

A428 Black Cat to Caxton Gibbet Development Consent Order Update

To: Highways and Transport Committee

Meeting Date: 22nd June 2021

From: Steve Cox, Executive Director Place & 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 progress with Highways England's major scheme to upgrade the A428 to dual carriageway, and member's views on areas of interest are established to inform the forthcoming Examination.

Recommendation: Members are asked to:

- a) Note the report, and the likely timescales for the formal consent process
- b) Consider the summary of points raised and confirm the key areas to support or raise issues
- c) Confirm the Council's strong in-principle support for the A428 scheme, subject to suitable assurances and agreement with Highways England
- d) Delegate to the Executive Director for Place & Economy in consultation with the Chair and Vice-Chair of Highways & Transport Committee approval of the submission of formal documents related to the enquiry.

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1. Background

- 1.1 Highways England are proposing to upgrade the route between the Black Cat roundabout and Caxton Gibbet roundabout with a new 10-mile dual carriageway and associated junction improvements, including major engineering works to improve the Black Cat roundabout. The scheme aims to improve journeys by road between Milton Keynes and Cambridge, bringing communities together and supporting long term growth in the region.
- 1.2 As a major strategic investment, the A428 Black Cat to Caxton Gibbet project being developed by Highways England is applying for a Development Consent Order (DCO), a special type of planning consent for nationally significant infrastructure projects (NSIPs). This paper updates Members on the project, and highlights issues or areas that may become points of disagreement or difference at Examination.
- 1.3 The report sets out officers' initial assessment of the application, which is still undergoing review, and Members are requested to provide comments and direction on areas of interest or concern, as well as note areas that are supported.

2. Main Issues

- 2.1 As part of the application, Highways England are seeking powers to acquire land, construct and build the new dual carriageway, and will also be building local access roads and facilities such as drainage ponds and cycleways that will be adopted and maintained after construction.
- 2.2 Following the submission of the application to the Planning Inspectorate, who will be responsible for considering and determining it, the Council submitted a robust response as an Adequacy of Consultation Response, a procedural letter which is written to the Planning Inspectorate. This was supportive in principle but raised concerns around engagement and the level of information provided before the application was submitted. Issues that are emerging as the application is reviewed are set out below. Officers were engaging with the Highways England team throughout last year, but much of the detail of the DCO application that was submitted at the end of February, such as the Environmental Statement and the local traffic models, weren't shared until after the DCO application was submitted.
- 2.3 It is worth noting that if the Council disagrees with or wishes to seek changes to specific elements of the application, written representations will need to be made based on policy or evidence, to make a case to the Planning Inspector at the Examination. The County Council as Highway Authority and with other statutory roles, and South Cambridgeshire District Council and Huntingdonshire District Council as Local Planning Authorities have worked closely together to develop a joint response to this application, and this is intended to continue throughout the Examination period.
- 2.3 The following areas are likely to be supported:
 - Journey time: The project delivers quicker journeys and reduced congestion on what was (pre-Covid) a congested and unreliable strategic route.
 - Safety: The new road will attract most of the traffic from the existing A428 and away from local roads, on to the new dual carriageway.
 - Growth and Development: The road forms part of the wider Ox-Cam Arc development

area which the Council supports, and removes the final single carriageway section of road between Cambridge and Milton Keynes

2.4 The following areas are likely to need further discussion with Highways England, the provision of information, or commitments from the application to reach agreement and resolve:

