have provided no evidence of road traffic incidents along the existing A428 and the projected increase in road traffic incidents due to higher speed. The Applicant provided anecdotal evidence from other schemes close to the Proposed Development that road traffic incidents will decrease on the old A428.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>Damage to local roads at plant crossings – Q2.11.7.4 - REP5-022m</p> <p>This matter remains at issue between the parties as part of the discussions on the legal agreement.</p>
Applicant's comments	<p>The Applicant has addressed the matter concerning damage to local road at plant crossing due to construction vehicles in paragraph 3.2.5 of the Outline Construction Traffic Management Plan [REP6-010].</p> <p>As regards the application of Section 59 of the Highways Act 1980, the Applicant's position remains that it would be for Cambridgeshire County Council to establish that the relevant tests contained within that section have been met at the time it sought to rely on the section. There is no basis to subvert those statutory provisions as they would normally operate, in particular given the aforementioned provisions of the Outline Construction Traffic Management Plan.</p>
9.77 Written submission of oral case Issue Specific Hearing 5 on 1 December 2021 [REP6-037]	
REP8-032cz	<p>Agenda item 3(a)(iii) – Anticipated operational traffic effects on the local highway network.- 3</p> <p>Paragraph 3 of the Applicant's summary notes that the Applicant used traffic data from 2016, 2017 and 2018, however the Councils understand that the correct dates should be 2016, 2017 and 2019 (see paragraph 3.1.2(b) of the Junction Model Sensitivity Test Results [REP5-018]).</p>
Applicant's comments	<p>The Applicant acknowledges this incorrect reference to the year of the traffic data used. This was a misprint in the summary notes and the Applicant confirms that the correct years were used in the calculations undertaken.</p>
9.81 Monitor and Manage Technical Note [REP6-041]	
REP8-032da	<p>Operational impacts and benefits - 1.1.3</p> <p>The Councils disagree with the statement that the Scheme has no significant residual traffic impacts which require mitigation. In particular, the Councils have raised concerns relating to the impact of the Scheme on Great North Road St. Neots where the Scheme adds significant levels of traffic as a result of rerouting traffic on to a route that experienced significant delays at the time the baseline data was collected.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>In addition, the Applicant has acknowledged that the modelling has resulted in the identification of several significant adverse impacts which arise as a result of errors in the model coding. Monitoring of these locations so that the actual impact of the Scheme can be fully understood is therefore required in the absence of an updated model.</p> <p>The Scheme also claims a significant proportion of its predicted benefits because of self-diverting traffic rerouting back to the SRN as a result of the Scheme. Much of the self-diverting traffic uses the LRN therefore, CCC is of the view that the impacts of the Scheme need to be monitored to ensure that the predicted benefits are achieved. CCC queries how this is to be proved if the Applicant is not monitoring the impact of the Scheme through a dedicated programme of Scheme-specific monitoring.</p>
Applicant's comments	<p>A number of sensitivity tests have been undertaken by the Applicant which have confirmed the robustness of the model, and where coding errors have been identified, the sensitivity tests have shown that the resultant flow changes are localised and small. No evidence has been submitted by the Cambridgeshire Authorities to demonstrate otherwise and, in fact, a number of the sensitivity tests are now agreed with the Cambridgeshire Authorities. In addition, the Applicant has confirmed that the predicted benefits of the Scheme will be confirmed through the Post Opening Project Evaluation programme and there are no substantiated reasons why operational monitoring should be required beyond this or, therefore, secured as a Requirement in the dDCO.</p> <p>Notwithstanding this, the Applicant has reviewed the monitoring locations suggested by the Cambridgeshire Authorities in their submission at [REP6-074] and is prepared to undertake operational monitoring at certain locations where the modelling identifies the potential for notable increases in traffic. In response to Q4.8.1.7 from the Examining Authority [PD-014], the Applicant has prepared document 9.116 (Position Statement on Operational Phase Monitoring [TR010044/EXAM/9.116]) to explain and evidence the Applicant's proposal and a schedule of operational monitoring locations, which has been submitted at Deadline 9.</p>
REP8-032db	<p>Operational impacts and benefits - 1.1.4</p> <p>The Technical Note states that the Scheme is in accordance with NPSNN and is not required to mitigate all impacts. As with any development, the Scheme cannot be required to mitigate existing issues, or provide betterment, only mitigation for impacts of the Scheme. To reiterate, CCC is not looking for mitigation of all impacts, instead CCC requires certainty as to how traffic patterns in the study area and wider County change because of the Scheme and this requires monitoring of the predicted impacts.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>Paragraph 5.215 of the NPS NN requires mitigation measures for schemes to be proportionate and reasonable, focussed on promoting sustainable development. CCC considers that its request that predicted impacts on the local road network as a direct result of the Scheme are monitored and mitigated is proportionate and reasonable.</p>
Applicant's comments	<p>Please see the Applicant's comments on response REP8-032da in relation to the robustness of the model and the Applicant's agreement to undertake operational monitoring at certain specified locations on the LRN. The Applicant maintains the view that if the Scheme were not to go ahead traffic increases on the LRN would increase far more, and the LHAs would have a more severe situation to manage than would be present with the Scheme. The Do Minimum scenario if the Scheme did not proceed is set out in section 6.2 of the Transport Assessment [APP-241]. The Applicant cannot therefore justify funding improvements to the LRN which are the responsibility of the LHA. Additional funding sources to which LHAs can apply have been identified.</p>
REP8-032dc	<p>Operational impacts and benefits - 1.1.5</p> <p>The Applicant is proposing to undertake monitor and manage of the Scheme as part of the on-going monitoring of the operation of the SRN with any necessary interventions determined and funded in line with existing DFT processes. This is not acceptable to CCC as there is no certainty as to what mitigation might be required and there is no defined funding to implement any identified need. This means that were there a need for mitigation it would go into the "pot" with all the other schemes and might not be implemented. CCC requires the Scheme to show how its impact is to be mitigated as with any other development and therefore the Applicant needs set out the areas to be monitored, what mitigation might be required and how this is to be funded either during the Examination or as part of the discharge of a Requirement as proposed by CCC [REP6-074]. In addition, there are a number of areas where the model predicts impacts but on further investigation it has been shown that this is due to errors in the coding of the model and therefore CCC require monitoring in these areas to prove that the model was wrong, the predicted impact has not occurred and in order to obtain clarity as to the level of actual observed impact. This is specifically needed in Coton, Dry Drayton and Madingley.</p>
Applicant's comments	<p>Please see the Applicant's comments on response REP8-032da in relation to the robustness of the model and the Applicant's agreement to undertake operational monitoring at certain specified locations on the LRN. The Applicant maintains the view that if the Scheme were not to go ahead traffic increases on the LRN would increase far more, and the LHAs would have a more severe situation to manage than would be present with the Scheme. The Do Minimum scenario (if the Scheme did not proceed) is set out in section 6.2 of the Transport Assessment [APP-241]. The Applicant cannot therefore justify funding improvements to the LRN which are the responsibility of the LHA. Additional funding sources to</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>which LHAs can apply have been identified within the technical note Monitor and Manage [REP6-041].</p> <p>In relation to the SRN, the Applicant has responsibility to monitor and manage the SRN as a requirement of its licence. The Applicant cannot provide any certainty regarding the type of measures to be taken to manage the SRN, or when such measures would be undertaken, as this is dependent on the results of the monitoring undertaken and current programme priorities. RIS programmes are subject to rigorous development, scrutiny and DfT approval. With responsibilities for the SRN being at a national level, it is essential that the Applicant manages all future interventions at this level and ensures all proposals are prioritised accordingly and appropriate governance maintained.</p> <p>Notwithstanding this, the Applicant has reviewed the monitoring locations suggested by the Cambridgeshire Authorities in their submission at [REP6-074] and is prepared to undertake operational monitoring at certain locations where the modelling identifies the potential for notable increases in traffic. In response to Q4.8.1.7 from the Examining Authority [PD-014], the Applicant has prepared document 9.116 (Position Statement on Operational Phase Monitoring [TR010044/EXAM/9.116]) to explain and evidence the Applicant's proposal and a schedule of operational monitoring locations, which has been submitted at Deadline 9.</p>
REP8-032dd	<p>Operational impacts and benefits - 1.1.6</p> <p>The Technical Note also states: <i>“Local Highway Authorities (LHAs) also have a duty to monitor and manage their local network, and separate funding streams are available to LHAs if unforeseen impacts arise post opening, subject to securing relevant consents.”</i> Without Scheme-specific monitoring, CCC queries how CCC would have the required data to know whether a change is due to the Scheme or some other change.</p> <p>All major developments must monitor the impact of their Scheme through an agreed scheme of monitoring which should be based on agreed base data. This approach was adopted for the A14, which collected traffic data in an agreed set of locations prior to any work commencing on the Scheme. This data set the baseline against which the Scheme monitoring was to be assessed.</p>
Applicant's comments	<p>Please see the Applicant's comments on response REP8-032da in relation to the robustness of the model and the Applicant's agreement to undertake operational monitoring at certain specified locations on the LRN. It must be remembered that the Scheme is not akin to a conventional development which generates traffic, the Scheme does not generate new traffic but rather provides significant relief to traffic flows across a wide area of the LRN.</p> <p>In addition, the Applicant is prepared to share available data to support the Cambridgeshire Authorities but considers them capable of undertaking monitoring on their own network and believes they have a responsibility to do so as part of their</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>legal duty to maintain the local highway under section 41 of the Highways Act 1980.</p> <p>The Applicant requests that CCC clarify under which legislation 'All major developments must monitor the impact of their Scheme'.</p> <p>Whilst the A14 scheme was able to include post opening traffic monitoring this was as a result of the particular circumstances in question at the time. The arrangements for A14 operational monitoring also included monitoring to be undertaken by CCC and third parties. However, no such commitment has been made by the Cambridgeshire Authorities on this Scheme.</p>
REP8-032de	<p>Operational impacts and benefits - 1.1.7</p> <p>The Technical Note states: <i>"Should a LHA consider it meets the criteria, they may apply to the Department for Transport for Local Road Network funding. It is the responsibility of the LHA to make this application."</i></p> <p>If a direct impact of a Scheme is identified, it ought to be for the Applicant to resolve not for the LHA to try and apply for funding. This would be the position with any other identified Scheme impact and CCC sees no reason why a different approach should be adopted in relation to traffic monitoring and mitigation. The A14 was accompanied by a defined set of locations that needed monitoring, data was collected in April 2016 prior to any works or advanced signing being implemented to give a base situation against which to assess the impact of the scheme.</p>
Applicant's comments	<p>Please see the Applicant's comments on response REP8-032da in relation to the robustness of the model and the Applicant's agreement to undertake operational monitoring at certain specified locations on the LRN.</p> <p>It must be remembered that the Scheme is not akin to a conventional development which generates traffic, the Scheme does not generate new traffic but rather provides significant relief to traffic flows across a wide area of the LRN. No alterations are proposed to the wider local network as a result of the Scheme, and therefore any impacts on the LRN are not direct impacts of the Scheme, rather they are indirect impacts which arise from choices made by local road users choosing different routes to access the wider network once the Scheme is open to traffic. It is not appropriate for the Applicant to make applications for funding to improve the LRN because it has no responsibility or right to intervene on the LRN. Eligibility for applications to the Local Pinch Point fund is limited to Local Highway Authorities (LHAs), and there is a clear expectation that applications for the Major Road Network will also come from LHAs. Applications are required to evidence investment needs of a region, identifying housing and development needs which are within the expertise of Local Authorities and not the Applicant. The Local Growth fund is described as <i>'Growth Deals provide funds to local enterprise partnerships or LEPs (partnerships between local authorities and businesses) for projects that benefit the local area and</i></p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p><i>economy</i>'. There is a specific policy paper for Greater Cambridge and Greater Peterborough agreed between Greater Cambridge and Peterborough Local Enterprise Partnership and Government which includes 2 highway schemes. The overall traffic impact of this Scheme is one of benefit. It does not generate traffic, but returns it to more suitable roads. National Highways Schemes differ from other developments examined by Local Planning Authorities in that it is publicly funded and not for profit.</p> <p>Whilst the A14 scheme was able to include post opening traffic monitoring this was as a result of the particular circumstances in question at the time. The arrangements for A14 operational monitoring also included monitoring to be undertaken by CCC and third parties. However, no such commitment has been made by the Cambridgeshire Authorities on this Scheme.</p>
REP8-032df	<p>Construction Impacts Mitigation - 1.1.8</p> <p>The points set out in the Technical Note in relation to the measures taken to minimise the impacts of construction traffic are noted and are not disputed, however, the modelling of construction impacts shows a significant level of self-diverting traffic over a wide area affecting many settlements in the County. This impact needs to be monitored and mitigated where possible to minimise the impact of the construction phase on communities in the County.</p>
Applicant's comments	<p>The Applicant is prepared to undertake baseline construction monitoring at certain locations where the modelling identifies increases in construction phase traffic could be notable. Document 9.118 (National Highways Position Statement on Construction Phase Traffic Monitoring [TR010044/EXAM/9.118]) has been submitted at Deadline 9 and the commitment to undertake baseline construction monitoring has been secured in the updated Document 7.4 Outline Construction Traffic Management Plan (OCTMP) submitted at Deadline 9 [TR010044/EXAM/7.4v4].</p>
REP8-032dg	<p>Policy position - 1.3.4</p> <p>The Applicant states that: <i>"National Highways also monitor key locations within the Local Road Network for the purposes of evaluating scheme benefits. These locations must be expected to experience significant change and be quantitatively justified within the results Page 30 of 49 of the traffic forecasting or pertain to a sensitive location. The monitoring results will be shared with the Local Highway Authorities (LHAs)."</i></p> <p>No discussions on the proposed locations on the local road network have yet taken place between the Applicant and CCC. CCC request that the scope of the monitoring on the local road network be agreed during the Examination so that the</p>

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	scope is agreed, documented and secured during the DCO process. Failing which, the scope of the monitoring could be agreed and documented pursuant to a Requirement of the DCO, such as that proposed by the Councils [REP6-074] .
Applicant's comments	<p>Please see the Applicant's comments on response REP8-032da in relation to the robustness of the model, the Post Opening Project Evaluation (POPE) programme and the Applicant's agreement to undertake operational monitoring at certain specified locations on the LRN. It should be noted that locations for monitoring under the POPE are generally not identified until post DCO consent.</p> <p>In relation to construction monitoring, please see the Applicant's comments on response REP8-032df.</p>
REP8-032dh	<p>Policy position - 1.3.5 and 1.6</p> <p>The Applicant sets out a number of factors limiting the Applicant's interventions to the strategic road network and clarifies its interpretation of its Network Management Duty. CCC would highlight that this list appears to omit the second limb of the Applicant's Network Management duty under section 16 of the Traffic Management Act 2004, i.e. the management of the SRN to facilitate the expeditious movement of traffic on road networks for which another authority is the traffic authority. The Applicant cannot therefore limit its attention to the boundary of the SRN.</p> <p>CCC would also highlight that the monitoring and management of traffic impacts on the local road network has been undertaken on the A14 Cambridge to Huntingdon Improvement Scheme and is required under the A303 Sparkford to Ilchester Dualling DCO. The factors listed at 1.3.5 do not appear to have been limiting factors in either circumstance.</p>
Applicant's comments	<p>Regarding the Network Management Duty, please refer to the Applicant's comments on REP6-060a within the Applicants Comments on Deadline 6 Submissions [REP8-010]. In summary, the Applicant recognises a need to comply with this duty so far as to cause no impediment to the LHAs duty by facilitating an expeditious movement of traffic on the LHAs networks, and this has been fully complied with. Sections 72-74 of the Traffic Management Act 2004 refers to the need for the Applicant to facilitate the movement of traffic on local road networks and to cooperate with LHAs. However, this text does not allocate any responsibility on the part of the Applicant to monitor or manage the local network or commit to temporary or ongoing provision of monitoring information to LHAs. In fact, there is a specific acknowledgement of the Applicant's parallel duty for management of its own network.</p> <p>Traffic increases on local roads are expected to be larger without the Scheme than with. Percentage increases between 2015 and 2040 Do Minimum are generally forecast to be much larger on the minor roads in the area compared to the major roads. This reflects the use of the local road network to avoid congestion on the SRN. Without the Scheme, there is</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>forecast to be an increase of 80-100% in traffic along minor east-west routes from 2015 to 2040, that results from an increase in the use of alternative routes to the SRN ([APP-241] para 6.2.5). therefore, the scheme would support the LHA in fulfilling its Network Management duty and the need to facilitate expeditious movement of traffic on road networks.</p> <p>Regarding purported precedent in previous DCOs, please refer to the Applicant's response to the Examining Authority's third written questions at question 3.11.2.1 [REP8-014].</p>
REP8-032di	<p>Local impacts within the Scheme - 1.4.1 and 1.4.2</p> <p>The comments relating to the situation without the Scheme are however, as set out above, the Councils have identified a number of locations where the impact of the Scheme needs to be monitored and the Councils are not looking for excessive monitoring or mitigation. The Councils are still waiting for formal submission of some of the sensitivity tests and mitigation tests at Wyboston and Barford Road Junctions until this information is received these locations remain on the monitoring list.</p> <p>1.4.2a) The junction modelling used in the original TA [APP-241 and APP-242] and the TAA [APP-243] were undertaken using a non-standard method for deriving the Traffic flows. The sensitivity tests included in the sensitivity tests report [REP5-018] used an agreed methodology to generate the traffic flows and therefore the flows used in these tests are agreed.</p> <p>1.4.2b) The model results indicate that the scheme has a range of impacts on the surrounding road network both negative and positive. The Councils require monitoring of the impacts in a number of locations as set out in the Local Impact report and SoCG.</p> <p>1.4.2c) The Councils acknowledge that the modelling predicts significant benefits of the scheme on certain areas. These areas need monitoring to prove that the level of benefits is achieved.</p> <p>1.4.2d) The junction modelling used in the original TA [APP-241 and APP-242] and the TAA [APP-243] were undertaken using a non-standard method for deriving the Traffic flows. The sensitivity tests included in the sensitivity tests report [REP5-018] used an agreed methodology to generate the traffic flows and therefore the flows used in these tests are agreed. However, additional tests have been requested to understand if small scale local mitigation would aid the operation of the existing A428 junctions.</p>

