

# A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 9

9.91 Applicant's response to the request for further information from  
the Examining Authority – Rule 8(3) and Rule 17 Letter [PD-011]

Planning Act 2008

Rule 8(3) and Rule 17

Infrastructure Planning (Examination Procedure) Rules  
2010

January 2022

Infrastructure Planning

Planning Act 2008

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

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

---

**9.91 Applicant's response to the request for further information from  
the Examining Authority – Rule 8(3) and Rule 17 [PD-011]**

---

|                                               |                                                                                 |
|-----------------------------------------------|---------------------------------------------------------------------------------|
| <b>Regulation Reference:</b>                  | Rule 17(1)                                                                      |
| <b>Planning Inspectorate Scheme Reference</b> | TR010044                                                                        |
| <b>Application Document Reference</b>         | TR010044/EXAM/9.91                                                              |
| <b>Author</b>                                 | A428 Black Cat to Caxton Gibbet improvements<br>Project Team, National Highways |

| <b>Version</b> | <b>Date</b>    | <b>Status of Version</b> |
|----------------|----------------|--------------------------|
| Rev 1          | 6 January 2022 | Deadline 7               |

## Table of contents

| <b>Chapter</b>                                                                                          | <b>Pages</b> |
|---------------------------------------------------------------------------------------------------------|--------------|
| <b>1 Applicant's response to the request for further information from the Examining Authority</b>       | <b>1</b>     |
| <b>2 Applicants response to Rule 8(3) and Rule 17 Request for Further Information</b>                   | <b>2</b>     |
| <b>Appendix A – Schedule and Evidence of Correspondence regarding Mr and Mrs Chamberlain</b>            |              |
| <b>Appendix B – Keen Screens Technical Note</b>                                                         |              |
| <b>Table of Tables</b>                                                                                  |              |
| Table 2-1 Applicant's response to the request for further information from the Examining Authority..... | 2            |

## 1 Applicant's response to the request for further information from the Examining Authority

- 1.1.1 This document comprises the Applicant's response to the request from the Examining Authority for further information in relation to Mr and Mrs Chamberlain, as set out in the Rule 8(3) and Rule 17 letter **[PD-011]** that was published on 9 December 2021.
- 1.1.2 The Applicant notes that there have been two additional submissions from Mr and Mrs Chamberlain (**[AS-018]** and **[AS-019]**) that have been accepted into the Examination at the discretion of the Examining Authority. The Applicant is seeking confirmation that **[AS-019]** is complete to allow it to provide a full response to the points made.
- 1.1.3 It should be noted that some of the information that has been submitted comprises personal and confidential information, therefore the Applicant would request that as set out in the Rule 8(3) and Rule 17 letter **[PD-011]**, the appropriate parts of this document are redacted prior to it being published on the Planning Inspectorate website. Furthermore, please note that Appendix A of this document containing copy correspondence between the parties has been submitted on the basis that it will be treated as private and confidential and will not be published on the Planning Inspectorate website.

## 2 Applicants response to Rule 8(3) and Rule 17 Request for Further Information

2.1.1 **Table 2-1** sets out the Applicant's response to the request for further information in relation to Mr and Mrs Chamberlain.

**Table 2-1 Applicant's response to the request for further information from the Examining Authority**

| Action No. | Action                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Party                                                                                  | Response at Deadline 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| R17.1.1    | <p><b>Engagement and participation so far</b></p> <p>1. List and provide evidence for the engagement so far, such as by phone, email, letter or face-to-face, between Mr and Mrs Chamberlain, the Applicant, BBC and its relevant social support agency in relation to the Proposed Development.</p>                                                                                                                                                              | <p>Applicant</p> <p>Bedford Borough Council and its relevant social support agency</p> | <p>A full schedule of all correspondence with Mr and Mrs Chamberlain is set out in Appendix A of this document.</p> <p>An index has been provided at the beginning of Appendix A to assist with the chronology of the correspondence between the Applicant and Mr and Mrs Chamberlain.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|            | <p>1. Did you receive any of the following documents via the post or email? You can view information about each by clicking on the weblink?</p> <ul style="list-style-type: none"> <li>A section 56 Notice about the acceptance of the Application for Examination</li> <li>A rule 6 letter, outlining various key procedural matters and invite to a meeting in August</li> <li>A rule 8 letter confirming the timetable and other procedural matters</li> </ul> | <p>Mr and Mrs Chamberlain</p>                                                          | <p>Whilst this point is for Mr and Mrs Chamberlain to provide a response to, the Applicant can confirm that a section 56 Notice was sent to Mr and Mrs Chamberlain on 26 April 2021. The letter was not returned to the Applicant. The address written to was the same as all previous correspondence since 2017 (see Appendix A Schedule of all correspondence with Mr and Mrs Chamberlain) which had also not produced any 'return to sender and is the address as detailed on the Land Registry title for the property.</p> <p>The Applicant is confident the address used for correspondence is correct as forms sent to that address have been returned, completed by Mr and Mrs Chamberlain, for example see REF-059 in Appendix A.</p> |

