

**Deadline 4 Submissions of National Highways Limited**

**Application by Anglian Water Services Limited for an Order granting Development Consent for the Cambridge Waste Water Treatment Plant Relocation Project**

**Planning Inspectorate Reference Number: WW010003**

## **1 Introduction**

- 1.1 This document sets out the legal submissions of National Highways Limited (National Highways) requested by the ExA at the Compulsory Acquisition Hearing 1 held on 9 January 2024 to be provided by the Applicant and National Highways at deadline 4 of the examination.
- 1.2 The Authorised Development will have an impact on the Strategic Road Network (SRN) and as such it is critical to the operation of the SRN, the safety of the travelling public and to ensure the proper and efficient use of public resources that the Authorised Development proceeds in consultation and agreement with National Highways and with appropriate protections in place.
- 1.3 National Highways does not object to the principle of the development subject to the inclusion of adequate protections to manage any potential interface between the Authorised Development and the highway and the resolution of the issues relating to compulsory acquisition.

## **2 Compulsory Acquisition Hearing 1 – Post-hearing written legal submissions**

- 2.1 This section provides a detailed update to the Examining Authority in relation to Compulsory Acquisition Hearing 1 which was held on 9 January 2024. As explained to the Examining Authority National Highways was unfortunately unable to provide their response to ExQ1 by deadline 3 but confirmed a response to ExQ1 would be provided for deadline 4. National Highways confirmed at the Compulsory Acquisition hearing on 9 January that National Highways are not prepared to consent to the compulsory purchase of the subsoil of the SRN and a legal submission on this would be provided at deadline 4.
- 2.2 The SRN is a critical piece of national infrastructure which National Highways needs to be able to effectively manage without being encumbered by unnecessary third party interests. All applications for rights over the SRN must not disrupt National Highways' ability to operate, maintain and amend the network with suitable restrictions as well as protections for the highway authority. Without such restrictions and protections unacceptable risks would be created to the public's ability to utilise public highways and long term legacy issues can be created which can have safety implications and ultimately could cost the public purse significant sums of money to rectify.
- 2.3 National Highways objects to the Applicant's case for compulsory acquisition of the SRN and the subsoil (non-highway land) of the SRN where it impacts on National Highways' land and interests.

## Rights over non-highway land (subsoil)

2.4 In relation to non-highway land that is required for its undertaking, National Highways considers that it is of the utmost importance to ensure that rights over land could co-exist such that any new rights that the Applicant is seeking to acquire do not result in the extinguishment of National Highways' existing rights.

<b>Plot and acquisition sought</b>	<b>Acquisition Sought</b>	<b>National Highways Interest - Holding Description</b>	<b>Full Wording for BoR</b>	<b>Title</b>	<b>National Highways Comments on Location</b>	<b>National Highways Comments</b>
<b>Y847 – Plot 022a</b>	Freehold Acquisition – Subsoil	Land at A14, Fen Ditton, Cambridge	Acquisition of Subsoil and Restrictive Covenants over 622 sq metres or thereabouts of land at A14, Fen Ditton, Cambridge comprising adopted highway, pavement, verge and embankment	CB347465	Horningsea Road	Objection to acquisition of freehold. Should compulsory powers be granted this would cause serious detriment to National Highways undertaking. The relevant tests for compulsory acquisition have not been met.
<b>Y847 – Plot 022b</b>	Freehold Acquisition	Land at A14, Fen Ditton, Cambridge	All interests and rights in 292 sq metres or thereabouts of land adjacent to A14, Fen Ditton, Cambridge comprising woodland with a public footpath Fen Ditton 85/8 (excluding those interests belonging to the Crown)	CB347465	Track access to rear of woodland/ embankment to northside of A14, near River Cam	Objection to acquisition of freehold  Access required for maintenance of A14 . woodland and embankment Should compulsory powers be granted this would cause serious detriment to National Highways undertaking. The relevant tests for

						compulsory acquisition have not been met.
<b>Y038 – Plot 027a</b>	Freehold Acquisition - Subsoil	Land at A14, Fen Ditton, Cambridge	Acquisition of Subsoil, New Rights in and/or Restrictive Covenants over 1088 sq metres or thereabouts of land forming part of A14, Fen Ditton, Cambridge comprising carriageway, verge and embankment	CB339071	Under A14 carriageway	Objection to acquisition of freehold Should compulsory powers be granted this would cause serious detriment to National Highways undertaking. The relevant tests for compulsory acquisition have not been met.
<b>B039 – Plot 34a</b>	Freehold Acquisition – Subsoil	Land at Horningsea Road and A14, Fen Ditton, Cambridge	Acquisition of Subsoil and Restrictive Covenants over 27 sq metres or thereabouts of land forming part of Horningsea Road and A14, Fen Ditton, Cambridge comprising embankment (excluding those interests belonging to Anglian Water Services Limited)	CB339044	Horningsea Road	Objection to acquisition of freehold Should compulsory powers be granted this would cause serious detriment to National Highways undertaking. The relevant tests for compulsory acquisition have not been met.

2.5 If the National Highways rights and interests in respect of these plots were to be extinguished it could cause serious detriment to National Highways undertaking as in future there is a significant risk that it may no longer be possible for National Highways to carry out its statutory duties and maintenance responsibilities. This could create significant public safety issues and /or additional expense for the public purse. Any acquisition of a right is only likely to cause detriment to National Highways undertaking if it cannot co-exist with the interest that National Highways holds. If that was the case National Highways' interest would be extinguished under the current draft DCO. This could make it impossible for National Highways to carry out its statutory functions. National Highways' standard Protective Provisions (attached at Appendix 1) are written in a way to ensure this does not happen. .

If the Applicant was to acquire National Highways operational highway, non-operational highway land or subsoil or extinguish any of its operational interests this would cause serious detriment to National Highways' undertaking.

- 2.6 The Applicant is proposing permanent acquisition of the subsoil beneath the carriageway of the A14 at plots 027a and 034a which would cause detriment due to loss of ownership of the estate and therefore effect the ability to comply with regulatory responsibilities both currently and in future. It also becomes an issue with regard to suitable depth of ownership for maintenance purposes and creates a potential for National Highways to trespass into third party land when carrying out vital and critical works necessary to support its undertaking.
- 2.7 Ownership of the subsoil beneath the highway (as well as the airspace above) also enables the highway authority to grant easements and to properly authorise street works. Should a third party own that land they could potentially benefit from a ransom position should other parties need to place apparatus over or under the highway – whilst National Highways as the strategic highway authority would still have powers under the New Roads and Street Works Act 1991 (NRSWA) to authorise such works by the Applicant who is a statutory undertaker, it would no longer have the proprietary interest to permit what would otherwise be a trespass in the absence of a statutory right. That third party would need to authorise such works which would not be in the public interest.
- 2.8 There are numerous locations across the SRN where apparatus has been placed beneath the highway and National Highways as a responsible public body with statutory obligations to facilitate sustainable development routinely accommodates such requests in its role as street authority and landowner. National Highways is concerned that should subsoil ownership pass to the Applicant as a third party and statutory undertaker (Water Industry Act 1991 s.219) who already has rights as a water and sewage undertaker to carry out certain works to ensure its sewers and drains are cleaned and maintained in addition to powers to lay, inspect, maintain, adjust, repair and alter its sewers, lateral drain or disposal drain belonging to or invested in it that is in, under or over any street, then National Highways would no longer be able to accommodate those requests without third party approval. Unlike when it is National Highways that own the land, there is no statutory obligation for that third party to acquiesce to such requests. The risk is such that should this become common practice, there may become a time when land beneath all highways no longer lies in public ownership and this may have implications for future development with those third parties holding strong ransom positions to the detriment of the public purse.
- 2.9 Third party promoters do approach National Highways to negotiate easements to place apparatus beneath the SRN and if National Highways did not maintain ownership of the subsoil beneath its network there would be difficulties caused if a

precedent is set should this DCO authorise such compulsory acquisition of the subsoil or any part of the subsoil beneath the SRN.

- 2.10 National Highways does acknowledge that there are some rare historical anomalies where it does not own the subsoil freehold beneath the SRN where there are plots owned by local authorities. However given the close working relationships that National Highways has with local authorities and the fact that they too are a public body with statutory responsibilities and obligations to act in the public interest, the same concerns do not apply, should ownership pass into third party private ownership. However where National Highways becomes aware of such anomalies they would look to regularise the position.
- 2.11 In summary, the compulsory acquisition powers that the Applicant seeks in respect of National Highways land and interests are not necessary and National Highways submit that the necessary tests for authorising such have not been met. Compulsory acquisition should be an option of last resort. National Highways have shown that they are willing to grant the Applicant the necessary rights to place their apparatus beneath the SRN in the subsoil in its role as both street authority and landowner. As such it would be wholly inappropriate to grant powers of compulsory acquisition over the operational highway land and non-operational subsoil beneath the SRN that would result in serious detriment and have numerous and significant knock on implications for the future operation of the highway network.

### **3. Protective provisions**

- 3.1 National Highways position is that it requires its standard set of protective provisions to appear on the order. A copy of National Highways standard protective provisions is attached at Appendix 1. National Highways and the Applicant have now agreed to negotiate project specific protective provisions and enter into a side agreement.
- 3.2 National Highways' position is that no third party should be permitted to carry out works in, on, over or under the SRN without the approval and authorisation of National Highways as the strategic highway company with full responsibility for such. Outside of the Planning Act 2008 regime (for example when applications come forward under the Town & Country Planning Act 1990) Applicants accept that to carry out any such works to facilitate their development they are required to enter in an agreement with the highway authority pursuant to section 278 of the Highways Act 1980. The position that National Highways takes on Development Consent Order applications mirrors its position for such traditional developments.
- 3.3 National Highways' standard set of protective provisions originated from the company's section 278 agreement. It includes all of the provisions that a developer is required to adhere to when it wants to carry out works to the SRN to facilitate any development. It is needed to secure, inter alia:

- Bonds, cash deposits and commuted sums to ensure that National Highways is not exposed financially as a consequence of the Applicant's works;
- Road space booking procedures to ensure that network occupancy requirements are managed effectively for the safety of the public and contractors;
- Detailed design information to appropriately consider and approve the specification of works in accordance with technical standards;
- Appropriate maintenance obligations and defects liability periods;
- Collateral warranties from contractors and designers in respect of works undertaken on behalf of the Applicant;
- Restrictions on the commencement of works and the use of powers until detailed design specifications are agreed and safety implications have been satisfactorily addressed;
- Handover of maintenance responsibilities;
- Payment of all reasonable fees incurred by National Highways in respect of the Authorised Development;
- Indemnities for any loss incurred by National Highways in respect of the Authorised Development;
- Dispute resolution provisions.

3.4 All of these provisions are necessary to ensure the continued safe operation of the SRN, the safety of the travelling public using the SRN, the safety of contractors working in the vicinity of the SRN and to protect National Highways, and therefore the public purse, from any financial risk.

3.5 Specified works which are carried out above or below the carriageway should be covered by the protective provisions. This includes tunnelling beneath the carriageway. Practically, such interfaces with the SRN could result in major loss to National Highways and must be signed off in the usual way as provided for in the protective provisions.