- **Biodiversity:** The Council is likely to request clarity on the information in the application and although this project will be considered under national guidance, commitment to the highest possible proportion of biodiversity net gain delivered by the project to ensure the best possible environmental benefit.
- **Highway Design:** The Council wants to establish and agree a legally binding process for the approval and acceptance of the design and subsequent construction of any local roads to be built by the project and then handed over to the authority to maintain, including the provision of funding and upgrade of facilities so that the Council's expenditure is minimised.
- **Active Travel:** The Council wants to be sure that high-quality provision is being made for cyclists, pedestrians and horse riders as part of the local roads to be handed over to the authority and to the surrounding communities, including design carried out to the latest relevant guidance (e.g. LTN1/20).
- **Climate Change and Carbon:** The Council declared a Climate Emergency in May 2019 and is responsible for an area which is overcommitted in terms of carbon. It has a policy in supporting both the move to Net Zero, whilst also supporting this major project, itself a large net future traffic generator. Members are requested to further consider how this project aligns with these priorities.
- **Traffic Management:** The traffic modelling that affects local roads is being reviewed to establish the impact on the Council's Highway Network, and controls on traffic routing during construction and protection of local communities as far as possible is being sought, a key lesson learnt from the A14 Project. An understanding of traffic re-routing after construction of the new road is also needed given the experiences with the A14, the significance of the Girton Interchange and the sensitivity of the villages along the A428.
- **Detrunking:** When the new A428 is completed, the Council will be required to adopt and maintain the existing trunk road, which will be downgraded. The Council wants to secure assurances about the condition of the road to be handed over, commitment to upgrading assets to an agreed condition and funding to maintain for a period of time, and other provisions including bringing the road to current design standards.
- **Strategic Transport Scheme Interface and Development Locations:** With the combination of the A428 dualling, the promotion of East West Rail and other strategic projects coming forwards principally as part of the Ox-Cam Arc, there are concerns about the new infrastructure bringing significant levels of development and where this may be located, in the absence of allocations in relevant Local Plans.
- **Archaeology:** The Council wants to secure appropriate archaeological investigation and reporting, commensurate with the scale of the project.
- **Digital Connectivity:** The Council is seeking the inclusion of a fibre backbone connection as part of the construction of the project.
- There are other issues also being discussed as part of the application including minerals and waste, Rights of Way, and air quality.

2.5 The programme for the Examination process will be set by the Planning Inspectorate but it

is likely to take place in late summer. Officers are working to review the application documents and identify areas that can be supported, or require further information or explanation, and to discuss these with Highways England. It is intended to bring a further paper back to Committee to provide a more detailed update and set out and seek agreement on the Council's formal position on the scheme for consideration by Members. This will then be represented at the Examination.

- 2.6 The next procedural step in the Development Consent Order process was the submission of Relevant Representations. These are a high-level summary of the areas that the Council wishes to discuss and agree with Highways England before the application can be fully supported at Examination. This will be followed by a full and written submission on key points, and the production of a Local Impact Report. To meet the demanding timescales of the Examination, this report seeks delegation to submit key documents in consultation with Chair and Vice-Chair. Members will be kept informed of progress with the discussion and agreement of key points, or identification of areas of difference between the Highways England and the Council.

Implications for Cambridgeshire

- 2.7 Following experience with the A14 scheme, the Council has supported the A428 project and has been working with colleagues at Highways England to understand and discuss the impact of the scheme, but has taken an approach to try and minimise the cost and liability impact on the Council with regards to any potential assets that will be constructed and handed over. The Council has asked for a binding legal agreement with Highways England to cover the highways design, adoption, and other matters, as well as provision within the legal text of the Development Consent Order itself. These matters remain outstanding at the time of writing.
- 2.8 The Council's position needs to be considered and established prior to the Examination, but it is probable that given the engagement to date and lack of visibility of the detail of the application, and the position of the Highways England team on key matters, that strong representations on many of the areas will need to be made. This will be required to protect the Council's position in terms of the assets to be inherited as part of the scheme, minimise the impact of the scheme on the surrounding local road network and secure the best possible scheme for the residents of Cambridgeshire.

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.

