



# Department for Transport

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To: All interested parties,  
National Highways,  
Government Legal Department

Date: 28 July 2022

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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 (“the Proposed Development”).

### **REQUEST FOR COMMENTS FROM INTERESTED PARTIES, THE APPLICANT AND THE GOVERNMENT LEGAL DEPARTMENT**

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

The Secretary of State invites Interested Parties to provide any comments on the [Applicant’s response](#) to the Secretary of State’s [consultation letter of 13 July 2022](#).

#### **2. Request for an update from the Applicant and the Government Legal Department as to consent to acquisition of land listed as bona vacantia**

The Secretary of State notes that plots 1/32b and 1/32c are listed as bona vacantia land only in Part 4 of the most recent copy of the Book of Reference [\[REP10-014\]](#), and that reference to bona vacantia has been removed for these two plots in Parts 1 and 3 of the corresponding tracked-change version of the Book of Reference [\[REP10-015\]](#).

The Secretary of State invites the Applicant to confirm whether plots 1/32b and 1/32c should be listed as bona vacantia land in the Book of Reference, and, if so, invites the Applicant and the Government Legal Department to confirm whether Crown consent has now been provided by the Government Legal Department for compulsory acquisition of the relevant Crown interests in plots 1/32b and 1/32c.

### **3. Request for an updated Book of Reference from the Applicant**

The Secretary of State invites the Applicant to provide an updated Book of Reference to take into account any changes necessary as a result of its answer to question 2 above.

### **4. Request for updated Crown land plans from the Applicant**

The Secretary of State notes that the most recent set of Crown land plans [[REP4-004](#)] were provided before the most recent update to the Book of Reference [[REP10-014](#)]. The Secretary of State invites the Applicant to provide updated Crown land plans showing the changes in the most recent Book of Reference as well as any changes required in response to questions 2 and 3 above. The Secretary of State further invites the Applicant to consider whether other changes to plans or certified documents are now necessary.

**The deadline for any response is 9 August 2022.**

Responses to the matters outlined in this letter are best submitted by email to: [A428.Blackcat@planninginspectorate.gov.uk](mailto: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