

# A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 9

9.100 Joint Position Statement on methodology, practicalities and  
the value of relocating Brook Cottages

Planning Act 2008

Rule 8(1)(k)

Infrastructure Planning (Examination Procedure)  
Rules 2010

January 2022

## Infrastructure Planning

### Planning Act 2008

### The Infrastructure (Examination Procedure) Rules 2010

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

---

### 9.100 Joint Position Statement on methodology, practicalities and the value of relocating Brook Cottages

---

<b>Regulation Reference:</b>	Rule 8(1)(k)
<b>Planning Inspectorate Scheme Reference</b>	TR010044
<b>Application Document Reference</b>	TR010044/EXAM/9.100
<b>Author</b>	A428 Black Cat to Caxton Gibbet improvements Project Team, National Highways

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 1	14 January 2022	Deadline 8

## Table of contents

<b>Chapter</b>	<b>Pages</b>
<b>1 Introduction</b>	<b>1</b>
<b>Annex A – Requirement 16 Brook Cottages</b>	<b>9</b>
<b>Annex B – Requirement 16 Flowchart</b>	<b>13</b>

### Table of Tables

Table 1-1. Joint Position Statement between the Applicant, Historic England and Bedford Borough Council at Deadline 8 (14 January 2022) .....	2
---	---

# 1 Introduction

- 1.1.1 This Joint Position Statement (the Statement) has been produced to address Question 3.12.2.2 ‘Survey of Brook Cottages’ of the Examining Authority’s Third Written Questions **[PD-014]** which requires submission of a joint position statement between the Applicant, Historic England and Bedford Borough Council, on matters including but not limited to:
- a. Methodology of the survey.
  - b. The methodology and practicalities around the dismantling and relocation of Brook Cottages.
  - c. Views on what would be a suitable relocation venue, shortlist of specific locations and progress on any conversations.
  - d. The value of the relocation, including in terms of the assessment and significance of effects in the Environmental Statement (ES).
  - e. Wording for Requirement 16 of the dDCO **[REP6-003]** concerning the dismantling and potential reconstruction of Grade II listed Brook Cottages, including greater clarity.
- 1.1.2 The Applicant has accordingly prepared this Statement with the following interested parties:
- a. Historic England.
  - b. Bedford Borough Council.
- 1.1.3 The content of this Statement was initially developed by the Applicant and then shared with Historic England and Bedford Borough Council on 11 January 2022, and subsequently formed the basis of discussions held on 12 January 2022, the purpose of which was to confirm their respective positions on the matters set out in the Statement.
- 1.1.4 This Statement makes reference to Requirement 16, set out in Annex A of this document, and the Brook Cottages Heritage Strategy **[TR010044/EXAM/9.104]**. These two documents have been drafted by the Applicant in consultation with Historic England and Bedford Borough Council. The documents set out a process by which decisions on Brook Cottages will be made. The guiding principle, as advocated by Historic England and Bedford Borough Council, is that there will be a staged approach allowing appropriate time for decision making regarding the future of Brook Cottages. The strategy sets out the methodology for concurrent archaeological and condition surveys to be undertaken to inform on the heritage significance and structural condition of the building. The Requirement allows for a pause at this stage to enable discussions regarding the viability and suitability of relocating Brook Cottages to take place. The results of the surveys will influence the approach to dismantling, storage and transportation of the structure should relocation be deemed appropriate.
- 1.1.5 The positions of the Applicant, Historic England and Bedford Borough Council are set out in **Table 1-1**.

**Table 1-1. Joint Position Statement between the Applicant, Historic England and Bedford Borough Council at Deadline 8 (14 January 2022)**