- 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 will be required to review the application, work with Highways England, and prepare to represent the Council at the Examination. This will need to be supported by appropriate specialists and will add to budget pressure. This pressure is being looked at in more detail to provide an estimate of the resources required. It is expected that costs could be in the region of £100-200,000 and it is anticipated that some of this may be recoverable from Highways England, and that costs associated with the Council's statutory duties could be funded by Integrated Transport Block funding. More detailed estimated costs will be provided to Committee prior to the Examination commencing.
- 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.
- 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. There have been two rounds of Statutory Consultation led by Highways England.
- 4.6 Localism and Local Member Involvement
Local Members have been briefed on the scheme by Highways England, with support from Council officers. The Highways England team are planning briefings for Members in due course.
- 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 2.1 – Biodiversity being satisfactorily 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: Sarah Haywood

Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement? Yes or No
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
Name of Officer: Sarah Silk

Have any localism and Local Member involvement issues been cleared by your Service Contact? Yes
Name of Officer: Jeremy Smith

Have any Public Health implications been cleared by Public Health?
Yes
Name of Officer: Iain Green

If a Key decision, have any Environment and Climate Change implications been cleared by the Climate Change Officer?
Yes
Name of Officer: Emily Bolton

5. Source documents guidance

5.1 Source documents

Background information on the A428 Black Cat to Caxton Gibbet scheme is available from Highways England: [A428 Black Cat to Caxton Gibbet improvements - Highways England](#)

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

A428 Relevant Representations

Cambridgeshire County Council (CCC), Huntingdonshire District Council (HDC) and South Cambridgeshire District Council (SCDC) are reviewing the A428 Black Cat to Caxton Gibbet Development Consent Order Application (the Application) and believe that discussion, further information, and changes to the Application will be required in the areas set out below. This is based on the current understanding of the information and may be altered, added to or amended as the review continues and discussion with Highways England begins.

These are the combined representations of CCC, HDC and SCDC.

Note: CCC is submitting this response in advance of a Committee resolution but will be considering at the next Highways and Transport Committee.

Biodiversity

- There are concerns about the robustness of the baseline survey data. The Councils are seeking firm commitment to biodiversity net gain from an agreed baseline and measured using established methodology.
- The assessment of net gain and the total has not used standard methodology
- Changes to the proposed species mix and habitats in some areas may be required.
- Mitigation for impact to other habitats such as arable field margins needs to be discussed and agreed
- The Environmental Masterplan needs to be updated. It is currently incomplete, doesn't reflect general works arrangement and doesn't maximise biodiversity opportunities
- CCC requirements from other disciplines (e.g. requirement for underpasses / works to the local roads) will need to be incorporated into the ecological assessment
- The borrow pit remediation should be reconsidered to improve biodiversity
- Further consideration of the impact on Hen Brook and Wintringham Brook is required in terms of biodiversity and water quality.
- Some of the assessments of ecological impact do not present robust evidence to justify the predicted impact.

Landscape

- HE's commitment to timing of planting, and maintenance regime needs to be clarified
- Changes to some planting mixes and species may be necessary.
- Some areas (St Neots, Caxton-Toseland) are likely to need more landscape mitigation proposals.
- Limited connections are provided between some habitats (specifically near Hen Brook) and should be improved
- Hedgerows are not considered in the application and this is potentially a significant issue
- The borrow pit remediation should be reconsidered from a landscape perspective
- An agricultural mitigation strategy should be provided to clarify the removal and reinstatement of agricultural grade land

Noise

- Commitment to hours of operation of works, and monitoring during construction and operation is required
- Commitment to officer input and control during construction is required
- Cambourne West receptors have not been assessed
- Commitment to detailed local management plans required for specific areas is required
- Insufficient reasons have been given for the decision to discount mitigation at the eastern end of the scheme. Further explanation must be given and discussed with the Councils. Commitment is required for works not to start until certain conditions are met (i.e. affected properties insulated or residents relocated)

Air Quality

- The Summary report has been reviewed and currently it is not expected to be a significant issue, unless there are changes to the Transport Assessment
- Commitment to officer input and control during construction required

Contaminated Land

- Summary report reviewed, unlikely to be a material issue but commitment and further detail on approach to backfilling borrow pits required

