

CEH/AB/1085386/12  
TR010044  
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**By email only to:** [A428.Blackcat@planninginspectorate.gov.uk](mailto:A428.Blackcat@planninginspectorate.gov.uk)

Dear Sirs

**OUR CLIENT: THE BEDFORDSHIRE AND RIVER IVEL INTERNAL DRAINAGE BOARD**  
**REFERENCE: TR010044**  
**REGISTRATION IDENTITY NUMBER: 20028185**

We act for our above client, which as an Internal Drainage Board is a public body. The Board is affected by the provisions contained in the draft DCO in respect of the A428 Black Cat to Caxton Gibbet Road Improvement scheme.

We have reviewed the draft DCO and in particular Part 3 of Schedule 9. The Board is concerned that:

1. We raised the following initial queries with the solicitors acting for Highways England on 3 June 2021 but have not received a substantive response:
  - a. The 28 day deemed approval notice period at paragraph 20(3) (c) is far too short. Our above client requests the full 8 week notice period as per the period being allowed to the Environment Agency? Please could you also explain why the Environment Agency has a deemed refusal procedure under paragraph 20(3) (b) whereas our above client has a deemed approval procedure under 20(3) (c)?
  - b. You ensure that our above client will have sufficient access to the watercourses. We note the wording of paragraph 25, but the wording is couched in terms of flood defences and our above client must have good and sufficient access to the watercourses (for use with heavy vehicles and machinery) for the purposes of exercising its statutory powers.
2. We have requested a fee undertaking for the Board's legal fees in respect of agreeing the protective provisions, but this has not yet been provided.
3. We note that in the "3.3 Consents and Agreements Position Statement" that Highways England state their intention to work collaboratively and that they see Statements of Common Ground with a variety of stakeholders as being a fundamental part of the DCO process. However the Board is concerned about the lack of engagement.

The Board would welcome engagement Highways England so as to ensure that the disapplication of parts of the Land Drainage Act 1991 and the Board's byelaws is proportionate and that the substituted protective provisions in the DCO are appropriate so as to allow the Board to continue to manage flood risk.

Yours faithfully

[Redacted signature]

WILKIN CHAPMAN LLP  
Catherine Harris  
Partner, Head of Agriculture

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