

A428 Black Cat to Caxton Gibbet Development Consent Order Update

To: Highways and Transport Committee

Meeting Date: 4 November 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: Not applicable

Outcome: Members are informed of progress with National Highways' (Highways England's) major scheme to upgrade the A428 to dual carriageway, and the current status of the Examination.

Recommendation: The Committee is asked to:

- a) Note the report, and the timescales for remainder of the formal consent process;
- b) Note the submissions to the Examination under delegation from the previous report in June; and
- c) Delegate to the Executive Director for Place & Economy in consultation with the Chair and Vice-Chair of Highways & Transport Committee the execution of agreements with National Highways.

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1. Background

- 1.1 National Highways 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 This paper updates Members on progress with the Examination to date, which is currently running as part of National Highways' application for a Development Consent Order for the scheme.

2. Main Issues

- 2.1 Further to the June Committee report, the application by National Highways (formerly Highways England) is now being considered by the Planning Inspectorate as part of the formal Examination of the proposal, which considers the merits of the scheme, matters relating to land acquisition, and the powers sought to construct and operate the scheme.
- 2.2 The County Council, Huntingdonshire District Council, and South Cambridgeshire District Council are making joint representations to the Examination, which formally opened in August. In accordance with previous direction, the Councils are supportive of the scheme but are representing robustly on key areas such as biodiversity, cultural heritage, traffic modelling and management, how roads will be constructed and handed over to the Council, and on the provision for Non-Motorised Users and Rights of Way. Officers are seeking to ensure that the scheme mitigates as much of its impact as possible, and learn from the experience on the delivery of A14 improvements.
- 2.3 Officers at the three authorities have reviewed the extensive application documents and are in discussion with National Highways on many of the different elements of the project, to clarify and understand the scheme, and its impacts on Cambridgeshire residents and businesses. These discussions will continue through the Examination period which concludes on February 18th 2022, with areas of agreement as well as points of difference recorded in a Statement of Common Ground.
- 2.4 Through the Examination so far, key documents required by the Planning Inspectorate setting out the Councils' position and responding to the application have been submitted under delegated approval. A summary is presented in Appendix A, and all of the Examination documents including those from other parties are published on the Planning Inspectorate website [A428 Black Cat to Caxton Gibbet Road Improvement scheme | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/a428-black-cat-to-caxton-gibbet-road-improvement-scheme/). The approach to the project has seen extensive collaboration between the Cambridgeshire authorities, and also cross-border working with the Bedfordshire authorities on areas of mutual interest.
- 2.5 Officers have been representing at the Examination hearings and responding to questions from the Examiners as well as commenting on the Application. Key matters for the County Council to secure through the Examination include the completion of a legal agreement and protection within the Development Consent Order covering the construction of new highway assets including roads, cycleways, and Rights of Way; the Detrunking process and

handover of existing assets.

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 some of this may be recoverable from National Highways, and it is anticipated that the costs associated with the Council's statutory duties (£49K) will look to be addressed in the Business Planning process. If additional funding is not allocated in Business Planning, it will have to be charged to the 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
- As part of the enquiry, officers working on the application are asked to consider mitigation for constructing road surfaces from low carbon surface material.
- 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: Sarah Heywood

Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the Head of Procurement? Yes
Name of Officer: Henry Swann

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: David Allatt

Have any Public Health implications been cleared by Public Health?
Yes or No
Name of Officer: Iain Green

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](#)

Appendix A - A428 Development Consent Order Submissions

Deadline 1 – 31st August 2021 Submissions

- Written Representations – The joint authorities position on all matters relating to the scheme, consistent with the Relevant Representations contained in the June Committee Report but in more detail after a review of the Application;
- Summary of Written Representations – A short summary of the above;
- First Written Questions (WQ1) – The joint authorities' responses to questions about the Application posed by the Examining Authority and setting out evidence, as well as other matters of relevance;
- The authorities' responses to actions arising from the Issue Specific 1 Hearing, and confirming attendance at the Accompanied Site Inspection, the Compulsory Acquisition Hearing and at the Issue Specific Hearings due to take place in September;
- Advising the Examining Authority that the Statement of Common Ground will be submitted at Deadline 4 on November 5th.

Deadline 2 - 8th September

- Local Impact Report – The joint authorities' response to the Application covering the impact of the scheme, positive benefits, and missed opportunities.

Deadline 3 – 5th October

- Comments on responses to Relevant Representations – the joint authorities' review and response to National Highways' response to the Councils' Relevant Representations;
- Comments on Written Representations – the joint authorities' review and response to National Highways' response to the Councils' Written Representations;
- Responses to the Examining Authority's Written Questions - the joint authorities' review and response to National Highways' response to the Examining Authority's Written Questions;
- Comments on Statements of Common Ground and Statement of Commonality;
- Comments on Applicant's updated draft Development Consent Order – detailed comments on the Order containing the powers and consent for the scheme;
- Hearing Action Points – a summary of the Council's action points from the Hearings;
- Comments on any other information and submissions received by the previous deadlines;
- A summary of the evidence given in oral submissions at the Issue Specific Hearings.

Deadline 4 – 4th November

- Second Written Questions publication – 15/10/21
- Updated Statement of Common Ground – 25/10/21
- Comments on D3 submissions – 25/10/21
- Responses to Examiners second written questions – 27/10/21
- Second Written Questions response deadline – 4/11/21