Cultural Heritage

- Requirement for the joint authorities' archaeology brief to be fully integrated into the application
- Officers require agreement and approval of areas of the excavation strategy affected by an over-simplification of evaluation evidence
- Commitment that temporary works will not affect archaeological excavation areas
- Changes needed on applicant's objectives and methods for archaeological investigation and post excavation assessment
- Inconsistency of approach within the proposed scheme at specific areas e.g. land adjacent to Wintringham Scheduled Ancient Monument needs adjustment for clarification
- Consideration within the application of archaeology at affected watercourses required, key areas likely to be Hen Brook and Wintringham Brook
- Changes to the DCO application needed, to include mapping the archaeological investigation and protection areas on the General Arrangement drawings
- Engagement with CCC Museums Liaison Officer required for the Public Archaeology and Community Engagement Strategy
- Commitment to skills development and training in the area of cultural heritage

Minerals and Waste

- 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.
- Clarity required on the restoration and biodiversity net gain benefits from the borrow pits
- Borrow pits have not been considered in cumulative assessment which is a potentially significant concern.
- The works and associated haul routes etc. need to be controlled properly from the outset. Changes to drafting and Requirements needed

Flooding and Drainage

- Lead Local Flooding Authorities (LLFA) are responding jointly to the application, noting that the Environment Agency's concerns are largely addressed
- Protective Provisions for CCC as Lead Local Flood Authority are required
- The dis-application of s23 of the Land Drainage Act 1991 has not been agreed
- CCC noted as maintaining ponds and outfalls although this hasn't been discussed and isn't agreed
- Preference for the design to include reed planting instead of treatment plants
- Design for watercourses and ponds needs early engagement as soon as possible
- There is a need to discuss and agree how much work will be using LLFA consenting routes
- Further consideration of the impact on Hen Brook and Wintringham Brook is required in terms of biodiversity and water quality
- Further evidence is needed to demonstrate there are no downstream flooding issues at Wintringham Brook
- Flood modelling impact on neighbouring communities needs to be updated and reviewed if changes are made to the scheme

Climate Change

- The authorities have concerns about the carbon and climate change impact of the project
- Impact of induced traffic potentially significant
- Clarity needed on conflicts within the documents (i.e. are EV in assessment)
- Impacts on neighbouring communities were raised in scoping but are not covered in the application
- 6th Carbon Budget and its assessment within the DCO application requires clarification and discussion
- The cumulative impact and relationship of the project with EastWestRail / other projects require clarification and discussion

NMU and Rights of Way

- Significant detailed design, routing, and procedural issues to discuss and resolve
- There is currently insufficient support for NMUs. The applicant needs to set out further consideration of the relevant policy requirements regarding supporting NMUs including Government Guidelines, the Cambridgeshire and Peterborough Local Transport Plan and Local Plan policies, which require new development to contribute to an enhanced transport network that supports an increasing proportion of journeys being undertaken by sustainable travel modes and seeks an proposal affecting a PROW or other formal NMU route to protect and enhance it.
- Changes to DCO proposals are required
- Some NMU provision is proposed to be downgraded, this hasn't been agreed
- Comments in work packages have not been addressed
- Generally, connectivity to local communities is poor
- There are unnecessary gaps in continuous route provision

Traffic Modelling

- Some routing in the base and forecast year models isn't realistic, insufficient information has been supplied to the transport authority to enable it to be checked
- Strategic model flows have been used to build the local junction models but these flows haven't been validated for this purpose
- Impacts of the scheme on particular areas of the local road network are of concern and need to be understood in more detail (specifically St Neots, Girton Interchange, Coton, others)
- Construction traffic flows need to be understood in more detail to assess impacts on local communities and the highway asset

