

A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 8

8.11 Draft Statement of Common Ground with Anglian Water

Planning Act 2008

Rule 8(1)(e)

Infrastructure Planning (Examination Procedure) Rules
2010

August 2021

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010**

**A428 Black Cat to Caxton Gibbet
improvements
Development Consent Order 202[]**

Draft Statement of Common Ground with Anglian Water

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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Anglian Water.

Signed.....

Anne-Marie Rogers

Project Manager

on behalf of Highways England

Date: 31 August 2021

Signed

Darl Sweetland

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on behalf of Anglian Water

Date: 25 August 2021

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the A428 Black Cat to Caxton Gibbet improvements (the Scheme) made by Highways England Company Limited (Highways England) to the Secretary of State for Transport (Secretary of State) for a Development Consent Order (the Order) under section 37 of the Planning Act 2008 (PA 2008).
- 1.1.2 The order, if granted, would authorise Highways England to construct a new 10 mile (16km) dual 2-lane carriageway from the Black Cat roundabout to Caxton Gibbet roundabout and in addition approximately 1.8 miles (3km) of tie-in works. The Scheme includes the following components:
- a. A new three-level grade separated junction at Black Cat roundabout, with the A1 at the lower level, the new dual carriageway on the upper level and a roundabout between the two at approximately existing ground level. In addition to slip roads, a new free flowing link between the A421 eastbound carriageway and the A1 northbound carriageway will also be provided.
 - b. A new grade separated all movements junction will be constructed to the east of the existing Cambridge Road roundabout to provide access to the new dual carriageway and maintain access to the existing A428.
 - c. At the Caxton Gibbet roundabout, a new grade separated all movements junction will be constructed, incorporating the existing roundabout on the south side of the new dual carriageway and a new roundabout on the north side. The new dual carriageway will then tie-in to the existing A428 dual carriageway to the east of the new Caxton Gibbet junction.
 - d. In the vicinity of the new Black Cat junction, direct access onto the A1 from some local side roads and private premises will be closed for safety reasons. A new local road will provide an alternative route. The existing Roxton Road bridge will be demolished and replaced with a new structure to the west to accommodate the realigned A421.
 - e. New crossings will be constructed to enable the new dual carriageway to cross the River Great Ouse, East Coast Main Line railway, Barford Road, the B1046/Potton Road, Toseland Road and the existing A428 at Eltisley.
 - f. The existing A428 between St Neots and Caxton Gibbet will be de-trunked and retained for local traffic and public transport with maintenance responsibility transferred to the local highway authorities.

- g. An alternative access will be provided to side roads at Chawston, Wyboston and Eltisley.
- h. There will be safer routes for walkers, cyclists, and horse riders.

1.1.3 This SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the Examination.

1.2 Parties to this Statement of Common Ground

1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) Anglian Water.

1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of Highways England, including in respect of the Application, to be conferred upon or assumed by Highways England.

1.2.3 Anglian Water is the operator and maintainer of potable and sewerage infrastructure within the extents of the DCO boundary.

1.3 Terminology

1.3.1 In Section 3 of this SoCG:

- a. “Agreed” indicates where the issue has been resolved.
- b. “Not Agreed” indicates a final position.
- c. “Under discussion” where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.

1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to Anglian Water’s representation and therefore have not been considered in this document. It is recognised however that engagement between both parties will need to continue due to their joint vested interest in the area of the Scheme.

2 Record of Engagement

2.1.1 The parties have been engaged in consultation since the beginning of the proposed development. A summary of the meetings and correspondence that has taken place between Highways England and Anglian Water in relation to the Application is outlined in **Table 2-1**.

Table 2-1 - Record of Engagement

Currently in development

Date	Form of correspondence	Key topics discussed and key outcomes
14/03/2018	Email	Highways England (HE) provided Anglian Water with the following documents: <ul style="list-style-type: none"> • Letter of Authority from HE • C3 application letter • Outline plan of approximate location of the proposed route • Detailed plans of the proposed route
16/01/2019	Meeting	A428 design team met with Anglian Water to discuss potential diversion and protection works.
08/04/2019	Letter	Letter from HE to Anglian Water: A428 Black Cat to Caxton Gibbet Scheme – Request for Information (New Interest RFI)
01/05/2019 (tbc)	Letter	Letter from HE to Anglian Water: A428 Black Cat to Caxton Gibbet Scheme – Request for Information - Reminder (Chaser Letters)
31/05/2019 (tbc)	Letter	Letter from HE to Anglian Water: Statutory Consultation Launch Communications - S42a
23/01/2020	Email	Email from HE to AWS requesting information regarding information about sewer historical flood events within their area of responsibility within the A428 scheme.
24/03/2020	Email	Email from HE to Anglian Water following up previous (unanswered) request for information regarding information about sewer historical flood events within their area of responsibility within the A428 scheme.
07/05/2020	Email	Email from HE to Anglian Water with query relating to their land ownership within A428 scheme boundary.

