



# The Planning Inspectorate Yr Arolygiaeth Gynllunio

**The Planning Act 2008**

**A14 Cambridge to Huntingdon Improvement Scheme**

**Examining Authority's Report of Findings and Conclusions**

**and**

**Recommendation to the  
Secretary of State for Transport**

---

**Examining Authority**

**Frances Fernandes  
Kevin Gleeson  
Emrys Parry  
Stephen Roscoe**

**11 February 2016**

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## **ExA's findings and conclusions and recommendation in respect of the A14 Cambridge to Huntingdon Improvement Scheme**

### **File Ref TR010018**

The Application, dated 30 December 2014, was made under section 37 of the Planning Act 2008 and was received in full by The Planning Inspectorate on 31 December 2014.

The applicant was the Highways Agency, now Highways England.

The Application was accepted for Examination on 27 January 2015.

The Examination of the Application began on 13 May 2015 and was completed on 13 November 2015.

The development proposed comprises the widening and diversion of the A14 between Cambridge and the A1(M), and works to junctions and access roads. The proposals include the widening of the A1 near Brampton and the creation of a grade separated interchange with the A14, on its new alignment south of Huntingdon. The new Huntingdon southern bypass is to be constructed between Brampton and Swavesey, at which point the route re-joins the existing A14. This stretch, between Swavesey and Milton would be widened in parts, with junctions rebuilt for grade separation, in conjunction with local access roads. The existing A14 between Brampton Hut and Swavesey would be de-trunked and the Huntingdon viaduct demolished.

### **Summary of Recommendation:**

The Examining Authority recommends that the Secretary of State should make the Order in the form attached.

# Report Contents

<b>1</b>	<b>INTRODUCTION .....</b>	<b>5</b>
1.1	INTRODUCTION .....	5
1.2	APPOINTMENT OF PANEL.....	7
1.3	THE EXAMINATION AND PROCEDURAL DECISIONS .....	7
1.4	SITE VISITS .....	10
1.5	OTHER CONSENTS REQUIRED .....	10
1.6	REQUESTS TO BECOME OR WITHDRAW FROM BEING AN INTERESTED PARTY (s102A, s102B AND s102ZA).....	10
1.7	UNDERTAKINGS GIVEN TO SUPPORT THE APPLICATION .....	11
1.8	STATEMENTS OF COMMON GROUND .....	11
1.9	STRUCTURE OF REPORT.....	12
<b>2</b>	<b>MAIN FEATURES OF THE PROPOSAL AND SITE .....</b>	<b>13</b>
2.1	THE APPLICATION AS MADE .....	13
2.2	AMENDMENTS TO THE APPLICATION DURING EXAMINATION .....	15
2.3	RELEVANT PLANNING HISTORY .....	17
<b>3</b>	<b>LEGAL AND POLICY CONTEXT .....</b>	<b>18</b>
3.1	INTRODUCTION .....	18
3.2	PLANNING ACT 2008 (AS AMENDED) .....	18
3.3	TRANSPORT.....	19
3.4	AIR QUALITY .....	21
3.5	NOISE21	
3.6	FLOODING .....	22
3.7	BIODIVERSITY.....	23
3.8	NATIONAL PLANNING POLICY .....	27
3.9	LOCAL IMPACT REPORT .....	27
3.10	THE DEVELOPMENT PLAN.....	28
3.11	THE SECRETARY OF STATE’S POWERS TO MAKE A DCO .....	29
<b>4</b>	<b>FINDINGS AND CONCLUSIONS IN RELATION TO POLICY AND FACTUAL ISSUES .....</b>	<b>31</b>
4.1	INTRODUCTION .....	31
4.2	THE MAIN ISSUES IN THE EXAMINATION .....	31
4.3	PLANNING POLICY CONTEXT .....	33
4.4	TRAFFIC AND TRANSPORTATION .....	34
4.5	DESIGN AND ENGINEERING STANDARDS .....	59
4.6	AIR QUALITY AND EMISSIONS .....	62
4.7	CARBON EMISSIONS .....	72
4.8	NOISE AND VIBRATION .....	74
4.9	FLOOD RISK .....	96
4.10	LANDSCAPE AND VISUAL IMPACTS.....	113
4.11	WATER QUALITY AND RESOURCES .....	131
4.12	BIODIVERSITY AND ECOLOGICAL CONSERVATION.....	140
4.13	ECONOMIC AND SOCIAL EFFECTS .....	153
4.14	HISTORIC ENVIRONMENT .....	158
4.15	ENVIRONMENTAL IMPACT ASSESSMENT .....	166

<b>5</b>	<b>HABITAT REGULATIONS ASSESSMENT .....</b>	<b>171</b>
5.1	INTRODUCTION .....	171
5.2	REPORT ON THE IMPLICATIONS FOR EUROPEAN SITES (RIES).....	171
5.3	SCHEME LOCATION .....	172
5.4	HRA IMPLICATIONS OF SCHEME .....	173
5.5	CONCLUSIONS .....	174
<b>6</b>	<b>THE PANEL'S CONCLUSIONS ON THE CASE FOR DEVELOPMENT .....</b>	<b>175</b>
6.1	INTRODUCTION .....	175
6.2	ASSESSING THE IMPACTS OF THE PROPOSED SCHEME .....	176
6.3	HABITATS REGULATIONS ASSESSMENT .....	179
6.4	OVERALL CONCLUSION ON THE CASE FOR DEVELOPMENT .....	179
<b>7</b>	<b>COMPULSORY ACQUISITION AND RELATED MATTERS .....</b>	<b>181</b>
7.1	THE REQUEST FOR COMPULSORY ACQUISITION POWERS .....	181
7.2	THE PURPOSES FOR WHICH THE LAND IS REQUIRED .....	181
7.3	THE REQUIREMENTS OF THE PLANNING ACT 2008 .....	182
7.4	HOW THE PANEL EXAMINED THE CASE FOR COMPULSORY ACQUISITION.....	183
7.5	THE APPLICANT'S CASE .....	185
7.6	OBJECTIONS.....	190
7.7	THE APPLICANT'S RESPONSE TO OBJECTIONS .....	191
7.8	THE OBJECTIONS AND THE PANEL'S RESPONSE TO OBJECTIONS.....	191
7.9	THE PANEL'S CONSIDERATION OF THE CA ISSUES .....	234
7.10	TEMPORARY POSSESSION .....	236
7.11	THE PANEL'S OVERALL CA CONCLUSIONS.....	236
7.12	THE PANEL'S RECOMMENDATIONS ON THE GRANTING OF COMPULSORY ACQUISITION POWERS AND RELATED MATTERS .....	238
<b>8</b>	<b>DRAFT DEVELOPMENT CONSENT ORDER AND RELATED MATTERS .....</b>	<b>240</b>
8.1	INTRODUCTION .....	240
8.2	ARTICLES.....	241
8.3	SCHEDULE 1 - AUTHORISED DEVELOPMENT.....	250
8.4	SCHEDULE 2 - REQUIREMENTS .....	253
8.5	SCHEDULES 3 AND 4.....	268
8.6	SCHEDULES 5 TO 7.....	269
8.7	SCHEDULE 8 - TREES SUBJECT TO TREE PRESERVATION ORDERS .....	269
8.8	SCHEDULE 9 - PROTECTIVE PROVISIONS .....	269
8.9	SCHEDULE 10.....	270
8.10	OTHER LEGAL AGREEMENTS .....	270
8.11	OTHER CONSENTS .....	271
8.12	CONCLUSION .....	271
<b>9</b>	<b>SUMMARY OF CONCLUSIONS AND RECOMMENDATION.....</b>	<b>272</b>
9.1	CONCLUSIONS .....	272
9.2	RECOMMENDATION .....	272

## **Appendices Contents**

**APPENDIX A: THE EXAMINATION**

**APPENDIX B: EXAMINATION LIBRARY**

**APPENDIX C: LIST OF ABBREVIATIONS**

**APPENDIX D: REPORT ON THE IMPLICATIONS FOR EUROPEAN SITES**

**APPENDIX E: LIST OF OBJECTIONS TO THE GRANTING OF COMPULSORY ACQUISITION POWERS**

**APPENDIX F: LIST OF INTERESTED PARTIES REQUESTING TO SPEAK AT A COMPULSORY ACQUISITION HEARING**

**APPENDIX G: INTERESTED PARTIES REPRESENTED BY THE NATIONAL FARMERS UNION (NFU) AND AGENTS REPRESENTED BY THE A14 AGENTS ASSOCIATION**

**APPENDIX H: RECOMMENDED DCO**



**ERRATA SHEET – A14 Cambridge to Huntingdon Improvement  
Scheme - Ref TR010018**

**Examining authority's Report of Findings and Conclusions and  
Recommendation to the Secretary of State for Transport, dated  
11 February 2016**

**Corrections agreed by the Examining Authority prior to a decision  
being made**

<b>Page No.</b>	<b>Paragraph</b>	<b>Error</b>	<b>Correction</b>
5	1.1.2	in line 2: "A14"	"A1"
49	4.4.76	in line 5 "form"	"from"
75	4.8.9	in line 6: "CRPE's"	"CPRE's"
114	4.10.7	in line 1 "s"	delete
123	4.10.65	"4.7"	"4.12"
156	4.13.16	in line 2	insert "include" after "applicant"
163	4.14.32	in line 1 "are"	delete
197	7.8.34	in line 6	insert "be" after "can"
224	7.8.259	in line 2 "PPC"	"PCC"

# **1 INTRODUCTION**

## **1.1 INTRODUCTION**

1.1.1 The A14 is a designated Trans-European Network for Transport between Felixstowe and the Midlands. The A14 Cambridge to Huntingdon improvement scheme involves upgrading a 34 km section of the A14 trunk road between Ellington, to the west of Huntingdon, and Milton to the north-east of Cambridge.

1.1.2 In addition to the improvement of the A14 trunk road the scheme includes the widening of the A14 trunk road over a 5.6 km length between Brampton and Alconbury together with the construction of a new local road over a length of 9.5 km to provide an alternative trunk route between Huntingdon and Cambridge.

1.1.3 The scheme comprises:

- widening of the A1 between Brampton and Alconbury over a length of approximately 5.6 km (3½ miles) from the existing two lane dual carriageway to a three lane dual carriageway. Between Alconbury and Brampton Hut, this would generally be achieved by widening on the east side of the existing road;
- between Brampton and Brampton Hut a new road would be constructed to the west of the existing A1 which would become the new A1. This would enable the existing carriageway over this length to form part of the new A14 Huntingdon Southern Bypass. A local access road approximately 2.5 km (1.6 miles) would link the Ellington Junction with Woolley Road;
- a new Huntingdon Southern Bypass of approximately 20 km (12½ miles) in length, which would provide a two lane dual carriageway between Ellington and the A1 at Brampton and a three lane dual carriageway between Brampton and Swavesey. The new bypass would cross over the River Great Ouse and the East Coast Mainline railway. It would include junctions with the A1 at Brampton and with the A1198 at Godmanchester;
- downgrading the existing A14 trunk road (de-trunking to county road status) over approximately 21 km (13 miles) between Brampton Hut and Swavesey, as well as between Alconbury and Spittals interchange;
- Huntingdon Town Centre improvements, to include the closure and demolition of the A14 viaduct over the East Coast Mainline railway and Brampton Road in Huntingdon. A new link road would be constructed to improve accessibility into Huntingdon from the south and east by connecting the old A14 directly with Huntingdon Ring Road near the bus station and by constructing a new link road from Brampton Road to connect with the A14 to the west. As such, a through route for light vehicles would be maintained;
- widening of the existing A14 over approximately 7.9 km (5 miles) to provide three lanes in each direction between Swavesey and

Bar Hill and four lanes in each direction between Bar Hill and Girton;

- widening of a 2.5 km (1½ mile) section of the Cambridge Northern Bypass between Histon and Milton;
- improvement of existing A14 junctions at Swavesey, Bar Hill and Girton; to improve the capacity of the road, ensure compatibility with adjacent proposed developments such as Northstowe and provide improved connections for non-motorised users;
- a new local access road following the route of the A14 over a distance of approximately 8 km (5 miles), including construction of a dual carriageway link between the existing A14 near Fen Drayton and Swavesey junction and a single carriageway between Swavesey and Girton. The road would provide a route for local traffic between Cambridge and Huntingdon as well as providing access to properties and businesses along the corridor.

1.1.4 The Secretary of State (SoS) accepted the Application for Examination on 27 January 2015 [PD-001]. The Section 55 checklist concluded that the Application was one for which development consent was required under section 22 of the Planning Act 2008 (PA2008). It qualifies as the construction, improvement and alteration of a highway for which the Secretary of State is the highway authority which is wholly in England, has a speed limit greater than 50 mph and would involve more than 12.5 hectares of land in its construction [PD-002].

1.1.5 The Application is Environmental Impact Assessment (EIA) development as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (EIA Regulations). The Application was submitted with an Environmental Statement [APP-331 to APP-754] which in the view of the Panel met the definition given in Regulation 2(1) of these regulations.

1.1.6 The applicant, Highways England, certified compliance with sections 56 and 59 of PA2008 and with Regulation 13 of EIA Regulations on 26 March 2015. The deadline for making relevant representations was 12 March 2015 (albeit with an extension for 19 parties to whom notice was served late) [OD-001]. 706 parties submitted valid relevant representations and thus became interested parties to the Examination [RR-001 to RR-706].

1.1.7 On 10 April 2015 the applicant provided revised Application documents [APP-765 to APP-711] in response to observations made in the Section 55 checklist and advice issued by the Planning Inspectorate [PD-002].

### **APPLICANT**

1.1.8 The application was submitted by the Highways Agency, which was described in the Environmental Statement as 'an executive agency of the Department for Transport ... responsible for operating, maintaining and improving the strategic road network in England' [APP-331].

- 1.1.9 The Infrastructure Act 2015 created a new organisation, Highways England (HE), from 1 April 2015 to take on many of the functions of the Highways Agency. The applicant outlined the implications of this change in their response to the first written Examining Authority's questions [REP2-007 Q1.6.1]:

'With effect from 1 April 2015 Highways England was designated under the Infrastructure Act 2015 as a highway authority for nearly all highways within England for which the Secretary of State for Transport (acting via the Highways Agency) was previously highway authority, including the A14 trunk road. By virtue of The Infrastructure Act 2015 (Strategic Highways Companies) (Consequential, Transitional and Savings Provisions) Regulations 2015 the DCO application was, from the same date, effectively transferred to Highways England. Ultimately Highways England will be 'the undertaker' for the purposes of the Order, if made.'

