

Section 55 Acceptance of Applications

A14 Cambridge to Huntingdon – Section 55 Application Checklist¹

Section 55(2) Acceptance of Applications			
Within 28 days (starting day after receipt) the Secretary of State must decide whether or not to accept the application.	Date received	28 day due date	Date of decision
	31 December 2014	28 January 2015	27 January 2015
Section 55(3) – the Secretary of State may <u>only</u> accept an application if the Secretary of State concludes that:-		Planning Inspectorate Comments	
1. s55(3)(a) and s55(3)(c) It is an application for an order granting development consent			
<p>1.1 Is the development a nationally significant infrastructure project² (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a development consent order³ (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14-30 does the application scheme fall)?</p> <p>If the development does not fall within the categories in ss14-30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>		<p>Box 4 of the Application Form (Doc 1.3) states:</p> <p>'The proposed development lies wholly within England and includes the construction, improvement and alteration of a highway for which the Secretary of State is the highway authority' and as a result the project 'is a nationally significant infrastructure project (NSIP) for the purposes of sections 14(1)(h) and 22 of the Planning Act 2008.'</p> <p>'Part of the highway to be constructed and altered is expected to have a speed limit of 50 miles an hour or greater and the areas of development for construction and alteration are each greater than 12.5 hectares.'</p>	

¹ References in this document to the Secretary of State include references (where applicable) to the Planning Inspectorate Major Applications and Plans Directorate which carries out functions related to consenting nationally significant infrastructure projects on behalf of the Secretary of State

² NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15-30

³ Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

Summary – s55(3)(a) and s55(3)(c)	The proposed development by virtue of its nature, scale and location is one for which a Development Consent Order is required.
2. s55(3)(e) The applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)	
2.1 Did the applicant before carrying out the s42 consultation either (a) request the Secretary of State to adopt a screening opinion in respect of the development to which the application relates, or (b) notify the Secretary of State in writing that it proposed to provide an environmental statement in respect of that development ⁴ ?	The applicant provided a Regulation 6(1)(b) notice under the EIA Regulations 2009 (as amended) to the Planning Inspectorate dated 13 March 2013, informing the Planning Inspectorate that it proposes to provide an ES in respect of the development. A copy of this notice is not provided as part of the application documents. It was sent before the beginning of the s42 consultation which commenced on 7 April 2014.
2.2 Have any adequacy of consultation representations ⁵ been received from "A", "B", "C" and "D" authorities; and if so do they confirm that the applicant has complied with the duties under s42, s47 and s48?	<p>Apart from Cambridgeshire County Council (a 'C' authority), all of the authorities who responded confirm that the applicant complied with the duties under s42, s47 and s48 of the PA 2008 (see below) or indicated that they did not intend to submit a response.</p> <p>Cambridgeshire County Council is satisfied that the applicant has carried out the consultation in accordance with the Statement of Community Consultation (SoCC) in compliance with s47 of the PA 2008 and considers that the applicant took "reasonable" and "effective measures" to publicise their intent to make an application in compliance with s48 of the PA 2008.</p> <p>The County Council indicates that the applicant had not completed the Environmental Impact Assessment (EIA) and Traffic Assessment by the time of the public exhibitions but a Preliminary Environmental Information Report (PEIR) and Preliminary Traffic Report were available. The Council does not consider the statutory public consultation to have been inadequate for this reason (pages</p>

⁴ Regulation 6 of the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

⁵ S55(4) of the PA2008 provides that the Secretary of State must have regard to the consultation report, and any adequacy of consultation representations received

6-7 of the Council's adequacy of consultation response). However, the County Council is aware of a number of complaints from members of the public and Hilton Parish Council about the consultation process; these are summarised in Annex B of the Council's adequacy of consultation response. The Council considers that consultation may not have been fully adequate as the applicant was unable to provide the information requested at public exhibitions (page 4 of the Council's adequacy of consultation response). These are considered in Box 2.11 below.

The following authorities confirm that the applicant's pre-application consultation was adequate:

Fenland District Council ('A' authority);

East Cambridgeshire District Council ('A' authority);

St Edmundsbury Borough Council ('A' authority);

South Cambridgeshire District Council ('B' authority);

Huntingdonshire District Council ('B' authority);

Suffolk County Council ('D' authority);

Bedford Borough Council ('D' authority);

Central Bedfordshire Council ('D' authority);

Peterborough City Council ('D' authority);

Essex County Council ('D' authority).

The following authorities have indicated they do not intend to submit a response:

East Northamptonshire Council ('A' authority);

Braintree District Council ('A' authority);

	<p>Uttlesford District Council ('A' authority); Northamptonshire County Council ('D' authority).</p> <p>Authorities that have not responded: Cambridge City Council ('A' authority); North Hertfordshire District Council ('A' authority); Lincolnshire County Council ('D' authority); Hertfordshire County Council ('D' authority); Norfolk County Council ('D' authority).</p>
<p>s42: Duty to Consult</p>	
<p>2.3 Did the applicant consult the following about the proposed application:</p>	
<p>s42(1)(a) persons prescribed⁶?</p>	<p>A list of statutory consultees is provided in Appendix C – List of consultees (Doc 5.2). All prescribed parties were consulted.</p> <p>The developer consulted the relevant regional gas distribution network operator which in this instance was National Grid, however did not consult any other regional gas distribution network operators. Unless the applicant is certain that these operators do not have an interest in the area, it would be advisable to alert all gas distribution networks who hold a national licence; further s51 advice has been issued separately to this s55 checklist.</p> <p>The applicant consulted a number of bodies in addition to the statutory requirements.</p>

