



# The Planning Inspectorate

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The Applicant;

Occupier(s) of 1 Brook Cottages;

Owner(s) of 1 Brook Cottages;

Bedford Borough Council; and

Relevant Bedford Borough  
Council Social Support Agency

Your Ref:

Our Ref: TR010044

Date: 09 December 2021

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Dear Sir / Madam

## **Planning Act 2008 (as amended) – Sections 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17**

### **Application by National Highways for an Order Granting Development Consent for the A428 Black Cat to Caxton Gibbet Improvements**

#### **Request for further information**

In conducting the Examination, the Examining Authority (ExA) has due regard to the Public Sector Equality Duty (PSED) with respect to people with protected characteristics under S4 and S149(7) of the Equality Act 2010. Furthermore, with reference to the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights, the ExA will need to consider the effects of the Proposed Development and the Compulsory Acquisition (CA) sought, on these qualified rights.

With respect to the occupier of Brook Cottages, Mr Baron, the ExA intends to explore the effect of the Proposed Development and the CA sought on a number of matters. The areas of investigations were set out in the agenda for the second Compulsory Acquisition Hearing (CAH2), published on Monday 22 November 2021 [EV-058], and some matters were discussed at CAH2 on Thursday 2 December [EV-085] [EV-086].

Recognising that responses to these questions would include personal and sensitive information and information that reveals specific circumstances and needs of individuals, the ExA is requesting further information from relevant parties under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010, from specific Interested Parties. The information requested is set out here. The deadline for receipt of the information requested in this letter is **Deadline 7, Thursday 6 January 2022** as per the amended Examination Timetable in the Rule 8(3) letter dated Thursday 09 December 2021 [PD-011]. The responses when received will be redacted in line with [PINS Advice Note 8.4](#) and related rationale applied at the discretion of the ExA.



<b>R17.2.1.</b>	<b>Local Authority's Public Sector Equality Duty</b>
Bedford Borough Council (BBC)	1. Prove update on your involvement with the Applicant's Equality Impact Assessment and views regarding PSED in relation to the occupier of Brook Cottages [REP4-049, Q2.1.1.1, Q2.12.2.1] [REP4-037, Q2.1.1.1, Q2.12.2.1]
<b>R17.2.2.</b>	<b>Evidence and corroboration to support the Applicant's case</b>
Applicant Bedford Borough Council	1. How can the Applicant's case regarding the efforts made to negotiate with and support the owner, Mr Braidwood, and occupier, Mr Baron, of 1 Brook Cottages, be corroborated? Applicant may refer to evidence provided at CAH2 [EV-085] [EV-086] and provide further evidence. 2. BBC and its agencies may respond.
Mr Braidwood Mr Baron, or someone authorised by them to respond on their behalf	3. At any stage of the process, has anyone acted on your behalf, such as a friend or relative, a solicitor or a property professional? Would you like to appoint someone to speak on your behalf? 4. Has the Applicant (National Highways, previously known as Highways England) previously communicated with you regarding the purchase of your property? If so, can you provide further detail, including any dates, locations of discussions, attendees and matters discussed?
<b>R17.2.3.</b>	<b>Reasonable adjustments</b>
Applicant Bedford Borough Council and its relevant social support agency	1. Applicant when did you become aware, and how did you conclude that Mr Baron likely had protected characteristics? What reasonable adjustments have you made since then in order to support Mr Baron engage at pre-application stage, with negotiations regarding CA, and indeed with the Examination process. 2. In light of the evidence provided by Mr Braidwood at CAH2 [EV-085] [EV-086] on 2 December 2021, what, if any, reasonable adjustments are you going to make to support Mr Baron to enable engagement with the CA process during the Examination? Provide evidence to support your responses.
<b>R17.2.4.</b>	<b>Protected characteristics</b>
Bedford Borough Council and its relevant social support agency	1. Provide further information about the protected characteristics of Mr Baron, in line with S4 and S149(7) of the Equality Act 2010, in order to test the effects of the Proposed Development, the



	adequacy of the proposed measures and proportionality assessment.
Mr Baron, or someone authorised by them to respond on their behalf	<p>2. The Equality Act 2010 lists various 'protected characteristics' which we as the Examining Authority must take into account if applicable to you. It would be helpful to know if you consider any of these characteristics apply to you in relation to the effect of the Proposed Development? If so, why.</p> <ul style="list-style-type: none"> <li>• Age (for example, being elderly)</li> <li>• Gender reassignment</li> <li>• Being pregnant or on maternity leave</li> <li>• Disability</li> <li>• Race including colour, nationality, ethnic origin or national origin</li> <li>• Religion or belief</li> <li>• Sex</li> <li>• Sexual orientation</li> </ul>
<b>R17.2.5.</b>	<b>Children under the age of 18</b>
Mr Baron, or someone authorised by them to respond on their behalf	1. Do children under the age of 18 live at this property with you? Would they be affected? If so, how?
Applicant Bedford Borough Council and its relevant social support agency	2. You may provide your understanding of the above questions.
<b>R17.2.6.</b>	<b>Relocation and other relevant processes</b>
Applicant Bedford Borough Council and its relevant social support agency	1. Applicant, you have referred to a number processes that you have started to support Mr Baron [REP4-037, Q2.1.1.1, Q2.12.2.1]. Provide evidence and an update including an indication of timescale for completion relative to this Examination.
Mr Baron, or someone authorised by them to respond on their behalf	<p>2. Do you have friends and family nearby? How far do they live? Do you have any regular visits from your friends and family, or from the Council?</p> <p>3. Has any progress been made with the Council or the Applicant to locate a new home for you?</p>
<b>R17.2.7.</b>	<b>Other scenarios</b>
Mr Baron, or someone authorised by them to respond on their behalf	<p>1. What do you think will happen if, you are no longer able to live at the property?</p> <p>2. Do you have anywhere else you could go if you are no longer able to live at the property?</p> <p>3. Are there other people living at this property that would be affected?</p>



