

## HEARING ACTION POINTS

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

Actions arising from the Issue Specific Hearing 3 held on Friday 24 September 2021

Action	Party	Deadline	
1.	Ahead of survey results, without prejudice, discussions to occur between Applicant and Natural England (NE) regarding potential barbastelle bat mitigation measures.	<b>NE Applicant</b>	<b>D4 and subsequently as needed</b>
2.	Applicant, NE, and Local Authorities (LA) to provide position statement on details of drainage ponds, including intended design principles and planting arrangements.	<b>NE Applicant LAs</b>	<b>D3</b>
Provide comprehensive responses to Actions 3 and 4, and ISH3 Agenda items 4a and 4b that were not covered at the Hearing due to lack of preparation by the Applicant.			
3.	Applicant to provide evidence to show that reasonable alternatives that did not require the demolition of Brook Cottages, were considered, and consulted upon with Bedford Borough Council (BBC), Historic England (HistE) and other parties, in particular if any of the discounted options involved moving the Black Cat junction option East of its current and proposed position. Those option proposals to also be provided.	<b>Applicant</b>	<b>D3</b>
4.	Applicant to provide the evidence underpinning the criteria relied upon in the initial assessment of alternatives for Black Cat junction options, in particular the evidence relied upon to dismiss the options that did not require the demolition of Brook Cottages.	<b>Applicant</b>	<b>D3</b>

5.	BBC to consider what, if any, suitable highway design alternatives exist for the proposed Black Cat junction, in addition to those already considered, with particular regard to not requiring the demolition of Brook Cottages.	<b>BBC</b>	<b>D4</b>
6.	Update on alternatives and timescales for survey of Brook Cottages given access difficulties.	<b>Applicant</b>	<b>D3</b>
7.	Submit updated Archaeological Mitigation Strategy.	<b>Applicant</b>	<b>D3</b>
8.	Inclusion of matters relating to borrow pit restoration proposals in relevant Statements of Common Ground (SoCGs), including positions on recorded soil profiles, reinstatement, and aftercare, identifying how each activity is secured in the dDCO.	<b>Applicant NE LAs Environment Agency (EA)</b>	<b>D4</b>
9.	Provide technical note on the details of site preparation, excavation, and haulage implications of borrow pits.	<b>Applicant</b>	<b>D3</b>
10.	Applicant to provide update on proposals for regenerative agricultural soil reprovion.	<b>Applicant</b>	<b>D3</b>
11.	Confirmation of proposals, including specific locations, to incorporate trees within proposed hedgerows.	<b>Applicant</b>	<b>D3</b>
12.	Submit High Court judgement on carbon emissions discussed at ISH3, under Agenda item 9.	<b>Applicant</b>	<b>D3</b>
13.	Applicant and any other party to provide a statement with their position and views on the said High Court Judgment.	<b>IPs</b>	<b>D3</b>
14.	Provide further details of what 'adjacent' might mean in Article 23. Provide examples of most likely reasons and the	<b>Applicant</b>	<b>D3</b>

	most intrusive reason to seek access for survey, in particular if the access could be sought on lands where landowners are not in the Book of Reference and therefore they have not been consulted for the Proposed Development. Without prejudice, what further controls could be introduced with respect to 'adjacent' in Article 23?		
15.	Examples of made DCOs where temporary possession requires 28-days' or more notice.	<b>NFU</b>	<b>D3</b>