⁶ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

s42(1)(aa) the Marine Management Organisation ⁷ ?	Not applicable.
s42(1)(b) each local authority within s43 ⁸ ?	The applicant lists the local authorities consulted in Appendix C – List of Consultees Appendix Table D: Section 42(1)(b) local authorities, page 7 of 26. See also Box 2.2 above. These authorities are in accordance with the requirements of s43.
s42(1)(c) the Greater London Authority (if in Greater London area)?	The project is not in the Greater London area.
s42(1)(d) each person in one or more of s44 categories ⁹ ?	The applicant in Part 3.7 of Consultation Report (Doc 5.1) explains how, through what it describes as 'diligent inquiries', the applicant has identified and consulted each person in one or more categories.
s45: Timetable for s42 Consultation	
2.4 Did the applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the applicant 28 days or more starting with the day after receipt of the consultation documents?	The applicant states that all consultees under s42 were sent a letter on 10 April 2014. A sample letter is shown in Appendix A.10.1. The letter sets out the consultation period between 7 April and 15 June 2014, allowing more than 28 days from the day after receipt (Paragraphs 3.5.1-3.5.6, pg. 33 of the Consultation Report (Doc 5.1)). The letter was sent to: <ul style="list-style-type: none"> • Prescribed consultees (identified under s42 of the PA 2008) and listed in Appendix C (tables A-C); • Local authorities identified under s43 of the PA 2008

⁷ In any case where the proposed development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

⁸ Definition of "local authority" in s43(3): The "B" authority where the application land is in the authority's area; the "A" authority where any part of the boundary of A's area is also a part of the boundary of B's area; the "C" authority (upper tier) where the application land is in that authority's area; the "D" authority where such an authority shares a boundary with a "C" authority

⁹ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: person entitled to make a relevant claim. There is no requirement to check the accuracy of the list(s) or whether the applicant has made diligent inquiry

	<p>(Paragraphs 3.6.1-3.6.4, pgs. 33-35 of the Consultation Report (Doc 5.1)); and</p> <ul style="list-style-type: none"> Those with an interest in land as defined by s44 of the PA 2008 as listed in Table E of Appendix C. (Paragraphs 3.7.1-3.7.10, pgs. 35-36 of Consultation Report (Doc 5.1)). <p>All were sent a copy of the consultation brochure, and the letter stated the website address where further information was available, including the PEIR, the Preliminary Traffic Report and the proposed scheme drawings. (Paragraphs 3.5.1-3.7.10, pgs. 33-36 of Consultation Report (Doc 5.1))</p>
s46: Duty to notify Secretary of State of proposed application	
2.5 Did the applicant supply information to notify the Secretary of State of the proposed application; and if so was the information supplied to the Secretary of State on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?	The applicant sent a letter and consultation information to the Secretary of State on 4 April 2014 as required before the s42 consultation period started on 7 April 2014. A copy of the letter is shown in Appendix A.6. (Paragraph 3.3.1, page 26, Consultation Report (Doc 5.1)).
s47: Duty to consult local community	
2.6 Did the applicant prepare a statement of community consultation (SoCC) on how it intended to consult people living in the vicinity of the land?	The applicant states that they prepared a draft SoCC and published the final SoCC (Paragraphs 3.4.1-3.4.11, pgs. 29-30, Consultation Report (Doc 5.1)). The draft SoCC is shown in Appendix A.1 and the final published SoCC is shown in Appendix A.2 in Consultation Report Appendix A (Doc 5.2)).
2.7 Were "B" and (where relevant) "C" authorities consulted about the content of the SoCC; and if so was the deadline for receipt of responses 28 days beginning with the day after the day that "B" and (where applicable) "C" authorities received the consultation documents?	The applicant states that the content of the SoCC was developed in collaboration with the local authorities defined by section 43 (1) of PA 2008 which it refers to as the 'hosting authorities' namely Cambridgeshire County Council, South Cambridgeshire District Council and Huntingdonshire District Council (Paragraph 3.4.4, pg.

	<p>27, Consultation Report (Doc 5.1)).</p> <p>The applicant confirms that the three 'hosting authorities' were informally provided with an early draft of the SoCC and after receiving comments the draft SoCC was developed further.</p> <p>The applicant states that the draft SoCC was sent to the relevant local authorities on 10 February 2014 for a statutory 28 day period to review under s47 PA 2008. (Paragraph 3.4.5, pg. 27, Consultation Report (Doc 5.1)).</p> <p>A copy of the draft SoCC but not the cover letter has been provided in Appendix A.1 in Consultation Report Appendix A (Doc 5.2). All of the relevant authorities provided responses within this statutory timeframe. Consultation responses received from all three authorities are summarised in Table 3.1 (pg. 28, Consultation Report (Doc 5.1)), and in full in Appendix A.2 (Doc 5.2).</p> <p>None of the adequacy of consultation representatives raised any issues about the drafting process of the SoCC.</p>
<p>2.8 Has the applicant had regard to any responses received when preparing the SoCC?</p>	<p>The applicant states that they have developed the draft SoCC in accordance with responses from the local authorities mentioned in box 2.7 above.</p> <p>Cambridgeshire County Council responded to the formal consultation on the draft SoCC by confirming that they were content with the SoCC subject to ensuring that community engagement should meet the criteria in its statement of community involvement (SCI) requirements for applicants for NSIPs and public exhibitions. The Council's letter gave other feedback concerning the EIA Scoping Report and PEIR. The applicant confirmed that engagement on 'borrow pits' would comply with the Council's current SCI and the draft EIA Scoping Report would be taken into account where applicable in the PEIR provided for public</p>

