

# A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 8

8.8 Statement of Common Ground with East West Railway  
Company Limited

Planning Act 2008

Rule 8(1)(e)

Infrastructure Planning (Examination Procedure) Regulations 2010

February 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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**Statement of Common Ground with  
East West Railway Company Limited**

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<b>Author</b>	A428 Black Cat to Caxton Gibbet Improvements Project Team, National Highways

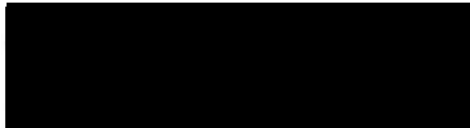
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Rev 1	31 August 2021	Final for submission - Deadline 1
Rev 2	4 November 2021	Final for submission – Deadline 4
Rev 3	15 February 2022	Final for submission – Deadline 10

## STATEMENT OF COMMON GROUND

**This Statement of Common Ground has been prepared and agreed by (1) National Highways Company Limited and (2) East West Railway Company Limited.**



Signed.....  
Lee Galloway  
Project Director  
on behalf of National Highways  
Date: 15 February 2022



Signed  
Simon Blanchflower  
CEO  
on behalf of East West Railway Company Limited  
Date: 15 February 2022

## Table of contents

<b>Chapter</b>	<b>Pages</b>
<b>1 Introduction</b>	<b>1</b>
1.1 Purpose of this document	1
1.2 Parties to this Statement of Common Ground	1
1.3 Terminology	1
1.4 Status of this Statement of Common Ground	2
<b>2 Record of Engagement</b>	<b>3</b>
<b>3 Issues Raised</b>	<b>14</b>

### Table of Tables

Table 2-1 - Record of Engagement.....	3
Table 3-1 – DCO and Legal Matters .....	14
Table 3-2 – Compulsory Acquisition and Property Matters.....	17
Table 3-3 – Transport Matters .....	19
Table 3-4 – Environment Matters.....	22
Table 3-5 – The Case of Need for the Two Projects.....	24
Table 3-6 – Construction.....	27

# 1 Introduction

## 1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the A428 Black Cat to Caxton Gibbet improvements (the Scheme) made by National Highways Company Limited (National Highways) to the Secretary of State for Transport (Secretary of State) for a Development Consent Order (the Order) under section 37 of the Planning Act 2008 (PA 2008).
- 1.1.2 This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties to it, and where agreement has not been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the Examination.

## 1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) National Highways as the Applicant and (2) East West Railway Company Limited (EWR Co).
- 1.2.2 National Highways (formerly known as Highways England) became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing National Highways made provision for all legal rights and obligations of National Highways, including in respect of the Application, to be conferred upon or assumed by National Highways.
- 1.2.3 EWR Co is a Government owned company set up by the Secretary of State for Transport in 2018. EWR Co has been tasked by the Government with the delivery of the East West Rail project (EWR Project). The EWR Project will connect Oxford and Cambridge by rail.

## 1.3 Terminology

- 1.3.1 In Section 3 of this SoCG:
- a. “Agreed” indicates where the issue has been resolved.
  - b. “Not Agreed” indicates a final position.
- 1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to EWR Co and therefore have not been considered in this document. It is recognised however that engagement between both parties will need to continue due to their joint vested interest in the area of the Scheme.

## 1.4 Status of this Statement of Common Ground

- 1.4.1 This is Version 3 of the draft Statement of Common Ground, which has been agreed with EWR Co for submission for Deadline 10 of the examination of the DCO application on 15 February 2022.

## 2 Record of Engagement

2.1.1 The parties have been engaged in consultation since the beginning of the proposed development. A summary of the meetings and correspondence that has taken place between National Highways and EWR Co in relation to the Application is outlined in **Table 2-1**.

