

# A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 9

9.47 Applicant Response to the Examining Authority's Second  
Round of Written Questions

Planning Act 2008

Rule 8(1)(b)

The Infrastructure Planning (Examination Procedure)  
Rules 2010

November 2021

Infrastructure Planning

Planning Act 2008

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

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

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<b>Regulation Number</b>	Rule 8(1)(b)
<b>Planning Inspectorate Scheme Reference</b>	TR010044
<b>Document Reference</b>	TR010044/EXAM/9.47
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<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
1	4 November 2021	Deadline 4



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## Responses to the Examining Authority's Written Questions

This document has been prepared by the Applicant to set out its responses to the Examining Authority's (ExA's) second round of written questions.

These can be found in **Table 0-1** below.

**Table 0-1 Applicant's Response to the Examining Authority's Second Round of Written Questions**

No.	Directed to	Question
Q2.1	General and Cross Topic	
Q2.1.1	Equality Impact Assessment	
Q2.1.1.1	Applicant Bedford Borough Council	<p><b>Question:</b></p> <p><b>Equality Impact Assessment</b></p> <p>The EQIA states that <i>"Further actions have been undertaken to ensure that any freeholders, leaseholders and tenants affected by the demolition of properties are more widely supported. This has included working with those potentially affected and local authorities to identify alternative housing options in the area that fulfil the needs of tenants where required"</i> [APP-245, Page 23].</p> <p>a) Applicant and BBC, summarise the progress that has been made in this regard.</p> <p>b) Applicant, confirm whether other LAs have been so engaged, and summarise the progress made.</p> <p>c) Applicant, the table in the Conclusions section of the EQIA [APP-245] identifies both positive and negative impacts of the Proposed Development on certain protected characteristics. However, it is unclear from the summary reasons in the table what the positive impacts are. Explain the reason for each section of the Conclusions table where positive impacts are identified.</p> <p>d) The EQIA states [APP-245, Page 23] <i>"Ongoing engagement will be undertaken with all relevant parties and will continue to be inclusive of any specific requirements of those involved. This includes where tenants may need specific reasonable adjustments to enable them to fully participate in engagement activities due to their protected characteristics."</i> Applicant, list all instances where you made, or attempted to make contact with parties who would be affected by the Proposed Development as listed under construction impacts in the EQIA [APP-245, Page 22 onwards], especially but not limited to residents whose homes would be demolished, businesses, residents of Kelpie Marina and residents of Eltisley Manor nursing home. Provide details and summarise any reasonable adjustments requested or made to facilitate their engagement.</p> <p><b>Answer:</b></p> <p>A) and B)</p>



No.	Directed to	Question
		<p>Both occupied residential properties which would be demolished as part of the Scheme are within Bedford Borough. One of which is on the western side of the A1 and occupied by a tenant and the other is on the eastern side of the A1 and is owner occupied.</p> <p>Regarding the property which is owner occupied, the Applicant is aware of the distress that potential extinguishment is already having on the owner. The Applicant has met with the owners several times to establish how it can support the owner and their spouse. On one occasion a meeting was arranged via BBC where it was established that early purchase was favoured by the owner. The Applicant has actively pursued sale by agreement and an offer has been made. The scope of compensation payments available has also been shared.</p> <p>To support the owner's wellbeing the Applicant has sought appropriate external professional help for the owner and was assured by [REDACTED].</p> <p>The Applicant has also repeatedly alerted the owner to the Applicant's willingness to meet the owner's reasonable agent's fees to professionally advise them through the purchase process and remains willing to meet reasonable fees in this respect. To date the Applicant has not been advised by any agent that they are representing this landowner.</p> <p>The Applicant has the means to purchase the property early if an application for discretionary purchase is made by the owner, and the Applicant has visited the property to explain the application process to the owner. No application has been made by the owner, however the Applicant continues to seek acquisition by agreement.</p> <p>The property has a considerable volume of reclaimed materials currently stored within the yard area. These items are of value to the owner and the Applicant has agreed to consider hire of labour and skips to sort the materials in preparation for sale or disposal as part of the owner's claim for compensation.</p> <p>Regarding the property which is tenanted, the Applicant has worked with Bedford Borough Council (BBC) and supporting agencies to ensure the tenant was supported in their application for social housing and that their case was considered with the urgency which the circumstances of this DCO application create. This included preparing a supporting letter outlining the reasons and timescale for proposed demolition of the property and arranging direct support for filling out the application for housing.</p> <p>The Applicant has also established, with the help of BBC, a property type that typically has greater availability and relayed this information to the landowner, on behalf of the tenant. The Applicant ceased direct contact with the tenant at the landowner's request to reduce stress for the tenant. For reasons of confidentiality, the Applicant has no expectations that BBC would keep the Applicant informed with any progress on applications made for housing support by the tenant. However, through engagement with the landowner and its agent, the Applicant is aware that the</p>



No.	Directed to	Question
		<p>application for social housing has been submitted and the tenant is actively seeking alternative accommodation through this process.</p> <p>The Applicant has also outlined compensation available to the tenant to support a house move.</p> <p>C)</p> <p>The EQIA report <b>[APP-245]</b> identifies a number of positive impacts set out in the detailed assessment section under section D of chapter 2 of <b>[APP-245]</b>. However, it is acknowledged that the conclusion table does focus on the negative impacts in the summary of reasons and evidence sources. The main reasons for identifying positive impacts are therefore described below.</p> <p>The Distributional Impacts Report, Appendix F of the Combined Modelling and Appraisal Report <b>[APP-256]</b> sets out a distributional appraisal of road traffic accidents following WebTAG appraisal (Unit 4.2). This assesses the effect of changes in traffic accident and casualty rates for the most vulnerable groups including children, older people, young male drivers, motorcyclists, pedestrians and cyclists. STATS19 accident data was mapped for the study area including accidents involving vulnerable group casualties. COBALT modelling was used to estimate the change in casualties for the study area as a result of the Scheme and identified that forecast accident casualty rates will be reduced for all vulnerable groups resulting in potential positive impacts for road safety amongst those in the age and sex equality groups.</p> <p>During the operational phase, the new dual carriageway and associated improved road infrastructure will provide additional road capacity and improve vehicular accessibility for residents living in proximity to the Scheme when travelling to nearby health, community, recreational and educational facilities. This is particularly the case for residents within the villages of Tempsford, Roxton, Chawston and Wyboston, as residents often travel between villages and into the more urban area of St Neots to access such facilities and social infrastructure. Improved access to healthcare and social infrastructure is an essential component of creating sustainable, healthy communities. This is a benefit of the Scheme that can be shared by equality groups who may have a greater dependence on or need for such facilities including older people, children and young people, women, disabled people and pregnant women.</p> <p>There is clear evidence of links between environmental noise and negative health outcomes, particularly for children and older people. The Distributional Impacts Report, Appendix F of the Combined Modelling and Appraisal Report <b>[APP-256]</b> analyses information from the operational noise model to identify how noise impacts are experienced across these vulnerable groups living in the area. The overall impact on children is forecast to be beneficial with decreases in traffic noise levels for residential areas with high concentrations of children. The overall operational noise levels for older people are forecast to be slight beneficial during daytime and night-time with decreases in traffic noise in residential areas with higher concentrations of people aged 70 and over.</p>



No.	Directed to	Question
		<p>The proposed new bridge and track maintains a link for the community currently living at the Kelpie Marina site and will be usable by walkers, cyclists and horse riders. At present access is gained via the second lane of the A1. The access is far below current standards and there is no reasonable means of pedestrian or cycle access without crossing the A1. Access to Roxton for community facilities such as Roxton Primary School, the post office and bus stops (with services to Bedford and Cambridge) will be improved. Although walking distances will be increased, access to Roxton will remain within a reasonable walking and cycling journey time. The new access will also improve safety for walkers, cyclists and horse riders at Kelpie Marina as they will no longer have to directly cross the A1 northbound carriageway. Therefore, the adverse effects on the traveller community (who have been assessed under the 'race' protected characteristic) and specifically children living in this community will be minimised and there will be positive impacts with regards to safety and accessibility.</p> <p>Visitors and staff to Eltisley Manor care home have brought to the Applicant's attention the difficulty in joining the existing A428 due to high traffic volumes. As the Scheme will reduce traffic on the existing A428 the situation is expected to improve. Lower traffic volumes and reduced incidents which can cause significant delays are also expected to improve journey time reliability for visitors and medical services. This will be a benefit for residents of the care home who include older and disabled people.</p> <p>D)</p> <p>There are a number of ways in which consideration to meet the needs or requirements of individuals and groups has been given. Firstly, the Applicant has undertaken a risk assessment on all public consultation venues. This includes an accessibility checklist which identifies where additional facilities or reasonable adjustments are needed to provide accessibility for all. One-to-one meetings have been offered to individuals who are affected by the Scheme. Where possible, the Applicant has attended meetings in individual's own homes if it is difficult for them to attend a meeting elsewhere. The impacts on Affected Persons will vary depending on the nature of the impact and the characteristics of the person affected. The Applicant has attempted to come to an agreement with owners of any properties required to avoid the need for compulsory acquisition. The Applicant also provides a number of types of compensation for freeholders, leaseholders and tenants to claim when land or property is being compulsorily purchased as part of a road scheme.</p> <p>During November 2020, the owner occupier of the building on the eastern side of the A1 which is proposed to be demolished, requested a meeting to discuss compensation and acquisition. It was further agreed that this meeting be held in person due to hearing difficulties and problems using video conferencing. This meeting was arranged in a local village hall to enable personal attendance and social distancing.</p> <p>Meetings held with the owners of Kelpie Marina have taken place on site and at the Applicant's Bedford office. As one of the owners is a wheelchair user, although based elsewhere at that point the Applicant chose the building due to its</p>



No.	Directed to	Question
		<p>conveniently located disabled parking and generous lift sizes. There are no postal addresses for residents of Kelpie Marina and the owners have assured the Applicant that all project correspondence is relayed. All consultation events were published in local media and held in nearby venues.</p> <p>Engagement with the manager of Eltisley Manor Care Home took place during a period of national lockdown due to the COVID-19 pandemic. As such, a virtual meeting was held with the project management and land engagement team on the 5th January 2021 to discuss temporary closures of the A428 and diversions as a result of the Scheme. A further phone call was made to the care home manager to Eltisley Care Home by the Equalities Impact Assessment lead where the impacts of temporary closures and diversions were discussed in relation to potential effects on residents and employees. The manager confirmed that the home provided psychiatric care to all ages, this included those with severe autism and other issues. Some residents needed full-time care and others were being supported back to independent living. The manager confirmed that patients were taken out for day visits using care home transport to local towns and other destinations. Some of the patients would be distressed if they were to turn a different direction out of the driveway and therefore might be adversely affected by diversions. The care home manager stated that this could be resolved with forward planning to explain to the patients that this would be the case before setting out on the journey.</p> <p>The manager confirmed that staff and emergency vehicles would need 24 hour access and reiterated the point that they would need advanced notice of any diversions/closures to advise staff, visitors and patients accordingly. As a consequence of this engagement, Eltisley Manor has been explicitly identified in the Outline Construction Traffic Management Plan [APP-244] as requiring targeted communication of traffic diversions and road closures.</p>
<b>Q2.2</b>	<b>Air Quality</b>	
<b>Q2.2.1</b>	<b>Effects on human and ecological receptors</b>	
Q2.2.1.1	Central Bedfordshire Council	<p><b>Question:</b></p> <p><b>Sandy Air Quality Management Area</b></p> <p>In the absence of specific schemes or initiatives contained within the CBC Air Quality Action Plan 2019 - 2024 [Appendix 7, REP1-055] provided at Deadline 1, how can the effects on air quality in Sandy, as described by the Council in REP1-055 and Local Impact Report [REP2-003] be adequately mitigated?</p> <p><b>Answer:</b></p>

No.	Directed to	Question
Q2.2.1.2	Applicant	<p><b>Question:</b></p> <p><b>Future vehicle fleet</b></p> <p>The NPS NN refers to the mass roll out of electric vehicles [Paragraph 3.7]. The Applicant states it is unlikely that the Road to Zero Strategy was incorporated in the preparation of DEFRA's Emissions Factors Toolkit [REP1-022, WQ1.2.1.3]. Confirm whether it was or was not, and the implications on the Air Quality Assessment [APP-161] [APP-162], if any, in either scenario.</p> <p><b>Answer:</b></p> <p>There is no detailed information available within the Emissions Factor Toolkit (EFT) User Guide <sup>[2]</sup> to confirm whether or not the Road to Zero Strategy was included in the EFT. <i>As this is a matter of national policy, National Highways are engaging with DfT and Defra as to whether this policy is represented within the traffic fleets included within the EFT. The Applicant is awaiting a response on this point.</i></p> <p>Notwithstanding this clarification, a review of the Road to Zero Strategy indicates that it includes measures to modernise the vehicle fleet, which will increase the uptake of electric vehicles over those using petrol or diesel. This modernisation will result in lower emissions of oxides of nitrogen (NO<sub>x</sub>) and associated concentrations of nitrogen dioxide (NO<sub>2</sub>).</p> <p>Had it been the case that the Road to Zero Strategy was incorporated in the EFT, the assessment of emissions and concentrations reported in Chapter 5, Air Quality [APP-074] of the Environmental Statement emissions from the vehicle fleet in the future year would likely be lower and therefore lower NO<sub>2</sub> concentrations and smaller changes in NO<sub>2</sub> concentrations would likely have been predicted with the operational Scheme.</p> <p>Accordingly, the air quality assessment of future years reported in Chapter 5, Air Quality [APP-074] of the Environmental Statement is considered to be conservative and therefore a worst-case assessment.</p>
Q2.3	Biodiversity and Ecological Conservation	
Q2.3.1	General	
Q2.3.1.1	Local Authorities	<p><b>Question:</b></p>



No.	Directed to	Question
		No further questions at this stage.
		Answer:
<b>Q2.3.2</b>	<b>Biodiversity Net Gain (BNG)</b>	
Q2.3.2.1	Applicant Natural England Local Authorities	<p><b>Question:</b></p> <p><b>Metric for calculating BNG</b></p> <p>e) NE and LAs, please provide comments on the revised BNG assessment using the DEFRA 2.0 metric, submitted by the Applicant [REP3-012] [REP3-013].</p> <p>f) NE, LAs, Applicant, comment on the DEFRA 2.0 metric net gain of 16.48% Habitat units, the net gain of 9.96% of River units and the net loss of -31.66% Hedgerow units, in contrast to the BNG score of 20.5% using the Highways England Metric. How would you describe the overall impact of the Proposed Development on biodiversity and does this affect the ES conclusions in this regard?</p> <p>g) Applicant, in terms of the DEFRA 2.0 metric scores for Habitat units, River units, and Hedgerow units, does the Proposed Development offer opportunities for further improvements/mitigation, such as those identified in the WQ1 response by the Cambridgeshire Councils [REP1-051]?</p> <p>h) Applicant, what would the BNG score be using the DEFRA 3.0 metric?</p> <p><b>Answer:</b></p> <p>e) No response required by the Applicant.</p> <p>f) The Highways England metric combines area-based habitats (such as woodland and grassland), and linear habitats, including hedgerows and watercourses, to provide one single output of biodiversity units. In this context, the Highways England metric produced a similar outcome to that of the Defra 2.0 Mmetric (in regard to the area-based habitat unit score), a net gain of 20% using the former and a gain of 16% for the latter. These gains are largely a result of the significant increase in woodland and grassland habitat that would be introduced by the Scheme into a primarily arable agricultural landscape.</p>

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		<p>The Highways England Metric does not include a separate assessment of River units or Hedgerow units, which are calculated separately from the Habitat units in Defra 2.0 Metric. The net gain of 9.96% of River units in the Defra 2.0 Metric reflects both the generally currently poor condition of the watercourses within this landscape and the enhancement that will be achieved as part of the Scheme design. Overall, there will be a net increase in the length of hedgerows within the Scheme boundary post construction as compared with the baseline. Despite this, the Defra metric 2.0 calculates a net loss in Hedgerow units of -32%. The net loss can be explained in part due to the assessment adopting a precautionary approach which assumed that all hedgerows will be lost during construction due to uncertainty around hedgerow retention. All hedgerows within the temporary land take boundaries were assumed to be removed during the works and then reinstated following construction (treated as lost and created within the metric). This outcome is partly due to the time a hedgerow takes to develop and mature. There is potential to significantly reduce the length of hedgerows lost from temporary landtake with an associated reduction in the negative value.</p> <p>Putting the net loss in Hedgerow units derived from the Defra Metric 2.0 into perspective:</p> <ul style="list-style-type: none"> <li>• The Highways England metric, although it does not calculate hedgerows as a separate habitat category, does include hedgerows in the calculation of overall habitat biodiversity change and, despite this, there was a net gain of 20%.</li> <li>• There will be a net gain in the overall length of hedgerow of 3.4 km, an increase in 16%.</li> <li>• A significant proportion of the hedgerows that would be lost to the Scheme is of poor status.</li> </ul> <p>The outcome of these assessments is supportive of the Environmental Statement conclusions regarding the overall impact of the Scheme on biodiversity that there will be a significant gain in biodiversity (in area-based and river habitats) immediately post construction, developing over time as habitats establish and mature.</p> <p>g) The design of the Scheme has, from the outset, sought to maximise opportunities to achieve biodiversity net gain, both as reflected in the outcome of the Defra metric 2.0 assessment of habitats and watercourses/ivers as well as enhancements for individual species such as Great Crested Newt and species groups such as bats. To this end, apart from reducing the length of hedgerows lost from the temporary landtake, there is no realistic scope for further improvements such as those identified in the WQ1 response by the Cambridgeshire Councils [REP1-051]. These would require more area or replacing habitat creation which achieves maximum biodiversity gain with habitat of lesser value. Responding to the Cambridgeshire Councils' comment regarding opportunities for mitigation, having achieved a positive biodiversity gain for area-based habitats and river habitats, there is no need for further mitigation for these habitat types. Both within and beyond the Order Limits, there is opportunity to achieve further enhancements through the National Highways Designated Funds Initiatives which are being</p>



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		<p>considered include housing hives from local beekeeper associations within the Scheme through the extension of the restoration of watercourses up and downstream of the Scheme to identifying locations to extend and, or restore woodlands to strengthen the biodiversity network by increasing the size of these woodland islands and reducing the distances between them. Such initiatives would achieve a valuable synergy with the embedded biodiversity net gain within the Scheme.</p> <p>The Applicant wishes to clarify that the assessment of effects on biodiversity, and the calculation of Biodiversity Net Gain (BNG) are two separate processes.</p> <p>Although the biodiversity assessment methodology (Design Manual for Roads and Bridges LA 108: Biodiversity) applied in Chapter 8, Biodiversity [APP-077] of the Environmental Statement does not require a balancing of impacts to judge a road project's 'overall' effect on biodiversity, section 8.10 of Chapter 8, Biodiversity [APP-077] of the Environmental Statement does present a sub-section titled 'Overall effects on biodiversity'. This sub-section was included by the Applicant for the sole purpose of summarising and contextualising the BNG score calculated for the Scheme [APP-206], based on the landscape and biodiversity mitigation and enhancement measures embedded into the Scheme design, as submitted within the application.</p> <p>Whilst the revised BNG scores reported in the Biodiversity Net Gain: Defra Metric 2.0 [REP3-012; REP3-013] present updated calculated changes in biodiversity units for Habitat, River and Hedgerow units, these derive from the same mitigation and enhancement measures as those relied upon within the biodiversity assessment. As such, the updated BNG scores do not alter, change or invalidate the assessment of the biodiversity impacts of the Scheme, or the mitigation measures, already identified and reported within Chapter 8, Biodiversity [APP-077] of the Environmental Statement. Accordingly, no revisions are required to the biodiversity assessment or its conclusions.</p> <p>Opportunities that have been identified that will improve the outcome of Hedgerow units include identifying and minimising those hedgerows which, on a precautionary basis, have been assumed to be lost, notably those around those fields to be used as borrow pits and other such ancillary works. Ensuring that the calculations accurately reflect the nature of the hedgerows to be created, e.g. the length of hedgerows which are planned to have trees in them.</p> <p>h) In relation to providing the ExA with a score using the Defra Metric 3.0, the Applicant is unable to provide such a calculation for the following reasons:</p> <ul style="list-style-type: none"> <li>The use of the Defra Metric 3.0 on projects promoted by National Highways requires formal agreement from the Department for Transport (DfT). National Highways has agreed with the DfT that Defra Metric 2.0 is to be applied for consistency in accounting and reporting biodiversity change across its highway schemes and</li> </ul>

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		<p>operations during the Road Investment Strategy 2 (RIS2) period, in line with its corporate target to achieve no net loss across its activities by 2025.</p> <ul style="list-style-type: none"> <li>As noted by the Applicant in its response within the "Appendix to Q.1.3.2.1" <b>[REP1-022]</b>, there are notable differences between the Defra Metric 2.0 and 3.0 approaches and the habitat information and data required to undertake the calculations. For example: <ul style="list-style-type: none"> <li>Habitat condition scores: Defra Metric 3.0 introduces new habitat condition assessment sheets and proformas which provide a more robust way of assigning condition scores to habitats.</li> <li>Ditches: A key change from Defra Metric 2.0 to Defra Metric 3.0 is the way that ditches are assessed. Dry ditches are now included within the area-based habitats, and wet ditches (classified as wet for &gt;4 months per year) are now included as linear habitats.</li> </ul> </li> </ul> <p>To satisfy the requirements of Defra Metric 3.0, additional surveys would be necessary to accurately assess the condition of habitats and wet ditches. The release of Defra Metric 3.0 is post-dated the ecological surveys carried out to inform the Biodiversity assessment <b>[APP-077]</b>, hence these surveys did not extend to capturing and recording the necessary condition information required as input data into the metric. Accordingly, it would not be possible for the Applicant to present a meaningful, accurate and comparable calculation in the absence of this survey information. Furthermore, in its Responses to the ExA's First Written Questions <b>[REP1-088]</b> (Q1.3.2.1), Natural England recognised that the Scheme has been designed utilising a different metric and therefore may be best applied to Defra Metric 2.0, rather than the Defra Metric 3.0.</p>
Q2.3.3	Hedgerows	
		<p><b>Question:</b></p> <p>No further questions at this stage</p>
		<p><b>Answer:</b></p>
Q2.3.4	European Designated Sites	
Q2.3.4.1		<p><b>Question:</b></p>



No.	Directed to	Question
	Applicant Natural England	<p><b>Eversden and Wimpole Woods SAC</b></p> <p>ExA notes the updates provided at ISH3 <b>[EV-044]</b> and at D3 <b>[REP3-023]</b> and also notes that the substantive survey results and corresponding HRA conclusions are not expected before D6. Submit interim updates on the ongoing survey and ongoing discussion between NE and the Applicant, in particular any exploratory discussion on further mitigation and compensatory measures in response to this question and at each intervening Deadline.</p> <p><b>Answer:</b></p>
<b>Q2.3.5</b>	<b>Habit Fragmentation</b>	
Q2.3.5.1	Applicant Natural England Local Authorities	<p><b>Question:</b></p> <p>Adequacy of mitigation measures</p> <p>a) At ISH3 <b>[EV-044]</b> the Applicant made reference to five underpasses that may be suitable for bats to use to cross the Proposed Development. Applicant, indicate the locations of all these underpasses on the Environmental Masterplan [APP-091], and the associated foraging routes. Explain why they are not all referenced in the Schedule of Mitigation [APP-235, EMB – B9].</p> <p>b) Applicant, confirm whether the crossings listed in the Schedule of Mitigation <b>[APP-235, EMB – B9]</b>, together with the five underpasses, represent the full extent of mitigation measures proposed for all species of animal.</p> <p>c) NE and LAs to comment on the adequacy of measures in quantitative, qualitative, and locational terms.</p> <p><b>Answer:</b></p>
<b>Q2.3.6</b>	<b>Aquatic Environment and Biodiversity</b>	
Q2.3.6.1	Environment Agency Applicant Local Authorities	<p><b>Question:</b></p> <p>a) Mitigation measures EA, how could the various measures identified under Biodiversity in your RR <b>[RR-036]</b>, be addressed by the Proposed Development, such as by updating the dDCO or the First Iteration EMP? Applicant to</p>

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		<p>comment.</p> <p>b) Why are Penstock chambers to be provided for some but not all watercourses? Why are Penstock valves, to restrict pollutants entering drainage channels and waterbodies, not to be provided for these chambers, given the important role of these waterbodies and watercourses for biodiversity, including replacement habitat for GCNs [APP-082, Paragraphs 13.8.6 and 13.8.36, Table 13-7]?</p> <p>c) Include comments from LAs in the Joint Position Statement with the Applicant and NE on Drainage Ponds [REP3-026].</p> <p><b>Answer:</b></p> <p>a) The Applicant does not wish to comment on part a) at Deadline 4, but will respond (if necessary) at Deadline 5, based on the Environment Agency's response.</p> <p>b) The Applicant wishes to clarify that penstocks provide a prevention measure to minimise spillage event impacts; however, they do not function to provide a permanent pollution treatment measure.</p> <p>In the event of accidental spillages on the Strategic Road Network , a penstock located upstream of a pond could serve to hold back pollutants from entering the pond, but only if this is shut before the pollutants have an opportunity to enter.</p> <p>The treatment trains/measures incorporated into the Scheme drainage design for the identified drainage networks are as summarised in Table 1-1 of the Highways England Water Risk Assessment Tool (HEWRAT) assessment [APP-218]. These include an allowance for climate change in accordance with DMRB and are considered by the Applicant to be sufficient to protect the environment. Where the HEWRAT assessment [APP-218] has identified the highest risk of spillage event, a penstock has been proposed upstream of an attenuation pond. It should, however, be noted that there is sufficient allowance within the Scheme design and the Order Limits to provide a penstock at any of the proposed attenuation ponds, if required. The role of these waterbodies and watercourses for Great Crested Newt is to mitigate for the loss of terrestrial habitat along with extensive areas of grassland and woodland habitat creation, all of which is available to be used by this species outside of its breeding season. Damage to an attenuation feature would have an insignificant effect on Great Crested Newt (noting there would be no loss or damage to any waterbodies or watercourses used by Great Crested Newt for breeding as a result of the Scheme). This insignificant effect would also apply to other components of these structures including the plant species as agreed to be planted in the Joint Position Statement with the Applicant and NE on Drainage Ponds [REP3-026].</p> <p>c) Natural England and Bedford Borough Council were satisfied with the design principles and planting</p>



No.	Directed to	Question
		<p>arrangements for the attenuation ponds (basins) as circulated before and discussed at a meeting on 30 September 2021. Cambridgeshire County Council (including Huntingdonshire District Council and South Cambridgeshire District Council) and Central Bedfordshire Council attended the meeting and a copy the proposed joint statement was shared with them on 4 October 2021 for input. The Cambridgeshire authorities made two comments for the Deadline 4 submission of the Joint Position Statement with the Applicant on attenuation ponds [REP3-026] as follows:</p> <ul style="list-style-type: none"> <li>• The Cambridgeshire authorities require clarity about how attenuation pond 83 will be restored to mitigate the permanent habitat loss; and</li> <li>• The Local Authorities request that Annex A be updated with the proposed enhancements to the existing pond.</li> </ul>
<b>Q2.3.7</b>	<b>Arboreal Environment</b>	
		<p><b>Question:</b></p> <p>No further questions at this stage</p>
		<p><b>Answer:</b></p>
<b>Q2.4</b>	<b>Climate Change and Carbon Emissions</b>	
<b>Q2.4.1</b>	<b>Emissions</b>	
Q2.4.1.1	Applicant Transport Action Network	<p><b>Question:</b></p> <p><b>Assessment of effects</b></p> <p>The ES states that the Proposed Development will produce 208,380 tCO<sub>2</sub>e during construction [APP-083, Table 14-9] with an increase of approximately 3,313,499 tonnes in emissions of CO<sub>2</sub> associated with the affected road network over the 60 year appraisal period [APP-254, Paragraph 4.4.7]. The ES concludes that this will have no significant effects on Climate either during construction or operation [APP-083] [APP-085].</p> <p>a) Applicant, indicate what level of emissions would be considered significant in this context, for the Proposed Development alone and for cumulative and in-combination effects.</p>

No.	Directed to	Question
		<p>b) Applicant, how do the forecast levels of CO2 emissions compare to other RIS1 or RIS2 road schemes?</p> <p>c) Applicant, provide a comparison between the Proposed Development and other road scheme(s) where the carbon emissions have been assessed to have significant effects.</p> <p>d) Applicant, how would the expected CO2 emissions from the Proposed Development be mitigated from 2050 when the UK is committed to becoming carbon neutral [APP-083, Paragraph 14.2.4]? Explain how any uncertainties in terms of national mitigation measures linked to carbon budgets are assessed.</p> <p>e) TAN, at ISH3 [EV-047] you drew a parallel between the assessment and significance of effect of the Proposed Development on the historic environment, and the effect of carbon emissions from the Proposed Development on climate change. What evidence can you provide to the ExA to demonstrate that there is an accepted and appropriate way of drawing a parallel between the assessment methodology and significance of effects between historic environment (or any other receiving environment) and carbon emissions. Make reference to NPS NN, EIA regulations 2017 or any other Government legislation, policy document, and industry guidance and best practice.</p> <p>f) Applicant, what are the commuting routes that would inform consumer user benefits for the Proposed Development?</p> <p>g) Applicant, what are the implications of the cancellation of the Oxford Cambridge Expressway in March 2021 on the Proposed Development. Is any of the evidence that informed the decision to cancel the Oxford Cambridge Expressway relevant to the evidence supporting the need for the Proposed Development?</p>
		<p><b>Answer:</b></p> <p>a)</p> <p>b) The greenhouse gas (GHG) assessment in Chapter 14 of the Environmental Statement (Climate) [APP-083] has been undertaken in line with the guidance presented in the Design Manual for Roads and Bridges (DMRB) LA 1141 which sets out the requirements for assessing and reporting the effect on climate of greenhouse gas from construction, operation and maintenance projects.</p> <p>There are currently no agreed industry thresholds for what level of GHG emissions are considered significant in an EIA. However, the National Policy Statement for National Networks included (at 5.17) that 'for road projects applicants should provide evidence of the carbon impact of the project and an assessment against the government's carbon budgets'. Paragraph 5.18 states that any increase in carbon emissions is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of government to meet its carbon reduction targets. It</p>



No.	Directed to	Question
		<p>is therefore necessary to consider the particular assessment in any case and reach a judgement based on the emissions levels arising out of that assessment. DMRB LA114, section 3.18 states that to understand the significance of effect from a Scheme on the climate an assessment of the Scheme's emissions should be undertaken against UK government carbon budgets. This is in line with the NPS. The GHG assessment concluded that the emissions from the Scheme would represent 0.012% of the 4<sup>th</sup> carbon budget, 0.011% of the 5<sup>th</sup> carbon budget and 0.024% of the 6<sup>th</sup> carbon budget. It should be noted that while the 4<sup>th</sup> and 5<sup>th</sup> carbon budgets are aligned to the previous UK carbon target of an 80% reduction by 2050 based on 1990 levels, the 6<sup>th</sup> carbon budget aligns with the trajectory required for the UK to meet its net zero by 2050 carbon target.</p> <p>DMRB LA114 Paragraph 3.20 states that <i>"The assessment of projects on climate shall only report significant effects where increases in GHG emissions will have a material impact on the ability of Government to meet its carbon reduction targets"</i>.</p> <p>The percentage contribution of the GHG emissions reported against each carbon budget is not considered to be material in terms of the Scheme impacting the UK Government's ability to meet its carbon reduction targets. As stated in the National Policy Statement for National Networks<sup>2</sup> and reflected within National Highways LA 114<sup>3</sup>, <i>"it is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets"</i>.</p> <p>Cumulative GHG assessment is inherent within the DMRB LA 114 climate assessment methodology as it considers embedded construction and maintenance, and user tailpipe emissions. Further, the cumulative assessment considers the impact of 'different projects (together with the project being assessed)' inherently through:</p> <ul style="list-style-type: none"> <li>• inclusion of the project and other locally committed development within the traffic model</li> <li>• consideration of the project against the UK carbon budgets, which are inherently cumulative as they consider and report on the carbon contributions across all sectors.</li> </ul> <p>c)</p> <p>d) This Schemes' contribution to the UK carbon budgets is commensurate with other schemes from RIS 1 and 2.</p> <p>e) Available Development Consent Order applications for these schemes conclude they are not significant in effecting the Government's ability to meet its carbon reduction targets. For example, reported approximate budget contributions include:</p> <ul style="list-style-type: none"> <li>• A1 Morpeth to Ellingham- 0.01-0.001%<sup>4</sup></li> </ul>

No.	Directed to	Question
		<ul style="list-style-type: none"> <li>• A38 Derby Junctions- less than 0.01%<sup>5</sup></li> <li>• M42 Junction 6 Improvement- less than 0.006%<sup>6</sup></li> <li>• A1 Birtley to Coal House- 0.001-0.005%<sup>7</sup></li> </ul> <p>The recent court case of R (Transport Action Network Limited) v Secretary of State for Transport and Highways England Company Limited (2021) EWHC 2095 (Admin) stated:</p> <p><i>"I see no reason to question the judgment reached by the DfT that the various measures of carbon emissions from RIS 2 were legally insignificant, or de minimis, when related to appropriate comparators for assessing the effect on climate change objectives." (Paragraph 159)</i></p> <p>Therefore, the High Court has concluded that the total amount of carbon emissions from schemes listed in RIS2 is <i>de minimis</i> in the context of appropriate comparators for assessing the effect on climate change objectives.</p> <p>f)</p> <p>g) To date, there have been no individual road schemes where GHG emissions calculated using current assessment methods and guidance have been determined to be significant in their ability to affect the Government in meeting its carbon reduction targets.</p> <p>h)</p> <p>i) By 2050 GHG emissions from the Scheme will mainly consist of those from road users with the remaining emissions coming from maintenance. The Applicant anticipates that road user emissions will decrease in line with the targets and commitments presented in DfT's Transport Decarbonisation Plan (TDP). Figure 2, page 45 of the TDP provides a projection for the reduction of UK domestic transport emissions from 2019 to 2050 based on the commitments in the plan. By 2050, it is forecasted that emissions from UK transportation will decrease to somewhere between 0 and 10 MtCO<sub>2</sub>e per annum. It is assumed that the Scheme's emissions would reduce in line with these reductions.</p> <p>In July 2021, National Highways also published its own 2030/2040/2050 net zero highways plan. This plan includes commitments to ensure that NationalHighways corporate emissions become net zero by 2030, its maintenance and construction activities will become net zero by 2040.</p> <p>Any residual emissions arising from 2050 onwards will need to be removed from the atmosphere using greenhouse gas removal processes or using other accepted offset methods if the UK is to meet its net zero target by 2050. Strategies and technologies are still being developed as to how the UK will remove and off set residual emissions so it is not possible to say with any certainty exactly how GHG emissions will be mitigated from</p>



No.	Directed to	Question
		<p>2050. Page 46 of the TDP notes however that "Where positive emissions remain in transport sectors these will need to be offset by negative emissions elsewhere across the economy". It is further stated on page 127 of the TDP "Carbon offsetting enables individuals and organisations to compensate for any emissions they cannot avoid or reduce by ensuring an equivalent amount of emissions is reduced or removed elsewhere. These emissions savings are generated through the implementation of a wide variety of projects, which range from planting trees and installing solar panels, to technologies which can capture and store atmospheric carbon, such as Bio-Energy with Carbon Capture and Storage (<b>BECCS</b>) and Direct Air Carbon Capture and Storage (<b>DACCS</b>). To meet net zero across the economy, any residual greenhouse gas emissions in 2050 must be offset. This includes any remaining emissions from transport."</p> <p>The Climate Change Committee, in their Sixth Carbon Budget Report<sup>8</sup>, have developed a number of exploratory scenarios that reach Net Zero emissions by 2050 in quite different ways, illustrating the range of pathways that are currently available and the level of uncertainty in achieving net zero. The five economy wide scenarios presented are each based on varying degrees of uptake with regard to a reduction in car journeys, reductions in meat and dairy consumption, caps on annual air passenger travel, tree planting, grid electricity costs and a switch from natural gas to hydrogen. Varying degrees of uptake for natural and engineered greenhouse gas removals (GGRs) are also considered in the scenarios.</p> <p>j) DfT's Transport Decarbonisation Plan sets out a number of mitigation measures to decarbonise UK transportation in line with the net zero by 2050 target. Uncertainty has been acknowledged at the following section in the plan.</p> <p>It is stated on page 17 of the TDP that <i>"Given the rate of technological advancement and uncertainty in the precise mix of future zero emission solutions, and the probability of significant changes in travel behaviour over the years ahead, this plan cannot precisely plot each individual step to fully decarbonising transport modes over the next 30 years. It does however set out a series of actions and timings that will decarbonise transport by 2050 and deliver against carbon budgets along the way"</i>.</p> <p>Page 44 further states, <i>"Over time, we will continue to develop and refine the range of policies and proposals set out in this plan to ensure that the transport sector fulfils its contribution to our legally binding climate targets"</i>.</p> <p>On page 45 it is noted in terms of the decarbonisation reduction targets that: <i>"Where feasible, uncertainty in projections reflects uncertainty on policy design, GDP, fuel prices, trip rates, and historic volatility in emissions."</i></p> <p>The assessment of greenhouse gas emissions presented in the Climate Chapter of the Environmental Statement <b>[App-083]</b> has not taken into account any of the mitigation measures, however uncertain, presented in the TDP. The climate change assessment is therefore considered to present a worse case scenario in terms of greenhouse gas emissions.</p>

No.	Directed to	Question																		
		<p>k) The Applicant notes this question from the ExA to TAN. We are not aware of any such parallel between the assessment methodology and significance of effects between historic environment and carbon emissions.</p> <p>However, all topic chapters are prepared in line with the requirements and advice in the Design Manual for Roads and Bridges relating to environmental assessment. These requirements are set out in line with the EIA regulations. Schemes are determined in line with the NPSNN.</p> <p>l) Commuter trips in the A428 Traffic model are represented within one of 5 separate user classes. These are defined in the main Combined Modelling and Appraisal (ComMA) report <b>[APP-250]</b> at section 3.3.12 as:</p> <table border="1"> <thead> <tr> <th>User Class</th><th>Vehicle Class</th><th>Purpose</th></tr> </thead> <tbody> <tr> <td>1</td><td>1</td><td>Car Employer's Business</td></tr> <tr> <td>2</td><td>1</td><td>Car Commuting</td></tr> <tr> <td>3</td><td>1</td><td>Car Other Purposes</td></tr> <tr> <td>4</td><td>2</td><td>Light Goods Vehicles</td></tr> <tr> <td>5</td><td>3</td><td>Heavy Goods Vehicles</td></tr> </tbody> </table> <p><i>Table 1: Model User Classes and Vehicle Classes</i></p> <p>Traffic routes for each user class are determined through assigning traffic on to the model network based on 'minimum cost.' The calculation of trip cost is a combination of travel time and distance, referred to as generalised cost. The assignment is an iterative process allowing all traffic, encompassing all user classes, to interact as happens in the real world.</p> <p>The time and distance parameters, referred to as route choice coefficients, were determined based on monetary values given in WebTAG and published in the WebTAG Data Book. These are given in Table 3-2 of <b>[APP-250]</b>. In this way, trips are assigned to routes which reflect drivers' perceptions of costs depending on journey purpose.</p> <p>The geographical coverage of the strategic traffic model was defined so as to cover all potential re-routing effects as a result of the Scheme. Checks were undertaken to verify that assigned routes were realistic for selected origin-destination pairs and validation against observed traffic levels by vehicle type and journey times.</p>	User Class	Vehicle Class	Purpose	1	1	Car Employer's Business	2	1	Car Commuting	3	1	Car Other Purposes	4	2	Light Goods Vehicles	5	3	Heavy Goods Vehicles
User Class	Vehicle Class	Purpose																		
1	1	Car Employer's Business																		
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3	1	Car Other Purposes																		
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5	3	Heavy Goods Vehicles																		



No.	Directed to	Question																		
		<p>The Transport User Benefits Appraisal (TUBA) program assesses benefits arising from cost changes between a Do-Minimum Scenario (without Scheme) and a Do-Something Scenario (with Scheme). This takes account of changes in traffic routeing which would occur as a result of the Scheme. The assessment is undertaken for each origin-destination pair using trip matrices and time and distance skims from the model assignment.</p> <p>Cost changes include vehicle journey times, vehicle operating costs and indirect tax revenues and are calculated separately for Business Users and Consumer Users. Consumer Users include:</p> <ul style="list-style-type: none"><li>a. People travelling for “other” purposes (i.e., not business or commuting).</li><li>b. Commuters, who are also classed as consumers as they are travelling in their own time, not that of their employers.</li></ul> <p>Total road user benefits were reported in Table 5-5 of the Combined Modelling and Appraisal Report as follows:</p> <table><tr><th>Road User</th><th>Total</th></tr><tr><td>Consumer User:</td><td></td></tr><tr><td>Commuting</td><td>134,167</td></tr><tr><td>Other</td><td>264,693</td></tr><tr><td><b>Net Consumer</b></td><td><b>398,860</b></td></tr><tr><td>Business User:</td><td></td></tr><tr><td>Personal</td><td>133,699</td></tr><tr><td>Freight</td><td>139,926</td></tr><tr><td><b>Net Business</b></td><td><b>273,625</b></td></tr></table>	Road User	Total	Consumer User:		Commuting	134,167	Other	264,693	<b>Net Consumer</b>	<b>398,860</b>	Business User:		Personal	133,699	Freight	139,926	<b>Net Business</b>	<b>273,625</b>
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No.	Directed to	Question								
		<table><tr><td>Present Value of Transport Economic Efficiency Benefits</td><td>672,485</td></tr></table> <p>Table 2- Transport Economic Efficiency Benefits (£000s Discounted and Deflated to 2010)</p> <p>In relation to the Examiners specific question, commuter trips fall within the consumer user classification. For this, the benefit to commuter traffic was assessed as £134.167 million and represents about 20% of the total net transport economic efficiency benefits of £672.485 million.</p> <p>Chapter 4 of [APP-250] identified some of the main changes in traffic flows predicted as a result of the Scheme. In particular, within the immediate vicinity of the Scheme, Figure 4-8 of [APP-250] compared predicted daily flow changes at 2040 between the Do-Minimum (without Scheme) and Do-Something (with Scheme) scenarios. This showed substantial decreases predicted in traffic for the Do-Something scenario on a number of key routes between main conurbations including:</p> <ul style="list-style-type: none"><li>○ The existing A428 between St Neots and Caxton Gibbet.</li><li>○ A603/B1042 between Sandy and Cambridge.</li><li>○ B1040 and minor roads between Biggleswade and Caxton Gibbet.</li><li>○ A603 and minor roads between Bedford and St Neots &amp; Sandy.</li></ul> <p>Since the TUBA assessment is undertaken at matrix level, i.e., calculated for each origin-destination pair, it is possible to determine the spatial distribution of benefits. The Economic Appraisal Report [APP-254] presented the spatial distribution of benefits aggregated to a 21-sector system as Table 4-8. This approach has been adopted to extract commuter benefits for sector-to-sector movements which would broadly include the routes identified above. These are assessed as follows:</p> <table><tr><td>Routes:</td><td>Benefit to Commuters</td></tr><tr><td>Between Cambridge (Sector 1) &amp; St Neots (Sector 4)</td><td>£14.388M</td></tr><tr><td>Between Cambridge (Sector 1) &amp; Bedford (Sector 7)</td><td>£10.096M</td></tr></table>	Present Value of Transport Economic Efficiency Benefits	672,485	Routes:	Benefit to Commuters	Between Cambridge (Sector 1) & St Neots (Sector 4)	£14.388M	Between Cambridge (Sector 1) & Bedford (Sector 7)	£10.096M
Present Value of Transport Economic Efficiency Benefits	672,485									
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No.	Directed to	Question				
		<table><tr><td>Between St Neots (Sector 4) &amp; Bedford (Sector 7)</td><td>£9.093M</td></tr><tr><td>Total</td><td>£33.576M</td></tr></table> <p>Table 3- Benefits to Commuters for Selected Routes (£000s Discounted and Deflated to 2010)</p> <p>Thus, consideration of these sector-to-sector movements alone, for which the Scheme is predicted to provide substantial relief along key routes identified above, accounts for a benefit to commuters of £33.576M. This represents about 25% of the total net benefit to commuters of £134.167M. There would also be benefits to longer distance movements e.g., between Milton Keynes and Cambridge for which an improved A428 would afford an improvement on journey times.</p> <p>Total net commuter benefits are of course derived across the whole network for all origin-destination pairs, but this simply provides an example of benefits afforded to commuter traffic for specific sector to sector movements.</p> <p>It is considered that the specification of demand data disaggregated by 5 user classes and the assignment process by user class (referred to as a multi-user class assignment) provides a sound basis to inform on both consumer and non-consumer user benefits. The assessment is consistent with DfT TAG guidance.</p> <p>m) <b>Definition of the Oxford to Cambridge Expressway</b></p> <p>Although referred to as the Oxford to Cambridge Expressway, the main deliverable of this Scheme was a new high-quality road link between the A34 south of Oxford and the M1 near Milton Keynes. It was intended to improve transport connectivity within the Oxford to Cambridge Arc, which is designated by the Government as a key priority for economic growth and investment.</p> <p><b>Reason for Cancellation</b></p> <p>National Highways developed and assessed the costs and benefits of a number of route options for a high-quality road link between Oxford and Milton Keynes. The project was cancelled following extensive analysis and local engagement that was unable to identify options for the route that would be cost-effective for the taxpayer.</p> <p>At the time of cancellation the Department for Transport stated that it would investigate the need for more targeted road interventions in the area, recognising the vital role that transport investment has to support sustainable growth in the Oxford to Cambridge Arc, as noted by the National Infrastructure Commission.</p> <p><b>Implications for the A428 Scheme</b></p>	Between St Neots (Sector 4) & Bedford (Sector 7)	£9.093M	Total	£33.576M
Between St Neots (Sector 4) & Bedford (Sector 7)	£9.093M					
Total	£33.576M					

No.	Directed to	Question
		<p>The scheme and the Oxford to Cambridge Expressway have separate business cases and the cancellation of the proposed Expressway has no bearing on the need, or the economic case, for the Scheme. The Government remains committed to the Scheme for reasons of safety, connectivity, community and economic growth benefits.</p> <p>For traffic modelling and economic assessment purposes, other proposed transport schemes require a specified degree of certainty in proceeding to be included within the forecasting process. As the Expressway did not meet that certainty criteria it was not included in the Scheme forecasting.</p> <p>The economic benefits calculated for the Scheme are therefore not dependent upon completion of the Oxford to Cambridge Expressway and are unaffected by cancellation of that project.</p> <p><b>Relevance of evidence informing decision to cancel to supporting need for the Scheme</b></p> <p>The decision to cancel the Oxford to Cambridge Expressway was driven primarily by consideration of value for money, as noted in the Secretary of States announcement (link provided)The evidence used to inform the decision to cancel comprised the cost benefit analysis to determine the Benefit to Cost Ratio and hence value for money of the project.</p> <p>The main difference between the Scheme and the Oxford to Cambridge Expressway is that the Scheme is targeted to solving local traffic congestion and capacity problems at Black Cat and along the A428 corridor. By contrast one of the main objectives of the Expressway was to support new housing development.</p> <p>It should be noted that at the time of the announcement of cancellation of the Oxford to Cambridge Expressway, the Government re-affirmed it's<u>its</u> committed to the A428 Black Cat to Caxton Gibbet Scheme that offers safety, connectivity, community and facilitates economic growth.</p>
Q2.4.2	Climate Change Adaptation	
		<p><b>Question:</b></p> <p>No further questions at this stage</p> <p><b>Answer:</b></p>
Q2.5	Compulsory Acquisition and Temporary Possession	



No.	Directed to	Question
<b>Q2.5.1</b>	<b>Compulsory Acquisition schedule</b>	
Q2.5.1.1	Applicant	<p><b>Question:</b></p> <p><b>Schedule of all agreements, negotiations and objections</b></p> <p>In response to CAH1 Action 7b <b>[REP3-018]</b> provide an update on all agreements, negotiations and objections to the grant of CA or TP powers, in line with the modified template provided in Annex A.</p> <p><b>Answer:</b></p> <p>The Applicant has submitted an updated Compulsory Acquisition Objections Schedule (CAOS) <b>[TR010044/EXAM/9.4v2]</b> in line with the modified template at Deadline 4. As agreed, this schedule now covers all those land interests who have submitted an objection to the project along with all other freehold interests.</p>
<b>Q2.5.2</b>	<b>Protective Provisions</b>	
Q2.5.2.1	Statutory Undertakers Applicant	<p><b>Question:</b></p> <p><b>Protective Provisions</b></p> <p>a) Comments are invited from relevant Statutory Undertakers with respect to the updates provided in Statutory Undertakers Progress Schedule Rev 1 <b>[REP1-036]</b> and the update at CAH1 <b>[EV-024]</b> to <b>[EV-031]</b>. Comments may be provided by way of confirmation of the update that is expected to be provided by the Applicant at D4.</p> <p>b) Applicant, in light of the augmenting of the resources at the DVS <b>[REP3-018]</b>, Appendix B] respond to the representations by Anglian Water <b>[REP3-031]</b> and provide an update.</p> <p><b>Answer:</b></p> <p>The Applicant confirms that a meeting was held with Mr Steve Shelford of Savills, as agent for Anglian Water Services Ltd, on 12 October 2021. The meeting was held in response to the concerns raised by Anglian Water Services Limited over access arrangements to existing property and assets owned by Anglian Water during construction and post completion of the A428 Black Cat to Caxton Gibbet improvements scheme (the Scheme).</p>

No.	Directed to	Question
		<p>The Applicant confirmed that it would maintain access to the Chawston-Wyboston Water Recycling Centre and the land and reservoir to the south-east of Rectory Farm Cottage and west of Potton Road throughout the construction of the works or provide alternative access arrangements.</p> <p>The Applicant further advised that in some instances it may be necessary to restrict access for limited periods, however, the Applicant would seek to minimise the number and duration of any such restrictions as far as reasonably practicable and the Principal Contractor would liaise with Anglian Water to ensure that such disruption is minimised.</p> <p>The Applicant also confirmed that irrespective of the foregoing, the Principal Contractor would maintain emergency access at all times to both sites throughout the construction of the works.</p> <p>At the meeting with Mr Shelford <u>Savills</u>, the Applicant provided further detail on the Scheme proposals in the areas of the Water Recycling Centre and the existing reservoir. The Applicant explained that at both locations the Scheme would not directly impact on or alter the existing access arrangements to these facilities.</p> <p>In the case of the Water Recycling Centre, the existing access to the Anglian Water facility is via the Wyboston Services area. The Applicant explained that the Scheme would not alter the existing access via the Wyboston Services, and it was accepted that this would continue to provide appropriate access for Anglian Water.</p> <p>The Applicant has formerly written to Anglian Water Services Ltd to confirm all of the above matters.</p>
<b>Q2.5.3</b>	<b>Affected Persons' site specific issues</b>	
Q2.5.3.1	Applicant Davison and Co (Great Barford) Ltd The Church Commissioners of England	<p><b>Question:</b></p> <p><b>Different types of agreements</b></p> <p>ExA sought clarification at the CAH1 [EV-024] to [EV-031] on the difference between several terms that had been used in the various representations: such as options agreement, voluntary agreement, lease agreement and heads of terms. Provide the explanation in writing, the sequence in which these agreements might be reached during the DCO process and their status in the DCO process, clearly identifying which would be considerations in the Examination, and which would be negotiated outside the scope of the Examination. Or signpost where this explanation can be found [REP3-021].</p> <p><b>Answer:</b></p> <p>All of the following types of agreement listed would be a relevant consideration in the Examination. Their status in the DCO process would be that of evidence on whether the Applicant has taken reasonable steps to acquire all of the</p>



No.	Directed to	Question
		<p>land and rights included in the Order by agreement in accordance with best practice set out in government guidance on the CPO process.</p> <p><u>Heads of Terms</u></p> <p>A Heads of Terms document sets out the salient terms of a commercial transaction agreed in principle between parties in the course of negotiations. In the present case, agreement of Heads of Terms would constitute an agreement in principle to the transfer of/or exercise of compulsory acquisition powers or temporary possession powers in relation to the land or rights required for the Scheme.</p> <p>The discussion and agreement of Heads of Terms is sometimes discounted in favour of the exchange and discussion of more detailed legal documents from the outset, which will normally be drafted by a conveyancer/solicitor and be closer to the final documents that would be legally binding once completed. If Heads of Terms are discussed prior to the issue of full draft legal documents, they are first in the sequence of documents listed above by the ExA in Q2.5.3.1.</p> <p>Heads of Terms evidence serious intent but do not legally compel the parties to conclude the deal on those terms or at all. However, provisions relating to confidentiality and costs may be binding on the parties.</p> <p>Once Heads of Terms are agreed between the parties, more detailed legal documents are normally then drafted by a Conveyancer/Solicitor and subject to further discussion by the respective legal teams.</p> <p><u>Option Agreement</u></p> <p>The term Option Agreement in this context denotes a legally binding agreement that affords the prospective buyer or Option Holder – the Applicant, in exchange for an option fee, the option to call for the permanent acquisition of land or rights over land and/or to call for temporary possession or a lease of land required for the Scheme, either by serving a notice on the landowner, or the Affected Party raising no objections to the Acquiring Authority exercising its compulsory powers under the DCO in accordance with the Option Agreement.</p> <p>In some cases, Heads of Terms will be agreed before a more detailed draft Option Agreement is discussed. However, in many cases where the procedure and issues involved are straightforward and similar to that on other schemes, a more detailed Option Agreement will be issued at the outset rather than Heads of Terms. Site specific issues can then be incorporated into the agreement.</p> <p>The Heads of Terms stage is generally more useful where the requirements and outcomes sought by each party are more unusual and where they are fundamentally different to the normal approach such as for a lease of borrow pit land, where a more bespoke procedure and legal agreement is required.</p>

No.	Directed to	Question
		<p>Where land is being acquired permanently the Applicant has issued a draft Option Agreement to the relevant parties and has asked for feedback as to whether the terms within that agreement are acceptable, or where additional terms are required, to set these out in a supplementary set of Heads of Terms. Where land is to be used as a borrow pit the Applicant has issued Heads of Terms for a lease agreement for negotiation to the relevant land owners.</p> <p><u>Lease Agreement</u></p> <p>A Lease Agreement allows for the grant of a leasehold interest to the tenant under a contract, and confers usage and control rights to the tenant for the duration of lease. In this context, a Lease Agreement will often be preceded by an Option Agreement, whereby what is agreed is an option to call for a lease (in an agreed form) of the land required when the Scheme proceeds.</p> <p><u>Voluntary Agreement</u></p> <p>All of the above would constitute a form of Voluntary Agreement, whereby the landowner agrees to a transfer of/or exercise of powers in relation to the land or rights required for the Scheme voluntarily as opposed to the Applicant relying on the proposed powers of compulsory acquisition and/or temporary possession included in the dDCO [REP1-003] without the landowner's agreement.</p>
Q2.5.3.2	Applicant	<p><b>Question:</b></p> <p><b>Guidance related to procedures for the CA of land</b></p> <p>In light of the several representations that make the case of lack of engagement from the Applicant outside of the Examination, can you convince the ExA that you have sought to acquire land by negotiation wherever practicable, in line with the guidance related to procedures for the CA of land. Provide a general justification, and specific justification for the cases set out below.</p> <p><b>Answer:</b></p> <p>As requested by the ExA, this response provides a summary explanation regarding how the Applicant continues to seek to acquire land by negotiation wherever practicable, in line with the guidance related to procedures for the Compulsory Acquisition (CA) of land. The response to this question provides the general justification that the ExA was seeking. The site specific justification is set out in the responses to Second Written Questions (SWQs) Q2.5.3.3; Q2.5.3.4; Q2.5.3.5; Q2.5.3.6; Q2.5.3.7; and Q2.5.3.8.</p> <p>The Applicant does not agree with the representations that have been made that it is not engaging with landowners to reach agreement on the acquisition of land. The Applicant began engaging with Interested Parties in September 2020</p>



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		<p>and continues to do so as set out in the Compulsory Acquisition Schedule [TR010044/EXAM/9.4]. There are a number of reasons why agreement has not been reached and negotiations are continuing. In summary these are:</p> <ul style="list-style-type: none"> <li>• Landowners are not interested in entering into voluntary agreements.</li> <li>• Landowners are still considering whether it is to their benefit to enter into a voluntary agreement.</li> <li>• Landowners have questions or concerns that cannot be answered until the final design is available, and without that level of detail are not prepared to enter into voluntary agreements.</li> <li>• Landowners are prioritising discussions about how their interests will be affected during construction and access/trade will be maintained rather than acquisition.</li> <li>• Landowners have been unwilling to engage constructively with the Applicant, some making demands for values over and above the open market value of their interest.</li> </ul> <p>The Applicant continues and will continue to engage with all parties willing to discuss acquisition by agreement.</p> <p>The Planning Act 2008: guidance related to procedures for the compulsory acquisition of land (September 2013) explains at paragraph 8 that the applicant should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored. Paragraph 25 goes on to explain that applicants should seek to acquire land by negotiation wherever practicable. As a general rule,</p> <p>authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail. Where proposals would entail the compulsory acquisition of many separate plots of land (such as for long, linear schemes) it may not always be practicable to acquire by agreement each plot of land. Where this is the case, it is reasonable to include provision authorising compulsory acquisition covering all land at the outset.</p> <p>The starting point therefore, is that this is a complex linear scheme, involving multiple landowners (and a number of unregistered land interests along its route, as identified in the Statement of Reasons [APP-030], table 4.1). The guidance explains that in linear schemes it is reasonable to include provision authorising compulsory acquisition covering all of the land at the outset. However, the Applicant has recognised the need to attempt to acquire land outside the compulsory acquisition process and continues to do so.</p> <p>The Statement of Reasons (SoR) [APP-030], in section 4.9 explains that the Applicant has engaged with all category 1 landowners, leaseholders and occupiers with a view to acquiring their land interest by agreement by writing to them to inform them of the Applicant's willingness to negotiate to acquire the land by agreement, and to invite dialogue at</p>



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		<p>that point. Letters were sent to all landowners in September and October 2020 to enquire as to whether these parties were willing to enter into discussions with the Applicant for the acquisition by agreement of the land required for the Scheme. Meetings have been held or arranged with all landowners who have expressed a wish to engage with the Applicant to agree terms for voluntary acquisition of the required land. The Applicant's preferred method of acquisition by agreement is by option agreement and a draft option agreement setting out the Applicants initial terms together with individual land plans has been shared with all parties who responded positively to the initial enquiries to acquire by agreement. Discussions are ongoing with all landowners who are willing to enter into an option agreement. This option agreement would be exercisable when the Scheme proceeds.</p> <p>The negotiations have been ongoing and continue where the Affected Persons are willing to engage in discussions with the Applicant and its agents. As stated in the Applicant's response to Action Point 7(b) in the Compulsory Acquisition Hearing on 27 September 2021 [REP3-018], an updated Compulsory Acquisition Objections Schedule (CAOS) has been submitted to the Examination at Deadline 4, that will contain the details of all freeholders contained in the Book of Reference [APP-032] along with an update on negotiations and objections raised through any submitted Relevant Representation and Written Representation. This will identify progress being made in respect of the Applicant obtaining land by agreement with the individual landowners</p>
Q2.5.3.3	The Executors of N A Alington National Farmers Union Applicant	<p><b>Question:</b></p> <p><b>Proposed Overbridge Specification at the Little Barford Estate</b></p> <ul style="list-style-type: none"> <li>a) Executors of N A Alington and NFU, provide justification with reference to other NSIP schemes and relevant policies, that the future proofing of the overbridge and other similar provisions is a reasonable request from the Applicant [REP3-025].</li> <li>b) Applicant, confirm that the proposed overbridge is equivalent to the current access, and would accommodate vehicle width of 4.3 meters? While you have stated that the overbridge width requested by the Executors of N A Alington is not justified, are you able to accommodate the request for the purpose of future proofing to accommodate changes in farming practices.</li> <li>c) Executors of N A Alington, the ExA acknowledges the need to accommodate changes in farming practices; however, explain how equivalent capacity would leave you worse off.</li> <li>d) Applicant and Executors of N A Alington, provide an update on the negotiations, which the ExA notes are ongoing, including a view from both parties if the capacity of the bridge (as proposed) can be changed or increased should the need arise in the future.</li> </ul>



