

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

November 2021

Infrastructure Planning

Planning Act 2008

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

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

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

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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 National Highways (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 the Applicant 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 4 on 4 November 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:
- a. Section 1: provides an introduction to the SoCG and a description of its purpose.
 - b. Section 2: states the engagement that has occurred between the Applicant and other Party.
 - c. 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 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 SoCGs 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 4

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 the 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 the Applicant 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 The Applicant 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:

- a. 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.
- b. 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.

4.1.5 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
Local Authorities					
TR010044/EXAM/8.6	CAMBRIDGESHIRE COUNTY COUNCIL, HUNTINGDONSHIRE DISTRICT COUNCIL, SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL (JOINT SOCG)	SoCG in draft	SoCG in draft		
TR010044/EXAM/8.5	BEDFORD BOROUGH COUNCIL	SoCG in draft	SoCG in draft		
TR010044/EXAM/8.4	CENTRAL BEDFORDSHIRE COUNCIL	SoCG in draft	SoCG in draft		
Prescribed Consultees					
TR010044/EXAM/8.3	NATURAL ENGLAND	SoCG in draft	SoCG in draft		
TR010044/EXAM/8.2	HISTORIC ENGLAND	SoCG in draft	SoCG in draft		

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/8.1	ENVIRONMENT AGENCY	SoCG in draft	SoCG in draft		
Statutory Undertakers					
TR010044/EXAM/8.9	NATIONAL GRID	SoCG in draft	SoCG in draft		
TR010044/EXAM/8.13	CADENT GAS LIMITED	SoCG in draft	SoCG in draft		
TR010044/EXAM/8.11	ANGLIAN WATER	SoCG in draft	SoCG in draft		
TR010044/EXAM/8.12	SOUTH STAFFORDSHIRE WATER	SoCG in draft	SoCG in draft		
Interested Parties					
TR010044/EXAM/8.7	NATIONAL FARMERS UNION	SoCG in draft ¹	SoCG in draft		
TR010044/EXAM/8.8	EAST WEST RAIL COMPANY LIMITED	SoCG in draft	SoCG in draft		

¹ AS BEFORE

6 Commonality

- 6.1.1 This section of the Statement provides a summary of principal issues covered in the SoCGs 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 SoCGs 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 SoCGs and therefore not covered in **Table 6-1** and shown as a blank.

Table 6-1 - Table of Commonality at Deadline 4

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 Effects	Cultural Heritage	Biodiversity	Habitats Regulations Assessment	Traffic and Transport	Air Quality	Noise and Vibration	Road Drainage and the Water Environment	Geology and Soils	Population and human health	Material Assets and Waste	Cumulative effects	Compulsory Acquisition	Climate
CAMBRIDGESHIRE COUNTY COUNCIL, HUNTINGDONSHIRE DISTRICT COUNCIL, SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL (JOINT SOCG)																				
BEDFORD BOROUGH COUNCIL																				
CENTRAL BEDFORDSHIRE COUNCIL																				
NATURAL ENGLAND																				
HISTORIC ENGLAND																				
ENVIRONMENT AGENCY																				
NATIONAL GRID																				
CADENT GAS LIMITED																				
ANGLIAN WATER																				
SOUTH STAFFORDSHIRE WATER																				
NATIONAL FARMERS UNION																				
EAST WEST RAIL COMPANY LIMITED																				

7 Position as at Deadline 4 (4 November 2021)

- 7.1.1 This section provides a summary of the SoCG position between the Applicant and each interested party as at Deadline 4. 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.
- 7.1.2 **Cambridgeshire County Council, Huntingdonshire District Council, South Cambridgeshire District Council Joint SoCG**
- 7.1.3 The Joint Authorities remain supportive of the Scheme in principle. The draft Joint SoCG for Deadline 4 has been updated to reflect the positions of both the Applicant and the Joint Authorities as of 27 October 2021. Since this date further progress has been made. To reflect this progress, an updated version of the Joint SoCG will be submitted at Deadline 5 as agreed with the Joint Authorities. Progress to date is outlined below.
- 7.1.4 The draft SoCG relating to transport matters was discussed with Cambridgeshire County Council (CCCC) on 19 October 2021. CCC has confirmed their acceptance of the strategic model to assess the area wide impacts of the Scheme. However, the local modelling remains under discussion. Although sensitivity testing of selected junction models by the Applicant is currently in progress, CCC has requested additional junction modelling be carried out which the Applicant does not accept is necessary.
- 7.1.5 The majority of environmental matters are under discussion. Matters related to geology and soils and cumulative effects are agreed. Most other environmental topics have elements agreed and elements currently under discussion. Environmental topics of particular concern to the Cambridgeshire authorities include cultural heritage, biodiversity and climate matters.
- 7.1.6 The draft SoCG for Highways matters was discussed with Cambridgeshire County Council (CCC) on the 18 October 2021. The majority of Highways matters remain under discussion, with items relating to Management/Maintenance Responsibilities, Design Standards, Construction Programme and elements of the Outline Construction Traffic Management Plan not agreed. There is consensus between parties that the next iteration of the document will feature more granularity on items that are not agreed in order to enable progression.
- 7.1.7 At the meeting on 18 October 2021 the Applicant agreed to break down the Highways section of the SoCG (at Deadline 6) to schedule out the various design parameters at each location so it would be clear what was proposed and agreed/not agreed at each location.
- Bedford Borough Council**
- 7.1.8 The draft SoCG with Bedford Borough Council (BBC) reflects the position of both BBC and the Applicant as at Deadline 4. The Applicant has requested BBCs confirmation of agreement on a number of issues outlined in the SoCG. An updated version will therefore be submitted at Deadline 5. Progress on matters to date is outlined below.