**Table 2-1 - Record of Engagement**

Date	Form of correspondence	Key topics discussed and key outcomes
26/11/2018	Email	Email from Highways England to EWR Co sharing plan of most current design development for the routes.
13/12/2018 – 19/12/2018	Email	Emails between Highways England and EWR Co regarding preferred format for alignment plans (shapefile) and re-sending of plans in that format so that EWR Co can incorporate the Scheme into their own maps.
14/12/2018	Email	Email from Highways England to EWR Co providing a formal update regarding the A428 Black Cat to Caxton Gibbet scheme and suggesting a meeting in the new year to discuss how communications may work between the two schemes.
16/09/2019	Email	Email from AECOM to EWR Co stating that a shapefile will be sent over this week with the 3D geometry of the A428 Black Cat to Caxton Gibbet improvements scheme.
28/11/2019	Meeting	Highways England and EWR Co collaboration day of meetings focusing on key challenges, areas of concern, opportunities and efficiencies.
07/02/2020	Email	Email from Highways England to various stakeholders including EWR Co attaching an advance copy of the project update on the A428 Black Cat to Caxton Gibbet

Date	Form of correspondence	Key topics discussed and key outcomes
		improvements. The document included the main findings of the consultation in 2019.
13/02/2020	Email	Email from Highways England to EWR Co inviting an EWR Co representative to the upcoming workshop for the A428 Black Cat to Caxton Gibbet improvements scheme (see table row for 25/02/2020).
18/02/2020	Email	Email from A428 project team to EWR Co to provide update on scheme, namely the consultation held between 6 March and 23 April 2017, and the subsequent route option chosen.
21/02/2020	Email	Email from Highways England to Economic and Benefits Technical Working Group attaching slides for the Economic and Benefits Technical Working Group on Tuesday 25 February and outlining the agenda.
25/02/2020	A428 Workshop	EWR Co attended a Highways England workshop for the A428 Black Cat to Caxton Gibbet improvements scheme, focused on maximising the local skills and employment outcomes of the scheme. This workshop was set up to explore areas of opportunity, the desired outcomes and how these could be achieved/realised, whether the project team had all the right parties together, and what funding streams were available.
24/03/2020	Meeting	<ul style="list-style-type: none"> <li>• A428 Project Update</li> <li>• EWR Project Update</li> <li>• Environmental Update</li> <li>• Discussion on information sharing</li> </ul>



Date	Form of correspondence	Key topics discussed and key outcomes
		<ul style="list-style-type: none"> <li>Discussion on scheme interfaces and potential joint working.</li> </ul>
15/04/2020	Email	Emails between EWR Co and A428 Archaeology Lead discussing benefits of common objectives and data sharing. It was agreed that the A428 team could update EWR Co on evaluations, ideas for early access to some sites and discussions with Historic England and district curators.
21/05/2020	Meeting	EWR Co attended Highways England's A428 Strategic Stakeholder Board meeting (via Teams).
05/06/2020	Email	Invitation from Highways England to members of Technical Working Groups (including EWR Co) to attend an online meeting on 25/06/2020 during which an update on the scheme would be provided.
08/06/2020	Email	Invitation from Highways England to EWR Co to attend the next Community Forum meeting on 26/06/2020.
22/06/2020	Email	Email from Highways England to members of Technical Working Group (including EWR Co) with link to access online event on 25/05/2020 and agenda.
24/06/2020	Email	Email from Highways England to EWR Co advising that the supplementary consultation for the scheme was launching that day. Shared links to the virtual consultation room as well as supporting consultation materials.
25/06/2020	Meeting	Supplementary Consultation Briefing held online by Highways England for Technical Working Group (including EWR Co) during

Date	Form of correspondence	Key topics discussed and key outcomes
		which an update on the A428 scheme was provided.
30/06/2020	Email	Email from Highways England to Technical Working Group meeting attendees (including EWR Co) sharing slides from the session and a video link to re-watch the meeting.
08/07/2020	Meeting	Highways England and EWR Co Central Section risk discussion meeting, to review approach, identify shared stakeholders, understand risks and opportunities for both schemes.
09/07/2020	Email	Email from EWR Co to Highways England requesting 3D design data in the context that two of the EWR Project station option locations would have significant direct interface with the A428.
16/07/2020	Email	Email from Highways England to Technical Working Group Meeting attendees (including EWR Co) attaching minutes and presentation from the session and sharing a recording of the session and inviting feedback.
29/07/2020	Email	Email from EWR Co to Highways England attaching their representation to supplementary consultation for the scheme.
12/08/2020	Meeting	Highways England held an East Region Skills and Employment working group meeting, which was attended by EWR Co.
13/08/2020	Meeting	Highways England and EWR Co Central Section risk discussion meeting, to review approach, identify shared stakeholders, understand risks and opportunities for both schemes.