| Action No. | Action                                                                                                                                                                                                                                                                                                                                                                | Party                                                                           | Response at Deadline 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <p>related to the Examination</p> <p>2. Have you received any other communications about the Examination process? If so, please provide more detail.</p> <p>3. At any stage of the process, has anyone acted on your behalf, such as a friend, relative, solicitor or property agent? Would you like to appoint someone to represent you or speak on your behalf?</p> |                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| R17.1.2    | <p>PSED and Human Rights</p> <p>1. Applicant, BBC and agencies, are you aware, and if so how did you conclude, that Mr and Mrs Chamberlain may have protected characteristics under Section 4 and Section 149(7) of the Equality Act 2010?</p> <p>2. Applicant, BBC and agencies, provide</p>                                                                         | <p>Applicant Bedford Borough Council and its relevant social support agency</p> | <p>The Applicant has met face to face with Mr and Mrs Chamberlain and from these meetings is aware that they are elderly. Correspondence between the Applicant and Mr and Mrs Chamberlain also confirms this (see REF-070 in Appendix A).</p> <p>At a socially distanced meeting held in December 2020, the Applicant was asked at the outset of the meeting to speak up during the meeting so they could be heard. Furthermore, in an email to the Applicant, dated 26 April 2021, Mrs Chamberlain stated that in relation to Mr Chamberlain, his "██████████", see REF-071 in Appendix A.</p> <p>The Applicant understands from correspondence received from Mr and Mrs Chamberlain that they have both found the process very difficult, see REF-012, REF-020, REF-024, REF-035, REF-046, REF-050, REF-055 and REF-062 and REF-070 in Appendix A. The overarching duty, as contained in section 149 of the Equality Act 2010, requires that the Scheme should not disadvantage particular groups identified as having protected characteristics. The EQIA [APP-245] demonstrates how this public sector duty has been complied with.</p> <p>The Applicant is aware that Mr and Mrs Chamberlain are ██████████ (see REF-070 in</p> |

| Action No. | Action                                                                                                                                                                                                                                                                                                                                                     | Party | Response at Deadline 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <p>further information about the protected characteristics of Mr and Mrs Chamberlain, in order to test the effects of the Proposed Development, the adequacy of the proposed measures and proportionality assessment.</p>                                                                                                                                  |       | <p>Appendix A) but is unable to provide any further information about any other protected characteristics of Mr and Mrs Chamberlain. However, as set out above from meeting face to face with Mr and Mrs Chamberlain, the Applicant is aware that [REDACTED].</p> <p>Correspondence with Mr and Mrs Chamberlain also makes reference to the impact the process has had [REDACTED] (see REF-070 in Appendix A).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|            | <p>3. Applicant, BBC and agencies, explain whether the effects of the Proposed Development on Mr and Mrs Chamberlain and their business would interfere with their human rights, specifically Article 1 of the First Protocol (protection of property) and Article 8 (respect for private and family life) of the European Convention on Human Rights.</p> |       | <p>3. &amp; 4. The Applicant accepts that the effects of the draft DCO, if made, may infringe on the human rights of Mr and Mrs Chamberlain, specifically Article 1 of the First Protocol to the European Convention on Human Rights relating to the protection of property and Article 8 of the European Convention on Human Rights relating to respect for private and family life and their home but submits that any interference is justified and proportionate. In order to construct the realigned A1 carriageway approaching the existing Black Cat roundabout, it is necessary to demolish plots 1/38a, 1/39a and 1/39b, as owned by Mr and Mrs Chamberlain. It is understood that these plots are owned by Mr and Mrs Chamberlain and are used as their dwelling and for their business, Keen Screen Services. Three units (1/39b) have previously been used as commercial units for hire, although the Applicant understands these units are currently being used for storage by Mr Chamberlain.</p> |
|            | <p>4. Applicant, if there would be an interference in these rights, explain how you have concluded that such interference is justified, including with appropriate reference to legislation and caselaw.</p>                                                                                                                                               |       | <p>As set out in the Applicant's Statement of Reasons at section 6, and specifically in respect of Mr and Mrs Chamberlain's interests at paragraphs 6.1.9 to 6.1.11, the Applicant recognises the impact that the Scheme may have on individuals. However, the Applicant considers that the public benefits arising from the Scheme outweigh the harm to those individuals. Paragraph 10 of the CA Guidance sets out how applicants should take into account Human Rights, namely that "<i>The Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land</i></p>                                                                                                                                                                                                                                                                                                                                                                       |

| Action No. | Action                                       | Party | Response at Deadline 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------|----------------------------------------------|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                                              |       | <p><i>are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. In particular, regard must be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of acquisition of a dwelling, Article 8 of the Convention."</i></p> <p>The Applicant considered whether there were any design alternatives to demolition of these plots owned by Mr and Mrs Chamberlain. This is considered further in the Keen Screens Technical Note at Appendix B of this document. Unfortunately, the junction could not be designed to avoid the property due to its close proximity to the existing A1, and as a result demolition is required to deliver the Scheme.</p> <p>The Applicant has also sought to acquire Mr and Mrs Chamberlain's interests by agreement but the Applicant's offer to acquire the interests has not been accepted, nor any counter-offer received from Mr and Mrs Chamberlain. Since the offer was made by the Applicant, the Applicant has continued to seek to engage with Mr and Mrs Chamberlain but without success to date. See the Applicant response to part 2 of R17.1.3 for a list of correspondence on this point.</p> <p>The whole of plots 1/38a, 1/39a and 1/39b are required to deliver, operate and maintain the realigned A1 carriageway and both at this location and for the remainder of the plots included in the draft DCO, the land over which compulsory acquisition powers are sought is the minimum necessary to deliver the Scheme. A detailed summary of the benefits of the Scheme is set out in the Case for the Scheme <b>[APP-240]</b>, and summarised at section 2 of the Statement of Reasons.</p> <p>As a result of the minimum land-take necessary to deliver the Scheme, the attempts to acquire the interests by agreement and the compelling public benefits that the Scheme will deliver, the Applicant considers that the interference with human rights is both proportionate and justified.</p> |
|            | 5. The EQIA states <b>[APP-245, Page 23]</b> |       | Section 20 of the Equality Act 2010 sets out a duty to make adjustments <span style="background-color: black; color: black;">[REDACTED]</span>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |



