

A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 6

6.5 Scoping Opinion

Planning Act 2008

Regulation 5(2)(a)

Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009

26 February 2021

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009**

**A428 Black Cat to Caxton Gibbet
improvements**
Development Consent Order 202[]

Scoping Opinion

Regulation Reference:	APFP Regulation 5(2)(a)
Planning Inspectorate Scheme Reference	TR010044
Application Document Reference	TR010044/APP/6.5
Author	A428 Black Cat to Caxton Gibbet improvements Project Team, Highways England

Version	Date	Status of Version
Rev 1	26 February 2021	DCO Application



SCOPING OPINION:

Proposed A428 Black Cat to Caxton Gibbet

Case Reference: TR010044

Adopted by the Planning Inspectorate (on behalf of the Secretary of State pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017)

May 2019

[This page has been intentionally left blank]



CONTENTS

1.	INTRODUCTION.....	1
1.1	Background	1
1.2	The Planning Inspectorate's Consultation.....	2
1.3	Article 50 of the Treaty on European Union.....	3
2.	THE PROPOSED DEVELOPMENT	4
2.1	Introduction	4
2.2	Description of the Proposed Development.....	4
2.3	The Planning Inspectorate's Comments.....	5
3.	ES APPROACH.....	8
3.1	Introduction	8
3.2	Relevant National Policy Statements (NPSs).....	8
3.3	Scope of Assessment	9
3.4	Confidential Information	12
4.	ASPECT BASED SCOPING TABLES.....	13
4.1	Air Quality.....	13
4.2	Cultural Heritage.....	15
4.3	Biodiversity	16
4.4	Landscape.....	17
4.5	Noise and Vibration	18
4.6	Population and Health	20
4.7	Road Drainage and the Water Environment	22
4.8	Geology and Soils.....	24
4.9	Material Assets and Waste	25
4.10	Climate.....	27
4.11	Cumulative Effects.....	28
5.	INFORMATION SOURCES	29
 APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED		
 APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES		

[This page has been intentionally left blank]

1. INTRODUCTION

1.1 Background

- 1.1.1 On 02 April 2019, the Planning Inspectorate (the Inspectorate) on behalf of the Secretary of State (SoS) received a scoping request from Highways England (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed A428 Black Cat to Caxton Gibbet road improvement scheme (the Proposed Development).
- 1.1.2 In accordance with Regulation 10 of the EIA Regulations, an Applicant may ask the SoS to state in writing its opinion '*as to the scope, and level of detail, of the information to be provided in the environmental statement*'.
- 1.1.3 This document is the Scoping Opinion (the Opinion) provided by the Inspectorate on behalf of the SoS in respect of the Proposed Development. It is made on the basis of the information provided in the Applicant's report entitled Environmental Scoping Report (the Scoping Report). This Opinion can only reflect the proposals as currently described by the Applicant. The Scoping Opinion should be read in conjunction with the Applicant's Scoping Report.
- 1.1.4 The Applicant has notified the SoS under Regulation 8(1)(b) of the EIA Regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the Proposed Development is EIA development.
- 1.1.5 Regulation 10(9) of the EIA Regulations requires that before adopting a scoping opinion the Inspectorate must take into account:
- (a) *any information provided about the proposed development;*
 - (b) *the specific characteristics of the development;*
 - (c) *the likely significant effects of the development on the environment; and*
 - (d) *in the case of a subsequent application, the environmental statement submitted with the original application.*
- 1.1.6 This Opinion has taken into account the requirements of the EIA Regulations as well as current best practice towards preparation of an ES.
- 1.1.7 The Inspectorate has consulted on the Applicant's Scoping Report and the responses received from the consultation bodies have been taken into account in adopting this Opinion (see Appendix 2).
- 1.1.8 The points addressed by the Applicant in the Scoping Report have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the Inspectorate will take account of relevant legislation and guidelines. The Inspectorate will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with the application for a Development Consent Order (DCO).

- 1.1.9 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (eg on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.
- 1.1.10 Regulation 10(3) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) a plan sufficient to identify the land;*
 - (b) a description of the proposed development, including its location and technical capacity;*
 - (c) an explanation of the likely significant effects of the development on the environment; and*
 - (d) such other information or representations as the person making the request may wish to provide or make.*
- 1.1.11 The Inspectorate considers that this has been provided in the Applicant's Scoping Report. The Inspectorate is satisfied that the Scoping Report encompasses the relevant aspects identified in the EIA Regulations.
- 1.1.12 In accordance with Regulation 14(3)(a), where a scoping opinion has been issued in accordance with Regulation 10 an ES accompanying an application for an order granting development consent should be based on '*the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion)*'.
- 1.1.13 The Inspectorate notes the potential need to carry out an assessment under The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). This assessment must be co-ordinated with the EIA in accordance with Regulation 26 of the EIA Regulations. The Applicant's ES should therefore be co-ordinated with any assessment made under the Habitats Regulations.

1.2 The Planning Inspectorate's Consultation

- 1.2.1 In accordance with Regulation 10(6) of the EIA Regulations the Inspectorate has consulted the consultation bodies before adopting a scoping opinion. A list of the consultation bodies formally consulted by the Inspectorate is provided at Appendix 1. The consultation bodies have been notified under Regulation 11(1)(a) of the duty imposed on them by Regulation 11(3) of the EIA Regulations to make information available to the Applicant relevant to the preparation of the ES. The Applicant should note that whilst the list can inform their consultation, it should not be relied upon for that purpose.
- 1.2.2 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is

provided, along with copies of their comments, at Appendix 2, to which the Applicant should refer in preparing their ES.

- 1.2.3 The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.2.4 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on the Inspectorate's website. The Applicant should also give due consideration to those comments in preparing their ES.

1.3 Article 50 of the Treaty on European Union

- 1.3.1 On 23 June 2016, the United Kingdom (UK) held a referendum and voted to leave the European Union (EU). On 29 March 2017 the Prime Minister triggered Article 50 of the Treaty on European Union, which commenced a period of negotiations regarding the UK's exit from the EU. On 26 June 2018 The European Union (Withdrawal) Act 2018 received Royal Assent and work to prepare the UK statute book for Brexit has begun. The European Union (Withdrawal) Act 2018 will make sure that UK laws continue to operate following the UK's exit. There is no immediate change to legislation or policy affecting national infrastructure. Relevant EU Directives have been transposed into UK law and those are unchanged until amended by Parliament.

2. THE PROPOSED DEVELOPMENT

2.1 Introduction

- 2.1.1 The following is a summary of the information on the Proposed Development and its site and surroundings prepared by the Applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the Proposed Development and the potential receptors/ resources.

2.2 Description of the Proposed Development

- 2.2.1 The Applicant's description of the Proposed Development and its location is provided in Scoping Report sections 2.3 and 2.4. In general the Scoping Report describes the Proposed Development as consisting of:

- a new offline dual lane carriageway between Black Cat and Caxton Gibbet;
- a grade separated interchange at Black Cat;
- a single-span bridge over the East Coast Main Line railway;
- a overbridge on the B1046 to cross the new dual carriageway;
- local road diversions;
- local junction and access modifications;
- new and improved drainage infrastructure; and
- vehicle recovery areas.

- 2.2.2 The Scoping Report states that the purpose of the Proposed Development is to reduce congestion, journey delays and accidents along the A428. The proposed application site runs adjacent to the existing section of the A428 between the A1 Great North Road in Bedfordshire, and Caxton Gibbet junction in Cambridgeshire, and is approximately 17km long. The Proposed Development is an improvement of the current A428 in this area which is a single carriageway road that joins the A1 at the Wyboston interchange approximately 2km north of the Black Cat junction and is subject to regular delays and congestion due to a high number of incidents along the route. Planned growth in the area is likely to exacerbate current issues.

- 2.2.3 The application site and the surrounding area is comprised of a combination of urban development within St Neots, Eynesbury and Eaton Socon on the western extents of the A428, and more open landscapes along the remainder of the corridor, comprising agricultural fields, pockets of plantation woodland, and smaller settlements and farms. The Proposed Development will need to cross the River Great Ouse, which runs parallel to the east of the A1, and several of its tributaries. No European sites or national designated ecological sites are located within the proposed DCO boundary – the nearest European Sites are the Eversden and Wimpole Woods Special Area of Conservation (SAC), Portholme SAC, and Ouse Washes SAC, Special Protection Area (SPA) and Ramsar site. The nearest nationally designated sites are Papworth Wood Site of Special

Scientific Interest (SSSI), Elsworth Wood SSSI, St Neots Common SSSI, Little Paxton Pits SSSI, and Little Paxton Wood SSSI.

- 2.2.4 There are a number of Scheduled Monuments and Grade II and Grade II* Listed Buildings within 1km of the Proposed Development, and these are mostly located in and around the nearby small settlements, and an overview is shown in Figure 7.1 of the Scoping Report.

2.3 The Planning Inspectorate's Comments

Description of the Proposed Development

- 2.3.1 The ES should include the following:
- a description of the Proposed Development comprising at least the information on the site, design, size and other relevant features of the development; and
 - a description of the location of the development and description of the physical characteristics of the whole development, including any requisite demolition works and the land-use requirements during construction and operation phases
- 2.3.2 A detailed description of the construction and operation of the Proposed Development has been provided in Chapter 2 of the Scoping Report, supported by clear figures (in particular, Figures 2.1 and 2.4). The Inspectorate considers that the project description in the ES should be prepared to the standard set by the Scoping Report but also supplemented with details set out in the paragraphs below.
- 2.3.3 At this stage, there is limited information available in relation to the construction phase. Paragraphs 2.4.41–42 suggest that construction would last 3–4 years. The ES should include details of how the construction would be phased, and the likely duration and location of construction activities, including the land-use requirements for site compounds (referenced in paragraph 2.4.35 of the Scoping Report). Construction traffic routing should be described (with reference to an accompanying plan), along with anticipated numbers/types of vehicle movements. A draft/outline Construction Traffic Management Plan should be provided with the DCO application and agreed with relevant consultees.
- 2.3.4 The Inspectorate notes from paragraph 2.4.34 of the Scoping Report that the Applicant may require borrow pits to excavate material for construction. The locations of any borrow pits required should be described in the ES, with an accompanying plan. The anticipated depths of the borrow pits should also be confirmed, along with the limits of deviation secured through the draft DCO (dDCO).
- 2.3.5 The ES should confirm the height/depth of earthworks referenced in paragraph 2.4.21 of the Scoping Report, and identify the specific locations where these would be required (with reference to an accompanying plan). Similarly, paragraph 2.4.27 of the Scoping Report states that acoustic barriers may be

required to reduce traffic-related noise, and the ES should provide details on the location and height of these structures.

- 2.3.6 Paragraph 2.4.23 of the Scoping Report summarises the demolition works that would likely be required. The ES should provide full details of the necessary demolition works and it should be clear at what point in the programme this would occur. Where relevant, the Applicant should ensure that the aspect ES chapters assess the likely significant effects resulting from the demolition activities.
- 2.3.7 The Scoping Report states that proposals for drainage design are yet to be identified. Some options for surface water drainage are described in paragraph 2.4.24, but the ES will need to provide details of how the Proposed Development will discharge surface water from the road, and any works should be illustrated on accompanying plans.
- 2.3.8 The ES should provide details of the nature and quantity of materials used and waste generated, including justification of any key assumptions made. Further comments about assessing the likely impacts of materials and waste are made in the relevant aspect table below.

Alternatives

- 2.3.9 The EIA Regulations require that the Applicant provide 'A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'.
- 2.3.10 The Inspectorate acknowledges the Applicant's consideration of alternatives in the Scoping Report. The Inspectorate would expect to see a discrete section in the ES that provides details of the reasonable alternatives studied and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.

Flexibility

- 2.3.11 The Inspectorate notes the Applicant's desire to incorporate flexibility into their draft DCO (dDCO) and its intention to apply a Rochdale Envelope approach for this purpose. Where the details of the Proposed Development cannot be defined precisely, the Applicant will apply a worst case scenario. The Inspectorate welcomes the reference to Planning Inspectorate Advice Note nine 'Using the 'Rochdale Envelope' in this regard.
- 2.3.12 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons. At the time of application, any Proposed Development parameters should not be so wide-ranging as to represent effectively different developments. The development parameters will need to be clearly defined in the dDCO and in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly

assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations.

- 2.3.13 It should be noted that if the Proposed Development materially changes prior to submission of the DCO application, the Applicant may wish to consider requesting a new scoping opinion.

3. ES APPROACH

3.1 Introduction

- 3.1.1 This section contains the Inspectorate's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. General advice on the presentation of an ES is provided in the Inspectorate's Advice Note Seven 'Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements'¹ and associated appendices.
- 3.1.2 Aspects/ matters (as defined in Advice Note Seven) are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the Inspectorate. The ES should be based on the Scoping Opinion in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's Scoping Report.
- 3.1.3 The Inspectorate has set out in this Opinion where it has/ has not agreed to scope out certain aspects/ matters on the basis of the information available at this time. The Inspectorate is content that the receipt of a Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such aspects/ matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects/ matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 3.1.4 Where relevant, the ES should provide reference to how the delivery of measures proposed to prevent/ minimise adverse effects is secured through DCO requirements (or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

3.2 Relevant National Policy Statements (NPSs)

- 3.2.1 Sector-specific NPSs are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority (ExA) will make their recommendation to the SoS and include the Government's objectives for the development of NSIPs. The NPSs may include environmental requirements for NSIPs, which Applicants should address within their ES.
- 3.2.2 The designated NPS relevant to the Proposed Development is the:
- NPS for National Networks (NPSNN).

¹ Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements and annex. Available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

3.3 Scope of Assessment

General

- 3.3.1 The Inspectorate recommends that in order to assist the decision-making process, the Applicant uses tables:
- to demonstrate how the assessment has taken account of this Opinion;
 - to identify and collate the residual effects after mitigation for each of the aspect chapters, including the relevant interrelationships and cumulative effects;
 - to set out the proposed mitigation and/ or monitoring measures including cross-reference to the means of securing such measures (eg a dDCO requirement);
 - to describe any remedial measures that are identified as being necessary following monitoring; and
 - to identify where details are contained in the Habitats Regulations Assessment (HRA report) (where relevant), such as descriptions of European sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.
- 3.3.2 The Inspectorate considers that where a DCO application includes works described as 'Associated Development', that could themselves be defined as an improvement of a highway, the Applicant should ensure that the ES accompanying that application distinguishes between; effects that primarily derive from the integral works which form the proposed (or part of the proposed) NSIP and those that primarily derive from the works described as Associated Development. This could be presented in a suitably compiled summary table. This will have the benefit of giving greater confidence to the Inspectorate that what is proposed is not in fact an additional NSIP defined in accordance with s22 of the PA2008.

Baseline Scenario

- 3.3.3 The ES should include a description of the baseline scenario with and without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.

Forecasting Methods or Evidence

- 3.3.4 The ES should contain the timescales upon which the surveys which underpin the technical assessments have been based. For clarity, this information should be provided either in the introductory chapters of the ES (with confirmation that these timescales apply to all chapters), or in each aspect chapter.
- 3.3.5 The Inspectorate expects the ES to include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters.

- 3.3.6 The ES should include details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

Residues and Emissions

- 3.3.7 The EIA Regulations require an estimate, by type and quantity, of expected residues and emissions. Specific reference should be made to water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases, where relevant. This information should be provided in a clear and consistent fashion and may be integrated into the relevant aspect assessments.

Future Maintenance

- 3.3.8 The Scoping Report describes typical highway maintenance activities such as routine inspections of drains, periodic carriageway resurfacing, and emergency repair works, and that these are standard operations already undertaken elsewhere on the strategic road network, concluding that there is limited potential for significant effects to occur.
- 3.3.9 Having had regard to the nature of the Proposed Development and its characteristics, the Inspectorate agrees that significant effects from future maintenance activities are unlikely to occur for most aspects and therefore these matters can be scoped out of the ES. Aspects which require specific assessment of these matters are addressed in the aspect based scoping tables below.

Decommissioning

- 3.3.10 The Scoping Report explains that effects during the decommissioning phase will be scoped out as it is unlikely that the scheme would be decommissioned in the future. The Inspectorate agrees that having had regard to the nature and characteristics of the Proposed Development significant effects are unlikely and this matter can be scoped out of the ES for all aspects.

Mitigation

- 3.3.11 Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should also address how any mitigation proposed is secured, with reference to specific DCO requirements or other legally binding agreements.

Risks of Major Accidents and/or Disasters

- 3.3.12 The ES should include a description and assessment (where relevant) of the likely significant effects resulting from accidents and disasters applicable to the Proposed Development. The Applicant should make use of appropriate guidance (e.g. that referenced in the Health and Safety Executives (HSE) Annex to Advice Note 11) to better understand the likelihood of an occurrence and the Proposed Development's susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed

Development to a potential accident or disaster and also the Proposed Development's potential to cause an accident or disaster. The assessment should specifically assess significant effects resulting from the risks to human health, cultural heritage or the environment.

- 3.3.13 The Inspectorate notes the screening assessment in Appendix 5.1 that concludes that the Proposed Development's vulnerability to such events will be low, and that it will not be a contributing factor to causing or exacerbating these types of event. Appendix 5.1 also gives an overview of mitigation and/or management actions required to reduce likely significant effects. Any measures that will be employed to prevent and control significant effects should be presented in the ES, either in relevant aspect chapters or in a dedicated chapter.
- 3.3.14 Relevant information available and obtained through risk assessments pursuant to European Union legislation such as Directive 2012/18/EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

Climate and Climate Change

- 3.3.15 The ES should include a description and assessment (where relevant) of the likely significant effects the Proposed Development has on climate (for example having regard to the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change. Where relevant, the ES should describe and assess the adaptive capacity that has been incorporated into the design of the Proposed Development. This may include, for example, alternative measures such as changes in the use of materials or construction and design techniques that will be more resilient to risks from climate change. The Inspectorate notes the Applicant's proposed intention to include an assessment of climate in the ES.

Transboundary Effects

- 3.3.16 Schedule 4 Part 5 of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES.
- 3.3.17 The Scoping Report concludes that the Proposed Development is not likely to have significant effects on another European Economic Area (EEA) State and proposes that transboundary effects do not need to be considered within the ES. The Inspectorate notes the Applicant's conclusion in the Scoping Report; however recommends that, for the avoidance of doubt, the ES details and justifies this conclusion.

A Reference List

- 3.3.18 A reference list detailing the sources used for the descriptions and assessments must be included in the ES.

3.4 Confidential Information

- 3.4.1 In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential the Applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title, and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Inspectorate would be required to disclose under the Environmental Information Regulations 2004.

4. ASPECT BASED SCOPING TABLES

4.1 Air Quality

(Scoping Report section 6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.1.1	6.3.3 – 6.3.5	Future maintenance	As discussed in paragraphs 3.3.8 and 3.3.9 of this Opinion, the Inspectorate agrees that significant effects from future maintenance activities are unlikely to occur for air quality, and therefore this matter can be scoped out of the ES.
4.1.2	6.5.3	Air quality impacts on designated ecological sites during construction	The Scoping Report states that due to the nature, duration and geographic extent of construction works, and the absence of nationally designated ecological sites within 200m of the Proposed Development, air quality impacts on these sites can be scoped out of the ES. However, the location of construction compounds and construction traffic routes have not been finalised (see paragraph 2.3.3 above), and this matter should not be scoped out. The ES should include a detailed assessment of impacts on designated ecological sites during construction where significant effects are likely to occur.
4.1.3	6.5.9	Impact on carbon monoxide (CO), 1-3 butadiene, benzene, lead and sulphur dioxide (SO ₂) concentrations	The Scoping Report references national assessments that demonstrate that there is no risk of effects arising from these pollutants but does not substantiate this assumption with source references. The Inspectorate considers that effects arising from CO, 1-3 butadiene, benzene, lead and SO ₂ may be scoped out if significant effects are unlikely to occur. However, the ES must contain full justification for the approach taken, and include specific references to the information that supports this approach.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.1.4	6.6.5	Air quality impact from HGV construction traffic	The Scoping Report indicates the approach that will be taken to determine if there is a need to assess impacts from increased HGV movements during construction. However, at present the information necessary to determine if these impacts will occur has not been provided. In the absence of this information the Inspectorate considers that the ES should include an assessment of impacts associated with increased movements of HGVs during construction where there is potential for a likely significant effect.

ID	Ref	Other points	Inspectorate's comments
4.1.5	Figure 6.1	AQMAs	Figure 6.1 does not include reference to, or show, the AQMA on the A14 which stretches from Bar Hill to Impington. In contrast, Table 6.1 outlines the Local Authority air quality monitoring locations, including various locations along the A14 within South Cambridgeshire. The Inspectorate considers that impacts from the Proposed Development to and within the AQMA along the A14 should be assessed in the ES. The assessment should address impacts on the action plan for the AQMA.
4.1.6	N/A	Increase in PM2.5	The Inspectorate considers that the ES should include an assessment of impacts associated with all relevant pollutants under the EU ambient air quality directive including increases in PM2.5 resulting from the Proposed Development where relevant. In determining significance, the assessment should take into account performance against relevant target/limit values.
4.1.7	N/A	Air quality impacts on residential properties during construction	Potential effects on all sensitive receptors from construction activities should be considered, including residential properties.

4.2 Cultural Heritage

(Scoping Report section 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.2.1	7.3.4 – 7.3.6	Future maintenance	As discussed in paragraphs 3.3.8 and 3.3.9 of this Opinion, the Inspectorate agrees that significant effects from future maintenance activities are unlikely to occur for cultural heritage, and therefore this matter can be scoped out of the ES.

ID	Ref	Other points	Inspectorate's comments
4.2.2	N/A	Cumulative Impacts	The assessment in the ES should include the potential for cumulative impacts to heritage assets from the Proposed Development and other development. The Applicant should make effort to discuss and agree the other development to be addressed in the cumulative assessment with relevant consultation bodies.

4.3 Biodiversity

(Scoping Report section 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.3.1	8.2.31	Hazel Dormouse	The Scoping Report concludes that Hazel Dormouse is not present within the DCO site boundary based on a desk study, and no field surveys are proposed. The suitability of the habitat is poor for this species, and existing survey data shows only one known location for Hazel Dormouse in Cambridgeshire (7.5km north of the site), and at <i>"a cluster of three or four sites in south Bedfordshire"</i> . The Inspectorate agrees that having had regard to the information provided in the Scoping Report, that significant effects are unlikely and this matter can be scoped out of the ES.
4.3.2	Section 8.5 and Table 17.1	Impact on designated sites	The Scoping Report does not specifically state that assessment of impacts to statutory designated sites would be scoped out of the ES. However, this matter is not addressed in section 8.5 of the Scoping Report (Description of Likely Significant Effects), and not included in Table 17.1 (Topics Scoped into the Environmental Impact Assessment). For the avoidance of doubt the Applicant should assess impacts to designated sites and present any likely significant effects in the ES.
4.3.3	8.3.3 – 8.3.5	Future maintenance	As discussed in paragraphs 3.3.8 and 3.3.9 of this Opinion, the Inspectorate agrees that significant effects from future maintenance activities are unlikely to occur for biodiversity, and therefore this matter can be scoped out of the ES.

4.4 Landscape

(Scoping Report section 9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.4.1	9.3.4 – 9.3.6	Future maintenance	As discussed in paragraphs 3.3.8 and 3.3.9 of this Opinion, the Inspectorate agrees that significant effects from future maintenance activities are unlikely to occur for landscape, and therefore this matter can be scoped out of the ES.

ID	Ref	Other points	Inspectorate's comments
4.4.2	n/a	Historic landscape	The ES should include a description and assessment of the potential impacts to historic landscapes where significant effects may occur. The ES should also provide information to illustrate the extent to which the Proposed Development would be seen from designated heritage assets, cross reference should be made to the Cultural Heritage Chapter of the ES, as appropriate.
4.4.3	n/a	Design, Mitigation and Enhancement measures	The ES should include a description and assessment of potential impacts to all visual receptors through the introduction of lighting associated with the Proposed Development during both construction and operation. With regard to mitigation proposed through planting strategies, cross reference should be made to the Biodiversity Chapter of the ES, and to the ecology assessment as appropriate.

4.5 Noise and Vibration

(Scoping Report section 10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.5.1	10.3.6 - 10.3.8	Future maintenance	As discussed in paragraphs 3.3.8 and 3.3.9 of this Opinion, the Inspectorate agrees that significant effects from future maintenance activities are unlikely to occur for noise and vibration, and therefore this matter can be scoped out of the ES.
4.5.2	10.6.30	Traffic induced ground-borne vibration	The scoping report refers to DMRB [REF 10-1] which in relation to ground-borne vibration states that "such vibration is unlikely to be important when considering disturbance from new roads and an assessment will only be necessary in exceptional circumstances" It is therefore proposed to scope this aspect out of the assessment. As stated in paragraph 2.3.3 of this Opinion above, the Inspectorate considers that there is not sufficient information on the construction phase in relation to haulage routes and number of construction vehicle movements and does not agree to scope this matter out of the ES. Where there is a likely significant effect this should be assessed in the ES.