- 1.1.10 The applicant's final draft DCO defines in Article 2 the undertaker as Highways England Company Limited [REP15-019].
- 1.1.11 We will refer to Highways England and its predecessor the Highways Agency, as 'the applicant' throughout this report.

## **1.2 APPOINTMENT OF PANEL**

- 1.2.1 A panel of examining inspectors was appointed to examine the Application on 1 April 2015 under s65 of PA2008. Frances Fernandes was appointed lead member of the Panel. Kevin Gleeson, Emrys Parry and Stephen Roscoe complete the Panel of four. Notice of this appointment was given in the 'Rule 6' letter of 17 April 2015 [PD-003].
- 1.2.2 The 'Rule 6' letter also contained the Panel's initial assessment of issues and a draft timetable for the examination. The Panel also requested Statements of Common Ground and Habitats Regulations matrices in a procedural decision communicated in this letter [PD-003].

## **1.3 THE EXAMINATION AND PROCEDURAL DECISIONS**

### **Examination of the substantive scheme**

- 1.3.1 The Preliminary Meeting was held on 13 May 2015 at the Commemoration Hall in Huntingdon. A note of the meeting was published on 21 May 2015 [EV-020].
- 1.3.2 The Panel's procedural decisions following the Preliminary Meeting were published in the 'Rule 8' letter on 21 May 2015. This letter included the timetable for the Examination and gave notice of the first set of hearings, in July 2015 [PD-004]. It was published alongside the first set of written Examining Authority Questions [PD-005].
- 1.3.3 Four hearings were undertaken on 13 to 15 July 2015. Three open floor hearings were held at different locations along the route of the

proposed scheme, at Hilton, Bar Hill and Brampton. The fourth hearing was the first of the Panel's issue specific hearings into the draft Development Consent Order (DCO). Audio recordings of all four hearings were published [EV-030 to EV-037].

- 1.3.4 The Panel issued a letter on 4 August 2015 to give notice of the September hearings [PD-011]. This was published at the same time as the second set of written Examining Authority Questions [PD-006]. These questions included a schedule of those objections that the Panel considered to relate to compulsory acquisition [PD-007].
- 1.3.5 The Panel undertook three compulsory acquisition hearings on 1 to 3 September 2015 and a second hearing into the draft DCO on 4 September 2015, the audio recordings of which were published [EV-044 to EV-051]. Four further issue specific hearings were held on 15 to 18 September 2015. These covered noise and air quality, traffic and transportation, and detailed design. There was no substantive business for the fourth hearing described in the agenda as 'miscellaneous matters'. The audio recordings were published [EV-055 to EV-061].
- 1.3.6 The Panel published a Report on the Implications for European Sites (RIES) on 9 October 2015, allowing three weeks for comment [PD-015].
- 1.3.7 The Panel published a consultation draft DCO on 13 October 2015, allowing 17 days for comment [PD-016].
- 1.3.8 On 21 October 2015 the Panel held four consecutive hearings. These were on compulsory acquisition for the proposed provision for additional land, compulsory acquisition in general, a drainage and flood risk issue specific hearing, and an open floor hearing for the proposed provision. On 22 October 2015 the Panel undertook their third issue specific hearing into the draft DCO. The audio recordings were published [EV-068 to EV-073].
- 1.3.9 In the closing weeks of the Examination, the Panel issued two requests for information under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR). These were on 3 November 2015 [PD-019] and 6 November 2015 [PD-020]; both related to flooding and drainage.
- 1.3.10 The Examination was closed at 11.59pm on 13 November 2015. This was communicated to interested parties by letter on 18 November 2015 [PD-021].

### **Examination of proposed scheme changes**

- 1.3.11 The applicant submitted two applications for a proposed provision for the compulsory acquisition of additional land pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regs). These regulations provide for occasions when CA powers are needed for the acquisition of additional land over and above that

included in the original Application. The first request of 7 July 2015 [REP4-025] was withdrawn and superseded by the second on 22 July 2015 [REP5-030]. This second application was accepted by the Panel in a procedural decision dated 30 July 2015, which also accepted the proposed change to the scheme as non-material [PD-008]. The Panel issued a letter on 4 August 2015 to notify of the above procedural decision and vary the Examination timetable accordingly.

- 1.3.12 The relevant representation period for the proposed provision in accordance with the CA Regs ran until 10 September 2015. The applicant confirmed compliance with Regulations 7 and 8 on 14 September 2015 [APP-791]. One relevant representation was made [RR-707].
- 1.3.13 On 19 August 2015 the applicant proposed 40 changes to the scheme [REP7-034]. A further 31 changes were proposed on 10 September 2015 [REP9-006]. At this stage in the examination, the applicant was unable to apply under the CA Regs as there would be insufficient time to complete the statutory processes. The Panel decided to accept those changes that did not result in the acquisition of additional land, or where the acquisition had been consented to by the parties concerned. The decision pertaining to the August request is dated 25 September 2015 [PD-013] and the decision on the September request is dated 26 September 2015 [PD-014].
- 1.3.14 Interested parties were notified of the above procedural decisions by letter of 29 September 2015. This letter also contained the Panel's procedural decisions as to how the proposed provision under the CA Regs for the compulsory acquisition of additional land should be examined, and the initial assessment of issues. The Examination timetable was amended and notice given of hearings in October [PD-012].
- 1.3.15 The hearings held by the panel on 21 October 2015 included two required by the CA Regulations. These were on compulsory acquisition for the proposed provision and an open floor hearing for the proposed provision. The audio recordings were published [EV-068 and EV-071].
- 1.3.16 On 14 October 2015 [REP11-009] and 22 October 2015 [REP12-005] the applicant demonstrated that it had gained landowner consent for the changes applied for on 19 August 2015 [REP7-034] and 10 September 2015 [REP9-006], but not yet accepted by the Panel in their procedural decisions of 25 September 2015 [PD-013] and 26 September 2015 [PD-014]. The Panel accepted these remaining changes to the scheme in a procedural decision of 22 October 2015 [PD-018].
- 1.3.17 The Panel notified of their fourth procedural decision to accept changes to the Application by letter of 27 October 2015.

## **1.4 SITE VISITS**

- 1.4.1 The Panel undertook an unaccompanied site visit prior to the Preliminary Meeting, for which a map [EV-024] and note [EV-023] was published. The Panel also undertook a number of other unaccompanied site visits during the course of the Examination.
- 1.4.2 An accompanied site visit took place on 16 and 17 July 2015 in the presence of the applicant, local authorities and other interested parties. The itinerary [EV-028] and route [EV-026] were published in advance and adhered to.

## **1.5 OTHER CONSENTS REQUIRED**

- 1.5.1 The applicant provided a position statement to summarise the consents and agreements required to implement the scheme in their application documents [APP-010]. The position regarding other consents is considered further in the DCO chapter.
- 1.5.2 Many consents are included within the DCO, but the following are to be sought separately:
- environmental permits from the Environment Agency;
  - protected species licences from Natural England;
  - Highways Act 1980 consents in respect of construction works; and
  - Control of Pollution Act 1974 s61 consents.
- 1.5.3 This position statement was updated during the Examination at 19 August 2015 [REP7-040].

## **1.6 REQUESTS TO BECOME OR WITHDRAW FROM BEING AN INTERESTED PARTY (S102A, S102B AND S102ZA)**

- 1.6.1 Eight requests to become interested parties were accepted by the Panel. Six individuals became interested parties before the Preliminary Meeting and two organisations during the Examination.
- 1.6.2 The six individual requests under S102A from Judith Robinson, Christine Corns, Anthony Smith, Glenn Hacker, Emma Hacker and Christine Oliver relate to land at Hackers Fruit Farm.
- 1.6.3 Royal Mail, who were invited to the Preliminary Meeting as a statutory party, became an interested party following their request under S89(2A)(b) of PA2008 [AS-001].
- 1.6.4 Papworth Hospital NHS Foundation Trust made an application to become an interest party on 26 June 2015 as it was intending to relocate to the area; this was accepted by the Panel.
- 1.6.5 Mike Bates was invited to the Preliminary Meeting at the discretion of the Panel, having made a submission on 24 April 2015 [AS-002]. He

was subsequently treated as an 'other person' invited to the Preliminary Meeting in accordance with s88(3) of PA2008.

## **1.7 UNDERTAKINGS GIVEN TO SUPPORT THE APPLICATION**

1.7.1 Over the course of the Examination the applicant and Cambridgeshire County Council (CCC) negotiated a legal agreement with respect to de-trunking, traffic monitoring and mitigation. The applicant reported at Deadline 15 that agreement had been reached, but the signed agreement was not submitted before the end of the Examination. The fall-back position reported in paragraph 4.4 of this updated position statement [REP15-033] was that the signed agreement would be submitted independently to the SoS by the applicant.

1.7.2 The most recent draft of the agreement provided to the Panel was at Deadline 13 [REP13-033]. This covered:

- the de-trunking of the current A14 route;
- design and handover of new and altered local roads included in the scheme;
- monitoring of local road traffic and funding for mitigation measures; and
- protection for the Cambridgeshire Guided Busway.

1.7.3 The de-trunking is effected by Article 12 of the final draft DCO [REP15-019], introduced at revision 5 [REP13-014] agreed with CCC [REP13-054].

## **1.8 STATEMENTS OF COMMON GROUND**

1.8.1 The applicant concluded 78 Statements of Common Ground (SoCG) over the course of the Examination, with five unsigned. A list of SoCGs is at Table 3.1 of the applicant's final Statements of Common Ground Report, submitted at Deadline 15 [REP15-015]. Two further updated SoCGs were submitted on the final day of the Examination, with the Environment Agency and with Anglian Water [REP15-040]. The first twelve SoCGs were provided at Deadline 3, in accordance with the Examination timetable. Additional and updated SoCGs were then submitted at every deadline from 7 through to Deadline 15.

1.8.2 SoCGs have been completed with five local authorities, including the three hosts, CCC, Huntingdonshire District Council and South Cambridgeshire District Councils. The draft SoCG with Cambridge City Council has not been completed [REP15-015].

1.8.3 Twelve town and parish councils along the proposed route have completed SoCGs with HE, and a further three located off the main alignment have done so. Fourteen host parish and community councils have not signed a SoCG, although drafts exist with Girton and Hilton parishes [REP15-015].

1.8.4 Historic England, Natural England and the Environment Agency have finalised SoCGs with the applicant, as have seventeen statutory

undertakers. The applicant has also signed SoCGs with 25 land interests and thirteen non-statutory organisations [REP15-015].

## **1.9 STRUCTURE OF REPORT**

- 1.9.1 This report provides the Secretary of State with the Panel's findings and conclusions on the application for development consent for the A14 Cambridge to Huntingdon Improvement Scheme under s74(2)(b)(i) of the PA2008. This report also contains our recommendation, under s74(2)(b)(ii) on whether to grant consent for the powers sought for the compulsory acquisition of land and rights, and on the terms of the Development Consent Order (DCO) should the SoS be minded to make such an Order.
- 1.9.2 Chapter 2 describes the main features of the scheme and the site before giving an outline of the legal and policy context for its consideration in Chapter 3. Findings and conclusions in relation to the main issues in the examination are set out in Chapter 4 with Habitats Regulation Assessment being discussed in Chapter 5. The Panel's recommendation on the case for granting development consent is in Chapter 6. Chapter 7 addresses the case made for compulsory acquisition and other land matters. Chapter 8 then considers the detail of the draft DCO, with the Panel's overall conclusions and recommendation on the application in Chapter 9.
- 1.9.3 The draft DCO as recommended to be made by the Secretary of State is attached at Appendix H.

## **2 MAIN FEATURES OF THE PROPOSAL AND SITE**

### **2.1 THE APPLICATION AS MADE**

#### **Project**

2.1.1 The project proposed is the improvement of the A14 between the Ellington and Milton junctions. In essence this includes a new bypass to the south of Huntingdon, and widening of the existing A14 route between Swavesey and Cambridge. New lanes are proposed for the A1(M) between Alconbury and a new interchange with the A14 on its new alignment south of Huntingdon. The existing A14 through Huntingdon would be de-trunked and the viaduct demolished. There would be local works to Huntingdon town centre, and the construction of local access roads between Swavesey and Cambridge [APP-334]. A full description of the scheme is set out in chapter one.

#### **Site**

2.1.2 The application site stretches 34 km across central Cambridgeshire. The land comprises wide floodplains and low hills formed by the River Great Ouse and its tributaries. The area is predominantly used as arable farmland, with the alignment generally avoiding dispersed lakes and woodland areas [APP-333].

2.1.3 The main settlements are Cambridge to the south-east and Huntingdon to the north-west of the application route. There are several small towns and villages adjacent to the existing A14 and A1(M) alignment, including Brampton, Godmanchester, Fenstanton and Bar Hill. The proposed bypass alignment avoids most settlements, but there are several villages within a few kilometres of the scheme, including Buckden, the Offords, Hilton, Lolworth and Madingley [APP-333].

#### **Principal works**

2.1.4 The main work is the construction of the new A14 alignment between Ellington and the Girton interchange. This is to use both the existing A14 and A1(M) routes and the proposed Huntingdon southern bypass. It is tied into the strategic network with works to the A1(M), A14 north of Cambridge (Cambridge Northern Bypass) and the A428. The proposals also link to the M11 at Girton, but there are no works proposed to the motorway.

2.1.5 There are works to the existing local road network including Huntingdon town centre and the construction of a new local access road to serve existing A14 accesses. Borrow pits and the diversion of services support the scheme.