Date	Form of correspondence	Key topics discussed and key outcomes
19/08/2020	Email	<p>Email to attendees of East Region Skills and Employment working group meeting on 12/08/2020 (including EWR Co) to share two documents:</p> <ul style="list-style-type: none"> <li>• Draft v0.2 Terms of Reference</li> <li>• Draft notes and actions from meeting</li> </ul> <p>Also included a proposal for another meeting on 30/09/2020.</p>
25/08/2020	Email	<p>Email from Highways England to EWR Co providing requested information about flood modelling and extent of it.</p>
11/09/2020	Email	<p>Email from Highways England to attendees of Technical Working Group (including EWR Co) notifying that meetings will be paused until later in 2020 while comments made during the supplementary consultation are taken into account.</p>
17/09/2020	Meeting	<p>Highways England held a A428 Local Economy Legacy working group meeting, which was attended by EWR Co.</p>
25/09/2020	Email	<p>Email from Highways England to A428 Local Economy Legacy working group (including EWR Co) thanking for time at meeting on 17/09/2020 and attaching draft notes and actions for review and input.</p>
01/10/2020	Email	<p>Email from Highways England to EWR Co, to send minutes from the last meeting on 05/08/2020 and the agenda for the next meeting on 22/10/2020.</p>
12/10/2020	Meeting	<ul style="list-style-type: none"> <li>• A428 Project Update</li> <li>• EWR Project Update</li> </ul>

Date	Form of correspondence	Key topics discussed and key outcomes
		<ul style="list-style-type: none"> <li>• Discussion on information sharing</li> <li>• Discussion on landowners.</li> </ul>
17/11/2020	Email	Email from Highways England to stakeholders including EWR Co providing update on feedback and concerns about resource pressure and confirming that submission will be delayed until end of January (29 <sup>th</sup> ).
23/11/2020	Meeting	EWR Co meeting with Highways England to discuss potential engineering interfaces between the Scheme and EWR Project.
10/12/2020	Meeting	A428 Local Economy Legacy working group meeting.
11/12/2020	Email	Email from Highways England to A428 Local Economy Legacy working group members (including EWR Co) attaching draft notes and minutes from the session on 10/12/2020 for review.
19/01/2021	Email	Email from Highways England to stakeholders including EWR Co to confirm that as a result of COVID-19, the DCO submission will be delayed until the end of February 2021.
04/02/2021	Email	Email from Highways England to A428 Strategic Stakeholder Board (including EWR Co) outlining changes to making the board for valuable for attendees, attaching pre-briefing papers for 11/02/21 meeting.
05/02/2021	Meeting	EWR Co and Highways England agreed the principle of sharing of data between EWR Co and Highways England.
11/02/2021	Meeting	A428 Strategic Stakeholder Board Meeting.

Date	Form of correspondence	Key topics discussed and key outcomes
01/03/2021	Email	Email from Highways England to stakeholders including EWR Co confirming that the DCO was submitted on Friday 26 February 2021.
23/03/2021	Meeting	Highways England held the inaugural A428 Connected Communities Legacy Working Group, 10am to 12pm, which was attended by EWR Co. The purpose of this initial session was to identify and prioritise Public Rights of Way opportunities, beyond Scheme mitigation, inside or outside the Scheme's development boundary, to improve connectivity in Bedfordshire and Cambridgeshire.
24/03/2021	Email	Email from Highways England to stakeholders including EWR Co confirming that the DCO application was accepted by the Planning Inspectorate on 23 March 2021 and that Highways England have signed a contract with Skanska PLC for the construction of the scheme, therefore Skanska will join the board going forward.
31/03/2021	Email	Email from EWR Co to Highways England announcing the next stage of public consultation on the EWR Project.
13/04/2021	Email	Email from EWR Co to Highways England, announcing that the virtual consultation rooms had gone live.
05/06/2021	Meeting	EWR Co meeting with Highways England to discuss approach to potential engineering interfaces between the Scheme and EWR Project.
17/06/2021	Meeting	EWR Co and Highways England monthly meeting to provide updates and general discussion.

