

# A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 8

## **8.14 Statement of Commonality for Statements of Common Ground**

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)  
Regulations 2010**

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

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<b>Regulation Reference:</b>	Rule 8(1)(e)
<b>Planning Inspectorate Scheme Reference</b>	TR010044
<b>Application Document Reference</b>	TR010044/EXAM/8.14
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<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 1	31 August 2021	Final for Submission - Deadline 1

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# 1. Introduction

## 1.1 Purpose of this Document

- 1.1.1 This Statement of Commonality for Statements of Common Ground (this Statement) relates to an application made by Highways England (the Applicant) to the Planning Inspectorate (the Inspectorate) under Section 37 of the Planning Act 2008 (the 2008 Act) for a Development Consent Order (a DCO). If made the DCO would grant consent for the Applicant to undertake the A428 Black Cat to Caxton Gibbet improvements (the Scheme). A detailed description of the Scheme can be found in Chapter 2, The Scheme **[APP-079]** of the Environmental Statement.
- 1.1.2 This Statement has been prepared to provide the Examining Authority (ExA) with the current position on Statements of Common Ground (SoCG) between Highways England and prescribed consultees, statutory undertakers and Interested Parties (other parties) in relation to the Scheme.
- 1.1.3 This Statement also provides a current position on the commonality on specific points between SoCG at Examination Deadline 1 on 31 August 2021.

## 2 Structure of Statements of Common Ground

- 2.1.1 To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCG adopts a standard format in order to provide clarity to other parties and ultimately the ExA.
- 2.1.2 Each SoCG has the following structure:
- Section 1: provides an introduction to the SoCG and a description of its purpose.
- Section 2: states the engagement that has occurred between the Applicant and other Party.
- Section 3: sets out any issues that have arisen, reporting on the status of each issue, i.e. whether it is agreed, still under discussion or not agreed and any remaining actions.
- 2.1.3 Where relevant, documents not forming part of the Application that are referenced in the SoCG and which it is helpful to draw to the ExA's attention, have been appended to the SoCG.

### 3 List of statements of common ground

- 3.1.1 The Applicant is preparing SoCGs with a number of other Interested Parties (IPs), as requested by the Examining Authority in their Rule 9 and Rule 17 letter of 2 July 2021, as well as with other IPs, where it considers it is beneficial to do so during the Pre-Examination and Examination stages.
- 3.1.2 The parties which the Applicant has prepared SoCG with are listed in **Table 3-1** below. Chapter 4 lists the SoCG’s requested by the ExA that are not being submitted. Further detail about the current position of each SoCG can be found at Chapter 5, **Table 5-1** of this Statement.

**Table 3-1 - List of SoCGs at Deadline 1**

Stakeholder
Local Authorities
CAMBRIDGESHIRE COUNTY COUNCIL, HUNTINGDONSHIRE DISTRICT COUNCIL, SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL (JOINT SOCG) BEDFORD BOROUGH COUNCIL CENTRAL BEDFORDSHIRE COUNCIL
Prescribed Consultees
NATURAL ENGLAND HISTORIC ENGLAND ENVIRONMENT AGENCY
Statutory Undertakers
NATIONAL GRID CADENT GAS LIMITED ANGLIAN WATER SOUTH STAFFORDSHIRE WATER
Interested Parties
NATIONAL FARMERS UNION EAST WEST RAIL COMPANY LIMITED

## 4 Statements of Common Ground requested by ExA which will not be submitted

4.1.1 For those IPs where a SoCG requested by the ExA in the Rule 9 and Rule 17 letter dated 2 July 2021 will not be provided, an explanation is set out below.

### **The Woodland Trust**

4.1.2 The Woodland Trust confirmed to Highways England on 16 July 2021 that they do not wish to participate in any SoCG in relation to road schemes as they are currently considering their internal and external position on their involvement with transport schemes (particularly road schemes). As a result, The Woodland Trust has placed a temporary moratorium on partaking in any such agreements. The Woodland Trust has confirmed they are therefore unable to participate in any conversations regarding a SoCG on this Scheme.

### **Network Rail**

4.1.3 Highways England is finalising a two-party overbridge agreement with Network Rail, has received a Letter of No Objection for the design and will provide a formal letter of undertaking for the easements land plots, as requested by Network Rail. This is sufficient for Network Rail to remove their objection and acknowledge they do not require a SoCG, which was confirmed in an email received on 17 August 2021 from Network Rail.

### **Public Health England**

4.1.4 Public Health England (PHE) submitted a letter to the Planning Inspector on 27 August 2021 confirming:

4.1.5 Air Quality: PHE is now satisfied that emissions during the construction process have been considered. The proposals outlined in the supporting documentation and future construction and environmental management plan should be adequate.

