

Public
Key Decision - Yes

HUNTINGDONSHIRE DISTRICT COUNCIL

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

Meeting/Date: Overview & Scrutiny (Performance & Growth) – 2 February 2022
Cabinet – 10 February 2022

Executive Portfolio: Executive Councillor for Strategic Planning

Report by: Strategic Growth Manager

Ward(s) affected: All Wards

Executive Summary:

Members were previously updated at [June 2021 Cabinet](#) on the Development Consent Order (DCO) submitted by National Highways 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 Arc.

Details of the scheme held can be found on [National Highways A428 website](#). All documentation in relation to the DCO can be viewed on the [National Infrastructure Planning website](#) .

Briefings for members were held by National Highways in March and June 2021.

Huntingdonshire District Council has worked in collaboration with Cambridgeshire County Council (CCC) as Local Highway Authority and South Cambridgeshire District Council (SCDC) throughout this process submitting joint responses.

This report provides an update at Appendix 1 by CCC as Local Highways Authority on the consideration of the scheme by specialist officers across the three authorities to date and the latest position, as the final deadline is approaching and closure of the examination. Joint discussions have also continued relating to highway matters between National Highways, CCC, and the Bedford authorities.

This report (including appendix) provides an update on remaining issues with specific reference to those of relevance to Huntingdonshire District Council's statutory responsibilities and affecting our local communities.

Recommendation(s):

The Cabinet is

RECOMMENDED

- a. Members are asked to consider the key issues outstanding following consultation with specialist officers and CCC Local Highways Authority and provide direction or comment.
- b. Members are asked to confirm the Council's continued support of the A428 proposed scheme from Black Cat to Caxton Gibbet.
- c. Delegated authority is sought to the Executive Councillor for Strategic Planning in consultation with Strategic Growth Manager to confirm the Council's continued support in principle support on or before the final deadline, subject to satisfactory resolution of outstanding matters and to finalise the preparation and submission of the documents required from the Council as part of the remaining deadlines within the Examination in Public.

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). An update is provided at Appendix 1 by Cambridgeshire County Council (CCC) as Local Highways Authority on the consideration of the scheme by specialist officers across the three authorities (CCC, South Cambridgeshire District Council (SCDC) and Huntingdonshire District Council (HDC)) to date and the latest position, as the final deadline is approaching and closure of the Examination in Public.
- 1.2 Appendix 1 notes the key issues outstanding at this stage in the process. Further detail on remaining issues with specific reference to the Council's statutory responsibilities and affecting our local communities is provided in this report.
- 1.3 Members are asked to provide comment on the update and confirm their continued support of the scheme. Delegated authority is sought to the Executive Councillor for Strategic Planning in consultation with Strategic Growth Manager to confirm the Council's continued support in principle support on or before the final deadline, subject to satisfactory resolution of outstanding matters and to finalise the preparation and submission of the documents required from the Council as part of the remaining deadlines within the Examination in Public.

2. BACKGROUND

- 2.1 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.
- 2.2 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.
- 2.3 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. The Local Plan objectives to 2036 set out our ambition to build an additional 20,100 houses and create 14,400 new jobs.

- 2.4 The proposed A428 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).
- 2.5 Member briefings were held on the scheme by National Highways in March and June 2021.

3. PROPOSED SCHEME

- 3.1 The A428 DCO, if approved, will deliver 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 [National Highways 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.

- 3.3 The six key benefits and objectives identified by National Highways 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
- 3.4 The Council has collaborated with CCC, as Local Highways Authority, and SCDC on the consideration of this scheme. The position jointly remains one of strong support for the overall aim of the scheme however officers have continued to ensure National Highways have been held accountable where appropriate to ensure impacts are appropriately considered.

4. OUTSTANDING ISSUES

- 4.1 The key matters required to be considered by Huntingdonshire District Council (HDC) are:
- Biodiversity / Ecology
 - Landscaping and Trees
 - Noise
 - Contaminated Land
 - Air quality
 - Cultural Heritage
 - Carbon/Climate change
- 4.2 Other key areas identified, which are the specific responsibility of CCC are:
- Minerals and Waste
 - Flooding and Drainage
 - Highway Modelling
 - Highway Design
 - Impact on existing road network
 - The agreement of protective provisions
 - Non motorised use / Rights of Way
 - Active Travel
 - Cultural Heritage and Archaeology
- 4.3 The report by CCC, in their role as the Local Highways Authority, is attached at Appendix 1. This addendum report is provided by way of summary update on matters required to be considered by Huntingdonshire District Council as identified in para 4.1 above.