- 3.6 Any works on, in, over, under or adjacent to the SRN have the potential to be a source of danger to both the travelling public using the SRN as well as those who are carrying out such works. Safety is critical and is National Highways number one imperative. National Highways cannot permit anyone to carry out works that may affect its undertaking without safety being adequately addressed. National Highways' intention is, given the statutory obligations National Highways has, pursuant to its Licence, to support developments such as this one. However National Highways also has statutory obligations to protect its undertaking and ensure safety is paramount.
- 3.7 National Highways notes that if the Applicant acquires the subsoil of SRN there is a risk in future of 'unknown' highway works being brought forward under the DCO. Therefore it is necessary to retain all of National Highways standard provisions to ensure that appropriate protection is in place if the Applicant chooses to exercise those powers. An updated version of the protective provisions is included at Appendix 1 to this submission.
- 3.8 National Highways holds significant safety concerns associated with its proposed works which consist of a tunnel beneath a high speed road. If tunnelling works are not carried out appropriately dangers can arise if standards and guidance are not followed. Land slippage either above or beneath the tunnel will place users of the SRN at risk. If standards and guidance are not followed and for example voids develop, this will place the SRN above the tunnel at risk. There are dangers that the Applicant's project could cause if National Highways' standards and procedures are bypassed. National Highways would urge the ExA to include its standard version of protective provisions in the order so that the risks posed by tunnelling beneath the SRN are sufficiently understood and to ensure National Highways can have oversight to ensure appropriate standards and guidance are complied with to minimise the risks of these works causing dangers to the SRN.
- 4. Status of works in the subsoil under the highway and Use of New Roads And Street Works Act 1991 (NRSWA)**
- 4.1 The depth of highway is not consistent and is not easily determined by a certain distance beneath the carriageway. It is instead based on many factors but ultimately is whatever depth is necessary to serve the relevant function, whether that be to support the carriageway or to provide drainage apparatus, for example. Works to tunnel beneath a highway clearly are street works and NRSWA is relevant to the works proposed by the Applicant. National Highways has a legitimate interest in the trenchless works to be undertaken under the SRN, including in having a right of approval of the details and methodology of those works." If the Applicant's case to compulsorily acquire the subsoil beneath the SRN was successful, then National Highways would have no legal right of approval of the details and methodology of those works. NRSWA is written as it is to ensure that cannot happen and the definition of "street works" includes any works executed in any highway pursuant to a statutory right or street works licence involving placing apparatus in the highway and any incidental works. Significantly, the



reference to works “*executed in a street*” must be interpreted in accordance with the definitions provision for the purposes of NRSWA Part III, namely s.105(1), which provides as follows:

“*“in,” in a context referring to works, apparatus or other property in a street or other place includes a reference to works, apparatus or other property **under**, over, across, along or upon it*” (Emphasis added).

That is consistent with the definition of “street works” including “*tunnelling or boring under the street*”. National Highways understands that other street authorities affected by the authorised development agree that the proposed works beneath the highway are street works within the meaning of NRSWA.

- 4.2 National Highways remains of the view that compulsory powers are not necessary in respect of the highway subsoil for plots 022a, 027a and 034a or its operational land at plot 022b. In any event as street authority National Highways would be willing to grant the appropriate consents for street works so it could not be said that the Applicant has made out its case to satisfy the necessary tests for compulsory acquisition being an option of last resort. This would apply to the plots where the Applicant is seeking to compulsorily acquire the subsoil of the highway.
- 4.3 National Highways is a highway authority, statutory undertaker and public body, therefore it has duties to consider and adhere to that private companies and statutory undertakers such as the Applicant do not. It follows that land owned by National Highways forming part of the SRN should not be compulsorily acquired by a private company that does not have such stringent duties to adhere to.
- 4.4 To grant the Applicant compulsory acquisition powers over land owned by national highways would, in National Highways opinion, set a dangerous precedent, would not be in the public interest and would cause a serious detriment to its statutory undertaking. For the reasons stated National Highways therefore submits that such powers should not be granted.

## **5. Impact of compulsory acquisition on the undertaking**

- 5.1 National Highways would say that the installation of the tunnel will not cause serious detriment so long as it is done correctly in particular as such works are done routinely beneath the highway throughout the country. The serious detriment would arise from the loss of ownership of the highway subsoil which would prevent National Highways having any control over works taking place beneath its highway. This clearly could cause serious detriment to its undertaking as there would be far

greater risk of works being carried out inappropriately resulting in stability issues for the highway above and the clear public safety issues that would present.

**National Highways Limited**

**22 January 2024**

**APPENDIX 1**

**National Highways Standard Protective Provisions**

**PART 14**  
**FOR THE PROTECTION OF NATIONAL HIGHWAYS LIMITED**

**Application etc.,**

1. —(1) The provisions of this Part of this Schedule apply for the protection of National Highways and have effect unless otherwise agreed in writing between the undertaker and National Highways.

(2) Except where expressly amended by the Order the operation of the powers and duties of National Highways or the Secretary of State under the 1980 Act, the 1984 Act, the 1991 Act, the Transport Act 2000, or Town and Country Planning (General Permitted Development) (England) Order 2015 which shall continue to apply in respect of the exercise of all National Highways' statutory functions.

**Interpretation**

2.—(1) Where the terms defined in article 2 (*interpretation*) of this Order are inconsistent with subparagraph (2) the latter prevail.

(2) In this Part of this Schedule—

“A47 Order” means the A47 North Tuddenham to Easton Development Consent Order 2022;

“A47 Tuddenham Order Land” means the Order land as defined in the A47 Order;

“as built information” means one electronic copy of the following information—

- (a) as constructed drawings in both PDF and AutoCAD DWG formats for anything designed by the undertaker; in compliance with Interim Advice Note 184 or any successor document;
- (b) list of suppliers and materials used, as well as any relevant test results and CCTV surveys (if required to comply with DMRB standards);
- (c) product data sheets and technical specifications for all materials used;
- (d) as constructed information for any utilities discovered or moved during the works;
- (e) method statements for the works carried out;
- (f) in relation to road lighting, signs, and traffic signals any information required by Series 1300 and 1400 of the Specification for Highway Works or any replacement or modification of it;
- (g) organisation and methods manuals for all products used;
- (h) as constructed programme;
- (i) test results and records as required by the detailed design information and during construction phase of the project;
- (j) a stage 3 road safety audit subject to any exceptions to the road safety audit standard as agreed by the undertaker and National Highways;
- (k) the health and safety file; and
- (l) such other information as is required by National Highways to be used to update all relevant databases and to ensure compliance with National Highway's *Asset Data Management Manual* as is in operation at the relevant time.

“the bond sum” means the sum equal to 200% of the cost of the carrying out the specified works (to include all costs plus any commuted sum) or such other sum agreed between the undertaker and National Highways;

“the cash surety” means the sum agreed between the undertaker and National Highways;

“commuted sum” means such sum calculated as provided for in paragraph 9 of this Part of this Schedule to be used to fund the future cost of maintaining the specified works;

“condition survey” means a survey of the condition of National Highways structures and assets within the Order limits that may be affected by the specified works;

“contractor” means any contractor or subcontractor appointed by the undertaker to carry out the specified works;

“defects period” means the period from the date of the provisional certificate to the date of the final certificate which shall be no less than 12 months from the date of the provisional certificate;

“detailed design information” means such of the following drawings specifications and calculations as are relevant to the specified works—

- (a) site clearance details;
- (b) boundary, environmental and mitigation fencing;
- (c) road restraints systems and supporting road restraint risk appraisal process assessment;
- (d) drainage and ducting as required by DMRB CD 535 Drainage asset data and risk management and DMRB CS551 Drainage surveys – standards for Highways
- (e) earthworks including supporting geotechnical assessments required by DMRB CD622 Managing geotechnical risk and any required strengthened earthworks appraisal form certification;
- (f) pavement, pavement foundations, kerbs, footways and paved areas;
- (g) traffic signs and road markings;
- (h) traffic signal equipment and associated signal phasing and timing detail;
- (i) road lighting (including columns and brackets);
- (j) regime of California Bearing Ratio testing;
- (k) electrical work for road lighting, traffic signs and signals;
- (l) motorway communications as required by DMRB;
- (m) highway structures and any required structural approval in principle;
- (n) landscaping;
- (o) proposed departures from DMRB standards;
- (p) walking, cycling and horse riding assessment and review report;
- (q) stage 1 and stage 2 road safety audits and exceptions agreed;
- (r) utilities diversions;
- (s) topographical survey;
- (t) maintenance and repair strategy in accordance with DMRB GD304 Designing health and safety into maintenance or any replacement or modification of it;
- (u) health and safety information including any asbestos survey required by GG105 or any successor document; and
- (v) other such information that may be required by National Highways to be used to inform the detailed design of the specified works;

“DBFO contract” means the contract between National Highways and the highway operations and maintenance contractor for the maintenance and operation of parts of the strategic road network which are within the Order Limits or any successor or replacement contract that may be current at the relevant time;

“DMRB” means the Design Manual for Roads and Bridges or any replacement or modification of it;

“final certificate” means the certificate relating to those aspects of the specified works that have resulted in any alteration to the strategic road network to be issued by National Highways pursuant to paragraph 9;

“the health and safety file” means the file or other permanent record containing the relevant health and safety information for the authorised development required by the Construction

Design and Management Regulations 2015 (or such updated or revised regulations as may come into force from time to time);

“highway operations and maintenance contractor” means the contractor appointed by National Highways under the DBFO contract;

“nominated persons” means the undertaker’s representatives or the contractor’s representatives on site during the carrying out of the specified works as notified to National Highways from time to time;

“programme of works” means a document setting out the sequence and timetabling of the specified works;

“provisional certificate” means the certificate of provisional completion relating to those aspects of the specified works that have resulted in any alteration to the strategic road network to be issued by National Highways in accordance with paragraph 7 when it considers the specified works are substantially complete and may be opened for traffic;

“road safety audit” means an audit carried out in accordance with the road safety audit standard;

“road safety audit standard” means DMRB Standard HD GG119 or any replacement or modification of it;

“road space booking” means road space bookings in accordance with National Highways’ Asset Management Operational Requirements (AMOR) including Network Occupancy Management System (NOMS) used to manage road space bookings and network occupancy;

“Specification for Highways Works” means the specification for highways works forming part of the manual of contract documents for highway works published by National Highways and setting out the requirements and approvals procedures for work, goods or materials used in the construction, improvement or maintenance of the strategic road network;

“specified works” means so much of any work, including highway works and signalisation, authorised by this Order including any maintenance of that work, as is undertaken:

- (a) on, in, under or over the strategic road network for which National Highways is the highway authority; and
- (b) on, in, under or over the A47 Tuddenham Order Land;

“strategic road network” means any part of the road network including trunk roads, special roads or streets for which National Highways is the highway authority including drainage infrastructure, street furniture, verges and vegetation and all other land, apparatus and rights located in, on, over or under the highway for which National Highways is the highway authority;

“utilities” means any pipes wires cables or equipment belonging to any person or body having power or consent to undertake street works under the New Roads and Street Works Act 1991; and

“winter maintenance” means maintenance of the road surface to deal with snow and ice.

(3) References to any standards, manuals, contracts, Regulations and Directives including to specific standards forming part of the DMRB are, for the purposes of this Part of this Schedule, to be construed as a reference to the same as amended, substituted or replaced, and with such modifications as are required in those circumstances.

## **General**

**3.**In respect of any part of the strategic road network that is managed under a DBFO contract both National Highways and the highway operations and maintenance contractor shall have the benefit of this Part 14 of Schedule 14 but for the purposes of any approvals required under this Part of Schedule 14 the undertaker shall liaise directly with National Highways.

**4.**Notwithstanding any limits of deviation permitted pursuant to the Order, no works in carrying out, maintaining or diverting the authorised development may be carried out under the strategic road network at a distance within 4 metres of the lowest point of the ground.

5. References to any standards, manuals, contracts, regulations and directives including to specific standards forming part of the DMRB are, for the purposes of this Part of this Schedule, to be construed as a reference to the same as amended, substituted or replaced, and with such modifications as are required in those circumstances.

### **Works outside the Order limits**

6.—If the undertaker proposes to carry out works to the strategic road network that are outside of the Order limits in connection with the authorised development, the undertaker must enter into an agreement with National Highways in respect of the carrying out of those works prior to the commencement of those works.

### **Prior approvals and security**

7.—(1) The specified works must not commence until—

- (a) a stage 1 and stage 2 road safety audit has been carried out and all recommendations raised by them or any exceptions are approved by National Highways;
- (b) the programme of works has been approved by National Highways;
- (c) the detailed design of the specified works comprising of the following details, insofar as considered relevant by National Highways, has been submitted to and approved by National Highways—
  - (i) the detailed design information, incorporating all recommendations and any exceptions approved by National Highways under sub-paragraph (a)
  - (ii) details of the proposed road space bookings;
  - (iii) the identity and qualification of the contractor and nominated persons;
  - (iv) a process for stakeholder liaison, with key stakeholders to be identified and agreed between National Highways and the undertaker;
  - (v) information demonstrating that the walking, cycling and horse riding assessment and review process undertaken by the undertaker in relation to the specified works has been adhered to in accordance with DMRB GG142 – Designing for walking, cycling and horse riding; and
- (d) a scheme of traffic management has been submitted by the undertaker and approved by National Highways such scheme to be capable of amendment by agreement between the undertaker and National Highways from time to time;
- (e) stakeholder liaison has taken place in accordance with the process for such liaison agreed between the undertaker and National Highways under sub-paragraph (c)(v) above;
- (f) National Highways has approved the audit brief and CVs for all road safety audits and exceptions to items raised in accordance with the road safety audit standard;
- (g) the undertaker has agreed the estimate of the commuted sum with National Highways;
- (h) the scope of all maintenance operations (routine inspections, incident management, reactive and third party damage) to be carried out by the undertaker during the construction of the specified works (which must include winter maintenance) has been agreed in writing by National Highways;
- (i) the undertaker has procured to National Highways collateral warranties in a form approved by National Highways from the contractor and designer of the specified works in favour of National Highways to include covenants requiring the contractor and designer to exercise all reasonable skill care and diligence in designing and constructing the specified works, including in the selection of materials, goods, equipment and plant; and
- (j) a condition survey and regime of monitoring of any National Highways assets or structures that National Highways considers will be affected by the specified works, has been agreed in writing by National Highways.