The Applicant	Historic England	Bedford Borough Council
<b>1. Methodology of the Survey</b>		
<p>The Applicant has prepared a survey methodology for a staged approach to the survey, recording and dismantling of Brook Cottages, contained within the Brook Cottages Heritage Strategy [TR010044/EXAM/9.104].</p> <p>The Brook Cottages Heritage Strategy [TR010044/EXAM/9.104] was shared with Historic England and Bedford Borough Council on 1 November 2021. Comments made by both Historic England and Bedford Borough Council have been taken into account in preparation of the Brook Cottages Heritage Strategy [TR010044/EXAM/9.104].</p>	<p>In agreement.</p> <p>Historic England is content with the survey methodology established in the Survey Strategy document.</p>	<p>In agreement</p> <p>The Authority are content with the Methodology put forward in the Brook Cottages Heritage Strategy document provided that Historic England are content with the 35 day deadline referenced in section 5.3 (and 16 (3) of Requirement 16).</p>
<b>2. The methodology and practicalities around the demolition and relocation of Brook Cottages</b>		
<p>The Brook Cottages Heritage Strategy [TR010044/EXAM/9.104] details the staged approach to survey, recording and dismantling Brook Cottages and, if considered viable, the transportation and relocation of Brook Cottages for reconstruction. The methodology for the dismantling and, if necessary, relocation of</p>	<p>In agreement.</p> <p>Historic England is content with the survey methodology established in the Survey Strategy document.</p>	<p>In agreement</p> <p>The Authority are content with the approach taken by the Applicant.</p>

A428 Black Cat to Caxton Gibbet improvements  
 Joint Position Statement on methodology, practicalities and the value of relocating Brook Cottages

The Applicant	Historic England	Bedford Borough Council
<p>Brook Cottages will be informed by the results of the surveys outlined within the Brook Cottages Heritage Strategy [TR010044/EXAM/9.104], including the significance and heritage value of Brook Cottages given the extent of surviving historic fabric and the structural ability of the building to withstand dismantling, transportation and reconstruction.</p> <p>Until the outcome of the initial surveys and soft strip is known, it is not possible to confirm the preferred method for dismantling and, if necessary, relocation. The final decision will be made in consultation between the Applicant, Historic England and Bedford Borough Council</p>		
<p><b>3. Views on what would be a suitable relocation venue, shortlist of specific locations and progress on any conversations</b></p>		
<p>The Applicant considers that a suitable relocation venue for Brook Cottages, should it be capable of reconstruction, is in a museum setting.</p> <p>As set out in Appendix E of the Case for the Scheme [APP-240] the Applicant considers that relocation of Brook Cottages to a museum would afford greater opportunity to retain more of the building's heritage significance. It also provides greater opportunity to secure the building's future and provides additional public benefits.</p>	<p>Disagree.</p> <p>Historic England would support the principle of relocation to a museum, but if this is not secured feel that other options should be explored as we do not consider the museum use is necessarily the only valid option.</p>	<p>In agreement</p> <p>The Council accept that a museum setting, if possible, could be the most appropriate means of retaining the asset's significance. We can therefore support the pursuit of this option before any alternatives.</p> <p>Note: However, given that no concrete offer is currently in place from the Museum of East Anglian Life, it is imperative that alternative receptors are then considered, including those that may propose a different use (such as residential). Should the Museum drop all</p>

A428 Black Cat to Caxton Gibbet improvements  
 Joint Position Statement on methodology, practicalities and the value of relocating Brook Cottages

The Applicant	Historic England	Bedford Borough Council								
<p>The Applicant has held positive discussions with the Museum of East Anglian Life. The museum has confirmed that it is willing, in principle, to accept the building. However, this is subject to detailed discussions and terms yet to be agreed.</p> <p>The meetings that have taken place with the Museum of East Anglian to date are as follows:</p> <table border="1" data-bbox="197 655 757 1305"> <thead> <tr> <th data-bbox="197 655 477 754">Date</th> <th data-bbox="477 655 757 754">Correspondence/ Meeting</th> </tr> </thead> <tbody> <tr> <td data-bbox="197 754 477 951">2nd November 2020</td> <td data-bbox="477 754 757 951">Confirmation of interest in Brook Cottages from the Museum of East Anglian Life</td> </tr> <tr> <td data-bbox="197 951 477 1147">18 May 2021</td> <td data-bbox="477 951 757 1147">Applicant and Museum of East Anglian Life – scheme overview meeting</td> </tr> <tr> <td data-bbox="197 1147 477 1305">15 June 2021</td> <td data-bbox="477 1147 757 1305">Applicant and Museum of East Anglian Life – update meeting</td> </tr> </tbody> </table>	Date	Correspondence/ Meeting	2nd November 2020	Confirmation of interest in Brook Cottages from the Museum of East Anglian Life	18 May 2021	Applicant and Museum of East Anglian Life – scheme overview meeting	15 June 2021	Applicant and Museum of East Anglian Life – update meeting		<p>interest in taking on Brook Cottages, or if this use is not considered viable/suitable, the Applicant could not at that stage demonstrate that reconstruction is not appropriate without first undertaking a robust assessment of alternative locations and receptors. A museum is unlikely to be the only viable use of the asset, and the Authority consider that a residential use could be equally viable.</p>
Date	Correspondence/ Meeting									
2nd November 2020	Confirmation of interest in Brook Cottages from the Museum of East Anglian Life									
18 May 2021	Applicant and Museum of East Anglian Life – scheme overview meeting									
15 June 2021	Applicant and Museum of East Anglian Life – update meeting									