- 7.1.9 The majority of environmental matters are under discussion and under review by BBC. Currently the only matters to be agreed are some cultural heritage and biodiversity matters.
- 7.1.10 Environmental issues of particular concern to BBC include matters related to Brook Cottages, environmental effects related to borrow pits and noise and vibration matters.
- 7.1.11 The draft SoCG for highways matters was discussed with Bedford Borough Council (BBC) on the 5 October 2021. Progression was made on a number of items which have changed status from “under discussion” to “agreed” and comments received from the local authority indicate how further progression can be made.
- 7.1.12 BBC remain satisfied with both the strategic and local traffic modelling.

Central Bedfordshire Council

- 7.1.13 The draft SoCG relating to transport matters reflects the discussion that was held with Central Bedfordshire Council (CBC) on 25 October 2021. CBC has confirmed their acceptance of the strategic model to assess the area wide impacts of the Scheme. However, some aspects of the local modelling remain under discussion.
- 7.1.14 CBC have raised concerns about potential impacts on local roads should drivers choose to self-divert during the construction period and the potential damage to official diversion routes utilising local roads.
- 7.1.15 The majority of the environmental matters are agreed including matters related to landscape and visual effects, biodiversity, geology and soils, material assets and waste, population and human health, road drainage and the water environment (excluding the Flood Risk Assessment (FRA)), climate and assessment of cumulative effects.
- 7.1.16 The main environmental matters still under discussion include air quality effects and mitigation (particularly at Sandy Air Quality Management Area (AQMA)), cultural heritage mitigation, noise and vibration matters and the FRA.
- 7.1.17 The draft SoCG for highways matters was discussed with CBC on the 13 September 2021. Progression was made on a number of items which have been separated into issue specific items and agreed. Three items have changed status from “agreed” to “under discussion” owing to discussion points which will continue to be at the forefront of discussions..

Natural England

- 7.1.18 The majority of positions within the Natural England SoCG are agreed.
- 7.1.19 Matters agreed include legislation and policy considerations; study area extents; application of professional judgements; assessment assumptions and limitations; limits of deviation; presentation of results; Scheme design; approach to modelling; air quality matters; matters related to landscape and visual effects; population and human health matters; climate matters; and matters related to borrow pits, Breedon quarry and biodiversity net gain.

- 7.1.20 A summary of the main matters still under discussion include:
- Habitats 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).
 - Further soil survey work.
 - Assessment of cumulative effects.
 - Great Crested Newt licencing matters.

Historic England

- 7.1.21 The majority of positions within the Historic England SoCG are agreed.
- 7.1.22 Areas agreed include legislation and policy considerations; study area extents; application of professional judgements; assessment assumptions and limitations; limits of deviation; presentation of results; Scheme design; baseline data collection; operational assessment findings; built heritage mitigation; cumulative effects matters, and matters related to interaction of disciplines.
- 7.1.23 The main matter under discussion is Brook Cottages. The results of further surveys and elements of the construction assessment are required to determine whether the building can be rebuilt. The location of any rebuilding is also under discussion.
- 7.1.24 Archaeological mitigation remains under discussion.

Environment Agency

- 7.1.25 The majority of positions within the EA SoCG are agreed.
- 7.1.26 Areas agreed include legislation and policy considerations; study area extents; application of professional judgements; assessment assumptions and limitations; design criteria and climate allowances; presentation of results; Scheme design; waste management; biodiversity matters; road drainage and water environment matters (excluding FRA matters); geology and soils matters; Water Framework Directive matters and cumulative effects matters.
- 7.1.27 The matters that remain under discussion predominantly relate to the FRA.
- 7.1.28 Discussions around DCO and legal matters and Protective Provisions are also ongoing.

National Grid

- 7.1.29 Discussions with National Grid are ongoing with regard to the protective provisions. An updated SoCG has been submitted by the Applicant for Deadline 4 which includes updates to the records of engagement only.

Cadent Gas Limited

- 7.1.30 Substantive agreement on the wording of the protective provisions has been reached. Agreement in principle has been reached on remaining points which are subject to further discussion.

Anglian Water

- 7.1.31 Discussions regarding the wording of the protective provisions are ongoing with good progress being made. Agreement has been reached on arrangements for maintaining access to the Wyboston Water Recycling Centre throughout construction.

South Staffordshire Water

- 7.1.32 Discussions with South Staffordshire Water are ongoing with regard to the protective provisions. An updated SoCG has been submitted by the Applicant at Deadline 4 which includes updates to the records of engagement only. South Staffordshire Water have not commented on this draft.

National Farmers Union

- 7.1.33 A meeting was held with the NFU on the 29 October where the updated version of the SoCG was discussed. While the NFU have not had an opportunity to review the updated version, it was reviewed on the call and agreed that the version can be submitted by the Applicant.
- 7.1.34 A number of matters are considered agreed, including access routes, the principal of an Agricultural Liaison Officer (ALO), balance ponds, private water supplies, dust, irrigation and agricultural use of the new road. A few items remain outstanding including agreeing the scope of responsibilities for the ALO. The Applicant will continue to engage with the NFU ahead of the next version of the SoCG for DL6, and further meetings are being planned for November. The Applicant remains confident that it can agree a position on the majority of outstanding matters with the NFU with wording to be secured in the DCO documentation.

East West Rail Company Limited

- 7.1.35 The draft SoCG was discussed with the East West Rail Company on the 26 October 2021. Matters relating to the need for both projects have been agreed with most other matters remaining under discussion. Draft Protective Provisions have been received by the Applicant and are under review and East West Rail Company are also intending to submit an Interface Agreement shortly. Once both these elements have been received a review it is anticipated that further progress can be made on agreement of matters ahead of the next deadline.