	<p>consultation.</p> <p>Huntingdonshire District Council's adequacy of consultation response confirmed that the Council was content with the draft SoCC with the exception of a minor amendment to the technical description of the carriageway widening on the existing A14. The SoCC was amended as a result of the Council's letter.</p> <p>South Cambridgeshire District Council confirmed that they generally supported the draft SoCC, but an additional consultation exhibition was requested at Camborne given the development planned in the area and interest in the Girton interchange/A1198 junction arrangements. The SoCC was amended as a result of the Council's letter to include an additional exhibition at Cambourne.</p> <p>The three host authorities have stated, in their Adequacy of Consultation responses, their satisfaction with the production of the SoCC.</p>
<p>2.9 Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?</p>	<p>The SoCC notice has been provided in Appendix A.4 (Consultation Report (Doc 5.2)) but the publication date is not given. The applicant states that they published the SoCC in full in local newspapers (Cambridge News on 31 March 2014, and The Hunts Post on 2 April 2014 and copies of the notice which were printed on these dates are shown in Appendix A.5 (Consultation Report (Doc 5.2)) before the start of the formal consultation.</p>
<p>2.10 Does the SoCC set out whether the development is EIA development¹⁰; and does it set out how the applicant intends to publicise and consult on the preliminary environmental information?</p>	<p>The SoCC refers to the application as EIA development under the section subtitled "the application" and states that copies of the PEIR would be available at all the consultation events and community drop-off locations as well as on their website.</p>
<p>2.11 Has the applicant carried out the consultation in</p>	<p>The applicant states that it has followed the SoCC in its consultation processes (Paragraphs 3.4.10-3.4.19, pgs. 29-33,</p>

¹⁰ Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

accordance with the SoCC?

Consultation Report (Doc 5.1)).

The SoCC states that a 10-week public consultation will be held between 7 April and 15 June 2014. This included:

- A consultation flyer that was to be distributed to listed locations in the SoCC; the applicant states that the consultation flyer was included in letters to 1,059 organisations and individuals living or operating within the vicinity of the scheme and/or considered to have an interest in the scheme which did not fall within s42 of PA 2008 (Paragraph 3.4.12, pg. 30, **Consultation Report (Doc 5.1)**).
- A series of exhibition events to be held at the locations listed in the SoCC; the applicant states that during the consultation period, 31 public consultation exhibition events were held and these match those listed in the SoCC. The names and dates of the events are provided in Table 3.2 (pg. 31, **Consultation Report (Doc 5.1)**).
- 23 consultation material deposit points to be made available and these are listed in the SoCC; the applicant states that these same deposit points were made available during the consultation period. The names of the deposit points in the SoCC match those listed in Table 3.3 (pg. 32, **Consultation Report (Doc 5.1)**).
- Consultation materials described in the SoCC are the same as those the applicant confirmed were used at the locations (Paragraph 3.4.19, pg. 32, **Consultation Report (Doc 5.1)**).

Cambridgeshire County Council indicate that that they are aware of a number of complaints from members of the public and Hilton Parish Council, made about the consultation process. These are summarised in Annex B of their adequacy of consultation response.

	<p>They consider that consultation may not have been fully adequate if, as suggested, the applicant was unable to provide the information requested at public exhibitions (page 4 of the Council's adequacy of consultation response).</p> <p>However, the SoCC states that the consultation materials would encompass the consultation brochure, exhibition boards, PEIR, preliminary traffic report, scheme layout plans and questionnaire. The complaints listed in Annex B of the County Council's adequacy of consultation representation are about the inability of the applicant to answer their questions or over a lack of data rather than not following the SoCC.</p> <p>South Cambridgeshire District Council confirm in their adequacy of consultation statement that the applicant carried out the consultation in accordance with the SoCC.</p> <p>Huntingdonshire District Council state in their adequacy of consultation response that they agreed that 'the overall consultation process had been extensive, entirely appropriate across all community sectors in the scheme corridor and the Council had been properly consulted as required' and the applicant has 'complied with the required duties under the Planning Act 2008' (letter dated 12 January 2015, sent by email).</p> <p>Notwithstanding the complaints highlighted by Cambridgeshire CC, there is strong evidence that the consultation has been carried out in accordance with the SoCC.</p>
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s48: Duty to publicise the proposed application