No.	Directed to	Question
		<p><b>Answer:</b></p> <p>Response</p> <p>b) The proposed overbridge included within the application is 4.7m wide and greater than the width of the existing track.</p> <p>The Applicant is not able to future proof to accommodate anticipated changes in farming machinery size as an increase in size is not assured, and the flexibility of future technologies undetermined. The Applicant is not satisfied that future proofing of the form proposed is necessary or appropriate. Additionally, the Applicant considers that provision in excess of existing facilities in as sought in this case would go beyond the principle of equivalence which underlies the payment of compensation and is beyond that which the Applicant is required and therefore funded to provide. The Applicant has received a proposal to develop the land and create a new junction and therefore concludes that the future use of the land as agricultural is not certain.</p> <p>d) Further discussions have been held with the Executors' agent on 21 October 2021 and the design of the bridge and current operational farming requirements were discussed. The Applicant is currently reviewing the design of the bridge as discussed at that meeting on 21 October 2021 and the Applicant is considering whether an alternative width is deliverable as a compromise between the two parties. The Executors' Agent is also considering an alternative width is acceptable to their Client.</p> <p>In terms of negotiations on acquisition by agreement, the Applicant held a meeting with the Executors' Agent on 25 January 2021. The Executors' Agent set out that due to a volatile market it was not in their interests to enter into discussions regarding acquisition at this stage. However, the Applicant still wishes to seek to acquire by agreement should the Executors wish to re-engage.</p>
Q2.5.3.4	Duncan and Maxine Buchanan Applicant Bedford Borough Council	<p><b>Question:</b></p> <p><b>Dove House Farm, The Lane, Wyboston</b></p> <p>The ExA has surmised from the evidence presented so far by Duncan and Maxine Buchanan [REP1-061] to [REP1-072] [REP3-046] [REP3-047] that they have concerns in two broad areas: lack of justification for the private loss of land and the lack of meaningful negotiations; and the alternative proposal that they believe could reduce the effect of the Proposed Development on their land specifically. ExA notes the Applicant's justification and responses [APP-030, Annex A] [REP1-062] [REP3-008].</p> <p>a) Applicant, provide further justification in line with CA guidance that for the relevant plots of land (2/8 various, and</p>



No.	Directed to	Question
		<p>2/9a) all reasonable alternatives to CA, including modifications to the scheme, have been explored.</p> <p>b) Duncan and Maxine Buchanan, we note that the private loss of your land would affect the development opportunity on your land [REP1-062]. Are there other ways in which your business and home life would be affected?</p> <p>c) Duncan and Maxine Buchanan, the Applicant has provided the purpose for which your land is required to deliver the Proposed Development in the Statement of Reasons [APP-030, Annex A] and in response to your WR [REP3-008]. In your most recent submission [REP3-046] [REP3-047] you have stated that you remain unconvinced by the Applicant's justification. Taking account of the Applicant's responses so far, explain with reasons if you still believe the Applicant's specified uses for which they seek to acquire your land to be excessive.</p> <p>d) Duncan and Maxine Buchanan, the ExA notes that your alternative proposal would require more land than the Proposed Development, effecting other properties especially on The Lane, Chawston Lane, and Nags Head Lane, and have other effects [REP3-008, Points a-h]. Provide your response.</p> <p>e) Applicant, respond to the concerns regarding light pollution and loss of hedgerows [REP3-046] [REP3-047].</p> <p>f) Applicant, provide details and context (if any) of the objections raised by Nags Head Lane Residents [REP3-046]. What is BBC's view on the alternative highway proposals put forward by the Duncan and Maxine Buchanan, including the changes proposed to Roxton Road Bridge [REP3-046] [REP3-047].</p> <p><b>Answer:</b></p> <p>a) The Applicant's comments on the WSP Technical Note in relation to the Roxton Road Link [TR010044/EXAM/9.52] provides details of the alternatives that have been considered in the development of the Roxton Road Link. This demonstrates that all reasonable alternatives and modifications have been explored in the development of the design of the Roxton Road Link. The Applicant believes that the design as submitted uses the least amount of land as is reasonably practicable, whilst addressing the need to provide new and safe access to those residents and businesses who are affected by the closure of access onto the A1 northbound carriageway between The Lane, Wyboston and Black Cat roundabout.</p> <p>All of the options considered required the acquisition of land, the Applicant wrote to the interested party on 18 September 2020 offering a meeting to commence discussions towards a private agreement to secure the land and rights in land sought by the project – this would avoid the need and be an alternative to the compulsory acquisition of the land. The Applicant issued a further letter on 29 June 2021 to offer discussions for negotiations around a private agreement. Confirmation has been received via email expressing a willingness to</p>



No.	Directed to	Question
		<p>engage. A meeting was held with their agent on 16 August 2021. The draft Option Agreement has also been shared with Duncan and Maxine Buchanan.</p> <p>Discussions are ongoing, but currently centre around design changes rather than acquisition. The next design meeting will be held on 11 November 2021.</p> <p>b) for Duncan and Maxine Buchanan</p> <p>c) for Duncan and Maxine Buchanan</p> <p>d) for Duncan and Maxine Buchanan</p> <p>e) The Applicant believes that the references to light pollution stems from concerns raised by residents on Nagshead Lane to the concept design (the concept design being the design that was tabled at a non-statutory consultation held in December 2018 at Wyboston Village Hall). The new Roxton Road Link will not be lit and any light will therefore be limited to transient lights from passing vehicles. The references to loss of hedgerows relates to the differences between the concept design and the Scheme design, where the concept design may have resulted in less hedgerow loss than the Scheme design, but due to safety concerns the concept design was not taken forward and the alternative design, i.e. the Scheme design was developed .</p> <p>f) No formal objections have been raised by Nagshead Lane residents. Comments were made during a non-statutory consultation held in December 2018 at Wyboston Village Hall that tabled the concept design of the Roxton Road Link to local residents and businesses. The details of the event are set out within Appendix C Roxton Road link information event [APP-036] of the Consultation Report and paragraphs 2.3.24 - 2.3.27 of the Consultation Report [APP-033] itself. The comments received were generally positive although some concerns were raised as set out in [APP-036] and [APP-033] and discussed below.</p> <p>Whilst there was a general understanding of the need to close the accesses to the A1, residents on Nagshead Lane and the bungalows to the north that front the A1 near The Lane were concerned about noise, visual impact and light pollution of a new road to the rear of their properties. Following the non-statutory consultation, the concept design was reviewed and amended in order to remove a straight section of road either side of Chawston Lane that would have encouraged higher vehicle speeds. The effect of this was to move the new road further away from Nagshead Lane, which addressed some of the concerns about noise and visual impact. The issue of light pollution arose from a perception that the new road will be lit, which is not the case, and this has been communicated via the Statutory and Supplementary Consultations carried out in 2019 and 2020. Refer to the Applicants comments on the WSP Technical Note in relation to the Roxton Road Link [TR010044/EXAM/9.53] for comparison of the concept design versus the Scheme design.</p>



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		g) for Bedford Borough Council
Q2.5.3.5	Applicant Travelodge Hotel Limited	<p><b>Question:</b></p> <p><b>Travelodge Hotel Limited</b></p> <p>a) Applicant, in light of the augmenting of the resources at the DVS [REP3-018, Appendix B] respond to the representation by Travelodge Hotels [REP3-052] and provide an update.</p> <p>b) Applicant and Travelodge Hotels Limited, explain with reference to relevant legislation and policies, if the Compulsory Purchase Association Land Compensation Claims Protocol or any part of it is relevant to the ExA's consideration and recommendation to the SoS.</p> <p><b>Answer:</b></p> <p>a) and b) The Compulsory Purchase Association's claims protocol (see Appendix Q2.5.3.5 of this document) is a non-binding protocol but one which is considered best practice to follow in the context of compensation claims involving compulsory acquisition. It is primarily aimed at compensation claims submitted post exercise of compulsory acquisition powers. It is not government policy and is not as Travelodge state in its "Deadline 3 Submission - Post-hearing submission for Compulsory Acquisition, including written submission of oral case" [REP3-052] "<i>guidance on what reasonable attempts to acquire an interest by agreement looks like</i>". However, insofar as the document broadly advises that parties should exchange sufficient information to understand each other's positions and discuss those positions thoroughly and constructively, the Applicant has sought to engage in this manner whilst also having regard to "Planning Act 2008 - Guidance related to procedures for the compulsory acquisition of land" and "Guidance on Compulsory purchase process and The Crichel Down Rules".</p> <p>The Applicant has engaged with Travelodge's advisor in seeking to acquire by agreement. This began in August 2020. It had been agreed between the parties that it would be nearly impossible to value a hotel in the then current market as the leisure sector had effectively been shut down by the Covid-19 pandemic. The valuation of the interests in the land are very much led by the valuation of the business. The Applicant requested trade information from Travelodge in June 2021 to be able to undertake a valuation and make an offer. That information has not yet been forthcoming. Whilst the Applicant cannot commit to early acquisition of the interest ahead of the decision on the Order it has proposed and supplied in early September 2021 a draft option agreement.</p> <p>The Applicant requested prior to the first Compulsory Acquisition hearing (held on 22 September 2021) supporting evidence from Travelodge in order for the Applicant to make an offer but has still not received this information. Taking</p>



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		<p>all of this into account the Applicant considers that it has actively sought to reach agreement for acquisition by agreement and looks forward to receipt of the accounting information from Travelodge to progress this further.</p> <p>The Applicant is cognisant of the requirement to pay compensation in accordance with the Compensation Code to landowners in the event of compulsory acquisition and has budgeted for this accordingly in respect of all the land and rights required for the Scheme.</p> <p>As noted above the Applicant has commenced discussions with Travelodge to seek to determine the appropriate amount of compensation by making a request to Travelodge in a meeting held on 15 June 2021 for their trading information for the Hotel premises in relation to the years immediately preceding what will become the valuation date. This trade information is an essential part in agreeing the appropriate market value under Rule 2 of section 5 of the Land Compensation Act 1961 and the appropriate amount of compensation for the Hotel land. The RICS Valuation – Global Standards, effective from 31 Jan 2020, states in Valuation Practice Guidance - Application 4: The Valuation of Individual Trade Related Properties:</p> <p>“1.6. The valuer should emphasise within the report that the <i>valuation</i> is assessed having regard to trading potential and <b>should refer to the actual profits achieved</b>. If the trading potential and/or the actual profits vary, there could be a change in the reported value.” [emphasis added]</p> <p>The Applicant does not consider it would be appropriate or reasonable for it to provide a valuation as suggested in representation [REP3-052] submitted on behalf of Travelodge Hotels until after this essential trade information has been provided.</p>
Q2.5.3.6	Applicant Bedford Borough Council	<p><b>Question:</b></p> <p><b>Land to the South and East of the current Black Cat roundabout</b></p> <p>a) Besides the written and oral submissions regarding these matters, the ExA notes that the effect of the Proposed Development and negotiations regarding safeguarding the development of this land has been addressed in principle in the SoCG with Bedford Borough Council [REP1-012]. Provide an update on these discussions with greater detail on specific pending issues. Parties may choose to report on matters in principle in the SoCG and the Schedule of all agreements, negotiations and objections (Annex A), and provide a more detailed report in the separate Joint Position Statement.</p> <p>b) Are you likely to reach agreement before the close of the Examination?</p> <p><b>Answer:</b></p>

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		<p>a) The Applicant is currently drafting Heads of Terms for Bedford Borough Council's agent to consider and has given a commitment to issue this by 5 November 2021.</p> <p>The following pending issues were tabled for discussion at the meeting between the Applicant and Bedford Borough Council held on 2 November 2021.</p> <ol style="list-style-type: none"> <li>1. Requirements timings for land BBC needed for highway</li> <li>2. Breedon's Quarry</li> <li>3. Land requirements pursuant to BBC's request that BBC's retained freehold title abuts the new adopted highway.</li> <li>4. Flood compensation</li> <li>5. Statement of Common Ground</li> <li>6. Plots 3/3b &amp; 3/3c</li> <li>7. Future land use</li> </ol> <p>The outcome of these discussions have been reflected in the Statement of Common Ground (SOCG) submitted at Deadline 4.</p> <p>b) At this stage, it is difficult to say with any certainty if agreement will be reached regarding the Bedford Borough Council's development intentions as the Applicant has not received any further details from the Council regarding its proposal to assess. Information submitted by the Council to the Examination is conflicting; Deadline 1 submissions <b>[REP1-043]</b> suggest the site will only draw existing traffic already passing through the junction, whilst Deadline 3 submissions <b>[REP3-033]</b> suggest a sustainable employment development. The Applicant will continue to engage with the Council to clarify its proposals.</p> <p>Conclusion of the Heads of Terms is achievable within the Examination period if parties can reach agreement. The Applicant will also continue to engage with all landowners on acquiring land by agreement where Interested Parties are willing to negotiate by the end of the Examination period.</p>
Q2.5.3.7	Applicant Davison and Co (Great Barford) Ltd	<p><b>Question:</b></p> <p><b>Farmland at Caxton Gibbet</b></p> <p>a) Applicant, is it reasonably possible to return the land to its original condition after the purpose for which it is being</p>



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		<p>acquired has been completed?</p> <p>b) If the landowners agree to the land being returned in a materially changed condition, can the Applicant consider TP rather than CA? What conditions would need to be imposed in this case and how would those conditions be secured?</p> <p>c) Davison and Co (Great Barford) Ltd, respond to the above questions as relevant, and to the Applicant's case [REP3-018, Point 6].</p> <p>d) Provide an update on the negotiations relating to the Voluntary Agreement.</p> <p><b>Answer:</b></p> <p>a) The land will not be returned to its original condition because the original substrate beneath the soil profile will have been removed for use on the Scheme and replaced with material excavated from the Scheme that is not suitable for use for engineering purposes within the Scheme. The exception is in plot 14/16a where the project has agreed with the landowner not to replace the excavated material but instead to reinstate the soil profile at a lower level. Prior to the main borrow pit works commencing the original soil resources (normally to a depth of 1.2m but to be confirmed by soil surveys) will be stripped and stored whilst the borrow pit works are being undertaken and thereafter following completion of those works the soil will be replaced on the land, replicating the original soil conditions so that the land can return to its original agricultural use. There may be a requirement to replace agricultural drainage systems beneath the restored soil profile. This is the same process that occurs with the restoration of mineral sites to agricultural use where by following good practice in handling and storing soils the surface can be restored to a similar quality and condition that originally found.</p> <p>b) The Applicant is exploring the possibility of reaching an agreement to use this land under a short-term private lease arrangement, subject to it being a suitable alternative and provide the Applicant with the rights necessary to carry out the works. Please see the update provided in response to part d) of this question.</p> <p>The Applicant however maintains the position that all land within Plot 14/16a, including the borrow pit land should remain in the Order as Permanent Acquisition, due to the nature of the works proposed on the land and the extent to which it will be materially altered. To impose material changes on a landowner through temporary possession powers and expect the land to be returned to the landowner in a materially changed condition would not be acceptable, therefore permanent acquisition is required.</p> <p>Furthermore, although the land will be materially altered by extraction, the Applicant does not consider that it will be constructing permanent works on this land, so it would be required to reinstate under the current provisions for</p>



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		<p>temporary possession included in the DCO if relied upon. This requirement would be incompatible with the intended use of the land and the extent to which it will be materially altered.</p> <p>Also, alternatives to compulsory acquisition (CA), including covenants, options and leases, are contractual documents, the terms of which could be breached through non-compliance. CA powers need to be provided within the DCO in relation to the entirety of the route for the Scheme, should the contractual arrangement of an option or lease be breached by a landowner and therefore potentially fall away and no longer apply. If the required CA powers were not available, the Scheme could be prevented from being constructed and delivered, despite the DCO being made.</p> <p>c) This is for Davison and Co (Great Barford) Ltd to respond to.</p> <p>d) Meetings have been held between the Applicant and the landowner where commitments were made to consider the occupation of this borrow pit land under a lease agreement. Discussions have been held with the landowner's representative and Heads of Terms for a lease agreement have been shared with the landowner on 7 October 2021. A query was received later that same day and responded to via a telephone conversation. The landowner's representative is seeking client instruction. A further email was sent on 20 October 2021 seeking an update from the agent. The landowner's agent responded to the Applicant via email on the 2 November 2021 to say that the amended Heads of Terms would be shared with the Applicant by the close of play on the 3 November 2021. The Applicant is still awaiting the amended Heads of Terms. Negotiations relating to the permanent acquisition of land are also ongoing and the landowner is currently reviewing the draft option agreement.</p>
Q2.5.3.8	Applicant The Church Commissioners of England	<p><b>Question:</b></p> <p><b>Land near Caxton Gibbet</b></p> <p>The ExA notes several outstanding issues remain unresolved, many of which are being examined across the Proposed Development and not just relating to the land in question here [REP3-044]. The ExA seeks clarification on some matters that specifically effect the land owned by CCE.</p> <p>a) CCE, identify where in the Statement of Reasons you require further detail [APP-030, Annex A]?</p> <p>b) Applicant, respond to the concerns raised regarding Plots 13/10c and 13/10d and the landowner not being able to identify which land will be affected or assess the impact on its land. CCE provide further details.</p> <p>c) CCE, which specific accesses effect your land?</p> <p>d) Parties may choose to report on matters in principle in the Schedule of all agreements, negotiations and</p>



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		<p>objections (Annex A), and provide a more detailed report in the separate Joint Position Statement.</p> <p><i>Refer to related question(s) in Highways – network and structures</i></p> <p><b>Answer:</b></p> <p>b) The Applicant can confirm that land plot 13/10c and 13/10d (now renumbered in the revised Land Plans <b>[TRO10044/APP/2.2 (Rev 2)]</b> submitted at Deadline 4 - 13/14c and 13/14d) are required for the following items as shown on Sheets 13 and 13B of the 2.3 - Works Plans (Part 2) <b>[APP-010]</b> and Schedule 1 of the draft Development Consent Order <b>[APP-025]</b>:</p> <ul style="list-style-type: none"> <li>• Work No. 98b - construction of the private access track.</li> <li>• Work No. 99 - diversion underground of the overhead electricity cable.</li> <li>• Work No. 103 - diversion of an underground water pipeline.</li> <li>• The limits of deviations associated with the above works.</li> </ul> <p>The plots have been renumbered due to a change in ownership and the updated details were issued to the Church Commissioners for England on 14 October 2021. The Applicant has followed the National Highways plot numbering system where the first number relates to the sheet prefix, the second number relates to landowners/certain combination of landowners, and the letter relates to how many plots they have on each sheet. In this case, the Applicant has changed the second number as ownership has changed to the Church Commissioners for England.</p> <p>The majority of the land within land plots 13/10c and 13/10d (now renumbered in the revised Land Plans submitted at Deadline 4 - 13/14c and 13/14d) are associated with Work No. 99, the diversion underground of the existing overhead electricity cable. At present, the Applicant does not have assurance from the Statutory Undertaker of the detailed design of this diversion and therefore, as with the design of the overall scheme the Applicant seeks the acquisition of permanent rights on these plots to ensure that the diversion can be delivered in accordance with a detailed design that will be confirmed by the statutory undertaker. The potential impacts of works in this area have been assessed and presented in the application. As part of detailed design the Applicant will seek to refine the extent of acquisition of permanent rights once the detailed design of the utility diversion is known. It is not the Applicant's intention to acquire rights beyond what is necessary and should the detailed design result in a smaller area being required the Applicant will only seek acquisition over the smaller area. The</p>

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		landowner will be consulted on these proposals at the appropriate time, especially as the electricity cable connects to the farm.
Q2.5.3.9	Applicant Bedford Borough Council Historic England	<b>Question:</b> <b>Brook Cottages</b> <i>Refer to related question(s) in Historic England</i>
		<b>Answer:</b> Please refer to the Applicant responses to the questions set out in section 2.12.2 - Brook Cottages.
<b>Q2.6</b>	<b>Construction methods and effects</b>	
<b>Q2.6.1</b>	<b>Approach to construction and proposed programme</b>	
Q2.6.1.1	Applicant	<b>Question:</b> <b>Construction programme</b> The ExA notes that the Principal Contractor has been appointed to deliver the Proposed Development (subject to SoS approval) and that the Applicant intends to widen the hours of working [REP1-022, WQ1.11.7.8], from that previously stated in the OCTMP [APP-244]. In light of these matters do the responses regarding construction programme [REP1-022, WQ1.6.1.2] remain extant?
		<b>Answer:</b> The OCTMP [APP-244] has been updated for resubmission at Deadline 4. Various changes have been made to it in light of comments received during the Examination, including clarification of the timing of road closures at weekends. The original OCTMP did infer, in sections relating to the Black Cat, Cambridge Road and Caxton Gibbet junctions, that weekend closures would be necessary and this has now been made clear in Tables 3.1 and 3.4 of the revised OCTMP. The Applicant's response to Q1.11.7.8 (a) [REP1-022] also explained that full road closures would be required both overnight during the week and over full weekends for specific activities, and the OCTMP submitted at Deadline 4 has therefore been updated to reflect this.



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		The construction programme was developed on the basis that full weekend closures would be required and therefore remains extant and no changes or updates to the construction programme as presented in Table 2-3 in Chapter 2, The Scheme of the Environmental Statement [APP-071] are required. The Applicant has also reviewed the previous responses to Q1.6.1.2 (a) to (e) and can confirm that those responses still accurately reflect the position. To summarise, a time risk allowance (contingency) has been included in the construction programme given the preliminary design stage and the Environmental Statement assumes, as a worst case, that all construction activities will take place after the grant of development consent. Therefore, it is considered unlikely that the overall duration of the construction period will extend beyond the period set out in the construction programme.
<b>Q2.6.2</b>	<b>Borrow pits, construction compounds, waste management</b>	
Q2.6.2.1	Local Authorities National Farmers Union The Church Commissioners of England Applicant	<p><b>Question:</b></p> <p><b>Borrow pits</b></p> <ul style="list-style-type: none"> <li>a) LAs, NFU and CCE, comment on the Borrow Pits Excavation and Restoration Report [REP3-011] and provide a list of issues relating to size and location, alternatives such as any working quarries, restorations and aftercare, biodiversity, and land contamination that remain outstanding.</li> <li>b) Applicant, tabulate all the issues raised regarding borrow pits from the LAs, CCE, NFU and any other IPs, and provide your summary responses to each issue, with signposts to details that are elsewhere in your submissions. Cover the issues raised regarding environmental effects, as well as the CA and TP related matters.</li> <li>c) Applicant, how will the detail contained within the Borrow Pits Excavation and Restoration Report [REP3-011] be secured.</li> <li>d) Applicant, confirm how the Borrow Pits Optioneering Report [APP-246] would be secured in the dDCO.</li> <li>e) Applicant, provide details and a specific update here on the possibility of plots affected by borrow pits to be secured by lease.</li> </ul> <p><b>Answer:</b></p> <ul style="list-style-type: none"> <li>b) The Applicant has summarised the issues raised in relation to borrow pits from various parties and how the Applicant has responded. For further details with regards to signposts to the relevant parts of the application and examination documents, please refer to the table in Appendix to Q2.6.2.1</li> </ul>

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		Topic	Interested Party	Summary of main issues from Interested Party	Applicant Response
		Compulsory Acquisition of Land	Carter Jonas LLP on behalf of Davison & Company (Great Barford) Limited  Church Commissioners of England  National Farmers Union	The Affected Party is not convinced that there is adequate justification in accordance with the relevant sections of the Planning Act 2008 for the compulsory acquisition of the land use for borrow pits. The Affected Party seeks to enter into an agreement with the Applicant for the temporary possession by way of a lease agreement for the borrow pit land.	The Applicant has used permanent acquisition to manage landowner expectations regarding the quality of the land once returned. However the Applicant is willing to discuss temporary occupation of land required for the borrow pit and is exploring the possibility of reaching an agreement to use this land under a short term private lease arrangement, subject to it being a suitable alternative and providing the Applicant with the rights necessary to carry out the works.
		Technical Approval	Cambridgeshire County Council	Cambridgeshire County Council seek Technical Approval on the detailed design of the borrow pits including any drawings, appendices and schedules.	The Applicant does not consider a technical approval by Cambridgeshire County Council for the detailed design of the borrow pits is necessary. These borrow pits are temporary in nature and will be returned to agricultural use. The management of the borrow pits are dealt with through the iterations of the Environmental Management Plans for which Cambridgeshire County Council are a consultee.
		Local Policy	Cambridgeshire County Council	Cambridgeshire County Council seek amendment to the borrow pit proposals to meet local policy, especially in relation to their restoration and aftercare.	The Applicant notes the response from the Cambridgeshire authorities. The borrow pits will be restored to agricultural land that is similar in quality to the present and the soils managed and handled in line with Annex E of the First Iteration Environmental Plan [APP-234]. While the NPSNN requires applicants to show how the project has taken advantage of opportunities to conserve and



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					enhance biodiversity (in paragraph 5.23), there is no policy requirement for individual components of a Nationally Significant Infrastructure Project to each provide biodiversity gains. Through discussion with landowners, it has been established that the preferred method of borrow pit restoration is to agriculture.
		Construction Programme	Cambridgeshire County Council	Cambridgeshire County Council seeks an agreement for activities undertaken by the Mineral and Waste Planning Authority in relation to the borrow pits. These activities include the review, approval, and monitoring of the borrow pits.	The Applicant is of the view that a separate agreement is not necessary and the Council's involvement will be governed by the Environmental Management Plan process as secured by requirements 3 and 4 of the draft Development Consent Order (dCO) [REP1-003].
		Request for further information	National Farmers Union Church Commissioners of England	The Affected Party and the National Farmers Union would like to see further information regarding volume, depth, material and restoration of the borrow pits.	The Applicant has prepared further information in relation to the borrow pits, which includes reference to (but is not limited to) the environmental assessment, excavation methodology, restoration of the borrow pits and the amount of soil to be removed from each borrow pit. This information is reported in 9.24 Borrow Pits Excavation and Restoration Report [REP3-011] submitted at Deadline 3.
		Alternatives Considered	National Farmers Union Church Commissioners of England	The Affected Party and the National Farmers Union seeks details on the alternatives considered for the borrow pits.	Details of the reasoning and borrow pit site selection strategy and process is provided in the Borrow Pits Optioneering Report [APP-246].

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		Extent of Land	Church Commissioners of England	The Affected Party does not consider that the extent of land used for borrow pits has been adequately justified	The Applicant considers that larger and shallower borrow pits offer a more efficient means of material extraction than a smaller but deeper borrow pit. Shallower extraction allows for simpler management of groundwater and safer maintenance of cutting slopes. The intention is to return all of the borrow pits to agricultural use and this is simpler and more effective with shallow excavations. The larger borrow pit area will help mitigate associated risks with the quantities of unsuitable material encountered within the borrow pit and the quantities of available backfill material won from the Scheme.
		Book of Reference	Church Commissioners of England	The Affected Party seeks an update to the Book of Reference following the acquisition of the borrow pit land being registered at the Land Registry	The Applicant notes the changes to Land Registry which have been incorporated into the updated Book of Reference [TR010044/APP/4.3 v2], submitted at Deadline 4.
		Compliance with local policy regarding the environment	Cambridge authorities Bedford Borough Council	<p>The Affected Parties do not consider that local policy and criteria regarding borrow pits has been adhered to in relation to detail required in planning applications and information on remediation and future use.</p> <p>The Affected Parties consider that another condition should be put into the dDCO to ensure local policy is complied with.</p>	<p>The Applicant reminds the Affected Parties that the National Policy Statement for National Networks (NPSNN) refers to applicants and decision makers giving due regard to policies set out in local plans (paragraphs 5.203 and 5.211) and the siting of the borrow pits has been optimised to the Scheme to minimise the effects of transporting fill material to site.</p> <p>Specifically, with regard to detail required in relation to the application. The borrow pits are an integral part of the Scheme and assessment of the Scheme has involved the</p>



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					<p>use of construction parameters associated with the borrow pits and suitable mitigation has been identified based on these assessments.</p> <p>Specifically relating to local plans in the Joint Cambridge Authorities area, the MWLP was published in July 2021. .</p> <p>The Applicant does not agree that a further Requirement needs to be added to the dDCO [APP-025] in relation to meeting local policy. The restoration of the borrow pits would be managed in accordance with the details provided in the First Iteration Environmental Management Plan [APP-234], the content of which is secured through Requirements 3 and 4 of the draft DCO [REP1-003].</p>
		Consideration of the borrow pits in the Environmental Statement	<p>Cambridgeshire authorities</p> <p>Bedford Borough Council</p>	The Affected Parties do not consider the excavation, working and remediation of the borrow pits have been adequately described within the chapters of the Environmental Statement.	Chapter 2, The Scheme [APP-071] of the Environmental Statement presents details of how the borrow pits will be formed, worked and restored as part of Scheme construction. The Applicant has prepared further information in relation to borrow pits. This information is reported in the Borrow Pits Excavation and Restoration Report [TR010044/EXAM/9.24], submitted at Deadline 3.
		Biodiversity	<p>Cambridgeshire authorities</p> <p>Natural England</p>	The Affected Parties have assessed the borrow pits proposed "may not be the most sustainable solution" and that consideration should be given to incorporating biodiversity and green infrastructure enhancements into the borrow pit restoration schemes to deliver benefits for people, wildlife and produce Biodiversity Net Gain.	<p>The Applicant wishes to confirm there is no policy requirement within the NPSNN for transport-related nationally significant infrastructure projects to deliver Biodiversity Net Gain.</p> <p>The Applicant had been in discussions with landowners regarding borrow pit restoration and it has been concluded that the preferred method of borrow pit restoration is to return</p>

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					the land back to the original landowners for agricultural uses. This is in agreement with the National Farmers Union where land not required for the operation of the Scheme or essential mitigation will be restored and returned to its former use.
		Landscape and Visual	Bedford Borough Council	The Affected Party has identified setting impact assessment on designated heritage assets contained within Chapter Six of the Environmental Statement (Cultural Heritage) would benefit from illustration of the impacts through viewpoints from and across (i.e. with the scheme in the background of an overall view of the asset) the affected assets towards the scheme and from the scheme towards the assets.	The Applicant wishes to clarify that visualisations are only intended for use for visual receptors or where the extent of an impact is unclear. The assessment of visual impacts has been informed by evidence recorded through site visits, taking into consideration topography and existing screening. It also takes into account the contribution that views make to the understanding and appreciation of assets, in line with current guidance.
		Noise and Vibration	Bedford Borough Council Brown & Co on behalf of D.H.T. Limited Brown & Co on behalf of Neal Gerard Doherty Cambridgeshire Authorities	The Affected Parties do not believe that the working of the borrow pit has been considered in the noise and vibration assessment.  The Affected Parties do not agree with how the noise and vibration assessment has been completed and the mitigation which has been proposed as a result.  The Affected Parties seek further information on the construction noise and vibration effects of the Scheme.  The Affected Parties seek to move the borrow pits because of the noise and vibration effects that will result from their working.	The Applicant confirms the excavation and backfilling of borrow pits has been included in the predictions of construction noise presented within Chapter 11, Noise and Vibration [APP-080] of the Environmental Statement. As stated in Chapter 11, Noise and Vibration [APP-080], the assessment has been completed in line with the methodology proposed in the Design Manual for Roads and Bridges because the borrow pits are part of the Scheme, are presented, along with information relating to construction in Chapter 2, The Scheme [APP-071] and this assessment has demonstrated that activities at the borrow pits are not a direct source of potentially significant construction noise effects at nearby receptors. Annex B Noise and Vibration Outline Management Plan of the First Iteration Environmental



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					<p>Management Plan [APP-234], sets out the generic measures which will be used by the contractor to control noise and vibration during the construction phase. These generic measures will be expanded upon to determine any additional specific mitigation measures to be applied to individual construction activities or receptors.</p> <p>The Applicant has prepared further information in relation to borrow pits. This information is reported in the Borrow Pits Excavation and Restoration Report [TR010044/EXAM/9.24], submitted at Deadline 3.</p> <p>No mitigation is proposed regarding the possible re-siting of borrow pits due to the robust process of site selection, appraisal and evaluation process which is described in the Borrow Pits Optioneering Report [APP-246].</p>
		Dust	<p>Bedford Borough Council</p> <p>Brown &amp; Co on behalf of D.H.T. Limited</p> <p>Brown &amp; Co on behalf of Neal Gerard Doherty</p> <p>Cambridgeshire Authorities</p>	<p>The Affected Parties do not agree with how the dust assessment has been completed in relation to both on and off site effects resulting from dust generated in the borrow pits.</p> <p>The Affected Parties seek further information on the effects of dust resulting from the use of borrow pits as part of the Scheme.</p> <p>The Affected Parties request further clarification regarding how mitigation is secured in the second iteration EMP.</p>	<p>The methodology used to complete the air quality assessment presented in Chapter 5, Air Quality [APP-074] is in line with the Design Manual for Road and Bridges. Within this methodology, a risk assessment is completed to identify the appropriate mitigation measures required for the Scheme. The dust mitigation measures for the Scheme, including the borrow pits are set out in the Dust Management Plan in Annex A of the First Iteration Environmental Management Plan [APP-234].</p> <p>The Applicant has prepared further information in relation to borrow pits. This information is reported in the Borrow Pits</p>

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					Excavation and Restoration Report [TR010044/EXAM/9.24], submitted at Deadline 3.
		Material Assets and Waste	Cambridgeshire Authorities Church Commissioners of England	<p>The Affected Parties require further detail on approach to backfilling borrow pits is required.</p> <p>The Affected Parties are not convinced the proposals contain any assessment to establish if it may be more sustainable to acquire the required materials from local quarries, and aid in their restoration by disposing of inert materials at those locations, including an assessment of the impact of the timing of extraction from the borrow pits on local quarries.</p>	<p>The approach to backfilling borrow pits is outlined in Chapter 2, The Scheme [APP-071] of the Environmental Statement. The Applicant identified that using borrow pits would likely reduce some of the environmental impacts associated with construction of the Scheme, however it was recognised that this was also likely to temporarily increase environmental impacts in the local area. Although additional land would be required, the use of borrow pits would reduce the need to transport construction materials, leading to a reduction in construction traffic on public and local roads and associated reductions in fuel use and vehicle emissions. The reasoning for this decision and borrow pit site selection strategy has been provided in application document 7.6 - the Borrow Pits Optioneering Report [APP-246]. Section 2.2 [APP-246] sets out the strategic context regarding the need for and sourcing of earthworks materials for construction of the scheme. At paragraph 2.2.3, it outlines the alternatives that were considered and states that the relative performance of the three strategic buildability options considered. At paragraph 2.2.4 of [APP-246] concludes that borrow pits and mitigation bunds providing storage of fill material would be adopted by the project team into the overall approach to scheme delivery.</p> <p>In Chapter 3, Assessment of Alternatives [APP-072] of the Environmental</p>



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					Statement, within Table 3-5: Location of borrow pits, there is an assessment of the borrow pit options.
		Geology and Soils	Bedford Borough Council  Cambridgeshire authorities	The Interested Parties have identified that for borrow pits to be acceptable from a landscape perspective, the soil structure must not be overly compacted and the DEFRA Code of Practice for the Sustainable Use of Soils on Construction Sites should be quoted within the Methodology which emerges in more detailed design work which outlines the method for reinstating sub and topsoils without excessive compaction and how to repair overly compacted soils.	The Applicant refers to paragraphs 2.6.289 and 2.6.291 in Chapter 2, The Scheme [APP-071] of the Environmental Statement which states that the proposals for restoration of the borrow pits would be completed at the detailed design phase. The Applicant can also confirm that paragraph 1.3.2 of Annex E Soil Handling and Management Plan within the First Iteration Environmental Management Plan [APP-234] states that topsoil management will adhere to the Defra Code of Practice for the Sustainable Use of Soils on Construction Sites.
		Groundwater	Natural England Cambridgeshire Authorities	The Interested Parties acknowledge that groundwater monitoring is ongoing and concerns have not been fully addressed.	The Applicant considers that qualitative and quantitative assessment of potential impacts on groundwater and other sensitive water receptors from cuttings and borrow pits has been adequately assessed.  The Applicant has prepared an addendum Groundwater Risk Assessment Technical Note to address outstanding groundwater-related issues relating to deep excavations including cuttings and borrow pits.
		Cultural Heritage	Bedford Borough Council Cambridgeshire Authorities Historic England	The Interested Parties are concerned that a holistic approach should be taken in relation to the impact of cultural heritage setting in relation to the borrow pits and that cultural	The Applicant has presented a holistic approach to cultural heritage assessment in Chapter 6, Cultural heritage of the Environmental Statement [APP-075] and the mitigation presented for all cultural heritage sites (not just those in the borrow pits) has

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				heritage sites will be removed as a result of the borrow pits	been based on the results of various evaluation phases, including desk-based research, analysis of aerial photographs and LIDAR, geophysical survey and evaluation excavation.
		Cumulative Effects	Bedford Borough Council Cambridgeshire Authorities National Farmers Union (NFU) Church Commissioners of England	The Interested Parties consider the Borrow pits are considered to be virtual quarries/landfill sites and can have similar environmental impacts, there needs to be a description of how a site will be worked and restored in order to assess any impacts. The Interested Parties consider the borrow pits have not been considered as part of the cumulative assessment and the works and associated haul routes need to be properly controlled from the outset.	The Applicant can confirm that the Development Consent Order application includes a thorough and comprehensive description of the preliminary design of the Scheme, as set out in Chapter 2, The Scheme [APP-071] of the Environmental Statement. As part of the Scheme, the borrow pits are considered within all assessments within the Environmental Statement, including Chapter 15, Assessment of Cumulative Effects [APP-084].
		Further assessment outside of the DCO process	Bedford Borough Council	The Affected Party not have a clear view as to whether there would be further assessment of borrow pits in the Second Iteration EMP.	The Applicant confirms that no further environmental assessments will be undertaken to inform the Second Iteration Environmental Management Plan. The environmental assessment has considered, fully, the impacts of the proposed borrow pits as part of the Scheme and therefore these sites and operations do not need to be considered within a cumulative assessment. The formation, operation and management of the borrow pits and haul routes will be included and detailed in the management plans as listed within the First Iteration Environmental Management Plan [APP-234]. The Applicant is unable to provide the site-specific details, as such details would not be available until detailed design stage.



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		Controls and Measures within the First and Second Iteration EMP regarding borrow pits	Cambridgeshire Authorities  Bedford Borough Council	The Affected Parties consider there should be borrow pit specific measures within the First Iteration EMP and that they should have a greater role in the approval of measures within the Second Iteration EMP.	<p>The Applicant can confirm the mitigation measures identified within the First Iteration Environmental Management Plan [APP-234] inform both general construction practices associated with the Scheme and by extension the excavation and operation of the borrow pits. The First Iteration Environmental Management Plan [APP-234] will be used as the mechanism to control any environmental effects relating to borrow pit activities; however, the detail of these measures will be subject to further development and refinement as part of the Second Iteration Environmental Management Plan, subject to the Scheme being consented.</p> <p>The restoration of borrow pits is secured through requirements 6 and 12 of the draft Development Consent Order (dCO) [REP1-003].</p> <p>Articles 3(1) of the draft Development Consent Order (dCO) states "Not to commence any part of the authorised development until the Second Iteration EMP in relation to that part has been submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and the relevant local highway authority" and 3(2) states "the authorised development must be constructed in accordance with the Second Iteration EMP".</p>
		c) The Borrow Pits Excavation and Restoration Report [REP3-011] was intended to assist stakeholders in understanding how the borrow pits had been considered in the application by bringing together all relevant information. As such the information contained in the report has already been secured in the draft DCO [REP1-003] and the First Iteration Environmental Management Plan [APP-234]. For example, the environmental controls			

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		<p>are set out and secured within the First Iteration Environmental Management Plan <b>[APP-234]</b> and the locations of the borrow pits are identified and secured within the Works Plans <b>[APP-009 and APP-010]</b> and Schedule 1 of the draft DCO <b>[REP1-003]</b>. The Applicant would welcome clarification from the Panel as to what details from the Borrow Pits Excavation and Restoration Report <b>[REP3-011]</b> need to be secured.</p> <p>The Applicant therefore considers that controls related to borrow pits are already secured in the draft DCO <b>[REP1-003]</b> and related control documents and as a result the Borrow Pits Excavation and Restoration Report <b>[REP3-011]</b> does not itself need to be secured.</p> <p>d) The Applicant does not intend to secure the Borrow Pits Optioneering Report <b>[APP-246]</b> in the draft DCO <b>[REP1-003]</b>. The report is a factual document that sets out the process undertaken to identify suitable sites for the location of the borrow pits, taking into account a number of criteria and to provide evidence that alternative sites have been considered. The locations of the borrow pits are shown on the Works Plans <b>[APP-009 and APP-010]</b>. It is the Applicant's view that there are no additional measures contained within the Borrow Pits Optioneering Report <b>[APP-246]</b> that need to be secured.</p> <p>However, if the Panel disagrees with this view, the Applicant would welcome clarification from the Panel as to what details from the Borrow Pits Optioneering Report <b>[APP-246]</b> need to be secured.</p> <p>e) The Applicant can confirm that Heads of Terms have been issued to all Interested Parties with land located where borrow pits are proposed. The Heads of Terms include details such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• the parties involved (landlord and tenant)</li> <li>• their representatives</li> <li>• definitions of the property the lease will cover</li> <li>• the length or term of the lease</li> <li>• whether there are any mechanisms to extend the lease past this initial term, any break clauses, the rent</li> <li>• the rent payable and how often or when it will fall due (e.g. quarterly in advance)</li> <li>• who will be responsible for any outgoings</li> <li>• who is responsible for repairs</li> <li>• what the property is permitted to be used for</li> </ul>



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		<ul style="list-style-type: none"> <li>• whether there are any service charges</li> <li>• whether the lease can be assigned to a 3<sup>rd</sup> party or sublet</li> <li>• what alterations to the property are permitted</li> <li>• what insurance is required by each party</li> <li>• what indemnities can be provided</li> <li>• who will be responsible for legal and professional costs</li> <li>• whether the land is opted to tax or VAT is payable</li> <li>• what conditions the lease is subject to, for instance planning consent</li> </ul> <p>If agreement is reached between the parties on the Heads of Terms the formal legal document is drafted by the solicitors based on the agreed Heads of Terms. Further negotiations would take place regarding the exact wording of the legal document. Where the granting of a lease is subject to conditions an Agreement for Lease can be entered into, which is a contractual and enforceable agreement between the parties that a lease will be entered into once those conditions are satisfied. Once the formal lease document is agreed between the parties it is reported to the relevant parties, for instance the Land Registry, HMRC etc.</p> <p>Details of negotiations between the Applicant and relevant parties are as outlined below:</p> <p><b>Davison &amp; Company (Great Barford) Limited</b></p> <p>The Applicant has drafted Heads of Terms for a Lease agreement with Davison &amp; Company on 7 October 2021. This was followed up with a phone call to their agent who confirmed receipt. Further discussions were had regarding the leasehold rent. The agent is to seek client instruction. This was followed up with a further phone call on 15 October 2021, but there was no response. A further phone call was made to the agent on 22 October to discuss progress on the Heads of Terms. These were being reviewed and discussed with the client and a response is anticipated week commencing 1 November 2021.</p> <p><b>Church Commissioners for England</b></p> <p>The Applicant has shared a draft option agreement for the permanent acquisition of land with the Church Commissioners for England on 14 September 2021.</p> <p>In addition, the Applicant has shared the Heads of Terms incorporating the lease agreement for the land to be used as borrow pits on 7 October 2021.</p>

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		<p>The Church Commissioners for England responded on 21 October, and the Applicant is currently considering this response and will be responding back in a timely manner.</p> <p><b>DHT Limited</b></p> <p>An initial meeting was held with the landowner's agent to discuss the occupation of the borrow pit land under a lease agreement on 5 October 2021. The Applicant issue Draft Heads of Terms to the landowner on 7 October 2021. A follow up email was sent on 20 October 2021.</p> <p>To date there has been no response from the landowner on these Heads of Terms.</p> <p><b>Russells</b></p> <p>An initial meeting was held with the landowner's agent on the 14 September 2021. The Applicant issued Draft Heads of Terms to the landowner on 7 October 2021. A chaser email was sent on the 20 October 2021. Contact was attempted by telephone on 22 October 2021, but there was no answer.</p> <p>To date there has been no response from the landowner on these Heads of Terms.</p> <p><b>Bates &amp; Must</b></p> <p>An initial meeting was held with the landowner's agent on the 4 August 2021 to discuss both the acquisition by agreement of any permanent land take and the occupation of the borrow pit area under a lease agreement. The agent was to seek their client's instruction on whether they were interested in any agreements. A chaser email was sent on 14 October 2021 and 27 October 2021. A response was received on the 28 October to say they had not received client instructions yet. On 29 October 2021, the Applicant provided a response and issued the Head of Terms and plans for the borrow pit area.</p>
Q2.6.2.2	Applicant Local Authorities National Farmers Union	<p><b>Question:</b></p> <p><b>Construction compounds</b></p> <p>a) The ExA notes and acknowledges that details about the height of hoardings around construction compounds in specific locations should be a matter for agreement with the LAs in advance of installation [APP-234, Paragraph 1.6.2]. However, to have greater certainty about visual and landscape effects and other effects, the ExA is persuaded by the several representations [REP1- 043] [REP1-051] [REP1-054] [REP1- 055] [REP1- 084] stating that the maximum height of any hoardings that may be required in the construction compounds should be secured. Applicant, without prejudice, provide details of how you would determine what the maximum height should be and how would you secure it?</p>



No.	Directed to	Question
		<p>b) Applicant and NFU, what details regarding the proposed use of construction compounds have you agreed? What matters remain pending? Have LAs been consulted? What are their views?</p> <p><b>Answer:</b></p> <p>a) The Applicant confirms that the height of hoardings around construction compounds will be the agreed with Local Authorities (LAs) in advance of installation [APP-234 Para 1.6.2]. The hoarding heights will be designed to provide a secure boundary and mitigate the risk of the works within the compound distracting drivers passing the site. Further to this the Applicant confirms that hoardings will be a maximum height of 2.4m. This maximum height will be secured in a revision to the First Iteration Environmental Management Plan [APP-234], which will be submitted to the Examination at Deadline 6.</p> <p>b) The proposed use of the construction compounds is set out in [APP -071 Para 2.6.256 to 2.6.284 and Table 2-9] and [APP-092]. Parties agreed that farmers need to be kept informed of activities carried out on land taken for temporary construction use. The Applicant will continue to engage with landholders and the Local Authorities to ensure they remain informed as further detail is developed during detailed design and construction planning. It should be noted that 2 of the 3 main compounds will not be restored to agricultural use. One of which is the quarry site owned by Bedford Borough Council who intend to develop the land. The second, and largest compound will form part of the Wintringham development to be developed under local planning consent by Urban and Civic.</p>
Q2.6.3	Environmental Management Plan	
Q2.6.3.1	Applicant National Farmers Union	<p><b>Question:</b></p> <p><b>Agriculture Liaison Officer</b></p> <p>a) Applicant, you state that the Principal Contractor will allocate a named individual within the stakeholder and community engagement team as the ALO; you also state that the ALO would need to commission consultancy support should specialist expertise be required [REP3-019, Point 15]. This does not give any assurance that the ALO would have the specific expertise that the NFU have made a case would be required to deliver the required responsibilities. Applicant and NFU to comment.</p> <p>b) The ExA remains unconvinced that the specialist expertise that would be required for engagement with landowners with farming businesses, would be available and to hand. Applicant and NFU to comment.</p> <p><b>Answer:</b></p>

No.	Directed to	Question
		<p>a) The Principal Contractor will deploy an experienced Community/Stakeholder Engagement team to manage and support communications and relationships with all stakeholders affected by the A428 Scheme. This will include an Agricultural Liaison Officer (ALO). This individual will be the dedicated point of contact for the farming community throughout the duration of the Scheme construction. The Applicant will continue to engage with the NFU to seek agreement of the responsibilities of the ALO, whilst maintaining cognisance of the expertise and support that exists within the Applicant's wider team. The ALO will continue to support the wider Community/Stakeholder Engagement team to maintain an efficient and effective service for the community as a whole. This is a similar approach to that adopted on previous Highways England (National Highways) Projects in rural areas including the M1 Junction 19 Improvement and the A421 M1 J13 to Bedford Improvement where similar highway works were managed in this way without any particular concerns from the farmers. This experience shows this is a tried and tested process that will provide the appropriate level of engagement with the farming communities on this scheme.</p> <p>The Construction Environmental Management Plan (second iteration EMP) will set out in more detail the structure of the engagement team, its size and the skillsets of its members.</p> <p>b) By ensuring that a dedicated agricultural liaison officer, is incorporated within the Principal Contractor's Community/ Stakeholder Engagement team, and supported by the wider delivery team, the ExA can be satisfied that the expertise required for engagement with landowners and the farming community would be available and to hand during the construction phase.</p>
Q2.6.3.2	Applicant	<p><b>Question:</b></p> <p><b>Roles and responsibilities</b></p> <p>a) Applicant, you have not included 'Community Relations Manager' in the list of [REP1- 022, Q1.6.3.3], but references have been made elsewhere. Has this been omitted in error, provide details?</p> <p>b) Who would employ the Traffic Management Officer?</p> <p><b>Answer:</b></p> <p>Part a).</p> <p>The Panel's Written Question 1.6.3.3 asked the Applicant to provide a list of the roles that are named in the EMP, CTMP or any other certified document that would specifically be appointed for mitigating the effects of the Proposed Development. The Applicant was also asked to provide a brief description of duties and reporting lines. Please also</p>



No.	Directed to	Question
		<p>refer to the Applicant's response to Question 2.17.3.1 which provides more information about the role of a Community Liaison Manager, a role comparable to the Community Relations Manager.</p> <p>The Applicant's response to this Written Question did not include the Community Relations Manager role, as the responsibilities for this role (as described in the First Iteration Environment Management Plan (EMP)) [APP-234], pages 13-14 include the following responsibilities:</p> <ul style="list-style-type: none"> <li>a) Responding to any concerns or complaints raised by the public in relation to the works.</li> <li>b) Liaising with the Project Manager (PM) and Environmental Manager (EM) on landowner and community concerns relating to the works and act as the main interface with these stakeholders, alongside any the Authority presence that is required.</li> <li>c) Maintaining a log of complaints relating to the environment.</li> <li>d) Ensuring that the PM and the EM are informed of any complaints relating to the environment.</li> <li>e) Keeping the public informed of project progress and any construction activities that may cause inconvenience to local communities.</li> <li>f) Engaging with local schools and colleges to inform pupils and students about the Scheme, advise on careers within the construction industry and point out the dangers of trespassing on construction sites.</li> <li>g) Ensuring that the needs of groups with protected characteristics as identified within the Equality Act 2010 are considered during the construction process.</li> </ul> <p>As this role has a combination of duties including wider community engagement on matters including careers advice as well as raising health and safety awareness, it did not meet the criteria that was requested in the question, that is, "specifically being appointed for mitigating the effects of the Proposed Development".</p> <p>However, as the Community Relations Manager role is identified in the First Iteration EMP [APP-234], this role is secured through Requirements 3 and 4 of the dDCO [REP1-003].</p> <p>Part b)</p> <p>The Traffic Management Officer referred to in Table 2-1 Roles and Responsibilities of the First Iteration Environmental Management Plan [APP-234] would be employed by the Principal Contractor.</p>
Q2.7	Draft Development Consent Order	

No.	Directed to	Question
Q2.7.1	General	
Q2.7.1.1	Discharging Authorities Local Authorities Applicant	<p><b>Question:</b></p> <p><b>Discharging Requirements and Conditions</b></p> <ul style="list-style-type: none"> <li>a) All discharging authorities to check the Schedules in the dDCO for accuracy and provide the ExA with suggested corrections and amendments.</li> <li>b) The Applicant states that discharging authority for all requirements is the Secretary of State, following consultation with other bodies as appropriate, for example the relevant planning authority or relevant local highway authority [REP1-022, WQ1.7.1.3]. Applicant to confirm. LAs to comment.</li> </ul> <p><b>Answer:</b></p> <ul style="list-style-type: none"> <li>a) This is for discharging authorities to respond to. The Applicant will provide any comment it may have on the discharging authorities' responses at Deadline 5.</li> <li>b) This is correct, the discharging authority for all requirements that have an approval element is the Secretary of State, subject to consultation in most cases.</li> </ul> <p>This is the standard approach taken for DCOs promoted by National Highways and has been used in numerous made National Highways DCOs including the M42 J6 Improvement Scheme, A585 Windy Harbour to Skippool Highway Development, A30 Chiverton to Carland Cross Scheme, A19/A184 Testos Junction Improvement, M20 Junction 10A, A63 Castle Street Improvement Hull, A19 Downhill Lane Junction Improvement, A1 Birtley to Coal House Improvement Scheme and the A303 Sparkford to Ilchester Dualling. The Applicant has not been provided with any compelling justification for departing from this standard approach for the Scheme, especially given this approach has been approved by the Secretary of State for numerous National Highways schemes and is the tried and tested approach adopted on the implementation of all National Highways schemes since 2017.</p>
Q2.7.1.2	Authorities and Statutory Undertakers	<p><b>Question:</b></p> <p><b>Authorities and Statutory Undertakers</b></p> <p>Comment if you have concerns [REP1- 022, Appendix to WQ1.7.1.3]</p> <p><b>Answer:</b></p>



No.	Directed to	Question
<b>Q2.7.2</b>	<b>Definitions</b>	
Q2.7.2.1	Applicant Local Authorities	<p><b>Question:</b></p> <p><b>Pre-commence and pre-commencement</b></p> <p>The ExA awaits the Pre-commencement plan at D4 [REP3-030].</p> <p>a) LAs do you have any comments on definition for pre-commencement as proposed by the Applicant [REP1-022, WQ1.7.2.1], and should it be included in the dDCO in addition to a pre-commencement plan. Applicant to comment.</p> <p>b) Applicant, would the pre-commencement be included in the First Iteration EMP, or be a stand alone document? Would it be a certified document? LAs to comment.</p> <p><b>Answer:</b></p> <p>a) This part of the question is for the local authorities to respond to. Should the Applicant wish to comment it will do so at Deadline 5.</p> <p>b) As set out in the updated dDCO [TR010044/EXAM/3.1v3] submitted at Deadline 4 the Pre-commencement Plan [TR010044/EXAM/9.48] also submitted at Deadline 4 will be a standalone document and will not be included in the First Iteration Environmental Management Plan [APP-234].</p> <p>By making the Pre-commencement Plan a standalone document it ensures that the controls contained within it will apply to all pre-commencement work (as defined by the dDCO). There are no additional approvals required before the Pre-Commencement Plan will be in operation and as such it automatically applies to all pre-commencement work from grant of consent. This is unlike the Second Iteration Environmental Management Plan which is subject to approval by the Secretary of State prior to commencement (as defined in the dDCO) and which will therefore apply to any works that occur post commencement of the Scheme. The Pre-Commencement Plan will be a certified document.</p>
Q2.7.2.2	Applicant	<p><b>Question:</b></p> <p><b>Maintain</b></p>

No.	Directed to	Question
		<p>The ExA notes your response [REP1-022, Appendix to WQ1.7.2.2], but is still unclear as to what limits would need to be placed on activities to alter, remove, reconstruct, and replace any part of the authorised development to ensure the effects are within those identified in the environmental statement, <u>especially the effects on the local highway network and non-motorised users.</u></p> <p><b>Answer:</b></p> <p>The Applicant notes that there is already a limit placed on activities to alter, remove, reconstruct and replace any part of the authorised development by the provision in the definition of "maintain" which constrains the meaning to works which do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement. Therefore, the Applicant does not consider it necessary to limit these activities any further for the reasons set out in its response to FWQ 1.7.2.2 [REP1-022] as well as for the reasons stated below.</p> <p>The Applicant reiterates that it has separate maintenance duties under section 41 of the Highways Act 1980, as well as wide powers to carry out its duties under the Highways Act 1980 by virtue of Part 9, Class B of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) which states that development is permitted for:</p> <p><i>"The carrying out by the Secretary of State or a strategic highways company of works in exercise of the functions of the Secretary of State or the company under the Highways Act 1980, or works in connection with, or incidental to, the exercise of those functions."</i></p> <p>Under section 329 of the Highways Act 1980, "maintenance" is simply, and widely, defined as:</p> <p><i>"maintenance" includes repair, and "maintain" and "maintainable" are to be construed accordingly"</i></p> <p>The purpose of the Planning Act 2008 is not to interfere with the Applicant's statutory duties or restrict the statutory powers which enable it to comply with those duties.</p> <p>Based on the extensive experience of the Applicant in maintaining the strategic road network, the Applicant is able to predict with some certainty the types of maintenance activities that may be required and works to alter, remove, construct and replace have been considered and assessed as appropriate under the general definition of maintenance as set out in paragraphs 2.6.297 to 2.6.303 of Chapter 2 the Environmental Statement [APP-071]. Maintenance activities by their nature would not have any greater effect than those arising from the construction of the Scheme, which has also been fully assessed in the Environmental Statement.</p> <p>Table 2-10 in Chapter 2 of the Environmental Statement sets out the types of assets that would be subject to maintenance and what those maintenance activities are likely to entail. The table is copied here for ease of reference:</p>



No.	Directed to	Question	
		<b>Asset</b>	<b>Operation type and frequency</b>
		Highway verge equipment	<p>Assets that would be located within the highway verge comprise safety barriers, parapets, drainage infrastructure, structures, technology, lighting, and environmental barriers.</p> <p>Repair works to safety barriers and parapets would generally be undertaken following events such as road traffic accidents, and drainage infrastructure comprising features such as attenuation tanks, pumps, oil separators, gullies, filter drains and chambers would be subject to periodic inspection and cleaning to ensure their continued operation.</p> <p>Structures comprising overbridges, underbridges and accommodation bridges would be inspected during scheduled maintenance events. Gantries would require minor maintenance (painting) after 12 years and major maintenance after 20 years, with minor inspections undertaken when required. Periodic inspections of lighting, environmental barriers and signage would also be undertaken after the first five years of operation.</p>
		Central reserve	Equipment located within central reserves would be inspected and managed in a similar way to the equipment located within the highway verge.
		Overhead mounted equipment	Equipment attached to overhead gantries such as signage, cabling and other ancillary apparatus would require maintenance and replacement should such equipment become faulty. The structural condition of much of the overhead equipment fitted to the gantries would be inspected every two years, with digital enforcement cameras maintained every three to six months.
		Planting	<p>Planting would be inspected and maintained in accordance with the measures set out in the Third Iteration EMP, which would provide a framework for the long term management of the soft estate.</p> <p>Management operations would typically be undertaken in a three to six month cycle after the five-year contract period.</p>
		Drainage features	<p>The maintenance regime associated with the sustainable drainage features incorporated into the Scheme would typically comprise the following:</p> <p>a. Swales would be inspected bi-annually to check for erosion, build-up of silt deposits and waterlogging. Areas of poor vegetation growth and bare patches would be reseeded. Grassed swales would be mown regularly during the growing season.</p>