The Applicant		Historic England	Bedford Borough Council
23rd June 2021	Museum of East Anglian Life visit to Brook Cottages		
21 July 2021	Applicant's visit to the Museum of East Anglian Life.		
<b>4. The value of the relocation, including in terms of the assessment and significance of effects in the ES</b>			
<p>The impact of the Scheme on Brook Cottages is reported in Chapter 6, Cultural Heritage <b>[APP-075]</b> of the Environmental Statement. The assessment has been undertaken on a worst case basis which is demolition of Brook Cottages.</p> <p>Paragraph 6.9.189 in Chapter 6, Cultural Heritage <b>[APP-075]</b> of the Environmental Statement sets out that the effect of the Scheme on Brook Cottages is large adverse. Mitigation has been identified as a Level 3 record of the building, which comprises an analytical written, drawn and photographic record of a historic building. Therefore, the proposed mitigation does not reduce the significance of effect.</p> <p>The relocation of Brook Cottages may provide value through enabling the retention of historic fabric. While this would not result in total loss of historic fabric it would still</p>		<p>Disagree.</p> <p>Historic England considers there is potential for dismantling and relocation to avoid the total loss of significance of the listed building and that public benefit could be derived from its relocation, even if this entails substantial harm. Should the survey work carried out under Requirement 16 (following the Heritage Strategy) indicate that in light of its condition, historic significance and the impact of relocation that relocation would not retain meaningful historic significance we would accept the proposed recording process as an alternative.</p>	<p>In disagreement</p> <p>The Authority consider that public benefits would flow from the reconstruction of Brook Cottages over and above the total loss of significance resulting from its demolition. This could include heritage benefits, such as securing of its optimum viable use, revealing elements of its inherent heritage significance, reducing or removing risks to the asset or possibly securing its future as a designated heritage asset in support of its long-term conservation. Other economic, social and environmental benefits may flow from the relocation of the asset depending on the circumstances of its relocation and reuse.</p> <p>Should the outcome of the surveys reveal that the dismantling, storage, transportation and relocation of the asset would essentially amount to a total loss of significance, then it is likely that the Authority would not advise that relocation is viable or reasonable; as the</p>



The Applicant	Historic England	Bedford Borough Council
<p>result in substantial harm in terms of the NPSNN.</p> <p>As such, the conclusions of Chapter 6, Cultural Heritage [APP-075] of the Environmental Statement will remain the same irrespective of whether it is viable to relocate Brook Cottages in due course.</p>		<p>public benefits (including heritage benefits) associated with its relocation would be severely limited when considering the costs incurred.</p> <p>This matter, which essentially relates to the justification for the Requirement, remains a point of disagreement between the Applicant and the Authority. However, at this stage this point of disagreement is not considered to be of significant concern as the Applicant is willing to carry out the mitigation process.</p>
<p><b>5. Wording for Requirement 16 of the dDCO [REP6-003] concerning the demolition and potential reconstruction of Grade II listed Brook Cottages, including greater clarity in terms of specific and detailed reasons that would prevent reconstruction and timescale and mechanism for demolition and reconstruction, if considered appropriate.</b></p>		
<p>The Applicant has prepared draft wording for Requirement 16, concerning the dismantling and, if viable, the potential reconstruction of Brook Cottages. The draft Requirement is included in Annex B of this Joint Position Statement. A flow chart which illustrates how the Requirement works in practice is included at Annex C.</p> <p>The draft Requirement has been drafted in consultation with Historic England and Bedford Borough Council and the current draft was shared with both parties on 23<sup>rd</sup> December 2021. Comments made by both Historic England and Bedford Borough</p>	<p>In agreement.</p> <p>Historic England is content with the draft Requirement 16</p>	<p>In agreement</p> <p>The Authority are content with the wording of the Requirement.</p> <p>We would also add that the 'pause' referred to in section (6) of Requirement 16 would also facilitate the search for a suitable receptor and agree that no timeframe should be imposed on this to allow the Applicant time to consider all available options. In discussions, it was recommended that examples of what might prevent reconstruction (as per 6 (a)) are included in the Heritage Strategy document.</p>

