

Public
Key Decision - Yes

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: A428 Black Cat to Caxton Gibbet Improvements Scheme

Meeting/Date: Overview & Scrutiny (Performance & Growth) – 2 June 2021
Cabinet – 17 June 2021

Executive Portfolio: Executive Councillor for Strategic Planning

Report by: Strategic Growth Manager

Ward(s) affected: All Wards

Executive Summary:

Proposals have been submitted to upgrade the route between the Black Cat roundabout and Caxton Gibbet roundabout with a new 10-mile dual carriageway and a number of junction improvements. The scheme is one of the key investment programmes in the area. It will improve journey times for residents, businesses and visitors and support economic growth in the area between Milton Keynes and Cambridge as part of the wider aspirations of the Cambridge-Milton Keynes-Oxford (CaMkOx) Arc.

The Council has responded to three consultations on the proposed scheme to date:

- 2017 non- statutory consultation on preferred route options. This was reported to Cabinet on 20 April 2017 ([Minute 98 refers](#)).
- 2019 statutory consultation, following announcement of the preferred, providing outline detail on the route alignment, junction designs, routes for walkers, cyclists and horse riders and plans for environmental mitigation. This was reported to Members on 18 July 2019 ([Minute 22 refers](#)).
- 2020 statutory supplementary consultation outlining a number of changes to the development boundary and to the design of the scheme. This was approved by the Leader and Executive Councillor for Strategic Planning as technical matters only.

Details of the scheme and consultations held can be found on [Highways England A428 website](#) .

The Development Consent Order (DCO) was submitted by Highways England (HE) to the Planning Inspectorate (PINS) on 26th February 2021. All documentation in relation to the DCO can be viewed on the [National Infrastructure Planning website](#) . On 12th March 2021, the Council issued a response on the Adequacy of Consultation. This was approved by the Leader and Executive Councillor for Strategic Planning in consultation with the Corporate Director (Place) and the Strategic Growth Manager. The DCO application was formally accepted by PINS on the 23rd March 2021.

A briefing for members was held by Highways England on 24 March 2021 and a further round of engagement is anticipated.

This report includes an update on the Council's progress in negotiations with HE in our role as a Tier 1 Stakeholder and a statutory consultee in relation to the overall project. Recognising the strategic nature of this project throughout the process the Council has collaborated with Cambridgeshire County Council (CCC) in their role as the Local Highway Authority and South Cambridgeshire District Council (SCDC). There have been joint discussions relating to highway matters between Highways England, CCC, and the Bedford authorities.

The report outlines next steps and key milestones in the process. It notes the key issues identified to date from analysis of the information submitted and seeks member endorsement. Recognising this is a statutory process and may include the fixed timescales for formal Council responses on matters, such as but not limited to the Joint Local Impact Report (Joint LIR), it is recommended that authority is delegated to the Executive Leader and the Executive Councillor for Strategic Planning in consultation with the Managing Director and the Strategic Growth Manager. It is important to note that both the (Draft) Joint LIR and the (Draft) SoCG will remain continually evolving documents between now and during the Examination process as matters are negotiated as far as possible towards final agreement during the coming months.

RECOMMENDED

The Cabinet is recommended to:

- a) Note the update on the A428 Black Cat to Caxton Gibbet Improvements Scheme Development Consent Order application to the Planning Inspectorate and the next stages and timescales in the process
- b) Note the emerging principles of concern identified from the technical analysis and provide member direction and comment on the key issues as outlined at paras 5.1-5.2 and any other areas for consideration.
- c) Confirm the Council's continued support of the A428 Scheme, subject to reaching agreement on identified issues with Highways England
- d) Delegate authority to the Executive Leader and the Executive Councillor for Strategic Planning in consultation with the Managing Director and the Strategic Growth Manager to finalise the preparation and submission of the documents required from the Council as part of the legal Development Consent Order process, including the joint response with Cambridgeshire County Council and South Cambridgeshire District Council including the Local Impact Report, the Statement of Common Ground and Relevant and Written Representations.

