

15<sup>th</sup> February 2022

The Planning Inspectorate  
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Dear Menaka Sahai,

## A428 Black Cat to Caxton Gibbet Road Improvement Scheme – Deadline 10

We write on behalf of the Church Commissioners for England (CCE) in connection with land it has an interest in, which will be impacted by the A428 improvement scheme. The land is located broadly between the settlements of Cambourne and Eltisley, as identified within our Written Representation.

This correspondence relates to 'Deadline 10'. As an Interested Party, there are a number of matters which we wish to cover on behalf of CCE in advance of Deadline 10 today. These matters are set out within Appendix 1 prepared by Charles Russell Speechlys LLP.

If you would like to discuss any aspect, please do not hesitate to contact my colleague, Nolan Tucker (ntucker@deloitte.co.uk).

Yours sincerely

[REDACTED]

Deloitte LLP

Appendix 1 – Deadline 10 Submission

# **THE CHURCH COMMISSIONERS FOR ENGLAND**

## **DEADLINE 10 SUBMISSIONS**

### **1 INTRODUCTION**

The submissions below have been prepared by Charles Russell Speechlys LLP on behalf of the Church Commissioners for England (**CCE**) in connection with CCE's land that will be impacted by the A428 improvement scheme proposed by National Highways (**NH**).

### **2 UPDATE ON STATUS OF NEGOTIATIONS**

2.1 The current status of negotiations is as follows:

2.1.1 It is hoped that the main provisions of the option agreement for the freehold transfer, and the associated transfer, are now agreed.

2.1.2 It is also hoped that the main provisions of lease of the borrow pit are agreed. The draft option agreement for the lease is awaited from NH but should reflect the above option agreement and should not be contentious.

2.1.3 A draft licence is awaited from NH.

2.1.4 Revised plans are awaited from NH.

2.2 CCE does not consider that there are any showstoppers that would prevent the parties from agreeing terms. The price is not agreed (CCE provided its proposal to the District Valuer but has not received any counter-proposal), but that is a matter that can be resolved by the Upper Tribunal in the usual way.

2.3 CCE has requested, but has not been provided with, a clear timetable for completion and signature of the above documents. CCE has not had any contact from NH to confirm its commitment to completion.

2.4 CCE therefore finds itself in a disappointing and concerning position. NH's failure to conclude these agreements appears to be due solely to the limited resources it has made available for acquisitions.

2.5 In the circumstances, CCE must maintain its objection to the DCO. As noted in our previous submissions, powers of compulsory acquisition are a draconian tool and should be used sparingly.

2.6 CCE consider that it is inappropriate for a DCO to be made in circumstances where the applicant's endeavours have fallen short of what can reasonably

be required. There is simply no reason why agreement could not have been reached during the examination, had NH dedicated appropriate resources to it. It is the responsibility of the promoter to make such resources available.

### 3 COMMENTS ON INFORMATION & SUBMISSIONS RECEIVED AT DEADLINE 10

3.1 CCE refers to the NH's comments on CCE's submissions received at Deadline 8 on Annex R (Borrow Pit Management Plan) to the First Iteration Environmental Management Plan (the **First Iteration EMP**) [TR010044/EXAM/9.110]:

3.1.1 CCE is of the view that the precise details of restoration are a matter between the landowner / tenant and NH only. NH has stated that it considers the term "key stakeholders" includes landowners and tenants of the affected land parcels. CCE requests that the term "key stakeholders" is explicitly limited to landowners and tenants in this context.

3.1.2 As at the date of these submissions (15 February 2022) NH has not contacted CCE to arrange for soil surveys to be undertaken in relation to Site 3. The surveys should be completed and the results shared with CCE prior to the works commencing.

3.1.3 In response to CCE's request that the Borrow Pits Management Plan specify that landowners will be notified as to when archaeological excavation will commence and be provided with details of the outcome, NH has said that Annex R should be read in conjunction with the wider First Iteration EMP which outlines a number of roles and responsibilities the Principal Contractor will implement during the construction phase of the Scheme. In terms of archaeological works and the dissemination of information, NH considers that this function will fall under the remit of the Archaeological Clerk of Works (ACoW) and the Community Relations Manager (CRM), whose roles are defined within Table 2-1: Roles and Responsibilities in the First Iteration EMP. However, there is no obligation on either the ACoW or the CRM to engage with landowners or provide information to landowners (other than in relation to complaints). CCE therefore requests that the roles and responsibilities of the ACoW and CRM in Table 2-1 are updated to include reference to notifying landowners as to when archaeological excavation will commence and providing landowners with details of the outcome.

3.1.4 In response to CCE's comment that the borrow pit restoration measures do not include reference to any remedial drainage works, NH has responded that a function of the Principal Contractor's

Agricultural Liaison Officer's (the **ALO**) wider duties would be to engage with the landowner to discuss reinstating land drainage to a satisfactory condition and where considered necessary would involve environmental specialists / contractors as per Table 2-1: Roles and Responsibilities in the First Iteration EMP. Table 2-1 does not place any specific responsibility on the ALO to engage with the landowner in regards to the borrow pits (rather the principal purpose of the ALO's role is to be a dedicated point of contact for the farming community which would not include CCE). CCE requests that the responsibilities of the CRM be updated to include engaging with landowners to ensure that land drainage is reinstated to a satisfactory condition as part of the restoration of the borrow pits.

**CHARLES RUSSELL SPEECHLYS LLP**

**15 February 2022**