



Department for Transport

Great Minster House
33 Horseferry Road
London, SW1P 4DR

Telephone: 07866 013025
Email: transportinfrastructure@dft.gov.uk
Web: www.gov.uk/dft

To: **NATIONAL HIGHWAYS,
ENVIRONMENT AGENCY,
BIDWELLS, ANGLIAN WATER,
NATIONAL GRID ELECTRICITY,
NATIONAL GRID GAS PLC**

Date: 31 May 2022

Dear Sir/Madam

Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by National Highways (“the Applicant”) for an Order granting development consent for the A428 Black Cat to Caxton Gibbet Road Improvement scheme. The proposal includes consent to construct a new 16 kilometre dual 2-lane carriageway, including three grade-separated junctions, between the Black Cat roundabout and the Caxton Gibbet roundabout, together with approximately 3 kilometres of tie-in works, and the diversion of a high-pressure gas pipeline.

REQUEST FOR COMMENTS FROM THE APPLICANT, ENVIRONMENT AGENCY, BIDWELLS, ANGLIAN WATER, NATIONAL GRID ELECTRICITY, NATIONAL GRID GAS PLC.

The Examining Authority submitted on 18 May 2022 a Report and Recommendation in respect of its findings on the above application to the Secretary of State for Transport (“the Secretary of State”). In accordance with section 107 of the Planning Act 2008, the Secretary of State has until 18 August 2022 to make a decision on the application. The Secretary of State seeks further clarification and information from the Applicant and others on the following matters.

1. Request for comments from the Applicant to provide updated surveys of Brook Cottages

The Secretary of State notes at [[APP-240, Appendix E, Paragraph A5.4.6](#)] that the Applicant was continuing to attempt to negotiate access to undertake the survey at

Brook Cottages to determine the feasibility and value of dismantling and relocating Brook Cottages.

The Secretary of State invites the Applicant to provide an update to confirm whether that survey has been undertaken and if so, any resulting assessment that has been made on the relocation of Brook Cottages. If any additional surveys have been undertaken, the Applicant is requested to provide details together with an update on the assessment that has been made regarding Brook Cottages. The Applicant is asked to set out what, if any, implications the results of the survey or surveys may have for the Development Consent Order (“DCO”).

2. Request for confirmation from the Applicant to provide an update on consent for acquisition of Crown land

The Secretary of State notes that Part 4 of the Book of Reference [[REP10-014](#)] identifies plots in which Crown interests are held, and which are as follows: 1/1m, 1/1n, 1/3a, 1/3b, 1/3c, 1/4a, 1/4b, 1/5a, 1/6a, 1/6b, 1/6c, 1/6d, 1/8e, 1/8g, 1/8o, 1/8r, 1/9b, 1/10a, 1/10b, 1/10c, 1/10e, 1/10f, 1/10g, 1/10h, 1/10k, 1/19a, 1/24a, 1/32b, 1/32c, 1/43, 1/43d, 1/43f, 1/54a, 2/1a, 2/1i, 2/5a, 2/6a, 2/8a, 2/8b, 2/8c, 2/8d, 2/8e, 2/12d, 2/17a, 2/20a, 2/20b, 2/20c, 2/20d, 2/27a, 2/28a, 2/29a, 2/30a, 2/31a, 2/33a, 2/34a, 2/35a, 2/36a, 2/37a and 2/37b.

The Applicant is asked to confirm whether Crown consent has been obtained for compulsory acquisition of the relevant Crown interests in the plots listed in Part 4 of the Book of Reference. If so, please can the Applicant provide evidence that the requisite consent has been obtained. If not, the Applicant is asked to provide an update on the steps being undertaken to obtain the necessary Crown consent.

Alternatively, if Crown consent is no longer required in respect of any of the plots (for example because the formal registration process has now been completed for the transfer of title to the plots from the Secretary of State for Transport to the Applicant) then the Applicant is asked to confirm that, and to confirm that an updated version of the Book of Reference will be provided.

3. Request for confirmation from the Environment Agency on the Flood Risk Assessment documents

The Secretary of State notes that in Schedule 2, requirement 21 of the draft DCO (“dDCO”) [[AS-026](#)] the authorised development is required to be undertaken in accordance with the Flood Risk Assessment which is listed in Schedule 10, “Documents to be Certified”. The Secretary of State invites the Environment Agency to confirm whether the certified Flood Risk Assessment documents listed in Schedule 10 to the dDCO are those agreed with the Applicant and that they are content that the dDCO references the correct documents.

4. Request for comments from the Applicant on the implications of changes to the construction programme

The Secretary of State notes that the Applicant’s construction programme anticipated construction commencing in March 2022 [[APP-071, section 2.6](#)]. The Applicant is

invited to confirm whether the current anticipated construction start date would affect the construction programme which underpins the Environmental Statement and whether the traffic modelling as reported in the Environmental Statement can still be relied upon in such circumstances.

5. Request for an update on outstanding Protective Provisions

Anglian Water Protective Provisions

The Secretary of State notes that at the close of the Examination an agreement on the wording of the Protective Provisions had not been reached.

The Applicant and Anglian Water are asked to confirm whether agreement has been reached on the Protective Provisions and if no agreement has been reached, the parties are asked to provide an update on the current position. If an agreement has been reached, the parties are asked to provide the updated version of the agreed Protective Provisions.

National Grid Electricity Protective Provisions

The Secretary of State notes at the close of the Examination an agreement on the wording of the Protective Provisions had not been reached.

The Applicant and NGET are asked to confirm whether agreement has been reached on the Protective Provisions and if no agreement has been reached, the parties are asked to provide an update on the current position. If an agreement has been reached, the parties are asked to provide the updated version of the agreed Protective Provisions.

National Grid Gas Plc Protective Provisions

The Secretary of State notes at the close of the Examination an agreement on the wording of the Protective Provisions had not been reached.

The Applicant and NGG are asked to confirm whether agreement has been reached on the Protective Provisions and if no agreement has been reached, the parties are asked to provide an update on the current position. If an agreement has been reached, the parties are asked to provide the updated version of the agreed Protective Provisions.

6. Request for an update from the Applicant on the access bridge proposed over the A428 at Top Farm

The Secretary of State notes that at the close of Examination, there was an agreement in principle between the Applicant and Bidwells, representing the executors of N A Alington Little Barford Estate, for an overbridge of sufficient width to enable safe clearance for 6m wide machinery [[REP10-077](#)]. The Secretary of State requests confirmation from the Applicant and Bidwells whether an agreement is now in place for this bridge. If no agreement has been reached, the parties are asked to provide an update of the current position.

7. Request for an update from the Applicant on negotiations with Affected Persons

The Secretary of State requests that the Applicant provides an updated (track changed and clean) Annex B to the Schedule of Reasons [[REP10-013](#)] showing the progress of negotiations with all those persons affected by the granting of compulsory acquisition powers.

The deadline for any response is Tuesday 14th June 2022.

Responses to the matters outlined in this letter are best submitted by email to: A428.Blackcat@planninginspectorate.gov.uk. If you will have difficulty in submitting a response by the consultation deadline, or difficulty submitting a response by e-mail, please inform the Case team.

The responses will be published on the project page for the A428 Black Cat to Caxton Gibbet DCO application on the National Infrastructure Planning website as soon as possible after the above deadlines at:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a428-black-cat-to-caxton-gibbet-road-improvement-scheme/>

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the proposed A428 Black Cat to Caxton Gibbet Road Improvement scheme, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Natasha Kopala
Head of the Transport Infrastructure Planning Unit