

Your Ref: TR010044  
Our Ref: CJT/NG/2108/10

17 December 2021

FAO Ms Menaka Sahai  
The Planning Inspectorate  
National Infrastructure  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**By Email Only to: [A428.blackcat@planninginspectorate.gov.uk](mailto:A428.blackcat@planninginspectorate.gov.uk)**

Dear Sirs

### **A428 Blackcat to Caxton Gibbet Project – Additional Representation**

We represent the interests of Mrs Diane Sharman, and the Partners of the farming partnership, H G Sharman & Son, of Coxfield Farm, Colmworth, who are directly affected by the Scheme; the current partners are Diane Sharman, Robert Sharman, Cathryn Sharman and Rebecca Sharman. Mrs Diane Sharman owns land directly affected by the Scheme, which is farmed by the partnership. In addition, the partnership is tenant of several parcels of land directly affected by the Scheme.

Following a recent meeting with National Highways and their representatives on 8<sup>th</sup> December 2021, it has become apparent there are significant unresolved issues that we believe need to be brought to the attention of the Examining Authority and we are now writing to do so.

By way of background information, my clients have engaged with National Highways from outset of the Scheme, including (but not limited to):

- Representations to supplementary consultation held in July 2020
- Relevant Representation(s) (RR-028 / RR-043)
- Written Representation (REP1-083)

In summary, our concerns are:

#### **Accommodation Works**

From the outset of the Scheme and in all of the representations set out above, we have reiterated the need for Accommodation Works and have requested detailed designs of the proposed Accommodation Works, so we are able to ascertain the full impact on our clients' 'requisite interest', because we do not wish to be put in a position whereby when it comes to the 'detailed design', we are told by National Highways or their Contractor(s) that design issues raised should have been dealt with earlier on in the process and it is too late to adjust design details. Despite this, National Highways' position (as set out in RR-043d) is that Accommodation Works will be finalised at 'detailed design'. Our concerns with this approach were realised during the abovementioned meeting with National Highways and their representatives, during which we were told that it may be too late in the DCO process to make provision for an access, despite having raised the need for an access in July 2020 i.e., before the application had been submitted to the Planning Inspectorate; further detail on this specific issue is set out later in this letter.

We feel that the issue of Accommodation Works requires closer scrutiny by the Examining Authority. To allay our concerns and resolve the issue, we require a legally binding commitment from National Highways in respect of Accommodation Works.

#### Land East of Roxton Road & North of A421

Within National Highways' response to RR-043a, they state *"the applicant confirms that the existing access off Roxton Road, north of the A421 and the proposed Roxton Road roundabout, for access to land to the east, will be retained as part of the scheme"*. We relied upon this statement and did see the need for further representations. However, during the aforementioned meeting, a representative from Skanska, the 'Principal Contractor' commented that it was not possible to give this assurance until 'detailed design' is completed, i.e., after the examination period, meaning there is a risk that National Highways will be forced to renege on this commitment. To allay our concerns and resolve the issue, we require a legally binding commitment from National Highways that this access will be retained as part of the Scheme and remain as commodious as it was before the Scheme.

#### Land South-East of Roxton Garden Centre

From the outset and within all the representations set out above, we have highlighted the perceived short-term development potential of this land and the linked 'hope' or development value over and above its agricultural value. Clearly, the cost of acquisition will be increased and the cost to the taxpayer will be greater. Consequently, within the representations contained above, we requested for the Kelpie Marina access road/track to be aligned closer to the A1. During a meeting held in August 2021, National Highways agreed to consider whether the alignment could be altered, which was an improvement on their previous position set out within their response to RR-043b, in which they said *"it has been determined not possible to realign the proposed access road further to the east"*. Despite their agreement to consider the matter, we did not receive a response until the meeting held earlier this month, during which they said it was not possible to alter the alignment due to "technical reasons". Those technical reasons have not been shared with us, but National Highways have committed to do so in late December 2021 / early January 2022. Our concern is National Highways have assumed that the cost of compulsorily acquiring more of my client's requisite interest will be more cost effective than altering the alignment of the gas main they are seeking to avoid with their current proposed alignment of the Kelpie Marina access road/track. A National Highways' representative stated that "cost is not a consideration". Putting aside whether National Highways are correct in saying that, we ask you to consider whether National Highways have a duty to deliver the publicly funded project as cost effectively as possible, and if so, whether National Highways should be reconsidering their approach to the Kelpie Marina access road/track. In the meantime, this matter remains unresolved.

We have highlighted the perceived short-term development potential of this land and the linked 'hope' or development value over and above its agricultural value. Clearly, the cost of acquisition will be increased and the cost to the taxpayer will be greater. Consequently, within the representations contained above, we requested for the flood storage area to be relocated to land where the likelihood of development is remote. During the meeting held in August 2021, National Highways agreed to consider whether the flood storage area could be relocated, which was an improvement on their previous position set out within their response to RR-043b, which implied that relocation would not be possible due to technical reasons. Despite their agreement to consider the matter, we did not receive a response until the meeting held earlier this month, during which they said it was not possible to relocate the flood storage area due to "technical reasons". Those technical reasons have not been shared with us, but National Highways have committed to do so in late December 2021 / early January 2021. We await this information. In the meantime, this matter remains unresolved and we maintain that the flood storage area could be located elsewhere along the Rockham Brook, where the likelihood of development is remote.

Within representation REP1-083, we stated our preference to retain the freehold ownership of the flood storage area, if it could not be relocated and subject to knowing what rights/restrictions may be involved, but we have not had a response in respect of the same. This issue remains outstanding.

From the outset and within all the representations set out above, we highlighted the need for a separate legal access to the land owned by my client, distinct from the land they rent. During the meeting held in August 2021, a representative of National Highways agreed that designs would be amended to make provision for this access. This statement was relied upon and no further representations were made. However, during the meeting held earlier this month, it transpired that provision has not been made for access and National Highways' representatives feared it may be too late in the examination process to amend the DCO. National Highways have agreed to investigate the matter and provide an update in respect of this matter by 22<sup>nd</sup> December 2021. In the meantime, we ask that you investigate this further and consider what action is necessary. To allay our concerns and resolve the issue, we require a legally binding commitment from National Highways to provide a private access to my client's land and to my clients' satisfaction.

### Summary

In summary, we feel that despite my clients' engagement from the outset, National Highways have done very little to resolve their concerns. My clients have relied upon assurances given by National Highways, but these assurances have not been fulfilled. We feel that it is important for you to be aware of the issues outlined in this letter, as we fear that if you are not aware of the issues, then you will assume that none exist.

We look forward to discussing the matter with you at the next appropriate opportunity.

Yours faithfully

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**Chris Templar**

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*This office will be closed from 1pm on Friday 24<sup>th</sup> December 2021  
and will reopen at 9am on Tuesday 4<sup>th</sup> January 2022.  
Wishing you a very Merry Christmas and a Prosperous New Year.*