

A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 9

9.112 Applicant's response to the request for further information
from the Examining Authority – Rule 17 Letter

Planning Act 2008

Rule 8(1)(k)

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[]**

**9.112 Applicant's response to the request for further
information from the Examining Authority – Rule 17 Letter**

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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 several matters, as set out in the Rule 17 letter **[PD-016]** that was published on 17 January 2021.
- 1.1.2 It should be noted that some of the information that has been submitted comprises personal and confidential information, therefore the Applicant would request the appropriate parts of this document are redacted prior to it being published on the Planning Inspectorate website.

2 Applicant's response to the Rule 17 request for further information

2.1.1 **Table 2-1** sets out the Applicant's response to the request for further information from the ExA.

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

Reference Number	Applicant's Comments
1.	<p>Cumulative effects of Greenhouse Gas emissions from the Proposed Development</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>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.</p>
Applicant's comments	<p>The Applicant's response is set out in Cumulative effects of Greenhouse Gas Emissions from the Proposed Development [TR010044/EXAM/9.113] which has been submitted at Deadline 9.</p>

Reference Number	Applicant's Comments							
2	<p>Persons with an interest in plots 1/38a, 1/39a and 1.39b</p> <p>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.</p> <p>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.</p>							
Applicant's comments	Land Plans Sheet No.	Plot Ref	Description of Land	Extent of acquisition or use	Category 1			Category 2
					Owners	Lessees or Tenants	Occupiers	
	1	1/38a	Approximately 1518 square metres of land being commercial premises and hardstanding (Keen Screen Services, The Black Cat Roundabout, Great North Road, Chawston, Bedford).	Land to be acquired permanently.	Kenneth Chamberlain Keenscreen Services The Black Cat Roundabout Chawston Bedford MK44 3BE Patricia Chamberlain Keenscreen Services The Black Cat Roundabout Chawston Bedford MK44 3BE	Ink, Oils and Razorblades Unit 2 Black Cat Roundabout Great North Road Chawston Bedford MK44 3BE Stephen Harry Cutter t/a Ink, Oils and Razorblades 21 St Neots Road	Kenneth Chamberlain Keenscreen Services The Black Cat Roundabout Chawston Bedford MK44 3BE Patricia Chamberlain Keenscreen Services The Black Cat Roundabout Chawston	Shell U.K. Limited Shell Centre York Road London SE1 7NA (Co. Reg. 00140141) (in respect of a conveyance dated 26 March 1980 on title BD81257)

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 Applicant's comments on any other information and submissions received at Deadline 8

Reference Number	Applicant's Comments							
			Freehold – BD81257			Abbotsley St Neots PE19 6UU	Bedford MK44 3BE Ink, Oils and Razorblades Unit 2 Black Cat Roundabout Great North Road Chawston Bedford MK44 3BE Stephen Harry Cutter t/a Ink, Oils and Razorblades 21 St Neots Road Abbotsley St Neots PE19 6UU Michael Goodwin Bridleways Church End Ravensden Bedford MK44 2RR Keenscreen Services The Black Cat Roundabout	

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Reference Number	Applicant's Comments							
							Chawston Bedford MK44 3BE Openreach Limited Kelvin House 123 Judd Street London WC1H 9NP (Co. Reg. 10690039) (in respect of overhead telecommunications cables and associated apparatus)	
1	1/39a	Approximately 2 square metres of land being commercial premises and hardstanding (Keen Screen Services, The Black Cat Roundabout, Great North Road,	Land to be acquired permanently.	Unregistered/Unknown	Kenneth Chamberlain Keenscreen Services The Black Cat Roundabout Chawston Bedford MK44 3BE Patricia Chamberlain Keenscreen Services The Black Cat Roundabout		Kenneth Chamberlain Keenscreen Services The Black Cat Roundabout Chawston Bedford MK44 3BE Patricia Chamberlain Keenscreen	-

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Reference Number	Applicant's Comments						
			Chawston, Bedford). Unregistered		Chawston Bedford MK44 3BE		Services The Black Cat Roundabout Chawston Bedford MK44 3BE Keenscreen Services The Black Cat Roundabout Chawston Bedford MK44 3BE Openreach Limited Kelvin House 123 Judd Street London WC1H 9NP <i>(Co. Reg. 10690039)</i> (in respect of overhead telecommunications cables and associated apparatus)