No.	Directed to	Question				
		<table><tr><td></td><td><i>Compaction of the ground in the base of the swale would be avoided, in order to maintain infiltration.</i> <i>b. Attenuation basins would be inspected bi-annually and any eroded or damaged areas repaired. Inlet and outlet zones would be cleared of debris or built up material. Sediment build up would be removed when necessary typically every five to ten years. The maintenance requirements of landscaping, grassland and other ground cover would be dependent on the type of vegetation.</i> <i>c. Reed beds would be inspected on an annual basis. Inlet and outlet zones would be cleared of debris or built up material and checked for clogging roots. Reeds would be cut back annually after the second years growth to promote new growth.</i></td></tr><tr><td>Carriageway maintenance</td><td><i>Maintenance and renewal of the road surfacing, markings, road studs and buried technology would be undertaken when they reach the end of their design life.</i></td></tr></table> <p>The Applicant considers that the above table covers a wide scope of maintenance activities and therefore the Environmental Statement already assesses the effects of a broad definition of maintenance which justifies the inclusion of a wide definition in the draft DCO.</p> <p>Should works be required that are likely to give rise to any materially new or materially different environmental effects to those identified in the environmental statement then it would be for the Applicant in the first instance to determine whether a particular act of maintenance would result in a materially new or materially different effect. Questions about whether the Applicant was in breach of the made DCO would be an enforcement matter to be dealt with under Part 8 of the Planning Act 2008. Accordingly, if it was considered that the Applicant had carried out a “maintenance” activity that entailed materially new or materially different environmental effects, enforcement action could be taken as appropriate.</p> <p>The Applicant is a strategic highway authority who has responsibility for maintaining the strategic road network and is therefore very experienced in working with local highway authorities who would be maintaining the local highway network to ensure disruption for non-motorised users and those using the local highway network is kept to a minimum. Should any maintenance activities require diversions to the local highway network the Applicant will engage with the local highway authority and ensure this is agreed and that all timing is understood between the parties. The Applicant also undertakes separate equality impact assessments for its maintenance activities to ensure that appropriate measures are in place for the duration of the works.</p>		<i>Compaction of the ground in the base of the swale would be avoided, in order to maintain infiltration.</i> <i>b. Attenuation basins would be inspected bi-annually and any eroded or damaged areas repaired. Inlet and outlet zones would be cleared of debris or built up material. Sediment build up would be removed when necessary typically every five to ten years. The maintenance requirements of landscaping, grassland and other ground cover would be dependent on the type of vegetation.</i> <i>c. Reed beds would be inspected on an annual basis. Inlet and outlet zones would be cleared of debris or built up material and checked for clogging roots. Reeds would be cut back annually after the second years growth to promote new growth.</i>	Carriageway maintenance	<i>Maintenance and renewal of the road surfacing, markings, road studs and buried technology would be undertaken when they reach the end of their design life.</i>
	<i>Compaction of the ground in the base of the swale would be avoided, in order to maintain infiltration.</i> <i>b. Attenuation basins would be inspected bi-annually and any eroded or damaged areas repaired. Inlet and outlet zones would be cleared of debris or built up material. Sediment build up would be removed when necessary typically every five to ten years. The maintenance requirements of landscaping, grassland and other ground cover would be dependent on the type of vegetation.</i> <i>c. Reed beds would be inspected on an annual basis. Inlet and outlet zones would be cleared of debris or built up material and checked for clogging roots. Reeds would be cut back annually after the second years growth to promote new growth.</i>					
Carriageway maintenance	<i>Maintenance and renewal of the road surfacing, markings, road studs and buried technology would be undertaken when they reach the end of their design life.</i>					
Q2.7.3	Articles					



No.	Directed to	Question
Q2.7.3.1	Applicant All Parties	<p><b>Question:</b></p> <p><b>Article 2(4) and 2(5) – Interpretation</b></p> <ul style="list-style-type: none"> <li>a) Without prejudice, provide suitable wording for Article 2(4) to clarify that measurements and distances in this dDCO, while 'approximate' will remain within the Limits of Deviation in Article 9.</li> <li>b) Without prejudice, provide suitable wording for Article 2(5), that the expected tolerance for the areas described in the Book of Reference allow for small tolerance and will remain within the Limits of Deviation in Article 9.</li> <li>c) Parties, state if you have comments or concerns.</li> </ul> <p><b>Answer:</b></p> <p>d) It is the Applicant's view that a change to Article 2(4) of the dDCO [REP1-003] is unnecessary and would be superfluous. Multiple consented DCOs follow the approach adopted by the Applicant in Article 2(4) and the Applicant is not aware that any issue of interpretation has arisen as a result of this approach in practice. In addition to the DCOs noted in paragraph 4.1.9 of the Explanatory Memorandum [REP1-005], further examples of National Highways DCOs with this wording are: the A19/A184 Testos, the M42 Junction 6, and the A303 Stonehenge (which, whilst now subject to re-determination, was not questioned on this point).</p> <p>The approach to drafting of Article 2(4) also follows that of model provision 1(3) and whilst it is acknowledged that these provisions have now been repealed in favour of consented DCO precedent, it is evident that the use of "approximate" when referring to Order dimensions was accepted as a standard and 'model' approach, which has since been adopted in numerous made DCOs as explained above.</p> <p>The Planning Inspectorate's <u>"Advice Note Fifteen"</u> on drafting DCOs (Republished July 2018 (version 2)) notes the standard use of 'approximate' in the interpretation section when referring to distances etc, and recognises the benefit that this need not then be repeated in this context throughout the remainder of the Order.</p> <p>Article 4 of the DCO is very clear that consent is only granted for the authorised development to the extent that it is carried out within the Order limits. Similarly, as explained in our previous response to Q1.7.3.1 in [REP1-022], Article 9 is very clear that any deviation beyond the lateral limits of deviation shown on the Works Plans or vertical limits specified must not give rise to materially new or different environment effects to those reported in the Environmental Statement. When read as a whole, it is therefore very clear that whilst stated distances etc are approximate, consent is not granted for development which would take place outside of the Order Limits or which is inside the Order Limits but beyond the limits of deviation where this would give rise to materially new or</p>



No.	Directed to	Question
		<p>materially different environmental effects. In short, the interpretation clause cannot be used to alter the meaning of the operative provisions in the DCO and must be read in that context. Given there can be no ambiguity in this regard, including additional text in Article 2(4) would be superfluous and is not appropriate in the Applicant's view, and this is supported by well-established DCO precedent.</p> <p>Notwithstanding this, and without prejudice to the Applicant's position, if the Examining Authority was minded to recommend it, Article 2(4) could be amended to provide further clarity as follows:</p> <p><i>"(4) All distances, directions and lengths referred to in this Order are approximate within the Order limits and limits of deviation, and distances between points on a work comprised in the authorised development are taken to be measured along that work."</i></p> <p>e) In line with the above, it is the Applicant's view that a change to Article 2(5) of the dDCO [REP1-003] is unnecessary and would be superfluous. Whilst reference to the model provisions do not apply to Article 2(5), the precedent of the made DCOs referred to above and in paragraph 4.1.9 of the Explanatory Memorandum [REP1-005] do apply. In addition, as set out above, the meaning of the operative provisions of Articles 4 and 9 of the dDCO cannot be altered by the interpretation clause. Therefore, wording to clarify that approximate distances etc must remain within the Order Limits and limits of deviation in accordance with Article 4 and Article 9 respectively is not required.</p> <p>Notwithstanding this, and without prejudice to the Applicant's position, if the Examining Authority was minded to recommend it, Article 2(5) could be amended to provide further clarity as follows:</p> <p><i>"(5) For the purposes of this Order, all areas described in square metres in the book of reference are approximate within the Order land."</i></p> <p>Given that Article 2(5) refers to the Book of Reference, it is considered appropriate in this context to reference the Order land rather than the Order limits and limits of deviation.</p> <p>a) The Applicant notes that this part of the question is for the other parties to comment and as such reserves its right to comment on any responses received at Deadline 5.</p>
Q2.7.3.2	Applicant	<p><b>Question:</b></p> <p><b>Article 3 – Disapplication of legislative provisions</b></p> <p>Awaiting relevant updates [REP3-008] to SoCG in response to CCC [REP1-051] and to the dDCO in response to the EA [REP1- 076].</p>



No.	Directed to	Question
		<p><b>Answer:</b></p> <p>Regarding the Environment Agency's response to the ExA's First Written questions <b>[REP1- 076]</b> please refer to the Applicant's comments on other parties' responses to first round of written questions <b>[REP3-007]</b>. The Applicant has updated the dDCO <b>[TR010044/EXAM/3.1v3]</b> to be submitted at Deadline 4 to remove reference to water discharge activities under regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 and section 24 (restrictions on abstractions) and section 25 (restrictions on impounding) under the Water Resources Act 1991. In relation to the remaining issues with the Environment Agency, discussions on the Protective Provisions are ongoing in relation to flood risk activity. In relation to the final wording of Article 58, please see the Applicant's response to Q2.7.3.13 and the updated dDCO <b>[TR010044/EXAM/3.1v3]</b> submitted at Deadline 4.</p> <p>As outlined in the Applicant's Comments on Written Representations <b>[REP3-008]</b> discussions with CCC as drainage authority are ongoing to determine whether it would be possible to obtain their consent to disapply section 23 (prohibition on obstruction etc. In watercourses) of the Land Drainage Act 1991.</p>
Q2.7.3.3	Applicant	<p><b>Question:</b></p> <p><b>Article 4 – Development consent etc. granted by the Order</b></p> <p>b) Provide example(s), if any are found, where the provision of 'adjacent land' in other made DCOs had been enacted on land described as 'adjacent to' order limits <b>[REP1- 022, WQ1.7.3.3]</b>.</p> <p>c) While the ExA could see the need for such a provision, with the evidence in Examination so far <b>[REP1-022]</b>, the ExA is not convinced that the provision of this article on 'adjacent land' without a clear definition of 'adjacent land' is reasonable. Applicant to comment.</p> <p>d) Without prejudice, provide suitable wording for definition and any related revisions to wording of the Article.</p> <p><b>Answer:</b></p> <p>d) The Applicant has made enquiries of some other National Highways DCO schemes to determine whether article 4(2) has ever been enacted in practice. Our enquiries to date have not revealed any practical applications of article 4(2).</p> <p>A lack of examples showing where this provision has been applied in practice should not, in the Applicant's view, lead the Examining Authority to conclude that this provision is unnecessary. In fact, a provision ensuring that any unknown enactments that may interfere with the authorised development is an essential provision to include on a Scheme of this complexity and magnitude. As noted in the Applicant's response to Written Questions (Q1.7.3.3)</p>



No.	Directed to	Question
		<p><b>[REP1-022]</b>, including this article ensures that the construction and operation of the Scheme is not jeopardised by any incompatible statutory provisions which might exist i.e., a provision which would be an absolute restriction that could not be dealt with unless by the DCO.</p> <p>e) Article 4 has precedence in numerous National Highway schemes made to date such as the M20 Junction 10a Order (article 5(2)), the A14 Order (article 5(2)) and the A1 Birtley (article 3(2)) within which adjacent land was referred to and used without a corresponding definition provided. Further, it must be noted that article 4 is not a wide or general provision and article 4 does not allow the Applicant to do anything outside of the Order Limits which is not specifically provided for in the Order. As previously stated by the Applicant, given the limited application of article 4 it is not <u>considered</u> necessary to further define what could be considered adjacent for the purposes of the Order and its usual meaning and understanding should be used.</p> <p>f) The Applicant maintains its view that including a definition of 'adjacent land' is unnecessary for the purposes of understanding the application of article 4 of the dDCO. Nevertheless, if the Examining Authority were minded to recommend that a definition of 'adjacent land' is inserted into article 4 of the dDCO, the Applicant has drafted, on a without prejudice basis, wording that could be inserted into article 4 as a new paragraph (3):</p> <p><i>4(3) For the purposes of this article "adjacent land" means that land which is necessary to carry out the authorised development or ensure the safe construction of any section or part of the authorised development.</i></p> <p>The wording above is based on the definition of 'adjacent land' within the A303 Sparkford to Ilchester Dualling Development Consent Order 2021 (A303 Sparkford Order) and which was therefore accepted by the Secretary of State. This DCO contained the following article, which is directly comparable to the dDCO for the Scheme:</p> <p><b><i>Development consent etc. granted by the Order</i></b></p> <p><i>5.—(1) Subject to the provisions of this Order, including the requirements in Schedule 2 (requirements), the undertaker is granted development consent for the authorised development to be carried out within the Order limits.</i></p> <p><i>(2) Any enactment applying to land within the Order limits or adjacent land has effect subject to the provisions of this Order.</i></p> <p>If the definition of 'adjacent land' was adopted for this Scheme there would be consequential amendments required to Article 4(2) to align with the wording used in the A303 Sparkford Order Article 5 as set out above.</p>



No.	Directed to	Question
Q2.7.3.4	Applicant Local Highway Authorities	<p><b>Question:</b></p> <p><b>Article 5 – Maintenance of authorised development, and Article 13 – Construction and maintenance of new, altered or diverted streets and other structures</b></p> <p>Awaiting relevant update [REP3-007, REP1-048ab] in SoCGs in response to CCC [REP1-048] and CBC [REP1-054 and REP1-055].</p>
		<p><b>Answer:</b></p> <p>The discussions with the parties are ongoing in relation to the maintenance of structures and the Applicant is considering its position further.</p>
Q2.7.3.5	Applicant Huntingdonshire District Council	<p><b>Question:</b></p> <p><b>Article 6 – Application of the 1990 Act</b></p> <p>a) Applicant, should this Article specify the temporary roundabout access at the Wintringham Construction Compound (Work No.74) (Compound) within the District of Huntingdonshire [REP3-008]. HDC to comment.</p>
		<p><b>Answer:</b></p> <p>a) Article 6 has been drafted to enable any temporary element of the works to be retained permanently if agreed with the relevant local authority and landowner consent has been obtained for this. Whilst the Applicant has specifically identified that Article 6 may be used to enable the permanent retention of the temporary roundabout providing access to the proposed Wintringham Construction Compound (Work No. 74), there may be other instances, not yet envisaged, where it is beneficial for temporary works to remain permanently and doing so may reduce environmental impacts and create legacy benefits. At this stage, it is not possible to envisage every instance in the future where this might afford benefits and therefore be appropriate. For example, this might depend on other development which is brought forward or where landowner circumstances change. For this reason, it is the Applicant's view that Article 6 should be drafted to allow flexibility and should not be drafted to include a closed list of temporary works which may be retained, subject to local authority and land owner agreement.</p> <p>Whilst it might be possible to list the temporary access to the Wintringham Construction Compound (Work No. 74), as a non-exclusive temporary work which would be retained permanently, it is not considered appropriate to do so for a number of reasons. First, a permanent access is not needed for the Scheme. Second, it has not been identified as a permanent work in the Schedule 1 works description and therefore it has not been environmentally</p>

No.	Directed to	Question
		assessed as a permanent work (although the permanent roundabout for the Wintringham development which already has the benefit of planning permission has been included as a committed scheme in the Transport Assessment and has therefore been assessed). Finally, whilst it is currently envisaged that there would be benefits of retaining the temporary access as a permanent access, it is not possible to know whether circumstances might change in the future such that the relevant local authority or the landowner would prefer removal of the temporary access, whether to allow the creation of the permanent access for which planning permission has already been obtained or otherwise. Therefore, if the temporary access to the Wintringham Construction Compound is referred to in Article 6, it should not be drafted so as to require its permanent retention, and if it can only be listed as an illustrative example of how Article 6 may be used, the Applicant's view is that there is limited utility and justification for its inclusion in Article 6 at all.
Q2.7.3.6	Applicant Local Highway Authorities	<b>Question:</b> <b>Article 13 – Construction and maintenance of new, altered or diverted streets and other structures</b> <i>See related question(s) in Highway – network and structures</i>
		<b>Answer:</b> Please refer to the Applicant responses to the questions set out in section 2.11 - Highways – network and structures. The Applicant notes that there are no specific questions about Article 13, the construction and maintenance of new, altered or diverted streets and other structures, in this section.
Q2.7.3.7	Applicant Local Highway Authorities	<b>Question:</b> <b>Article 14 – Classification of roads, etc.</b> <i>See related question(s) in Highway – network and structures</i>
		<b>Answer:</b> Please refer to the Applicant responses to the questions set out in section 2.11 - Highways – network and structures. The Applicant notes that there are no specific questions about Article 14, the classification of roads etc, in this section.
Q2.7.3.8		<b>Question:</b>



No.	Directed to	Question
	Cambridgeshire County Council	<p><b>Traffic Manager responsibilities</b></p> <p>Typically no response from a LHA to a permit application is deemed to be acceptance of the request for road space booking. Why does CCC consider this approach to be unacceptable in relation to the Proposed Development?</p> <p><b>Answer:</b></p>
Q2.7.3.9	Cambridgeshire Councils	<p><b>Question:</b></p> <p><b>Article 22(4) – Protective work to buildings</b></p> <p>Cambridgeshire Councils, provide justification why a longer notice period, for the undertaker to serve notice on the owners and occupiers of the building of its intention of carrying out protective works under this article, would be more appropriate, in light of the Applicant's response [REP3-007, WQ1.7.3.15].</p> <p><b>Answer:</b></p>
Q2.7.3.10	Applicant National Farmers Union The Church Commissioners of England	<p><b>Question:</b></p> <p><b>Article 23 - Authority to survey and investigate the land</b></p> <p>a) Applicant, how can you justify forcing a landowner to provide access to their land which is adjacent to but outside the order limits (notwithstanding subject to notice period and compensation) given that this landowner may never have been consulted on the Proposed Development? Respond with reference to potential human rights interference of the landowners who might be affected.</p> <p>b) While the ExA could see the need for such a provision, with the evidence in Examination so far [REP3-050] [REP1-022], the ExA is not convinced that the provision of this article on land which is adjacent to but outside the order limits is reasonable without a clear definition of the word 'adjacent' in terms of clearly defined distances, and without knowing which landowners could be affected by it, is reasonable. Applicant to comment.</p> <p>c) Without prejudice, provide suitable wording for definition and any related revisions to wording of the Article.</p>

No.	Directed to	Question
		<p>d) Applicant, quantify the significance of effect, in terms of construction programme and other effects, that imposing a longer notice period for Article 23 and Article 40 would have.</p> <p>e) NFU and CCE, state how specifically your members and your farming practices respectively would be affected by the 14 days' notice period.</p> <p><b>Answer:</b></p> <p>f) <b>There are a number of factors that the ExA should consider and weigh in the balance when determining whether or not to include a right for the Applicant, only where reasonably necessary, to enter any land that is adjacent to but outside of the Order Limits to carry out a defined list of activities.</b></p> <p>The first is that this power is similar to a power that would be available to the Applicant pursuant to section 172 (right to enter and survey land) of the Housing and Planning Act 2016. Section 172 of that Act allows a person authorised in writing by an acquiring authority (which in this context includes the Applicant) to enter on and survey or value land in connection with a proposal to acquire an interest in or a right over land. Section 172 of that Act then goes on to state that an authorisation under this section may relate to the "land which is the subject of the proposal or to other land". It is therefore clear that this 'other land' referred to in section 172 could include land that is adjacent to it, and it is not limited to land to be compulsorily acquired.</p> <p>The second point to note is that this is a power that the Applicant would only seek to use in the event that consent could not be obtained from the landowner by agreement. This reinforces the point that a power of this nature is essential to ensure that there are no delays in bringing forward the Scheme.</p> <p>The third point is that the nature of the surveys anticipated to be carried out by the Applicant using this power are limited in nature and should not pose a significant burden on the landowner. In any event, and as noted by the ExA, compensation would be payable to the landowner for any loss or damage caused. The Applicant has submitted to the Examination an overview of the types of surveys that it would anticipate carrying out using this power in the Applicant's response to actions arising from Issue Specific Hearing 3 for Action Point 14 [REP3-020]. As can be seen from that summary the types of surveys anticipated are environmental surveys that are required in order for the Scheme to be constructed. Further, access to landowner property would be of a short duration and access would often be by foot.</p> <p>The fourth point is that it is proportionate to include this power in the dDCO instead of including land within the Order Limits that may only be required for the purposes of environmental surveys to allow the construction of the Scheme to proceed.</p>



No.	Directed to	Question
		<p>Finally, the Applicant notes the point from the ExA that this power may be used on landowners who have not been consulted on the Scheme. However, the Applicant would reiterate that service of a notice would not be the first time that a landowner has been approached by the Applicant as voluntary agreement would always be sought first. In addition, the Applicant has consulted widely on the Scheme, through a range of activities carried out over a number of years. As set out in the Consultation Report [APP-013] the range of consultation activities included newspaper adverts (local and national), local mail outs, community-based events, etc. It is through that engagement and the ongoing publicity of this Scheme that the wider community is kept up to date with its progress.</p> <p>It is the Applicant's view that while there may be some disruption to a landowner in the exercise of this power, when weighed in the balance, the types of activities that would be carried out using this power, the limited frequency and duration of use, the wider local consultation with the landowner to date as well as the ongoing publication of the Scheme together with the fact that this power will only be exercised in the event that voluntary agreement cannot be reached, it is proportionate for the dDCO to include a provision that allows the Applicant, only where reasonably necessary, to enter any land that is adjacent to but outside of the Order Limits to carry out a defined list of activities.</p> <p>b and c) The Applicant maintains its view that including a definition of 'adjacent land' is unnecessary for the purposes of understanding the application of article 23 of the dDCO. Nevertheless, if the Examining Authority were minded to recommend that a definition of 'adjacent land' is inserted into article 23 of the dDCO, the Applicant has drafted, on a without prejudice basis, wording that could be inserted into article 23 as a new paragraph (9):</p> <p><i>23(9) For the purposes of this article "adjacent land" means that land which is necessary to carry out the authorised development or ensure the safe construction of any section or part of the authorised development.</i></p> <p>The wording above is based on the definition of 'adjacent land' within the A303 Sparkford to Ilchester Dualling Development Consent Order 2021 (A303 Sparkford Order) as explained in the Applicant's response to question 2.7.3.3.</p> <p>If the definition of 'adjacent land' was adopted for this Scheme there would be consequential amendments required to Article 23(1)(b) to align with the wording used in the A303 Sparkford Order.</p> <p>d) The construction programme for the Scheme is complex, and includes constraints associated with various activities including, environmental, ecological, and seasonal factors.</p> <p>We will address the 14 notice period in relation to each Article noted by the ExA in turn.</p>



No.	Directed to	Question
		<p>Article 23</p> <p>If the notice period required for access onto land as shown in Article 23 were to be increased from 14 to 28 days it would on the face of it only add an additional 14 days, which the Applicant acknowledges it may be able to mitigate in some circumstances by programming to issue the notice to the landowners earlier. However, and as stated above, the Applicant would only seek to use these powers in the event that voluntary agreement with the landowner was not possible.</p> <p>This question should not be considered by comparing 14 days and 28 days but considered in the context of what would happen in practice. In practice, this process would begin by the Applicant spending time seeking to agree voluntary access with the landowner in a way that was the least disruptive. Then, in the event that these discussions were to ultimately break down or not lead to a voluntary agreement the Applicant would be set back a further 28 days in order to exercise the power under Article 23. It is possible that key survey windows are missed if the Applicant is required to wait a further 28 days before access can be taken or it may require the Applicant to serve notice under Article 23 earlier than it otherwise would have had to do unless there was certainty of a voluntary agreement being reached.</p> <p>In practice, the Applicant will be in discussions with the landowner in advance of the exercise of these powers and as such the landowner will have more than 14 days within which to prepare for the access being taken and it would only be in the event that voluntary access was not possible that notice would be served.</p> <p>Article 40</p> <p>If the notice period required for access onto land as shown in Article 40 were to be increased from 14 to 28 days it would on the face of it only add an additional 14 days, which the Applicant acknowledges it may be able to mitigate in some circumstances by programming to issue the notice to the landowners earlier. However, in the case of temporary possession for carrying out the authorised development the Applicant would reiterate that the 14 day period for the temporary use of the land was included in the Model Provisions and numerous other granted development consent orders including the recently granted The A303 (Amesbury to Berwick Down) Development Consent Order 2020; The A63 (Castle Street Improvement, Hull) Development Consent Order 2020; The A1 Birtley to Coal House Development Consent Order 2021; The A19 Downhill Lane Junction Development Consent Order 2020 and The A303 Sparkford to Ilchester Dualling Development Consent Order 2021. It is therefore considered adequate.</p> <p>Although the notice period of 14 days is less than that envisaged by the Neighbourhood Planning Act 2017 (NPA) (which is not yet in force in any event), the owners and occupiers of the land will have been consulted and notified of the Applicant's need to temporarily use the land to carry out the authorised development as a result</p>



No.	Directed to	Question
		<p>of the DCO application process. An outline programme will be provided to landholders at the start of each phase to provide a forward look of upcoming access requirements. The 14-day notice period will confirm precise dates within the broader outline programme. As above with the survey power under Article 23, this means that a notice served 14 days in advance will not be the first time the landowner is made aware of temporary possession being taken.</p> <p>The Applicant needs to ensure that the Scheme can be carried out efficiently and expeditiously following the making of the Order. Therefore, a longer notice period is considered to be unnecessary given that the relevant landowners will already have had prior notice via the consultation described above.</p> <p>The relevant provisions (sections 18 to 23) of the NPA are not yet in force and it is unclear whether or when they will be brought into force, and whether further regulations will be introduced to provide more detail on the operation of the temporary possession regime. As the NPA is not yet in force, the Applicant is of the view that it is not currently possible to understand or reflect accurately the temporary possession provisions as intended by Parliament in respect of DCOs. It is not yet known whether the provisions will apply to DCOs or whether there will be any transitional arrangements. The Applicant has therefore applied the 'tried and tested' temporary possession regime that has been included in numerous DCOs to date, and is well understood by practitioners, agents and contractors.</p> <p>d) The Applicant will provide a response to any further points raised by the NFU and CCE at Deadline 5 as required.</p>
Q2.7.3.11	Applicant	<p><b>Question:</b></p> <p><b>Article 40 – Temporary use of land for carrying out the authorised development and Article 41 – Temporary use of land for maintaining the authorised development</b></p> <p>e) Notwithstanding the drafting of the Model Provisions, the ExA can see merit in the case put forward by NFU [REP1-085] and CCE [REP3-044] regarding the need for a longer (28 days) notice period under the provisions of this Article.</p> <p>a) What were the circumstances that enabled the Applicant to accept the longer notice period for A30 Chiverton to Carland Cross, particularly with respect to due consideration for affected landowners, and are those applicable to the Proposed Development?</p> <p>b) Applicant, quantify the significance of effect, in terms of construction programme and other effects, that imposing a longer notice period for Article 23 and Article 40 would have.</p>

No.	Directed to	Question
		<p><b>Answer:</b></p> <p>c) The Applicant has been unable to determine any precise reasons that the longer notice period was accepted on A30 Chiverton to Carland Cross Scheme other than it seemed to be a position reached by the Applicant in the context of that Scheme. The longer notice period accepted was in relation to the power to take temporary possession to carry out the authorised development and not in relation to the power to undertake surveys. The Applicant is not aware of any reason to justify the same length of time being imposed on this Scheme in Article 40 simply because it may have, in the context of another scheme, accepted it elsewhere. This is particularly the case, given the number of other schemes consented to date including those subsequent to the A30 Chiverton Scheme (e.g. The A1 Birtley to Coal House Development Consent Order 2021 and the A303 Sparkford to Ilchester Dualling Development Consent Order 2021) that do not impose the longer notice period (see question 2.7.3.10 in relation to Article 40).</p> <p>a) Please refer to our response to question 2.7.3.10 which addresses the same points raised in this question.</p>
Q2.7.3.12	Applicant Local Highway Authorities	<p><b>Question:</b></p> <p><b>Article 55 – Traffic regulation</b></p> <p>b) Applicant, confirm if different parts of the authorised development will be open for public use at different times [REP1-051].</p> <p>c) If so, then the ExA could see the point made by the Cambridgeshire Councils [REP1-051] that the provisions in this Article are ambiguous; for instance, would the period of 12 months in Article 55(3) and 24 months in Article 55(7) could then be different calendar periods. How would this be managed and monitored?</p> <p>d) Cambridgeshire Councils further elaborate on your concerns [REP1-051].</p> <p><b>Answer:</b></p>
Q2.7.3.13	Applicant Environment Agency	<p><b>Question:</b></p> <p><b>Article 58 – Works in the River Great Ouse</b></p> <p>Awaiting updates [REP1-076] [REP3-007].</p>



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No.	Directed to	Question
		<p><b>Answer:</b></p> <p>The Applicant has updated article 58 as requested by the Environment Agency in the dDCO that was submitted at Deadline 4 [TR010044/EXAM/3.1v3] and this article is now agreed between the parties.</p>
<b>Q2.7.4</b>	<b>Schedule</b>	
		<p><b>Question:</b></p> <p><b>No further questions at this stage</b></p>
		<p><b>Answer:</b></p>
<b>Q2.7.5</b>	<b>Requirements</b>	
Q2.7.5.1	Applicant	<p><b>Question:</b></p> <p><b>Requirement 16 – Brook Cottages</b></p> <p><i>See related question(s) in Historic Environment</i></p>
		<p><b>Answer:</b></p> <p>Please refer to the Applicant responses to the questions set out in section 2.12.2 - Brook Cottages.</p>
Q2.7.5.2	Applicant Local Authorities	<p><b>Question:</b></p> <p><b>Requirement 19 – Construction hours</b></p> <p>Awaiting clarification from Cambridgeshire Councils [REP1-051] [REP3-007].</p>
		<p><b>Answer:</b></p> <p>The Applicant notes that further clarification is awaited on this topic from the Cambridgeshire Councils. The Applicant will comment upon any clarification provided (if required) at Deadline 5.</p>

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Q2.8	Diversion of high pressure pipeline	
Q2.8.1	Application materials	
		<p><b>Question:</b></p> <p>No further questions at this stage</p> <p><b>Answer:</b></p>
Q2.8.2	Determining if the pipeline diversion would be an NSIP	
Q2.8.2.1	Applicant Cadent Gas	<p><b>Question:</b></p> <p><b>Screening Assessment</b></p> <p>Provide any relevant updates.</p> <p><b>Answer:</b></p> <p><b>Joint Response on behalf of the Applicant and Cadent Gas Limited</b></p> <p>At this stage, there is no agreed alignment for the diversion and no set programme for the works to be carried out by Cadent in advance of DCO consent meaning that Cadent would not need to rely on its permitted development rights and would instead rely on the powers within the DCO in the event that consent is granted. As Cadent will only carry out the screening assessment if undertaking the works pursuant to its permitted development rights there is no update on the screening assessment to provide at this point in time.</p> <p>As the Examining Authority is aware, the Applicant undertook a screening assessment which is contained within the 'Screening Assessment of proposed gas pipeline works for the purposes of section 20 of the Planning Act 2008' [APP-158] that was submitted with the application (Application Screening Assessment). The Application Screening Assessment identified that the diversion, when constructed, could be expected to have likely significant effects in relation to buried archaeology unless the archaeological remains were previously excavated to facilitate the new dual carriageway which would cross the site of the archaeological remains, in which case likely significant effects as a result of the construction of the diversion itself would not be expected. The current programme for the archaeological</p>



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		excavation envisages that the archaeological excavation will be completed in accordance with the extant planning permission by 17 December 2021. Therefore, the Applicant can provide a further update at Deadline 7 and, if appropriate, could submit an updated Application Screening Assessment at that point in time which confirms that the diversion itself is not expected to have likely significant environmental effects when constructed.
<b>Q2.8.3</b>	<b>Excavating the archaeological remains</b>	
		<p><b>Question:</b> No further questions at this stage</p> <p><b>Answer:</b></p>
<b>Q2.8.4</b>	<b>Environmental effects</b>	
		<p><b>Question:</b> No further questions at this stage</p> <p><b>Answer:</b></p>
<b>Q2.9</b>	<b>Flood Risk</b>	
<b>Q2.9.1</b>	<b>Sequential approach to route selection and design</b>	
		<p><b>Question:</b> No further questions at this stage</p> <p><b>Answer:</b></p>

No.	Directed to	Question
<b>Q2.9.2</b>	<b>Interactions between different sources of flooding</b>	
Q2.9.2.1	Environment Agency Local Authorities	<b>Question:</b> <b>Grade separated junctions</b> <p>In light of the Applicant's response [REP1-022, WQ1.9.2.1], provide any further comments on the interactions between groundwater and surface water at the three grade separated junctions, the various underpasses and culverts, and any geographical low points?</p>
		<b>Answer:</b>
Q2.9.2.2	Applicant Environment Agency Local Authorities	<b>Question:</b> <b>Groundwater Dewatering</b> <p>a) Applicant, provide an update on the proposed permanent groundwater dewatering systems to be used in connection with the Proposed Development [APP-082, Paragraphs 13.9.118–123], including ongoing maintenance and costs.</p> <p>b) EA and LAs to comment.</p>
		<b>Answer:</b> <p>a)</p> <p>An assessment has been undertaken of the impact on water resources (surface and groundwater) of dewatering associated with the construction and operation of the Scheme. An amended Groundwater Risk Assessment (GWRA) was submitted on 19 October 2021 to the Environment Agency for their comments, and updates document Appendix 13.7, Groundwater Risk Assessment [APP-226]. A meeting was held with the Environment Agency to discuss the amended GWRA on 2 November 2021 when substantial agreement of the document was reached. Once minor changes are made to the content of the GWRA and the GWRA formally is agreed with the Environment Agency, a copy of the document will be submitted to the Examination.</p> <p>There are no proposals for permanent groundwater dewatering along any part of the Scheme. The A1 Black Cat Underpass is to be constructed with a combination of secant pile retaining walls and cement/bentonite slurry cut off</p>



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		<p>walls that will seal the perimeter of the cutting. Although some groundwater may seep through the secant pile walls and slurry cut off walls the volumes will not be significant. In the GWRA, it is calculated that the volume of groundwater ingress to this cutting will be negligible at less than 5m<sup>3</sup>/day. This will be managed in the surface drainage proposals for the cutting.</p> <p>In the absence of a requirement for any permanent pumping of groundwater, there will be no requirement for maintenance and hence no associated costs.</p> <p>b)</p> <p>Not for Applicant.</p>
<b>Q2.9.3</b>	<b>Passing the Exception Test</b>	
		<p><b>Question:</b></p> <p>No further questions at this stage</p>
		<p><b>Answer:</b></p>
<b>Q2.9.4</b>	<b>Climate Change resilience</b>	
Q2.9.4.1	Applicant Cambridgeshire Councils	<p><b>Question:</b></p> <p><b>Question repeated to seek response from specific respondents</b></p> <p><b>Flood Risk and Pollution Control</b></p> <p>a) With reference to the Exception Test, does the FRA demonstrate that the project will be safe for its lifetime, without increasing flood risk elsewhere (NPS NN, paragraphs 5.90 5.115)?</p> <p>b) Will the users of the Proposed Development remain safe in time of flood, even when climate change is considered?</p> <p>c) Will the River Great Ouse replacement floodplain storage be adequate, including with regard to the ongoing quarry restoration works?</p>

No.	Directed to	Question
		<p>d) Have all sources of flooding been adequately considered in this assessment, including in-combination effects and the likely effects of climate change?</p> <p>e) Have all reasonable opportunities been taken to reduce overall flood risk as part of the Proposed Development?</p> <p>f) Are the proposed pollution control mechanisms sufficient to protect the environment, including with regard to climate change?</p> <p><b>Answer:</b></p> <p>g) The Scheme will be safe for its lifetime as flood risk to the Scheme has been adequately assessed in the Flood Risk Assessment (FRA) [APP-220]. This has assessed the risk from flood risk sources such as fluvial and overland surface water, and includes allowances for climate change for the lifetime of the Scheme. Climate change allowances used for the Scheme have been based on the Government allowances for watercourses and overland surface water designs using Design Manual for Roads and Bridges (DMRB) CG 501 guidance.</p> <p>Flood compensation requirements and watercourse flood modelling have also included the required climate change allowances to not increase flood risk elsewhere for most of the Scheme; however, in only one location (immediately upstream of the River Great Ouse crossing) a slight increase in flood level occurs at the corner of an agricultural field, of less than 16mm in depth and in the order of less than 3% of the total field area is affected. The relevant landowner has been consulted and has accepted the slight increase in flood risk within a small part of their field. This acceptance by the landowner was provided as modelling results show there is an overall reduction (approximately 97% in area) in flood levels across the rest of their agricultural land.</p> <p>h) All road users will be safe in time of flood, as the road drainage systems have been designed in accordance with DMRB CG 501 requirements including the climate change allowances set out in the Drainage Strategy Report [APP-219]. Flood risks to the Scheme from flood sources such as the River Great Ouse are assessed for climate change, that is within the recommended 60-year lifetime of the Scheme (DMRB CG501 Section 4).</p> <p>i) The Applicant can confirm that its response to Q1.9.2.2 within the Applicants Response to the Examining Authorities First Round of Written Questions [REP1-022] submitted at Deadline 1 applies, in that: 'The Applicant understands that all restoration works at Black Cat Quarry will be completed in accordance with the temporary planning permission for the quarry, which is March 2022, as set out in Bedford Borough Council's application reference: 15/02551/EIAWM.'</p>



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		<p>The Applicant understands that the quarry restoration levels will be in place before the start of Scheme construction works and this reflects the flood risk baseline watercourse modelling completed by the Applicant and associated FRA [APP-220] conclusions that the floodplain storage is adequate for the Scheme.</p> <p>j) The Applicant can confirm that all sources of flooding have been adequately assessed within the FRA [APP-220], and that this assessment has accounted for the likely effects of climate change, as explained in the Applicant's response to Part a) above.</p> <p>The Applicant can confirm that the combined impact of flooding from multiple watercourses has been assessed within the FRA [APP-220] where required, for example by taking account of the influence of the River Great Ouse on flooding in the smaller Ordinary Watercourses located in close proximity to the Scheme [APP-222].</p> <p>During the preparation of the FRA [APP-220] and the Assessment of Cumulative Effects [APP-084], the potential for in-combination effects on receptors arising from interactions between flood risk and other environmental impacts was considered by the Applicant. These assessments concluded that no such effects would occur.</p> <p>k) All reasonable opportunities that are possible have been taken to reduce overall flood risk, being cognisant of the requirement that all land taken for the Scheme development must be fully justified as essential for the Scheme implementation. This includes allowance for climate change, as specified in the flood assessment documents [APP-220].</p> <p>a) The treatment trains/measures incorporated into the Scheme's drainage design for the identified drainage networks, as summarised in Table 1-1 of the Highways England Water Risk Assessment Tool (HEWRAT) assessment [APP-218], include allowances for climate change in accordance with DMRB. Accordingly, these pollution control mechanisms are considered sufficient to protect the environment.</p>
Q2.10	Good Design	
Q2.10.1	Visual appearance and design principles	
Q2.10.1.1	Local Authorities All Parties	<p><b>Question:</b></p> <p><b>Scheme Design Approach and Design Principles</b></p> <p>a) The ExA is seeking views from LAs and all parties on the content of the Applicant's Scheme Design Approach and Design Principles [REP3-014], and if the design approach, design vision and design principles will guide the development of the detailed design post consent (should consent be granted) to deliver the following outcomes:</p>

No.	Directed to	Question
		<p>i) sensitivity to place, siting and design measures relative to existing landscape, character and function (NPS NN, Paragraphs 4.29, 4.30, 4.33) (other relevant local policies <b>[REP1-051]</b>, <b>[REP1- 054]</b> <b>[REP1- 055]</b>);</p> <p>ii) producing high quality, beautiful and sustainable places (NPS NN, Paragraphs 4.29, Chapter 12 of the NPPF)</p> <p>iii) meeting principal objectives of the Proposed Development, mitigating problems, minimising adverse impacts, and sustaining the improvements to operational efficiency (NPS NN, Paragraph 4.31);</p> <p>iv) taking into account functionality, aesthetics, and technology (NPS NN, Paragraph 4.33); and</p> <p>v) best possible integration with the surrounding landscape <b>[REP3-014]</b>, Paragraph 3.1.1].</p> <p>b) Do you feel that the design principles and features of specific structures <b>[REP3-014]</b>, Appendix C] cover the range of physical structures, landscape features, and other measures that design principles should be set out for?</p> <p>c) Do you have understanding of the rationale behind the design principles for individual structures, in relation to the immediate surroundings, for instance <b>[REP3-014]</b>, Appendix C]?</p> <p>d) Are you clear how the Scheme Design Approach and Design Principles would be secured through the DCO process, and is that adequate <b>[REP3-014]</b>, Paragraphs 1.2.1-2]?</p> <p><b>Answer:</b></p> <p>The Applicant notes this question is for other parties, but would like to highlight that the Scheme Design Approach and Design Principles is detailed within document <b>[REP3-014]</b>. This document describes the design approach, design vision and design principles which will guide the development of the detailed design post consent.</p> <p>It was developed to address the NPSNN, in particular the criteria for good design set out in section 4. It explains the iterative and collaborative design process, which considered good design from the outset. The document is intended to be read alongside the other documents which support the Application, in particular the Environmental Masterplan <b>[APP-091]</b> and the First Iteration Environmental Management Plan <b>[APP-234]</b>.</p> <p>The Applicant will provide comments on other parties' response to this question, if required, at Deadline 5.</p>
<b>Q2.10.2</b>	<b>Design development process</b>	
Q2.10.2.1	Local Authorities All Parties	<p><b>Question:</b></p> <p><b>Design development process</b></p>



No.	Directed to	Question
		<p>a) Are you clear about the design development process and which parties would be consulted through the process [REP3-014, Section 5]?</p> <p>b) Are you content with the proposed design development process and which parties would be consulted through the process [REP3-014, Section 5]? Are you clear how the Scheme Design Approach and Design Principles would be secured through the DCO process, and is that adequate [REP3-014, Paragraphs 1.2.1-2]?</p>
		<p><b>Answer:</b></p> <p>The Applicant notes this question and will comment upon the responses received (if required) at Deadline 5.</p>
<b>Q2.11</b>	<b>Highways – network and structures</b>	
<b>Q2.11.1</b>	<b>Transport Modelling</b>	
Q2.11.1.1	Local Highway Authorities Applicant	<p><b>Question:</b></p> <p><b>Methodology, inputs and outputs</b></p> <p>The NPS NN (Paragraphs 5.203, 5.204) explains that the Applicant should have regard to policies set out in local plans and that the Applicant should consult relevant LHAs and LPAs, as appropriate on the assessment of transport impacts. S16 The Traffic Management Act 2004, places a Network Management Duty (NMD) on local traffic authorities, or a strategic highways company (the network management authority), so far as is reasonably practicable, to ensure the expeditious movement of traffic on the authority's road network and facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority. At ISH2 [EV-038] both CCC and CBC stated that on the basis of the information before them that they were unable to comment on the Proposed Development's likely impact on them being able to fulfil their NMD.</p> <p>a) Given the Applicant acknowledges the limitations of applying strategic modelling to the localised level of individual junctions, sections of highway and in the case of Coton, how can the ExA and LHAs be confident in the traffic effects stated in the Case for the scheme [APP-240] and Transport Assessment [APP-241 and APP-242] at specific points elsewhere on the local highway network?</p> <p>b) The ExA welcome that the Applicant has proposed to undertake further sensitivity testing, in liaison with LHAs at various locations described in Scope of Junction Model Sensitivity Test [REP3-029]. Do CBC and CCC agree</p>

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		<p>that the scope of that assessment will enable greater confidence in the traffic effects of the Proposed Development? Explain with reasons.</p> <p>c) Do LHAs intend on undertaking further analysis such as has been provided for Caxton Gibbet [REP2-003, Fig 1, 7.2.22]? If so, which locations would this relate to and when will this be provided to the ExA?</p>
		<p><b>Answer:</b></p> <p><b>Part a)</b></p> <p><b>The application of strategic model flows to the Case for the Scheme</b></p> <p>In addressing this question it is important to distinguish between the application of the strategic model to support the Case for the Scheme [APP-240] and its application as part of the local junction assessments.</p> <p>The Strategic traffic model was developed primarily to provide forecasts to assess the impacts of the Scheme within a defined Area of Detailed Modelling (see Figure 4.1 in [APP-252]), particularly in terms of the relief that it would provide to other competing routes. In addition to providing forecast flows and the area wide re-routing effects as a result of the Scheme, the strategic model also provided journey time savings resulting from the Scheme which are key inputs for economic benefits assessment and are reported in the Case for the Scheme [APP-240].</p> <p>The Applicant considers that a high level of confidence can be placed in the strategic model in relation to the supporting analysis as presented in the Case for the Scheme. The evidence base for this is set out in the Combined Modelling and Appraisal Report – Appendix B – Transport Model Package: Local Model Validation Report [APP-252]. [APP-252] describes how the base year Strategic Traffic Model was calibrated and validated to the Department for Transport's TAG standards (see Chapter 3 in [APP-252]). Details of how the model meets the Department for Transport standards for link flow and journey time validation, as set out in TAG Unit M3.1 Highway Assignment modelling, are presented in Chapter 11 of [APP-252].</p> <p>This demonstrates that the traffic model replicates observed traffic volumes and travel times to a high standard of accuracy and achieves the TAG criteria for link flow and journey time validation. Based upon these results it was determined that the traffic model was sufficiently robust to be taken forward and would provide a reliable model for forecasting and economic evaluation.</p> <p>The issues identified as a result of the audit of the strategic model carried out by Cambridgeshire County Council, which included minor coding errors at M11 J12 and M11 J14 and Coton (REP1-048) have been fully investigated by the Applicant (refer to [REP3-008] pages 10 and 11). The Applicant has addressed these issues as</p>



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		<p>part of their response to the joint Cambridgeshire Authorities Written Representations <b>[REP1-048]</b>. Please refer to pages 10 and 11 of 9.21 Applicant's Comments on Written Representations <b>[REP3-008]</b>.</p> <p>Sensitivity tests have been carried out by the Applicant to address the coding issues at Girton and at School Lane, Cambourne details of which have been reported in REP1-051 (part c) and REP2-003f respectively. Technical Notes providing further details of the impacts will be submitted at Deadline 4 (Strategic Model Test at Girton <b>[TR010044/EXAM/9.50]</b> and Sensitivity Test for School Lane, Cambourne <b>TR010044/EXAM/9.51]</b>).</p> <p>With respect to the routing through Coton raised by Cambridgeshire and the joint authorities, <b>[REP2-003i]</b>, it should be borne in mind that the model is a strategic traffic model and therefore, as is the case with any strategic model, it cannot be expected to precisely replicate flows on local routes particularly where route choice may be finely balanced.</p> <p>Strategic models typically are less suited to modelling flows on local minor roads, since they are primarily designed to assess and capture area-wide impacts on the more major and strategic routes.</p> <p>In the case of Coton, it is acknowledged that the model is likely to be overstating flows in the base year, and possibly in the future year. However, it is noted that the change in flows at Coton as a result of the Scheme is small. Therefore, the change in flow rather than the absolute flow more significant.</p> <p>The model validation process that involves comparing modelled flows against observed traffic flow data, has demonstrated that the strategic model shows excellent conformity to TAG validation criteria as reported in <b>[APP-252]</b>. It shows that a high level of confidence that can be placed in the model.</p> <p>It should be noted that the issues raised only affect traffic routeings over a limited and localised area and therefore do not compromise the robustness of the model.</p> <p>The Applicant is firmly of the view that the coding issues identified by CCC should not detract from the confidence that should be placed in the Strategic Traffic Model in support of the Case for the Scheme. The most effective and reliable guide to the model's fit for purpose should be the extent to which the model meets TAG validation criteria. On this basis, the A428 strategic model achieves an excellent validation and forms a sound basis for the strategic assessment of the Scheme.</p> <p>It should be noted that all Local Highway Authorities, including CCC have accepted that the Strategic model provides a sound basis for assessing the strategic impacts of the Scheme which will be reflected in the latest Statements of Common Ground <b>[TR010044/EXAM/8.4 (Rev 2), TR010044/EXAM/8.5 (Rev 2), TR010044/EXAM/8.6 (Rev 2)]</b>, submitted at Deadline 4.</p>



No.	Directed to	Question
		<p><b>The application of strategic model flows to local junction models</b></p> <p>The outputs from the strategic model have been used directly for the new or significantly improved junctions as these, of course, have significantly changed from their base year layouts and operations.</p> <p>In relation to the application of the strategic model outputs to the remaining local junction assessments, the Applicant maintains that the approach adopted was reasonable and proportionate. In some cases, the forecast flows were much lower than the estimated capacities of these junctions, and the detailed junction modelling further re-established that fact. For other local junctions where the overall junction flows were close or more than the estimated capacities of the junctions, the effect of the Scheme is to reduce the flows through these junctions, in some cases quite significantly, and the detailed junction modelling substantiates that. In a number of specific cases, for example at the A1 Buckden and Sandy junctions and at M11 Junction 13 where the overall junction flows were close to or more than the estimated capacities of the junctions and where the Scheme does not reduce flows, separate junction models have been developed and calibrated/ validated using observed data with future year flows being uplifted rather than being taken directly from the strategic models.</p> <p>In response to issues raised by Cambridgeshire County Council (CCC), Central Bedfordshire Council (CBC) and others in their respective Local Impact Reports (<b>REP2-003 and REP2-004</b>) and Written Representations (<b>REP1-058 and REP1-055</b>), the Applicant has re-examined the modelling undertaken at the Scheme junctions, as reported in the Transport Assessment (<b>APP-241 and APP-242</b>) and the Transport Assessment Annex (<b>APP-243</b>), in respect of the Scheme's impact at specific points on the local highway network.</p> <p>The Applicant's response to these issues is set out primarily in its responses to the Local Impact Reports and Written Representations concerned, in our submissions at Deadline 3 [<b>REP3-008 and REP3-009</b>].</p> <p>The Applicant acknowledges that there are locations on the local highway network where there is some variance between the base year traffic flows derived from the strategic model and those derived from observed traffic counts, particularly at the level of turning movement proportions. However, this is an acceptable feature of any strategic model as all the LHA's including CCC have mentioned in several meetings and discussions. However, for the junctions modelling where strategic modelling flows have been used for assessment there has been a robust logic which has been outlined in details in "<i>Deadline 1 Submission - 9.10 Junction Modelling Technical Note - Rev 1</i>". As an ongoing action from the ISH3, the Applicant is currently undertaking sensitivity tests on a selected set of junctions by altering the base turning flow proportions to match the observed traffic flows, to evaluate if there are significant differences in the outcome of the junction modelling by doing so.</p>



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		<p>Further to Issue Specific Hearing 2, as an ensuing action the Applicant has proposed sensitivity testing (by adopting base year observed turning flows to build up the forecast turning flows) of the impact of the Scheme at the following locations, where we consider there may be a case for further modelling work:</p> <ul style="list-style-type: none"> <li>• Black Cat junction (Scheme junction);</li> <li>• Cambridge Road junction (Scheme junction);</li> <li>• Caxton Gibbet junction (Scheme junction);</li> <li>• A1/ A428 Wyboston junction;</li> <li>• A1/ A6001/ B658 Biggleswade North Junction;</li> <li>• A428/ Barford Road junction.</li> </ul> <p>The rationale for carrying out sensitivity testing at these junctions is set out in the document 'Scope of Junction Model Sensitivity Test' [REP3 -029].</p> <p>Equally, the 'Scope of Junction Model Sensitivity Test' [REP3 -029] sets out the case supporting the Applicant's view that it is not necessary or proportionate to carry out sensitivity testing at the other junctions at which CCC and CBC have raised issues relating to the application of the strategic model outputs to the local junction assessments. In [REP3-029], each junction is considered in turn and the rationale for carrying out or not carrying out sensitivity testing is set out.</p> <p>The 'Scope of Junction Model Sensitivity Test' [REP3 -029] also provides the Applicants reasoning for not extending the area covered by the local junction capacity assessments to include local junctions along Great North Road and Cambridge Road within St Neots.</p> <p><b>Conclusion (Local Junction Models)</b></p> <p>The Applicant considers that the detailed assessment of each junction contained in [REP3-029] provides the evidence required to allow the Examining Authority and the Local Highway Authorities to have sufficient confidence in the traffic effects stated in the Transport Assessment [APP-241 and APP-242] and the Transport Assessment Annex [APP-243].</p> <p>The conclusion reached in para 6.10.2 of the Transport Assessment [APP-241 and APP-242] (TA) was that the three principal Scheme junctions are all forecast to operate within capacity for both the AM and PM peak hours in the 2025 and 2040 assessment years. Para 6.17.2 of the TA refers to the smaller junctions which are to be reconfigured as</p>



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		<p>part of the Scheme and to the existing A428/ Toseland Road/ Abbotsley Road junction. This concludes that the junctions concerned are predicted to operate well within capacity.</p> <p>The conclusions reached in the Transport Assessment Annex <b>[APP-243]</b> (TAA) support the view that the local villages and towns abutting the Scheme will all benefit significantly by the Scheme across their local road network and junctions. The majority of the junctions assessed in the wider study area reported on in the TAA are predicted to either remain well within capacity; or the impact of additional traffic arising from the Scheme is not considered to be significant. However, away from the Scheme, there is the potential for some adverse impacts at a limited number of junctions on some of the approach arms, which are to be expected due to rerouting of local traffic generated from those local areas. It should be noted that this could be a temporary phenomenon, as once the road users become aware of the regular queues in one junction, they may alter their timing of travel or transfer to other local roads to avoid delays.</p> <p>Additionally, the National Highway reiterates that any such impacts need to be viewed in the wider context of the overall road network for which the local highways authorities will be responsible and where there will be substantial benefits, as a result of improvements to the SRN; without which conditions in the wider local network would inevitably worsen in the forecast years.</p> <p>The Applicant considers there to be a minimal risk that the impact of the Scheme will differ from that reported in the TA (<b>[APP-241]</b> and <b>[APP-242]</b>) and the TAA <b>[APP-243]</b>, for the reasons set out above. Having examined the assertions made by the Local Highway Authorities, and re-examined the local junction models in response to these, the Applicant considers that the modelling undertaken gives sufficient confidence in the traffic effects set out in the TA (<b>[APP-241]</b> and <b>[APP-242]</b>) and in the TAA <b>[APP-243]</b>. The specific reasons for believing this to be the case are set out in the analysis contained in the document 'Scope of Junction Model Sensitivity Test' <b>[REP3 -029]</b>.</p> <p>The Applicant has accepted the case for undertaking sensitivity tests on some of the selected junctions, by changing the input parameters recommended by CCC. This will be reported to highlight the differences, if any, from the findings and conclusions of the TA (<b>[APP-241]</b> and <b>[APP-242]</b>) and the TAA <b>[APP -243]</b>. Should any significant differences be found through this exercise, further sensitivity tests of the remaining junctions may be considered by the Applicant.</p> <p>The Applicant's rationale for not carrying out junction capacity assessments at local junctions within the town of St Neots is also set out in the document 'Scope of Junction Model Sensitivity Test' <b>[REP3 -029]</b>.</p> <p>Part b)</p> <p>This question is for CCC and CBC to answer.</p>




No.	Directed to	Question
		<p>Part c)</p> <p>This question is for the Local Highways Authorities to answer.</p>
Q2.11.1.2	Local Highway Authorities All Parties	<p><b>Question:</b></p> <p><b>COVID-19</b></p> <p>At Deadline 1 the Applicant provided additional submission Assessing the Potential Impacts of COVID 19 – The implications for traffic forecasts for the Scheme [REP1-029]. Do LAs and all parties broadly accept the findings of the document provided? If not explain with reasons.</p>
		<p><b>Answer:</b></p> <p>The Applicant notes this question and will comment upon the responses received (if required) at Deadline 5.</p>
Q2.11.1.3	Local Highway Authorities All Parties	<p><b>Question:</b></p> <p><b>Economic Sensitivity Test</b></p> <p>At Deadline 1 the Applicant provided additional submission Economic Sensitivity Test Technical Note [REP1-027]. Do LAs and all parties broadly accept the findings of the document provided? If not explain with reasons.</p>
		<p><b>Answer:</b></p> <p>The Applicant notes this question and will comment upon the responses received (if required) at Deadline 5.</p>
<b>Q2.11.2</b>	<b>Road layout, junctions and bridges</b>	
Q2.11.2.1	Local Highway Authorities	<p><b>Question:</b></p> <p><b>Road design and layout</b></p> <p>CCC [REP1-048] have requested that new highways infrastructure be provided in accordance with DMRB.</p> <p>c) With particular regard to route continuity and road safety considerations, how is this justified where the existing roads leading to those points do not currently appear to conform with DMRB? Please provide justification for each location referred to.</p>

A428 Black Cat to Caxton Gibbet improvements  
Responses to the Examining Authority's Second Round of Written Questions

No.	Directed to	Question
		d) Do other Local Highway Authorities share the view that new highways infrastructure, for which they will be responsible for in future, should conform with DMRB?
		<b>Answer:</b>
Q2.11.2.2	Applicant	<p><b>Question:</b></p> <p><b>Black Cat Junction</b></p> <p>a) The ExA note the response of the Applicant to ISH3 Hearing Action Points 3 and 4 was not submitted at D3. This information is critical to the ExA's understanding of the evolution of the Proposed Development and to be satisfied that reasonable alternatives were explored relating to the proposed Black Cat Junction. Provide this information at D4.</p> <p>b) Is BBC satisfied that the proposed access to the south east of the gyratory would facilitate future development intentions of the Council [RR-008a]?</p> <p><i>See related question(s) in Historic Environment</i></p>
		<p><b>Answer:</b></p> <p>a) The response to Q2.11.2.2 is set out in the Applicant's document, Overview of the Alternatives considered at the Black Cat Junction [TR010044/EXAM/9.39] which has been submitted at Deadline 4. The report seeks to address action points 3 and 4 that were identified by the Examining Authority following Issue Specific Hearing 3 held on 24 September 2021 covering environmental matters [EV-043].</p> <p>In response to the action points, the report sets out how the alternatives considered at Black Cat Junction were assessed against a number of criteria and subsequently evolved into the current junction alignment. The evidence underpinning the criteria is also presented in the Overview of the Alternatives considered at the Black Cat Junction [TR010044/EXAM/9.39].</p> <p>b) Question is for BBC.</p>
Q2.11.2.3	Applicant	<p><b>Question:</b></p> <p><b>Business and property accesses</b></p>



No.	Directed to	Question
		<p>Who will be responsible for future maintenance of new accesses or improvements to existing accesses that would interface with the local highway network? Where is this set out and how is it secured?</p> <p><i>See related question(s) in Compulsory Acquisition</i></p>
		<p><b>Answer:</b></p> <p>Maintenance responsibility for new and improved accesses to businesses or property within the limits of the highway boundary will be the responsibility of the local highway authority in whose area the highway lies. Maintenance responsibility for new and improved accesses to businesses or property outside the limits of the highway boundary will remain the responsibility of the affected landowner. This reflects the position that is adopted across the country.</p> <p>The extent of highway to be managed and maintained by the respective highway authorities, including the definition and extent of the highway, will be defined through the legal agreement to be secured with each directly affected local authority.</p>
<b>Q2.11.3</b>	<b>Signage and lighting</b>	
Q2.11.3.1	Applicant	<p><b>Question:</b></p> <p><b>Variable message signage</b></p> <p>At ASI1 [EV-022] there was uncertainty as to where and whether Variable Message Signage was still intended to be provided as part of the Proposed Development.</p> <ol style="list-style-type: none"> <li>Confirm whether the Proposed Development incorporates Variable Message Signage and, if so, is it intended that the Variable Message Signage would take the form of roadside displays or to be mounted on gantries?</li> <li>Provide further information, such as standard detail drawings or thumbnail drawings to enable the ExA and all parties to visualise such arrangements.</li> </ol>
		<p><b>Answer:</b></p> <p>The design of the Scheme makes allowance for the provision of four cantilever mounted variable message signs (VMS), which could be installed at the following locations, shown in Figure 2.2 of the Environmental Statement [APP-089], to provide road users with journey information:</p> <ol style="list-style-type: none"> <li>On the northbound carriageway of the A1 between Church End and Tempsford.</li> </ol>

