

PINS ref: TR010044

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15 February 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 10**

Please find, accompanying this letter, the Applicant’s submission to the Planning Inspectorate for Deadline 10 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 5)
TR010044/APP/2.6	Streets, Rights of Way and Access Plans (Clean) (Rev 5)
TR010044/APP/3.1	Draft Development Consent Order (Clean) (Rev 6) (Word and PDF)
TR010044/APP/3.1	Draft Development Consent Order (Submission to Deadline 10) (Rev 6) (Word and PDF)
TR010044/APP/3.1	Draft Development Consent Order (Tracked All Deadlines) (Rev 6) (Word and PDF)
TR010044/APP/3.1	Draft Development Consent Order Validation
TR010044/APP/3.2	Explanatory Memorandum (Tracked) (Rev 6)
TR010044/APP/3.2	Explanatory Memorandum (Clean) (Rev 6)
TR010044/APP/3.3	Consents and Agreements Position Statement (Clean) (Rev 4)
TR010044/APP/3.3	Consents and Agreements Position Statement (Tracked) (Rev 4)
TR010044/APP/4.1	Statement of Reasons (Rev 2)
TR010044/APP/4.3	Book of Reference (Tracked) (Rev 3)
TR010044/APP/4.3	Book of Reference (Clean) (Rev 3)

Document Reference	Document Title
TR010044/APP/6.3	Environmental Statement Appendix 4.4 - Screening Assessment of proposed gas pipeline works for the purposes of section 20 of the Planning Act 2008 (Rev 2)
TR010044/APP/6.8	First Iteration Environmental Management Plan (Tracked) (Rev 4)
TR010044/APP/6.8	First Iteration Environmental Management Plan (Clean) (Rev 4)
TR010044/APP/7.4	Outline Construction Traffic Management Plan (Tracked) (Rev 5)
TR010044/APP/7.4	Outline Construction Traffic Management Plan (Clean) (Rev 5)
TR010044/EXAM/8.1	Statement of Common Ground with the Environment Agency
TR010044/EXAM/8.2	Statement of Common Ground with Natural England
TR010044/EXAM/8.3	Statement of Common Ground with Historic England
TR010044/EXAM/8.4	Statement of Common Ground with Central Bedfordshire Council
TR010044/EXAM/8.5	Statement of Common Ground with Bedford Borough Council
TR010044/EXAM/8.6	Statement of Common Ground with Cambridgeshire County Council, South Cambridgeshire District Council and Huntingdonshire District Council
TR010044/EXAM/8.7	Statement of Common Ground with the National Farmers Union
TR010044/EXAM/8.8	Statement of Common Ground with East West Rail
TR010044/EXAM/8.9	Statement of Common Ground with National Grid
TR010044/EXAM/8.11	Statement of Common Ground with Anglian Water
TR010044/EXAM/8.12	Statement of Common Ground with South Staffordshire Water
TR010044/EXAM/8.13	Statement of Common Ground with Cadent Gas Limited
TR010044/EXAM/8.14	Statement of Commonality
TR010044/EXAM/9.3	Schedule of Changes to the draft Development Consent Order (Rev 5)
TR010044/EXAM/9.4	Compulsory Acquisition Schedule (Rev 5)
TR010044/EXAM/9.6	Guide to the Application (Rev 8)
TR010044/EXAM/9.17	Statutory Undertakers – Progress Schedule (Rev 4)
TR010044/EXAM/9.23	Updated Archaeological Mitigation Strategy (Tracked) (Rev 3)
TR010044/EXAM/9.23	Updated Archaeological Mitigation Strategy (Clean) (Rev 3)
TR010044/EXAM/9.48	Pre-Commencement Plan (Rev 4)
TR010044/EXAM/9.82	Flood Risk Assessment Technical Note (Rev 2)
TR010044/EXAM/9.86	Joint Position Statement with Central Bedfordshire Council on discussions regarding noise and mitigation measures (Rev 3)