2.12 Did the applicant publish a notice, as required by Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations):

(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the	Appendix A – Statutory Consultation Evidence, A.8 – Proof of publication of Section 48 Notice (Doc 5.2) provides dated
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proposed development would be situated;	copies of the s48 notices as follows: <ul style="list-style-type: none"> • Cambridge Evening News – 31 March 2014 and 7 April 2014. • Hunts Post - 2 April 2014 and 9 April 2014.
(b) once in a national newspaper;	<ul style="list-style-type: none"> • The Times – 31 March 2014 (a copy provided as per Box 2.12 (a) above).
(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<ul style="list-style-type: none"> • The London Gazette – 31 March 2014 (a copy provided as per Box 2.12 (a) above)..
(d) where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	Not applicable.
2.13 Did the notice include, as required by Regulation 4(3) of APFP Regulations:	
(a) the name and address of the applicant;	Appendix A.7 of Consultation Report (Doc 5.2) contains a copy of s48 notice as published. The first paragraph records the name and address of the applicant.
(b) a statement that the applicant intends to make an application for development consent to the Secretary of State;	The first paragraph of the notice states that the applicant intends to make an application to the Secretary of State for development consent.
(c) a statement as to whether the application is EIA development;	The third paragraph of the notice states that the application is EIA development.
(d) a summary of the main proposals, specifying the location or route of the proposed development;	The second paragraph of the notice gives a summary of the proposal and location of the development.

<p>(e) a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice;</p>	<p>The fifth and sixth paragraph of the notice details that the documents, plans and maps will be available to view from 7 April 2014 online with the webpage link provided.</p> <p>An alternative method of printing the paper copy from the webpage or requesting a copy free of charge by the project team is also given.</p> <p>The top right hand side of the notice lists 23 deposit locations (with the opening and closing times) where the consultation materials could be viewed free of charge from 7 April 2014 to 15 June 2014.</p>
<p>(f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i));</p>	<p>The sixth paragraph of the notice states that the latest date for inspection was 15 June 2014. This is the same date as the deadline for the receipt of responses in sub paragraph (i).</p>
<p>(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;</p>	<p>The sixth paragraph states that copies of the documents, plans or maps can be obtained free of charge between 7 April and 15 June 2014 at the locations stated in the notice.</p>
<p>(h) details of how to respond to the publicity; and</p>	<p>The bottom right box of the notice provides an email, postal address and phone number for response. A questionnaire was also available for comments on the proposal.</p>
<p>(i) a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published?</p>	<p>The bottom right hand box of the notice states that 'The deadline for all responses is 23:59 on Sunday 15 June 2014'.</p> <p>The last notice published was 9 April 2014 in Hunts Post. More than 28 days' notice from the day after its last publication has been given. This exceeds the statutory number of days required.</p>
<p>2.14 Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the applicant in accordance with Regulation 9(1)(c) of The Infrastructure Planning (Environmental Impact</p>	<p>The applicant states in the Consultation Report (Doc 5.1) on page 36 on Section 48 publicity, paragraph 3.8.4:</p> <p>'Section 42(1)(a) and (b) consultees were issued with a copy of the section 48 notice in accordance with Regulation 11 of the</p>

Assessment) Regulations 2009 (the EIA Regulations) ¹¹ ?	Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (letter provided at appendix A.9)'
s49: Duty to take account of responses to consultation and publicity	
2.15 Has the applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>The applicant explains how they analysed and where appropriate responded to relevant responses received under s42, s47 and s48 consultation in paragraphs 3.11.3 to 3.11.18, pages 41-45, of the Consultation Report (Doc 5.1).</p> <p>The applicant summarises the responses received in Chapter 4 of the Consultation Report and Tables 4.3 and 4.4 provide an overview of the comments raised and the response from the applicant to them (Table 4.3, pgs. 56-62, and Table 4.4, pgs. 62-67, Consultation Report (Doc 5.1)).</p> <p>The applicant confirms that they analysed the consultation responses they received and changes were made to the design of the proposed scheme in response. These design changes were issued to the s42 consultees on 16 October 2014 with a deadline for response by 31 October 2014, following meetings between the parties to discuss the revised design (Paragraph 3.9.1 – 3.9.11, pgs. 37-38, Consultation Report (Doc 5.1)).</p> <p>The applicant states that the design of the scheme was amended in light of consultation responses, design development and the finalisation of environmental impact assessment and in some instances this introduced additional new interests in the land (e.g. where the changes resulted in minor amendments to the land required). The applicant states that where any new Persons with an Interest in Land were identified, they were sent the s42 consultation materials and allowed more than 28 days to respond (Paragraph 3.7.7 – 3.7.9, pgs. 35-36, Consultation Report (Doc</p>

¹¹ Regulation 11 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009

5.1)).

Following a statutory consultation response from the Environment Agency, the applicant added another section of viaduct in place of embankment over the River Great Ouse floodplain. This change was to reduce potential flood risk, but would also change the visual impact of the scheme in the landscape. The applicant states in para 4.8.4 of the ES, that following completion of a new flood model for the river Great Ouse catchment the configuration of the river Great Ouse viaduct would need to be reviewed. This resulted in a change to the scheme design but was constrained by the following key aims; stay within the original scheme footprint; maintain the existing vertical alignment and maintain the general form and proportions of the structure.

DCLG pre-application guidance advises that:

“Where a proposed application is amended in light of consultation responses then, unless those amendments materially change the application or materially changes its impacts, the amendments themselves should not trigger a need for further consultation.”
(paragraph 57)

The applicant assesses that “none of the changes were of a level of significance that required further statutory consultation” (Paragraph 3.9.3 pg. 37 **Consultation Report (Doc 5.1)**). However, they did notify affected statutory consultees and local communities of the change (Appendix F.2.1 **Consultation Report (Doc 5.2)**) in accordance with guidance.