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to provide an update on the A428 Black Cat to Caxton Gibbet Improvements Scheme Development Consent Order (A428 DCO) application and the next stage as the programme moves into the pre-examination stage and Examination in Public.
- 1.2 It notes the key issues identified to date from analysis of the information submitted and seeks member direction and comment on these.
- 1.3 Due to the tight timeframes that will be stipulated by the Planning Inspectorate (PINS) as the process progresses, it is recommended delegated authority is provided to ensure adherence to the short timescales for responses on matters such as, but not limited to, the responses, to be prepared with Cambridgeshire County Council (CCC) and South Cambridgeshire District Council (SCDC), on the Joint Local Impact Report (Joint LIR), the Statement of Common Ground (SofCG) and Relevant and Written Representations.

2. BACKGROUND

- 2.1 The current A428 acts as an important route to connect to the A14 in the east, and onwards to international hubs such as Felixstowe and Harwich ports, as well as linking Bedford, Milton Keynes and the M1 to Cambridge and the M11. The stretch of A428 between the Black Cat junction on the A1 and Caxton Gibbet is the only remaining element of single carriageway and has approximately 22,000 vehicles using it every day. With considerable local housing and job growth expected in the region, this number is likely to grow to 27,000 vehicles by 2038¹. This level of use causes regular congestion and significant delays to residents, businesses, visitors and the public both at a local level and wider regional and national levels.
- 2.2 The proposed A428 Black Cat to Caxton Gibbet Improvement Scheme is a key project within national transport corridor improvements, as part of the Oxford to Cambridge (OxCam) Arc. The Arc is a national economic priority area between Cambridge, Milton Keynes and Oxford – an area that spans the counties of Oxfordshire, Northamptonshire, Buckinghamshire, Bedfordshire and Cambridgeshire.
- 2.3 The Government's ambition for the Arc is to unlock transformational economic growth, supported by delivery of new housing and infrastructure. Delivery of growth in the Arc provides an opportunity to deliver exceptional design and placemaking, underpinned by sustainable transport (road and rail) and environmental enhancement. The proposed A428 Black Cat to Caxton Gibbet Improvement Scheme will be a key element to achieving that vision. The Arc accounts for 7.1% of England's economic output (measured by Gross Value Added, or GVA) and it is home to some of the country's fastest growing and most innovative places. However, it is constrained by inadequate infrastructure and escalating housing costs, amongst other matters.

¹ [Highways England A428 Scheme Information web page](#)

- 2.4 Potential growth opportunities may be opened up as a result of the A428 improvement scheme. The scale of this growth will be highly dependent upon the precise route and any opportunities that may arise from co-location of the East-West Rail route with the A428 improvement scheme. However, an improved A428 will improve connectivity between Bedford and Cambridge for existing users of the network.
- 2.5 The scheme is recognised as a Nationally Significant Infrastructure Project (NSIP). Under the Localism Act 2011, the Planning Inspectorate (PINS) is the government agency responsible for operating the planning process for Nationally Significant Infrastructure Projects (NSIPs). Such projects require a type of consent known as a 'development consent' under procedures governed by the [Planning Act 2008](#) (PA2008). Development consent, where granted, is made in the form of a Development Consent Order (DCO).
- 2.6 To date there have been three key consultations on the scheme:
- 2017 non- statutory consultation on preferred route options. This was reported to Cabinet on 20 April 2017 ([Minute 98 refers](#)).
 - 2019 statutory consultation, following announcement of the preferred, providing outline detail on the route alignment, junction designs, routes for walkers, cyclists and horse riders and plans for environmental mitigation. This was reported to Members on 18 July 2019 ([Minute 22 refers](#)). Delegated authority was agreed for a response to be issued following consultation with Executive Leader and the Deputy Executive Leader.
 - 2020 statutory supplementary consultation outlining a number of changes to the development boundary and to the design of the scheme. This was approved by the Leader and Executive Councillor for Strategic Planning as technical matters only.
- 2.7 Highways England (HE) submitted the Development Consent Order (DCO) application to the Planning Inspectorate (PINS) at the end of February 2021. Following this the Council was invited to submit a response on the Adequacy of Consultation. A [letter of response](#) was issued on 12 March 2021 by the Council to PINS enclosing a joint response with CCC and SCDC. This was approved by the Leader and Executive Councillor for Strategic Planning as technical matters only.
- 2.8 A member briefing on the scheme was held by Highways England on 24 March 2021 and a further one is planned in the coming month.

