

From: [Darl Sweetland](#)
To: [TRANSPORTINFRASTRUCTURE](#); [A428 Black Cat](#)
Cc: [Jarek Zolnacz](#); [Darrell Crittenden](#); [Natasha Kopala](#)
Subject: RE: A428 Black Cat to Caxton Gibbet Road Improvement scheme - Anglian Water consultation response
Date: 05 July 2022 17:06:29
Attachments: [image001.jpg](#)
[image005.jpg](#)
[image003.jpg](#)
[image006.jpg](#)

Dear Fergus

I write with reference to the Secretary of State's consultation letter dated 22 June 2022 and Anglian Water's previous submission dated 14 June 2022.

Anglian Water has now reviewed the deferment issue in detail and considered the potential options at the Decision and Post DCO decision stages to ensure Anglian Water and our customers are in a 'no better no worse' position than if the scheme and others being taken forward by National Highways had not taken place.

On the question in part 4 of the consultation letter Anglian Water considers that the modern regulatory and financial context means there is no financial benefit to water companies in the deferment of the renewal of apparatus diverted by way of the DCO. Anglian Water accepts that the wording of the deferment provisions in the draft DCO (Article 43(6), Schedule 9 Part 1 paragraph 10(5) and Schedule 9 Part 7 paragraph 88(5)) are flexible. The existing statutory position and the protective provisions therefore only permits deductions where such financial benefit is demonstrated.

Anglian Water has therefore decided to discontinue its objection to the A428 Black Cat to Caxton Gibbet Road Improvement scheme deferment provisions per se and will instead seek to put the undertaker to proof of financial benefit (should it seek to make deductions) at the project cost reconciliation stage.

In conclusion, Anglian Water has been able, through intervention with National Highways to secure clarifications to the DCO Order and support improvements in National Highways practices and collaboration. These are summarised in our previous email below. Consequently, with the above approach to deferment Anglian Water is now able to confirm the objections set out in the Statement of Common Ground have been resolved.

Darl Sweetland DMS, MRTPI

Spatial Planning Manager

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From: Darl Sweetland
Sent: 14 June 2022 21:45
To: A428.Blackcat@planninginspectorate.gov.uk
Cc: Jarek Zolnacz [REDACTED] Darrell Crittenden
[REDACTED] >; Steve Leader [REDACTED] >
Subject: A428 Black Cat to Caxton Gibbet Road Improvement scheme - Anglian Water consultation response

Dear Natasha and Transport Infrastructure Planning Unit team

Thank you for 31 May 2022 letter consulting Anglian Water.

On receipt of your consultation Anglian Water contacted National Highways to seek to progress the unresolved matters.

A meeting was arranged for Friday 10th June and at the meeting Anglian Water team proactively concluded a number of points such that National Highways were asked to draft a joint response to the consultation. We received that draft response today (14th June) and sought to clarify a number of points so that the Secretary of State and those advising him on the decision were clear on the joint steps and position Anglian Water and National Highways had agreed. National Highways have advised us this evening that they are unable now to agree a joint response. Importantly there remains one key issue on deferment between the parties that if not addressed in the decision would significantly impact Anglian Water's funding and our customers. The draft joint position is attached.

In summary, Anglian Water have sought and understand National Highways have agreed:

1. An approach to paragraph 82 of the Protective Provisions which ensures National Highways clearly establish with Anglian Water whether diversion works are being undertaken utilising powers within the prospective DCO or under NRSWA or other powers.
2. That in respect of paragraph 91 of the Protective Provisions Anglian Water is content that as contract discussions are ongoing for diversion works that those discussions do not now need to be conducted through the use of Anglian Water's Inflow system used by other developers. Anglian Water would advise though that in not using Inflow, promoters may find that work on diversions, new connections and other assets may be less coordinated with consequent delays in time or an increase in costs.
3. That property matters are progressing and so may now be recorded as agreed between the parties. Previously Table 3.1 at page 8 of the Statement of Common Ground