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		<p>b. On the eastbound carriageway of the A421, to the east of Roxton and adjacent to Bridleway No. 6.</p> <p>c. On the southbound carriageway of the A1, immediately north of the Wyboston interchange.</p> <p>d. On the westbound carriageway of the new dual carriageway, immediately east of the ECML underbridge.</p> <p>The potential requirement for these VMS was identified early in the design-development process as a means of providing information to drivers on the approaches to Black Cat junction. Subsequent to their inclusion in the Scheme and their assessment within the Environmental Statement (ES), Chapter 7 – Landscape and Visual Effects [APP-076], the current scope of the Scheme does not include provision of the VMS. However, the Applicant is reviewing this position and seeks to maintain the flexibility to install the proposed VMS at a later date. The proposed VMS locations are all within the highway boundary and do not require the permanent acquisition of additional land.</p> <p>The current design has assumed that MS4 type VMS would be provided, a typical example of which is shown in the following picture.</p> 



No.	Directed to	Question
		<p>The MS4 technology allows the display of free text messages, providing road users with real-time information concerning road conditions ahead, helping to improve safety and reduce congestion. The MS4 signs are typically mounted between 6.0m and 7.5m above the road surface.</p> <p>Further details on the consideration given to the VMS is provided in section 3.3 of the Scheme Design Approach and Design Principles [REP3-014] document. As these structures are a standard design there is limited scope to influence their visual appearance, however, they have been positioned as far as possible to minimise additional visual impacts by siting them close to existing infrastructures such as overbridges and vegetation.</p>
<b>Q2.11.4</b>	<b>Operational effects beyond the extent of the proposed scheme</b>	
		<p><b>Question:</b></p> <p><b>No further questions at this stage</b></p>
		<p><b>Answer:</b></p>
<b>Q2.11.5</b>	<b>De-trunking proposals and new local highway infrastructure</b>	
Q2.11.5.1	The Applicant Local Highway Authorities	<p><b>Question:</b></p> <p><b>De-trunking proposals</b></p> <p>a) Further to the Applicant's written and oral submissions received so far in the Examination [REP1-021] [REP1-022] [REP3-008], do LHAs consider that they have an accurate understanding of the condition in which the highway asset to be de-trunked will be transferred?</p> <p>b) Applicant, provide updates on the progress made on de-trunking agreements.</p> <p>c) How will LHAs' agreement to handover at a specific point in time be secured?</p> <p><i>See related question(s) in Draft Development Consent Order</i></p>
		<p><b>Answer:</b></p>

No.	Directed to	Question
		<p>a) The Applicant acknowledges that this question was directed to the local highway authorities, however, the Applicant can confirm that the proposed legal agreements to be entered into between it and each local highway authority have been drafted to contain a clear process to ensure that both parties understand the condition of the highway asset to be de-trunked at the point of transfer. The Applicant has submitted at Deadline 4 the Overview of the handover process for de-trunked assets and local highways [TR01044/EXAM/9.49] which sets out in further detail the proposed process to be followed by the parties in relation to the handover of highway assets. The details of the proposed process are to be agreed between the Applicant and the relevant local highway authorities and the agreed process will then be documented in any final legal agreements.</p> <p>b) Please refer to the Overview of the handover process for de-trunked assets and local highways [TR01044/EXAM/9.49] which sets out a full update on the progress made to date on the de-trunking agreements. The Applicant has sought to progress the legal agreements with each of the local highway authorities. The Applicant and Cambridgeshire County Council have shared comments on the legal agreement and met on a number of occasions to discuss the terms of the legal agreement and the handover process. While there are still a number of points to be agreed, the parties recognise the importance of finalising the legal agreement as quickly as possible. The Applicant has also sought to engage with Bedford Borough Council and Central Bedfordshire Council in relation to the agreement. The Applicant has received some high level comments on the legal agreement from Central Bedfordshire Council but is yet to receive any comments of substance from Bedford Borough Council on the legal agreement. The Applicant is keen to finalise each of these legal agreements as soon as possible in order to provide all parties with certainty as to how the process of handing over local assets will be managed.</p> <p>c) Under the proposed legal agreement, any highway asset to be handed over (be that a de-trunked asset or a local highway) must meet a certain standard (as set out in the proposed legal agreement) and the relevant local highway authority will need to be satisfied that the asset meets this standard before the handover takes place. As stated above, the Overview of the handover process for de-trunked assets and local highways [TR01044/EXAM/9.49] sets out this process, explains what control the local highway authorities have over the condition of highway assets they would inherit and the point at which those assets would become the responsibility of the local highway authority.</p>
Q2.11.5.2	Cambridgeshire County Council Applicant	<p><b>Question:</b></p> <p><b>Speed limits</b></p> <p>a) CCC, you have referred the ExA to your Written Representations [REP1-048, WQ1.11.5.2]; for completeness provide associated paragraph numbers.</p>



No.	Directed to	Question
		<p>b) Likewise, Applicant in your comments you have referred the ExA to your comments on Written Representations [REP3-008, WQ1.11.5.2]; provide associated paragraph numbers.</p> <p><b>Answer:</b></p> <p>The Applicant notes that in the joint authorities' Responses to the ExA's First Written Question (WQ1) [REP1-051], on printed page 45, the ExA was referred to the Joint Written Representation [REP1-048]. Within the Joint Authorities Written Representation [REP1-048], it is noted that the joint authorities do not specifically address the question of speed limits within the ExA's WQ1.11.5.2 and therefore the Applicant has only provided a general cross-reference to the Applicant's Comments to the Written Representation [REP3-008].</p> <p>The Applicant further notes that on printed page 155 of 9.2 Applicant's Response to the Examining Authority's First Round of Written Questions [REP1-022], a response is missing. The Applicant would like to take the opportunity to respond, please see below.</p> <p><u>WQ1.11.5.2</u></p> <p>d) The Applicant is not aware of any published local authority policies on speed limits. The Applicant has engaged with all local highway authorities with respect to the speed limits and has received no comments or issues with those proposed. The Applicant has incorporated requests from Bedford Borough Council to reduce the speed limits from 60mph (national) to 40mph along Bedford Road and Roxton Road within the extents of the Scheme as shown on the Permanent Speed Limit Plans [APP-015] and detailed in Part 4 of Schedule 3 of the draft Development Consent Order [APP-025]. Furthermore, where the realigned local roads tie into existing infrastructure, the Applicant proposes speed limits that align to the existing posted speed limit.</p> <p>e) The speed limits for the Proposed Development are to be secured through the draft Development Consent Order [REP1-003] as detailed in Schedule 3 Part 4 - Speed Limits. Should any amendments be made post-consent, the relevant highway authority will seek to secure these via the Traffic Regulation Act 1984.</p>
<b>Q2.11.6</b>	<b>Non-motorised users</b>	
Q2.11.6.1	Applicant Local Highway Authorities Interested Parties	<p><b>Question:</b></p> <p><b>Providing opportunities for NMUs</b></p> <p>At ISH2 [EV-034] it was clear that numerous parties consider the Proposed Development does not sufficiently improve the existing PROW network. The scheme objectives [APP-071], also referred to in the Statement of Reasons [APP-030], include ensuring the safety of cyclists, walkers and horse riders and those who use public transport by</p>



No.	Directed to	Question
		<p>improving the routes and connections between communities improving accessibility. The Applicant explains that the PROW network will increase in length by 4.13 km <b>[REP1-022]</b>. However, it is noted that this includes sections of PROW diversions required as a result of the Proposed Development.</p> <p>a) Applicant, what additional NMU provision can be reasonably considered to meet the scheme objectives <b>[APP-071]</b>, address the concerns of LHAs and other parties, and align with policy requirements (NPS NN, Paragraphs 3.3 and 5.205)?</p> <p>b) CCC <b>[REP2-003]</b> has expressed concerns that there is a likelihood of increased vehicle speeds on the existing A428 because the traffic levels would reduce as a result of the Proposed Development. Has the Applicant considered the need for physical engineering interventions to ensure the potential for increased traffic speeds do not lead to adverse road safety impacts, particularly for NMUs crossing the corridor but also along it? Explain with reasons.</p> <p>c) CCC, have feasibility studies relating to the provision of a continuous off-road walking and/or cycling link between St Neots and Cambourne been undertaken <b>[EV-034]</b>? Provide evidence that there is demand for such a link. How deliverable is such a scheme, particularly in regard to funding and any known delivery constraints?</p> <p>d) Applicant, justify the gap of approximately 600m in off-road NMU provision between Eltisley and Caxton Gibbet North roundabout.</p> <p>e) The Applicant proposes that LAs could seek funding from Designated Funds associated with RIS2 to improve NMU provision locally <b>[APP-243]</b>. Provide detail regarding this fund, including how the bidding process works and how potential schemes are assessed. Explain how it is better value for such schemes to be delivered separately from the Proposed Development.</p> <p><b>Answer:</b></p> <p>Part a). Set out below in the table are the Public Rights of Way (PROW) that either comprise a replacement of the existing provision, upgraded provision or newly provided PROW routes. The Scheme objectives that are met are also set out as well as planning policy analysis against the National Networks National Policy Statement. The relevant objectives of the Scheme are set out below.</p> <p>b) Safety: Improve safety at junctions, side roads and private accesses by reducing traffic flows on the existing A428. Improve safety on the A1 by removing existing side road junctions and private accesses onto the carriageway.</p> <p>e) Accessibility: Ensure the safety of cyclists, walkers and horse riders and those who use public transport by improving the routes and connections between communities.</p>



No.	Directed to	Question															
		<p>The relevant paragraphs from the National Networks National Policy Statement are as follows:</p> <p><i>3.3 In delivering new schemes, the Government expects applicants to avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government's planning guidance. Applicants should also provide evidence that they have considered reasonable opportunities to deliver environmental and social benefits as part of schemes. The Government's detailed policy on environmental mitigations for developments is set out in Chapter 5 of this document.</i></p> <p>3.22 Severance can be a problem in some locations. Where appropriate applicants should seek to deliver improvements that reduce community severance and improve accessibility.</p> <p>5.205 Applicants should consider reasonable opportunities to support other transport modes in developing infrastructure. The Applicant should provide evidence that as part of the project they have used reasonable endeavours to address any existing severance issues that act as a barrier to non- motorised users.</p> <table><tr><th>Existing Provision</th><th>Replacement/Upgraded/ New provision</th><th>Reference to Q1.11.6.4 &amp; Q1.11.6.5</th><th>Relevant Scheme Objective</th><th>Policy Analysis</th></tr><tr><td>Existing footpaths (FP A10 &amp; FP 10) to the north west of proposed Roxton Road roundabout</td><td>Upgraded replacement to shared accommodation track and footpath/PRoW in line with proposals for accommodation track west of proposed Roxton Road roundabout.</td><td>Existing Provision – ProW1</td><td>Safety – the upgraded replacement provides a safe route for users.  Accessibility – The upgraded route will improve the quality of provision in this location.</td><td>NPSNN Paragraph 3.3 - the Applicant has taken the opportunity to improve PROW provision in this location.  NPSNN Paragraph 5.205 - Improving the quality of the route will remove barriers to use for non-motorised users.</td></tr><tr><td>Existing below standard footway/ cycleway adjacent to the A1 northbound carriageway</td><td>Upgrade to cycle track with a right of way on foot</td><td>Existing Provision – NMU01 Upgraded Provision - NMU02, NMU03 and NMU05</td><td>Safety – the upgraded shared footway / cycleway provides a safe route for users.</td><td>NPSNN Paragraph 3.3 - the Applicant has taken the opportunity to improve PROW provision in this location.</td></tr></table>	Existing Provision	Replacement/Upgraded/ New provision	Reference to Q1.11.6.4 & Q1.11.6.5	Relevant Scheme Objective	Policy Analysis	Existing footpaths (FP A10 & FP 10) to the north west of proposed Roxton Road roundabout	Upgraded replacement to shared accommodation track and footpath/PRoW in line with proposals for accommodation track west of proposed Roxton Road roundabout.	Existing Provision – ProW1	Safety – the upgraded replacement provides a safe route for users.  Accessibility – The upgraded route will improve the quality of provision in this location.	NPSNN Paragraph 3.3 - the Applicant has taken the opportunity to improve PROW provision in this location.  NPSNN Paragraph 5.205 - Improving the quality of the route will remove barriers to use for non-motorised users.	Existing below standard footway/ cycleway adjacent to the A1 northbound carriageway	Upgrade to cycle track with a right of way on foot	Existing Provision – NMU01 Upgraded Provision - NMU02, NMU03 and NMU05	Safety – the upgraded shared footway / cycleway provides a safe route for users.	NPSNN Paragraph 3.3 - the Applicant has taken the opportunity to improve PROW provision in this location.
Existing Provision	Replacement/Upgraded/ New provision	Reference to Q1.11.6.4 & Q1.11.6.5	Relevant Scheme Objective	Policy Analysis													
Existing footpaths (FP A10 & FP 10) to the north west of proposed Roxton Road roundabout	Upgraded replacement to shared accommodation track and footpath/PRoW in line with proposals for accommodation track west of proposed Roxton Road roundabout.	Existing Provision – ProW1	Safety – the upgraded replacement provides a safe route for users.  Accessibility – The upgraded route will improve the quality of provision in this location.	NPSNN Paragraph 3.3 - the Applicant has taken the opportunity to improve PROW provision in this location.  NPSNN Paragraph 5.205 - Improving the quality of the route will remove barriers to use for non-motorised users.													
Existing below standard footway/ cycleway adjacent to the A1 northbound carriageway	Upgrade to cycle track with a right of way on foot	Existing Provision – NMU01 Upgraded Provision - NMU02, NMU03 and NMU05	Safety – the upgraded shared footway / cycleway provides a safe route for users.	NPSNN Paragraph 3.3 - the Applicant has taken the opportunity to improve PROW provision in this location.													

A428 Black Cat to Caxton Gibbet improvements  
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No.	Directed to	Question			
					<p>Accessibility – The upgraded route will improve the quality of provision in this location.</p> <p>NPSNN Paragraph 5.205 - Improving the quality of the route will remove barriers to use for non-motorised users.</p>
		N/A	New Bridleway along School Lane	Proposed Provision - PRoW5	<p>Safety – the new bridleway provides a safe route for users.</p> <p>NPSNN Paragraph 3.3 - the Applicant has taken the opportunity to provide a new route in this location.</p> <p>Accessibility – The new route will improve the quality of provision in this location.</p> <p>NPSNN Paragraph 5.205 - not applicable as severance issue is not required to be addressed.</p>
		Existing footway along Roxton Road	Upgrade to cycle track with a right of way on foot	Existing and Upgrade Provision – NMU04	<p>Safety – the upgraded shared footway / cycleway provides a safe route for users.</p> <p>NPSNN Paragraph 3.3 - the Applicant has taken the opportunity to improve PROW provision in this location.</p> <p>Accessibility – The upgraded route will improve the quality of provision in this location.</p> <p>NPSNN Paragraph 5.205 - Improving the quality of the route will remove barriers to use for non-motorised users.</p>
		Existing footway provision along A1	Replacement of existing footway along A1 service link	Existing Provision – NMU06	<p>Safety – the replacement footway continues to provide a safer route for users.</p> <p>NPSNN Paragraph 3.3 - The Applicant has taken the opportunity to provide an improved replacement footway.</p> <p>Accessibility – the replacement footway will continue to facilitate</p>



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No.	Directed to	Question
		<p>NMU provision in this location.</p> <p>NPSNN Paragraph 5.205 - not applicable as severance issue is not required to be addressed.</p> <p>Existing footpath (FP 1/9) provision adjacent to Hen Brook</p> <p>Diversion and improvement of existing footpath</p> <p>Existing Provision – PRoW7</p> <p>Safety – the replacement footpath continues to provide a safe route for users.</p> <p>Accessibility – replacement footpath will continue to facilitate NMU provision in this location.</p> <p>NPSNN Paragraph 3.3 - The Applicant has taken the opportunity to provide an improved replacement footpath</p> <p>NPSNN Paragraph 5.205 - not applicable as severance issue is not required to be addressed.</p> <p>N/A</p> <p>New footpath provision along the new dual carriageway to the east of Hen Brook</p> <p>Proposed Provision – PRoW11</p> <p>Safety – the new footpath provides a safe route for users.</p> <p>Accessibility – The new route will improve the quality of provision in this location.</p> <p>NPSNN Paragraph 3.3 - The Applicant has taken the opportunity to provide a new footpath.</p> <p>NPSNN Paragraph 5.205 - not applicable as severance issue is not required to be addressed.</p> <p>Existing footpath (FP 1/17) provision adjacent to Wintringham Brook</p> <p>Diversion and improvement of existing footpath featuring grade separated crossing over new dual carriageway</p> <p>Proposed Provision – PRoW10</p> <p>Safety – the new footpath provides a safe route for users.</p> <p>Accessibility – The new route will improve the quality of provision in this location.</p> <p>NPSNN Paragraph 3.3 - The Applicant has taken the opportunity to provide an improved footpath.</p> <p>NPSNN Paragraph 5.205 - not applicable as severance issue is not required to be addressed.</p> <p>Existing footpath (FP 1/16)</p> <p>Diverted reprovision for FP1/16 which takes</p> <p>Existing Provision – PRoW12</p> <p>Safety – the diverted footpath continues to</p> <p>NPSNN Paragraph 3.3 - The Applicant has taken</p>

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No.	Directed to	Question
		<p>pedestrians to grade separation crossing of proposed new dual carriageway.</p> <p>provide a safe route by diverting users to a grade separated crossing.</p> <p>the opportunity to provide an diverted footpath.</p> <p>Accessibility – the diverted footpath will continue to facilitate NMU provision in this location.</p> <p>NPSNN Paragraph 5.205 - not applicable as severance issue is not required to be addressed.</p>
	Existing footway below standard and featuring no separation in sections of east and west approaches to existing Cambridge Road roundabout	<p>Upgrade of provision to cycle track with right of way on foot at eastern and western extents of Cambridge Road junction and a grade separated crossing of the new dual carriageway through the junction north and south through the proposed junction.</p> <p>Existing Provision - NMU07</p> <p>Safety – the upgraded shared footway/cycleway and grade separated crossing provide a safe route for users.</p> <p>Accessibility – The upgraded route will improve the quality of provision in this location.</p> <p>NPSNN Paragraph 3.3 - the Applicant has taken the opportunity to improve PROW provision in this location.</p> <p>NPSNN Paragraph 5.205 - Improving the quality of the route will remove barriers to use for non-motorised users.</p>
	Existing Bridleway 1/18	<p>Diverted and improved reprovision of bridleway 1/18 with crossing of new dual carriageway via grade separation</p> <p>Existing Provision - PRoW13</p> <p>Safety – the diverted bridleway continues to provide a safe route by diverting horse riders to a grade separated crossing.</p> <p>Accessibility – the diverted bridleway will continue to facilitate NMU provision in this location.</p> <p>NPSNN Paragraph 3.3 - The Applicant has taken the opportunity to provide an improved, diverted bridleway.</p> <p>NPSNN Paragraph 5.205 - not applicable as severance issue is not required to be addressed.</p>
	N/A	<p>Proposed footway provision added to facilitate the PRoW diversion of FP278/7.</p> <p>Proposed Provision - NMU08</p> <p>Safety – the new footpath provides a safe route for users.</p> <p>Accessibility – The new route will improve the</p> <p>NPSNN Paragraph 3.3 - The Applicant has taken the opportunity to provide a new footpath.</p>



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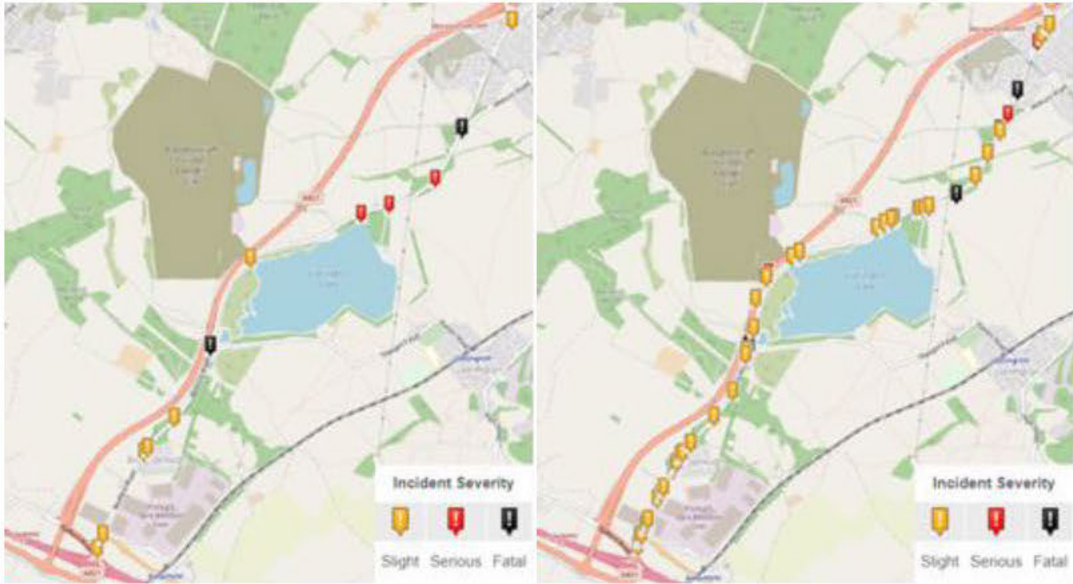
No.	Directed to	Question
		<p>quality of provision in this location.</p> <p>NPSNN Paragraph 5.205 - not applicable as severance issue is not required to be addressed.</p>
		<p>Existing footpath (FP 278/7) Diverted and improved reprovision of existing footpath (FP 278/7) with grade separated crossing of new dual carriageway along Toseland Road</p> <p>Existing Provision – PRoW15</p> <p>Safety – the diverted footpath continues to provide a safe route by diverting users to a grade separated crossing.</p> <p>NPSNN Paragraph 3.3 - The Applicant has taken the opportunity to provide an improved, diverted footpath.</p> <p>Accessibility – the diverted footpath will continue to facilitate NMU provision in this location.</p> <p>NPSNN Paragraph 5.205 - not applicable as severance issue is not required to be addressed.</p>
		<p>Existing Bridleway 74/6 Diverted and improved reprovision of existing bridleway 74/6 with grade separation from new dual carriageway</p> <p>Existing Provision – PRoW15</p> <p>Safety – the diverted bridleway continues to provide a safe route by diverting horse riders to a grade separated crossing.</p> <p>NPSNN Paragraph 3.3 - The Applicant has taken the opportunity to provide an improved, diverted bridleway.</p> <p>Accessibility – the diverted bridleway will continue to facilitate NMU provision in this location.</p> <p>NPSNN Paragraph 5.205 - not applicable as severance issue is not required to be addressed</p>
		<p>N/A</p> <p>New cycle track with right of way on foot proposed at- Eltisley Link where previously there was no provision along any of the B1046, Cambridge Road and the existing A428</p> <p>Proposed Provision - NMU09</p> <p>Safety – the new cycle track and footway provide a safe route for users.</p> <p>NPSNN Paragraph 3.3 - the Applicant has taken the opportunity to provide new PROW facilities in this location.</p> <p>Accessibility – The new route will improve the quality of provision in this location.</p> <p>NPSNN Paragraph 5.205 - Providing new facilities will remove barriers to use for non-motorised users.</p>

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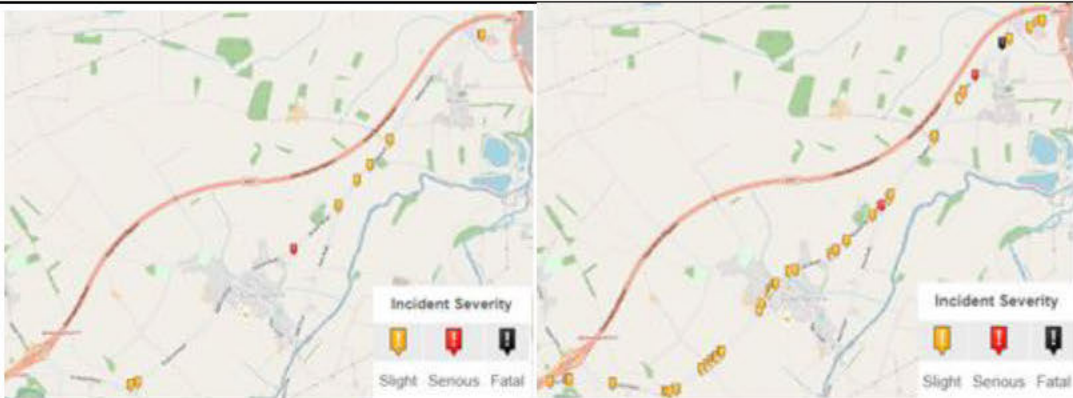

No.	Directed to	Question
		<p>Existing footway below standard for minimal section leading up to existing Caxton Gibbet roundabout from west. Upgrade of existing footway to cycle track with upright of way of foot with additional length of provision added. Proposed Provision - NMU11</p> <p>Safety – the upgraded shared footway / cycleway provides a safe route for users.</p> <p>Accessibility – The upgraded and extended route will improve the quality of provision in this location.</p> <p>NPSNN Paragraph 3.3 - the Applicant has taken the opportunity to improve PROW provision in this location.</p> <p>NPSNN Paragraph 5.205 - Improving the quality of the route will remove barriers to use for non-motorised users.</p>
		<p>No existing provision east of existing Caxton Gibbet roundabout. New cycle track with right of way on foot provision to NMU12 provide grade separation from new dual carriageway facilitating all east and west movement. Proposed Provision - NMU12</p> <p>Safety – the new cycle track and footway provide a safe route for users.</p> <p>Accessibility – The new route will improve the quality of provision in this location by facilitating all east and west movements.</p> <p>NPSNN Paragraph 3.3 - the Applicant has taken the opportunity to provide new PROW facilities in this location.</p> <p>NPSNN Paragraph 5.205 - Providing new facilities will remove barriers to use for non-motorised users.</p>
		<p>Existing NMU provision (formerly FP73/13) east of Caxton Gibbet roundabout. Upgraded to bridleway provision to the east of the proposed Caxton Gibbet Junction North roundabout connecting to Brockley Road. Proposed Provision – PRoW16</p> <p>Safety – the bridleway provides a safe route for users.</p> <p>Accessibility – The upgraded route will improve the quality of provision for horse riders in this location.</p> <p>NPSNN Paragraph 3.3 - the Applicant has taken the opportunity to improve PROW provision in this location.</p> <p>NPSNN Paragraph 5.205 - Improving the quality of the route will remove barriers to use for non-motorised users.</p>



No.	Directed to	Question
		<p>In respect of the concerns raised by LHAs and other parties (which the Applicant assumes relates to the cycling and equestrian groups that have made representations), these are primarily related to the extent of PROW provision within the Order Limits. As demonstrated in the table above, the Applicant considers that reasonable opportunities have been taken to provide new, upgraded and replacement facilities where this is required. The Applicant has also demonstrated this is in line with the Scheme objectives and policy set out in the NPSNN.</p> <p>Furthermore, in Part 2 of the Transport Assessment <b>[APP-242]</b> the Applicant has provided the following reports:</p> <ul style="list-style-type: none"> <li>• Walking, Cycling and Horse-Riding Assessment and Review (WCHAR) Assessment Report. This report identifies and considers need and opportunities for NMU provision.</li> <li>• Walking, Cycling and Horse-Riding Assessment and Review (WCHAR) Review Report. This report explains what has been adopted as part of the Scheme and the reasoning for this.</li> </ul> <p>In previous submissions, the Applicant has sought to explain why NMU proposals put forward by Interested Parties have not been adopted. This is set out in documents the following documents:</p> <ul style="list-style-type: none"> <li>• Applicant's Response to Relevant Representations <b>[REP1-021]</b></li> <li>• Applicant's Comments on Written Representations <b>[REP3-008]</b></li> <li>• Applicant's Comments on Local Impact Reports <b>[REP3-009]</b></li> </ul> <p>In terms of the total additional length of PROW provision, please refer to the Appendices to Written Question Q1.11.6.4 and Q1.11.6.5 of REP1-022 submitted at Deadline 1. These appendices show that the net gain of Public Rights of Way (PROW) and roadside NMU facilities is 4.13km and 2.33km respectively.</p> <p>Part b).</p> <p>The Applicant acknowledges that average daily traffic speeds are likely to increase closer to the speed limit, however does not consider that an increase in the average daily traffic speeds will lead to adverse road safety impacts, especially when significant volumes of traffic are diverted onto the new dual carriageway. The Applicant would request further evidence by Cambridgeshire County Council that demonstrates that road traffic incidents would increase.</p> <p>The Applicant is of the view that there is strong evidence to suggest that the introduction of a new trunk road "bypass", similar to the Scheme, will significantly reduce the number of road traffic incidents. This evidence includes the road traffic statistics on the following roads along the same east-west corridor:</p> <ul style="list-style-type: none"> <li>• Bedford Road and Woburn Road as a result of the A421 from M1 J13 to Marston Moretaine junction. This road, prior to the bypass opening in December 2010, recorded 77 incidents (59 slight, 11 serious, 7 fatal) over</li> </ul>

No.	Directed to	Question
		<p>a 5 year period (2005 to 2009). Post opening (2011 to 2015) of the bypass the recorded incident were 14 (8 slight, 3 serious, 3 fatal). Figure comparison below to depict the change.</p>  <ul style="list-style-type: none"> <li>Barford Road as a result of the A421 from Renhold to Black Cat roundabout. This road, prior to the bypass opening in August 2006, recorded 61 incidents (50 slight, 9 serious, 2 fatal) over a 5 year period (2001 to 2005). Post opening (2007 to 2011) of the bypass the recorded incidents were 14 (12 slight, 2 serious, 0 fatal). Figure comparison below to depict the change.</li> </ul>



No.	Directed to	Question
		<div data-bbox="651 320 1720 719">  </div> <ul style="list-style-type: none"> <li>St Neots Road as a result of the A428 from Cambourne to Scotland Road junction. This road, prior, to the bypass opening in May 2007 recorded 36 incidents (28 slight, 8 serious, 0 fatal) over a 5 year period (2002 to 2006). Post opening (2008 to 2012) of the bypass the recorded incident were 7 (6 slight, 1 serious, 0 fatal). Figure comparison below to depict the change.</li> </ul> <div data-bbox="651 887 1704 1342">  </div>

No.	Directed to	Question
		<p><i>*The incidents outlined above have been sourced from [REDACTED] which contains verified published data from the Department for Transport</i></p> <p>All the above roads show a decrease in road traffic incidents and have been operational for between 10 and 15 years with no/little physical interventions associated with increased traffic speeds. The average percentage decrease of the above road traffic incidents is approximately 80%, indicating that the de-trunked A428 will likely see a positive significant impact.</p> <p>Part c).</p> <p>No response required from Applicant.</p> <p>Part d).</p> <p>The Applicant will provide a shared footway/cycleway at both Eltisley Link and Caxton Gibbet junction were proposed improvements to the highway are provided, in order to provide safe crossing points at the junctions for non-motorised users. The Applicant has aligned the NMU provision adjacent to the highway improvements with those in Cambridgeshire County Council's Transport Investment Plan, namely TIP 134. The perceived gap in the NMU provision between Eltisley and Caxton Gibbet junction is created by the provision of two safe crossing points in close proximity.</p> <p>Further provision of a cycleway in between these points is not essential mitigation and improvements to the de-trunked A428 is outside the proper scope of the Scheme. It is for these reasons this provision has not been provided. The Applicant does not preclude Cambridgeshire County Council from implementing their transport investment aspirations separately.</p> <p>Part e).</p> <p>The Designated Funds process is available to National Highways teams, and external organisations which includes, public, third and private sector. The Funds are managed centrally within National Highways and outside of the A428 project.</p> <p>Designated Funds provide opportunities for parties to apply for funding with a National Highways sponsor for initiatives that are outside of the scope of schemes. It should be noted that the Fund does not cover mitigation that is identified as being needed for the A428 Scheme, the mitigation is delivered by the scheme itself. The Applicant considers that it has already provided reasonable improvements and the fund has been referred to as a means by which measures outside the scheme may be pursued by authorities if they consider it beneficial to do so.</p>



No.	Directed to	Question
		<p>Proposals are required to meet the 14 point criteria set out within the Designated Funds plan, which is attached in the Appendix Q2.11.6.1. The criteria includes:</p> <ul style="list-style-type: none"> <li>• Demonstrate value for money;</li> <li>• Demonstrate a minimum benefit to costs ratio greater than one;</li> <li>• Include only capital costs;</li> <li>• Support NH's key performance indicators;</li> <li>• DF cannot be used to purchase land on behalf of third parties.</li> </ul> <p>Partnership proposals are subject to the same principles for funding. National Highways expects that our partners will contribute to the delivery of mutual, greater or improved outcomes. This could include our partners providing one or more of the following:</p> <ul style="list-style-type: none"> <li>• Co-financing the project</li> <li>• Labour</li> <li>• Expertise</li> <li>• Land required</li> <li>• Future Maintenance</li> <li>• Equitable treatment of intellectual property.</li> </ul> <p>The bidding process is as follows:</p> <ul style="list-style-type: none"> <li>• Collaborative development of the Project Summary Form, activities include:</li> <li>• Link the bid to the fund plan criteria &amp; principles</li> <li>• Articulate Outputs and link to the Corporate KPIs where possible</li> <li>• Add estimation costs for future requests to the form where applicable</li> <li>• Add timescales for funding</li> <li>• Submission for Technical Assurance</li> </ul>

No.	Directed to	Question
		<ul style="list-style-type: none"> <li>• Review by DF technical specialist</li> <li>• If support in principle will endorse the proposal for decision</li> <li>• Submission for Investment Decision Committee</li> <li>• Final endorsed application form to be reviewed by investment committee</li> <li>• HE to attend committee, which sits bi-weekly</li> <li>• Committee will make a decision on the day however they ask proposals await minutes of decision</li> </ul> <p>Designated Funds is intended to provide investment for opportunities beyond traditional road investment. By working in partnership with others, Designated Funds allows the Scheme to provide added value to local communities through addressing local priorities and issues, this is in addition to delivering the Scheme benefits.</p>
<b>Q2.11.7</b>	<b>Construction traffic impacts</b>	
Q2.11.7.1	Applicant Local Authorities	<p><b>Question:</b></p> <p><b>Outline CTMP Clarification – Travel Plan</b></p> <p>Notwithstanding the Applicant's response at D3 to ISH2 Action Point 5 <b>[REP3-019]</b>, the Proposed Development would result in around 900 temporary workers being employed in the locality over a number of years.</p> <p>f) How will the commuting effects of workers, employees and contractors involved in the Proposed Development be managed, mitigated and minimised given the Applicant does not currently intend to produce a Travel Plan? LAs to comment.</p> <p>a) How does your position align with the policy requirement in the NPPF (Paragraph 113) which states that all developments that will generate significant amounts of movement should be required to provide a travel plan. LAs to comment.</p> <p>b) Without prejudice, what is the implication of producing a Travel Plan; when can it be produced and presented into Examination; and how would this be secured? LAs to comment.</p> <p><b>Answer:</b></p> <p>f) In terms of the commuting effects of workers, employees and contractors involved in the Proposed Development, Section 9 within Part 1 of the Transport Assessment <b>[APP-241]</b> provides the outcome of an assessment of the</p>



No.	Directed to	Question
		<p>construction impacts of the Scheme. Paragraphs 9.3.6 to 9.3.8 of the Transport Assessment [APP-241] set out more detail on the user classes that are represented in the construction traffic model; this includes light vehicles (LV). Paragraph 9.37 of the Transport Assessment [APP-241] notes that LVs are assumed to be used by workers or labour coming to site in mini-vans and pickups, and that staff working at the compounds are assumed to arrive by car. Table 9-2 of the Transport Assessment [APP-241] provides a summary of the average number of expected arrivals by user class at each construction phase.</p> <p>The Transport Assessment [APP-241] sets out that there will be increases in journey times as a result of the Scheme's construction. However, these increases are of an acceptable level, when recognising the significant journey time benefits which will be provided by the Scheme when it is operational. Furthermore, the modelling has demonstrated that the increases in journey times will not result in displaced traffic leading to unacceptable increases in traffic on alternative routes.</p> <p>The Applicant therefore considers that the commuting effects of workers, employees and contractors have already been taken into account in assessing the effects of the Scheme.</p> <p>Notwithstanding this, the Applicant will prepare a Travel Plan and submit this into the Examination. The aim of the travel plan will be to:</p> <ul style="list-style-type: none"> <li>• Enhance the project's corporate social, and environmental responsibilities.</li> <li>• Encourage the use of more sustainable modes of transport for work related journeys.</li> <li>• Reduce unnecessary travel.</li> <li>• Reduce business mileage.</li> <li>• Reduce our carbon footprint.</li> <li>• Minimise any potential effects on surrounding local communities.</li> <li>• Ensure that all staff are aware of the travel plan.</li> </ul> <p>The Travel Plan will be submitted into the Examination as a standalone document at Deadline 5 and then incorporated into the First Iteration Environmental Management Plan [APP-234]. The Applicant will submit an updated version of the First Iteration Environmental Management Plan [APP-234] at Deadline 6.</p> <p>a) The Applicant notes the requirements of Paragraph 113 of the National Planning Policy Framework which states that "All developments that will generate significant amounts of movement should be required to provide a travel</p>

No.	Directed to	Question								
		<p><i>plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”</i></p> <p>As set out above, the Applicant has prepared a Transport Assessment [APP-241] to assess the impacts of the Scheme and will be submitting a Travel Plan into the Examination at Deadline 5.</p> <p>b) As set out in response to sub section (f), the Applicant will submit a Travel Plan into the Examination at Deadline 5. To secure the commitments made in the Travel Plan, it will be incorporated into the First Iteration Environmental Management Plan [APP-234].</p> <p>The Applicant will submit an updated version of the First Iteration Environmental Management Plan [APP-234], including the Travel Plan, at Deadline 6.</p>								
Q2.11.7.2	Applicant	<p><b>Question:</b></p> <p><b>Outline CTMP Consultation</b></p> <p>When submitting the next iteration of the outline CTMP at D4, demonstrate in tabular form how the concerns of IPs and particularly LHAs raised to date have been taken into account in revising the document. Clearly indicate if any specific matters will be dealt with in further iterations.</p> <p><b>Answer:</b></p> <p>The table below sets out the major amendments made to the Outline Construction Traffic Management Plan (OCTMP) submitted for Deadline 4 [TR010044/EXAM/7.4], including details of what instigated the amendments and why, details of the amendments made and explanatory notes where needed. Further iterations of the OCTMP are not envisaged during Examination. The OCTMP and commitments within in will be used to develop the Traffic Management Plan, as required by Requirement 11 of the dDCO [REP1-003]. The Traffic Management Plan will be developed post-examination and will be used throughout the construction phase andwill contain all the main measures that are included in the OCTMP.</p> <table><tr><th>Interested Party</th><th>Concern</th><th>Action taken</th><th>Notes</th></tr><tr><td>Central Bedfordshire Council,</td><td>Inspection of roads used for official diversion routes.</td><td>New paragraph 3.5.8 added to the OCTMP with regards to inspections of official diversion routes</td><td>Further details of this will be included in the final Traffic Management Plan (TM Plan), in accordance</td></tr></table>	Interested Party	Concern	Action taken	Notes	Central Bedfordshire Council,	Inspection of roads used for official diversion routes.	New paragraph 3.5.8 added to the OCTMP with regards to inspections of official diversion routes	Further details of this will be included in the final Traffic Management Plan (TM Plan), in accordance
Interested Party	Concern	Action taken	Notes							
Central Bedfordshire Council,	Inspection of roads used for official diversion routes.	New paragraph 3.5.8 added to the OCTMP with regards to inspections of official diversion routes	Further details of this will be included in the final Traffic Management Plan (TM Plan), in accordance							



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		Cambridgeshire County Council		before and after use of those diversion routes. A Traffic management forum will be set up prior to works starting and meetings will be held regularly to review, amongst other things, the condition of the official diversion routes before and after use and measures that may need to be taken to protect those routes.	with Requirement 11 of the dDCO [REP1-003], and the traffic management forum will need to be established.
		Cambridgeshire County Council	Use of route past Ernulf Academy and use of routes by construction vehicles in general.  Use of Staploe Road and Bushmead Road as a restricted route into Eaton Socon.	Paragraph 3.3.3 of the OCTMP has been amended regarding the management of construction vehicles and 3.3.4 added to show that Barford Road running past Ernulf Academy will not be used by construction vehicles between 07:30 to 09:00 and 15:00 to 16:30. Further, this section of Barford Road will only be used by light construction vehicles less than 3.5t outside the restricted hours. The use of Staploe Road and Bushmead Road has been removed	The construction traffic restricted routes drawings that accompany the OCTMP have been updated to reflect these changes.

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				and are now prohibited routes.	
		Central Bedfordshire Council	Use of Station Road, Tempsford as an access for construction vehicles.	New paragraph 3.3.5 added to the OCTMP to clarify use of Station Road for construction work relating to utility diversions and construction of the east abutment of the bridge over the East Coast Mainline railway, after which it will become a prohibited route for construction vehicles.	The construction traffic restricted routes drawings that accompany the OCTMP have been updated to reflect this change.
		Planning Inspectorate written question Q2.6.1.1	The question queried whether there was an extension of working hours in relation to weekend closures following the response to WQ1.11.7.8 [REP1-022,] and if this was an extension whether the construction programme was extant.	Tables 3.1 and 3.4 within the OCTMP have been updated to make the use of weekend closures clearer. The construction programme was based on these closures so remains extant and the noise assessments were based on those closures and works too.	There were references to the requirement for weekend closures in the OCTMP but the updates to the tables in the OCTMP make this clearer.
		Cambridgeshire County Council	Concern that roadspace booking would not be used or co-ordinated during the works leading to conflicts between works on the Scheme and on local	New paragraph 3.13.2 added to the OCTMP to confirm that the Applicant will work with and use the roadspace booking systems operated by all	There were references to roadspace booking in the OCTMP and the addition of paragraph 3.13.2 makes



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			roads. A roadspace booking application is an essential step to gain approval from a street authority to occupy a public highway and helps ensure that works by different parties that affect the highways in an area are coordinated to avoid conflicts of works or diversion routes.	three LHAs and National Highways Operation Directorate (the part of National Highways who operate and maintain the strategic road network) so that the Scheme works and work by others in the area can be managed holistically.	the use of the roadspace bookings system explicit.
		Central Bedfordshire Council	Concerns about impacts of official diversion route using the A603 at Vinegar Hill.	New paragraph 3.5.8 added to the OCTMP with regards to inspections of official diversion routes before and after use of those diversion routes. A traffic management forum will be set up prior to works starting and meetings will be held regularly to review, amongst other things, the condition of the official diversion routes before and after use and measures that may need to be taken to protect those routes.	Further details of this will be included in the final Traffic Management Plan (TM Plan), in accordance with Requirement 11 of the dDCO [REP1-003], and the traffic management forum will need to be established.

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		Church Commissioners of England	References in OCTMP to Customer Plan and Stakeholder Engagement and Communications Plan. These documents could not be found elsewhere in the Application.	References to these documents should not have been included in the OCTMP and have been removed. They do not form part of the Application.	
		Applicant	A requirement for marshals at plant crossing locations on local roads has been identified.	Text in paragraph 3.2.3 of the OCTMP has been updated to confirm the use of trained traffic marshals at plant crossing locations.	Further details of how the plant crossings will be operated will be included in the final TM Plan in accordance with Requirement 11 of the dDCO [REP1-003].
		Cambridgeshire County Council Central Bedfordshire Council	Issues relating to monitoring of self-diverting traffic.	Paragraphs 3.5.4, 3.5.5 amended and new paragraph 3.5.10 added to the OCTMP to reiterate the use of monitoring on the strategic road network, real time information and commitment that the Project team will review the information gathered about self-diverting traffic and performance of the strategic road network (SRN) during closures. A commitment has been added that if a relationship between the diverting	Further details of how this monitoring and review process is to be carried out and how measures, that have been agreed with the local highway authorities through the traffic management forum, will be implemented, will be included in the final TM Plan in accordance with Requirement 11 of the dDCO [REP1-003].



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				traffic and SRN performance is established the Project team will work with the local highway authority to determine suitable temporary traffic management measures to act as a deterrent to self-diverting traffic. If this were found to be necessary, the Applicant will work with the relevant local highway authority and police to determine suitable measures and means of enforcement.	
		WQ2.11.7.4	How does the Applicant intend to ensure that no damage is done to existing road surfaces and monitor condition of road surface at plant crossings?	New paragraph 3.2.4 added and existing paragraph 3.3.6 amended in the OCTMP to confirm that the surface of local roads that are to be used for construction vehicles and plant crossings will be surveyed, monitored and made good and that the anticipated general construction traffic on the roads will be in the main deliveries of plant, machinery and materials to site that are not expected to cause serious	

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				damage to the road surfaces.	
Q2.11.7.3	Local Highway Authorities	<p><b>Question:</b></p> <p><b>Local Highway Impacts</b></p> <p>On the basis of the information received at D3, ISH2 Action Point 6 [REP3-019], the Applicant proposes to deal with matters relating to traffic informally diverting on to the local network during construction, primarily at source on the strategic road network with little if any measures to discourage or restrict informal traffic diverting on the local highway network. Do LHAs consider this to be sufficient? If not, explain with reasons. Applicant to comment.</p> <p><b>Answer:</b></p> <p>The updated Outline Construction Management Plan (OCTMP) submitted at Deadline 4 [TR010044/EXAM/7.4] provides clarification that network monitoring and provision of real time information via mobile variable message boards will be used to monitor and manage the performance of the strategic road network (SRN). If this, or information from the local highway authorities, shows that traffic is self-diverting onto inappropriate routes, the project team will review this information against performance on the SRN. Should a relationship between network performance and self-diverting traffic be established, the project team will work with the relevant Local Highway Authority (LHA) to determine suitable temporary traffic management measures, which may include temporary chicanes with priority arrows or additional closures on local roads, weight restrictions or other measures to act as a deterrent to self-diverting traffic. The Applicant will work with the relevant LHA and Police to determine suitable measures and means of enforcement.</p>			
Q2.11.7.4	Applicant Local Highway Authorities	<p><b>Question:</b></p> <p><b>Highway condition</b></p> <p>a) How does the Applicant intend to ensure no damage occurs to the local highway network as a result of construction traffic using it for access during construction and how will this be secured?</p> <p>b) The Applicant states that highway condition surveys will be undertaken at all access points used by construction vehicles [REP1-022, Q1.11.7.11]. Confirm if this is solely at the point of access to the site from the local highway network or for the entire length of the road leading to and from the site from the existing strategic road network? How will this be secured?</p>			



No.	Directed to	Question
		<p>c) LHAs to comment.</p> <p><b>Answer:</b></p> <p>a) The updated Outline Construction Traffic Management Plan (OCTMP) [TR010044/EXAM/7.4] submitted at Deadline 4 identifies those routes on the local highway network that construction traffic will be permitted to use. Prior to the start of the works, condition surveys of these construction traffic routes will be completed to provide a record of the status of these routes. For the most part this construction traffic will be deliveries of plant, machinery and materials to site, and the Applicant does not expect there would be serious damage to the existing road surface. New paragraph 3.2.4 has been added and existing paragraph 3.3.6 has been amended in the updated OCTMP to confirm that the road surface of local roads used for construction vehicles will be surveyed and monitored. It is not expected that this traffic will cause serious damage to the existing road surface. Nevertheless, if there is extraordinary damage this will be repaired in consultation with the local Highway Authority</p> <p>b) The OCTMP also identifies the locations where construction traffic will access the construction site. There are a number of locations where haul routes within the site, that will be used for the movement of earthworks plant including large dumpers, cross the local road network. Temporary works will be installed at these access and crossing points to ensure they are suitable for the construction traffic. In these instances, a detailed highway condition survey will be undertaken over the section of road that is anticipated to be used prior to the works commencing. Where deterioration of the existing road surface or verges occurs, this will be repaired in consultation with the Local Highway Authority.</p> <p>As confirmed in the response to item a) condition surveys will be recorded of the construction traffic routes that use the local highway networks for access from the SRN. The OCTMP has been amended with new paragraphs 3.2.4 and amendments to 3.3.6 to secure this matter.</p> <p>c) For LHA to comment.</p>
Q2.11.7.5	Central Bedfordshire Council	<p><b>Question:</b></p> <p><b>Outline CTMP Clarification</b></p> <p>a) To assist in understanding the impact of construction traffic using Station Road, Tempsford, provide a summary of customer contact received relating to the effects of the recent usage of the link by construction HGVs for the archaeological surveys as described at ISH2, Session 3 [EV-035].</p> <p><b>Answer:</b></p>

No.	Directed to	Question
<b>Q2.12</b>	<b>Historic Environment</b>	
<b>Q2.12.1</b>	<b>Methodology</b>	
Q2.12.1.1	Historic England Bedford Borough Council	<p><b>Question:</b></p> <p><b>Question repeated to seek response from specific respondents</b></p> <p><b>Alignment with National and Local Policy</b></p> <p>How is the Black Cat Junction option selection process and the preferred option aligned with relevant Policy documents, particularly the NPS NN, the NPPF, and the Bedford Local Plan 2030.</p>
		<b>Answer:</b>
<b>Q2.12.2</b>	<b>Brook Cottages</b>	
Q2.12.2.1	Applicant Historic England Bedford Borough Council	<p><b>Question:</b></p> <p><b>Demolition of Brook Cottages</b></p> <p>The NPS NN (Paragraph 5.131) states that: <i>"Given that heritage assets are irreplaceable, harm or loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II Listed Building...should be exceptional."</i></p> <p>a) HistE, in your response to WQ1 [REP1-078, Q1.2.2] and at ISH3 [EV-045] you stated that you were unable to comment on the highways design and layout of the Proposed Development. Explain if this position prevents you from reaching a conclusion as to whether <i>"a clear and convincing justification"</i> can be made for the removal of Brook Cottages. If it does not prevent you from reaching such a conclusion, state if the Applicant has provided such a justification and what you consider it to be.</p> <p>b) BBC do you believe that <i>"a clear and convincing justification"</i> can be made for the removal of Brook Cottages. State if the Applicant has provided such a justification and what you consider it to be.</p>



No.	Directed to	Question				
		<p>c) ExA considers that the effect of the Proposed Development on Brook Cottages would need to be assessed in line with Chapter 16 of the NPPF (and in particular Paragraph 201) and the intended protection for listed buildings as specified under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. BBC and HistE, comment with reasons. If so, do you believe this justification to be clear and robust in the Applicant's case? Applicant may also comment.</p>				
		<p><b>Answer:</b></p> <p>a) For Historic England</p> <p>b) For Bedford Borough Council</p> <p>c) The Applicant notes that the ExA considers that the effect of the Proposed Development Scheme on Brook Cottages would need to be assessed in line with Chapter 16 of the National Planning Policy Framework (NPPF) (and in particular Paragraph 201). Whilst the NPPF is a material consideration in the determination of nationally significant infrastructure projects (NSIPs), it is the National Policy Statement for National Networks (NPSNN) that provides the framework for decision making, in accordance with s104 of the Planning Act 2008.</p> <p>Furthermore, it is stated in the NPPF that:</p> <p><i>"5. The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework)."</i></p> <p>Nonetheless the relevant sections from the NPSNN and the NPPF are virtually identical and set out the same test to apply where there is substantial harm to or loss of a designated heritage asset, as summarised below.</p> <table><tr><th>National Policy Statement for National Networks – Paragraph 5.133</th><th>National Planning Policy Framework Paragraph 201</th></tr><tr><td>5.133 Where the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm or loss of significance is necessary in</td><td>201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to</td></tr></table>	National Policy Statement for National Networks – Paragraph 5.133	National Planning Policy Framework Paragraph 201	5.133 Where the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm or loss of significance is necessary in	201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to
National Policy Statement for National Networks – Paragraph 5.133	National Planning Policy Framework Paragraph 201					
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No.	Directed to	Question		
		<table><tr><td>order to deliver substantial public benefits that outweigh that loss or harm, or alternatively that all of the following apply:<ul style="list-style-type: none"><li>the nature of the heritage asset prevents all reasonable uses of the site; and</li><li>no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</li><li>conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and</li><li>the harm or loss is outweighed by the benefit of bringing the site back into use.</li></ul></td><td>achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:<ul style="list-style-type: none"><li>a) the nature of the heritage asset prevents all reasonable uses of the site; and</li><li>b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</li><li>c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and</li><li>d) the harm or loss is outweighed by the benefit of bringing the site back into use.</li></ul></td></tr></table> <p>Taking this into account, the Applicant considers that an assessment against Paragraph 201 has in effect already been undertaken albeit with reference to Paragraph 5.133 of the NPSNN. Paragraphs 5.5.33-5.5.65 of the Case for the Scheme [APP-240] provide this assessment.</p> <p>The Applicant notes that reference is also made to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states:</p> <p><i>"66 General duty as respects listed buildings in exercise of planning functions.</i></p> <p><i>(1) In considering whether to grant planning permission [F1or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."</i></p> <p>Whilst the above legislation applies to grant of planning permission, in the case of NSIPs the relevant legislation is the Infrastructure Planning (Decisions) Regulations 2010 which states at regulation 3(1) <i>"When deciding an application which affects a listed building or its setting, the decision-maker (1) must have regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses."</i></p>	order to deliver substantial public benefits that outweigh that loss or harm, or alternatively that all of the following apply: <ul style="list-style-type: none"><li>the nature of the heritage asset prevents all reasonable uses of the site; and</li><li>no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</li><li>conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and</li><li>the harm or loss is outweighed by the benefit of bringing the site back into use.</li></ul>	achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: <ul style="list-style-type: none"><li>a) the nature of the heritage asset prevents all reasonable uses of the site; and</li><li>b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</li><li>c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and</li><li>d) the harm or loss is outweighed by the benefit of bringing the site back into use.</li></ul>
order to deliver substantial public benefits that outweigh that loss or harm, or alternatively that all of the following apply: <ul style="list-style-type: none"><li>the nature of the heritage asset prevents all reasonable uses of the site; and</li><li>no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</li><li>conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and</li><li>the harm or loss is outweighed by the benefit of bringing the site back into use.</li></ul>	achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: <ul style="list-style-type: none"><li>a) the nature of the heritage asset prevents all reasonable uses of the site; and</li><li>b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</li><li>c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and</li><li>d) the harm or loss is outweighed by the benefit of bringing the site back into use.</li></ul>			



No.	Directed to	Question
		<p>The Applicant considers that following the policy in the NPSNN is consistent with the discharge of this requirement, in particular by considering whether harm to a heritage asset is necessary to deliver substantial public benefits that outweigh the harm. Paragraphs 5.5.33-5.5.65 of the Case for the Scheme <b>[APP-240]</b> provide this assessment.</p> <p>The Applicant considers that the justification for the loss of the Grade II listed building Brook Cottages is clear and robust as set out in the Case for the Scheme <b>[APP-240]</b>. The Applicant has demonstrated that the harm is necessary and that the substantial public benefit of the Scheme would outweigh the loss.</p>
Q2.12.2.2	Applicant	<p><b>Question:</b></p> <p><b>Surveys of Brook Cottages</b></p> <ul style="list-style-type: none"> <li>a) Applicant, at ISH3 <b>[EV-045]</b> you indicated that the intrusive surveys needed to assess the feasibility and value of dismantling Brook Cottages and rebuilding them in a museum setting, or for residential use, could only take place once you had secured possession of the building. Clarify this position, which is different to that previously stated <b>[APP-240, Appendix E]</b>, where difficulty gaining access to the property was said to be the reason for surveys not taking place.</li> <li>b) Applicant, notwithstanding the above point, has there been any further progress regarding gaining access to Brook Cottages, to undertake the surveys referred to at ISH3 <b>[EV-045]</b> and previously <b>[APP-240, Appendix E]</b>, concerning the feasibility and value of re-locating Brook Cottages to a museum or as a dwelling?</li> <li>c) Applicant, why has notice under S53 of PA2008 or similar legislation such as S172 of the Housing and Planning Act 2016, not been served to secure access? Will this be done during the Examination and if so, when?</li> <li>d) Applicant, confirm whether or not the surveys referred to at ISH3 <b>[EV-045]</b> to assess the feasibility and value of dismantling/rebuilding Brook Cottages will be completed before the end of the Examination.</li> <li>e) HistE, if the survey is not completed prior to the close of the Examination, in your view what level of harm (e.g. Substantial or Less Than Substantial) would the loss of Brook Cottages cause for the purpose of the ExA's assessment.</li> <li>f) Applicant and HistE, how can the ExA give any weight to the potential future mitigation of any of the identified harm following the completion of the surveys, if the surveys are completed after the Examination has closed?</li> <li>g) Applicant, would it be possible to secure potential future mitigation reliant on survey findings, in the dDCO to provide greater assurance and certainty. Explain with reason and any relevant precedence. Provide suitable wording for R16 <b>[REP1-003]</b>. HistE and BBC may also comment.</li> </ul>



No.	Directed to	Question
		<p><b>Answer:</b></p> <p>a) Following discussions with Historic England and Bedford Borough Council, two surveys of Brook Cottages are proposed to be undertaken by the Applicant. An initial survey will be undertaken while the building remains occupied. Whilst this will be an intrusive survey, it will be very limited in nature, removing small areas of external render and internal plasterwork. The intention of this initial survey is to establish the presence of asbestos within the building and to inform an initial view of the construction of the building and its condition. Permission to undertake this survey has been secured with a date to be secured and the results to be received before the close of the Examination. This survey will not provide the information requested by Historic England and Bedford Borough Council to establish the feasibility and value of relocating Brook Cottages to a museum or as a dwelling. As explained further below, to undertake the full intrusive survey requested by Historic England and Bedford Borough Council, partial demolition of Brook Cottages will be required.</p> <p>The Applicant has been proactively working with the property owner to find a solution to concerns raised regarding [REDACTED] the initial survey [REDACTED] of Brook Cottages. From these discussions it became clear that concerns would remain even if surveys were limited to the unoccupied part of Brook Cottages. The Applicant has also sought to acquire the building by consent with vacant possession which would permit full survey access at the earliest possible stage. Active discussions continue and have progressed with the assistance of the landowner's agent.</p> <p>The survey referred to at ISH3 involves a full intrusive survey into the physical fabric of Brook Cottages. This extensive survey has been requested by Historic England and Bedford Borough Council as necessary to establish the feasibility and value of relocating Brook Cottages. The Applicant is in the process of agreeing the scope of the survey with both Historic England and Bedford Borough Council. As the survey will require the partial demolition of the structure, it can only be undertaken once the Applicant is in vacant possession of Brook Cottages. The Applicant, Historic England and Bedford Borough Council have reached agreement that vacant possession is required before the full intrusive survey can be undertaken. The survey will require examining the physical fabric of the building which is currently largely concealed by render to establish the extent of survival of historic materials and its condition. In practice, given its extensive nature, this full survey would usually only be undertaken during the process of dismantling Brook Cottages as part of the early phase of construction of the Scheme. As explained above, early acquisition of Brook Cottages to undertake this survey has been pursued by the Applicant. However, this is also dependent on re-housing the current occupier before Brook Cottages can be acquired and the survey can take place. In addition, if the full survey was to be undertaken in advance of DCO consent, separate consents to undertake the survey would also be required.</p>



