

## **Procedural Decision**

### **Planning Act 2008 (as amended)**

#### **Application to make changes to the A14 Cambridge to Huntingdon Improvement Scheme and proposed provision to include additional land subject to compulsory acquisition.**

**Ref: TR010018**

**Date: 30 July 2015**

### **1. BACKGROUND**

- 1.1 On 22 July 2015 the applicant submitted a request for powers of compulsory acquisition in respect of additional land as defined in Regulation 2(1) of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010.
- 1.2 The application supersedes an earlier application for powers of compulsory acquisition for additional land made on 7 July 2015. The updated submission includes the three areas of land included in the earlier application but also includes one further area of additional land located at the proposed new Ellington Junction.
- 1.3 In the application the applicant states that it considers the 4 areas of additional land relatively small and of a localised nature and that none of the additional land either individually or collectively constitutes a material change to the application.
- 1.4 Having received the application the Examining Authority (ExA) advised the applicant that no application for changes to the application had been received and invited the applicant to make such an application so that the ExA could decide as it must do, whether the proposed changes are material or not, and if the latter it could then proceed to consider the Additional Land application.
- 1.5 The change application was received on 29 July 2015. Much of the detailed information relating to the application had already been included in the Additional Land Application and references below refer to the contents of that application.
- 1.6 The proposed changes relates to additional land at 4 locations:
  - Woodhatch Farm
  - Ellington Junction
  - Buckden Landfill site
  - Mill Common

- 1.7 The needs for the additional land has arisen from:
- Ongoing arrangements and discussions with land owners to accommodate access requirements;
  - The findings of further ecological surveys; and
  - Ongoing design work.
- 1.8 In the cases of the survey findings the additional land is required to provide ecological mitigation areas in satisfaction of the licence requirements of Natural England.
- 1.9 The details of the proposed changes are set out at paragraphs 1.1.4 to 1.1.20 of the Additional Land Application and involve both changes within the DCO boundary and outside it and changes to land within the boundary where a change in the powers from temporary use powers to compulsory acquisition powers is sought.
- 1.10 Supporting relevant documents are set out in paragraph 1.2 and attached to the additional land application.

## **2. THE CHANGES**

- 2.1 In summary the changes proposed in each of the four areas are as follows:

### **Woodhatch Farm**

- 2.2 The change comprises the provision of a wider access track to Woodhatch Farm and the adjacent Huntingdon Recycling Premises. Although a replacement means of access had been identified in the application DCO, an element of that access lay outwith the limits of land proposed to be acquired for the scheme. Additional land has been identified as necessary to accommodate a wider access track as well as the proposed noise barrier, drainage provision, utility diversions and mitigation planting in this area.

### **Ellington Junction**

- 2.3 The change comprises the addition of eastbound merge and westbound diverge slip roads at the proposed new Ellington Junction, together with the relocation of a drainage pond and the re-routing of a utility diversion. If the A1 was closed between Brampton Hut Junction and Brampton Interchange, such as due to an emergency incident or scheduled maintenance, these slip roads would provide traffic from the A14 westbound with a route to the A1 at Brampton Hut Junction and would also enable traffic from the A1 at Brampton Hut Junction to reach the A14 eastbound. The slip roads would avoid the need for wider diversion routes. Whilst the slip roads would only be publically available in the above circumstances, they would also be available for general use by maintenance or emergency vehicles.

## **Buckden Landfill Site**

- 2.4 The need for further temporary ecological mitigation areas to the north of the proposed Huntingdon Southern Bypass, adjacent to and on the edge of the Buckden Landfill site has been identified. Two additional areas have been identified which would require localised adjustments to the DCO boundary. Both additional mitigation areas would be temporary and would primarily be used pre-construction and during construction. The applicant has indicated that the ecological mitigation areas are required to satisfy licence requirements set by Natural England. A further change proposed is to acquire for ecological mitigation a small area of land which is already identified to be used temporarily within the DCO limits.

