



National Infrastructure Planning
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Applicant;
All Interested Parties; and
Statutory Parties

Our Ref: TR010044

Date: 02 July 2021

By email only

Dear Sir/ Madam

The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 9 and Rule 17

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

I write to you following my appointment as the lead member of the Examining Authority (ExA) for the above Application to advise you of initial Procedural Decisions that the ExA has made under Section 89(3) of the Planning Act 2008. In making these Procedural Decisions the ExA has had regard to the application documents and submissions received to date and being mindful of the latest COVID-19 guidance in place.

[Advice Note 8.6](#)¹: Virtual examination events explains how virtual events will be held and how you can get involved. Fuller detail on the ExA's approach to conducting the Examination in light of the ongoing public health controls will be provided in the Rule 6 letter which we intend to publish in mid-July.

1. Relevant Representations

The ExA requests that the Applicant and Interested Parties provide comments on the Relevant Representations by **Tuesday 31 August 2021**. The Relevant Representations can be found on the [project webpage on the National Infrastructure Planning website](#)².

¹ Available here: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>

² Available here: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010044/TR010044-000449-A428%20Black%20Cat%20-%20Examination%20Library.pdf>



The Applicant is requested to respond to the matters raised in each Relevant Representation individually. The Applicant may also provide a summary response organised by topics and themes as they emerge across all the Relevant Representations, if they wish.

2. Statements of Common Ground (SoCG)

A SoCG is a joint written statement between the Applicant and another party or parties, identifying matters where they agree and where agreement has not yet been reached. It saves time by identifying matters which are not in dispute or need not be the subject of further evidence, and usefully provides a focus on matters where there may be disagreement. The reasons for the disagreement and the implications of the differences can then be expanded in evidence submitted to Examination.

The Applicant is requested to prepare SoCGs with the following named party for submission by **Tuesday 31 August 2021**. The Applicant may also choose to work with other relevant consultees on agreeing SoCGs, in addition to the list below. Where a particular SoCG cannot be agreed between the parties, or if any local authority position needs to be signed off at a higher level, draft versions of that SoCG are requested to be submitted by **Tuesday 31 August 2021**. The position of the relevant Interested Parties should then be confirmed as soon as possible during the Examination.

SoCG should cover the following topics, and others as relevant:

- Methodology for environmental assessments;
- Data collection methods;
- Baseline data;
- Data/statistical analysis, approach to modelling and presentation of results;
- Expert judgements, assumptions and worst case scenario;
- Assessment of alternatives;
- Design development;
- Identification and sensitivity of relevant features and receptors;
- Construction and operational effects;
- Embedded and additional mitigation;
- Cumulative effects and mitigation; and
- Relevant wording in the draft Development Consent Order (dDCO).

The suggested content of the SoCG listed above is indicative and does not preclude the inclusion of other matters considered to be important and relevant. All SoCGs should cover the Articles and Requirements in the dDCO. Any Interested Party seeking that an Article or Requirement is reworded should provide the form of words which are being sought, in the SoCG.



The ExA requests SoCGs with the following named parties and any others. The SoCGs should cover the following additional topics, and other topics as agreed between the Applicant and the parties. The Local Planning Authorities and Local Highway Authorities need not cover the additional topics that they have deferred to others.

Parties	Additional topics to include but not be limited to
Environment Agency	<ul style="list-style-type: none"> • Route / Junction design selection • Water environment effects, including drainage, flood risk, and the Water Framework Directive • Waste Management • First Iteration Environmental Management Plan
Natural England	<ul style="list-style-type: none"> • Route / Junction design selection • Historic environment • Ecology, habitats and nature conservation, including in relation to: <ul style="list-style-type: none"> - Protected habitats - Protected species - European sites and features relevant to HRA - Monitoring, mitigation and enhancement - Landscape and visual impact • Air Quality • Water Quality
Historic England	<ul style="list-style-type: none"> • Archaeological assessments • Route / Junction design selection • Effects on heritage assets, including Brook Cottages, Milestones and archaeological remains
Bedford Borough Council, Central Bedfordshire Council, Cambridgeshire County Council, South Cambridgeshire District Council, Huntingdonshire District Council, and other local planning authorities and local highway authorities if matters listed here are relevant	<ul style="list-style-type: none"> • Local Plans and other relevant Planning Policies • The need for, and the principle of, the Proposed Development • The effects on the highway network (including public rights of way) from construction and operational phases • Effects on non-Motorised Users • Scope of works and design information • Management and maintenance responsibilities • Traffic modelling (including VISSIM) data, methods, and outputs during construction and operation • Land ownership and rights • Air Quality • Noise • Route/ Junction design selection • Historic environment • Landscape and visual impact



	<ul style="list-style-type: none"> • Flood and water management • Social and economic effects
Statutory undertakers, including Cadent Gas Limited, National Grid, Anglian Water, and South Staffordshire Water, and others if relevant	<ul style="list-style-type: none"> • The effects on existing services, apparatus and infrastructure • Protective Provisions contained within the draft DCO • The provisions set out in s127 of the Planning Act 2008
Network Rail	<ul style="list-style-type: none"> • The need for the and the principle of the Proposed Development • The effects of the construction on the East Coast Mainline, including passenger and freight services
The Woodland Trust	<ul style="list-style-type: none"> • The effect on trees and woodlands and in particular ancient woodland • Proposed mitigation in respect of trees and woodlands
Public Health England	<ul style="list-style-type: none"> • Approach to the identification of vulnerable populations • Equality Impact Assessment (EqIA) • Effects on Eltisley Manor nursing home
National Farmers Union	<ul style="list-style-type: none"> • Extent of habitat mitigation • Temporary and permanent access roads • Details of Construction Compound Sites • Authority to survey and investigate the land • Notice period for temporary use of land • Private water supplies • Waste and soil • Drainage • First Iteration Environmental Management Plan

3. Local Impact Reports (LIR)

LIRs play an important role in the examination of applications and we encourage work to be actively progressed on these. Please refer to the [Advice Note 1](#)³ on the Inspectorate website. LIRs are requested to be submitted by **Tuesday 31 August 2021** from Host Authorities as set out in S56A of the PA2008:

1. Bedford Borough Council
2. Central Bedfordshire Council
3. Cambridgeshire County Council
4. South Cambridgeshire District Council
5. Huntingdonshire District Council

³ Available here: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-one-local-impact-reports/>



4. Plans with current OS information

The ExA requests the Applicant to provide plans at 1:2500 scale with current OS data and existing information for landscape (including statutory designations), highways, public footpaths and bridleways, heritage assets, and relevant text labelling.

5. Materials to facilitate virtual events

The ExA requests the Applicant to provide screen resolution maps, plans and drawings for display on screen at virtual events, by **Tuesday 3 August 2021**. They should be labelled as screen-resolution versions with a reference to the Applicant's document reference and the Planning Inspectorate's Exam Library reference. The size should be no greater than 6MB, and a document can be broken down into clearly labelled component parts to facilitate the maximum size whilst retaining clarity and legible detail on screen. Low-resolution versions of Examination documents do not need to be published in the examination library.

If you have any queries on these matters, please contact Candice Patten (Case Manager) via email A428.Blackcat@planninginspectorate.gov.uk or on telephone 0303 444 5000.

Yours sincerely,

Menaka Sahai

Lead Panel Member for the Examining Authority