(2) The undertaker must not exercise—

- (a) article 4 (*maintenance of authorised development*);
- (b) article 8 (*street works*);
- (c) article 10 (*temporary stopping up of streets*);
- (d) article 11 (*temporary stopping up of public rights of way*);
- (e) article 14 (*discharge of water*);
- (f) article 15 (*protective works to buildings*);
- (g) article 16 (*authority to survey and investigate the land*);
- (h) article 18 (*compulsory acquisition of land*);
- (i) article 20 (*compulsory acquisition of rights*);
- (j) article 25 (*rights under or over streets*);
- (k) article 26 (*temporary use of land for carrying out the authorised project*);
- (l) article 27 (*temporary use of land for maintaining the authorised project*); or
- (m) article 34 (*felling or lopping trees or removal of hedgerows*) of this Order,

over any part of the strategic road network or in respect of the A47 Tuddenham Order Land without the consent of National Highways, and National Highways may in connection with any such exercise require the undertaker to provide details of any proposed road space bookings and submit a scheme of traffic management as required for National Highways' approval.

(3) National Highways must prior to the commencement of the specified works or the exercise of any power referenced in sub-paragraph (2) inform the undertaker of the identity of the person who will act as a point of contact on behalf of National Highways for consideration of the information required under sub-paragraph (1) or (2).

(4) Any approval of National Highways required under this paragraph-

- (a) must not be unreasonably withheld;
- (b) must be given in writing;
- (c) shall be deemed to have been refused if neither given nor refused within 2 months of the receipt of the information for approval or, where further particulars are requested by National Highways within 2 months of receipt of the information to which the request for further particulars relates; and
- (d) may be subject to any conditions as National Highways considers necessary.

(5) Any change to the identity of the contractor and/or designer of the specified works will be notified to National Highways immediately and details of their suitability to deliver the specified works will be provided on request along with collateral warranties in a form agreed by National Highways.

(6) Any change to the detailed design of the specified works must be approved by National Highways in accordance with paragraph 7(1) of this Part.

(7) The undertaker and National Highways must have agreed and completed a co-operation agreement before the specified works can commence.

#### **Construction of the specified works**

**8.—**(1) The undertaker must give National Highways 28 days' notice in writing of the date on which the specified works will start unless otherwise agreed by National Highways.

(2) The undertaker must comply with National Highways' road space booking procedures prior to and during the carrying out the specified works and no specified works for which a road space booking is required shall commence without a road space booking having first been secured from National Highways.



(3) The specified works must be carried out by the undertaker to the satisfaction of National Highways in accordance with—

- (a) the relevant detailed design information and programme of works approved pursuant to paragraph 7(1) above or as subsequently varied by agreement between the undertaker and National Highways;
- (b) the DMRB, the Manual of Contract Documents for Highway Works, including the Specification for Highway Works, together with all other relevant standards as required by National Highways to include, inter alia; all relevant interim advice notes, the Traffic Signs Manual and the Traffic Signs Regulations and General Directions 2016 save to the extent that exceptions from those standards apply which have been approved by National Highways; and
- (c) all aspects of the Construction (Design and Management) Regulations 2015 or any statutory amendment or variation of the same and in particular the undertaker, as client, must ensure that all client duties (as defined in the said regulations) are undertaken to the satisfaction of National Highways.

(4) The undertaker must permit and must require the contractor to permit at all reasonable times persons authorised by National Highways (whose identity must have been previously notified to the undertaker by National Highways) to gain access to the specified works for the purposes of inspection and supervision of the specified works.

(5) If any part of the specified works is constructed-

- (a) other than in accordance with the requirements of this Part of this Schedule; or
- (b) in a way that causes damage to the highway, highway structure or asset or any other land of National Highways,

National Highways may by notice in writing require the undertaker, at the undertaker's own expense, to comply promptly with the requirements of this Part of this Schedule or remedy any damage notified to the undertaker under this Part of this Schedule, to the satisfaction of National Highways.

(6) If during the carrying out of the authorised development the undertaker or its appointed contractors or agents causes damage to the strategic road network then National Highways may by notice in writing require the undertaker, at its own expense, to remedy the damage.

(7) If within 28 days on which a notice under sub-paragraph (5) or sub-paragraph (6) is served on the undertaker (or in the event of there being, in the opinion of National Highways, a danger to road users, within such lesser period as National Highways may stipulate), the undertaker has failed to take the steps required by that notice, National Highways may carry out the steps required of the undertaker and may recover any expenditure incurred by National Highways in so doing, such sum to be payable within 30 days of demand.

(8) Nothing in this Part of this Schedule prevents National Highways from carrying out any work or taking any such action as it reasonably believes to be necessary as a result of or in connection with the carrying out or maintenance of the authorised development without prior notice to the undertaker in the event of an emergency or to prevent the occurrence of danger to the public and National Highways may recover any expenditure it reasonably incurs in so doing.

(9) In constructing the specified works, the undertaker must at its own expense divert or protect all utilities and all agreed alterations and reinstatement of highway over existing utilities must be constructed to the satisfaction of National Highways.

(10) During the construction of the specified works the undertaker must carry out all maintenance (including winter maintenance) in accordance with the scope of maintenance operations agreed by National Highways pursuant to paragraph 7(1)(h) and the undertaker must carry out such maintenance at its own cost.

(11) The undertaker must notify National Highways if it fails to complete the specified works in accordance with the agreed programme pursuant to paragraph 7(1)(b) of this Part or suspends the carrying out of any specified work beyond a reasonable period of time and National Highways

reserves the right to withdraw any road space booking granted to the undertaker to ensure compliance with its network occupancy requirements.

## **Payments**

**9.**—(1) The undertaker must pay to National Highways a sum equal to the whole of any costs and expenses which National Highways reasonably incurs (including costs and expenses for using internal or external staff and costs relating to any work which becomes abortive) in relation to the specified works and in relation to any approvals sought under this Order, or otherwise incurred under this Part, including—

- (a) the checking and approval of the information required under paragraph 7(1);
- (b) the supervision of the specified works;
- (c) the checking and approval of the information required to determine approvals under this Order;
- (d) all costs in relation to the transfer of any land required for the specified works; and
- (e) all legal and administrative costs and disbursements incurred by National Highways in connection with the specified works and sub-paragraphs (a)-(d); and
- (f) any value added tax which is payable by National Highways only in respect of such costs and expenses arising under this paragraph and for which it cannot obtain reinstatement from HM Revenue and Customs,

together comprising “the NH costs”.

(2) National Highways must within 14 days of receipt of the information pursuant to sub-paragraph 5(1) provide the undertaker with a schedule showing its estimate of the NH costs.

(3) The undertaker must within 30 days of receipt of the notice pursuant to sub-paragraph (2) pay to National Highways the estimate of the NH costs.

(4) If at any time after the payment referred to in sub-paragraph (3) has become payable, National Highways reasonably believes that the NH costs will exceed the estimated NH costs notified pursuant to sub-paragraph (2) it may give notice to the undertaker of the amount that it believes the NH costs will exceed the estimate (the excess).

(5) The undertaker must within 30 days of receipt of the notification pursuant to sub-paragraph (4) pay to National Highways an amount equal to the excess.

(6) National Highways must give the undertaker a final account of the NH costs referred to in sub-paragraph (1) above as a fully itemised invoice within 30 days of the issue of the provisional certificate issued pursuant to paragraph 10(4).

(7) Within 30 days of the issue of the final account:

- (a) if the final account shows a further sum as due to National Highways the undertaker must pay to National Highways the sum shown due to it; and
- (b) if the account shows that the payment or payments previously made by the undertaker have exceeded the costs incurred by National Highways, National Highways must refund the difference to the undertaker.

(8) The undertaker must pay to National Highways within 30 days of receipt and prior to such costs being incurred the total costs that National Highways believe will be properly and necessarily incurred by National Highways in undertaking any statutory procedure or preparing and bringing into force any traffic regulation order or orders necessary to carry out or for effectively implementing the specified works.

## **Provisional Certificate**

**10.**—(1) Following any closure or partial closure of any of the strategic road network for the purposes of carrying out the specified works, National Highways will carry out a site inspection to

satisfy itself that the strategic road network is, in its opinion, safe for traffic and the undertaker must comply with any requirements of National Highways prior to reopening the strategic road network.

(2) As soon as the undertaker considers that the provisional certificate may be properly issued it must apply to National Highways for the provisional certificate.

(3) Following an application for a provisional certificate, National Highways must as soon as reasonably practicable:

- (a) inspect the specified works; and
- (b) provide the undertaker with a written list of works that are required for the provisional certificate to be issued or confirmation that no further works are required for this purpose.

(4) When—

(a) a stage 3 road safety audit for the specified works has been carried out and all recommendations raised including remedial works have (subject to any exceptions agreed) been approved by National Highways;

(b) the specified works incorporating the approved remedial works under sub-paragraph (4)(a) and any further works notified to the undertaker pursuant to sub-paragraph 10(3)(b) have been completed to the satisfaction of National Highways;

(c) the as built information has been provided to National Highways; and

(d) the undertaker has paid the commuted sum to National Highways,

National Highways must issue the provisional certificate.

(5) On the issue of the provisional certificate the bond sum shall be reduced to 20% of the total bond sum save insofar as any claim or claims have been made against the bond before that date in which case National Highways will retain a sufficient sum to ensure it does not have to meet any costs for or arising from the specified works.

(6) The undertaker must submit a stage 4 road safety audits as required by and in line with the timescales stipulated in the road safety audit standard. The undertaker must comply with the findings of the stage 4 road safety audit and must pay all costs of and incidental to such and provide updated as-built information to National Highways.

## **Opening**

**11.** The undertaker must notify National Highways not less than 56 days in advance of the intended date of opening to the public of the strategic road network and the undertaker must notify National Highways of the actual date the strategic road network will be opened to the public within 14 days of that date.

## **Final condition survey**

**12.—**(1) The undertaker must, as soon as reasonably practicable after making its application for a provisional certificate pursuant to paragraph 10(2), arrange for the highways structures and assets that were the subject of the condition survey to be re-surveyed and must submit the re-survey to National Highways for its approval. The re-survey will include a renewed geotechnical assessment required by DMRB CD622 if the specified works include any works beneath the strategic road network.

(2) If the re-surveys carried out pursuant to paragraph 12(1) indicates that any damage has been caused to a structure or asset, the undertaker must submit a scheme for remedial works in writing to National Highways for its approval in writing and the undertaker must carry out the remedial works at its own cost and in accordance with the scheme submitted.

(3) If the undertaker fails to carry out the remedial work in accordance with the approved scheme, National Highways may carry out the steps required of the undertaker and may recover any expenditure it reasonably incurs in so doing.

(4) National Highways may, at its discretion, at the same time as giving its approval to the re-surveys pursuant to paragraph 12(1) give notice in writing that National Highways will remedy any damage identified in the re-surveys and National Highways may recover any expenditure it reasonably incurs in so doing.

(5) The undertaker must make available to National Highways upon request copies of any survey or inspection reports produced pursuant to any inspection or survey of any specified work following its completion that the undertaker may from time to time carry out.

### **Defects Period**

**13.**—(1) The undertaker must at its own expense remedy any defects in the strategic road network as are reasonably required by National Highways to be remedied during the defects period. All identified defects must be remedied in accordance with the following timescales—

- (a) in respect of matters of urgency, within 24 hours of receiving notification for the same (urgency to be determined at the absolute discretion of National Highways);
- (b) in respect of matters which National Highways considers to be serious defects or faults, within 14 days of receiving notification of the same; and
- (c) in respect of all other defects notified to the undertaker, within 4 weeks of receiving notification of the same.