2.1.6 The applicant's final draft DCO numbers 90 Works in Schedule 1 which divide as follows [REP15-019]:

- A14 Ellington to Girton - Work 5

- A14 Girton to Milton - Work 33
- A1(M) Alconbury to Brampton - Work 1
- A428 at Girton - Works 31 and 32
- A14/A1(M) Brampton interchange - Works 7 and 8
- A14/A428 Girton interchange - Works 28 and 29
- Local access road Swavesey to Girton - Works 19, 22, 26, 27 and 30
- Huntingdon town centre - Works 34 to 37
- Works to existing roads - Works 2, 3, 6, 9 to 18, 20, 21, 23 and 24
- Borrow pits - Work 4
- Diversions of electricity lines - Works 39, 42, 44, 49, 51, 52, 54, 57, 60, 67, 68, 75, 77 and 89
- Diversions of water pipelines - Works 39, 41, 45, 46, 50, 55, 56, 58, 62, 64, 66, 69, 71, 72, 74, 76, 79, 80, 82, 83 and 87
- Diversions of oil pipelines - Works 40 and 43
- Diversions of gas pipelines - Works 53, 59, 61, 63, 65, 70, 73, 78, 81, 84, 86, 88 and 90

2.1.7 There is no associated development separately listed in the draft DCO. The Explanatory Memorandum states that associated development is included within the order, and lists it as [REP-15-023]:

- the construction of various new slip roads for which the Secretary of State will not be the highway authority;
- the alteration of the layout of streets for which the Secretary of State is not the highway authority;
- works relating to drainage and watercourses;
- the construction of attenuation ponds and pollution control facilities;
- borrow pits and flood compensation areas;
- diversion of utilities apparatus, including gas and water pipelines and electric cables; and
- environmental mitigation measures.

2.1.8 Ancillary works are provided for in paragraphs (a) to (n) at the end of Schedule 1 of the draft DCO. These include works to streets, construction of routes for non-motorised users, of embankments and bridges, installation of landscaping and noise barriers, site preparation, tree felling and construction compounds [REP15-019].

### **Plans**

2.1.9 The scheme was described on 320 sheets of plans and sections submitted in the original application [APP-011 to APP-330]; key among these are the General Arrangement Plans [APP-012 to APP-040], Works Plans [APP-083 to APP-113] and Land Plans [APP-041 to APP-082].

2.1.10 Corrections to Land Plans [APP-768] and Engineering Sections [APP-767] were provided after acceptance on 27 March 2015. A further partial update to the scheme plans was submitted prior to the

Preliminary meeting and accepted on 12 May 2015, which replaced certain sheets of the General Arrangement Plans [APP-774], Land Plans [APP-775], Works Plans [APP-776], Rights of Way Plans [APP-777] and Crown Land Plans [APP-778].

- 2.1.11 The application for a proposed provision under the Compulsory Acquisition Regulations on 22 July 2015 included updates to the General Arrangement Plans, Land Plans, Works Plans, Rights of Way Plans, Engineering Sections and Traffic Regulation Plans [REP5-030]. The Crown Land Plans were completely replaced on 19 August 2015 reflecting the new role of Highways England compared to the Highways Agency [REP7-037].
- 2.1.12 The applicant resubmitted all of the scheme plans at Deadline 13 to incorporate changes that had been made during the examination [REP13-035 to REP13-044], including the General Arrangement Plans [REP13-035], Works Plans [REP13-037] and Land Plans [REP13-036]. These are considered the definitive plans and are listed in the recommended DCO.
- 2.1.13 The Route Map to the Application [REP15-039] describes the iterations of the plans.

## **2.2 AMENDMENTS TO THE APPLICATION DURING EXAMINATION**

### **Corrections**

- 2.2.1 Following advice issued at acceptance, the applicant submitted corrected Engineering Section Drawings [APP-767] and Land Plans [APP-768] on 10 April 2015.
- 2.2.2 On 7 May 2015, immediately prior to the Preliminary Meeting, the applicant provided further errata to their submission drawings with revised General Arrangement Plans, Land Plans, Works Plans, Rights of Way and Access Plans and Crown Land Plans [APP-774 to APP-778].

### **CA Regs changes**

- 2.2.3 During the examination, the applicant submitted five sets of changes to the application scheme. The change applications are set out in Chapter 7, Compulsory Acquisition and have arisen to accommodate the concerns of objectors (particularly relating to access issues) and to make adjustments and changes to the land take arising from the evolution of detailed design. As a Panel, we considered and determined whether or not the proposed changes constituted a material change or were nonmaterial as set out below.
- 2.2.4 The first change included an application for a proposed provision for the compulsory acquisition of additional land under the CA Regs, made on 22 July 2015. This affected four plots: at Woodhatch Farm to improve the replacement private access; at Ellington Junction to provide an emergency slip road; at Buckden Landfill Site for ecological

mitigation; and at Mill Common for ecological mitigation [REP5-030]. This was accepted by the Panel on 30 July 2015 [PD-008].

### **Non-CA Regs changes**

- 2.2.5 A second set of forty changes was proposed on 19 August 2015 which were numbered non-sequentially between DR1.02 to DR1.83 [REP7-034]. These changes largely respond to landowner requests for changes to access routes, and revisions required to facilitate diversion of the National Grid high pressure gas pipeline. The Panel accepted these as non-material on 25 September 2015 [PD-013] and 22 October 2015 [PD-018].
- 2.2.6 A third set of changes was submitted on 10 September 2015 [REP9-006]. There were 31 proposed changes, five of which (DR1.08 and DR1.20b to DR1.20e) were re-workings of those earlier submitted on 19 August 2015, numbered DR1.08 to DR1.102 - though these numbers were not consecutive and some contained multiple changes. These changes are also in response to landowner requests, further works for National Grid Gas and inclusion of additional areas of floodplain compensation and ecological mitigation. The Panel accepted these as non-material on 26 September 2015 [PD-14] and 22 October 2015 [PD-018].
- 2.2.7 At the request of the Panel the two applications [REP7-034 and REP9-006] were combined into a single application submitted 30 September 2015 [REP10-047] and this application was itself updated in October 2015 [REP11-009]. This consolidated fourth group of submissions included further three changes (DR1.103 to DR1.105) [REP10-047], and also withdrew two earlier change requests (DR1.79 and DR1.102). The three additional changes were at the request of National Grid Gas to accommodate diversion of the gas main. The Panel accepted these as non-material on 26 September 2015 [PD-14] and 22 October 2015 [PD-018].
- 2.2.8 The above 71 accepted changes - four named and 67 with DR1 references - were included in the applicant's final draft DCO [REP15-019] and the final set of plans [REP13-035 to REP13-044]. This report assesses the scheme as amended by these 71 accepted changes.

### **Changes not accepted**

- 2.2.9 A fifth set of changes were set out in the Compulsory Acquisition Report [REP14-024] which shows ten areas of flood compensation to be removed from the scheme. These changes, proposed a week before the end of the examination, were not accepted by the Panel as changes to the application scheme in accordance with Advice Note 16 paragraph 6.16:

'A material change request made in the final few weeks of the examination is unlikely to be accepted by the ExA, and its report and recommendation will be made on the basis of the application as it stands at the time the examination closes.'

- 2.2.10 The applicant included the late changes in the final draft DCO [REP15-019] but did not provide a set of revised plans to include them.

## **2.3 RELEVANT PLANNING HISTORY**

- 2.3.1 This version of the A14 Cambridge to Huntingdon Improvement Scheme is the only one to have completed an examination. However, there have been several previous iterations proposed and consulted upon.
- 2.3.2 Improvement works were proposed in the 1989 'Roads for Prosperity' white paper, though this was halted by the Roads Review in 1998. The Cambridge to Huntingdon Multi-Modal Study (CHUMMS) was commissioned in its place, which reported in 2001. A single route proposal for a southern Huntingdon bypass was consulted on in 2005, with six further options consulted upon in 2006 following a legal challenge. An Ellington to Fen Ditton scheme was announced in 2007, and a public enquiry commenced in July 2010, but this scheme was withdrawn by the September 2010 spending review.
- 2.3.3 A new multi-modal study was commenced in 2011, with tolling mandated for any road scheme. A preferred road option was progressed in 2012, with non-statutory consultation in 2013.
- 2.3.4 The National Infrastructure Plan of December 2013 stated that the proposed road would not be subject to tolling. A statutory consultation was undertaken on that basis, and the resultant scheme submitted to the Secretary of State in December 2014 as the A14 Cambridge to Huntingdon Improvement Scheme [REP2-184, APP-336 and APP-755].

## **CUMULATIVE EFFECTS**

- 2.3.5 Cumulative effects with other projects in the locality are considered in the ES Chapter 18 [APP-349]. Eighteen schemes are listed in Table 18.4 - reasonably foreseeable development identified within the study area. These are mapped in Figure 18.1 [APP-432], showing the thirteen scoped into cumulative effects assessment and five scoped out. This issue is considered further in relevant sections of Chapter 4.

### **3 LEGAL AND POLICY CONTEXT**

#### **3.1 INTRODUCTION**

3.1.1 The legal and policy context as understood by the applicant is described primarily in the Case for the Scheme [APP-755] and the two updated versions of this document, at Deadline 9 [REP9-019] and at Deadline 15 [REP15-025].

#### **3.2 PLANNING ACT 2008 (AS AMENDED)**

3.2.1 The application is for a Nationally Significant Infrastructure Project qualifying under s22 of the PA2008. It is for the construction, improvement and alteration of a highway in England for which the Secretary of State (SoS) would be the highway authority.

3.2.2 As the National Networks National Policy Statement is in effect, s104 of PA2008 applies. In deciding the application, the SoS must have regard to:

- Relevant national policy statements;
- The local impact report and updates provided; and
- Any other matters considered both important and relevant.

3.2.3 The Secretary of State must decide the application in accordance with any relevant national policy statement, unless one of the exemptions listed in s104 applies.

3.2.4 This report sets out the Panel's findings, conclusions and recommendations taking these matters fully into account and applying the approach set out in s104 PA2008.

#### **NATIONAL POLICY STATEMENTS**

##### **National Networks NPS**

3.2.5 The National Policy Statement most relevant to this application is the National Networks National Policy Statement (NNNPS). This was designated in January 2015, two weeks after the application was made and during the acceptance period. Consequently the applicant updated the Case for the Scheme [APP-755] by providing a 'compliance tracker' prior to the Preliminary Meeting [APP-784] which set out how the application met the objectives and assessment criteria of the NNNPS. This was updated on two further occasions during the examination, at Deadline 9 [REP9-019] and at Deadline 15 [REP15-025] at the close of the Examination.

3.2.6 The NNNPS sets out the need case for development of the national road network. Notably paragraph 4.2 states:

'Subject to the detailed policies and protections set out in this NPS, and the legal constraints set out in the Planning Act, there is a presumption in favour of granting development consent for national

networks NSIPs [National Significant Infrastructure Projects] that fall within the need for infrastructure established in this NPS.

3.2.7 The NPS sets out the assessment principals that should guide the Examining Authority and Secretary of State, and also how the following impacts should be considered:

- air quality;
- carbon emissions;
- biodiversity and ecological consideration;
- waste management;
- civil and military aviation and defence interests;
- coastal change;
- dust, odour, artificial light, smoke, steam];
- flood risk;
- land instability;
- the historic environment;
- land use including open space, green infrastructure and Green Belt;
- noise and vibration;
- impacts on transport networks; and
- water quality and resources.

### **Ports NPS**

3.2.8 The Panel has also considered the National Policy Statement for Ports (2012) as the A14 terminates at Felixstowe. Both the applicant's Case for the Scheme [APP-755] and the Local Impact Report (LIR) [REP2-184] make reference to the potential for increased port traffic.

## **3.3 TRANSPORT**

### **LEGISLATION**

#### **Infrastructure Act 2015**

3.3.1 Part One of the Infrastructure Act 2015 allowed for the appointment of strategic highway companies as a highway authority. An appointed company must comply with the Roads Investment Strategy set out by the SoS.

3.3.2 Highways England (HE) was appointed to this role by the Strategic Highways Company Order 2015. Draft orders and schemes prepared by the Highways Agency on behalf of the SoS were transferred to HE by the Infrastructure Act 2015 (Strategic Highways Companies) (Consequential, Transitional and Savings Provisions) Regulations 2015. The appointment of HE is discussed in Chapter 1 of this report.

## **POLICY**

### **Roads Investment Strategy**

- 3.3.3 Sitting alongside the NNNPS is the Roads Investment Strategy 2015-2020 (RIS1) which sets out the Government's plan for developing the strategic road network and the spending programme for the five year period. It is mandated by the Infrastructure Act 2015.
- 3.3.4 Part 1 of RIS1, Strategic Vision, describes the long term aspirations for the strategic road network. The A14 Cambridge to Huntingdon scheme is provided as an example of a connectivity project.
- 3.3.5 Part 2 of RIS1, Investment Plans, lists the projects and schemes that the Government expects to be delivered during the plan period. The A14 is listed as a scheme 'committed subject to other contributions' from local developers.

### **National Infrastructure Plan**

- 3.3.6 The National Infrastructure Plan 2014 was published prior to the submission of the application. The 2014 edition is the latest iteration of the series which started in 2010.
- 3.3.7 The Plan is accompanied by a list of the Government's top 40 priority infrastructure investments, which includes the A14 Cambridge to Huntingdon. This qualifies for inclusion by meeting the following criteria: strategic importance, capital value, regional priority and unlocking investment.

### **Investing in Britain's Future**

- 3.3.8 The Treasury published Investing in Britain's Future in 2013 which set out the Government's intentions for the provision and maintenance of key infrastructure. The roads chapter indicated the creation of strategic highway companies and committed to additional investment for building and repairing the strategic road network. The A14 Cambridge to Huntingdon scheme is listed as an example of a planned Highways Agency scheme to be delivered.

## **EUROPEAN LEGISLATION**

### **Trans-European Networks for Transport (Regulation 1315/2013)**

- 3.3.9 For its entire length, the A14 is designated as a Trans-European Network for Transport. It is part of the North Sea - Mediterranean Corridor which is a route from the Scottish central belt to the French Mediterranean coast via the Low Countries.

