

Procedural Decision

Planning Act 2008 (as amended)

Application to make changes to the A14 Cambridge to Huntingdon Improvement Scheme

Ref: TR010018

Date: 25 September 2015

1. BACKGROUND

- 1.1 On 19 August 2015 the applicant submitted a request for 40 proposed changes to be made to the A14 Cambridge to Huntingdon Improvement Scheme of which 21 changes would require additional land (REP7-034).
- 1.2 In its request the applicant states that the changes have come about as a result of ongoing negotiations with those with an interest in the land affected by the scheme, in combination with ongoing design work. The applicant considers that all the changes are minor and arise from efforts to accommodate the concerns of landowners and other affected parties in order to mitigate the impact of the scheme on their land and in particular, on their access to land affected by the scheme.
- 1.3 The details of the proposed changes are set out in separate sections of REP7-034.

2. THE CHANGES

- 2.1 In summary, of the 40 changes proposed, 19 lie within the red line boundary of the DCO application, whilst 21 would require additional land.

Proposed changes not requiring additional land

- 2.2 The 19 proposed changes that are within the DCO boundary are set out in Section 3.
- 2.3 The ExA has grouped the way in which these changes have come about into the following broad categories:
 - As a result of drafting errors and inconsistencies;
 - As a result of ongoing detailed design and ecological survey work; and
 - As a result of representations and ongoing consultation with affected persons.

Proposed changes requiring additional land

- 2.4 Section 2 of REP7-034 sets out the 21 proposed changes that require additional land.

- 2.5 The ExA has also grouped these changes into a number of categories:
- As a result of ongoing detailed design and ecological survey work;
 - As a result of representations and ongoing consultation with affected persons; and
 - As a result of requests made by National Grid Gas to alter the route of NGG diversion including accommodation of a stopple pit.
- 2.6 At the CA hearings on 1 and 2 September 2015, following questions by the ExA, the applicant confirmed that of the 20 changes involving additional land, 5 were incorrectly identified as requiring the compulsory acquisition of land. As these 5 changes do not require the compulsory acquisition of land they therefore do not engage the CA regulations.
- 2.7 The 5 locations where CA regulations are not engaged are DR1.20(a); DR1.20(d); DR1.23; DR1.42 and DR1.50 reducing the number from 21 to 16. Of these 15 proposed changes, REP7-034 Annex A provides written confirmation that 3 of these have received landowner consent these being DR1.23; DR1.28(a) and DR1.34; thus reducing the number further to 13.
- 2.8 In addition the applicant stated at the CA hearing on 2 September 2015 that a further one, DR1.50 had also received landowner consent. In relation to the latter, the ExA requested the applicant to provide written confirmation of this by Deadline 10 (28 September 2015).

Consultation

- 2.9 In assessing the materiality of the changes proposed it is noted that the applicant at section 1.4 sets out its reasoning and conclusion in relation to the Wheatcroft principle.

Consideration of Materiality of Changes

- 2.10 In considering this 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

Proposed changes not requiring additional land

- 3.1 The ExA is satisfied that the changes do not affect require additional land. Having regard to paragraph 2.10 above, it is also satisfied that the changes that have been made are not considered to be material changes to the application and can be accepted as part of the examination.

Proposed changes requiring additional land

- 3.2 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. The applicant has indicated that it has engaged with those affected, seeking consent to the changes.

Compulsory Acquisition

- 3.3 Whilst it is noted that no new affected parties are involved, so far as compulsory acquisition is concerned, further information is awaited from the applicant in relations to the provisions of Regulation 4 of the Infrastructure Planning (Compulsory Acquisition) 2010 Regulations (the CA Regs) since there is now insufficient time before the close of the Examination on 13 November 2015 for the requirements of Regulation 5 to 19 of the CA Regs to be met within the timetable.

4. CONCLUSIONS

- 4.1 The applicant's reasoning with regard to its approach to the Wheatcroft principle is accepted.
- 4.2 The proposed changes not requiring additional land are accepted as non material changes and are accepted as part of the examination.
- 4.3 With regard to proposed changes requiring additional land (save where consent of affected persons have been obtained) we await further information from the applicant.

Frances Fernandes

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Lead Member of the Panel of Examining Inspectors