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Applicant's comments	<p>Please see the Applicant's comments on response REP8-032da in relation to the robustness of the model, the Post Opening Project Evaluation (POPE) programme and the Applicant's agreement to undertake operational monitoring at certain specified locations on the LRN.</p> <p>The Applicant's response to the request for additional tests is contained in 'Applicant's Responses to issues raised at Issue Specific Hearing 5 on 1 December 2021' [REP8-022].</p>
REP8-032dj	<p>Local impacts within the Scheme - 1.4.3</p> <p>The Technical Note states: <i>"Monitoring of Scheme benefits will take place through Post Opening Project Evaluation (POPE) after the Scheme is open to traffic. Whilst the exact scope of the POPE monitoring is still to be defined, it will, in general, cover the Scheme itself and sections of the Local Road Network where significant forecast traffic flow changes are seen as critical to evaluating the benefits of the Scheme. Whilst the locations of these have not yet been determined, locations such as Yelling, Toseland and the B1428 across St Neots Town Bridge are under consideration for inclusion within the POPE."</i></p> <p>The use of the POPE to monitor the impact of the scheme is reasonable but the Councils would prefer that the scope of the POPE be agreed during the Examination so that the scope is agreed, documented and secured during the DCO process. Failing which, the scope of the monitoring could be agreed and documented pursuant to a Requirement of the DCO, such as that proposed by the Councils [REP6-074].</p> <p>The statement that the 7 locations on the SRN will be covered by National Highways' Network Licence duty rather than separately through the DCO process appears to be inconsistent with the idea set out regarding the POPE.</p>
Applicant's comments	<p>Please see the Applicant's comments on response REP8-032da in relation to the robustness of the model, the Post Opening Project Evaluation (POPE) programme and the Applicant's agreement to undertake operational monitoring at certain specified locations on the LRN. It should be noted that locations for monitoring under the POPE are generally not identified until post DCO consent. The key objective of POPE is to identify the extent to which the expected impacts of highway schemes have materialised and to inform thinking on current and future national scheme appraisal methods</p> <p>The SRN will be monitored and managed separately under the Applicant's licence duties, and this is distinct to any monitoring of the LRN, as explained in the Monitor and Manage Technical Note [REP6-041].</p>

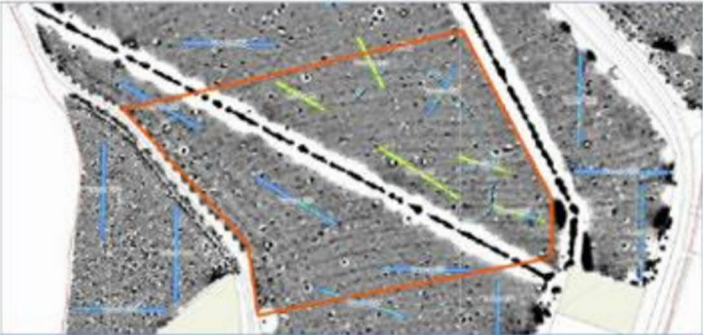
Reference Number	Interested Parties Submission/Applicant's Comments
REP8-032dk	<p>POPE Process - 1.5</p> <p>The POPE process is not secured and therefore cannot be a substitute for a requirement to monitor the impacts of the Scheme on the local road network. Furthermore, the POPE process does not contain a threshold of impacts, above which mitigation measures may be put in place to address the impacts of the Scheme nor require any mitigation measures to be funded and delivered.</p>
Applicant's comments	<p>Please see the Applicant's comments on response REP8-032da in relation to the robustness of the model, the Post Opening Project Evaluation (POPE) programme and the Applicant's agreement to undertake operational monitoring at certain specified locations on the LRN. It should be noted that locations for monitoring under the POPE are generally not identified until post DCO consent.</p> <p>Please see the Applicant's comments on response REP8-032de which explains why it is neither necessary nor appropriate for the Applicant to fund or deliver measures on the wider LRN as a result of the Scheme.</p> <p>Please see the Applicants comments on response to REP8-032dc which explains why no threshold can be applied to a future RIS programme.</p>
REP8-032dl	<p>Local Highway Authority Duty to Monitor and Manage - 1.7</p> <p>The issue that the Councils have raised relates to the impact of the Scheme on Great North Road St Neots where the Scheme adds significant level of traffic as a result of rerouting traffic on to a route that experienced significant delays at the time the baseline data was collected. The mitigation requested for the Wyboston junction might have an impact on the operation of the Great North Road.</p> <p>As there are significant impacts predicted as a result of the Scheme, the Councils request that these are monitored and, if impacts found to be significant, mitigated. The Councils consider it unreasonable that the Councils are expected to fund mitigation for the predicted and foreseeable effects of the Applicant's Scheme.</p>


Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	<p>The question of mitigation at Wyboston junction is addressed in the document Applicant's responses to issues raised at Issue Specific Hearing 5 on 1 December 2021 [REP8-022].</p> <p>Please see the Applicant's comments on response REP8-032da in relation to the robustness of the model, the Post Opening Project Evaluation (POPE) programme and the Applicant's agreement to undertake operational monitoring at certain specified locations on the LRN.</p> <p>Please see the Applicant's comments on response REP8-032de which explains why it is neither necessary nor appropriate for the Applicant to fund or deliver measures on the wider LRN as a result of the Scheme. The Applicant maintains the view that if the Scheme were not to go ahead traffic increases on the LRN would increase far more, and the LHAs would have a more severe situation to manage than would be present with the Scheme. The Do Minimum scenario if the Scheme did not proceed is set out in section 6.2 of the Transport Assessment [APP-241]. The Applicant cannot therefore justify funding improvements to the LRN which are the responsibility of the LHA. Additional funding sources to which LHAs can apply have been identified with the Technical note Monitor and Manage [REP6-041].</p>
REP8-032dm	<p>Network Management Duty - 1.8</p> <p>The Councils require monitoring at certain locations to show the impact of the proposed Scheme and mitigation where those impacts are considered to be significant. The Councils do not require (i) the mitigation of matters having an insignificant effect on the movement of traffic; (ii) the mitigation of existing issues; or (iii) betterment.</p> <p>The requests made by the Councils relating to monitoring and management are proportionate and reasonable, in line with the requirements of the NPS NN.</p>
Applicant's comments	<p>Please see the Applicant's comments on response REP8-032da in relation to the robustness of the model, the Post Opening Project Evaluation (POPE) programme and the Applicant's agreement to undertake operational monitoring at certain specified locations on the LRN.</p> <p>Please see the Applicant's comments on response REP8-032de which explains why it is neither necessary nor appropriate for the Applicant to fund or deliver measures on the wider LRN as a result of the Scheme. The Applicant maintains the view that if the Scheme were not to go ahead traffic increases on the LRN would increase far more, and the LHAs would have a more severe situation to manage than would be present with the Scheme. The Do Minimum scenario if the Scheme did not proceed is set out in section 6.2 of the Transport Assessment [APP-241]. The Applicant cannot therefore justify funding improvements to the LRN which are the responsibility of the LHA. Additional funding sources to which LHAs can</p>

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	apply have been identified with the Technical note Monitor and Manage [REP6-041].
REP8-032dn	<p>Managing Construction Traffic Impacts - 1.9</p> <p>The modelling of the construction phases indicated wide ranging re-routing of traffic away from the SRN and the impact of this traffic needs to be monitored and understood.</p>
Applicant's comments	In relation to construction monitoring, please see the Applicant's comments on response REP8-032df.
REP8-032do	<p>Managing construction traffic impacts – general traffic - 1.9.3</p> <p>If there is no agreement to fund monitoring on the local road network it may be difficult to establish a relationship between network performance on the SRN and self-diverting traffic. CCC will not have comprehensive monitoring data on the local network that may be impacted by self-diverting traffic, therefore reports of problems are likely to be based on complaints, feedback from councillors, parish councils, community. These can be compared with details on when closures of the SRN and diversions routes are in place for example. These reports can be raised at the Traffic Management meetings.</p> <p>In the absence of Scheme-specific monitoring data, these more qualitative sources would need to be relied on in order to develop suitable mitigation measures. As a result it may be more difficult to establish a relationship between network performance and self-diverting traffic. The funding and delivery of mitigation measures arising as a direct impact of the Scheme ought to be carried out by the Applicant.</p>
Applicant's comments	In relation to construction monitoring, please see the Applicant's comments on response REP8-032df.
9.82 Flood Risk Assessment Technical Note [REP6-042]	
REP8-032dp	<p>General</p> <p>The LLFA have no comments to make.</p>
Applicant's comments	The Applicant notes the comment from the Cambridgeshire Authorities.

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9.83 Groundwater Risk Assessment Technical Note [REP6-043]	
REP8-032dq	General The LLFA have no comments to make.
Applicant's comments	The Applicant notes the comment from the Cambridgeshire Authorities.
9.84 Assessing the Potential Impacts of COVID -19 - the implications for traffic forecasts for the Scheme - Supplementary Data [REP6-044]	
REP8-032dr	Impact of Covid 19 - 4.1.7 While the latest Technical Note on the impact of COVID-19 on the proposed Scheme [REP6-044] has added analysis of traffic flow data on the strategic network between June and September 2021, CCC's conclusions from reviewing the original Technical Note [REP1-029] are unchanged. These were: Page 34 of 49 <ul style="list-style-type: none"> • the data presented focusses only on the strategic road network with no analysis of flows on the local road network, meaning no reliable conclusions about the impact on the local road network can be drawn. • CCC recommends the impact of the proposed Scheme should be reassessed once the DfT Uncertainty Toolkit is available, expected to be later this year. CCC's conclusions are supported further by the introduction of 'Plan B' COVID-19 restrictions in December 2021 in response to the omicron variant of the virus. These include the recommendation for workers to work from home if possible. Therefore, it is not yet possible to confirm the operation the road network has returned to a steady state. It would also be useful to consider the journey purpose as well as origins and destinations of trips and how this might impact the Scheme.
Applicant's comments	The analysis presented in both [REP1-029] and [REP6-044] was based upon traffic flow data provided by the Department for Transport and traffic data for the strategic road network local to the A428. The latter was obtained from the National Highways' WebTRIS count database for sites on the A421, A1 and A428. While the Applicant acknowledges that it would be desirable to include local roads within the analysis, it is noted that there was no continuous data available for local (as opposed to strategic) roads to support the analysis of the assessment of the impact of COVID-19. The analysis has utilised all the continuous traffic count data that was available in the immediate vicinity of the A428 covering the period from early 2020 to the present. This was essential in order to assess the impact on


Reference Number	Interested Parties Submission/Applicant's Comments
	<p>traffic flows from the start of the pandemic and the changes as a result of the lifting of the restrictions.</p> <p>The Applicant acknowledges that the impact of the COVID-19 pandemic is likely to result in greater uncertainty. However, it is noted that the release date of the DfT Uncertainty Toolkit is un-known but this will not be released before the end of the DCO examination. It is further noted that any assessment using the DfT Uncertainty toolkit could potentially take several months to prepare.</p>
<p>9.85 Departures from Standard for the A428 Black Cat to Caxton Gibbet Scheme [REP6-045]</p>	
<p>REP8-032ds</p>	<p>Scheme Departures from Standard</p> <p>This document does not list or acknowledge the unapproved (rejected) Departures relating to Cambridgeshire County roads for carriageway and verge widths. In that respect it is somewhat misleading, and it may be inferred by the reader that all relevant and necessary Departures for the scheme are approved, which is not the case.</p> <p>For the avoidance of doubt:</p> <ul style="list-style-type: none"> • The applications made by the Applicant for reduced standard cross sections on Cambridgeshire County roads are not approved. • Applications for more acceptable cross section widths have not been made by the Applicant • CCC has indicated the minimum dimensions that would be favourably considered in a Departure application (refer to 9.71 Response to actions arising from Issue Specific Hearing 5 [REP6-031]), above). • As it stands the necessary Departures from Standard for the satisfactory construction and adoption of these roads are not in place.
<p>Applicant's comments</p>	<p>REP6-045 sets out the approved Departures from Standard. The need for this document arose during discussions in Issue Specific Hearing 4 and in relation to Departures from Standard at Black Cat junction. The Applicant has secured (and presented in [REP6-045]) the Departures from Standard that were considered essential for defining the Scheme Order Limits and that had they been applied for after DCO consent, would have been seen by those reviewing the Departure Application as a "fait accompli". The Applicant recognises that there will be other Departures from Standard but considers that these can be dealt with during detailed design without affecting the Order Limits. The Applicant is in continuing discussions with Cambridgeshire County Council (as the local highway authority) with regards Departures from Standard</p>

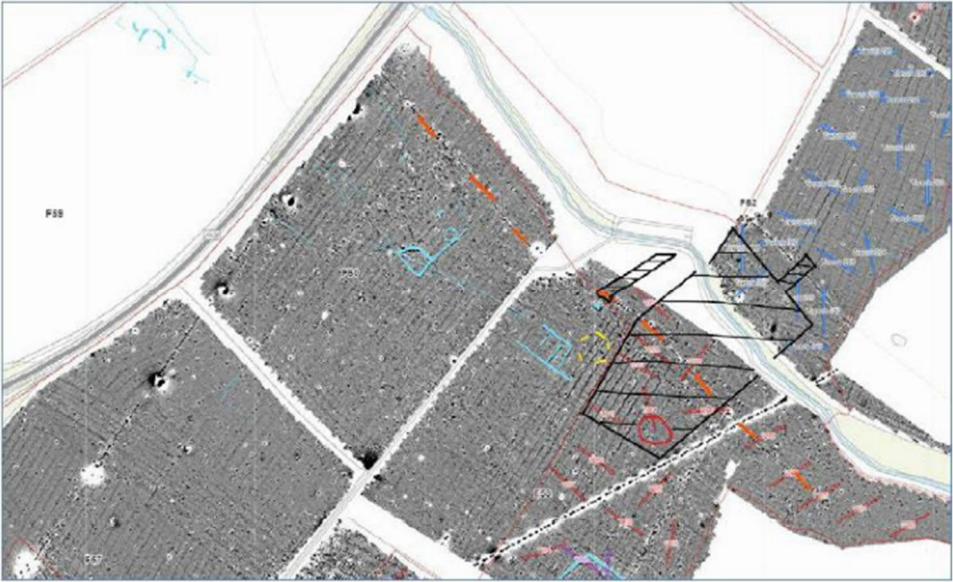
Reference Number	Interested Parties Submission/Applicant's Comments
	in relation to local roads.
9.87 Archaeological Mitigation Areas with Evaluation Data [REP6-047, REP6-048, REP6-049 and REP6-050]	
REP8-032dt	<p>REP6-047 Fig 9.87 - Sheet 10/41</p> <p>The excavation boundary is too tight to Iron Age enclosure boundary and the limit of excavation does not reach the brook south of Trenches 538 and TR284. This proposal does not conform with the requirements of the LA archaeology brief and the area should be expanded to that advised by CCC below.</p> <p>Site 10 CCC area:</p> 
Applicant's comments	Please see the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045].
REP8-032du	<p>REP6-048 Fig 9.87 - Sheet 11/41</p> <p>CCC had advised the Applicant to expand the excavation area within the Orders Limits to include anticipated remains associated with broader series of enclosures (shown as blue lines) that occur to the immediate north west of but within the Orders Limits and that might extend into the Scheme area. This would provide an adequate zone for investigation around the enclosures where unenclosed occupation tasks were carried out. The investigation should allow connectivity of the known sites and investigate areas where no survey data is present (white zones).</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>Site 11 CCC area below:</p> 
Applicant's comments	Please see the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045] .
REP8-032dv	<p>REP6-048 Fig 9.87 - Sheet 12/41</p> <p>The box around Tr122 is the minimal area of exclusion. CCC had recommended extension to just north of Tr129, to exclude the boundary and anticipated associated features of the Iron Age site lying mostly to the east of the Orders Limit.</p>

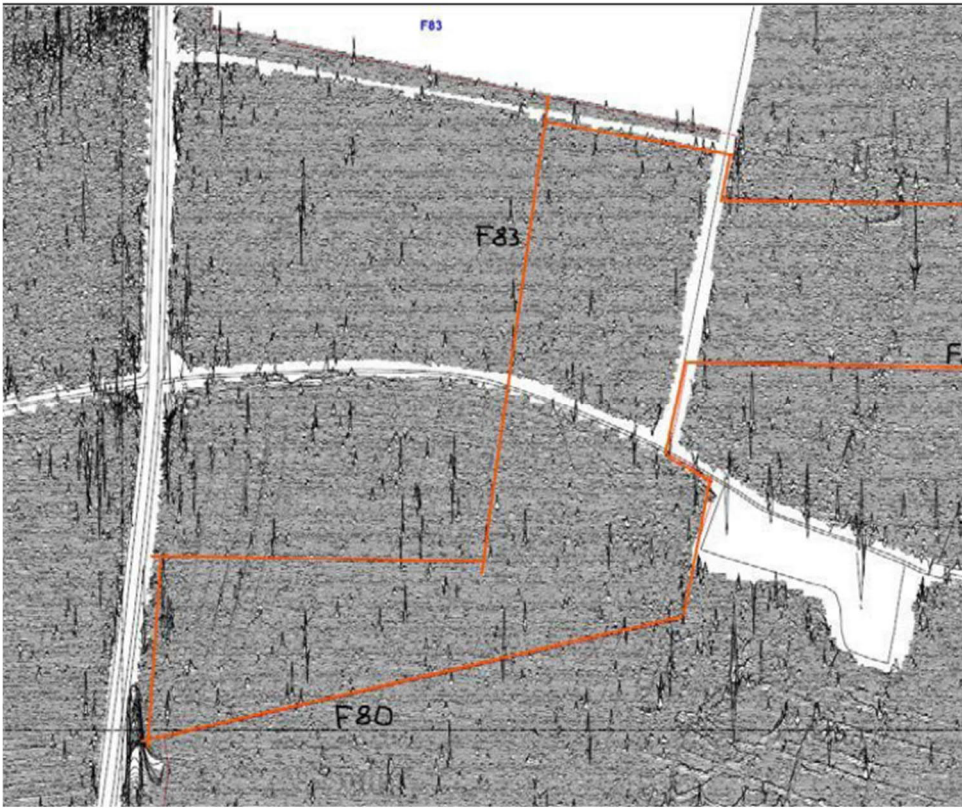
Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	Please note that Trenches 122 and 129 are in Field 39 in Central Bedfordshire, where no mitigation is proposed. It is assumed that this should instead refer to Trenches 1122 and 1129. These are in Site 12. This site is stated as agreed in the Statement of Common Ground, so it is not clear why an issue has been raised now.
REP8-032dw	REP6-048 Fig 9.87 - Sheet 13/41 This area suitably buffers the square Iron Age enclosure and is agreed.
Applicant's comments	The Applicant notes and welcomes this comment from the Cambridgeshire Authorities.
REP8-032dx	REP6-048 Fig 9.87 - Sheet 14/41 This area is in the A428 compound in the Wintringham Park development area and has been excavated by archaeologists appointed by Urban and Civic (the developer). A Late Bronze Age cemetery was found - unexpected as there are no known contemporary settlements in the area, extending the occupation on the clay here back in time. As Site 14 has been excavated under the remit of another development, it does not need to be Page 37 of 49 included in the list of A428 sites and could be removed, thereby reducing the number of sites that the Applicant is directly responsible for.
Applicant's comments	The response is noted by the Applicant. However, as stated in Applicant's Comments on submissions made at Deadline 4 [REP5-014] Site 14 "will not be removed from the strategy as knowledge gain from this site will inform excavations within the rest of the Scheme".
REP8-032dy	REP6-048 Fig 9.87 - Sheet 15/41 This is the agreed minimum area for excavation of this Roman site related to a villa immediately west of the Orders limits.
Applicant's comments	The response is noted by the Applicant. However, this site is stated as agreed in the Statement of Common Ground, so the reference to 'the agreed minimum area' is not relevant.