No.	Directed to	Question
		<p>b) The Applicant continues to work with the property owner, through their agent. [REDACTED] [REDACTED] This is in the process of being obtained. However, as explained above, permitted access is only in respect of the initial survey works and not the full intrusive survey which would require partial demolition of Brook Cottages [REDACTED] and vacant possession of Brook Cottages has been acquired by the Applicant.</p> <p>c) The Applicant has not served notice in this case [REDACTED] Engagement with the property owner, and more recently their agent, has led to a productive relationship which has now made it unnecessary to serve notice.</p> <p>d) As explained above, the survey referred to at ISH3 requires the partial demolition of Brook Cottages and can only be undertaken once the Applicant is in vacant possession of the property. As such, the survey will not be completed before the end of the Examination.</p> <p>The Applicant is continuing to engage with Historic England and Bedford Borough Council to reach agreement on the form of Requirement 16 of the draft DCO [REP1-003] to ensure that the requirement to undertake the full intrusive survey is secured</p> <p>e) This question is for Historic England to respond to, and the Applicant will comment on that response at Deadline 5 as necessary.</p> <p>f) The mitigation for the removal of Brook Cottages is outlined in Chapter 6, Cultural Heritage [APP-075] of the Environmental Statement and secured in the Archaeological Mitigation Strategy [REP3-010]. Mitigation will take the form of a Level 3 archaeological record of the building. As this mitigation is to produce an archaeological record and not to relocate Brook Cottages, it is not reliant on the findings of the full intrusive survey. The Applicant considers that the mitigation (i.e. the archaeological record) will not reduce the level of harm to the listed building which will remain substantial. As such, the Scheme should be considered against the tests in the NPSNN paragraph 5.133, as outlined in section 5.5 of the Case for the Scheme [APP-240].</p> <p>g) As explained above, the survey referred to at ISH3 does not constitute mitigation. Its purpose is to inform on the significance and condition of the structure and conclude on the viability of relocation. The relocation of Brook Cottages does not constitute mitigation as outlined in Chapter 6, Cultural Heritage [APP-075] of the Environmental Statement; rather, this is considered as an enhancement. Mitigation in the form of a Level 3 archaeological record has been secured through the Archaeological Mitigation Strategy [REP3-010] and</p>



No.	Directed to	Question
		<p>Requirement 16 of the dDCO [REP1-003]. The survey is required to inform the potential relocation of Brook Cottages.</p> <p>As explained above, the Applicant is currently engaging with Historic England and Bedford Borough Council to agree the wording of Requirement 16 of the dDCO [REP1-003] in order to secure the requirement for the full intrusive survey within the dDCO. Requirement 16 of the dDCO [REP1-003] has also already been drafted to allow for the potential relocation of the structural elements of Brook Cottages should the survey conclude that it is feasible to do so, and if a willing host receptor can be found.</p>
Q2.12.2.3	<p>Applicant Bedford Borough Council Owner(s) of Brook Cottages Occupier(s) of Brook Cottages</p>	<p><b>Question:</b></p> <p><b>Occupier(s) of Brook Cottages</b></p> <p>At ISH3 [EV-050] reference was made to the occupier(s) of Brook Cottages.</p> <ol style="list-style-type: none"> <li>Applicant, your description of the occupier(s) at ISH3 [EV-045] would lead the ExA to believe that the occupier(s) might have protected characteristics in line with S4 of the Equality Act 2010; where and how did you come upon this information?</li> <li>Applicant and BBC to confirm (without specifying any personal details) if protected characteristics of S4 of the Equality Act 2010 would trigger the Public Sector Equality Duty.</li> <li>Applicant, explain whether the effects of the Proposed Development on Brook Cottages would interfere with the human rights of the occupier(s), specifically Article 1 of the First Protocol (protection of property) and Article 8 (respect for private and family life) of the Human Rights Act 1998.</li> <li>Applicant, if there would be an interference in these rights, explain in detail how you have concluded that such interference is justified, including with appropriate reference to legislation and caselaw.</li> <li>The EQIA states [APP-245, Page 23] <i>"Ongoing engagement will be undertaken with all relevant parties and will continue to be inclusive of any specific requirements of those involved. This includes where tenants may need specific reasonable adjustments to enable them to fully participate in engagement activities due to their protected characteristics."</i> Applicant, list all instances where you made, or attempted to make contact with the occupier(s) and owner(s) of Brook Cottages. Provide details and summarise any reasonable adjustments requested or made to facilitate their engagement.</li> <li>Applicant, provide further justification in line with CA guidance that for Brook Cottages all reasonable alternatives to CA, including modifications to the scheme, have been explored.</li> </ol>



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		g) Owner(s) and Occupier(s) of Brook Cottages, do you wish to make any representation with regard to the Proposed Development?
		<p><b>Answer:</b></p> <p>[REDACTED]</p> <p>b) Due regard to the Public Sector Equality Duty (PSED) has been undertaken with regards to groups with protected characteristics. In the Applicant's Equalities Impact Assessment [APP-245] the Applicant referenced the potential adverse differential effects on residents. Brook Cottages are one of the few residential properties affected. The EqIA [APP-245] identified that there were potential adverse impacts for specific groups with protected characteristics who could potentially be differentially or disproportionately affected. The EqIA [APP-245] also provided recommendations for monitoring these predicted impacts including further engagement with affected individuals. [REDACTED]</p> <p>[REDACTED] Therefore, the Applicant is reviewing its position in regard to the PSED [REDACTED]</p> <p>[REDACTED] The Applicant will comment further on this following discussions with Bedford Borough Council (BBC).</p> <p>The Applicant has worked with BBC and supporting agencies to [REDACTED]</p> <p>[REDACTED]</p>

No.	Directed to	Question						
		<p>c) and (d)</p> <p>The Applicant, in its assessment of the Scheme ensured that a fair balance has been struck between the public interest in building the road, and the individual's right to their land. Chapter 5 of the Statement of Reasons [APP-030] describes the case for Compulsory Acquisition with Chapter 6 of the Statement of Reasons [APP-030] setting out human rights implications. Article 1 (rights to peaceful enjoyment of possessions) of the First Protocol of the European Convention on Human Rights (ECHR) - interference with such rights (which could arise in consequence of any scheme of this nature) is only justified if it is in the public interest. An interference with a person's peaceful enjoyment of property may be necessary in the public interest – for example, a compulsory purchase of a person's property may be necessary, or a certain amount of noise from road traffic may intrude upon a person's home. Article 8 of the ECHR protects the right of the individual to respect for their private and family life, their home and their correspondence. Interference with this right can be justified if it is in accordance with law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country.</p> <p>The land at the site of Brook Cottages is required for the construction and operation of the A421/A1 free flow link. The justification for the acquisition and interference with rights in this location is to ensure the preferred route alignment of the main carriageway is in compliance with design safety standards. The full justification of the preferred route in this location is set out in the Black Cat Junction Design Options report [APP-247]. It has not been possible to minimise harm to these residential properties as demolition is required for the construction of the Scheme.</p> <p>The balancing exercise described in the Statement of Reasons would be applicable to any interference with rights under Articles 1 and 8, with the conclusion being that the interference would be justified because it would be in the public interest and proportionate.</p> <p>Any person affected by the exercise of compulsory acquisition powers or by the exercise of temporary possession, may be entitled to compensation. This entitlement to compensation is provided for by the existing compensation code and in Article 28 and Schedule 6 to the draft DCO. The Applicant has the resources to pay such compensation and has demonstrated in the Funding Statement [APP-031] that these resources are available.</p> <p>e) Instances where the Applicant made, or attempted to make, contact with the occupier and owners of Brook Cottages are listed in the table below. Details summarising the reasonable adjustments requested and made to facilitate engagement are then set out below the table.</p> <table border="1"> <thead> <tr> <th>Date</th><th>Originator</th><th>Detail</th></tr> </thead> <tbody> <tr> <td></td><td></td><td></td></tr> </tbody> </table>	Date	Originator	Detail			
Date	Originator	Detail						



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No.	Directed to	Question			
		26/04/2017	The Applicant	Meeting invite attaching the consultation brochure	
		08/05/2017	The Applicant	Meeting held	
		08/08/2017	The Applicant	Update on the Preferred Route Announcement provided	
		09/08/2017	The Applicant	Postal address confirmation sought for correspondence	
		27/11/2017	The Applicant	Mailout notifying of the delay to the Preferred Route Announcement	
		01/12/2018	The Applicant	Historic England update; access for survey requested	
		01/12/2018	The Applicant	Letter regarding air quality measurement survey	
		03/06/2019	The Applicant	Request for Information sent seeking information about Brook Cottages	
		10/01/2020	The Applicant	Explaining willingness to engage to acquire Brook Cottages early by voluntary negotiation [REDACTED]	
		23/02/2020	The Applicant	Providing the Brook Cottage Survey Methodology	

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No.	Directed to	Question		
		05/03/2020	The Applicant	Discussing survey requested by Historic England, and discussing clean up after etc
		05/03/2020	The Applicant	Email to arrange telecon with the Applicant
		05/03/2020	The Applicant	Arranging meeting dates
		10/03/2020	The Applicant	Arranging date and time for call
		18/03/2020	The Applicant	Catch up on date and time for call
		29/04/2020	The Applicant	Informing of the scope of the intrusive survey and enquiring as to current occupiers of the property
		18/05/2020	The Applicant	Information event - offering private meeting to discuss Roxton Road link
		18/05/2020	The Applicant	Providing the Bedford Borough Council housing department contact details
		30/07/2020	The Applicant	Providing confirmation of the supplementary consultation details and timescale



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No.	Directed to	Question		
		12/08/2020	The Applicant	Requesting access for asbestos testing and seeking confirmation of preferred method of contact for tenant
		09/09/2020	The Applicant	Seeking access for surveys
		16/09/2020	The Applicant	Early purchase of Brook Cottages discussed, [REDACTED]
		16/10/2020	The Applicant	Meeting to discuss points raised and reason to decline access for surveys
		21/10/2020	The Applicant	Arranging 17 November meeting
		02/12/2020	The Applicant	[REDACTED]
		05/02/2021	The Applicant	[REDACTED]
		16/02/2021	The Applicant	Interest from Museum of East Anglian Life to relocate structural elements of the cottages
		06/04/2021	The Applicant	Future meeting and survey access discussed

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No.	Directed to	Question																					
		<table> <tr> <td>27/04/2021</td><td>The Applicant</td><td>Confirming that the DCO application has been submitted. [REDACTED]</td></tr> <tr> <td>29/04/2020</td><td>The Applicant</td><td>Survey access request and scope provided</td></tr> <tr> <td>11/05/2021</td><td>The Applicant</td><td>Notification that the application has been accepted (S56 letters) . Survey access and progress of early acquisition discussions</td></tr> <tr> <td>08/06/2021</td><td>The Applicant</td><td>Pointed to RICS website and local agents; Museum would like to visit Brook Cottages</td></tr> <tr> <td>17/06/2021</td><td>The Applicant</td><td>Dates for Museum to visit discussed</td></tr> <tr> <td>24/06/2021</td><td>The Applicant</td><td>Confirming date and time of visit with Museum</td></tr> <tr> <td>26/07/2021</td><td>The Applicant</td><td>Explaining requirement for initial surveys, [REDACTED] [REDACTED]</td></tr> </table> <p>[REDACTED]</p> <p>[REDACTED] All meetings with the landowners have been held at mutually agreed times and have been virtual due to geographical constraints. [REDACTED] [REDACTED]</p>	27/04/2021	The Applicant	Confirming that the DCO application has been submitted. [REDACTED]	29/04/2020	The Applicant	Survey access request and scope provided	11/05/2021	The Applicant	Notification that the application has been accepted (S56 letters) . Survey access and progress of early acquisition discussions	08/06/2021	The Applicant	Pointed to RICS website and local agents; Museum would like to visit Brook Cottages	17/06/2021	The Applicant	Dates for Museum to visit discussed	24/06/2021	The Applicant	Confirming date and time of visit with Museum	26/07/2021	The Applicant	Explaining requirement for initial surveys, [REDACTED] [REDACTED]
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No.	Directed to	Question
		<p>f) As set out in document '9.39 Overview of the Alternatives considered at the Black Cat Junction' <b>[TR010044/EXAM/9.39]</b> and the Black Cat Junction Design Options report <b>[APP-247]</b> all reasonable alternatives have been fully and properly considered, and demolition of Brook Cottages is necessary in order to undertake the significant improvements required to the existing Black Cat roundabout, including entry and exit slip roads that are compliant with national highway safety and design standards, to deliver the substantial public benefits afforded by the Scheme. Both documents referred to above, explain why there are no suitable design alternatives which avoid the demolition of Brook Cottages. In short, the proximity of Brook Cottages to the existing Black Cat roundabout and the A1 carriageway and the scale and complexity of delivering a new junction at Black Cat within a highly constrained location, has meant that no suitable design solution has been identified that would enable the Scheme to be delivered with the retention of Brook Cottages. In addition, and as explained in the Applicant's response to Q2.12.2b, the Applicant is actively seeking to acquire Brook Cottages through voluntary negotiation and has offered to acquire Brook Cottages from the landowners at the earliest opportunity. Active discussions are continuing for acquisition by voluntary negotiation through the landowner's agent.</p> <p>g) This question is directed to the owners and occupier of Brook Cottages, and the Applicant will comment on any response, if necessary, in due course.</p>
Q2.12.2.4	Applicant Historic England Bedford Borough Council Environment Agency	<p><b>Question:</b></p> <p><b>Black Cat Junction Options</b></p> <p>As requested at ISH1 <b>[EV-011]</b>, the Applicant submitted a summary narrative of the criteria considered in the assessment of alternatives for the Black Cat junction and alignment of the A1 in the immediate and wider area, with particular reference to historic environment, flood risk and floodplain compensation, land take, effects on other residential and commercial uses, the restoration of the quarry, and on the gas main to the south of the existing roundabout.</p> <p>a) Applicant, what evidence, such as costings and metrics is there to support the statements made at <b>[REP1-034, Appendix B, Paragraphs 1.1.4 and 1.1.5 and 1.1.16 and 1.1.17]</b> in particular?</p> <p>b) Applicant, provide evidence relating to flood risk, including compensatory floodplain storage and the role this evidence played in the assessment of alternatives.</p>



No.	Directed to	Question
		<p>c) Applicant, how were the issues [REP1-034, Appendix B, Paragraphs 1.1.4 and 1.1.5 and 1.1.16 and 1.1.17], considered as part of the Option development and selection process?</p> <p>d) Applicant, were options, perhaps showing some of the alternatives that would not entail the demolition of Brook Cottages (that were previously referred to and discounted by the Applicant), considered and subjected to any consultation? If so, how was this used in the Option development and selection process?</p> <p>e) HistE, BBC, EA what engagement have you had with the Applicant regarding reasonable alternative options that did not entail the demolition of Brook Cottages?</p> <p>f) EA, with reference to NPS NN and the NPPF are you satisfied that the Applicant has had appropriate regard to flood risk, including compensatory floodplain storage, in all of their Option development and selection work?</p>
		<p><b>Answer:</b></p> <p>g) The Applicant, during the Options Identification stage, proposed a number of solutions for Black Cat junction, of which three were further to the east. These options are shown in '9.39 Overview of the Alternatives considered at the Black Cat Junction' [TR010044/EXAM/9.39] submitted at Deadline 4. These three options are Option 2a, Option 2b and Option 4, shown on Figures 4.6, 4.7 and 4.10 respectively. The assessment and considerations of these options are detailed in this report. Refer to Section 4 for details of consideration given to costings and other metrics (e.g. safety, technical and environment) at the various stages of Scheme development.</p> <p>h) The impact on the existing flood plain of the River Great Ouse was a key consideration of the assessment of the alternative junction arrangements developed by the Applicant as detailed in the '9.39 Overview of the Alternatives considered at the Black Cat Junction' [TR010044/EXAM/9.39] report. A description of the Scheme development and assessment is included in Section 4 of this report. Stage 1 and 2 Environmental Assessment Reports are also included in the appendices, and Appendix B in both of these reports presents the environmental constraints plan which shows the extents of floodplains for the River Great Ouse and associated tributaries considered in the assessments.</p> <p>i) The options identification stage considered the issues and impacts in [REP1-034] more generally and were qualitatively assessed as shown in Table 4.4 of the '9.39 Overview of the Alternatives considered at the Black Cat Junction' [TR010044/EXAM/9.39] report. The general topics assessed included (but not limited to):</p> <ul style="list-style-type: none"> <li>• area of construction within flood plain;</li> <li>• major utilities in close proximity;</li> </ul>



No.	Directed to	Question
		<ul style="list-style-type: none"> <li>• number of houses within 500m of construction area;</li> <li>• number of tiers at junction;</li> <li>• number of properties likely to be impacted; and</li> <li>• number of structures.</li> </ul> <p>j) The options that were consulted on were those presented at non-statutory consultation (Options A, B and C) as included in Consultation Report - Appendix B - Options consultation and PRA booklet [APP-035]. Consideration of the feedback was used to confirm the Preferred Route Announcement (PRA). Twelve options were considered at option selection stage. Whilst two options were identified where it was thought that a direct impact could be avoided on Brook Cottages (Options 1d and 1e), those two options had unacceptable safety implications, and were discounted for that reason (amongst others).</p> <p>Following this assessment three options were taken forward to non-statutory consultation. On developing these options further, it was thought that one option (Option A) would avoid direct impacts on, and the loss of, Brook Cottages. This option was consulted on as part of the non-statutory consultation in advance of PRA.</p> <p>Due to some concerns raised on the loss of Brook Cottages at non-statutory consultation, further attempts were made to modify the preferred option to avoid impacts on Brook Cottages (through the development of Option C+). However, it was not possible to do so due to technical and safety concerns.</p> <p>For further details of the options considered at the identification and selection phases (PCF Stage 1 and 2 respectively), please refer to '9.39 Overview of the Alternatives considered at the Black Cat Junction' [TR010044/EXAM/9.39].</p> <p>k) No response required by the Applicant. The Applicant will comment on responses submitted to this question, if necessary, in due course.</p> <p>a) No response required by the Applicant. The Applicant will comment on responses submitted to this question, if necessary, in due course.</p>
Q2.12.3	Milestone and Mileposts	
		<p><b>Question:</b></p> <p><b>No further questions at this stage</b></p>

No.	Directed to	Question
		Answer:
<b>Q2.12.4</b>	<b>Archaeological Remains</b>	
Q2.12.4.1	Historic England Local Authorities	<p><b>Question:</b></p> <p><b>Archaeological Mitigation Strategy</b></p> <ul style="list-style-type: none"> <li>a) Please confirm your views on the scope of the revised AMS submitted at D3 [REP3-010] and its response to the joint Archaeological Design Brief?</li> <li>b) In particular, Cambridgeshire Councils, with regard to the Applicant's comments in [REP3-007, Q1.12.4.2], are you satisfied that all areas are included in the revised AMS [REP3-010]?</li> <li>c) CBC are you satisfied that the revised AMS accords with the approved scopes of work and Written Schemes of Investigation for the advanced archaeological works?</li> <li>d) BBC, with regard to R9, are you satisfied with the Applicant's revised wording, as described in [REP3-007, Q1.12.4.2]?</li> </ul>
		Answer:
<b>Q2.13</b>	<b>Landscape and Visual Effects</b>	
<b>Q2.13.1</b>	<b>General</b>	
Q2.13.1.1	Historic England	<p><b>Question:</b></p> <p><b>Question repeated to seek response from specific respondents</b></p> <p><b>Methodology</b></p> <p>HistE's views are sought in light of heritage assets that are present, including scheduled monuments such as a Bronze Age barrow and medieval moated sites [APP-075, Paragraph 6.6.15], within the affected landscape.</p>



No.	Directed to	Question
		Answer:
<b>Q2.13.2</b>	<b>Visual Impact</b>	
Q2.13.2.1	Bedford Borough Council	<p><b>Question:</b></p> <p><b>Question repeated to seek response from specific respondents</b></p> <p><b>Design and visual appearance</b></p> <p>In the Schedule of Mitigation [APP-235, EMB – LV8] the Applicant has identified “<i>Factoring landscape and visual considerations into the form and design of permanent structures (for example footbridges)</i>” as a commitment. The ExA notes that there is limited detail about the design and visual appearance of permanent structures, besides the engineering sections [APP-019] and the limited visuals in the ES [APP-072]. In the absence of this information, comment on how the design and visual appearance of the various permanent structures of the Proposed Development such as the grade separated junctions, bridges, gantries and signs, have been considered in LVIA?</p>
		Answer:
<b>Q2.13.3</b>	<b>First Iteration EMP and Landscape and Ecology Management Plan</b>	
Q2.13.3.1	Bedford Borough Council Cambridgeshire Councils Natural England	<p><b>Question:</b></p> <p><b>Question repeated to seek response from specific respondents</b></p> <p><b>Mitigation</b></p> <p>a) BBC, are you satisfied with the level of detail regarding the proposed mitigation that would have been secured through the First Iteration EMP, including the Landscape and Ecology Management Plan [APP-234] and the dDCO [APP-025]?</p> <p>b) The ES states that one of the measures to mitigate the effects of construction activities includes sympathetic lighting to minimise disturbance to nearby receptors. The Applicant is not intending to provide any further</p>

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		<p>information about the objectives for lighting measures, than is already provided in the First Iteration EMP [APP-234, Section 1.4]. BBC to comment.</p> <p>c) Would the Proposed Development be sufficiently screened, particularly relative to existing settlements, such as Roxton, or St Neots?</p> <p>d) ExA seeks responses from the Cambridgeshire Councils and NE on the responses provided by the Applicant [REP3-007].</p>
		<b>Answer:</b>
Q2.13.3.2	Cambridgeshire Councils Natural England	<p><b>Question:</b></p> <p><b>Mitigation</b></p> <p>Comment on the responses provided by the Applicant [REP3-007].</p>
		<b>Answer:</b>
<b>Q2.14</b>	<b>Land use including open space and green infrastructure</b>	
<b>Q2.14.1</b>	<b>General</b>	
Q2.14.1.1	Applicant	<p><b>Question:</b></p> <p><b>Response expected at D6</b></p> <p><b>Surveys</b></p> <p>The Applicant expressed an intention to submit further information regarding soil resources, subject to Covid-19 restrictions easing to allow surveys to take place [APP-078, paragraph 9.4.6]. What is the status of these surveys and further information and when do you expect to submit it?</p>
		<b>Answer:</b>



No.	Directed to	Question
		<p>There is a total of 557 observation points to survey within the Order Limits from 38 land holdings. As of the week beginning 18 October 2021, surveys have been completed for 257 points (46%) from 13 (36%) of the holdings. Access has been requested but not yet been permitted on four land holdings, which account for 187 (34%) of observation points.</p> <p>The remaining 79 observation points are predominantly within a large number (18) of holdings around the Black Cat roundabout, and it is the intention to survey these in the week beginning 8 November 2021.</p> <p>Representative samples are being sent to the laboratory for nutrient analysis, organic matter content, pH and particle size distribution, and results have been received for 12 of these.</p> <p>At this stage it is anticipated that the report will be submitted into the Examination at Deadline 6 for all land holdings to which access has been granted by the week beginning 8 November 2021.</p>
<b>Q2.14.2</b>	<b>Cumulative effects</b>	
		<p><b>Question:</b></p> <p>No further questions at this stage</p>
		<p><b>Answer:</b></p>
<b>Q2.15</b>	<b>Need for Development and Consideration of Alternatives</b>	
<b>Q2.15.1</b>	<b>Need for the development</b>	
		<p><b>Question:</b></p> <p>No further questions at this stage.</p>
		<p><b>Answer:</b></p>
<b>Q2.15.2</b>	<b>Business case</b>	

No.	Directed to	Question
Q2.15.2.1	Applicant	<p><b>Question:</b></p> <p><b>Construction and operation cost</b></p> <p>Further to the response to WQ1 [REP1-022, Q1.15.2.1 b and c] provide more detail regarding the discounting measures used, and how and why they differ between construction and operation/ maintenance. The ExA wishes to fully understand how these costs were derived and the reason for the substantial differences between them, in terms of cost benefit analysis.</p>
		<p><b>Answer:</b></p> <p>A possible reason for the confusion over the differences between the Present Value Costs of construction versus operation and maintenance is likely to be due to the wording in the Combined Modelling and Appraisal Report Appendix D: Economic Assessment Report [APP-254]. Page 2 of the <b>Executive Summary</b> states the following:</p> <p><i>The Operating and Maintenance costs were provided by HECSD in July 2020. The net outturn operation and maintenance cost for the Scheme is estimated to be £380.5 million (2019 Quarter 1 prices).</i></p> <p>To clarify, although the Operating and Maintenance (O&amp;M) costs were derived from cost estimates based on 2019 Quarter 1 prices, these costs are actually incurred throughout the 60 year lifetime of the Scheme i.e. many years into the future. As DfT require outturn cost predictions for budget purposes, the impact of inflation needs to be considered. For example, if inflation averaged 2% per annum over that timeframe then a £10 million cost in 2019 Quarter 1 prices would become a £36.2 million cost in 2084. Thus, the £380.5 million value is the predicted <i>outturn</i> net cost, (i.e. the difference between the 'with Scheme' and 'without Scheme' O&amp;M costs over the appraisal period) and whilst based on a cost in 2019 Q1 prices, the effects of inflation are considered.</p> <p>The same applies to the construction costs which are also based on 2019 Quarter 1 prices. However, they are spent much earlier (between 2022 and 2025) than the O&amp;M costs and inflation therefore has a much smaller impact on the outturn costs.</p> <p>For the economic appraisal, however, DfT guidance asks for all costs to be quoted in 2010 prices discounted to 2010 as 2010 is the current 'present value year' for all transport investment scheme appraisals. This means that the cost spent in any given future year has to first, be deflated back to 2010 prices and then secondly, be discounted from that future year of spend to 2010 using current DfT discount rates.</p> <p>The 2010 undiscounted price estimates are detailed in Section 3 of the Combined Modelling and Appraisal Report - Appendix D - Economic Appraisal Package: Economic Assessment Report [APP-254]. The above outturn costs in 2010 undiscounted prices are significantly lower values, particularly for O&amp;M as O&amp;M costs are spent further into the</p>



No.	Directed to	Question												
		<p>future. The construction cost in 2010 'factor' prices is £562.1 million (<b>Table 3-1 of App-254</b>) whilst the O&amp;M net cost, (i.e. the difference between the 'with Scheme' and 'without Scheme' O&amp;M costs) is £119.8 million (<b>Table 3-3 of App-254</b>). Therefore, whereas the <i>outturn</i> cost ratio of net O&amp;M versus Construction costs is 0.47 to 1, in a 2010 <i>undiscounted</i> price base the ratio is just 0.21 to 1. This is demonstrated in Table 1 below.</p> <p>Discounting is applied to both costs and benefits to reflect that money spent or gained earlier is worth more than that spent or received later. The annual discount rates applied to transport schemes are 3.5% between 2010 and the assessment year and for the first 30 years after, and then 3.0% for between 31 and 75 years from the assessment year.</p> <p>As construction costs are incurred in the early years of the project the impact of discounting is much less than on O&amp;M costs which are incurred over the 60 years after opening.</p> <p>The impact of discounting is demonstrated in Figures 3-1 and 3-2 of the Combined Modelling and Appraisal Report - Appendix D - Economic Appraisal Package: Economic Assessment Report [<b>APP-254</b>]. Figure 3-1 displays the annual O&amp;M costs in 2010 undiscounted (factor) prices and shows an expenditure of £34.8 million in 2084 for the with Scheme scenario. In Figure 3-2 that cost, after the application of discounting, has a present 'market' value of just £3.8 million in 2010 prices. The effect of discounting results in the with Scheme O&amp;M costs having a 2010 present value cost (PVC) of £46.3 million whilst the equivalent without Scheme PVC is £18.8 million, giving a net O&amp;M PVC of £27.5 million. This is just 7% of the predicted outturn net O&amp;M cost of £380.5 million.</p> <p>For Scheme construction, as costs are incurred in earlier years, the impact of discounting is much less and hence the present value cost of £435.6 million is a much higher proportion (54%) of the outturn cost of £812.5 million.</p> <p>Therefore, a like for like comparison, in 2010 prices discounted to 2010, results in an O&amp;M net cost to construction cost ratio of just 0.06 to 1 compared to 0.47 to 1 based on outturn costs, as summarised in Table 1.</p> <p><b>Table 1: Summary of Cost Estimates</b></p> <table><tr><th></th><th>O&amp;M Net Cost</th><th>Construction Cost</th><th>O&amp;M Ration</th></tr><tr><td>Outturn Price</td><td>£380.5 M</td><td>£812.5 M</td><td>0.47</td></tr><tr><td>2010 'Factor' Price Undiscounted</td><td>£119.8 M</td><td>£562.1 M</td><td>0.21</td></tr></table>		O&M Net Cost	Construction Cost	O&M Ration	Outturn Price	£380.5 M	£812.5 M	0.47	2010 'Factor' Price Undiscounted	£119.8 M	£562.1 M	0.21
	O&M Net Cost	Construction Cost	O&M Ration											
Outturn Price	£380.5 M	£812.5 M	0.47											
2010 'Factor' Price Undiscounted	£119.8 M	£562.1 M	0.21											

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No.	Directed to	Question				
		2010 'Market' Price Discounted	£27.5 M	£435.6 M	0.06	
Q2.15.3	Cost benefit analysis					
		Question: No further questions at this stage.				
		Answer:				
Q2.15.4	Alternative modal solutions					
Q2.15.4.1		Question: No further questions at this stage.				
		Answer:				
Q2.16	Noise and Vibration					
Q2.16.1	Construction and Operational effects on sensitive receptors					
Q2.16.1.1	Local Authorities All Parties	Question:  Borrow Pits  Does the Applicant's Borrow Pits Excavation and Restoration Report [REP3-011] adequately address concerns relating to noise associated with the use of Borrow Pits? If not, explain with reasoning.				
		Answer:				



No.	Directed to	Question
Q2.16.1.2	Local Authorities All Parties	<b>Question:</b> <b>Noise baseline monitoring</b> Do LAs and IPs agree with the rationale put forward by the Applicant [REP3-019, Appendix B] to explain how the baseline noise monitoring undertaken was sufficient for the purposes of the ES? If not, explain with reasons.
		<b>Answer:</b>
Q2.16.1.3	Local Authorities All Parties	<b>Question:</b> <b>Noise and Vibration Errata</b> Do LAs or IPs have any comments regarding REP3-27 which clarifies that dates of Base Year traffic data, as referred to in various submissions by the Applicant, should be 2015 rather than 2016.
		<b>Answer:</b>
Q2.16.2	Proposed mitigation, management and monitoring	
		<b>Question:</b> No further questions at this stage.
		<b>Answer:</b>
Q2.17	Significant Cumulative Effects	
Q2.17.1	Approach to assessment	
		<b>Question:</b>

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No.	Directed to	Question
		No further questions at this stage.
		Answer:
<b>Q2.17.2</b>	<b>Assessment of cumulative effects</b>	
Q2.17.2.1		Question: No further questions at this stage.
		Answer:
<b>Q2.17.3</b>	<b>Assessment of combined effects</b>	
Q2.17.3.1	Applicant Local Authorities	<p><b>Question:</b></p> <p><b>Proposed mitigation</b></p> <p>Applicant, for the receptors that would experience large adverse combined effects, and moderate adverse effects [APP-084] [APP-112] do you believe the First Iteration EMP should identify support and point of contact with the Community Liaison Manager or similar to provide immediate and short term mitigation to effects of construction period? Should this be identified as additional mitigation? LAs to comment.</p>
		<p><b>Answer:</b></p> <p>The Applicant can confirm that, as set out in Table 2-1 of the First Iteration Environmental Management Plan [APP-234], there is a commitment to the Scheme being supported by a "Community Relations Manager". This individual would undertake comparable functions to a Community Liaison Manager and would be responsible for managing communications with the public (receptors), stakeholders and other interested parties during construction of the Scheme.</p> <p>A function of the Community Relations Manager will be liaising with the Principal Contractor's Project Manager and their appointed Environmental Manager on landowner and community concerns, including Local Authority notified</p>



No.	Directed to	Question
		<p>concerns relating to the works, and also acting as the main interface with these parties. They will ensure that the Project Manager and Environmental Manager are informed of any environmental complaints that may be raised, such that those appointed Managers can then implement appropriate response measures within the powers and remit of their respective roles (as defined in Table 2-1 of the First Iteration Environmental Management Plan [APP-234]).</p> <p>Additionally, the Community Relations Manager (alongside others) has a role in reviewing relevant sections of the Second Iteration Environmental Management Plan, meaning they will be involved in developing appropriate mitigation, control and protection measures for sensitive receptors in local communities - including those identified as likely to experience either individual or combined significant effects from the Scheme in the immediate and short-term. An example of this is provided in paragraph 1.5.1 of Annex A: Air Quality Management Plan of the First Iteration Environmental Management Plan [APP-234], which states that the locations of additional, site-specific measures to achieve the required level of dust suppression and control will be confirmed when the final management plan is prepared (this being part of the Second Iteration Environmental Management Plan).</p> <p>Paragraph 2.1.2 of the First Iteration Environmental Management Plan [APP-234] confirms that the individual names and contact details of the project team, which included the Community Relations Manager, will be confirmed and inserted into the document by the Applicant and the Principal Contractor once appointed.</p> <p>As a Community Relations Manager would be employed during construction, and given their responsibilities have already been included in outline within the First Iteration Environmental Management Plan [APP-234], their role and function has been considered within the environmental impact assessment process as essential mitigation. Accordingly, the Applicant does not consider that this role needs to be identified as an additional mitigation measure, nor does it believe that additional community liaison support is necessary given that the role and responsibilities will be developed and refined further as part of the Second Iteration Environmental Management Plan.</p>
<b>Q2.17.4</b>	<b>East West Rail</b>	
Q2.17.4.1	East West Rail Company Applicant	<p><b>Question:</b></p> <p><b>East West Rail</b></p> <p>The EWR Company have submitted material [REP1-073] [REP3-048] relating to where, and to some degree, how the Proposed Development would interface with the proposed EWR scheme. Various interface points were also described at the ASI by the EWR Company [EV-022].</p> <p>a) EWR Company, provide oral summaries of that explained to the ExA at each stopping point of the ASI.</p>

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No.	Directed to	Question
		b) Applicant, provide details of any design changes currently proposed or being developed for the Proposed Development on the basis of the information received to date.
		<p><b>Answer:</b></p> <p>a) For East West Rail Company to respond.</p> <p>b) The Applicant is not currently proposing any design changes as a result of the information that has been provided by East West Rail Company to date. As set out in previous responses, the Applicant understands that the horizontal and vertical alignments of the East West Rail scheme are still in development (paragraph 5.3 of [REP1-074]) and that it is not known which route will be selected or whether the railway will go over or under the Scheme at any possible engineering interface. The Applicant's position therefore remains unchanged, in that there remains too much uncertainty on the preferred alignment for the Applicant to consider any specific provision for any new infrastructure which may be required as part of the East West Rail scheme.</p>
<b>Q2.18</b>	<b>Socio-economic effects</b>	
<b>Q2.18.1</b>	<b>Methodology</b>	
Q2.18.1.1	Applicant Local Authorities	<p><b>Question:</b></p> <p><b>Human health</b></p> <p>Notwithstanding the responses from the Applicant [REP1-022] and PHE [REP1-090], do you believe the First Iteration EMP should identify support and point of contact with the Community Liaison Manager or similar to provide immediate and short-term mitigation to receptors identified by the Cambridgeshire Councils [REP1-051] during the construction period? Should this be identified as additional mitigation? LAs to comment.</p>
		<p><b>Answer:</b></p> <p>The Applicant refers the ExA to its response to Q2.17.3.1 which explains its position regarding the Community Liaison Manager and matters relating to receptor mitigation.</p>
<b>Q2.18.2</b>	<b>Local and national economic activity and employment</b>	
		<b>Question:</b>



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No.	Directed to	Question
		No further questions at this stage.
		Answer:
Q2.19	Water quality and resources	
Q2.19.1	General	
		Question: No further questions at this stage.
		Answer:

## Appendix to Q.2.5.3.5



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## Land Compensation Claims Protocol

### 1. INTRODUCTION

- 1.1. This protocol applies to any claim for compensation ("**Compensation Claim**") made by a claimant to a compensating authority that would, in the absence of agreement between the parties, involve a reference ("**Reference**") to the Upper Tribunal (Lands Chamber) ("**Tribunal**") under Part 5 of the Upper Tribunal (Lands Chamber) Procedure Rules 2010 (as amended) ("**Rules**")<sup>1</sup>. It does not apply to any matter that would be referred under Part 5 but which does not involve a Compensation Claim.
- 1.2. "Claimant" in this protocol means the person or persons having the right to make a Compensation Claim. "Compensating authority" in this protocol means the entity which is potentially liable to pay compensation.
- 1.3. This protocol seeks to ensure that, before a Reference is made, the claimant and the compensating authority have:
  - 1.3.1. exchanged sufficient information to understand each other's positions;
  - 1.3.2. discussed each other's positions thoroughly and constructively;
  - 1.3.3. sought to narrow the issues that the Tribunal would have to determine if a Reference were made; and
  - 1.3.4. considered the use of alternative dispute resolution to avoid a Reference being made or to determine at least some of the issues which the Tribunal would otherwise have to determine,as set out in further detail in this protocol.
- 1.4. It is not intended that this protocol should conflict with either the Rules or the Lands Chamber Practice Directions 2010 ("**Practice Directions**")<sup>2</sup>, however in the event of any conflict the Rules and/or Practice Directions should be followed.
- 1.5. This protocol has been produced by the Compulsory Purchase Association ("**CPA**") and has been endorsed by its members. The Planning and Environment Bar Association (PEBA) the Royal Institution of Chartered Surveyors (RICS) and the Central Association of Agricultural Valuers (CAAV) have contributed to its development. It is therefore evidence of 'best practice' recognised by professional practitioners.

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<sup>1</sup> A link to the Rules can be found here: [REDACTED]

[REDACTED]. Note that this includes appeals under s.18 Land Compensation Act 1961 (certificates of appropriate alternative development).

<sup>2</sup> A link to the Practice Directions can be found here: [REDACTED]

[REDACTED]

## **2. GENERAL**

- 2.1. A compensating authority should ensure that, so far as possible, a potential claimant has been provided with adequate information about:
- 2.1.1. the relevant procedure for making a Compensation Claim (including whether there are any statutory requirements or time limits and whether there is any prescribed, model or suggested form for making a claim). This should be communicated in a way that is readily understandable by someone without experience of the relevant process;
  - 2.1.2. the availability of professional advice to assist a claimant in making and evidencing a Compensation Claim<sup>3</sup>;
  - 2.1.3. whether, how and when any professional fees that may be incurred by a claimant in relation to a Compensation Claim will be reimbursed;
  - 2.1.4. the importance of maintaining appropriate records in order to substantiate a Compensation Claim; and
  - 2.1.5. the existence of this protocol and the RICS Professional Statement: “Surveyors advising in respect of compulsory purchase and statutory compensation”<sup>4</sup>.
- 2.2. A compensating authority is encouraged at an early stage:
- 2.2.1. to provide information or valuation evidence available to it potentially relevant to a Compensation Claim and if possible before the claim is made; and
  - 2.2.2. provide their valuation to assist with the constructive dialogue between the parties.
- 2.3. Parties to a Compensation Claim are expected to:
- 2.3.1. discuss each other’s positions constructively with the objective of agreeing as much as possible and identifying as precisely as possible the issues which cannot be agreed;
  - 2.3.2. ensure that at appropriate points each parties’ position is clearly set out in writing;
  - 2.3.3. from time to time review their own positions in respect of the Compensation Claim, and to communicate any change in those positions to the other party promptly and in writing;
  - 2.3.4. consider at all stages whether alternative dispute resolution would assist in resolving either the whole claim or specific issues within the claim (see section 5); and

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<sup>3</sup> A list of the members of the Compulsory Purchase Association (that includes accountants, surveyors and solicitors) can be found here: [REDACTED]

<sup>4</sup> A copy of the Professional Statement can be found here: [REDACTED]



2.3.5. disclose sufficient information to enable the other party to understand properly the substance of the party's position, the evidence available to support it and any other material information relevant to the Compensation Claim.

2.4. Parties to a Compensation Claim should ensure that any costs which they incur in relation to the claim are appropriate, reasonable and proportionate to the nature and complexity of the claim. Sufficient records should be kept of how costs have been incurred to enable items to be explained and justified if questioned at a later date. Parties should be aware that the Tribunal has the power to order a party to pay all or part of another party's costs of a Reference. Further information on costs is contained in the Rules and the Tribunal explanatory leaflet for compulsory purchase compensation, land compensation disputes and other references.<sup>5</sup>

### 3. MAKING A CLAIM

3.1. Any Compensation Claim should be made within the prescribed time limit, be on any prescribed form and contain any prescribed information.

3.2. In all cases, claimants should ensure that their claim form or claim letter together with any supplementary valuations, calculations or other information provides sufficient information to enable the compensating authority to understand the claim and how it is supported. A claimant may expect a compensating authority to request further information if it believes it has insufficient information about the claim.

3.3. There is no prescribed form for a Compensation Claim related to compulsory purchase. However, the "Claiming Compensation for the Acquisition or the Occupation of Land Model Claim Form" ("**Model Claim Form**") can be used for certain types of Compensation Claim involving compulsory purchase of land or interests and/or the taking of temporary possession. The form and accompanying notes provide a guide as to the content needed for relevant Compensation Claims as well as the supporting documents<sup>6</sup>.

3.4. Where there is a statutory prescribed form for making a claim, then the prescribed form should be used. In all other cases, claimants should clearly set out their Compensation Claim in writing following the principle set out in paragraph 3.2 of this protocol.

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<sup>5</sup> The Tribunal's explanatory leaflets can be found at the following link: [\[REDACTED\]](#)

<sup>6</sup> The Model Claim Form and guidance to it can be found at the following link: [\[REDACTED\]](#)

#### **4. BEFORE MAKING A REFERENCE**

- 4.1. Before making a Reference, the party intending to make the reference should contact the other party in writing in order to:
  - 4.1.1. notify the other party of its intention to make a Reference;
  - 4.1.2. summarise the matters agreed between the parties;
  - 4.1.3. summarise the outstanding issues in dispute between the parties;
  - 4.1.4. provide the other party with an opportunity to respond to the outstanding issues.
- 4.2. Except in the circumstances set out in paragraph 4.5 the other party should be given at least 28 days to provide a response before a Reference is made.
- 4.3. If a response is provided, then the party proposing to make a Reference should consider whether there are further opportunities to reach a settlement or narrow the issues between the parties before a Reference is made.
- 4.4. For the avoidance of doubt, it is expected that the parties will have had constructive discussions on all aspects of the claim in order to achieve the objectives of this protocol summarised in paragraph 1.3 above before this final exchange of correspondence prior to making a Reference.
- 4.5. A Reference should not be made prematurely when the resolution of outstanding issues is still actively being explored, except where there is a requirement to make a Reference to comply with a time limit in respect of a Compensation Claim. Parties should also be aware of the ability to enter into an agreement to extend the statutory limitation period on a Compensation Claim. A Reference followed by an immediate request to stay to allow further negotiation expends the resources of the Tribunal which could have been prevented through such an agreement. Where it has been necessary to make a Reference in order to comply with a time limit before it has been possible to comply with this protocol, the parties should expect to comply with this protocol after the Reference has been made and should seek directions from the Tribunal to enable them to do so.<sup>7</sup>
- 4.6. When making a Reference parties are encouraged to serve a copy of the Reference papers on the other side to ensure the efficient provision and exchange of information between the parties.

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<sup>7</sup> More information on forms and guidance appropriate to a Reference to the Lands Chamber (Upper Tribunal) can be found at the following link:



## **5. ALTERNATIVE DISPUTE RESOLUTION**

- 5.1. This protocol does not attempt to advise parties to a compensation dispute how claims might be settled or issues resolved without litigation in the Tribunal. However, it does require that in all cases parties should give due consideration to any opportunity to avoid a Reference or narrow the issues between them by using alternative dispute resolution (“ADR”).
- 5.2. The use of ADR, including mediation, can provide a less formal and more cost effective method of resolving compensation disputes and the Tribunal seeks to encourage its use in appropriate cases. The Tribunal will bring to the attention of the parties the availability of any appropriate alternative procedure for resolution and, if the parties wish, may facilitate its use (for example by granting a stay of proceedings).<sup>8</sup> The claimant and the compensating authority should also be aware that the Tribunal may consider whether a party has unreasonably refused to consider ADR when deciding what costs order to make, even when the refusing party is otherwise successful.<sup>9</sup>
- 5.3. The Tribunal’s Explanatory Leaflet for Compulsory Purchase Compensation, Land Compensation Disputes and Other References (T604) <sup>10</sup> provides brief information on the use of ADR in compensation cases, focusing on mediation. Information on all forms of ADR is provided by the Royal Institution of Chartered Surveyors.<sup>11</sup> In most cases the parties should consider taking professional advice about the use of ADR.

**Last updated October 2018**

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<sup>8</sup> See rule 3 of the Rules.

<sup>9</sup> See paragraph 2.2 of the Practice Direction.

<sup>10</sup>

<sup>11</sup>

## Appendix to Q2.6.2.1



Interested Party	Rep Title	Page Number	REPNo	Sub-Reference	Comment from Interested Party	Applicant Response
Bedford Borough Council	Relevant Representation	17	RR-008a	c	<p>At this stage further discussions are ongoing with the applicants and relevant Council Officers and some or all of the issues raised here may be resolved and clarified by the time we reach the hearings. At this time the key issues the Council wish to make representations about relate to:</p> <ul style="list-style-type: none"> <li>· Highways</li> <li>· Footpaths and Public Rights of Way</li> <li>· Heritage</li> <li>· Pollution and Noise</li> <li>· Air Quality</li> <li>· Contaminated Land</li> <li>· Borrow Pits</li> <li>· Wildlife and Ecology</li> </ul>	<p>Noted.</p> <p>Points relating to these matters are addressed below, please see the Applicant response from RR-008ad to RR-008abs.</p>
Bedford Borough Council	Relevant Representation	23	RR-008a	o	<p>The Heritage Team feel that the setting impact assessment on designated heritage assets contained within Chapter Six of the Environmental Statement (Cultural Heritage) would benefit from illustration of the impacts through viewpoints from and across (i.e. with the scheme in the background of an overall view of the asset) the affected assets towards the scheme and from the scheme towards the assets. These views could also use modelling to illustrate the scheme as proposed on these viewpoints. When conducting the assessment the focus seems to have been on changes to the visible setting of the monument with little account taken of other aspects of the setting such as changes to tranquillity etc. through increased noise. Finally there appears to be little assessment of setting impacts from the proposed borrow pits or in relation to Parish Church of Saint Mary Magdalen (Roxton, grade II*).</p>	<p>The assessment of visual impacts has been informed by evidence recorded through site visits, taking into consideration topography and existing screening. It also takes into account the contribution that views make to the understanding and appreciation of assets, in line with current guidance. This acknowledges that a change within a setting may not impact on its significance.</p> <p>The Applicant wishes to clarify that visualisations are only intended for use for visual receptors or where the extent of an impact is unclear. Visualisations developed as part of the landscape and visual effects assessment are presented on Figures 7.15.01.01 to 7.15.11.02 [APP-123] [APP-124] [APP-125] of the Environmental Statement.</p> <p>The Applicant can confirm that the effects on the setting of the Grade II* listed Parish Church of St Mary Magdalen (1114927) in Roxton have been considered within the cultural heritage assessment. This building comprises one of several listed buildings and non-designated assets within the Roxton Conservation Area, which have been considered collectively within the cultural heritage assessment.</p> <p>Paragraphs 6.9.219 – 6.9.221 within Chapter 6, Cultural Heritage [APP-075] of the Environmental Statement record that the setting of the listed buildings within Roxton village would not individually be impacted by the Scheme, but that construction of the Scheme would result in a slight adverse effect (not significant) on Roxton Conservation Area.</p> <p>The Applicant can confirm that the assessment has taken into consideration the temporary impacts from the construction and operation of the Scheme, including noise and lighting, and those associated with the borrow pits.</p>
Bedford Borough Council	Relevant Representation	29	RR-008a	x	<p>Whilst significant information has been supplied as to the potential impact of the operation of the prospective roads, there is very little data to consider for the construction phase and borrow pits. Most of the assessment considers that this will be in further detail at the more detailed design stage but this does not allow Environmental Health to consider viability at this time.</p>	<p>The description of the Scheme and information relating to its construction is presented in Chapter 2, The Scheme [APP-071] of the Environmental Statement. This has formed the basis upon which the noise and vibration assessment set out within Chapter 11, Noise and Vibration [APP-080] of the Environmental Statement has been undertaken. The level of detail regarding borrow pits presented in Chapter 2, The Scheme [APP-071] reflects the preliminary nature of the Scheme design, and summarises the planned approach to how these areas would be formed, worked and restored.</p> <p>With regard to the assessment undertaken to assess construction noise impacts from the Scheme, reasonable worst-case assumptions have been adopted. These include:</p> <ul style="list-style-type: none"> <li>· The assumptions made by the Principal Contractor on the number and type of plant likely to be required during the construction phase are reasonable and robust.</li> <li>· All activities occurring in each month are assumed to occur at the same time, whereas some activities will occur sequentially and/or for a limited duration.</li> <li>· No benefit from temporary noise barriers or site hoardings has been assumed.</li> </ul> <p>This ensures that the results of the construction noise assessment are robust. The Applicant confirms that the excavation and backfilling of all potential borrow pits have been included in the predictions of construction noise presented within Chapter 11, Noise and Vibration [APP-080] of the Environmental Statement. The assessment demonstrates that activities at the borrow pits are not a direct source of potentially significant construction noise effects at nearby receptors.</p> <p>Annex B Noise and Vibration Outline Management Plan of the First Iteration Environmental Management Plan [APP-234], sets out the generic measures which will be used by the contractor to control noise and vibration during the construction phase. These generic measures will be expanded upon to determine any additional specific mitigation measures to be applied to individual construction activities or receptors. It is not possible to determine specific mitigation measures at this stage before the details of the construction works are finalized, including those at the borrow pit locations.</p>

Bedford Borough Council	Relevant Representation	33	RR-008a	bc	<p>Whilst it could be considered that earthworks may include the borrow pits there is no detailed information on these.</p> <p>Whilst proposed mitigation systems are suggested these do not include re-siting of borrow pits and if the impact of those pits are unacceptable then this cannot be overcome other than potentially with the "temporary re-housing policy"</p> <p>Without sufficient information on the use of borrow pits the information supplied at this time is insufficient.</p>	<p>The Applicant refers BBC to its response to RR-008ax which provides clarification on the planned construction works, including earthworks and the operations associated with the borrow pits.</p> <p>The response to RR-008ax also provides clarification of how site- specific mitigation measures will be determined through the detailed design phase and set out in the Noise and Vibration Management Plan, prepared as part of the Second Iteration Environmental Management Plan.</p> <p>No mitigation is proposed regarding the possible re-siting of the borrow pits; this is because the Applicant has undertaken a thorough and comprehensive site selection, appraisal and evaluation process to inform the selection of its preferred locations for these features. Potential noise impacts formed part of this selection process through consideration of the proximity of the potential sites to noise sensitive receptors. Full details of this process are reported in the Borrow Pits Optioneering Report [APP-246].</p>
Bedford Borough Council	Relevant Representation	35	RR-008a	bg	<p>The principle of identifying borrow pits for major infrastructure projects is supported. However, borrow pits are virtual quarries/landfill sites and can have similar environmental impacts. In order to be able to assess any impacts, there needs to be a description of how a site will be worked and then restored.</p>	<p>Chapter 2, The Scheme [APP-071] of the Environmental Statement presents details of how the borrow pits will be formed, worked and restored as part of Scheme construction. The level of information presented reflects the preliminary nature of the Scheme design at this stage of its development.</p> <p>The Applicant is continuing to engage on the proposed borrow pits and has prepared further information which has been shared with BBC and the relevant local authorities. The additional information provided includes reference to (but is not limited to) the environmental assessment, excavation methodology and restoration of the borrow pits. The Applicant is intending to submit this information at Deadline 3.</p>
Bedford Borough Council	Relevant Representation	35	RR-008a	bh	<p>As part of the pre-application process, the Council had asked for details of the borrow pits proposed in the Borough area, so that any impacts could be adequately evaluated as part of the environmental impact assessment process. However, a meeting on the optioneering report held a day before the submission of the DCO provided too little detail, too late.</p>	<p>The Applicant is continuing to engage on the proposed borrow pits and has prepared further information which has been shared with BBC and the relevant local authorities. The additional information provided includes reference to (but is not limited to) the environmental assessment, excavation methodology and restoration of the borrow pits. The Applicant is intending to submit this information at Deadline 3.</p>
Bedford Borough Council	Relevant Representation	35-36	RR-008a	bi	<p>The Council is concerned that the only control over the borrow pits appears to be through the Environmental Management Plan (EMP).</p> <p>The EMP sets out a list of standard practises that could be applied to any similar development and is not site specific.</p> <p>The EMP contains no assessment of any potential impacts.</p> <p>It does not appear that any of the topic related chapters in the Environmental Statement (ES) contains any assessment of the operation of the proposed borrow pits.</p>	<p>The Applicant wishes to clarify that the purpose of the First Iteration Environmental Management Plan [APP-234] is to present the outline best practice and site-specific mitigation measures that will be developed and implemented during construction of the Scheme to manage, control and, where required, monitor works and activities that have the potential to result in environmental effects. The document does not report the likely environmental effects of the Scheme; these are reported separately in the Environmental Statement.</p> <p>BBC is correct in that the First Iteration Environmental Management Plan [APP-234] will be used as the mechanism to control any environmental effects relating to borrow pit activities; however, the detail of these measures will be subject to further development and refinement as part of the Second Iteration Environmental Management Plan, subject to the Scheme being consented. The purpose of the First Iteration Environmental Management Plan [APP-234] is to provide for mitigation to address effects which have been adequately assessed in the Environmental Statement, not to carry out the assessment itself.</p> <p>A requirement has been included within Schedule 2, Part 1 of the draft DCO [APP- 025] which requires that the Second Iteration Environmental Management Plan must be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and relevant highway authority prior to commencement of the authorised development. This requirement enables BBC, in its role as either the relevant planning authority or relevant highway authority, to inform the development of the mitigation measures within the Second Iteration Environmental Management Plan at the detailed design stage of the Scheme.</p> <p>The Applicant refers BBC to its response to RR-008ax which clarifies how the topic assessments reported in the Environmental Statement have assessed borrow pit operations as an integral part of Scheme construction.</p>



Bedford Borough Council	Relevant Representation	36-37	RR-008a	bj	The DCO contains two requirements for iterations of the EMP. Whilst the second iteration EMP may be expected to contain more detail on the borrow pits proposals, it is not clear what further impact assessments will be provided at this stage. This brings into question whether the DCO currently contains a sufficient description of the proposal or a proper environmental assessment.	The Applicant can confirm that no further environmental assessments will be undertaken to inform the Second Iteration Environmental Management Plan. This is because the Environmental Impact Assessment has taken account of the likely impacts and effects associated with the formation, operation and restoration of the borrow pits included within the Scheme. The Applicant refers BBC to its response to RR-008abg which explains the detail included within the application at the preliminary design stage. This level of detail is considered sufficient and appropriate to undertake an assessment of the likely significant effects of the Scheme to meet the requirements of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
Cambridgeshire County Council Huntingdon District Council South Cambridgeshire District Council	Relevant Representation	58	RR-013 RR-048 RR-100	f	The borrow pit remediation should be reconsidered to improve biodiversity	The Applicant refers the local authorities to paragraphs 2.6.289 and 2.6.291 in Chapter 2, The Scheme [APP-071] of the Environmental Statement which states that the proposals for restoration of the borrow pits would be completed at the detailed design phase, and that the final choice of the long-term use for the borrow pit sites post restoration would also be defined and specified at that phase.
Cambridgeshire County Council Huntingdon District Council South Cambridgeshire District Council	Relevant Representation	62	RR-013 RR-048 RR-100	n	The borrow pit remediation should be reconsidered from a landscape perspective	The Applicant refers the local authorities to its responses to RR-013f, RR-048f and RR-100f, and requests clarification on what aspects relating to landscape should be reconsidered in relation to the proposed approach to the restoration of borrow pits.
Cambridgeshire County Council Huntingdon District Council South Cambridgeshire District Council	Relevant Representation	66	RR-013 RR-048 RR-100	w	Summary report reviewed, unlikely to be a material issue but commitment and further detail on approach to backfilling borrow pits required	The approach to backfilling the borrow pits is outlined in Chapter 2, The Scheme [APP-071] of the Environmental Statement and the Borrow Pits Optioneering Report [APP-246]. Also, as set out in Table 4-1 Consents and permissions that may be required of the First Iteration Environmental Management Plan [APP-234], the borrow pits will be restored using excavated material arising that pass re-use acceptability criteria (based on findings of quantitative risk assessment), with these areas subsequently reinstated with the intention of returning them to agricultural standards. Furthermore, as provided in Section 1.8.4 and 1.8.7 of Annex H – Material Management Plan of the First Iteration Environmental Management Plan [APP-234], no materials will be used in the backfilling of borrow pits where the results indicate exceedance of the reuse acceptability criteria (which will include the subjection of material to geotechnical laboratory analysis and assessed against the material classification and reuse acceptability criteria), which will be developed to be protective of human health and controlled waters in respect to its proposed end use.
Cambridgeshire County Council Huntingdon District Council South Cambridgeshire District Council	Relevant Representation	70	RR-013 RR-048 RR-100	ag	<ul style="list-style-type: none"> <li>Insufficient detail exists on the borrow pits to meaningfully assess the proposals and impacts that will arise from them, including cumulative impacts and implications for wider specialisms such as cultural heritage.</li> <li>Clarity required on the restoration and biodiversity net gain benefits from the borrow pits</li> <li>Borrow pits have not been considered in cumulative assessment which is a potentially significant concern.</li> <li>The works and associated haul routes etc. need to be controlled properly from the outset. Changes to drafting and Requirements needed</li> </ul>	The Applicant is continuing to engage on the proposed borrow pits and has prepared further information which has been shared with the relevant local authorities. The additional information provided includes reference to (but is not limited to) the environmental assessment, excavation methodology and restoration of the borrow pits. The Applicant is intending to submit this information at Deadline 3. The environmental assessment has considered, fully, the impacts of the proposed borrow pits as part of the Scheme and therefore these sites and operations do not need to be considered within a cumulative assessment. The formation, operation and management of the borrow pits and haul routes will be included and detailed in the management plans as listed within the First Iteration Environmental Management Plan [APP-234]. The addition of this construction related information will form the subsequent iterations of the Environmental Management Plan as it is developed. In relation to borrow pit restoration, the Applicant refers the local authorities to its responses to RR-013f, RR-048f and RR-100f.

