



HEARING AGENDA

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

Issue Specific Hearing 3 (ISH3)	Social, Economic and Environmental matters, including the dDCO
Date	Friday 24 September 2021
Timings	Arrangements Conference: 09:30 am Hearing Start Time: 10:00 am
Location	Virtual event on Microsoft Teams

Requested Attendees

1. Applicant
2. Environment Agency (EA)
3. Historic England (HistE)
4. Natural England (NE)
5. Bedford Borough Council (BBC)
6. Central Bedfordshire Council (CBC)
7. Cambridgeshire County Council (CCC)
8. Huntingdonshire District Council (HDC)
9. South Cambridgeshire District Council (SCDC)
10. National Farmers Union (NFU)
11. Transport Action Network (TAN)
12. Cambridgeshire and Peterborough Campaign to Protect Rural England (CPRE)

In addition, the Examining Authority (ExA) welcomes involvement from all parties at ISH3. You were required to confirm attendance at ISH3 by Procedural Deadline C, Tuesday 31 August 2021.

Purpose for the Issue Specific Hearing 3

The purpose of the ISH3 is to discuss those matters relating to Social, Economic and Environmental matters that the ExA consider merit further explanation and discussion among different parties at a Hearing. It is not intended to discuss all Social, Economic and Environmental matters, some of which the ExA may pursue through further rounds of Written Questions. At ISH3, the ExA is looking to clarify and get views on matters relating to:



1. Biodiversity and Habitats Regulation Assessment (HRA), including Eversden and Wimpole Woods Special Area of Conservation (SAC) and Ouse Washes SPA, SAC and Ramsar site and the Portholme SAC;
2. Assessment of alternatives to the junction design and siting at Black Cat;
3. Heritage matters, including the effects on listed building, on archaeological remains and on the setting of heritage assets;
4. Land-use, including loss of Best and Most Versatile (BMV) agricultural land;
5. Flood risk, including full evidence for the exception test;
6. Landscape effects, including with reference to designated character areas;
7. Wider construction effects, including borrow pits;
8. Sustainability effects, in particular economic effects; and
9. matters relating to the draft Development Consent Order (DCO).

Documents

The ExA referred to several documents in the preparation of this agenda, and some of the documents that we will be referring to during the Hearing are listed here. These documents can be located using the Examination Library reference number in [] square brackets:

1. draft Development Consent Order (dDCO) [REP1-003];
2. Consultation Report Appendix B – Options consultation and PRA booklet [APP-035];
3. Environmental Statement (ES) Chapter 3 – Assessment of Alternatives [APP-072]
4. ES Chapter 6 - Cultural Heritage [APP-075];
5. ES Chapter 8 - Biodiversity [APP-077]
6. ES Chapter 9 – Geology and Soils [APP-078]
7. ES Chapter 10 – Material Assets and Waste [APP-079]
8. ES Chapter 13 – Road Drainage and Water Environment [APP-082]
9. ES Chapter 14 – Climate [APP-083]
10. ES Chapter 16 – Summary of Significant Effects [APP-085]
11. ES Figure 6.2 - Designated Heritage Assets (Sheet 3 of 9) [APP-100];
12. ES Appendix 6.10 Brook Cottages Heritage Appraisal [APP-178];
13. ES Flood Risk Assessment [APP-220];
14. ES Habitats Regulations Assessment: No Significant Effects Report [APP-233];
15. Eversden and Wimpole Woods SAC Technical Note [REP1-032]
16. Joint Position Statement on matters relating to Habitats Regulations Assessment and mitigation [REP1-033]
17. ES First Iteration Environmental Management Plan [APP-234]
18. ES Schedule of Mitigation [APP-235];
19. ES Archaeological Mitigation Strategy [APP-238];
20. ES Case for the Scheme [APP-240];
21. Black Cat Junction Design Options [APP-247].



AGENDA

The Hearing will start promptly at the indicated time of 10:00 am. All other times in the Agenda are indicative. The ExA will close the meeting at 4:45 pm, or sooner if all relevant matters have been covered.