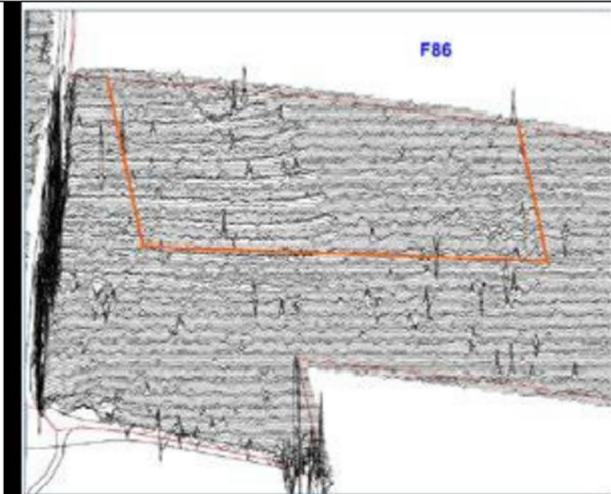
Reference Number	Interested Parties Submission/Applicant's Comments
REP8-032dz	<p>REP6-048 Fig 9.87 - Sheet 16/41</p> <p>Two mitigation types are shown: the yellow-edged box on the new track is the agreed minimum area for excavation of Iron Age and Roman remains at Site 16, the majority of which (purple dashed box) will be fenced off and protected within the Orders Limits as agreed.</p>
Applicant's comments	<p>The Applicant notes the comment from the Cambridgeshire Authorities.</p>
REP8-032ea	<p>REP6-048 Fig 9.87 - Sheet 17/41</p> <p>This excavation area of this multi-period site is agreed, but has been assigned by the Councils for detailed excavation, not that which is outlined by the Applicant. Rarely are elements of Saxo-Norman settlement excavated in Cambridgeshire and they form a focus of the Regional Research Agenda (shown as REF 19 in [REP4-031, 1.7.3 a]), and see REP4-031 4.4.22 a asserting the importance of investigation of settlement from this date.</p> <p>We do not accept the mitigation strategy put forward in REP4-031 p.189. It is too selective and impossible to implement as previously outlined in our Written Representation REP1- 048 and REP4-060 (responding to REP1-048cf 12.2.3a). We emphasise the need to follow the excavation methods provided in section 6 the Joint Authorities' Archaeology Brief shown in Appendix B [REP4-031].</p> <p>The site occurs to the east of Site 35 (REP6-050 Fig 9.87 Sheet 35/41).</p>
Applicant's comments	<p>Please see the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045] and the Applicant's response to REP8-032az above.</p>
REP8-032eb	<p>REP6-048 Fig 9.87 - Sheet 18/41</p> <p>The area lies to the north of Wintringham Deserted Medieval Village (Historic Environment Record ref MCB1642), the southern part of which is scheduled (NHLE ref 1006815). The area shown on the west of the plan, for Field 73 is agreed, along with the strategy for excavation for this multi-period site. We emphasise the need to follow the excavation methods provided in section 6 the Joint Authorities' Archaeology Brief shown in Appendix B of REP4-031.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>The Councils do not agree with the area for excavation shown in Field 74 to the east of F73 as this excludes known archaeological remains outside archaeological enclosure boundaries in this zone (unenclosed activity). Site 18 CCC area is shown outlined in orange below:</p>  <p>The Councils have taken a pragmatic approach to this area by reducing their orange outline to the minimum area buffer around the known remains, rather than requiring all of Field 74 to be excavated. This advice has been consistent since initial discussions on the mitigation strategy held in September 2020.</p>
Applicant's comments	<p>This site has been discussed extensively at numerous previous deadlines. Please see the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045].</p>
REP8-032ec	<p>REP6-048 Fig 9.87 - Sheet 19/41</p> <p>This excavation area is not agreed as it fails to adequately incorporate the northwest-southeast zone of archaeological sites south of Hen Brook where they extend into the Scheme (shown as blue lines outside the Orders Limits to the west). The excavation area should include the ring ditch of a building (unenclosed activity) shown in red below and at the east end of Tr1214 on the Applicant's map. We emphasise the need to follow the excavation methods provided in section 6 the Joint Authorities' Archaeology Brief shown in Appendix B [REP4-031].</p>

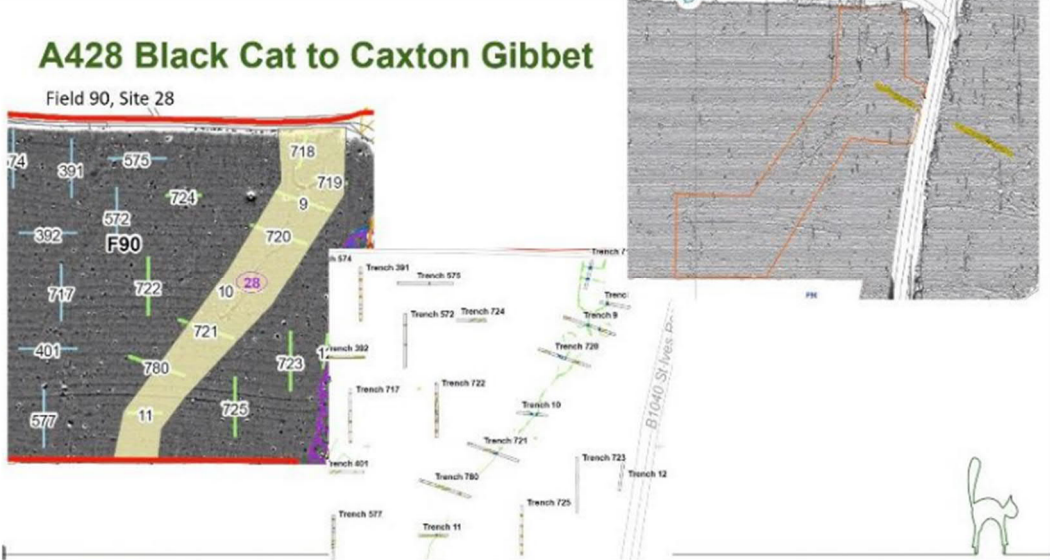
Reference Number	Interested Parties Submission/Applicant's Comments
	<p>Since last presenting this map to the Applicant on 30 June 2021 for a SoCG meeting, we note that the area along Hen Brook to the northwest will be included in the DCO for probable temporary access and ecology work. This will have an impact on the archaeological resource and it should be included in the excavation strategy.</p> <p>Site 19 CCC maplet below can be altered in the field north of Hen Brook to omit the narrow extension trench, a new map showing how the Applicant will include observations along the brook will be welcome as this has not been supplied to date.</p> 
Applicant's comments	<p>Please see the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045].</p> <p>It is the Applicant's understanding that an access track in this location is being considered as advance works, which would be subject to a separate planning application.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-032ed	<p>REP6-049 Fig 9.87 - Sheet 20/41</p> <p>The area is agreed for Site 20, but we emphasise the need to follow the excavation methods provided in section 6 the Joint Authorities' Archaeology Brief shown in Appendix B [REP4-031].</p>
Applicant's comments	<p>This is shown on the Archaeological Mitigation Areas with Evaluation Data – Part 3 [REP6-049]. The site will be excavated in line with the methodology in the Archaeological Mitigation Strategy [REP4-031]. Further detail can be found in the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045].</p>
REP8-032ee	<p>REP6-049 Fig 9.87 - Sheet 21/41</p> <p>Not clear from this map, this is A428 Site 21. It a major prehistoric and Roman settlement at the southwest end of the A428 compound area within Urban and Civic's development area at Wintringham Park (Site 1). It will be fenced off and marked as an Archaeological Protection Area preventing any damage from A428 construction activities of any kind. Page 40 of 49 Should the Applicant wish to bring forward excavation at this site in order to use the land within the area defined for their compound during the road's construction phase, Urban and Civic's appointed archaeologists should undertake the work according to their archaeological investigation programme already negotiated and agreed with Urban and Civic and the Councils.</p>
Applicant's comments	<p>This is shown on the Archaeological Mitigation Areas with Evaluation Data – Part 3 [REP6-049] and is clearly demarcated as an area to be fenced off, in accordance with the Archaeological Mitigation Strategy [REP4-031].</p>
REP8-032ef	<p>REP6-049 Fig 9.87 - Sheet 22/41</p> <p>The area and strategy for this site is agreed.</p>
Applicant's comments	<p>This is shown on REP6-049. The response is noted by the Applicant.</p>
REP8-032eg	<p>REP6-049 Fig 9.87 - Sheet 23 and Sheet 24/41</p> <p>The isolated excavation boxes of Sites 23 and 24 fragment the dispersed aspect of unenclosed settlement, which includes at least one cremation burial and is not well understood from the evaluation work. It excludes known archaeological site evidence and prevents an understanding of the relationship with contemporary evidence to be understood – such as the</p>

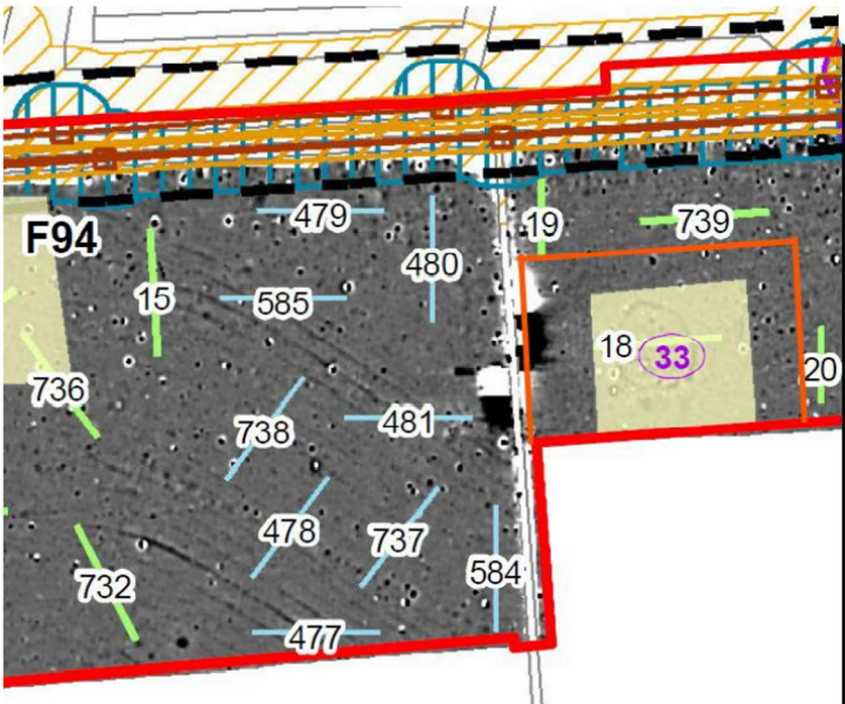
Reference Number	Interested Parties Submission/Applicant's Comments
	<p>curving string boundary and enclosures to the east to be seen against other archaeological evidence on the west and south sides. We emphasise the need to follow the excavation methods provided in Section 6 the Joint Authorities' Archaeology Brief shown in Appendix B of REP4-031.</p> <p>Cambridgeshire County Council's Site 23 and 24 combined excavation area is shown below and prefers a landscape archaeology approach to be used when dealing with unenclosed, dispersed occupation remains that can be anticipated in this area.</p>  <p>The image is an aerial photograph of a field with several orange lines overlaid, indicating an excavation area. The lines form a large, irregular polygon. Three labels are present: 'F85' at the top, 'F83' in the middle, and 'F80' at the bottom. The field appears to have some linear features, possibly paths or ditches, and the overall terrain is relatively flat.</p>


Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	This is shown on the Archaeological Mitigation Areas with Evaluation Data – Part 3 [REP6-049]. Further detail can be found in the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045].
REP8-032eh	REP6-049 Fig 9.87 - Sheet 25/41 This Archaeological Protection Area around High Hayden Farm is agreed.
Applicant's comments	This is shown on the Archaeological Mitigation Areas with Evaluation Data – Part 3 [REP6-049]. The Applicant notes and welcomes the comment from the Cambridgeshire Authorities.
REP8-032ei	REP6-049 Fig 9.87 - Sheet 26/41 The archaeological features found in this area are obscured by the ridge and furrow remains and the deeper soils of an ancient plough headland. CCC advise that the excavation area is expanded to the east to address this. Site 26: 

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	This is shown on REP6-049. Further detail can be found in the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045] . However, the furrows do not obscure the archaeological features, and when excavated no features were found beneath them.
REP8-032ej	REP6-049 Fig 9.87 - Sheet 27/41 The small area of excavation and its investigation strategy are agreed.
Applicant's comments	This is shown on REP6-049 . The Applicant notes and welcomes the comment from the Cambridgeshire Authorities.
REP8-032ek	REP6-049 Fig 9.87 - Sheet 28/41 The excavation area shown in the Applicant's area for excavation of this Middle Iron Age string boundary with off-set enclosures prevents a meaningful link with the known archaeological evidence in the adjacent field to the east of St Ives Road and does not incorporate a NW-SE aligned linear feature (highlighted yellow below) heading into that site. Geophysical anomalies showing on the survey data plot to the east of Trench 577 have been excluded, but need incorporation in the excavation scheme and be subject to the methods prescribed in the Joint Authorities' Archaeology Brief (Appendix B REP4-031). CCC site 28 area for excavation is shown in orange in the right hand maplet below:


Reference Number	Interested Parties Submission/Applicant's Comments
	
Applicant's comments	<p>This is shown on REP6-049. Further detail can be found in the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045].</p> <p>Initial results of the latest excavation in Field 44 exposed in January 2022 indicates that these earlier Iron Age land divisions are key in determining the organisation of the landscape. At this time, it is suggested there is a level of organisation across society that is creating these seemingly frequently redefined monuments. The key research question emerging from this is to investigate the relationship of these linear boundaries to the enclosures, structures and other features that abut them. This reinforces the proposed mitigation area and strategy for this site.</p>
REP8-032el	<p>REP6-049 Fig 9.87 - Sheet 28/41</p> <p>This area is agreed as is the Applicant's investigation strategy.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	This is shown on the Archaeological Mitigation Areas with Evaluation Data – Part 3 [REP6-049] . The Applicant notes and welcomes the comment from the Cambridgeshire Authorities.
REP8-032em	REP6-050 Fig 9.87 - Sheet 30/41 This area is agreed as is the Applicant's investigation strategy.
Applicant's comments	This is shown on the Archaeological Mitigation Areas with Evaluation Data – Part 3 [REP6-049] . The Applicant notes and welcomes the comment from the Cambridgeshire Authorities.
REP8-032en	REP6-050 Fig 9.87 - Sheet 31/41 This area is agreed as is the Applicant's investigation strategy.
Applicant's comments	This is shown on the Archaeological Mitigation Areas with Evaluation Data – Part 3 [REP6-049] . The Applicant notes and welcomes the comment from the Cambridgeshire Authorities.
REP8-032eo	REP6-050 Fig 9.87 - Sheet 32/42 This area is agreed, though the strategy for investigation should adhere to the methods prescribed in the Joint Authorities' Archaeology Brief (Appendix B REP4-031).
Applicant's comments	This is shown on the Archaeological Mitigation Areas with Evaluation Data – Part 4 [REP6-050] . The site will be excavated in line with the methodology in the Archaeological Mitigation Strategy [REP4-031] . Further detail can be found in the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045] .
REP8-032ep	REP6-050 Fig 9.87 - Sheet 33/43 The Applicant's excavation box (yellow) is too tight to the enclosure. The area should be expanded to properly buffer around the enclosure and to pick up hinterland/unenclosed activity. The strategy for investigation should adhere to the methods prescribed in the Joint Authorities' Archaeology Brief (Appendix B REP4-031). CCC site 33 excavation area. #

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>See orange box below.</p> 
Applicant's comments	<p>This is shown on the Archaeological Mitigation Areas with Evaluation Data – Part 4 [REP6-050]. Further detail can be found in the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045].</p>
REP8-032eq	<p>REP6-050 Fig 9.87 - Sheet 34/41</p> <p>The archaeological site found in this field to the northwest of Pastures Farm and Caxton Gibbet fills the entirety of Field 95 and extends west of the western field boundary into Field 94 (shown as pink features in trenches), especially in the NE</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>corner. There are a number of Iron Age settlement enclosures with external activity area between this part of the road scheme and Caxton Gibbet roundabout and constitute a settlement landscape.</p> <p>The whole scheme area in this field should be stripped (in stages if necessary for spoil management), and subject to archaeological investigation prescribed in Section 6 of the Joint Authorities' Archaeological Brief (Appendix B, REP4-031), in part to address the need to establish the antiquity of the road to St Neots – believed to be a Roman Road and therefore likely to have had a junction with Ermine St to the east of that and also formed a hundred boundary and line of Cambridge Road. The entirety of this field should be excavated up to the current road and extend west into Field 94 and the northwest corner of F96.</p> <p>CCC Site 34 recommended area is outlined in orange below:</p> 

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	<p>This is shown on the Archaeological Mitigation Areas with Evaluation Data – Part 4 [REP6-050]. Further detail can be found in the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045]. Note that the area of Field 95 was extended to match the area requested by CCC on 15 October 2020. CCC later asked for a further amendment to cover the entire field on 4 November 2020 without clear reasoning. There is no justification to extend this site, based on the excavation results where the parish boundary was investigated during the evaluation and that no further information will be gained from further excavation.</p>
REP8-032er	<p>REP6-050 Fig 9.87 - Sheet 35/41</p> <p>This area is west of Wintringham Deserted Medieval Village, where the Sandy to Godmanchester Roman Road (HER reference MCB17569) crosses Wintringham Brook. Saxo-Norman features were also present in the landscape east of the crossing. It is directly west of Site 17.</p> <p>The Applicant's area is agreed but the excavation strategy should follow that prescribed in Section 6 of the Joint Authorities' Archaeological Brief (Appendix B, REP4-031).</p>
Applicant's comments	<p>This is shown on the Archaeological Mitigation Areas with Evaluation Data – Part 4 [REP6-050]. The site will be excavated in line with the methodology in the Archaeological Mitigation Strategy [REP4-031]. Further detail can be found in the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045].</p>
REP8-032es	<p>REP6-050 Fig 9.87 - Sheets 36-39/41</p> <p>This site is to the immediate west of the principal Roman Road, Ermine Street (A1198). The four Iron Age settlement enclosures are the focus of the Applicant's Archaeological Mitigation Strategy in Field 97. There is no regard given to the areas around the enclosures in which other tasks will have occurred. Anticipated remains include individual burials or cemeteries, pottery production areas, metalworking sites, animal processing areas, retting and storage pits/structures and other aspects of occupation that is typically unenclosed. The character of Roman utilisation of this prehistoric settlement area remains unknown. The major adverse effect that the borrow pit in this location will have on archaeological evidence of this and other periods requires suitable mitigation.</p> <p>The Cambridgeshire Authorities consider that Sites 36-39 should be excavated in a landscape style archaeological scheme common to borrow pits and quarries, shown in the orange outline below. Here, the focus of detailed excavation</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>should be on the four sites coloured yellow by the Applicant, with a lighter excavation strategy used evidence found (and proven through evaluation) for the landscape in between.</p> <p>Excavation can be phased to accommodate service removals and other logistical arrangements.</p> <p style="text-align: center;">Field 97, Site 36-39</p> 
Applicant's comments	<p>This is shown on the Archaeological Mitigation Areas with Evaluation Data – Part 4 [REP6-050]. Further detail can be found in the Applicant's response to Cambridgeshire County Council's comments on archaeological mitigation areas [REP4-045]. The impact on this area has been assessed as moderate adverse in the ES [APP-075] and not major adverse. It should also be noted that the area requested by the Cambridgeshire Authorities for this site has changed from excavation of the full field, to extending the existing areas, and is now back at excavation of the full field.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-032et	REP6-050 Fig 9.87 - Sheet 40/41 The purple area for archaeological protection by fencing off this site is agreed.
Applicant's comments	This is shown on the Archaeological Mitigation Areas with Evaluation Data – Part 4 [REP6-050]. The Applicant notes and welcomes the comment from the Cambridgeshire Authorities.
9.88 Schedule of Changes to the Environmental Masterplan [REP6-051]	
REP8-032eu	The Councils welcome the submission of the scheme, which helpfully confirms changes to the Environmental Masterplan, including mitigation for Great Crested Newts and bat crossings.
Applicant's comments	The Applicant notes and welcomes the comment from the Cambridgeshire Authorities.
9.89 Appropriate Assessment Note [REP6-052]	
REP8-032ev	1.1.4 The document has not been shared with Natural England and therefore, it is unclear whether Natural England's position has been accurately reflected in the document
Applicant's comments	The Applicant submitted the Habitats Regulations Assessment - Report to inform Appropriate Assessment [REP8-016] at Deadline 8.
REP8-032ew	Surveys (incomplete) - 2.1.11 Bat survey work is still continuing and therefore, at this stage, the Applicant has provided insufficient evidence to demonstrate that there will be no impact on the barbastelle bat population of Eversden and Wimpole Woods SAC.

