



# BEDFORD BOROUGH COUNCIL

*Borough Charter granted in 1166*



INVESTOR IN PEOPLE

*Chief Executive: P. J. Simpkins*

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Date: 11<sup>th</sup> March 2021

Dear C. Patten

**Application by Highways England for an Order Granting Development Consent for the A428 Black Cat to Caxton Gibbet Road Improvement Scheme  
Adequacy of consultation request**

Thank you for your letter of 26<sup>th</sup> February 2021 requesting our representation on Highway England adequacy of consultation in relation to the Black Cat to Caxton Gibbet Road Improvement Scheme.

We have reviewed The Consultation Report and it is our overall view that Highways England complied with the duty to consult (Section 42 of the Act), the duty to consult the local community (Section 47 of the Act) and the duty to consult the local community (Section 48 of the Act).

Highways England prepared a Statement of Community Consultation (SoCC) setting out their proposal for consulting residents who lived in the vicinity of the site. They sought our views in March 2017 and February, March 2019 with a supplementary consultation in June 2020. Local consultation events were held in July 2019. Highways England SoCC was published on their website and the local newspaper Bedford Times and Citizen on 6<sup>th</sup> June 2019. We consider that they have carried out their consultations in accordance with the proposals set out in the statement. Apart from the points identified below, we consider generally that they have had regard to the responses that we sent to them and that our residents were involved and consulted during the pre-application stage.

The Bedford Borough Historic Environment Team (Archaeology) can confirm they have been in consultation with Highways England on a regular basis since September 2018, Table 12-1 in the Consultation Report provides a reasonably accurate summary of the meetings held with the archaeology team prior to the submission of the DCO. The focus of the discussions has mostly been on the archaeological evaluation of the proposed scheme route both at preparation and results stage and subsequently to a lesser extent on the archaeological mitigation that will be required. Whilst draft mitigation proposals have been discussed a final strategy is yet to be agreed and discussion is ongoing.

The Bedford Borough Historic Environment Team (Conservation) have also been in consultation with Highways England since September 2018, often in conjunction with Historic England. Discussions have largely centred around the strategy for the grade II listed Brook Cottages (list entry no.: 1311862). Table 5-15 sets out the current state of play. Notwithstanding the fact that Highways England have consulted the Conservation team over the pre-application phase at various stages, there are continued concerns that fundamental issues relating to the listed building remain unresolved.

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The Council had asked for details of the borrow pits proposed in the Borough, so that any impacts could be adequately evaluated as part of the environmental impact assessment process. A meeting on the optioneering report held a day before submission which we attended provided too little detail, too late and this will now need to be the subject of representations and considered during the hearing stage. The Council is concerned that the control over the borrow pits appears to be through the EMP. The works are effectively mineral extraction and landfill sites for which we would normally have a number of planning conditions on any normal M&W permission. The suggestion is that there will just be one condition and that will be to comply with the EMP although it will affect several very different sites with different constraints. At this stage there are no site specific proposals shared to assess the site specific impacts.

Environmental Health Officers are concerned about the lack of specific detail at this stage such as background noise readings against which to assess any proposed mitigation measures. Proposals at this stage are very generalised and non-site specific. Or particular concern is borrow pit 11 which is identified as being within 70m of residential houses.

We are also disappointed that the wording of the draft DCO itself has not been the subject of any early discussions with Bedford Borough Council before it is submitted, as has been the practice with previous DCO applications in the area and as suggested in national guidelines for DCOs. Therefore at this stage we will have to raise any concerns through the formal hearing process once we have seen the draft DCO.

If you have any further questions please contact the above lead Officer Alastair Wren on the contact details above

Yours sincerely

**Janine Laver**  
**Manager – Development Management**