ID	Ref	Other points	Inspectorate's comments
4.5.3	10.2.8	Noise monitoring	The scoping report references noise monitoring at representative locations within a 1km scoping study area as informed by the guidance provided in the DMRB. The study area should be determined according to the extent of the likely impacts and the potential for likely significant effects rather than by a set distance.

ID	Ref	Other points	Inspectorate's comments
			A plan should be provided to identify the location of all monitoring sites.
4.5.4	10.2.8 - 14	Study area, Noise important areas and receptors	The applicant should seek to agree on the location of noise monitoring with relevant consultation bodies. The ES should clearly describe and depict the location of sensitive noise receptors.
4.5.5	10.7.2	Construction traffic	The Scoping report explains that the need for an assessment of construction traffic effects on sensitive receptors would be evaluated once information on vehicle flows and haul routes becomes available. The ES should assess impacts associated with construction traffic where significant effects are likely to occur.
4.5.6	10.7.3	Construction vibration Assessment	The Scoping report explains that the requirement for works that could act as potentially significant sources of vibration is yet to be established, and that the need for assessment would be evaluated on receipt of detailed construction information and methodologies. The ES should include a description of the construction activities likely to result in vibration impacts. The ES should assess impacts from vibration during construction where significant effects are likely.
4.5.7	10.6.4 10.6.9 10.6.26 – 27 10.6.33	Significant observed adverse effect level (SOAEL) and Lowest observed adverse effect level (LOAEL)	The Applicant should make effort to agree the limits of SOAEL and LOAEL with relevant consultation bodies.
4.5.8	n/a	Proposed Assessment Methodology – general	The Scoping Report sets out where assessment criteria has been taken from the DMRB and where it has been based on professional judgement. The Applicant should ensure that where professional judgement is applied this should be fully explained and justified in the ES.

4.6 Population and Health

(Scoping Report section 11)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.6.1	11.3.12 – 11.3.14	Future maintenance	As discussed in paragraphs 3.3.8 and 3.3.9 of this Opinion, the Inspectorate agrees that significant effects from future maintenance activities are unlikely to occur for population and health, and therefore this matter can be scoped out of the ES.

ID	Ref	Other points	Inspectorate's comments
4.6.2	11.6.31	Magnitude of Impact - Agricultural land	The Scoping Report identifies that as Natural England has the statutory right to be consulted where a Proposed Development would result in the loss of 20ha or more of best and most versatile land (BMVL). is exceeded, that a 20ha threshold has been taken to represent a high magnitude of significance for the loss of such land. It explains that this indicator has used in land use planning for two decades or more, and is therefore deemed a justifiable threshold. The scoping report indicates that the Proposed Development may result in a loss of best and most versatile land (BMVL). The ES should identify the locations of BMVL and quantify the total anticipated loss to inform the assessment of likely significant effects.
4.6.3	11.3.1 11.3.7	Impact on motorised travellers	It is noted that the Applicant does not propose to include a separate aspect chapter on traffic and transport effects. The Scoping Report identifies that impacts relating to traffic and transportation will be assessed in relevant aspect chapter, including the Population and Health aspect. The Applicant should ensure that the ES assesses impacts to population and health receptors from changes in traffic conditions, congestion on the local highway network, severance,

ID	Ref	Other points	Inspectorate's comments
			driver delay, and accidents, during both construction and operational phases of the Proposed Development.

4.7 Road Drainage and the Water Environment

(Scoping Report section 12)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.7.1	12.2.16	Water Framework Directive (WFD) Groundwater Bodies	The Scoping Report states that this matter should be scoped out of the ES as Environment Agency's Catchment Data Explorer confirms that there are no WFD designated groundwater bodies within 1km. Paragraph 12.1.3 of the Scoping Report states that the search area for WFD waterbodies with potential hydrological connectivity is 2km. The Applicant's Study Area should consider the potential effect of the Proposed Development on any WFD waterbodies with potential hydrological connectivity, regardless of an arbitrarily defined distance, and where significant effects are likely these should be assessed in the ES.
4.7.2	12.2.18	Elsworth Wood SSSI	The Scoping Report states that this designation comprises mixed deciduous woodland that is not water dependent. However, no evidence has been presented as to why deciduous woodland would not be responsive to changes in groundwater conditions, and the Applicant has not demonstrated that there is no hydrological connectivity from the Proposed Development to the site, and therefore the Inspectorate does not agree to scope this matter out from the ES.

ID	Ref	Other points	Inspectorate's comments
4.7.3	N/A	Flood compensation areas within the DCO boundary	The Inspectorate notes the Environment Agency's concern that the red line boundary has been provided without the Flood Risk Assessment (FRA) being completed. The Inspectorate acknowledges that the DCO boundary is yet to be finalised and confirms that any flood compensation areas and surface water drainage features will need to be included within it.
4.7.4	N/A	Surface water drainage	As noted in paragraph 2.3.7 of this Opinion above, detailed drainage design is yet to be finalised. The Applicant should note the Environment Agency's advice in relation to drainage system design. The Inspectorate considers that the drainage design should be sufficiently developed at the point of application to support a robust assessment of likely significant effects. The Applicant should make effort to discuss and agree the details of the drainage system with relevant consultees.

4.8 Geology and Soils

(Scoping Report section 13)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.8.1	13.3.2	Impacts on geological and soil resources during operation	The Applicant proposes to scope out operational impacts on geological and soil resources as the operational phase would not involve ground disturbance. Due to the nature of the operational activities related to the Proposed Development, the Inspectorate agrees that significant effects to geology and soil resources during operation are unlikely and this matter can be scoped out of the ES.
4.8.2	13.3.3	Impacts on human health receptors from contamination during operation	The Applicant proposes to scope out operational impacts on human health as the potential pathway for contamination from soils during the operational phase is limited. Due to the nature of the operational activities related to the Proposed Development, and the limited pathway of effect, the Inspectorate agrees that significant effects are unlikely to occur and this matter can be scoped out of the ES.
4.8.3	13.3.5 - 13.3.6	Future maintenance	As discussed in paragraphs 3.3.8 and 3.3.9 of this Opinion, the Inspectorate agrees that significant effects from future maintenance activities are unlikely to occur for geology and soils, and therefore this matter can be scoped out of the ES.

ID	Ref	Other points	Inspectorate's comments
4.8.4	N/A	Drainage	The impact of drainage design on soil and geology should be assessed, with cross reference made to the Road Drainage and Water Environment Chapter of the ES as appropriate.

4.9 Material Assets and Waste

(Scoping Report section 14)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.9.1	14.3.2	Construction – The Extraction of raw materials and the manufacture of products	The Scoping Report describes impacts associated with the extraction of raw materials and the manufacture of products (for example the depletion of non-renewable resources and the production of waste at point of extraction and manufacturing) as occurring off-site and possibly outside of the UK. The Inspectorate agrees that this matter can be scoped out of the assessment. This is on the basis that such matters cannot be accurately predicted and assessed in the ES as they relate to procurement decisions that cannot be assured; however, the Inspectorate anticipates that the Applicant would implement sustainable procurement practices in the selection of sustainable sources.
4.9.2	14.3.3	Operational impacts	The Scoping Report explains that it is not expected that the operation of the Proposed Development would generate significant volumes of wastes or material. Having regard to the nature and characteristics of the Proposed Development the Inspectorate is content that the operational impacts from material use and waste generation are unlikely to result in significant effects and can therefore to be scoped out of the assessment.
4.9.3	14.3.5 - 14.3.7	Future maintenance	As discussed in paragraphs 3.3.8 and 3.3.9 of this Opinion, the Inspectorate agrees that significant effects from future maintenance activities are unlikely to occur for material assets and waste, and therefore this matter can be scoped out of the ES.

ID	Ref	Other points	Inspectorate's comments
4.9.4	14.1.7	Study Area	The waste management scoping area is described as comprising the wider region within which waste management infrastructure is located, and for the purposes of the assessment this has been assumed to be the East of England region. A formal study area should be described and justified within the ES, and linked to the relevant local authority waste management area(s).

4.10 Climate

(Scoping Report section 15)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.10.1	N/A	No matters to be scoped out	N/A

ID	Ref	Other points	Inspectorate's comments
4.10.2	N/A	General	As noted in paragraph 3.3.16 above, the ES should include a description and assessment of the likely significant effects the Proposed Development has on climate and the vulnerability of the project to climate change. Where relevant, the ES should describe and assess the adaptive capacity that has been incorporated into the design of the Proposed Development. This may include, for example, alternative measures such as changes in the use of materials or construction and design techniques that will be more resilient to risks from climate change.
4.10.3	N/A	Procurement	When assessing impacts on climate and quantifying GHG the ES should include an explanation as to any assumptions made about embodied carbon in the anticipated products used. The Inspectorate expects that the Applicant would implement sustainable procurement practices, with reference to the Material Assets and Waste Chapter of the ES as appropriate.
4.10.4	N/A	Baseline	The ES should show how the effects associated with the expected land use changes due to the proposed scheme have been assessed.

4.11 Cumulative Effects

(Scoping Report section 16)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.11.1	N/A	None identified	N/A

ID	Ref	Other points	Inspectorate's comments
4.11.2	16.1.14	Other development projects and applications	The Inspectorate notes that Chapters 2 and 11 provides some information on other developments to be considered in the cumulative assessment. As the final list of other developments is yet to be finalised, the Applicant should make every effort to agree the list of other developments to be assessed with relevant consultation bodies.
4.11.3	16.3.4	Zone of Influence	The Inspectorate notes the proposed ZoI approach, and advises that the ZoI for each aspect should be defined in the ES with reference to the extent of the likely impact and the sensitivity of the relevant receptors.

5. INFORMATION SOURCES

5.0.1 The Inspectorate's National Infrastructure Planning website includes links to a range of advice regarding the making of applications and environmental procedures, these include:

- Pre-application prospectus²
- Planning Inspectorate advice notes³:
 - Advice Note Three: EIA Notification and Consultation;
 - Advice Note Four: Section 52: Obtaining information about interests in land (Planning Act 2008);
 - Advice Note Five: Section 53: Rights of Entry (Planning Act 2008);
 - Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements;
 - Advice Note Nine: Using the 'Rochdale Envelope';
 - Advice Note Ten: Habitat Regulations Assessment relevant to nationally significant infrastructure projects (includes discussion of Evidence Plan process);
 - Advice Note Twelve: Transboundary Impacts;
 - Advice Note Seventeen: Cumulative Effects Assessment; and
 - Advice Note Eighteen: The Water Framework Directive.

5.0.2 Applicants are also advised to review the list of information required to be submitted within an application for Development as set out in The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009.

² The Planning Inspectorate's pre-application services for applicants. Available from: <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

³ The Planning Inspectorate's series of advice notes in relation to the Planning Act 2008 process. Available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES⁴

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	The Health and Safety Executive
The national Health Service Commissioning Board	NHS England
The Relevant Clinical Commissioning Group	Cambridgeshire and Peterborough Clinical Commissioning Group
The Relevant Clinical Commissioning Group	Bedfordshire Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England – East Anglia
The relevant fire and rescue authority	Bedfordshire and Luton Fire and Rescue Service
The relevant fire and rescue authority	Cambridgeshire Fire and Rescue Service
The Relevant Parish Council	St Neot Parish Council
The Relevant Parish Council	Papworth Everard Parish Council
The Relevant Parish Council	Elsworth Parish Council
The Relevant Parish Council	Caxton Parish Council
The Relevant Parish Council	Elitisleigh Parish Council
The Relevant Parish Council	Wyboston, Chawston and Coleston Parish Council
The Relevant Parish Council	Croxtan Parish Council
The Relevant Parish Council	Knapwell Parish Council

⁴ Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Relevant Parish Council	Abbotsley Parish Council
The Relevant Parish Council	Hail Weston Parish Council
The Relevant Parish Council	Toseland Parish Council
The Relevant Parish Council	Great Barford Parish Council
The Relevant Parish Council	Little Barford Parish Council
The Relevant Parish Council	Roxton Parish Council
The Relevant Parish Council	Yelling Parish Council
The Relevant Parish Council	Tempsford Parish Council
The Environment Agency	The Environment Agency
The Civil Aviation Authority	The Civil Aviation Authority
The Relevant Highways Authority	Bedford Borough Highways Authority
The Relevant Highways Authority	Cambridge County Highways Authority
The Relevant strategic highways company	Highways England – East
The Relevant Internal Drainage Board	Swavesy
The Relevant Internal Drainage Board	Bedfordshire & River Ivel
The Relevant Internal Drainage Board	Alconbury and Ellington
Public Health England, an executive agency of the Department of Health	Public Health England
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	Forestry Commission East and East Midlands

TABLE A2: RELEVANT STATUTORY UNDERTAKERS⁵

STATUTORY UNDERTAKER	ORGANISATION
The National Health Service Commissioning Board	NHS England
The Relevant NHS Trust	Bedford Hospital NHS Trust
The Relevant NHS Trust	East of England Ambulance Service NHS Trust
The Relevant NHS Foundation Trust	Royal Papworth Hospital NHS Foundation Trust
Railways	Network Rail Infrastructure Ltd
Railways	Network Rail
Canal Or Inland Navigation Authorities	River Great Ouse
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The Relevant Environment Agency	The Environment Agency
The Relevant water and sewage undertaker	Cambridge Water
The Relevant water and sewage undertaker	Anglian Water
The Relevant public gas transporter	Cadent Gas Limited
The Relevant public gas transporter	Energetics Gas Limited
The Relevant public gas transporter	Energy Assets Pipelines Limited
The Relevant public gas transporter	ES Pipelines Ltd
The Relevant public gas transporter	ESP Connections Ltd

⁵ 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

The Relevant public gas transporter	ESP Networks Ltd
The Relevant public gas transporter	ESP Pipelines Ltd
The Relevant public gas transporter	Fulcrum Pipelines Limited
The Relevant public gas transporter	Harlaxton Gas Networks Limited
The Relevant public gas transporter	GTC Pipelines Limited
The Relevant public gas transporter	Independent Pipelines Limited
The Relevant public gas transporter	Indigo Pipelines Limited
The Relevant public gas transporter	Murphy Gas Networks limited
The Relevant public gas transporter	Quadrant Pipelines Limited
The Relevant public gas transporter	National Grid Gas Plc
The Relevant public gas transporter	Scotland Gas Networks Plc
The Relevant public gas transporter	Southern Gas Networks Plc
The relevant electricity generator with CPO Powers	Little Barford Power Station
The relevant electricity generator with CPO Powers	Eclipse Power Network Limited
The relevant electricity generator with CPO Powers	Energetics Electricity Limited
The relevant electricity generator with CPO Powers	Energy Assets Networks Limited
The relevant electricity generator with CPO Powers	Energy Assets Power Networks Limited
The relevant electricity generator with CPO Powers	ESP Electricity Limited
The relevant electricity generator with CPO Powers	Fulcrum Electricity Assets Limited
The relevant electricity generator with CPO Powers	Harlaxton Energy Networks Limited
The relevant electricity generator with CPO Powers	Independent Power Networks Limited

The relevant electricity generator with CPO Powers	Leep Electricity Networks Limited
The relevant electricity generator with CPO Powers	Murphy Power Distribution Limited
The relevant electricity generator with CPO Powers	The Electricity Network Company Limited
The relevant electricity generator with CPO Powers	UK Power Distribution Limited
The relevant electricity generator with CPO Powers	Utility Assets Limited

TABLE A3: SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(1)(B))⁶

LOCAL AUTHORITY ⁷
East Northamptonshire Council
Borough Council of Wellingborough
West Suffolk Council
Aylesbury Vale District Council
Uttlesford District Council
Braintree District Council
Fenland District Council
South Cambridgeshire District Council
East Cambridgeshire
Dacorum Borough Council
St Albans District Council
North Hertfordshire District Council
Huntingdonshire District Council

⁶ Sections 43 and 42(B) of the PA2008

⁷ As defined in Section 43(3) of the PA2008

LOCAL AUTHORITY ⁷
Cambridge City Council
Luton Borough Council
Milton Keynes Council
Bedford Borough Council
Central Bedfordshire
Peterborough City Council
Buckinghamshire County Council
Hertfordshire County council
Northamptonshire County Council
Cambridgeshire County Council
Lincolnshire County Council
Suffolk County Council
Norfolk County Council
Essex County Council

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

Consultation bodies who replied by the statutory deadline:

Anglian Water
Bedford Borough Council
Bedford Group of Internal Drainage Boards
Bedford Internal Drainage Board
Borough Council of Wellingborough
Cadent Gas
Cambridgeshire County Council
Caxton Parish Council
Central Bedfordshire Council
Environment Agency
Forestry Commission
Health and Safety Executive
National Grid
NATS safeguarding
Natural England
Network Rail
Public Health England
Roxton Parish Council
Royal mail
South Cambridgeshire District Council

Ifan Gwilym
EIA and Land Rights Advisor
The Planning Inspectorate
Major Casework Directorate
Temple Quay House
2 The Square
Bristol, BS1 6PN

**Strategic Growth and Public
Policy**

Anglian Water Services Ltd

Thorpe Wood House,
Thorpe Wood,
Peterborough
PE3 6WT

Tel [REDACTED]
www.anglianwater.co.uk

Your ref TR010044

26 April 2019

Dear Ifan,

**A428 Black Cat to Caxton Gibbet Road Improvement Scheme:
Environmental Statement Scoping Report**

Thank you for the opportunity to comment on the scoping report for the above project. Anglian Water is the water and sewerage undertaker for the above site. The following response is submitted on behalf of Anglian Water.

General comments

Anglian Water would welcome further discussions with Highways England prior to the submission of the Draft DCO for examination.

In particular it would be helpful if we could discuss the following issues:

- Wording of the Draft DCO including protective provisions specifically for the benefit of Anglian Water.
- Requirement for wastewater services.
- Impact of development on Anglian Water's existing assets and the need for mitigation following previous discussions relating to required diversions.
- Pre-construction surveys.

12 Road Drainage and water environment

Reference is made to principal risks of flooding from the above project being fluvial, surface water and groundwater flooding as set out in the report.

The use of Sustainable Drainage Systems (SuDS) forming part of the proposed mitigation for the proposed highway improvements is welcomed.

Anglian Water is responsible for managing the risks of flooding from surface water, foul water or combined water sewer systems. At this stage it is unclear whether there is a requirement for a connection(s) to the public sewerage network for the above site or as part of the construction phase. Consideration should be given to all potential sources of flooding including sewer flooding (where relevant) as part of the Environmental Statement and related Flood Risk Assessment.

We welcome the intention to have further discussions with Anglian Water and other (flood) risk management authorities as part of the EIA process.

Anglian Water would also wish to be consulted on the content of the proposed Flood Risk Assessment if a connection to the public sewerage network is required.

Reference is made to existing groundwater and surface water abstractions in the vicinity of the proposed route of the highway improvements.

We welcome clarification of whether any existing water bodies and/or groundwater sources which are used for public water supply are expected to be affected by the proposed development. In the event that this is the case we would expect measures to be put in place to ensure no interference or pollution of the water bodies and/or groundwater sources.

Should you have any queries relating to this response please let me know.

Yours sincerely



Stewart Patience

Spatial Planning Manager



BEDFORD BOROUGH COUNCIL

Borough Charter granted in 1166



INVESTOR IN PEOPLE

Chief Executive: P. J. Simpkins

Ifan Gwilym
EIA and Land Rights Advisor
Major Casework Directorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Please ask Greg Logan
for:
Direct line: 01234 718544
E-mail: Greg.logan@bedford.gov.uk
Fax no:
Your ref: TR010044
Our ref: 19/00789/LPA
Date: 1st May 2019

Dear Mr Gwilym,

Ref: Application by Highways England for an Order granting Development Consent (DCO) for the A428 Black Cat to Caxton Gibbet Road Improvement Scheme

Bedford Borough Council (BBC) welcomes the opportunity to respond to the Environmental Scoping Report (report no. HE551495-ACM-EAC-GEN-Z-Z-ZZ-RP-LE-0003-P04 S4, dated March 2019). BBC is in principle supportive of this scheme and is keen to see the project progress, however in response to the content of the scoping report there are certain matters that it believes should be given greater consideration by the applicant and to that end I would refer you to my comments below.

As the strategic transport authority in Bedford Borough, BBC recognises that the purpose of this strategic road scheme is to improve safety and journey reliability for travellers. For this reason Council officers are in general terms confident that if the impact of the scheme is assessed following the methodology set out in the Scoping Report, then this will produce a report which fairly sets out the advantages and disadvantages of the scheme.

I would however draw the Inspector's attention to some local issues which should be further considered by the applicant:

1. The closure of three side roads in Wyboston, the construction of a new local relief road to the east of the A1 at Wyboston, and the closure of the entrance / exit to Kelpie Marina were elements added to the original scheme at a later stage. Whilst officers are aware that Highways England has engaged with local residents, businesses and organisations on these elements, the Scoping Report should set them out and demonstrate that they have been considered in detail and to the same extent as all other considerations. It should be noted that the relief road will necessitate changes in people's travel behaviour.
2. The alignment through Wyboston is likely to necessitate moving local bus stops. This is a matter BBC is currently working with Highways England on, and we therefore would request that reassurance is provided that the impact of the proposals on public transport will be reflected in the Scoping Report.
3. Officers welcome reference in the Scoping Report to active travel (chapter 11). The status of routes for cyclists (and pedestrians) making local journeys however needs to be clarified and the impact assessed, not just on reported movements, but also for induced demand.



4. It should be noted that BBC continues to work with Highways England on the matters set out in points 1-3 above, and on matters pertaining to Public Rights of Way.
5. Paragraphs 5.6.37 and 5.6.38 of the Scoping Report state that the establishment of the environmental baseline will involve identifying the current state of the environment (current baseline, 2019) and its likely evolution without implementation of the scheme (future baseline, 2021). The central and southern parts of the operational Black Cat Quarry fall within the DCO site boundary. Given that mineral extraction at Black Cat Quarry is expected to cease in autumn 2019, the effective deadline for final restoration of the whole site will be Spring 2021. The future baseline environmental conditions that may be affected by the road project will therefore need to be based on the approved restoration and landscaping scheme (LPA planning reference 17/00462/AOC). The approved restoration masterplan and associated documents can be accessed via the link below:

<http://edrms.bedford.gov.uk/PlanningBrowse.aspx?id=n1e3kqZ6PKoDGECK7CW9HQ%3d%3d>
6. The applicant has commented that preliminary calculations have identified that borrow pits could be required to obtain sufficient material to improve the cut-fill balance (para. 2.4.34). This needs clarifying / further information provided.
7. The applicant has commented that the old Highways Agency compound next to Bedford Road, Roxton, which was used during the construction of the Great Barford bypass, is planned to be re-used as a compound to serve construction of the western extents of the scheme and the Black Cat interchange (para. 2.4.35). Please be aware that this land is the subject of recent enforcement notice appeal decisions (PINS ref. APP/K0235/C/17/3170367, 3170368, 3170369, 3170370 and 3175871).
8. To the north-west of the Black Cat roundabout, south of Chawston, lies land which has been subject to unauthorised importation of inert waste. Please be aware that there is an outstanding enforcement notice on this site which requires the waste to be removed and the land restored to agriculture. The baseline assessment for the Environmental Statement (ES) needs to take this matter into account.
9. The scoping report indicates that a baseline of evidence will be acquired through non-intrusive surveys, including aerial photographic transcription, geophysical survey and desk-based assessment, as well as physical surveys (para. 7.2 and 7.4.2). Officers welcome this approach as the evidence acquired will be able to inform measures to avoid, reduce, and if possible, offset significant adverse effects of the development identified during the EIA process. It is noted that Roxton Conservation Area appears to have been missed from those listed in para. 7.2.15.
10. Whilst officers consider that the oft-employed Design Manual for Roads and Bridges (DMRB) for assessing cultural heritage impacts from proposed development can provide a very useful starting point, it should not be relied upon alone. As highlighted in the Historic England guidance, 'The Setting of Heritage Assets'



BEDFORD BOROUGH COUNCIL

Borough Charter granted in 1166



INVESTOR IN PEOPLE

Chief Executive: P. J. Simpkins

(2017), 'setting is a matter of qualitative and expert judgment' and technical analyses such as scoring matrices '*...should be seen primarily as material supporting a clearly expressed and non-technical narrative argument that sets out 'what matters and why' in terms of the heritage significance and setting of the assets affected, together with the effects of the development upon them*'.

11. The known heritage assets, both designated and non-designated, from all sources should be integrated with newly acquired data from non-intrusive surveys that are in preparation now, in order to create a series of maps and interpretation plans of archaeological landscape evidence, showing areas of settlement, agricultural, funerary, industrial or military land use by period. Further to this, heat maps of known archaeological evidence should be developed in relation to the scheme and particular scheme features (e.g. borrow pits, ponds, new habitat off set areas, compounds haul roads, soil stores and predicted special section/early entry areas) to indicate areas where longer term / extensive archaeological excavation is likely to occur that will assist the programme management of the scheme, as it is clear that some of the scheme areas will need to be subject to substantial periods of excavation prior to any construction impacts.
12. With regard to trench based evaluation, this should be completed in advance of the DCO application submission so that appropriate archaeological mitigation can be integrated into the Cultural Heritage chapter of the ES. This is an essential task, as it allows archaeological organisations tendering for the excavation work to be able to properly estimate the costs of the archaeological mitigation strategy. Recent officer experience on other Nationally Significant Infrastructure Projects (NSIPs) has demonstrated the importance of advance evaluation in order to:
 - a) Understand the archaeological resource across the whole scheme footprint that seeks to preserve archaeological assets where this can be achieved and excavate others where this is not possible;
 - b) Protect the archaeological resource from inappropriate construction activity through the development of a suitable, well-programmed mitigation strategy;
 - c) Enable archaeological contractors and programme managers to appropriately resource and tender for mitigation work;
 - d) To broadly understand the scale of the archive that will be generated, setting out how this should be utilised for public benefit;
 - e) To indicate in what academic and accessible formats the excavated evidence should be published, to preserve the archaeological remains 'by record'.
13. Detailed information and justification about the heritage assets that are to be demolished or removed permanently or temporarily (following conservation) should be presented, particularly if notable persons or curtilages are associated with buildings. Officers expect a building recording strategy to be integrated into the Cultural Heritage chapter of the ES.



