

From: [REDACTED]
To: [A428 Black Cat](#)
Cc: [REDACTED]
Subject: A428 Black Cat to Caxton Gibbet Road Improvement scheme - Anglian Water consultation response
Date: 14 June 2022 21:45:28
Attachments: [image001.jpg](#)
[image003.jpg](#)
[image002.jpg](#)
[SoS response AW PP's section AW tracked.docx](#)

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 ([TRO10044](#)) recorded that the Access matters were 'Not Agreed' at the close of the Examination.

The one matter on which we had not reached agreement was paragraph 89 of the Protective Provisions on deferment. We understand that National Highways are not able to agree to the clarifications Anglian Water sought on this point. The clarifications National Highways were unable to agree are:

- a. On A14 Cambridge to Huntingdon Improvement Scheme DCO issued in 2016 there was no deferment on Anglian Water diversions.
- b. The parties agree that renewal under this Schedule only applies to assets within, under or along existing highways (like NRSWA). There is no deferment on assets within green field locations outside of the existing highway.

Anglian Water will be making further independent submissions to the Secretary of State on the legal basis for deferment not to apply for all diversion works and the different approach being taken by National Highways to Anglian Water than to other parties.

We would be obliged if you can provide a date by when those further submissions should be made to the Secretary of State ahead of the prospective 12th August decision date. Those submissions are likely to also apply to the deferment point between the parties on other National Highways NSIP decisions before the Secretary of State in the coming months.

Darl Sweetland DMS, MRTPI

Spatial Planning Manager

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