

14th January 2022

The Planning Inspectorate
Menaka Sahai
Lead Member of the Examining Authority
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Menaka Sahai,

A428 Black Cat to Caxton Gibbet Road Improvement Scheme – Deadline 8

We write on behalf of the Church Commissioners for England (CCE) in connection with land it has an interest in, which will be impacted by the A428 improvement scheme. The land is located broadly between the settlements of Cambourne and Eltisley, as identified within our Written Representation.

This correspondence relates to 'Deadline 8'. As an Interested Party, there are a number of matters which we wish to cover on behalf of CCE in advance of Deadline 8 today. These matters are set out within Appendix 1 prepared by Charles Russell Speechlys LLP.

If you would like to discuss any aspect, please do not hesitate to contact my colleague, Nolan Tucker (ntucker@deloitte.co.uk).

Yours sincerely



Deloitte LLP

Appendix 1 – Deadline 8 Submission

THE CHURCH COMMISSIONERS FOR ENGLAND
DEADLINE 8 SUBMISSION

1 INTRODUCTION

The submissions below have been prepared by Charles Russell Speechlys LLP on behalf of the Church Commissioners for England (**CCE**) in connection with CCE's land that will be impacted by the A428 improvement scheme proposed by National Highways (**NH**).

2 COMMENTS ON INFORMATION & SUBMISSIONS RECEIVED AT DEADLINE 6 AND RESPONSE TO WRITTEN QUESTIONS

2.1 We refer to the Examining Authority's written questions and requests for information (**WQ3**) published on 22 December 2021.

2.2 Q3.6.2.1: Comments on Annex R Borrow Pits Management Plan (**Plan**) in the First Iteration EMP [REP6-008]. CCE owns the land immediately east of the A1198 (Ermine Street) and north of the existing A428 (Cambridge Road) which is to be used for a borrow pit as part of the A428 improvement scheme and is referred to as "Site 3" for the purposes of the Plan. CCE welcomes the further details on key stakeholder engagement in relation to the borrow pits and on baseline conditions, mitigation and restoration set out in the Plan. CCE wishes to make the following comments:

2.2.1 As per CCE's previous submissions, CCE supports NH's conclusion that the restoration of borrow pits to achieve biodiversity net gain is not required (R-4). Should the Examining Authority require any further details of their position on this matter, CCE would be happy to provide them.

2.2.2 R-9 of the Plan sets out details on how the Principal Contractor will engage with key stakeholders "with an interest on how the land identified for use as borrow pits will be used and managed". CCE requests that the definition of key stakeholders be clarified in respect of the restoration works to comprise only those with an ownership interest in the relevant land. Where the land is to be restored for agricultural purposes, then the precise details of restoration are a matter between landowner and NH.

- 2.2.3 The Plan states at R-15 that access for a detailed soil survey of Site 3 was not granted. NH have not made any requests for access to undertake soil surveys to CCE as the freehold owner or their consultants. CCE can and will grant consent for detailed soil surveys to be undertaken. This should be done to obtain a full record of the condition of the soils and detailed analysis of items such as organic matter, nutrient content, fertilizer levels and compaction. Such a record is necessary to ensure that the reinstatement of soil at the end of the scheme is to an equal quality as the soil prior to the scheme. CCE requests that the Plan requires that the results of any such survey are shared with landowners prior to the works commencing.
- 2.2.4 Paragraph 1.8.2 at R-38 should state that the soil will be restored to a quality equal to the quality of the soil prior to the start of the scheme as determined by the detailed soil surveys.
- 2.2.5 The Plan refers at R-34 to archaeological sites identified within the borrow pit at Site 3 being subject to archaeological excavation in advance of the construction of the borrow pit. The Plan should specify that landowners will be notified as to when such excavation works will commence and provided with details of the outcome.
- 2.2.6 The borrow pit restoration measures set out at R-38 of the Plan do not include reference to any remedial land drainage works. While CCE appreciates that it may not be possible to understand whether remedial land drainage works will be needed or not at this stage, the potential need for such works should be considered in the Plan and undertaken if deemed necessary and landowners given the opportunity to comment on the detailed proposals.
- 2.2.7 Whilst the draft DCO intends that the land for the borrow pits be permanently acquired (although the need for that is not accepted given temporary powers would suffice), it appears that NH intend for land to be offered back and therefore landowners / former landowners should be kept informed throughout the process. Ultimately, CCE and NH have agreed that a lease of the relevant borrow pit area can be granted.
- 2.2.8 For clarity, the Plan should include red line plans showing the location and boundaries of the borrow pits as was included in the Borrow Pits Excavation and Restoration Report submitted at Deadline 3 [TR010044/EXAM/9.24].

- 2.3 TR010044/EXAM/9.73 Applicant Response to actions arising from Issue Specific Hearing 6 – We note the applicant’s response to point 5 in terms of the practical implications of the increase in the notice period to 28 days. Clearly, NH sets, and is in charge of, its own programme and therefore should be able to manage the risks identified adequately.
- 2.4 Update on negotiations: All of the documentation and required information is with NH, who have not yet circulated second revisions at the time of writing (14 January - due by close of business 7 January 2022 under the agreed timetable). If the agreements are not completed by the final deadline for representations, CCE will submit full representations on the matter given the burden on NH to seek to acquire by agreement and their apparent failure to resource themselves adequately to do so.

CHARLES RUSSELL SPEECHLYS LLP

14 January 2022