



Department for Transport

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To: All interested parties, including Date: 22 June 2022
National Highways
Anglian Water
National Grid Electricity
National Grid Gas
Department for Environment,
Food and Rural Affairs

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, ANGLIAN WATER, NATIONAL GRID ELECTRICITY, NATIONAL GRID GAS AND ALL INTERESTED PARTIES

1. Request for comments from Interested Parties on the Applicant’s response to the Secretary of State and further updates from the Applicant

The Secretary of State invites Interested Parties to provide any comments on questions 4 (Request for comments from the Applicant on the implications of changes to the construction programme) and 7 (Request for an update from the Applicant on negotiations with Affected Persons) of the Applicant’s [response of 14 June 2022](#) to the Secretary of State’s [consultation letter of 31 May 2022](#).

2. Request for documents from the Applicant to inform the Sequential Test

To inform his consideration on the Sequential Test, the Secretary of State invites the Applicant to provide a plan showing each of the alternative route options considered alongside flood zones and other areas of flood risk.

3. Request for confirmation from the Applicant and the Secretary of State for Environment, Food and Rural Affairs (“Defra”) as to consent to acquisition of Crown land from the Secretary of State for Environment, Food and Rural Affairs

In response to question 2 in the Secretary of State’s letter of 31 May 2022, the Secretary of State notes from the Applicant’s response dated 14 June 2022 that consent for acquisition of Crown land has been obtained from the Secretary of State for Transport and that plots 1/32b and 1/32c are bona vacantia land in which the Treasury Solicitor has disclaimed the Crown’s title.

The Secretary of State notes that Part 4 of the Book of Reference [[REP10-014](#)] identifies the following plots in which Crown interests are held by the Secretary of State for Defra: plots 1/19a, 2/8a, 2/8b, 2/8c, 2/8d, 2/8e, 2/8f, 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 and the Secretary of State for Environment, Food and Rural Affairs are asked to confirm whether Crown consent has been obtained from the Secretary of State for Environment, Food and Rural Affairs 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.

4. Request for further updates on outstanding Protective Provisions

The Secretary of State notes the [response from Anglian Water](#) of 14 June 2022 including a request for a date by which further submissions should be made. The statutory deadline for the decision to be issued is 18 August 2022 and the Secretary of State therefore welcomes any further submissions from Anglian Water as soon as possible and in any event by the deadline for responses.

The Secretary of State also invites the Applicant, National Grid Electricity and National Grid Gas Plc to confirm whether an agreement has been reached as soon as possible, and in any event by the deadline for responses.

The deadline for any response is 6 July 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 Planning Inspectorate website as soon as possible after the above deadline 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 A428 Black Cat to Caxton Gibbet scheme, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Fergus O'Dowd
Transport Infrastructure Planning Unit