

A428 DCO Position Review

To:	Highways and Transport Committee
Meeting Date:	25 January 2022
From:	Steve Cox, Executive Director - Place and Economy
Electoral division(s):	Papworth and Swavesey, Cambourne, St Neots East and Gransden, St Neots Eynesbury, St Neots The Eatons, St Neots Priory Park and Little Paxton
Key decision:	No
Forward Plan ref:	n/a
Outcome:	Members are informed of the current positions of the Council and National Highways regarding the major scheme to upgrade the A428 to dual carriageway and advised of future commitments from National Highways
Recommendation:	<p>a) Note the update on the A428 DCO, and National Highways commitments for future investment</p> <p>b) Note in principle support subject to conditions, and delegate to the Executive Director for Place & Economy confirmation of the position prior to the final deadline, if outstanding matters are satisfactorily resolved, in consultation with the Chair and Vice-Chair of Highways & Transport Committee, and in discussion with the key Members impacted in and around the A428</p>

Officer contact:

Name: Gareth Blackett
Post: Interim Consents Team Leader
Email: Gareth.blackett@cambridgeshire.gov.uk
Tel: 07891630218

Member contacts:

Names: Councillor Peter McDonald
Post: Chair
Email: Peter.Mcdonald@cambridgeshire.gov.uk
Tel: 01223 706398

1. Background

- 1.1 In June 2021, the County Council H&T confirmed the County Council's strong, in principle support for the A428 scheme, subject to suitable assurances and agreement with National Highways (NH). The proposal is to build a dual carriageway and junction improvements between the Black Cat and Caxton Gibbet roundabouts.
- 1.2 The County, South Cambridgeshire, and Huntingdonshire District Councils (the Councils) have and will continue to represent robustly at the Public Examination, whilst working closely and collaboratively with NH technical needs to resolve issues, and to secure the best possible deal for the County Council, and the project.
- 1.3 A key principle of the approach to date has been to embrace learnings from the A14 project. The strategy has been broadly to ensure that as much as possible is secured through the DCO consent.
- 1.4 As the Examination has progressed, discussion with colleagues at NH on all matters relating to the application has reached agreement on most key issues, with discussions continuing in other areas to resolve. This report summarises the County Council's current position on said issues, as well as the corresponding position of National Highways. It also includes the latest statement (14th January 2022) by the Examining Authority regarding traffic modelling, detrunking and definition of adjacent land.
- 1.5 South Cambridgeshire District Council and Huntingdonshire District Council ("the Joint Authorities" in this context) are following the same respective governance process as the County Council with regard to the paper.
- 1.6 The County Council will continue to feed into the Examination at Deadline 9 (25th January) and Deadline 10 (15th February). The Examination concludes on 18th February. Delegated authority is sought for the Executive Director for Place & Economy in consultation with the Chair and Vice-Chair of Highways & Transport Committee in discussion with key members impacted in and around the A428, to confirm County in principle support on or before the final deadline, subject to satisfactory resolution of outstanding matters.

2. Main Issues

Officers from the County Council and NH have developed solutions to key issues. Some matters are outstanding, and we continue to work closely with NH in this regard, and to represent robustly through the Examination. An update is provided below highlighting the present state, noting the ongoing dialogue and that matters are moving at pace. It also includes the latest statement (14th January 2022) by the Examining Authority regarding traffic modelling, detrunking and definition of adjacent land, all of which are very positive for the Joint Authorities.

2.1 Traffic modelling

Modelling is important to understand the impact of the scheme on local roads and communities during construction or following completion, as well as whether the local roads are designed appropriately.

- 2.2 Officers have raised issues with the accuracy, coverage, and methodology used in the traffic modelling. However, recently information has been more forthcoming, and the sensitivity testing is now complete, the data count is acceptable and the transport planning software is expected to provide approvable traffic flow results. In addition, changes have been made at two junctions, as requested. The County is running model tests internally on Wyboston junction, and Barford Road regarding potential road space reallocation opportunities, which we believe there is scope for. NH and County are interrogating the VISSIM model for M11 J11, to understand likelihood of queues in this area.
- 2.3 The above workstreams are expected to conclude shortly, the County maintains close dialogue with NH, and the Examination is aware of the outstanding technical issues.