09:30 am Arrangements Conference

1. Registration by the Case Team

10:00 am Issue Specific Hearing 3 (session 1)

1. Welcome by Lead Member of the Examining Authority (ExA)
2. Procedure for running the virtual Issue Specific Hearing
3. **Biodiversity matters, including HRA**
 - a. Additional Barbastelle Bat surveys update
 - b. Implications if Likely Significant Effects cannot be excluded
 - c. Information and timescales for the provision of information necessary for an Appropriate Assessment to be made (if required)
 - d. If an Appropriate Assessment cannot exclude adverse effects upon the integrity of the Eversden and Wimpole Woods SAC, and with reference to the National Policy Statement for National Networks (NPS NN), provide without prejudice timescales and details of information required for Derogation of Habitats Regulations (Alternatives / Imperative Reasons of Overriding Public Interest (IROPI)
 - e. Without prejudice, measures that could mitigate adverse effects upon the integrity of the SAC
 - f. What would be the cumulative (in-combination) effects if adverse effects cannot be excluded?
 - g. Effect on overall Environmental Statement (ES) conclusions on Biodiversity if adverse effects cannot be excluded
 - h. Value of highway drainage ponds and channels in terms of biodiversity
 - i. Planting compositions, veteran trees & linear biodiversity
 - j. Likely Significant Effects of the Proposed Development on the Ouse Washes SPA, SAC and Ramsar site and the Portholme SAC

11:00 am Break

11:15 am Issue Specific Hearing 3 (session 2)

4. **Assessment of alternatives to the junction design and siting at Black Cat**



- a. Process and reasoning for selecting the junction option that would require the demolition of Brook Cottages
- b. Evidence to show that reasonable alternatives that did not require demolition of Brook Cottages, were considered, and consulted upon with BBC, HistE and other parties
- c. Consideration given to the proposed use of land to the east of the existing Black Cat Roundabout in the assessment of alternatives
- d. BBC's view (as Local Highway Authority) if there are other route alignment and junction design and siting options that have not been considered

5. Heritage matters, including the effects on listed buildings, on archaeological remains and on the setting of heritage assets

- a. Brook Cottages survey and re-location update
- b. Scale of harm caused by the removal of Brook Cottages and any effects from its potential re-location
- c. With reference to the NPS NN, the evidence to support the exceptional demolition of a Grade II listed building
- d. Use of 2m LIDAR surveys and consequent robustness of archaeological data; implications for consequent construction effects [APP-165] and [REP1-077]
- e. Views on the Archaeological Mitigation Strategy [APP-238]
- f. Settings of Heritage Assets, including Roxton and Croxton Park [APP-113] and [APP-114], including from Viewpoints VP7; VP8; VP11; VP14 and VP44

12:45 pm **Lunch Break**

01:30 pm **Issue Specific Hearing 3** (session 3)

6. Land-use, including loss of BMV agricultural land

- a. Details of the excavated materials to be taken from the Borrow Pits and the materials to replace them, together with their future status relative to the Proposed Development
- b. Update regarding the postponed soil surveys
- c. Update on progress regarding regenerative agriculture soil re-provision
- d. The economic value of lost BMV agricultural land

7. Flood risk, including full evidence for the exception test

- a. What specifically would be the wider sustainability benefits to the community that would outweigh the risk of flooding?
- b. In what way would the status of the proposed development as a Nationally Significant Infrastructure Project meet the wider sustainability and safety needs?



- c. Why have different climate change allowances been used for different connected watercourses – main rivers and ordinary watercourses? [APP-220]

8. Landscape effects, including with reference to designated character areas

- a. Screening of prominent structures and locations [APP-113] and [APP-114] including:
 - i. New bridges, such as at Toseland and Little Barford
 - ii. New embankments, such as to the north of Tempsford
 - iii. New interchanges, such as at Eltisley and the three Grade-Separated Junctions
- b. Mitigating the effects on landscape character, particularly in views of historic settlements, or across the agricultural landscape
- c. Provision of suitable trees within Hedgerows, and the retention or provision of deadwood within habitats to support invertebrate populations
- d. Species mix appropriate to the local climate, and depth of planting

03:00 pm

Break

03:15 pm

Issue Specific Hearing 3 (session 4)

9. Sustainability effects, in particular economic effects

- a. Consideration of the lifetime greenhouse gas emissions of the Proposed Development. What are the implications of the Proposed Development for net zero carbon emissions by 2050?
- b. Consideration of commuting routes that would inform consumer user benefits
- c. Implications for the Proposed Development of the announcement of the cancellation of the Oxford Cambridge Expressway in March 2021. How is the evidence that informed that decision different from the evidence supporting the Proposed Development?

10. High pressure pipeline diversion

- a. Update on the archaeological excavation
- b. Any information that might be available on the Screening Assessment

11. Draft Development Consent Order

- a. Article 23 - Authority to survey and investigate the land
 - i. The provision secured through Article 23 which refers to land which is adjacent to, but outside the Order limits
- b. Notice period of 14 days in Articles 22, 23 and 40



- i. Implications for the Applicant to accommodate 28 days' notice period

12. Procedural decisions, review of actions and next steps

13. Closing remarks

04:45 pm

Close of Issue Specific Hearing 3