



Meeting note

Project name	A428 Black Cat to Caxton Gibbet Road Improvement Scheme
File reference	TR10044
Status	Final
Author	The Planning Inspectorate
Date	17 December 2019
Meeting with	Highways England
Venue	Teleconference
Meeting objectives	Project Update Meeting
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Programme update

The Applicant discussed their proposed timeline with the Inspectorate, expressing their intention of submitting their application summer 2020.

Statutory Consultation

The Applicant described the means by which it carried out the statutory consultation over an 8-week period, explaining the various events held at 10 locations, 5 mobile visitor centres and 2 pop up events at shopping centres. The Applicant explained different ways used to inform attendees of the details of the proposed scheme, such as the use of Minecraft at events, visiting schools and undertaking 2 radio interviews.

The Applicant stated that although the Statement of Community Consultation helped with identifying the venues and timings for the statutory consultation events, the driver behind the various materials used was to engage a wider demographic, particularly younger families.

The Applicant informed the Inspectorate that around 2500 people attended the consultation events, including many land owners affected by the proposed development.

Project Update

The Applicant informed the Inspectorate that there have been design changes since the statutory consultation was carried out; the Applicant did not consider these to be

fundamental changes to the proposed development. The Inspectorate sought clarification as to whether the design changes and therefore any amendments to the Red Line Boundary would incorporate any new parties (e.g. Local Authorities or parish councils). The Applicant stated that no new Local Authorities will be introduced who have not already been consulted, however, new Parish Councils, land owners and land interests have been identified and the Applicant explained that they have engaged with such parties and have an ongoing communication with them. Regarding amendments to the Red Line Boundary, the Applicant explained the amendments stemmed from buildability advice and the earthworks strategy leading to changes in land take. The Applicant outlined the due diligence undertaken in order to determine whether new or amended land interests could be affected by such changes. In terms of the targeted consultation, the Inspectorate enquired whether the Applicant had similarly determined if any statutory consultees should be consulted (e.g. Environment Agency, County Archaeologist in respect of say, borrow pits).

The Applicant also informed the Inspectorate that it was considering targeted consultation early in the New Year (2020) with directly affected land owners regarding the possible increase and/or decrease of land take due to the scheme. The issue of landscaping was discussed with the Applicant explaining that it has reduced the amount of land take it requires and considers that any land take would be justifiable for compulsory acquisition if no other agreement could be reached. The Applicant continued on to explain that it considers the proposed development to be in a positive net gain position regarding biodiversity, which has led to the reduction of the red line boundary in certain areas due to less land being required for mitigation measures.

With regard to enabling works, the Applicant informed the Inspectorate that the proposed development will not impact on overhead power lines in the vicinity, however, gas mains at the eastern end of the proposed development will need to be diverted. The Inspectorate asked if there had been any developments regarding engagement with East West Rail, to which the Applicant responded that it had carried out a workshop with them two weeks ago.

The Applicant highlighted that there have been significant updates to the guidance on environmental assessments in DMRB Volumes 10 and 11. It was expressed that whilst the Applicant intends to follow the updated guidance in their environmental impact assessment of the Proposed Development, there was particular concern noted over two sub-assessments within the environmental topic of Population and Health which have been removed from DMRB, namely 'Driver Stress' and 'View From The Road' as they were not considered specific to the environmental impact assessment process. In respect of the recently issued Scoping Opinion, the Applicant sought guidance on whether there would be any issues or potential challenge to the application if these matters were not addressed, given that DMRB has been updated since the Scoping Opinion was issued. The Inspectorate pointed out that Paragraph 3.1.3 of the Scoping Opinion adopted for this project states:

'The Inspectorate is content with 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.'

The Inspectorate informed the Applicant that it is content, given the advice in the Scoping Opinion, that the assessments to be reported in the environmental statement can be based on the updated guidance in the DMRB. This includes the changes to the population and health assessment. However, the Applicant's attention was drawn to the last sentence of paragraph 3.1.3. The Applicant was advised that the environmental statement needs to provide a justification for the altered approach to the assessment and to explain how the effects on the population and human health have been addressed. This would give the Examining Authority (assuming that the application is accepted for examination) confidence that all the likely significant environmental effects have been included in the environmental impact assessment.

Draft Documents for review

The Applicant expressed a wish to take advantage of the Inspectorates' draft document review service and discussed the submission timeline with an aim to submit by mid/late March.

Specific decisions/ follow-up required?

The following actions were agreed:

- Meeting to be scheduled for February 2020