BEDFORD BOROUGH COUNCIL

Borough Charter granted in 1166



INVESTOR IN PEOPLE

Chief Executive: P. J. Simpkins

14. As major impact developments, NSIPs should include a robust public engagement strategy enabling participation, information sharing and display. Bedford Borough Council's Historic Environment Team advocates the inclusion of such a strategy in the ES.
15. The proposed DCO includes provisions for the compulsory acquisition of land in the ownership of BBC required by Highways England in connection with the proposed scheme (e.g. College Farm) if the necessary rights to the land cannot be obtained by agreement. Whilst not necessarily a matter for the Environmental Statement it should still be noted that BBC requires suitable access off the new island to permit roadside and possibly distribution depot development of the Black Cat Quarry. Officers are willing to have early dialogue with Highways England to discuss the potential purchase of the land.

I hope this provides a comprehensive summary of our comments in respect of the Environmental Scoping Report. Please note that I am willing to provide further clarification on any of the issues raised in this letter as necessary. Bedford Borough Council looks forward to our continuous engagement with Highways England to bring this scheme forward.

Yours sincerely

Greg Logan
Senior Planning Officer

From: [REDACTED]
To: [A428 Black Cat](#)
Subject: A428 Black Cat to Caxton Gibbet Road Improvement Scheme
Date: 30 April 2019 14:17:17

FAO Ifan Gwilym

At the most western end of the proposed scheme at the Black Cat Roundabout both the Rockham Ditch and South Brook fall under the statutory control of the Bedfordshire and River Ivel IDB. The Board's byelaws are applicable to both of these watercourses and any land drainage feature in between. These byelaws can be viewed at www.idbs.org.uk

In order that these watercourses can be maintained it is essential that the Board's access and 9m byelaw are retained unrestricted. Any development within the flood plain will require flood compensation and any proposed surface water discharge should be restricted to the equivalent greenfield run-off rate.

To ensure that the proposed designs take into account the Board's requirements, a legal agreement / service level agreement should be entered into similar to those proposed for HS2 to avoid the issues that occurred leading up to the A14 scheme.

Regards

Trevor Skelding MSc IEng MICE
Principal Engineer

[Bedford Group of Drainage Boards](#) | [Vale House](#) | [Broadmead Road](#) | [Stewartby](#) | [Bedfordshire](#) | [MK43 9ND](#)

Tel: 01234 767995 | **Fax:** 01234 768582 | www.idbs.org.uk

The Bedford Group is a consortium of the Bedfordshire and River Ivel Internal Drainage Board, the Buckingham and River Ouzel Internal Drainage Board and the Alconbury and Ellington Internal Drainage Board.

Information in this message and any associated files attached it, may be **confidential** and may be legally privileged. If you have received this email in error please notify the author immediately by return email or telephone and then delete this message and any associated attachments and do not copy it to anyone else. Any correspondence with the sender will be subject to automatic monitoring for inappropriate content.

Your information will be processed in accordance with the law, in particular current Data Protection Legislation. If you have contacted the Board/s for a service then your personal data will be processed in order to provide that service or answer your enquiry. For full details of our Privacy Policy and your rights please go to our website at www.idbs.org.uk.

The information that you provide will only be used for the purpose of the Board/s unless there is a legal authority to do otherwise. The contents of emails may have to be disclosed to a request under the Data Protection Act, the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. The Bedford Group of Drainage Board address may also be accessed by someone other than the sender or recipient, for business purposes.

The statements in this message are made by the individual who sent them and do not necessarily represent the views or opinions of The Bedford Group of Drainage Boards.

From: [REDACTED]
To: [A428 Black Cat](#)
Subject: A428 Black Cat to Caxton Gibbet Road Improvement Scheme
Date: 30 April 2019 14:17:17

FAO Ifan Gwilym

At the most western end of the proposed scheme at the Black Cat Roundabout both the Rockham Ditch and South Brook fall under the statutory control of the Bedfordshire and River Ivel IDB. The Board's byelaws are applicable to both of these watercourses and any land drainage feature in between. These byelaws can be viewed at www.idbs.org.uk

In order that these watercourses can be maintained it is essential that the Board's access and 9m byelaw are retained unrestricted. Any development within the flood plain will require flood compensation and any proposed surface water discharge should be restricted to the equivalent greenfield run-off rate.

To ensure that the proposed designs take into account the Board's requirements, a legal agreement / service level agreement should be entered into similar to those proposed for HS2 to avoid the issues that occurred leading up to the A14 scheme.

Regards

Trevor Skelding MSc IEng MICE
Principal Engineer

[Bedford Group of Drainage Boards](#) | [Vale House](#) | [Broadmead Road](#) | [Stewartby](#) | [Bedfordshire](#) | [MK43 9ND](#)

Tel: 01234 767995 | Fax: 01234 768582 | www.idbs.org.uk

The Bedford Group is a consortium of the Bedfordshire and River Ivel Internal Drainage Board, the Buckingham and River Ouzel Internal Drainage Board and the Alconbury and Ellington Internal Drainage Board.

Information in this message and any associated files attached it, may be **confidential** and may be legally privileged. If you have received this email in error please notify the author immediately by return email or telephone and then delete this message and any associated attachments and do not copy it to anyone else. Any correspondence with the sender will be subject to automatic monitoring for inappropriate content.

Your information will be processed in accordance with the law, in particular current Data Protection Legislation. If you have contacted the Board/s for a service then your personal data will be processed in order to provide that service or answer your enquiry. For full details of our Privacy Policy and your rights please go to our website at www.idbs.org.uk.

The information that you provide will only be used for the purpose of the Board/s unless there is a legal authority to do otherwise. The contents of emails may have to be disclosed to a request under the Data Protection Act, the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. The Bedford Group of Drainage Board address may also be accessed by someone other than the sender or recipient, for business purposes.

The statements in this message are made by the individual who sent them and do not necessarily represent the views or opinions of The Bedford Group of Drainage Boards.

Mrs Louise Jelley
Development Management Officer
T:
E: planning@wellingborough.gov.uk

Ifan Gwilym
Planning Inspectorate
Major Casework Directorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Date: 16 April 2019

Your Ref: TR010044

Our Ref: WP/19/00214/EXT

Dear Mr Gwilym,

Application No: WP/19/00214/EXT

Proposal: Scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested (Application by Highways England for an Order granting Development Consent for the A428 Black Cat to Caxton Gibbet Road improvement scheme).

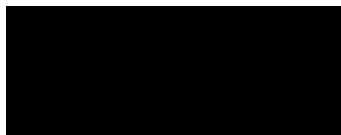
Location: A428 Black Cat To Caxton Gibbet Road Improvement Scheme

I am writing in response to the above scoping consultation in relation to the A428 Black Cat to Caxton Gibbet Road improvement scheme.

This letter confirms that the Borough Council of Wellingborough has no comments to make on the scoping consultation.

Thank you for notifying us.

Yours sincerely



Mrs Louise Jelley
Senior Development Management Officer



REF: A428 BLACK CAT TO CAXTON GIBBET - EIA SCOPING CONSULTATION

I refer to your letter dated 4th April regarding the above proposed DCO. Cadent has reviewed the scoping report provided and wishes to make the following comments:

In respect of existing Cadent infrastructure, Cadent will require appropriate protection for retained apparatus including compliance with relevant standards for works proposed within close proximity of its apparatus,

Cadent Infrastructure within or in close proximity to the development

Cadent has identified at this stage the following apparatus within the vicinity of the proposed works:

- High pressure (above 2 bar) gas pipelines and associated equipment

Where diversions of apparatus are required to facilitate the scheme, Cadent will require adequate notice and discussions should be started at the earliest opportunity. Please be aware that diversions for high pressure apparatus can take in excess of two years to plan and procure materials

Where the Promoter intends to acquire land, extinguish rights, or interfere with any of Cadent's apparatus, Cadent will require appropriate protection and further discussion on the impact to its apparatus and rights including adequate Protective Provisions.

Where diversions are required to facilitate the scheme, it is essential that adequate temporary and permanent land take, land rights and consents are included within the Order to enable works to proceed in time and to provide appropriate rights for Cadent to access, maintain and protect apparatus in future

Key Considerations:

- Cadent has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent / temporary buildings, or structures, change to existing ground levels, storage of materials etc.
- Please be aware that written permission is required before any works commence within the Cadent easement strip.
- The below guidance is not exhaustive and all works in the vicinity of Cadent's asset shall be subject to review and approval from Cadent's plant protection team in advance of commencement of works on site.

General Notes on Pipeline Safety:

- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and Cadent's specification for Safe Working in the Vicinity of Cadent High Pressure gas pipelines and associated installations - requirements for third parties GD/SP/SSW22. Digsafe leaflet Excavating Safely - Avoiding injury when working near gas pipes. There will be additional requirements dictated by Cadent's plant protection team.
- Cadent will also need to ensure that our pipelines remain accessible throughout and after completion of the works.



- The actual depth and position must be confirmed on site by trial hole investigation under the supervision of a Cadent representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of Cadent High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a Cadent representative. A safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Below are some examples of work types that have specific restrictions when being undertaken in the vicinity of gas assets therefore consultation with Cadent's Plant Protection team is essential:
 - Demolition
 - Blasting
 - Piling and boring
 - Deep mining
 - Surface mineral extraction
 - Landfilling
 - Trenchless Techniques (e.g. HDD, pipe splitting, tunnelling etc.)
 - Wind turbine installation
 - Solar farm installation
 - Tree planting schemes

Pipeline Crossings:

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at agreed locations.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.
- The type of raft shall be agreed with Cadent prior to installation.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the Cadent pipeline without the prior permission of Cadent.
- Cadent will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to Cadent.
- A Cadent representative shall monitor any works within close proximity to the pipeline.

New Service Crossing:

- New services may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.

Cadent Gas Limited

Registered Office Ashbrook Court, Prologis Park
Central Boulevard, Coventry CV7 8PE
Registered in England and Wales No.10080864

National Gas Emergency Service **0800 111 999* (24hrs)**

*Calls will be recorded and may be monitored

5000419 (01/13)

Page 2 of 4



- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service shall cross below the pipeline with a clearance distance of 0.6 metres.
- A new service should not be laid parallel within an easement strip
- A Cadent representative shall approve and supervise any new service crossing of a pipeline.
- An exposed pipeline should be suitable supported and removed prior to backfilling
- An exposed pipeline should be protected by matting and suitable timber cladding
- For pipe construction involving deep excavation (<1.5m) in the vicinity of grey iron mains, the model consultative procedure will apply therefore an integrity assessment must be conducted to confirm if diversion is required

Yours Faithfully



Vicky Cashman
Consents Officer
Land & Property Services





Guidance

To download a copy of the HSE Guidance HS(G)47, please use the following link:

<http://www.hse.gov.uk/pubns/books/hsg47.htm>

Dial Before You Dig Pipelines Guidance:

<https://cadentgas.com/Digging-safely/Dial-before-you-dig>

Essential Guidance document:

https://cadentgas.com/getattachment/digging-safely/Promo-work-safely-library/Essential_Guidance.pdf

Excavating Safely in the vicinity of gas pipes guidance (Credit card):

https://cadentgas.com/getattachment/digging-safely/Promo-work-safely-library/Excavating_Safely_Leaflet_Gas-1.pdf

Copies of all the Guidance Documents can also be downloaded from the Cadent website:

<https://cadentgas.com/Digging-safely/Work-safely-library>

Date: 02 May 2019
Contact: Matthew Bowles
Telephone: 01223 706722
E Mail: Matthew.Bowles@cambridgeshire.gov.uk



Place and Economy
Transport, Strategy and Funding

Ifan Gwilym
The Planning Inspectorate
Major Casework Directorate
Temple Quay House
2 The Square
Bristol, BS1 6PN

Box SH1310
Shire Hall
Cambridge
CB3 0AP

Dear Ifan

FAO Ifan Gwilym - Cambridgeshire County Council Response: Black Cat to Caxton Gibbet A428 Road Improvement Scheme - Scoping Opinion

Cambridgeshire County Council (CCC) thanks you for the opportunity to respond to the Black Cat to Caxton Gibbet A428 Road Improvement Scheme - Scoping Opinion consultation. Please note that due to timescales, this has not been through Members and is an **officer response**.

The below comprises of comments from a variety of sections within CCC:

CCC Highways division

Street Lighting

De-trunked sections or newly constructed local road network (CCC responsibility) lighting assets must confirm to the following DMRB, TSRGD, CCC Street Lighting Standard Development Specification. Any new lit asset taken on by CCC the required standards must be met or the capital outlay to bring the street lighting up to the required standard, before it can be adopted by CCC. Street Lighting designs and installation works on local roads, de-trunked roads and public rights of way to be carried out in accordance with Cambridgeshire County Council Standard Development Specification current at the time of handover. These include existing lighting on de-trunked sections to be adapted to comply with the County Council Standard Development Specification. Existing columns, cables, pillars, cabinets and other equipment that are not compliant with the PFI specification and are older than 2 years, or are damaged, unsafe, or unserviceable, shall be replaced. In order to comply with bringing the asset up to an acceptable condition there will be design checks/ project management costs associated with the process which will need to be covered by the applicant. Any additional lighting assets the costs must be covered by the HE, in the form of commuted sum, as detailed in our current Street Lighting Contract.

SMART technologies

Utilise technology available for telemetry or data from the HE project should be shared with CCC on a suitable hosting platform, e.g. smart lighting, drainage telemetry, data flows, traffic incidents on the network, traffic queues, VMS, air quality monitoring, noise monitoring, etc.

Decommissioning

Any existing assets that are not required by CCC before the date of handover must be decommissioned, as we are always looking to reduce our carbon footprint and any implications from climate control/ energy levies, this should also be a consideration to keep new assets to a minimum as long as it complies to design standards .

Construction/ Operational Traffic

Any exceptional movements of traffic during the construction or operation phase must be considered in association with CCC to agree a deterioration of the asset contribution for CCC assets on diversion routes and routes where there is displaced local traffic, as permitted under The Highways Act 1980. To preserve assets and future liabilities to local authority funds, commuted sums or actual works could be considered under agreement. The modelling may give us a clue to the second part of this request.

CCC Transport Strategy & Funding team

The following comments from the Transport Strategy & Funding team will focus on the high level transport policy aims of the scheme.

Cambridgeshire County Council's Long Term Transport Strategy (2015) identifies the A428 as one of four 'bottlenecks' in the region which needs to be 'prioritised for improvements to facilitate growth and continued prosperity'. It is noted that the scoping report lists 'enabling economic growth' as the first scheme objective and this is welcomed (2.2.2). Resolving the issues surrounding the A428 between Caxton Gibbet and Black Cat are therefore deemed to be more than simply a localised issue, but one that affects the wider connectivity and economic strength of the Cambridgeshire.

It is in this context that the A428 scheme proposals, as outlined in the scoping report, are supported. The improvements may offer opportunities for the Highways England with the County Council, Greater Cambridge Partnership and the Cambridgeshire and Peterborough Combined Authority to progress public transport improvements in the Cambridge-St Neots corridor, and specifically between Cambourne and St Neots, and we would welcome the opportunity to discuss this with you further as the scheme is developed.

The Transport Strategy & Funding team looks forward to engaging with Highways England on this project as more details emerge, and participating in all future stakeholder and consultation events, in order to provide the most up to date view on how the scheme will affect Cambridgeshire residents.

CCC Historic Environment team

This Nationally Significant Infrastructure Scheme (NSIP) involves upgrading the road network from west of the A421/A1 Black Cat junction through to east of the A428/A1198 Caxton

Gibbet junction as a new 18.6km long offline dual two lane carriageway between Black Cat junction and Caxton Gibbet junction, with a grade separated interchange at Black Cat and grade separated junctions at Cambridge Road and Caxton Gibbet. In addition, the existing A428 trunk road between Wyboston interchange and Caxton Gibbet junction will be de-trunked and returned to local road status.

The development area within Cambridgeshire is located in an area rich in archaeological sites and monuments, including sites designated as Listed Buildings, Scheduled Monuments and registered Parks and Gardens as well as assorted non-designated heritage assets defining multiple periods of rural settlement and burial monuments.

The scoping report indicates that a baseline of evidence will be acquired through non-intrusive surveys, including aerial photographic transcription, geophysical survey and desk-based assessment, as well as physical surveys (7.2 and 7.4.2). We welcome this approach as the evidence acquired will be able to inform measures to avoid, reduce and, if possible, offset significant adverse effects of the development identified during the EIA process. While the assessment methodology is fairly standard, governed by the policies that provide the framework for the assessment, it is not fulsome and results in the omission of key areas for consideration:

A notable absence in the sources to be consulted is the British Museum's Portable Antiquities Scheme (PAS) database, which in some areas significantly augments data held in the Historic Environment Record and we recommend that this is consulted as part of the baseline study. When set against the physical remains of archaeological sites and monuments, an appraisal of the context of PAS data – the stray and metal-detected finds of all material types - increases understanding of archaeological significance. As individual items, they are unable to adequately inform on significance: by period, their collective presence illuminates patterns of past activity. We, therefore, encourage a more synthetic approach to assessing the evidence base that seeks to discuss archaeological evidence as being where and how people in the past lived, worshipped, worked and were buried than by representation in table form of the significance of individual assets. Use of this approach may reduce any contention over professional judgement regarding the definition of heritage assets as "low" or negligible" value" (see Table 7.1) and we would encourage professional judgement on such assets to be collectively agreed rather than presented as a statement of fact.

The known heritage assets, both designated and non-designated, from all sources should be integrated with newly acquired data from non-intrusive surveys that are in preparation now, in order to create a series of maps and interpretation plans of archaeological landscape evidence, showing areas of settlement, agricultural, funerary, industrial or military land use by period. Further to this, heat maps of known archaeological evidence should be developed in relation to the scheme and particular scheme features (e.g. borrow pits, ponds, new habitat off set areas, compounds haul roads, soil stores and predicted special section/early entry areas) to indicate areas where longer term/extensive archaeological excavation is likely to occur that will assist the programme management of the scheme, as it is clear that some of the scheme areas will need to be subject to substantial periods of excavation prior to any construction impacts.

With regard to trench based evaluation: this requires completion in advance of the DCO application submission so that appropriate archaeological mitigation can be integrated into the Cultural Heritage chapter of the Environmental Statement. This is an essential task, as it allows archaeological organisations tendering for the excavation work to be able to properly estimate the costs of the archaeological mitigation strategy. Recent experience on other NSIPs has demonstrated the importance of advance evaluation in order to:

- a) Understand the archaeological resource across the whole scheme footprint that seeks to preserve archaeological assets where this can be achieved and excavate others where this is not possible;
- b) Protect the archaeological resource from inappropriate construction activity through the development of a suitable, well-programmed mitigation strategy;
- c) Enable archaeological contractors and programme managers to appropriately resource and tender for mitigation work;
- d) To broadly understand the scale of the archive that will be generated, setting out how this should be utilised for public benefit;
- e) To indicate in what academic and accessible formats the excavated evidence should be published, to preserve the archaeological remains 'by record'.

Detailed information and justification about the heritage assets that are to be removed permanently or temporarily (following conservation) should be presented, particularly if notable persons or curtilages are associated with buildings.

As major impact developments, NSIPs should include a robust public engagement strategy enabling participation, information sharing and display. Cambridgeshire County Council's Historic Environment Team advocates the inclusion of such a strategy in the ES based on evidence of the benefits of outreach with other NSIPs or similar large projects, recognising the public appetite to learn about, visit, experience and engage with archaeology and heritage assets and as encouraged in the Culture White Paper (DCMS 2016).

NSIPs produce voluminous archaeological archives. A strategy to store (physically and digitally), use and display such archives or parts thereof should be present in any mitigation scheme.

We look forward to engaging with Highways England's heritage consultants, AECOM, to discuss EIA methods and the scope of investigation in due course.

CCC Public Rights of Way team

We welcome the inclusion of public rights of way (PROW) in the document at 2.4.10. PROW are statutory highways protected in law, and form an important resource for local communities, sometimes termed 'the free green gym'. They are vital to the physical and mental health and well-being of the local population, a fact strongly supported by Cambridgeshire County Council's statutory adopted Rights of Way Improvement Plan (ROWIP), a supplementary policy document to the Local Transport Plan. The Plan can be seen online at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/transport-plans-and-policies/local-transport-plan/>

PROW also provide important functional connectivity between communities for accessing facilities, dog-walking and other activities.

Statement of Action 3 sets out that

"New development should not damage countryside provision, either directly or indirectly. New settlements should be integrated into the rights of way network, and improved provision made for the increased population. Where appropriate, development should contribute to the provision of new links and/or improvement of the existing rights of way network."

The ROWIP is closely linked to, and supported by the Cambridgeshire Health & Well-Being Strategy, also available online at

<https://www.google.com/search?q=cambridgeshire+health+and+wellbeing+strategy&sourceid=ie7&rls=com.microsoft:en-GB:IE-SearchBox&ie=&oe=> The Strategy supports the use of green space and keeping people active to help address mental and physical conditions.

The A428 scheme covers a large area and many public rights of way (footpaths, bridleways and a byway open to all traffic) are affected across a number of villages east of St Neots. As the scheme is due to take 4 years to construct, it will severely impact on these public rights of way and their users during this time. Users concerned are pedestrians, cyclists, equestrians, trail bikers and 4x4 users. Research shows the importance of maintaining good healthy habits; once broken, they can be hard to re-establish. Thus it is important that the PROW network remains accessible and attractive to all its legitimate users in order to continue to provide this important health and functional facility.

Therefore PROW need to be considered in the EIA with regard to:

- Impact on users on both existing routes and alternatives visually and in terms of noise and dust from the construction sites. The consideration should include the provision of mitigation to protect PROW and prevent them from becoming unattractive and unusable.
- Where PROW need to be temporarily closed or diverted for construction, access should be maintained on alternative routes to ensure connectivity during the 4 years of build
- Impact on users on those existing and temporary alternative routes needs to be taken into account in the EIA, specific to the PROW concerned.
- The EIA should take account of the needs of less able people in accordance with the Equality Act 2010; the PROW and any alternative routes should be kept at least as accessible as they currently are. Where possible, improvements should be made to make them more accessible, such as at junctions with roads. Crossings over haul routes should be designed to ensure right of way is to the users of the PROW, who have the statutory right to use them. A good model is that used for the building of Cambourne in the Design Guide.

For further information please contact Asset Information at highwaysassetmanagement@cambridgeshire.gov.uk

CCC Flood Risk & Biodiversity team

We have no objection to the proposed scope of the EIA but would reiterate the following:

1. Any alterations to ordinary watercourses that aren't located within an Internal Drainage Board area will require consent from the Lead Local Flood Authority under the Land Drainage Act 1991
2. Floodplain compensation may be required on some ordinary watercourses. As outlined in the report, this will need to be agreed with the LLFA and will need to be on a level for level and volume for volume basis
3. As with other Highways England road schemes, we would expect drainage from the new road to be limited to greenfield runoff rates through the use of SuDS features
4. In areas with known existing flood risk, measures should be implemented wherever possible to reduce the risk to existing communities.
5. The latest climate change allowances will need to be applied to the design of the drainage network for the road

CCC Public Health team

Thank you for consulting us on the EIA Scoping opinion request for the Black Cat to Caxton Gibbet A428 Road Improvement Scheme. There is a lot of overlap between EIA and Health Impact Assessment (HIA); in fact the methodologies are very similar, the EIA should contain an assessment of the impacts on human health, the preferred option, is for the applicant produce a combined HIA and EIA (an Integrated Assessment (IA), The EIA scoping report doesn't mention Health Impact Assessment although the scoping report has used the HUDU rapid Health Impact Assessment Methodology, it is therefore recommended that a health impact assessment is carried out as part of the EIA and should form the basis of the "Population and Health" section of the ES. The applicant should be encouraged to discuss the HIA scoping with Public Health at the County Council prior to submission. Our specific comments on the EIA Scoping report are as follows.

The methodology proposed is consistent with good practice and the topics to be assessed are welcomed, namely:

- Access to healthcare services and other social infrastructure.
- Access to open space and nature.
- Air quality, noise and neighbourhood amenity.
- Accessibility and active travel.
- Access to work and training.
- Social cohesion and neighbourhoods.
- Climate change.
- In addition the EIA should scope into the assessment:
- The risk of suicide during both during the construction and operational phases.
- Road Traffic Collisions both during the construction and operational phases.