2.4 Monitor and Manage

- 2.5 The County has requested the monitoring of associated traffic impacts on an ongoing basis. The County Council requires monitoring of the local traffic impacts of the scheme (during and post construction) as well as a clear mechanism to address emerging issues.
- 2.6 Discussions continue through the enquiry in terms of clarity on the above. National Highways position is that it is funded for maintenance of the Strategic Road Network (i.e. motorways and A-roads). Funding for local roads comes from a separate division within the Department for Transport. National Highways has been proactive and persistent in lobbying DfT for further funds to support the maintenance of its own network. A submission is with Ministers and a decision is expected imminently. However it remains unclear how local impacts will be funded through this process by NH.
- 2.7 *On Friday 14th January, the Examining Authority's commentaries and proposed changes to the draft Development Consent Order found that the current traffic monitoring methodology being proposed by National Highways is neither robust, nor secured through the dDCO . Therefore, the Examining Authority is minded to propose a requirement relating to quantitative traffic monitoring and mitigation for the operational phase, should consent be granted. National Highways has been asked to provide suggested wording, including definitions if relevant. Local Highways Authorities have provided wording for such a Requirement which the Applicant may consider.*

2.8 Diversion Management

- 2.9 National Highways is undertaking a Digital Diversion Routes trial project, funded through Designated Funds. This project, the first of its kind, aims to provide customers and local highways authorities with a better end to end experience of diversion routes. NH will develop guidance to better plan and implement diversion routes and trial innovative signage and ways to improve customer satisfaction with the implementation and operation of

diversion routes. Lessons learnt from schemes such as the A14 Cambridge to Huntingdon have been used to develop the need for the trial.

- 2.10 National Highways is also committed to providing accurate road closure information seven days in advance of any closure; this is to allow road users to plan their journeys in advance, identifying the most appropriate route to complete their journeys.
- 2.11 National Highways will share updates with members on this project as it evolves. The County Council proposes to include monitoring of the Digital Diversion Routes trial project post-DCO in the Legacy Management Plan.

2.12 Highway Design

- 2.13 Council Officers state that carriageway width currently proposed for CCC roads is not acceptable, resulting in road safety and highway maintenance risks. Negotiations are progressing positively, and we expect concessions on road width.
Council Officers state that B1046 and Toseland Road one of the verges needs to be widened to allow for non-motorised user access. The Council continues to discuss with NH and encourage for the necessary measures (parapets and wide verges at the very least). These are not high cost and could be tied in with earthworks.
In addition, the drainage designs are not compatible with above carriageway widths; combined kerb/drain units, gullies in vehicle wheeltrack and kerbside waterflow in wheeltrack all are deemed unacceptable by Council Officers presenting the risk of highways damage and flood risk. However if National Highways commit to standards via the legal agreement then there will be no objections and discussions continue with National Highways in this respect.
Regarding the extent of land adoption, the Council's position is that only lands required for highway operation should be adopted (no landscape areas, no adjacent 'surplus lands' plots, no field ditches as not part of essential highway drainage) and discussions on adoption and the DCO continue with NH and matters are progressing well.
- 2.14 *On Friday 14th January the Examiner noted National Highways responses regarding the reasons for the necessity of the provision relating to land adjacent to order limits, as provided for under S120 of PA 2008. At this stage, the ExA remains unconvinced that powers so widely drawn would be reasonable for the purposes described by the National Highways*
- 2.15 To best secure positive outcomes through the detailed design stage, it has been agreed that a County Council engineer shall form part of the NH design team on an ongoing basis. Details of this collaboration arrangement are being discussed.

2.16 Legal agreement and DCO

- 2.17 As well the design and approval process, the Councils have proposed changes to the legal text of the DCO itself, and to a legal agreement drafted by NH to try and protect positions in various areas - a key learning point from the A14 project is that if matters weren't secured in the DCO or the supporting legal agreement then there is a risk over future influence.