Cycling

- LTN 1/20 compliance required for any asset to be maintained by, or handed over to CCC. A compliant route is required between Cambourne and St Neots
- Provision for users seems to be sub-standard with a lack of segregation and gaps in provision (for example at Eltisley)
- Crossings are not acceptable, specifically at A1198 where a grade separated crossing would meet LTN 1/20 guidance and an underpass for cyclists and pedestrians could also be used as a bat crossing.
- Eltisley Link North roundabout needs to facilitate cyclists who wish to continue north up the B1040 with a suitable transition from off to on road and be designed to slow traffic speeds.
- Lack of crossing facility on the old A428 between Abbotsley Rd and the proposed footway/cycle track on Toseland Rd
- The proposed footway/cycle track on the proposed bridge on Toseland Rd needs to allow for cyclists continuing north with a suitable transition from off to on road

- Lack of safe crossing facilities at New Cambridge Rd junction where the proposed footway/cycle track crosses the slip roads. The proposed bridge on the B1046 should have provision for cyclists and pedestrians to facilitate a future segregated route between the villages and St. Neots.
- Some provision for cyclists (Toseland Road) has been removed from the application

Highway Design

- An enforceable commitment from the applicant to Vision Zero is required
- Approval In Principle for highway design including Standards not yet agreed
- The submitted plans do not take account of the County Council's requirements regarding Local Road Highway Design Principles. As such the proposals include unnecessary Departures of Standard for carriageway widths/cross sections.
The principles to be applied in the design and construction of the Scheme's local roads within Cambridgeshire are as follows:
 - Consistent application of MCDHW standards and specifications
 - Full compliance with standards wherever possible, but departures from standard are not justified for carriageway width/cross section
 - The methods of highway drainage should be considered at the preliminary design stage
 - Holistic design approach is required to avoid unnecessary maintenance risk/cost to the County Council
- A lighting strategy is not in place and will be required to secure acceptable lighting design for both the new assets and those on the sections to be detrunked.
- Commitment to the principle that no street lighting assets should be older than 2 years old at the point of handover whether on new or detrunked sections is required.
- Detrunking and Assets requires extensive discussion
- Boundaries need to be defined, including the land to be handed over. In principle, CCC will not accept land that is not required for highways purposes.
- Changes to DCO drafting required to ensure appropriate protective provisions in relation to asset handover of local road network, NMU routes, and RoW
- Detrunking process as set out is unacceptable and requires changes to the drafting of the DCO to follow a process agreed with the Highway Authority. De-trunked roads should not be handed over to the Highway Authority until they are at a reasonable standard agreed with the Highway Authority.
- In particular the DCO should require either Protective Provisions with regard to Highway matters, or entry into an agreement as to handover of new and de-trunked roads. The agreed Handover Plan and Legal Agreement to be required under the DCO
- Numbering of detrunked roads needs to be included within the application

Highway Network Impact

- Impact on network from construction traffic and re-routing needs to be understood and how any adverse impacts will be mitigated
- Proposals in the DCO relating to Traffic Manager responsibilities are unacceptable and will require redrafting to allow for an agreed process
- Permitted construction network routes need to be revised and the restrictions clarified
- Effective ways of measuring and managing temporary traffic diversions need to be secured
- More information required on the construction programme and timings for closures

Digital Connectivity

- The Councils request that the opportunity is taken as part of this major investment to install a fibre backbone along the route to enable connectivity along the corridor

Other Matters

- There has been no discussion to date of Development Consent Obligations
- There is no provision or discussion of a legal agreement or Protective Provisions covering Highway matters although this has been requested
- There has been no discussion to date of the detail of drafting in the DCO
- There has been limited discussion to date of matters for the Statement of Common Ground
- Finally agreement in principle is required in the following areas, followed by agreement and execution of a detailed legal agreement as part of the DCO as referred to above and specifically covering:
 - Commuted sums
 - Remedial maintenance of local highway assets impacted by the project
 - Adoption of assets
 - Funding to cover resource costs in the development of the scheme and ongoing matters via a Planning Performance Agreement or other mechanism
 - Commitment to minimise cost pressure on the Cambridgeshire Local Authorities