Document Reference	Document Title
TR010044/EXAM/9.99	Habitats Regulations Assessment: Report to Inform Appropriate Assessment (Rev 2)
TR010044/EXAM/9.106	Schedule of changes to the First Iteration Environmental Management Plan (Rev 3)
TR010044/EXAM/9.116	National Highways Statement on Operational Phase Monitoring (Rev 2)
TR010044/EXAM/9.118	National Highways Statement on Construction Phase Monitoring (Rev 2)
TR010044/EXAM/9.119	Applicant's comments on submissions received at Deadline 9
TR010044/EXAM/9.120	Applicant's comments on other parties' responses to the ExA's proposed schedule of changes to the dDCO
TR010044/EXAM/9.121	Applicant's responses to the request for further information from the ExA - Rule 17 letter
TR010044/EXAM/9.122	Schedule of Changes to the Book of Reference
TR010044/EXAM/9.123	Correspondence with Bedford Borough Council on the Construction Noise Model
TR010044/EXAM/9.124	Madingley Mulch Roundabout and A1303 Study
TR010044/EXAM/9.125	Update to the National Policy Statement for National Networks Accordance Table including additional signposting at the close of Examination (Clean)
TR010044/EXAM/9.125	Update to the National Policy Statement for National Networks Accordance Table including additional signposting at the close of Examination (Tracked)
TR010044/EXAM/9.126	Applicant's Closing Position

### Document Referencing

For Deadline 10 submissions, please note that document references have been updated in line with the Examination Library. For documents submitted at previous deadlines, note that references to other documents refer to the version submitted at the same or earlier deadline.

### Archaeological Mitigation Strategy Document Reference

Please note that there have been four versions of the Archaeological Mitigation Strategy, one submitted as part of the DCO Application [APP-238], and three updates during the Examination [REP3-010], [REP4-031] and [TR010044/EXAM/9.23v3].

The version that was first updated for the Examination was erroneously given an "EXAM" reference number and as such the Deadline 10 document reference for the AMS is as follows: TR010044/EXAM/9.23v3.

### Statements of Common Ground

We have endeavoured to ensure that all Statements of Common Ground have been submitted as signed documents. However, the Statements of Common Ground with National Grid and Anglian Water are not yet signed by the Interested Parties. We are actively seeking to ensure

that the signed Statements of Common Ground with these parties are submitted to the Examining Authority prior to the close of Examination on 18 February 2022.

Notwithstanding this, we have submitted copies of the current status of the SoCGs as at Deadline 10. For National Grid, this is the confirmed agreed final form and all that remains is the administrative process of adding signatures. With regards Anglian Water, this is not yet final but reflects where we understand discussions have progressed to.

#### 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 9 **[REP9-001]**. 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)

As noted in the Applicant's previous update included in the cover letter to its Deadline 9 submissions **[REP9-001]**, on 21 January 2022 BBC notified the Applicant that it no longer wishes to progress the legal agreement previously prepared and issued to BBC by the Applicant.

The Applicant has sought clarification from BBC as to its preferred approach to preparing the legal agreement. BBC has confirmed that it wishes to use the as-yet-unsigned agreement being negotiated between the Applicant and Cambridgeshire County Council as a template document, and has further confirmed it now wishes to re-engage with the Applicant to progress such an agreement. In light of this confirmation of BBC's position the Applicant will continue to seek positive engagement with BBC to reach agreement as soon as possible.

#### Central Bedfordshire Council (CBC)

Following the Applicant issuing a revised draft of the legal agreement to CBC on 13 January 2022, comments/amendments were received from CBC on 2 February. As noted in the Applicant's Deadline 9 update **[REP9-001]**, CBC requested a short form 'letter agreement', containing a summary of the key topics to be addressed in the legal agreement, in lieu of the legal agreement completing by Deadline 10. CBC returned mark-ups of the draft letter agreement on 14 and 15 February, both of which seek to pre-empt the contents of the legal agreement and therefore cannot be accepted by the Applicant. At Deadline 10 the anticipated letter agreement has not been signed but the Applicant nevertheless remains committed to engaging with CBC on the legal agreement (as it has done to date) to reach agreement as soon as possible.

#### Cambridgeshire County Council (CCC)

Since the update provided at Deadline 9 the Applicant and CCC have continued to engage to progress the draft legal agreement, including holding a series of issue-specific meetings between their technical teams followed by lawyers' meetings to update the legal agreement. Significant progress has been made on the outstanding issues since Deadline 9 and the parties continue to engage with urgency with a view to reaching full agreement prior to close of the examination or as soon as possible thereafter.

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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