## **3.4 AIR QUALITY**

### **EUROPEAN LEGISLATION**

#### **Air Quality Directive (Council Directive 2008/50/EC)**

- 3.4.1 Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe came into force on 11 June 2008. The Directive consolidates four directives<sup>1</sup> and one Council decision<sup>2</sup> into a single directive on air quality. Under the Air Quality Directive Member States are required to assess ambient air quality with respect to sulphur dioxide, NO<sub>2</sub> and NO<sub>x</sub>, particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), lead, benzene and carbon monoxide. The Directive set limit values for compliance and establishes control actions where these are exceeded. It is transposed into the UK statute through regulations made under the Environment Act 1995 (EA1995).
- 3.4.2 Part IV of the EA1995 requires all local authorities in the UK to review and assess air quality in their area. If any standards are being exceeded or are unlikely to be met by the required date, then that area should be designated an Air Quality Management Area (AQMA) and the local authority must draw up and implement an Air Quality Action Plan (AQAP) aimed at reducing levels of the pollutant. The A14 Cambridge to Huntingdon scheme boundary includes, or is adjacent to, four AQMAs; Huntingdon, Brampton and Hemingford to Fenstanton A14 in Huntingdonshire, and the A14 Corridor in South Cambridgeshire [APP-339 and APP-368].
- 3.4.3 The UK Government are subject to infraction proceedings for breaching the *EU Air Quality Directive* and have been taken to the Supreme Court by the campaign group ClientEarth for failing to comply with the Directive. The Supreme Court required the UK Government to produce a National Plan by the end of 2015 which would allow the UK to meet the NO<sub>2</sub> limit values as soon as possible. The government consulted on the draft National Plan between 12 September 2015 and 6 November 2015. The implications of this are taken into account in Chapter 4.

## **3.5 NOISE**

### **LEGISLATION**

#### **Control of Pollution Act 1974**

- 3.5.1 The Control of Pollution Act 1974 covers waste disposal, water pollution, noise, atmospheric pollution and public health. Highways

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<sup>1</sup> Framework Directive 96/62/EC, 1-3 daughter Directives 1999/30/EC, 2000/69/EC and 2002/3/EC

<sup>2</sup> Decision on Exchange of Information 97/101/EC

England will require a noise consent under s61 of the Act prior to commencing construction works.

### **Noise Insulation Regulations 1975**

- 3.5.2 The Noise Insulation Regulations 1975 relate to section 20 of the Land Compensation Act 1973. They set out how noise insulation may be undertaken to mitigate noise from public works.

### **Environmental Noise (England) Regulations 2006**

- 3.5.3 These regulations implement the requirements of the Environmental Noise Directive (2002/49/EC) which seeks to identify and trigger action against noise pollution. Member states are required to produce and publish noise maps and noise management action plans quinquennially for major agglomerations, roads, railways and airports above a given size threshold.

## **POLICY**

### **Noise Policy Statement for England**

- 3.5.4 The Noise Policy Statement for England (NPSE) was published in 2010. It sets out the long term vision of Government noise policy and applies to all forms of noise including environmental noise.

### **Noise action plan for roads**

- 3.5.5 The most recent noise action plan for roads was published in January 2014 in accordance with the Environmental Noise (England) Regulations 2006.

## **3.6 FLOODING**

### **EUROPEAN LEGISLATION**

#### **Water Framework Directive (Council Directive 2000/60/EC)**

- 3.6.1 On 23 October 2000, the "Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy" or, in short, the EU Water Framework Directive (the WFD) was adopted.
- 3.6.2 The WFD has a number of objectives such as preventing and reducing pollution, environmental protection, improving aquatic ecosystems and mitigating the effects of floods. It includes the production of river basin management plans (RBMPs) which are designed to integrate the sustainable management of rivers. This directive is relevant to the application as the scheme is located within the Anglian River Basin District, which is covered by a RBMP.

## **LEGISLATION**

### **Land Drainage Act 1991**

- 3.6.3 The Land Drainage Act 1991 consolidates legislation relating to internal drainage boards, and to the functions of such boards and of local authorities in relation to land drainage.

### **Flood and Water Management Act 2010**

- 3.6.4 The Flood and Water Management Act 2010 deals with the management of flood risk and coastal erosion.

## **3.7 BIODIVERSITY**

### **EUROPEAN LEGISLATION**

#### **Habitats Directive (Council Directive 92/43/EEC)**

- 3.7.1 The Habitats Directive (together with the Council Directive 79/409/EEC on the conservation of wild birds (Wild Birds Directive) (Birds Directive)) forms the cornerstone of Europe's nature conservation policy. It is built around two pillars: the Natura 2000 network of protected sites and the strict system of species protection. The directive protects over 1000 animals and plant species and over 200 habitat types (for example: special types of forests; meadows; wetlands; etc), which are of European importance.

#### **Birds Directive (Council Directive 2009/147/EC)**

- 3.7.2 The Birds Directive is a comprehensive scheme of protection for all wild bird species naturally occurring in the European Union. The directive recognises that habitat loss and degradation are the most serious threats to the conservation of wild birds. It therefore places great emphasis on the protection of habitats for endangered as well as migratory species. It requires classification of areas as Special Protection Areas (SPAs) comprising all the most suitable territories for these species. Since 1994 all SPAs form an integral part of the Natura 2000 ecological network.
- 3.7.3 The Birds Directive bans activities that directly threaten birds, such as the deliberate killing or capture of birds, the destruction of their nests and taking of their eggs, and associated activities such as trading in live or dead birds. It requires Member States to take the requisite measures to maintain the population of species of wild birds at a level which corresponds, in particular, to ecological, scientific, and cultural requirements while taking account of economic and recreational requirements.
- 3.7.4 These directives are relevant to the Application because of the proximity of protected sites to the Application. Three sites with potential to be impacted by the scheme were identified by the applicant's Assessment of Implications on European Sites [APP-700]:

- Portholme Special Area of Conservation (SAC) is 37 m from the scheme boundary; the only European site within a precautionary 2 km buffer;
- The Ouse Washes is 9.3 km from the scheme boundary, but are linked hydrologically by the River Great Ouse. The Ouse Washes has three separate designations for different features; it is an SAC, an SPA and a Ramsar site; and
- Eversden and Wimpole Woods SAC is 9.6 km from the scheme boundary; it has been included because a qualifying feature, the barbastelle bat, is considered mobile.

## **LEGISLATION**

### **Conservation and Species Regulations 2010 (as amended) the Habitats Regulations**

#### **Conservation of Habitats and Species (Amendment) Regulations 2012**

- 3.7.5 The Conservation of Habitats and Species Regulations 2010 replaced The Conservation (Natural Habitats, etc) Regulations 1994 (as amended) in England and Wales. The Conservation of Habitats and Species Regulations 2010 (which are the principal means by which the Habitats Directive is transposed in England and Wales) update the legislation and consolidated all the many amendments which have been made to the regulations since they were first made in 1994.
- 3.7.6 The Conservation of Habitats and Species Regulations 2010 apply in the terrestrial environment and in territorial waters out to 12 nautical miles.
- 3.7.7 The Conservation of Habitats and Species (Amendment) Regulations 2012 came into force on 16 August 2012.
- 3.7.8 These Regulations amend the Habitats Regulations. They place new duties on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds. They also make a number of further amendments to the Habitats Regulations to ensure certain provisions of Directive 92/43/EEC (the Habitats Directive) and Directive 2009/147/EC (the Wild Birds Directive) are transposed clearly.

## **TRANSBOUNDARY EFFECTS**

- 3.7.9 Under Regulation 24 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (EIA Regulations) the SoS screened the proposed development for significant effects on the environment in another European Economic Area state on 22 April 2014 and 16 March 2015. On both occasions the SoS reached the view that the proposed development was not likely to have significant effects on the environment in another European Economic Area (EEA) State.

- 3.7.10 In reaching this view the SoS has applied the precautionary approach (as explained in the Planning Inspectorate Advice Note 12 Transboundary Impacts Consultation). Transboundary issues consultation under Regulation 24 of the EIA Regulations was therefore not considered necessary in relation to this application. The Panel agrees with this view.

## **INTERNATIONAL**

### **United Nations Environment Programme Convention on Biological Diversity 1992**

- 3.7.11 As required by Regulation 7 of the Infrastructure Planning (Decisions) Regulations 2010, the Panel has had regard to this Convention in its consideration of the likely impacts of the proposed development and appropriate objectives and mechanisms for mitigation and compensation. In particular the Panel finds that compliance with the UK provisions on environmental impact assessment and transboundary matters, referred to below, satisfies, with regard to impacts on biodiversity, the requirements of Article 14.
- 3.7.12 The UK Government ratified the Convention in June 1994. Responsibility for the UK contribution to the Convention lies with the Department for Environment, Food and Rural Affairs who promote the integration of biodiversity into policies, projects and programmes within Government and beyond.
- 3.7.13 The Convention is of relevance to biodiversity, ecology, landscape and visual matters in respect of the scheme. These matters are discussed in Chapter 4 of this report.

## **LEGISLATION**

### **The Wildlife and Countryside Act 1981 (as amended)**

- 3.7.14 The Wildlife and Countryside Act 1981 is the primary legislation which protects animals, plants, and certain habitats in the UK. The Act provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs). These sites are identified for their flora, fauna, geological or physiographical features by the statutory nature conservation bodies (Natural England in England). The Act also contains measures for the protection and management of SSSIs.
- 3.7.15 The Act is divided into four parts: Part I relating to the protection of wildlife, Part II relating to designation of SSSIs and other designations, Part III on public rights of way and Part IV on miscellaneous provisions. If a species protected under Part I is likely to be affected by development, a protected species license will be required from Natural England.
- 3.7.16 This has relevance to consideration of impacts on SSSIs and on protected species and habitats. There are four SSSIs near to the

scheme, at Portholme, Brampton Meadow, Brampton Racecourse and Brampton Wood [REP2-184].

### **The Countryside and Rights of Way Act 2000**

- 3.7.17 The Countryside and Rights of Way Act brought in new measures to further protect areas of Outstanding Natural Beauty (AONBs), with new duties for the boards set up to look after AONBs. These included meeting the demands of recreation, without compromising the original reasons for designation and safeguarding rural industries and local communities.
- 3.7.18 The role of local authorities was clarified, to include the preparation of management plans to set out how they will manage the AONB asset. There was also a new duty for all public bodies to have regard to the purposes of AONBs. The Act also brought in improved provisions for the protection and management of SSSIs.
- 3.7.19 There are no AONBs near to the scheme, though the applicant reports that there are aspirations to designate part of the Ouse Valley as an AONB. However, as this designation has not been made, it has not been assessed [APP-341]. There are four SSSIs near to the scheme, at Portholme, Brampton Meadow, Brampton Racecourse and Brampton Wood [REP2-184].

### **Natural Environment and Rural Communities Act 2006**

- 3.7.20 The Natural Environment and Rural Communities Act (NERC) made provision for bodies concerned with the natural environment and rural communities, in connection with wildlife sites, SSSIs, National Parks and the Broads. It includes a duty that every public body must, in exercising its functions, have regard so far as is consistent with the proper exercising of those functions, to the purpose of biodiversity. In complying with this, regard must be given to the United Nations Environment Programme Convention on Biological Diversity of 1992.
- 3.7.21 The NERC Act is relevant to the scheme in view of the wildlife sites identified in the ES and the biodiversity, ecological and landscape and visual effects which are discussed Chapter 4 of this report.

## **POLICY**

### **Biodiversity 2020: A strategy for England's wildlife and ecosystem services**

- 3.7.22 The Government biodiversity strategy was published in 2011. It is a ten year strategy covering land, fresh water and sea, intended to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks.

## **3.8 NATIONAL PLANNING POLICY**

### **National Planning Policy Framework**

- 3.8.1 The NNNPS states that 'the National Planning Policy Framework (NPPF) and the NPS are consistent, however, the two have differing but equally important roles' (1.17). While the NPS has primacy, 'The NPPF is also likely to be an important and relevant consideration in decisions on nationally significant infrastructure projects, but only to the extent relevant to that project' (1.18).
- 3.8.2 The NPPF has greater relevance in areas which do not have up to date development plans. The development plans for the relevant local planning authorities are currently in draft or undergoing examination, so the NPPF will be relevant where the extant development plan is not in conformity.
- 3.8.3 The joint LIR lists the NPPF as a relevant policy document [REP2-184].

### **National Planning Practice Guidance**

- 3.8.4 National Planning Practice Guidance is complementary to the NPPF. The Guidance was reissued in March 2014 effected by Ministerial Statement.

## **3.9 LOCAL IMPACT REPORT**

- 3.9.1 Sections 104 and 105 state that in deciding the application the SoS must have regard to any LIR within the meaning of s60(3).
- 3.9.2 There is also a requirement under s60(2) of PA2008 to give notice in writing to each local authority falling under s56A inviting them to submit Local Impact Reports. This notice was given on 21 May 2015 [PD-004].
- 3.9.3 A joint Local Impact Report has been submitted by Cambridgeshire County Council [REP2-184], Huntingdonshire District Council [REP2-180] and South Cambridgeshire District Council [REP2-189] and Cambridge City Council. This was updated during the examination [REP8-011].
- 3.9.4 The principal matters raised in the LIR relate to:
- Air Quality;
  - Cultural Heritage;
  - Ecology;
  - Economy;
  - Flooding and Water;
  - Landscape and Visual Impact;
  - Minerals and Waste;
  - Noise and vibration;and
  - Pedestrians, Cyclists and Equestrian travellers.

3.9.5 The Panel has had regard to all matters raised in the Joint LIR and these are discussed in the relevant chapters of this report.

### **3.10 THE DEVELOPMENT PLAN**

3.10.1 The joint LIR provides a list of relevant local development plans, with an assessment of compliance against relevant policies [REP2-184].

3.10.2 The following CCC policy documents are considered relevant:

- The Cambridgeshire Local Transport Plan 2011 - 2031 (LTP3); including Cambridgeshire Long Term Transport Strategy (LTTS) Cambridgeshire County Council (2014);
- Transport Strategy for Cambridge and South Cambridgeshire, Cambridgeshire County Council (2014);
- Huntingdon and Godmanchester Market Town Transport Strategy, Cambridgeshire County Council (2014);
- Cambridgeshire and Peterborough Minerals and Waste Core Strategy, Cambridgeshire County Council and Peterborough City Council (July 2011);
- Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals Plan, Cambridgeshire County Council and Peterborough City Council (February 2012);
- Rights of Way Improvement Plan - Rights of Way: the Way Ahead, Cambridgeshire County Council (2005);
- Cambridgeshire Green Infrastructure Strategy, Cambridgeshire Horizons / Cambridgeshire County Council (2011);
- Cambridgeshire Highways Policies and Standards (2014);
- Cambridgeshire's Local Flood Risk Management Strategy (2013);
- Cambridgeshire Landscape Guidelines (1993); and
- Cambridgeshire Advisory Freight Map (2012).