Date	Form of correspondence	Key topics discussed and key outcomes
21/06/2021	Meeting	<ul style="list-style-type: none"> <li>• Scheme Update</li> <li>• EWR Project Update</li> <li>• EWR Project non-statutory route alignment consultation</li> <li>• EWR Project timeline</li> <li>• Statement of Common Ground.</li> </ul>
22/07/21	Meeting	EWR Co and Highways England monthly meeting to provide updates and general discussion.
04/08/2021	Meeting	EWR / A428 – Discussion as to SOCG / Written Questions
09/08/2021	Meeting	EWR / A428 Design Integration Workshop. The purpose of the meeting was to define the project interfaces and to work through the integration issues
24/08/2021	Meeting	EWR Co and National Highways discussion as to Deadline 1.
25/08/2021	Meeting	EWR Co and National Highways catch-up meeting to provide updates and general discussion on the NSC.
10/09/2021	Meeting	Meeting to discuss A428 EWR Interface Risks
14/09/2021	Meeting	Initial Relationship Meeting between EWR Co and National Highways to discuss the overarching interface approach
15/09/2021	Meeting	EWR Co and National Highways monthly meeting to provide updates and general discussion.
13/10/2021	Meeting	EWR Co and National Highways monthly meeting to provide updates and general discussion.



Date	Form of correspondence	Key topics discussed and key outcomes
26/10/2021	Meeting	EWR Co and National Highways to discuss draft SoCG.
27/10/2021 to 04/11/2021	Emails	Emails between NH and EWR Co regarding the draft SoCG and draft Protective Provisions.
15/11/2021	Email	Email from NH to EWR Co with further comments on EWR Co's A428 traffic assessment.
22/11/2021	Email	Email from EWR Co to NH confirming NH's comments on EWR Co's A428 traffic assessment had been passed on to the relevant team.
26/11/2021	Meeting	Meeting between NH and EWR Co to discuss the Protective Provisions and the Interface Agreement.
07/12/2021	Meeting	Meeting between NH and EWR Co to discuss potential interfaces of the Schemes.
08/12/2021	Email	Email from NH to EWR Co, confirming that NH cannot accept the Protective Provisions provided by EWR Co but that NH would consider a Co-operation Agreement and that this would be discussed with EWR Co at a meeting on the 16/12/21.
08/12/2021	Email	Email from EWR Co to NH in response.
06/01/2022	Meeting	Meeting between NH and EWR Co to discuss design updates.
07/01/2022	Email	Email from NH to EWR Co enclosing A428 Federated Model.

Date	Form of correspondence	Key topics discussed and key outcomes
14/01/2022	Email	Emails between EWR Co and NH regarding the examination deadline and arranging a call to discuss a Co-operation Agreement and the draft Statement of Common Ground.
19/01/2022	Meeting	Meeting between NH and EWR Co to discuss the draft Co-operation Agreement.
24/01/2022 to 25/01/2022	Emails	Emails between NH and EWR Co regarding the draft Co-operation Agreement and submissions to the ExA at Deadline 9.
26/01/2022	Email	Email from NH to EWR Co providing the draft Co-operation Agreement with NH's further amends.
26/01/2022	Meeting	Meeting between NH and EWR Co to discuss the draft Co-operation Agreement.
31/01/2022	Emails	Emails regarding the draft Co-operation Agreement following the above meeting.
03/02/2022	Email	Email from NH to EWR Co providing an updated draft of the Co-operation Agreement with further NH comments.
08/02/2022	Email	Email from NH to EWR Co asking for further comments and amendments on the draft Co-operation Agreement.
08/02/2022	Email	Email from EWR Co to NH providing comments on the outstanding points in the Co-operation Agreement.
08/02/2022	Email	Email from NH to EWR Co providing responses to EWR Co's comments.