4.1.6 Population and Human Health: Access to Eltisley Manor Nursing Home: PHE is satisfied that the mitigation to minimise severance to Eltisley Manor, in addition to the ongoing and proposed liaison with Eltisley Manor adequately addresses their initial concerns.

4.1.7 Based on the above letter, it has been agreed with PHE that an SoCG is not required.

## 5 Summary of current position

5.1.1 This section provides the current position of each SoCG.

5.1.2 **Table 5-1** provides a high-level position and where necessary includes further detail to aid understanding. The high-level positions used in the table are:

- a. **Final Signed SoCG all matters agreed** – The final SoCG has been signed by both parties and all matters are agreed.
- b. **Final Signed SoCG with matters outstanding** – The final SoCG has been signed by both parties and there remain matters outstanding that the Applicant and the other party agree will not be resolved during the Examination.
- c. **SoCG in draft** – The SoCG has been drafted by the Applicant, it has been shared with the other party and comments have been provided. Discussion is ongoing to reach a ‘Final Signed SoCG all matters agreed’ or ‘Final Signed SoCG with matters outstanding’.

**Table 5-1 – SoCG high level position**

Document Reference	Party	Position at Deadline 1 31 August 2021	Position at Deadline 4 4 November 2021	Position at Deadline 6 14 December 2021	Position at Deadline 9 15 February 2022
<b>Local Authorities</b>					
TR010044/EXAM/8.6	CAMBRIDGESHIRE COUNTY COUNCIL, HUNTINGDONSHIRE DISTRICT COUNCIL, SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL (JOINT SOCG)	SoCG in draft <sup>1</sup>			
TR010044/EXAM/8.5	BEDFORD BOROUGH COUNCIL	SoCG in draft <sup>2</sup>			

<sup>1</sup> Please refer to Chapter 7 below which provides more detail about the status of this SoCG. In particular note that the draft SoCG submitted does not reflect the comments of the joint authorities as these were not received in time for Deadline 1.

<sup>2</sup> Please refer to Chapter 7 below which provides more detail about the status of this SoCG. In particular note that the draft SoCG submitted does not reflect the comments of the Council as these were not received for Deadline 1.



Document Reference	Party	Position at Deadline 1 31 August 2021	Position at Deadline 4 4 November 2021	Position at Deadline 6 14 December 2021	Position at Deadline 9 15 February 2022
TR010044/EXAM/8.4	CENTRAL BEDFORDSHIRE COUNCIL	SoCG in draft <sup>3</sup>			
<b>Prescribed Consultees</b>					
TR010044/EXAM/8.3	NATURAL ENGLAND	SoCG in draft			
TR010044/EXAM/8.2	HISTORIC ENGLAND	SoCG in draft			
TR010044/EXAM/8.1	ENVIRONMENT AGENCY	SoCG in draft			
<b>Statutory Undertakers</b>					
TR010044/EXAM/8.9	NATIONAL GRID	SoCG in draft			
TR010044/EXAM/8.13	CADENT GAS LIMITED	SoCG in draft			
TR010044/EXAM/8.11	ANGLIAN WATER	SoCG in draft			
TR010044/EXAM/8.12	SOUTH STAFFORDSHIRE WATER	SoCG in draft			
<b>Interested Parties</b>					
TR010044/EXAM/8.7	NATIONAL FARMERS UNION	SoCG in draft <sup>4</sup>			
TR010044/EXAM/8.8	EAST WEST RAIL COMPANY LIMITED	SoCG in draft			

<sup>3</sup> Please refer to Chapter 7 below which provides more detail about the status of this SoCG. In particular note that the draft SoCG submitted does not reflect the comments of the Council as these were not received for Deadline 1.

<sup>4</sup> Please refer to Chapter 7 below which provides more detail about the status of this SoCG. In particular note that the draft SoCG submitted does not reflect the comments of the NFU as these were not received for Deadline 1.

## 6 Commonality

6.1.1 This section of the Statement provides a summary of principal issues covered in the SoCG and demonstrates where there is commonality in the topics or matters.

6.1.2 The table is presented to show topics covered within the various SoCG and how these are relevant to each other party and a position for each topic as follows:

	There is broad agreement on specific matters within this general topic area.
	Matters subject to further discussion
	There is general disagreement between the parties within this general topic area.

6.1.3 Where a matter is not relevant to the other party, it is not included within the SoCG and therefore not covered in **Table 6-1** and shown as a blank.