3.10.3 Huntingdonshire District Council:

- Huntingdonshire Draft Local Plan to 2036, Huntingdonshire District Council (2013);
- Huntingdonshire Core Strategy, Huntingdonshire District Council (2009);
- Saved policies from the Huntingdonshire Local Plan 1995 and the Local Plan Alteration 2002, Huntingdonshire District Council (2002);
- Huntingdon West Area Action Plan, Huntingdonshire District Council (February 2011); and
- Cambridgeshire Joint Air Quality Action Plan (2010).

3.10.4 South Cambridgeshire District:

- South Cambridgeshire Local Plan 2011-2031: Submission, South Cambridgeshire District Council (Submitted to Secretary of State March 2015, currently undergoing Examination);
- South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document, South Cambridgeshire District Council (Adopted July 2007);

- South Cambridgeshire Local Development Framework Northstowe Area Action Plan (Adopted July 2007);
- South Cambridgeshire Local Development Framework Cambridge East Area Action Plan (produced jointly with Cambridge City Council) (Adopted February 2008); and
- South Cambridgeshire Local Development Framework North West Cambridge Area Action Plan (produced jointly with Cambridge City Council) (Adopted October 2009).

3.10.5 Cambridge City Council:

- Cambridge Local Plan 2014 proposed submission document (2014) (Submitted to Secretary of State March 2015, currently undergoing Examination); and
- Cambridge Local Plan, Cambridge City Council (2006).

3.10.6 In their response to the joint Local Impact Report the applicant did not comment on the relevance of the policies selected by the local authorities [REP4-019]. However, in their original statement of case, the applicant did list the policies that they thought were relevant. This list is in broad agreement with the selected policies of South Cambridgeshire and Huntingdonshire District Councils. The applicant did not consider any local policies from Cambridge City Council. At the County scale, they listed only the Cambridgeshire Local Transport Plan (2014); the Cambridge and South Cambridgeshire Transport Strategy (2014); the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan (2011); and the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals Plan (2012).

3.10.7 The NNNPS suggests that the development plan may be of use in assessing a need case for a scheme directed under s35 of PA2008 (1.3), cumulative impact (4.16), heritage assets (5.125), Green Belts (5.164) and land use conflict (5.165, 5.167 and 5.173).

3.10.8 All relevant policies have been taken into account in the course of examining this application.

### **3.11 THE SECRETARY OF STATE'S POWERS TO MAKE A DCO**

3.11.1 The Panel was aware of the need to consider whether changes to the application received during the Examination meant that the application had changed to the point where it was a different application and whether the SoS would have power therefore under s114 of PA2008 to make a DCO having regard to the development consent applied for.

3.11.2 The SoS will be aware of the March 2015 updated Planning Act 2008: Guidance for the examination of applications for development consent, paragraphs 109 to 115, which provides guidance in relation to changing an application post acceptance. The view expressed by the Government during the passage of the Localism Act that s114(1) places the responsibility for making a DCO on the decision-maker, and does not limit the terms in which it can be made.

- 3.11.3 In exercising this power the SoS may wish to take into account the view of the Panel that the scheme has not materially changed from that submitted. Over the course of the Examination, the Panel have accepted 71 changes to the scheme. Due to the nature of the changes proposed and the size of the scheme, these changes are considered to be non-material, both individually and collectively.
- 3.11.4 Ten changes to the flood compensation areas submitted at the close of the application have not been considered by the Panel. It is left to the SoS to consider the materiality of these changes, and whether they can be accepted as part of the substantive scheme.
- 3.11.5 In summary, the Panel recommends that while the scheme has changed over the course of the Examination, it has not done so to the point where it is a different application. Therefore the Panel consider that the SoS is able to make the recommended DCO within the powers of s114.

## **4 FINDINGS AND CONCLUSIONS IN RELATION TO POLICY AND FACTUAL ISSUES**

### **4.1 INTRODUCTION**

4.1.1 This chapter considers the main issues in the examination which in the event turned out to be the same as the Principal Issues identified by the Panel with the addition of a new section on the historic environment. We first consider the Panel's approach to identifying the Principal Issues set out below and then proceed to consider each issue in turn and its conclusions in relation to them. The only issues not dealt with are CA and the DCO which are dealt with in chapters 7 and 8 respectively.

### **4.2 THE MAIN ISSUES IN THE EXAMINATION**

4.2.1 The Panel's initial assessment of principal issues prepared in accordance with s88 of the Planning Act 2008 (as amended) (PA2008) and Rule 5 of the Infrastructure Planning (Examination Procedure) Rules 2010 was published with the letter inviting all Interested Parties (IPs) to the Preliminary Meeting (PD-003). The Panel had regard to the application documents, the National Networks Policy Statement (NNNPS); the National Policy Statement for Ports (NPSP) and any relevant DCLG guidance together with relevant representations (RRs) submitted by IPs. We made it clear in our letter that the list was not a comprehensive or exhaustive list and that regard would be had to all relevant matters in reaching a recommendation after the conclusion of the Examination.

4.2.2 The principal issues were presented in alphabetical order. The main topic headings were as follows:

- Air Quality and Emissions;
- Biodiversity and Ecological Conservation;
- Carbon Emissions;
- Compulsory Acquisition;
- Design and Engineering Standards;
- Development Consent Order;
- Economic and Social Effects;
- Environmental Impact Assessment;
- Landscape and Visual Effects;
- Noise and Vibration;
- Planning Policy Context;
- Transportation and Traffic; and
- Water Issues.

4.2.3 The Panel heard a number of representations at the Preliminary Meeting about the list of principal issues and having explained that the list was not definitive, has given consideration to these representations as well as to all the points received in advance of and made at the Preliminary Meeting including those in relation to:

- the Supreme Court Judgement on Air Quality;
- the visual impacts of the proposed scheme;
- flooding;
- provision for non-motorised users;
- borrow pits;
- availability of data on noise effects; and
- the adequacy of the DCO.

- 4.2.4 These matters were considered and examined by the Panel under the main topic headings identified by the initial assessment of principal issues in accordance with the relevant legal and policy background.
- 4.2.5 The Panel's findings and conclusions in respect of most of the principal issues are set out in this Chapter; save for Compulsory Acquisition and the draft Development Consent Order as indicated above.
- 4.2.6 Some important and relevant matters identified during the course of the Examination, do not fall under the broad headings of the principal issues, for example heritage assets. These are considered in this chapter. All written and oral representations, even if not explicitly mentioned, have been fully considered in reaching the Panel's conclusions.
- 4.2.7 In determining what issues we should consider, the Panel also had regard to the guidance in the NNNPS as to how to approach matters where details are still to be finalised<sup>3</sup>. This in our view was particularly relevant in this case, given the applicant's approach to the preparation of the scheme, which was based upon an indicative preliminary design.
- 4.2.8 The applicant explained that its approach was due to the nature of the highway design process, in which the precise details of the scheme and its construction were necessarily subject to a detailed design process which would follow on from the identification of the preliminary design. Thus, in relation to all aspects of the scheme, whilst the need was identified at the Application stage the exact detail of what was required and how it could be delivered, in the applicant's view, would only be determined through the subsequent development of the detailed design, which would follow on from the consenting for the scheme. The applicant's approach to detailed design was discussed at various points during the Examination, particularly EV-059 and summarised at REP15-034.
- 4.2.9 The NNNPS requires that appropriate development consent requirements are secured in the DCO in the event of deciding to grant development consent for an application where details are still to be finalised. Given the size of the scheme and the advice in the NNNPS, the Panel accepted the fact that not all details would be resolved during the Examination. As a consequence, the approach adopted by

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<sup>3</sup> NNNPS paragraph 4.20

the Panel in the Examination has been to satisfy itself that all details would be capable of resolution within the EIA envelope and secured by requirements where necessary to ensure this.

4.2.10 The main matters are considered under the generic topic headings identified during the assessment of principal issues with the addition of heritage assets. The topics are dealt with in turn, having regard to the nature and impact of a highway improvement scheme. Water Issues have also been divided into two separate sections: Flooding and Water Quality and Resources for clarity. However, all matters considered are important and relevant and there is no significance to the order in which they now appear as set out below:

- Planning Policy Context;
- Traffic and Transportation;
- Design and Engineering;
- Air Quality and Emissions;
- Carbon Emissions;
- Noise and Vibration;
- Flooding;
- Landscape and Visual Impact;
- Water Quality and Resources;
- Biodiversity and Ecological Conservation;
- Economic and Social Effects;
- Heritage Effects;and
- Environmental Impact Assessment.

### **4.3 PLANNING POLICY CONTEXT**

4.3.1 The Panel noted the evidence provided by the applicant in its Case for the Scheme, Statement of Reasons and other application documents, as to how the application had addressed the national planning policy context [APP-755; APP-005].

4.3.2 However, we were conscious that the NNNPS was designated by the SoS between submission of the application to the Planning Inspectorate for acceptance and the start of the Examination. As such we were concerned that some aspects of the NNNPS may not have been fully considered by the applicant during the preparation of its application. For this reason, we identified the planning policy context as one of the principal issues of the examination.

4.3.3 In advance of the Preliminary Meeting, and after the principal issues had been published, the applicant provided a 'compliance tracker' to accompany its Case for the Scheme. This set out how, in its view, the application met the objectives and assessment criteria of the NNNPS [APP-784 and APP-755]. This was updated on two further occasions; midway through the Examination and at the close of it, to reflect the progress that had been made in addressing specific matters of the NNNPS [REP9-019; REP15-025].

## **CONCLUSION**

- 4.3.4 The Panel notes that the compliance tracker was not challenged during the course of the Examination and is satisfied that the Application at the close of the Examination had been updated in line with the policy context.

## **4.4 TRAFFIC AND TRANSPORTATION**

### **INTRODUCTION**

- 4.4.1 This section of the chapter addresses the assessment of alternatives leading up to the Application and then impact in terms of the transport network, safety and sustainable transport. These matters were assessed in Chapters 7 and 15 of the Application Environmental Statement (ES) [APP-338 and APP-346], with more detail included in a Transport Assessment (TA) [APP-756]. The TA was the subject of errata report submitted prior to the Examination [APP-773]. The applicant also submitted traffic modelling update and local traffic impact reports during the Examination [REP2-018 and REP6-002].
- 4.4.2 The above matters are considered here in the context of the guidance in the NNNPS<sup>4</sup> and references to the relevant sections of this guidance are given in footnotes. Specific concerns, where material to the recommendation, are also considered. Where representations are referred to, they are given as examples of matters raised and do not reflect the entirety of representations considered.
- 4.4.3 The TA assesses the impact of the scheme on the strategic and local highway network, road safety, and local sustainable modes of transport [REP15-039]. A version of the Cambridge to Huntingdon A14 Road Model, known as CHARM2, has been used to inform the assessment of the impacts of the scheme [APP-338]. The traffic modelling update report provides detail on the update made to CHARM2 to form CHARM3a [REP2-018]. This resulted from revised economic parameters published by the Department for Transport (DfT) in November 2014, refinements to network coding and external growth factors with regard to their impact on the scheme. The traffic modelling update report also provides detail on updated road traffic forecasts published by DfT in March 2015 and their impact on the scheme. The local traffic impact report presents the findings of sensitivity testing on CHARM3a, undertaken in response to concerns raised by Cambridgeshire County Council (CCC) and Cambridge City Council (CCiC) regarding the traffic modelling.
- 4.4.4 The scheme comprises an on and off-line improvement to the A14 major trunk road within the Strategic Road Network (SRN) in an area that is subject to significant congestion<sup>5</sup>. The online improvements

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<sup>4</sup> NNNPS paragraph 5.212

<sup>5</sup> NNNPS paragraph 2.13

between the Girton and Histon interchanges on the Cambridge Northern Bypass would be compatible with the applicant's Pinch Point Programme initiative in this area [REP2-013 Q1.12.17]. The pinch point project has added a third running lane to the carriageway in each direction.

- 4.4.5 The scheme would include the severance of the existing A14 dual carriageway through Huntingdon and the provision of highway connections at the northern and southern limits of the severed route. This would be achieved by the demolition of the existing A14 viaduct over the East Coast Main Line railway and Brampton Road in Huntingdon. The scheme would also include the addition of a third running lane in each direction to the A1(M) between the Alconbury and Brampton interchanges [REP2-013 Q1.12.30].
- 4.4.6 The highway authority for the area in which the scheme is situated is Cambridge County Council. There is evidence of consultation with CCC having taken place prior to the Application being made and throughout the Examination<sup>6</sup>. A SoCG between the applicant and CCC has been signed [REP14-008]. From this, matters that are agreed include those that relate to the need for the scheme, highway design, traffic and transport, de-trunking, highway asset definition, the Code of Construction Practice (CoCP) to be certified under the DCO, non-motorised users (NMUs) and rights of way. The SoCG reports that there are no matters not agreed in relation to traffic and transportation. The SoCG also reports that a legal agreement relating to de-trunking, traffic monitoring and mitigation has been agreed between the applicant and CCC [REP13-054, REP14-008 and REP15-033]. This is discussed further in Chapter 8.
- 4.4.7 The NNNPS identifies that pressure on the national road network is expected to increase over coming years<sup>7</sup>. It adds that this is likely to be greatest along key inter-urban corridors with high traffic volumes that support personal, commuting, business and freight movements<sup>8</sup>. There is therefore an unquestionable need to improve the national networks to address road congestion<sup>9</sup>. Against this background, the Government has concluded that, at a strategic level, there is a compelling need for the development of the national road network. Government guidance advises that the assessment of applications for road infrastructure should start on that basis<sup>10</sup>. The Examination has therefore been undertaken on this basis, fully recognising the compelling strategic need for the improvement of the national road network.