Date	Form of correspondence	Key topics discussed and key outcomes
09/02/2022	Email	Emails between EWR Co and NH regarding comments on draft Co-operation Agreement.
10/02/2022	Meeting	Meeting between NH and EWR Co to discuss the outstanding matters on the Co-operation Agreement.
11/02/2022	Emails	Emails between NH and EWR Co regarding comments on draft Co-Operation Agreement.
14/02/2022	Email	Emails between EWR Co and NH regarding the draft Co-Operation Agreement.

- 2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) National Highways and (2) EWR Co in relation to the issues addressed in this SoCG.
- 2.1.3 The issues and matters highlighted in Section 3 of this SoCG summarise the key issues that have been identified in relation to a number of key areas of the DCO application. However, it should be noted that the issues raised and covered in this SoCG deal only with the matters between EWR Co and the A428 Project Team as they relate to the Scheme. The SoCG does not cover, and is not intended to cover, any wider issues or points that National Highways may have in relation to the development of the EWR Project including, but not limited to, the views of National Highways' Operational Directorate (responsible for the operation and maintenance of the Strategic Road Network).

### 3 Issues Raised

Table 3-1 – DCO and Legal Matters

Issue	Document Reference	National Highways Position	East West Rail Position	Status	Date
Protective Provisions/Legal agreement (also referred to as an Interface Agreement)	Draft Development Consent Order [APP-025]	National Highways do not accept the Protective Provisions and the Interface Agreement provided by EWR Co. This position is expanded upon in the Applicant's submissions at [REP6-031] (action no. 7), [REP8-014] and [REP9-023] (Q3.5.2.2). A Co-operation Agreement has been completed between the parties. This is considered to be a more appropriate mechanism to handle potential interfaces between the two schemes.	On the basis of the contractual protections secured within the Co-operation Agreement, and with the exception of the matters dealt with below, EWR Co hereby withdraws its previously made representations in respect of the Scheme. As a result, EWR Co no longer requires the draft Protective Provisions to be included in the dDCO	Agreed	
Article 11(5)	Draft Development Consent Order [APP-025]	EWR is not a statutory undertaker for the purposes of this Scheme. EWR does not presently hold and is not anticipated to hold at the time construction of the A428 Scheme commences, any apparatus. The other entities listed in Article 11(5) are statutory undertakers, and they are listed against specific works to their own existing assets where the Applicant expects them to undertake the works (for example, diversion of their own apparatus). This is not	EWR Co maintains the position that, as detailed in EWR Co's response to WQ3.5.2.2(e) [REP8-044], EWR Co should be listed at article 11(5) of the dDCO. EWR's position in light of the completion of the Co-operation Agreement is detailed in its Deadline 10 submission.  As set out in that submission, EWR Co requires that the below provision is inserted at article 11(5) in the	Not Agreed	

Issue	Document Reference	National Highways Position	East West Rail Position	Status	Date
		<p>comparable to EWR as EWR are not statutory undertakers and do not have any existing assets which will be affected by the Applicant's works.</p> <p>It should be noted that this does not preclude EWR carrying out works under the Order, simply that Secretary of State approval would first be required.</p> <p>Notwithstanding this, if the ExA considers that there is a justification for including EWR within Article 11(5), the Applicant would not resist this.</p>	<p>made DCO when confirmed by the Secretary of State:</p> <p><i>“(j) East West Railway Company Limited (company number 11072935), whose registered office is at One Grafton Mews, Midsummer Boulevard, Milton Keynes, England, MK9 1FB.”</i></p>		
Potential Interactions		<p>National Highways notes the conceptual drawings submitted into the Examination showing potential interfaces between the EWR and A428 schemes, however it does not consider that the information received to date from EWR Co is sufficient to fully understand the implications for the A428 Scheme. The Preferred Route Announcement for the EWR Scheme is still to be made and for the emerging preferences horizontal and vertical alignments remain uncertain. Notwithstanding this, both parties are committed to ongoing cooperation</p>	<p>Detail as to the potential interfaces between the two schemes is set out in EWR Co's response to Q1.17.4.1 (b) <b>[REP1-074]</b> and in EWR Co's Deadline 2 submission regarding the draft itinerary for the Accompanied Site Inspection <b>[AS011]</b>.</p> <p>The potential interfaces referred to in <b>[REP1-074]</b> and <b>[AS011]</b> were described by reference to a design that had been developed December 2020 for the purposes of comparing the various route alignments. Since the close of the non-statutory consultation in relation to EWR on 9 June 2021, the potential options to</p>	Agreed	