The applicant should also consider if the assessment of "impacts on any feeder PROWs between destinations, within 1km of the DCO site boundary" is appropriate considering that it is recommended to include walking and cycling as part of active travel to work and therefore distances travelled by NMU greater than 1km are not unusual, therefore

consideration should be given to extend the boundary to 5km, or consideration given to identifying relevant employment and leisure destination within 5 km of the DCO boundary.

CCC Ecology Team

We welcome the inclusion of Biodiversity as part of the proposed Environmental Statement. It is important that sufficient consideration is given to local biodiversity value, including:

- County Wildlife Sites and Protected Road Verges
- Species of local importance, including Local Priority Species and Cambridgeshire and Peterborough Additional Species of Interest (CPASI)
- Habitat Opportunities Mapping (currently in draft version – contact biodiversitypartnership@wildlifebcn.org for more information)

Cambridgeshire has seen significant reduction in areas of high quality biodiversity habitat due to intensive agriculture, continuing land take for significant housing development and significant fragmentation from major infrastructure schemes (both rail and road) creating high pressure on the remaining biodiversity resources and impacting on the resilience of biodiversity using the local area and the wider region. Serious consideration must be given to the cumulative impact of infrastructure and strategic housing developments currently being delivered / in development across the county, including:

- A14 Huntingdon – Cambridge improvements
- East West rail
- Cambridge-Milton Keynes – Oxford Arc
- Cambridgeshire Combined Authority, Cambridgeshire County Council and Greater Cambridge Partnership infrastructure projects, such as Cambridge to Cambourne Busway
- Cambourne, Cambourne West, Wintringham Park and Bourn airfield developments

It will also be important that the scheme reflects national planning policy (NPPF) to deliver a measurable Biodiversity Net Gain (BNG) and help deliver the Governments 25 Year Environment Plan. We would recommend a 20% net gain (demonstrated using a Biodiversity Impact Assessment based on Defra off-setting metric) to ensure a significant, measurable biodiversity net gain can be achieved. This figure is in line with early biodiversity net gain discussion being held by Cambridgeshire's local authority ecologists and other LPAs in the country implementing BNG.

It will be essential that appropriate BNG is delivered using sound evidence and maximises the opportunities for wider environmental net gain. This should include the development of a Natural Capital Investment plan and take on board the findings of similar assessments for other infrastructure schemes, including:

- Bedfordshire Local Nature Partnership (2018) Natural Capital Investment Planning for the Oxford-Milton Keynes- Cambridge Growth Corridor

General

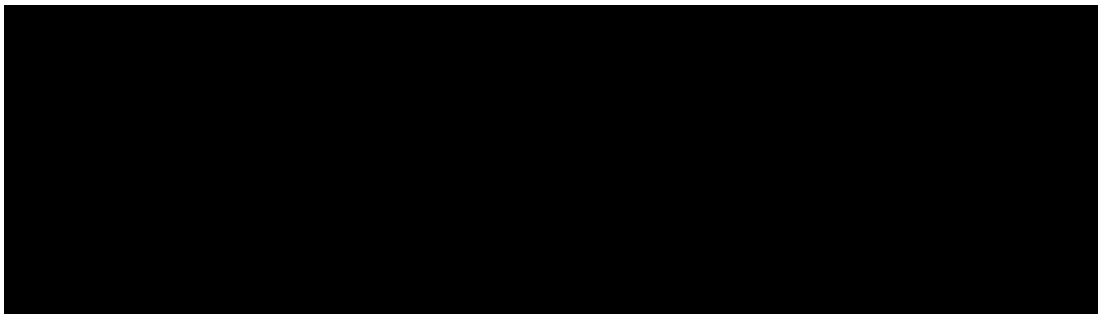
The response highlights a number of areas where further engagement will be needed in detail with Cambridgeshire County Council as Highway Authority and the Cambridgeshire and Peterborough Combined Authority as Transport Authority as the proposals are progressed.

These will require a significant investment of time and resources from the Council, which my officers will discuss with you in detail. As is the case with other strategic road and rail infrastructure schemes, Cambridgeshire County Council will require its costs for providing advice on the planning and delivery of the scheme to be covered, and will seek financial support for any other costs that it accrues as a result of the scheme.

If you have any queries relating to the responses above, please do not hesitate to contact us by email at Matthew.Bowles@cambridgeshire.gov.uk

Yours sincerely

Graham



Graham Hughes
Executive Director, Place & Economy, Cambridgeshire County Council

From: [REDACTED]
To: [A428 Black Cat](#)
Subject: FW: Caxton Parish Council - Scoping Consultation
Date: 29 April 2019 15:05:48

Kind Regards
Ben

Ben Stoehr
LGS Services
30 West Drive
Highfields Caldecote
Cambs.
CB23 7NY

Tel: [REDACTED]

From: [REDACTED]
Sent: 29 April 2019 15:01
To: 'a428.blackcat@planninginspectorate.cov.uk'
Subject: Caxton Parish Council - Scoping Consultation

Good Afternoon

Caxton Parish Council has no comments on the above consultation.

Kind Regards
Ben

Ben Stoehr
LGS Services
30 West Drive
Highfields Caldecote
Cambs.
CB23 7NY

Tel: [REDACTED]

Development Management

Central Bedfordshire Council

Priory House, Monks Walk
Chicksands, Shefford
Bedfordshire SG17 5TQ
www.centralbedfordshire.gov.uk



Mr I Gwilym
The Planning Inspectorate
Major Casework Directorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Contact Jason Traves
Direct Dial
Email [REDACTED]
Your Ref TR010044
Date 02 May, 2019

BY EMAIL: A428.Blackcat@planninginspectorate.gov.uk

Dear Mr Gwilym,

Application No: CB/19/01279/OAC [PINS Ref: TR010044]
Location: A428 Black Cat to Caxton Gibbet Road
Proposal: Consultation on EIA Scoping Opinion: Consent for the A428 Black Cat to Caxton Gibbet Road Improvement Scheme

I refer to your letter of 04 April 2019 regarding the Scoping Opinion consultation and would confirm that Central Bedfordshire Council raises no objection to the proposed development subject to the following matters in this consultation response being taken into consideration as part of Scoping namely, aspects of the proposal and the assessment of its potential impact in relation to Transport, Rights of Way, Landscape, Archaeology, Built Heritage, Trees, Water and Drainage, Ecology, Pollution. Also, other matters to be taken into consideration in terms of content to be clarified and addressed in the ES. Where matters are not sufficiently addressed in the ES, the council may subsequently object to the proposals.

Transport

Whilst it is appreciated that transport assessments and modelling are ongoing, it is considered fundamental that a transport chapter is included in the ES and addressed in the EIA scoping 'in' exercise. That is, likely significant environmental effects on users of the highway network in terms of changes to traffic conditions; the local highway network and their potential for congestion; severance, driver delay, accidents and safety, for the construction and operational phases of the Proposed Development. The chapter needs to describe the methods used to assess the baseline conditions currently existing in this area of the network and surrounding area; the effects of the proposed development; the mitigation measures required to prevent, reduce or offset any significant adverse effects and; the likely residual effects after these measures have been adopted. The transport impacts should include consideration of the baseline situation and along with the alternatives as set out in the scoping, it is considered reasonable to add a 'do nothing' scenario. The Council would wish to agree the committed developments to be factored into the modelling and combined/cumulative impact assessments. Along with the operational phase, consideration of the construction phase transport impact is critical, the assumptions and estimates for the build out and how construction vehicles will access the development site and which routes they might take. Full supporting information to the main ES chapter will need to be contained in an appendix volume and models should be made available in electronic format that can be fully scrutinised by the Council. As with the rest of the ES, the Council would expect the transport chapter to consider any relevant guidelines of The Institute of Environmental Management and Assessment (IEMA) which is recognised best practice. It should be further noted that the traffic data is relevant to the consideration and modelling of impacts in other chapters e.g. air quality and noise assessments.

Further detailed comments are provided below as to what the Highways team would expect to see included in the ES:-

- The Environmental Scoping Report does not provide any information on the impact of junctions south of the Black Cat Roundabout scheme.
- Firstly, is Sandy (A1/A603/B1042) where a 50mph speed limit applies. What are the implications therefore going to be when traffic has a free run through Black Cat once they approach Sandy in terms of modelling?
- The same question then applies to the two junctions north (A1/B658/A6001) and south (A1/A6001) of Biggleswade. All three junctions with the A1 are at grade.
- The existing signalised Black Cat junction means that traffic is tidal flow in nature heading south but this will change upon completion of this scheme, with a real potential for the same problems experienced at Black Cat to be replicated at Sandy.
- With construction road works at the Black Cat, what modelling has been carried out to assess the impact of traffic diverting on to the A603 (adjacent to Priory Business Park, Bedford) which merges with the A1 at Sandy for southbound traffic seeking to avoid delays caused by the construction works.

We would welcome further information in this respect.

There is provision of alternative access to Rectory farm shown however, there is no wording to state if there is to be a new bridge on C54. This is the road between Langford End and Little Barford. The plans are not available in any great detail and it looks as though earthworks will be carried out to provide a new embankment in this area. If this is to be a new embankment what land will be given over to the Council to both existing and new assets? Clarification is therefore sought.

The only impact for non-motorised users (NMUs) will be on National Cycle Route 12 will be that additional traffic will be generated on Roxton Road due to the removal of access points directly from the A1 north of Black Cat with Chawston Lane and The Lane. This however, is in the Bedford Borough Councils administrative area. There are some Public Rights of Way near the proposed works but it is not thought that there will be any impact upon these although this should be discussed in detail and confirmed by the PRoW team of Central Bedfordshire.

Landscape

The Expressway will only pass through a limited extent of Central Bedfordshire but will have direct impacts on two landscape character areas -The Great Ouse Clay Valley (4A) and the Biggin wood Clay Vale (5F) but will result in changes to the view from the Everton Heath Greens and Ridge (6C) in locations where the route will be seen from the escarpment. The current countryside has an open and rural character; mitigation to integrate the linearity of the route and reduce intrusion for affected residents will be required.

Aecom have liaised with the Landscape Officer with regard to proposed viewpoints and with the methodology for undertaking the LVIA.

The Landscape Officer confirms that the approach described in the Environmental Scoping Opinion is acceptable and follows best practice.

This will address areas of concern. Landscape issues of most significance include the scope for delivery of the scale of mitigation required to integrate the structures required at the Black Cat. The River Ouse crossing is a key area of sensitivity, together with the embankments required to cross the floodplain. The impact of lighting – both in terms of night time intrusion but also the visual impact of the columns is a further concern.

The Landscape Officer further welcomes the strategic approach taken to secure green infrastructure, which will be planned to accord with local landscape character and bring gains for biodiversity. The potential to include off site planting as part of the mitigation is also welcomed. Further consultation is planned. This is welcomed because at this stage there is no information about detailed design. The requirement for noise mitigation which could include bunding and fencing has yet to be determined,

features which can result in significant visual intrusion.

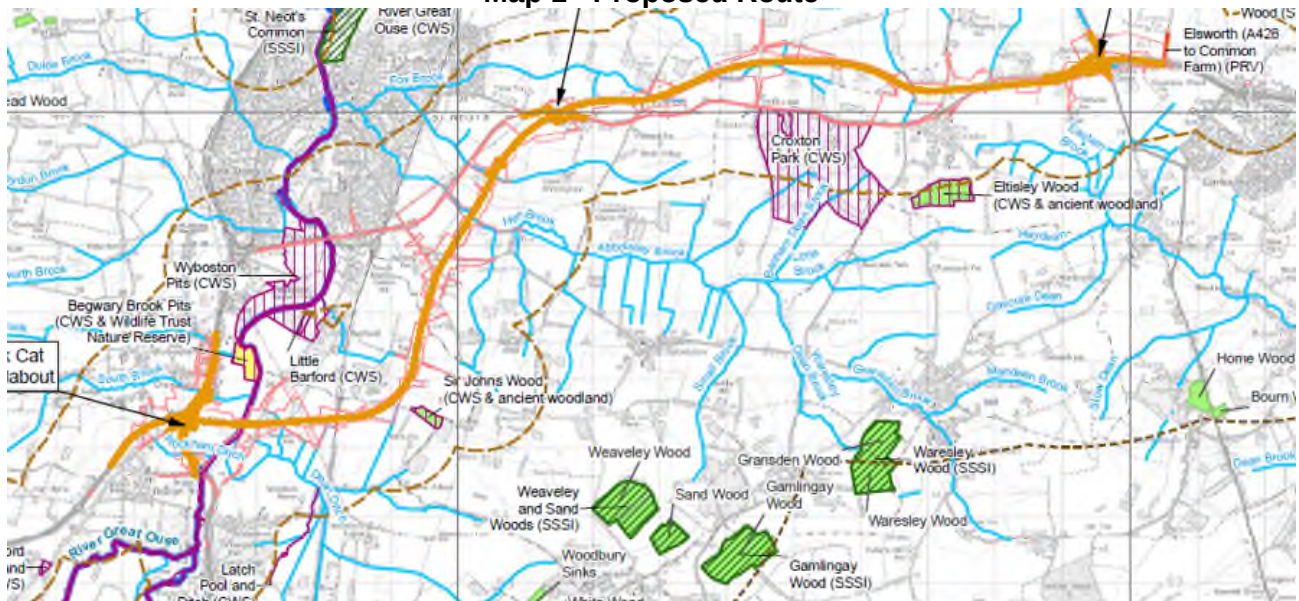
The scope to include public art could also be considered having regard to emerging policy in Central Bedfordshire.

Rights of Way

The proposed route for the scheme appears to have minimal impact upon the rights of way network highlighted in Map 2.

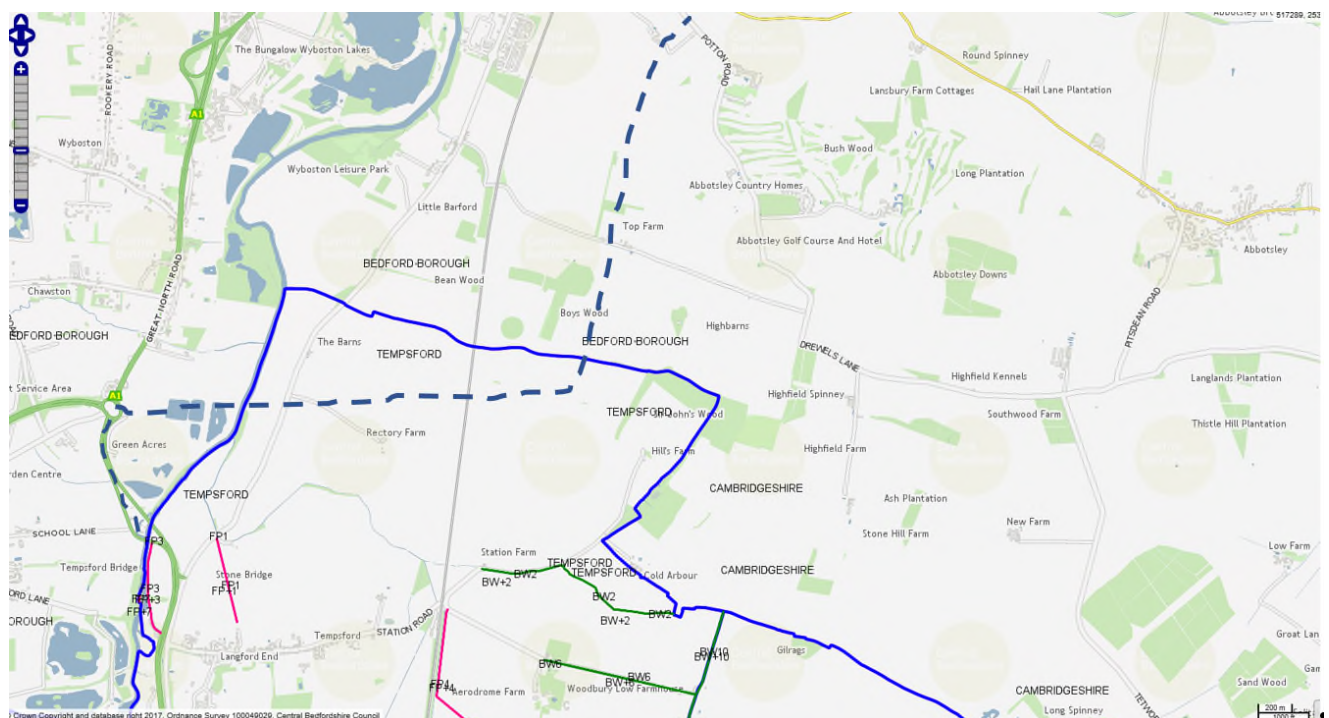
The proposed route in Map 1 does not cross any CBC footpaths or bridleways and would, therefore, not compromise the integrity of the existing network. As such Rights of Way has no comment to make on the scheme, other than to state that presently both ends of Footpath 3 join the A1 with access to a footway running alongside the A1. Rights of Way would not wish to see the loss of the footway as it would render the footpath virtually unusable.

Map 1 - Proposed Route



MAP 2 – Central Bedfordshire GIS Output

	Approximate location of road scheme		Footpaths
	CBC boundary		Bridleways



Archaeology

The proposed development area lies within a known archaeological landscape with remains dating from the later prehistoric periods onwards. Under the terms of the National Planning Policy Framework (NPPF) these are heritage assets with archaeological interest. In addition, the proposed new road corridor lies within the setting of a number of nationally protected designated heritage assets of the highest significance (as defined by the NPPF).

In making comments the Archaeology Team have considered the following information (as provided by the Planning Inspectorate):

AECOM (2019) A428 Black Cat to Caxton Gibbet: Environmental Scoping Report. AECOM report number HE551495-ACM-EAC-GEN-Z-Z-ZZ-RP-LE-0003-P04 S4, March 2019.

The Environmental Scoping Report is intended to set out the scope and methods that will be used when undertaking the Environmental Impact Assessment (EIA) and preparing the Cultural Heritage section of the Environmental Statement (ES). The Archaeology Team have the following comments to make on this document:

We can confirm that we have been liaising with AECOM and the archaeological advisors to Cambridgeshire County Council and Bedford Borough Council in order to assist with the data collation and assessment of the impact of the development proposals on the archaeological resource. We are also being regularly updated on the progress of the geophysical survey by AECOM.

We are pleased to note that the EIA will consider the potential impacts of the proposal on both designated and non-designated heritage assets. We would remind the applicant that any assessment of the impact on the setting of heritage assets must be undertaken using Historic England's The Setting of Heritage Assets: Historic Environment. Good Practice Advice in Planning: 3 (Historic England, 2015) in order that the Environmental Statement can be considered valid. We accept the absence of detailed constructional information about the scheme at present. However, given the proximity of the scheme to Tempsford Bridge Scheduled Monument (CBHER 5994 and NHLE 1005393) we expect any impact to be fully considered and appropriate mitigation proposed as part of the Cultural Heritage chapter of the ES.

We are content with the study area as described in section 7.1-7.2 and section 7.6.11-7.6.12 of the Environmental Scoping Report. We would however remind AECOM that they need to update the extent of the study area for the additional compounds and access routes and make reference for the rationale for the reduction of the search area from 1km to 500m.

Section 7.4 of the Environmental Scoping Report discusses the design, mitigation and enhancement measures. We agree that in addition to the desk-based research, geophysical survey and trial trench evaluation that archaeological excavation will be necessary to mitigate the impact of the scheme on the archaeological resource.

Section 7.4.5 of the Environmental Scoping Report states that the cultural heritage assessment will be a key consideration in the development of the landscaping strategy. We welcome this but would remind AECOM of the need for close liaison with the Council's Landscape Officers and that landscaping (for example through tree planting) can also have a detrimental impact on the archaeological resource and therefore this must be considered during the design of any landscaping mitigation.

Section 7.7 of the Environmental Scoping Report refers to the assessment assumptions and limitations. We are pleased that fieldwork will form part of the cultural heritage assessment.

However, while we recognise that evaluation fieldwork will be subject to landowner agreement, we remind AECOM that failure to provide sufficient information on the impact of the proposed scheme to the historic environment in the ES may result in a request for further information under Reg 25 of the EIA Regulations 2017.

Recommendation

The Archaeology Team consider that the scope and methodology for the Cultural Heritage

Assessment as set out in the Environmental Scoping Report that accompanies this scoping opinion request are broadly acceptable. We remind the applicant that under the EIA Regulations 2017, the advice provided in the Scoping Opinion is binding and therefore, we expect to see our advice adhered to in the ES. If the ES does not comply with the advice provided, then it is likely that the Archaeology Team will request that further information is provided (as permitted under Reg 25 of the EIA Regs 2017).

Built Heritage

The Conservation officer has reviewed the Scoping Report opinion and considers that there would be limited impact upon listed buildings located within Central Bedfordshire (both Listed and non-designated). The Officer is therefore of the opinion that the proposal initially appears acceptable and, subject to further details and assessment would not cause harm to the heritage assets within Central Bedfordshire. In the event that the project progresses and there is harm to a designated heritage asset within CBC, this harm will not likely be substantial (therefore less than substantial harm would have to be outweighed by public benefits as per NPPF, Chapter 16).

Trees

A limited part of this proposal is in CBC. The Trees and Landscape Officer would be seeking a BS5837 2012 compliant Tree Survey and Arboricultural Impact Assessment as regards all trees with the potential to be affected. A Method Statement based on final proposals and suitable replanting proposals is sought.

Water and Drainage

The following comments are made as the Lead Local Flood Authority (LLFA) for Central Bedfordshire Council. In 2010 the Flood and Water management Act created the LLFA. The LLFA has powers and duties with regards to local flood risk which includes flooding from surface water. In 2015 the LLFA was made a statutory consultee for surface water drainage arrangements on new major developments, DCLGs accompanying Ministerial Statement (HCWS161) required new major development consider the current and future flood risk from surface water drainage and mitigate this using sustainable drainage principles. In 2018 the NPPF was further amended to ensure opportunities are sought from new development to implement flood risk solutions that provide betterment of the current flood risk (paras 100, 165).

Comments are provided in the context of the report: 'AECOM 2019, A428 Black Cat to Caxton Gibbet: Environmental Scoping Report. AECOM report number HE551495-ACM-EAC-GEN-Z-Z-ZZ-RP-LE-0003-P04 S4, March 2019'.

Impacts on flood risk (from all sources)

The report focuses mainly on the impact of the proposed scheme on fluvial flood risk, and does not consider in any detail the current/future flood risk from other sources, including surface water and overland flow (see section 2.3.25 – 2.3.27 'Hydrology' and 12.2.34-12.2.37 'Flood Risk'). Please note that under NPPF equal weighting should be given to all sources of flood risk and the integration of these (including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources, Paragraph: 002 Reference ID: 7-002-20140306 Revision date: 06 03 2014). There are extensive flood zones 2 and 3, and significant surface water flow paths within the route boundary, and we will expect a detailed flood risk assessment be undertaken that considers the integrated flood risk from all sources. We do not consider that a worst case scenario has been thoroughly explored with regards to flood risk and management or the full range of potential impacts on all sources of flood risk.

The report references national flood mapping data sets, these can underestimate the risk at a site due to generalisations in the methodology used to create national mapping. We have concerns that when applied to a development of this scale the national assessment of flood risk cannot be used as an accurate representation, and further detailed assessment of all sources of flood risk should be undertaken to inform flood mitigation for current/existing risk. We recommend detailed catchment scale analysis be undertaken in the preparation of the DCO/future development submission. We note this is briefly considered in 5.1.49, additionally the modelling set out in 12.6.11 which only considers the inclusion of fluvial flood risk, we recommend that clarity is sought that modelling will be

undertaken to validate the national assessment of flood risk using integrated catchment modelling to determine the nature of flood risk from ALL sources and the impact of the scheme options on these. This includes assessment of the conditions contributing flooding, including overland flows and minor watercourses not shown on the EAs flood map for planning.

We also have concerns that the scope of study for further assessing the impacts of the scheme on flood risk and water quality/environment are limited to the 1km scoping study area, it is likely to be insufficient when considering the catchment characteristics that influence flood mechanisms and water quality, we recommend the Catchment data Explorer tool used by the Environment Agency be assessed and the boundary of the study area with regards to flooding/flood risk be amended to reflect catchment response and flows that have the potential to impact the design of the drainage scheme and the adverse impacts/opportunities associated with the scheme on this. We therefore require that the recommendation in 12.6.16 and 12.6.17 be secured, to extend the study area with regards to flooding/flood risk.

Current flood risk and flood risk betterment

Under the revised NPPF 2018, the development proposal must aim to provide betterment of the existing risk. We will require that the scheme manage the existing risk, as well as the associated risk resulting from the proposed development, without increasing the flood risk to others/elsewhere, as is set out in detail in the NPPF and its supporting guidance. Section 3.1.32 sets out that only fluvial flood risk has been used to appraise the options, and not surface water risk or any other source. Where the scheme is proposed in areas that will alter or impede overland flows for surface water than the impact of the scheme on flood risk from surface water must be considered in detail. We do not consider this complies with the revised NPPF policy objectives for managing all sources of flood risk. We do not consider the report has given sufficient detail regarding the current risk and the options to relieve this through new development wherever possible. We will expect that land is safeguarded for flood management, from all sources, and that flood management techniques incorporate sustainable drainage principles. Considering the scope and scale of the development we will expect that strategic blue green infrastructure is incorporated at the landscape level to intercept, store and slow the flow of surface water through the catchment. Mitigation measures should maximise water efficiency and contribute to a net gain in water quality, biodiversity, landscape character and green infrastructure.