| Action No. | Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Party | Response at Deadline 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <p><i>“Ongoing engagement will be undertaken with all relevant parties and will continue to be inclusive of any specific requirements of those involved. This includes where tenants may need specific reasonable adjustments to enable them to fully participate in engagement activities due to their protected characteristics.”</i></p> <p>Applicant list all instances where you made, or attempted to make contact with Mr and Mrs Chamberlain. Provide details and summarise any reasonable adjustments requested or made to facilitate their engagement. BBC, its agencies and Mr and Mrs Chamberlain may wish to comment. (You may provide a coordinated response to this question and question R17.1.1.1.)</p> |       | <p>██████ would be put at a substantial disadvantage. This requires taking such steps as it is reasonable to have to take to avoid such disadvantage. The Applicant believes that steps have been taken to avoid any disadvantage being incurred by Mr and Mrs Chamberlain as follows:</p> <p>The Applicant met with Mr and Mrs Chamberlain at Bedford Borough Council in October 2018 at Mr and Mrs Chamberlain’s request and with Melanie Macleod of Bedford Borough Council present, see REF-028 in Appendix A.</p> <p>To support an expressed desire for early purchase, the Applicant’s Property and Compensation team visited Mr and Mrs Chamberlain on 11 June 2019 to explain the discretionary purchase process. Application forms were given to Mr and Mrs Chamberlain and the project team were able to outline the required content. Note that this meeting was not minuted as it was held to explain how to complete the discretionary purchase and blight forms.</p> <p>Within the letter dated 18 June 2020 the Applicant included links to government publications on compulsory acquisition and discretionary purchase and an offer to provide hard copies if required, see REF-053 at Appendix A. These booklets were originally provided in hard copy at the meeting held in October 2018.</p> <p>A meeting was held on 9 December 2020 with Mr and Mrs Chamberlain to outline the compensation process, see REF-061 at Appendix A for meeting minutes.</p> <p>This meeting was held in person to accommodate the needs of Mr and Mrs Chamberlain who expressed difficulty accessing video conferencing services. At this meeting the Applicant set out how the property would be valued and what additional items would be considered as part of the compensation claim. Agreement was also reached to begin the valuation process.</p> <p>The Applicant has repeatedly (on more than ten occasions) suggested to Mr and Mrs</p> |

| Action No. | Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Party                  | Response at Deadline 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                        | <p>Chamberlain that they could employ a land agent to support them and advised that reasonable fees would be payable by National Highways. See REF-004, REF-016, REF-019, REF-021, REF-021, REF-041, REF-047, REF-061, REF-067, REF-089, REF-092, REF-094 and REF-095 in Appendix A.</p> <p>During February 2021 a series of emails were exchanged between the Applicant and Mr and Mrs Chamberlain to address how the site could be cleared of recovered materials and value gained from their sale. The Applicant agreed to pay reasonable costs including labour to sort the materials and skip hire to dispose of any waste material, see REF-063, Ref-065 and REF-066 in Appendix A.</p> |
|            | <p>1. 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> | Mr and Mrs Chamberlain | The section is not applicable to the Applicant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| Action No. | Action                                                                                                                                                                                                                                                                                                                                                                                     | Party                  | Response at Deadline 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| R17.1.3    | <p><b>Reasonable alternatives to CA</b></p> <p>1. Applicant, provide further justification in line with CA guidance that for the plots 1/38a, 1/39a and 1/39b <b>[REP4-010]</b> all reasonable alternatives to CA, including modifications to the scheme, have been explored.</p>                                                                                                          | Applicant              | <p>As set out in the Applicant's response to question R17.1.2 above, the Applicant considered whether there were any design alternatives to negate demolition of plots 1/38a, 1/39a and 1/39b. Unfortunately, the junction could not be designed to avoid the property due to its proximity to the existing A1 and Black Cat junction. As a result, demolition is required to deliver the Scheme.</p> <p>The Applicant has also sought to acquire Mr and Mrs Chamberlain's interests by agreement but the Applicant's offer to acquire the interests has not been accepted, nor any counter-offer received. The Applicant has continued to seek to engage with Mr and Mrs Chamberlain regarding acquisition, but without success to date.</p>                                                                                                                                                                                                                                                                                                                                   |
|            | <p>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.</p> | Mr and Mrs Chamberlain | <p>Whilst this point is for Mr and Mrs Chamberlain to provide a response to, it should be noted that at the request of Mr and Mrs Chamberlain, the Applicant wrote to them on 18 June 2020. This letter confirmed the Applicant's intention to acquire the site for the purposes of the Scheme. See REF-053 in Appendix A.</p> <p>The Applicant has met Mr and Mrs Chamberlain in person on the following dates:</p> <ul style="list-style-type: none"> <li>• 25 October 2018 – see REF-029 in Appendix A for meeting minutes.</li> <li>• 29 May 2019 - see REF-037 in Appendix A for meeting minutes.</li> <li>• 11 June 2019 - meeting not minuted as the meeting was held to explain how to complete the discretionary purchase and blight forms.</li> <li>• 13 June 2019 – Mr Chamberlain attended a landowner consultation event where consultation materials were available in paper and digital format and team members available to answer questions, see REF-036 in Appendix A.</li> <li>• 9 December 2020 - see REF-061 in Appendix A for meeting minutes.</li> </ul> |