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Reference Number	Applicant's Comments							
	1	1/39b	Approximately 42 square metres of land being commercial premises and hardstanding (Keen Screen Services, The Black Cat Roundabout, Great North Road, Chawston, Bedford). Unregistered	Land to be acquired permanently.	Unregistered/Unknown Kenneth Chamberlain Keenscreen Services The Black Cat Roundabout Chawston Bedford MK44 3BE Patricia Chamberlain Keenscreen Services The Black Cat Roundabout Chawston Bedford MK44 3BE	Ink, Oils and Razorblades Unit 2 Black Cat Roundabout Great North Road Chawston Bedford MK44 3BE Stephen Harry Cutter t/a Ink, Oils and Razorblades 21 St Neots Road Abbotsley St Neots PE19 6UU	Kenneth Chamberlain Keenscreen Services The Black Cat Roundabout Chawston Bedford MK44 3BE Patricia Chamberlain Keenscreen Services The Black Cat Roundabout Chawston Bedford MK44 3BE Ink, Oils and Razorblades Unit 2 Black Cat Roundabout Great North Road Chawston Bedford MK44 3BE Stephen Harry Cutter	-

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Reference Number	Applicant's Comments								
								t/a Ink, Oils and Razorblades 21 St Neots Road Abbotsley St Neots PE19 6UU Michael Goodwin Bridleways Church End Ravensden Bedford MK44 2RR Keenscreen Services The Black Cat Roundabout Chawston Bedford MK44 3BE	
<i>Extract above from Part 1 of the Book of Reference with Michael Goodwin added into plots 1/38a and 1/39b.</i>									
Land Plans Sheet No.	Plot Ref	Description of Land			Names of All Those Entitled to Enjoy Easements or Other Private Rights Over Land (Including Private Rights of Navigation Over Water) Which It is Proposed shall Be Extinguished, Suspended or Interfered With				
1	1/38a	Approximately 1518 square metres of land being commercial premises and			Shell U.K. Limited Shell Centre York Road				

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Applicant's comments on any other information and submissions received at Deadline 8

Reference Number	Applicant's Comments	
		<p>hardstanding (Keen Screen Services, The Black Cat Roundabout, Great North Road, Chawston, Bedford). Freehold – BD81257</p> <p>London SE1 7NA (Co. Reg. 00140141) (in respect of a conveyance dated 26 March 1980 on title BD81257)</p>
	<p><i>Extract above from Part 3 of the Book of Reference.</i></p>	
	<p>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.</p>	
<p>Applicant's comments</p>	<p>Michael Goodwin is the only party listed above who has not been included in notices and letters to date due to his interest only recently being brought to the Applicant's attention by Mr and Mrs Chamberlain in their Deadline 7 submission [REP7-012]. As set out in our response [REP8-001, Annex A] a diligent enquiry process was undertaken and interests in land are continuing to be monitored. Responses to the Applicant's land referencing process were not received from Mr and Mrs Chamberlain and no tenant details were revealed. The first indication there was a second tenant, was set out in a submission made by Mr and Mrs Chamberlain [REP7-012] at Deadline 7 and also highlighted in an email from The Planning Inspectorate Case Manager on 11 January 2022. The Applicant made contact with Mr and Mrs Chamberlain to obtain the full name and address of their tenant but this information has not been forthcoming to date. As the Applicant had not received a response from Mr and Mrs Chamberlain to provide the contact details and full name of the tenant, the Applicant has conducted their own enquiries and has identified the full name and address of the tenant (Mr Goodwin) and has both spoken with him on the telephone and issued a letter to explain his rights to become an interested party. To date the Applicant is not aware of any response to this letter.</p>	
	<p>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.</p>	

Reference Number	Applicant's Comments
Applicant's comments	<p>As noted above, the Applicant was able to identify a telephone number for Mr Goodwin and speak with him briefly. The purpose for the contact was explained and he provided his full address details. A letter was posted to him on the 20 January 2022 to explain his rights to register as an interested party and take part in the examination. The Book of Reference to be submitted at Deadline 10 will also be updated to include his full details as set out above at point i). To date no response has been received by the Applicant to the letter.</p>
	<p>iv. Are there any corresponding changes to the dDCO, the BoR, the Statement of Reasons and Funding Statement? Submit updates to all relevant documents?</p>
Applicant's comments	<p>Whilst a response to part iv) is required at Deadline 10, the Applicant can confirm that updated versions of the Book of Reference and Annex B to the Statement of Reasons will be submitted at Deadline 10. As above the Book of Reference will be updated to include the full name and address of Mr Goodwin. The Statement of Reasons Annex B will also be updated to include the full name and plot interests for Mr Goodwin.</p> <p>As the plot numbers and rights sought over these plots will not be changing as a result of this additional party being included in the plot, there will be no need to update the dDCO as a result of this addition. The Funding Statement also does not need to be updated, as in the context of the full scheme, any increase in compensation required as a result of the addition of this one interest will be negligible and would fall within the existing allowance made for any unknown compensation claims.</p>
3.	<p>Protected characteristics identified by Mr and Mrs Chamberlain [REP7-012,4]</p> <p>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?</p>
Applicant's comments	<p>The Applicant set out that they were aware of the following protected characteristics in the Applicant's response to the request for further information from the Examining Authority Rule 8(3) and Rule 17 [PD-011] [REP7-002]:</p> <ul style="list-style-type: none"> ■ [REDACTED]

