

From: [REDACTED]
To: [A428 Black Cat](#)
Cc: [REDACTED]
Subject: A428 Black Cat to Caxton Gibbet Road Improvement Development Consent Order
Date: 14 June 2022 12:53:15
Attachments: [image001.png](#)
[TR010044-002048-220531_Consultation letter -Black Cat -FINAL.pdf](#)
[Davison Co negotiations update 100522 \(002\).pdf](#)

Dear Sirs,

We act for Davison & Company (Great Barford) Limited, a person affected by the proposed DCO. Carter Jonas (cc'd into this email) act for Davison & Company (Great Barford) Limited as its surveyors.

We write with reference to the letter from the Department for Transport dated 31 May 2022 (1st attachment), among other things, which requests, at point 7, an update from National Highways (NH) on the negotiations with affected persons.

To this end, we attach a copy of our letter to the Examining Authority dated 10th May (2nd attachment) which directly addresses the status of the negotiations.

By way of an update on the status of negotiations on the critical access and rights issue (i.e. agreeing reasonable land rights to mitigate the risk that the compulsory acquisition of Davison & Company's land interests abutting the existing adopted highway will adversely affect the proposed employment development) since the 10th May letter (which was copied to NH):

- NH emailed Carter Jonas on 11 May 2022 to apologise for the delay in responding to Carter Jonas's emails of 25th April, 4th May and 10th May due to the pressures of work and a change of personnel within the operations team and advised that they would be in touch again soon to progress matter;
- However, no subsequent response was received from NH until 13 June 2022 to propose some meeting dates for the middle/end of June 2022;
- As it stands, therefore, the meeting scheduled in the agreed programme of engagement requested by the Examining Authority for w/c 24th January 2022 has still not taken place some nearly 5 months later
- In addition, while progress has been made on settling the drafting for the agreement for lease and lease for the borrow pits land (Plot 14/16a), some important points of principle remain to be agreed with NH.

For the reasons set out above and in the letter of 10th May, Davison & Co remain firmly of the view that NH, contrary to paragraphs 8 and 25 of the DCLG 'Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land', have clearly not used reasonable attempts to acquire Davison & Co's land by agreement and/or treat compulsory purchase powers as a tool of last resort and therefore (along with other reasons set out in Davison & Co's representations at Examination) a compelling case in the public interest has not been demonstrated by NH for the compulsory acquisition of its land interests contrary to the requirements of section 122(3) of the Planning Act 2008.

Davison and Company continue to proactively engage with NH to explore a mutually agreeable

resolution to the critical access and rights point and remain willing and able to continue proactively negotiating.

We would be grateful if you could please acknowledge safe receipt of this email and attachments and this email could please be placed before the relevant officials at DfT who are considering the Examining Authority's recommendation and preparing the submission to Ministers on the DCO application.

Many thanks

Kind Regards,

Paul

Paul Arnett

Senior Associate

Town Legal LLP



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