Issue	Document Reference	National Highways Position	East West Rail Position	Status	Date
		<p>through the terms of the completed Co-operation Agreement.</p>	<p>capitalise on value management opportunities in respect of the EWR Project have been considered further. EWR Co considers that the information already supplied to NH in respect of the design it consulted upon is sufficient to allow it to understand the nature of the interfaces. Information subsequently made available and supplied to this examination in response to WQ2 is sufficient to allow NH to understand how value managed interfaces could interact.</p> <p>This provides sufficient information to facilitate discussions as to the inclusion of Protective Provisions in the dDCO, and EWR Co will continue to work with National Highways in this regard.</p> <p>The Preferred Route Alignment announcement is expected to be made in 2022.</p>		

**Table 3-2 – Compulsory Acquisition and Property Matters**

Issue	Document Reference	National Highways Position	East West Rail Position	Status	Date
Compulsory Acquisition and Temporary Possession	<p>East West Rail's Representation to the A428 Scheme <b>[AS-004]</b></p> <p>Land Plans <b>[APP-008]</b>; Book of Reference (BoR) <b>[APP-032]</b>; and Statement of Reasons (SoR) <b>[APP-030]</b>.</p>	<p>National Highways' application for the Scheme seeks compulsory acquisition and temporary possession powers in respect of certain land interests. The Statement of Reasons <b>[APP-030]</b> explains why powers are necessary to enable National Highways to use land temporarily and acquire, suspend, interfere with or extinguish rights over land and impose restrictive covenants. This is in order to construct and maintain the Scheme in a way that is both proportionate and in the public interest by reducing environmental impacts, minimising the cost (and therefore the cost to the public purse), and mitigating the impacts on affected land interests.</p> <p>As EWR Co has not yet defined its preferred route, National Highways is not aware whether there would be any overlap in terms of land interests and/or rights on or over land needed to enable the EWR Co to be constructed, and those identified in the A428 Scheme's Land Plans <b>[APP-008]</b>, Book of Reference <b>[APP-032]</b> and Statement of Reasons <b>[APP-030]</b> (Annex 2). As</p>	<p>On 9 June 2021, EWR Co closed its second round of non-statutory consultation. Nine alignments were identified and reported on in the documents accompanying the second non-statutory consultation. While EWR Co remains open minded and is currently reviewing the outputs of the second non-statutory consultation, five alignments (one, two, six, eight, and nine) were identified in the consultation documentation as being shortlisted. Two of those shortlisted alignments were further identified as being potential emerging preferences for the EWR Project Co (alignments one and nine). As the output of the second non-statutory consultation is currently under review, EWR Co is not yet able to confirm the date for the announcement of the preferred route alignment.</p>	Agreed	

Issue	Document Reference	National Highways Position	East West Rail Position	Status	Date
		such, National Highways maintains that the details submitted in the application documents in relation to compulsory acquisition and temporary possession for the Scheme remain correct.			



**Table 3-3 – Transport Matters**

Issue	Document Reference	National Highways Position	East West Rail Position	Status	Date
Traffic Forecasts – cumulative impacts	<p>Combined Modelling and Appraisal Report (ComMA) [APP-250].</p> <p>ComMA Appendix C Transport Forecasting Package: Traffic Forecasting Report [APP-253].</p>	<p>The development of the traffic forecasts and details that have been used to create the forecasts used to assess the A428 Scheme take into account a number of proposed future developments. These are included in an Uncertainty Log (UL).</p> <p>The UL was prepared for the Scheme assessment following Department of Transport (DfT) Transport Analysis Guidance (TAG) Unit M4. This draws together the future year planning data and infrastructure changes for the central forecasting assumptions that underpin the core scenario. Schemes classified as being either 'near certain' or 'more than likely' have been included in the 'core' scenarios (both with and without Scheme). Schemes categorised as either 'reasonably foreseeable' or 'hypothetical' have been excluded. This ensures a consistent approach to forecasting and the underpinning assumptions.</p> <p>In line with TAG guidance, the EWR Project was not included within the</p>	<p>A Transport Assessment Scoping Report has been prepared and shared with National Highways. This Transport Assessment Scoping Report sets out the approach to assessment of the Project including the modelling framework, consideration of future year scenarios and associated development and infrastructure and approach to appraisal.</p> <p>EWR Co note the exclusion of the EWR Project from National Highways' core scenario but have not been provided with a copy of the Uncertainty Log (UL). EWR Co further note that the addition of the EWR Project will amend and affect the traffic model scenario presented by National Highways.</p> <p>EWR Co will continue to engage with National Highways, to ensure that the EWR Project is appropriately reflected in the traffic assessment of the Scheme.</p>	Agreed	

