

**Responses due by Deadline 1: Tuesday 31 August 2021**

**PLANNING ACT 2008 (AS AMENDED) – SECTION 89 AND THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010 (AS AMENDED) – EXAMINING AUTHORITY’S WRITTEN QUESTIONS AND REQUEST FOR INFORMATION (WQ1)**

**APPLICATION BY HIGHWAYS ENGLAND FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE A428 BLACK CAT TO CAXTON GIBBET IMPROVEMENTS**

**APPLICATION REF: TR010044**

**RESPONSES OF THE HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND (HISTORIC ENGLAND)**

- 1.1 The Historic Buildings and Monuments Commission for England (HBMCE), known as Historic England, are the Government’s adviser on all aspects of the historic environment in England - including historic buildings and areas, archaeology and historic landscape – and have a duty to promote public understanding and enjoyment. HBMCE are an executive Non-Departmental Public body sponsored by the Department for Digital Culture, Media and Sport (DCMS) and we answer to Parliament through the Secretary of State for Digital Culture, Media and Sport. Our remit in conservation matters intersects with the policy responsibilities of a number of other government departments – particularly the Ministry of Housing, Communities and Local Government, with their responsibilities for land use planning matters. The National Heritage Act (2002) gave HBMCE responsibility for maritime archaeology in the English area of the UK Territorial Sea.
- 1.2 Historic England have here provided answers to questions directed to as an Interested Party, or, if appropriate, have indicated why a question is not relevant to us. which were not directed at us. In some cases, by way of response we refer to the more detailed advice provided in our Written Representation. Our responses are noted in the attached Table.



**David Eve**  
**Inspector of Historic Buildings and Areas**  
**31<sup>st</sup> August 2021**

## **Responses due by Deadline 1: Tuesday 31 August 2021**

### **Application by Highways England for an Order Granting Development Consent for A428 Black Cat to Caxton Gibbet Improvements**

#### **The Examining Authority's written questions and requests for information (WQ1)**

#### **Issued on Wednesday 21 July 2021**

The Examining Authority (ExA) is providing all parties advance access to the intended list of the ExA's First Written Questions and requests for information (WQ1), in order to facilitate the conduct of the Examination. WQ1 will be issued formally after the close of the Preliminary Meeting, and as soon as the Examination starts. Any amendment will be limited to additional questions, in the form of an addendum. Responses are due on **Tuesday 31 August 2021**, which is **Deadline 1** in the draft Examination timetable (Rule 6 letter, Annex D). **Please do not submit any responses before the start of the Examination.**

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues (Rule 6 letter, Annex C). Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 1 sets out the unique reference number to each question which starts with 'Q1' (indicating that it is from WQ1), followed by an issue number, a sub-heading number and a question number. When you are answering a question, please start your answer by quoting the unique reference number.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to.

If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [A428.Blackcat@planninginspectorate.gov.uk](mailto:A428.Blackcat@planninginspectorate.gov.uk) and include 'A428 Black Cat to Caxton Gibbet' in the subject line of your email.

## **Responses are due by Deadline 1, Tuesday 31 August 2021**

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<b>Q1.1.1 Excavating the archaeological remains</b>		
Q1.1.1.1	Central Bedfordshire Council Historic England	<p><b>Planning Permission for excavations</b></p> <p>The Applicant has stated that a planning application to excavate archaeological remains has been submitted to CBC [APP-158, paragraph 1.4.3]</p> <p>h) HistE, were you consulted on this application, and if so, what were your views, including with reference to the overall road scheme?</p> <p>We were notified by Highways England of their intention to submit an application but declined to comment. The matter is largely outside of Historic England's remit, and we were content to leave the matter with the Local Authority Archaeological Advisors. We were not subsequently consulted by the planning authority.</p>
<b>Q1.2. Historic Environment</b>		
<b>Q1.2.1 Methodology</b>		
Q1.2.1.1	The Applicant Local Authorities Historic England	<p><b>Methodology and mitigation</b></p> <p>The construction of the Proposed Development would result in significant adverse effects on designated heritage assets and archaeological remains, including from the Iron Age and Roman times [APP-075].</p> <p>a) In light of the residual adverse effects to the historic environment, are parties and Applicant satisfied that the Proposed Development meets the policy requirements regarding sustaining and enhancing the historic environment in the NPS NN (paragraphs 5.120-5.144)?</p> <p>b) Is the proposed mitigation in the ES adequate, given the residual adverse effects [APP-075, paragraphs 6.9.286 and 6.9.287]?</p> <p>Please refer to our Written Representation, section 4. If the Examining Authority has further queries following our written submission, please do contact us for advice.</p>
<b>Q1.2.2 Brook Cottages</b>		
Q1.2.2.1	The Applicant	<b>Demolition of Brook Cottages</b>