Where structures are proposed over any watercourse (river, ditch, stream etc.) as set out in 2.4.26 of the report, the proposal must comply with the Council's land drainage byelaws, as well as other policy guidance documents. These must be designed considering the upstream and downstream impact, managing the existing and future flood risk to an acceptable level. CBC will require any works which encompasses any kind of watercourse will provide opportunities to improve or enhance the water environment, this could be through river restoration, backwater creation, de-silting, de-culverting, in-channel habitat enhancement and appropriate removal of structures. These must be designed considering the upstream and downstream impact, managing the existing and future flood risk to an acceptable level, 12.4.2 sets out that this is still under consideration. We understand that the application will need to use crossings of the Hen and Fox Brooks, and the watercourse south of them that runs past Rectory Farm behind the power station at St Neots, to reduce flood risk on the A428, to St Neots, and to the Wintringham Park site. Crossings at the top of the watercourse must consider and manage flood risk in Yelling, and we require these areas be targeted flood betterment and this should be reflected in section 1.2.5 of the report which only considers existing risk A1 between Black Cat junction and Wyboston. Targeted flood betterment should continue to be evolved prior to a submission being made, informed through detailed flood risk modelling to ensure an accurate representation of the current risk and potential impacts/opportunities of the scheme on this.

Surface water runoff and drainage

12.4.5 sets out that outflow rates will be limited to a rate/s to be agreed through consultation with the Environment Agency and LLFA, in accordance with the guidance documents set out in 12.4.8 of the report that requires greenfield rates/volumes are not exceeded on all major development. 12.4.5 sets out that SUDS and oversized pipes are also considered as mitigation options for surface water run off increases arising from increased impermeable areas as a result of the scheme, as set out in this response we will expect SUDS are prioritised and the principles of the SUDS management train (Source, Site and regional) controls are incorporated to achieve flood management, water quality management and benefits for biodiversity, amenity and ecology to manage the impacts if the scheme on the environment. 12.4.7 of the report considers 'ponds, wetlands and swales will be the preferred sustainable solutions, as these options mimic natural drainage and can be used to deliver other

environmental benefits', this is at odds with section 2.4.24 of the report that 'surface water drainage will consist of a combination of attenuation measures and kerbs and gullies to capture, direct and attenuate flows to maintain the current rates of discharge into existing watercourses'. We do not have confidence that sustainable drainage principles will be fully embedded in the proposed schemes drainage solution. We would object to a scheme being brought forward which does not incorporate these features/principles. Please note that 9.5.8 considers adverse impacts on the amenity of the site, 9.5.9 on the landscape character including vegetation and connectivity, sustainable drainage should be considered in the context of these impacts and the use of SUDS to offset and mitigate the impact of the scheme through holistic solutions to wider environmental impacts.

Impacts on the wider water environment

We consider the scheme has significant potential to impact the water environment, including morphology and ecological quality. The scheme must adhere to the environmental objectives for water bodies within the route as set out in the Anglian River Basin Management Plan 2015 (Great Ouse Lower), including main and non-main rivers (listed in 12.2.5). We therefore expect a full assessment to be made of the potential impact on the water environment with regards to the factors set out in the RBMP, and a holistic approach to flood risk management which encompasses objectives for improving and enhancing the water environment to be delivered, through the use of landscape level blue green infrastructure and sustainable drainage principles. 9.5.7 only considers the potential adverse impact of the scheme on the flood plain and not the water environment although WFD and RBMP objectives are briefly considered in the section 12.2, it is not clear how objectives to meet these are proposed as part of the drainage scheme and flood mitigation measures.

Climate change

5.1.36 of the report considers the impact of climate change on flood risk. Climate change must be considered and a suitable allowance made in the proposed mitigation and design of specific features and structures, this is considered by the report however table 3.1 sets out that only climate resilience is to be considered in the appraisal of options and does not include an assessment of climate adaptation however this is briefly considered in 15.6.17.

Future maintenance

Roles and responsibilities for watercourses land drainage, including structure and features influencing the flow within a watercourse, will need to be considered in full to ensure that the regulated flow of water through this is ensured without increasing flood risk, though their proper maintenance and management. This is in addition to the management and maintenance (and replacement) of any drainage systems to be created as part of the scheme.

Recommendation

While we broadly agree with the report, we have concerns that the report does not assess or provide the premise to further investigate and propose mitigation of the flood risk from all sources, including both the current and future risk, as well as the potential impacts on the wider water environment. We will require that this is considered in more detail prior to a submission being finalised, and the submission being provided to the LLFA for further consultation prior to it being finalised (as per 12.6.23 of the report). 5.1.91 of the report states that Information gathered and assessed as part of the EIA process will be used to inform the Flood Risk Assessment, the above comments by the LLFA must ALSO be taken into account and the subsequent information required by the LLFA included in this process. We consider this is necessary for the report to meet its recommendation in 12.5.3 in response to the potential adverse effects of the scheme on water quality, morphology and flooding/flood risk: 'Should any of these effects be significant, it is expected that these can be mitigated through the development of an appropriate drainage design strategy, appropriate watercourse crossing designs, and implementation of best practice procedures during construction, operation and maintenance of the Scheme', and the methodology set out in 12.6 of the report.

Ecology

Whilst the survey coverage is considered to be comprehensive for the purposes of scoping, the fact that the report admits some areas of land within the development consent order (DCO) boundary have not been surveyed due to access restrictions is concerning. There do not appear to be any plans showing areas of search not covered and hence it is not possible to determine what level of

information is potentially missing.

The Scoping Report suitably assesses potential species and habitats at risk from impact as a result of the scheme. Baselines are specified upon which delivery of net gains can be assessed. The western part of the road corridor passes through a B-Line, an area of focus for pollinator habitat enhancement, opportunities for enhancement would need to be informed by adequate surveys.

It is further noted at para 8.6.15 the report refers to consultation with Bedfordshire County Council et al but this is no more, 'Central Bedfordshire Council' is a Unitary Authority.

Pollution

Much of the site and proposed new A428 extension falls outside our district. However, part of the A428 will clip the northern part of our district and we do have some residential receptors (some remote dwellings plus the village of Tempsford) in the vicinity who are likely to be impacted by the development as proposed. In terms of what needs to be scoped into any subsequent Planning application, the Pollution Team would advise as follows:

Noise – Construction Phase

Noise & vibration from the construction of the 3 tier Black Cat roundabout junction will need to be considered, although this is likely to be more of an issue for residents of Roxton in Bedford Borough's area. Noise will include the impact of deliveries accessing the site, and vibration impacts from any piling and vibro-compacting operations. These will all need to be considered and assessed in a robust noise impact assessment for the development.

Noise – Operational Phase

The Pollution Team note that they have already discussed the noise impact assessment with the appointed noise consultants in respect of the potential impacts on nearby residential receptors, and therefore fully expect this area to be scoped into the planning application as appropriate.

Air Quality – Construction Phase

The operational impacts of fugitive dust emissions on nearby residential receptors needs to be considered, although again this may be more of a concern for residents in Roxton. Air quality impacts from construction traffic movements (on-site and off-site) should also be considered as part of the Air Quality Impact Assessment for this proposed development.

Air Quality – Operational Phase

Central Bedfordshire Council has declared an Air Quality Management Area (AQMA) on the A1 north of the Sandy roundabout. The proposed development could have a direct impact on the AQMA which needs to be fully quantified and assessed as part of a robust Air Quality Impact Assessment. Not least increasing the throughput and flow of traffic southwards on the A1 could increase congestion and queuing on the approach to the Sandy Roundabout at peak times, with consequent impacts on the AQMA. Air quality impacts therefore need to be scoped into any environmental assessment for this proposed development.

Other

- Preparation by 'Competent Experts' [S18(5)(a)&(b) of the Regs]: The ES will need to include a statement concerning the relevant expertise and qualifications of the competent experts responsible for the ES and its various chapters.
- ES format [Sch4 s9 of the Regs]: In accordance with Schedule 4, a non-technical summary of the ES should be provided.
- The consideration of alternatives: As stated earlier in this advice, in evaluating alternative proposals, it is 'reasonable' to evaluate the 'do nothing' option.
- Consideration of best practice: Along with relevant policy and guidance, please have regard to The Institute of Environmental Management and Assessment (IEMA) guidelines.
- The consideration of 'litter': In Ch14 'Material Assets and Waste', there is no mention of litter in paras 14.3.3-4 'Operation' and there is limited mention under 'Future Maintenance'. The

justification for scoping Waste out of the assessment at para 14.3.7 is reference in the proceeding para to any waste generation being simply “comparable” to that which is generated by the existing network and there being “established procedures and facilities”. In the absence of ‘litter’ being defined, it can be taken to mean anything from as little as a cigarette butt to fly tipping. The devastating environmental consequences of such pollutants should be so obvious as not to require further elaboration in this response. It is first concerning that this environmental impact has little coverage in the Scoping (It is a cross cutting impact which also has relevance to chapters: Air quality, Cultural heritage, Biodiversity, Landscape, Pollution and Health, Road Drainage and the Water Environment) and secondly, that its further consideration is scoped out simply because of an apparent *status quo* rather than proper consideration of the impact and its mitigation to protect the environment, the very aim and purpose of EIA. It is questioned why litter is not one of the ‘main’ or ‘significant’ environmental effects that the development is *highly* likely to give rise to, no different to other impacts, and notwithstanding the crosscutting implications for the assessment in other chapters. It should also be considered in terms of combined and cumulative effects. The Scoping report makes reference to considering the political dimension and this is certainly an issue receiving coverage in the press where there is an evidential tension between national agencies and local authorities in terms of taking responsibility for this environmental issue despite there being in place these established procedures and facilities referred to but not explicitly detailed in the Scoping. From a corporate social responsibility position, it is a long since established expectation of communities that prominent companies take responsibility for their environmental impacts *including* those attributed to littering by their customers and subsidiaries, which in this case includes the users of the proposed road during the operational phase. For all these reasons and least of all because this is considered to be a significant environmental impact, ‘litter’ in the waste chapter should be scoped in and appropriately evaluated and cross referenced in other relevant environmental chapters of the ES.

- Scoping Report clarifications to be addressed in the ES:
 - o Ch 5.2 Limitations, para 5.2.3: What are these other developments? The author will need to be explicit. Note that the Council will wish to agree a list of committed developments for consideration as part of the EIA.
 - o Para 5.2.8, second bullet point. *"conventional methodologies and techniques have been assumed to be employed during construction of the Scheme, with best practice site-based measures implemented to protect sensitive environmental features during the works;"* – This sentence is so general as to be rendered meaningless, the author will need to be specific
 - o Paras 7.7.3 & 4 – It is queried how are watching briefs for arch are being addressed and accounted for?
 - o Pars 7.7.6. – There is concern that the coverage in the ES might not be comprehensive depending on the limitations of land ownership. All areas proposed to be disturbed should be accessed to undertake intrusive investigations as necessary.
 - o Para 13.2.24 – In relation to Unexploded Ordinance, the HSE will need to be consulted as necessary to agree a suitable approach to addressing this risk for further consideration as part of EIA.

Thank you for your attention and please be aware that this consultation response is offered without prejudice to the future assessment and decisions of the council.

Yours sincerely,

Martin Plummer
Planning Manager (North)
Planning Delivery
Regeneration and Business Directorate

Major Casework Directorate
The Planning Inspectorate
The Square Temple Quay
Bristol
Avon
BS1 6PN

Our ref: AC/2019/128303/01-L01
Your ref: TR010044
Date: 2 May 2019

Dear Sir/Madam

**PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (THE EIA REGULATIONS) – REGULATIONS 10 AND 11 APPLICATION BY HIGHWAYS ENGLAND (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE A428 BLACK CAT TO CAXTON GIBBET ROAD IMPROVEMENT SCHEME (THE PROPOSED DEVELOPMENT) SCOPING CONSULTATION AND NOTIFICATION OF THE APPLICANT'S CONTACT DETAILS AND DUTY TO MAKE AVAILABLE INFORMATION TO THE APPLICANT IF REQUESTED
A428 BLACK CAT TO CAXTON GIBBET ROAD**

Thank you for your letter regarding the above mentioned site, which was received on 4 April 2019. We have reviewed the Scoping Report and wish to make the following comments.

FLOOD RISK

We are pleased to see that flood risk, within the Road drainage and the Water Environment section, has been scoped into the Environmental Statement (ES).

The proposed route crosses The Great Ouse (Main River) and several of its larger tributaries within the area.

The redevelopment of the Black Cat junction and the nearby new Main river crossing is of particular interest to us due to the potential impacts (both negative and positive) this can have on the local area.

Red Line boundary

There is a concern that the red line boundary has been provided without the Flood Risk Assessment (FRA) being completed. The red line boundary would ideally include the flood compensation areas and surface water drainage features within it. Prior to the submission of the Development Consent Order (DCO) application. The principles of the floodplain compensation scheme will need to be understood and the areas required for this provision should be included within the red line boundary.

Care should also be taken when setting red line boundaries against watercourses

that may need to be realigned. Greater flexibility is needed to allow for sinuous watercourses.

Learning the lessons from the recent A14 upgrade. The red line was restricted after the DCO Public Inquiry and later during more detailed designs further land was required, resulting in individual planning permissions being sought for further drainage/compensation land outside the red line boundary. We recommend where there are assumptions or further detail is required that buffer zones are used and red line boundary is not too restricted.

Enhancement / Betterment

We are disappointed that there is limited reference in seeking overall net gain for the environment and flood risk management. Given that the Government position within the 25 year Environment Plan is to seek net gain through development of projects like this, we would expect some commitment to cover this in the EIA.

There are opportunities along this route to reduce flood risk to St Neots and the wider Great Ouse catchment. This could include:

- Upstream storage on the Hen, Fox and Wintringham brooks which all converge in St Neots and cause major flooding disruption. The route crosses all of these watercourses and this is a fantastic opportunity to restrict the flow within these watercourses during peak times. If this is shown to reduce flood risk then it could unlock DEFRA Flood Defence Grant in Aid contributions to assist in funding those aspects of the scheme.
- The crossing of the Great Ouse currently includes earth embankments within the floodplain. This could be designed to make St Neots more resilient to flooding in the future by restricting large scale flows. However, care will be needed to ensure that there is no detrimental impact upstream.
- The locations of the required borrow pits could provide opportunities to provide additional floodplain storage with minimum cost to the scheme. We would welcome to be part of the discussion on the potential locations for the borrow pits so that environmental and flood risk opportunities are not missed, as well as, the use of surplus material which could be re-profiled to offer flood storage benefits in the catchment.
- Reduced volumes and rates of discharge into watercourses. Consideration should also be given to the response time of the drainage scheme.
- Increased knowledge of flood risk. The scoping report acknowledges that the Flood Map for Planning does not definitively identify the risk. If the FRA produced could be scoped so that flood modelling is not limited to the area directly adjacent to the scheme but expanded to the wider area that may be affected, this scheme could then enable future schemes.

Consultation

This route falls within numerous Local Lead Flood Authority (LLFA) and Local Planning Authority (LPA) boundaries, especially at the Black Cat Junction. In addition to this, some ordinary watercourses may be 'awarded' to the District Councils under the Enclosures Act and further permissions may be required (Huntingdonshire and South Cambridgeshire) so they may be additional stakeholders that will need to be included within the consultation.

We would welcome to be part of a flood risk/water management group that contributes to the development of the ES and the scheme as a whole. Due to the complex network of watercourses across the route organising all the flood risk/water management stakeholders into a single group may allow for a more efficient holistic consultation process.

Spatial Scope

The study area proposed is limited to a 1 or 2km buffer. The FRA should identify key areas of flood risk well beyond this area. The study should consider the potential (positive and negative) impacts of the scheme on flood risk in key communities including Sandy and St Neots, and the buffer should be determined on catchment considerations, rather than an arbitrary cut off.

Flood Risk Assessment

We are pleased to see that it is acknowledged that a standalone FRA is the best method for determining the impact of the scheme. It should be noted that the FRA should inform the ES not the other way round as stated within section 5.1.91.

The FRA should look to assess the scheme for opportunities for flood risk reduction as well as its negative impacts.

In section 12.6.11 it is stated that only the main watercourses will be modelled in detail. It is unclear whether this refers to Main Rivers or if it will include the larger ordinary watercourses.

Following our review of the baseline hydraulic model in 2017, we understand that the scheme modelling will be available soon. We would welcome the opportunity to review the model at the earliest opportunity so that any issues can be addressed as quickly as possible.

We would recommend that the feasibility of providing floodplain compensation is determined prior to detailed design stage. This can be done through a screening study to identify where compensation can't be provided (outside red line boundary, protected sites, urban areas etc) and then determining whether the remaining areas have the topography to provide compensation at the right levels.

Evaluating the Magnitude of an Impact on an Attribute

Although we acknowledge that the method used is appropriate in terms of the standards for highway design, we are concerned that they do not highlight a wider enough range of impacts. For example, using the 1% AEP flood level could hide impacts at smaller return periods. If the frequency or extent of a 5% AEP flood was to increase, then the magnitude of the impact could be high or very high. However, this will not be picked up when only considering larger events. Another example is that in large, flat floodplains, the flood plain extent could be significantly increased with a relatively small increase in level. The ability to assess the impact by extent as well as level would also be useful.

Watercourse Connectivity

Some of the smaller watercourse along the route may be shown on the Flood Map for Planning or surface water but connectivity to the wider catchment should not be assumed. We recommend walkovers of these smaller catchments to ground truth their route.

From our previous experience on the planning of the existing A428 dualling from

Caxton Gibbet to Cambridge, the route is on the divide between two watersheds. On walking the local area, at that time, a number of drainage ditches, that were ear marked for discharge for the runoff from the new balancing ponds were found to disappear (peter out) completely.

CONTAMINATION AND GROUNDWATER PROTECTION

Site Specific Comments

As discussed in Chapter 12 of the report, the area for the proposed development (referred to as the “site”) is underlain by superficial deposits, the majority of which (east of St Neots to Caxton Gibbet) are designated as Secondary Undifferentiated aquifer, but some of which (south-west of St Neots to Roxton) are designated as Secondary A aquifer. As shown in Figure 13.2, the superficial deposits are underlain by bedrock geology which is designated as unproductive strata. Secondary A aquifers are permeable geological strata capable of supporting water supplies at a local rather than strategic scale, and often form an important source of base flow to rivers, wetlands and lakes and private water supplies in rural areas. The site does not lie within a groundwater Source Protection Zone (SPZ). We do not have any information in our records about groundwater abstractions that are located in the vicinity of the area that is covered by the site. Please note that certain water supplies do not require a licence and therefore may not be known to us, and our records may not be up-to-date. The locations of private domestic sources may be held by the Local District Council on the register required by the Private Water Supplies Regulations 1991.

As shown in Figure 12.1, there are many different surface water features that lie in the vicinity of the site including the River Great Ouse in the western part of the development.

We consider the development to present moderate-to-high risks with respect to the quality of controlled waters.

Land Contamination

According to section 13.2.23, several contamination sources have been identified within 500 metres of the site; these include a fuel and power station, an authorised landfill near Caxton (Eversden Landfill) and nine historical landfills around the Wyboston area. Therefore for the purposes of a submission of a planning application, we require lines of evidence to provide assurance that the risks to controlled waters are fully understood and can be addressed through appropriate measures. These should consider the risks to controlled waters from past, present and future uses.

Piling or other ground improvement methods could have an adverse impact on the groundwater quality beneath the site or provide preferential pathways for contaminant migration to the aquifer during construction and after the completion of the development. As such, potential contamination should be given due consideration together with any impacts of the development on the quality of controlled waters during construction.

Proximity to Landfill

We understand that some area of the site fall within 250 metres (m) of landfill sites that have the potential to produce landfill gas. Landfill gas consists of methane and carbon dioxide. It is produced as the waste in the landfill site degrades. Methane can

present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour.

The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures.

Development on top of or within 50m of any permitted landfill site that accepted hazardous or non-hazardous waste should be considered very carefully, as even with appropriate building control measures in place, landfill gas can accumulate in confined spaces in gardens (e.g. sheds, small extensions) and can gain access to service pipes and drains where it can accumulate or migrate away from the site.

Under the conditions of the Environmental Permit for Eversden Landfill, the operator is required to monitor for sub-surface migration of landfill gas from the site. This environmental monitoring data from the site is available on our public register.

The Applicant should consider the potential risk to the development from landfill gas, ensuring that appropriate assessments have been carried out to identify potential risks. Where risks are identified the applicant should ensure that measures to address these concerns are included as part of any planning permission.

Surface Water Drainage

The LLFA is responsible for approving the design of proposed drainage systems in new developments and redevelopments.

On this subject, we would offer the advice outlined below:

- Infiltration Sustainable Drainage Systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment.
- Infiltration SuDS have the potential to provide a pathway for pollutants and must not be constructed in contaminated ground. They would only be acceptable if a phased site investigation showed the presence of no significant contamination.
- Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters.
- The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.
- Deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction).

- SuDS should be constructed in line with good practice and guidance documents which include the SuDS Manual ([CIRIA C753](#), 2015) and the [Susdrain website](#).
- For further information on our requirements with regard to SuDS see our Groundwater protection position statements (2017), in particular Position Statements G1 and G9 – G13 available at: <https://www.gov.uk/government/publications/groundwater-protection-position-statements>.

ECOLOGY

As identified in the Scoping Report, further detailed ecological surveys will be required to inform the Environmental Impact Assessment (EIA). Surveys should be carried out for protected species, habitats and invasive non-native species.

Protected species that may be found within the proposed development [REDACTED]

[REDACTED] For any protected species recorded, the potential impact of the proposed works on the species and their habitat must be assessed, and appropriate mitigation measures in place prior to the commencement of works.

Designated habitats that may be affected by the development should be identified, potential impacts assessed, protection measures detailed and enhancements included where possible. Existing ecological features identified within the area of the proposed development, such as hedgerows and mature trees, should be retained and included in the plans, and enhanced where possible. Details of wider mitigation measures, compensation and environmental enhancements within the development should also be included in the EIA. Habitats linking with the wider countryside should be retained and/or included to provide connectivity for a range of species. This is in line with chapter 15 of the National Planning Policy Framework, which states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Surveys should also include the identification of any invasive non-native species present on the site. Adopting appropriate biosecurity measures on site is good practice and will help minimise the risk of inadvertently spreading any invasive non-native species present.

Elements of the development proposal have the potential to impact on local watercourses, such as the proposed bridge crossing over the river Great Ouse. A Water Framework Directive (WFD) compliance assessment should be completed to assess potential impacts on affected watercourses, how impacts will be mitigated and any enhancements that can be incorporated.

All surveys should be carried out before undertaking any works, and if further time elapses before works begin then repeat surveys will be required. Sufficient time should be allowed for surveys to be carried out at appropriate times of year and in appropriate conditions. All surveys should be carried out by suitably qualified ecologists.

Given the close proximity of local wildlife sites the local Wildlife Trust should be consulted on this development.

OTHER COMMENTS

The following comments may be slightly premature for this Scoping stage. However, following lessons learnt from previous major infrastructure projects, we consider it important to raise and be considered now:

Water Quality

Where welfare facilities are installed and the general binding rules on sewage discharges cannot be met then there is a need to apply for a water discharge permit under the Environmental Permitting Regulations. The Applicant should ensure they have the relevant permits before beginning to discharge. It can take up to 13 weeks for a permit to be determined.

We want to be certain that run-off from the new roads is managed well to limit the risk of pollution either from spillages or accelerated runoff from hard surfaces which can cause erosion and collect sediment if not properly managed. Runoff from site compounds and tracks used during construction should be managed so that sediment is not allowed to pollute any nearby watercourses. The Operator should have a plan for how to deal with this.

General Pollution Prevention - If vehicles are to be stored on site on areas of hardstanding or impermeable surfacing it is good practice to ensure that drainage is via an interceptor of appropriate size to protect against leaks and spills from vehicles. Likewise vehicle wash areas should be made of impermeable surface and sealed drainage. We would hope to see confirmation of this.

It would be beneficial for measures to be put in place so that we could isolate any polluting spills by pollution control valves at discharge points and utilising interceptors to remove oils.

Water Resources

The Operator will have to consider whether any water resources licenses will be necessary for this project as well as the impact their work may have on existing abstractors. If any activities as part of the construction project require water to be abstracted and need more than 20m³ per day then they will need to apply for a water resources abstraction license.

Recent reform of abstraction licensing means that most previously exempt abstraction activities now need a license. This includes dewatering for engineering projects. Again they would need to consider when they want to begin their water resource activity (such as dewatering) and make sure they have the right license before commencing.

Please forward a copy of this letter to the applicant.

Should you wish to discuss this matter further please do not hesitate to contact me.