Reference Number	Applicant's Comments
	<ul style="list-style-type: none"> • [REDACTED] • [REDACTED] <p>The Applicant has been engaging with Mr and Mrs Chamberlain since March 2017 and in recognition of the protected characteristics set out above has made the following reasonable adjustments:</p> <p>[REDACTED]</p> <ul style="list-style-type: none"> • The Applicant met Mr and Mrs Chamberlain in person when all other meetings were taking place via video conferencing as in person meetings were being limited due to Covid19 restrictions • The Applicant offered to meet the reasonable costs of labour to sort through the recovered materials on site <p>[REDACTED]</p> <ul style="list-style-type: none"> • Provision of information in hard copy format. <p>[REDACTED]</p> <p>The Applicant has made the following reasonable adjustments:</p> <ul style="list-style-type: none"> • Held meetings at locations suitable for Mr and Mrs Chamberlain, such as at the Stuart Memorial Hall. • Limited numbers of attendees at meetings in order not to overwhelm Mr and Mrs Chamberlain. • Holding a socially distanced meeting as Mr and Mrs Chamberlain did not have access to video conferencing facilities. • Provision of information (forms and links to relevant websites) and offer of assistance to complete forms. • Repeatedly explained 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. • Offered to pay reasonable costs for a skip and labourer to assist Mr and Mrs Chamberlain clear their site. • Sought to ensure that Mr and Mrs Chamberlain were informed of key Scheme milestones so they were fully sighted on Scheme proposals and the potential timescales for progressing the Scheme. • Sought [REDACTED] support for Mr Chamberlain, having explained that the Applicant was not qualified to provide that support

Reference Number	Applicant's Comments
4.	<p>Other Deadline 7 submissions and protected with land matters</p> <p>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].</p> <p>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.</p>
Applicant's comments	<p>The interest held by Mr Lammie is an Agricultural Holdings Act tenancy. This interest cannot be conveyed through normal means: it can only be surrendered to the Landlord, succeeded by a descendant, or acquired through compulsory powers. The Applicant is therefore unable to negotiate a voluntary agreement with Mr Lammie. Whilst discussions have been held with his Land Agent regarding accommodation works the freeholder will need to inform the final decision taken on accommodation works.</p> <p>The progress between Deadlines 6 and 8 has been hindered by the Christmas holiday period, however, the Applicant continues to engage with landowners who are interested in entering into a voluntary agreement. In addition, further information is not yet available from the designed design process, which once received, the Applicant hopes will allow agreements to be entered into with several landowners.</p>
5.	<p>Letters of No Impediment</p> <p>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.</p>

Reference Number	Applicant's Comments
Applicant's comments	<p>The Applicant can confirm that:</p> <ul style="list-style-type: none"> • LONIs have been received from Natural England for Badger (covering the Scheme) and Great Crested Newt (covering the Cambridgeshire area). • The District Level Licencing scheme for Great Crested Newt (covering the Bedfordshire section) is being actively progressed with the NatureSpace Partnership, who have provided the Applicant with a "Preliminary District Licence Assessment Report" on 18 November 2021. This report confirms that, subject to certain NatureSpace Partnership requirements, the Scheme has a potential route to access the relevant District Licence in Bedfordshire, providing that the District Licence application process is pursued, development consent is granted for the Scheme, and the requirements are incorporated into the relevant Environmental Management Plan(s). • Based on the outcomes of bat surveys and assessments undertaken, no requirement for licencing for this species has been identified and therefore no LONI is being sought or required from Natural England. <p>The Applicant has submitted an updated Consents and Agreements Position Statement at Deadline 9 [TR010044/APP/3.3v3] which provides further details on the status of the above. Copies of the LONIs received from Natural England are provided in Appendix B and C of that document. Relevant extracts of the "Preliminary District Licence Assessment Report" evidencing that a potential route exists for Great Crested Newt licencing in the Bedfordshire area, including the associated requirements and conditions, are provided in Appendix D of that document.</p>