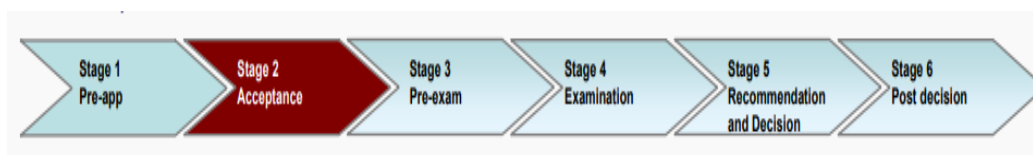
3. PROPOSED SCHEME

- 3.1 The A428 DCO, if approved, would authorise a new 10 mile (16km) dual 2-lane carriageway from the Black Cat roundabout in Bedfordshire to Caxton Gibbet roundabout in Cambridgeshire, to be known as the A421 (new dual carriageway) and in addition approximately 1.8 miles (3km) of tie-in works (the Scheme). Details of the scheme and the consultations held can be found on [Highways England A428 website](#) .

- 3.2 The Scheme also includes the following components:
- A new three-level grade separated junction at Black Cat roundabout, with the A1 at the lower level, the new dual carriageway on the upper level and a roundabout between the two at approximately existing ground level. In addition to slip roads, a new free flowing link between the A421 eastbound carriageway and the A1 northbound carriageway will also be provided.
 - A new grade separated all movements junction will be constructed to the east of the existing Cambridge Road roundabout to provide access to the new dual carriageway and maintain access to the existing A428.
 - At the Caxton Gibbet roundabout, a new grade separated all movements junction will be constructed, incorporating the existing roundabout on the south side of the new dual carriageway and a new roundabout on the north side. The new dual carriageway will then tie-in to the existing A428 dual carriageway to the east of the new Caxton Gibbet junction.
 - In the vicinity of the new Black Cat junction, direct access onto the A1 from some local side roads and private premises will be closed for safety reasons. A new local road will provide an alternative route. The existing Roxton Road bridge will be demolished and replaced with a new structure to the west to accommodate the realigned A421.
 - New crossings will be constructed to enable the new dual carriageway to cross the River Great Ouse, East Coast Main Line railway, Barford Road, the B1046/Potton Road, Toseland Road and the existing A428 at Eltisley. The existing A428 between St Neots and Caxton Gibbet will be de-trunked and retained for local traffic and public transport with maintenance responsibility transferred to the local highway authorities.
 - An alternative access will be provided to side roads at Chawston, Wyboston and Eltisley.
 - There will be safer routes for walkers, cyclists, and horse riders.
 - The Scheme also involves changes to a number of existing utilities, including the diversion of a high pressure gas pipeline operated by Cadent Gas Limited which runs parallel to the East Coast Main Line east of the River Great Ouse in Tempsford in Central Bedfordshire.
- 3.2 Highways England has identified six key benefits and objectives in developing the A428 scheme, as follows;
- Enabling economic growth
 - A safe and serviceable network
 - A more free-flowing network
 - An improved environment
 - A more accessible and integrated network
 - Customer satisfaction
- 3.3 Throughout the process the Council has collaborated with CCC, as Local Highways Authority, and SCDC on the consideration of this scheme. The position jointly has been one of strong support for the overall aim of the scheme whilst recognising the need to hold Highways England to account on all matters as the A428 DCO has progressed. Over the past year, the Council has continued to engage with Highways England (HE) in our role as a key Stakeholder and a statutory consultee in relation to the overall project.

4. THE DEVELOPMENT CONSENT ORDER PROCESS

4.1 The consenting process has six key stages.



4.2 The process is currently in stage 3, the pre-examination stage. Further detail on the stages and role of the Council during each of these stages is shown at Appendix 1.

4.3 A Preliminary Meeting will be held shortly before the Examination starts which will cover technical and procedural matters and outline the timetable for consideration of the A428 scheme by the Inspector. In order to ensure compliance with the short timescale permitted to respond to PINS, it is recommended that delegated authority is agreed.

4.4 A Planning Performance Agreement was negotiated with Highways England between the Council, SCDC and CCC to cover costs of non-statutory areas of work and advise during the pre-examination stage.

4.5 All documentation in relation to the A428 DCO submitted by Highways England and responses received by PINS can be viewed at the [National Infrastructure Planning website](#) .