Biodiversity / Ecology

- 4.4 The outstanding issues for HDC still being discussed are bat mitigation measures (including bat and other mammal underpasses), Biodiversity Net Gain (BNG) and lack of mention of Great Crested newt (European protected Species) in the pre-commencement plan.
- 4.5 At the time of writing this report officers continue to actively work with National Highways to seek resolution. Outputs should align with the ambition to double nature, in accordance with the OxCam agenda. The Examination Authority are aware of the outstanding issues.

Landscaping and Trees

- 4.6 The majority of landscape issues have been resolved through collaboration by specialist officers with National Highways. The main outstanding concerns are regarding establishments of proposed planting, and the review of amendments to the Landscape Plan once biodiversity issues have been adequately addressed.
- 4.7 Landscape, Tree and Ecology Officers continue to work with National Highways to ensure that they have site of any changes before they are approved. This will ensure species suitability and establishment proposals. The capacity to do this has been provided in the EMP, which states local authorities should be consulted on the second iteration EMP.

Noise

- 4.8 The matter of controlling construction hours, noise modelling and final noise levels are still in the process of agreement. Construction hours was recently discussed with NH where a verbal approval to the alteration suggested by Council specialists to the draft Development Consent Order (DCO) which reduces the type of activities that can be undertaken outside normal construction hours was supported, but this is awaiting formal confirmation at the time of writing this report. The road has been lowered in a cutting with additional noise bunding which will reduce the impact of road noise on residents.
- 4.9 NH have submitted a First Iteration Management Plan with the application. This contains appropriate mitigation measures to control noise, which will be confirmed through review and agreement of the Second Iteration EMP as required by the draft DCO, prior to construction works commencing. This will ensure all reasonable mitigation measures are utilised during the construction phase, whilst reflecting the scale, nature and location of the proposed construction activities.

Land Contamination

- 4.10 Contaminated soil or water may be encountered during construction works. An investigation into this has been carried out and more detailed investigations will continue during construction works. Officers will continue to discuss with NH and the Examination Authority is aware of the outstanding issues. It is anticipated that the wording of the draft DCO, which is still under discussion, will address this matter.

Air quality

- 4.11 There are no outstanding issues. The impact of construction activities on sensitive receptors has been addressed adequately. NH have submitted a First Iteration Management Plan with the application. This contains appropriate mitigation measures to control dust, which will be confirmed through review and agreement of the Second Iteration EMP, as required by the DCO, prior to construction works commencing. This will ensure all reasonable mitigation measures are utilised during the construction phase, whilst reflecting the scale, nature and location of the proposed construction activities.

Good Design

- 4.12 The issue of good design in relation to the design of structures continues to be discussed. It is considered the current proposals fail on several fronts, including providing safe passage for non-motorised users, encouraging modal shift, providing connections for wildlife, as well as place making and responding to context.
- 4.13 The proposed structures including lighting will not perform their necessary function as mammal routes – indeed bat survey results may determine these are not the appropriate routes. The proposed structures will not encourage modal shift, but instead appear intimidating and deter people from utilising NMU routes. The proposed structures need further consideration to ensure they are in keeping with the character and appearance of their surroundings. To best secure positive outcomes through the detailed design stage, it has been agreed that a CCC Local Highway Authority engineer shall form part of the NH design team on an ongoing basis. Details of this collaboration arrangement are being discussed.

Carbon/Climate change

- 4.14 To date it has not been possible for the National Highways (NH) to set out precise means by which residual emissions associated with the scheme will be offset. It is considered important that the NH set out a clear commitment to addressing residual emissions. This should include official confirmation that the issue of residual emissions will be addressed or that a programme is put in place with an annual review to publicly demonstrate that processes to address residual emissions will be undertaken and monitored. Examples of how to move this forward would include a clear and consistent carbon offsetting strategy,

details of or an agreement on any intermediate emissions mitigation measures, a plan to implement and monitor said measures and a draft/conceptual plan regarding long term emissions mitigation measures.

- 4.15 Insufficient information on mitigation measures to compensate for the emissions impact of the scheme may result in national and local legislative and/ policy breaches regarding carbon reduction targets and the Council's ability meet its ambition of a net carbon zero target by 2040 as agreed at the Full Council meeting on 7th December 2021. Officers continue to negotiate with NH to incorporate net zero ambitions. NH has set out its position to the Examination Authority and is noted in Appendix 1.

