

# A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 9

9.131 Applicant's Responses to the Secretary of State's  
Consultation Letter dated 28 July 2022

Planning Act 2008

The Infrastructure Planning (Examination Procedure)  
Rules 2010

August 2022

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Examination Procedure) Rules 2010**

**A428 Black Cat to Caxton Gibbet improvements**  
Development Consent Order 202[ ]

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**9.131 Applicant's Responses to the Secretary of State's  
Consultation Letter dated 28 July 2022**

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<b>Planning Inspectorate Scheme Reference</b>	TR010044
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<b>Author</b>	A428 Black Cat to Caxton Gibbet improvements Project Team, National Highways

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1	5 August 2022	Final

## Table of Contents

### Chapter

<b>1 Applicant's Responses to the Secretary of State's Consultation Letter dated 28 July 2022</b>	<b>1</b>
<b>Appendix A – Letter and Notice of Disclaimer from the Government Legal Department, Bona Vacantia Division</b>	<b>5</b>

### Table of Tables

<b>Table 1-1 Applicant's Responses to the Secretary of State's Consultation Letter dated 28 July 2022</b>	<b>2</b>
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# 1 Applicant's Responses to the Secretary of State's Consultation Letter dated 28 July 2022

- 1.1.1 This document has been prepared by the Applicant to set out its responses to the letter dated 28 July 2022 in which the Secretary of State sought further clarification and information in relation to the application seeking development consent for the A428 Black Cat to Caxton Gibbet Improvements scheme.
- 1.1.2 These matters and the Applicant's response to them can be found in **Table 1-1** below.

**Table 1-1 Applicant's Responses to the Secretary of State's Consultation Letter dated 28 July 2022**

No.	Question
1	<p><b>Request for comments from Interested Parties on the Applicant's response and further update provided to the Secretary of State</b></p> <p>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.</p> <p>Noting this request is directed towards Interested Parties, the Applicant has not provided a response to this question.</p>
2	<p><b>Request for an update from the Applicant and the Government Legal Department as to consent to acquisition of land listed as bona vacantia</b></p> <p>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].</p> <p>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.</p> <p>The Applicant notes that the question relates to plots 1/32b and 1/32c but for completeness the response below also refers to plot 1/32a where a correction in Part 4 of the Book of Reference [TR010044/APP/4.3v3] has also been required.</p> <p>The Applicant had referenced Black Cat Business Park Limited as having rights on the title that covered plots 1/32a, 1/32b and 1/32c, and listed them as such in the Book of Reference [TR010044/APP/4.3v3]. As part of the ongoing referencing process an update check on Companies House was undertaken and it was noted that the company had been dissolved, so the rights then fell to Bona Vacantia.</p> <p>The Applicant wrote to the Treasury Solicitor who has confirmed the Crown's title in the property (if any) has been disclaimed and, in this respect, has provided a copy of the Notice of Disclaimer made under s1013 of the Companies Act 2006 on 26 October 2021. The relevant correspondence is set out within Appendix A of this document.</p> <p>Therefore, the Bona Vacantia interests were removed from Plots 1/32a, 1/32b and 1/32c under Part 1 and Part 3 of the Book of Reference [TR010044/APP/4.3v3], but were not removed from Part 4 in error. To remedy this, the Applicant submits to the Secretary of State a corrected Book of Reference [TR010044/APP/4.3v4].</p>

No.	Question
3	<p><b>Request for an updated Book of Reference from the Applicant</b></p> <p>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.</p>
	<p>In light of the Applicant's response to question 2 above, the Applicant submits to the Secretary of State clean and tracked versions of the Book of Reference <b>[TR010044/APP/4.3v4]</b> which includes the removal of Crown Land and Bona Vacantia interests in plots 1/32a, 1/32b and 1/32c only.</p>
4	<p><b>Request for updated Crown land plans from the Applicant</b></p> <p>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.</p>
	<p>The Applicant submits to the Secretary of State updated Crown Land Plans <b>[TR010044/APP/2.11v3]</b> which include the removal of plots 1/32a, 1/32b and 1/32c only. The Applicant confirms that no other changes are required to the certified documents detailed in Schedule 10 of the dDCO <b>[AS-026]</b>, other than changes to the Book of Reference identified in question 3 of this response to the consultation letter.</p> <p>Set out below are the required changes to Schedule 10 of the dDCO <b>[AS-026]</b> following the correction to the Book of Reference <b>[TR010044/APP/4.3v4]</b> and updated Crown Land Plans <b>[TR010044/APP/2.11v3]</b>.</p>