A428 Black Cat to Caxton Gibbet improvements  
 Joint Position Statement on methodology, practicalities and the value of relocating Brook Cottages

The Applicant	Historic England	Bedford Borough Council
<p>Council have been taken into account in preparation of the draft Requirement.</p> <p>The draft Requirement includes a pause which would enable consideration of whether reconstruction would be appropriate in light of the condition and extent of the surviving historic fabric of Brook Cottages. Reasons which would prevent reconstruction include:</p> <ul style="list-style-type: none"> <li>• There is limited survival of historic fabric.</li> <li>• The condition of structural elements would not withstand relocation, for example the timber-frame may be rotten.</li> <li>• The fabric cannot be dismantled without significant damage.</li> <li>• Hazardous materials are present within the building.</li> </ul> <p>The mechanism for dismantling would be determined in light of these considerations, as outlined in the Brook Cottages Heritage Strategy [TR010044/EXAM/9.104].</p> <p>If relocation is appropriate, the draft Requirement requires the historic fabric to be dismantled and stored in a way which facilitates future reconstruction, pending approval by the Secretary of State of the timescales and location for reconstruction.</p>		

A428 Black Cat to Caxton Gibbet improvements  
Joint Position Statement on methodology, practicalities and the value of relocating Brook Cottages

---

## Annex A – Requirement 16 Brook Cottages

## Requirement 16 of the dDCO for the A428 Black Cat to Caxton Gibbet Improvement Scheme

### Explanatory summary:

The Applicant proposes that the modified version of Requirement 16 below be inserted into the dDCO to replace the existing Requirement 16. The modified version below has been prepared in consultation with Historic England and Bedford Borough Council.

Alongside the amendments proposed to Requirement 16, the Applicant also proposes an amendment to the definition of 'pre-commencement work'. The modified version of Requirement 16 below does not require a method statement for demolition to be approved by the Secretary of State in advance of commencement. This is because a Heritage Strategy which outlines the process and requirements for dismantling of Brook Cottages has now been agreed with Historic England and Bedford Borough Council. As there is no 'commencement' trigger in the modified version of Requirement 16 it is no longer necessary to exclude the demolition of Brook Cottages from the definition of pre-commencement works. Although this will allow the Applicant to commence dismantling of Brook Cottages as a pre-commencement work, any dismantling undertaken (whether pre or post commencement) would need to comply with the modified version of Requirement 16 and the Brook Cottages Heritage Strategy [TR010044/EXAM/9.104].

The Brook Cottages Heritage Strategy [TR010044/EXAM/9.104] will also be defined in the dDCO as a certified document.

### Brook Cottages

16. (1) Subject to paragraphs (2) and (5), the dismantling of Brook Cottages comprised within Work No.21 must be carried out in accordance with the Brook Cottages heritage strategy unless otherwise agreed with the Secretary of State.

(2) At the completion of the Brook Cottages soft strip, the undertaker must provide to Historic England and Bedford Borough Council a report containing:

- (a) information on the heritage interest and significance of Brook Cottages;
- (b) details of the existing physical condition of Brook Cottages; and
- (c) in light of a) and b) above, options for dismantling Brook Cottages and if relevant, storing, transporting and reconstructing those elements of Brook Cottages that could be relocated to conserve the historic fabric.

(3) Within [35] days of receipt of the information set out in paragraph (2), Historic England, in consultation with Bedford Borough Council, must advise the undertaker of the suitability of proceeding with relocation and, if Historic England advises that the historic fabric is suitable for relocation, it must confirm an approved method of dismantling and storing the historic fabric.