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	The final results of the autumn/winter 2021 bat survey work was submitted at Deadline 8 as agreed and is provided in Barbastelle Bat Surveys and Mitigation Technical Note [REP8-009] . This survey work has been used in the Habitats Regulations Assessment - Report to inform Appropriate Assessment [REP8-016] submitted at Deadline 8, which showed that the Scheme would have no adverse effect on the integrity of Eversden and Wimpole Woods SAC, either alone or in-combination with other plans and projects.
REP8-032ex	2.1.12 The proposed update of the HRA at Deadline 8 (Jan 14), to take into account the completed survey work, is welcomed.
Applicant's comments	The Applicant submitted the Habitats Regulations Assessment - Report to inform Appropriate Assessment [REP8-016] at Deadline 8.
9.90 East West Rail 2020 Bat Survey [REP6-053]	
REP8-032ey	General The Councils welcome the submission of the East West Rail bat data
Applicant's comments	The Applicant notes and welcomes the comment from the Cambridgeshire Authorities.
Appendix 1 – Clarification of comments by the Councils on the Streets, Rights of Way and Access Plans [REP4-003]	
REP8-032ez	Sheet 7, Streets, Rights of Way and Access Plans [REP4-003] Part of the existing A428 highway boundary to be de-trunked pass into CCC's administrative area, for example, the very small section to the north side of Little Barford roundabout. CCC request clarification on whether it is the Applicant's intention for these areas to be stopped up or whether these sections are to be maintained by Bedford Borough Council.
Applicant's comments	The proposed extents of the de-trunking of the existing A428 are shown on the De-trunking Plans [APP-012] . Part of the A428 to be de-trunked at Little Barford Roundabout is within Bedford Borough Council and Cambridgeshire County Council's administrative boundary. The detailed extents of the maintenance responsibility are being discussed and will be finalised as part of the handover process. The Applicant does not propose to stop up these areas.

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-032fa	<p>Sheet 11, Streets, Rights of Way and Access Plans [REP4- 003]</p> <p>The Councils had previously commented as follows: "Existing A428 land beyond immediate road footprint (remaining land after historic bends in road straightened), shown as detrunked on detrunking plans, needs to be stopped up on these plans, to avoid it becoming a maintenance liability for CCC. CCC's position is that it will not adopt land which is not required for highway purpose", following which the Applicant has undertaken to update the relevant plans at Deadline 8.</p> <p>Following on from the discussions in relation to NMU provision, the Councils wish to update their position on this matter. In light of the need for a strategic NMU route along the line of the old A428, the Councils consider it preferable to retain control of this land as highway and for the surplus area to be stopped up once the NMU route is in place and it is established that the excess land designated as highway is no longer required. CCC requests support from the Applicant in facilitating the stopping up of the surplus highway area in due course.</p>
Applicant's comments	<p>The Applicant notes the comments made by the Cambridgeshire Authorities and will support, where possible, in facilitating the stopping up of the surplus highway area in due course, if the need arises.</p>
REP8-032fb	<p>Sheet 13, Streets, Rights of Way and Access Plans [REP4- 003] The treatment of the old A428 trunk road at Eltisley junction appears to be inconsistent with the approach taken where other new assets cross existing assets to be de-trunked. The section of the old A428, where new Cambridge Road (coloured blue) crosses it, is not stopped up; just de-trunked, even though Cambridge Road is created as a new road in its own right, and so does not rely on the existing right of way. This is inconsistent with the approach taken on the same Sheet where the old B1040 crosses the new trunk road. At this location both the purple colouring (denoting the new road) and the hatched section (denoting the section to be stopped up) are visible and it is suggested that the same approach is taken at Cambridge Road for consistency.</p>
Applicant's comments	<p>The Applicant's approach has been to de-trunk highway where the proposed road levels are similar to the existing road level. Where there is a significant road level difference, the Applicant has stopped up and re-applied highway rights accordingly. In the specific example highlighted by the Cambridgeshire Authorities, the proposed Cambridge Road is at a similar level to the existing highway whereas the proposed trunk road is below the existing B1040.</p>

REP8-039 – Darl Sweetland/Anglian Water

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-039a	<p>On 13 December 2021, Anglian Water (AW) sought to progress unresolved matters with National Highways (NH) solicitors. Those matters were set out in the draft Statement of Common Ground (SoCG). In summary they are:</p> <ul style="list-style-type: none"> • â€¢ clarity on the powers which will be used by NH to under work on AW assets • â€¢ the loss of funding from NH which AW has to take because its assets are replaced when the don't need to be & the consequence reduction in AW's ability to fund and undertake environmental works elsewhere within the region • â€¢ use of the Inflow system by NH which is used by other developers and which when used then has the flexibility to then enable matters to be progressed offline and directly with AW by NH AW understands from a call with NH solicitors (12.12.21) that no progress has been possible on these points. <p>AW asks that the Examining Authority request that NH set out a response on these points a final SoCG so that these matters may be concluded before the final deadline for the SoCG on 15.2.22</p>
Applicant's comments	<p>The Applicant notes the response from Anglian Water and will continue to engage with Anglian Water in the production of the SoCG for submission at Deadline 10.</p>

REP8-042 – Davis & Co (Great Barford Ltd)

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-042a	<p>1. Compulsory Acquisition Schedule</p> <p>We note the Applicant's account of engagement in the Compulsory Acquisition Schedule (9.4) and make the comments/amendments as set out below in red by way of a response on behalf of Davison & Company (Great Barford) Limited, in order to establish an accurate and full account of the nature and extent of the Applicant's engagement with them to date.</p> <p>By way of update for the Examining Authority on the current status of negotiations; most recently the parties met for an all parties call on 5th January 2022 and progress is now being made in particular for the lease for the Borrow-pit land. Davison & Company (Great Barford) Limited are however concerned that there remains substantial work to do to reach agreement on the leases and option in a very short timescale before the end of the examination. Solicitors are not instructed in respect of the leases and we await crucial information from the Applicant in order to progress the Option. We are already at risk of falling behind the 'timetable' agreed as one of the ExA's actions following Compulsory Purchase Hearing 2 and look forward to hearing from the Applicant as a matter of urgency.</p> <p><i>Status of negotiation: The Parties initially met together with their agents on 23 June 2020 and opened discussions about the principle of seeking to reach agreements for the land and rights purportedly needed for the scheme. The Applicant undertook to draft agreements for the land and rights needed as an agreed action. The Applicant wrote to the interested party on 18.09.20 with a letter offering a meeting to discuss the negotiations around a private agreement to secure the land and rights in land sought by the project. The form with that letter was returned on 22.12.20 expressing an interest to enter into negotiations and discussions are underway with the Applicant. In particular negotiations are proceeding in relation to a lease to secure the land required for the borrow pit at the Caxton Gibbet junction. In the absence of the Applicant providing the draft agreements in accordance with the meeting on 23 June 2020 (notwithstanding regular chasers from the Interested Party) the Interested Party prepared and distributed Heads of Terms on 6th July 2021 for a suite of voluntary agreements comprising (i) a lease of the 'borrow-pit land' (ii) a lease of the compound areas and (iii) an option to purchase the the highway land and subsequently chased without detailed response on the terms until 7th October 2021, when responses to the head of terms were belatedly provided by the Applicant but for the Lease only. The Applicant has drafted Heads of Terms for a Lease agreement with the landowner on 7 October 2021. This was followed up with a phone call to their agent who confirmed receipt. Further discussions were had regarding the leasehold rent. The agent is to seek client instructions. This was followed up with a further phone call on 15 October 2021, but there was no response. A</i></p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p><i>further phone call was made to the agent on 22 October to discuss progress on the Heads of Terms. These were being reviewed and discussed with the client and a response is anticipated week commencing 1 November 2021.</i></p> <p><i>A meeting was held between the Applicant and agent on 26 November 2021 to discuss Heads of Terms however the Applicant's agent indicated that he was not in a position to discuss Heads of Terms in full. Following this meeting, the Applicant emailed the agent on 29 November 2021 in respect of the Dispute Resolution clause for the option agreement only, stating in respect of the Heads of Terms for the leases and option that he would issue revised Heads of Terms "in due course" with amendments to the Heads of Terms. The agent responded on 30 November 2021 with further suggested amendments to the Heads of Terms. The Applicant responded on 8 December 2021. The Applicant held a meeting with the landowner's agent on 9 December 2021 to agree a timetable for negotiations. This was followed up with email correspondence confirming the timetable on the same day. The Applicant has since heard back from the landowner's agent on 10 December 2021. A meeting was held on 13 December 2021 to discuss Heads of Terms and the land agent provided follow up points, to which The Applicant responded to these points on 14 December 2021.</i></p>
Applicant's comments	<p>The Applicant began the process of engaging with landowners across the scheme for the voluntary acquisition of required land in September 2020 when it issued opening letters to interested parties. It was agreed at a meeting on 28 April 2021 that the Applicant would instruct its valuer to open negotiations with the Landowner. The Applicant's engagement is set out in the Compulsory Acquisition Schedule [REP8-005].</p> <p>In response to the delay in response after receipt of the Landowner's proposed Heads of Terms for the lease agreement, the Applicant required time to consider the implications of entering into a lease agreement rather than acquiring the freehold title to the borrow pit areas across the scheme and whether such a proposal was acceptable. Once required governance procedures had been completed draft Heads of Terms were shared with the Landowner's Agent on 7 October 2021.</p> <p>The Applicant met with the Landowner's Agent on 26 November 2021 to discuss the latest version of the Heads of Terms for the lease agreement. The Applicant discussed alternative dispute resolution with the agent and it was agreed the Applicant would provide an appropriate wording following the meeting. The Option Agreement heads of Terms were discussed with the agent's colleague, who is also involved in this case, earlier in the day. It was agreed those Heads of Terms would be replicated for Davison and Co and therefore those discussions did not need to be repeated here.</p> <p>The Applicant emailed the Landowner's Agent on the 29 November 2021 with further details on alternative dispute</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>resolution and referred to copies of Heads of Terms that have previously been issued for another of their clients for reference, with regards to the Option Agreement. Negotiations have continued as set out on the Compulsory Acquisition Schedule [REP8-005].</p>
<p>REP8-042b</p>	<p>2. Comments on any other information and submissions received at D6</p> <p>We comment as follows in respect of the following documents:</p> <p>2.1 <u>Environmental Masterplan</u></p> <p>We note the introduction of a proposed pond in plot 14/16a as part of the proposed Great Crested Newt mitigation and Natural England licencing. We are actively considering if this has any practical implications for the Landowner accessing retained land in the future and will liaise with the Applicant and ExA in due course.</p> <p>2.2 <u>Written submission of oral case for Compulsory Acquisition Hearing 2 on 2 December 2021</u></p> <p>The Applicant says:</p> <p><i>“The Applicant confirmed that it has continued to negotiate with Mr Warnett with regards to Davidson and Co and Great Barford Limited and a meeting was held on 26 November where Heads of Terms were discussed at length and an email went out on 29 November with a response received on 30 November.”</i></p> <p>For the record, Heads of Terms were not discussed at length on the meeting on 26th November as the Applicant's new agent had not had the opportunity to review them in detail. The Applicant's agent sent an email on 29th November 2021 relating to the dispute resolution clause for the option and noting amended Heads of Terms would be issued in due course.</p>
<p>Applicant's comments</p>	<p>2.1 Great crested newt mitigation is only proposed on permanent land take for the Scheme.</p> <p>2.2 The Applicant would refer to its response above at REP8-042a.</p>

REP8-043 – Deloitte LLP on behalf of the Church Commissioners for England

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-043a	<p>2 COMMENTS ON INFORMATION & SUBMISSIONS RECEIVED AT DEADLINE 6 AND RESPONSE TO WRITTEN QUESTIONS</p> <p>2.1 We refer to the Examining Authority's written questions and requests for information (WQ3) published on 22 December 2021.</p> <p>2.2 Q3.6.2.1: Comments on Annex R Borrow Pits Management Plan (Plan) in the First Iteration EMP [REP6-008]. CCE owns the land immediately east of the A1198 (Ermine Street) and north of the existing A428 (Cambridge Road) which is to be used for a borrow pit as part of the A428 improvement scheme and is referred to as "Site 3" for the purposes of the Plan. CCE welcomes the further details on key stakeholder engagement in relation to the borrow pits and on baseline conditions, mitigation and restoration set out in the Plan. CCE wishes to make the following comments:</p> <p>2.2.1 As per CCE's previous submissions, CCE supports NH's conclusion that the restoration of borrow pits to achieve biodiversity net gain is not required (R-4). Should the Examining Authority require any further details of their position on this matter, CCE would be happy to provide them.</p> <p>2.2.2 R-9 of the Plan sets out details on how the Principal Contractor will engage with key stakeholders "with an interest on how the land identified for use as borrow pits will be used and managed". CCE requests that the definition of key stakeholders be clarified in respect of the restoration works to comprise only those with an ownership interest in the relevant land. Where the land is to be restored for agricultural purposes, then the precise details of restoration are a matter between landowner and NH.</p> <p>2.2.3 The Plan states at R-15 that access for a detailed soil survey of Site 3 was not granted. NH have not made any requests for access to undertake soil surveys to CCE as the freehold owner or their consultants. CCE can and will grant consent for detailed soil surveys to be undertaken. This should be done to obtain a full record of the condition of the soils and detailed analysis of items such as organic matter, nutrient content, fertilizer levels and compaction. Such a record is necessary to ensure that the reinstatement of soil at the end of the scheme is to an equal quality as the soil prior to the scheme. CCE requests that the Plan requires that the results of any such survey are shared with landowners prior to the works commencing.</p> <p>2.2.4 Paragraph 1.8.2 at R-38 should state that the soil will be restored to a quality equal to the quality of the soil prior to the start of the scheme as determined by the detailed soil surveys.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>2.2.5 The Plan refers at R-34 to archaeological sites identified within the borrow pit at Site 3 being subject to archaeological excavation in advance of the construction of the borrow pit. The Plan should specify that landowners will be notified as to when such excavation works will commence and provided with details of the outcome.</p> <p>2.2.6 The borrow pit restoration measures set out at R-38 of the Plan do not include reference to any remedial land drainage works. While CCE appreciates that it may not be possible to understand whether remedial land drainage works will be needed or not at this stage, the potential need for such works should be considered in the Plan and undertaken if deemed necessary and landowners given the opportunity to comment on the detailed proposals.</p> <p>2.2.7 Whilst the draft DCO intends that the land for the borrow pits be permanently acquired (although the need for that is not accepted given temporary powers would suffice), it appears that NH intend for land to be offered back and therefore landowners / former landowners should be kept informed throughout the process. Ultimately, CCE and NH have agreed that a lease of the relevant borrow pit area can be granted.</p> <p>2.2.8 For clarity, the Plan should include red line plans showing the location and boundaries of the borrow pits as was included in the Borrow Pits Excavation and Restoration Report submitted at Deadline 3 [TR010044/EXAM/9.24].</p> <p>2.3 TR010044/EXAM/9.73 Applicant Response to actions arising from Issue Specific Hearing 6 – We note the applicant's response to point 5 in terms of the practical implications of the increase in the notice period to 28 days. Clearly, NH sets, and is in charge of, its own programme and therefore should be able to manage the risks identified adequately.</p> <p>2.4 Update on negotiations: All of the documentation and required information is with NH, who have not yet circulated second revisions at the time of writing (14 January - due by close of business 7 January 2022 under the agreed timetable). If the agreements are not completed by the final deadline for representations, CCE will submit full representations on the matter given the burden on NH to seek to acquire by agreement and their apparent failure to resource themselves adequately to do so.</p>
Applicant's comments	<p>2.2.1 The Applicant notes and agrees with the comments made by the Church Commissioners for England (CCE).</p> <p>2.2.2 The Applicant notes the request made by CCE. The Applicant considers key stakeholders "with an interest on how the land identified for use as borrow pits will be used and managed", to include landowners and tenants of the affected land parcels. The Applicant considers these key stakeholders are the most appropriate for engagement regarding the restoration of land.</p> <p>2.2.3 The Applicant welcomes CCE's invitation to survey the land, The Applicant can confirm that it will contact CCE directly to facilitate access for these soil surveys associated with the parcel affected for the proposed borrow pit, and will share the</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>findings in a timely manner.</p> <p>2.2.4 The Applicant notes the comment made by the CCE. 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. As such, the Applicant is unable to accommodate the proposed wording put forward by the CCE.</p> <p>2.2.5 The Applicant notes CCE's request. Annex R should be read in conjunction with the wider First Iteration Environmental Management Plan [TR010044/APP/6.8(rev.3)], which outlines a number of roles and responsibilities the Principal Contractor will implement during the construction phase of the Scheme. In terms of archaeological works and the dissemination of information, the Applicant considers that this function will fall under the remit of the Archaeological Clerk of Works (ACoW) and the Community Relations Manager (CRM), whose roles are defined within Table 2-1: Roles and Responsibilities in Section of the First Iteration Environmental Management Plan [TR010044/APP/6.8(rev.3)].</p> <p>2.2.6 The Applicant notes CCE's comments regarding agricultural land drainage. The Applicant can confirm that a function of the Principal Contractor's Agricultural Liaison Officer (ALO) wider duties would be to engage with the landowner to discuss reinstating land drainage to a satisfactory condition and where considered necessary would involve environmental specialists / contractors as per Table 2-1: Roles and Responsibilities in Section of the First Iteration Environmental Management Plan [TR010044/APP/6.8(rev.3)].</p> <p>2.2.7 The Applicant has set out its case for the compulsory acquisition of these plots in previous submissions (Applicant's Comments on Written Representations [REP3-008], the Applicant's comments on Landowners submissions at Deadline 3 [REP4-035], Applicant's Comments on submissions made at Deadline 4 [REP5-014], Applicant's Comments on Deadline 5 Submissions [REP6-035] and Applicant's Comments on Deadline 6 Submissions [REP8-010]. Should these plots be acquired permanently they will be subject to the usual Cichel Down Rules process in line with Government policy and offered back to the former landowners should they be declared surplus to requirement. The Applicant confirms that it is able to enter into a voluntary lease agreement for the borrow pit areas if terms can be agreed with the relevant parties.</p> <p>2.2.8 The Applicant notes CCE's comment regarding the inclusion of a plan showing the location and boundaries of the borrow pits. The Applicant refers the CCE to The Works Plans [APP-009], the Engineering Section Drawings [APP-018] and General Arrangement Plans [APP-011], which show the extent of the land required for the borrow pits and form part of</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>the certified documentation in the event the DCO is made. The Applicant therefore considers it is unnecessary to duplicate this information within the also certified Environmental Management Plan [TR010044/APP/6.8(rev.3)] (and supporting Annexes) for the Scheme.</p> <p>2.3 The Applicant notes this comment from CCE.</p> <p>2.4 The Applicant has concluded negotiations on the Heads of Terms for the borrow pit lease and the Option Agreement with the CCE. These are now with the respective parties' solicitors for drafting. Draft Agreement and Transfer documents were shared with the CCE on 19 January 2022. The Applicant is awaiting comments from the main contractor regarding the borrow pit lease and once these have been received the amended draft documents will be shared with the CCE. The Applicant has received details of the proposed sale price from the CCE. A meeting was held with the CCE's Land Agent on 13 January 2022 to discuss values. The Applicant has requested evidence to support this figure at that meeting and is awaiting this evidence.</p>

