



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Phone: 0303 444 5000

Email: A428.Blackcat@planninginspectorate.gov.uk

The Applicant

Your Ref:

*For information only: Mr and Mrs
Chamberlain*

Our Ref: TR010044

Date: 17 January 2022

Dear Sir / Madam

Planning Act 2008 (as amended) – Sections 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17

Application by National Highways for an Order Granting Development Consent for the A428 Black Cat to Caxton Gibbet Improvements

Request for further information

1. Cumulative effects of Greenhouse Gas emissions from the Proposed Development

The Examining Authority (ExA) invites the Applicant to provide its assessment of the cumulative effects of Greenhouse Gas emissions from the Proposed Development with other existing and/or approved projects on a local, regional and national level on a consistent geographical scale (for example an assessment of the cumulative effects of the Road Investment Strategy (RIS) 1 and RIS 2 at a national level).

This should take account of both construction and operational effects; identify the baseline used at each local, regional and national level; and identify any relevant local, regional or national targets and budgets where they exist (including the carbon budgets, the 2050 net zero target under the Climate Change Act 2008, and the UK's Nationally Determined Contribution under the Paris Agreement). It should be accompanied by reasoning to explain the methodology adopted, any likely significant effects identified, any difficulties encountered in compiling the information, and how the assessment complies with the Environmental Impact Assessment Regulations.

The ExA would also welcome confirmation that the response to all parts of this question has been prepared by a competent expert. Please provide all documents referenced, highlighting relevant paragraphs or sections, and their relevance fully explained.

These matters have been discussed throughout the Examination, in particular through Second Written Questions [PD-009] [REP4-037] [REP4-073] [REP5-025], at Issue



Specific Hearing 4 [EV-055] [EV-062] [EV-067] [REP6-036] [REP6-072] [REP6-105] to [REP6-136] and through Third Written Questions [REP8-014]. However, the Applicant is requested to provide a comprehensive response here, collating where necessary any aspects of the assessment that have already been provided in your other submissions.

2. Persons with an interest in plots 1/38a, 1/39a and 1/39b

Applicant, Mr and Mrs Chamberlain have indicated that there are two tenants who operate businesses at their property [REP7-012, 7]. The ExA requests responses to the following questions to determine if any additional persons would need to be provided a fair opportunity to participate in the Examination.

- i. List all owners, lessees or tenants, occupiers or any other person or parties that could fall under Categories 1, 2 and 3 under S102B of PA 2008, with an interest in plots 1/38a, 1/39a and 1/39b.
- ii. Have any of the person or parties with an interest in the plots identified, not been sent a notice under Section (S) 56 of the Planning Act 2008 (PA2008), not been included in the S59 of PA2008 notice, and not been included in the Book of Reference (BoR) [REP4-010]. Describe the circumstances relating to each particular omission, and provide any additional details and evidence, in particular details of the start date and type of the tenancy, if known. The ExA notes your response [REP8-001, Annex A], which you may reference here.
- iii. Describe, the actions you consider would be needed and related timescales in relation to this Examination, with respect to any persons with an interest in the plots identified who were not notified of acceptance of the application in accordance with S56 of PA2008.
- iv. Are there any corresponding changes to the dDCO, the BoR, the Statement of Reasons and Funding Statement? Submit updates to all relevant documents?

3. Protected characteristics identified by Mr and Mrs Chamberlain [REP7-012, 4]

Mr and Mrs Chamberlain draw attention to their protected characteristics [REP7-012, 4], which they state they have shared with the Applicant. In their response [REP7-002], the Applicant has described how they have taken account of some aspects of the identified protected characteristics, but not all. In addition to the information that has been provided so far, explain how you (the Applicant) have taken account of all protected characteristics identified and shared by Mr and Mrs Chamberlain and what reasonable adjustments have you made, if any, to accommodate those protected characteristics?

4. Other Deadline 7 submissions and progress with land matters

The ExA note the representation received at Deadline 7 (D7) from Affected Person [REP7-008]. The ExA notes your response [REP8-005] that provides an update on negotiations with the landowner, but not with the tenant, J & J.W Lammie [RR-056] [REP1-081] [REP7-008]. Please update the ExA on the negotiations with the tenant,



and in that regard consider if the status of negotiation is accurately reflected in column 1 of entry 27 [REP8-005].

The ExA notes your response [REP8-005] and considers that some, albeit limited progress has been made since the last update [REP6-024]. In that regard, the ExA also notes a general point that concerns continue to be raised in relation to the perceived lack of progress on detailed land matters. The Applicant is requested to ensure that every effort is made to maximise the remaining time available during the Examination to progress, and where possible conclude negotiations.

5. Letters of No Impediment

The ExA notes that the Applicant has received a letter of no impediment (LONI) from Natural England (NE) with regard to Badgers [REP1-087] and Great Crested Newts [REP8-001], and that the Applicant is seeking further LONIs from NE regarding Bats, and from NatureSpace regarding Great Crested Newts. The Applicant is requested to submit copies of all LONIs required for the Proposed Development as set out in the Consents and Agreements Position Statement [APP-029]. Also, highlight any LONIs that have not yet been received, indicating the timescale with respect to this Examination when they might be received. In addition, Applicant also provide an updated Consents and Agreements Position Statement.

The ExA requests responses by **Deadline 9, Tuesday 25 January 2022**, except the updates in 2.iv, which the Applicant is requested to submit by **Deadline 10, Tuesday 15 February 2022**, as per the Examination Timetable [PD-011, Annex A]. If you have any queries on this matter, please contact Michele Gregory (Case Manager) via the details at the head of this letter.

Yours sincerely,

Menaḳa Sahai

Lead Panel Member of the Examining Authority

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