A428 Black Cat to Caxton Gibbet improvements  
 Applicant's response to the request for further information from the Examining Authority  
 Rule 8(3) and Rule 17 [PD-011]

| Action No. | Action                                                                                                                                                         | Party                  | Response at Deadline 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                                                                                                                                                                |                        | <ul style="list-style-type: none"> <li>• 29 March 2021 – property inspection for valuation, not minuted.</li> <li>• 26 August 2021 - see REF-089 in Appendix A for meeting minutes.</li> </ul> <p>The Applicant also corresponded with Mr and Mrs Chamberlain on the following dates:</p> <ul style="list-style-type: none"> <li>• 16 April 2021 – email to owner with property queries following inspection, see REF-070 in Appendix A.</li> <li>• 24 May 2021 – email from owner with responses to queries.</li> <li>• 12 July 2021 – email from owner with further information.</li> <li>• 12 August 2021 – formal offer made by the Applicant, see REF-086 in Appendix A.</li> <li>• 16 August 2021 – offer of face to face meeting, see REF-087 in Appendix A.</li> <li>• 8 September 2021 – email to owners with Planning Inspectorate address, meeting minutes and potential comparables cited by the owner, see REF-090 in Appendix A.</li> <li>• 5 October 2021 – email to owner requesting further details on comparables cited by the owner, see REF-093 in Appendix A.</li> <li>• 27 October 2021 – email to owner requesting details on comparables cited by the owner, see REF-094 in Appendix A.</li> <li>• 1 December 2021 – email to owner requesting details on comparables cited by the owner and whether an agent has been instructed, see REF-095 in Appendix A.</li> </ul> |
| R17.1.4    | <p><b>Effects of the Proposed Development</b></p> <p>If you wish, you may want to read some information available on the Planning Inspectorate website and</p> | Mr and Mrs Chamberlain | The section is not applicable to the Applicant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| Action No. | Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Party | Response at Deadline 7 |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------------------|
|            | <p>look over the material on the project webpage.</p> <ul style="list-style-type: none"> <li>• Guidance related to procedures for the compulsory acquisition of land</li> <li>• A428 Black to Caxton Gibbet</li> </ul> <ol style="list-style-type: none"> <li>1. Do you live at this property? If so, is this your only home? If so, do you have alternative accommodation if compulsory acquisition of your property was authorised?</li> <li>2. Is the property your business? If so, is this your only source of income? Provide details and evidence.</li> <li>3. Do children under the age of 18 live at this property with you?</li> <li>4. Are there other people living at this property that would be affected? Are there other businesses operating at this property that would be affected?</li> <li>5. 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.</li> </ol> |       |                        |

| Action No. | Action                                                               | Party                                                                                          | Response at Deadline 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <p>6. You may provide your understanding of the above questions.</p> | <p>Applicant<br/>           Bedford Borough Council and its relevant social support agency</p> | <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>The Applicant has not been made aware of children under the age of 18 living at the property.</p> <p>The Applicant is aware that Unit 2 is let to Ink Oil and Razorblades. This is set out in the Book of Reference <b>[REP4-010]</b> at Plot 1/38a.</p> <p>At the meeting held on 9 December 2020 the Applicant outlined the expected examination timeline.</p> <p>On 26 April 2021 the Applicant offered to contact support services to assist as Mr and Mrs Chamberlain advised of an impact on mental health. See email REF-071 in Appendix A.</p> <p>On 28 April 2021 the Applicant advised the Chamberlains that the advice received from Bedford Borough Council was to contact the Community Mental Health team. The Applicant did so on behalf of Mr and Mrs Chamberlain. See email REF-074 in Appendix A.</p> <p>The Applicant has repeatedly (on more than ten occasions) suggested to Mr and Mrs Chamberlain that they could employ a land agent to support them and advised that reasonable fees would be payable by National Highways. See REF-004, REF-016, REF-019, REF-021, REF-021, REF-041, REF-047, REF-061, REF-067, REF-089, REF-092, REF-094 and REF-095 in Appendix A.</p> |

**CONFIDENTIAL – Appendix A contains personal and sensitive information and is not to be published**

**Appendix A – Schedule and Evidence of Correspondence regarding Mr and Mrs Chamberlain**



# The Planning Inspectorate

|           |                                                                                                                                                      |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| Reference | 9.91                                                                                                                                                 |
| Name      | A428 Black Cat to Caxton Gibbet improvements                                                                                                         |
| Document  | Applicant's response to the request for further information from the Examining Authority – Rule 8(3) and Rule 17 Letter [PD-011] – <b>Appendix A</b> |
| Status    | Confidential                                                                                                                                         |

This document contains confidential information and is only available on request to those who have a legitimate need to view it.



A428 Black Cat to Caxton Gibbet improvements  
Applicant's response to the request for further information from the Examining Authority  
Rule 8(3) and Rule 17 [PD-011]

---

## Appendix B – Keen Screens Technical Note

# 1 Introduction

## 1.1 Purpose of this document

1.1.1 The purpose of this technical note is to set out why the removal of the Keen Screen Services area (at plots 1/38a, 1/39a and 1/39b) is necessary in order to deliver the Scheme and therefore to provide the substantial public benefits which will be realised from the Scheme's delivery.

1.1.2 This technical note sets out the alternatives considered to retain the property and the reasons why the alternatives were discounted.