Brown & Co on behalf of D.H.T. Limited	Relevant Representation	129	RR-025	d	<p>My clients land is identified as being used as a Borrow Pit. This land has previously been used for gravel extraction and as such is identified as filled land. Survey work undertaken by the Highways England team was taken outside of the borrow pit area and as such my clients feels that a borrow pit in this area is unnecessary.</p> <p>My client feels that increasing the size of other borrow pits in the area would be better and more effective.</p> <p>My clients request that this area is removed from the Development Consent Order.</p> <p>If the borrow pit is to be located on my clients land then my clients seek details of the bund to be put in place to protect his existing properties together with details of security fencing to ensure that his property is protected during the works.</p> <p>My client also seeks clarification on the measures to be put in place to control noise and dust during construction and also what equipment will be used to monitor vibration and the impact on their residential property.</p> <p>Accordingly our client will represent that the DCO should be amended to reflect the points set out above.</p>	<p>The selection process for the preferred borrow pit sites is detailed in the Borrow Pit Optioneering Report [APP-246].</p> <p>The Applicant has undertaken appropriate investigation and that the quantity and quality of material for the construction of the works is adequate. The existing bunding which provides protection to the landowner s property will be maintained. Additional bunding will be provided using topsoil and subsoil material stripped from the proposed borrow pit site. Further details of this bunding and fencing will be provided by the Principal Contractor when it is developed.</p> <p>The proposed measures to mitigate noise and vibration effects during the construction phase are set out in Annex B Noise and Vibration Outline Management Plan within the First Iteration EMP [APP-234]. Examples of such measures include:</p> <ul style="list-style-type: none"> <li>· All ancillary plant such as generators, compressors and pumps will be positioned so as to cause minimum noise disturbance. If necessary, acoustic barriers or enclosures will be provided, where appropriate.</li> <li>· Working methods will be developed specific to the area and will consider use of equipment and methods of operations to minimise noise.</li> <li>· Whenever possible, fabrication of materials will be undertaken off-site.</li> <li>· All plant and machinery in intermittent use will be shut down in intervening periods between work or throttled down to a minimum.</li> <li>· Proper use of plant with respect to minimising noise emissions with regular maintenance will be undertaken. All vehicles and mechanical plant used for the purpose of the works will be fitted with exhaust silencers and be maintained in good working order.</li> <li>· Minimising the drop height of materials into hoppers, lorries or other plant.</li> <li>· Use of less intrusive alarms on vehicles, for example broadband vehicle reversing warnings.</li> <li>· Consideration of low vibration working methods, including non-vibratory</li> </ul>
Carter Jonas LLP on behalf of Davison & Company (Great Barford) Limited	Relevant Representation	135-138	RR-027	c	<p>3. COMPULSORY ACQUISITION &amp; AGREEMENT</p> <p>3.1. The Landowner seeks urgent detailed engagement with the Applicant aimed at reaching agreement both to safeguard delivery of the Proposed Development and secure relevant synergies with the Scheme.</p> <p>3.2. Specifically, the Landowner is seeking to enter into an agreement with the Applicant providing them with the temporary rights necessary in respect of plot 14/16a (for the purposes of borrow pits) thereby rendering the proposed permanent acquisition of this land as provided for in the draft DCO unnecessary. Borrow pits are areas of land where materials are extracted (typically clay, sand and gravel) to supply construction material where there is a net deficit.</p> <p>3.3. The Applicant s has confirmed they do not intend to permanent retain Plot 14/16a, which could be returned to the Landowner. While the suite of DCO application documents, including the statement of reasons, is silent on this point, we understand the Applicant is seeking permanent compulsory acquisition of this land because the borrow pit works would result in permanent change to the land (notwithstanding their planned restoration). We do not consider this is an adequate public interest justification for the permanent acquisition of the land, among other things, when:</p> <p>a. The Applicant has been granted approval for a succession of new highway DCO s with powers of temporary possession providing for permanent alteration of land (which then reverts to the landowner on completion).</p> <p>b. The temporary possession provisions in the Scheme draft DCO (Article 40 Temporary use of land for carrying out the authorised development ) include powers for the Applicant to “construct any permanent works” [paragraph (1)(d)] and to not be required to “restore the land on which any permanent works have been constructed under paragraph (1)(d)” [paragraph (4)(d)].</p> <p>c. In accordance with the Planning Act 2008 ( 2008 Act ), the Secretary of State may only authorise the permanent compulsory acquisition of land where there is a compelling case in the public interest for the proposed acquisition [S.122(3) 2008 Act]. The DCO s Statement of Reasons is silent on the reasons for permanent acquisition of land required for borrow pits. It states</p>	<p>A part of the land included within Plot 14/16/a, shown on Sheet 14 of the Land Plans [APP-008], is required for permanent works comprising a section of proposed new carriageway. The Applicant is willing to discuss temporary occupation of the other land included within Plot 14/16a required for the borrow pit and is exploring the possibility of reaching an agreement to use this land under a short term private lease arrangement, subject to it being a suitable alternative and provide the Applicant with the rights necessary to carry out the works.</p> <p>Discussions with the landowner on this proposal have taken place and it was discussed in meetings held between the Applicant and the landowner on the 15 and 23 June 2021. The Applicant is currently awaiting draft Heads of Terms (HoTs) from the landowner in order to move matters forward.</p> <p>The Applicant however maintains the position that all land within Plot 14/16a, including the borrow pit land should remain in the Order as Permanent Acquisition, due to the nature of the works proposed on the land and the extent to which it will be materially altered.</p> <p>To impose material changes on a landowner through temporary possession powers and expect the land to be returned to the landowner in a materially changed condition would not be acceptable, therefore permanent acquisition is required.</p> <p>Furthermore, although the land will be materially altered by extraction, the Applicant does not consider that it will be constructing permanent works on this land, so it would be required to reinstate under the current provisions for temporary possession included in the DCO if relied upon. This requirement would be incompatible with the intended use of the land and the extent to which it will be materially altered.</p> <p>The Applicant has prepared further information in relation to borrow pits. The additional information provided includes reference to (but is not limited to) the environmental assessment, excavation methodology, restoration of the borrow pits and the amount of soil to be removed from each borrow pit. The Applicant is intending to</p>
Rapleys on behalf of Mactaggart and Mickel	Relevant Representation	237-238	RR-067	e	<p>As part of the application consideration should be given to the opportunity to deliver strategic development to the north of the A428 and the south of Papworth Everard. Land proposed to be used for borrow pits should be appropriately remediated to avoid sterilisation of the land for development.</p>	<p>The Applicant notes the comment. It is proposed that the borrow pits will be reinstated to a condition to enable agricultural use.</p>



Natural England	Relevant Representation	272 RR-076	j	<p>2.12.4 Non-designated habitat: minor adverse impact to Sir John's Wood and ancient woodland, due to temporary loss of hedgerow connectivity with two other woodlands, will be mitigated through incorporation of a mammal tunnel into the scheme design to maintain ecological connectivity postconstruction.</p> <p>Indirect impacts to the River Great Ouse CWS and Wyboston Pits CWS, through pollution and siltation, will be mitigated through implementation of best practice construction measures and measures to ensure no impact to groundwater flows to the River Great Ouse through dewatering of borrow pits and cuttings.</p> <p>Natural England is satisfied with this subject to agreement of the details through the EMP/BMP.</p>	<p>The Applicant welcomes Natural England's agreement on its mitigation and enhancement measures in relation to restoring connectivity between Sir John's Wood (CWS and semi-natural ancient woodland) and two neighbouring woodlands, and of implementation of best practice construction measures and measures to ensure no impact to groundwater flows to the River Great Ouse through dewatering of borrow pits and cuttings.</p>
Natural England	Relevant Representation	275-276 RR-076	p	<p>2.12.10 Natural England advises that consideration should be given to incorporating biodiversity and green infrastructure enhancements into the borrow pit restoration schemes to deliver benefits for people and wildlife.</p>	<p>As stated with paragraphs 2.6.285 to 2.6.292 of Chapter 2, The Scheme [APP-071] of the Environmental Statement, the final form of any restoration would be undertaken at detailed design stage with the reinstatement of the borrow pits following the completion of the main construction works phase of the Scheme. The Scheme proposes to return the borrow pits back to agricultural land and will offer the previous landowner the opportunity to purchase the land back.</p> <p>As shown on the Environmental Masterplan [APP-091], Figure 2.4 of the Environmental Statement, the areas intended to be used for borrow pits are not required for embedded or essential environmental mitigation, nor would the tests for permanent compulsory acquisition of land be met if the land was to be solely acquired for enhancement purposes. As such the Applicant has not sought to provide green infrastructure enhancements within the footprints of the borrow pits.</p> <p>Any consideration for incorporating biodiversity and green infrastructure enhancements into the restored borrow pits would be at the discretion of the new landowners.</p>
Brown & Co on behalf of Neal Gerard Doherty	Relevant Representation	285-288 RR-077	d	<p>My clients land is identified as being used as a Borrow Pit.</p> <p>This land has previously been used for gravel extraction and as such is identified as filled land.</p> <p>Survey work undertaken by the Highways England team was taken outside of the borrow pit area and as such my clients feels that a borrow pit in this area is unnecessary.</p> <p>My client feels that increasing the size of other borrow pits in the area would be better and more effective.</p> <p>My clients request that this area is removed from the Development Consent Order.</p> <p>If the borrow pit is to be located on my clients land then my clients seek details of the bund to be put in place to protect his existing properties together with details of security fencing to ensure that his property is protected during the works.</p> <p>My client also seeks clarification on the measures to be put in place to control noise and dust during construction and also what equipment will be used to monitor vibration and the impact on their residential property.</p> <p>Accordingly our client will represent that the DCO should be amended to reflect the points set out above.</p>	<p>The selection process for the preferred borrow pit sites is detailed in the Borrow Pit Optioneering Report [APP-246]. The Applicant has undertaken appropriate investigation and has concluded that the quantity and quality of material for the construction of the works is adequate. The borrow pit was selected due to the relative proximity to the embankment of new dual carriageway for which material is required for, and the relative impact on the environment compared to the other sites considered. The existing bunding which provides protection to the landowner's property will be maintained. Additional bunding will be provided using topsoil and subsoil material stripped from the proposed borrow pit site. Further details of this bunding and fencing will be provided by the Principal Contractor when it is developed.</p> <p>The proposed measures to mitigate noise and vibration effects during the construction phase are set out in the outline Noise and Vibration Management Plan within Annex B of the First Iteration EMP [APP-234]. Examples of such measures include:</p> <p>All ancillary plant such as generators, compressors and pumps will be positioned so as to cause minimum noise disturbance. If necessary, acoustic barriers or enclosures will be provided, where appropriate.</p> <p>Working methods will be developed specific to the area and will consider use of equipment and methods of operations to minimise noise.</p> <p>Whenever possible, fabrication of materials will be undertaken off-site.</p> <p>All plant and machinery in intermittent use will be shut down in intervening periods between work or throttled down to a minimum.</p> <p>Proper use of plant with respect to minimising noise emissions with regular maintenance will be undertaken. All vehicles and mechanical plant used for the purpose of the works will be fitted with exhaust silencers and be maintained in good working order.</p> <p>Minimising the drop height of materials into hoppers, lorries or other plant.</p> <p>Use of less intrusive alarms on vehicles, for example broadband vehicle reversing</p>

Bedford Borough Council	Local Impact Report	7-9	REP2-002	f	<p>Minerals and Waste Relevant Local Planning Policy Bedford Borough, Central Bedfordshire and Luton Council Minerals and Waste Local Plan: Strategic Sites and Policies (Adopted January 2014) Policy MSP 9 Borrow Pits will be permitted where they meet the following criteria: The site is required to supply minerals to specific major construction works: The site is well related geographically to the project it is intended to supply; The borrow pit will serve the related project only, and will not provide material for the wider market or be retained beyond the life of the project it serves; The borrow pit will bring about the removal of mineral and/or waste traffic movements from the public highway and/or from passing local communities; The borrow pit will be restored within a similar timescale as the project to which it relates, and restoration can be achieved to an approved scheme in the event that it is only partly worked; Waste materials will only be imported from the project itself unless required to achieve beneficial restoration as set out in an approved scheme; There is an overall environmental benefit as a result of the proposal and appropriate mitigation measures will be put in place to minimise any adverse environmental impacts . Paragraph 6.32 also states that there are benefits and disbenefits associated with the sourcing of aggregate from a borrow pit particularly as operators are often not normally associated with minerals matters and may require greater guidance from local authorities to ensure that the site is operated to an acceptable standard. There is an overall scheme requirement of 1.435Mt of aggregate of which 800,000 tonnes will need to be imported to the site. This is despite sourcing approximately 500,000m3 of material from borrow pits which would save a total of approximately 125,000 HGV movements on the local highway network. There would also be a saving by using the resultant void space for inert waste arisings from the project which would save further HGV movements.</p>	<p>The Applicant welcomes Bedford Borough Council's in principle acceptance of the need to include borrow pits within the Scheme. The Applicant has submitted "Borrow Pits Excavation and Restoration Report" [TR010044/EXAM/9.24] at Deadline 3 to address Bedford Borough Council's concerns that there is insufficient information to assess local impacts as a result of the inclusion of the borrow pits. In relation to restoration of the borrow pits, Natural England's Technical Information Note TIN049 (2012) entitled, Agricultural Land Classification, protecting the best and most versatile agricultural land states: "Consultations with Natural England are required on all applications for mineral working or waste disposal if the proposed afteruse is for agriculture or where the loss of best and most versatile agricultural land agricultural land will be 20 ha or more. Non-agricultural afteruse, for example for nature conservation or amenity, can be acceptable even on better quality land if soil resources are conserved and the long term potential of best and most versatile land is safeguarded by careful land restoration and aftercare". The Applicant is committed to restoring the borrow pits to a condition that would be suitable for agriculture. All topsoil and subsoils from the areas of the borrow pits will be stripped, stored in landscaped bunds and re-used for restoration. The ALC grade on restoration is not a material factor for the borrow-pits, as ALC is a system used primarily for assessing how the development proposals affect agriculture. Chapter 9, Geology and soils [APP-078] of the Environmental Statement has considered and reported upon this matter. Annex E: Soil Handling and Management Plan in the First Iteration Environmental Management Plan [APP-234] outlines the measures that would be implemented to strip, store and reinstate agricultural soils to ensure the existing depths, profiles and characteristics of these resources are maintained and protected. The restoration of the borrow-pits is secured through Requirements 6 and 12 of the draft Development Consent Order (dCO) [REP1-003], which states that the landscaping</p>
Bedford Borough Council	Local Impact Report	13-14	REP2-002	h	<p>Archaeology Chapter 6 of the Environmental Statement (DCO document TR010044-000240-TR010044_A428_Black_Cat_to_Caxton_Gibbet_Improvements_6-1_Environmental_Statement_Chapter_6) has been produced by Highways England and refers to the Cultural Heritage assessments that have been undertaken in advance of the submission of the DCO. The Bedford Borough Historic Environment Team (Archaeology) were consulted by Highways England regarding the preparation of the archaeological sections of the ES. The Council is satisfied that the archaeological evaluation work undertaken provides sufficient baseline information to assess the likely impacts of the proposal on underlying archaeological remains. Whilst the assessment on setting impacts on a number of scheduled monuments still lacks a holistic approach taking into account not just visual impacts but also for example those potentially caused by increased noise or vibrations (as well as any short term impacts from borrow pits) the Council is satisfied that in no example will the harm be above a less than substantial level. Within Bedford Borough the archaeological evaluation identified a number of sites containing buried archaeological remains of varying significance. These predominantly comprise settlement sites of Iron Age and Romano-British date of varying size and complexity with accompanying field systems. Inhumation burials are expected from at least one of these sites. A further site comprised two as yet undated kilns in close proximity to an early medieval ditch and an area of post-medieval quarrying. In addition to the information from the evaluation recent excavations at the Black Cat Quarry site have demonstrated the potential for isolated early prehistoric remains on the river terrace gravels that are difficult to identify through evaluation due to their dispersed nature. As such there can be considered some potential for as yet unknown remains of this date to survive in these areas. Regarding Brook Cottages, whilst it is noted that discussions on the future of this building are ongoing, the council is in agreement with the recommendation by Highways England that a Level</p>	<p>The Applicant notes the comments from Bedford Borough Council and welcomes the Council's agreement that the archaeological evaluation work is sufficient to assess likely impacts of the Scheme on archaeological remains.. With reference to the assessment on setting impacts, a holistic approach has been taken in section 6.9 of Chapter 6, Cultural Heritage of the ES [APP-075]. In particular, paragraph 6.7.4 identifies that road traffic noise and lighting have been considered when assessing impacts caused by changes to the setting of heritage assets. In addition, further information on setting impacts has been provided in the Technical Note Historic England and Bedford Borough Council Clarification Note [AS-010]. The Applicant welcomes Bedford Borough Council's agreement that heritage harm as a result of the Scheme will be less than substantial for scheduled monuments. An updated Archaeological Mitigation Strategy has been submitted by the Applicant at Deadline 3 [TR010044/EXAM/9.23]. National Highways will continue to liaise with Bedford Borough Council in relation to the future of Brook Cottages, but welcomes the Council's agreement that a Level 3 Building Recording is appropriate before any works to the structure of Brook Cottages commences. This is secured in Requirement 16 of the dCO.</p>



Bedford Borough Council	Local Impact Report	17	REP2-002	j	<p>Noise and dust</p> <p>The proposed development includes the siting and use of borrow pits in the surrounding area as material extraction points for the construction. These borrow pits are in proximity to existing residents and have the potential for causing a significant impact through the emission of dust and noise.</p> <p>Sufficient information on the level of impact and therefore the required level of mitigation is still outstanding and, as such the positioning of the pits themselves are still not assured. Further information is required and discussions are ongoing at this stage. Considering this, at this time the Council have not been able to fully assess the local impact of the proposed development on nearby neighbours specifically in relation to these pits. Assessments of the noise emission from the use of the development once it is in place have been made and I am in agreement with the methodology used for noise modelling of traffic use of the roads proposed.</p>	<p>The Applicant has prepared further information in relation to the borrow pits, which includes reference to (but is not limited to) the environmental assessment, excavation methodology, restoration of the borrow pits and the amount of soil to be removed from each borrow pit. This information is reported in the "Borrow Pits Excavation and Restoration Report" [TR010044/EXAM/9.24], which the Applicant has submitted to the Examination at Deadline 3.</p> <p>The Applicant's response to RR-025d [REP1-021] submitted at Deadline 1 further describes the dust management measures that would be implemented during construction of the borrow pits.</p> <p>The Applicant welcomes the agreement to the methodology adopted for the operational traffic noise assessment.</p> <p>The Applicant's response to RR-008ax [REP1-021] submitted at Deadline 1 provides further details on the assessment of the potential construction noise impacts of the borrow pits.</p>
Cambridgeshire authorities	Local Impact Report	37-39	REP2-003	p	<p>Views, sound, dust and vibrations, of heavy construction plant and materials, major earthworks and temporary traffic management.</p> <p>8.1.5. During construction there would be major disruption to a large part of the Western Claylands (SCDC), Southeast Claylands (HDC), Great Ouse Clay Valley (BBC) and Biggin Wood Clay Vale (BBC) local character areas, with major earthworks and construction, including haul routes, borrow pits, storage piles, compound areas and the presence of heavy plant.</p> <p>8.1.6. The scheme would introduce new bridges, embankments, drainage lagoons, cuttings and other landforms, as the route progresses from Caxton Gibbet in Cambridgeshire through Huntingdonshire to the Black Cat Roundabout in Bedfordshire. This would cause permanent and large-scale change to the landscape character of the LCA's and the quality of visual amenity.</p> <p>8.1.7. Construction traffic would be restricted to existing highways and the scheme footprint. Soil storage areas would be situated at intervals along the scheme alignment as would the presence of borrow pits. These features in addition to construction activity and major earthworks for the construction of over bridges and environmental bunds would cause large scale damage to the existing landscape character.</p> <p>8.1.8. Extensive excavations of four borrow pits along the route are proposed. Two will lie roughly adjacent to the Caxton Gibbet roundabout and two others will lie roughly adjacent to the Black Cat roundabout. The borrow pits will be accompanied by several soil storage areas and earthworks for the construction of over bridges, roundabout interchanges, bridleway bridges and footbridges would cause large scale damage to the character of the previously mentioned local character areas.</p> <p>8.1.9. There will be large scale removal of vegetation including trees with Tree Protection Order status in both South Cambridgeshire District and Huntingdon District as well as field boundaries, ditch edges, along the River Great Ouse at the crossing, around borrow pits and storage areas. It should also be stated that the route is placed in such a way that it avoids the vast majority of woodland blocks within the vicinity of the route. Loss of vegetation would cause landscape effects during construction and would in most cases be permanent, although proposed planting would</p>	<p>In response to 8.1.5, the Landscape and Visual Impact Assessment (LVIA), Chapter 7, Landscape and Visual Effects [APP-076] of the Environmental Statement concludes that there will be large-scale, adverse significant effects during construction to eight of the 16 Local Landscape Character Areas (LLCA) identified. It is important to note that these effects will be temporary and have been assessed separately to the permanent effects of the Scheme in operation, which are referred to in point 8.1.6.</p> <p>The Applicant notes the comments of the Cambridgeshire authorities in 8.1.7. The reference to damage to character should be considered in the context of the temporary nature of the effects.</p> <p>Regarding point 8.1.8, the Cambridgeshire authorities have noted that four borrow pits are proposed, but it is important to state that these are located at the two ends of the Scheme at the Black Cat junction and the Caxton Gibbet junction, not along the route. The reference to damage to character should be considered in the context of the temporary nature of the effects.</p> <p>Point 8.1.9 addresses the removal of existing vegetation. The removal of existing vegetation has been minimized through the design process and removal will be localized rather than large scale. It has been designed as far as possible to avoid loss and fragmentation of habitats and to retain important landscape features such as woodland to integrate the Scheme into the landscape. Loss of trees protected by Tree Preservation Orders will be limited to two individual trees and a small section of two tree groups. The area of mitigation planting proposed is substantially greater than the area of vegetation which will be removed to facilitate construction. With reference to Table 8-9 of Chapter 8, Biodiversity of the Environmental Statement [APP-077], there will be a loss of 4.42ha of existing woodland habitat, but a gain of 58ha of new woodland habitat.</p> <p>Point 8.1.10 addresses hedgerows. The Applicant provided revised calculations on the creation and loss of hedgerows as part of the Applicant's responses to the Examining</p>
Cambridgeshire authorities	Local Impact Report	42-43	REP2-003	u	<p>Suitability of reinstated Borrow Pits</p> <p>8.1.17. In the South Cambridgeshire District Area, two borrow pits will be used in the vicinity of Caxton Gibbet roundabout to the east and west of the northbound A1198.</p> <p>8.1.18. Following reinstatement, the quality of soil, drainage and levels at the borrow pits may not be fit for purpose. Uneven settlement, drainage problems or poor soil structure or quality will cause future agricultural or landscape uses to struggle to establish or fail outright.</p> <p>8.1.19. Reinstatement will be both return to agriculture as well as landscape mitigations to the edges of the new road/roundabout. Agricultural land will likely return to expected visual maturity within 2-5 years, while any other planted areas will be expected to mature as per any other planting at circa 15-20 years depending on maintenance and the need or lack of replacement planting.</p>	<p>Four borrow pits are proposed within the Order limits; two adjacent to the Black Cat junction and two adjacent to the Caxton Gibbet junction. The borrow pits will be backfilled and restored to agriculture on completion, as illustrated in the Works Plans [APP-009 and APP-010] and set out in the First Iteration Environmental Management Plan [APP-234]. This sets out the detail of how soils are to be managed. Planting is not proposed in areas identified for borrow pits.</p> <p>Reduced crop yields are a matter for compensation with the affected farmer.</p>

Cambridgeshire authorities	Local Impact Report	48-49	REP2-003	y	<p>8.2. Cultural Heritage</p> <p>Positive impacts</p> <p>During operation</p> <p>8.2.1. There is a significant Public Archaeology and Community Engagement strategy outline in Appendix E of ES 6.12 Archaeological Mitigation Strategy (TR010044/APP/6.12) (APP-238). This is consistent with the County requirements for public engagement and outreach and is expressed in the Joint Authorities' Archaeology Brief (section 7.2). This is supported and, if conducted from the outset of the scheme, will provide a major public benefit and leave a significant heritage legacy in the area. The excavations will produce huge assemblages from which representative items will be displayed and interpreted for public interest, which will also enhance heritage sector tourism opportunities.</p> <p>8.2.2. The location, survey, recovery and conservation of listed mile markers will occur with local community involvement. Their relocation to an approved and appropriate place along their roads will ensure their continued relevance.</p> <p>8.2.3. The Archaeology Mitigation Strategy (ES 6.12 – APP-238) indicates the intention to avoid construction impacts to six archaeological areas that occur at the edges of the Orders Limits (OL) in locations where scheme impacts can be altered to enable the preservation of archaeological remains. While the setting of these non-designated sites would irrevocably be harmed, their survival is considered to outweigh that harm given the case made for the public benefit of the road scheme.</p> <p>8.2.4. The Archaeological Protection Areas are:</p> <p>Site 12, Field 56: Iron Age boundary ditch of a site beyond the OL (AMS p.151/228).</p> <p>Site 16, Field 66: Roman roadside settlement by Cambridge Rd roundabout, St Neots (AMS p.161/228).</p> <p>Site 21, Field 59: Iron Age and Roman settlement area in Urban and Civic s Wintringham Park development zone (Site 1) and A428 s major compound area (AMS p.173/228).</p> <p>Site 25, Field 85: High Hayden Farm. Reduction of spoil heap area to safeguard the remains (AMS</p>	The Applicant notes the positive comments made by the Cambridgeshire authorities.
Cambridgeshire authorities	Local Impact Report	49-56	REP2-003	z	<p>Negative impacts</p> <p>During construction</p> <p>8.2.5. According to the National Policy Statement for National Networks (NPSNN) paragraph 5.139, investigation and recording components of archaeological resource or heritage assets prior to their loss is not as valuable as retaining the asset. If the mitigation strategies and areas selected by the Applicant s archaeology team do not change to reflect the requirements of the Joint Authorities' Archaeology Brief, the investigation of sites will not conform to County standards that seek to redress this loss nor with NPSNN policy at 5.140 and 5.142. County standards and research objectives are expressed in all development led archaeology investigation briefs in Cambridgeshire and developers routinely meet these in work led by policies in NPPF, specifically at paragraph 205. The A428 Archaeological Mitigation Strategy provides for the intentional loss of evidence from the finite archaeological resource without record in some parts of the scheme owing to unacceptable proposals for no or low intensity excavation in the AMS (TR010044/APP/6.1 – ES Ch 6 Cultural Heritage 6.8.10 and 6.8.13 c, see also General Methodology 9.2.7)(APP-075 and APP-238). A specific example of proposed evidence loss includes the eastern part of Site 18 in Field 74, where large enclosure ditches are located that define the northern edge of the enclosed form of a substantial Iron Age settlement that is mostly located to the south of the Orders Limit. The unenclosed components of this occupation site occur within the scheme s boundary but are unacceptably omitted from the mitigation response. This will fail to respond to the policies of NPSNN and to the prescribed County standards.</p> <p>8.2.6. Other sites that have an insufficient area shown for excavation in the DCO or do not include a sufficient excavation buffer include:</p> <p>Site 10 Field 53 – Boundary too tight to Iron Age enclosure boundary – I.o.e. does not reach the brook. Nonconformity to brief.</p> <p>Site 11 Fields 54 and 56 – Large buffer required around the enclosed Iron Age site to allow its external task sites to be located.</p> <p>Site 13 Field 58 – minor amendment advised to avoid an existing service.</p>	<p>8.2.5 The sampling strategies in the Archaeological Mitigation (AMS) [TR010044/EXAM/9.23] have been updated in Sections 8 and 9 in line with the Joint Authorities' Archaeology Brief, which has now been agreed. The Applicant disputes that the AMS provides for the intentional loss of evidence. Information is provided in the Applicant's comments on the Written Representation [TR010044/EXAM/9.21] from Cambridgeshire County Council/Huntingdonshire District Council/South Cambridgeshire District Council [REP1-046cf].</p> <p>The Applicant s response regarding Site 18 in Field 74 can also be found in the response to the Written Representation from Cambridgeshire County Council/Huntingdonshire District Council/South Cambridgeshire District Council [REP1-046cf]. It should be noted that the Iron Age remains in Field 74 are not unenclosed.</p> <p>8.2.6 The Applicant s response to each mitigation site is as follows:</p> <p>Site 10 Field 53 – The extension of the excavation area is not warranted. Colluvial deposits will be examined but the trenches in this location were largely devoid of archaeological features. A modern gully was located in Trench 271, and an undated pit was recorded in Trench 537. This extended outside of the trench and this area is covered by the mitigation area. With reference to assessment along the brook, Table 5-1 of the AMS [TR010044/EXAM/9.23], and the detail in Appendix D states "Sampling of colluvium and palaeochannel along beck". As the extent of the colluvium would be defined by initial analysis we did not want to be prescriptive about the size of the area.</p> <p>Site 11 Fields 54 and 56 – Following consultation with CCC on 15 and 29 October 2020 this area was extended and amalgamated. However, the extent of the area proposed by CCC was not agreed. In Field 54, Trenches 43, 256 and 787 on the western and southern side of the area were either blank or contained only furrows. To the east, the north-south arm of Trench 41 contained only furrows, and Trench 257 further east contained an undated ditch, which did not warrant inclusion in the mitigation area for this Iron Age site. In Field 56, at the northern end of the area proposed by CCC, Trench 1154 was</p>
Cambridgeshire authorities	Local Impact Report	110	REP2-003	at	<p>8.9 Minerals and Waste</p> <p>8.9.1. As set out above, the focus of the impacts in respect of minerals and waste are focused mainly on the borrow pits and associated effects. There will be some impacts in relation to waste generation and management, these are impacts are likely to be lesser and so are not the focus of the Council s comments.</p> <p>Positive impacts</p> <p>8.9.2. In terms of positive impacts, it is proposed that fill material will be sourced, and waste will be disposed of, on-site where possible, though the use of borrowpits. This should limit the wider impact on existing waste and minerals sites, associated transport movements and their associated impacts, such as amenity. Furthermore, the documentation sets out that the developer will seek to minimise waste generation. Both of these help support the development in meeting Policy 23 Traffic, Highways and Rights of Way of the MWLP.</p>	The Applicant welcomes the comments from the Cambridgeshire authorities in these matters.



Cambridgeshire authorities	Deadline 1 Written Representation	67-68	REP1-048	an	<p>4.14 Detailed design scope</p> <p>4.14.1 The details to be submitted to the Council for the purposes of obtaining Technical Approval shall include:</p> <p>(a) detailed design drawings, construction details, specification appendices and schedules for the following:</p> <p>(i) General arrangement plus longitudinal and cross sections</p> <p>(ii) Site Clearance</p> <p>(iii) Fencing</p> <p>(iv) Road Restraint Systems</p> <p>(v) Drainage and Service Ducts</p> <p>(vi) Earthworks</p>	The discussions between the parties of the handover process, including what details need to be provided, are ongoing and the detail of that process will be agreed between the parties and secured within a legal agreement. The Applicant has prepared a draft legal agreement that was shared with CCC on 11 June 2021 and the Applicant is currently reviewing the amendments sought by CCC to the draft legal agreement which it received on 17 September 2021.
Cambridgeshire authorities	Deadline 1 Written Representation	120	REP1-048	bu	<p>8.12 The borrow pit remediation should be reconsidered from a landscape perspective. The use of borrow pits is accepted from a landscape perspective but in most cases, the land is being reinstated as landscape or agricultural land. In order to function well in either capacity, the soil structure must not be overly compacted. An engineering-led approach to reinstatement therefore is unlikely to provide the correct soil structure for planting. The DEFRA Code of Practice for the Sustainable Use of Soils on Construction Sites should be quoted within the Methodology which emerges in more detailed design work or an equal specification which outlines the method for reinstating sub and topsoils without excessive compaction and how to repair overly compacted soils.</p>	<p>In relation to borrow pit restoration, the Applicant refers the Cambridgeshire Authorities to its responses to RR-013f, RR-048f and RR-100f within the Applicant's Response to Relevant Representations [REP1-021].</p> <p>The Applicant can confirm that paragraph 1.3.2 of Annex E Soil Handling and Management Plan within the First Iteration Environmental Management Plan [APP-234] states that topsoil management will adhere to the Defra Code of Practice for the Sustainable Use of Soils on Construction Sites. This includes approaches and techniques for the stripping, stockpiling, re-spreading and ameliorating soils.</p>
Cambridgeshire authorities	Deadline 1 Written Representation	137	REP1-048	cd	<p>11. CONTAMINATED LAND</p> <p>11.1 Subject to a commitment and further detail on the approach to backfilling borrow pits, there are no significant concerns with the contaminated land assessment.</p>	The Applicant notes the response from the Cambridgeshire authorities.

Cambridgeshire authorities	Deadline 1 Written Representation	142-144	REP1-048	ch	<p>12.4 Issue 2: Sites 36-39.</p> <p>12.4.1 The Borrow Pit to the NW of Caxton Gibbet roundabout contains a number of known archaeological cropmarked sites found through air photographic transcriptions and geophysical survey (see Fig 8: Appendix 6.3: Analysis of Aerial Images TR010044/APP/6.3 (APP-165); Fig B30: Appendix 6.4: Geophysical Survey Phase 1 &amp; 2 TR010044/APP/6.3 (APP-166)). These are interpreted as Iron Age enclosures and have been verified during the Phase 3 evaluation trenching (Fig 5.19: Appendix 6.8: A428 Phase 3 Evaluation Report Issue 3 TR010044/APP/6.3 (APP-176)).</p> <p>12.4.2 Here, the settlement enclosures occur to the west of the A1198, also known as the Roman Road, Ermine Street (Cambs Historic Environment Record Ref CB15034). They form part of a broadly contemporary group that occur to the south of the A428, west of the junction (Sites 32-34, 36-39 in Fields 94-97), and those present in the current development-led archaeological investigations preceding the expansion of West Cambourne on the southeast side of Caxton Gibbet roundabout, where settlement continuation into the Roman period has been demonstrated.</p> <p>12.4.3 The AMS fragments the Sites 36-39 into individual mitigation areas drawn around their enclosure boundaries, preventing the holistic landscape view of them as part of an extensive settlement complex with numerous core areas and task sites. The archaeological setting of these sites is of considerable interest and has the ability of answering specific questions in the published East of England Research Framework that governs archaeological projects, specifically "LBA-MIA 07: What can we infer about the relationship between open and enclosed</p>	<p>12.4.3 The mitigation areas within Field 97 have been based on the results of the various phases of evaluation, including desk-based research, analysis of aerial photographs and LiDAR, geophysical survey, and evaluation excavation. There were 57 trenches excavated across this field. The evaluation evidence demonstrates that the geophysical survey was accurate, with the features identified on the geophysical survey and on aerial photographs located during the evaluation trenching. Furthermore, the areas between the enclosures is largely blank of features. There are seven trenches outside of the mitigation areas which contained archaeological features. All of these features were post-medieval in date, with one undated ditch located. The parish boundary was identified in three trenches which, where excavated, contained a modern land drain at its base.</p> <p>12.4.4 Evidence for burials across the Scheme is extremely limited, apart from one possible cremation pit in Field 80 and human skull fragments in Field 49 and 65. There are mechanisms in place to ensure any remains identified outside of the mitigation areas will be investigated.</p> <p>There is no evidence to warrant further investigation of this field. While CCC reference a research question which asks "What can we infer about the relationship between open and enclosed settlements?", this has been examined in this field through the trenching across the field. This found no evidence of a landscape between the enclosures.</p> <p>12.4.5 The parish boundary was sampled in the evaluation. The evaluation report (see</p>
Cambridgeshire authorities	Deadline 1 Written Representation	147-148	REP1-048	cj	<p>13. MINERALS AND WASTE</p> <p>13.1 Insufficient detail exists on the borrow pits to meaningfully assess the proposals and impacts that will arise from them, including cumulative impacts and implications for wider specialisms such as cultural heritage.</p> <p>13.2 The works and associated haul routes and other relevant infrastructure should be controlled prior to construction.</p> <p>13.3 As set out in the Councils' Relevant Representations (RR-013, RR-048 and RR100), the Minerals and Waste Planning Authority (MWPA) has concerns about the proposed borrow pits. A total of four borrow pits are proposed. Two would be located in Cambridgeshire (Sites 3 and 4) in the vicinity of Caxton Gibbet and both are proposed to be restored to agriculture. This representation relates to the two borrow pits within Cambridgeshire and should be read alongside CCC's comments on ecology and biodiversity (section 7) and landscape (section 8).</p> <p>13.4 The MWPA first reviewed the available documentation in April 2021, noting that there was no single section of the documentation addressing the topic of borrow pits. Instead, the available information was located in amongst other topics; consequently, whilst the MWPA had been as thorough as possible, it could not say with certainty that it identified all relevant information at that time.</p>	<p>The Applicant has responded to the Interested Party's Relevant Representations on the topic of borrow pits within the Applicant's Response to Relevant Representations [REP1-021] submitted at Deadline 1. In summary:</p> <p>The formation, operation and management of the borrow pits and haul routes will be included and detailed in the management plans as listed within the First Iteration Environmental Management Plan [APP-234]. The addition of this construction related information will form the subsequent iterations of the Environmental Management Plan as it is developed.</p> <p>The approach to backfilling of the borrow pits is outlined in Chapter 2, The Scheme [APP-071] of the Environmental Statement and the Borrow Pits Optioneering Report [APP-246].</p> <p>In relation to borrow pit restoration, the Applicant refers the local authorities to its responses to RR-013f, RR-048f and RR-100f within the Applicant's Response to Relevant Representations [REP1-021].</p> <p>The Applicant can confirm that the document "Borrow Pits Excavation and Restoration Report" has been submitted at Deadline 3 [TR010044/EXAM/9.24].</p>



Cambridgeshire authorities	Deadline 1 Written Representation	148-150	REP1-048	ck	<p>13.7 In Section 1.5 of the TN, an extract from the Policy Considerations section of the Environmental Statement is repeated. This sets out the consideration that the Applicant has given to relevant local policy in relation to the borrow pits, and identifies two policies, MSP9 from the Bedford Borough, Central Bedfordshire and Luton Borough Councils Minerals and Waste Plan, and Policy 7 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) (MWLP). At paragraph 1.5.3 of the TN criteria (a) to (e) of Policy 7 have been briefly, but in the MWPA's view, inadequately addressed.</p> <p>13.7.1 How much is the shortfall of Class 1 / 2 material at the Caxton Gibbet junction?</p> <p>13.7.2 Policy 7 states that "in order to pass the "well related geographically" test, the borrow pit must be significantly geographically better located, when taken as a whole, compared with all other relevant allocated or existing operational sites from which the mineral could otherwise be drawn. Factors taken into account to determine this will include, but not necessarily be exhausted by, the following: lorry distance travelled and the associated carbon emissions of such travel; amenity impact of lorries on local communities; and impact of lorries on the highway network more generally, such as increasing/decreasing congestion or safety. A borrow pit simply being physically nearer the named project, compared with an existing operational or allocated site, will not in itself necessarily pass the test." The MWPA requires the Applicant to identify the other potential sources of the relevant material and, taking into account the explanatory text within the policy quoted above, demonstrate why the proposed borrow pits would be well located geographically to the Scheme. Examples of alternative sources of sand and gravel within Cambridgeshire would include Little Paxton Quarry and Marsh Lane Quarry at Hemingford Grey. Given the location of the proposed borrow pits, the search area may need to include sites in Bedfordshire.</p>	<p>The Applicant can confirm that the document "Borrow Pits Excavation and Restoration Report" has been submitted at Deadline 3 [TR010044/EXAM/9.24]. This provides details of the volumes of construction material that the borrow pits at the Caxton Gibbet junction area would supply. The Applicant's response to the combined authorities Local Impact Report (LIR) [REP2-003] on the matters of alternative sources of construction materials explains why the proposed borrow pits are necessary and provide a more sustainable solution than sourcing an equivalent amount of materials on the open market from operational quarries in the East of England.</p> <p>The Applicant has also commented upon the combined authorities Minerals and Waste Plan policies, including Policy 19, and Policy 20 in its response to the LIR [REP2-003] submitted to the Examination at Deadline 3 [TR010044/EXAM/9.22]. In summary, the Applicant considers that the Scheme is in compliance with these policies. Policy 18, Amenity Considerations was not included within the Cambridgeshire Authorities local policy assessment contained within its LIR [REP2-003]. However, the Applicant considers that the Scheme is compliant with all relevant parts of this policy. In addition, the Applicant notes that the LIR [REP2-003] local policy assessment considers the Scheme to be in compliance with Policy 24 (sustainable use of soils); the Applicant agrees in this matter.</p> <p>The Applicant is unable to provide the site-specific details requested in paragraph 13.7.4 above, as such details would not be available until detailed design stage. Detailed design matters must be in accordance with the preliminary scheme design shown on the works plans, the general arrangement plans and the engineering cross sections and are secured through Requirement 12 of the draft Development Consent</p>
Cambridgeshire authorities	Deadline 1 Written Representation	150	REP1-048	cl	<p>13.8 It is noted that borrow pit Site 3 would, like Site 11 and Site 14, be restored to enable agricultural at original ground levels "unless otherwise agreed with the landowner and subject to the limits of the dDCO". In order to comply with Policy 7 and Policy 19 a firm restoration proposal is needed with appropriate aftercare. The Applicant's attention is drawn to the Policy 19 requirement that "Where it is determined that restoring the land to agricultural use is the most suitable option (in whole or part), then the land must be restored to the same or better agricultural land quality as it was pre-development." This policy should be complied with, irrespective of the private arrangements agreed with the landowner and should form part of the Scheme.</p>	<p>The Applicant confirms that the borrow pit will be restored to agricultural land that is similar in quality and the soils managed and handled in line with Annex E of the First Iteration Environmental Management Plan [APP-234]. Please refer to the "Borrow Pits Excavation and Restoration Report" that has been submitted at Deadline 3 [TR010044/EXAM/9.24] and which contains more details about how restoration is secured.</p>
Cambridgeshire authorities	Deadline 1 Written Representation	150-151	REP1-048	cm	<p>13.9 It is noted that Site 4 would be restored to a condition to enable agricultural use by replacing the stripped and stored subsoil and topsoil without previously using material generated by the Scheme. The final land level would be approximately 1 metre below original ground levels. It is noted that only 1 metre depth of construction material would be taken from Site 4 which would seem an inefficient use of land. The Applicant is requested to provide further information on whether a borrow pit that is smaller in area but which would generate an equivalent quantity of material would have a smaller environmental footprint. Further information is requested on the rationale behind the restoration proposals for the borrow pit and Site 4 and, in particular, whether the current restoration proposal is driven by the landowner's desire for land at a lower level.</p>	<p>The Applicant confirms that during the consultation process the landowner's preference was for the area of Site 4 to be restored to a level 1m below original ground level. It is noted that the proposed size of the borrow pit is comparable with the other borrow pits. The Applicant considers that larger and shallower borrow pits offer a more efficient means of material extraction than a smaller but deeper borrow pit. Shallower extraction allows for simpler management of groundwater and safer maintenance of cutting slopes. The intention is to return all of the borrow pits to agricultural use and this is simpler and more effective with shallow excavations. The larger borrow pit area will help mitigate associated risks with the quantities of unsuitable material encountered within the borrow pit and the quantities of available backfill material won from the Scheme. Furthermore, the Applicant does not propose to backfill the Site 4 borrow pit with site won material, and the backfilling will only consist of the stripped subsoil and topsoil. A smaller and deeper borrow pit would require unnecessary import of material.</p>
Cambridgeshire authorities	Deadline 1 Written Representation	151	REP1-048	cn	<p>13.10 The Applicant should consider whether a different restoration strategy for the borrow pits would enable the Scheme to provide the biodiversity net gain that is required by planning policy.</p>	<p>The Applicant refers the Cambridgeshire Authorities to its response to REP1-048c.</p> <p>The Applicant wishes to clarify to the Cambridgeshire Authorities that there is no requirement within the National Policy Statement for National Networks (NPSN) for transport-related nationally significant infrastructure projects to deliver Biodiversity Net Gain. While the NPSNN requires applicants to show how the project has taken advantage of opportunities to conserve and enhance biodiversity (in paragraph 5.23), there is no policy requirement for individual components of a nationally significant infrastructure project to each provide biodiversity gains. Through discussions with landowners, it has been concluded that the preferred method of borrow pit restoration is to agricultural uses.</p>

Cambridgeshire authorities	Deadline 1 Written Representation	151	REP1-048	co	13.11 Whilst these deficiencies can be rectified, the borrow pits proposals will need to evolve to meet local policy. Consequently, the Councils would urge the Examining Authority to treat the information presented by the Applicant with an understanding of the uncertainty surrounding it until the further information requested has been provided.	The Applicant notes the response from the Cambridgeshire authorities.
Cambridgeshire authorities	Deadline 1 Written Representation	151-152	REP1-048	cp	<p>13.12 In order to ensure that the proposed development meets local policy, and to accommodate the finalised state of the design, it is requested that an additional Requirement to the effect of the text below is placed within the order:</p> <p>Plans for each borrow pit shall be submitted to the relevant host mineral planning authority detailing their extents, depths and levels, restoration, monitoring, aftercare and timescales of working. The submission should demonstrate that the proposal would comply with all relevant local policy principally Policy 7 and Policy 19 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) and any other relevant policies in place at that time. For a submission to be approved it will need to address the above to the satisfaction of the relevant host mineral planning authority and any organisation or authority that will be responsible for long term maintenance. Commencing extraction or preparation works on the identified borrow pits without prior approval from the relevant host mineral planning authority, will be considered a breach of this requirement.</p>	The Applicant does not agree that a further Requirement needs to be added to the dDCO [APP-025] in relation to meeting local policy, as the Scheme is a Nationally Significant Infrastructure Project and will be determined against the policies set out within the NPSNN. The borrow pits technical report submitted to the Examination at Deadline 3, "Borrow Pits Excavation and Restoration Report" [TR010044/EXAM/9.24] provides details regarding how the borrow pits would be operated and restored in accordance with the First Iteration Environmental Management Plan (EMP) including its Annexes [APP-234] and as set out in the Environmental Masterplan [APP-091]. As the EMP is secured through Requirements 3 and 4 of the dDCO [REP1-003], and compliance with the principles of the Environmental Masterplan is secured through Requirements 6 and 12, the Applicant considers that the addition of the borrow pit requirement suggested by the Cambridgeshire authorities is not necessary or proportionate.
Cambridgeshire authorities	Deadline 1 Written Representation	152	REP1-048	cq	13.13 In order to facilitate the timely provision of borrow pits in relation to the Scheme the host MWPA requests that the Applicant enter into an agreement to establish agreed timescales and payments for the review, approval, monitoring and any other related activities undertaken by the host MWPA, in relation to the requirements requested above.	These borrow pit matters are secured through requirements 3 and 4 of the draft Development Consent Order (dCO) [REP1-003] in relation to the EMP.
Cambridgeshire authorities	Deadline 1 Written Representation	152	REP1-048	da	<p>18.2 The Councils support the wide range of climate change mitigation measures (as set out in the Environmental Statement, APP-083) embedded in the construction programme for the A428 to provide resilience for the Scheme against anticipated conditions as well as to minimise the direct impact of construction works. It is noted that many of the construction stage impacts will be short-term but nevertheless emissions will occur. However, every effort should be made to avoid detrimental impacts, particularly those likely to increase greenhouse gas emissions, before emphasis is placed on then mitigating those remaining. With this in mind the Councils would welcome greater detail on how the assessment of construction stage emissions has been reached. Table 14-9 (Environment Statement, APP-083, page 24) includes a breakdown of emissions by construction activity. At 11,600 tCO<sub>2</sub>e per km of road, it is noted that the calculation of emissions associated with the Scheme fall below the average benchmark of 19,090 t CO<sub>2</sub>e to 35,900 tCO<sub>2</sub>e per km of road (APP-083, paragraphs 14.7-8), which is to be welcomed. However, in the absence of any further detail as to how this has been achieved it is difficult to verify the figures included in the ES. The Councils recognise that this is a level of detail that is yet to be included in the first iteration of the EMP (APP-234) and would recommend that the next iteration includes further detail and commitments to the measures that will be taken to reduce the embodied carbon associated with materials used for the construction of the Scheme in order that the figures referenced in the ES can be achieved. In addition, it is imperative that the quality of construction materials used is not diminished for short-term cost savings and that the materials selected have demonstrable suitability for tolerance to higher and rapidly fluctuating temperatures. Notwithstanding, the request for further information, the Councils would like to voice their support for the re-use of materials arising from demolition of the existing infrastructure and maximisation of sourcing construction materials from local borrow pits to minimise the emissions from lorry movements transporting materials in the construction phase.</p>	<p>The Applicant notes the notes the comments from the Cambridgeshire Authorities with regard to providing further details on construction GHG mitigation measures and will include this information in the next iteration of the EMP.</p> <p>It would not be appropriate to provide a detailed carbon footprint in the next iteration of the EMP. The Applicant can commit to providing a Technical Note providing a detailed breakdown of construction carbon emissions for Deadline 4.</p>



Carter Jonas LLP on behalf of Davison & Company (Great Barford) Limited	Deadline 1 Written Representation	214	REP1-060	a	<p>1. These Written Representations are submitted on behalf of Davison &amp; Company (Great Barford) Limited ( Landowner ) in response to the application by Highways England Company Limited ( Applicant ) for the A428 Black Cat to Caxton Gibbet Road Improvement scheme ( DCO ). The DCO seeks development consent for the proposed authorised development described in Schedule 1 to the DCO and any other development authorised by the DCO ( Scheme ).</p> <p>The Landowner s property at Crow Green (the Land ) comprises 164 hectares situated to the northeast of Caxton Gibbet junction. A significant proportion of the Land would be adversely affected by the Scheme.</p> <p>Summary of Written Representations</p> <p>The Landowner s position on matters remains as substantially set out in the Relevant Representations submitted on 9th June 2021 which are attached at Appendix 1 of these Written Representations.</p> <p>The Landowner does not object to the principle of the Scheme.</p>	<p>Please refer to the Applicants responses to RR-027 Carter Jonas LLP on behalf of Davison &amp; Company (Great Barford) Limited contained in the Applicant s Response to Relevant Representations [REP1-021], submitted at Deadline 1.</p> <p>A part of the land included within Plot 14/16/a, shown on Sheet 14 of the Land Plans [APP-008], is required for permanent works comprising a significant section of proposed new carriageway and associated infrastructure. It is therefore not correct that the Applicant has confirmed that they would not intend to retain ownership of Plot 14/16a following completion of the works in this location. Retention of Plot 14/16a is an essential requirement of the Scheme and there is a compelling case in the public interest for permanent acquisition.</p> <p>The Applicant is willing to discuss temporary occupation of the other land included within Plot 14/16a required for the borrow pit and is exploring the possibility of reaching an agreement to use this land under a short term private lease arrangement, subject to it being a suitable alternative and provide the Applicant with the rights necessary to carry out the works.</p> <p>Discussions with the landowner on this proposal have taken place and it was discussed in meetings held between the Applicant and the landowner on the 15 and 23 June 2021. The Applicant has also now received draft Heads of Terms (HoTs) from the landowner</p>
Historic England	Deadline 1 Written Representation	233	REP1-077	o	<p>3.15 Given that Round Hill barrow was not included as a visual receptor in any assessments we raised initial concerns with the applicant that the proposed bund and planting along the A421 could potentially also negatively affect views the from barrow towards the valley to the east. However, further photographic views provided by the applicant in their document Further Clarification of Effects on Designated Assets (submitted to HE on 11th August 2021) confirm the existing landscape in which this change will be made and demonstrates minor effects, which alleviates this concern. A borrow pit is also proposed in the landscape setting of the barrow to the north, although we note that the proposal is to return this to agriculture. We would therefore accept the conclusion of the ES regarding these aspects of the development.</p>	<p>The Applicant notes the response from Historic England.</p>
Natural England	Deadline 1 Written Representation	307	REP1-087	t	<p>2.7.2 Biodiversity Net Gain</p> <p>As indicated in our Relevant Representation Natural England advises that consideration should be given to incorporating biodiversity and green infrastructure enhancements into the borrow pit restoration schemes to deliver benefits for people and wildlife.</p> <p>We support the calculated delivery of 20.5% biodiversity net gain through the project although we note that the Highways England metric was used instead of the preferred Defra metric which considers habitat condition and other key criteria. For this reason Natural England recommends the use of the Defra 3 metric to ensure accuracy of net gain calculations for this Scheme.</p>	<p>Regarding the potential to incorporate enhancements into the borrow pit restoration schemes, the Applicant refers Natural England to its response to RR-076p [REP1-021] which explains its position regarding the reinstatement of these areas.</p> <p>The Applicant confirmed in its response to the ExA s Q1.3.2.1 [REP1-022] submitted at Deadline 1 its intention to recalculate the performance of the Scheme using the Defra Metric 2.0 metric. Accordingly, this updated calculation has been prepared and submitted into the Examination at Deadline 3 [TR010044/EXAM/9.25].</p>

Church Commissioners of England	Deadline 1 Written Representation	314-320	REP1-094	a	<p>5.1.1 LAND OWNERSHIP</p> <p>The Church Commissioners for England (CCE) purchased on 27 January 2021 the land shown edged red on the plan at Appendix 1. That acquisition is being registered at the Land Registry.</p> <p>Accordingly, the book of reference should be updated to reflect the fact that CCE are the freehold owners of what appears to be Plots 12/8a, 13/4h-k, 13/10a-e, 13/11a&amp;b (to be checked), 14/6b-e, 14/7a-c.</p> <p>The land is currently let to George and William Topham and is in agricultural use. It is likely to be promoted for future development given its proximity to Cambourne.</p> <p>In addition, CCE entered into an option agreement on 27 January 2021 with William, George and Deborah Topham relating to the land shown edged blue on the plan at Appendix 1. Accordingly, the book of reference should be updated to reflect the fact that CCE have an interest in Plots 13/12a &amp; b, 13/10f &amp; g, 14/6a and 14/6e.</p>	<p>1.2 The Applicant notes the comments regarding land ownership and the Book of Reference, and are aware of the changes to be made. This has been updated in our live document and the changes will be reflected in the next version to be submitted during examination.</p> <p>5.2.2 The Applicant considers that larger and shallower borrow pits offer a more efficient means of material extraction than a smaller but deeper borrow pit. Shallower extraction allows for simpler management of groundwater and safer maintenance of cutting slopes. The intention is to return all of the borrow pits to agricultural use and this is simpler and more effective with shallow excavations. The larger borrow pit area will help mitigate associated risks with the quantities of unsuitable material encountered within the borrow pit and the quantities of available backfill material won from the Scheme.</p> <p>5.2.3 The Applicant is willing to discuss entering into a private agreement for land required both permanently and temporarily. The Applicant has met with the affected party to discuss the project in more detail, in particular discussing the Framework Agreement mentioned in 5.4.3 above, clarifying the position in relation to some of the proposed clauses. The most recent meeting took place on the 17th September 2021. The Applicant will continue to engage with the CCE to reach agreement. The Applicant is also in the process of preparing a private Position Statement to share with the CCE setting out the current position in regards to their points of objection.</p>
Cambridgeshire authorities	Local Impact Report	124-125	Table 3-2	N/A	<p>This policy has not been adequately addressed owing to lack of detail – see section 8.8 of this LIR and section 13 of the Councils' Written Representation (REP1-048). The opportunity has been missed to implement a restoration scheme for the borrow-pits (sites 3 &amp; 4), site compounds and soil storage areas which benefits biodiversity, such as providing opportunities for breeding and wintering birds far from the road, and compensates for the loss of Great Crested Newt.</p>	<p>The Applicant considers that the Scheme is compliant with this policy. The Borrow-Pits Technical Note (submitted at Deadline 3 (TR010044/EXAM/9.24)) provides details on a site-by-site basis for the restoration of the borrow-pits to agriculture and explain how the Scheme is compliant with Policy 7 sections: (c) restoration; and (d) no importation of material other than from the project itself. The Applicant's response to the Joint Cambridgeshire Authorities LIR, paragraph 8.9.3 and 8.9.4 (above) provides a detailed explanation in respect of the Application's compliance with sections (a) need; (b) serving the named project only; and (d) importation of material. The biodiversity requirements of the National Policy Statement for National Networks (NPSNN) apply on a scheme-wide basis and do not require specific provision to be made for individual elements such as borrow pits as if they were applications made in their own right at a local level. As stated in the Chapter 8, Biodiversity [APP-076], the scheme will not result in significant adverse effects to breeding birds and wintering birds, so mitigation for these species has not been identified. In relation to the loss of Great Crested Newt habitat, the Applicant does not propose to speculatively build ponds but design mitigation to reduce the effects of the Scheme.</p>
Cambridgeshire authorities	Local Impact Report	125-126	Table 3-2	N/A	<p>In respect of the borrow pits within Cambridgeshire this policy has not been addressed. The proposal does not accord with this policy. Please see section 13 of the local authorities' Written Representation (REP1-048) for detail. The opportunity has been missed to implement a restoration scheme for the borrow-pits (sites 3 &amp; 4), site compounds and soil storage areas which benefits biodiversity, such as providing opportunities for breeding and wintering birds far from the road, and compensates for the loss of Great Crested Newt.</p>	<p>The biodiversity requirements of the National Policy Statement for National Networks (NPSNN) apply on a scheme-wide basis and do not require specific provision to be made for individual elements such as borrow pits as if they were applications made in their own right at a local level.</p>



Cambridgeshire authorities	Local Impact Report	155-157	Table 3-2	N/A	<p>There are a number of outstanding issues with the DCO that require resolving to enable policy compliance, these have been addressed in more detail in the main body of the Local Impact Report and include:</p> <ul style="list-style-type: none"> <li>• Temporary off-site impacts particularly in relation to noise, dust and light from onsite and transportation activities.</li> <li>• The introduction of new highway infrastructure and traffic which will cause adverse effects on visual amenity and tranquillity to rural and agricultural landscapes and landscape character.</li> <li>• Off-site impacts from borrow pits, especially in relation to noise, dust and light. The effects of which cannot be determined until specific details are provided on restrictions applying to rerouted construction vehicles etc.</li> <li>• The imposition of large engineered bridges, roundabouts, embankments, roadways and lighting columns into the rural landscape of the new route alignment will be a dramatic change for the very rural landscape into which it they are being placed. During the operational phase of the scheme the impact is generally irreversible and at odds with the scale, appearance and cultural aspects of the landscape and adversely affecting historic landscape patterns and visual amenity. All these impacts will likely be reduced as mitigation planting matures, but will not remove it entirely. Further detail is provided in Chapter 8.</li> <li>• The general air quality/dust mitigation measures proposed within the First Iteration Environmental Management Plan (EMP) are appropriate, but will require confirmation through review and agreement of the Second Iteration EMP which it is advised should be submitted and agreed in writing with the LPA s prior to construction works commencing.</li> <li>• Potential Water quality impacts at Wintringham Brook and Hen Brook</li> </ul>	<p>The policy states that a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings. It goes on to require in part (b) that the physical relationships arising from the design and separation of buildings are not oppressive or overbearing; and in part (d) that predicted adverse impacts from obtrusive light; contamination; air pollution; water pollution; odour; dust; and overheating are "made acceptable". Where relevant, these matters are assessed in the Environmental Statement and any residual impacts are considered against policy in the Case for the Scheme [APP-240]. Matters relating to temporary noise, dust and light from on-site and transportation activities are dealt with in the respective assessments reported in the Environmental Statement. In terms of likely significant landscape and visual effects, these are identified and addressed in Chapter 7 of the Environmental Statement [APP-076]. The assessment acknowledges that there would be adverse effects on landscape character and visual amenity during construction and operation, reducing in scale and magnitude as the substantial areas of mitigation planting establish. The amenity of road users and people crossing the route, for example users of public rights of way east of St. Neots, have been a key consideration in the design, as set out in Annex L of the First Iteration Environmental Management Plan [APP-234] and the Scheme Design Approach and Design Principles submitted at Deadline 3 [TR010044/EXAM/9.26]. Further information regarding the borrow pits and their environmental effects is presented in the Borrow Pits Excavation and Restoration Report [TR010044/EXAM/9.24], submitted at Deadline 3. Environmental mitigation and best practice control measures/traffic management that would be implemented as part of construction-related activity associated with the formation, operation and restoration of the borrow pits is secured through a combination of the First Iteration Environmental Management Plan</p>
Cambridgeshire authorities	Local Impact Report	165	Table 3-2	N/A	<p>It is noted that the groundwater monitoring is ongoing, however there are areas of concern which have not been fully addressed within the submission. There are recorded groundwater levels within the Scheme which may have an impact on the cuttings within the Scheme. Further detail is provided by the LLFA in the main body of the report.</p>	<p>Baseline groundwater level and quality condition within the Scheme s Order Limits has been established and presented in Appendix 13.7 (Groundwater Risk Assessment) of Chapter 13 of the Environmental Statement [APP-082]. Qualitative and quantitative assessment of potential impacts on groundwater and other sensitive water receptors from all possible deep excavation activities such as cuttings and borrow pits have been adequately assessed. The findings of the assessment are presented in Appendix 13.7: Groundwater Risk Assessment of the Environmental Statement [APP-226]. The Applicant has discussed these findings with the Environment Agency. The Applicant has also prepared an addendum Groundwater Risk Assessment technical note to address all outstanding groundwater-related issues/concerns relating to deep excavations, including cuttings and borrow pits raised by the Environment Agency. This technical note will be provided to the Environment Agency for review and comments and will subsequently be submitted to the Examination in due course.</p>