Yours faithfully

Neville Benn
Senior Planning Advisor
Sustainable Places



From: [REDACTED]
To: [A428 Black Cat](#)
Subject: For the Attention of Ifan Gwilym. Forestry Commission response to scoping document.
Date: 16 April 2019 11:01:26
Attachments: [image001.jpg](#)

Your ref: TR010044.
A428 Black Cat to Caxton Gibbet - EIA Scoping Notification and Consultation

Thank you for consulting the Forestry Commission on this Environmental Scoping Document. We have examined the scoping document and believe that it covers the areas within our remit namely Ancient Semi Natural Woodland adequately. We cannot see any areas on which we need to make further comments at this stage of the process.

Yours sincerely



Corinne Meakins

Local Partnership Advisor
Forestry Commission East and East Midlands Area
Santon Downham, Brandon

[REDACTED]

[REDACTED]

www.gov.uk/forestrycommission

Please note my new shorter week working pattern is 8-4.30 pm Monday, Tuesday and Thursday.

+++++ The Forestry Commission's computer systems may be monitored and communications carried out on them recorded, to secure the effective operation of the system and for other lawful purposes. +++++

CEMHD Policy - Land Use Planning
NSIP Consultations
Building 1.2, Redgrave Court
Merton Road, Bootle
Merseyside, L20 7HS

Your ref: TR010044
Our ref: 4.2.1.6588

HSE email: NSIP.applications@hse.gov.uk

FAO Ifan Gwilym
The Planning Inspectorate
Temple Quay House
Temple Quay,
Bristol
BS1 6PN

Dear Ifan

02 May 2019

**PROPOSED A428 BLACK CAT TO CAXTON GIBBET (the project)
PROPOSAL BY HIGHWAYS ENGLAND (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as
amended) – Regulations 10 and 11**

Thank you for your letter of 4th April 2019 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records there are two major accident hazard pipelines within the proposed DCO application boundary of the A428 Black Cat to Caxton Gibbet for this nationally significant infrastructure project.

This is based on the current configuration for the red line area as illustrated in, for example, FIGURE 2.1 LOCATION PLAN, of the environmental scoping report number HE551495-ACM-EAC-GEN-Z-Z-ZZ-RP-LE-0003-P04 S4 March 2019.

The major accident hazard pipelines are:

HSE Reference No.	TRANSCO Index No.	Pipeline Operator	Pipeline/Location Name
7471	1730	National Grid Gas PLC	18 Feeder Huntingdon / Cambridge
7472	1731	National Grid Gas PLC	18 Feeder St Neots / Little Barford

Hazardous Substance Consent

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) will probably require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended.

The substances, alone or when aggregated with others for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015 as amended.

Hazardous Substances Consent would be required to store or use any of the Named Hazardous Substances or Categories of Substances at or above the controlled quantities set out in schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

Consideration of risk assessments

Regulation 5(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE's role on NSIPs is summarised in the following Advice Note 11 An Annex on the Planning Inspectorate's website - [Annex G – The Health and Safety Executive](#). This document includes consideration of risk assessments on page 3.

Explosives sites

HSE has no comment to make as there are no licensed explosive sites in the vicinity.

Electrical Safety

No comment, from a planning perspective.

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to:

Mr Dave Adams (MHPD)
NSIP Consultations
1.2 Redgrave Court
Merton Road
Bootle, Merseyside
L20 7HS

Yours sincerely,



Dave Adams
CEMHD4 Policy

Land and Acquisitions

Anne Holdsworth
DCO Liaison Officer
Network Management
anne.holdsworth@nationalgrid.com



SUBMITTED ELECTRONICALLY:
A428.Blackcat@planninginspectorate.gov.uk

www.nationalgrid.com

24 April 2019

Dear Sir/Madam

TR010044 APPLICATION BY HIGHWAYS ENGLAND (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE A428 BLACK CAT TO CAXTON GIBBET ROAD IMPROVEMENT SCHEME (THE PROPOSED DEVELOPMENT)

SCOPING CONSULTATION

This is a response on behalf of National Grid Electricity Transmission PLC (NGET) and National Grid Gas PLC (NGG).

I refer to your letter dated 4th April 2019 in relation to the above proposed application. Having reviewed the scoping report, I would like to make the following comments:

National Grid infrastructure within / in close proximity to the order boundary

Electricity Transmission infrastructure:

National Grid Electricity Transmission has high voltage electricity overhead transmission lines and fibre cable within or in close proximity to the scoping area /proposed order limits. The overhead lines, and substations form an essential part of the electricity transmission network in England and Wales.

The details of the electricity assets are shown below:

Overhead Lines

- 4VK (400kV) overhead line
- Eaton Socon – Wymondley Main
Cottam – Eaton Socon – Wymondley 2

Fibre Cable

- Fibre cable alongside A428

Gas Transmission Infrastructure:

National Grid Gas has high pressure gas transmission pipelines, Above Ground Installation (AGI) and associated apparatus, located within or in close proximity to the proposed order limits. The transmission pipelines form an essential part of the gas transmission network in England, Wales and Scotland:

- Feeder Main 18 Huntingdon to St Neots
 St Neots to Little Barford Power Station
- AGI Litte Barford Power Station

I enclose plans showing the route of National Grid's overhead line, fibre cable, AGI and the gas transmission pipelines.

Specific Comments – Electricity Infrastructure:

- National Grid's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. National Grid recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for "overhead line clearances Issue 3 (2004)
- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance Note GS 6 "Avoidance of Danger from Overhead Electric Lines" and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum "sag" and "swing" and overhead line profile (maximum "sag" and "swing") drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or "pillars of support" of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation ("pillar of support") drawings can be obtained using the contact details above.

- National Grid Electricity Transmission high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide National Grid full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with National Grid prior to any works taking place.
- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

Gas Infrastructure

The following points should be taken into consideration:

- National Grid has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent / temporary buildings, or structures, change to existing ground levels, storage of materials etc.

Pipeline Crossings:

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at previously agreed locations.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.
- The type of raft shall be agreed with National Grid prior to installation.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid.
- National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission is required before any works commence within the National Grid easement strip.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Consent is required for any crossing of the easement

Cable Crossings:

- Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A National Grid representative shall supervise any cable crossing of a pipeline.
- Clearance must be at least 600mm above or below the pipeline.
- Impact protection slab should be laid between the cable and pipeline if cable crossing is above the pipeline.
- A Deed of Consent is required for any cable crossing the easement.
- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service shall cross below the pipeline with a clearance distance of 0.6 metres.

General Notes on Pipeline Safety:

- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and National Grid's specification for Safe Working in the Vicinity of National Grid High Pressure gas pipelines and associated installations - requirements for third parties T/SP/SSW22.
- National Grid will also need to ensure that our pipelines access is maintained during and after construction.
- Our pipelines are normally buried to a depth cover of 1.1 metres however; actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Grid representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of National Grid High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Grid representative. A safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision of a National Grid representative. Similarly, excavation with hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance.

To view the SSW22 Document, please use the link below:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/GasElectricNW/safeworking.htm>

To download a copy of the HSE Guidance HS(G)47, please use the following link:

<http://www.hse.gov.uk/pubns/books/hsg47.htm>

Further Advice

We would request that the potential impact of the proposed scheme on National Grid's existing assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.

Where any diversion of apparatus may be required to facilitate a scheme, National Grid is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by National Grid. Further information relating to this can be obtained by contacting the email address below.

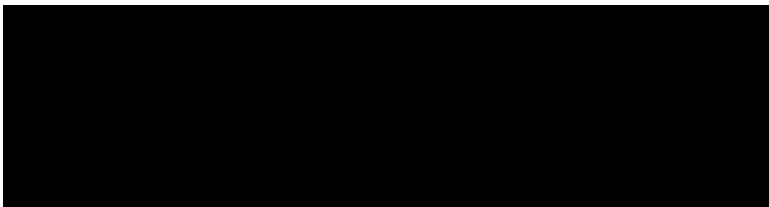
Where the promoter intends to acquire land, extinguish rights, or interfere with any of National Grid apparatus protective provisions will be required in a form acceptable to it to be included within the DCO.

National Grid requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following email address: box.landandacquisitions@nationalgrid.com

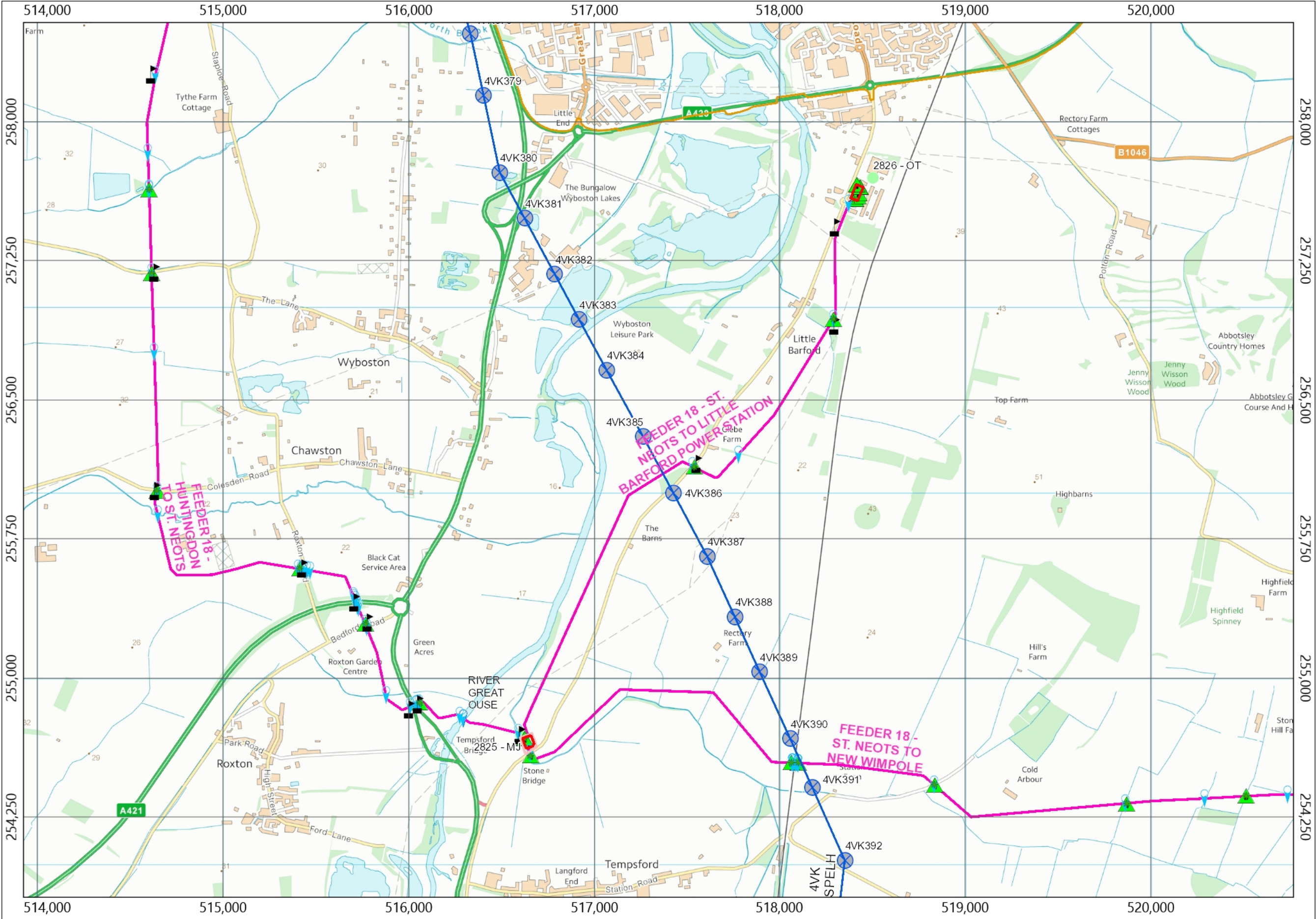
I hope the above information is useful. If you require any further information please do not hesitate to contact me.

The information in this letter is provided notwithstanding any discussions taking place in relation to connections with electricity or gas customer services.

Yours faithfully



Anne Holdsworth
DCO Liaison Officer, Land and Acquisitions



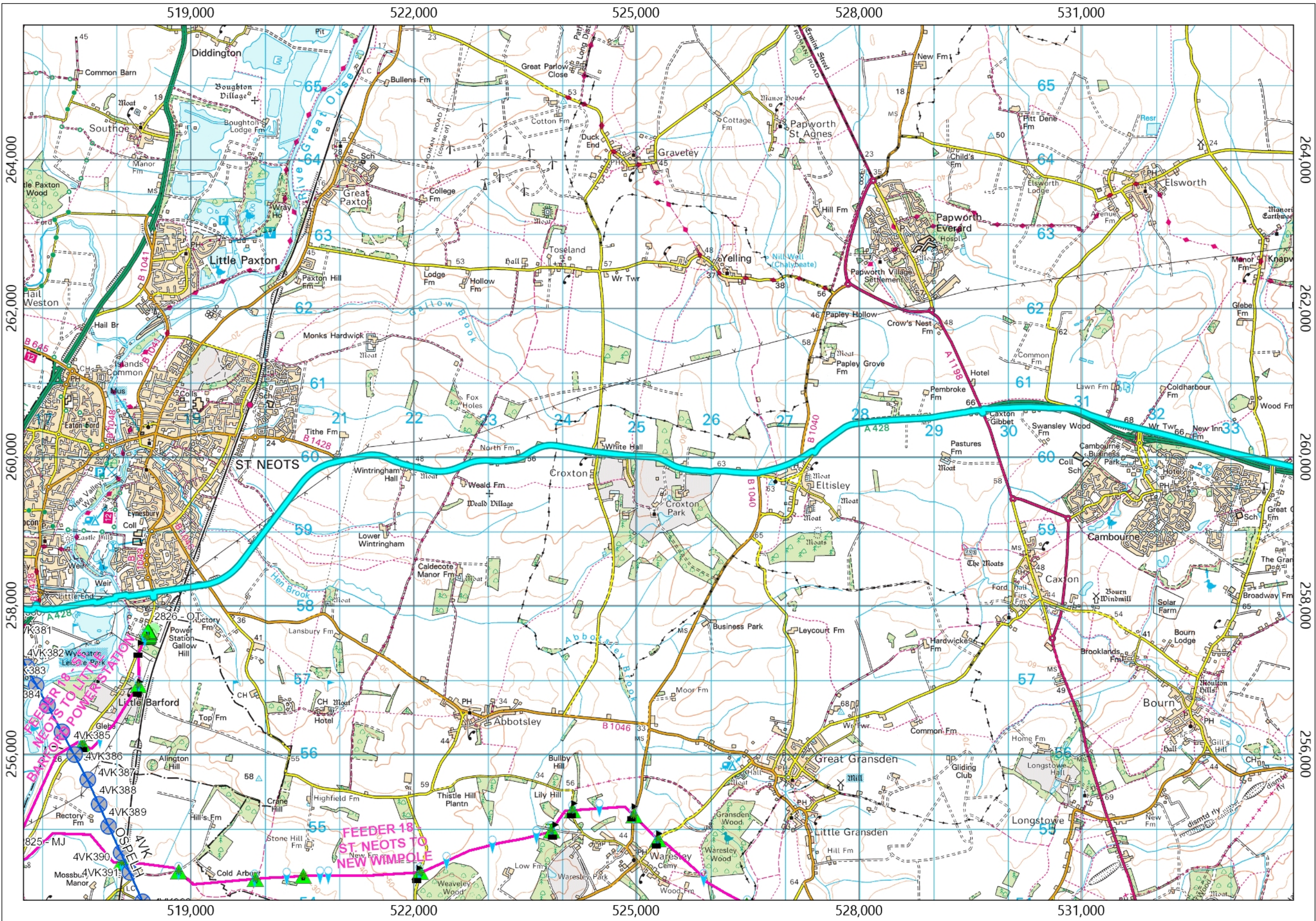
Legend:

- Substations Commissioned
- Circuits
 - Commissioned
 - Decommissioned Group
 - Planned and Spares
- OHL 400kv Commissioned
- OHL 275kv Commissioned
- OHL 132kv & Below Commissioned
- Towers Commissioned
- Buried Cable Commissioned
- Fibre Cable Commissioned
- Pilot Cable
- Oil Pipe
- Cooling Pipe
- Cooling Station
- RAMM
- Cable Tunnel
- Gas Operational Boundary
- Gas Site Boundary
- Trial Hole
- Vantage Point
- Aerial Marker Post
- Pipe Crossing Point
- CP Test Post
- Transformer Rectifier
- Pipeline Crossing
- Sleeve
 - Nitrogen Sleeve
 - Other Sleeves
- Pipe Line Control Point
- Named Pipeline Section
- River Crossings

Notes:

A428 Black Cat to Caxton Gibbet Plan 1





Legend:

- Substations Commissioned
- OHL 400kV Commissioned
- OHL 275kV Commissioned
- OHL 132kV & Below Commissioned
- Towers Commissioned
- Buried Cable Commissioned
- Fibre Cable Commissioned
- Pilot Cable
- Cable Tunnel
- Gas Operational Boundary
- Gas Site Boundary
- Trial Hole
- Vantage Point
- Aerial Marker Post
- Pipe Crossing Point
- CP Test Post
- Transformer Rectifier
- Pipeline Crossing Sleeve
- Nitrogen Sleeve
- Other Sleeves
- Pipe Line Control Point
- Named Pipeline Section
- River Crossings

Notes:

A428 Black Cat to Caxton Gibbet Plan 2

From: [NATS Safeguarding](#)
To: [A428 Black Cat](#)
Subject: RE: TR010044 - A428 Black Cat to Caxton Gibbet - EIA Scoping Notification and Consultation (SG27896)
Date: 16 April 2019 10:00:03
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.gif](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours Faithfully



NATS Safeguarding

D: 01489 444687

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk



From: A428 Black Cat [mailto:A428.Blackcat@planninginspectorate.gov.uk]
Sent: 04 April 2019 15:03
To: A428 Black Cat
Subject: TR010044 - A428 Black Cat to Caxton Gibbet - EIA Scoping Notification and Consultation

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Please see attached correspondence on the proposed A428 Black Cat to Caxton Gibbet road improvement scheme.

Please note the deadline for consultation responses is 02 May 2019, and is a statutory

requirement that cannot be extended.

Kind regards,

Ifan Gwilym

Cynghorydd AEA a Hawliau Tîr | EIA and Land Rights Advisor
Cyfarwyddiaeth Gwaith Achos Mawr | Major Casework Directorate
Yr Arolygiaeth Gynllunio | The Planning Inspectorate

Temple Quay House, Temple Quay, Bristol BS1 6PN

0303 444 5491

Ifan.Gwilym@planninginspectorate.gov.uk

infrastructure.planninginspectorate.gov.uk/ (Cynllunio Seilwaith Cenedlaethol // National Infrastructure Planning)

www.gov.uk/government/organisations/planning-inspectorate (Yr Arolygiaeth Gynllunio // The Planning Inspectorate)

Twitter: @PINSgov



Nid yw'r cyfartherbiad hwn yn gyfystyr â chynghor cyfreithiol // This communication does not constitute legal advice.

Edrychwch ar ein [Hysbysiad Preifatrwydd](#) cyn anfon gwybodaeth at yr Arolygiaeth Gynllunio // Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

If you are not the intended recipient, please notify our Help Desk at Email Information.Solutions@nats.co.uk immediately. You should not copy or use this email or attachment(s) for any purpose nor disclose their contents to any other person.

NATS computer systems may be monitored and communications carried on them recorded, to secure the effective operation of the system.

Please note that neither NATS nor the sender accepts any responsibility for viruses or any losses caused as a result of viruses and it is your responsibility to scan or otherwise check this email and any attachments.

NATS means NATS (En Route) plc (company number: 4129273), NATS (Services) Ltd (company number 4129270), NATSNAV Ltd (company number: 4164590) or NATS Ltd (company number 3155567) or NATS Holdings Ltd (company number 4138218). All companies are registered in England and their registered office is at 4000 Parkway, Whiteley, Fareham, Hampshire, PO15 7FL.

Date: 02 May 2019
Our ref: 279009
Your ref: TR010044



Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

A428.Blackcat@planninginspectorate.gov.uk

BY EMAIL ONLY

Dear Sir/Madam

Environmental Impact Assessment Scoping consultation (Regulation 15 (4) of the EIA Regulations 2017): Application by Highways England (the Applicant) for an Order granting Development Consent for the A428 Black Cat to Caxton Gibbet Road Improvement Scheme (the Proposed Development).

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated and received on 04 April 2019.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

We note from the Environmental Scoping Report prepared by AECOM (March 2019) Highways England confirmed its preferred option for the Scheme on 18 February 2019, the selection of which was informed by the outcomes of option assessments and feedback gathered from non-statutory public consultation held in March and April 2017. Natural England provided comments on the shortlisted route options in our letter dated 21 April 2017 (ref. 210040).

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Kayleigh Cheese on 02080 260981. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from

<http://webarchive.nationalarchives.gov.uk/+/http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

Yours faithfully

Kayleigh Cheese
Local Delivery Team

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EcIA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EcIA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EcIA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.174-177 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (as amended). In addition paragraph 176 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites. Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site is in close proximity the following designated nature conservation sites:

- St Neots Common SSSI
 - Little Paxton Pits SSSI
 - Elsworth Wood SSSI
 - Eversden and Wimpole Woods SSSI & SAC
 - Portholme SAC
 - Ouse Washes SAC, SPA and Ramsar Site
-
- Further information on the SSSI and its special interest features can be found at www.magic.gov. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.
 - - European site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>

Natural England generally supports the proposed approach to the assessment of ecological impacts, including assessment of impacts to statutorily designated sites, detailed in Chapter 8 of the Environmental Scoping Report. This will include a detailed assessment of impacts to Elsworth Wood SSSI, located 850m from the DCO site boundary, and St Neots Common SSSI, located 900m from the DCO site boundary. In screening sites out of the detailed assessment the ES should clearly demonstrate that all potential impact pathways have been considered: for example, the ES will need to demonstrate that any hydrological and water quality impacts to downstream sites such as Little Paxton Pits SSSI, Portholme SAC and the Ouse Washes SAC, SPA and Ramsar site, have been adequately considered and that no adverse impacts will arise. Ecological impact assessment (EcIA) should be undertaken in accordance with CIEEM³ best practice guidance. Natural England's Impact Risk Zones (IRZs), available through www.magic.gov.uk are a useful tool for identifying the potential risks to SSSIs, associated with different type and scale of development.

We particularly welcome that an assessment of potential impacts to supporting roosting and foraging habitat of the notified and qualifying barbastelle bat population of Eversden and Wimpole Woods SSSI, SAC, located 7.3km from the DCO site boundary. Barbastelle bats are known to

³ CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Chartered Institute of Ecology and Environmental Management, Winchester.

forage up to 20km from their main roost site hence impacts to woodland, hedgerows and trees within this range need to be considered in the context of potential adverse impact to SAC barbastelle supporting habitat. The scheme should seek to avoid any direct loss and fragmentation of roosting and foraging habitat and flight paths for barbastelle bats as far as possible. Measures to adequately mitigate any potential impact, sufficient to demonstrate no adverse effect on Eversden and Wimpole SAC, will need to be provided.

Natural England notes the proposal to prepare a HRA Screening Report in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). In particular this will focus on assessment of impacts to Eversden and Wimpole Woods SAC. Our advice is that this should also demonstrate no adverse impact to water-dependent sites such as Portholme SAC and the Ouse Washes SAC, SPA and Ramsar site. We trust that the findings of the HRA will inform the ES.

The ES should include a full assessment of the direct and indirect effects of the development on the features of special interest within these designated sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

The advice of the Wildlife Trust should be sought on the non-statutorily designated sites of nature conservation value scoped into the detailed assessment, as set out in section 8.2.8 and figure 8.1 and table 8.1 of the Scoping Report.

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (as amended)

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Our advice is that species survey, mitigation and licensing requirements should follow Natural England's [standing advice](https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals)⁴ and CIEEM best practice guidelines.

⁴ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

We welcome recognition in sections 8.2.9 – 8.2.11 of the Scoping Report that the DCO boundary falls within the Bedfordshire and Cambridgeshire Claylands National Character Area (NCA) which supports a diverse range of habitats and associated species including ancient woodland specialists and farmland birds and species associated with the important riparian and wetland habitats of the Ouse Valley. We welcome acknowledgement of the important ancient woodland habitats of the West Cambridgeshire Hundreds. The ES should ensure that the proposed scheme protects, buffers and enhances connectivity of these important and fragile habitats and the species they support.

Ancient woodland is an irreplaceable resource of great importance for its wildlife, its history and the contribution it makes to our diverse landscapes. Local authorities have a vital role in ensuring its conservation, in particular through the planning system. The ES should have regard to the requirements under the NPPF (Para. 175)2 which states:

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts);
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Further information on ancient woodland can be found in Natural England's standing advice http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland_tcm6-32633.pdf.

Natural England welcomes recognition in section 8.2.12 of the Scoping Report that biodiversity

within the Bedfordshire and Cambridgeshire Claylands NCA is under pressure from land use change, development and demand for resources, including water, and that opportunities exist to benefit biodiversity and recreation by creating new green infrastructure. We agree that the management and extension of semi-natural habitats within this area will bring benefits for biodiversity, soil and water quality, climate regulation and recreation. The proposed scheme should seek to make a positive and significant contribution towards these objectives including buffering and enhancing connectivity of wetland and woodland habitats.