## 1.2 Site Location

1.2.1 The Keen Screens property is located approximately 80m from the existing Black Cat roundabout, opposite the Travelodge and Shell fuel filling station, which are also both to be demolished as part of the Scheme. The access and egress for the property is off the A1 southbound carriageway. The proposed junction will place the property within approximately 22m of the circulatory and 55m of the elevated A421 forming part of the three-tiered grade separated junction.

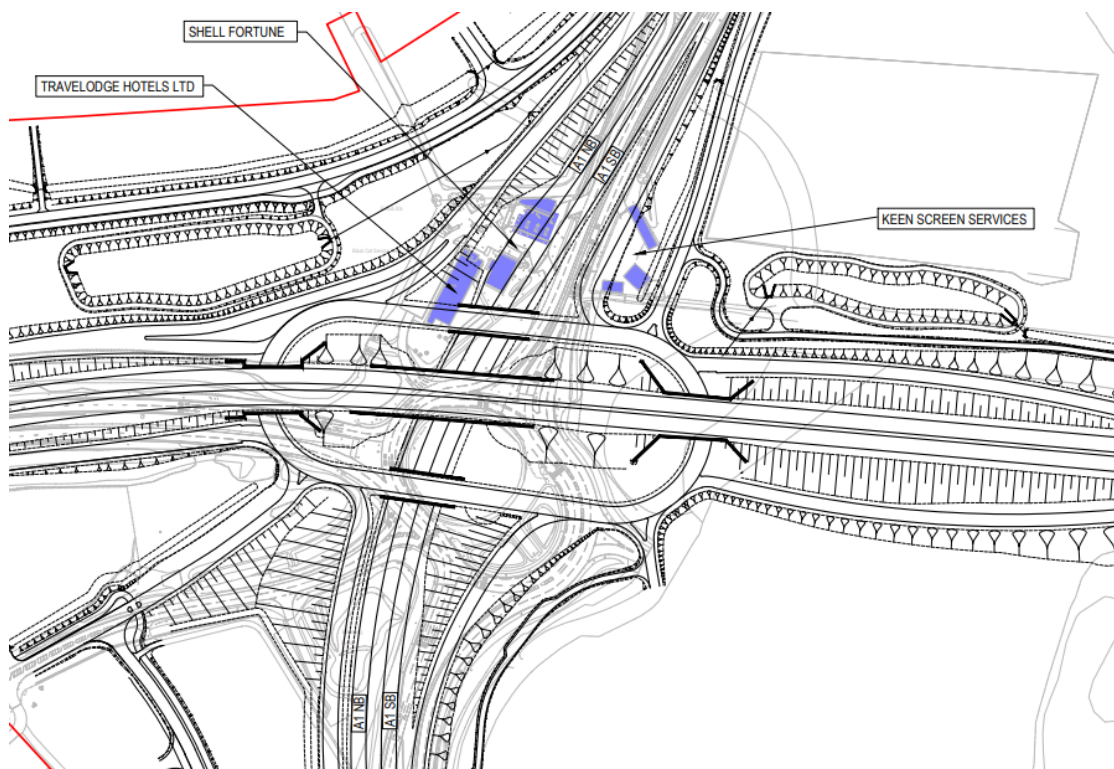


Figure 1-1: Keen Screens Location

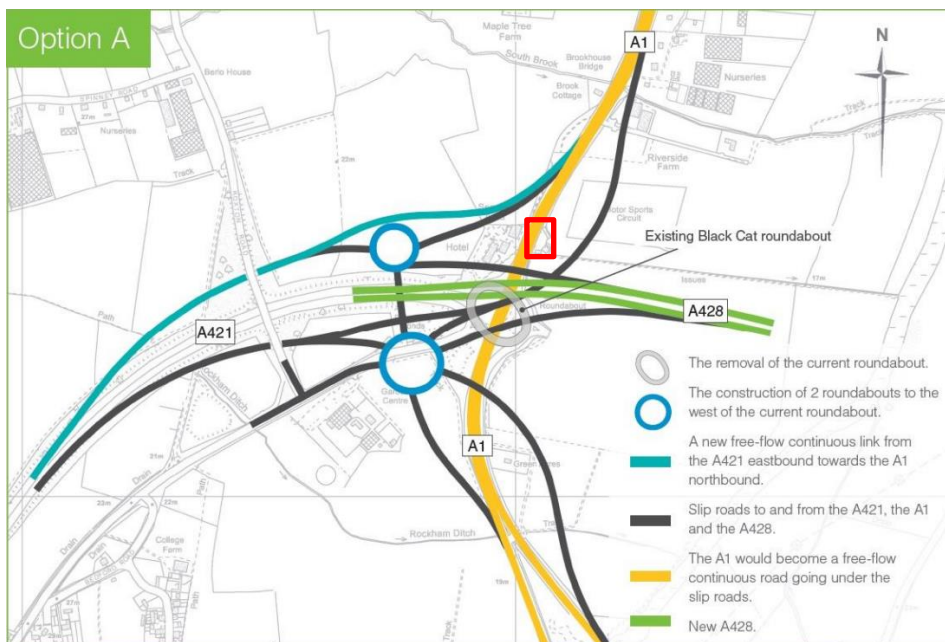
## 2 Pre-Preferred Route Announcement Alternatives

### 2.1 Introduction

- 2.1.1 Prior to the Preferred Route Announcement (PRA), three options A, B and C were presented at the non-statutory public consultation following PCF Stage 1 - Option Identification. These options and their potential to impact the Keen Screens property are set out below.
- 2.1.2 Following the initial schematic design, Option A was found to potentially retain the property whilst Options B and C were considered to result in demolition of the property.
- 2.1.3 The concept 3D geometrical refinement review which developed the initial schematic design following non-statutory consultation found that Options A and C would result in demolition of the property and that Option B would also potentially result in demolition of the property.