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	<p style="text-align: center;"><b>SCHEDULE 10</b> <span style="float: right;">Articles 2 and 52</span></p> <p style="text-align: center;"><b>DOCUMENTS TO BE CERTIFIED</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">(1) <i>Document</i></th><th style="text-align: center;">(2) <i>Reference number</i></th></tr> </thead> <tbody> <tr><td>the book of reference</td><td>TR010044/APP/4.3 revision <b>3 4</b></td></tr> <tr><td>the classification of road plans</td><td>TR010044/APP/2.9</td></tr> <tr><td>the Crown land plans</td><td>TR010044/APP/2.11 revision <b>2 3</b></td></tr> <tr><td>the de-trunking plans</td><td>TR010044/APP/2.5</td></tr> <tr><td>the First Iteration EMP</td><td>TR010044/APP/6.8 revision 4</td></tr> <tr><td>the engineering section drawings</td><td>TR010044/APP/2.10</td></tr> <tr><td>the environmental masterplan</td><td>Figure 2.4 within TR010044/APP/6.2 revision 4</td></tr> <tr><td>the environmental statement</td><td>TR010044/APP/6.1-6.3</td></tr> <tr><td>the general arrangement plans</td><td>TR010044/APP/2.4</td></tr> <tr><td>the land plans</td><td>TR010044/APP/2.2 revision 2</td></tr> <tr><td>the streets, rights of way and access plans</td><td>TR010044/APP/2.6 revision 5</td></tr> <tr><td>the traffic regulation measures plans</td><td>TR010044/APP/2.7</td></tr> <tr><td>the permanent speed limit plans</td><td>TR010044/APP/2.8</td></tr> <tr><td>the works plans</td><td>TR010044/APP/2.3</td></tr> <tr><td>the outline construction traffic management plan</td><td>TR010044/APP/7.4 revision 5</td></tr> <tr><td>the archaeological mitigation strategy</td><td>TR010044/EXAM/9.23 revision 3</td></tr> <tr><td>the habitats plan</td><td>Figure 1 of Appendix 8.3 within TR010044/APP/6.3</td></tr> <tr><td>the biodiversity pre-commencement plan</td><td>TR010044/APP/6.13 revision 2</td></tr> <tr><td>the pre-commencement plan</td><td>TR010044/EXAM/9.48 revision 4</td></tr> <tr><td>the tree constraints plan</td><td>Appendix 7.5 Part 2 and Part 3 within TR010044/APP/6.3 revision 2</td></tr> <tr><td>scheme design approach and design principles</td><td>TR01044/EXAM/9.26 revision 3</td></tr> <tr><td>flood risk assessment</td><td>Appendix 13.4 – Flood Risk Assessment, Appendix 13.4 – Flood Risk Assessment – Annex A – River Great Ouse Hydraulic Modelling Report, Appendix 13.4 – Floor Risk Assessment – Annex C – Ordinary Watercourse Hydrology Report, within TR010044/APP/6.3 and Flood Risk Technical Note TR010044/EXAM/9.82 revision 3</td></tr> <tr><td>Brook Cottages heritage strategy</td><td>TR010044/EXAM/9.104</td></tr> </tbody> </table>	(1) <i>Document</i>	(2) <i>Reference number</i>	the book of reference	TR010044/APP/4.3 revision <b>3 4</b>	the classification of road plans	TR010044/APP/2.9	the Crown land plans	TR010044/APP/2.11 revision <b>2 3</b>	the de-trunking plans	TR010044/APP/2.5	the First Iteration EMP	TR010044/APP/6.8 revision 4	the engineering section drawings	TR010044/APP/2.10	the environmental masterplan	Figure 2.4 within TR010044/APP/6.2 revision 4	the environmental statement	TR010044/APP/6.1-6.3	the general arrangement plans	TR010044/APP/2.4	the land plans	TR010044/APP/2.2 revision 2	the streets, rights of way and access plans	TR010044/APP/2.6 revision 5	the traffic regulation measures plans	TR010044/APP/2.7	the permanent speed limit plans	TR010044/APP/2.8	the works plans	TR010044/APP/2.3	the outline construction traffic management plan	TR010044/APP/7.4 revision 5	the archaeological mitigation strategy	TR010044/EXAM/9.23 revision 3	the habitats plan	Figure 1 of Appendix 8.3 within TR010044/APP/6.3	the biodiversity pre-commencement plan	TR010044/APP/6.13 revision 2	the pre-commencement plan	TR010044/EXAM/9.48 revision 4	the tree constraints plan	Appendix 7.5 Part 2 and Part 3 within TR010044/APP/6.3 revision 2	scheme design approach and design principles	TR01044/EXAM/9.26 revision 3	flood risk assessment	Appendix 13.4 – Flood Risk Assessment, Appendix 13.4 – Flood Risk Assessment – Annex A – River Great Ouse Hydraulic Modelling Report, Appendix 13.4 – Floor Risk Assessment – Annex C – Ordinary Watercourse Hydrology Report, within TR010044/APP/6.3 and Flood Risk Technical Note TR010044/EXAM/9.82 revision 3	Brook Cottages heritage strategy	TR010044/EXAM/9.104
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## Appendix A – Letter and Notice of Disclaimer from the Government Legal Department, Bona Vacantia Division