REP8-045 – East West Rail Company Limited

Reference Number	Interested Parties Submission/Applicant's Comments
Table 1 – EWR Co's response to the Applicant's comments on Deadline 5 submissions [REP6-035]	
The Applicant's comments [REP6-035] on EWR's responses to Deadline 4 submissions [REP5-024]	
REP8-045a	<p>1 - Applicant's Deadline 6 Submission - 9.75 Comments on Deadline 5 Submissions [REP6- 035], pages 8-9 –</p> <p><i>"The Applicant notes this response from EWR Co and would refer to its previous responses provided at Deadline 5 [REPS-015] in response to 02.10.1.1 and 02.10.2.1 and REPS-014 in response to REP4-066] together with its response to Action Point 7 contained within document 9.75 the Applicant's Response to actions arising from Issue Specific Hearing 5 submitted at Deadline 6. The previous responses and the response to Action Point 7 in particular, maintains the Applicant's view that the EWR Scheme is too far behind the design development of the A428 Scheme and as such it is not possible or appropriate for the A428 Scheme to consider including protective provisions of the type sought by EWR. Further it is not possible or appropriate for the A428 Scheme to make allowances for any changes to its design for the EWR Scheme which has not yet selected its preferred route, not undertake statutory consultation and not submitted an application for development consent."</i></p> <p>EWR Co's response to the Applicant's Response to actions arising from Issue Specific Hearing 5 [REP6-031] is set out in Table 4, below.</p> <p>As detailed in [REP6-095] and in Table 4 of this response, EWR Co's position remains that in light of the information provided in [REP1-074], [AS011] and [REP4-048] there is no reason why the Applicant cannot take account of the EWR Project.</p> <p>The draft Protective Provisions, additional design principle and amendments to requirement 12 of Schedule 2 to the dDCO (as detailed in [REP6-094]) do not seek design changes at this stage. Rather, they establish the mechanism for consultation, post-consent adaptation of the Scheme (by way of works to integrate the Scheme and the EWR Project), protective works and amendments to construction programming – all within assessed parameters. For this reason, it is not accepted that it is not possible or appropriate to consider the inclusion of the draft Protective Provisions or other allowances for changes to the Scheme design.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	Please refer to the Applicant's response to Q3.5.2.2 of the Applicant's Response to Examining Authority's Third Written Questions [REP8-014] . This reiterates and expands upon the Applicant's justified position that these Protective Provisions are not suitable because there is no existing EWR apparatus requiring protection and no section 127 status to consent the erection of any such apparatus and, therefore, EWR cannot be considered an undertaking.
The Applicant's comments [REP6-035] on EWR Co's comments on the responses to the EXA Second Round of Written Questions [REP5-024]	
REP8-045b	<p>2 - Applicant's Deadline 6 Submission - 9.75 Comments on Deadline 5 Submissions [REP6- 035], pages 10-11</p> <p><i>"The Applicant notes this response from EWR Co and would refer to its previous responses provided at Deadline 5 [REPS-015] in response to 02.10.1.1 and 02.10.2.1 and REPS-014 in response to REP4-066] together with its response to Action Point 7 contained within document 9.75 the Applicant's Response to actions arising from Issue Specific Hearing 5 submitted at Deadline 6. The previous responses and the response to Action Point 7 in particular, maintains the Applicant's view that the EWR Scheme is too far behind the design development of the A428 Scheme and as such it is not possible or appropriate for the A428 Scheme to consider including protective provisions of the type sought by EWR. Further it is not possible or appropriate for the A428 Scheme to make allowances for any changes to its design for the EWR Scheme which has not yet selected its preferred route, not undertake statutory consultation and not submitted an application for development consent."</i></p> <p>As detailed in [REP6-095] and in Table 4 of this response, EWR Co's position remains that in light of the information provided in [REP1-074], [AS011] and [REP4-048] there is no reason why the Applicant cannot take account of the EWR Project.</p> <p>The draft Protective Provisions, additional design principle and amendments to requirement 12 of Schedule 2 to the dDCO (as detailed in [REP6-094]) do not seek design changes at this stage. Rather, they establish the mechanism for consultation, post-consent adaptation of the Scheme (by way of works to integrate the Scheme and the EWR Project), protective works and amendments to construction programming.</p> <p>For this reason, it is not accepted that it is not possible or appropriate to consider the inclusion of the draft Protective Provisions or other allowances for changes to the Scheme design.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	<p>Please refer to the Applicant's response to Q3.5.2.2 of the Applicant's Response to Examining Authority's Third Written Questions [REP8-014]. This reiterates and expands upon the Applicant's justified position that these Protective Provisions are not suitable because there is no existing EWR apparatus requiring protection and no section 127 status to consent the erection of any such apparatus and, therefore, EWR cannot be considered an undertaking. The Applicant and EWR remain in positive discussions around the Co-operation agreement to secure future consultation between the two parties, but this is a matter outside of the DCO Examination process.</p>
<p>Table 2: EWR Co's comments on the Applicant's revisions to 3.1 Updated draft Development Consent Order (Tracked [REP6-002] and Clean [REP6-003]) and 9.3 Schedule of Changes to the draft DCO [REP6-023]</p>	
REP8-045c	<p>1 - REP6-002 and REP6-003 page 62 REP6-023 page 43</p> <p><i>"Requirement 12 has been amended to ensure that the detailed design must accord with the design principles set out in the scheme design approach and design principles document."</i></p> <p>In its response to Q2.10.2.1(b) [REP4-067], EWR Co proposed amendments to requirement 12 of Schedule 2 of the dDCO in order to secure consultation in respect of the design development process. Subsequently, EWR Co provided a tracked changes version of the amendments to requirement 12, as well as a full schedule of amendments (Appendices B and C of [REP6-094]).</p> <p>The revised dDCO ([REP6-002] and [REP6-003]) does not include the amendments to requirement 12 specified by EWR Co, including the requirement to consult. While the reference to the scheme design approach and design principles is acceptable in place of EWR Co's proposed reference to the First Iteration EMP, the scheme design approach and design principles document [REP3-014] has not been updated to include the design principle proposed by EWR Co in [REP4-067].</p> <p>As a result, EWR Co's position remains that:</p> <ul style="list-style-type: none"> i. requirement 12 must be amended to secure consultation in respect of the design development process; and ii. the design principle proposed by EWR Co in [REP4-067] must be included in the scheme design approach and design principles document [REP3-014].
Applicant's comments	<p>Please refer to the Applicant's response to Q4.8.1.4 of the Applicant's responses to comments on the ExA's proposed schedule of changes to the dDCO submitted at deadline 9 [TR010044/EXAM/9.108].</p>

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-045d	<p>2 REP6-002 and REP6-003</p> <p><i>Not applicable.</i></p> <p>The revised dDCO ([REP6-002] and [REP6-003]) does not include the amendment to article 11(5) or the draft Protective Provisions proposed by EWR Co at Appendices A and C of [REP6-094].</p> <p>For the reasons set out in Tables 1 and 4 of this response, as well as in [REP6-094] and [REP6-095], EWR Co's position remains that the amendment to article 11(5) and the draft Protective Provisions are required to secure 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>
Applicant's comments	<p>Please refer to the Applicant's response to Q3.5.2.2 of the Applicant's Response to Examining Authority's Third Written Questions [REP8-014]. This reiterates and expands upon the Applicant's justified position that these Protective Provisions are not suitable because there is no existing EWR apparatus requiring protection and no section 127 status to consent the erection of any such apparatus and, therefore, EWR cannot be considered an undertaking.</p>
<p>Table 3 - EWR Co's comments on the Applicant's revisions to the 6.8 First Iteration Environmental Management Plan (Tracked [REP6-007] and Clean [REP06-008])</p>	
REP8-045e	<p>1 - First Iteration Environmental Management Plan (Tracked [REP6-007] and Clean [REP06-008])</p> <p>The Applicant has submitted revisions to the First Iteration Environmental Management Plan.</p> <p>As detailed in EWR Co's response to Q2.10.1.1(b) [REP4- 067], 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 a draft design principle:</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>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>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 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>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. Similarly, the scheme design approach and design principles document [REP3-014], as referred to at requirement 12 of Schedule 2 to the updated dDCO ([REP6-002] and [REP6-003]), does not include EWR Co's proposed design principle.</p> <p>As a result, EWR Co's concerns as to the exclusion of the proposed design principle have not been addressed. EWR Co's position remains that:</p> <ul style="list-style-type: none"> i. requirement 12 must be amended to secure consultation in respect of the design development process; and ii. the design principle proposed by EWR Co in [REP4-067] must be included in the scheme design approach and design principles document [REP3-014].
Applicant's comments	<p>As the Applicant has consistently maintained throughout Examination, given the very early stage of the design for the EWR Scheme it is not possible for any design commitments to be sought for EWR within the A428 Scheme. The nature of the DCO process is such that by the time a scheme is in Examination there are certain elements required in order to provide certainty and control over the design but as a consequence of that certainty there is also a reduction in the ability to accommodate changes at a late stage. Therefore, it is the Applicant's view that it would be for the EWR Scheme design (when completed) to look for efficiencies based on the existing design of the A428 Scheme. There should not be an obligation on the A428 Scheme to redesign or make changes to incorporate a future design from EWR when that information is not currently available. The Applicant and EWR remain in positive discussions around the Co-operation agreement to secure future consultation between the two parties, but this is a matter outside of the DCO Examination process.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
Table 4 - EWR Co's comments on the Applicant's response to actions arising from Issue Specific Hearing 5 [REP6-031]	
REP8-045f	<p>1 - [REP6-031], page 4</p> <p><i>“Summary of East West Rail proposal:</i></p> <p><i>In spite of there being neither any existing East West Rail Co (EWR) apparatus to protect both now and at the anticipated date of decision for the A428 Order nor any section 127 status to consent the erection of such apparatus, EWR have maintained in oral submissions at ISH5 that it would be appropriate for the Applicant to provide protective provisions for and for the benefit of the EWR Scheme.”</i></p> <p>EWR Co does not dispute that the proposals for the EWR Project and the Scheme are at different stages of evolution and accepts that EWR Co is not presently a statutory undertaker. However, this does not preclude the inclusion of the draft Protective Provisions in order to secure joint working and management of interfaces as further information as to the EWR Project becomes available.</p> <p>Therefore, for the reasons detailed in [REP6-094] and [REP6-095], EWR Co's position remains that the draft Protective Provisions are required to secure 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>
Applicant's comments	Please refer to the Applicant's response to REP8-045b above.
REP8-045g	<p>2 - [REP6-031], pages 4 - 5</p> <p><i>“Background of EWR and A428 Scheme development:</i></p> <p><i>EWR is in the very early design stage not yet having even announced a preferred route, prepared its preliminary design or consulted on that design. To date it has undertaken non statutory consultation with at least 5 different route alignments. In contrast, the Applicant has completed its preliminary design taking on board comments from consultation, completed its Environmental Impact Assessment (including setting its limits of deviation) and has commenced the detailed design stage for the A428 Scheme.</i></p> <p><i>In a PINS meeting note dated 2 September 2021 (publicly available on the PINS website), it is confirmed that EWR do not anticipate submitting their development consent order application until April 2023. Given the usual timeline to grant of</i></p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p><i>consent, this would likely mean that EWR's scheme would not be granted consent, and therefore possess section 127 status, until August 2024 at the earliest if the current expected DCO application timetable is met. By which time the Applicant intends to have substantially progressed completion of construction of the A428 Scheme.</i></p> <p><i>The Applicant maintains its view that given the very early stage of the design for the EWR Scheme it is not possible for any design commitments to be sought for EWR within the A428 Scheme. The nature of the DCO process is such that by the time a scheme is in Examination there are certain elements required in order to provide certainty and control over the design but as a consequence of that certainty there is also a reduction in the ability to accommodate changes at a late stage. Therefore, it is the Applicant's view that it would be for the EWR Scheme design (when completed) to look for efficiencies based on the existing design of the A428 Scheme. There should not be an obligation on the A428 Scheme to redesign or make changes to incorporate a future design from EWR when that information is not currently available."</i></p> <p>EWR Co does not dispute that the proposals for the EWR Project and the Scheme are at different stages of evolution. However, this does not preclude the inclusion of the draft Protective Provisions in order to secure joint working and management of interfaces as further information as to the EWR Project becomes available.</p> <p>Because EWR Co does not currently possess physical assets in proximity to the A428, particularly prior to announcement of a preferred route alignment, the draft Protective Provisions 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. Similarly, 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 definition of "specified work" would restrict the provisions that would apply. As such, the draft Protective Provisions acknowledge the differing stages of evolution of the EWR Project and the Scheme while providing reasonable and proportionate protection for the EWR Project.</p> <p>It is not accepted that it is not possible for any design commitments to be sought. Further, as is apparent from the draft Protective Provisions, EWR Co are not seeking design changes at this stage. Rather, the draft Protective Provisions establish the mechanism for the post-consent adaptation of the Scheme (by way of works to integrate the Scheme and the EWR Project), protective works and amendments to construction programming. This mechanism is subject to an exclusion of works or matters that would give rise to materially new or materially different environmental effects from those reported in the environmental statement. This provides for the proportionate management of key interfaces within appropriate parameters without the need to amend the Scheme during the course of the Examination.</p>
Applicant's comments	Please refer to the Applicant's response to REP8-045b above.

