

A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 8

8.13 Draft Statement of Common Ground with Cadent Gas Limited

Planning Act 2008

Rule 8(1)(e)

Infrastructure Planning (Examination Procedure) Regulations 2010

December 2021

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010****A428 Black Cat to Caxton Gibbet
improvements
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8.13 Draft Statement of Common Ground with Cadent Gas Limited

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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) National Highways Company Limited and (2) Cadent Gas Limited.

Signed.....

Anne-Marie Rogers

Project Manager

on behalf of National Highways

Date: 14 December 2021

Signed.....

[NAME]

[POSITION]

on behalf of Cadent Gas Limited

Date: 14 December 2021

Table of contents

Chapter	Pages
1 Introduction	1
1.1 Purpose of this document	1
1.2 Parties to this Statement of Common Ground	2
2 Record of Engagement	3
3 Issues Raised	7
3.1 Introduction and general matters	7
Table of Tables	
Table 2-1 - Record of Engagement.....	3

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 National Highways 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 Eltisley.
 - 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) National Highways (formerly known as Highways England) as the Applicant and (2) Cadent Gas Limited (Cadent Gas).
- 1.2.2 National Highways 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 National Highways made provision for all legal rights and obligations of Highways England, including in respect of the Application, to be conferred upon or assumed by National Highways.
- 1.2.3 Cadent Gas is the operator and maintainer of the high-pressure gas pipeline that runs to the east of the East Coast Main Line through the application site. Terminology
- 1.2.4 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.
- 1.2.5 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 Cadent Gas’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 National Highways (NH) and Cadent Gas in relation to the Application is outlined in Table 2-1.

Table 2-1 - Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes
31/05/2019	Letter	Letter sent by email from Highways England (HE) to Cadent Gas: Statutory Consultation Launch Communications - s.42a.
11/06/2019	Letter	Cadent Gas provided response (letter by email) to HE's planning application enquiry received 06/06/2019 attaching documentation (plant protection maps). Cadent Gas confirmed that they had undertaken an assessment regarding their apparatus and have identified apparatus in the vicinity of the A428 scheme, and that HE will need to inform them as soon as possible if the application is permitted.
05/09/2019	Email	Consultation response from Cadent Gas regarding the A428 scheme stating they do not object to the proposal in principle but noting that there is an area where the scheme crosses a high pressure gas pipeline, therefore all works in that location would need approval by Cadent Gas prior to construction commencing.
10/02/2020	Email	Email from Cadent Gas to HE advising that they have been alerted by Scotland Gas Networks that the A428 scheme affects the Cadent Gas distribution network and therefore they need consulting.
20/06/2020	Email	Email from Cadent Gas to HE regarding enquiry received on 25/06/2020, attaching response. Cadent Gas confirmed that they had undertaken an assessment regarding their apparatus and have identified apparatus in the vicinity of the A428 scheme, and that HE will need to inform them as soon as possible if the application is permitted.
24/06/2020	Letter	Letter sent by email from HE to Cadent Gas: Supplementary Consultation Launch Communications 2020.
29/06/2020	Email	Email from Cadent Gas to HE: Consultation response to planning application stating that Cadent Gas have identified operational gas apparatus within the application site boundary.

Date	Form of correspondence	Key topics discussed and key outcomes
27/07/2020	Email	Email from Cadent Gas to HE sharing their response dated 27/07/2020 to the A428 improvements scheme consultation undertaken between 24 June and 28 July 2020.
28/07/2020	Email	Email from HE to Cadent confirming receipt of their consultation response on 27/07/2020.
16/11/2020	Email	Email from Cadent Gas to HE (in response to a previous enquiry by HE) advising that in order to process a diversion, they would require a plan showing the full site boundary.
14/12/2020	Meeting	Meeting between Cadent Gas and HE Project Teams, and legal advisors regarding an update on the Scheme, NSIP status and general progress to the diversion works.
18/12/2020	Letter	Letter sent from Cadent Gas to HE by email: Formal response to the A428 s.42 Consultation. The response outlined that Cadent Gas were reviewing impacts regarding a section of high-pressure pipeline and noted they were currently working with HE and its consultants to identify requirements in relation to its potential relocation. Cadent Gas confirmed that they had insufficient information at that stage to confirm whether the diversion is defined as an NSIP in its own right.
20/01/2021	Letter	Letter from HE to Cadent Gas advising that there was an error in the plans presented at the supplementary consultation regarding a small area of land along the section of realigned access track located on the east side of the A1 and to the south of the property known as Greenacres – the land was shown as being required temporarily but in fact it was required as a permanent acquisition.
21/01/2021	Meeting	Meeting between Cadent Gas and HE Project Teams and legal advisors regarding an update on the Scheme, NSIP status and general progress to the diversion works.
18/02/2021	Meeting	Meeting between Cadent Gas and HE Project Teams and legal advisors regarding an update on the Scheme, NSIP status and general progress to the diversion works.
18/03/2021	Meeting	Meeting between Cadent Gas and HE Project Teams and legal advisors regarding an update on the Scheme and general progress to the diversion works.