The proposed scope and methodology for survey and assessment of impacts to habitats and species, set out in chapter 8, appears reasonable. We note that an extended Phase 1 Habitat Survey was completed in 2016 and that further detailed surveys have / will be undertaken, including an appraisal of bat roost potential for most of the Scheme completed in 2018, and targeted surveys on buildings and trees with bat roost potential proposed for 2019. We welcome that further surveys are planned for 2019 to fully update the baseline conditions

We note that the EIA Scoping Report predicts that the proposed scheme may give rise to indirect impacts on a number of locally designated wildlife sites and direct impacts to habitats including farmland, grassland, hedgerow and wetlands. Our advice is that the mitigation and enhancement strategy should ensure that any loss of habitat is appropriately compensated and additional measures implemented to ensure delivery of biodiversity net gain.

We support the proposed design, mitigation and enhancement measures outlined in section 8.4 of the Report to be addressed through a biodiversity mitigation strategy and Construction Environment Management Plan (CEMP).

3. Designated Landscapes and Landscape Character

Landscape and visual impacts

The project area is not within or close to any statutorily designated landscape and therefore unlikely to have any significant impact. Whilst Natural England does not generally provide detailed advice on non-statutory landscape matters we would expect to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The proposed methodology set out in chapter 9 of the Scoping Report appears appropriate and in line with best practice *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition).

We welcome recognition that the study area falls within the Bedfordshire and Cambridgeshire Claylands National Character Area (NCA). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed. We also support the publication. The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant

existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application

Heritage Landscapes

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm.

4. Access and Recreation

We support proposals outlined in section 2.4.30 of the Scoping Report for facilities to enable non-motorised users (NMUs) to safely cross the new road and maintain existing connectivity between public rights of way, local roads and communities are being developed for incorporation into the Scheme.

Any assessment should consider potential impacts on access land, public open land and rights of way in the vicinity of the development. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of the [Cambridgeshire Green Infrastructure Strategy](#) should be incorporated where appropriate.

5. Soil and Agricultural Land Quality

The EIA Scoping Report indicates that much of the land within the DCO boundary is classified as Agricultural Land Classification (ALC) grade 2 i.e. best and most versatile (BMV) land. Natural England's advice is that impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 170 of the NPPF. We also recommend that soils should be considered in the context of the sustainable use of land and the ecosystem services they provide as a natural resource, as also highlighted in paragraph 170 of the NPPF.

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

The applicant should consider the following issues as part of the ES:

1. The degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved.

This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see www.magic.gov.uk. Natural England Technical Information Note 049 - [Agricultural Land Classification: protecting the best and most versatile agricultural land](#) also contains useful background information.

2. If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres.

3. The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#).

6. Air Quality

Natural England generally supports the proposed approach to the assessment of potential air quality impacts of the proposed scheme outlined in Chapter 6 of the EIA Scoping Report. We agree with the findings of the report that the scheme is unlikely to give rise to adverse impact to designated sites through air quality due to their distance from the proposed scheme.

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land.

The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

7. Climate Change Adaptation

Natural England supports the proposed assessment of the implications of the scheme for climate change outlined in chapter 5 of the EIA Scoping Report.

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 174), which should be demonstrated through the ES.

8. Contribution to local environmental initiatives and priorities

Section 8.4.5 of the Scoping Report states that measures are also being developed with the aim of achieving no net loss of biodiversity across the Scheme. Natural England's advice is that a development of this scale should seek to demonstrate delivery of significant net biodiversity gain, through application of an appropriate biodiversity metric, in accordance with the biodiversity net gain aspirations of the Government's [25 Year Environment Plan](#) and the National Planning Policy Framework (NPPF). In particular the development should aim to create and/or enhance priority habitats⁵ to improve ecological connectivity and to buffer and support adjacent habitats, including nearby designated sites, in line with the relevant objectives of the Cambridgeshire the [Cambridgeshire Green Infrastructure Strategy](#).

We note that the EIA Scoping Report predicts that the proposed scheme may give rise to indirect impacts on a number of locally designated wildlife sites and direct impacts to habitats including farmland, grassland, hedgerow and wetlands. Our advice is that the mitigation and enhancement strategy should ensure that any loss of habitat is appropriately compensated and additional measures implemented to ensure delivery of biodiversity net gain.

The proposed scheme is located within the following areas prioritised by Natural England for

⁵ Habitats of principal importance under the Natural Environment and Rural Communities Act 2006

delivery of landscape scale biodiversity enhancements:

- West Cambridgeshire Hundreds - this cluster of ancient woodlands and parkland is particularly special for its plants and bat populations. Natural England and partners support projects to create additional wildlife habitats that link up these small woodlands and strengthen populations of farmland birds such as turtle dove;
- Ouse Valleys - the River Great Ouse River and its valley is rich with wildlife. Natural England, working with the Upper Bedford Ouse Catchment Partnership supports projects that contribute towards the protection and enhancement of habitats and reduces pollution.

In addition to mitigation measures to address any adverse effects Natural England would expect any proposed scheme to contribute significant landscape-scale biodiversity enhancements to these project areas, having regard to the relevant objectives identified in the Cambridgeshire Green Infrastructure Strategy (Cambridgeshire Horizons, 2011). In particular, Natural England would welcome ecological enhancement proposals which seek to reduce isolation and fragmentation of ancient woodland habitat through ecological buffering and enhancement of habitat connectivity. This should also seek to improve the extent and connectivity of suitable foraging habitat for bats including barbastelle bats associated with Eversden and Wimpole Woods SAC.

9. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

From: [Leighton, Matthew](#) on behalf of [Town Planning LNE](#)
To: [A428 Black Cat](#)
Subject: Ref TR01044 - Scoping consultation for A428 Black Cat to Caxton Gibbet Road Improvement Scheme
Date: 01 May 2019 15:30:22
Attachments: [image001.png](#)
[image002.png](#)

FAO – Ifan Gwilym
Ref – TR010044
Proposal – Scoping Consultation for A428 Black Cat to Caxton Gibbet Road Improvement Scheme
Location – A428 Black Cat to Caxton Gibbet Road

Thank you for your letter of 4 April 2019 providing Network Rail with an opportunity to comment on the abovementioned application.

In relation to the above application I can confirm that the developer will be required to enter into agreement with Network Rail for an easement over the railway for the proposed bridge works and areas on railway land and will be required to enter into licence and asset protection agreements prior to this work taking place. Therefore at this stage Network Rail has no observations to make.

Kind regards

Matt Leighton

Town Planning Technician | Property

Network Rail

George Stephenson House | Toft Green | York | YO1 6JT

www.networkrail.co.uk/property

cid:image006.png@01D35650.E37F0080



The content of this email (and any attachment) is confidential. It may also be legally privileged or otherwise protected from disclosure.

This email should not be used by anyone who is not an original intended recipient, nor may it be copied or disclosed to anyone who is not an original intended recipient.

If you have received this email by mistake please notify us by emailing the sender, and then delete the email and any copies from your system.

Liability cannot be accepted for statements made which are clearly the sender's own and not made on behalf of Network Rail.

Network Rail Infrastructure Limited registered in England and Wales No. 2904587, registered office Network Rail, 2nd Floor, One Eversholt Street, London, NW1 2DN



Public Health
England

Environmental Hazards and
Emergencies Department
Centre for Radiation, Chemical and
Environmental Hazards (CRCE)
Seaton House
City Link
London Road
Nottingham NG2 4LA

nsipconsultations@phe.gov.uk

www.gov.uk/phe

Your Ref: TR010044

Our Ref: CIRIS 49928

Mr Ifan Gwilym
EIA and Land Rights Advisor
The Planning Inspectorate
Major Casework Directorate
Temple Quay House
2 The Square
Bristol BS1 6PN

2nd May 2019

Dear Mr Gwilym

**Re: EIA Scoping Consultation
Application for an Order Granting Development Consent for the proposed
A428 Black Cat to Caxton Gibbet road improvement scheme**

Thank you for including Public Health England (PHE) in the scoping consultation phase of the above application. Advice offered by PHE is impartial and independent.

PHE exists to protect and improve the nation's health and wellbeing and reduce health inequalities; these two organisational aims are reflected in the way we review and respond to Nationally Significant Infrastructure Project (NSIP) applications.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up, to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

Having considered the submitted scoping report, we wish to make the following specific comments and recommendations:

Environmental Public Health

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the Environmental Statement (ES). We believe the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. Any assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal, therefore we accept that, in some circumstances particular assessments may not be relevant to an application, or that an assessment may be adequately completed using a qualitative rather than quantitative methodology. In cases where this decision is made the promoters should fully explain and justify their rationale in the submitted documentation.

Recommendations

Planning applications

The applicant has noted a number of proposed, pending or approved planning applications within the scoping study area. The assessments submitted by the applicant at the next stage of the NSIP process should clearly identify these areas and should evaluate the potential impacts of the scheme on these developments, identifying and quantifying any adverse effects and proposing suitable mitigation as necessary.

Air Quality

Reducing public exposures to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below air quality standards has potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants, address inequalities (in exposure), and maximise co-benefits (such as physical exercise) and encourage their consideration during development design, environmental and health impact assessment, and development consent.

The baseline assessments appear to rely on a series of NO_x diffusion tube assessments as well as background exposure assessments. All quoted data relates to NO₂ rather than particulates. We would recommend that the applicant considers the need for additional air quality monitoring for both NO_x and particulate matter at both existing and proposed locations where there may be elevated exposure to transport related air pollution.

We note that the predicted air quality impacts will be modelled and that no monitoring is proposed once the road comes into operation, however post completion monitoring should be considered to validate the predicted levels..

Noise

We recommend that consultation with local communities continues to recognise the potential for increased noise levels associated with the construction and operational phases of the Scheme and possible noise mitigation strategies (c.f. Scoping Report 4.1.15).

We encourage the scheme promoter to use effective ways of communicating changes in the acoustic environment as a result of the scheme to local communities (c.f. 4.1.19). For example, immersive sound demonstrations can help make noise and visual impacts intuitive to understand and accessible to a wider demographic, and have been used in major road and rail infrastructure projects such as HS2 and the planned upgrades to the A303. High quality infographics can also be useful for this purpose.

We expect the Consultation Report (c.f. 4.1.21) to explain how stakeholder responses in relation to noise have influenced the development of the proposal, including any mitigation measures. In addition, the applicant should propose a suitable strategy to disseminate the findings of the PEIR and EIA regarding the effects of noise on health to stakeholders.

Health Outcomes and Significance of Impacts

We expect proper consideration to be given to the potential effects on human health due to changes in environmental noise arising from construction and operational phases of the Scheme. PHE recommends the quantification of health outcomes such as annoyance, sleep disturbance and cardiovascular effects – these can be expressed in terms of number of people affected, Disability Adjusted Life Years (DALYs) and/or monetary terms. PHE expects the applicant to use the methodologies and exposure response relationships set out in publications by the WHO [1, 2] and the IGCBN [3] to inform this assessment.

We note that, although the Noise and Vibration Chapter is described in 3.1.50 as, “covering the factors of population and human health”, no methodologies for assessing health outcomes other than annoyance appear to be proposed. We recommend that the LOAELs and SOAELs take into account the most recent evidence presented in the WHO Environmental Noise Guidelines (2018).

We recommend that assessments of significance in the Environmental Statement are based on impacts on health and quality of life, and not around noise exposure per se (in line with the Noise Policy Statement for England, NPSE). Furthermore, we expect significance to reflect both the severity of the health outcome and the size of the population affected. Other considerations that can be taken into account are:

- i. The existing noise exposure of affected communities – in particular any designated Noise Important Areas in proximity to the scheme. These are areas with the highest levels of noise exposure at a national level, and require very careful consideration in terms of opportunities for improvement of health and quality of life through noise management;
- ii. Cumulative exposure to other environmental risk factors, including other sources of noise and air pollution; and
- iii. Local health needs, sensitivities and objectives.

Mitigation measures

We expect decisions about noise mitigation measures to be underpinned by good quality evidence, in particular whether mitigation measures are proven to reduce adverse impacts on health and quality of life. For interventions where evidence is weak or lacking, we expect a proposed strategy for monitoring and evaluating their effectiveness during construction and operation of the Scheme.

With regards to road traffic noise, we would expect to see consideration of low-noise road surfaces, acoustic barriers, traffic management and quiet facades, with noise insulation schemes considered as a last resort. We expect any proposed noise insulation schemes to take a holistic approach which achieves a healthy indoor environment, taking into consideration noise, ventilation, overheating risk, indoor air quality and occupants' need to open windows. It should be noted that there is at present insufficient good quality evidence as to whether insulation schemes are effective at reducing annoyance and self-reported sleep disturbance [4], and initiatives to evaluate the effectiveness of noise insulation to improve health outcomes are strongly encouraged.

It is expected that a Construction Environmental Management Plan (CEMP) will be developed and implemented by the Contractor, in part to mitigate the adverse impact of construction noise (c.f 10.4.3). We recommend that the CEMP includes a detailed programme of construction which highlights the times and durations of particularly noisy works, the proposed noise mitigation measures, and a strategy for actively communicating this information to local communities.

Green spaces and private amenity spaces

We expect proposals to take into consideration the evidence which suggests that quiet areas can have both a direct beneficial health effect and can also help restore or compensate for the adverse health effects of noise in the residential environment [5-7]. Research from the Netherlands suggests that people living in noisy areas appear to have a greater need for areas offering quiet than people not exposed to noise at home [5].

Noise insulation schemes do not protect amenity spaces (such as private gardens or community green spaces such as the identified parks (11.2.18) and Owse Valley Way (11.2.15)) from increased noise exposure. There may be opportunities to create new tranquil public spaces – or to otherwise improve existing spaces - which are

easily accessible to those communities exposed to increased noise from the scheme.

Baseline Noise Conditions

We note the scheme promoter's commitment to carry out additional noise monitoring in Spring 2019 (c.f. 10.2.8). We recommend that noise monitoring is carried out in such a way as to provide a reliable depiction of local diurnal noise variations for both weekdays and weekends, in a variety of locations, including the difference between day (07:00-19:00), evening (19:00-23:00) and night-time (23:00-07:00) periods. This is particularly important if there are areas within the scheme assessment boundary with atypical traffic day/evening/night distributions. Achieving these aims is likely to require long-term noise monitoring in multiple locations for more than seven days.

The attached appendix outlines generic areas that should be addressed by all promoters when preparing ES for inclusion with an NSIP submission.

Yours sincerely

For and on behalf of Public Health England

nsipconsultations@phe.gov.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

Appendix: PHE recommendations regarding the scoping document

General approach

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA¹. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

It is not PHE's role to undertake these assessments on behalf of promoters as this would conflict with PHE's role as an impartial and independent body.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES².

The following text covers a range of issues that PHE would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. PHE's advice and recommendations carry no statutory weight and constitute non-binding guidance.

Receptors

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

Impacts arising from construction and decommissioning

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

¹ Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from: <http://webarchive.nationalarchives.gov.uk/20100410180038/http://communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/>

² DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

Emissions to air and water

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
 - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
 - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion

- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken. PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

Additional points specific to emissions to air

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

Additional points specific to emissions to water

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

Land quality

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report. Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the

migration of material off-site should be assessed³ and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

Waste

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

Noise references

[\[1\] WHO Environmental Noise Guidelines for the European Region, 2018](#)

[\[2\] WHO Burden of Disease from Environmental Noise, 2012.](#)

[\[3\] Defra/Interdepartmental Group on Costs and Benefits Noise Subject Group, 2014.](#)

[\[4\] Lex Brown and Van Kamp. WHO Environmental Noise Guidelines for the European Region: A Systematic Review of Transport Noise Interventions and Their Impacts on Health. Int. J. Environ. Res. Public Health 2017, 14\(8\), 873;](#)

[\[5\] Health Council of the Netherlands Publication no. 2006/12, 2006](#)

[\[6\] LIFE09 ENV/NL/000423, QSIDE - The positive effects of quiet façades and quiet urban areas on traffic noise annoyance and sleep disturbance](#)

[\[7\] COST TD0804, Soundscape of European Cities and Landscapes, 2013](#)

Other aspects

Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

³ Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report⁴, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible." PHE supports the inclusion of this information within EIAs as good practice.

Electromagnetic fields (EMF)

This statement is intended to support planning proposals involving electrical installations such as substations and connecting underground cables or overhead lines. PHE advice on the health effects of power frequency electric and magnetic fields is available in the following link:

<https://www.gov.uk/government/collections/electromagnetic-fields#low-frequency-electric-and-magnetic-fields>

There is a potential health impact associated with the electric and magnetic fields around substations, and power lines and cables. The field strength tends to reduce with distance from such equipment.

The following information provides a framework for considering the health impact associated with the electric and magnetic fields produced by the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

Policy Measures for the Electricity Industry

The Department of Energy and Climate Change has published a voluntary code of practice which sets out key principles for complying with the ICNIRP guidelines:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf

Companion codes of practice dealing with optimum phasing of high voltage power lines and aspects of the guidelines that relate to indirect effects are also available:

⁴ Available from: <http://www.cph.org.uk/wp-content/uploads/2012/08/health-risk-perception-and-environmental-problems--summary-report.pdf>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224766/powerlines_vcop_microshocks.pdf

Exposure Guidelines

PHE recommends the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP). Formal advice to this effect was published by one of PHE's predecessor organisations (NRPB) in 2004 based on an accompanying comprehensive review of the scientific evidence:-

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NRPBArchive/DocumentsOfTheNRPB/Absd1502/>

Updates to the ICNIRP guidelines for static fields have been issued in 2009 and for low frequency fields in 2010. However, Government policy is that the ICNIRP guidelines are implemented in line with the terms of the 1999 EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/PublicHealth/HealthProtection/DH_4089500

Static magnetic fields

For static magnetic fields, the ICNIRP guidelines published in 2009 recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT.

Power frequency electric and magnetic fields

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines published in 1998 give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m⁻¹ (kilovolts per metre) and 100 µT (microtesla). The reference level for magnetic fields changes to 200 µT in the revised (ICNIRP 2010) guidelines because of new basic restrictions based on induced electric fields inside the body, rather than induced current density. If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will

be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects.

Long term effects

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE)

SAGE was set up to explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government:

<http://www.emfs.info/policy/sage/>

SAGE issued its First Interim Assessment in 2007, making several recommendations concerning high voltage power lines. Government supported the implantation of low cost options such as optimal phasing to reduce exposure; however it did not support not support the option of creating corridors around power lines on health grounds, which was considered to be a disproportionate measure given the evidence base on the potential long term health risks arising from exposure. The Government response to SAGE's First Interim Assessment is available here:

http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124

The Government also supported calls for providing more information on power frequency electric and magnetic fields, which is available on the PHE web pages (see first link above).

Ionising radiation

Particular considerations apply when an application involves the possibility of exposure to ionising radiation. In such cases it is important that the basic principles of radiation protection recommended by the International Commission on Radiological Protection⁵ (ICRP) are followed. PHE provides advice on the application

⁵ These recommendations are given in publications of the ICRP notably publications 90 and 103 see the website at <http://www.icrp.org/>

of these recommendations in the UK. The ICRP recommendations are implemented in the Euratom Basic Safety Standards⁶ (BSS) and these form the basis for UK legislation, including the Ionising Radiation Regulations 1999, the Radioactive Substances Act 1993, and the Environmental Permitting Regulations 2016.

PHE expects promoters to carry out the necessary radiological impact assessments to demonstrate compliance with UK legislation and the principles of radiation protection. This should be set out clearly in a separate section or report and should not require any further analysis by PHE. In particular, the important principles of justification, optimisation and radiation dose limitation should be addressed. In addition compliance with the Euratom BSS and UK legislation should be clear.

When considering the radiological impact of routine discharges of radionuclides to the environment PHE would expect to see a full radiation dose assessment considering both individual and collective (population) doses for the public and, where necessary, workers. For individual doses, consideration should be given to those members of the public who are likely to receive the highest exposures (referred to as the representative person, which is equivalent to the previous term, critical group). Different age groups should be considered as appropriate and should normally include adults, 1 year old and 10 year old children. In particular situations doses to the fetus should also be calculated⁷. The estimated doses to the representative person should be compared to the appropriate radiation dose criteria (dose constraints and dose limits), taking account of other releases of radionuclides from nearby locations as appropriate. Collective doses should also be considered for the UK, European and world populations where appropriate. The methods for assessing individual and collective radiation doses should follow the guidance given in 'Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012'⁸. It is important that the methods used in any radiological dose assessment are clear and that key parameter values and assumptions are given (for example, the location of the representative persons, habit data and models used in the assessment).

Any radiological impact assessment should also consider the possibility of short-term planned releases and the potential for accidental releases of radionuclides to the environment. This can be done by referring to compliance with the Ionising Radiation Regulations and other relevant legislation and guidance.

The radiological impact of any solid waste storage and disposal should also be addressed in the assessment to ensure that this complies with UK practice and legislation; information should be provided on the category of waste involved (e.g. very low level waste, VLLW). It is also important that the radiological impact

⁶ Council Directive 96/29/EURATOM laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation.

⁷ HPA (2008) Guidance on the application of dose coefficients for the embryo, fetus and breastfed infant in dose assessments for members of the public. Doc HPA, RCE-5, 1-78, available at <https://www.gov.uk/government/publications/embryo-fetus-and-breastfed-infant-application-of-dose-coefficients>

⁸ The Environment Agency (EA), Scottish Environment Protection Agency (SEPA), Northern Ireland Environment Agency, Health Protection Agency and the Food Standards Agency (FSA).

Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296390/geho1202bklh-e-e.pdf

associated with the decommissioning of the site is addressed. Of relevance here is PHE advice on radiological criteria and assessments for land-based solid waste disposal facilities⁹. PHE advises that assessments of radiological impact during the operational phase should be performed in the same way as for any site authorised to discharge radioactive waste. PHE also advises that assessments of radiological impact during the post operational phase of the facility should consider long timescales (possibly in excess of 10,000 years) that are appropriate to the long-lived nature of the radionuclides in the waste, some of which may have half-lives of millions of years. The radiological assessment should consider exposure of members of hypothetical representative groups for a number of scenarios including the expected migration of radionuclides from the facility, and inadvertent intrusion into the facility once institutional control has ceased. For scenarios where the probability of occurrence can be estimated, both doses and health risks should be presented, where the health risk is the product of the probability that the scenario occurs, the dose if the scenario occurs and the health risk corresponding to unit dose. For inadvertent intrusion, the dose if the intrusion occurs should be presented. It is recommended that the post-closure phase be considered as a series of timescales, with the approach changing from more quantitative to more qualitative as times further in the future are considered. The level of detail and sophistication in the modelling should also reflect the level of hazard presented by the waste. The uncertainty due to the long timescales means that the concept of collective dose has very limited use, although estimates of collective dose from the 'expected' migration scenario can be used to compare the relatively early impacts from some disposal options if required.

⁹ HPA RCE-8, Radiological Protection Objectives for the Land-based Disposal of Solid Radioactive Wastes, February 2009

Annex 1

Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach¹⁰ is used

¹⁰ Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24

From: [REDACTED]
To: [A428 Black Cat](#)
Cc: [REDACTED]
Subject: TR010044: A428 Black Cat to Caxton Gibbet EIA Scoping Notification and Consultation - Response from Roxton Parish Council
Date: 30 April 2019 11:07:18
Importance: High

Dear Sir or Madam

Re: TR010044: A428 Black Cat to Caxton Gibbet EIA Scoping Notification and Consultation - Response from Roxton Parish Council

Para 2.4.31

Should include that the proposal will seek to improve opportunities for NMU's (non-motorised use) and create new opportunities for NMU's in the wider areas surrounding the works.

Para 2.4.32

It is not sufficient for the proposals to just mitigate against environmental harm resulting from the development but it should be required that development should also enhance the environment. For example by creating woodland corridors along the route of the works which would also reduce the impact of noise and air pollution from the proposals.

Para 2.4.35

With respect to the smaller compound north of Bedford Road near Roxton, it should be a requirement that this compound be returned to farmland or perhaps a wildlife area as was required as a condition to the scheme to create the Great Barford bypass.

Table 3.2

Roxton Parish Council (RPC) does not agree with the summary under noise and vibration, RPC is extremely concerned that the works to the Black Cat roundabout will ultimately increase noise pollution to the whole of Roxton. The village of Roxton has experienced a significant and unacceptable increase in noise pollution resulting from the Great Barford bypass and subsequent Black Cat roundabout improvement. The baseline for assessing noise impact from these latest proposals should be those before the Great Barford bypass was built. This scheme should seek to mitigate against the culmination of these three major projects.

Kind regards,

Diane Robins, CiLCA

Parish Clerk/RFO

Tel: 01234 376676 [REDACTED]



A428 Black Cat to Caxton Gibbett – proposed development by Highways England

Royal Mail Group Limited comments on information to be provided in applicant's Environmental Statement

Introduction

Reference the letter from PINS to Royal Mail dated 4 April 2019 requesting Royal Mail's comments on the information that should be provided in Highways England's Environmental Statement.

Royal Mail's consultants BNP Paribas Real Estate have reviewed the applicant's Scoping Report dated March 2019, scrutinising the proposed development and its potential impacts on Royal Mail's business interests.