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<sup>6</sup> NNNPS paragraph 5.204

<sup>7</sup> NNNPS paragraphs 2.4 and 2.18

<sup>8</sup> NNNPS paragraph 2.19

<sup>9</sup> NNNPS paragraph 2.2 and 2.11

<sup>10</sup> NNNPS paragraphs 2.10 and 2.22

## ALTERNATIVES

- 4.4.8 The Cambridge to Huntingdon Multi-Modal Study (CHUMMS) was commissioned to recommend multi-modal transport plans which address the most urgent problems in the corridor between Cambridge and Huntingdon [APP-755, REP11-013 and REP15-025]<sup>11</sup>. This development of individual schemes to tackle specific issues in this manner accords with Government policy<sup>12</sup>.
- 4.4.9 The study looked in particular at opportunities for modal shift from the car. It recommended that the current traffic demand management measures in Cambridge should continue and that more rigorous measures should be implemented in the future<sup>13</sup>. A variety of transport modes were assessed, including heavy rail, light rail and guided bus systems. The study also examined the interaction between transport and land use, and sought to develop a land use and transport system.
- 4.4.10 The results of the CHUMMS published in 2001 recommended the introduction of a bus-based rapid transit system, traffic calming in Cambridgeshire villages and improvements to the A14 [REP2-013 Q1.12.5]. The Cambridgeshire Guided Busway was opened in 2011 and has met or exceeded its passenger forecasts [REP2-013 Q1.12.18]. Various traffic calming measures were also implemented following the study.
- 4.4.11 The A14 Study, commissioned by the DfT in 2011, reconfirmed the problems affecting the A14 in the Huntingdon and Cambridge area. It generated a suite of multi-modal measures, which included further public transport measures, freight measures, and highways measures<sup>14</sup>. The study was undertaken using the highway assignment element of the Cambridge Sub-Regional Model (CSRM). The CSRM incorporates land-use planning and mode choice elements and is used for strategic planning within the county.
- 4.4.12 The preferred public transport package from the study comprised a park and ride site at Alconbury to negate the need to drive on the section of the A14 to be improved together with other bus services. Whilst the park and ride site is yet to be introduced, a number of elements within this package have been secured as part of recent planning applications. The study concludes however that modal shift resulting from the public transport package in isolation would not resolve the problems on the A14 that were reconfirmed at the start of the study<sup>15</sup>. As an example, the public transport package would only result in a traffic reduction of less than 1% in the AM peak period [REP11-013].

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<sup>11</sup> NNNPS paragraph 2.24

<sup>12</sup> NNNPS paragraph 2.23 and 2.24

<sup>13</sup> NNNPS paragraph 5.203 and 5.211

<sup>14</sup> NNNPS paragraph 2.26 and 4.27

<sup>15</sup> NNNPS paragraph 2.21

- 4.4.13 The preferred freight package would predominantly comprise measures on the Felixstowe to Nuneaton rail route which would allow additional freight paths to be provided. One of these measures, the Ipswich North Chord was completed in March 2014. The freight package could reduce Heavy Goods Vehicle (HGV) traffic by 11% and this was taken into account in the consideration of the suite of multi-modal measures.
- 4.4.14 The A14 Study took into account the earlier CHUMMS work and particularly identified six highway improvement options, Options 1 to 6, for the A14. During the analysis of these options, a variant of Option 5 emerged. This became Option 7.
- 4.4.15 The main differences between Options 5 and 7 were as follows: Option 5 retained the Huntingdon viaduct and provided a dual two-lane Huntingdon southern bypass, while Option 7 removed the viaduct and provided a dual three-lane southern bypass with additional junctions at the A1 and A1198. Options 5 and 7 were then reported as the preferred un-tolled highway options from the scheme. Following a value engineering exercise, to review the costs and benefits of elements of the scheme, Option 5 became 5a and, following similar refinement, Option 7 became 7b [APP-755 and REP2-006 Q1.5.12].
- 4.4.16 The study also reported on a preferred tolled highway option and this was based on Option 7 above. A decision not to toll the Huntingdon southern bypass was however announced by the SoS in December 2013 and tolling options were not then taken any further.
- 4.4.17 As a result of the decision not to toll the southern bypass, the applicant re-evaluated the business case for the proposed scheme alongside the alternatives previously considered [APP-755]<sup>16</sup>. These alternatives included Options 5a and 7b. This re-evaluation concluded that, while Option 5a would offer higher value for money than Option 7b, it would only offer short term relief of congestion. It would therefore require a further scheme to provide additional capacity within 10 to 15 years. It is likely that this would include additional lanes on the Huntingdon southern bypass, a junction between the bypass and the A1 and also speed restrictions on the A14 through Huntingdon. Option 7b was therefore taken forward as the proposed scheme.
- 4.4.18 During the Examination, various concerns have been raised regarding insufficient consideration of alternative routes. From the above however it can be seen that the issue has been the subject of a lengthy process, including consultation at various stages. Moreover, no alternatives are sought by any statutory bodies. Having reviewed

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<sup>16</sup> NNNPS paragraph 4.16

the various representations, the Panel is of the view that there is nothing to suggest that more favourable alternative routes exist.

- 4.4.19 From the above, it is also clear that the applicant has carried out a full options appraisal for the scheme for the investment decision making process<sup>17</sup>. The appraisal includes viable modal alternatives and the consideration of these alternatives has been proportionate in the context of the scheme. The Panel is therefore satisfied that an appropriate options appraisal assessment has been undertaken in relation to the scheme and that it is not necessary for the SoS to reconsider this process.

## **IMPACT ON THE HIGHWAY NETWORK**

### ***Cambridge to Huntingdon A14 Road Model***

- 4.4.20 Traffic on the highway network around the scheme has been represented by a local transport model. This is the Cambridge to Huntingdon A14 Road Model (CHARM) and its modelled area includes Cambridge, Huntingdon, St Ives, St Neots and extends towards Bedford, Ely and Newmarket, as illustrated on Figure 3.1 in the TA [APP-756]. CHARM is based on the highway assignment model element of the CSRM, which has a 2006 base year. This highway assignment model element derives from the land-use planning and mode choice elements of the CSRM.
- 4.4.21 CHARM is a Steady State model employing User Equilibrium Assignment techniques where demand and transport conditions remain constant throughout the modelled periods, such as the peak hours [REP7-027 Q2.15.4]. As the scheme primarily relates to the SRN, on which demand is broadly constant across the peak hours, the Panel is satisfied that the techniques used in CHARM are appropriate.
- 4.4.22 The CSRM failed a 2011 re-validation check due to sub-standard comparisons with actual traffic counts and eastbound AM peak journey times [REP2-013 Q1.12.23]. We are however satisfied that these did not affect the land-use planning, mode choice and highway assignment elements of the CSRM that were used in CHARM.
- 4.4.23 CHARM has had multiple variants as its development has progressed. CHARM1 comprises the highway assignment model element of the CSRM, but with updates and enhancements to improve the representation of traffic movements on the SRN, including the A14. These take the base year to 2013. Although the applicant considers CHARM1 to be an improvement on CRSM, it also failed a validation check as it underestimated AM peak A14 eastbound travel times [REP2-013 Q1.12.24 and 26].

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<sup>17</sup> NNNPS paragraph 4.27

- 4.4.24 The TA explains that, in 2014, new model trip matrices were developed using anonymised mobile phone data [APP-756]. This was supported by automatic number plate recognition surveys and traffic counts together with manual classified turning counts and recognised sources of journey time data [REP7-027 Q2.15.7-9]. This data enabled CHARM1 to be calibrated, validated and re-based to reflect a 2014 base year. This re-based model is identified as CHARM2.
- 4.4.25 CHARM2 also failed a validation check in some areas [REP2-013 Q1.12.25]. Examples of these areas are flows outside peak times and towards the edges of the study area and an overestimation of A14 westbound travel times. The applicant however believed that CHARM2 performed well where the impacts of the scheme would be likely to be felt and it was therefore used in the TA submitted with the Application.
- 4.4.26 During the early part of the Examination, CHARM2 was updated [REP2-018]. This was a result of revised DfT economic parameters published in November 2014 together with refinements to network coding and growth factors on journeys which start and end outside the model area. These journeys are termed 'external to external' trips and the updated model is identified as CHARM3a. Although the ES was based on CHARM2 data, the traffic modelling update report confirms that the use of CHARM3a data would not affect the conclusions presented in the ES [REP2-018].
- 4.4.27 CHARM3a also failed a validation check, as modelled flows north of the A14 from Cambridge towards Ely and Cottenham were only within 6%, and not 5%, of observed flows. The DfT Transport Appraisal Guidance states that nearly all screenlines should meet the 5% criterion. Here, as only one of the eight screenlines failed by 1%, the applicant considers that CHARM3a is an acceptable and appropriate model. This position is supported by CCC and CCiC and, in view of the clearly complex relationship between the A14 and local roads, we can see no reason to disagree [REP2-013 Q1.12.33 and 38]. Furthermore, there is no evidence that the model is not fit for purpose in terms of relationships between car traffic and public transport [REP7-027 Q2.15.10]. We therefore consider CHARM3a to be acceptable and appropriate in relation to the scheme.
- 4.4.28 CHARM also takes into account all proposed 'near certain' or 'more than likely' housing and employment developments and highway and public transport network improvements in the Cambridge-Huntingdon area. These include developments at Northstowe, Cambourne West/ Bourn Airfield and the Alconbury Weald and Wyton Airfield sites [RR-015, RR-063, RR-137, RR-139, RR-221, RR-244, RR-253, RR-265, RR-290, RR-295, RR-325, RR-338, RR-347, RR-381, RR456, RR-504, RR-573 and RR-618]. The extents of these developments have been agreed with the relevant planning authority concerned [REP8-011]. We are therefore satisfied that the model provides information on how

the scheme would combine and interact with the effects of other development for which consent has been granted, but which does not yet exist<sup>18</sup>.

- 4.4.29 CHARM has not been stress tested by increasing the number of trips or reassignment [REP7-027 Q2.15.6]. A range of demand scenarios have however been tested and trip assignments have been developed from CSR, an established model with land-use planning and mode choice elements. We are thus content that specific stress testing was not necessary in this case.
- 4.4.30 The scheme would include temporary construction haul routes that would run parallel to, and within the footprint of, the scheme [APP-435, APP-358 and REP2-013 Q1.12.6]. The need for A14 construction traffic to use the local road network has however also been evaluated, with the aim to minimise construction related disturbance in the local area. Local routes were assessed for access considerations such as reduced headroom bridges, weight restrictions, narrow widths and overall general suitability for construction traffic. The routes were then planned for the main A14 construction traffic and the use of these roads would be regulated and enforced under the CoCP [REP2-013 Q1.12.6]. The CoCP would also regulate road closures. In our view, this evaluation is sufficient and it would not be necessary to carry out a more formal construction phase TA or to consider construction workforce movements in more detail as suggested by Suffolk County Council [REP9-017].
- 4.4.31 The construction traffic evaluation has shown that the 'A road' network, along with proposed off-road haul routes, to the north of Hilton and Conington, would sufficiently cater for the majority of construction traffic needs. This is said to limit the use of local roads to certain construction related activities which need to use a particular route, such as for the construction of local road over bridges. No local residential route would therefore be identified as a main construction route for any prolonged construction related activity during the scheme and no HGV 'rat running' would be permitted to take place outside of 'A roads' and the haul routes. Local roads, outside of 'A roads' would not be used without prior consultation with the highway authority and other relevant bodies. This would take place within a Traffic Management Working Group set up in accordance with the CoCP.
- 4.4.32 Areas where concerns have been raised include Madingley, Dry Drayton, Coton, Brampton, Boxworth and Hemingford Grey [for example RR-001, RR-020, RR-068 and REP2-013 Q1.12.6]. In terms of Madingley, construction access to a compound and soil storage site to the north of the village would be via the A14 and The Avenue, and not through the village. Temporary haul routes off Dry Drayton Road

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<sup>18</sup> NNNPS paragraph 4.16

within the scheme footprint would avoid the need for construction access through Dry Drayton. Coton is located away from the scheme and there are no planned construction routes around the village.

- 4.4.33 Whilst there would be extensive work to the west of Brampton, use of the local road network in the area is not required due to the proximity of the A1 and the A14 together with temporary haul routes within the site. For Borrow Pit 5, which would be to the north of Boxworth and in an area somewhat divorced from the main site area, a temporary off highway haul route would be created [REP2-013 Q1.12.11]. From all of the above, we are satisfied that traffic impacts from construction would not be unacceptable and that any impacts would be adequately regulated under the CoCP.
- 4.4.34 CHARM3a external to external trip growth for HGVs is based on the National Transport Model Road Traffic Forecasts 2013 (RTF13) [REP2-013 Q1.12.1]. These forecasts were updated in March 2015 (RTF15). CHARM3a external to external trip growth for light vehicles is derived from forecasts from the National Trip End Model (NTEM) version 6.2, which remains unchanged. Growth in internal-based HGV movements has been derived from CSRM and for light vehicles from NTEM version 6.2. RTF15 related growth therefore forms a small proportion of the overall demand matrix.
- 4.4.35 RFT15 forecasts have been developed with reference to five defined scenarios [REP2-018]. For Scenario 1, the number of trips people make remains constant at the historic average and incomes and costs affect travel choices. In this scenario, higher incomes result in more people choosing to travel by car. RTF13 had been prepared on this basis.
- 4.4.36 In Scenario 2, trip rates remain as Scenario 1 but income growth does not result in more people choosing to travel by car. Scenario 3 includes declining trip rates to extrapolate what has occurred in recent years, but with higher income car choice assumptions as Scenario 1. Scenarios 4 and 5 are low and high macroeconomic growth variants of Scenario 1, where higher oil prices reduce gross domestic product (GDP) and lower oil prices increase GDP.
- 4.4.37 The applicant has tested the design against Scenario 1. Here, incomes and costs, based on central forecasts, affect travel choices positively in terms of overall road demand. We can see no reason to disagree with the applicant's choice of scenario.
- 4.4.38 Scenarios 4 and 5, have also been tested and considered in terms of their impact on operational design and have been used to inform the design of the scheme [REP2-013 Q1.12.1 and 14]. These show changes of +/- 7% on the SRN respectively with greater variation on the local network as a result of route switching. RTF15 predicts East of England region SRN growth to 2040 of 40, 25 and 54% under Scenarios 1, 2 and 3.