5. ANALYSIS OF THE A428 SCHEME FOR CONSIDERATION

5.1 The A428 DCO was submitted by Highways England to the Planning Inspectorate (PINs) on 26th February 2021 following which the specialist officers at Huntingdonshire District Council (HDC) along with colleagues at Cambridgeshire County Council (CCC), as Local Highways Authority, and South Cambridgeshire District Council (SCDC), have been analysing the information provided. The key matters for consideration are:

- Biodiversity
- Landscape
- Air quality
- Contaminated Land
- Cultural Heritage
- Non-motorised use/ Rights of Way
- Cycling
- Highway Network Impact
- Carbon/Climate change

5.2 Other key areas identified, which are the specific responsibility of CCC are:

- Minerals and Waste
- Flooding and Drainage
- Modelling
- Highway Design

- The agreement of protective provisions
- 5.3 The above are the key issues but this is an ongoing process and as such matters will evolve as the DCO is progressed. It is for that reason that delegated authority is recommended.
- 5.4 Specialist officers from HDC, SCDC and CCC attend Local Technical Working Group meetings together in order to ensure a consistent approach in the preparation of the joint Local Impact Report, the Statement of Common Ground and Written Representations as the A428 DCO moves into the Examination stage.
- 5.5 The Relevant Representations have to be submitted to PINs by the 10th June. At the time of drafting this report, these are still being drafted and as per recommendation and para 1.3 above, the completion of this requirement will be delegated accordingly. A further update to Cabinet will be provided at or before the meeting.
- 5.6 Members are asked to consider the issues identified and endorse the approach as set out in this report.

6. COMMENTS OF OVERVIEW & SCRUTINY

- 6.1 The comments of the relevant Overview and Scrutiny Panel will be included in this section prior to its consideration by the Cabinet.

7. RISKS

- 7.1 In the event HDC does not provide formal comments within the prescribed timescales the views of the Council may not be considered at key stages of the process. Meetings between stakeholders and HE will be held regularly to reach resolution or further discussion through the examination process.
- 7.2 The timetable as outlined below is set by PINS and out of the control of the Council. Requirements will need to be addressed as set out by PINS and will need to be addressed as a priority by officers across the Council, with potential impacts on the timeline of other areas of work.

8. TIMETABLE FOR IMPLEMENTATION

- 8.1 The Relevant Representations have to be submitted to PINs by the 10th June as referenced at para 5.5.
- 8.2 A timetable will be set for the next stages within the examination by PINs at the Preliminary Meeting, likely to be in the summer 2021. Following the Examination, the final decision on the application for development consent submitted by Highways England is expected to be made by the Secretary of State for Transport, early in 2022.
- 8.3 Indicative timelines for the A428 DCO process as part of the OxCam Arc are shown at Appendix 2.

9. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

(See Corporate Plan)

- 9.1 This helps to deliver across a number of the Council's priorities for 2018 - 2022 but specifically:
- Support development of infrastructure to enable growth.

10. LEGAL IMPLICATIONS

- 10.1 Part 6 of the Planning Act 2008 sets out the legal requirements for deciding applications for orders granting development consent.
- 10.2 As the DCO progresses there may be a requirement for legal representation at the Examination.

11. RESOURCE IMPLICATIONS

- 11.1 A Planning Performance Agreement was negotiated with Highways England to cover the cost of non-statutory engagement and collaboration prior to the submission. External support in specialist areas such as ecology may continue to be required in order for the Council to meet its statutory responsibilities.
- 11.2 Specialist officer time across the Council will need to be prioritised to accord with the timetable set by the Planning Inspectorate.
- 11.3 In addition to this DCO, East West Rail are due to submit a DCO application which will require more officer time but from the same resources.

12. REASONS FOR THE RECOMMENDED DECISIONS

- 12.1 The A428 scheme is an infrastructure proposal of national significance. The Council has continued to support the proposal on the basis that it will, with other interventions, provide transport capacity to support the significant levels of growth planned for the district as detailed in the Huntingdonshire Local Plan 2036 and relieve existing congestion that constrains GVA productivity.
- 12.2 The proposed scheme is part of a coherently planned local and regional transport network, that of necessity should interact and integrate with capacity being provided elsewhere including:
- East West Rail Central Section between Bedford and Cambridge
 - The A1 East of England Study improvements
- 12.3 Delegated authority is recommended in order to meet the short timescales to be set by PINS through the examination process.