Cambridgeshire authorities	Local Impact Report	110-112	REP2-003	au	<p>Negative impacts</p> <p>8.9.3 However, the borrowpits as proposed are likely to have negative impacts. It is likely that there will be temporary negative onsite impacts such as disruption of existing site use (agriculture); potential disruption to wildlife, and the water table; and the destruction / removal from site of archaeology. There may also be temporary off-site impacts centre around amenity, particularly in relation to noise, dust and light from on-site and transportation activities. These topics are covered by policies 7, 19 and 20 of the MPWLP. As it stands, the Council is of the view that the current proposals are not compliant with these policies owing to lack of detail and not according with the policy in respect of restoration (see missed opportunities). This lack of consideration, particularly of Policy 19, undermines confidence that the developer respects local priorities.</p> <p>8.9.4. In failing to address Policies 7 and 19 the proposals, which currently involve returning the borrowpits to their original use as part of restoration, fail to provide on-site biodiversity netgain or mitigation for climate change, which would assist in the proposal complying with local policy. In addition, the proposals do not contain any assessment to establish if it may be more sustainable to acquire the required materials from local quarries, and aid in their restoration by disposing of inert materials at those locations. Nor has there been an assessment of the impact of the timing of extraction from the borrowpits on local quarries. These missed opportunities not only demonstrate a lack of appreciation of local priorities, but also ambition to provide additional biodiversity net-gain and potential adaption to climate change where an opportunity presents itself. Ultimately this indicates that the current proposal may not be the most sustainable solution which is sought by Policy 1 of the MWLP.</p>	<p>The applicant notes the comment made in paragraph 8.9.3, however an assessment of the construction effects resulting from the Scheme for air quality and noise has been presented in Chapter 5 (Air Quality) [APP-074] and Chapter 11 (Noise and Vibration) [APP-080] of the ES. The mitigation proposed for dust, noise and light during construction, in all construction activity, is secured in the First Iteration EMP [APP-234]. The applicant is of the view the information submitted is appropriate for the authorities to make an assessment, however further sign posting regarding the borrow pits specifically has been completed as part of the Borrow Pits Excavation and Restoration Report (Document 9.24) at Deadline 3. The National Policy Statement for National Networks (NPSNN) refers to applicants and decision makers giving due regard to policies set out in local plans (paragraphs 5.203 and 5.211), but the MPWLP was published in July 2021 and did not exist for consideration prior to the submission of the application for the Scheme. The Cambridgeshire Councils suggest in their Local Impact Report [REP2-003] paragraph 8.9.4, that it may be more sustainable to obtain materials from local quarries than to use the proposed borrowpits. The Applicant considers that this would not be the case, for the following reasons. Details of the reasoning and borrow pit site selection strategy and process is provided in application document 7.6 - the Borrow Pits Optioneering Report [APP-246]. Section 2.2 [APP-246] sets out the strategic context regarding the need for and sourcing of earthworks materials for construction of the Scheme. At paragraph 2.2.3, it outlines the alternatives that were considered and states that "the relative performance of the following three strategic buildability options were considered:</p> <ol style="list-style-type: none"> <li>1. Import all deficit material and off-site disposal of Class 4 materials (lower quality materials).</li> <li>2. Incorporation of borrow pits (near Black Cat roundabout and Caxton Gibbet roundabout) and mitigation bunds.</li> </ol>
Bedford Borough Council	Responses to the Exa's WQ1	4	REP1-043	Q1.2.1.1	<p>Bedford Borough Council Environmental Health does not agree with this. At this time there has been little information supplied as to the potential impact of the construction of the borrow pits on nearby residents through dust. Without adequate information I cannot be satisfied that harm will not occur.</p>	<p>The Applicant has prepared further information in relation to the borrow pits, which includes reference to (but is not limited to) the environmental assessment, excavation methodology, restoration of the borrow pits and the amount of soil to be removed from each borrow pit including the consideration of dust effects. This information is reported in the "Borrow Pits Excavation and Restoration Report" [TR010044/EXAM/9.24], which the Applicant has submitted to the Examination at Deadline 3.</p> <p>The Applicant's response to RR-025d [REP1-021] submitted at Deadline 1 further describes the dust management measures that would be implemented during construction of the borrow pits. The proposed measures to mitigate dust effects during the construction phase are set out in the Dust Management Plan within the First Iteration Environmental Management Plan [APP-234].</p>
Bedford Borough Council	Responses to the Exa's WQ1	12-13	REP1-043	Q1.2.1.4	<p>The Council is concerned that the only control over the borrow pits appears to be through the Environmental Management Plan (EMP). The EMP sets out a list of standard practices that could be applied to any similar development and is not site specific. The EMP contains no assessment of any potential impacts. The DCO contains two requirements for iterations of the EMP. Whilst the second iteration EMP may be expected to contain more detail on the borrow pits proposals, it is not clear what further impact assessments will be provided at this stage. This brings into question whether the DCO currently contains a sufficient description of the proposal or a proper environmental assessment.</p>	<p>The Applicant can confirm that the Development Consent Order application includes a thorough and comprehensive description of the preliminary design of the Scheme, as set out in Chapter 2, The Scheme [APP-071] of the Environmental Statement. Additional information regarding the borrow pits is reported in the "Borrow Pits Excavation and Restoration Report" [TR010044/EXAM/9.24], which the Applicant has submitted to the Examination at Deadline 3. The Applicant has prepared this document to assist interested parties in understanding how borrow pits have been considered since they have not been assessed as a single entity, but rather as part of the overall Scheme. The purpose of the report is to amalgamate information from the DCO application of specific relevance to borrow pits into one document so that it can be seen how they have been considered across all topics and assessments.</p> <p>The additional information provided includes reference to (but is not limited to) the environmental assessment, excavation methodology, restoration of the borrow pits and the amount of soil to be removed from each borrow pit. The "Borrow Pits Excavation and Restoration Report" [TR010044/EXAM/9.24] also sets out in Table 1-1 the relevant controls that apply to borrow pits from each management plan in the First Iteration Environmental Management Plan [APP-234]. The mitigation measures set out in Table 1-1 will ensure that the environmental effects relating to borrow pits are properly controlled.</p> <p>The Applicant's response to RR-008abj [REP1-021] submitted at Deadline 1 explains the detail included within the application at the preliminary design stage and confirms no further environmental assessment will be undertaken to inform the Second Iteration EMP.</p> <p>The Second Iteration EMP will be written and approved prior to the main construction works starting. Prior to approval by the Secretary of State of the Second Iteration EMP, Bedford Borough Council will have the opportunity to review this document and provide comments to ensure that all mitigation measures are detailed and satisfactory.</p>



Church Commissioners of England	Deadline 1 Written Representation	48-49	REP1-094	Q1.5.2.3	<p>1.2.1The above question identifies that the National Farmers Union and Bedford Borough Council (BBC), have expressed concerns that areas identified for compulsory acquisition (CA) and temporary possessions (TP) are excessive and seek clarity as to whether the land identified for CA and TP can be further reduced. If changes can be made, the Examining Authority (ExA) requests a timetable of how these changes could be reasonably accommodated within the Examination or, if changes cannot be made, questions whether the Applicant would like to make any further justification.</p> <p>1.2.2Whilst the questions are posed to the Applicant, we wish to reiterate the concerns raised regarding the extent of the land identified for CA and TP. As detailed within the WR submitted on behalf of CCfE, there are deep concerns regarding the extent of the permanent acquisition of Plot 14/6e, part of which is understood to be sought as a construction site and borrow pit. It is not considered that the extent of this land take has been justified. With regards to temporary possession, again there are concerns regarding the significance of a number of plots to be possessed temporarily. The WR details the concerned plots but of particular note are Plots 13/10d, 13/10e, 13/4k and 14/6c which are substantial in scale and again, the justification for such areas is questioned.</p> <p>1.2.3It is proposed that a Framework Agreement could be entered into with the Applicant, allowing it to access the above-mentioned plots by licence in an agreed form, in order to carry out the proposed development. Initial discussions regarding the use of a Framework Agreement have commenced with the Applicant however, in the instance that this cannot be agreed, CCfE reserves its right to uphold its concerns regarding the extent and justification for CA and TP.</p>	<p>The Applicant is confident that the land identified for Compulsory Acquisition (CA) and Temporary Possession (TP) cannot be further rationalised or reduced. The Applicant is content that the land included within the Order is no more than is reasonably necessary to deliver the Scheme and is proportional to the proposed works. Further justification for the land and rights in land that are sought through the Order can be found in the Statement of Reasons [APP-030], Annex A.</p> <p>In relation to land required as a borrow pit, the Applicant has commenced discussions with those landowners affected to explore the possibility of securing the land by way of a lease where the landowner in question is keen to ensure retained ownership of the land. This matter was discussed in a meeting held with the Church Commissioners for England on 17 September 2021.</p>
Bedford Borough Council	Responses to the ExA's WQ1	51-52	REP1-043	Q1.6.2.1	<p>The DCO should contain a detailed description of how each will be worked based upon a worst case scenario of extraction to the maximum depth identified for each of them. This would include:</p> <ul style="list-style-type: none"> <li>•Identifying the area, height and location of soil stockpiles.</li> <li>•Method of extraction and numbers of plant and machinery on site.</li> <li>•The method of delivery to the road scheme.</li> <li>•Maximum daily numbers of HGV/material moving vehicles using haul routes.</li> <li>•Any processing of material on site.</li> <li>•Any phasing of the site.</li> <li>•How waste materials will be backfilled.</li> <li>•Operating times.</li> <li>•What happens if the amount of material extracted does not equal the amount of material backfilled.</li> <li>•Appropriate plans and cross sections to support the above.</li> <li>•Each section of the ES to be updated to assess the impact of the proposals.</li> <li>•The noise levels of equipment used within the borrow pits and the level of attenuation towards the nearby sensitive premises. What level of impact will remain and how that impact will be mitigated to ensure an acceptable acoustic environment.</li> <li>•Details of control of dust emissions from the site for material heaps and other sources of dust beyond the tractor and bowser attempt to control dust on roadways.</li> </ul>	<p>Additional information regarding the borrow pits is reported in the "Borrow Pits Excavation and Restoration Report" [TR010044/EXAM/9.24], which the Applicant has submitted to the Examination at Deadline 3. The additional information provided includes reference to (but is not limited to) the environmental assessment, excavation methodology, restoration of the borrow pits and the amount of soil to be removed from each borrow pit. The proposed measures to mitigate dust effects during the construction phase, including measures for the borrow pits, are set out in the Dust Management Plan within the First Iteration Environmental Management Plan [APP-234].</p> <p>Refer to the response to RR-008ax within the Applicant s Response to Relevant Representations [REP-021] at Deadline 1 of the Examination for a description of the assumptions adopted in the assessment of construction noise impacts from all works, including the borrow pits and noise and vibration management measures during the construction of the Scheme.</p> <p>Refer to the response to RR-025d within the Applicant s Response to the Relevant Representations [REP1-021] at Deadline 1 of the Examination for a description of dust management measures.</p>
National Farmers Union (NFU)	Responses to the ExA's WQ1	57	REP1-084	Q1.6.2.1	<p>Bedford Borough Council have raised concerns over the details given for the borrow pits. The NFU in a response to a consultation raised the following concerns over borrow pits. The NFU understands that land is to be taken to create borrow pits as material, in particular clay is required to create new embankments near the Black Cat junction and the Caxton Gibbet junction. The fact sheet on borrow pits is very brief and does not really provide any detail. The NFU would like to see further information regarding the volume and type of material required from each of the borrow pits highlighted on the maps. Further detail is needed in regard to the proposed depth of the excavations across the borrow pit sites.</p> <p>The NFU would expect to see details setting out of the alternatives in the area e.g. any working quarries which could provide the material required to build the road and why these alternatives are not considered acceptable. The NFU expects all alternatives to be considered thoroughly before land is included within the order limits to create borrow pits and take land out of agricultural production.</p> <p>It is understood that the proposal is to take land permanently to create the borrow pits. The NFU would like to receive further information as to why the land cannot be taken on a temporary basis if as is proposed the land is to be handed back to landowners once the borrow pits have been reinstated. Clarification is needed as to whether Highways England are intending to hand back the areas taken for borrow pits for agricultural use and will Highways England be expecting landowners to have to carry out any management responsibilities on the land.</p>	<p>Details of the reasoning and borrow pit site selection strategy and process is provided in the Borrow Pits Optioneering Report [APP-246].</p> <p>Furthermore, the Applicant has prepared further information in relation to the borrow pits, which includes reference to (but is not limited to) the environmental assessment, excavation methodology, restoration of the borrow pits and the amount of soil to be removed from each borrow pit. This information is reported in the "Borrow Pits Excavation and Restoration Report" [TR010044/EXAM/9.24], which the Applicant has submitted to the Examination at Deadline 3.</p> <p>Given the type of use proposed and the extent of change expected to occur at the borrow pit locations (albeit underground), it would not be appropriate to seek only temporary possession powers to carry out this work. When land is to be taken temporarily there is an expectation that the land is returned to the state it was taken (subject to some exceptions) and while the surface may be returned to agricultural use there will have been material extracted from the borrow pit locations which will not be returned but replaced. However, the Applicant has commenced discussions with those landowners affected to explore the possibility of securing the land by way of a lease where the landowner in question is keen to ensure retained ownership of the land as this will ensure that this is by agreement as opposed to using powers under the dDCO [REP1-003].</p>

Church Commissioners of England	Deadline 1 Written Representation	58	REP1-094	Q1.6.2.1	<p>1.2.5BBC has expressed concerns over the level of detail regarding the borrow pits and how they will be worked and restored. Within Q1.6.21 the ExA questions what further detail BBC think should be provided for Examination and secured in the draft Development Consent Order (dDCO).</p> <p>1.2.6CCFE raise similar concerns to those of BBC. As detailed within the VWR, the extent of the land take proposed in relation to Plot 14/6e which is understood to be used as a borrow pit, is significant and is not considered justified. In a meeting held with the Applicant, the Applicant accepted that the land subject of the borrow pit can be reinstated and returned to CCFE, and the grant of a lease on appropriate terms requiring reinstatement has been discussed. Discussions with the Applicant are ongoing however, in the instance that a suitable lease cannot be agreed, CCFE reserves its right to uphold its concerns regarding the extent and justification of the identified borrow pits.</p>	<p>The Applicant has prepared further information in relation to the borrow pits, which includes reference to (but is not limited to) the environmental assessment, excavation methodology, restoration of the borrow pits and the amount of soil to be removed from each borrow pit. This information is reported in the "Borrow Pits Excavation and Restoration Report" [TR010044/EXAM/9.24], which the Applicant has submitted to the Examination at Deadline 3.</p> <p>The Applicant notes the comments made and confirms that the Applicant has commenced discussions with those landowners affected to explore the possibility of securing the land by way of a lease where the landowner in question is keen to ensure retained ownership of the land as this will ensure that this is by agreement as opposed to using powers under the dDCO [REP1-003].</p>
Bedford Borough Council	Responses to the ExA's WQ1	175	REP1-043	Q1.16.1.6	<p>The Council is not aware of the mitigation proposed for the borrow pits as there has not been any assessment. The applicant has suggested that Best Practicable Means would be sufficient to satisfy any concerns over noise from the borrow pits but has failed to show any assessment so far that this would reduce noise impacts to acceptable levels. Without that information Bedford Borough Council is unable to have confidence that the borrow pits would not cause significant impact on nearby Noise Sensitive Receptors.</p>	<p>The Applicant can confirm that the excavation and backfilling of all potential borrow pits have been included in the predictions of construction noise presented within Chapter 11, Noise and Vibration [APP-080] of the Environmental Statement. The assessment demonstrates that activities at the borrow pits are not a direct source of potentially significant construction noise effects at nearby receptors.</p> <p>Additional information regarding the borrow pits is reported in the "Borrow Pits Excavation and Restoration Report" [TR010044/EXAM/9.24], which the Applicant has submitted to the Examination at Deadline 3. The additional information provided includes reference to (but is not limited to) the environmental assessment, excavation methodology, restoration of the borrow pits and the amount of soil to be removed from each borrow pit.</p> <p>Refer to the response to RR-008ax within the Applicant's Response to Relevant Representations [REP-021] submitted at Deadline 1 of the Examination for a description of the assumptions adopted in the assessment of construction noise impacts from all works, including the borrow pits and noise and vibration management measures during the construction of the Scheme.</p>
Bedford Borough Council	Responses to the ExA's WQ1	181	REP1-043	Q1.17.1.1	<p>Noise and dust impact from construction traffic in and around the borrow pits has not been assessed.</p>	<p>The methodology for assessing construction traffic noise impacts on existing roads is set out in para 11.3.26-11.3.28 of Chapter 11, Noise and Vibration [APP-080] of the Environmental Statement. Construction traffic on the haul roads within the site boundary are included in the general construction noise assessment. The assessment is based on information provided by the Principal Contractor and includes construction traffic in relation to the operation of the borrow pits both on existing roads and the haul road within the Scheme.</p> <p>Regarding dust impacts, these are not assessed specifically, rather a risk assessment is carried out to identify the appropriate mitigation measures required for the Scheme. This is set out in Chapter 5, Air Quality [APP-074] of the Environmental Statement with the mitigation measures, including measures for the borrow pits, set out in the Dust Management Plan in Annex A of the First Iteration Environmental Management Plan [APP-234].</p>



Natural England	Draft Statement of Common Ground with Natural England - Rev 1	37-38	REP1-010	-	<p>Natural England agrees with the conclusions of the assessment of the Scheme's likely effects on other designated sites of national, county and local importance, and their significance. Matters raised within Natural England's Relevant Representation</p> <p>Natural England agrees that there will not be any adverse effects of the Scheme on national sites. Indirect impacts to the River Great Ouse CWS and Wyboston Pits CWS, through pollution and siltation, will be mitigated through implementation of best practice construction measures and measures to ensure no impact to groundwater flows to the River Great Ouse through dewatering of borrow pits and cuttings. Natural England is satisfied that potential impacts on the River Great Ouse and Sir John's Wood CWSs will be appropriately mitigated through the implementation of the measures detailed in the Schedule of Mitigation and First Iteration EMP.</p>	Information concerning other designated sites of national, county and local importance evaluated in Chapter 8, Biodiversity [APP-077] are presented in Appendix 8.2 [APP-189]. The assessment has concluded that there would be no significant adverse effects on any of these sites as they are too distant and/or not ecologically connected to the Scheme.
Natural England	Draft Statement of Common Ground with Natural England - Rev 1	41	REP1-010	-	<p>Natural England has advised that impacts from the Scheme should be considered in light of Government policy for the protection of the best and most versatile agricultural land, and that soils should be considered in the context of the sustainable use of land and the ecosystem services they provide as a natural resource. Natural England has also advised that borrow pits present an opportunity to incorporate multi-functional environmental and biodiversity enhancements and has recommended that options to restore these sites are fully investigated. Natural England agrees that the proposal to restore land used temporarily for borrow pits to agricultural standards is appropriate and would help to mitigate the overall loss best and most versatile agricultural land across the Scheme.</p>	Four areas of land have been incorporated into the design of the Scheme for use as borrow pits during construction. The associated temporary loss of agricultural soils, including those considered best and most versatile, has been assessed and reported in Chapter 9, Geology and Soils [APP-078]. Highways England's intention is that these areas of land would be restored progressively during construction of the Scheme, in line with the approach set out in Chapter 2, The Scheme [APP-071]. Subsoil and topsoil stripped from these areas would be reinstated to a condition that enables them to be returned to agricultural standards and be offered back to landowners. In the event that landowners do not wish to have the land returned to them for agricultural use, Highways England will evaluate alternative options and uses for these areas.
National Farmers Union	Draft Statement of Common Grounds with the National Farmers Union - Rev 1	15	REP1-014	-	<p>It is not clear what is meant by the terms waste and spoil – details on how waste will be managed on the project are shown in Chapter 10, Material Assets and Waste of the ES [APP-079]. Topsoil and subsoil that is cut from plan area of the Scheme including the borrow pits will be stored and subsequently reused on new verges, embankments, cut slopes and in the reinstatement of the borrow pits. Material cut from the Scheme which is suitable for use as an engineering fill will be used in the embankment construction across the project. Material that is cut but is not found to be suitable for use as an engineering fill will be incorporated in the permanent mitigation bunds and landscaping areas or used in the reinstatement of the borrow pit areas from where the shortfall in engineering fill will be sourced. If material is required to be moved around the scheme an assessment will be conducted prior to the deposit to ensure that it is compatible with the deposit location.</p>	The NFU would like information to be provided to explain how waste and spoil is to be treated. The response to the NFU after the first consultation does not clarify where waste and spoil is to be used within the construction. It just states that soils will be delivered back to the respective locations from the storage zones. It will not be possible to return soil back to respective soil locations without changing the surface level and agricultural classification. (Relevant Representation [RR-074] 10.06.21)
Bedford Borough Council	Draft Statement of Common Grounds with the Bedford Borough Council	22	REP1-012	-	<p>The Council is concerned that the only control over the borrow pits appears to be through the Environmental Management Plan (EMP). The EMP sets out a list of standard practices that could be applied to any similar development and is not site specific. The EMP contains no assessment of any potential impacts. The DCO contains two requirements for iterations of the EMP. Whilst the second iteration EMP may be expected to contain more detail on the borrow pits proposals, it is not clear what further impact assessments will be provided at this stage. This brings into question whether the DCO currently contains a sufficient description of the proposal or a proper environmental assessment.</p>	The provisions in Requirements 3 and 4 are sufficient to ensure the appropriate controls are in place in relation to the construction and maintenance of the Scheme.
Bedford Borough Council	Draft Statement of Common Grounds with the Bedford Borough Council - Rev 1	40-41	REP1-012	-	<p>BBC is content with how Highways England has applied professional judgement in the assessments of effects on sensitive features and receptors undertaken and reported. Without information on dust and noise impacts on residents with regard to the borrow pits can we be satisfied that the application of judgement is robust</p>	<p>The identification of likely significant effects on sensitive features and receptors has been informed by professional judgement and the views of relevant technical specialists, where necessary.</p> <p>Highways England considers the application of professional judgement by its specialists within the following assessments to be appropriate and robust:</p> <ul style="list-style-type: none"> <li>• Air Quality.</li> <li>• Cultural Heritage.</li> <li>• Landscape and Visual Effects.</li> <li>• Biodiversity.</li> <li>• Geology and Soils.</li> <li>• Material Assets and Waste.</li> <li>• Noise and Vibration.</li> <li>• Population and Human Health.</li> <li>• Road Drainage and the Water Environment.</li> <li>• Climate</li> <li>• Assessment of Cumulative Effects.</li> </ul>

Bedford Borough Council	Draft Statement of Common Grounds with the Bedford Borough Council - Rev 1	47	REP1-012	-	The Council is concerned that the only control over the borrow pits appears to be through the Environmental Management Plan (EMP). The EMP sets out a list of standard practices that could be applied to any similar development and is not site specific. The EMP contains no assessment of any potential impacts. The DCO contains two requirements for iterations of the EMP. Whilst the second iteration EMP may be expected to contain more detail on the borrow pits proposals, it is not clear what further impact assessments will be provided at this stage. This brings into question whether the DCO currently contains a sufficient description of the proposal or a proper environmental assessment.	The assessment has concluded that no significant effects associated with air pollution would occur through construction activities or as a consequence of traffic movements (emissions) on the road network.
Bedford Borough Council	Draft Statement of Common Grounds with the Bedford Borough Council - Rev 1	47-48	REP1-012	-	The Council is concerned that the only control over the borrow pits appears to be through the Environmental Management Plan (EMP). The EMP sets out a list of standard practices that could be applied to any similar development and is not site specific. The EMP contains no assessment of any potential impacts. The DCO contains two requirements for iterations of the EMP. Whilst the second iteration EMP may be expected to contain more detail on the borrow pits proposals, it is not clear what further impact assessments will be provided at this stage. This brings into question whether the DCO currently contains a sufficient description of the proposal or a proper environmental assessment.	Highways England considers that: • The embedded mitigation measures mentioned in Chapter 2, The Scheme [APP-071]. • The essential mitigation measures set out in the First Iteration EMP [APP-234] are appropriate to avoid, prevent, reduce, manage, control and (where necessary) monitor the adverse effects of the Scheme.
Bedford Borough Council	Draft Statement of Common Grounds with the Bedford Borough Council - Rev 1	50-51	REP1-012	-	The BBC Heritage Team note that the setting impact assessment on designated heritage assets would benefit from illustration of the impacts through viewpoints from and across (i.e. with the Scheme in the background of an overall view of the asset) the affected assets towards the Scheme and from the Scheme towards the assets. These views could also use modelling to illustrate the Scheme as proposed on these viewpoints. When conducting the assessment the focus seems to have been on changes to the visible setting of the monument with little account taken of other aspects of the setting such as changes to tranquillity etc. through increased noise. There appears to be little assessment of setting impacts from the proposed borrow pits or in relation to Parish Church of Saint Mary Magdalen (Roxton, grade II*). An additional assessment of assets with new photographic viewpoints has been submitted to BBC following a meeting with Highways England. This is currently being reviewed.	Chapter 6, Cultural heritage [APP075] records that the setting of the listed buildings within Roxton village would not individually be impacted by the Scheme, but that construction of the Scheme would result in a slight adverse effect (not significant) on Roxton Conservation Area. The assessment has taken into consideration the temporary impacts from the construction and operation of the Scheme, including noise and lighting, and those associated with the borrow pits. The effects on the setting of the Grade II* listed Parish Church of St Mary Magdalen (1114927) in Roxton have been considered within the cultural heritage assessment.
Bedford Borough Council	Draft Statement of Common Grounds with the Bedford Borough Council - Rev 1	66	REP1-012	-	Details of how the borrow pits will be worked for minerals and then backfilled with waste have not yet been provided and therefore the baseline information is deficient.	The baseline conditions have been collated from a variety of sources including desk-based and input from consultees, and are reported in Chapter 10, Material Assets and Waste [APP079]. The baseline information collected is appropriate for this Scheme.
Bedford Borough Council	Draft Statement of Common Grounds with the Bedford Borough Council - Rev 1	66	REP1-012	-	The assessment is not accepted until the details of how the borrow pits will be worked and restored have been made clear.	The material assets and waste assessment concluded no significant effects in the construction and operation of the Scheme.
Bedford Borough Council	Draft Statement of Common Grounds with the Bedford Borough Council - Rev 1	68	REP1-012	-	BBC note that there is very little data to consider for the construction phase and borrow pits. Most of the assessment considers that this will be in further detail at the more detailed design stage but this does not allow Environmental Health to consider viability.	A thorough noise and vibration assessment has been undertaken for the construction and operation of the Scheme. The noise and vibration assessment concluded several significant effects in the construction and operational periods of the Scheme as described in Chapter 11, Noise and vibration [APP-080].
Bedford Borough Council	Draft Statement of Common Grounds with the Bedford Borough Council - Rev 1	69-70	REP1-012	-	BBC note that with respect to the operation of the road once construction has completed, the information supplied suggests that with suitable mitigation road level noise increases would not be a cause for concern. However it should be noted that the exact mitigation is again proposed at the detailed design stage. BBC note in relation to noise and vibration that whilst proposed mitigation systems are suggested, these do not include re-siting of borrow pits and if the impact of those pits are unacceptable then this cannot be overcome other than potentially with the "temporary re-housing policy" The DCO should contain a detailed description of how each will be worked based upon a worst case scenario of extraction to the maximum depth identified for each of them. This would include: • Identifying the area, height and location of soil stockpiles. • Method of extraction and numbers of plant and machinery on site. • The method of delivery to the road scheme. • Maximum daily numbers of HGV/material moving vehicles using haul routes. • Any processing of material on site. • Any phasing of the site. • How waste materials will be backfilled. • Operating times. • What happens if the amount of material extracted does not equal the amount of material to be backfilled. • Appropriate plans and cross sections to support the above. • Each section of the ES to be updated to assess the impact of the proposals.	Highways England considers that: • The embedded mitigation measures illustrated on the Environmental Masterplan [APP-091] and in Chapter 2, The Scheme [APP-071]. • The essential mitigation measures set out in the First Iteration EMP [APP-234] are appropriate to avoid, prevent, reduce, manage, control and (where necessary) monitor the adverse effects of the Scheme relating to noise and vibration during its construction and operation. The working hours as defined within Requirement 19 of the draft DCO [APP025], will be adhered to throughout the Scheme construction. No mitigation is proposed regarding the possible re-siting of the borrow pits; this is because Highways England has undertaken a thorough and comprehensive site selection, appraisal and evaluation process to inform the selection of its preferred locations for these features. The process included noise and vibration as an appraisal criterion, based on the relationships between each identified site and noisesensitive receptors, and the possible effects associated with site preparation, operational works and restoration works. Full details of this process are reported in the Borrow Pits Optioneering Report [APP-246]. The First Iteration EMP requires the Principal Contractor to implement a noise management plan which will include procedures for installation of noise insulation and temporary re-housing if required.



Cambridgeshire authorities	Local Impact Report	40-41	REP2-003	r	<p>Displacement of Land</p> <p>8.1.12. During the operational phase of the new A428, the land used upon which the new roadway and associated infrastructure is built, will permanently be removed from any other use. Most of the compounds, storage areas, borrow pits and other construction phase features will have been reinstated as landscape of some sort, such as agricultural use, drainage and flood control or planting. This is an improvement on the construction phase but still constitutes a permanent and negative loss of landscape currently in use as agricultural land.</p>	<p>Land not required for the operation of the Scheme or essential mitigation will be restored and returned to its former use. There will be a permanent change to land use within the footprint of the Scheme, including the introduction of 58ha of new woodland and 140.95ha of new grassland habitat, compared to a loss of 267.67ha of cultivated/disturbed land. Reference should be made to Table 8-9 of Chapter 8, Biodiversity of the Environmental Statement [APP-077].</p>
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## Appendix to Q2.11.6.1



# Designated funds plan 2020-2025

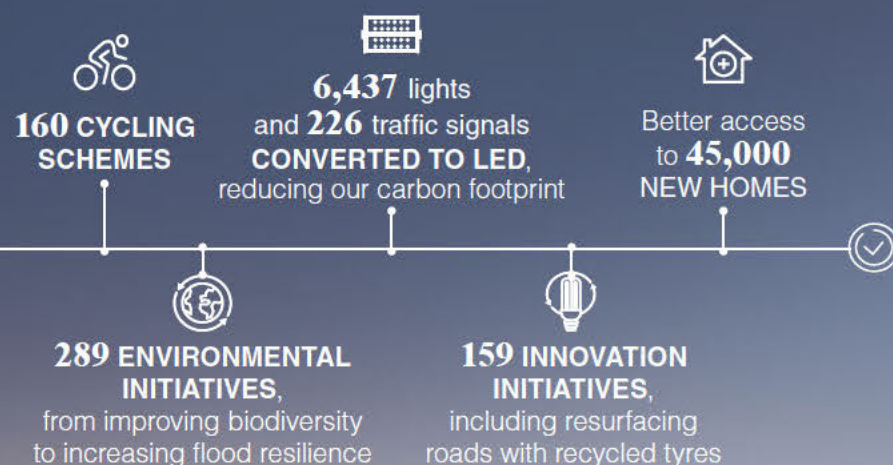




## WHAT WE'VE ACHIEVED WITH DESIGNATED FUNDS SO FAR

£**653.2 million** INVESTED  
during our first 5 years as  
Highways England

Over **2,000** INITIATIVES  
FUNDED, including:



Prince of Wales Bridge

## THINKING BEYOND OUR NETWORK

Highways England was created in April 2015, and five years on we're an organisation that's evolving. We're constantly looking for opportunities to do things differently and better.

Our Designated Funds programme is a prime example of this. Instead of thinking purely in terms of investing in roads, we're addressing social and environmental issues and adding real value to society.

I'm proud of what we've achieved so far, investing in the land and communities surrounding our network, as well as the people travelling and working on it. We'll build on this work in the second Road Period. From 2020 to 2025, we'll manage £936 million in ring-fenced designated funds, finding new ways to improve our road network and its surroundings. By doing this we'll make sure that England's motorways and major A roads are fit for future generations.

The four funding areas are:

- Users and communities
- Environment and wellbeing
- Innovation and modernisation
- Safety and congestion

This booklet sets out the details of all four funds. It covers the purpose of each fund, how they align with our strategic goals, and the criteria for funding. Crucially, it also explains how to start the application process, and make sure that your application aligns with the aims and themes of the fund you're applying for.

We're working more closely with stakeholders than ever before to deliver this exciting area of work. We're here to help turn your ideas into action. If your initiative fits the criteria for our designated funds, please get in touch with our designated funds programme team.

**MIKE WILSON**  
Chief Highways Engineer, Highways England





We've partnered with the National Trust to restore the Grade 1 listed Penshaw Monument, which is visible from the A19. £200,000 from our designated funds has been invested in improving access to the monument for the 60,000 people who visit every year. Our funding is also being used to reduce erosion on Penshaw Hill, helping the surrounding habitat to thrive.

“The Designated Funds programme has helped us to think on a more strategic level about how we work with partners such as Highways England to protect the places we own but also the wider landscapes that are affected by major infrastructure such as roads.

The value of designated funds goes beyond the financial aspects. It has encouraged us to have conversations and build relationships with other stakeholders, such as Sustrans, as we think about projects in a more holistic way.”

**JON POWLESLAND,**  
HEAD OF GRANTS, NATIONAL TRUST

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“Highways England are as innovative as we are in terms of ideas and doing something different. They are very enthusiastic about engaging with expert organisations; of reaching out to partners. That’s a very good thing for companies to do – and many don’t think that way. It’s all about the art of knowing who to go to.”

**CARLY BROOKFIELD**, CHIEF EXECUTIVE, DRIVING INSTRUCTORS ASSOCIATION

# DESIGNATED FUNDS AT A GLANCE

## PURPOSE

Our vision for the next 20 years is to transform our strategic roads and create a modern road network that supports a modern country. We aspire to a road network that will be smoother, smarter and more sustainable by 2040. Our Designated Funds programme is central to achieving this vision.

## WHO CAN APPLY?

We work with many different partners to make sure our designated funds are reaching schemes that add real value for society. We welcome applications for funding from both Highways England teams and external organisations. These can include public, third and private sector organisations. All applications will be subject to the same principles for funding.

## FUNDING PERIOD

Funding from the four designated funds outlined in this booklet will run throughout the second Road Period, from April 2020 to March 2025.

You must be able to demonstrate that the project phase which you are seeking funding for will be completed by 31 March 2025.

## CONNECTING TO OUR STRATEGIC AMBITION

Our creation as Highways England in 2015 marked a radical new approach to road investment in the UK, with a five-year cycle replacing annual funding rounds. The certainty of longer-term funding means that we’re setting strategic priorities focused on reversing decades of underinvestment in the country’s vital road transport arteries.

You’ll find our strategic priorities described in the themes for each fund plan. At the core of these priorities are our three imperatives – safety, customer service and delivery. Everything we do is driven by these imperatives.

It’s important that you show in your application how your initiative aligns to our imperatives and strategic priorities.

M6, Cumbria







# CONNECTING TO OUR STRATEGIC AMBITION

The following documents set out in detail our investment priorities for 2020 to 2025. Your funding application should be shaped by a clear understanding of how we're planning to deliver the strategic outcomes outlined in these documents, and how we'll measure success.

## Road Investment Strategy 2: 2020-2025 (2020)

► The second Road Investment Strategy (RIS2) lays out government's plans for strategic road investment over the next five years (2020-2025). It sets out an ambitious vision for the shape of the network in 2050, along with the practical steps government plans to take with our organisation to turn this vision into a reality.

## Strategic business plan 2020-2025 (2020)

► Our response to RIS2. It sets out how we'll deliver the investment plan and performance requirements set out within the government's second Road Investment Strategy over the coming five years.

## Connecting the country: Planning for the long term (2017)

► In this document, we discuss how we believe our road network will evolve over the coming decades, and what this could mean for our customers and for England's economy. It supports the Strategic Road Network Initial Report (2017), which sets out our views and advice to government on the key challenges and investment priorities for the strategic road network in the second Road Period (2020-2025).

If you're applying for funding from our **Innovation and modernisation fund**, you should show how your proposal aligns with the themes in this document and the innovation approach outlined on our **Innovation Hub**.

If you're applying for funding from our **Users and communities fund**, you should also show how your proposal aligns to one or more of these documents (where relevant to the theme you're bidding for):

### Customer service strategy (2016)

► Our customer service strategy describes why and how we plan to improve the service we provide for the millions of people who use, or are affected by, our network each day.

Each year we review our customers' priorities to make sure we're addressing their needs. Our annual customer service plans outline the work we're doing to build better relationships with our customers, and improve customer experiences with our roads and services.

### Cycling and Walking Investment Strategy (2017)

► Published by the Department for Transport, this strategy outlines the government's ambition to make cycling and walking a natural choice for shorter journeys, or part of longer journeys, by 2040.

If you're applying for funding from our **Safety and congestion fund**, you should also show how your proposal aligns to one or more of these documents (where relevant to the theme you're bidding for):

### Home Safe and Well: Our approach to health, safety and wellbeing (2019)

► Describes the areas we are focusing on to improve health, safety and wellbeing within our organisation and our supply chain.

### Our approach to improving road safety: National Incident and Casualty Reduction Plan (2016)

► Describes what we'll do to improve the safety of our roads by focusing safety interventions on three elements; the road, vehicles and people. This combined approach means that the amount, and severity, of crashes are reduced on our roads.

If you're applying for funding from our **Environment and wellbeing fund**, you should also show how your proposal aligns to one or more of these documents (where relevant to the theme you're bidding for):

### Environment strategy: Our approach (2017)

► Sets out our environmental vision to 2040, and identifies strategic priorities for action. Designated funds projects will support delivery against all aspects of the environmental strategy and its implementation.

### A Green Future: Our 25 Year Plan to Improve the Environment (2018)

► Published by the Department for Environment, Food and Rural Affairs, this plan sets out government action to help the natural world regain and retain good health.

### Sustainable development strategy: Our approach (2017)

► Sets out our approach and vision for sustainable development, communicated through the five capitals model of sustainable development.

### The Road to Zero: Next steps towards cleaner road transport and delivering our Industrial Strategy (2018)

► Published by the Department for Transport, this document sets out measures to clean up road transport and lead the world in developing, manufacturing and using zero emission road vehicles.





## 1. USERS AND COMMUNITIES FUND PLAN

Our roads are amongst the safest in the world, and we now put our customers at the centre of everything we do. Our customers' expectations are evolving, from the ways they use technology to how they travel, and this fund is helping us make some important changes to meet their needs.

People are making fewer journeys, but longer ones. Online shopping is increasingly popular. So, levels of traffic on our roads, including truck and van movements, are growing fast. At the same time, we recognise that journeys don't begin or end on our network, so it's vital that we connect seamlessly with other roads – and with other forms of transport.

We're investing in better engagement, and gathering insight from our customers, stakeholders and partners that can be used to shape improvements both on and off our network. We're also enhancing our services for the communities who live and work alongside our roads, as well as for the people who use them.

### OUR PROGRESS SO FAR

Our Users and communities fund is a new fund, introduced in April 2020. But between 2015 and 2020 we used other designated funds to achieve similar aims, including:

Completing **62 SCHEMES** which **INTEGRATE OUR NETWORK WITH OTHER TRANSPORT INFRASTRUCTURE**, including pedestrian routes and public transport hubs, helping our customers travel more easily.



Working with Transport Focus to identify specific areas for **IMPROVEMENT AT ROADSIDE FACILITIES**. We'll be using this fund to invest in these improvements over the next five years, including better signage for roadside facilities along our A-roads.



Building **160 NEW** and **UPGRADED CYCLE WAYS** to provide a safer, high-quality network for cyclists.

Identifying and testing improvements to variable speed limits and message signs. The improvements will **ENABLE FASTER, SAFER JOURNEYS FOR OUR CUSTOMERS**.



Introducing new ways for our customers to send us **REAL-TIME FEEDBACK**. We've used over **3,000 RESPONSES GATHERED** in the first five months of using our new customer feedback tool, ECHO, to make our services better.

Since 2015 we've invested over £85 million in boosting England's cycleways. In October 2018, we partnered with Sustrans to help improve the UK's 16,505 mile National Cycle Network. Our investment is providing safer crossings and connecting cycle schemes along some of England's busiest roads.

"Highways England's investment will make it easier for more people to cycle to work, the shops and for leisure.

Cycling and walking for local journeys is part of the solution to many of the challenges we face today, including road congestion, air pollution and high levels of inactivity.

We hope to build on our partnership with Highways England, to make cycling safer, more attractive and easier for everyone, regardless of age and ability."

**MATT WINFIELD**, NATIONAL DIRECTOR ENGLAND, SUSTRANS





## AT A GLANCE

Our Users and communities fund has six themes:

### ■ INTEGRATION

We recognise that our customers' journeys don't just start or end on our network. So, we're working closely with transport partners and local authorities to connect the country through seamless journeys and multi-modal travel. This includes better integration between national and local roads, and with public transport.

### ■ WALKERS, CYCLISTS AND HORSE RIDERS

We want our roads to be safe and accessible for all. So, we're supporting walkers, cyclists and horse riders by addressing the barriers our roads can create. Through this fund, we're providing new infrastructure for these users, and enhancing existing facilities, through targeted local investment.

### ■ ROADSIDE FACILITIES

Our customers' end-to-end journeys are important to us, and we're aiming to enhance their whole experience. That's why we're working with partners in roadside facilities to improve services, including information and accessibility, for anyone who needs to stop and take a break.

### ■ COMMUNITIES

While we're designing, building and maintaining our roads to meet the needs of the people who use them, we're also considering the needs of our neighbours – the communities who live and work near to our roads. With this fund, we're investing in small-scale initiatives which add value to the communities affected by our work.

### ■ FREIGHT

Almost 80% of UK freight moves by road, with road freight alone contributing £12 billion to the UK economy. Supporting economic growth is an important part of what we do, and we're using this fund to make improvements for the freight and road-haulage sector.

### ■ INFORMATION

Through better communication with our customers, and providing more accurate information, we're working on giving road users and communities better experiences. This includes helping them feel safe, make informed decisions and be in control of their journeys.

#### These six themes support our corporate targets to:

Achieve an **82% road user satisfaction** score for the first two years of the second Road Period (2020-2025) with year on year increases in the following years. The road user satisfaction score will be taken from Transport Focus' Strategic Roads User Survey.

**Reduce the number of people killed or seriously injured on our roads by at least 50%** (against the 2005-2009 average baseline) by the end of 2025.





## A CONNECTED COUNTRY

Our customers have told us that they want seamless end-to-end journeys. So, from 2020 to 2025 we're investing this fund in better integration between our roads and other transport and road networks.

We're also supporting travel options that are better for the environment and reduce traffic on our roads. This includes building better cycle routes, safer crossing points and improving connections between our road network and bus and rail services.

What sort of initiatives are we looking to fund?

- Research that identifies integration opportunities which add the most value for our customers and communities
- Improving bus passenger facilities to enable multi-modal journeys. This could include building better, more accessible bus stops and crossing points
- Increasing the options our customers have for multi-modal travel where it improves their journeys and reduces traffic on our roads. For example, jointly supporting better 'park and ride' and interchange facilities

**This theme supports our corporate commitment** to work with Transport Focus to develop satisfaction surveys for logistics and coach managers that can be used, if possible, as the basis of a performance indicator later in the second Road Period (2020-2025).



## CONNECTING CORNWALL

We're helping people make better travel decisions by supporting integrated journeys that are less time consuming, more convenient, and cheaper.

In 2019, we contributed to the creation of a new transport interchange in Cornwall, bringing together journeys by road, rail, bike and foot. As the gateway to world-class tourist destinations like West Penwith and St Ives, the village of St Erth in West Cornwall sees local traffic levels increase by over 40% during holiday periods.

To ease congestion for residents, visitors and commuters alike, we've introduced a signalised junction on the A30, on the approach to St Erth station. The new junction provides safer crossings for pedestrians, a shared cycle and pedestrian path, improvements to local footway links and new access to the station for buses.

Working with Cornwall Council, and a wide range of other partners, our £0.5 million designated funds contribution to the £12 million project means that our customers can now enjoy safer, smoother, more sustainable journeys between the A30 and rail and bus services in Cornwall.





## SAFER AND MORE ACCESSIBLE ROADS FOR ALL

We want to keep walkers, cyclists and horse riders safe when they're using our network. That's why, over the next five years, we're using this fund to prioritise initiatives which address the barriers our roads can create for these more vulnerable users.

We're also investing in building new infrastructure, and enhancing existing facilities, to encourage sustainable, non-motorised forms of transport.

What sort of initiatives are we looking to fund?

- Improving existing crossings, or providing new ones. This could include improving connectivity to the public Right of Way network
- Improving or building new dedicated lanes for walkers, cyclists and horse riders, safely connecting people to where they want to go
- Better signs and way markings for walkers, cyclists and horse-riders
- Enhancing lighting along footpaths, bridleways and cycle routes to make them safer

**This theme supports our corporate performance indicator which monitors** the number of non-motorised users killed or injured on our road network.

**It also supports our corporate commitment to** work with Transport Focus to develop satisfaction surveys for cyclists and pedestrians that can be used, if possible, as the basis of a performance indicator later in the second Road Period (2020-2025).

Cyclists on the Keswick Trail

## RESTORING KESWICK TRAIL

We're helping to reconnect a trail in the Lake District that was severely damaged during Storm Desmond in 2015. The new trail will link Keswick and the village of Threlkeld, four miles away, providing a traffic-free route for tourists and the local community.

The storm in December 2015 washed away two bridges across the River Greta, along with 200 metres of path. A third bridge was later closed to keep the public safe. Work to reinstate the trail began at the start of 2019 and is expected to take about two years. Almost half of the £7.9 million cost for the final phase of this project will be met from our designated funds.

30 new and 23 upgraded CYCLE CROSSINGS

Over 13 miles of new CYCLEWAYS

The Keswick Trail scheme will create

65 new and 36 upgraded PEDESTRIAN CROSSINGS

1.5 miles of new FOOTWAYS



## ROADSIDE FACILITIES

We're improving experiences at roadside facilities for all our customers, from commercial drivers, to holiday makers and people with disabilities. We want to make sure that everyone knows where they can stop to take a break for a better, safer journey.

This includes letting our customers know what facilities are available along their route, and providing information which helps them make informed decisions about where they stop.

Between 2020 and 2025, we'll primarily focus on improvements to roadside facilities alongside our A-roads.

What sort of initiatives are we looking to fund?

- Researching how information for roadside facilities is set, received and understood
- Improving signs for roadside facilities on our A-roads
- Making roadside facilities more accessible for all our customers, for example increasing the number of disabled parking spaces
- Making information about roadside facilities more accessible

M6, Killington Lake Services

"Highways England has helped to create the right forum to bring together operators in the roadside facilities sector. Together, we're focusing on initiatives that make the biggest difference for our customers.

We've been collecting valuable feedback from road users and experts, enabling us to better understand the needs of road users and how we can best service them.

Our relationship with Highways England has been one of openness and transparency. We all remain wholly focussed on delivering value to road users through improved safety and heightened satisfaction with our services."

**MARK FOX**, CHIEF EXECUTIVE OFFICER, ROADCHEF



## CARING FOR COMMUNITIES

The work we do today on nationally important infrastructure projects will have far-reaching effects for generations to come. It's one of the reasons why we're intent on helping the people who are being affected by our roads and our work, and leaving a positive legacy for these communities.

By having better conversations, we're learning more about community priorities and building stronger relationships that last long after the cones are cleared.

What sort of initiatives are we looking to fund?

- Finding new ways to capture feedback and ideas from communities so that their views are heard. This could be through digital tools which encourage people to engage with us in real-time
- Developing additional infrastructure for communities, from websites to information boards and built facilities. These initiatives will help to reduce disruption caused by our work and leave a positive legacy
- Exploring innovative technologies, such as virtual reality, which help people engage with the work we're doing near them
- Delivering small-scale regeneration schemes in built-up areas to restore social cohesion when we de-trunk a road. For example, encouraging cyclists and pedestrians back to de-trunked high streets by widening pavements, removing railings and providing more public areas and places to sit. Roads are de-trunked when strategic traffic is permanently rerouted to bypass urban areas, and they pass from our control in to the control of the local authority
- Improving diversion routes for the communities which these routes affect
- Trialling new products and processes, such as incorporating diversion routes into satellite navigation tools, which improve experiences for communities close to roadworks

**This theme supports our corporate performance indicator which monitors** our work with local highways authorities to review diversion routes for unplanned events.



We're using virtual reality simulations to help students learn about engineering and our work

## BRINGING OUR PLANS TO LIFE

It's important to us that our public consultations are easily accessible to our neighbouring communities. By using immersive technologies, like augmented and virtual reality, we're learning more than ever about what our customers want.

It can be hard to interpret how an infrastructure project might affect your journey, home or business from a two-dimensional plan. So, for our programme of improvements to the A1 in Northumberland, we created an interactive, immersive model of what the road would look like once the improvements had been made. Using a games controller, customers could navigate the proposed road layout, and what would be their new drive to work, the shops, relatives and friends.

The experience communicated the landscape and soundscape changes resulting from the proposed scheme. It helped people get a better understanding of the road design and provide an informed response to our proposals.

We're using similar simulations to keep communities involved with other projects on our roads.



## SUPPORTING ECONOMIC GROWTH

Businesses large and small need roads to get goods and services to people. Sectors which are heavily reliant on our network, including construction, logistics, engineering and raw materials, employ 7.4 million people, and contribute £314 billion to the UK economy. We expect this figure to grow by 35% by 2030.

We're using this fund to understand the needs and challenges for businesses using our roads, and enhance our network and services to support them. For example, we're improving the information we provide to the freight and road-haulage sector, and we'll support the development of better roadside facilities for commercial drivers.

**This theme supports our corporate commitment to** work with Transport Focus to develop satisfaction surveys for logistics and coach managers that can be used, if possible, as the basis of a performance indicator later in the second Road Period (2020-2025).

What sort of initiatives are we looking to fund?

- Doing freight surveys before we start roadworks to establish patterns of freight movements around the area. This will help us speak to the right stakeholders when we're designing the works
- Supporting new and upgraded lorry parking where it's needed. This will help reduce illegal parking and improve journey experiences for commercial drivers
- Trialling new technologies to improve our understanding of freight movements along our roads
- Developing innovative ways to provide pre-journey and in-journey tailored information to our freight customers



"Real-time roadside information is invaluable for us – like the messages you get informing you of journey times to the next junction. That's exceptional data and a huge step forward.

Highways England's roadworks forecasting has significantly improved. And there are now much better descriptions for diversions. In the past, if you were diverted off the strategic road network then technically you were no longer on the network managed by Highways England. You felt the service stopped there. Now they understand that you remain a customer, whether you're on their roads or not."

**CHRIS FLOYD**, GENERAL MANAGER, LINEHAUL, DPD



## THE RIGHT INFORMATION AT THE RIGHT TIME

As well as managing one of the world's most advanced road networks, we provide information and assistance for the millions of road users who use our network every day. We also keep communities informed on what's happening near them so that they can have their say.

Over the next five years, we're focusing on improving the information we provide so that it's relevant, timely and accessible to our diverse range of customers, including hard-to-reach communities.

What sort of initiatives are we looking to fund?

- Developing our understanding of what customers need and want from variable signs and signals so that our roadside messaging is clear and helpful. This includes improving how we set variable speed limits so that they are more appropriate to the conditions; safely improving journey times, customer trust and compliance
- Reducing disruption for road users and communities when we need to implement diversion routes. For example, providing better information on diversion routes so people can navigate them easily and safely
- Providing an effortless experience for customers who contact us. For example, tracking customer enquiries so that we can offer a seamless experience every time someone gets in touch
- Solutions which improve the quality and accessibility of the information our customers need, such as updates on roadworks
- Improving the information our customers have access to before they set off, and while they're on the road, so that they can make informed choices about their journey

**This theme supports our corporate target to** achieve 90% accuracy of overnight road closure information issued seven days in advance of work starting, by 2024-25.

**It also supports our corporate performance indicator which monitors journey time reliability:** Measured as the average difference between observed travel time and the profile (normal) travel time

## EVERY CUSTOMER HAS AN OPINION

We're building better relationships with our customers, and part of this is helping them to quickly and easily tell us about their experience of using our services.

In 2019, we started using a real-time feedback tool called ECHO, which stands for every customer has an opinion. Right now, we're using ECHO to learn more about how our customers feel after they've been assisted by traffic officers at the roadside. We're also using it to improve our digital channels and services, including our website. Soon, our customers will be able to use ECHO to feedback on their experience when they call or write in to us.

Capturing real-time customer feedback is not ground breaking, but for us it's very new and a real step forward that will inform many of our future service improvements.

**Get in touch** if you think your idea or initiative is a good fit for our Users and community designated fund.



Go to **GET YOUR APPLICATION STARTED** section





## 2. ENVIRONMENT AND WELLBEING FUND PLAN

We know that there's a need to balance people's reliance on our road network with doing all we can to protect and improve the environment. It's something we're passionate about at Highways England. We must operate our business in an environmentally responsible way, while making sure sustainability shapes our work from start to finish.

Our Environment and wellbeing fund is helping us make sure our roads work more harmoniously with their surroundings. We're supporting environmental improvement and community wellbeing projects which go above and beyond traditional road investment. And we're developing plans with partners and stakeholders who are just as committed to protecting the environment as we are.

We're investing in areas which will bring our network up to the latest environmental standards. They range from enhancing biodiversity and flood resilience, through to preserving our cultural heritage and assisting communities where the noise, light and air quality from our roads affects their daily lives.

### OUR PROGRESS SO FAR

Over the past five years we've worked collaboratively with landowners, expert organisations and stakeholders to achieve greater environmental outcomes than we could as individuals. Working together is helping us to prioritise where our investment will bring the most benefits. We've:



Contributed to a **48% REDUCTION** in our corporate CARBON FOOTPRINT.



Contributed to REDUCING THE RISK OF FLOODING in **260 LOCATIONS**.

Helped to CONSERVE AND ENHANCE **14 SITES** of cultural and historic significance.



PLANTED over **260 HECTARES** of species-rich grassland to BOOST BIODIVERSITY and support pollinating insects.

Rehoming rare newts as part of our upgrade to the A14

### STRENGTH IN NUMBERS

We're ambitious about how our work can protect and enhance the environment. Equally we know that we can achieve more by working with organisations who also care about environmental issues. So, over the past five years we've developed strong partnerships with a number of organisations, ranging from the Environment Agency to Natural England and the Canal & River Trust. Together, we're making a real difference to the lives of the people and wildlife living alongside our roads.

"The Environment Agency and Highways England have many shared interests. For example, how we can protect communities that are vulnerable to flooding, what can be done to improve water quality and finding better ways to plan infrastructure works jointly.

We've signed a memorandum of understanding which is a huge step forward in our shared commitment to protect the environment, providing a focal point for these efforts. To date, the Environment designated fund has committed more than £20 million to support schemes such as the flood alleviation work at Catterick on the A1(M) and there are more schemes in the pipeline."

**RICHARD BOWEN,**  
NATIONAL PARTNERSHIP FUNDING MANAGER, ENVIRONMENT AGENCY







## AT A GLANCE

Our Environment and wellbeing fund has **nine themes**:

### ■ BIODIVERSITY

We're boosting biodiversity so we can help wildlife thrive. We'll work to ensure there is no net loss of biodiversity across our activities by 2025, with a target of delivering a net gain in biodiversity by 2040. We'll use this fund to maximise our delivery of biodiversity, for example by creating new or enhancing existing habitats.

### ■ NOISE

We know that reducing the noise from our roads can have a positive effect on the quality of life and wellbeing of people living near them. So, we're using this fund to reduce noise for communities close to specific noise 'hotspots' on our network. Our target is to help 7,500 households through noise mitigation schemes by 2025.

### ■ AIR QUALITY

Everyone should be able to enjoy clean air. So, we're reducing concentrations of harmful pollutants along our road network to protect the health of our neighbours and road users. Our work in this area includes encouraging the uptake of cleaner vehicles, supporting clean air zones in urban areas, and trialling the effectiveness of reduced speed limits.

### ■ FLOODING

We're creating a road network that is resilient to a changing climate. Severe weather events like flooding can have devastating effects on communities and local economies. So, we're focusing on reducing flooding on our roads and minimising flood risks for our neighbours and local communities. This includes contributing to flood management schemes and retrofitting new drainage standards to our assets.

### ■ WATER QUALITY

Managing the water quality around our network helps sustain habitats, enhance biodiversity and improve the lives of people living or working near our roads. With this fund, we're stopping harmful discharges from running off our roads in to ground and surface water, and restoring damaged and modified waterbodies.

### ■ CARBON

We have a key role in reducing national carbon emissions and are determined to play our part in meeting the government's ambition for the UK to be net zero by 2050. We've started cutting our own direct emissions and will push ourselves to do more. We're also driving our supply chain partners to become more energy and resource efficient with a new standard, as well as helping road users lower their carbon footprint when they travel.

### ■ CULTURAL HERITAGE

Our roads travel through places rich with history, and we're determined to protect this cultural heritage. This fund is helping us to conserve sites of special historic or cultural interest near our roads. We're identifying heritage assets that are at risk, and working with expert organisations to protect and enhance them for future generations.

### ■ LANDSCAPE

We're finding more and better ways to protect and enhance the character of the landscape through which our roads pass. We're investing in green infrastructure that's sensitive to our neighbours and blends in with the surroundings, amplifying the value of place by integrating our roads with their natural setting.

### ■ ENVIRONMENTAL LEGACY

As we work to improve our network, we're promoting additional activities that wouldn't usually be incorporated into highway projects. Our legacy initiatives deliver better environmental, health and wellbeing outcomes from our road improvement projects, adding value for communities long after our work is finished.





## ENHANCING BIODIVERSITY

Biodiversity loss – the decline in plant and animal species – is recognised as an international issue and is one of our priorities for environmental investment.