Date	Form of correspondence	Key topics discussed and key outcomes
21/05/2020	Email	Email from Anglian Water to HE in response to land ownership query, stating that they do own the land but not as shown on Land Registry so they will be applying to have the information corrected. Asked HE whether there is any intention to acquire any land in Anglian Water's ownership as part of the A428 development.
03/06/2020	Email	Email from Anglian Water to HE chasing up unanswered query sent on 21/05/2020 regarding whether there is any intention for temporary/permanent land take of Anglian Water land for the A428 development.
03/06/2020	Email	Email from HE to Anglian Water in response to land take query confirming that the land in question is within the scheme boundaries and is required to facilitate development. HE provided details of Anglian Water staff involved in those discussions.
03/06/2020	Email	Email from Anglian Water to HE seeking clarification on whether there is any intention for acquisition of land via compulsory purchase powers.
24/06/2020	Email	Email from HE to Anglian Water: Supplementary Consultation Launch Communications 2020
20/11/2020	Meeting	Meeting with Anglian Water to review latest design
26/04/2021	Letter	Letter from HE to Anglian Water: S56 notification letter
12/05/2021	Email	Detailed estimate and design from the Statutory undertaker also known as "C4" received from Anglian Water for commercial and technical review.
16/06/2021	Email	Email from Anglian Water to HE setting out the Relevant Representation points
12/07/2021	Email	Email from Anglian Water to HE as follow up to meeting confirming approach to Black Cat protective provisions can be applied to the four other NSIP applications
20/07/2021	Email	Email from Anglian Water to HE with C4 to inform modelling.

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- 2.1.2 Side discussions have additionally taken place between Highways England's and Anglian Water's respective legal advisers.
 - 2.1.3 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Highways England and (2) Anglian Water in relation to the issues addressed in this SoCG.
 - 2.1.4 The issues and matters highlighted in Section 3 of this SoCG summarise the key issues that have been identified in relation to a number of key areas of the DCO application.

3 Issue Raised

3.1 Introduction and general matters

- 3.1.1 This section sets out the ‘issues’ which are agreed, not agreed, or are under discussion between Anglian Water and Highways England. On 2 July 2021, the Examining Authority issued a letter under Section 89(3) of the Planning Act 2008 and Rules 9 and 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 (known as the ‘Rule 9 Letter’). Paragraph 2 sets out a request for Statements of Common Ground (SoCG) between Highways England and various parties, including Anglian Water. For Anglian Water, the Rule 9 Letter advises that the following issues should be in the SoCG:
- a. The effects on existing services, apparatus and infrastructure.
 - b. Protective Provisions contained within the draft DCO.
 - c. The provisions set out in section 127 of the Planning Act 2008.

Table 3-1 – DCO and Legal Matters

Issue	Document Reference	Highways England Position	Anglian Water Position	Status	Date
The effects on existing services, apparatus and infrastructure		There are a number of conflicts between the proposed works and existing Anglian Water apparatus. Designs shall be produced in a collaborative manner between all parties. The extents and scale of impact upon AWS apparatus will be refined as the scheme progresses.	Anglian Water considers that these points are nearly resolved. One final step would be to include early liaison by Highways England’s contractors to ensure apparatus was identified jointly and protected and a programme for diversion or replacement agreed. In the absence of a Code of Construction Practice or a DCO Order Implementation Plan which recorded the practical steps and their timing to be undertaken based on agreements reached by parties during as Examination this	Under discussion	

Issue	Document Reference	Highways England Position	Anglian Water Position	Status	Date
			could be included in an update to the Construction Traffic Management in the section that deals with utilities.		
Protective Provisions	Draft DCO [APP-025]	Adequate protective provisions for the protection of Anglian Water's statutory undertaking are contained within Schedule 9 of the draft DCO.	Anglian Water require protective provisions to be included within the DCO to ensure that its interests are adequately protected. On the whole, Anglian Water are content with the protective provisions included in the draft Order subject to ongoing discussion on a number of drafting points set out in Anglian Water's relevant representation. Other than the specific point below the drafting can be agreed.	The precise terms of the Protective Provisions are under discussion.	
Protective Provisions	Draft DCO [APP-025]	The drafting of paragraph 88(5) of the protective provisions for the protection of Anglian Water as it appears within Schedule 9 of the draft DCO is reasonable and appropriate for the Scheme.	There is a single part of the Protective Provisions which is not agreed by Anglian Water which is paragraph 88(5). This is the paragraph that withholds a portion of compensation for the cost of replacement infrastructure on the basis that "new-for-old" defers some cost.	Under discussion	

Issue	Document Reference	Highways England Position	Anglian Water Position	Status	Date
Access		<p>It is the current intention of Highways England to maintain existing access to the Chawston-Wyboston Water Recycling Centre and the land and reservoir to the south-east of Rectory Farm Cottage and west of Potton Road during operation and throughout the construction of the works or provide alternative access arrangements.</p>	<p>On land and rights acquisition, Anglian Water remains committed to reaching agreement on resolving the question of the access to the Chawston-Wyboston Water Recycling Centre (WRC) that Highways England seek to acquire permanently. Anglian Water's preference remains for the undertaker to maintain continuous access to the WRC to operate and maintain access to the site for our customers. Anglian Water therefore seek agreement to ensure that access is maintained until an acceptable replacement is constructed, operable and in Anglian Water's control as an occupier. Similarly, we seek to agree the approach of the undertaker to the proposed temporary use of Anglian Water's land and reservoir (covered) to the south-east of Rectory Farm Cottage and west of Potton Road, Eynesbury Hardwicke St Neots.</p> <p>Any replacement access will need to provide equivalent rights to the present access in particular regular unimpeded access for tankers and irregular unimpeded access for large plant and machinery.</p>	Under Discussion	

Issue	Document Reference	Highways England Position	Anglian Water Position	Status	Date
Section 127 Planning Act 2008	Draft DCO [APP-025]	Adequate protective provisions for the protection of Anglian Water's statutory undertaking are set out within Schedule 9 of the draft DCO.	Anglian Water require protective provisions to be included within the DCO to ensure that its interests are adequately protected. On the whole, Anglian Water are content with the protective provisions included in the draft Order subject to ongoing discussion on a number of drafting points set out in Anglian Water's relevant representation.	The precise terms of the Protective Provisions are under discussion.	