### 2.2 Option A

- 2.2.1 The schematic diagram of Option A (repeated below in **Figure 2-1**) presented at non-statutory consultation, depicted the Keen Screens property within the area edged red as having the potential to be retained between the A1 (passing under the slip roads) and the A1 southbound offslip road.



**Figure 2-1: Non-Statutory Consultation Option A**

- 2.2.2 Following non-statutory consultation, a further review was undertaken that developed the conceptual 3D geometrical extents (see **Figure 2-2**). This showed that the retention of the Keen Screens property was not possible due to its proximity to the A1 and the Black Cat roundabout.

- 2.2.3 The Applicant notes the Affected Person's comments **[AS-019]** pertaining to the information presented for Option A, which 'appeared to give all the necessary safety aspects and cost implications' for the retention of the Keen Screens property. Option A as presented at non-statutory consultation, bounded the property between a lowered A1 and the A1 southbound offslip road, with no direct access permitted.
- 2.2.4 As explained above, the further review concluded that Option A required the demolition of the property to construct the junction.

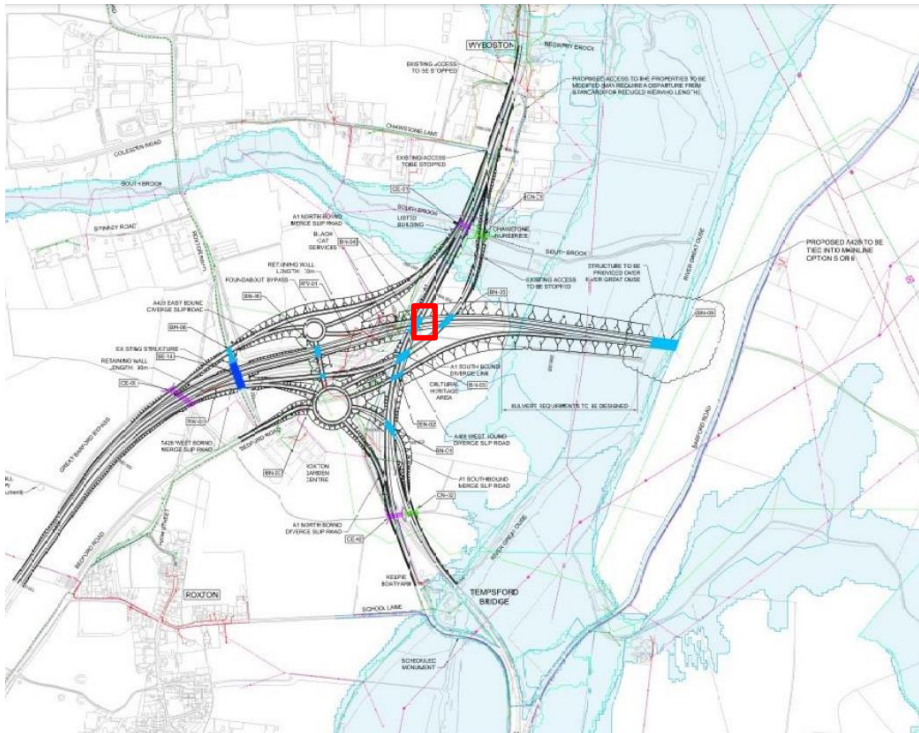
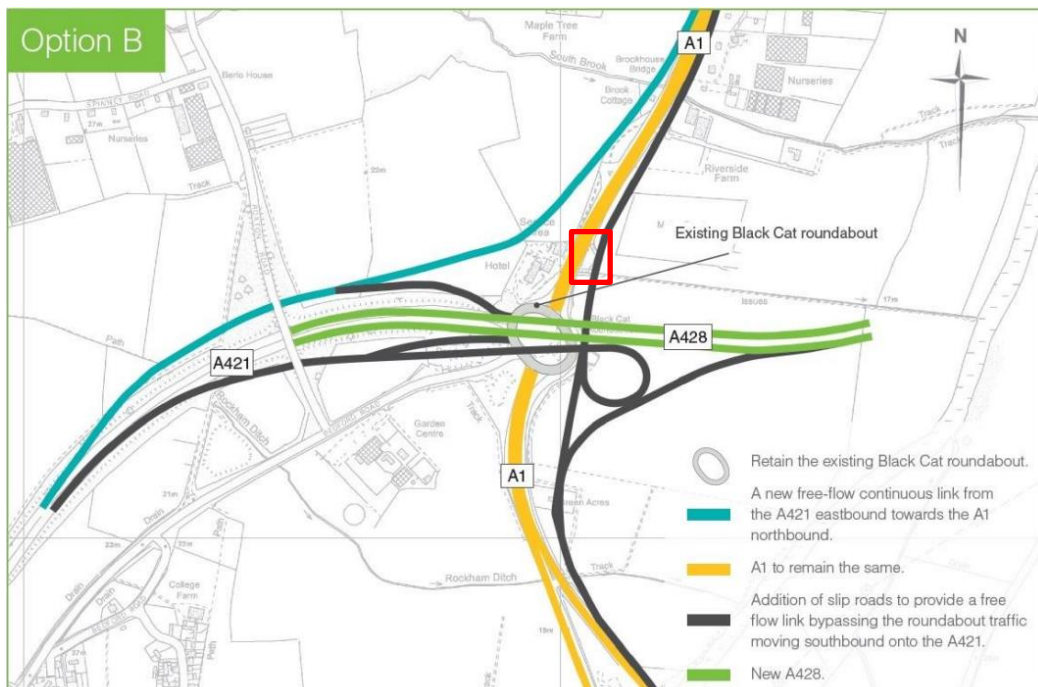