We own large stretches of land – our soft estate covers 30,000 hectares. This represents a real opportunity for us to have a positive impact on enhancing biodiversity in England. But slowing and then reversing habitat loss can take many years. So, we've divided our biodiversity efforts into three stages: slowing decline, stabilising and then ultimately increasing biodiversity by 2040.

Our work since 2015 has slowed the decline in biodiversity around our network. Over the next five years, our focus is on maximising biodiversity contributions from our activities by upgrading the condition of habitats on our land.

Since 2015,  
we've COMPLETED  
124 BIODIVERSITY  
SCHEMES including:



Helping wildlife travel safely  
alongside our roads through  
**18 SCHEMES WHICH  
CONNECT ROADSIDE HABITAT**

What sort of initiatives are we looking to fund?

- Enhancing the biodiversity value of our land by upgrading habitat types, such as 'improved grassland habitat', which are in poor condition.
- Converting unused hardstanding or paved areas on our network into areas of biodiverse habitat. This will increase the distribution and size of biodiversity areas on our land
- Increasing habitat connectivity by planting woodland that connects separate areas of existing woodland

A30, Cornwall

## BOOSTING HABITATS IN THE SOUTH WEST

21 sites in Devon and Cornwall are benefiting from our project to enhance habitats for wildlife on the verge and areas close to the A30 and A38, two of south-west England's major routes.

We've planted over 10,000 native trees and shrubs to fill or reduce gaps in hedgerow and woodland. This planting provides around three extra miles of vegetation. It also connects more than 105 miles of habitat along the roadside. Through our investment we aim to encourage species including butterflies, bees and dormice to thrive, providing suitable places for them to feed, shelter and breed.

We've planted species including oak, field maple, holly, willow, honeysuckle and dog roses at locations between Pocombe Bridge and Pulsack on the A30, and between Wrangaton and Bellamarsh on the A38.



We've INVESTED  
**£550,000**



in enhancing  
biodiversity  
at **21 SITES** in  
Devon and Cornwall,

CONNECTING

more than **105 miles**  
of HABITAT.







## REDUCING THE IMPACT OF NOISE

While noise is a natural consequence of a modern society, it can have serious implications for human health, economic prosperity and the natural environment. That's why we're using this fund to provide a better quality of life for our neighbours, by effectively managing road noise.

The Department for Environment, Food and Rural Affairs has identified specific noise 'hotspots' – or noise important areas – alongside our network, where road noise is impacting people living close by. Our focus over the next five years will be on reducing noise in these areas.

### Since 2015, we've

contributed to successfully reducing noise levels in **1,200 NOISE** important areas, **REDUCING NOISE FOR AROUND 50,000** people



Over the next five years our corporate target is to **REDUCE NOISE FOR A FURTHER 7,500** households in noise important areas

Benefitting around **16,000 PEOPLE**

What sort of initiatives are we looking to fund?

- Resurfacing roads with quieter surfaces
- Constructing noise barriers
- Installing noise insulation, such as acoustic glazing, in individual households

Since 2015, we've

Constructed **15 NOISE BARRIERS**



Installed **IMPROVED GLAZING** and **VENTILATION** in **892 HOMES**

Contributed to over **6,000 lane miles** of quieter surfacing on motorways and major A-roads – equivalent to resurfacing the entire M6 three times over.

More than 5,000 people living close to the motorway in Camberley, Bagshot and Lightwater are now protected from noise by sound-absorbing barriers along the M3

### A WINNING APPROACH

In 2018, we won the Silent Approach award at the Noise Abatement Society's annual awards ceremony at the House of Commons. The award was for our work to reduce noise levels for over 40,000 roadside residents since 2015.

The awards recognise organisations which are judged to have been outstanding in their efforts to both reduce the impact of noise and seek to pioneer practical and innovative solutions.

Fred and June Glass from Cheshire, who live less than 80 metres from the M56, are among those enjoying a quieter life after we installed free double glazing and ventilation in their home.

"We're delighted to have new double-glazed windows and frames installed, free of charge, to help with reducing the noise levels.

The entire process has been really easy, and the communication and care taken during the installation was superb.

We're really satisfied with the end result and have noticed a huge difference in day-to-day noise levels."

**FRED GLASS**, RESIDENT OF FRODSHAM





## CLEANER AIR

Poor air quality is the single largest environmental risk to public health in the UK, according to Public Health England. Air pollution cuts short between 28,000 and 36,000 lives annually and costs the UK £20 billion a year. Pollution from road vehicles in the form of nitrogen dioxide (NO<sub>2</sub>) and other pollutants is a major contributor to the problem.

Air quality is a challenging subject to address. There are some aspects that are outside our control, such as how quickly drivers are switching from diesel and petrol vehicles to ultra-low emission vehicles. However, we're using this fund to investigate a wide range of measures to improve air quality on our network.

From 2020 to 2025, we'll prioritise initiatives which help support the government's National Air Quality Plan. We're focusing on areas of our network identified by the government as exceeding acceptable NO<sub>2</sub> limits. We have a legal duty to bring these areas into compliance with the limit value for NO<sub>2</sub> in the shortest possible time.

What sort of initiatives are we looking to fund?

- Supporting and accelerating the use of zero emission (at the tailpipe) vehicles to contribute to both cleaner air and a more sustainable road network. For example, we're setting up electric van 'centres of excellence' which encourage fleet operators to switch from diesel to electric vans
- Safely dispersing and diluting pollutants generated along our road network to reduce concentrations of NO<sub>2</sub> at the roadside, including installing air quality barriers
- Helping our partners, including local authorities, to improve air quality in urban areas. For example, supporting authorities as they implement their local plans for clean air, including clean air zones in cities
- Traffic management solutions and in-vehicle technology which reduce vehicle emissions. This could include trialling reduced speed limits in areas with poor air quality

### FRESH IDEAS WIN AIR QUALITY FUNDING

In February 2019, alongside Innovate UK, we launched a competition to encourage fresh ideas for tackling poor air quality around our motorways and major A-roads.

Over £5 million of funding was awarded to 11 initiatives, ranging from systems to set speed limits on motorways based on forecasted air quality, to assessing the effectiveness of living walls that use plants to absorb pollutants. One of the winning initiatives aims to introduce in-vehicle technology that informs drivers when traffic lights will change to green and suggests an appropriate speed, reducing the need for vehicles to stop at junctions.

Other projects include improved electric vehicle charging and power storage systems, and a range of software solutions, including using artificial intelligence to simulate, monitor, analyse, predict and share air quality data.



**FLOOD RESILIENCE**

The UK has seen an increase of extreme weather in recent years, with seven of the ten wettest years on record occurring since 1998. Climate experts expect the trend to continue.

We want to do everything we can to protect communities living close to our roads, support safer journeys and keep our network running smoothly. So, we're investing in schemes designed to improve the flood resilience of our network, and reduce flooding risk to our neighbours, in response to the changing climate.

We've identified locations on our network that are vulnerable to repeat flooding and from 2020 to 2025, we'll work to reduce the risk of flooding at these locations.

What sort of initiatives are we looking to fund?

- Increasing flood resilience within our drainage infrastructure by installing sustainable drainage systems which can store more, and safely release, water
- Supporting the development of natural flood management features on land adjacent to ours. For example, the restoration of flood plains or implementation of leaky dams, to slow the flow of water within a catchment area
- Contributing to flood management schemes delivered by stakeholders and other third parties. This could include building flood reservoirs, river re-alignment or modification and pumping station upgrades

**Our performance under this theme supports our corporate target for a well-maintained and resilient network.** We'll monitor success through our **drainage condition** performance indicator, which measures the percentage of carriageway on our network that has a low risk of observable flooding.

### The Keadby project in numbers



£35 million  
total cost

£3.1 million  
(designated funds  
contribution)



Protecting  
**28,000** homes,  
**30,000** hectares  
of agricultural land  
and **22 miles** of the  
M18 and M180



### CRITICAL CARE FOR KEADBY

Keadby Pumping Station, near Scunthorpe, sits at the end of a complex network of rivers and pumping stations. Built before the Second World War, the station provides flood resilience to around 500 square kilometres across South Yorkshire, Lincolnshire and Nottinghamshire. That's about the equivalent of keeping the Isle of Wight dry.

Over 80 years of pumping water into the River Trent during high tides and periods of heavy rain have taken their toll on Keadby. So, we've partnered with the Environment Agency to renew the station's critical flood defences.

By replacing Keadby's diesel pumps with electric pumps, we're reducing the station's carbon footprint, as well as protecting over 28,000 homes, 30,000 hectares of agricultural land and the M18 and M180 from flooding. The new pumps will also be safer for fish and eels passing through the station on their natural migration.





## CLEANER WATER

From rivers and canals to lakes, dams and seas, water has been central to our culture, wellbeing and economic prosperity for thousands of years. With the demand for road travel growing, we're doing more than ever to protect and improve the quality of water surrounding our network.

This means stopping harmful pollutants from travelling to nearby waterbodies from our roads; improving the chemical and ecological health of surface and ground water. It also means restoring waterbodies which have been modified by the historical development of roads.

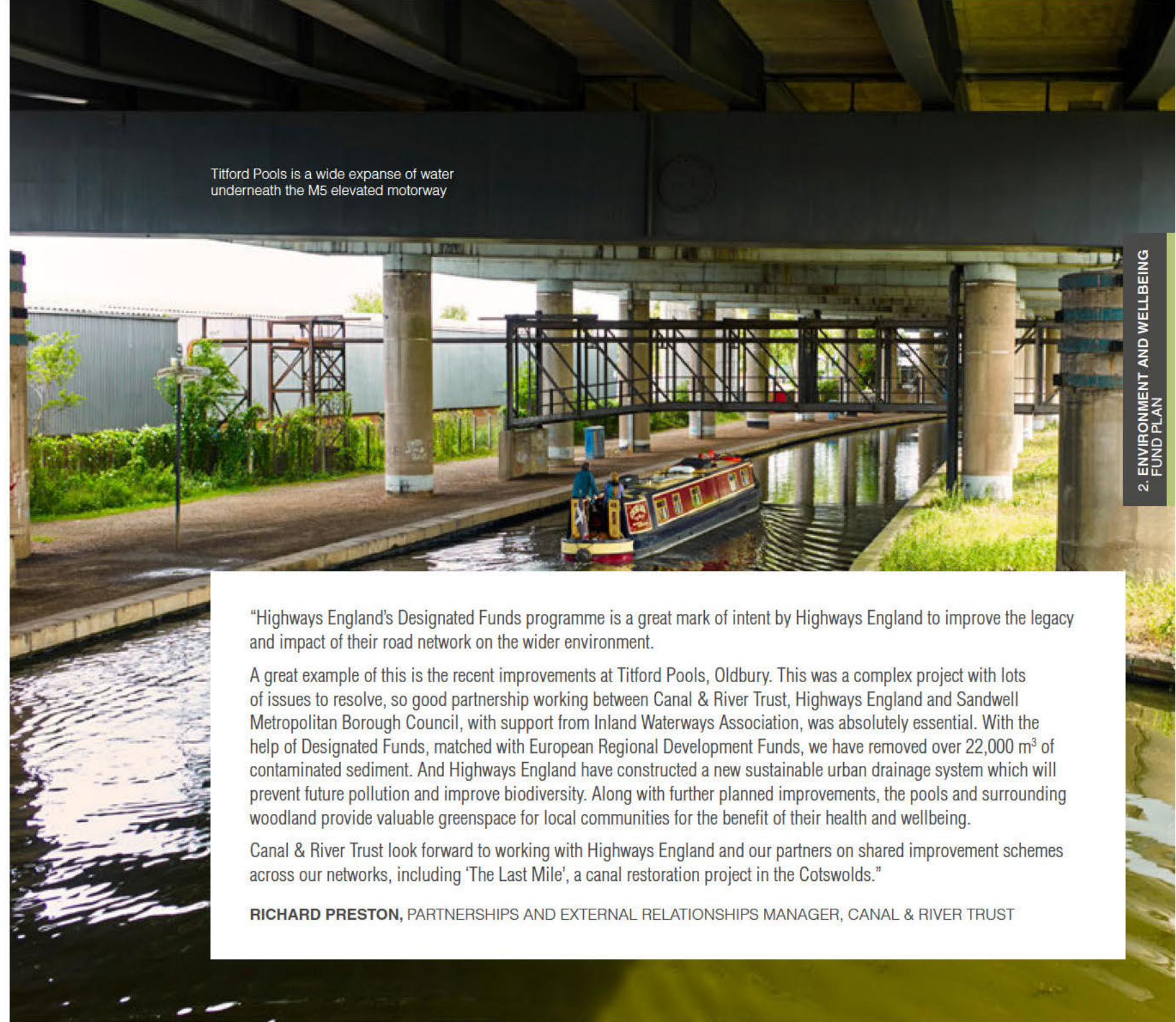
Our key focus over the next five years is to improve areas which pose a pollution risk – such as outfall locations – and where we can restore waterbodies to a more natural condition.

**Our performance under this theme supports our corporate target to deliver better environmental outcomes.** We'll monitor success through our **water quality** performance indicator, which measures the length (in kilometres) of watercourse that we enhance through the mitigation of medium, high, and very high-risk outfalls. Other enhancements, such as river retraining and rewilding, are also included in the metric.

What sort of initiatives are we looking to fund?

- Installing more sustainable drainage systems, including vortex grit separators, swales, ponds and wetland treatment systems, along our network
- River retraining and rewilding to improve the physical character and ecological health of waterbodies close to our roads. For example, river restoration through the addition of riffles, pools and meanders
- Introducing fish passes which allow fish to move past barriers, improving the ecological health of rivers

Titford Pools is a wide expanse of water underneath the M5 elevated motorway



"Highways England's Designated Funds programme is a great mark of intent by Highways England to improve the legacy and impact of their road network on the wider environment.

A great example of this is the recent improvements at Titford Pools, Oldbury. This was a complex project with lots of issues to resolve, so good partnership working between Canal & River Trust, Highways England and Sandwell Metropolitan Borough Council, with support from Inland Waterways Association, was absolutely essential. With the help of Designated Funds, matched with European Regional Development Funds, we have removed over 22,000 m<sup>3</sup> of contaminated sediment. And Highways England have constructed a new sustainable urban drainage system which will prevent future pollution and improve biodiversity. Along with further planned improvements, the pools and surrounding woodland provide valuable greenspace for local communities for the benefit of their health and wellbeing.

Canal & River Trust look forward to working with Highways England and our partners on shared improvement schemes across our networks, including 'The Last Mile', a canal restoration project in the Cotswolds."

**RICHARD PRESTON**, PARTNERSHIPS AND EXTERNAL RELATIONSHIPS MANAGER, CANAL & RIVER TRUST





## CUTTING CARBON EMISSIONS

We'll be cutting carbon emissions associated with all our activities. This means reducing greenhouse gases generated from our day-to-day activities, like electricity consumption, fuel use and how we manage our buildings. We're also working with stakeholders to promote and support low-carbon journeys for road users and to understand where we can do more.

Our supply chain partners are committed to working with us to tackle climate change. It's a shared responsibility and we're working together to design our schemes and services to be as carbon and energy efficient as possible, supported by a new standard.

From 2020 to 2025, we'll be investing this fund in initiatives which help reduce energy consumption and waste associated with our work, and promote the generation of renewable energy on our land.

**This theme supports our corporate target to** reduce carbon emissions from our electricity consumption, fuel use and other day-to-day operational activities between 2020 and 2025, to levels defined by baselining and target setting activities in 2020-21.

What sort of initiatives are we looking to fund?

- Replacing lights on our roads with LED alternatives ahead of maintenance need
- Planting trees on our land to absorb and store carbon dioxide emissions
- Energy schemes that reduce our reliance and demand on non-renewable energy, such as installing solar panels at our work sites
- Piloting zero emission vehicles for our traffic officer fleet



### MAXIMISING OPPORTUNITIES FOR SUSTAINABILITY

We know that while we're working to improve our network, we can have a detrimental effect on the local environment. To reduce our impact, sustainable thinking has become a core part of how we deliver road projects.

On our A14 Cambridge to Huntingdon improvement scheme, we invested £3.5 million from designated funds to reduce carbon emissions while we worked. The funding meant that:

- 100% of the energy used at our three A14 construction compounds was generated from renewable sources such as wind and solar
- we prevented an estimated 600 tonnes of CO<sub>2</sub> from being released by installing electric vehicle charging points at all of our site compounds
- the fuel saved from using solar-powered floodlights on the scheme would have been enough to power a new car around the earth 110 times

Solar-powered floodlights on the A14





## PRESERVING OUR HERITAGE

While building and maintaining a robust road network for future generations, we're making sure the historic environment surrounding our network is considered and protected at every stage.

Our partnerships with special interest groups and expert heritage organisations, including Historic England and the National Trust are fundamental to this work. Together we're identifying and designing solutions that conserve and enhance sites of special historic or cultural interest near our roads, safeguarding them for future generations.

What sort of initiatives are we looking to fund?

- Improving public access to heritage sites, and helping to bring the history of these sites alive through signs and information boards
- Conserving historical assets through direct physical improvements. For example, restoring walls, or protecting buildings from dilapidation and vandalism
- Relocating heritage features so that they are more accessible for public enjoyment, and are protected for future generations

Our performance under this theme supports our corporate target to deliver better environmental outcomes. We'll monitor success through our **condition of cultural heritage assets** performance indicator; an aggregate 'quality score' of Highways England's cultural heritage assets.

Hull Parish Church reflected in the glass building opposite

## TRANSFORMING HULL MINSTER INTO A CITY HUB

Hull Minster was built by King Edward I at the same time as he created the city of Hull in 1285. It's the only remaining building in Hull from that time; a heritage icon that reflects the entire history of the city.

As part of our A63 Castle Street improvement scheme, which passes just 100 metres from the church, we've invested £3.9 million alongside the Hull Minster Development Trust to safeguard the Minster's heritage. Our goal is to create a sustainable future for the church as a magnificent place of worship, focal point for the community and magnet for visitors.

Our investment allows for a number of major improvements, including a glass, bronze and stone extension which will house a visitor and heritage centre with exhibition spaces, a café and other new visitor facilities. The extension will lead into a "heritage corridor" within the church, creating a home for carefully-curated exhibits about the history of Hull and the central role the church has played in it.

"Maintaining a heritage asset is very expensive and draws resources away from the core work of the church, so this grant is particularly useful in sustaining our mission to be a positive force and a place of care, compassion and support.

It means we can now put more of our own resources into our outreach work, our education programmes and our support for the most isolated and vulnerable members of our community."

**REVEREND CANON DR NEAL BARNES**  
FORMER VICAR OF HULL MINSTER





## STAYING TRUE TO OUR SURROUNDINGS

When we're designing and building roads, we take care to integrate them with their natural surroundings. This reduces their environmental impact and screens them from our neighbours.

We're also restoring and improving the quality of the landscape around existing roads, softening the boundaries between infrastructure and the natural landscape through sensitive planting and enhanced structural finishes. Road verges are green corridors that support an array of wildlife, and our investment in this area is also contributing to the biodiversity of our estate.

What sort of initiatives are we looking to fund?

- Enhancing verges and road boundaries in areas of outstanding natural beauty, such as National Parks
- Reducing light pollution to promote dark skies. This includes installing light spill hoods and removing road lighting where it's safe to do so
- Introducing or restoring dry-stone walls and planting trees and wildflowers on a scale that improves landscape integrity and connectivity
- Restoring townscape settings, for example removing or replacing lampposts, benches and green spaces

"Natural England shares many interests with Highways England. Working together on a strategic approach over the next five years through the Environment and wellbeing designated fund will result in a strong legacy for the natural environment, and provide benefits for people.

Engagement with Highways England over the last few years has provided a great opportunity to pilot new approaches, such as the Biodiversity Metric. We're now looking at natural capital tools, including a broader Eco-metric.

We've worked together on the Green Transport Corridors project, which demonstrated the important role that Highways England's soft estate can play in delivering environmental improvements. This led to a focus on the role of green infrastructure in their Strategic Design Panel's third progress report."

**DEBORAH HALL**

PRINCIPAL ADVISER, MAJOR INFRASTRUCTURE DEVELOPMENT, NATURAL ENGLAND

The Milky Way over Keswick in the Lake District





## LEAVING A POSITIVE LEGACY

The work we do today on nationally important infrastructure projects will have far-reaching effects for generations to come. So, when we're designing roads to meet the needs of the people who'll use them, we also consider the needs of our neighbours, communities and the environment.

We want to leave a positive legacy for local communities once our projects are completed. We're working with partners to deliver small-scale initiatives which add value to existing road improvement schemes, and benefit the people who live and work nearby.

What sort of initiatives are we looking to fund?

- Working with local councils to improve environmental outcomes when we de-trunk roads. Roads are de-trunked when strategic traffic is permanently rerouted to bypass urban areas, and they pass from our control in to the control of the local authority
- Preserving and exhibiting archaeological finds from highway improvement projects
- Initiatives such as property level protection or flood barrier construction which further alleviate flooding risks for vulnerable communities

## HIDDEN HISTORY

With over 250 archaeologists working across 360 hectares at its peak, our A14 Cambridge to Huntingdon road scheme was also one of the biggest and most complex archaeological digs ever undertaken in the UK.

We unearthed a series of remarkable archaeological finds on this site. From Iron Age settlements and Anglo-Saxon villages to the partial remains of a woolly mammoth and woolly rhino, both believed to date back more than 100,000 years.

Together with Cambridgeshire County Council, Homes England and South Cambridgeshire District Council, we're now working to preserve these finds and make them accessible to the public. We're contributing nearly £600,000 from designated funds to the design and construction of the Northstowe Exhibition and Presentation Space. This new facility will promote archaeology unearthed as part of the A14 scheme, providing visitors with a unique opportunity to build a picture of our history over the last 6,000 years.

Dr. Steve Sherlock, archaeology lead for the A14 project, displays a woolly rhino skull uncovered as part of the work

**Get in touch** if you think your idea or initiative is a good fit for our Environment and wellbeing designated fund.



Go to **GET YOUR APPLICATION STARTED** section





### 3. INNOVATION AND MODERNISATION FUND PLAN

The influence of technology is being felt across the transport sector. Electric cars, innovation in autonomous vehicles, intelligent data-led operations and digital services for road users are just a taste of what the future holds.

With this fund, we'll research and develop emerging technologies which have the potential to revolutionise what it means to travel on our roads. We'll also use this fund to produce new requirements and guidance for proven concepts, enabling the widespread adoption of innovations to modernise our network.

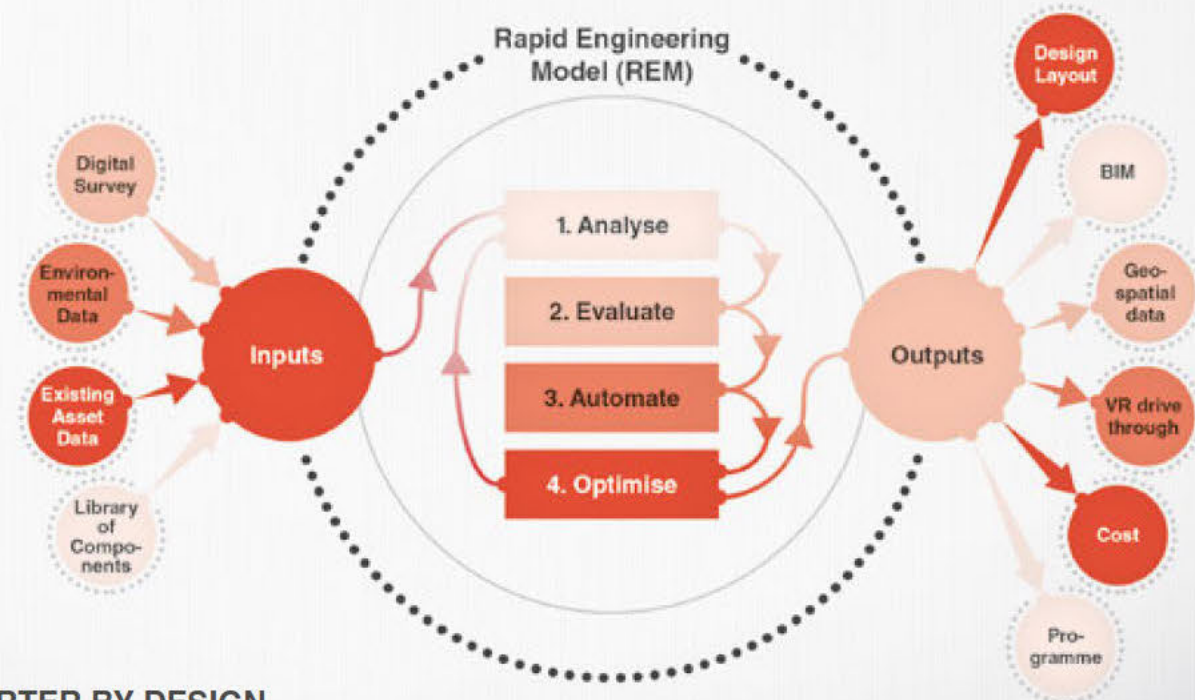
These innovations will help us to:

- improve safety
- connect with our customers
- design, build, maintain and operate our roads more efficiently and effectively

#### OUR PROGRESS SO FAR

We've INVESTED over **£120 million** in **159 INNOVATION INITIATIVES**

} between 2015 and 2020



#### SMARTER BY DESIGN

Technology is changing the way infrastructure is designed, delivered and operated. The Rapid Engineering Model (REM) is just one of the tools we're now using to increase the speed, quality and safety of road design.

REM is a digital workflow, rather than a single piece of software, that enables motorway and dual carriageway schemes to be designed automatically, and much faster than by traditional means. Different types of data are digitally analysed – for example, the landscape and environment of an area – to help identify opportunities and risks within a specific project, or along an entire asset in our road network. Using this data, standardised design layouts of major roadside assemblies can be automatically generated. These can be optimised for a variety of different design and performance criteria, such as our safety and engineering standards. REM can generate many different output types and formats, including 3D virtual reality 'drive through' visualisations.

So far, we've developed 11 schemes using the REM workflow. Compared to traditional design development, the time to produce the operational concepts for these schemes decreased from around nine months to a matter of weeks. And the preliminary design timescales decreased from around a year to just eight weeks.

Our Innovation designated fund contributed over £6 million towards the early development stages of REM.

This has seen us digitise our design processes, transforming how we'll deliver the next generation of roads. And we're finding better ways to protect our workforce and road users, improving safety across our network and work zones. Our Innovation Hub, created in June 2018, helps us collaborate with others to bring ideas to life.







## AT A GLANCE

Our Innovation and modernisation fund has **five themes**:

### ■ DESIGN, CONSTRUCTION AND MAINTENANCE

While recent advances, such as smart motorways, have brought improvements to our roads, some elements of road building have not evolved substantially since the 1960s. As new technologies emerge, we're using this fund to modernise and digitise the design, construction and maintenance methods used on our network.

Real-time data is transforming how we manage over 300,000 assets along our network, including:

**121,000**  
street lights

**19,000 miles**  
of carriageways

**21,000**  
bridges  
and other  
structures

**187,000**  
signs and  
signals

**70,000**  
sensors,  
including traffic  
sensors

### ■ CONNECTED AND AUTONOMOUS VEHICLES

By 2040, connected vehicles with semi-autonomous and autonomous control will increasingly be part of life. We know that vehicles will communicate not only with road infrastructure and road users, but increasingly with each other. We're using this fund to support our planning and response to these developments.

### ■ CUSTOMER MOBILITY

Society is evolving, from the ways we use technology to how we travel. Our future customers will be connected, and we'll be part of their connected world. We're responding to changes in transport business models and how people travel on our network so that our roads and services meet the needs of the 21<sup>st</sup> Century.

### ■ ENERGY AND THE ENVIRONMENT

We know that busy roads affect the surrounding environment. We're tackling this at source, investing in sustainable road enhancements and renewals, and supporting the transition to clean energy. These changes make a real difference to the people and wildlife surrounding our network.

### ■ OPERATIONS

We're unlocking capacity on our roads, and making them safer, investing in innovative roadside technologies which enable better journeys and faster incident response. We're also collaborating with partners through shared data, evolving our operations, traffic management and customer services as roads become increasingly more connected.



**MODERNISING OUR ROAD NETWORK**

We're always looking to improve how we design, build and maintain our road network. We're maximising the infrastructure, technology and capabilities that we have now, and exploring how we can develop them to make more radical changes in the future.

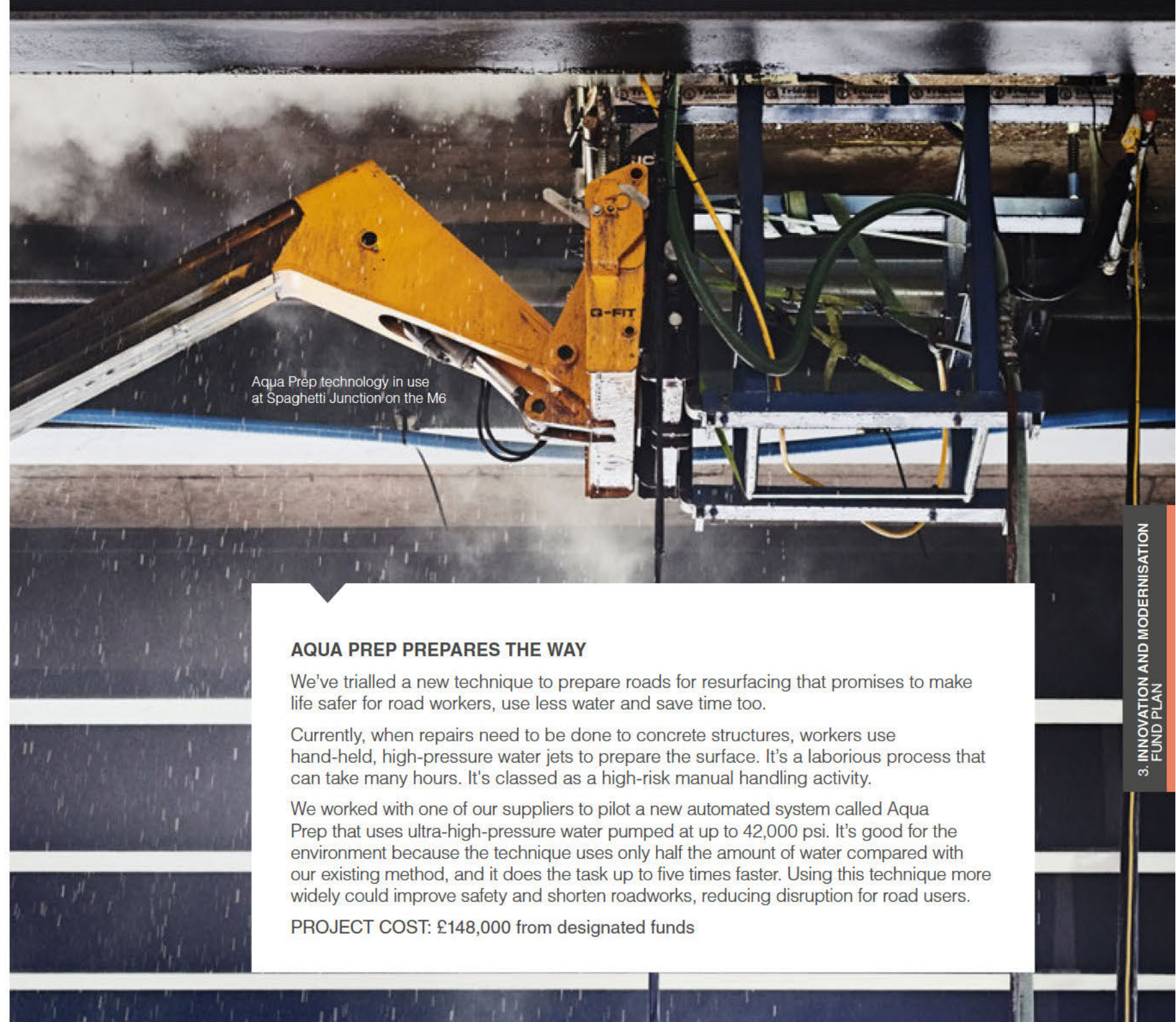
By using digital technologies, we're building better quality roads more quickly, with less disruption for road users and communities. We're also harnessing information so that we can more effectively manage and maintain our assets throughout their lifecycle.

Our priorities over the next five years are to:

- remove exposure to harm for road workers. For example, reducing the need for human intervention in asset management and routine maintenance
- improve efficiencies throughout the lifecycle of our assets
- reduce disruption for road users through faster, high-quality on-site assembly of pre-fabricated components
- improve collaboration, planning, and risk mitigation during the design and construction phases of a project

What sort of initiatives are we looking to fund?

- Developing more connected and autonomous maintenance and construction plant
- Automating repetitive design and construction tasks
- Developing longer lasting materials that self-heal and self-monitor
- Modular or prefabricated construction solutions
- Digitising our design, construction and asset management processes to more efficiently gather all the information required for the construction, maintenance and operation of our assets
- Adding monitoring technology to our assets so that we know what their condition is at all times



Aqua Prep technology in use at Spaghetti Junction on the M6

**AQUA PREP PREPARES THE WAY**

We've trialled a new technique to prepare roads for resurfacing that promises to make life safer for road workers, use less water and save time too.

Currently, when repairs need to be done to concrete structures, workers use hand-held, high-pressure water jets to prepare the surface. It's a laborious process that can take many hours. It's classed as a high-risk manual handling activity.

We worked with one of our suppliers to pilot a new automated system called Aqua Prep that uses ultra-high-pressure water pumped at up to 42,000 psi. It's good for the environment because the technique uses only half the amount of water compared with our existing method, and it does the task up to five times faster. Using this technique more widely could improve safety and shorten roadworks, reducing disruption for road users.

**PROJECT COST:** £148,000 from designated funds



**A CONNECTED FUTURE**

The rise of connected and autonomous vehicles is expected to be one of the most significant changes in future personal mobility.

Connected systems promise integrated, reliable, and safer travel, whilst autonomy could increase mobility, reduce incidents, and increase national productivity. Both technologies will have implications on current infrastructure and are providing us with many exciting opportunities, as well as a number of challenges.

Our priorities over the next five years are to:

- prepare our road network for vehicles with varying levels of connectivity and autonomy
- develop the UK's standards and guidance for connected roads
- collaborate with industry to develop our role in operating connected and autonomous vehicles on our network

What sort of projects are we looking to fund?

- Connecting drivers to real-time, personalised information through in-vehicle communications
- Innovative road-side technologies that collect or supply information from or to road users about traffic and travel
- Using crowd-sourced data from vehicles travelling on our roads to improve incident management

"The UK CITE project has demonstrated that connected vehicles have a potentially important role to play in making our roads safer. Although fully autonomous vehicles may be some years away, we have been able to show that connected vehicles and connected infrastructure can make a difference today.

Without Highways England's involvement and the money secured from the Designated Funds programme, UK CITE would have been a smaller and less ambitious project, so it was a vital contribution. We've learned a huge amount and this will now be applied in the Midlands Future Mobility programme – a larger-scale collaboration that will roll out in 2020."

**CHRIS LANE**, HEAD OF TRANSPORT INNOVATION, WEST MIDLANDS COMBINED AUTHORITY (TRANSPORT FOR WEST MIDLANDS)

**OUR INVESTMENT SO FAR****HumanDrive**

A future of self-driving vehicles got a little bit closer in March 2020 after a modified Nissan Leaf completed a difficult 230-mile journey autonomously in the UK. We've collaborated with nine industry leaders and academia on this government-backed project, building an autonomous vehicle with human-like control.

**Autonomous impact protection vehicle trial**

We're working with industry to remove drivers from the vehicles used to protect road workers and users during maintenance.

**HGV platooning trial**

We're working with the Department for Transport, leading an on-road pilot of HGV platooning to better understand what greater automation of HGVs can deliver.

**Connecting vehicles to each other and the road**

We've been involved in two exciting initiatives to trial how roads, infrastructure and vehicles can all talk to each other, safely and efficiently:

**UK Connected and Intelligent Transport Environment (UK CITE)**

We invested £4.9 million, alongside the government's Intelligent Mobility Fund, in the industry-led CITE consortium. The consortium's work centred on an advanced real-world environment, to test communication technologies and the way that vehicles and infrastructure might talk to each other in the future.

Following the success of UK CITE, we've joined collaborators in the Midlands Future Mobility programme to accelerate progress in connected and autonomous vehicle technology and infrastructure.

**Connected corridors**

Connected roads will have technology installed alongside them to gather information about traffic and travel. This information can then be sent directly to connected vehicles. It will warn about other vehicles having to break sharply, poor weather conditions, incidents ahead, changes to speed limits due to congestion, lane closures ahead, or emergency vehicles wishing to overtake.

Together with the Department for Transport, Transport for London and Kent County Council we've successfully tested four connected corridor services along the A2 and M2, including in-vehicle signing and a roadworks warning service which aims to reduce the number of accidents caused by roadworks.

The A2 and M2 corridor, linking London to Dover, is made up of a variety of road types – making it ideal for testing how connecting vehicles to road-side technology can support end-to-end journeys.



## SEAMLESS AND SUSTAINABLE JOURNEYS

The ways in which our customers travel, both on and off our network, will transform over the coming years. Developments in technology are changing how transport is used, and we're likely to see a real shift in the way that transport systems interact and provide for their users.

We're adapting fast to meet evolving mobility demands, working to provide seamless and sustainable journeys for our customers through reliable, information-rich highways.

Our priorities over the next five years are to:

- help our customers to make informed decisions, both before and during their journeys
- support smoother transitions for our customers when they're switching between transport modes, including developing our links with other transport networks
- help our customers feel safe through on-demand and responsive support
- provide accurate and up-to-date information about third-party services, such as car sharing and ride hailing services, across our road network
- understand end-to-end journeys so that we can support seamless journey experiences for our customers

What sort of initiatives are we looking to fund?

- Improving real-time information so that we have a better understanding of how people are using our roads, the trends in travel demand and different customer needs
- Responding to the operating requirements of car sharing and ride hailing services
- Working with other transport organisations to progress intelligent mobility projects. For example, providing support which accelerates connected and autonomous vehicle technology and infrastructure

## EVOLVING OUR RED X ROAD SAFETY PROGRAMME

When you're driving along a motorway and you see a sign marked with a red X, it means stay out of that lane because there's a hazard up ahead.

It's also illegal to drive in a red X lane. While most drivers comply, those who don't put themselves, other road users, and those attending incidents, at risk. Innovation in safety is about reducing risk above everything else so, since 2015, we've invested in a programme of interventions to improve how our customers respond to red X signals on our roads.

We've collaborated with government, police, and industry to increase awareness of red X signals and improve driver behaviour, road signs and signal settings, bolster driver awareness courses and introduce new legislation for cameras to automatically detect red X offences for police enforcement purposes.

Our compliance monitoring tool shows non-compliance has reduced by 4% since 2015, to approximately 7%.

In 2019, our red X programme received a Prince Michael International Road Safety Award in for creating a safer environment for those using and working on motorways.

Our Innovation designated fund has contributed over £2.5 million towards the red X road safety programme.

Increasing red X awareness at the A417 Missing Link public consultation





**SAFEGUARDING THE ENVIRONMENT**

The scope of our work to limit the impact of our roads on the wider environment is growing. Whilst our Environment and wellbeing fund mitigates this impact through construction and operations, this fund looks to minimise impact at source.

Innovative approaches to saving energy and eliminating waste are just two practical examples of how we're working with industry and our supply chain to protect the environment.

We're also one of the biggest landowners in England. Our soft estate – the land surrounding our road network – stretches to 30,000 hectares. We're finding new and better ways to manage this estate, maximising the wider benefits it can bring to the UK.

Our priorities over the next five years are to:

- reduce our consumption of non-renewable energy
- decarbonise our activities
- prepare our road network and operations for low emission vehicles
- reduce our demand and reliance on the power network so that we're contributing to national energy resilience
- protect and harness the natural capital of our soft estate, including clean air and water, biodiversity and cultural heritage, to benefit people and the economy

What sort of initiatives are we looking to fund?

- Trialling electric construction plant to understand how it could be used on our sites
- Advancing future clean energy resources. For example, using solar panels to power construction equipment on our work sites
- Trialling renewable energy technology
- Adopting low-carbon designs, specifications, products and materials, such as low temperature asphalt
- Removing harmful pollutants from the air and water surrounding our roads
- Eliminating waste from our processes and increasing our capabilities to re-use and recycle

**CHARGING UP THE ELECTRIC REVOLUTION**

Electric vehicles can make a real contribution to improving air quality on our roads, so we're making sure there are enough rapid charging points near our network.

In March 2019, we invested £2.8 million from designated funds to install over 50 electric vehicle charging points across the country. We've identified the best locations for charging points, and now over 95% of England's motorways and major A-roads are within 20 miles of an electric vehicle charging point.

The charging points will help drivers of electric vehicles make longer, cleaner journeys and reduce the anxiety of potentially running out of power.

Over **95%** of our roads

are now within **20 miles** of a rapid electric vehicle **CHARGING POINT**







## A BETTER ROAD EXPERIENCE

Real-time data is transforming our operations. It's giving us more information to make strategic decisions, helping us to increase safety and reduce congestion on our road network.

Over the next five years we'll be investing this fund in innovation initiatives which improve our customer service, our response to incidents and severe weather, traffic management and roadworks.

Our priorities over the next five years are to:

- improve temporary traffic management measures to protect road workers and road users
- enable more of our operational decisions to be data-led
- understand and address behavioural causes of incidents on our roads and on our work sites
- increase customer satisfaction by enabling informed real-time decision making and improved journey planning

What sort of initiatives are we looking to fund?

- Developing machine learning to predict traffic flows
- Trialling the use of drones, where it's safe to do so, to improve incident management
- Gathering data on journey planning and customer preferences to better understand customer needs
- Improving stopped vehicle detection capabilities on our roads

### iDRAIN

Over the years, one of the greatest persistent problems faced by road infrastructure is flooding. The risk of incidents and road closures increases significantly during periods of heavy rain, with excessive surface water on carriageways reducing skid resistance for vehicles travelling at speed.

In the past, our approach to managing drainage assets has generally been reactive; responding to flood events or carrying out drainage surveys after reports of flooding. iDrain uses an intelligence-led approach, allowing us to proactively manage flood risks and maintenance, and prevent hazards on our roads.

It's a low cost, real-time monitoring system designed to detect possible flood events before they happen. Using the system, we can remotely monitor water levels in drainage chambers at flooding hotspots on our network, giving us early warning of flood events.

We're currently using iDrain in three areas on our road network known for challenging flooding issues.

PROJECT COST: £313,000 from designated funds

Get in touch if you think your idea or initiative is a good fit for our Innovation and modernisation designated fund.



Go to [GET YOUR APPLICATION STARTED](#) section





## 4. SAFETY AND CONGESTION FUND PLAN

With around 95 billion miles travelled on our network every year, our roads play a vital part in everyone's lives: connecting people to their work, family and friends. We want to make sure every person gets to where they want to go, safely and reliably.

We can't eliminate every risk from our roads, or from our work. But we can recognise those risks, assess them and do everything we can to protect people from them. Our Safety and congestion designated fund plays an important role in this, supporting smaller-scale initiatives which aim to alleviate congestion and improve safety on our roads.

### OUR PROGRESS SO FAR

Our Safety and congestion fund is a new fund, introduced in April 2020. Between 2015 and 2020, we delivered similar improvements through its predecessors; our Cycling, safety and integration fund and our Safety and Congestion Relief programme. Through this fund, we'll also be finalising Growth and housing initiatives carried over from the first Road Period.

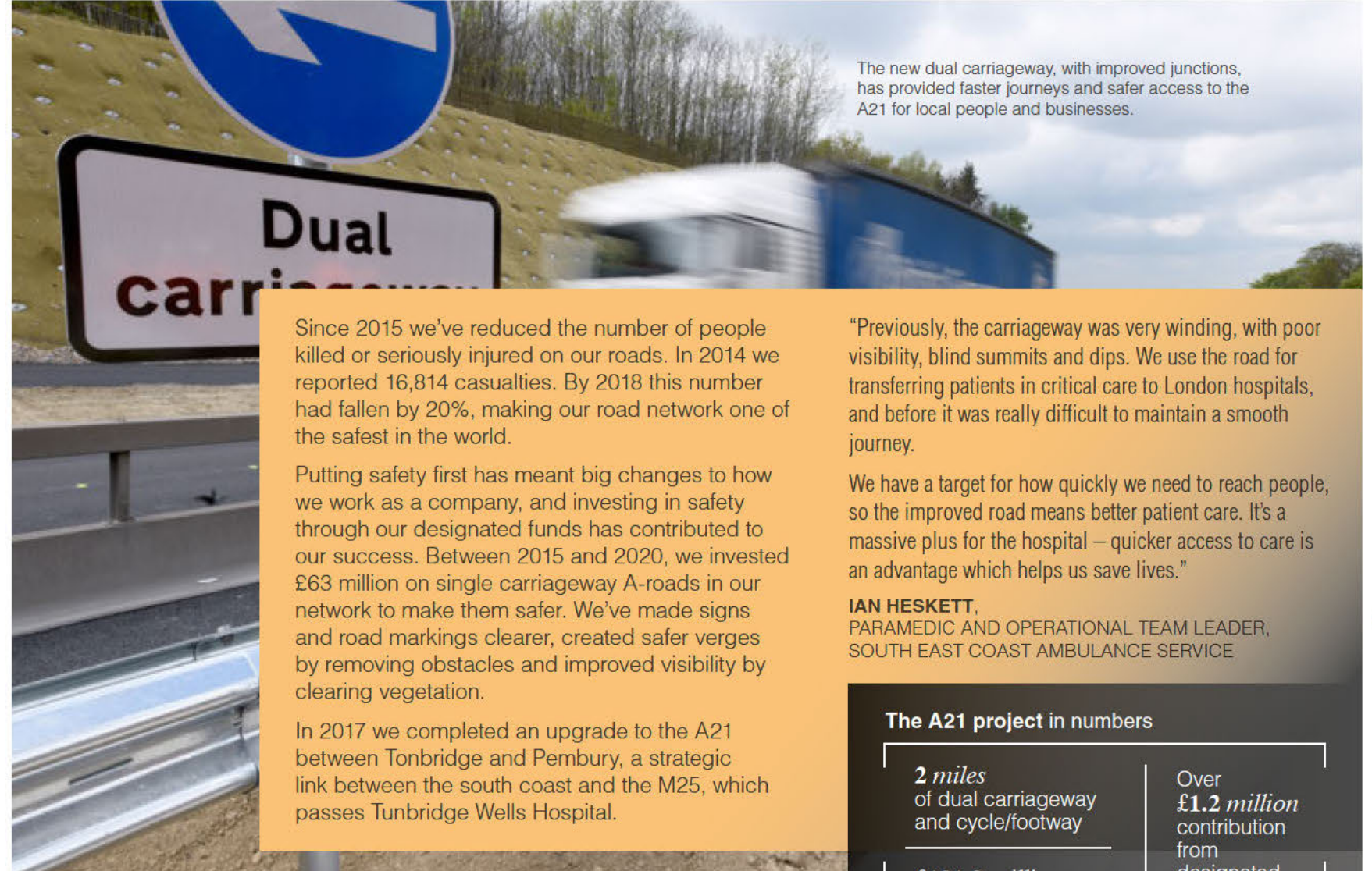
Over our first five years as Highways England, we've delivered:



Over **150 SAFETY IMPROVEMENTS** on single carriageway roads to reduce the number of people killed or seriously injured



**111 SCHEMES** which **REDUCED DELAYS AND IMPROVED SAFETY** in areas identified as traffic 'bottlenecks' on our network



The new dual carriageway, with improved junctions, has provided faster journeys and safer access to the A21 for local people and businesses.

Since 2015 we've reduced the number of people killed or seriously injured on our roads. In 2014 we reported 16,814 casualties. By 2018 this number had fallen by 20%, making our road network one of the safest in the world.

Putting safety first has meant big changes to how we work as a company, and investing in safety through our designated funds has contributed to our success. Between 2015 and 2020, we invested £63 million on single carriageway A-roads in our network to make them safer. We've made signs and road markings clearer, created safer verges by removing obstacles and improved visibility by clearing vegetation.

In 2017 we completed an upgrade to the A21 between Tonbridge and Pembury, a strategic link between the south coast and the M25, which passes Tunbridge Wells Hospital.

"Previously, the carriageway was very winding, with poor visibility, blind summits and dips. We use the road for transferring patients in critical care to London hospitals, and before it was really difficult to maintain a smooth journey.

We have a target for how quickly we need to reach people, so the improved road means better patient care. It's a massive plus for the hospital – quicker access to care is an advantage which helps us save lives."

**IAN HESKETT**,  
PARAMEDIC AND OPERATIONAL TEAM LEADER,  
SOUTH EAST COAST AMBULANCE SERVICE

### The A21 project in numbers

**2 miles**  
of dual carriageway  
and cycle/footway

Over  
**£1.2 million**  
contribution  
from  
designated  
funds

**£131.2 million**  
total project cost



**28 SCHEMES** supporting local and economic growth which we estimate, over their lifetime, will support **45,000 NEW HOMES** and **44,000 NEW JOBS**





## AT A GLANCE

### ■ SAFETY

In 2015, the government set Highways England a target for reducing the number of people who are killed or seriously injured on our network by 40% by the end of 2020. Aiming higher, we want to bring this down to zero by 2040. This fund supports small-scale initiatives which contribute to improved safety for the people who travel and work on our roads.

"We've seen Highways England's maturity develop, with safety becoming a real collective responsibility, both in terms of road worker and customer safety. And there's been a significant change emerging in how Highways England listens to advice from suppliers."

**PHIL CLIFTON**, MANAGING DIRECTOR,  
BALFOUR BEATTY HIGHWAYS

### ■ CONGESTION

Our road network carries a third of road traffic and two-thirds of all freight traffic. As demand grows – volumes of traffic are expected to rise by 32% by 2040 – we must make sure that our network is able to cope. That's why we're investing this fund in small-scale initiatives which tackle locations of high congestion on our roads and keep traffic flowing.

#### Safety in numbers

We typically invest our Safety and congestion fund in initiatives that cost between **£100,000** and **£3 million**

Our key focus for this fund over the next five years is to improve A-roads on our network with poor incident records. Single carriageways are our highest risk roads, where the likelihood of serious collisions is **6 x HIGHER** than on motorways

In 2019, we spent close to **£1.6 million** on suicide prevention initiatives, including reducing access at priority locations for people in crisis

A19, Tyne and Wear





## PUTTING SAFETY FIRST

We prioritise safety above everything else. By looking at how vehicles, people and the design of our roads interact over time, we now know much more about how to improve road safety. We've developed our approach to include designing safer roads, supporting the development of safer vehicles and encouraging safer driving and safer working.

A key area of focus for us over the next five years is to make more improvements to our A-roads, where accident rates are generally higher and safety 'star ratings' can fall below the required 3-star threshold. This fund will help us with this work.

What sort of initiatives are we looking to fund?

- Route and junction improvements at high risk and high frequency accident locations
- Creating safer verges by removing obstacles and installing more safety barriers
- New or improved signs and road markings
- Reviewing existing speed limits to see where we can make these safer, and introducing measures to improve speed limit compliance
- Suicide prevention initiatives, such as increasing the height of bridge fencing
- Reducing risks to road workers, such as providing safer means of access for maintenance workers

**This theme supports our corporate target to reduce the number of people killed or seriously injured on our roads by at least 50% (against the 2005-09 average baseline) by the end of 2025.**

Monitored through performance indicators, which measure:

- the accident frequency rate for our employees and employees in our supply chain
- total casualties
- the number of non-motorised and motorcycle users killed or injured on our roads
- the percentage of traffic using 3-star or above rated roads



### SAVING LIVES THROUGH 3-STAR ROADS

Halving road deaths and injuries is a United Nations Sustainable Development Goal. UN member states have agreed that all new roads will be built to a 3-star or better standard, and that by 2030 more than 75% of travel is on the equivalent of 3-star or better roads. It is estimated that achieving these targets will save an estimated 467,000 lives globally every year.

We set a commitment in 2015 that 90% of travel on our roads would be 3-star or better. We have exceeded this target, with 95% of our roads now rated 3-star. We'll continue to work with the Road Safety Foundation to develop future targets for road safety.

A14, Cambridgeshire





## KEEPING TRAFFIC FLOWING

We're aiming to make journeys on our roads as trouble-free as possible for the people who use them. By reducing congestion, we're aiding faster, safer and more reliable journeys and supporting economic growth across all parts of the country.

Through this fund, we're investing in small-scale initiatives, ranging from junction and slip road improvements to wider carriageways, enhanced visibility and better signage. These initiatives complement other projects that are already making a big difference for road users.

What sort of initiatives are we looking to fund?

- Widening slip roads and approaches to junctions to increase capacity at traffic 'bottlenecks' and improve journey times
- Adjusting traffic signals at key junctions to optimise traffic flows
- Amending existing roundabout configurations

**This theme supports our corporate target** to reduce delays for people travelling on our network so that average delay per mile driven is no worse by the end of the second Road Period (2020-2025) compared to the end of the first Road Period (2015-2020).

Monitored through performance indicators, which measure:

- delay on smart motorways
- delay from roadworks
- journey time reliability
- delay on gateway routes
- average speed (mph) while travelling on our roads

## TACKLING CONGESTION IN HULL

The Roger Millward Way roundabout in Hull city centre is one of England's busiest junctions, with around 4,500 vehicles travelling through every hour during peak times.

As part of a £4.5 million improvement scheme to reduce congestion here, we've introduced additional lanes through the centre of the roundabout. Known as a 'hamburger junction', the new layout has increased capacity for traffic travelling through this busy intersection.

Those wishing to travel straight on through the junction can now use the additional lanes, with the usual circular routes for drivers wishing to turn left or right. This means traffic flows better through the junction, reducing journey times in the area.

While working on the roundabout, we also repaired the existing drainage, ensuring the drains run freely and will not require maintenance in the near future.

**Get in touch** if you think your idea or initiative is a good fit for our Safety and congestion designated fund.



Go to **GET YOUR APPLICATION STARTED** section

A63, Roger Millward Way roundabout





## FUNDING PRINCIPLES

Your proposal should align with all, or most, of our funding principles. It should:

1. Contribute to our long-term objective of improving safety on our roads.
2. Go over and above the traditional focus of road investment; adding value to our customers, local communities and our stakeholders.
3. Align with one or more of the aims and objectives of the fund which you're applying to. The expected benefits should be clearly identified.
4. Include only capital costs. Our Designated Funds programme cannot fund revenue costs unless they can be capitalised.
5. Support our key performance indicators (KPIs), performance indicators, commitments and obligations to our stakeholders. We'll prioritise proposals that contribute towards our KPIs most effectively.
6. Result in measurable improvements in our road network's performance. Your proposal should make it clear how these improvements are going to be monitored and evaluated against defined performance indicators and targets.
7. Improve the efficiency of our road network and/or our operations.
8. Demonstrate that the project phase which you are seeking funding for can be completed by the 31<sup>st</sup> March 2025.
9. Maximise opportunities for joint funding or partnership with other organisations. These can include public, third and private sector organisations.
10. Demonstrate value for money.
11. Have a minimum benefit cost ratio greater than one. For some of the funds, our appraisal process provides a standardised way of demonstrating this.
12. Be on the Highways England estate or have a clear relationship with it.
13. Clearly demonstrate that the land required for the project is either owned by Highways England, one of our partners, or an access agreement is in place. Designated funds cannot be used to purchase land on behalf of third parties.
14. Not already funded by another Highways England programme.

M5, Aztec West  
cycle scheme

If you're applying for funding from our **Innovation and modernisation fund**, your proposal should also:

- clearly explain how the concept, once proven, could be adopted more widely. This should include a roll-out plan
- not have already been trialled on our roads

If you're applying for funding from our **Users and communities fund**, your proposal should also:

- take into consideration our customer service standards for diversion routes for planned works and activities, and unplanned events, if it relates to diversion routes
- be compliant with the Department for Transport's Circular 02/13: *The Strategic Road Network and the Delivery of Sustainable Transport* (2013), if it relates to the development of roadside facilities. All roadside facilities must meet the minimum mandatory requirements in Annex B of the Circular
- take into consideration the principles of our *Customer contact approach* (2018), if it relates to improving how we engage with our customers

### EXCEPTIONAL CONSIDERATIONS

We recognise that there may be worthwhile proposals that align with our strategic ambitions, but do not clearly fit all the criteria outlined here. For example, initiatives which could improve our customers' journey times. In such cases, please **get in touch** with our designated funds team to discuss your proposal.







## PARTNERSHIP PROPOSALS

We work with many different partners to make sure our designated funds reach schemes where they make the biggest difference and have a lasting benefit.

Partnership proposals are subject to the same principles for funding. We also expect that our partners will contribute to the delivery of mutual, greater or improved outcomes.

This could include our partners providing one or more of the following:

- co-financing for the project
- labour
- expertise
- land required to complete the project
- future maintenance of the improvement
- equitable treatment of intellectual property

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## COMPETITIONS

We may hold competitions relating to a specific designated fund at any point during the Road Period, to stimulate funding applications.

Competitions are open to any organisation, and they provide a good opportunity for those who are not already working with us, particularly small and medium sized enterprises. We'll award funding by assessing competition entries against agreed selection criteria.

In February 2019, alongside Innovate UK, we launched two competitions to encourage ideas aimed at revolutionising roads and driving. Through the competitions we awarded £10 million in funding to six pilot projects and seven feasibility studies.

"The competitions have been a huge success. The number of responses we received from such a wide range of organisations was extraordinary, demonstrating that there's a real desire to collaborate with our Designated Funds programme on developing innovative technologies.

We're in the process of further developing and testing the winning ideas, looking at how these new technologies can help to support our three imperatives of safety, customer service and delivery."

**VINITA HILL**, PERFORMANCE AND CHANGE DIRECTOR – HIGHWAYS ENGLAND

"We've seen some amazing ideas come through the innovation competitions, including projects which help monitor and improve air quality, projects which help provide real time data to connected vehicles, traffic management and vehicle charging innovations, road surface technologies and many more.

We're very much looking forward to seeing the final results of these projects, and continuing our partnership with Highways England to support thought-leading innovations in the UK."

**KARLA JAKEMAN**, INNOVATION LEAD – CONNECTED TRANSPORT, INNOVATE UK

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A19, Testo's roundabout improvement scheme







## GET YOUR APPLICATION STARTED

If you're a Highways England colleague, or are already working with us, contact your local designated funds lead for more information about how to apply for funding from our designated funds.

If you're not already working with us, but have a project that might be eligible for funding, please tell us more about it by completing an expression of interest form. Once we receive the form we'll identify someone within one of the delivery teams in the region where your project is located. They will be responsible for taking your funding bid through our appraisal and approval process, and can also offer some support in developing your application form and full business case for the project.

The business case for external applications should be prepared using the 5-case business model as recommended by HM Treasury and the UK Office of Government Commerce. A designated funds project summary form must then be created as a high-level version of this.

Your project will be appraised and endorsed to confirm strategic alignment, deliverability within the confines of the wider programme and value for money before going to the designated funds Investment Decision Committee for approval.

If you have questions, or would like to discuss an idea before completing the expression of interest form, please email

[designatedfundscheme@highwaysengland.co.uk](mailto:designatedfundscheme@highwaysengland.co.uk)

Or, for more information, please visit

[highwaysengland.co.uk/designated-funds](https://highwaysengland.co.uk/designated-funds)

A21, Tonbridge  
to Pembury  
improvement  
scheme





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Highways England creative job number GFC20\_0039

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Printed on paper from well-managed forests and other controlled sources when issued directly by Highways England.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

Highways England Company Limited registered in England and Wales number 09346363

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