- 2.18 National Highways has proposed a series of handover processes used on the A14 development that will provide the level of authorisation / approval in the process that the Joint Authorities require. The next step is to agree how the process outcomes are secured in the legal agreement/DCO. Although this area remains a key risk to the County, there does now appear to be an agreed way forward.
- 2.19 *On Friday 14th January, the Examiner noted National Highways proposed timetable for reaching agreement with local highways authorities and the overview of handover process for de-trunked assets and local highways, and remains dissatisfied with the progress that would be expected at this stage in the Examination or the assurance needed that agreement would be reached before the close of the Examination. As such and to cover the eventuality that agreement is not reached between parties before the close of the Examination, the Examiner proposes tightening the wording to ensure that there are adequate controls for local highways authorities to assess the quality and purpose of the assets that they inherit. Additionally, the Examiner proposes adding additional wording in the dDCO and corresponding explanation in the EM to secure the definition of De-Trunking Handover Plan and De-trunked Road Standards; and a paragraph to be added to include the scope and content of the DeTrunking Handover Plan and De-trunked Road Standards, and the process and timing of approvals.*

2.20 Non-Motorised Users

- 2.21 The core scheme includes 6km worth of NMU provision (see Map 1 appended). In addition to this NH have secured or are pursuing further funding for 12km of connectivity between St Neots and Cambourne and two further connections, as detailed on Map 2 (appended). However, officers and user groups do not consider that there is sufficient provision for cyclists, walkers, and equestrians within DCO, and NH indicate the project itself has insufficient funding to deliver on all the asks. While progress is being made, significant issues remain. Most of the NMU ‘asks’ do require an amendment to the DCO, in order to get the appropriate legal classification for each route in place that can then be added to the legal asset records, and onwards to ensure the correct maintenance regime. This is another fundamental reason why the changes need to be made now. It is costly and inefficient to have to make status changes via separate legal events once the DCO has been ‘made’. This is a significant issue for the Joint Authorities.
In addition to the NMU references above, the Council requires: A1198 signalised crossing south of CG roundabout with a NMU route to services (and connects to future Cambourne); CG roundabout from McDonalds to continue eastern provision; all-inclusive NMU at Hen Brook and design to be much more attractive because of Wintringham Park; and a number of other articles within the DCO relating to PROW.

- 2.22 In response, National Highways have successfully pursued an exceptional request to secure £500k of Designated Funding for feasibility work on four priority schemes as identified by the County, and subject to collectively demonstrating the strategic case. These are detailed in Map 3 (appended). The feasibility funding needs to be spent in the 2022/23 financial year and the further funding to deliver the schemes would need to be invested before March 2025. National Highways is drafting wording to include in the legal agreement to demonstrate its commitment to this approach which the County Council will monitor via the Legacy Management Plan. In addition, the A428 Designated Funds already agreed

include funding for St Neots Town Centre (£3.1m, Hen & Abbotsley wetland creation project (£100k feasibility) and Croxton Park (£20k feasibility). It should be noted that historically Cambridgeshire has been successful in receiving allocations from this funding source (including £30m from the A14 team). See images appended to report.

2.23 Environmental issues

- 2.24 The County has significant concerns regarding the absence of a clear carbon off-setting strategy, details of or an agreement on any intermediate emissions mitigation measures and a plan to implement and monitor said measures ; and a draft/conceptual plan regarding long term emissions mitigation measures. There is a risk that the impact of the scheme may result in national and local legislative and/ policy breaches regarding carbon reduction targets. NH has set out its position and associated justification as follows:
- 2.25 Last year National Highways (NH) published its Net Zero Plan which sets out three clear milestones:
- Net zero for operations by 2030
 - Net zero for maintenance and construction activities by 2040
 - Supporting the rapid shift to zero carbon travel on roads by 2050
- 2.26 The A428 project team is working with Skanska, construction industry leaders in the carbon field, on the road design and construction. They're looking at all emerging technologies and innovation to deliver the maximum carbon benefits. Throughout the public examination for the Development Consent Order process, they have submitted extensive evidence of assessments and plans in this area.
- 2.27 There is a strong intent to innovate on the scheme which has already committed to using hydro treated vegetable oil to fuel plant, and using electric plant and machinery where appropriate. Pioneering the newest tools and models, some not used before, the team is tracking in depth carbon savings of each design element, using that data to inform decision-making and continuously seeking opportunities for carbon savings throughout.
- 2.28 The County Council will monitor commitments regarding emissions mitigation via the Legacy Management Plan.