(2) Following the expiry of the defects period National Highways has responsibility for routine maintenance of the strategic road network save for any soft landscaping works which must be established and which must thereafter be maintained for a period of 3 years by and at the expense of the undertaker.

### **Final Certificate**

**14.**—(1) The undertaker must apply to National Highways for the final certificate no sooner than 12 months from the date of the provisional certificate.

(2) Following receipt of the application for the final certificate, National Highways must as soon as reasonably practicable:

- (a) inspect the strategic road network; and
- (b) provide the undertaker with a written list of any further works required to remedy or make good any defect or damage in the strategic road network or confirmation that no such works are required for this purpose.

(3) The undertaker must carry out such works notified to it pursuant to sub-paragraph 14(2).

(4) When National Highways is satisfied that:

- (a) any defects or damage arising from defects during the defects period and any defects notified to the undertaker pursuant to sub-paragraph 14(2) and any remedial works required as a result of the stage 4 road safety audit have been made good to the satisfaction of National Highways; and
- (b) the NH costs have been paid to National Highways in full;

National Highways must issue the final certificate after which the bond shall be released in full.

(5) The undertaker must pay to National Highways within 28 days of demand the costs reasonably incurred by National Highways in identifying the defects and supervising and inspecting the undertaker's work to remedy the defects that it is required to remedy pursuant to these provisions.

### **Security**

**15.**—(1) The specified works must not commence until—

- (a) the undertaker procures that the specified works are secured by a bond from a bondsman first approved by National Highways in the agreed form between the undertaker and

National Highways to indemnify National Highways against all losses, damages, costs or expenses arising from any breach of any one or more of the obligations of the undertaker in respect of the exercise of the powers under this Order and the specified works under the provisions of this Part of this Schedule provided that the maximum liability of the bond must not exceed the bond sum; and

- (b) the undertaker has provided the cash surety which may be utilised by National Highways in the event of the undertaker failing to meet its obligations to make payments under paragraph 9 or to carry out works the need for which arises from a breach of one or more of the obligations of the undertaker under the provisions of this Part of this Schedule.

### **Commuted sums**

**16.**—(1) National Highways must provide to the undertaker an estimate of the commuted sum, calculated in accordance with FS Guidance S278 Commuted Lump Sum Calculation Method dated 18 January 2010 or any successor guidance, prior to the commencement of the specified works.

(2) The undertaker must pay to National Highways the commuted sum prior to the issue of the provisional certificate.

### **Insurance**

**17.** Prior to the commencement of the specified works the undertaker must effect public liability insurance with an insurer in the minimum sum of £10,000,000.00 (ten million pounds) in respect of any one claim against any legal liability for damage loss or injury to any property or any person as a direct result of the execution of specified works or use of the strategic road network by the undertaker.

### **Indemnity**

**18.**—(1) The undertaker fully indemnifies National Highways from and against all costs, claims, expenses, damages, losses and liabilities suffered by National Highways arising from the construction, maintenance or use of the specified works or exercise of or failure to exercise any power under this Order within 30 days of demand save for any loss arising out of or in consequence of any negligent act or default of National Highways.

### **Maintenance of the specified works**

**19.**—(1) The undertaker must, prior to the commencement of any works of maintenance to the specified works, give National Highways 28 days' notice in writing of the date on which those works will start unless otherwise agreed by National Highways, acting reasonably.

(2) If, for the purposes of maintaining the specified works, the undertaker needs to occupy any road space, the undertaker must comply with National Highways' road space booking requirements and no maintenance of the specified works for which a road space booking is required shall commence without a road space booking having first been secured.

(3) The undertaker must comply with any requirements that National Highways may notify to the undertaker, such requirements to be notified to the undertaker not less than 7 days' in advance of the planned commencement date of the maintenance works.

(4) The provisions of paragraph 11 shall apply to the opening of any part of the strategic road network following occupation of any road space under this paragraph.

### **Land**

**20.**—(1) The undertaker must not under the powers of this Order:

- (a) acquire or use land forming part of;
- (b) acquire new or existing rights over; or

(c) seek to impose or extinguish any restrictive covenants over;  
any of the strategic road network, or extinguish any existing rights of National Highways in respect of any third party property, except with the consent of National Highways by written request to [legalservicesteam@nationalhighways.co.uk](mailto:legalservicesteam@nationalhighways.co.uk).

### **Expert Determination**

**21.**—(1) Article 43 (*arbitration*) of the Order does not apply to this Part of this Schedule.

(2) Any difference under this Part of this Schedule may be referred to and settled by a single independent and suitable person who holds appropriate professional qualifications and is a member of a professional body relevant to the matter in dispute acting as an expert, such person to be agreed by the differing parties or, in the absence of agreement, identified by the President of the Institution of Civil Engineers.

(3) On notification by either party of a dispute, the parties must jointly instruct an expert within 14 days of notification of the dispute.

(4) All parties involved in settling any difference must use best endeavours to do so within 21 days from the date that an expert is appointed.

(5) The expert must—

- (a) invite the parties to make submission to the expert in writing and copied to the other party to be received by the expert within 7 days of the expert's appointment;
- (b) permit a party to comment on the submissions made by the other party within 7 days of receipt of the submission;
- (c) issue a decision within 7 days of receipt of the submissions under sub-paragraph (b); and
- (d) give reasons for the decision.

(6) Any determination by the expert is final and binding, except in the case of manifest error in which case the difference that has been subject to expert determination may be referred to and settled by arbitration under article 43 (*arbitration*).

(7) The fees of the expert are payable by the parties in such proportions as the expert may determine or, in the absence of such determination, equally.



**Deadline 4 National Highways Limited Response to Further Information Requested by the ExA for Deadline 3**

**Application by Anglian Water Services Limited for an Order granting Development Consent for the Cambridge Waste Water Treatment Plant Relocation Project**

**Planning Inspectorate Reference Number: WW010003**

ExQ1	Question to	Question	
2.2	Applicant, CCC, SCDC, CCoC, IPs	<p>National policy                      NPSWW was designated in 2012. Taking account of any legislative and policy changes since that time:</p> <p>a) do you consider that there has been a significant change in any of the circumstances on the basis of which any of the policy set out in the statement was decided? If yes, which? b) Are the policy provisions relating to 'factors for examination and determination of applications' and the 'generic impacts' up-to-date or do any need to be supplemented or disregarded? Please provide justification for your response.</p> <p>c) Given that the Proposed Development is not one of the schemes that is named in NPSWW, which factors noted in NPSWW relating to the demonstration of need for waste water infrastructure should be taken into account in the determination of this application?</p> <p>d) Are there any other considerations relating to the need for waste water infrastructure that should be taken into account which are not noted in NPSWW? If yes, what are they and why should they be taken into account?</p> <p>e) Does NPSWW allow for developments that are not waste water infrastructure, such as housing, to form part of the need case for waste water infrastructure? If yes, please explain your response.</p> <p>f) Is there any other policy, guidance or legal precedent which suggests that developments that are not waste water</p>	<p><i>National Highways have no comment regarding this matter.</i></p>



		infrastructure, such as housing, can form part of the need case for waste water infrastructure? If yes, please explain your response.	
2.18	Applicant, IPs	Need Is the Applicant or any IP aware of any other DCO applications which relied on housing need to justify the Proposed Development in totality or in part?	<i>National Highways have no comment regarding this matter.</i>
2.27	Applicant, CCC, SCDC, CCoC, IPs	Site selection According to Environmental Statement Chapter 3 - Appendix 3.1 Initial Options Appraisal [APP-074], the Government announced in March 2019 that a Housing Infrastructure Fund (HIF) funding would be granted for the relocation of the existing WWTP. At para 2.2.22 of ES Chapter 3 [AS-018], and in respect of Stage 3 of the site selection process it is stated that consideration was also given to the relative affordability of the sites, an important factor given the public funding of the CWWTPRP by the Government's HIF. The Stage 1 Initial Site Selection Report [APP-075] is dated 1 July 2020 and the Stage 3 Fine Screening Report [APP-077] is dated 1 July 2020. Para S.14. of [APP-077] notes that some of the options explored in 2020 were unaffordable based on the amount of HIF funding that had been awarded. At para 2.2.24 of ES Chapter 3 [AS-018] it is stated that sites outside of the Green Belt were not deliverable under the HIF funding and that this was primarily a function of the significant additional tunnelling necessary to transfer waste water to sites outside of the Green Belt. a) When was the bid for HIF funding submitted? b) Prior to the July 2020 site selection exercises were undertaken, were options for the relocation of the WWTP explored and costed to support the HIF bid? c) If yes, please provide details of the sites that were considered and those which were discounted. Was the range of sites the same or more limited than in the July 2020 exercise? If it was more limited please explain why, and why the area of search was expanded for the July 2020 exercise that has been submitted as part of this DCO application.	<i>National Highways have no comment regarding this matter.</i>

		<p>d) Was the scope of the site search exercise for the HIF bid agreed with any local authority?</p> <p>e) Which site or sites in [APP-075] could be delivered within the £227m funding envelope? Please provide evidence to support your response.</p> <p>f) If it was already known that some sites were not deliverable within the HIF funding envelope, why were they included in subsequent analyses? Does this affect the robustness of any consultation that was undertaken after the HIF funding announcement?</p> <p>g) Was the £227m bid based on the highest-cost option? If not, which options were discounted for the purposes of the bid?</p> <p>h) Was Homes England made aware that the cost of tunnelling was a variable that could affect the affordability of a relocation scheme?</p> <p>i) Were any planning risks in respect of the relocation site identified in the bid? If yes, what were they and did they include the Green Belt designation? Was it explained that non-Green Belt options could be delivered at a higher cost?</p> <p>j) Was it made clear in the bid that no site had been allocated or proposed to be allocated in a development plan document for a replacement WWTP? Was this considered to be a project risk?</p> <p>k) Please provide a copy of the HIF bid submission and a copy of Homes England's assessment and decision, including any conditions / obligations attached to it.</p>	
8.3	Affected Persons, IPs	Are any Affected Persons or Interested Parties aware of any inaccuracies in the BoR [AS-145], SoR [AS-143] or on the Land Plans [AS-151]? If so, please set out what these are and provide the correct details.	<i>National Highways are not aware of any inaccuracies within the mentioned documents.</i>
8.20	Applicant Cadent Gas Limited, Network Rail Infrastructure Limited, National	<p>The BoR [AS-145] includes several Statutory Undertakers with interests in land and equipment that would be affected by CA / TP.</p> <p>The Applicant:</p> <p>a) Provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement with them;</p>	<i>Please refer to the Deadline 4 Legal Submission which includes National Highways Standard Protective Provisions to sit on the face of the order provided at Appendix 1 to the Deadline 4 submissions. National is currently working with the Applicant towards agreement of Project Specific Protective Provisions.</i>

