

Application by Highways England Company Limited for the A428 Black Cat to Caxton Gibbet Road Improvement scheme

Representations made at Deadline 9 on behalf of Davison & Co (Great Barford Ltd)

Interested Party Reference No: 20028217

We comment as follows in respect of the Applicant's Deadline 8 submissions and Compulsory Acquisition Schedule:

Status of negotiations

The parties met on 5th January 2022 and agreed the engagement timetable set out below in accordance with the ExA's instructions to the Applicant following Compulsory Acquisition Hearing 2 to provide:

"Evidence of an established dialogue over outstanding issues, such as schedule of meetings and agreed timetable relative to the Examination Timetable"

Our updates to the agreed timetable are in red:

SCHEDULE OF MEETINGS AND TIMETABLE:

Timetable	Date	Attendees / Action	Update 25/01/22
Agree HoTs	W/C 10 th Jan	All	<p>Borrow-pit Lease – Davison & Co confirmed HOTs agreed 14/01/22.</p> <p>Option – On 5th January the Applicant agreed to consider reserving rights of way etc. in the option, to avoid the scheme fettering future uses of Davison & Co's retained land. The Applicant's response is pending.</p> <p>The Applicant has made agreeing a land value a condition of entering into an option. The Applicant's valuers have therefore been invited to inspect the Option land for their valuation and their response is pending.</p>
Instruct solicitors	W/C 10 th Jan	All	Davison & Co await confirmation that the Applicant's solicitors are instructed on the Borrow-pit lease.
Follow up meeting with A428 Team	W/C 24 th Jan (TBC)	All inc solicitors	Davison & Co. have requested a follow-up meeting but received no response from the Applicant.
Lease / option completion by D9	15th February 2022	Solicitors	

We also note the Applicant's comments in their Deadline 8 submissions:

"The Applicant has offered an Option Agreement whereby the method of acquisition is a General Vesting Declaration. This would allow the landowner to leave agreement of land values in abeyance and allow reference to the Upper Tribunal Lands Chamber if agreement cannot be reached, while still allowing other terms to be agreed and set out in the Option agreement"

Contrary to what the Applicant states, Davison & Co have not to date seen terms for such an Option Agreement with the proposed GVD acquisition method. We invite urgent engagement with the Applicant and clarity (a) as to what specifically is proposed and (b) how this method would be compatible with the landowner's key objective of reserving suitable rights over such land for the purposes of the proposed development of the retained land?

Davison and Company (Great Barford) Ltd echo the ExA's concerns in their letter of 17th January 2022 that only limited progress had been made generally in negotiations. All of the documentation and required actions are with National Highways, who have quickly fallen behind the programme they set themselves in the agreed timetable.

The ExA has also requested the Applicant to *"ensure that every effort is made to maximise the remaining time available during the Examination to progress, and where possible conclude negotiations"*.

Davison & Co are ready to work urgently and collaboratively in order to conclude negotiations prior to the end of the Examination but will make full submissions commenting on the matter if agreements are not concluded by the final date for submission.

We look forward to hearing from the Applicant as a matter of urgency.