

PINS ref: TR010044

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25 January 2022

Dear Ms Gregory

**Highways England  
Development Consent Order (DCO) application for the A428 Black Cat to Caxton Gibbet  
Improvements Scheme (Application)  
Application Reference: TR010044  
Deadline 9**

Please find, accompanying this letter, the Applicant's submission to the Planning Inspectorate for Deadline 9 of the Examination for the A428 Black Cat to Caxton Gibbet improvements. This is in accordance with the request set out by the Examining Authority in the Rule 8 letter dated 20 August 2021.

Document Reference	Document Title
TR010044/APP/2.6	Streets, Rights of Way and Access Plans (Tracked) (Rev 4)
TR010044/APP/2.6	Streets, Rights of Way and Access Plans (Clean) (Rev 4)
TR010044/APP/3.1	Draft Development Consent Order (Tracked) (Rev 5)
TR010044/APP/3.1	Draft Development Consent Order (Clean) (Rev 5)
TR010044/APP/3.2	Explanatory Memorandum (Tracked) (Rev 5)
TR010044/APP/3.2	Explanatory Memorandum (Clean) (Rev 5)
TR010044/APP/3.3	Consents and Agreements Position Statement (Rev 3)
TR010044/APP/6.2	Environmental Statement Figure 2.4 - Environmental Masterplan (Rev 4)
TR010044/APP/6.8	First Iteration Environmental Management Plan (Tracked) (Rev 3)
TR010044/APP/6.8	First Iteration Environmental Management Plan (Clean) (Rev 3)
TR010044/APP/7.4	Outline Construction Traffic Management Plan (Tracked) (Rev 4)
TR010044/APP/7.4	Outline Construction Traffic Management Plan (Clean) (Rev 4)

Document Reference	Document Title
TR010044/EXAM/9.3	Updated Schedule of Changes to the draft Development Consent Order (Rev 4)
TR010044/EXAM/9.6	Guide to the Application (Rev 6)
TR010044/EXAM/9.26	Scheme Design Approach and Design Principles (Rev 2)
TR010044/EXAM/9.41	Joint Position Statement with host authorities and Natural England relating to attenuation basins (Rev 3)
TR010044/EXAM/9.52	Construction Phase Greenhouse Gas Emissions (Rev 2)
TR010044/EXAM/9.52	Construction Phase Greenhouse Gas Emissions – Land Use Carbon Calculations (Rev 2)
TR010044/EXAM/9.69	Agricultural Survey Report (Tracked) (Rev 2)
TR010044/EXAM/9.69	Agricultural Survey Report (Clean) (Rev 2)
TR010044/EXAM/9.86	Joint Position Statement with Central Bedfordshire Council on discussions regarding noise and mitigation measures (Rev 2)
TR010044/EXAM/9.88	Schedule of Changes to the Environmental Masterplan (Rev 2)
TR010044/EXAM/9.106	Schedule of Changes to the First Iteration Environmental Management Plan (Rev 2)
TR010044/EXAM/9.107	Applicant's comments on other parties' responses to the third round of written questions
TR010044/EXAM/9.108	Applicant's Comments on the ExA's proposed schedule of changes to the dDCO
TR010044/EXAM/9.109	Agricultural Technical Note – Farm Impact Assessments
TR010044/EXAM/9.110	Applicant's comments on submissions received at Deadline 8
TR010044/EXAM/9.111	Applicant's comments on submissions received at Deadline 7
TR010044/EXAM/9.112	Applicants Response to the request for further information from the Examining Authority – Rule 17 Letter
TR010044/EXAM/9.113	Cumulative Effects of Greenhouse Gas Emissions from the Proposed Development
TR010044/EXAM/9.114	Complete Bat Survey Results for the A428 Black Cat to Caxton Gibbet Scheme
TR010044/EXAM/9.115	Economic Sensitivity Test (November 2021 TAG Update)
TR010044/EXAM/9.116	National Highways Statement on Operational Phase Monitoring
TR010044/EXAM/9.117	HGV Construction Traffic Flows
TR010044/EXAM/9.118	National Highways Statement on Construction Phase Monitoring

#### Local authority legal agreements – progress update

At Issue Specific Hearing 6 the ExA requested progress updates on the negotiation of legal agreements between the Applicant and local authorities, to be provided at every subsequent deadline (Action 8). The Applicant provided its most recent update at Deadline 8 [REP8-018].

The Applicant has sought to prioritise the legal agreements in accordance with timetables previously reported to the ExA ([REP6-033] Action 6) where a timetable has been agreed with the relevant local authority. The Applicant sets out below progress with respect to legal agreements being negotiated with respective local authorities but maintains the position that such agreements are not a matter of consideration for the ExA in coming to a decision on the Application because all necessary rights and controls are secured through the DCO itself.

#### Bedford Borough Council (BBC)

A timetable was agreed with BBC whereby comments in respect of the parts of the legal agreement would be provided to the Applicant by 17 December 2021, with comments on remaining elements to follow by 14 January 2022. Neither set of comments have been provided to the Applicant in accordance with the agreed timetable. The Applicant issued further requests on 20 December 2021 and 11 January 2022 for these comments. On 21 January 2022 BBC notified the Applicant that it no longer wishes to progress the legal agreement. BBC is now seeking to join into the legal agreement currently being negotiated between the Applicant and Cambridgeshire County Council. Notwithstanding the abortive work in preparation of a bespoke legal agreement for BBC, the Applicant does not consider this to be the best approach to agreeing terms with BBC in a timely manner. Nevertheless, the Applicant will continue to seek positive engagement with BBC to reach agreement by Deadline 10 prior to the close of the Examination.

#### Central Bedfordshire Council (CBC)

Following the Applicant issuing a revised legal agreement to CBC on 13 January 2022, comments/amendments are awaited from CBC. On 21 January 2022 CBC notified the Applicant that, given the time available to conclude the legal agreement prior to close of the Examination, CBC wishes to agree a separate 'letter agreement' with the Applicant whereby the parties agree to use reasonable endeavours to agree the legal agreement and setting out the key terms to be agreed. Whilst the Applicant considers there to be sufficient time left to agree the legal agreement prior to close of the Examination (with the engagement of CBC) it has nevertheless agreed to this letter as requested by CBC. However, this has been agreed, in principle, on the understanding that it does not have the effect of slowing or stalling progress on the main legal agreement between now and Deadline 10, and CBC has confirmed it will continue to work with the Applicant to reach agreement by Deadline 10.

#### Cambridgeshire County Council (CCC)

Since the update provided at Deadline 8 the Applicant and CCC have continued to engage to progress the draft legal agreement, including meetings on 14 and 20 January 2022. During the meeting of 20 January the parties agreed to a further increase in discussions to ensure the rate of progress on key issues is sufficient with the target of completion prior to Deadline 10. Further to this meeting on 21 January the Applicant issued a proposed timetable of issue-specific workshops between the relevant CCC officers and members of the Applicant team, to agree issues and report back to the wider team, followed by meetings between the legal teams to work up the agreed points into the legal agreement. The Applicant awaits CCC's response to the proposed timetable.

We trust that the above is clear but if you do have any questions, please do not hesitate to contact me using the details below.

Yours faithfully



**Anne-Marie Rogers**

**Senior Project Manager for A428 Black Cat to Caxton Gibbet improvements scheme**

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