DCLG guidance suggests that further consultation will be necessary “where proposals change to such a degree that what is being taken forward is fundamentally different”, or if “project proposals have changed very substantially” or if “the proposals could be considered a new application”. The Planning Inspectorate does not consider that the design changes are of a magnitude which would have

required further statutory consultation.

Other information on the comments received to the design change consultation is provided in Chapter 20 of the **Consultation Report (Doc 5.1)**.

The applicant states that following the formal consultation they continued to make inquiries over land interests and additional land interests were identified as the scheme developed. As these parties were identified, the applicant states that they sent statutory consultation material to these individuals and allowed more than 28 days for response (Paragraph 3.7.8, pg. 36, **Consultation Report (Doc 5.1)**).

The applicant states they held regular meetings with landowners, local authorities, land interest consultees, community groups and other key stakeholder interest groups in developing the scheme (Paragraphs 4.4.1-4.4.2, pg. 68, **Consultation Report (Doc 5.1)**) and Appendix D in **Consultation Report (Doc 5.2)**.

Working drafts of the Development Consent Order (DCO) and the accompanying Explanatory Memorandum were sent to selected consultees in October and November 2014. These consultees included the host local authorities, the Environment Agency, Natural England, English Heritage and Network Rail. The purpose of this exercise was to inform the finalisation of these draft documents prior to submission of the DCO application. The applicant states that comments received were considered in the development and finalisation of the draft DCO Order and accompanying Explanatory Memorandum. (Paragraphs 3.10.13-3.10.14, pg. 40, **Consultation Report (Doc 5.1)**).

Guidance about pre-application procedure

<p>2.16 To what extent has the applicant had regard to DCLG guidance 'The Planning Act 2008: Guidance on the pre-application process'¹²?</p>	<p>Paragraph 3.1.5 of the Consultation Report (Doc 5.1) explains how the applicant has had regard to DCLG's The Planning Act 2008: Guidance on the pre-application process.</p> <p>The applicant states that: "<i>the aim of the pre-application consultation with local communities, local authorities and other statutory consultees, in accordance with the DCLG guidance, was to:</i></p> <ul style="list-style-type: none"> • <i>allow consultees the opportunity to influence the scheme so it better meets their needs and objectives;</i> • <i>increase understanding of the scheme and how it may impact on different people; gather information about the social, economic and environmental context and potential impacts of the scheme;</i> • <i>understand how the scheme could better support wider strategic and local objectives; and</i> • <i>agree mitigation measures, and build them into the scheme in some cases, to reduce impacts of the scheme."</i> (Paragraph 3.1.5., pgs. 25-26, Consultation Report (Doc 5.1)). <p>These points reflect those in the DCLG guidance (paragraph 11, pg. 7).</p> <p>The applicant appears to have had regard to DCLG guidance with the approach they have taken for the consultation process, and there is no evidence to suggest that they have not followed this guidance.</p>
<p>Summary - s55(3)(e)</p>	<p>The applicant's consultation strategy and process has been supported by the host authorities. There is evidence of scheme modifications as a result of consultation responses, which</p>

¹² The Secretary of State must have regard to the extent to which the applicant has had regard to guidance issued under s50

	<p>demonstrates an effective regard to these.</p> <p>Whilst there has been a change to the proposed Great Ouse viaduct structure, the Planning Inspectorate does not consider this to have required further consultation prior to submission.</p> <p>Some parties have criticised paucity of detailed information at some consultation sessions, as reported by Cambridgeshire County Council in their adequacy of consultation response. The Planning Inspectorate notes the conclusions of the County and that the examination process will enable further opportunities for parties to comment on detailed information.</p> <p>On the evidence assessed, the applicant has complied with the pre-application procedure required by Chapter 2 of Part 5 of the Planning Act 2008.</p>
<p>3. s55(3)(f) and s55(5A) The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</p>	
<p>3.1 Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Secretary of State; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Box 4 of the Application Form (Doc 1.3) states:</p> <p><i>"The proposed development lies wholly within England and includes the construction, improvement and alteration of a highway for which the Secretary of State is the highway authority" and as a result the project "is a nationally significant infrastructure project (NSIP) for the purposes of sections 14(1)(h) and 22 of the Planning Act 2008."</i></p> <p>Box 6 of the Application Form (Doc 1.3) states:</p> <p><i>"The proposed development is... wholly located within the administrative area of Cambridgeshire County Council and the application site and proposed scheme would pass through the administrative areas of Huntingdonshire District Council and South Cambridgeshire District Council. It is a linear development</i></p>