# Government Legal Department

Highways England  
Woodlands  
Manton Lane  
Bedford  
MK41 7LW

Bona Vacantia Division (BVD)  
PO Box 2119  
Croydon  
CR90 9QU

[www.gov.uk/bonavacantia](http://www.gov.uk/bonavacantia)

**DX: 325801 Croydon 51**

By email only: [info@a428.co.uk](mailto:info@a428.co.uk)

**Please Quote: BV22106714/1/DO**  
**Your Reference: TR010044**

11 November 2021

Dear Sir,

**Black Cat Business Park Limited (Dissolved)**

**Property: Any property, rights and benefit in the Option Deed, Option Agreement, Legal Charge, Lease, Deed of First Refusal, Deed of Pre-emption, Participation and Option to Renew all dated 26 August 2010 including all related interests**

**Title Number:**

The Treasury Solicitor, in whom the assets of the above mentioned Company vested on the dissolution of the Company, has disclaimed the Crown's title (if any) in the above mentioned property, and I enclose for your information a copy of the formal Notice of Disclaimer made under Section 1013 of the Companies Act 2006.

Yours faithfully

**Mendel Braun**  
**For the Treasury Solicitor**

T  
F  
E [\[redacted\]@governmentlegal.gov.uk](mailto:[redacted]@governmentlegal.gov.uk)

T S Ref: BV22106714/1/DO

Notice of Disclaimer under s.1013 of the Companies Act 2006

**DISCLAIMER OF WHOLE OF THE PROPERTY**

1. In this Notice the following shall apply:

Company Name: Black Cat Business Park Limited

Company Number: 07181511

Property/Interest: Any property, rights and benefit in the Option Deed, Option Agreement, Legal Charge, Lease, Deed of First Refusal, Deed of Pre-emption, Participation and Option to Renew all dated 26 August 2010 including all related interests.

Treasury Solicitor: The Solicitor for the Affairs of Her Majesty's Treasury of PO Box 2119, Croydon (DX 325801 Croydon 51).

2. In pursuance of the powers granted by s.1013 of the Companies Act 2006 the Treasury Solicitor as nominee for the Crown (in whom the property and rights of the company vested when the Company was dissolved) hereby disclaims the Crown's title (if any) in the Property the vesting of the Property having come to her notice on 27 April 2021.

Dated 26 October 2021



Assistant Treasury Solicitor  
(Section 3 Treasury Solicitor Act 1876)