Royal Mail– relevant information

Under section 35 of the Postal Services Act 2011 (the "Act"), Royal Mail has been designated by Ofcom (the independent communications regulator) as a provider of the Universal Postal Service.

Royal Mail is the only such provider in the United Kingdom. Its services are regulated by the Communications Industry Regulator, Ofcom.

In respect of its postal services functions, section 29 of the Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service.

By sections 30 and 31 of the Act (read with sections 32 and 33) there is a set of minimum standards for Universal Service Providers, which Ofcom must secure. The conditions imposed by Ofcom reflect those standards. There is, in effect, a statutory obligation on Royal Mail to provide at least one collection from letterboxes and post offices six days a week and one delivery of letters to all 29 million homes and businesses in the UK six days a week (five days a week for parcels). Royal Mail must also provide a range of "end to end" services meeting users' needs, e.g. First Class, Second Class, Special Delivery by 1 pm, International and Redirections services.

Royal Mail is under some of the highest specification performance obligations for quality of service in Europe. Its performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project.

Royal Mail's postal sorting and delivery operations rely heavily on road communications. Royal Mail's ability to provide efficient mail collection, sorting and delivery to the public is sensitive to changes in the capacity of the highway network.

Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail's operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk to Royal Mail's business.



Potential impacts of the scheme on Royal Mail

Royal Mail has four operational facilities within 10 miles of the proposed DCO boundary as listed below:

Site Name	Address	Distance from scheme in miles
ST NEOTS Delivery Office	HUNTINGDON ROAD ST NEOTS PE19 1AA	2.2
SANDY Delivery Office	2 PARK ROAD SANDY SG19 1AA	8.9
ST IVES Delivery Office	13-15 BRIDGE STREET ST IVES PE27 5AA	9.0
HUNTINGDON Delivery Office / Vehicle Servicing Centre	PENFOLD COURT HUNTINGDON PE29 7AB	9.6

The A428, A1 and A421 are all strategically important distribution routes for Royal Mail services, important to mail handling and delivery at the regional and national levels. All Royal Mail vehicles / services that use the affected sections of these roads are at risk of delays during the proposed 3-4 year construction period.

In exercising its statutory duties, Royal Mail vehicles use all of the adjacent local roads on a daily basis. Any additional congestion on these roads during the construction phase has the potential to significantly disrupt Royal Mail's operations.

Royal Mail therefore wishes to ensure the protection of its future ability to provide an efficient mail sorting and delivery service to the public in accordance with its statutory obligations which may be adversely affected by the construction of this proposed scheme.

Royal Mail's comments on information that should be provided in Highways England's Environmental Statement

Royal Mail fully supports the objectives of the proposed scheme; if congestion, journey delays and accidents along the A428 corridor between Black Cat junction and Caxton Gibbet junction can be reduced by the scheme then there will be significant benefits to all road users.

However, Royal Mail asks that Highways England fully notes the above and addresses the following comments / requests:

1. Royal Mail requests that the ES includes information on the needs of major road users (such as Royal Mail) and acknowledges the requirement to ensure that major road users are not disrupted though full consultation at the appropriate time in the DCO and development process.
2. The ES should include detailed information on the construction traffic mitigation measures that are proposed to be implemented, including a draft Construction Traffic Management Plan (CTMP).



3. Royal Mail requests that it is fully pre-consulted by Highways England on any proposed road closures / diversions/ alternative access arrangements, hours of working and the content of the CTMP. The ES should acknowledge the need for this consultation with Royal Mail and other relevant local businesses / occupiers.

Royal Mail is able to supply the applicant with information on its road usage / trips if required.

Should PINS or Highways England have any queries in relation to the above then in the first instance please contact Holly Trotman (holly.trotman@royalmail.com) of Royal Mail's Legal Services Team or Daniel Parry-Jones (daniel.parry-jones@bnpparibas.com) of BNP Paribas Real Estate.

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge,
CB23 6EA
www.scambs.gov.uk
03450 450 500



Ifan Gwilym
The Planning Inspectorate
Major Casework Directorate
Temple Quay
Bristol
BS1 6PN
(Sent by email only)

Our ref:
Your ref: TR010044
2 May 2019

Planning and New Communities
Contact: Claire Spencer
Email: claire.spencer@scambs.gov.uk
[Redacted]

Dear Mr Gwilym

A428 Black Cat to Caxton Gibbet Improvement Scheme - Environmental Scoping Report

Please find attached copy of South Cambridgeshire District Council's response to the A428 Black Cat to Caxton Gibbet Improvement Scheme - Environmental Scoping Report.

We are continuing to work with Highways England to support the EIA process.

Yours sincerely

[Redacted]
Stephen Kelly

**Joint Joint Director for Planning and Economic Development
for Cambridge and South Cambridgeshire**

A428 Black Cat to Caxton Gibbet Environmental Scoping report

(Report Number: HE551495-ACM-EAC-GEN-Z-Z-ZZ-RP-LE-0003-P04 S4)

Response from South Cambridgeshire District Council

The following comments have been set out in accordance with the structure of the Environmental Scoping Report and, where possible, reference a specific part of the Scoping Report.

Mapping Constraints

The figures only show data layer information up to prescribed detail / scoping area boundary (e.g. 1km in many cases). However, there are a number of constraints, particularly heritage and biodiversity assets, where the actual feature (such as a Conservation Area boundary, Scheduled Monument, Listed Building or biodiversity site) may not fall within the prescribed zone being assessed but there still needs to be an assessment made as to whether the A428 scheme will affect the setting or behaviours of species of such assets. The setting / behaviour patterns may not fall into a prescribed zone of influence but will need to be assessed on a case by case basis. This needs to be reflected in the Scoping Report text and assets outside the scoping area boundary shown on the accompanying maps.

The Scoping Report does not include any reference or assessments of impacts on Local Green Space. These are areas designated within Local Plans and shown on the [Adopted Policies Map](#). This needs to be reflected in the Scoping Report text and any such sites shown on the accompanying maps.

General Comments on Mapping

On several maps (e.g. Figures 9.1, 9.2, 12.1, 12.2) which show the “2km detailed scoping / study area” it does not show in detail the information for which text refers (e.g. Historic Parks and Gardens, and Tree Preservation Orders).

There are some inconsistencies between the maps, with specific sites shown on some maps and not on others (e.g. Figure 2.2 shows SSSI sites which are not shown on Figure 6.1).

There are references to “detailed study area” and “detailed scoping area” on different maps – clarification is needed whether they are the same thing.

Chapter 2 The Scheme

As this chapter is largely descriptive, drawing upon topic specific information (addressed in further detail within their respective chapters), it will need to be updated to incorporate any omissions / amendments outlined elsewhere in the Council's response.

Figure 2.3 shows the extent of built-up areas. In many places it does not reflect the actual built form.

Chapter 6 Air Quality

Air Quality Management Areas (AQMAs)

Paragraph 6.2.2 and Figure 6.1 make reference to AQMAs within and surrounding the DCO site boundary. However, they do not include reference to, or show, the AQMA on the A14 which stretches from Bar Hill to Impington. In contrast, Table 6.1 outlines the Local Authority air quality monitoring locations, including various locations along the A14 within South Cambridgeshire. For consistency, the AQMA along the A14 should be included within the scope.

Local Authority Monitoring

Paragraph 6.2.11 makes reference to the local authority monitoring site at Bar Hill. Please note that as part of the A14 Improvement Scheme this monitor has been relocated. This paragraph should be updated.

Sensitive Receptors

Paragraph 6.2.18 There is also no mention of Eltisley Manor nursing care home, located just south of the A428 between Croxton and St Neots. There is no reference to Cambourne and, specifically, the planned development at Cambourne West (allocated within the adopted Local Plan and with planning consent).

Paragraph 6.2.19 lists the schools within the scoping study areas. However it does not include Hardwick & Cambourne Community Primary School and Cambourne Village College. There should also be an acknowledgement that additional community facilities, including schools, will be provided with the Cambourne West development.

Description of the Likely Significant Effects - Operation

Paragraph 6.5.7 makes reference to the scheme potentially affecting regional air quality in relation to NO₂, PM₁₀ and CO₂. This should also include PM_{2.5} (see comments on the Assessment Methodology below)

Assessment Methodology

A detailed Air Quality Assessment should be undertaken using ADMS-Roads dispersion modelling, with the most up-to-date emission factor toolkit and the latest available monitored data. The assessment must be undertaken in accordance with current guidance, 'Land-Use Planning and Development Control: Planning for Air Quality, January 2017' by Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM). The modelling should include the annual mean concentrations of NO₂, PM₁₀ and PM_{2.5} at the sensitive receptors for the opening year of the Scheme for both the Do-Minimum (without Scheme) and Do-Something (with Scheme) scenarios. There should be further liaison with the Local Planning Authorities (LPAs) in this regard

7. Cultural Heritage

Non-designated assets

Paragraph 7.2.1 identifies sources of information for identifying designated assets, but does not state whether or how non-designated assets have been sourced.

Paragraph 7.2.13 refers to non-designated historic buildings. It is not clear whether this is meant to cover non-designated assets.

Figure 7.1 only appears to show Listed Buildings, Scheduled Monuments, Registered Parks and Gardens as well as Monuments (buildings and area). It is not clear whether the “non-designated historic buildings” (referenced in paragraph 7.2.13) are shown.

Therefore further clarification is needed in the Scoping Report to demonstrate that non-designated assets (as defined in the National Planning Policy Framework) have been taken into consideration.

Historic Buildings

Paragraph 7.2.11 could usefully outline where the church buildings are located.

Historic Landscapes

Delete paragraph 7.2.17 (which references the RAF Caxton Gibbet, a World War II military airfield). It only operated for the duration of WWII, has been in arable use since and there are no visible features remaining.

Description of the Likely Significant Effects

Paragraph 7.5.6 could usefully outline where the assets (tanning vat, and the site of Second World War anti-tank traps) are located.

Study Area

The scoping report could be clearer that impact on setting is not restricted to the 1km buffer where assets have been mapped. (see comment under Mapping Constraints)

Paragraph 7.6.12 needs to be clearer how judgements will be made and what standard methodology will be used.

Paragraph 7.6.18 as currently drafted is unclear in relation to the Listed Milestone. The first sentence refers to the “demolition of the Grade II listed milestone (NHLE 1162760)”. The second sentence refers to “measures to protect or reinstate the milestone.” Suggest the first sentence is reworded as follows:

“Consultation will also be undertaken regarding the demolition of the Grade II listed Brook Cottages (NHLE 1311862; HER 12458) and the protection or reinstatement of the Grade II listed milestone (NHLE 1162760).”

Assessment Assumptions and Limitations

Paragraph 7.7.5 makes reference to the Historic Landscape Characterisation data not being available at the time of undertaking scoping this information being obtained and evaluated as part of the cultural heritage assessment. Clarification is needed as to how this will be obtained and evaluated.

8 Biodiversity

It will be important that the Scheme reflects national planning policy to deliver a biodiversity net gain. We would recommend a 20% net gain (demonstrated using a Biodiversity Impact Assessment based on Defra off-setting metric) to ensure a significant, measurable biodiversity net gain can be achieved. This figure is in line with early biodiversity net gain discussion being held by Cambridgeshire's local authority ecologists and other LPAs in the country implementing BNG.

It will be essential that appropriate BNG is delivered using sound evidence and maximises the opportunities for wider environmental net gain. This should include the development of a Natural Capital Investment plan and take on board the findings of similar assessments for other infrastructure schemes, including the Bedfordshire Local Nature Partnership (2018) Natural Capital Investment Planning for the Oxford-Milton Keynes-Cambridge Growth Corridor.

9 Landscape

Landscape Designations

Paragraph 9.2.3 makes reference to Croxton Park Registered Historic Park and Garden being shown on Figure 9.2. It is not shown.

Operation

Paragraphs 9.5.6 and 9.5.7 refer to the potential impacts on Croxton Park. The former, suggesting there will be an improvement in terms of landscape setting of the park due to the new road alignment and reduction in traffic on the existing road. The latter refers to the loss of (TPO) trees to the north. This is an apparent contradiction. Clarification is needed as to whether the loss of trees has been taken into consideration in the assessment of impact on landscape setting.

Chapter 10 Noise and Vibration

Study Area

Paragraph 10.1.1 identifies sensitive receptors and generally excludes commercial premises "unless the use is potentially sensitive, such as a recording studio or theatre." There needs to be recognition that there are other types of commercial operation which may require lower noise levels as part of the business, including for example, Bed and Breakfast, leisure premises and offices. The Scoping Report is not clear whether or how an assessment of commercial premises has been undertaken and no methodology has been provided as to how such premises are to be identified. It is recommended that such detail is provided.

Baseline Conditions

Paragraph 10.2.2. refers to information sources, including "Traffic forecasts prepared as part of the development and selection of options for the Scheme." Given the apparent errors in Chapter 11 on Development Land and Planning Applications (see below), there should be further liaison with Cambridgeshire County Council and the Local Planning Authorities (LPAs) in this regard to ensure the robustness of the source assumptions and therefore the traffic model outputs. (see also comments to Chapter 11 on Development Land and Planning Applications)

Noise Monitoring

Paragraphs 10.2.8 and 10.2.9 refer to noise monitoring having been undertaken at a number of locations within the 1km scoping area in November to December 2017, and further monitoring in Spring 2019. However, no information is provided on where it was undertaken, locations, and times of survey. It would be expected that the noise monitoring locations, methodologies, etc will be agreed with SCDC before the surveys are carried out.

Noise Sensitive Receptors

Paragraph 10.2.12 outlines the residential noise sensitive receptors along the route, including in various villages and individual dwellings. However, it fails to identify Cambourne West, a site within the 1km study scoping area, which is allocated within the adopted Local Plan (and has planning permission) for residential development and will also include school premises.

Paragraph 10.2.13. Whilst reference is made to other sensitive receptors including "a number of schools and nurseries, a number of medical facilities, a range of community facilities mainly comprising of places of worship and village halls, numerous public rights of way and a number of scheduled monuments" these have not been outlined in the same level of detail as the residential receptors. This detail should be added to the text.

Potential Impacts – Construction

Paragraph 10.3.2 In addition to referencing activities associated with bulk earth works and road construction, this paragraph should include reference to the construction of bridges.

Consideration needs to be given as to the routing of construction traffic to avoid unnecessary impacts on local rural villages, which are not designed to carry such vehicles. Consequently appropriate diversions will be required and methods of enforcement of these diversions will need to be submitted and agreed with the local highway authority.

Future Maintenance

Section 10.3.8 scoped out the consideration of noise and vibration assessment for future maintenance from the ES. However, Section 10.3.6 refers to the potential future maintenance of the scheme once operational.

There is no indication as to the likely frequency of work, such as resurfacing and other standard maintenance operations, which are likely to be required and may impact on nearby residential properties that are not so impacted at present. e.g. Eltisley.

Design, Mitigation and Enhancement Measures - Construction

The Council welcomes the production of a Construction Environmental Management Plan (CEMP) and the use of the best practicable means to mitigate construction impacts.

However, this CEMP will need to be broken down into local areas to reflect local conditions pertaining to particular sections being worked on (e.g. Local Environment Management Plans) rather than one document for the whole scheme. There must be clear requirements to be followed by contractors and there must be clear reporting lines as to the responsibility for enforcement of non-compliance with those requirements.

The use of confidential documents that can not be publicly accessed, as part of this enforcement policy, should be avoided.

Design, Mitigation and Enhancement Measures - Operation

Specific levels of predicted noise reduction as a result of the use of the "thin" surfacing system as a noise reducing surface (as opposed to hot roll asphalt) needs to be provided.

Any noise mitigation measures that may be included at the operational stage of the scheme will need to be specified and the noise predictions for individual noise sensitive premises protected by that mitigation will need to be provided.

Where significant effects are predicted, due to the construction works, appropriate noise insulation or temporary re-housing policies will need to be provided and agreed with the local authority in good time, prior to the works commencing.

Assessment Methodology

The quantitative assessment of construction noise mentioned in section 10.6.2 and 10.6.4 regarding the use of BS 5228 and the ABC method refers to being the adopted approach. It should be clearly identified how the determination of the threshold for the onset of potentially significant adverse effects is calculated. E.g. the noise levels that exist at the time of construction works taking place are relevant and not necessarily the existing baseline levels pre-construction, when the road is in operation. This is because in some situations (e.g. night work) the road may need to be closed and consequently background levels will reduce significantly from baseline levels when the carriageway was open.

Paragraph 10.6.5 refers to determining the SOAEL and LOAEL ambient noise levels at the relevant façade of each of the selected receptors will be determined on predicted baseline traffic noise levels for 2021. There is the obvious need to predict these levels, but it is imperative that all potential traffic is considered at this time taking into account all potential future developments that may increase traffic flow and hence impact on noise levels. These should include potential developments as well as those already given planning permission. See earlier comments to Paragraph

10.2.2. The Council requests further liaison by Highways England with Cambridgeshire County Council and the Local Planning Authorities (LPAs) in this regard to ensure the robustness of the source assumptions and therefore the traffic model outputs.

During construction, vibration levels will need to be monitored to ensure they do not exceed the proposed criteria presented in the ES report.

Whilst the Council accepts the preliminary indication of any property likely to qualify for insulation under the Noise Insulation Regulations, we would also require the details and methodology used to justify the conclusions of any full assessment to be completed, once the detailed design of the scheme is known.

Paragraph 10.6.33 the general construction noise or vibration levels above the SOAL should be considered significant and levels below the SOAL not significant. This is because there is a requirement to ensure that levels between the LOAEL and the SOAEL should be reduced to a minimum, rather than accepting that levels below the SOAEL are automatically acceptable.

The Council has concerns that the Significance of Effect in relation to operational vibration uses the levels in BS 5228 with regard to the determination of the eligibility of noise insulation as being an indication of an impact that is not significant. Impacts due to construction noise and vibration as outlined in BS 5228 accepts there will be significant impacts on residential sensitive properties, but these levels will be transient dependent upon the construction activity carried out in the vicinity. Operational Noise and Vibration will continue into the future indefinitely for the duration of the road's operation.

Chapter 11 Population and Health

General Comment

The EIA should contain an assessment of the impacts of the scheme on human health. We would suggest that due to the nature of the scheme, a full Health Impact Assessment is undertaken; this can be integrated into the EIA or could form a separate report.

The Council support Cambridgeshire County Council Public Health's rationale to extend the assessment of any feeder PRoWs for NMUs between destinations within 1km of the DCO site boundary to 5kms, to take into consideration the District Council's ambition of increasing more active forms of travel to help ease congestion, maintain good air quality whilst also promoting good physical and mental health.

It is also suggested that impacts be assessed on the health of residents of local communities likely to be affected by local traffic using alternative "rat runs" to avoid the disruption to local routes during the construction phase. Traffic monitoring and, where necessary, appropriate mitigation may need to be provided.

Baseline Conditions

Paragraph 11.2.1.refers to using Google Streetview roadside photography to establish the composition and availability of views from the road. Views from the road

will need to be reviewed over the timeframe of the build project. Streetview may not provide an up to date imagery.

Development Land and Planning Applications & Baseline Conditions

Paragraph 11.2.1 refers to various sources of baseline information, including the adopted Local Plan and a review of planning applications within the last five years. Paragraph 11.2.2. goes on to state that Figure 11.1 illustrates the locations of planning applications within and surrounding the DCO site boundary; sites allocated for development in Local Plan should also be shown. Bourn Airfield is missing from Figure 11.1 – a site which is allocated for a new village in the Local Plan and subject of a live (but yet to be determined) planning application.

Views from the Road

Paragraph 11.2.6 Makes reference to settlements close to the existing A428, but omits reference Cambourne; Cambourne West has been granted planning permission and is located close to the Caxton Gibbet junction. (Note: Caxton Gibbet is not a settlement.)

Figure 11.1 It is not clear if the intention of this map is to show consented sites, pending applications or failed applications. Information shown is incorrect; for example the site boundary for Cambourne West, omitted applications S/0883/15/FL at Eltisley, and S/3440/18/OL at Bourn Airfield (although the latter is outside, but close to, the scoping study area). There should be further liaison with the Local Planning Authorities (LPAs) in this regard

Rights of Way

Paragraph 11.2.14. A number of bridleways are located around the settlements of Eltisley and Caxton. Add Cambourne.

Figure 11.1 does not include a bridleway along the full extent of the Papworth bypass. There is also a long distance footpath which runs between Papworth Everard and Elsworth. It needs refinement, working with Cambridgeshire County Council's Rights of Way team.

Commercial Receptors

Paragraph 11.2.17 There is no reference to Eltisley Manor nursing care home, located just south of the A428 between Croxton and St Neots.

Community Facilities

Where do the wider community services and facilities get addressed? This section should include the full range of schools (see earlier comments about Cambourne schools), community / village halls, sports / recreation facilities etc.

Development Land and Planning Applications

Paragraph 11.2.19 The reference to the South Cambridgeshire Local Plan 2018 correctly identifies this as the adopted plan. However, reference to the Cambourne West allocation is incorrectly referred to as “emerging” policy. This paragraph also

needs to recognise that planning permission has been obtained on a larger site than was allocated in the Local Plan.

Paragraph 11.2.22 refers to East-West rail as a scheme being developed. However there is no reference to the Greater Cambridge Partnership Cambourne to Cambridge Better Public Transport project, or the Cambridgeshire and Peterborough Combined Authority's mass transit proposal, both of which will provide future public transport opportunities within the corridor between Cambridge and St Neots.

Table 11.1 contains incorrect information in relation to the Cambourne West planning application; it has been granted, and as the table does not accurately reflect the proposal in the approved application. Note: this should also be included in the list of sites outlined in paragraph 11.2.23, as it falls within the scoping area.

The Scoping Report should be reviewed to demonstrate it has a proper understanding of developments permitted in the area, to ensure that the scheme's impacts on those developments are fully considered. There should be further liaison with the LPAs in this regard.

Assessment Methodology

Paragraph 11.6.2. The use of the Healthy Urban Development Unit (HUDU) methodology criteria is welcome. It is suggested that in addition to the topics listed for assessment, the following should be scoped into the report:

- Risk of suicide throughout the construction and operational phases
- Road traffic collisions during the construction and operational phases

Information Sources

Paragraph 11.6.47 refers to traffic forecasts being used to inform the assessment of vehicle user severance and driver stress. This should also take into account the impacts on local communities (e.g. from rat running traffic).

Consultation

This section focusses on land owners and businesses. It should be reference to working with schools, owners of community facilities and services and local communities to identify their operational needs, concerns and how they can be mitigated during the construction and operational phases.

Chapter 15 Climate

General Comment

South Cambridgeshire District Council has pledged to support an ambitious target of cutting local carbon emissions to zero by 2050. Will there be any allowance within the carbon budgeting work for the A428 scheme to take into consideration potential implications of a move towards 'zero carbon'? This will come down to an element of future proofing in the scheme design in terms of the transition to low emissions vehicles for the operational phase.

Climate Change Resilience Assessment

Paragraph 15.3.2 – this section considers potential climate impacts during the construction of the A428, with a focus on impacts to the construction of the scheme itself. This should also give consideration to potential impacts that may arise to nearby communities as a result of the construction process (e.g. ensuring that the construction phase does not increase the risk of flooding to nearby communities).

Similarly for paragraph 15.3.6 which considers climate impacts during the operational phase – these are focussed on the impacts to the scheme itself but also need to give consideration to nearby communities, particularly in relation to flood risk as a result of extreme weather events. This paragraph should also consider the potential impacts from extreme heat on the road surface itself (road surfaces in Cambridge have melted during heatwaves in the past).

Design, Mitigation and Enhancement Measures

Section 15.4 – in this section on mitigation measures, there is nothing regarding reducing vehicle related emissions through the development of options that support low emissions vehicles (e.g. will the scheme provide Electric Vehicle charging infrastructure?). Is there also an opportunity for the use of low emissions fleet as part of the construction process?

Paragraph 15.4.2 With regards to sustainable drainage systems, while the primary function of these should be to deal with surface water runoff, there is also an opportunity here for these to deliver biodiversity benefits, so a reference to multifunctional sustainable drainage systems could be inserted here.

Description of the Likely Significant Effects

Climate resilience assessment – is it possible to take account of extreme weather events that have already had an impact on the A428 as part of this assessment? For example, a few years back there was a cloudburst event which led to flooding of the A428 at the Hardwick junction (it is understood that pumps failed leading to the road flooding). What lessons have been learnt from this event (considering that it happened on a relatively newly constructed section of road) that will be applied to the construction of this new section of the A428?

Climate Change Assessment – Study Area

Paragraph 15.6.35 The study area is focussed on the DCO site boundary, but given the requirement of national policy to ensure that, for example, development does not increase the risk of flooding to areas downstream or adjacent to developments, the study area for the climate change risk assessment needs to be widened to take into account local communities that may be impacted by the scheme.

Chapter 16 Cumulative Effects

Traffic-related Effects

This section refers to a traffic model having been developed and is currently being refined. As this model will inform assessments in relation to air quality, noise and

vibration, population and health and road drainage and the water environment, it is important that there be further liaison with Cambridgeshire County Council and the Local Planning Authorities (LPAs) to ensure the robustness of the source assumptions and therefore the traffic model outputs. (see also comments to Chapter 11 on Development Land and Planning Applications).