	4. In future how would you like the Examining Authority to communicate with you, via post or email? If these options are not suitable then please let the Case Team member know when they telephone you, and we will take your requirements into consideration.
Applicant Bedford Borough Council and its relevant social support agency	5. You may provide your understanding of the above questions. 6. What would be the implication on Mr Baron if agreement is not reached with the Applicant?
<b>R17.2.8.</b>	<b>Tenancy Agreement</b>
Mr Braidwood Mr Baron, or someone authorised by them to respond on their behalf	1. What type of Tenancy Agreement do you currently have and what is the notice period?
<b>R17.2.9.</b>	<b>Reasonable alternatives to Compulsory Acquisition</b>
Applicant Bedford Borough Council	1. The ExA is examining the alternatives with respect to Black Cat Junction and the consequent demolition of Brook Cottages, in three related but distinct areas: EIA, loss of historic asset and Compulsory Acquisition and the Human Rights Act, in particular Article 1 of the First Protocol and Article 8, of the European Convention on Human Rights. The ExA expects the case of alternatives to be justified in all three areas with specific reference to the relevant policy tests. The case for alternatives and the loss of a historic asset is being examined and does not need to be covered here. Applicant, provide further justification in line with CA guidance that for Brook Cottages, all reasonable alternatives to CA, including modifications to the scheme, have been explored. Are there any additional points of justification you would offer with respect to CA guidance? 2. BBC may comment

In light of the evidence received so far [REP4-037], the comments made at CAH2 [EV-085] [EV-086], and in compliance with its duties under the Equality Act 2010, the Examining Authority via the Case Team at the Planning Inspectorate will provide additional support to Mr Baron to participate in the Examination of the A428 Black Cat to Caxton Gibbet Road Improvement Scheme. In the first instance, to aid understanding the ExA has extracted the questions directed at Mr Baron to Annex A of this letter. Additionally, a member of the case team will telephone Mr Baron to explain the matters contained in this letter.



# The Planning Inspectorate

The deadline for receipt of the information requested in this letter is **Deadline 7, Thursday 6 January 2022** as per the amended Examination Timetable included in Annex A to the Rule 8(3) letter dated 09 December 2021 [PD-011].

If you have any queries on this matter, please contact Emre' Williams (Case Manager) via the details at the head of this letter.

Yours sincerely,

*Menaka Sahai*

**Lead Panel Member of the Examining Authority**

**Enclosed**

Annex A: Questions to Mr Baron

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## Annex A Questions to Mr Baron

In light of the evidence received so far [REP4-037], the comments made at CAH2 [EV-085] [EV-086], and in compliance with its duties under the Equality Act 2010, the Examining Authority via the Case Team at the Planning Inspectorate will provide additional support to Mr Baron to participate in the Examination of the A428 Black Cat to Caxton Gibbet Road Improvement Scheme. In the first instance, to aid understanding the Examining Authority has extracted the questions directed at Mr Baron to this Annex A. Additionally, a member of the case team will telephone Mr Baron to explain the matters contained in this letter and annex.

The Examining Authority requests some information from Mr Baron. We request you to provide further information and confirmation on the matters below by **Deadline 7, Thursday 6 January 2022**. The Examination closes on Friday 18 February 2022, after which the Examining Authority will make a recommendation to Government on the Proposed Development. Therefore, and given the limited time remaining, it is important that we fully understand your situation. You can email your responses to [A428.Blackcat@planninginspectorate.gov.uk](mailto:A428.Blackcat@planninginspectorate.gov.uk) or ask the Case Team.

Please provide evidence where possible to support your responses. Please be aware that your response will be published to the Planning Inspectorate's website and entered into the Examination of the Application. However, all personal sensitive information will be redacted before publishing.

If you wish, you may want to read some information available on the Planning Inspectorate website and look over the material on the project webpage.

- [Guidance related to procedures for the compulsory acquisition of land](#)
- [A428 Black to Caxton Gibbet](#)

1. At any stage of the process, has anyone acted on your behalf, such as a friend or relative, a solicitor or property agent? Would you like to appoint someone to represent you or speak on your behalf?
2. Has the Applicant (National Highways, previously known as Highways England) previously communicated with you regarding the purchase of your property? If so, can you provide further detail, including any dates, locations of discussions, attendees and matters discussed? We are unable to discuss with you any matters regarding the compensation offered for your property.
3. The Equality Act 2010 lists various 'protected characteristics' which we as the Examining Authority must take into account if applicable to you. It would be helpful to know if you consider any of these characteristics apply to you in relation to the effect of the Proposed Development? If so, why.
  - Age (for example, being elderly)
  - Gender reassignment
  - Being pregnant or on maternity leave
  - Disability
  - Race including colour, nationality, ethnic origin or national origin

- Religion or belief
- Sex
- Sexual orientation

4. Do children under the age of 18 live at this property with you? Would they be affected? If so, how?
5. Do you have friends and family nearby? How far do they live? Do you have any regular visits from your friends and family, or from the Council?
6. Has any progress been made with the Council or the Applicant to locate a new home for you?
7. What do you think will happen if you are no longer able to live at the property?
8. Do you have anywhere else you could go if you are no longer able to live at the property?
9. Are there other people living at this property that would be affected?
10. What type of Tenancy Agreement do you currently have and what is the notice period?
11. In future how would you like the Examining Authority to communicate with you, via post or email? If these options are not suitable then please let the Case Team member know when they telephone you, and we will take your requirements into consideration.