	Highways, CCoC, Conservators of the River Cam	b) Indicate whether there are any envisaged impediments to the securing of such agreements; and c) State whether any additional Statutory Undertakers have been identified since the submission of the BoR with the application.	
9.2	CCC, SCDC, IPs	Design review Please comment on the desirability of implementing a Design Review Panel to provide an informed 'critical friend' on the developing proposals, to ensure that good quality sustainable design and integration of the Proposed Development into the landscape is achieved in the detailed design, construction and operation of the project.	<i>National Highways have no comment regarding this matter.</i>
10.27	The Applicant, IPs	Sch 2, Part 2, 1 - should this make some provisions, such as time periods, for the relevant local planning authority to consult any specified consultees?	<i>As a Statutory Consultee, National Highways have a statutory response time of 21 days for planning application responses, unless longer is provided by the local planning authority.</i>
16.9	CCoC, National Highways	Construction phase – vehicle movements including Abnormal Indivisible Loads At para 2.7.26 and 2.7.27 of ES Chapter 21 [AS-042] it is stated that An Operational Traffic Management Plan would be prepared post consent in relation to the management of operational traffic movements and that the requirements to prepare and implement the OTMP is secured through a requirement of the draft DCO (Application Document Reference 2.1) for approval and implementation of the OTMP. Do the highways authorities accept that all detail should be reserved until any development consent has been granted or should any grant of development consent be dependent on it being demonstrated (inter alia) that there are safe routes for all types of vehicles serving the proposed WWTP site?	<i>National Highways recommend a OTMP is provided for review during the examination process, with a detailed document to be conditioned if required.</i>
18.14	Network Rail Infrastructure Limited, National Highways	Working hours Within the CoCP Part A [APP-068], the proposed construction working hours states that for very special circumstances, extended working hours would be required. Under table 5.1 regarding this matter, the Applicant states that Network Rail and/or National Highways are expected to stipulate a requirement for 24 hour working in relation to works under or	<i>For construction phases which require A14 closures, including the works to the A14/ Horingsea Road overbridge, Traffic Management is expected to arranged through the Roadspace Booking team at National Highways (<a href="mailto:EastRegionRoadspace@nationalhighways.co.uk">EastRegionRoadspace@nationalhighways.co.uk</a>). National Highways will provide stipulations on</i>

		adjacent to their asset. Please confirm whether you intend to stipulate a requirement for 24 hour working as suggested by the Applicant and provide justification if so	<i>the works on the network would have to take place under nighttime closures, usually Monday to Friday 8pm to 6am. The rationale for this is to maintain an efficient operation of the Strategic Road Network.</i>
20.15	National Highways, CCoC	Guidance – WebTAG With reference to sections 3.4 and 3.5 of ES Chapter 19 [AS-038], are you satisfied that the Applicant has appropriately and satisfactorily followed the WebTAG guidance? If not, please set out what needs to be done to address this situation.	<i>National Highways are content that the proposed future years have been assessed in accordance with the WebTAG guidance.</i>
20.19	Applicant, National Highways, CCoC	Safety – Abnormal Indivisible Loads (AIL) Para 3.8.26 of ES Chapter 2 [APP-034] says that It is anticipated that abnormal loads will be required for the access platform, process tank, and pipe bridges, and that the delivery of these would be via the main access point. Abnormal load licenses may also be required for pre-assembled kiosks. RRs [RR-005 and RR-012] raise a concern relating to AIL movements. NPSWW states at para 4.13.2 that the consideration and mitigation of transport impacts is an essential part of Government’s wider policy objectives for sustainable development. NPSWW also notes at 4.13.1 that disturbance caused by traffic and abnormal loads generated during the construction phase would depend on the scale and type of the proposal. In that context the ExA considers it important for information on AILs to be provided, including to identify whether there are any barriers to the physical deliverability of the Proposed Development or whether any changes would be needed to the proposed construction traffic routes. Could the Applicant please set out: a) the number of AILs that would be expected at the Proposed Development; b) when these are expected to occur; c) how these would be transported to the final location(s); d) any route testing that has already been undertaken;	<i>National Highways have identified the process to notify National Highways and other relevant authorities for Abnormal Indivisible Loads (AIL). The Applicant will be required to complete an Electronic Service Delivery for Abnormal Loads.</i>  <i>For the purpose of clarification, an ‘abnormal load’ is a vehicle that has any of the following:</i>  <ul style="list-style-type: none"> <li>• <i>a weight of more than 44,000kg</i></li> <li>• <i>an axle load of more than 10,000kg for a single non-driving axle and 11,500kg for a single driving axle</i></li> <li>• <i>a width of more than 2.9 metres</i></li> <li>• <i>a rigid length of more than 18.65 metres</i></li> </ul> <i>National Highways confirm the Horningsea Road overbridge over the A14 at junction 34 is designed to carry loads in excess of 40/44 Tonnes, therefore is a suitable for AILs in this respect.</i>

		<p>e) any specific issues which have not yet been resolved such as areas of the network that could not be traversed with an AIL (for example bridges with weight or height restrictions, narrow roads, or the existence of a live overhead line at railway level crossings); and</p> <p>f) its response to the EEAST's suggestion that Requirements or a DCO Obligation would be required in relation to AIL. Could National Highways and CCoC please explain:</p> <p>g) whether there are any network restrictions that the Applicant should be aware of / which could pose an issue for the transportation of AIL to the work sites.</p>	
20.23	Applicant, National Highways, CCoC	<p>Choice of vehicular access</p> <p>Four road access options (1a, 1b, 2 and 3) are presented in ES Chapter 3 [AS-018]. While Option 1b has been pursued, Option 3 (direct access from the A14) was the overwhelming preference amongst local people during consultation (page 23 of Applicant Regard to Section 47 Consultation Responses [APP-166]), the preference of SCDC (page 126 of [APP-167]) and is noted in a number of RRs.</p> <p>The ES states 6.1.7 Option 3, shown in Figure 6.4, would involve constructing a new junction on the north side of the A14 only, between the current junctions 34 and 35. A new road would be constructed from this junction to the facility. 6.1.10 Option 1 generally out-performed options 2 and 3, providing a lower cost option which was quicker to deliver while reducing land take and minimising impacts on visual amenity and green belt. All three options were capable of being delivered without adversely affecting road safety or the capacity of the strategic road network. 6.1.11 While Option 3 performed best in respect of impacts on the local road network and local amenity it was considered that these matters could be appropriately managed through a construction traffic management scheme.</p> <p>a) Please provide the approximate costings of the four options which informed these conclusions.</p> <p>b) Would there need to be peak hour movement restrictions with Option 3, whether during the construction phase or the operational phase of development?</p>	<p><i>Paragraph 7 of the Department for Transport (DfT) Circular 01/2022 establishes three overarching objectives for us when engaging in the planning system:</i></p> <ul style="list-style-type: none"> <li>• <i>To enable the delivery of sustainable development.</i></li> <li>• <i>To support the needs of the freight and logistics sector.</i></li> <li>• <i>To mitigate the impact of growth on the natural environment.</i></li> </ul> <p><i>With regards to the proposals, Para 18 of the circular sets out the negative impacts of new connections on the SRN, including additional risks to safety. Para 21 states that National Highways will take a graduated and less restrictive approach to the formation of new connections on the rest of the SRN beyond those sections of the network designed for high speed traffic. However, it also states that the preference will always be that new development should make use of existing junctions. Based on the scheme information provided, options for a new access onto the A14 were previously discounted in favour of option 1b. Unless further information is</i></p>

		<p>c) To <b>National Highways</b> only: What is your position on Option 3, including in a situation where other options were shown to have unacceptable highways impacts?</p>	<p><i>provided to evidence to the contrary, the above policy set out in the Circular remains applicable, including the submission of detailed design drawings, Road Safety Audit and Departure from Standards, if DMRB standards cannot be achieved.</i></p>
20.48	Applicant, National Highways, CCoC	<p>Trip generation – construction phase assumptions  At para 3.10.3 of ES Chapter 2 [APP-034] it is stated that <i>The source of materials does not affect the transport assessment, given that the strategic highway network has the capacity to accommodate these flows. It is desirable to seek local sourcing where possible to reduce vehicle miles, total emissions and transport costs, but this is subsidiary to the need to deliver materials of an appropriate quality and longevity.</i>  Would the origin of materials have implications in terms of amount of traffic on A14 junctions, for example, if vehicles delivering materials from the east would have to use J33 to access J34 whereas vehicles arriving from the west would not?</p>	<p><i>National Highways agree that the routing of the materials if they are coming from the west would result in additional trips via J33. It is understood a sensitivity test for mitigation at Milton Interchange has been carried out by the applicant which is currently being reviewed by NH. Although the gyratory of the junction forms part of the Local Road Network, under the jurisdiction of Cambridgeshire County Council. NH are currently reviewing to ensure any mitigation to the junction does not have an unacceptable impact on the slip roads of the junction, in particular causing any blocking of the mainline carriageway. National Highways will provide a view on this at the next deadline.</i></p>
20.49	Applicant, National Highways, CCoC	<p>Trip generation – construction phase assumptions  On page 10 of ES Chapter 19 [AS-038] it is noted that the ‘10% from the east / 90% from the west’ construction material delivery split was questioned by CCoC and National Highways.  a) Para 2.3.4 of ES Chapter 16: ‘Material resources and waste’ [APP-048] states that the study area for the sources and availability of construction materials would be the Cambridgeshire and, where necessary, the East of England region. However, the drawing on page 259/554 of the TA [AS-108] indicates that most materials would not be from Cambridgeshire or the East of England. Should the 10% / 90% assumption should be adjusted in light of what is stated in ES Chapter 16?  b) Has a sensitivity test of the east-west split been carried out?</p>	<p><i>National Highways agree that the routing of the materials if they are coming from the west would result in additional trips via J33. It is understood a sensitivity test for mitigation at Milton Interchange has been carried out by the applicant which is currently being reviewed by NH. Although the gyratory of the junction forms part of the Local Road Network, under the jurisdiction of Cambridgeshire County Council. NH are currently reviewing to ensure any mitigation to the junction does not have an unacceptable impact on the slip roads of the junction, in particular causing any blocking of the mainline carriageway. National Highways will provide a view on this at the next deadline.</i></p>

		<p>c) Do the highways authorities agree with the '10% from the east / 90% from the west' split or do they require additional modelling?</p> <p>d) Please explain in general terms, with reference to the effects on J33 and J34, how a change to the assumptions would change the modelled highways impacts, for example if there was a 50% / 50% split or a 90% / 10% split. Would there be any concerns in relation to the operation of the J33 Milton Interchange?</p>	
20.50	Applicant, National Highways, CCoC	<p>Trip generation – workforce movements</p> <p>In its RR Suffolk County Council [RR-005] has made the following observations:</p> <ul style="list-style-type: none"> <li>▪ Simultaneous NSIPs relying on the same pool of workers resulting in greater travel distances for workers than assumed due to a shortage of local labour.</li> <li>▪ Recent NSIP applications have used set shift patterns to avoid workers travelling during network peak hours. However, with the multiple NSIPs using the same mitigation this may move the network peak to the times that their workers are travelling.</li> <li>▪ Both can be explored through sensitivity testing.</li> </ul> <p>Do you consider that sensitivity testing should be undertaken to address these considerations? If not, please explain why.</p>	<i>National Highways would welcome the opportunity to review sensitivity testing looking at the inter peaks to assess the potential impact on the SRN either side of the typical peak hours.</i>
20.53	Applicant, CCoC, National Highways	<p>Junction modelling – short-term exceptional movements</p> <p>Para 9.5.22 the TA [AS-108] indicates that when construction activities would take place in the AM and PM peak hours, queue lengths would be over the maximum queue length limit and that that there would be occasions where there could be queuing back from the on-slip junction to the off-slip junction. Table 9-5 indicates degrees of saturation in excess of 100% for the A14 off-slip and the Horningsea Rd Bridge SB / right turn onto the A14 WB on-slip. In the PM peak the latter would experience a queue of 129.6 passenger car units (PCU). One PCU represents a distance of 5.75m (TA para 9.2.4) and therefore it appears that a queue would be approximately 745 metres long.</p>	<i>National Highways understand this has identified the worst-case scenario, including phases of construction overlapping, which is considered unlikely. In addition, a number of mitigation measures have been proposed through the CTMP and CWTP to reduce the impact on the local highway such as delivery scheduling to ensure deliveries do not coincide with the AM and PM peak times.</i>

		<p>a) Would such a queue extend to the north beyond the site access, potentially affecting or delaying access to and egress from the site?</p> <p>b) If the queue extended beyond the site access how would construction-related vehicles be prevented from travelling north through Horningsea to avoid the queue?</p> <p>c) Would the capacity constraints during peak hours simply prevent the required constant movement of construction vehicles referred to in 10.2.3 of the TA and affect the successful implementation of the concrete pours and drilling?</p> <p>d) In respect of those junctions that would approach or exceed capacity with construction traffic at peak hours, please explain whether any temporary measures would need to be introduced on the wider highway network such as closures or diversions, also bearing in mind the need to ensure access for emergency services at all times, to enable the required short-term constant movement of construction traffic.</p>	
20.64	National Highways	<p>Construction traffic – marshalling on the strategic road network In the CTMP [AS-109] the following is noted: 4.2.4 The off-slip and on-slip of the A14 have been identified as a potential conflict area that may require traffic marshalling during peak hours. Is it acceptable to National Highways that marshalling would take place on its network? If yes, does National Highways have any guidance or requirements in relation to marshalling that should be taken into account?</p>	<p><i>National Highways attended a meeting with AW (16-01-2024) and discussed the use of marshalling. It is understood that marshalling will be in place at the crossing of the A14 slipways to ensure pedestrians are not endangered by the construction traffic. It is understood that a competent traffic Safety Officer to ensure the construction traffic at peak times does not encroach on the SRN.</i></p>
20.67	National Highways, CCC, SCDC, CCoC	<p>Mitigation – CTMP On page xvi of ES Chapter 19 [AS-038] in respect of the proposed WWTP it is stated that ES Chapter 19 reports that significant effects on driver delay around the Horningsea Road area associated with the construction of the proposed WWTP and Waterbeach pipeline would be mitigated by the secondary measures set out in the CTMP [AS-109].</p> <p>a) Are the measures in the CTMP sufficient / satisfactory?</p> <p>b) Are they enforceable?</p> <p>c) Do you have any examples of where similar measures have been successful or unsuccessful?</p>	<p><i>The mitigation measures, including secondary measures such as requiring all deliveries to be made outside of peak hours (unless deemed essential) outlined within the CTMP are considered satisfactory.</i></p>