13. LIST OF APPENDICES INCLUDED

Appendix 1 – Stages of the Development Consent Order
Appendix 2 – A428 Indicative Timeline

14. BACKGROUND PAPERS

[Planning Act 2008](#)
[Highways England A428 website](#) .
[National Infrastructure Planning website](#) .

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Appendix 1

Stages of the Development Consent Order

Stage 1 Pre-app – now complete

As a statutory consultee, this has included consideration of the Statement of Community Consultation, negotiation on the Planning Performance Agreement with HE and attendance at a range of meetings at a Strategic Board level and a specialist level through Technical Working Groups and Work Package consideration.

Stage 2 Acceptance – now complete

Following the submission of the DCO application by HE to the Planning Inspectorate (PINs), the work moved into the acceptance stage. During the acceptance stage, which was required to be completed by PINs within 28 days, local authorities had the opportunity to make representations on the adequacy of the applicants consultation, as outlined in Section 55 of the Planning Act 2008. This was submitted 12 March 2021 and can be viewed with all other documentation on the PINS website as noted at para 4.5 in the main report. At this time local authorities are also advised to start thinking about the content of the Local Impact Report which will be requested at the next stage.

Stage 3 Pre-examination – current stage

This stage can take around 3 months. At this stage the application has been accepted and interested parties have the opportunity to register their interest in the application with PINS. Key elements of work during this stage will be to continue working with CCC and GCSPS to engage with HE on the Statement of Common Ground, the Local Impact Report and any Written Representations and the attendance at a Preliminary Meeting with all parties and PINS to discuss process matters including the forward timetable of the examination. The Preliminary Meeting could be held in the summer 2021.

Stage 4 Examination

The examination stage can take between three and six months, up to February 2021. The key roles for the Council at this time will be in relation to the Local Impact Report, Statement of Common Ground and Written Representations.

Stage 5 Recommendation and Decision

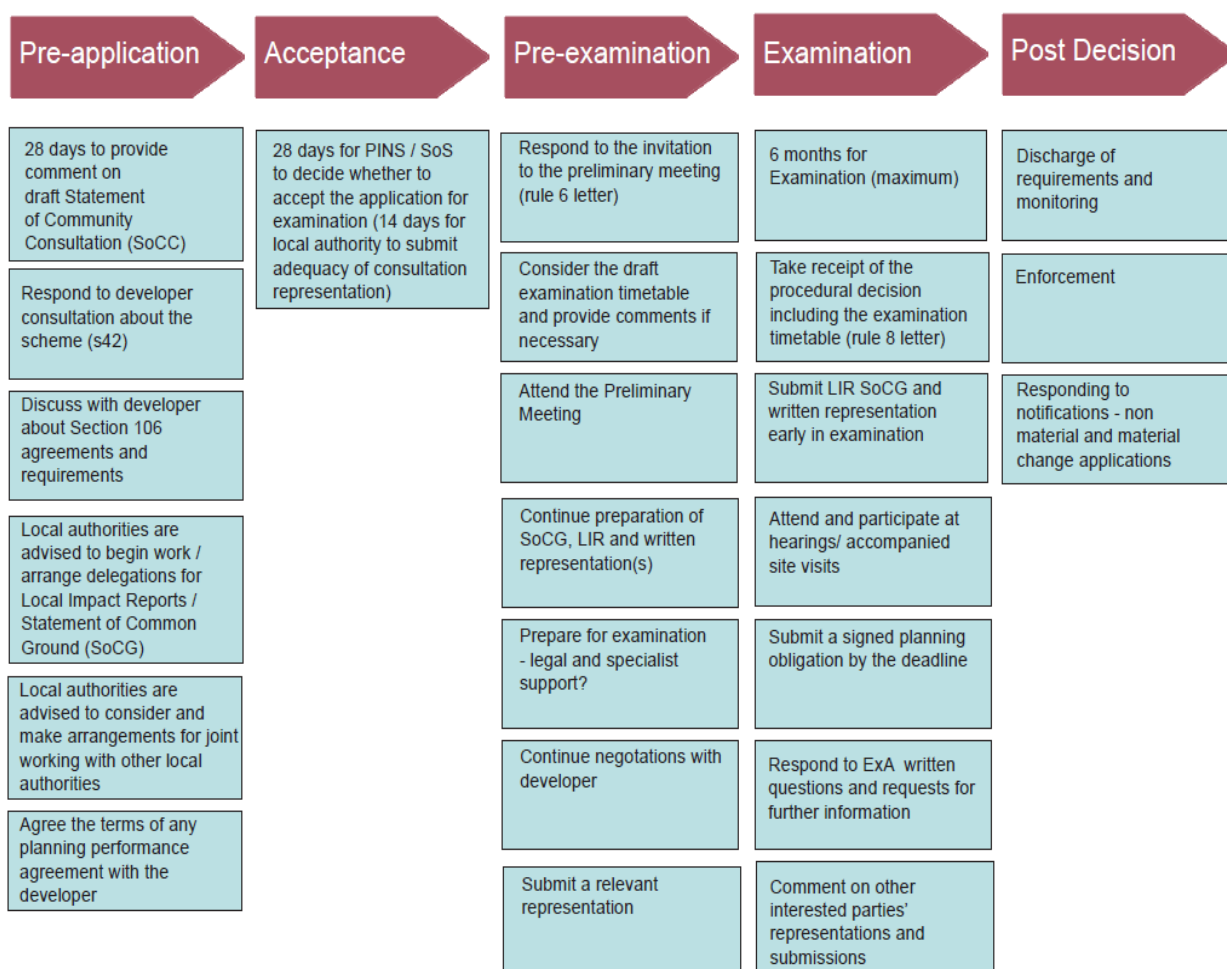
Following the examination, a recommendation will be issued by PINs within 3 months. The Secretary of State then has a further 3 months to issue a decision on the proposal.