Issue	Document Reference	National Highways Position	East West Rail Position	Status	Date
		<p>core scenario as it was not classified as 'near certain' or 'more than likely'.</p> <p>The EWR Project was subject to a non-statutory consultation between end of March and June 2021. Details of the Preferred Route are not likely to be published until 2022.</p> <p>Further details of the approach to the appraisal of the A428 Scheme are provided in the Combined Modelling and Appraisal Report (ComMA) [APP-250] and ComMA Appendix C Transport Forecasting Package: Traffic Forecasting Report [APP-253].</p> <p>For purposes of the cumulative effects assessment (CEA) undertaken as part of the Environmental Impact Assessment process, the EWR Project was categorised at the time of assessment as a 'Tier 3' development (based on the Planning Inspectorate's Advice note seventeen) as insufficient environmental was available to undertake a meaningful assessment. Notwithstanding this, National Highways continues to review the progression of the EWR Project and will accordingly update its status</p>			



Issue	Document Reference	National Highways Position	East West Rail Position	Status	Date
		within the cumulative effects assessment in the event of a minimum of a scoping report being published for the project prior to, or during, the DCO Examination.			

**Table 3-4 – Environment Matters**

Issue	Document Reference	National Highways Position	East West Rail Position	Status	Date
Cumulative Environmental Effects	Appendix 15.1 of the Environmental Statement (Long List of Other Developments) [APP-228].	<p>A cumulative effects assessment (CEA) has been undertaken in accordance with the staged assessment approach contained in the Planning Inspectorate’s <i>Advice note seventeen</i>.</p> <p>Within the CEA, the EWR Project was identified as a ‘Tier 3’ development as:</p> <ul style="list-style-type: none"> <li>a. A scoping report had not yet been prepared.</li> <li>b. Information within the public domain regarding the proposed route options was limited.</li> </ul> <p>The CEA acknowledged that whilst the scale and nature of the EWR Project could likely result in significant environmental effects in isolation, it was not possible to undertake a meaningful assessment of this development as very limited information was available regarding its likely environment effects, or when they could occur. Accordingly, the EWR Project was discounted from further consideration in the CEA. Notwithstanding this, the Applicant continues to review the progression</p>	<p>The Secretary of State advised by EWR Co has not announced the preferred route alignment for the EWR Project nor applied for a Scoping Opinion from the Planning Inspectorate.</p> <p>At this stage, it is not considered that the EWR Project is a development that is currently of sufficient certainty to be relevant to the cumulative assessment for the A428. However, EWR Co will continue to engage with National Highways, to ensure that the EWR Project is appropriately reflected in the assessment of the A428 Scheme.</p>	Agreed	

Issue	Document Reference	National Highways Position	East West Rail Position	Status	Date
		of the EWR Project and will accordingly update its status within the cumulative effects assessment in the event of a scoping report being published for the project prior to, or during, the DCO Examination.			

