



Meeting note

Project name	A428 Black Cat to Caxton Gibbet Improvements
File reference	TR010044
Status	Final
Author	The Planning Inspectorate
Date	26 May 2019 and 4 June 2019
Meeting with	Highways England
Venue	Teleconference and meeting
Meeting objectives	Project Update Meeting and Scoping Opinion clarification
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.

On 26 May 2019 a teleconference took place between Highways England and The Inspectorate to discuss matter relating to draft consultation material and matters arising from the Scoping Opinion.

Consultation materials

The Inspectorate provided comments on the Applicant's draft consultation documents and suggested that the Applicant should be clear in respect of the justification for the size of the consultation zones, their purpose and what constitutes a local stakeholder. The Inspectorate reminded the Applicant that the statutory 28-day consultation period starts from the day after the day a consultee receives the letter. The Inspectorate asked whether a copy of the documents will be available in hard copy format at the locations for consultation. The Applicant responded and said hard copies will be made available at the locations.

EIA Scoping Opinion

The Applicant asked for clarification on several points in respect of the Scoping Opinion issued in May 2019. A table is provided below with the questions and advice given by the Inspectorate.

Response

Highways England Queries	S51 Advice.
Para 1.2.3 – Seeking clarification on what 'demonstrate consideration of the points raised by the consultation bodies' means in relation to meeting the requirements of the EIA Regulations, which mandate applicants to address the matters raised in the Scoping Opinion. Query the extent to which the content of these responses need to be followed, given that: a) these have already informed the content of the Scoping Opinion provided by the Inspectorate; and b) some cover non-EIA matters.	The Inspectorate explained the main body of the Scoping Opinion is the opinion. Consultees will be responding to later stages of the process, and consideration should be given to points raised at this stage as part of ongoing engagement. The responses to the opinion can be set out in tabular form, setting out which parts the Applicant followed and which the Applicant didn't. The Applicant should justify the ones they choose not to follow.
Para 2.3.3 – Seeking confirmation re: the need to include a construction traffic management plan in the DCO application, and the acceptability of covering these matters alternatively within an Outline Environmental Management Plan.	The Inspectorate explained that while it is helpful to include a construction traffic management plan it is not a requirement to have that specific document, as long as it is clear what information the assessment is based on and how this is secured in the DCO.
Para 3.3.2 - Seeking confirmation that the separate reporting of the environmental effects of Associated Development within the Environmental Statement only applies where any Associated Development itself is deemed to constitute a 'highway improvement' as defined within the thresholds set out in the Planning Act 2008 (as amended).	The Applicant should include all environmental effects of Associated Development within the environmental statement in line with Schedule 4 of the EIA Regulations.
Para 3.3.13 – Seeking confirmation that submission of an updated version of the major accidents and disasters screening exercise within the Environmental Statement (previously incorporated into the Scoping Report) will provide satisfactory evidence of this topic assessment, should the conclusions of the screening exercise remain comparable.	The Inspectorate informed the Applicant this approach is acceptable, but that the ES needs to be clear how residual impacts are affected by the mitigation and management actions referred to in the screening exercise.
Para 3.3.17 – Seeking clarification that submission of an updated version of the transboundary effects screening exercise within the Environmental Statement (previously incorporated into the Scoping Report) will provide satisfactory evidence of this topic assessment, should the	The Inspectorate informed the Applicant this approach is acceptable.

conclusions of the screening exercise remain comparable.	
Aspect Table 4.1 – Seeking clarification on the need to consider PM2.5 within the air quality assessment, as guidance contained within the Design Manual for Roads and Bridges guidance does not require consideration of this pollutant when assessing highway developments.	Comment in Scoping Opinion was a standard response and consideration should be given “where relevant”. Point was also raised by South Cambridgeshire specifically, and the Inspectorate suggest that the Applicant liaises with the LPA on this matter.
Aspect Table 4.10 – Seeking confirmation that the proposed scoping out of GHG emissions within the Climate assessment associated with the ‘end of life’ stage of the scheme can be scoped out of consideration in the Environmental Statement, as proposed within the Scoping Report (no acknowledgement appears to have been given in the aspect table to this particular matter).	The Inspectorate informed the Applicant this approach is acceptable.
Seeking confirmation that the topic of Heat and Radiation can be scoped out of consideration in the Environmental Statement, as proposed within the Scoping Report (no acknowledgement appears to have been given in the Scoping Opinion to this particular matter).	The Inspectorate informed the Applicant this approach is acceptable.
Seeking confirmation that assessments can take account of embedded and best/standard practice mitigation from the outset, as these constitute measures that either form an integral part of the design or would be implemented during construction as standard (i.e. pre- and post-mitigation effects would only be reported where a need for additional mitigation has been identified, in order to demonstrate the efficacy of such measures.	The Inspectorate informed the Applicant this approach is acceptable, although highlights that this does not apply for Habitats Regulations Assessment.

On 4 June 2019 the Applicant and the Inspectorate met at the Planning Inspectorate offices in Bristol for a brief Project Update Meeting.

The Applicant provided a brief overview of project activity to date, noting the most recent Scoping Opinion and preparation for the statutory consultation.

The Applicant noted the on-going engagement with the relevant authorities and certain key stakeholders in respect of assets such as power lines and railway lines.

The Inspectorate noted the opportunity for the Applicant to send through some draft documents for review. It was agreed that this would be discussed later in the year.

The Applicant queried whether a draft Final Business Plan would suffice for an Examination given that a Business Plan could not be completed in full until post Development Consent Order decision. The Inspectorate noted that an Examining Authority might not be too concerned about the status of the Business Case (although it is clearly helpful for them to understand the Highways England internal governance process that it will be subject to) but they would be concerned that the information in a Funding Statement or evidence submitted to the Examination as part of the need case was as thorough as possible.