	<p><i>extending from the A14 Ellington, on the western outskirts of Huntingdon ... to Milton junction on the A14 Cambridge Northern Bypass... includes an upgrade to the A1 trunk road as far north as Alconbury”.</i></p>
<p>3.2 Is it accompanied by a consultation report?</p>	<p>The application is accompanied by a Consultation Report (Doc 5.1) and Consultation Report Appendices (Doc 5.2).</p>
<p>3.3 Is it accompanied by the documents and information set out in APFP Regulation 5(2) and listed below:</p>	
<p>(a) where applicable, the environmental statement required under the EIA Regulations and any scoping or screening opinions or directions;</p>	<p>The Environmental Statement (ES) is provided in the following volumes:</p> <ul style="list-style-type: none"> • Volume 6, Document 6.1: Main Report • Volume 6, Document 6.2: Figures • Volume 6, Document 6.3: Appendices, and • Volume 6 Document 6.5: Non-technical summary. <p>The ES is identified in terms of meeting the minimum requirements set out in Schedule 4 Part 2 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations) regarding the information for inclusion in environmental statements. It will not preclude the Examining Authority from seeking further explanation during the course of the examination.</p> <p>For the purpose of acceptance, the ES meets the EIA Regulations as set out in Schedule 4 Part 2 of the EIA Regulations. However, the following issues have been identified, for which further s51 advice will be issued separately:</p> <ul style="list-style-type: none"> • Limited information is provided in the ES on the dimensions of the different elements of the proposed development. The proposed road widths can be inferred from figures contained

	<p>within the ES (e.g. Figure 3.3, Doc 6.2), but are not specifically identified for the full extent of the scheme;</p> <ul style="list-style-type: none"> • Whilst Engineering Section Drawings (Doc 2.9) have been provided as part of the DCO application, these do not form part of the ES and it is unclear whether these have been used as the basis for the assessment and correspond with the illustrative cross sections provided in Figure 3.3 (Doc 6.2) of the ES. The elevations of the proposed structures, heights of embankments and depths of cuttings can be measured off plan using the scale provided, but are not shown definitively within the ES and specific reference to the existing and proposed vertical alignment of the road is not made within the ES; • Lack of information on the design of the proposed development means that it is not possible to readily determine the basis upon which the technical assessments have been undertaken. This is of particular importance for the landscape and visual impact assessment as the depths of cuttings and heights of embankments, bridges and associated structures would inevitably impact upon the assessment outcome; • Photomontages provided as part of the ES (Figure 10.6, Doc 6.2) are stated to be for illustrative purposes and cannot therefore be relied upon for dimensions or accuracy. <p>The applicant did not request a screening opinion from the Secretary of State.</p> <p>A hyperlink to the scoping opinion issued by the Secretary of State in April 2014 is provided at Paragraph 1.4.4 of the ES (Doc 6.1).</p>
(b) the draft proposed order;	A Draft Development Consent Order (Doc 3.1) has been submitted.
(c) an explanatory memorandum explaining the purpose and	An Explanatory Memorandum (Doc 3.2) has been submitted

effect of provisions in the draft order;	which explains the purpose and effects of the provisions within the draft DCO.
(d) where applicable, a book of reference (where the application involves any compulsory acquisition);	A Book of Reference (Doc 4.3) has been provided in accordance with DCLG Guidance. Part 2 has been divided into 2A and 2B (rights inside and outside the DCO boundary) for which the applicant has provided a clear explanation.
(e) a copy of any flood risk assessment;	A Flood Risk Assessment has been provided in Appendix 17.1 of ES (Doc 6.3) .
(f) a statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the applicant proposes to mitigate or limit them;	<p>Statement Relating to Statutory Nuisances has been provided as Doc 6.4.</p> <p>Matters prescribed in Section 79 (1) which could arise as a consequence of construction or operation of the proposed development are:</p> <ul style="list-style-type: none"> • dust arising on business premises; • artificial light from premises; • noise emitted from premises; and • noise emitted from or caused by a vehicle, machinery or equipment in the street. <p>The statement concludes that, with the mitigation measures secured by the DCO in place, none of the statutory nuisances identified in <i>Section 79</i> of the <i>Environmental Protection Act 1990</i> are predicted to arise.</p>

<p>(g) any report identifying any European site(s) to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 ¹³ applies; or any Ramsar site(s), which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1);</p>	<p>Appendix 11.12 of the ES (Doc 6.3) provides an Assessment for Implications on European Sites (AIES).</p> <p>The report identifies relevant European sites and the likely effects on those sites. It is considered that the information provided in the report is adequate for acceptance. This should not be taken to imply that the Examining Authority will not ask questions during the examination on this matter.</p> <p>Note: the Examining Authority (ExA) may ask questions during the examination in relation to HRA matters. These questions may result in additional information being required to inform the HRA report. Depending upon the type and availability of information required it may not be possible to obtain this during the statutory timetable of the examination.</p>
<p>(h) a statement of reasons and a funding statement (where the application involves any compulsory acquisition);</p>	<p>Both a Statement of Reasons (Doc 4.1) and a Funding Statement (Doc 4.2) have been provided.</p>
<p>(i) a land plan identifying:-</p> <ul style="list-style-type: none"> (i) the land required for, or affected by, the proposed development; (ii) where applicable, any land over which it is proposed to exercise powers of compulsory acquisition or any rights to use land; (iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and (iv) any special category land and replacement land; 	<p>A Land Plan (Doc 2.3) has been submitted, which comprises sheets 1 to 40 plus a key plan. This shows the land required or affected by the proposed development, that over which it is proposed to exercise powers of compulsory acquisition, rights to use land and land over which private rights are proposed to be extinguished.</p> <p>The plots shown on the Land Plans have been checked against the plot descriptions in the Book of Reference for accuracy and consistency. Plot 17/10d shown on sheet 17 is not listed in the Book of Reference. It is difficult to determine the extent of Plots 26/16 – 26/19, 26/22, 26/27 and 26/29 – 26/31 at the submitted scale.</p>

¹³ Now Regulation 61 of the Conservation of Habitats and Species Regulations 2010 SI2010/490.