		<p>d) Who would be responsible for ensuring compliance; is it likely that they would have the resources to ensure compliance with the CTMP; and do they need additional resources to ensure compliance?</p> <p>e) Overall, what are your views on the use of secondary mitigation to address highways impacts in this case?</p>	
20.79	Applicant, National Highways, CCoC	<p>Operational traffic – assessment of effects – cumulative conclusions</p> <p>At para 4.5.11 of ES Chapter 19 [AS-038] it is stated that it is likely that junction 34 would have already been operating close to or over capacity in the 2038 future baseline (“without operation”) even without the addition of operational traffic from the Proposed Development. As this is a matter relating to background traffic growth, this has been considered as a cumulative effect. Table 4-86 of the ES indicates that a ‘major – significant’ effect would occur at ‘Horningsea Road / A14 on-slip junction – SB in’.</p> <p>a) Given the location of the commitments cited in para 4.5.7 of Chapter 19, how much of the 2038 baseline traffic at ‘Horningsea Road / A14 on-slip junction – SB in’ can be attributed to those commitments?</p> <p>b) What is the relevance of the contribution that the commitments make to the baseline – should this affect the conclusion that is drawn in relation to the acceptability of the operational effects of the proposed WWTP?</p>	<i>National Highways defer this question to Cambridgeshire County Council response as the relevant highway authority in respect of the capacity and cumulative impact on Horningsea Road.</i>
20.80	Applicant, National Highways, CCoC	<p>Operational traffic – acceptability of impacts</p> <p>The TA [AS-108] states at para 9.1.7 that In the future operational scenario (2038) 10-year post-opening of the proposed main WWTP, junctions relevant to the operation of the proposed main WWTP operate within or close to capacity in the peak hours. An OTMP would be required to fully manage operational vehicles during the peak hours.</p> <p>a) Is it acceptable to propose development at a location where parts of the network are already at or close capacity without providing any improvement to capacity?</p> <p>b) Why would it be acceptable to add operational traffic to junctions operating above capacity at peak times when it has</p>	<i>National Highways have not assessed the long-term impact of the proposed development to have a severe impact to warrant recommending refusal based on the National Planning Policy Framework (NPPF, paragraph 115). Restrictions made to construction traffic and implementation and workers travel plans are considered likely mitigate the short-term impact on the SRN to make the proposal acceptable on this matter from a National Highways’ perspective.</i>

		<p>been concluded (TA para 9.1.6) that it would not be acceptable to add construction traffic to junctions operating at capacity, not least when considering that construction traffic would be for a limited period?</p> <p>c) How and by whom would the document referred to as an 'OTMP' be monitored and enforced? Would there be any ongoing resource implications for local planning and highways authorities?</p> <p>d) How would any unacceptable outcomes be enforced against and rectified?</p> <p>e) Are the predicted DoS, such as they are increased by the Proposed Development, and suggested mitigation acceptable to the highways authorities?</p> <p>f) What degree of certainty can be attached to the suggestion of modal shift that is noted in TA para 9.5.16, bearing in mind the location of the Proposed Development?</p>	
20.82	Applicant, National Highways	<p>Operational (and construction) traffic – assessment of effects – J35</p> <p>On page 8 of ES Chapter 19 [AS-038] it is noted that National Highways recommended that an analysis of J35 be undertaken.</p> <p>To the Applicant:</p> <p>a) Why has this not been done?</p> <p>To National Highways:</p> <p>b) Do you still require such an assessment?</p>	<p><i>National Highways agree with the statement provided by the applicant that the request for a junction assessment of J35 during the pre-application scoping phase pre-dates the formal adoption of option 1b, therefore no assessment of the j34 is not required as construction traffic is not routing via this junction.</i></p>
20.85	National Highways, CCC, SCDC, CCoC	<p>Operational traffic – mitigation – J34</p> <p>On page xviii of ES Chapter 19 [AS-038] it is stated that Despite the addition of a small amount of operational traffic (relative to the total traffic on the surrounding road network), a major cumulative effect is identified on driver delay at the Horningsea Road / A14 on-slip junction (southbound on Horningsea Road, right-hand turn into the on-slip) in the AM And PM peak which is significant. This occurs as a result of background traffic growth in 2038 in the peak hours. With the application of the secondary measure to restrict peak period movements the effect on driver delay is reduced to neutral which is not significant. This measure would be secured through the Operation Logistics Traffic Plan, with which no significant effects on driver delay</p>	<p><i>National Highways defer this question to Cambridgeshire County Council response as the relevant highway authority in respect of the cumulative impact on Horningsea and Fen Ditton and the ability to restrict movements through these villages.</i></p>

		<p>would occur. A number of RRs express concerns about operational traffic running through the villages of Horningsea and Fen Ditton.</p> <p>a) Would measures in the Operational Logistics Traffic Plan (OLTP); R9 of the dDCO [AS-139]) be sufficient / satisfactory to deal with the Horningsea Road / A14 issue, and to prevent traffic from travelling through Horningsea and Fen Ditton?</p> <p>b) Are the measures enforceable?</p> <p>c) Do you have any examples of where similar measures have been successful or unsuccessful?</p> <p>d) Who would be responsible for ensuring compliance; is it likely that they would have the resources to ensure compliance with the OLTP; and do they need additional resources to ensure compliance?</p> <p>e) Overall, what are your views on the use of secondary mitigation to address highways impacts in this case?</p>	
20.34	Applicant	<p>Construction traffic – further information Please provide the information requested by / a response to the following points made by <b>National Highways</b> in its RR [RR-016]:</p> <p>a) The proposal for a traffic monitoring regime to determine the timing of the phasing of implementation works requires further details in terms of its operation and application.</p> <p>b) Construction Traffic Routes on the SRN are not sufficiently understood, and further detail is required in respect of how they would be managed, in particular the impact on Junctions 33, 34 and 35 of the A14.</p> <p>c) Should the proposed construction works require the temporary closure of eastbound off slip, this can be done for short durations at night-time only. Does this present any issues for the implementation of the project?</p>	<i>National Highways thank the applicant with their response to points made within our Relevant Representation submission.</i>
20.92	Applicant, CCoC	<p>Approvals – agreement of traffic management works On page xii of ES Chapter 19 [AS-038] it is stated that For all highway related approvals, Cambridge City Council are consulted as per the standard highway approvals process to ensure traffic management works are coordinated with the wider highway network operation. However, the DCO provides The</p>	<i>National Highways consider there is a need to be consulted when considering works being carried out on the Strategic Road Network.</i>

		Applicant with the necessary powers to undertake the works that are needed. Is there any need for CCoC (as highways authority) and National Highways to be consulted?	
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Cambridge Waste Water Treatment Plant Relocation Project  
Anglian Water Services Limited

# Statement of Common Ground: National Highways

Application Document Reference: 7.14.7  
PINS Project Reference: WW010003

Revision No. 02  
January 2024

## Document Control

**Document title** Statement of Common Ground between Anglian Water Services Limited and National Highways

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**Version No.** 01

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**Date Approved**

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**Date 1<sup>st</sup> Issued** 25 October 2023

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## Version History

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Description of change</b>
01	25 October 2023	KT	First Draft following the submission of the DCO Application and to update the position established in the Relevant Representations
02	17 October 2024	KT	Updated to reflect actions from ISH3 and meeting of 16.01.2024 for submission by both parties at Deadline 4.

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# 1 Introduction

## 1.1 Purpose of this Document

- 1.1.1 This Statement of Common Ground (“SoCG”) is submitted as part of an application by Anglian Water Services Limited (“the Applicant”) for a Development Consent Order (DCO) under the Planning Act 2008 (‘the Application’).
- 1.1.2 The Application is for the provision of a new modern, low carbon waste water treatment plant for Greater Cambridge. The project is an enabler of sustainable growth. The relocation of the existing works, from its current site, will unlock the last large brown field site in Greater Cambridge and allow the creation of a new city district and provide much needed housing and commercial space in a sustainable location, with access to transport, jobs and recreational opportunities.
- 1.1.3 This SoCG has been prepared by the Applicant and agreed with National Highways. National Highways is the government company charged with operating, maintaining and improving England’s motorways and major A roads. It is responsible for managing the strategic road network (SRN) and ensuring it can operate in accordance with the Highways Act. It is a statutory consultee for the project and is interested in the Applicants proposals and any impact on the SRN.
- 1.1.4 The Applicant has engaged with National Highways to ensure any access proposals for the project are in accordance with policy and can be managed effectively, along with traffic management and traffic plan proposals during the construction and operational phases of the development.
- 1.1.5 To date, National Highways has provided views on draft proposals at various stages of the design development.
- 1.1.6 This SoCG has been prepared by the Applicant and agreed with National Highways. Any reference to ‘the parties’ means the Applicant and National Highways.
- 1.1.7 This SoCG has been prepared to identify matters agreed, not agreed and matters currently outstanding between the Applicant and National Highways.

## 1.2 Approach to the SoCG

- 1.2.1 The SoCG will evolve as the DCO application progresses to submission and through examination. It is structured as follows.
- Section 2 confirms the pre-application consultation undertaken to date between Anglian Water and National Highways;
  - Section 3 identifies the relevant documents on which the agreements recorded in this SoCG were reached;
  - Section 4 provides a summary of matters that have been agreed, are still under discussion and which are not agreed at the point of examination;



<b>Agreed</b>	indicates where the issue has been resolved and is recorded in <b>Green</b> and marked “ <b>Low</b> ”
<b>Under Discussion</b>	indicates where these issues or points will be the subject of on-going discussion whenever possible to resolve or refine the extent of disagreement between the parties and is recorded in <b>Amber</b> and marked “ <b>medium</b> ”
<b>Not Agreed</b>	indicates a final position and is recorded in <b>Red</b> and marked <b>high</b>

- Section 5 includes the signatures of all parties to confirm their agreement that this SoCG is an accurate record of key meetings and consultations undertaken and issues and discussions as at the date of this SoCG.

### 1.3 Status of the SoCG

- 1.3.1 This version 1 of the SoCG represents the position between the Applicant and National Highways at 19 January 2024 covering the pre-application and pre examination stages of the process. The SoCG will continue to be reviewed and progressed through out the examination as well as any actions arising from the Issue Specific Hearings on the draft DCO.
- 1.3.2 A Principal Areas of Disagreement (PAD) document identifying the specific points still not agreed will be updated and submitted to the Examining Panel during the examination. The Protective Provisions submitted with the Application are attached at Appendix 2.

## 2 Consultations and engagement

- 2.1 The Applicant has engaged with National Highways in a series of meeting within a Technical Working Group forum and in one to one meetings on specific issues.
- 2.2 A full table recording the engagement that have taken place to date between the parties to this SoCG in connection with the proposed development and initial agreements reached are set out in full in Appendix 1.

### 3 Documents Considered in this SOCG

3.1.1 In reaching common ground on the matters covered in this SoCG, the parties referred to the following documents:

- Transport Assessment Scoping Note April 2021 – Mott MacDonald;
- Draft Development Consent Order
- Works Plans (App Doc Ref 4.3.0 - 4.3.11)
- Traffic and Access Chapter 19 (App Doc Ref 5.2.19) and Chapter 19 Appendices (Baseline Traffic surveys, Traffic surveys, Transport Assessment, Pedestrian Counts, Traffic flow diagrams, Junction capacity reports,
- Construction Traffic Management Plan, Workers Travel Plan, Construction Workers Travel Plan – (App Doc Ref 5.4.19.1 – 5.4.19.9)
- Code of Construction Plans (CoCP) Parts A and B (App Doc Ref 5.4.2.1 and App Doc Ref 5.4.2.2).
- Book of Figures – Traffic and Access (App Doc Ref 5.3.19).
- Design Plans – Highway (App Doc Ref 4.11.1 - 4.11.6).
- Access and Traffic Regulation Order Plans (App Doc Ref 4.7.0 – 4.7.10).
- Road Safety Audit Version 1
- Operational Logistics Management Plan (Ap Doc Ref 5.4.19.10).