2.29 Ecology

- 2.30 The outstanding issues and fed into the examination still being discussed relate to Biodiversity Net Gain – simply, the outputs should align with the ‘doubling nature’ policy and Ox Cam policy. Council Officers consider that Borrow Pits do not constitute ‘net gain’, and have concerns about the quality of the net-gain offered by NH, for example gains should be made off site (e.g. ancient woods in Huntingdonshire).
- 2.31 National Highways has made the following justification for its position:

Recognising the impact on the environment of the road construction the A428 team is seeking to go beyond standard mitigation, using National Highways Designated Funds (DF) to investigate the creation of wetlands and sites such as Hen Brook for biodiversity net gain.

2.32 As part of the scheme they are:

- Improving brook biodiversity, caring for mammals, fish and other aquatic species.
- Designing culverts and underpasses to let water and land based animals safely pass beneath roads along watercourses.
- Changing watercourses in a way that is sensitive to aquatic habitats and species.
- Changing the profile of areas of land to slow down the movement of water during floods.
- Planting over 150 acres of woodland and hedgerows to integrate the scheme into the local landscape and maintain connectivity for wildlife.
- Investigating future opportunities to provide for barn owls and bats.

2.33 The team is seeking to innovate and consider all opportunities to deliver further initiatives. Overall, the scheme could deliver a 16% biodiversity net gain, a great improvement on the current requirements for National Highways to achieve 'no net loss' biodiversity and above the 10% Environment bill obligation.

2.34 The County Council will monitor commitments regarding ecology via the Legacy Management Plan.

2.35 **Heritage and Archaeology**

2.36 Council Officers feel that the archaeological strategy is unacceptable as it is based on the High Speed 2 Rail scheme strategy and contrary to County and District planning policies for cultural heritage. The Council should be in a position to approve schemes based on operating models conducted on other developments locally. Officers have supplied evidence based maplets and strategy notes for areas to be included in an approvable Archaeology Mitigation Strategy - negotiations with National Highways are on-going, recognising that presently matters are unresolved.

2.37 **Legacy management**

2.38 The Joint Authorities recognise the work done by National Highways in the local community via its community engagement programme. Current discussions are on-going regarding an A428 Legacy Fund, in addition to the use of designated funding for a number of projects. The County Council proposes to formalise all post-DCO legacy activity into a programme of work initially managed and monitored centrally by the Consents Team (the Legacy Management Plan); and ultimately to transition the activity to the respective council service areas and local community groups for delivery. It should be noted that National Highways Designated Fund is a national scheme and no definitive assurances can be provided by the A428 project team that funding will be secured.

- 2.39 The appendices provide images of A14 legacy schemes funded by National Highways designated funds

3. Alignment with corporate priorities

- 3.1 Communities at the heart of everything we do

There are no significant implications for this priority.

- 3.2 A good quality of life for everyone

The impacts of the project during construction and on traffic movement when operational need to be understood in detail, and commitments to mitigation secured.

- 3.3 Helping our children learn, develop and live life to the full

There are no significant implications for this priority.

- 3.4 Cambridgeshire: a well-connected, safe, clean, green environment

This project will improve connectivity significantly between St Neots and Cambridge, by replacing the existing road with dual carriageway, reducing congestion, drawing traffic away from the local road network and allowing for future traffic growth. It is however a major investment principally targeted at providing for journeys by car or HGV and will have implications for carbon generation. There will be landscaping, planting, and other measures included to mitigate the impact of the scheme.

- 3.5 Protecting and caring for those who need us

There are no significant implications for this priority.