	A Special Category Land Plan (Doc 2.11) has been submitted.
<p>(j) a works plan showing, in relation to existing features:-</p> <ul style="list-style-type: none"> (i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and (ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft order; 	<p>A Works Plan (Doc 2.4) has been submitted, comprising sheets 1 to 29 plus a key plan. This shows the proposed route and alignment of the development and the limits within which the development may be carried out.</p> <p>The coordinates listed in the Draft DCO appear to be consistent with the work numbers on the Works Plans.</p>
<p>(k) where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation;</p>	<p>A Rights of Way and Access Plan (Doc 2.5) has been submitted.</p>
<p>(l) where applicable, a plan with accompanying information identifying:-</p> <ul style="list-style-type: none"> (i) any statutory/non-statutory sites or features of nature conservation e.g. sites of geological/ landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development; 	<p>Figures 2.3, 8.2 and 11.14 in the ES (Doc 6.2) identify various nature conservation sites including:</p> <ul style="list-style-type: none"> • Special Areas of Conservation (SAC); • Sites of Special Scientific Interest (SSSI); • Local Natures Reserves (LNR); and • County Wildlife Sites (CWS). <p>Chapter 11 of the ES (Doc 6.1) notes that the Ouse Washes SAC, as identified on Figure 11.14 (Doc 6.2), is also designated as a Special Protection Area (SPA), Ramsar and SSSI; while Eversden and Wimpole Woods SAC, also identified on Figure 11.14 (Doc 6.2) is noted to be a SSSI. The boundaries of these SPA/Ramsar/SSSI sites have not been identified on a plan.</p> <p>Figures 3.2a-c, 3.4, 11.1, 11.13 and 11.14 in the ES (Doc 6.2) identify various habitats and other diversity features within and around the draft DCO boundary.</p>

	<p>An assessment of the impacts on nature conservation is provided in the following chapters of the ES (Doc 6.1):</p> <ul style="list-style-type: none"> • Chapter 11 (Nature Conservation); and • Chapter 18 (Cumulative effects and impact interactions). <p>Figures 2.2, 10.1 and 10.3 (Doc 6.2) identify various landscape designations including:</p> <ul style="list-style-type: none"> • Registered Parks and Gardens; • Tree Preservation Orders; and • Landscape Character Areas <p>An assessment of the impacts on features of landscape importance is provided in Chapters 10 (Landscape) and 18 (Cumulative effects and impact interactions) of the ES (Doc 6.1).</p> <p>Figure 17.1 (Doc 6.2) identifies Water Framework Directive water bodies (Note: the application form incorrectly states that water bodies are identified in Figure 14.1 (Doc 6.2)). An assessment of impacts on water features is provided in the Flood Risk Assessment (Appendix 17.1, Doc 6.3) and in the following chapters of the ES (Doc 6.1):</p> <ul style="list-style-type: none"> • Chapter 11: Nature Conservation; • Chapter 17: Road drainage and the water environment; • Chapter 18: Cumulative effects and impact interactions. <p>The presence of a geological SSSI approximately 500m south of the scheme boundary, at Histon Road, is noted in Chapter 12 of the ES (Doc 6.1) and shown in Figure 2.3 (Doc 6.2).</p>
<p>(m) where applicable, a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment, (e.g. scheduled monuments, World Heritage sites, listed buildings, archaeological sites</p>	<p>Figures 2.2, 9.1 and 9.2 of the ES (Doc 6.2) identify various historic sites and features, including:</p> <ul style="list-style-type: none"> • Scheduled monuments;

<p>and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the proposed development;</p>	<ul style="list-style-type: none"> • Listed buildings; • Registered historic parks and gardens; • Conservation areas; and • Non-designated heritage assets. <p>An assessment of the impacts on the historic environment is provided in the following chapters of the ES (Doc 6.1):</p> <ul style="list-style-type: none"> • Chapter 9: Cultural Heritage; and • Chapter 18: Cumulative effects and impact interactions.
<p>(n) where applicable, a plan with any accompanying information identifying any Crown land;</p>	<p>A Crown Land Plan (Doc 2.8) has been submitted.</p>
<p>(o) any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping;</p>	<p>There are 7 plans listed in box 23 of the Application Form (Doc 1.3):</p> <p>Location Plan (Doc 2.1)</p> <p>General Arrangement Plans (Doc 2.2)</p> <p>Variation of Special Road Status Plan (Doc 2.6)</p> <p>De-trunking Plans (Doc 2.7)</p> <p>Traffic Regulation Measures (Doc 2.10)</p> <p>Special Category Land Plans (Doc 2.11)</p> <p>Classification of Roads Plans (Doc 2.12)</p>
<p>(p) any of the documents prescribed by Regulation 6 of the APFP Regulations¹⁴;</p> <p>(a) the levels of the proposed works, including in</p>	<p>Regulation 6(2)(Highway related development). There is one document listed:</p>

¹⁴ These are documents which are relevant to specific types of project (generating stations, highway related development, railways, harbour facilities, pipelines, hazardous waste facilities, dam or reservoirs). Confirm in each case the type of project and the relevant documents which **must** be included with the application in each case

particular and where relevant–

- (i) ground levels;
 - (ii) the height of every proposed bridge, viaduct, aqueduct, embankment and elevated guideway;
 - (iii) the depth of every proposed cutting and tunnel;
 - (iv) the levels of the bed of any tidal waters or inland waterway in which it is proposed that any work should be situated;
 - (v) the height of every structure or device (including a cable, but not catenary and related equipment) intended to be erected above, on or below the surface of, or on or beneath the bed of tidal waters or an inland waterway; and
 - (vi) drainage outfall details for highways;
- (b) a cross section of every intended tunnel and any altered gradient of a carriageway or a way forming part of a guided transport system on either side of every level crossing, bridge, tunnel or underpass which would carry the carriageway or way or through which it would pass.