## 4 Summary of and status of agreement

### 4.1 General matters

**Table 4.1 Details the summary and status of general matters**

<b>Topic and Document Reference</b>	<b>Comments</b>	<b>Status</b>	<b>Summary of Position</b>
Area of responsibility App Doc Ref 4.11.6	Area of responsibility between relevant traffic authorities.	<b>Low</b>	The parties have agreed that App Doc Ref 4.11.6 sets out an accurate representation of the boundaries between National Highways area of responsibility and the area of responsibility for Cambridgeshire County Council.
Traffic Displacement	Junction Assessment	<b>Low</b>	The parties have agreed in principle that the traffic numbers for the existing facility at junction 33 of the A14 are a direct displacement in numbers to the new access proposed at junction 34.
Choice of Access to proposed development	Use of Junction 34 of the A14 of the Strategic Road Network as the appropriate access for CWWTPR.	<b>Low</b>	The parties have agreed that the appropriate access for the new development is via junction 34 of the A14 Strategic Road Network. A new junction on the A14 to serve the proposed development was not acceptable principally on DfT policy grounds [ <i>DfT Circular 01/2022 'Strategic Road network and the delivery of sustainable development'</i> ] and safety concerns.
Assessment Approach	Assessment presented in ES Traffic and Access Chapter 19 (App Doc Ref 5.2.19) and Chapter 19 Appendices (Baseline Traffic surveys, Traffic surveys, Transport Assessment, Pedestrian Counts, Traffic flow diagrams, Junction capacity reports).	<b>Low</b>	The assessment approach is agreed including the data gathering methodology, baseline data, scope of the assessment, the approach to the modelling and optioneering and presentation of results, the embedded environmental measures and that the assessment methodology set out is appropriate.

Public Rights of Way	National Highways will defer to the Local Authorities for approval and the appropriateness of Walking, cycling and horse riding assessments including temporary diversions and the creation of the new Public Rights of Way. National Highways would expect to see compliance with DMRB-GG142.	<b>Low</b>	Agreed
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## 4.2 Design Plans

Table 4-2 Details the summary and status of Design Plans

Topic and document reference	Comments	Status	Summary of position
Effect on surrounding road networks	Effects identified on surrounding road networks, including B1047 Horningsea Road and junctions with the A14 during construction and operation phases.	<b>Low</b>	<p>The parties have agreed that there are no necessary modifications or mitigation measures on the Strategic Road Network (SRN) save for the following to the existing Local Highway Authority infrastructure;</p> <p>Replacement of the existing parapet on the A14 Horningsea Road overbridge with a higher “cycleway compliant parapet” adjacent cycle way on the bridge.</p> <p>It is agreed (meeting 16.01.2024) that this parapet height should be 1.8m compliant with both cyclist <b>and</b> equestrian use. This modification is made following stakeholder feedback.</p> <p>Realignment of the carriageway on the A14 Horningsea Road overbridge (and associated structural assessment of bridge).</p>

			Changes to the northern signalised junction to provide a 4 <sup>th</sup> arm (to access the CWWTW site).
			Minor changes to the southern signalised junction (due to the realignment of the carriageway on the Horningsea Road overbridge).
Transfer tunnel Protection of Geotechnical assets		Low	Geotechnical Borehole Data is sought by National Highways if this is available. Geotechnical Approval for tunnel under A14 would be required. It is agreed (meeting 4 January 2024) that the Applicant will submit by Deadline 5 Statements of Intent in accordance with CD622 setting out the protection for geotechnical assets to include the Waterbeach crossings and the A14 transfer tunnel crossing.
Road Safety Audit Version 1	This is appropriate and accepted.	Low	Agreed

### 4.3 Management Plans

**Table 4.3 – Details the summary and status of Management Plans**

Topic and Document Reference	Comments	Status	Summary of Position	National Highways comments
CoCP Part A and B App Doc Ref 5.4.2.1 and 5.4.2.2	The purpose of the CoCP is to monitor, control and manage construction impacts throughout the construction period to manage the potential environmental impacts of construction works.	Low	Agreed in principle provided it follows DMRB guidance throughout.	National Highways agree in principle with the Code of Construction Practice documents. It is acknowledged that all works under and in close proximity to the A14 will be covered by the Protective Provisions (currently in draft) including

				protection measures required to ensure safety for all affected parties whilst working on the SRN.
Construction Traffic Management Plan App Doc Ref	The CTMP aims to ensure satisfactory temporary signage, traffic marshalling in conflict zones during peak hour Most traffic is via Junction 34 Temporary signage on A14 Construction Routes and Access Points and CMCP	Medium	National Highways to review with particular reference to section 6.8, 6.9 and 6.10 and confirm the proposals for planned and emergency road closures are appropriate.	Following a meeting on 16 January 2024, the use of traffic marshalling is better understood and will not be positioned on the SRN. National Highways agree with the proposed measures in the event of planned and emergency road closures.
Construction Workers Travel Plan	The Construction Workers Travel Plan aims to encourage construction workers to travel to and from the site via sustainable modes, minimise environmental impact and consider the safety and travel patterns of site workers.	Low	The parties have agreed to this document in principle, subject to further discussions as the examination	National Highways are content with the measures set out within the outline Construction Workers Travel Plan. It is understood a detailed Travel Plan will be submitted post consent to secure the appropriate measures and monitoring mechanism.
Operational Workers Travel Plan	The operation workers travel plan seeks to reduce overall need to travel to the site, use sustainable modes of transport or reduce carbon emissions or single occupancy car travel.	Low	The principles identified within the Travel plan are agreeable to National Highways with regular monitoring	National Highways are content with the measures set out within the outline Operation Workers Travel Plan. It is understood a detailed Travel Plan will be submitted post consent to secure the appropriate measures and monitoring mechanism.
Operational Logistics Management Plan (App Doc Ref 5.4.19.10)	The implementation of a OLTP is to minimise impacts that the delivery and servicing of the Proposed Development will have on the surrounding transport network. This includes a reducing operational vehicle movements at peak times on the local road network, reducing emissions from vehicles, and	Low	For review from National Highways and agreement following meeting on 16.01.24	National Highways are content with the objectives of the Operational Logistics Traffic Plan and the proposed measures, including restriction of operational vehicles accessing and egressing the proposed site to reduce the impact on Junction 34 of the A14. It is understood a detailed OLTP will be submitted post

operating in a way that maintains good relations with neighbours of the proposed WWTP

consent to secure the appropriate measures and monitoring mechanism. National Highways are content with the proposed trigger points to update and refine the plan, where required.

## 4.4 Protective Provisions

Table 4.4 Details the summary and status of Protective Provisions

Topic and Document Reference	Comments	Status	Summary of Position
dDCO Schedule [ ]	Proposed Protective Provisions incorporated within the dDCO for the Protection of National Highways.	High	The Applicant included protective provisions for the benefit of National Highways within the draft Order submitted as part of the Application. These protective provisions which were included had been shared with National Highways and were subject to negotiation between the parties. National Highways has now advised that they require the inclusion of their Standard Protective Provisions in the DCO rather than the set which were subject to previous negotiation. These standard protective provisions are currently being reviewed by the Applicant and the Applicant continues to engage with National Highways in relation to the inclusion of these standard provisions in the DCO and also in relation to the negotiation of a separate side agreement if required to include matters not covered by National Highway's Standard Protective Provisions.

# 5 Matters still under discussion

Table 5.1 Details the summary and status of matters still under discussion

Topic and Document Reference	Comments	National Highway's Response
<b>Road layout and design</b>	Construction Routes and Access Points and Outline CMCP: Still to be formally agreed following review of final documents. Under review following meeting of 16.01.2024	National Highways agree with the proposed construction routes. National Highways in principle agree with the suggested mitigation measures outlined. Any signage required on the SRN would require to be placed on passively safe posts and an approved Road Safety Audit.
<b>Design Plans Highway (App Doc Ref 4.11.1 - 4.11.6).</b>		
<b>Book of Figures – Traffic and Access (App Doc Ref 5.3.19).</b>		



## 6 Agreement on the SoCG

This Statement of Common Ground has been jointly agreed by:

**Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**On behalf of:** Anglian Water Services Limited

**Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**On behalf of:** National Highways

**Date:** \_\_\_\_\_

# Appendix 1

**Table 1.1 Engagement between the parties in connection with the Development**

<b>Date</b>	<b>Form of contact</b>	<b>Main topic/issues</b>
Jan 21	Meeting	Project Overview and background
4 March 21	TWG	Pre-Application engagement
26 April 2021	TWG	Access options to be assessed on selected site
28 May 21	TWG	Site Access Optioneering – general arrangement plans and site options
17 September 2021	TWG	Site Access Optioneering design and modelling update
6 October 2021	TWG	Presenting results of initial transport assessment work
12 October 2021	Workshop	Agreement on single site option
4 November 2021	TWG	Presenting results of Optioneering Assessment
21 January 2022	TWG	Site access junction design update, junction capacity assessment
1 April 2022	Meeting	Update on survey work, response to Con 3, powers for junction works
28 April	TWG	<ul style="list-style-type: none"> <li>• Update on close of Consultation Phase 3.</li> <li>• Feedback on CTMP and CoCP.</li> <li>• Update on surveys (to include update following meeting with CCC on 12 April 2022).</li> <li>• Query regrading powers needed for delivery of DCO and stakeholders view on any changes to the road highway network (Licensing/legal points).</li> <li>• Review of any approvals required for Junction before construction begins and timing of applications.</li> <li>• Draft Travel Plans (to include Construction workers travel Plan) – update and discussion on what should be included</li> </ul>
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21 August	Meeting	Review of all land plans and CPO requirements as submitted in DCO Application
29 August	Meeting	Review of current position and proposed Protective provisions
7 September	Meeting	Review of current position and proposed Protective provisions

## Get in touch

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Emailing at [info@cwwtpr.com](mailto:info@cwwtpr.com)



Calling our Freephone information line on **0808 196 1661**



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Visiting our website at [www.cwwtpr.com](http://www.cwwtpr.com)

You can view all our DCO application documents and updates on the application on The Planning Inspectorate website:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/cambridge-waste-water-treatment-plant-relocation/>



Cambridge Waste Water Treatment Plant Relocation Project  
Anglian Water Services Limited

# Statement of Common Ground: National Highways

Application Document Reference: 7.14.7  
PINS Project Reference: WW010003

Revision No. 01  
~~November 2023~~ January 2024

## Document Control

**Document title** Statement of Common Ground between Anglian Water Services Limited and National Highways

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**Version No.** 01

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**Date Approved**

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**Date 1<sup>st</sup> Issued** 25 October 2023

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## Version History

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Description of change</b>
01	25 October 2023	KT	First Draft following the submission of the DCO Application and to update the position established in the Relevant Representations
<u>02</u>	<u>17 October 2024-</u>	<u>KT-</u>	<u>Updated to reflect actions from ISH3 and meeting- of 16.01.2024 for submission by both parties at Deadline 4.-</u>

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# 1 Introduction

## 1.1 Purpose of this Document

- 1.1.1 This Statement of Common Ground (“SoCG”) is submitted as part of an application by Anglian Water Services Limited (“the Applicant”) for a Development Consent Order (DCO) under the Planning Act 2008 (‘the Application’).
- 1.1.2 The Application is for the provision of a new modern, low carbon waste water treatment plant for Greater Cambridge. The project is an enabler of sustainable growth. The relocation of the existing works, from its current site, will unlock the last large brown field site in Greater Cambridge and allow the creation of a new city district and provide much needed housing and commercial space in a sustainable location, with access to transport, jobs and recreational opportunities.
- 1.1.3 This SoCG has been prepared by the Applicant and agreed with National Highways. National Highways is the government company charged with operating, maintaining and improving England's motorways and major A roads. It is responsible for managing the strategic road network (SRN) and ensuring it can operate in accordance with the Highways Act. It is a statutory consultee for the project and is interested in the Applicants proposals and any impact on the SRN.
- 1.1.4 The Applicant has engaged with National Highways to ensure any access proposals for the project are in accordance with policy and can be managed effectively, along with traffic management and traffic plan proposals during the construction and operational phases of the development.
- 1.1.5 To date, National Highways has provided views on draft proposals at various stages of the design development.
- 1.1.6 This SoCG has been prepared by the Applicant and agreed with National Highways. Any reference to ‘the parties’ means the Applicant and National Highways.
- 1.1.7 This SoCG has been prepared to identify matters agreed, not agreed and matters currently outstanding between the Applicant and National Highways.