**Table 3-5 – The Case of Need for the Two Projects**

Issue	Document Reference	National Highways Position	East West Rail Position	Status	Date
Case of Need for the A428	Case for the Scheme [APP-240].	<p>Both the road and rail schemes seek to address similar objectives to improve transport reliability from east to west, make journeys quicker and easier, actively protect and enhance existing communities and the environment beyond existing conditions, and ultimately unlock potential development of employment and homes across the region.</p> <p>From a local perspective, the Scheme will remove traffic congestion and reduce traffic volume on smaller scale roads through communities either side of the A428, regionally, the Scheme will upgrade the final section of single carriageway to dual carriageway way between St Neots and Caxton Gibbet, enabling easier movement from east to west, and nationally, the Scheme will allow the easing of movement to the wider, national, strategic highway network, such as the M1, A5 and A6.</p> <p>National Highways seeks to provide a modern and reliable road network with fewer delays. In achieving this its aims are for a network that is free-flowing, safe, serviceable, accessible</p>	<p>EWR Co agree with National Highways' summary of the case for the Scheme.</p> <p>EWR Co's response to the Examining Authority's 1<sup>st</sup> Written Question 1.17.4.1(a) sets out EWR Co's consideration of relevant national and local policy positions for the EWR Project.</p>	Agreed	

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		<p>and integrated with all forms of transport. Achieving these aims can also support economic growth through creating jobs, helping businesses and opening up new areas for development. The underlying focus is to deliver long term benefits and be environmentally sustainable (Case for Scheme, [APP-240]).</p>			
<p>Case of Need for EWR and why both the A428 Scheme and EWR Project are needed</p>	<p>The EWR Preferred Route Option Consultation Report (Summer 2021).</p>	<p>The EWR (Bedford to Cambridge) - Preferred Route Option Report stated that all five shortlisted route options for the EWR Project were consistent with the National Infrastructure Commission's (NIC) recommendation for a "multi-modal corridor between Oxford and Cambridge combining, the EWR Project and the proposed new A428 dual carriageway between Black Cat and Caxton Gibbet have the potential to create a multi-modal transport spine, which through new stations and junctions, can enable the creation of new communities."</p> <p>Overall, both strategic schemes independently or cooperatively, have the ability to achieve the objectives of the NIC and Government in creating easier and more reliable east to west travel. The NIC states that road and</p>	<p>EWR Co agrees that there is a need for both the Scheme and the EWR Project.</p>	<p>Agreed</p>	

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		<p>rail, through the creation of a multi-modal transport corridor along the east to west arc, collectively “can also improve access to jobs, services, wider national connections through the existing strategic road and rail networks and could enhance connections with international gateways, such as Heathrow. Each scheme would serve different purposes and markets, delivering benefits that are complementary to one another.”</p> <p>National Highways agrees with the NIC statement above and accepts that there is a need for both the A428 Scheme and the EWR Project in order to provide easier and more reliable east to west travel.</p>			

**Table 3-6 – Construction**

Issue	Document Reference	Highways England Position	East West Rail Position	Status	Date
Construction of EWR	Highways England's response to the EWR Project Non-Statutory Consultation in June 2021.	Joint construction programming would need to be carefully considered, not only to minimise disruption to SRN users, but also to mitigate design conflicts, and to avoid delays in the delivery of important Government funded transport infrastructure schemes. National Highways proposes that EWR Co and National Highways plan and work collaboratively to avoid, minimise or mitigate any potential effects of overlapping construction work in the region and that this is confirmed through the Co-operation Agreement between NH and EWR Co.	<p>EWR Co will continue to engage with National Highways, including in relation to the co-ordination of construction programming.</p> <p>The approach secured in the Cooperation Agreement is designed to promote predictability and convenience for both EWR Co and National Highways.</p>	Agreed	
Scheme delivery		Due regard has been given in the design-development of the Scheme to ensure that it successfully integrates into the landscape, delivers appropriate mitigation and achieves its objectives. The design of the Scheme does not preclude the EWR Project coming forward at a later date, as this could be delivered by either building over or under the A428 (should crossing of the A428 be required). The above is also	<p>EWR Co will continue to engage with National Highways, including in relation to the co-ordination of construction programming, to avoid a scenario in which the Scheme impacts on the viability of the EWR Project.</p> <p>The Co-operation Agreement secures joint working as further information as to the EWR Project becomes available. This approach promotes predictability and</p>	Agreed	

Issue	Document Reference	Highways England Position	East West Rail Position	Status	Date
		confirmed via the Co-operation Agreement between NH and EWR Co.	convenience for both EWR Co and National Highways.		