- 4.4.39 Later in the Examination, sensitivity tests were conducted on CHARM3a in response to concerns raised by CCC and CCiC [REP6-002]. These local impact tests are identified as CHARM3a LIT and focused primarily on the operation of the local road network. They incorporated revised base year demand distribution by correcting zone allocations for 11 zones within the 12.5 million mobile phone trip movements used in the model data. These are smaller zones and examples are Brampton Mill and campsite, Cambridge Lakes Golf Course and Cambridge University Library. As such, the reported impact of these changes on the rest of study area is considered to be small and the CHARM3a forecasts are said to remain robust. This conclusion is accepted by CCC and CCiC [REP7-005].
- 4.4.40 The tests also excluded some future year infrastructure improvement assumptions, such as various planned junction improvements to the existing highway network [REP6-002]. This was to test the network with less capacity than is anticipated and followed discussion with CCC. The tests did however add planned improvements at the Spittals interchange, to be undertaken if the A14 scheme does not proceed, and a missing 500 m length of Oakington Road at Dry Drayton. Furthermore, the tests corrected the representation of the tidal flow traffic regulation system at Silver Street in Cambridge. The tests comprised re-runs of traffic forecasts for 2020 and 2035 with and without the scheme.
- 4.4.41 We are therefore satisfied that the modelling appropriately reflects existing conditions and future growth, has been responsive to national forecast updates and provides robust forecasts following sensitivity testing<sup>19</sup>.
- 4.4.42 In terms of current network performance, the ES identifies that the A14 between Cambridge and Huntingdon is already heavily congested at peak times, leading to delays on the strategic and local road network [APP-338]. The ES explains the capacity of the existing A14 is limited by a number of factors, including the large number of HGVs, the high number of roads with direct access to the A14 and the significant volumes of traffic joining or entering the A14 at major junctions. Nearly all sections of the network are forecast to see increased traffic flows between 2014 and 2035, leading to increased congestion. Some of the forecast growth on the local network is a result of local traffic diverting from the A14 to avoid congestion.
- 4.4.43 In relation to future network performance, the ES reports that, under CHARM2, the scheme is shown to offer additional capacity to the A14 between the Brampton Hut and Girton interchanges. This would reduce congestion and provide for future traffic growth. The scheme is also shown to offer traffic relief to the existing A14 between Brampton Hut and Swavesey and between Alconbury and Spittals

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<sup>19</sup> NNNPS paragraph 4.6

interchange. This would release capacity on the existing and severed A14 into Huntingdon for local use [REP2-013 Q1.12.35]. The scheme would therefore provide substantial national, regional and local benefits in terms of the strategic and local highway networks.

- 4.4.44 This redistribution of traffic from the local road network to take up spare capacity on the A14 would generally reduce, but in some places increase, trips on different local roads. There is however no evidence that, within the study area, rat running would take place as an alternative to the SRN [REP2-013 Q1.12.10].
- 4.4.45 All junctions affected by the scheme are forecast to either operate within capacity or be no worse than without the scheme in 2035 [REP6-002]. Those in the latter category are the Bar Hill/Local Access Road, Histon, Milton and the Brampton Road/Edison Bell Way junctions. Where, in practice, junctions are found in future to be subject to greater than capacity flows, their capacity could be increased by revising their geometry or by the provision of traffic signals [REP2-013 Q1.12.39, 41-46, 48, 49, 55, 58 and 59 and REP7-024 Q2.12.12].
- 4.4.46 The model refinements incorporated in CHARM3a have, in some areas led to an increase in base year flows [REP7-024 Q2.12.15]. Overall however, due to lower external to external growth assumptions, CHARM3a has resulted in lower traffic forecasts than CHARM2 on major routes, whilst on local roads forecasts are generally similar [REP2-013 Q1.12.34]. Some of the spare capacity on the A14 due to the lower growth assumptions has however been taken up by traffic transferring from local routes to the A14. This has resulted in increased traffic entering and exiting the A14 at some junctions [REP7-024 Q2.12.15 and 16].
- 4.4.47 In Cambridge, CHARM3a shows very similar impacts on radial routes as forecast by CHARM2 but with a slightly higher reduction in the 2035 PM peak of -5% compared to -4%. In Huntingdon, CHARM2 and CHARM3a show similar impacts on radial routes.
- 4.4.48 For the majority of junctions, the CHARM2 and CHARM3a operational assessments are similar both with and without the scheme. Again, the Bar Hill/Local Access Road, Histon, Milton and the Brampton Road/Edison Bell Way junctions are forecast to be operating above capacity in 2035. Junction performance would however not be any worse than would be the case without the scheme and there would therefore be no adverse impact. At the Brampton Road/Edison Bell Way junction, some of these above capacity flows are due to traffic from the Godmanchester, Hemingford and other local areas wishing to travel northbound on the A1 [REP2-013 Q1.12.7 and 8]. HGVs would however be banned from using this route through Huntingdon [REP2-013 Q1.12.12]. Additional sensitivity testing, which allows for the full 10,000 dwellings at Northstowe instead of the 5,000 in CHARM2, also shows that all junctions, apart from those above, are forecast to

operate within capacity [REP2-013 Q1.12.14 and 31 and REP7-024 Q2.12.7, 9-11].

- 4.4.49 The majority of links, or connecting roads, are forecast to see reduced CHARM3a traffic flows when compared to those from CHARM2. Weaving capacity issues on the A14 between Girton Interchange and Milton junction, found in CHARM2, remain however in CHARM3a. There is no change between the CHARM2 and CHARM3a merge and diverge assessments at slip roads, apart from the A14/A1307/M11 Girton eastbound and the A14 Histon westbound diverges. In both instances however, modifications could be made within the recommended DCO limits of deviation to resolve capacity issues. These capacity issues result from traffic using the spare capacity on the A14 to remain on that road to allow them to use a more appropriate route into Cambridge to their destination [REP2-013 Q1.12.32].
- 4.4.50 From all of the above, the Panel considers that the conclusions reached in the ES on the basis of CHARM2 are still applicable in respect of CHARM3a. We are also satisfied that the scheme would retain its benefits without having an adverse impact on the strategic or local highway networks.

#### ***National Transport Model Road Traffic Forecasts 2015***

- 4.4.51 The assumptions used in RTF15 and the manner in which the scheme has been tested against RTF15 has already been described. This testing resulted in the following points that are relevant to our assessment of the future performance of the scheme.
- 4.4.52 The difference between the CHARM3a+RTF15 Scenario 1 forecast traffic flows and those of CHARM3a is negligible [REP2-018]. There are however a number of traffic merging and diverging layouts within the scheme that are very sensitive to minor changes in flows. The locations at which the RTF15 flows would impact on these layouts are as follows.
- 4.4.53 At the Histon junction, the RTF15 flows suggest that the westbound A14 exit slip road would need to be widened to run parallel to the A14 carriageway. This would ease traffic onto the main carriageway and accommodate the RTF15 flows. This is however on the basis that the flows using this slip road in the PM peak would only be 26 vehicles per hour (vph) above the threshold of 1,200vph for this type of layout. The widening would also impact on the adjacent Orchard Park development. The applicant is therefore of the view that widening is not justified and the Panel agrees with this view.
- 4.4.54 Similarly, the RTF15 flows suggest that the westbound A14 entry slip road at this junction would also need the addition of a carriageway marked ghost island leading into a section of carriageway with an additional fourth lane. The ghost island has already been discounted due to its impact on the adjacent Woodhouse Farm. The additional

lane would be on the basis that the flows using this slip road in the PM peak would only be 98vph above the threshold of 4,800vph for this type of layout. The applicant therefore can see no justification for the additional lane or the ghost island and we can see no reason to disagree.

- 4.4.55 Finally, the RTF15 peak period flows of 1,379vph suggest that the westbound A14 exit slip road to the M11 southbound would need the addition of a carriageway marked ghost island, with a lane either side, leading into a two lane slip road. The two lane slip road would however then be constrained to one lane due to the existing interchange structures, as is the case with the CHARM3a flows of 1,282vph. The provision of the ghost island, with a lane either side, would not be compatible with a later reduction to one lane on the slip road. On the basis of the 1,200vph threshold for this type of slip road and this incompatibility, we can see no reason to disagree with the applicant that the provision of a ghost island and two lane slip road is not justified.
- 4.4.56 The Panel is therefore satisfied that, under RTF15 flows and in the context of the policy requirement for mitigation that is proportionate, the network would continue to perform to an acceptable level<sup>20</sup>.

#### ***Local Impact Sensitivity Testing***

- 4.4.57 The manner in which the local impact sensitivity testing work was carried out has already been described. This testing resulted in the following points that are relevant to our assessment of the future performance of the scheme.
- 4.4.58 The local impact sensitivity testing work undertaken, CHARM3a LIT, has found the traffic impact of the scheme in 2020 and 2035 to be similar to that from the CHARM3a scenarios [REP6-002]. This is in terms of the scale and direction of change in traffic flows. The largest of these changes in flows are around Brampton, Huntingdon, Godmanchester and St Ives and in the vicinity of Cambridge where demand reallocations have been made. The changes on the rest of the local road network and in central Cambridge are generally small. This indicates that the CHARM3a LIT scenarios have resulted in limited changes to the forecast impact of the scheme in these areas.
- 4.4.59 In terms of local roads, fewer trips are forecast to route through Huntingdon town centre from the Stukeleys towards Cambridge and would instead use the Huntingdon southern bypass. Lower flows are also forecast on Scotland Road through Dry Drayton. Here, some traffic travelling from the A428 towards Ely would switch onto the A428 and A10 and some traffic travelling into north-west Cambridge would switch onto the local roads through Madingley [REP2-013 Q1.12.4 and 36 and REP7-024 Q2.12.2].

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<sup>20</sup> NNNPS paragraph 5.215

- 4.4.60 In terms of junctions, the changes made as part of the local impact testing have had limited impact on their performance. The only junctions that are forecast to operate beyond their theoretical capacity, where significant queuing would occur, are at Milton and Histon. Their performance however would be no worse than without the scheme.
- 4.4.61 At Milton, with the scheme, the A14 eastbound exit slip road entry to the roundabout would exceed its capacity by 17% in the 2035 AM peak period. Without the scheme, this entry exceedance would be 27%, 15%, 50% and 1% in the 2020 and 2035 AM and PM peaks. Additionally, the A1309 entry exceedance would be 7% and 30% in the 2020 and 2035 PM peaks.
- 4.4.62 At Histon, with the scheme, the Cambridge Road entry to the roundabout would exceed its capacity by 4% in the 2020 PM peak period and by 23% and 27% in the 2035 AM and PM peak periods. Without the scheme, the Cambridge Road entry exceedance would be 4%, 24% and 32% respectively. Additionally, the A14 eastbound exit slip road entry would exceed its capacity by 7% and 12% in the 2020 and 2035 PM peaks.
- 4.4.63 Junction performance in Huntingdon town centre would however be worse under CHARM3a LIT than under CHARM3a in both 2035 peak periods. This is despite the reduction in cross town journeys previously identified. Again, the performance could be returned to that which is forecast to exist in 2035 without the scheme through modifications to signal timing and staging. This would however be to the detriment of NMUs at the junction between Brampton Road and Edison Bell Way and this matter is considered later in this section of the report.
- 4.4.64 More generally however, the CHARM3a LIT analysis has applied a 5% impact threshold in the centres of Cambridge and Huntingdon and the 10% impact threshold elsewhere within the study area. This indicates that, of the 12 junctions forecast to exceed the impact thresholds based on the CHARM3a traffic forecasts, only 10 are forecast to exceed the impact thresholds based on CHARM3a LIT.
- 4.4.65 From the above, the Panel is satisfied that the local impact testing, CHARM3a LIT, carried out at the request of CCC and CCiC has shown that, in addition to the scheme benefits to the SRN, all junctions are forecast to either operate within capacity or be no worse than without the scheme in 2035.

#### **Other Issues Arising from Representations**

- 4.4.66 A number of IPs suggested that the existing Huntingdon A14 viaduct should be retained as an alternative to the proposed A14 Huntingdon southern bypass [RR-003, 010, 019, 021, 039, 075, 083, 099, 139, 146, 162, 170, 180, 184, 218, 223, 251, 288, 301, 340, 393, 414, 437, 484, 493, 533, 539, 555, 575, 576, 578, 584, 623, 624, 632,

661, 689 & 692] . This matter was the subject of a number of second written questions from the Panel [PD-006 and REP7-028].

- 4.4.67 The provision of the Views Common and Pathfinder Link roads into Huntingdon would be possible with the retention of the viaduct [REP7-028 Q2.5.3]. Their provision would however be outside the scope of the A14 improvement scheme, as they would not then be associated with any of the improvement works. In particular, this relates to the de-trunking of the A14, which could take place without the links. There is no evidence that funding is possible for the links in their own right, notwithstanding that the TA forecasts that they would improve Huntingdon town centre accessibility. Furthermore, the Panel considers that, if the links were retained, their junctions with the existing A14 would be at grade and would reduce the capacity of the A14.
- 4.4.68 If the viaduct was retained, it would provide the most direct route between the A14 to the east and the A1 to the north of Huntingdon [REP7-018 Q2.5.4 and REP7-024 Q2.12.18 and 19]. This route currently carries the majority of long distance traffic on the A14 to the east of Huntingdon. As a result of traffic growth, the retained former A14 is therefore forecast to return to its current congested condition by 2031 [REP7-018 Q2.5.5].
- 4.4.69 This would require a further intervention to provide additional capacity, such as viaduct widening. The viaduct has also been the subject of remedial work to address weak joints. Whilst the structural condition of the viaduct has not influenced its proposed removal, the current annual cost of monitoring and maintenance is some £342,000. This has been considered in the decision by the applicant to include the removal of the viaduct in the scheme [REP2-006 Q1.5.5 and 6 and REP7-018 2.5.9]. Against this background, we agree with the applicant that widening would not be an easy operation and would probably entail demolition of the viaduct in 10 to 15 years in any event [REP7-018 Q2.5.10]. Moreover, we consider that any network or emergency resilience provided by the choice of two routes between the A14 to the east and the A1 to the north would, in practice, exist for a limited time. This is due to future congestion on the shorter viaduct route.
- 4.4.70 The budget for removing the viaduct and providing the link roads is £45m [REP7-018 Q2.5.1]. If the viaduct was retained, the Huntingdon Southern Bypass could be constructed as a dual two-lane road, due to the lower level of traffic that would use it. This would be approximately £200m cheaper than the current scheme [REP7-020 Q2.7.2]. Additional capacity required after 2031 could be provided by additional lanes on the southern bypass or by widening the viaduct. The applicant estimates the cost of additional lanes on the southern bypass to be between £150m and £250m. We cannot see, and there is no evidence, that the replacement of the viaduct and the widening of this section of the existing A14 could be achieved at any less cost than additional lanes on the southern bypass.