4. Significant Implications

4.1 Resource Implications

Officer time is required to review the application, work with National Highways, and prepare to represent the Council at the Examination. This is being supported by appropriate specialists. Associated financial pressures are being looked at in more detail to provide an estimate of the resources required. It is expected that costs by the end of the Examination could be in the region of £150,000-250,000 and it is anticipated that some of this may be recoverable from National Highways, and that costs associated with the Council's statutory duties could be funded by Integrated Transport Block funding.

4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

There are no significant implications within this category.

4.3 Statutory, Legal and Risk Implications

There are risks to the Council in taking on new assets to maintain if they are not in a good condition. However, as the Council supports the project there is an acceptance that new roads and the detrunked or existing A428 will become the Council's responsibility.

Additionally, the traffic generated by the scheme will impact the Council's network and may lead to changes in travel patterns for both cars and Heavy Goods Vehicles, as with the A14.

4.4 Equality and Diversity Implications

There are no significant implications within this category

4.5 Engagement and Communications Implications

There are no significant implications within this category.

4.6 Localism and Local Member Involvement

Local Members have been briefed on the scheme by National Highways, with support from Council officers.

4.7 Public Health Implications

Public health implications need to be understood after a review of the scheme.

4.8 Environment and Climate Change Implications on Priority Areas

Note: The application is still being reviewed so an initial assessment only is provided here. The assessment may change when there is a fuller understanding of the content.

4.8.1 Implication 1: Energy efficient, low carbon buildings.

Positive/neutral/negative Status: Neutral

Explanation: No buildings are proposed as part of the project.

4.8.2 Implication 2: Low carbon transport.

Positive/neutral/negative Status: Negative

Explanation: Although electrification of vehicle transport is expected and supported by Government policy, constructing a new dual carriageway although available for use by buses will not cater exclusively for sustainable modes of transport, and will attract and create new traffic. There is provision as part of the project to deliver facilities for active travel users, although at this stage there are concerns whether this is of a suitable standard.

4.8.3 Implication 3: Green spaces, peatland, afforestation, habitats and land management.

Positive/neutral/negative Status: Neutral

Explanation: The project will involve construction works but does propose landscape works and mitigation including tree planting. This impact is highly dependent on the issues raised in by the Councils being resolved.

4.8.4 Implication 4: Waste Management and Tackling Plastic Pollution.

Positive/neutral/negative Status: Neutral

Explanation: The construction will generate waste which will be subject to control through a management plan.

4.8.5 Implication 5: Water use, availability and management:

Positive/neutral/negative Status: Neutral

Explanation: Flooding and water management has been considered as part of the design of the scheme, which includes balancing ponds, consideration of climate change impacts and a Flood Risk Assessment.

4.8.6 Implication 6: Air Pollution.

Positive/neutral/negative Status: Negative

Explanation: The scheme will generate additional traffic which will not be electric vehicles for some time. The assessment may show that although there is additional air pollution from traffic, in many instances it moves the traffic away from the existing communities along the current A428 alignment.

4.8.7 Implication 7: Resilience of our services and infrastructure and supporting vulnerable people to cope with climate change.

Positive/neutral/negative Status: Neutral

Explanation: No impact.

Have the resource implications been cleared by Finance? Yes

Name of Financial Officer:

Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement? Yes

Name of Officer:

Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or LGSS Law? Yes

Name of Legal Officer: Fiona McMillan

Have the equality and diversity implications been cleared by your Service Contact?

Yes

Name of Officer: Elsa Evans

Have any engagement and communication implications been cleared by Communications?

Yes or No

Name of Officer:

Have any localism and Local Member involvement issues been cleared by your Service Contact? Yes

Name of Officer: David Allatt

Have any Public Health implications been cleared by Public Health?