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-045h	<p>3 - [REP6-031], pages 5 - 7</p> <p>“Summary of reasons why the draft Protective Provisions provided by EWR would not be appropriate:</p> <p><i>The Applicant has now reviewed the EWR proposed Protective Provisions together with the Interface Agreement and is still of the view that these documents would be inappropriate to incorporate into the A428 Scheme. To illustrate this point, we have listed, by way of examples, some of the difficulties that would arise should the Protective Provisions be included in the A428 Order.”</i></p> <p>EWR Co's response to each of the specific matters raised by the Applicant is set out under items 3a, 3b, 3c and 3d, below.</p>
Applicant's comments	<p>The Applicant responds accordingly at REP8-045i, j, k and l below.</p>
REP8-045i	<p>3a - [REP6-031], pages 5 - 7</p> <p><i>“1. The EWR proposed Protective Provisions make reference to triggers (for example, preferred route announcement, statutory consultation, etc) for different stages of the EWR Scheme. These triggers are unacceptable on the basis that there is a lack of detail and certainty at each stage. Until they have an Order made by the Secretary of State, EWR is not a Statutory Undertaker for the purposes of section 127 of the Planning Act 2008 (being "any person authorised to construct...any railway") and this is not likely to occur until August 2024 at the earliest, by which time construction of the A428 Scheme will be well underway. On current timescales, the A428 Scheme is programmed to be open for traffic in Q2 2026, so even if the EWR Scheme secured consent and was able to discharge requirements to mobilise by December 2025, the A428 Scheme would be in its final 18 months of construction.”</i></p> <p>EWR Co does not dispute that the proposals for the EWR Project and the Scheme are at different stages of evolution and accepts that EWR Co is not presently a statutory undertaker.</p> <p>As detailed at item 2, above, should insufficient progress be made in relation to the design of the EWR Project ahead of commencement of construction of the relevant Scheme works, the definition of “specified work” would restrict the provisions that would apply. This is achieved by reference to the triggers under the definition of “EWR alignment”, as referred to in the Applicant's response.</p> <p>In the absence of any alternative triggers proposed by the Applicant, EWR Co's position remains that the definition of “EWR alignment” is appropriate and provides a proportionate level of protection, taking account of the differing extent to which the EWR Project and the Scheme are currently progressed.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	<p>The Applicant has made its position regarding the EWR proposed Protective Provisions clear in its response to Q3.5.2.2 of the Applicant's Response to Examining Authority's Third Written Questions [REP8-014]. The Applicant and EWR are in positive discussions around the co-operation agreement to secure future consultation between the two parties, which is the best mechanism in which to do this, but this is a matter outside of the DCO Examination process.</p>
REP8-045j	<p>3b - [REP6-031], pages 5 - 7</p> <p><i>"2. The EWR proposed Protective Provisions require the Applicant to provide a significant amount of detail showing how the A428 Scheme will interact with the EWR Scheme. For example, the definition of 'specified work' contained within the EWR proposed Protective Provisions covers works that may adversely affect the EWR alignment. As this alignment is not yet known, and will not be known with any certainty until consent is granted for the EWR Scheme following a DCO application, it is impossible for the Applicant to commit to this. The potential interfaces are both unconfirmed and in potentially sensitive locations. Compliance with standards and the safety of the network needs to take precedence. It should be noted that the Applicant has been willing to commit to this provision for current statutory undertakers who have known apparatus already in existence (such as Network Rail Infrastructure Limited) but cannot commit to adapting the design in the future to an unknown extent, potentially at the risk of road safety."</i></p> <p>As acknowledged in the Applicant's response, the mechanism under the draft Protective Provisions for the provision of information and inclusion of protective works is not novel and is reflected in the provisions for the protection of Network Rail Infrastructure Limited at Part 5 of Schedule 9 to the dDCO [REP6-002]. Further, the draft Protective Provisions incorporate conditionality to reflect the differing stages of development of the EWR Project and the Scheme, as detailed below. In this context, it is not accepted that it is impossible for the Applicant to commit to the draft Protective Provisions nor that the collaborative working and management of interfaces secured by the draft Protective Provisions poses a road safety issue.</p> <p>The definition of <i>"specified work"</i> 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"> i. upon, across, under, over or within 15 metres of, or that may in any way adversely affect, the EWR alignment; or ii. 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>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"> i. confirmed by a preferred route alignment announcement;

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>ii. presented within any statutory consultation;</p> <p>iii. specified within an application made pursuant to section 37 of the 2008 Act; or</p> <p>iv. specified within a development consent order.</p> <p>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>
Applicant's comments	<p>The Applicant has made its position regarding the EWR proposed Protective Provisions clear in its response to Q3.5.2.2 of the Applicant's Response to Examining Authority's Third Written Questions [REP8-014]. The Applicant and EWR are in positive discussions around the co-operation agreement to secure future consultation between the two parties, which is the best mechanism in which to do this, but this is a matter outside of the DCO Examination process.</p>
REP8-045k	<p>3c - [REP6-031], pages 5 - 7</p> <p><i>"3. The Applicant has a fixed preliminary design and fixed limits of deviation. Therefore, its ability to facilitate any adaptations at the request of EWR are highly limited. The EWR proposed Protective Provisions require approval of works plans prior to 'specified works' (those which will likely affect the EWR Scheme) being undertaken. This also allows specification of 'any adaptations' required in order to enable integration of the authorised works and the EWR Scheme. Furthermore, the Applicant would need to pay all expenses associated with adapting their scheme to facilitate EWR's Scheme. It would be far less difficult, costly and time consuming for EWR to adapt their developing scheme around the A428 existing scheme than for the A428 Scheme to be delayed in order to accommodate potential requirements from the EWR Scheme, which are not yet certain."</i></p> <p>As acknowledged in the Applicant's response at item 3b, above, the mechanism under the draft Protective Provisions for the provision of information and inclusion of protective works is not novel and is reflected in the provisions for the protection of Network Rail Infrastructure Limited at Part 5 of Schedule 9 to the dDCO [REP6-002]. Further, to the extent that the Scheme's design could not be flexed within the confines of the DCO it would be possible to address these changes under 1990 Act applications.</p> <p>It is entirely appropriate and efficient that the Scheme make reasonable provision for the accommodation of the EWR Project where it can in order to ensure that key interfaces are properly managed, taking appropriate and proportionate</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>account of the route alignment eventually chosen for the EWR Project and avoiding the need for the EWR Project to carry out works to elements of the Scheme shortly after their construction. The resulting minimisation of the environmental impacts and impact on the public purse is clearly in the public interest. As there will be a need for further development of the Scheme prior to commencement of works, it is reasonable to suppose that accommodation can be achieved.</p>
Applicant's comments	<p>The Applicant has made its position regarding the EWR proposed Protective Provisions clear in its response to Q3.5.2.2 of the Applicant's Response to Examining Authority's Third Written Questions [REP8-014]. The Applicant and EWR are in positive discussions around the co-operation agreement to secure future consultation between the two parties, which is the best mechanism in which to do this, but this is a matter outside of the DCO Examination process.</p>
REP8-045I	<p>3d - [REP6-031], pages 5 - 7</p> <p><i>"4. Finally, having EWR's proposed Protective Provisions on the face of the Order would mean that a precedent would be set to allow any developer, regardless of statutory status, certainty of deliverability, certainty of proposal or detail would be entitled to seek protective provisions within a statutory instrument which holds criminal liability if not complied with. This would set a burdensome precedent on all future applicants (not least EWR themselves)."</i></p> <p>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"). As such, there is already a precedent for the inclusion of appropriate and proportionate protection of emerging NSIPs.</p> <p>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 on a site nearby. C.GEN made representations to that effect, successfully requesting and achieving the inclusion of protective provisions.</p> <p>In the case of the EWR Project, the draft Protective Provisions incorporate and adapt drafting from both the traditional Network Rail protective provisions 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. Further, as detailed at item 3b, above, the draft Protective Provisions incorporate conditionality to reflect the differing stages of development of the EWR Project and the Scheme.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
Applicant's comments	<p>The Applicant has made its position regarding the EWR proposed Protective Provisions clear in its response to Q3.5.2.2 of the Applicant's Response to Examining Authority's Third Written Questions [REP8-014]. The Applicant and EWR are in positive discussions around the co-operation agreement to secure future consultation between the two parties, which is the best mechanism in which to do this, but this is a matter outside of the DCO Examination process.</p>
REP8-045m	<p>4 - [REP6-031], pages 7 - 8</p> <p><i>"The Applicant's counter proposal: As an alternative proposal, the Applicant would be willing to enter into a cooperation agreement with EWR incorporating the following matters:</i></p> <p>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.</p> <p>EWR Co's response to each of the specific proposals raised by the Applicant in [REP6-031] is set out under items 4a, 4b, 4c and 4d, below. However, 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 has made its position regarding the EWR proposed Protective Provisions clear in its response to Q3.5.2.2 of the Applicant's Response to Examining Authority's Third Written Questions [REP8-014]. The Applicant and EWR are in positive discussions around the co-operation agreement to secure future consultation between the two parties, which is the best mechanism in which to do this, but this is a matter outside of the DCO Examination process.</p>
REP8-045n	<p>4a - [REP6-031], pages 7 - 8</p> <p><i>"1. The parties agree to keep each other up to date in relation to the progress of each individual scheme."</i></p> <p>This proposal is uncontroversial and would be expected of two parties with a common governmental parent in any event.</p>
Applicant's comments	<p>The Applicant notes this comment from EWR.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-045o	<p>4b - [REP6-031], pages 7 - 8</p> <p><i>"2. As the design of the EWR Scheme develops and becomes more certain, the parties will engage regularly with a view to identifying any efficiencies that may be found within the parameters of the A428 Scheme given its advanced stage of design development – the extent to which that will be possible is dependent on the level of progress which the EWR Scheme may achieve relative to the A428 Scheme."</i></p> <p>While EWR Co will continue to engage with the Applicant, the identification of efficiencies does not offer sufficient protection to ensure the inclusion of protective works, implementation of an interface scheme and refinement of construction programming matters at the appropriate stage. This is achieved by the draft Protective Provisions and 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 has made its position regarding the EWR proposed Protective Provisions clear in its response to Q3.5.2.2 of the Applicant's Response to Examining Authority's Third Written Questions [REP8-014]. The Applicant and EWR are in positive discussions around the co-operation agreement to secure future consultation between the two parties, which is the best mechanism in which to do this, but this is a matter outside of the DCO Examination process.</p>
REP8-045p	<p>4c - [REP6-031], pages 7 - 8</p> <p><i>"3. EWR will seek the views of the A428 Project Team on any consultation material (either statutory or non-statutory) in advance of the consultation material being published with a view to considering and taking on board any comments from the A428 Project Team."</i></p> <p>EWR Co will continue to engage with the Applicant, including in respect of the consultation carried out on the EWR Project. However, if the Applicant's proposal were to be included in a cooperation agreement, the scope should be limited to consultation relating to the elements of the EWR Project in the vicinity of the Scheme to avoid unnecessary administrative burden for both parties.</p>
Applicant's comments	<p>The Applicant notes this comment from EWR.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-045q	<p>4d - [REP6-031], pages 7 - 8</p> <p><i>"Furthermore, should EWR's Scheme progress to consent, the relationship between the two schemes would be guided by Protective Provisions for the benefit of the A428 Scheme which would need to be contained within EWR's Order, as is correct sequentially, common and appropriate."</i></p> <p>While protective provisions secured in a DCO in respect of the EWR Project could be used to provide for collaborative working from the date of that DCO, they would not provide for collaborative working or the management of interfaces prior to that. As such, the protections contained within the draft Protective Provisions must be secured within the dDCO for the Scheme, so as to ensure the provisions apply during the construction of the Scheme.</p>
Applicant's comments	<p>The Applicant has made its position regarding the EWR proposed Protective Provisions clear in its response to Q3.5.2.2 of the Applicant's Response to Examining Authority's Third Written Questions [REP8-014]. The Applicant and EWR are in positive discussions around the co-operation agreement to secure future consultation between the two parties, which is the best mechanism in which to do this, but this is a matter outside of the DCO Examination process.</p>
<p>Table 5 - EWR Co's comments on the written summaries of oral representations made at Issue Specific Hearing 5 by the Applicant [REP6 - 037]</p>	
REP8-045r	<p>1 - Written summaries of oral representations made at Issue Specific Hearing 5 by the Applicant [REP6 -037], pages 6 - 7</p> <p><i>"The Applicant explained its position is EWR is at a very early design stage with no preferred route. The A428 DCO is far more advanced, for example with defined limits of deviation. There is a lack of clear relationship between the schemes. The Applicant's view is it is not realistic to have design commitments. It is for the EWR scheme design, when developed, to look for ways in which it would fit in with A428 scheme."</i></p> <p>EWR Co does not dispute that the proposals for the EWR Project and the Scheme are at different stages of evolution. However, this does not preclude the inclusion of the draft Protective Provisions and the proposed design principle in order to secure joint working and management of interfaces as further information as to the EWR Project becomes available. A full response in respect of the proposed design principle is provided at Table 3, above, while a full response in respect of the draft Protective Provisions is provided in Table 4, above.</p>
Applicant's comments	<p>Please refer to the Applicant's response at REP8-045i above.</p>

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-045s	<p>2 - Written summaries of oral representations made at Issue Specific Hearing 5 by the Applicant [REP6 -037], pages 6 - 7</p> <p><i>"The Applicant noted it has no obligation to accommodate a future unknown EWR design. The presentation of Protective Provisions by EWR is premature where no asset in place. The Applicant has no in principle objection to cooperation, but it is not for this Order to include Protective Provisions as proposed by EWR."</i></p> <p>It is the lack of an obligation on the Applicant to accommodate the EWR Project that necessitates the draft Protective Provisions. It is not accepted that the inclusion of the draft Protective Provisions is premature, as evidenced by the precedent for such an approach in the Able DCO detailed at item 3d of Table 4, above.</p> <p>A full response in respect of the draft Protective Provisions is provided in Table 4, above.</p>
Applicant's comments	Please refer to the Applicant's response at REP8-045i above.
REP8-045t	<p>3 - Written summaries of oral representations made at Issue Specific Hearing 5 by the Applicant [REP6 -037], pages 6 - 7</p> <p><i>"EWR agreed to submit their draft Protective Provisions at Deadline 6 and the Applicant agreed will comment on these Protective Provisions also by Deadline 6 but the Applicant noted it would not be a 'counter-offer' as it fundamentally disagrees with the rationale for such Protective Provisions."</i></p> <p>EWR Co submitted the draft Protective Provisions at Deadline 6 [REP6-094] and awaits a full response from the Applicant, who had been supplied with the draft in October 2021.</p>
Applicant's comments	Please refer to the Applicant's response at REP8-045i above. The Applicant held a meeting with EWR on 19 January to discuss the cooperation agreement and has diarised a further meeting for 26 January to progress negotiations. Accordingly, the Applicant is in active pursuance of finalising a cooperation agreement, which it believes is the best mechanism moving forward, but this is a matter outside of the DCO Examination process.
REP8-045u	<p>4 - Written summaries of oral representations made at Issue Specific Hearing 5 by the Applicant [REP6 -037], pages 6 - 7</p> <p><i>"The Applicant said it has been engaging with EWR but a fundamental problem is the lack of detail. Regarding the public interest argument put forward by EWR, it is difficult to see what this is when there are no scheme details, or what potential changes to the Applicant's scheme might be needed."</i></p> <p><i>The Applicant is moving to detailed designed, EWR has no design detail at all."</i></p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>EWR Co continues to engage with the Applicant as to the potential design of the EWR Project, in addition to the information already provided in [REP1-074], [AS011] and [REP4-048]. As such, it is not accepted that EWR Co has no design detail or that the potential for public interest issues arising from any proximity of the two projects cannot be considered at this stage.</p> <p>A full response in respect of the draft Protective Provisions, including an explanation as to how conditionality has been incorporated to account for the differing levels of design progression, is provided in Table 4, above.</p>
Applicant's comments	Please refer to the Applicant's response at REP8-045i above.
REP8-045v	<p>5 - Written summaries of oral representations made at Issue Specific Hearing 5 by the Applicant [REP6 -037], pages 6 - 7</p> <p><i>"The Applicant queried how the public interest argument (to minimise impacts on the public or environment) links to the Applicant's scheme, as it would be for EWR's scheme to consider cumulative impacts."</i></p> <p>Although it is not incumbent upon the Applicant to assess its Scheme cumulatively with the EWR Project, this does not mean that it cannot accommodate the EWR Project. It is for this reason that the draft Protective Provisions are subject to the caveat that any changes do not result in any materially new or materially different environmental effects from those reported in the environmental statement.</p>
Applicant's comments	Please refer to the Applicant's response at REP8-045i above.
<p>Table 6 - EWR Co's comments on the written summaries of oral representations made at Issue Specific Hearing 5 by the Cambridgeshire Authorities [REP6-067]</p>	
REP8-045w	<p>1 - Written summaries of oral representations made at Issue Specific Hearing 5 by the Cambridgeshire Authorities [REP6-067], page 7</p> <p><i>"Mr Tyrrell for CCC supported comments made by Mr Lyness QC that the East West Railway is at very early stages of design, has not aligned its preferred route, prepared its preliminary design or consulted on it. Mr Tyrrell raised a concern that no side agreement to be agreed between East West Rail and National Highways relating to roads should circumvent the involvement of the LHAs where their input would otherwise be permitted or required. Insofar as any agreement between EWR and the Applicant requires the Applicant to change any design of the road, CC would object to such provisions without very significant control by the local authorities."</i></p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p><i>The ExA asked Mr Tyrrell which processes in particular CCC felt may be circumvented by the side agreement.</i></p> <p><i>Mr Tyrrell clarified that CCC was concerned about any changes to design happening under the DCO for this Scheme as a result of the side agreement which may otherwise only be consented through a Side Roads Order or separate DCO (for example for the EWR).</i></p> <p>As highlighted by EWR Co during Issue Specific Hearing 5, the draft Protective Provisions are not intended to circumvent engagement or consultation with the relevant local authorities. Rather, they operate alongside the existing mechanisms in the DCO to provide protection for EWR Co. Therefore, even if a change to design or other inclusion is needed as a result of the operation of the protective provisions, this would still be subject to necessary approvals from local planning and highway authorities, for example</p>
Applicant's comments	<p>The Applicant is in positive negotiations with EWR regarding the draft cooperation agreement. This does not affect the Applicant's ability to comply with the streets, rights of way and access plans and scheme design approach and design principles (requirement 12).</p>

REP8-048 – Natural England

Reference Number	Interested Parties Submission/Applicant's Comments
REP8-048a	<p>Natural England has reviewed the RIES and is satisfied that this presents a detailed account of the information submitted throughout the Examination by the applicant and interested parties, up to Deadline 6 (14 December 2021), in relation to potential effects on European sites.</p> <p>The RIES indicates that the Applicant's HRA Report identified five European sites for inclusion within the assessment.</p> <p>The RIES confirms that the Applicant's no 'likely significant effect' (LSE) conclusions regarding the Ouse Washes Special Protection Area (SPA), the Ouse Washes Special Area of Conservation (SAC), the Ouse Washes Ramsar site and Portholme SAC were not disputed by Natural England or any Interested Party.</p> <p>The RIES notes that during examination, the Applicant's conclusion of no LSE on Eversden and Wimpole Woods SAC, was disputed by Natural England and the Cambridgeshire Councils. Natural England considered that there was insufficient information available to rule out LSE with regard to the Eversden and Wimpole Woods SAC bat population, noting that barbastelle bats have been recorded travelling up to 20km from their roost and the A428 scheme is located approximately 8km at its nearest point from Eversden and Wimpole Woods SAC. Considering the possibility that barbastelle bats functionally linked with the SAC could be affected by the project, Natural England advised the Applicant to undertake further autumn and winter bat survey work through 2021. The Cambridgeshire Councils agreed that the survey work requested by Natural England should be carried out and the results incorporated into an updated assessment.</p> <p>The RIES notes that the Applicant agreed to undertake the further bat surveys requested and agreed the proposed scope of the additional surveys with Natural England and the Cambridgeshire Councils. Periodic survey updates and interim findings have been submitted to the examination and the Barbastelle Bat Survey and Mitigation Technical Note [REP4-044] [REP5- 006] reported on discussions between the Applicant and Natural England regarding the effectiveness of bat mitigation measures. The survey findings appear to support the results of the existing baseline data (i.e., no functional linkage) and therefore indicate that the Proposed Scheme will have no adverse effect on the integrity of the SAC</p>

Reference Number	Interested Parties Submission/Applicant's Comments
	<p>barbastelle population. Natural England has confirmed that it is satisfied with this based on the information currently provided, and subject to the completion and reporting of the remaining surveys.</p> <p>The RIES indicates that despite provisional agreement between Natural England and the Applicant over the findings of the 2021 surveys and the effect of the Proposed Development on the SAC, the parties remain in disagreement over the procedural matter of whether this issue should be assessed at the HRA screening stage or within an Appropriate Assessment (AA). The RIES notes that the Applicant maintains that there is no need to alter the conclusion of the original NSER as the supplementary survey data substantiates the previously established baseline. In contrast, Natural England considers that there was uncertainty with respect to the original conclusion of no LSE, and therefore it should progress sequentially to the AA stage with the additional surveys being used to inform this. The RIES states that according to the Applicant, Natural England's view is that the volume of survey work being presented goes above and beyond what would be appropriate at the LSE screening stage.</p> <p>With reference to the above Natural England can confirm that its position remains that the level of survey and assessment undertaken to inform the NSER equates to an Appropriate Assessment, as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and European Court of Justice caselaw, cited in the NSER, including 'People Over Wind'. On this basis we believe that the NSER should be re-labelled as an Appropriate Assessment.</p> <p>Natural England welcomes that the Applicant has committed to providing an updated NSER or Shadow AA report to the examination at Deadline 8 on 14 January 2022.</p>
Applicant's comments	<p>The Applicant acknowledges Natural England's response. Without prejudice to the Applicant's position that an Appropriate Assessment is not required because no likely significant effects on European sites can be concluded, the Applicant submitted a Report to Inform an Appropriate Assessment at Deadline 8 [REP8-016].</p>

Appendix A - Applicant's comments on the marked up dDCO submitted by the Cambridgeshire Authorities [REP8-028]

This table has been prepared by the Applicant to respond to the Cambridgeshire Authorities' marked up version of the dDCO submitted at Deadline 8 [REP8-028]. The red text below shows proposed amendments to the dDCO. The green text outlines the Cambridgeshire Authorities' comments relating to particular provisions.