Figure 2-2: Further review of Option A

## 2.3 Option B

2.3.1 The schematic diagram of Option B (repeated below in **Figure 2-3**) presented at non-statutory consultation, depicted the Keen Screens property as being impacted (potential demolition) by the free-flowing A1 southbound slip road.



**Figure 2-3: Non-Statutory Consultation Option B**

2.3.2 Following non-statutory consultation, a further review was undertaken that developed the conceptual 3D geometrical extents (see **Figure 2-4**). This also showed that the Keen Screens property could potentially be demolished with the free-flowing A1 southbound slip road in close proximity at the back of the property. If the Keen Screens property could be retained, this option would maintain the existing access arrangement from the property onto the A1 and the property would be bound by the proposed free-flowing A1 southbound slip road to the east and the elevated A421 to the south.

A428 Black Cat to Caxton Gibbet improvements

Applicant's response to the request for further information from the Examining Authority – Rule 8(3) and Rule 17 [PD-011]

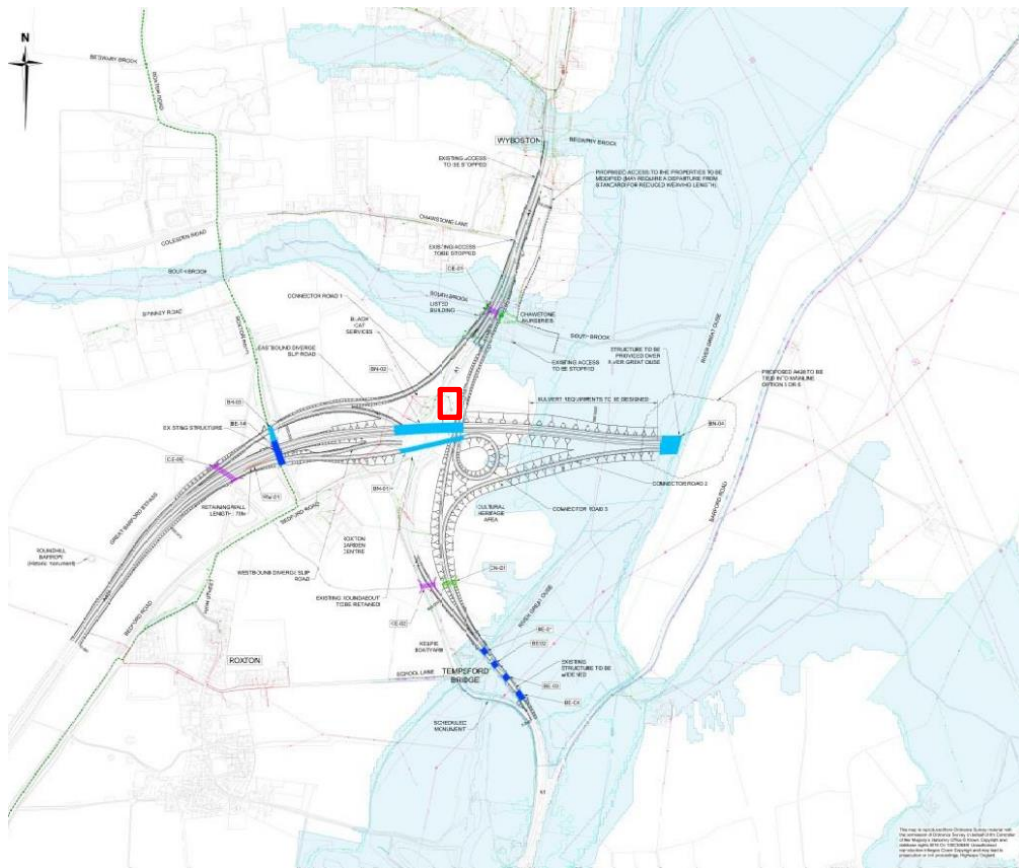


Figure 2-4: Further review of Option B



## 2.5 Outcomes of non-statutory consultation and review

2.5.1 The below table summarises the options presented at non-statutory public consultation, 3D refinement and the potential impact on the Keen Screens property.

**Table 2-1: Pre-Preferred Route Announcement Impacts on Keen Screens**

| Option Detail | Option A             | Option B               | Option C   |
|---------------|----------------------|------------------------|------------|
| Non-stat      | Potentially Retained | Potentially Demolished | Demolished |
| 3D refinement | Demolished           | Potentially Demolished | Demolished |

2.5.2 Option A was not the preferred option at non-statutory consultation receiving less than half the support from the public compared to the most preferred option - Option C. In addition, the Black Cat junction Option A was a non-standard layout, a less intuitive arrangement, and would potentially lead to driver confusion.

2.5.3 Option B was the least preferred option at non-statutory consultation and the junction did not provide an eastward connection for vehicles travelling to and from the A1. Therefore, Option B did not meet the Scheme objectives.

2.5.4 Option C was the most popular option at non-statutory consultation and performed best in traffic modelling simulations. It provides an “all ways movement” junction that caters for all directions.