Stage 6 Post Decision

Working with HE as the proposal moves into construction.

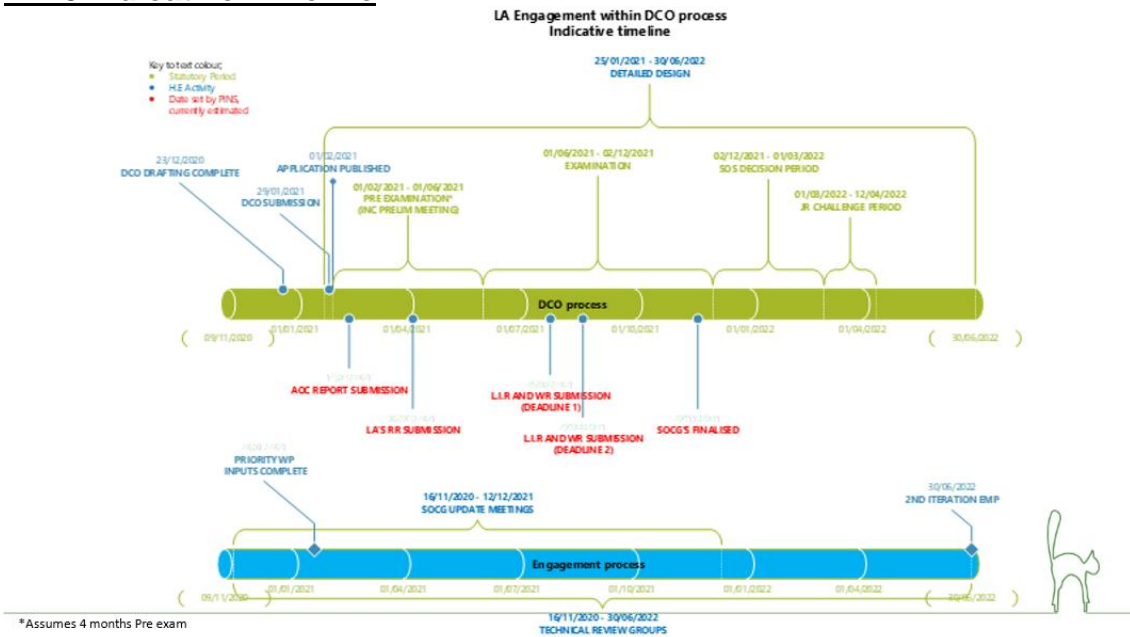
The diagram below provides more detail on the role of the Council during the DCO process.

The role of local authorities



Appendix 2

A428 Indicative Timeline



The above is an indicative timeline only from Highways England. The application was submitted one month later than shown. Acceptance by PINs was within the statutory 28-day period.

Construction is due to start in 2022 with the road opening in 2025/26.