CCC Order Amendments	Applicant's Comment
<p>PART 1 PRELIMINARY</p> <p>Interpretation</p> <p>2.—(1)</p> <p>"(j) protection works comprising utilities protection works or fencing and protection slabs;"</p>	<p>The pre-commencement plan [REP8-008], secured through Requirement 20 (Pre-Commencement Works) of the Order, contains information on the scope of 'protection works'. The Applicant is willing to accept this amendment subject to use of the word 'including' rather than 'comprising'. The updated dDCO submitted at Deadline 9 [TR010044/APP/3.1v5] incorporates this amendment.</p>
<p>PART 2 PRINCIPAL POWERS</p> <p>Limits of deviation</p> <p>9.</p> <p>...(2) The maximum limits of deviation set out in paragraph (1) do not apply where it is demonstrated by the undertaker to the Secretary of State's satisfaction and the Secretary of State, following consultation by the undertaker with the relevant planning authority and in respect of the authorised development comprising highways other than a special road or a trunk road, the agreement of the relevant local highway authority, certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially different environmental effects from those reported in the environmental statement...</p>	<p>As is consistent throughout the Applicant's dDCO, the Secretary of State is the ultimate decision-maker in approving such variations to the limits of deviation. The Applicant has previously updated the dDCO at Deadline 4 to include the relevant local highway authority as a consultee in relation to those aspects of the authorised development comprising highways other than a special road or a trunk road. It is the Applicant's view that as the decision maker is the Secretary of State, approval in relation to that part of the authorised development comprising highways other than a special road or a trunk road should remain solely with the Secretary of State as originally drafted, albeit with a consultation role for the relevant local highway authority.</p>

CCC Order Amendments	Applicant's Comment
<p>PART 2 PRINCIPAL POWERS</p> <p>Limits of deviation</p> <p>9.</p> <p>... (3) Where the undertaker intends to exercise its power to deviate laterally under paragraph (1)(b) in respect of (a) any of the footpaths, cycle tracks, footways and bridleways set out in Part 7 (footpaths, cycle tracks, footways and bridleways) of Schedule 3 which are to be provided under Article 14(7); or (b) any new street or private means of access specified in column (4) of Parts 2 and 3 of Schedule 4 (permanent stopping up of highways and private means of access and provision of new highways and private means of access) which are to be provided under Article 18(2)(a), then the undertaker must ensure that the footpath, cycle track, footway, bridleway, new street or private means of access as deviated performs a materially similar connective function as it would have done if it were not deviated.</p>	<p>The Applicant has submitted updated Streets, Rights of Way and Access Plans for the new and improved footway/footpath/cycle track/bridleway at Deadline 9 [TR010044/EXAM/2.6] which further reduce the limits of deviation sought but allow an element of flexibility which is necessary pending completion of the detailed design. It is considered that this provides sufficient confidence that the new street or private means of access to be provided will remain suitable and not deviate materially from what is currently proposed. Accordingly, this amendment has not been incorporated in the latest version of the dDCO submitted at Deadline 9 [TR010044/APP/3.1v5].</p>
<p>PART 3 STREETS</p> <p>Construction and maintenance of new, altered or diverted streets and other structures</p> <p>13. (1) Subject to paragraphs (5) to (9) any highway (other than a special road or a trunk road) to be constructed under this Order must be completed to the reasonable satisfaction of</p>	<p>The Applicant has amended Article 13 in the dDCO submitted at Deadline 9 [TR010044/APP/3.1v5] to implement this proposed amendment by the Cambridgeshire Authorities.</p>

CCC Order Amendments	Applicant's Comment
<p>the relevant local highway authority in whose area the highway lies. The local highway authority will signify that it is reasonably satisfied by the issue of a certificate to that effect. and, uUnless otherwise agreed in writing with the relevant local highway authority, the highway within the boundary specified in the certificate by the relevant local highway authority (including any culverts or other structures laid under it) must be maintained by and at the expense of the relevant local highway authority from its completionthe date of issue of the certificate by the local highway authority...</p>	
<p>PART 3 STREETS Construction and maintenance of new, altered or diverted streets and other structures</p> <p>13.</p> <p>...(2) Subject to paragraphs (5) to (9) where a highway (other than a special road or a trunk road) is altered or diverted under this Order, the altered or diverted part of the highway must be completed to the reasonable satisfaction of the relevant local highway authority in whose area the highway lies. The local highway authority will signify that it is reasonably satisfied by the issue of a certificate to that effect. and, uUnless otherwise agreed in writing with the relevant local highway authority, that part of the</p>	<p>The Applicant has amended Article 13 in the dDCO submitted at Deadline 9 [TR010044/APP/3.1v5] to implement this proposed amendment by the Cambridgeshire Authorities.</p>

CCC Order Amendments	Applicant's Comment
<p>highway within the boundary specified in the certificate by the relevant local highway authority (including any culverts or other structures laid under it) must be maintained by and at the expense of the relevant local highway authority from its completion the date of issue of the certificate by the local highway authority...</p>	
<p>PART 3 STREETS Construction and maintenance of new, altered or diverted streets and other structures</p> <p>13.</p> <p>...(3) Subject to paragraphs (5) to (9) where a footpath, cycle track or bridleway is altered or diverted under this Order, the altered or diverted part of the highway must be completed to the reasonable satisfaction of the relevant local highway authority and, unless otherwise agreed in writing with the relevant local highway authority, that part of the highway including any culverts or other structures laid under it must be maintained by and at the expense of the relevant local highway authority from its completion.</p>	<p>The Applicant has amended Article 13 in the dDCO submitted at Deadline 9 [TR010044/APP/3.1v5] to implement this proposed amendment by the Cambridgeshire Authorities.</p>

CCC Order Amendments	Applicant's Comment
<p>PART 3 STREETS</p> <p>Construction and maintenance of new, altered or diverted streets and other structures</p> <p>13.</p> <p>...(4)(3) Where a highway is de-trunked under this Order—</p> <p>(a) section 265(a) (transfer of property and liabilities upon a highway becoming or ceasing to be a trunk road) of the 1980 Act applies in respect of that part of the highway that is agreed between the local highway authority and the undertaker; and</p> <p>(b) any alterations to that highway undertaken under powers conferred by this Order prior to or in connection with that de-trunking must, unless otherwise agreed in writing with the relevant local highway authority, be maintained by and at the expense of the relevant local highway authority from the date of de-trunking...</p>	<p>In order to maintain consistency with the framework of Secretary of State approval for de-trunking under Article 14, the Applicant has not implemented this suggested amendment. If this amendment were to be made, rather than the rights and liabilities passing on the date of de-trunking as consented by the Secretary of State, those rights and liabilities would only pass on that part of the de-trunked road 'agreed' with the local highway authority. This is inconsistent with Article 14, which rests the final approval power for de-trunking with the Secretary of State.</p>
<p>PART 3 STREETS</p> <p>Classification of roads, etc.</p> <p>14.</p> <p>...(7) Unless otherwise agreed in writing with the relevant local highway authority, the footpaths, cycle tracks, footways and bridleways set out in Part 7 (footpaths, cycle</p>	<p>The Applicant has amended Article 14 in the dDCO submitted at Deadline 9 [TR010044/APP/3.1v5] to implement this proposed amendment by the Cambridgeshire Authorities. However, has expanded the scope of roads described to include all roads (i.e. those covered by parts 1 to 3 of Schedule 3).</p>

CCC Order Amendments	Applicant's Comment
<p>tracks, footways and bridleways) of Schedule 3 and identified on the streets, rights of way and access plans are, subject to Article 9 (limits of deviation), to be constructed by the undertaker in the specified locations and open for use from the date on which the last of the roads described in Part 1 (trunk roads) of Schedule 3 (classification of roads etc.) is completed and open for traffic the authorised development is open for traffic or in each case such earlier date as may be required pursuant to Article 18(2)(a)...</p>	
<p>PART 3 STREETS Classification of roads, etc. 14. ... (9) The undertaker may only make a determination for the purposes of paragraph (8) with the consent of the Secretary of State, who must consult the relevant local highway authority before deciding whether to give that consent and with the agreement of the local highway authority as to the date and. that the highway to be de-trunked is of a satisfactory standard to be accepted into the relevant local highway authority's local road network...</p>	<p>The Applicant has amended Article 14 in the dDCO submitted at Deadline 9 [TR010044/APP/3.1v5] to implement this proposed amendment by the Cambridgeshire Authorities, but with a modification to maintain consistency with the approval requirement remaining solely with the Secretary of State in consultation with the local highway authority, and to clarify that the standard should be for use as a local highway:</p> <p><i>(9) The undertaker may only make a determination for the purposes of paragraph (8) with the consent of the Secretary of State, who must consult the relevant local highway authority before deciding whether to give that consent and following consultation with the relevant local highway authority as to the date and whether the highway to be de-trunked is of a reasonably satisfactory standard for use as a local highway.</i></p>

CCC Order Amendments	Applicant's Comment
<p>PART 3 STREETS Power to alter layout etc. of streets 15. ... (2) The undertaker must restore any street that has been temporarily altered under this Article to the reasonable satisfaction of the street authority...</p> <p>CCC Comment: CCC is looking to NH to provide adequate provision regarding snagging items in the legal agreement with CCC.</p>	<p>The Applicant is working with the Cambridgeshire Authorities to progress negotiations on the legal agreement.</p>
<p>PART 3 STREETS Power to alter layout etc. of streets 15. ... (4) If a street authority which receives an application for consent under paragraph (3) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made or such later date on which any further information reasonably requested by the street authority is provided to the street authority by the undertaker, it is deemed to have granted consent...</p>	<p>This Article is necessary under section 120(5)(c) of the PA 2008 to give full effect to Articles 4 (Development consent etc granted by the Order) and 5 (Maintenance of authorised development). To amend the Article wording in accordance with that suggested by the Cambridgeshire Authorities would leave potential for uncertainties in the construction programme and consequential delays that would prove highly costly at taxpayer expense. 28 days is considered an appropriate notice period timeframe.</p>

CCC Order Amendments	Applicant's Comment
<p>PART 3 STREETS</p> <p>Temporary alteration, diversion, prohibition and restriction of the use of streets</p> <p>17.</p> <p>...(6) If a street authority which receives an application for consent under paragraph (4) fails to notify the undertaker of its decision before the end of the period of 28 days beginning with the date on which the application was made or such later date on which any further information reasonably requested by the street authority is provided to the street authority by the undertaker, it is deemed to have granted consent...</p>	<p>Please see the response regarding Article 15 above.</p>
<p>PART 3 STREETS</p> <p>Permanent stopping up and restriction of use of streets and private means of access</p> <p>18.</p> <p>(1) Subject to the provisions of this Article, the undertaker may, in connection with the construction of the authorised development, stop up each of the streets and private means of access shown on the streets, rights of way and access plans and specified in columns (1) and (2) of Parts 1, 2, 3 and 4 of Schedule 4 (permanent stopping up of highways and private means of access and provision of new highways and private means of access) to the</p>	<p>The Applicant has amended Article 18(1) in the dDCO submitted at Deadline 9 [TR010044/APP/3.1v5] to implement this proposed amendment by the Cambridgeshire Authorities as follows:</p> <p><i>18(1) Subject to the provisions of this Article, the undertaker may, in connection with the construction of the authorised development, stop up each of the streets and private means of access shown on the streets, rights of way and access plans and specified in columns (1) and (2) of Parts 1, 2, 3 and 4 of Schedule 4 (permanent stopping up of highways and private means of access and provision of new highways and private means of access) to the extent specified and described, subject to the powers of deviation contained within Article 9 (limits of deviation), in column (3) of those Parts of that Schedule...</i></p>

CCC Order Amendments	Applicant's Comment
<p>extent specified and described in column (3) of those Parts of that Schedule...</p> <p>CCC Comment: Where the replacement rights of way etc to be provided under column(4) of Parts 2 and 3 of Schedule 4 are deviated pursuant to Article 9, the extent of stopping up of the old rights of way may need to vary accordingly (so as to correspond with where the replacement right of way now finds itself) – the Applicant is invited to provide wording to deal with this here.</p>	
<p>PART 3 STREETS</p> <p>Permanent stopping up and restriction of use of streets and private means of access</p> <p>18.</p> <p>...(2)(a) the new street or private means of access to be constructed and substituted for it, which is specified in column (4) of those Parts of that Schedule subject to the limitspowers of deviation shown on the streets, rights of way and access plans under Article 9, has been completed to the reasonable satisfaction of the street authority and is open for use; or...</p>	<p>The Applicant has amended Article 18 in the dDCO submitted at Deadline 9 [TR010044/APP/3.1v5] to implement this proposed amendment by the Cambridgeshire Authorities as follows:</p> <p><i>(2)(a) the new street or private means of access to be constructed and substituted for it, which is specified, subject to the powers of deviation contained within Article 9 (limits of deviation), in column (4) of those Parts of that Schedule subject to the limits of deviation shown on the streets, rights of way and access plans, has been completed to the reasonable satisfaction of the street authority and is open for use; or...</i></p>

CCC Order Amendments	Applicant's Comment
<p>PART 5 POWERS OF ACQUISITION</p> <p>Public rights of way</p> <p>29.</p> <p>... (2)(b) in relation to public rights of way identified in Part 2 of Schedule 4, the date on which the relevant alternative section of public rights of way identified in column (4) of Part 2 of Schedule 4, (subject to the limits of deviation shown on the streets, rights of way and access plans provisions of Article 9), is open for use by the public....</p>	<p>The Applicant has amended Article 29 in the dDCO submitted at Deadline 9 [TR010044/APP/3.1v5] to implement this proposed amendment by the Cambridgeshire Authorities as follows:</p> <p><i>(2)(b) in relation to public rights of way identified in Part 2 of Schedule 4, the date on which the relevant alternative section of public rights of way identified in column (4) of Part 2 of Schedule 4, subject to the limits of deviation shown on the streets, rights of way and access plans powers of deviation contained within Article 9 (limits of deviation), is open for use by the public.</i></p>
<p>PART 5 POWERS OF ACQUISITION</p> <p>Rights under or over streets</p> <p>39.—(1) Provided that it has given the street authority at least 28 days' prior notice (or such lesser period as the street authority may agree), tThe undertaker may enter on and appropriate so much of the subsoil of, or airspace over, any street within the Order limits as may be required for the purposes of the authorised development and may use the subsoil or airspace for those purposes or any other purpose ancillary to the authorised development....</p>	<p>The Applicant has amended Article 14 in the dDCO submitted at Deadline 9 [TR010044/APP/3.1v5] to implement this proposed amendment by the Cambridgeshire Authorities.</p>

CCC Order Amendments	Applicant's Comment
<p>PART 6 OPERATIONS</p> <p>Felling or lopping of trees and removal of hedgerows</p> <p>45.—</p> <p>...(2)(c) take steps to avoid a breach of the provisions of the Wildlife and Countryside Act 1981(a) and the Conservation of Habitats and Species Regulations 2010(b) or any successor acts and regulations.</p> <p>CCC Comment: The Councils had previously sought to include reference to the relevant British Standards – but are content that this is not include in the DCO if it is included in agreement / EMP.</p>	<p>The Applicant notes this comment from the Cambridgeshire Authorities. Reference to the relevant British Standards is included within the relevant section of the EMP, for example the Landscape and Ecology Management Plan.</p>
<p>PART 6 OPERATIONS</p> <p>Felling or lopping of trees and removal of hedgerows</p> <p>45.—</p> <p>...(4)(b) subject to consultation-agreement with the relevant local planning authority (such agreement not to be unreasonably withheld) remove any hedgerow within the Order limits that may be identified and that is not otherwise set out within Part 1 of Schedule 8.</p> <p>CCC Comment: Given that this is inherently an 'unknown', it is must be subject to appropriate control.</p>	<p>The activity permitted in Article 45(4)(b) is subject to paragraph (2) of the same Article which ensures that the Applicant must:</p> <ul style="list-style-type: none"> a) do no unnecessary damage to any tree or shrub; b) pay compensation to any person for any loss or damage arising from such activity; and c) take steps to avoid a breach of the provisions of the Wildlife and Countryside Act 1981(a) and the Conservation of Habitats and Species Regulations 2010(b) or any successor acts and regulations. <p>Accordingly, there are already adequate controls in place for the removal of hedgerows within the order limits and which are not specified in Part 1 of Schedule 8. On the basis that such proposed removal is limited to areas within the Order Limits and must comply with a, b and c above, it would not be reasonable for the relevant local planning authority to withhold agreement in any event. Therefore, use of the term 'consultation' facilitates a smoother process without undue delay.</p>

CCC Order Amendments	Applicant's Comment
<p>SCHEDULE 2 REQUIREMENTS PART 1 REQUIREMENTS Interpretation “Borrow Pits Excavation and Restoration Report” means the document of that description listed in Schedule 10 (documents to be certified) certified by the Secretary of State as the pre-commencement plan for the purposes of this Order;</p>	<p>The Borrow Pits Excavation and Restoration Report is a consolidated assessment of the borrow pits which takes the information from the Environmental Statement and the wider application and puts this in one place to respond to third party comments regarding the absence of borrow pit assessment and restoration proposals. Where it contains relevant management information, this has been included in the Borrow Pits Management Plan, which is already secured in the DCO through Requirement 3.</p> <p>The purpose of the Borrow Pits Excavation and Restoration Report is to provide clarity and signpost where information about the borrow pits is contained in the ES and wider application. It is not a management plan and the Borrow Pits Management Plan fully captures the control measures for using and restoring the borrow pits.</p> <p>Accordingly, it is not necessary to secure the Borrow Pits Excavation and Restoration Report here or in Requirement 6.</p>
<p>SCHEDULE 2 REQUIREMENTS PART 1 REQUIREMENTS Interpretation “Second Iteration EMP” means the second iteration of the environmental management plan produced in accordance with the DMRB in electronic form suitable for inspection containing detailed plans relating to the construction phase of the authorised development substantially in accordance with the First Iteration EMP;</p>	<p>The Applicant does not consider it necessary to incorporate this amendment into the DCO which is unnecessarily prescriptive and if included here, should arguably be specified for other relevant documents.</p>
<p>SCHEDULE 2 REQUIREMENTS PART 1 REQUIREMENT Landscaping and Borrow Pits</p>	<p>Please see the Applicant's response above to the proposal of a definition for the “Borrow Pits Excavation and Restoration Report”.</p>