Yes or No

Name of Officer:

If a Key decision, have any Environment and Climate Change implications been cleared by the Climate Change Officer? Yes or No

Name of Officer:

5. Source documents guidance

5.1 Source documents

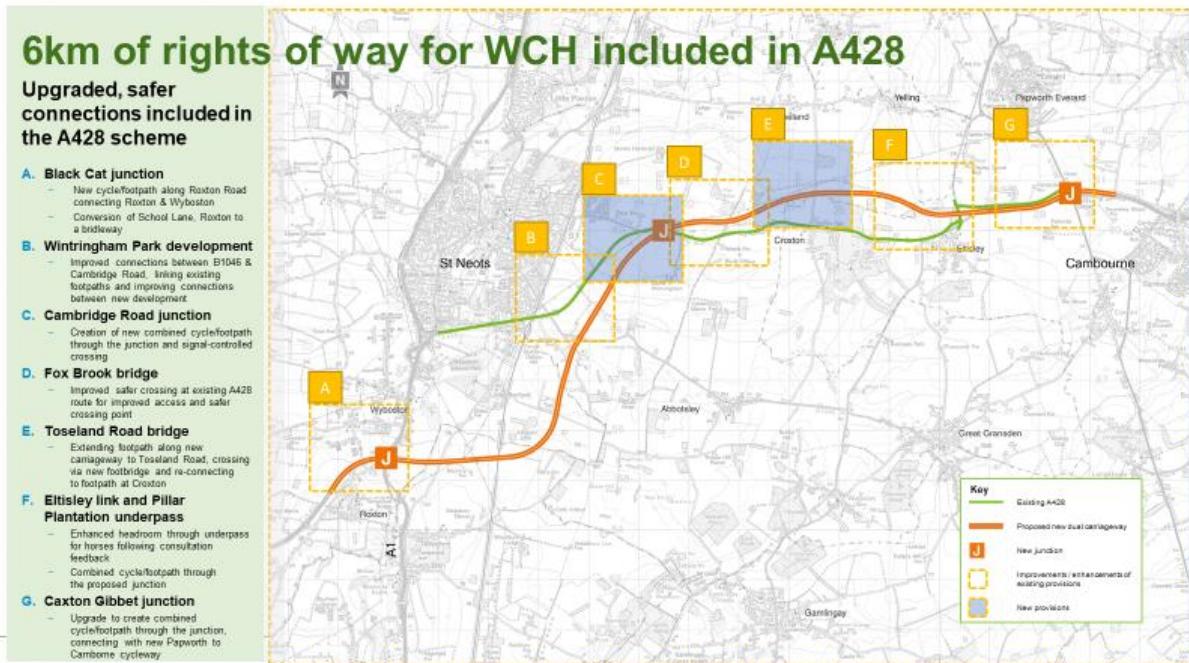
Background information on the A428 Black Cat to Caxton Gibbet scheme is available from

National Highways (Highways England): [A428 Black Cat to Caxton Gibbet improvements - Highways England](#)

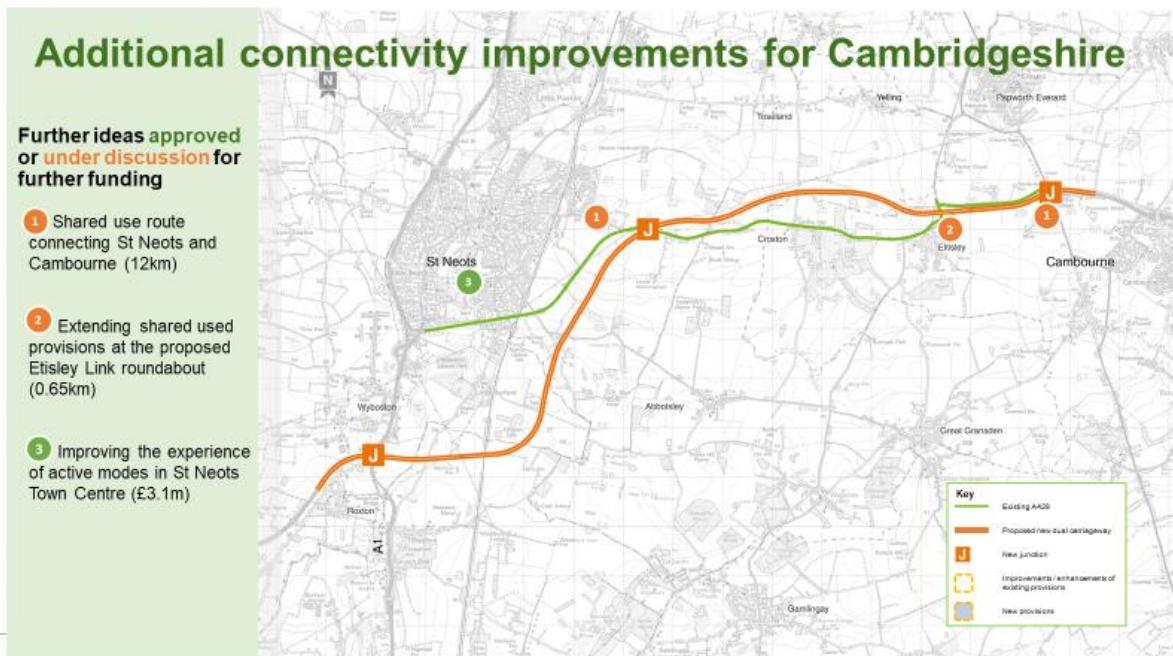
The full Development Consent Order and submissions to the Examination are available on the Planning Inspectorate website: [A428 Black Cat to Caxton Gibbet Road Improvement scheme](#)