## **Mill Common**

- 2.5 Further ecological survey work since the application was submitted has indicated that additional biodiversity mitigation areas are required between the existing A14 which is proposed to be de-trunked and re-named the Mill Common Link and Mill Common Road in Huntingdon. This has been identified to meet Natural England's licence requirements and is associated with construction of the Mill Common Link. The land identified would require the extension of the DCO limits and would extend to cover part of Mill Common Road and an area protected by a number of Tree Preservation Orders.'

## **Consultation**

- 2.6 It is noted that the applicant in its letter of the 29<sup>th</sup> July 2015 sets out its reasoning and conclusion in relation to the Wheatcroft principle and that in relation to Ellington Junction proposes to consult those who have made representations on the matter of network resilience in that area of the scheme.

## **Consideration of Materiality of Changes**

- 2.7 In considering this change request, the ExA has read and had regard to Guidance for the Examination of applications for development consent paragraphs 109 to paragraph 115 and generally Advice Note 16 issued by the Planning Inspectorate in July 2015 relating to Requesting Changes particularly having regard to paragraph 2.1 and 2.3.

## **3. DECISION ON MATERIALITY**

### **Woodhatch Farm Materiality**

- 3.1 The proposed changes here will require additional land which is outside the DCO limits but is contiguous with land which is already within the DCO limits and all the affected parties are existing affected parties. In view of these points, the proposed change is not considered to be a material change to the application.

### **Ellington Junction Materiality**

- 3.2 The addition of the eastbound merge and westbound diverge slip roads would represent a physical change in relation to the highway layout and the function of the highway layout at the new Ellington junction. The additional slip roads that are proposed by the change lie within the existing red line boundary. They would not be in general public use, as they would only be trafficked for maintenance or emergency purposes and during incidents on the main highway. From the detail provided, they would thus not appear to impact on the traffic forecasting on which the assessment of the scheme is based. The change therefore does not change the aims and related traffic routes of the scheme, and the purpose of the change is to support these aims and traffic routes, as put forward in the application. In view of all of these points, this proposed change is not considered to be a material change to the application.

### **Buckden Materiality**

- 3.3 The proposed scheme makes provision for ecological mitigation areas on both a temporary and permanent basis in many locations. In the vicinity of the Buckden Landfill site the revised proposals would extend the Order area by a limited extent in order to accommodate temporary ecological mitigation as sought by Natural England. Within the Order limits a small area is also identified for permanent mitigation. On the basis that the purpose of the change is in line with other mitigation elements of the scheme and that the extent of the additional land is limited, the proposed changes are not considered to be a material change to the application.

### **Mill Common Materiality**

- 3.4 The proposed scheme makes provision for ecological mitigation areas in many locations. In the vicinity of Mill Common the revised proposals would extend the Order area in order to accommodate ecological mitigation as sought by Natural England. On the basis that the purpose of the changes is in line with other mitigation elements of the scheme and the extent of the additional land is limited, the proposed change is not considered to be a material change to the application.'

### **Compulsory Acquisition**

- 3.5 The additional land described above is in some cases within the DCO boundary and in other cases outside it, and in some cases there is a change in the Compulsory acquisition power sought.
- 3.6 At paragraph 2.1 of Advice Note 16 it says that "usually a change involving an extension to the Order land would be considered as a material change, particularly where this would involve the need to compulsorily acquire new plots of land and/or interests".
- 3.7 However, no new affected parties are involved, then so far as compulsory acquisition is concerned it is not considered that any of the changes are material.

#### **4. CONCLUSIONS**

- 4.1 The applicant's reasoning with regard to its approach to the Wheatcroft principle is accepted and its approach to further consultation with regard to the new Ellington Junction is noted.
- 4.2 In these circumstances and for the above reasons, the ExA does not consider in the context of the whole application that the materiality of the change applied for is of such a degree that it constitutes a new project but concludes that the revised proposal can still be considered as part of the existing application.
- 4.3 As such, the ExA accepts the changes applied for as a non-material change to the existing application for the A14 Cambridge to Huntingdon Improvement Scheme.

*Frances Fernandes*

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