Engineering Section Drawings (Doc 2.9)

These drawings are generally to a lower standard. The heights of proposed bridges and embankments must be scaled; more detailed elevations would be preferable.

Most of the publically accessible carriageways are provided in section, though some accommodation roads and approaches to minor roundabouts have been omitted contrary to part (b).

There are a number of labelling errors which present a barrier to comprehension:

- A14 Mainline (sheet 3) – transverse A1 labelled as A14
- A1 to A14 Westbound interchange link (sheet 9) – transverse A1 labelled as A14
- A14 Eastbound Maintenance Offslip (sheet 11) – onslip labelled as offslip
- A1198 Ermine Street North Roundabout Link (sheet 12) – should state that it links north and south roundabouts
- Westbound Diverge Slip Road (sheet 14) – Emergency maintenance access labelled as diverge slip road
- Bar Hill Junction Services Access (sheet 22) – northwestbound merge labelled as northeastbound merge
- A14 westbound link (sheet 33) – westbound labelled as eastbound

It is also noted that the Schedule of Bridges (Appendix 3.1 of Chapter 3) is incorrect and needs to be updated.

Section drawings should be arranged logically and each drawing should be labelled with cardinal points. Minor roads in Huntingdon centre should be much more clearly differentiated. Further advice on this is issued separately.

<p>(q) any other documents considered necessary to support the application; and</p>	<p>Other documents listed in section 23 of the application form are: Introduction to the application (Doc 1.1) Covering Letter and schedule of compliance with S55 (Doc 1.2) Copies of Newspaper notices (Doc 1.4) Electronic Index (Doc 1.5) Consents and Agreements Position Statement (Doc 3.3) Case for the Scheme (Doc 7.1) Transport Assessment (Doc 7.2)</p>
<p>(r) if requested by the Secretary of State, three paper copies of the application form and other supporting documents and plans.</p>	<p>Three paper copies and six electronic copies of the entire application were submitted.</p>
<p>3.4 Are the plans, drawings or sections submitted A0 size or smaller, drawn to an identified scale and, in the case of plans, show the direction of north¹⁵?</p>	<p>All plans have been submitted both in A1 and A3 size. All relevant ones show North direction and all are to the scale of 1:2500 (in the case of the A1 plans).</p>
<p>3.5 Where a plan comprises three or more separate sheets has a key plan been provided showing the relationship between the different sheets¹⁶?</p>	<p>The Plans listed below all comprise of more than 3 sheets: General arrangement plans (Doc 2.2) (24 sheets) Land Plans (Doc 2.3) (40 sheets) Works Plans (Doc 2.4) (29 sheets) Rights of Way and Access Plans (Doc 2.5) (28 sheets) De-trunking Plans (Doc 2.7) (15 sheets)</p>

¹⁵ Regulation 5(3) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

¹⁶ Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

	<p>Crown Land Plans (Doc 2.8) (32 sheets)</p> <p>Traffic Regulation Measures Plans (Doc 2.10) (29 sheets and 36 sheets)</p> <p>All of the above have accompanying Key Plans provided.</p>
3.6 Has the applicant had regard to DCLG guidance 'Planning Act 2008: Application form guidance', and has this regard lead to the application being prepared to a standard that the Secretary of State considers satisfactory?	<p>The applicant has submitted an application which accords with the format and standard described by DCLG Guidance 'Planning Act 2008: Application form guidance'.</p> <p>The application describes the scheme in a sufficient degree of detail to enable the Secretary of State and interested parties to consider the proposal. Most plans submitted are clear and appropriately scaled. The supporting documents are comprehensive, comprehensible and well referenced.</p>
Summary - s55(3)(f) and s55(5A)	<p>The applicant has submitted a legible and coherent application which describes the proposed scheme. There are a number of areas where additional clarity would assist comprehension and as such s51 advice is being issued separately to the applicant.</p> <p>The application has been prepared with regard to guidance and is of a standard that the Secretary of State finds satisfactory.</p>
The Infrastructure Planning (Fees) Regulations 2010 (SI106)	
Fees to accompany an application	
Was the fee paid at the same time that the application was made ¹⁷ ?	The application fee was paid in advance of submission on 19 December 2014.

¹⁷ The Secretary of State must charge the applicant a fee in respect of the decision by the Secretary of State under section 55. If the applicant fails to pay the fee, the Secretary of State need not consider the application until payment is received by the Secretary of State. The fee payable is presently £4,500 and must be paid at the same time that the application is made

Case Leader

Nicholas Coombes

Nicholas Coombes

Signed

Date:

27 January 2015

**Acceptance
Inspector**

Frances Fernandes / Kevin Gleeson

Frances Fernandes

Signed

Date:

27 January 2015