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	<p>Historic England Bedford Borough Council</p>	<p>The Proposed Development would require the demolition of a Grade II listed building, a Designated Heritage Asset, causing substantial harm and resulting in a permanent Large Adverse effect [APP-075, Table 6-6]. This is caused by the proposed Black Cat Roundabout junction, which was subject to consultation and refinement prior to the submission of the application [APP-178] [APP-247] [APP-035].</p> <p>a) What is HistE's view on the Applicant's justification for the proposed demolition of Brook Cottages?</p> <p>We have a number of reservations about the justification for the conservation of some of the listed building's significance through relocation and would refer you to further detailed advice in our written representations, section 3.</p>
<p>Q1.2.2.2</p>	<p>The Applicant Historic England Bedford Borough Council</p>	<p><b>Black Cat Junction Options</b></p> <p>e) Are BBC and HistE satisfied with the Applicant's design approach to the alignment of the A1 and the Black Cat junction, with respect to the adverse effects on Brook Cottages?</p> <p>We are not in a position to assess the highways engineering arguments set out in the Design Options but have accepted the proposed alignment. We have a number of reservations about the conservation of some of the listed building's significance through relocation and would refer you to further detailed advice in our written representations, section 3.</p>
<p>Q1.2.2.3</p>	<p>The Applicant Historic England Bedford Borough Council</p>	<p><b>Black Cat Quarry</b></p> <p>The Black Cat Quarry is located to the east of the existing roundabout and is referenced at various places within the ES [APP-076, paragraph 7.6.90].</p> <p>b) HistE and BBC to comment.</p> <p>We advise that with regard to below ground remains, this is a matter for the Applicant and the Local Authority. However, in principle using land which has already been disturbed through quarrying would reduce the impact on archaeological remains on greenfield sites.</p>

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<b>Q1.2.3 Milestone and Mileposts</b>		
Q1.2.3.1	<p>Historic England Cambridgeshire County Council Huntingdonshire District Council South Cambridgeshire District Council</p>	<p><b>Removal and re-location</b></p> <p>The Proposed Development would entail the removal and subsequent relocation nearby of designated heritage assets, causing a permanent moderate adverse effect [APP-075, Section 6.9]. CCC, HDC and SCDC, and HistE, what is your view on the removal and subsequent re-location of the Milestone and Mileposts?</p> <p>We accept the relocations in principle although we would agree that this would result in harm to their historic significance, as stated in the ES, chapter 6. We would also accept agreeing a methodology for relocation as suggested in in the Case for the Scheme. We would refer you to further detailed advice on these matters in our written representations, section 3.</p>
<b>Q1.2.4 Archaeological Remains</b>		
Q1.2.4.1	<p>The Applicant Historic England Local Authorities</p>	<p><b>General</b></p> <p>There are a number of archaeological remains, in and close to the Order Limits, which would be adversely affected by the construction of the Proposed Development. Furthermore, the proposed diversion of a gas pipeline to enable the scheme to proceed would entail disturbance to archaeological remains [APP-158]</p> <p>b) Applicant, provide more detailed justification for concluding moderate adverse residual effects from the Proposed Development on the archaeological remains [APP-075, Section 6.9]? HistE and LAs to comment.</p> <p>c) Applicant, what consideration has been given to the of the effect of the Proposed Development on all these remains, combined? HistE and LAs to comment.</p> <p>d) The ES states that for Phase 1 of the trial trench evaluation, the original scope of the works required 771 trenches, but 95 trenches were de-scoped and removed [APP-173, paragraph 4.1.2]. What is the justification for the reduction in scope of the works and what effect would it have on the evaluation, including spatially? HistE and LAs to comment.</p> <p>e) Are parties satisfied with the approach, scope and conclusions of the archaeological assessment, and proposed mitigation?</p>

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		Please refer to our Written Representation, section 4. If the Examining Authority has further queries following our written submission, please do contact us for advice.
Q1.2.4.2	The Applicant Historic England Local Authorities	<b>Archaeological Mitigation Strategy</b> e) CCC, HDC, SCDC, CBC and HistE, what are your views on the scope of the archaeological mitigation strategy [APP-238] and its response to the joint Archaeological Design Brief?  Please refer to our Written Representation, section 4. If the Examining Authority has further queries following our written submission, please do contact us for advice.
<b>Q1.3. Landscape and Visual Effects</b>		
<b>Q1.3.1 General</b>		
	Historic England Local Authorities	<b>Methodology</b> Within a predominantly rural landscape the ES states that the proposed scheme would have significant adverse residual effects, both during construction and operation [APP-076, section 7.9].  b) HistE's views are sought in light of heritage assets that are present, including scheduled monuments such as a Bronze Age barrow and medieval moated sites [APP-075, Paragraph 6.6.15], within the affected landscape.  Please refer to our Written Representation section 4. If the Examining Authority has further queries following our written submission, please do contact us for advice.