

A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 8

**8.12 Draft Statement of Common Ground with South
Staffordshire 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[]**

**8.12 Draft Statement of Common Ground with
South Staffordshire Water**

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Author	A428 Black Cat to Caxton Gibbet Improvements Project Team, Highways England

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Rev 1	31 August 2021	Final for Deadline 1

STATEMENT OF COMMON GROUND

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

Signed.....

Anne-Marie Rogers

Project Manager

on behalf of Highways England

Date: 31 August 2021

Signed.....

[NAME]

[POSITION]

on behalf of South Staffordshire Water

Date: [DATE]

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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 Eltisbury.
 - 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) South Staffordshire Water PLC (SSW).
- 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 South Staffordshire Water owns or operates major trunk mains which run through the application site. SSW own and operate potable infrastructure within the Scheme boundaries.

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 SSW’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 SSW in relation to the Application is outlined in **Table 2-1**.

Table 2-1 - Record of Engagement

Currently under development

Date	Form of correspondence	Key topics discussed and key outcomes
15/03/2018	Phone call	Phone call between HE and SSW
15/03/2018	Email	Email from HE to SSW following a phone call earlier that day providing the following documents: <ul style="list-style-type: none"> • Letter of Authority from HE • C3 letter • Overview plan of proposed scheme • Plans of the full scheme
10/06/2019	Email	Email from HE to SSW providing a summary of the meeting that took place the previous week.
11/06/2019	Email	SSW provided HE with a copy of the CAD file for the Cambridge Water Diversions and asked if anything further was required from them at this stage.
11/06/2019 and 12/06/2019	Email	Query from HE to SSW asking their opinion on maintaining the pipe where possible along the existing A428 carriageway and divert with the realigned A428, as this would reduce the proposed diversion length compared to the current proposal. Response received from SSW that they would need to review and respond in due course.
21/06/2019	Email	Email from SSW to HE in response to HE's query raised on 11/06/2019 (see above row) explaining the reason for the need for the diversion to be south of the proposed interchange (and subsequently longer).
18/07/2019	Email	SSW provided HE with drawings revised following the previous meeting.
24/06/2020	Letter	HE issued SSW with a letter regarding the Supplementary Consultation under S42(1)(d).

Date	Form of correspondence	Key topics discussed and key outcomes
26/04/2021	Letter	HE issued s56 Notification to SSW.
		<i>Further engagement records to be added in next iteration.</i>

- 2.1.2 Parties agree that this is not a complete record of the key meetings and consultation undertaken between (1) Highways England and (2) SSW in relation to the issues addressed in this SoCG. The table will be updated and agreed for the next submission deadline.
- 2.1.3 Side discussions have taken place between Highways England’s and South Staffordshire Water’s respective legal advisers with regard to the alterations that they require to the protective provisions.
- 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 Issues 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 SSW 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 SSW. For SSW, 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	South Staffordshire Water Position	Status	Date
The effects on existing services, apparatus and infrastructure		The Scheme impacts apparatus which will require diversion. Meetings have been and will be held between SSW and the Applicant to efficiently manage the diversion and protection of their assets. The exact nature of the diversionary / protection works will be refined as the scheme design progresses.	It is essential that SSW’s assets remain in continuous operation in order to ensure the provision of water supplies to household and non-household customers. Initial discussions have been held with the applicant and initial designs provided but if the Scheme changes, further changes to the proposed diversions may be required. In addition any works required to be carried out to SSW’s assets must be planned and implemented to avoid the risk of supply interruption or damage to the	Under discussion.	

Issue	Document Reference	Highways England Position	South Staffordshire Water Position	Status	Date
			integrity of the water network. Also SSW do not believe that the protective provisions cover their concerns.		
Protective Provisions contained within the draft DCO		Schedule 9 of the draft DCO outlines the protective provisions afforded to water, gas and sewage undertakers including SSW.	The current drafting of the protective provisions of the draft Development Consent Order do not address all of SSW's requirements, which include but are not limited to the rights attached to the apparatus in stopped up streets, terms of the removal of existing apparatus, protection of the apparatus and provisions for the installation of new apparatus. Amendments have been proposed to HE by SSW's solicitors.	Under discussion.	
Provisions of Section 127 Planning Act 2008		Adequate protective provisions for the protection of SSW's statutory undertaking are set out within Schedule 9 of the draft DCO.	SSW does not believe that the protective provisions are adequate to protect their assets and ability to comply with its statutory obligations.	Under discussion.	