Appendices:

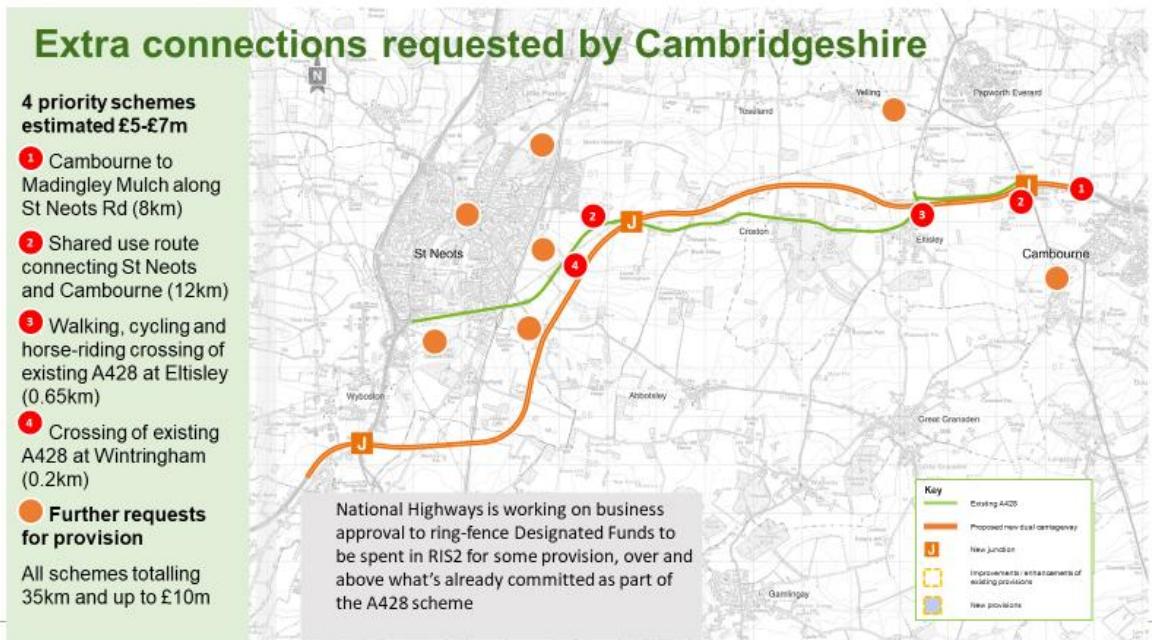
Map 1



Map 2



Map 3



A14 legacy schemes

Image 1 Bluntisham car park



Image 2

Fenstanton to Swavesey NMU



Image 3

Fenstanton to Swavesey NMU (Photo from by the BHS)



Image 4

Local Access road NMU facility



Image 5

NMU at Hilton Road