(4) Unless Historic England, in consultation with Bedford Borough Council, advise that the historic fabric is suitable for relocation within 35 days in accordance with paragraph (3) the undertaker must proceed with dismantling and recording as set out in the Brook Cottages heritage strategy but is not required to take any further steps in relation to relocation.

(5) If Historic England, in consultation with Bedford Borough Council, advises that the historic fabric is suitable for relocation then, unless otherwise agreed with the Secretary of State, the undertaker must complete the dismantling and store the historic fabric using the approved method confirmed by Historic England under paragraph (3).

(6) As soon as reasonably practicable following dismantling and storage of the historic fabric in accordance with paragraph (5) the undertaker must, submit to the Secretary of State for approval, in consultation with Bedford Borough Council and Historic England, either:

(a) details demonstrating why reconstruction is not appropriate; or

(b) details of:

- (i) an appropriate future use for the historic fabric,
- (ii) a suitable receptor willing to receive the historic fabric,
- (iii) the method of transporting the historic fabric for reconstruction;
- (iv) a schedule of works for reconstruction; and
- (v) a timetable for the completion of the reconstruction.

(7) In the event that the Secretary of State approves details for the relocation of the historic fabric under sub-paragraph (6)(b), the undertaker must relocate the historic fabric in accordance with the details so approved, unless otherwise agreed with the Secretary of State.

(8) The undertaker must provide a copy of the level 3 record to Bedford Borough Council and Historic England on completion of the dismantling.

New definitions to be added to Schedule 2 of the dDCO:

"Brook Cottages heritage strategy" means the document of that description listed in Schedule 10 (documents to be certified) certified by the Secretary of State as the Brook Cottages heritage strategy for the purposes of this Order;

"Brook Cottages soft strip" means the soft strip referred to in the Brook Cottages heritage strategy at section ##;

Amended definition of pre-commencement work:

“pre-commencement work” means;

- (a) archaeological investigations and mitigation works;
- (b) environmental surveys;
- (c) pre-construction mitigation works;
- (d) investigations for the purpose of assessing and monitoring ground conditions and levels;
- (e) remedial work in respect of any contamination or other adverse ground conditions;
- (f) erection of any temporary means of enclosure;
- (g) temporary hard standing;
- (h) receipt and erection of construction plant and equipment;
- (i) diversion and laying of underground apparatus and utilities;
- (j) protection works;
- (k) demolition (save in relation to Brook Cottages);
- (l) site clearance;
- (m) construction compound set up; and
- (n) the temporary display of site notices or advertisements;

## Annex B – Requirement 16 Flowchart



# Requirement 16 Flowchart

NH complete soft strip in accordance with the Brook Cottages heritage strategy. (R 16(1))

NH report to HE and BBC on heritage interest and significance; existing physical condition; and options for dismantling Brook Cottages and if relevant, storing, transporting and reconstructing those elements of Brook Cottages that could be relocated to conserve historic fabric. (R 16(2))

Within  
35 days

HE, in consultation with BBC, advise NH of the suitability of proceeding with relocation and, if HE advises that the historic fabric of Brook Cottages is suitable for relocation, it must confirm an approved method of dismantling and storing the historic fabric. (R 16(3))

Unless HE advise as suitable  
within 35 days

NH proceed with dismantling and recording as set out in the Brook Cottages heritage strategy. No further steps required. (R 16(4))

If suitable

NH must complete the dismantling and store the historic fabric using the method confirmed by HE, unless otherwise agreed. (R16(5))

As soon as  
reasonably  
practicable following  
dismantling and  
storage of Brook  
Cottages

NH submit to SoS either:

Details demonstrating why  
reconstruction is not  
appropriate. (R 16(6)(a))

Details of appropriate future  
use; a suitable receptor;  
transportation method;  
schedule of works and  
timetable for reconstruction.  
(R 16(6)(b))

SoS  
approval

SoS  
approval

No further steps required.

NH must relocate the historic  
fabric in accordance with the  
details so approved, unless  
otherwise agreed.  
(R 16(7))

NH must provide a copy of the level 3 record to BBC and HE on completion of the dismantling. (R 16(8))

## Key:

National Highways  
(NH)

Historic England (HE) in  
consultation with  
Bedford Borough  
Council (BBC)

Secretary of State (SoS)