Date	Form of correspondence	Key topics discussed and key outcomes
15/04/2021	Meeting	Meeting between Cadent Gas and HE Project Teams and legal advisors regarding an update on the Scheme and general progress to the diversion works.
29/04/2021	Email	Email from Cadent Gas to HE in response to formal enquiry received on 28/04/2020. Cadent Gas formally objects to the Order on the grounds that the level of protection currently afforded to the apparatus it has in the subject land may be diminished notwithstanding Paragraph 4, Schedule 12, Part II of the Highways Act, 1980.
07/05/2021	Letter	S56 notification letter issued to Cadent Gas by HE.
20/05/2021	Meeting	Meeting between Cadent Gas and HE Project Teams and legal advisors regarding an update on the Scheme and general progress to the diversion works.
10/06/2021	Meeting	Meeting between Cadent Gas and HE Project Teams and legal advisors regarding an update on the Scheme and general progress to the diversion works.
08/07/2021	Meeting	Meeting between Cadent Gas and HE Project Teams and legal advisors regarding an update on the Scheme and general progress to the diversion works.
12/08/2021	Meeting	Meeting between Cadent Gas and HE Project Teams and legal advisors regarding an update on the Scheme and general progress to the diversion works.
17/09/2021	Meeting	Design progress meeting.
04/10/2021	Meeting	Design progress meeting.
14/10/2021	Meeting	Meeting between Cadent Gas and NH Project Teams and legal advisors regarding an update on the Scheme and general progress to the diversion works.
26/10/2021	Email	Email from NH to CG requesting information on tender
26/10/2021	Email	Email from CG to NH confirming they have gone out to tender
27/10/2021	Email	Email from NH to CG requesting date of tender return
05/11/2021	Email	Email from NH to CG provide detailed plan works
05/11/2021	Email	Email from CG to NG confirming receipt of detail plan works

- 2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) National Highways and (2) Cadent Gas in relation to the issues addressed in this SoCG.
- 2.1.3 Side discussions have additionally taken place between National Highways' and Cadent Gas's respective legal advisers.
- 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 Cadent Gas 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 of that letter sets out a request for Statements of Common Ground (SoCG) between National Highways and various parties, including Cadent Gas. For Cadent Gas, 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.

Issue	Document Reference	National Highways Position	Cadent Gas Position	Status	Date
The effects on existing services, apparatus and infrastructure	Draft DCO [APP-025]	National Highways requires the diversion of a section of high pressure gas pipeline owned and operated by Cadent Gas in order to construct the Scheme. The proposed route for the diversion is shown as Work no. 51 on the Works Plans and detailed in Schedule 1 of the draft Development Consent Order (DCO).	Cadent Gas is aware that National Highways has programmed the delivery of Work No.51 as an advanced work and that it has secured planning permission for the removal of archaeology. Cadent Gas agrees with the need for article 59 of the draft DCO, which is required to cover the circumstance where Cadent Gas undertakes Work No.51 in advance of the grant of the DCO pursuant to its permitted development rights. There would be a number of matters that would need to be satisfied before Cadent	Agreed in principle. Cadent Gas has engaged with National Highways throughout the pre-application process in relation to Work No.51 and accepts National Highways’ environmental assessment in respect of archaeology, the consequence of which is that Work No.51 is (until the archaeology is removed) an NSIP in its own right.	

Issue	Document Reference	National Highways Position	Cadent Gas Position	Status	Date
			Gas undertook such works in advance of the grant of the DCO, as explained in National Highways' explanatory memorandum.		
	Appendix 4.4 - Screening Assessment of proposed gas pipeline works for the purposes of section 20 of the Planning Act 2008 [APP-158]	An environmental screening assessment of the proposed realignment of the high-pressure gas pipeline was undertaken based on the professional judgement of competent experts. This diversion would give rise to likely significant effects and accordingly satisfies the relevant criteria under s20 of the Planning Act 2008 to be treated as a Nationally Significant Infrastructure Project in its own right.	Cadent Gas accept that the findings of the environmental screening assessment, summarised within Appendix 4.4 of the Environmental Statement represent an accurate reflection of the anticipated environmental effects of the re-alignment of the high pressure gas pipeline.		
Protective Provisions contained within the draft DCO	Draft DCO [APP-025]	Adequate protective provisions for the protection of Cadent Gas statutory undertaking will be contained within Part 8, Schedule 9 of the draft DCO and will be included in the latest version of the draft DCO submitted to the Examining Authority at Deadline 6.	Cadent Gas requires Protective Provisions within the DCO. Cadent Gas has been in detailed discussion with National Highways over the form of protective provisions in relation to a number of schemes. These are substantially agreed, save for three points of dispute which	Agreed.	

Issue	Document Reference	National Highways Position	Cadent Gas Position	Status	Date
			Cadent Gas and National Highways have not yet agreed.		
Compulsory Acquisition		Whilst the final detailed design stage has not yet been reached, a design study has been prepared and the options proposed within that study indicate that there is sufficient land within the Order limits to accommodate the diversion of Cadent Gas's asset.	Cadent Gas has high pressure gas pipelines and associated apparatus located within the order limits which are affected by works proposed and which may require diversions subject to the impact. Proposed diversions have not yet reached detailed design stage and so the final positioning, land rights and consents required for these gas diversions are not confirmed. At this stage, Cadent Gas cannot be satisfied that the DCO includes all land and rights required to accommodate such diversions as detailed design studies will need to influence these requirements. Cadent Gas will not decommission its existing apparatus and/or commission new apparatus until it has sufficient land and rights in land (to its satisfaction) to do so, whether pursuant to the DCO or otherwise.	Under discussion.	

Issue	Document Reference	National Highways Position	Cadent Gas Position	Status	Date
Provisions of Section 127 Planning Act 2008	Draft DCO [APP-025]	Adequate protective provisions for the protection of Cadent Gas's statutory undertaking will be contained within Schedule 9 of the draft DCO.		Agreed.	