## 1.2 Approach to the SoCG

- 1.2.1 The SoCG will evolve as the DCO application progresses to submission and through examination. It is structured as follows.
- Section 2 confirms the pre-application consultation undertaken to date between Anglian Water and National Highways;
  - Section 3 identifies the relevant documents on which the agreements recorded in this SoCG were reached;
  - Section 4 provides a summary of matters that have been agreed, are still under discussion and which are not agreed at the point of examination;



<b>Agreed</b>	indicates where the issue has been resolved and is recorded in <b>Green</b> and marked " <b>Low</b> "
<b>Under Discussion</b>	indicates where these issues or points will be the subject of on-going discussion whenever possible to resolve or refine the extent of disagreement between the parties and is recorded in <b>Amber</b> and marked " <b>medium</b> "
<b>Not Agreed</b>	indicates a final position and is recorded in <b>Red</b> and marked <b>high</b>

- Section 5 includes the signatures of all parties to confirm their agreement that this SoCG is an accurate record of key meetings and consultations undertaken and issues and discussions as at the date of this SoCG.

### 1.3 Status of the SoCG

- 1.3.1 This version 1 of the SoCG represents the position between the Applicant and National Highways at 19 January 2024 ~~25 October 2023~~ covering the pre-application and pre examination stages of the process. The SoCG will continue to be reviewed and progressed through out the examination as well as any actions arising from the Issue Specific Hearings on the draft DCO.
- 1.3.2 A Principal Areas of Disagreement (PAD) document identifying the specific points still not agreed will be updated and submitted to the Examining Panel during the examination. The Protective Provisions submitted with the Application are attached at Appendix 2.

## 2 Consultations and engagement

- 2.1 The Applicant has engaged with National Highways in a series of meeting within a Technical Working Group forum and in one to one meetings on specific issues.
- 2.2 A full table recording the engagement that have taken place to date between the parties to this SoCG in connection with the proposed development and initial agreements reached are set out in full in Appendix 1.

### 3 Documents Considered in this SOCG

3.1.1 In reaching common ground on the matters covered in this SoCG, the parties referred to the following documents:

- Transport Assessment Scoping Note April 2021 – Mott MacDonald;
- Draft Development Consent Order
- Works Plans (App Doc Ref 4.3.0 - 4.3.11)
- Traffic and Access Chapter 19 (App Doc Ref 5.2.19) and Chapter 19 Appendices (Baseline Traffic surveys, Traffic surveys, Transport Assessment, Pedestrian Counts, Traffic flow diagrams, Junction capacity reports,
- Construction Traffic Management Plan, Workers Travel Plan, Construction Workers Travel Plan – (App Doc Ref 5.4.19.1 – 5.4.19.9)
- Code of Construction Plans (CoCP) Parts A and B (App Doc Ref 5.4.2.1 and App Doc Ref 5.4.2.2).
- Book of Figures – Traffic and Access (App Doc Ref 5.3.19).
- Design Plans – Highway (App Doc Ref 4.11.1 - 4.11.6).
- Access and Traffic Regulation Order Plans (App Doc Ref 4.7.0 – 4.7.10).
- Road Safety Audit Version 1
- [Operational Logistics Management Plan \(Ap Doc Ref 5.4.19.10\).](#)

## 4 Summary of and status of agreement

### 4.1 General matters

**Table 4.1** Details the summary and status of general matters

Topic and Document Reference	Comments	Status	Summary of Position
Area of responsibility App Doc Ref 4.11.6	Area of responsibility between relevant traffic authorities.	Low	The parties have agreed that App Doc Ref 4.11.6 sets out an accurate representation of the boundaries between National Highways area of responsibility and the area of responsibility for Cambridgeshire County Council.
Traffic Displacement	Junction Assessment	Low	The parties have agreed in principle that the traffic numbers for the existing facility at junction 33 of the A14 are a direct displacement in numbers to the new access proposed at junction 34.
Choice of Access to proposed development	Use of Junction 34 of the A14 of the Strategic Road Network as the appropriate access for CWWTPR.	Low	The parties have agreed that the appropriate access for the new development is via junction 34 of the A14 Strategic Road Network. A new junction on the A14 to serve the proposed development was not acceptable principally on DfT policy grounds [ <i>DfT Circular 01/2022 'Strategic Road network and the delivery of sustainable development'</i> ] and safety concerns.
Assessment Approach	Assessment presented in ES Traffic and Access Chapter 19 (App Doc Ref 5.2.19) and Chapter 19 Appendices (Baseline Traffic surveys, Traffic surveys, Transport Assessment, Pedestrian Counts, Traffic flow diagrams, Junction capacity reports.	Low	The assessment approach is agreed including the data gathering methodology, baseline data, scope of the assessment, the approach to the modelling and optioneering and presentation of results, the embedded environmental measures and that the assessment methodology set out is appropriate.

Public Rights of Way	National Highways will defer to the Local Authorities for approval and the appropriateness of Walking, cycling and horse riding assessments including temporary diversions and the creation of the new Public Rights of Way. National Highways would expect to see compliance with DMRB-GG142.	Low	Agreed
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## 4.2 Design Plans

Table 4-2 Details the summary and status of Design Plans

Topic and document reference	Comments	Status	Summary of position
Effect on surrounding road networks	Effects identified on surrounding road networks, including B1047 Horningsea Road and junctions with the A14 during construction and operation phases.	Low	<p>The parties have agreed that there are no necessary modifications or mitigation measures on the Strategic Road Network (SRN) save for the following to the existing Local Highway Authority infrastructure;</p> <p>Replacement of the existing parapet on the A14 Horningsea Road overbridge with a higher “cycleway compliant parapet” adjacent cycle way on the bridge.</p> <p><u>It is agreed (meeting 16.01.2024) that this parapet height should be 1.8m compliant with both cyclist and equestrian use. This modification is made following stakeholder feedback.</u></p> <p>Realignment of the carriageway on the A14 Horningsea Road overbridge (and associated structural assessment of bridge).</p>

			Changes to the northern signalised junction to provide a 4 <sup>th</sup> arm (to access the CWWTW site).
			Minor changes to the southern signalised junction (due to the realignment of the carriageway on the Horningsea Road overbridge).
Transfer tunnel <a href="#">Protection of Geotechnical assets</a>		Medium <u>Low</u>	Geotechnical Borehole Data is sought by National Highways if this is available. Geotechnical Approval for tunnel under A14 would be required. <u>It is agreed (meeting 4 January 2024) that the Applicant will submit by Deadline 5 Statements of Intent in accordance with CD622 setting out the protection for geotechnical assets to include the Waterbeach crossings and the A14 transfer tunnel crossing.</u>
Road Safety Audit Version 1	This is appropriate and accepted.	Low	Agreed

### 4.3 Management Plans

Table 4.3 – Details the summary and status of Management Plans

<b>Topic and Document Reference</b>	<b>Comments</b>	<b>Status</b>	<b>Summary of Position</b>	<b><u>National Highways comments</u></b>
CoCP Part A and B App Doc Ref 5.4.2.1 and 5.4.2.2	The purpose of the CoCP is to monitor, control and manage construction impacts throughout the construction period to manage the potential environmental impacts of construction works.	Low	Agreed in principle provided it follows DMRB guidance throughout.	National Highways agree in principle with the Code of Construction Practice documents. It is acknowledged that all works

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				under and in close proximity to the A14 will be covered by the Protective Provisions (currently in draft) including protection measures required to ensure safety for all affected parties whilst working on the SRN.
Construction Traffic Management Plan App Doc Ref	The CTMP aims to ensure satisfactory temporary signage, traffic marshalling in conflict zones during peak hour Most traffic is via Junction 34 Temporary signage on A14 Construction Routes and Access Points and CMCP	Medium	<u>Still to be formally agreed following review of final documents</u> <u>National Highways to review with particular reference to section 6.8, 6.9 and 6.10 and confirm the proposals for planned and emergency road closures are appropriate.</u>	<u>Following a meeting on 16 January 2024, the use of traffic marshalling is better understood and will not be positioned on the SRN.</u> <u>National Highways agree with the proposed measures in the event of planned and emergency road closures.</u>
Construction Workers Travel Plan	The Construction Workers Travel Plan aims to encourage construction workers to travel to and from the site via sustainable modes, minimise environmental impact and consider the safety and travel patterns of site workers.	Medium Low	The parties have agreed to this document in principle, subject to further discussions as the examination	<u>National Highways are content with the measures set out within the outline Construction Workers Travel Plan. It is understood a detailed Travel Plan will be submitted post consent to secure the appropriate measures and monitoring mechanism.</u>
Operational Workers Travel Plan	The operation workers travel plan seeks to reduce overall need to travel to the site, use sustainable modes of transport or reduce carbon emissions or single occupancy car travel.	Low	The principles identified within the Travel plan are agreeable to National Highways with regular monitoring	<u>National Highways are content with the measures set out within the outline Operation Workers Travel Plan. It is understood a detailed Travel Plan will be</u>

Operational Logistics Management Plan (App Doc Ref 5.4.19.10)

The implementation of a OLTP is to minimise impacts that the delivery and servicing of the Proposed Development will have on the surrounding transport network. This includes a reducing operational vehicle movements at peak times on the local road network, reducing emissions from vehicles, and operating in a way that maintains good relations with neighbours of the proposed WWTP

Low

For review from National Highways and agreement following meeting on 16.01.24

submitted post consent to secure the appropriate measures and monitoring mechanism.  
National Highways are content with the objectives of the Operational Logistics Traffic Plan and the proposed measures, including restriction of operational vehicles accessing and egressing the proposed site to reduce the impact on Junction 34 of the A14. It is understood a detailed OLTP will be submitted post consent to secure the appropriate measures and monitoring mechanism.  
National Highways are content with the proposed trigger points to update and refine the plan, where required.

## 4.4 Protective Provisions

Table 4.4 Details the summary and status of Protective Provisions

Topic and Document Reference	Comments	Status	Summary of Position
dDCO Schedule [ ]	Proposed Protective Provisions incorporated within the dDCO for the Protection of National Highways.	High	The Applicant included protective provisions for the benefit of National Highways within the draft Order submitted as part of the Application. These protective provisions which were included had been shared with National Highways and were subject to negotiation between the parties. National Highways has now advised that they require the inclusion of their Standard Protective Provisions in the DCO rather than the set which were subject to previous negotiation. These standard protective provisions are currently being reviewed by the Applicant and the Applicant continues to engage with National Highways in relation to the inclusion of these standard provisions in the DCO and also in relation to the negotiation of a separate side agreement if required to include matters not covered by National Highway's Standard Protective Provisions.



## 5 Matters still under discussion

Table 5.1 Details the summary and status of matters still under discussion

Topic and Document Reference	Comments	National Highway's Applicant's Response
Road layout and design	<p>Construction Routes and Access Points and Outline CMCP:</p> <p><u>Still to be formally agreed following review of final documents. Under review following meeting of 16.01.2024</u></p>	<p><del>Still to be formally agreed following review of final documents</del></p> <p><u>National Highways agree with the proposed construction routes.</u></p> <p><u>National Highways in principle agree with the suggested mitigation measures outlined. Any signage required on the SRN would require to be placed on passively safe posts and an approved Road Safety Audit.</u></p>
Design Plans Highway (App Doc Ref 4.11.1 - 4.11.6).		
Book of Figures – Traffic and Access (App Doc Ref 5.3.19).		

## 6 Agreement on the SoCG

This Statement of Common Ground has been jointly agreed by:

**Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**On behalf of:** Anglian Water Services Limited

**Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**On behalf of:** National Highways

**Date:** \_\_\_\_\_

## Appendix 1

**Table 1.1 Engagement between the parties in connection with the Development**

Date	Form of contact	Main topic/issues
Jan 21	Meeting	Project Overview and background
4 March 21	TWG	Pre-Application engagement
26 April 2021	TWG	Access options to be assessed on selected site
28 May 21	TWG	Site Access Optioneering – general arrangement plans and site options
17 September 2021	TWG	Site Access Optioneering design and modelling update
6 October 2021	TWG	Presenting results of initial transport assessment work
12 October 2021	Workshop	Agreement on single site option
4 November 2021	TWG	Presenting results of Optioneering Assessment
21 January 2022	TWG	Site access junction design update, junction capacity assessment
1 April 2022	Meeting	Update on survey work, response to Con 3, powers for junction works
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