Table 6-1 - Table of Commonality at Deadline 1

Party	Topics																	
	Draft DCO	Protective Provisions	Other Consents and licences	Outline Construction Traffic Management Plan and associated documents	Design and Engineering	Planning Policy	Landscape & Visual	Historic Environment	Biodiversity (including Arboriculture)	Traffic and Transport	Air Quality	Noise and Vibration	Water Environment	Geology, Soils and Agriculture	Socio-economic and Recreation	Waste management	Cumulative effects	Compulsory Acquisition
CAMBRIDGESHIRE COUNTY COUNCIL, HUNTINGDONSHIRE DISTRICT COUNCIL, SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL (JOINT SOCG)	Yellow	Yellow	Yellow	Yellow	Yellow	White	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
BEDFORD BOROUGH COUNCIL	Yellow	Yellow	Yellow	Yellow	Yellow	White	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
CENTRAL BEDFORDSHIRE COUNCIL	Yellow	Yellow	Yellow	Yellow	Yellow	White	Yellow	Green	Yellow	Green	Green	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
NATURAL ENGLAND	White	White	Yellow	Yellow	Green	Yellow	Yellow	Yellow	Yellow	Green	White	White	Yellow	Yellow	Yellow	Yellow	Yellow	White
HISTORIC ENGLAND	White	White	White	White	White	White	Yellow	White	White	White	White	White	White	White	White	White	White	White
ENVIRONMENT AGENCY	Yellow	Yellow	Yellow	White	White	Green	White	Yellow	White	White	White	White	Yellow	Yellow	White	Green	Green	White
NATIONAL GRID	Yellow	Yellow	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White
CADENT GAS LIMITED	Yellow	Yellow	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White	Yellow
ANGLIAN WATER	Yellow	Yellow	White	White	White	White	White	White	White	White	White	White	White	White	White	White	White	Yellow

Party	Topics																	
	Draft DCO	Protective Provisions	Other Consents and licences	Outline Construction Traffic Management Plan and associated documents	Design and Engineering	Planning Policy	Landscape & Visual	Historic Environment	Biodiversity (including Arboriculture)	Traffic and Transport	Air Quality	Noise and Vibration	Water Environment	Geology, Soils and Agriculture	Socio-economic and Recreation	Waste management	Cumulative effects	Compulsory Acquisition
SOUTH STAFFORDSHIRE WATER	Yellow	Yellow																
NATIONAL FARMERS UNION														Yellow				Yellow
EAST WEST RAIL COMPANY LIMITED	Yellow	Yellow								Yellow							Yellow	Yellow

## 7 Position as at Deadline 1 (31 August 2021)

7.1.1 This section provides a summary of the SoCG position between Highways England and each interested party as at Deadline 1. This section will be updated at each deadline when revised SoCGs will be submitted, to explain what has changed since the previous iteration. The individual SoCGs should be referred to for further detail on specific matters.

### **Cambridgeshire County Council, Huntingdonshire District Council, South Cambridgeshire District Council Joint SoCG**

7.1.2 Cambridge County Council, Huntingdonshire District Council and South Cambridgeshire District Council are supportive of the Scheme in principle, but many issues remain under discussion. Discussions with officers from the Councils have been ongoing and will continue during the Examination, in order to work towards agreement wherever possible.

7.1.3 The draft SoCG is a Highways England draft and does not include the Councils' positions in the Issues Tables, as requested by the Councils. The draft SoCG therefore reflects Highways England's positions, with all matters under discussion with the Councils.

7.1.4 Highways England shared the draft the DCO and Legal Matters issues table from the draft SoCG and Transport Matters issues table from the draft SoCG with the Councils on 9 July 2021 and the full draft SoCG on 30 July 2021. The Councils have confirmed that they were unable to review and provide their inputs on the draft SoCG for Deadline 1. Highways England will continue to work with the Councils to agree a draft SoCG for submission at Deadline 4.

### **Bedford Borough Council**

7.1.5 The draft SoCG with Bedford Borough Council (BBC) was shared with BBC on 30 July 2021 for their input on the BBC's position on the issues raised. BBC submitted the first draft SoCG to the Planning Inspectorate on 23 August 2021, sharing the draft with Highways England at the same time.

7.1.6 Highways England has submitted a draft SoCG comprising BBC's positions. The draft SoCG shows that discussions between Highways England and officers from BBC have been ongoing and while many matters across various disciplines have been agreed, the majority of matters remain under discussion at this early stage in the Examination. For example, BBC are satisfied with transport modelling, data collection and assessment methodology. They are also satisfied with biodiversity data collection, survey data and Biodiversity Net Gain method and results.

### **Central Bedfordshire Council**

- 7.1.7 Discussions with officers at Central Bedfordshire Council (CBC) have been ongoing. The draft SoCG reflects the current situation and was shared with CBC on 30 July 2021. CBC advised that more time was required to review the draft SOCG and therefore the draft submitted at Deadline 1 has not been approved by CBC. Highways England will continue to work with CBC to agree a draft SoCG for submission at Deadline 4.