2.5.5 As a result of the above, Option C was chosen as the preferred route, and Options A and B were discounted.



## 3 Post-Preferred Route Announcement Alternatives

### 3.1 Introduction

- 3.1.1 The Scheme proposes to acquire the Keen Screens property in full for the delivery of the Black Cat junction, in particular to facilitate delivery of the A1 southbound offslip road and the A1 Services Link.
- 3.1.2 The alternatives considered in order to retain the Keen Screens property post-Preferred Route Announcement therefore centred around the relocation of the offslip road and A1 Services Link/Great North Road residential access road:
- Keen Screens East Alternative - Relocation of the A1 southbound offslip road and A1 Services Link/Great North Road residential access road to the east of its current location
  - Keen Screens West Alternative - Relocation of the A1 southbound offslip road to the west and the A1 Services Link to the east of their current location.
- 3.1.3 The Keen Screens alternatives considered were a refinement of the design development of the preferred scheme (Option C) and, whilst seeking to maintain the Scheme objectives, built on the wider optioneering process undertaken at previous stages (as explained in 9.39 Overview of the Alternatives considered at the Black Cat Junction [REP4-033]).
- 3.1.4 The considerations described below are specific to the Keen Screens property and are in addition to the Technical Constraints set out in the Black Cat Junction Design Options [APP-247].

### 3.2 Keen Screens East Alternative

- 3.2.1 Consideration was given to an alternative which relocated the slip road and the A1 service link to the east, which would have enabled the retention of the property. However, this resulted in the property being bound between the A1 dual carriageway and the slip road with no direct access and would have elongated the Black Cat junction circulatory towards the east. Ultimately, this alternative was discounted as explained below.
- 3.2.2 The Design Manual for Roads and Bridges (DMRB) does not permit direct accesses onto slip roads on safety grounds. Similarly, the requirements of the DMRB would not allow direct access onto the A1 through the junction. Added to this, the A1 is approximately 4.5m below existing ground level to facilitate the free-flow underpass through the Black Cat junction therefore it would also not be viable to provide an access onto the A1 carriageway.

- 3.2.3 With respect to elongating the Black Cat junction circulatory to the east, the impacts outlined in **[REP1-034]** paragraph 1.1.5 associated with moving the junction to the east, in particular the impacts to flood risk and property and business acquisition would apply. By moving the junction to the east, additional flood compensation would be required with the available area for which to provide flood compensation reduced. In addition, moving the junction to the east would increase the land acquisition of properties on Great North Road.
- 3.2.4 For the reasons outlined in paragraph 3.2.2 the Keen Screens property would be isolated with no suitable means of access and therefore this alternative was not considered feasible.

### 3.3 Keen Screens West Alternative

- 3.3.1 Consideration was also given as to whether the slip road could be relocated further to the west of the property so the property could be retained, however this was discounted for the following reasons:
- a. The A1 would be pushed further west, which would tighten the horizontal radius below Black Cat junction and increase land acquisition for visibility requirements – this is an inefficient use of land and has potential safety implications to the trunk road network traffic.
  - b. The Black Cat junction would also be pushed further west which would result in the following:
    - i. Enlarged junction circulatory to the west, increasing land acquisition.
    - ii. Relocate the high point along the A421 of the grade separated junction to the west, closer to Roxton.
    - iii. The Roxton Road overbridge would need to be raised and would result in an unacceptable gradient on the approach of Roxton Road to the Bedford Road junction. This would result in an increased risk in vehicles being unable to stop at the give way line, particularly in icy or wet weather, resulting in the risk of significant collisions with other road users on Bedford Road.
    - iv. Moving the Black Cat junction further to the west would increase the total width of the A421 mainline and adjacent slip roads where the Roxton Road crosses, which would further increase the span of Roxton Road bridge.
    - v. Increased impermeable surface area to be attenuated and the associated impacts on drainage design and groundwater.
  - c. Relocating the Roxton Road Link (south) further to the west to accommodate the Black Cat junction modification, would impact on private businesses, potential diversion of the High Pressure Gas main of national importance and potentially further impact on archaeology in the area (asset ID 745 in Field 9, Table 6-6 – page number 90 within Environmental Statement - Chapter 6 - Cultural Heritage **[APP-075]**).

- 3.3.2 The current design of the Scheme already incorporates approved departures from standards for a relaxation in the vertical crest curve as the A421/new dual carriageway passes under the Roxton Road overbridge and rises over the Black Cat junction to ensure the viaduct adequately clears the River Great Ouse. Movement of the junction which would be required to facilitate this alternative would result in departures from standards which would have been unacceptable by National Highways Safety, Engineering and Standards (SES) for safety reasons on the approach to the merge slip roads.
- 3.3.3 For the reasons outlined above, the retention of the property by moving the A1 southbound offslip road to the west would result in significant unacceptable design modifications and associated environmental and safety impacts; therefore, this alternative was not considered feasible.

## 4 Conclusion

- 4.1.1 Prior to the Preferred Route Announcement and at non-statutory public consultation, the Applicant considered an alternative that potentially retained the Keens Screens property (Option A) but through further 3D design refinement and as an increased level of detail became available the likelihood of the property's demolition increased. Option A was discounted as it did not meet the objectives of the Scheme and was not the preferred option at non-statutory public consultation.
- 4.1.1 Post the Preferred Route Announcement, the Applicant considered further alternatives to retain the Keen Screens property, but these were not considered feasible as demonstrated above.