Economy

- 4.16 Specialists working with CCC Local Highway Authority have considered traffic flow around local routes and access to and from St Neots railway station during and after construction. Preparing for the future development of East-West rail links as part of the economic growth and success delivered by Ox-Cam-Arc has also been discussed with East West Rail an Interested Party at the Examination. It is crucial that there is free flowing access to road and rail as part of the long-term, north-south east-west interchange that St Neots will become. It is important that the A428 upgrade will allow access to key points in sufficient and possibly increased numbers in the future as the Ox-Cam-Arc develops and as commuting numbers return post pandemic.
- 4.17 When the pandemic becomes endemic, commuting will increase once again and the local infrastructure needs to be fit for purpose to allow St Neots to flourish as a future "interchange" and as part of Ox-Cam-Arc. As part of the Arc's development, and when the proposed East West Rail including the additional rail station comes forward, further pressure will be placed on local infrastructure. Local routes may come under un-necessary pressure if the number of junctions are not sufficient to allow the upgraded road to take the burden of future increased road and rail users. CCC Local Highway Authority maintains close dialogue with NH, and the Examination is aware of the outstanding technical issues.

Heritage

- 4.18 The proposed route is not considered to have a significant impact on heritage assets within HDC. Matters relating to impact on archaeology are addressed in paragraph 2.35 of the CCC report (Appendix 1)

Legal agreement and DCO

- 4.19 As outlined in Appendix 1, as well as the design and approval process, changes have been proposed to the legal text of the DCO itself, and to a legal agreement drafted by NH to try and protect positions in various areas. Most HDC matters have been reflected in agreed changes. Matters on the second Environmental Management Plan are continued to be negotiated through the draft DCO or legal agreement. The Examining Authority is aware of this and on Friday 14th

January proposed changes to the draft DCO to address a number of matters of concern that have been raised by the Councils during the Examination, as highlighted in the CCC report attached.

Other Matters

- 4.20 Paragraph 4.2 sets out the subject areas that CCC are required to provide comment on. However, recognising the Council's ambition to support good growth that incorporates environmental improvements, opportunities for our residents and strengthens our economy, the position to maximise opportunities to promote active travel/ Public rights of way is strongly supported (Paragraph 2.20, Appendix 1). Should NH not be willing to make these changes, the active travel routes are likely to be less attractive to users and a lost opportunity to improve access to the countryside and opportunities for active travel. CCC Local Highway Authority are discussing the practicalities of how optimum NMU provision can be best guaranteed / secured.
- 4.21 Appendix 1 sets out a number of concerns from Cambridgeshire County Council, in their role as the Local Highway Authority relating to traffic modelling, monitor and manage of traffic, diversion management, highway design and archaeology. Their position to achieve a well designed solution incorporating learning from the A14 is supported.
- 4.22 The Council will continue to work with CCC Local Highway Authority and South Cambridgeshire District Council, as appropriate, to further ensure that opportunities from an A428 Legacy Fund are captured for the benefit of Huntingdonshire communities.

5. COMMENTS OF OVERVIEW & SCRUTINY

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

6. RISKS

- 6.1 Any outstanding elements at the close of the Examination in Public (EiP) on 18th February 2022 will then be considered by Planning Inspectorate as part of the deliberations on the proposed application.

7. TIMETABLE FOR IMPLEMENTATION

- 7.1 Following the closure of the EiP the Planning Inspectorate has a further three months to write a recommendation report to the Secretary of State for Transport, who has another three months to make their decision.

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

(See Corporate Plan)

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

9. LEGAL IMPLICATIONS

- 9.1 Part 6 of the Planning Act 2008 sets out the legal requirements for deciding applications for orders granting development consent.

10. RESOURCE IMPLICATIONS

- 10.1 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 certain areas such as ecology have been necessary in order for the Council to meet its statutory responsibilities.
- 10.2 Specialist officer time across the Council has had to be prioritised throughout the process to accord with the tight timetable set by the Planning Inspectorate.

11. REASONS FOR THE RECOMMENDED DECISIONS

- 11.1 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.
- 11.2 Members are asked to consider the key issues outstanding following consultation with specialist officer and CCC Local Highways Authority and provide direction or comment.
- 11.3 Members are asked to confirm the Council's continued support of the A428 proposed scheme from Black Cat to Caxton Gibbet.

12. LIST OF APPENDICES INCLUDED

Appendix 1 – Cambridgeshire County Council Highways and Transport Committee Report 25th January 2022

13. BACKGROUND PAPERS

[Planning Act 2008](#)

[Highways England A428 website](#) .

[National Infrastructure Planning website](#) .

[17th June 2021 HDC Cabinet Report A428 Black Cat to Caxton Gibbet Improvements](#)

[17th June 2021 HDC Cabinet Report Addendum A428 Black Cat to Caxton Gibbet Improvements](#)

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