CCC Order Amendments	Applicant's Comment
<p>SCHEDULE 2 REQUIREMENTS</p> <p>PART 1 REQUIREMENT</p> <p>Landscaping</p> <p>6.—</p> <p>...(5) All landscaping works must be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice...</p> <p>CCC Comment: CCC had sought reference to the Code of Practice for the sustainable use of soils – but is content for this not to be included in the DCO if it is included in the legal agreement.</p>	<p>The Applicant notes this comment from the Cambridgeshire Authorities. Reference to the relevant Code of Practice is included within the relevant section of the EMP, for example the Borrow Pit Management Plan and wider soil management plans.</p>
<p>SCHEDULE 2 REQUIREMENTS</p> <p>PART 1 REQUIREMENT</p> <p>Landscaping</p> <p>6.—</p> <p>...(6) Any tree or shrub planted as part of a landscaping scheme that, within a period of 5 years after planting, is removed, dies or becomes in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless the Secretary of State, following consultation with the relevant</p>	<p>Paragraph 4.1.24 of the Pre-commencement Plan [REP8-008] states as follows:</p> <p><i>Trees will be protected from construction works in accordance with the best practice measures contained in the following British Standards:</i></p> <ul style="list-style-type: none"> a) <i>a.BS 5837:2012 –Trees in relation to design, demolition and construction (REF 1-2).</i> b) <i>b.BS 3998:2010 –Tree Work: Recommendations (REF 1-3).</i>

CCC Order Amendments	Applicant's Comment
<p>planning authority, gives consent to a variation...</p> <p>CCC Comment: CCC had also sought “7) Adequate protection measures must be applied to all trees and vegetation that are to be retained which must provide a robust defence against any activities to be carried out pursuant to this Order in accordance with the relevant recommendations of the appropriate British Standards or other recognised codes of good practice.” – but is content for this not to be included in the DCO if it is included in the legal agreement.</p>	
<p>SCHEDULE 2 REQUIREMENTS</p> <p>PART 1 REQUIREMENT</p> <p>Landscaping</p> <p>6.—</p> <p>...(7) The undertaker must comply with the Borrow Pits Excavation and Restoration Report and in particular any borrow pits used as authorised by the Order must be restored as set out in the Borrow Pits Excavation and Restoration Report.</p>	<p>Please see the Applicant's response above to the proposal of a definition for the “Borrow Pits Excavation and Restoration Report”.</p>

CCC Order Amendments	Applicant's Comment
<p>SCHEDULE 2 REQUIREMENTS</p> <p>PART 1 REQUIREMENT</p> <p>Contaminated land and groundwater</p> <p>8.—(1) In the event that contaminated land, including groundwater, is found at any time when carrying out the authorised development, which was not previously identified in the environmental statement, it must be reported as soon as reasonably practicable to the Secretary of State, the Environment Agency and relevant planning authority, and the undertaker must complete a risk assessment of the contamination in consultation with the Environment Agency and the relevant planning authority...</p> <p>CCC Comment: Although this provision has precedent in other DCOs, on review, it needs refining – contaminated land is defined by reference to s78A of the 1990 Act and provides that what is contaminated land depends on how matters appear to the local authority, but that would be no prior reference to the local authority in this mechanism in order to know whether or not the land is considered to be contaminated in the first place. It cannot be ‘found’ in that respect. The Applicant is invited to amend to clarify how the local authority’s view as to whether or not the land is contaminated in the first place or to clarify whether or not it</p>	<p>In order to resolve concerns raised by the Cambridgeshire Authorities, the Applicant has amended the definition of "contaminated land" in the dDCO submitted at Deadline 9 [TR010044/APP/3.1v5] as follows:</p> <p><i>“contaminated land” means land which the undertaker considers would amount to contaminated land has the same within the meaning as that given in section 78A(2)(a) or (b) of the Environmental Protection Act 1990(a);</i></p>

CCC Order Amendments	Applicant's Comment
<p>is intended that this is the local authority's determination.</p>	
<p>SCHEDULE 2 REQUIREMENTS PART 1 REQUIREMENT Construction Phase Monitor and Manage Scheme</p> <p>12. (1) The authorised development must not commence until full details of a Construction Phase Monitor and Manage Scheme to be implemented by the undertaker at the undertaker's cost in relation to any adverse traffic impacts resulting from the construction of the authorised development have been submitted to and approved by the Secretary of State in consultation with all relevant local highway authorities , which details must include:</p> <p>(a) locations on the trunk highway network where monitoring must take place;</p> <p>(b) locations on the local highway network where monitoring must take place (which will be locations that could be affected by the construction of the authorised development) including (but not limited to):</p> <p>(i) Bedford Borough:</p> <p>a. Roxton</p> <p>b. Great Barford</p> <p>c. Willington</p>	<p>The Applicant has provided a full response on the inappropriateness of this proposed new Requirement in its response to third written question Q3.11.2.1(g). Accordingly, the Applicant firmly disagrees that this requirement should be included within the DCO.</p>

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CCC Order Amendments	Applicant's Comment
<ul style="list-style-type: none"> d. Little Barford e. Chawston f. Colesden g. Wilden Renhold h. Ravensden i. Staploe and Duloe (ii) Cambridgeshire: <ul style="list-style-type: none"> a. Abbotsley b. Broadway, Bourn Airfield c. Cambourne d. Caxton e. Coton f. Elsworth g. Eltisley h. Eynesbury Hardwicke i. Gamlingay j. Great Gransden k. Highfields Caldecote l. Knapwell m. Little Gransden n. Madingley o. Toseland p. Waresley 	

CCC Order Amendments	Applicant's Comment
<p>q. Yelling</p> <p>(iii) Central Bedfordshire:</p> <p>a. Moggerhanger</p> <p>b. Blunham</p> <p>c. Sandy</p> <p>i. Bedford Road</p> <p>ii. St. Neots Road</p> <p>d. Potton</p> <p>e. Wrestlingworth</p> <p>f. Everton</p> <p>g. Biggleswade</p> <p>i. Hill Lane E</p> <p>ii. Hill Lane W</p> <p>(c) specification of the monitoring to be carried out at the locations referred to in paragraphs (a) and (b) at the undertaker's expense which will include (without limitation):</p> <p>(i) the numbers and type of vehicles by time;</p> <p>(ii) periods for collection of initial baseline data;</p> <p>(iii) a programme for regular surveys during the period of construction of the authorised development; and</p> <p>(iv) a right for the relevant local highway authority to elect at their discretion to carry out any monitoring specified pursuant to</p>	

CCC Order Amendments	Applicant's Comment
<p>paragraphs (i) to (iii) above on the local highway network, without prejudice to the requirement for the cost of carrying out that monitoring to be the responsibility of the undertaker;</p> <p>(d) the criteria for determining when and what mitigation measures will be necessary on the highways referred to in paragraphs (a) and (b) due to any material adverse traffic impacts resulting from the construction of the authorised development;</p> <p>(e) who will make decisions on when and what mitigation measures are necessary according to the criteria in paragraph (d) and the decision-making process which process must provide for the approval of the relevant local highway authority (or authorities where junctions or routes are of shared interest) for any mitigation measures relating to the local highway network and the consultation of the relevant local highway authority (or authorities where junctions or routes are of shared interest) for mitigation measures relating to the trunk highway network within their area;</p> <p>(f) a right for the relevant local highway authority to elect at their discretion to carry out any mitigation measures determined to be necessary according to the process referred to in paragraph (e), without prejudice to the requirement for the cost of those measures to be the responsibility of the undertaker;</p>	

CCC Order Amendments	Applicant's Comment
<p>(g) the funding from the undertaker that will be available to implement the monitoring and mitigation required by the Scheme including:</p> <p>(i) a ring fenced fund for specified categories of necessary mitigation on the local highway network and junctions and routes of shared interest with the undertaker; and</p> <p>(ii) full details of how funds will be made available for other necessary mitigation demonstrating that it will be funded so that it can be provided when needed; and</p> <p>(h) details of when the Construction Phase Monitor and Manage Scheme will come to an end.</p> <p>(2) Subject to the local highway authority consenting or agreeing in respect of any works on its local highway network, the undertaker shall comply with and carry out the approved Construction Phase Monitor and Manage Scheme from the commencement of the authorised development until the end date specified within the Scheme.</p>	
<p>SCHEDULE 2 REQUIREMENTS</p> <p>PART 1 REQUIREMENT</p> <p>Operational Phase Monitor and Manage Scheme</p> <p>13.</p> <p>(1) The authorised development must not commence until full details of an Operational</p>	<p>The Applicant has provided a full response on the inappropriateness of this proposed new Requirement in its response to third written question Q3.11.2.1(g). Accordingly, the Applicant firmly disagrees that this requirement should be included within the DCO.</p>

CCC Order Amendments	Applicant's Comment
<p>Phase Monitor and Manage Scheme to be implemented by the undertaker at the undertaker's cost in relation to any adverse traffic impacts resulting from the operation of the authorised development have been submitted to and approved by the Secretary of State in consultation with all relevant local highway authorities, which details must include:</p> <p>(a) locations on the trunk highway network where monitoring must take place;</p> <p>(b) locations on the local highway network where monitoring must take place (which will be locations that could be affected by the construction of the authorised development) including (but not limited to):</p> <p>(i) Bedford Borough:</p> <ul style="list-style-type: none"> a. Roxton b. Great Barford c. Willington d. Little Barford <p>(ii) Cambridgeshire:</p> <ul style="list-style-type: none"> a. St Neots i. Great North Road (between Nelson Road and A428) ii. Cambridge Road (between Station Road and A428) 	

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CCC Order Amendments	Applicant's Comment
<ul style="list-style-type: none"> iii. High Street (between Town Bridge and B1043 Huntingdon Street) b. Toseland c. Yelling d. Eltisley e. Cambourne f. Dry Drayton g. Madingley, and h. Coton. (iii) Central Bedfordshire: <ul style="list-style-type: none"> a. Barford Road (Tempsford) b. Blunham c. Moggerhanger d. Sandy i. Bedford Road ii. St. Neots Road e. Biggleswade <ul style="list-style-type: none"> i. Hill Lane E ii. Hill Lane W f. Junction 13 M1 <ul style="list-style-type: none"> i. Salford Road ii. Bedford Road N iii. Bedford Road S 	

CCC Order Amendments	Applicant's Comment
<p>g. Marston Mortaine</p> <p>i. Beancroft Road</p> <p>(c) specification of the monitoring to be carried out at the locations referred to in paragraphs (a) and (b) at the undertaker's expense which will include (without limitation):</p> <p>(i) the numbers and type of vehicles by time;</p> <p>(ii) periods for collection of initial baseline data;</p> <p>(iii) a programme for regular surveys during the period of construction of the authorised development; and</p> <p>(iv) a right for the relevant local highway authority to elect at their discretion to carry out any monitoring specified pursuant to paragraphs (i) to (iii) above on the local highway network, without prejudice to the requirement for the cost of carrying out that monitoring to be the responsibility of the undertaker;</p> <p>(d) the criteria for determining when and what mitigation measures will be necessary on the highway referred to in paragraphs (a) and (b) due to any material adverse traffic impacts resulting from the operation of the authorised development;</p> <p>(e) who will make decisions on when and what mitigation measures are necessary according to the criteria in paragraph (d) and the decision making process which process</p>	

CCC Order Amendments	Applicant's Comment
<p>must provide for the approval of the relevant local highway authority (or authorities where junctions or routes are of shared interest) for any mitigation measures relating to the local highway network and the consultation of the relevant local highway authority (or authorities where junctions or routes are of shared interest) for mitigation measures relating to the trunk highway network within their area;</p> <p>(f) a right for the relevant local highway authority to elect at their discretion to carry out any mitigation measures determined to be necessary according to the process referred to in paragraph (e), without prejudice to the requirement for the cost of those measures to be the responsibility of the undertaker;</p> <p>(g) the funding from the undertaker that will be available to implement the monitoring and mitigation required by the Scheme including:</p> <p>(i) a ring-fenced fund for specified categories of necessary mitigation on the local highway network and junctions and routes of shared interest with the undertaker; and</p> <p>(ii) full details of how funds will be made available for other necessary mitigation demonstrating that it will be funded so that it can be provided when needed; and</p> <p>(h) details of when the Operational Phase Monitor and Manage Scheme will commence.</p> <p>(2). Subject to the local highway authority consenting or agreeing in respect of any</p>	

CCC Order Amendments	Applicant's Comment
<p>works on its local highway network, the undertaker shall comply with and carry out the approved Operational Phase Monitor and Manage Scheme from the date on which it is to commence as specified within the scheme.</p>	
<p>SCHEDULE 2 REQUIREMENTS PART 1 REQUIREMENT Detailed Design 4214.(1) ...unless otherwise agreed in writing by the Secretary of State following consultation with the relevant local authority or authorities on matters related to their functions, provided that the Secretary of State is satisfied that any amendments would not give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement...</p>	<p>Section 6(c) of the Interpretation Act 1978 provides that, unless the contrary intention appears, words in the singular include the plural and words in the plural include the singular. Therefore, the Applicant does not consider it necessary to make this amendment to the DCO.</p>
<p>SCHEDULE 2 REQUIREMENTS PART 1 REQUIREMENT Construction Hours 21. ... (2) Outside the hours and days specified in paragraph (1), daily start up and shut down is permitted and construction work may be undertaken for essential activities assessed in</p>	<p>It is understood by the Applicant that the principles of the following wording are now agreed with the Cambridgeshire Authorities:</p> <p>Construction hours</p> <p>19.—(1) <i>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 paragraphs (2) and (3).</i></p> <p><i>(2) Outside the hours and days specified in paragraph (1), daily start up and shut down is permitted and construction work may be undertaken for essential activities assessed in the environmental statement including but not limited to comprising—</i></p>

CCC Order Amendments	Applicant's Comment
<p>the environmental statement including but not limited to comprising—</p> <p>CCC Comment: This is too wide. The start up and shut down of activities outside of the working hours specified in paragraph 19(1) must be specifically listed in 19(2) or agreed separately with the relevant local authority;</p>	<p>(a) bridge and gantry demolition and installation including the installation of safety systems;</p> <p>(b) works over and adjacent to the East Coast Main Line railway;</p> <p>(c) lifting operations;</p> <p>(d) site clearance of vegetation adjacent to live carriageways;</p> <p>(e) site clearance of signs, street furniture and lighting columns adjacent to live carriageways;</p> <p>(f) any oversize deliveries or deliveries where daytime working would be excessively disruptive to normal traffic operation, including delivery of plant;</p> <p>(g) junction and highway tie-in works;</p> <p>(h) installation of temporary and permanent line markings;</p> <p>(i) traffic management measures and signal changes;</p> <p>(j) installation of signs and technology;</p> <p>(k)(j) concrete pours and piling, diaphragm wall works, pavement operations;</p> <p>(k) any emergency works or operations required for safe working;</p> <p>(l) continuous periods of operations, such as completing concrete pouring; or</p> <p>(m)(a) work associated with the diversion of existing utilities, including the removal of overhead power lines;</p> <p>(n)(a) earthworks operations, including excavation, filling, transport, placing and compacting of earthworks material;</p> <p>(e)(m) non-intrusive environmental and engineering surveys.</p> <p>(n) — as otherwise agreed by the relevant local authority in advance.</p> <p>(3) Outside the hours and days specified in paragraph (1), the undertaker may with the prior written consent of the relevant planning authority carry out the following activities—</p> <p>(a) concrete pours and piling, diaphragm wall works, pavement operations;</p>

CCC Order Amendments	Applicant's Comment
	<p><i>(b) work associated with the diversion of existing utilities, including the removal of overhead power lines;</i></p> <p><i>(c) earthworks operations, including excavation, filling, transport, placing and compacting of earthworks material;</i></p> <p><i>(d) intrusive environmental and engineering surveys; or</i></p> <p><i>(e) activities assessed in the environmental statement or which would not give rise to new or materially different effects from those assessed in the environmental statement which do not fall within paragraph (2).</i></p> <p>As is set out in the EMP, start-up and shut-down activities are limited to 1 hour before and after for setting up and closing down.</p>
<p>SCHEDULE 2 REQUIREMENTS</p> <p>PART 1 REQUIREMENT</p> <p>Construction Hours</p> <p>21.</p> <p>...(2)</p> <p>...(j) installation of signs and technology;</p> <p>(k) concrete pours and piling, diaphragm wall works, pavement operations;</p> <p>(l)(k) any emergency works;</p> <p>(m) work associated with the diversion of existing utilities, including the removal of overhead power lines;</p> <p>(n) earthworks operations, including excavation, filling, transport, placing and compacting of earthworks material;</p> <p>(o) environmental and engineering surveys; or</p>	<p>Please see the above response outlining the proposed amendment, which the Applicant has incorporated into the dDCO submitted at Deadline 9 [TR010044/APP/3.1v5].</p>

A428 Black Cat to Caxton Gibbet improvements
 Applicant's comments on submissions received at Deadline 8

CCC Order Amendments	Applicant's Comment
<p>(p) (l) as otherwise agreed by the relevant local authority in advance.</p> <p>CCC Comment: The Councils consider these to be potentially noisy activities, which ought to be limited to the working hours listed in 19(1) to limit noise impacts on local community receptors.</p>	
<p>SCHEDULE 3 CLASSIFICATIONS OF ROADS, ETC. Part 8 ROADS TO BE DETRUNKED</p> <p>CCC Comment: The relevant LHA should be listed in this column as is done in the Part above.</p>	<p>The Applicant has amended Schedule 3, Part 8 in the dDCO submitted at Deadline 9 [TR010044/APP/3.1v5] to implement this proposed amendment by the Cambridgeshire Authorities.</p>
<p>SCHEDULE 3 CLASSIFICATIONS OF ROADS, ETC. Part 8 ROADS TO BE DETRUNKED</p> <p>...Existing A428 carriageway between point I on sheet 13 and point J as shown on Sheet 13 of the de-trunking plans, for a total length of 30 metres...</p> <p>CCC Comment: CCC believes the correct distance is in the region of 90 metres.</p>	<p>The Applicant has amended Schedule 3, Part 8 in the dDCO submitted at Deadline 9 [TR010044/APP/3.1v5] to implement this proposed amendment by the Cambridgeshire Authorities. The correct distance is 89 metres.</p>