### **Natural England**

- 7.1.8 An initial review of the SOCG has been undertaken by Natural England with some areas of agreement reached and other matters still under discussion at this stage.

- 7.1.9 A summary of the main matters under discussion include:

Ongoing biodiversity and Agricultural Land Classification (ALC) survey work

Habitat Regulations Assessment (HRA) matters, including assessment of likely significant effects in relation to bats at Eversden and Wimpole Woods Special Area of Conservation (SAC)

Bat use of Elsworth Wood Site of Special Scientific Interest (SSSI)

Assessment of cumulative effects

- 7.1.10 Elements of the biodiversity, geology and soils, landscape and visual effects and population and human health assessments are agreed, whereas others are still under discussion. Matters relating to designated sites of national, county and local importance (other than the Elsworth Wood SSSI point mentioned above) are generally agreed.

- 7.1.11 In terms of licencing, Natural England have issued a Letter of No Impediment in relation to Badgers, whereas discussions on Great Crested Newt licencing requirements are ongoing.

- 7.1.12 Matters pertaining to air quality and climate are agreed and positions related to other matters such as borrow pit restoration, Breedon Quarry restoration and Biodiversity Net Gain are also agreed.

### **Historic England**

- 7.1.13 An initial review of the SOCG has been undertaken by Historic England with some areas of agreement reached and other matters still under discussion at this stage. Areas agreed include the defined study areas and the methodology and sources for the impact assessment. It is also agreed that apart from Brook Cottages, the impacts constitute less than substantial harm.

- 7.1.14 The main matter under discussion is Brook Cottages. The results of further surveys are required to determine whether the building can be rebuilt. The location of any possible rebuilding is also under discussion.

- 7.1.15 The impact caused by changes to the setting of a number of designated assets is also under discussion. Further clarification information has been provided.

### **Environment Agency**

- 7.1.16 An initial review of the SOCG has been undertaken by the Environment Agency (EA) with many areas of agreement reached and other matters still under discussion at this stage.
- 7.1.17 Areas agreed include legislation and policy considerations, study area extents, application of professional judgements, assessment assumptions and limitations, worst-case scenarios, presentation of results, waste management, Water Framework Directive matters and cumulative effects matters.
- 7.1.18 Elements of the biodiversity, road drainage and water environment, geology and soils and flooding assessments are agreed, whereas other elements are still in discussion, primarily following comments made in the EA's Relevant Representations.
- 7.1.19 Discussions around DCO and legal matters and Protective Provisions are ongoing.

### **National Grid**

- 7.1.20 The first draft of the SoCG was shared with National Grid on 12 August 2021 and comments were received on 26 August 2021.
- 7.1.21 Good progress is being made, however at this early stage of the Examination further discussions are required to agree the wording of the protective provisions.

### **Cadent Gas Limited**

- 7.1.22 The first draft of the SoCG was shared with Cadent on 13 August 2021. Cadent confirmed that the first draft was agreed on 26 August 2021.
- 7.1.23 Good progress is being made, however at this early stage of the Examination further discussions are required to agree the wording of the protective provisions and the details of compulsory acquisition.

### **Anglian Water**

- 7.1.24 The first draft of the SoCG was shared with Anglian Water on 12 August 2021 and comments were received on 25 August 2021.
- 7.1.25 Good progress is being made, however at this early stage of the Examination further discussions are required to agree the wording of the protective provisions and the Wyboston water recycling centre access.

### **South Staffordshire Water**

- 7.1.26 The first draft of the SoCG was shared with South Staffordshire Water on 12 August 2021 and comments were received on 27 August 2021.
- 7.1.27 Good progress is being made, however at this early stage of the Examination further discussions are required to agree the wording of the protective provisions

### **National Farmers Union**

- 7.1.28 Highways England and National Farmers Union (NFU) have engaged on the draft SoCG, with the draft shared with the NFU on 23 August 2021.

7.1.29 Matters at this early stage in the Examination remain under discussion, including impacts upon the local farming community; maintaining accesses to farms and fields; the extent of land take and notice periods required prior to entry on land; land drainage; soil handling arrangements and the NFU's requirement for the Applicant to appoint an Agricultural Liaison Officer.

7.1.30 NFU have agreed that the draft SoCG can be submitted in its current form, however they have not agreed the content. The NFU have advised that they will provide comments on the draft SoCG at Deadline 3. Highways England and the NFU will continue to discuss matters with a view to agreeing a draft SoCG for submission at Deadline 4.

#### **East West Rail Company Limited**

7.1.31 The draft SoCG with East West Rail Company Limited considers matters relating to the need for both transport infrastructure projects, draft DCO and legal matters, transport and construction matters as well as cumulative environmental impacts. Most matters remain under discussion, however there is early agreement on matters relating to the case of need for the two projects.