- 4.4.71 On this basis, we are of the view that the cost of retaining the viaduct would be similar to its removal. Furthermore, its retention would not allow the provision of the Mill Common, Views Common and Pathfinder Link roads into Huntingdon; would not provide the Huntingdon environmental benefits; would incur additional maintenance costs where there is no evidence that CCC would be prepared to cover these future costs if the viaduct was de-trunked; would entail a second phase of construction disruption; and would delay the start of the first phase due to amendments to the current scheme [REP2-006 Q1.5.11, REP7-021 Q2.8.8 and REP7-024 Q2.12.17]. Moreover, CCC agrees in principle to, and Huntingdonshire District Council (HDC) supports, the removal of the viaduct [REP14-008 & REP13-012].
- 4.4.72 As a result of all of the above factors, we are satisfied that the removal of the viaduct is an integral element of the scheme. We are also content that, in overall terms, there are no better options that would include its retention.
- 4.4.73 IPs have expressed concerns in relation to the impact of the Views Common and Mill Common link roads in the area of Brampton Road and its junctions with Hinchingsbrooke Park Road and Edison Bell Way [RR-003, 62, 99, 132, 493, 555, 623, 632, 635 & 654] . As previously reported, we are satisfied with the modelling work carried out. Whilst, with the scheme, junctions in this area are forecast to exceed their capacity, the exceedance would be no greater than would be the case without the scheme. Furthermore, the area would be subject to future monitoring and mitigation under the legal agreement between the applicant and CCC. We are therefore satisfied that sufficient safeguards would exist to allow the highway network to operate appropriately in this area should the scheme proceed.
- 4.4.74 The Hinchingsbrooke Healthcare NHS Trust has raised concerns regarding highway access to its Hinchingsbrooke Hospital site. The local road network around Brampton Road, near to the hospital site is, and with the scheme would continue to be, congested at peak times. The scheme would however provide a more direct access between the hospital and the strategic road network via the Views Common link road [REP10-060 & REP11-007]. We agree with the applicant that this would represent an improvement compared with the existing situation.
- 4.4.75 The National Farmers Union has raised concerns regarding reliance on Brampton Road, which has a weight restriction, for agricultural access following the demolition of the Huntingdon viaduct [REP13-056]. It would however be possible to apply for permanent exemptions from the restriction for relevant vehicles [REP14-024]. We consider that it would be unlikely that such applications would be unreasonably refused and any guarantee in this regard would therefore be unnecessary. We are therefore satisfied that the demolition of the viaduct would not cause an unacceptable impact in this regard, notwithstanding the need to apply for an exemption.

- 4.4.76 Local residents of Madingley have expressed concern over future traffic levels in the village, which has been the subject of traffic calming works and a 30mph speed limit following CHUMMS [REP2-013 Q1.12.5]. They have also requested that the proposed T-junction between The Avenue and the local access road be omitted from the scheme, effectively closing the existing entry and exit access between The Avenue and the northbound Girton slip road joining the A14 [REP7-024 Q2.12.3]. The request has been supported by a village referendum [RR-001].
- 4.4.77 The applicant's modelling work, which is agreed with CCC, has forecast an increase in traffic on The Avenue of 52% and of 8% for through traffic on the High Street in Madingley in 2035 [REP2-013 Q1.12.4]. Approximately 47% of traffic using The Avenue in 2035 is forecast to have a trip start or end in Madingley [REP2-013 Q1.12.36]. The remainder of the traffic is forecast to be through traffic from south-west Cambridge and the villages of Coton, Hardwick, Comberton and Barton to the south towards the villages of Oakington, Longstanton and the Northstowe development to the north-west or towards Cambridge (via Huntingdon Road) and Girton to the east [REP7-018 Q2.5.2 and REP7-024 Q2.12.2].
- 4.4.78 These traffic flows are however said to be well within the capacity of the roads and junctions concerned [REP2-013 Q1.12.36]. Whilst traffic on two roads through the village is forecast to increase, we are satisfied that this would not be to an unacceptable level and traffic levels elsewhere in the village are forecast to decrease. Furthermore, traffic levels in the village would be subject to future monitoring and mitigation, which could include further calming and vehicle restrictions, under the agreement between the applicant and CCC.
- 4.4.79 Should The Avenue be closed as a through route, traffic would have to divert elsewhere. The impact of this has not been assessed [REP2-006 Q1.5.4]. The applicant though considers that this, 40% of which is forecast to be traffic to or from Madingley, would be likely to affect nearby villages which were not included in the referendum, such as Dry Drayton, where the closure is said to be not supported [REP2-013 Q1.12.5, EV-057 and EV-058]. There is no request for such a closure from CCC, although it acknowledges that this could take place in the future. We therefore consider that The Avenue junction should not be closed.
- 4.4.80 IPs have also suggested that the current limited entry exit arrangement could be retained at the junction with the local access road. This road would however be two way as opposed to the existing one way slip road. The applicant considers that an arrangement similar to that which exists currently would give the opportunity for drivers to make illegal, and unsafe, manoeuvres at the junction [EV-057 and EV-058]. We agree that such a junction would compromise safety at this location.

- 4.4.81 The CHARM3a LIT sensitivity testing showed traffic flows on the High Street to increase by 24%. This is forecast to be a transfer of traffic between the A428 to the west and Girton village from the Dry Drayton area to Madingley due to the revised junction on The Avenue making the route more attractive. We are of the view that, if deemed necessary under the monitoring and mitigation agreement between the applicant and CCC, traffic calming or restrictions could make the route through Madingley less attractive for these journeys. We are therefore satisfied that any unacceptable impact from the scheme in this regard could be avoided by the arrangements for mitigation measures proposed.
- 4.4.82 Local authority and IP concerns have been raised that the scheme would not include the links between the A14, A428, M11 and the A1307 that are not present in the existing Girton interchange [RR-001, 108, 210, 325, 352, 381, 450, 462, 464, 515, 626, 672 & 695]. The provision of these links within the scheme has been considered, but the forecast levels of demand do not justify their provision [REP2-006 Q1.5.10]. Furthermore, the majority of forecast traffic through Dry Drayton and Madingley is to or from local destinations. The provision of additional links between the A14 and the A428 is therefore not forecast to significantly change these flows. From this absence of demand and benefit, we can see no reason to justify the provision of these missing links. The scheme does not however preclude the provision of these links in the future [REP2-006 Q1.5.9].
- 4.4.83 Concerns have been raised that local routes would continue to be used in the event of an accident or incident on the A14 [RR-022, 047, 057, 094, 184, 555 & 571]. There would however be no additional nominated diversion routes as a result of the scheme [REP2-013 Q1.12.13]. We consider that the additional lanes and capacity that the scheme would provide would reduce the frequency that alternatives would need to be used. Moreover, the scheme would include various dedicated maintenance and emergency accesses that would improve response times and allow vehicles to return on the opposite carriageway if required. All of these matters would improve the current situation and we do not consider that any further measures would be necessary in this regard.
- 4.4.84 Various submissions have suggested that public transport and the rail network should be improved rather than provide additions to the highway network [RR-081, 082, 119, 136, 186, 206, 233, 308, 425, 528, 561, 583, 659 & 667]. CHUMMS has proposed public transport improvements in this area, some of which have already been implemented [APP-755]. The study concludes however that public transport measures alone would not resolve the transportation problems in the A14 corridor and there is no evidence to suggest otherwise. Furthermore, Government advice is that demand management can only make a contribution to alleviating the damaging

effects of congestion across the highway network<sup>21</sup>. Such demand management includes measures to transfer journeys to public transport. In our view therefore, these submissions do not weigh against the scheme.

- 4.4.85 Concerns have been raised by IPs in relation to the scheme resulting in higher traffic levels in many villages along the A14 corridor due to revised junction arrangements. It has also been suggested that, because physical traffic surveys have not been undertaken in that area, any impact has not been adequately assessed [RR-029]. Physical surveys however are not the only means by which existing traffic levels have been obtained and the use of mobile phone data and automatic number plate recognition surveys has already been described. We therefore do not consider that the absence of a physical survey in a particular location is any reason to undermine the validity of the traffic model in that area.
- 4.4.86 The locations where concerns regarding future traffic levels have been raised include the following areas. On the B1040 north of Hilton, in 2035, the scheme is forecast to result in increased traffic flows of 5% and of 6% under sensitivity testing. These increases are forecast to be traffic between the Papworth Everard area and Cambridge transferring from the road to Fenstanton to the B1040 within Hilton. This is because drivers would be encouraged to use more of the former A14 due to its spare capacity. We consider that this would be a positive transfer to the B1040 in terms of traffic in the village itself. The spare capacity on the former A14 is also forecast to reduce traffic flows on Graveley Way in Hilton, which is currently an option to avoid the congested A14 on journeys between St Ives and Godmanchester and north Cambridge. We consider that this again would be of benefit to the village.
- 4.4.87 The Appraisal of Sustainability accompanying the NNNPS recognises that some schemes will have some adverse local impacts which may remain after they have been delivered in accordance with Government policy<sup>22</sup>. We therefore agree with the TA, where it only highlights traffic flow increases of greater than 10% as requiring further consideration. Moreover, Hilton would be subject to monitoring and mitigation under the agreement between the applicant and CCC. We therefore do not consider the forecast traffic impact on Hilton to be unacceptable.
- 4.4.88 In Brampton, the scheme is forecast to reduce traffic using Thrapston Road and Buckden Road to access central Huntingdon [REP6-002]. This results in forecast traffic reductions of 43% and of 38% under sensitivity testing on Thrapston Road and 14% and 9% on Buckden Road in 2035.

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<sup>21</sup> NNNPS Table 1

<sup>22</sup> NNNPS Paragraph 3.4

- 4.4.89 In Boxworth, the scheme is forecast to reduce traffic using the High Street in 2035 by 3% and forecast to have no change under sensitivity testing. In view of the highway connection between Boxworth and Elsworth, and the forecasts for Boxworth, we can see no reason to suggest that the scheme would have any adverse traffic impact on Elsworth.
- 4.4.90 From the forecast transfer of local traffic to the improved A14, we can see no reason to suggest that the scheme would have any adverse traffic impact on Rampton. It is also of note that the main road through the village runs somewhat parallel to the A14.
- 4.4.91 The scheme is forecast to increase traffic flows by up to 18% and by up to 21% under sensitivity testing on the B1043 through Offord Cluny, Offord D'Arcy and Great Paxton in 2035. This is largely due to traffic between the St Neots and north Cambridge areas using the B1043 and improved A14 instead of routes through Graveley, Hilton, Yelling and near to Papworth St Agnes. The route through Hilton includes Graveley Way. We consider that the transfer of this traffic to the more suitable 'A' and 'B' road system would outweigh any adverse effects from the increase on the B1043. Moreover, Offord Cluny would be subject to traffic monitoring and mitigation under the agreement between the applicant and CCC.
- 4.4.92 In Dry Drayton, on Scotland Road, the scheme is forecast to increase traffic flows by 28% in 2035, although under sensitivity testing this increase falls to 18%. The TA shows that the Scotland Road/High Street/Park Street junction in Dry Drayton would continue to operate within capacity at flows greater than forecast above [REP2-013 Q1.12.34 & 58]. These traffic flow increases primarily result from the additional 3,500 units at the Northstowe development that would be unlocked by the scheme, and not from the re-routing of existing traffic [REP2-013 Q1.12.33]. Dry Drayton would be subject to traffic monitoring and mitigation under the agreement between the applicant and CCC. There has however been no objection to the effect of the Northstowe development on traffic flows in Dry Drayton from the relevant statutory authorities. We therefore can see no reasons to suggest that the Northstowe development should be restricted or amended as a result of these forecasts and we do not consider the forecast increases to be unacceptable.
- 4.4.93 In Knapwell, the scheme is forecast to reduce traffic using the High Street in 2035 by 16% and by 18% under sensitivity testing. This is due to traffic transferring to the A1198 and its new junction with the A14 Huntingdon Southern Bypass. This transfer would also reduce traffic flows through Conington.
- 4.4.94 The scheme is forecast to increase traffic flows on the B1049 through Impington by 3% in 2035 [REP4-011]. In view of this low level of increase, we do not consider that the scheme would have any unacceptable effect here or in nearby Histon or Cottenham, which are also on the B1049.

## **Summary**

- 4.4.95 From all of the above, the Panel is satisfied that, in terms of the highway network, the application is supported by a local transport model which provides sufficiently accurate detail of the impacts of the scheme. The modelling undertaken includes national level and local factors. We are also satisfied that the modelling is proportionate to the scale of the scheme and includes appropriate sensitivity analysis. As a result of the modelling work undertaken, we are also of the view that the scheme would be beneficial to the SRN and acceptable in terms of local traffic and transportation impacts.

## **SAFETY**

- 4.4.96 The ES explains that users of the existing A14 experience safety concerns due to the volume and density of traffic [APP-338]. This is notwithstanding that the TA has found that the accident rate on the existing A14 between Cambridge and Huntingdon is not significantly different to other similar roads. Accidents are however particularly disruptive to traffic flows and cause substantial delays due to the high levels of traffic and lack of capacity on the road network in this area [APP-756].
- 4.4.97 The reduced traffic on the existing A14 through Huntingdon would provide a safety benefit [APP-756]. The dis-benefit caused by the new offline A14 and other traffic increases would be offset by the benefits on the existing A14 and other roads where traffic is reduced. This is because the results of the TA show that, with the scheme, there would be a decrease in the predicted number of accidents and casualties over the 60 year assessment period. On the A14, the benefit is forecast to amount to some £123m [REP2-013 Q1.12.27]. On other roads, including the A428, A1198, A141 and B1050, the benefit is forecast to amount to some £126m.
- 4.4.98 The scheme, defined on the works plans, has been generally designed to standards in the Design Manual for Roads and Bridges (DMRB)<sup>23</sup> which accommodate appropriate levels of safety. Departures from these standards have however been necessary for certain aspects of the scheme and these have been identified in the traffic assessments.
- 4.4.99 The safety aspects of the scheme have been assessed using details of the roads links and junctions that would be affected. This assessment has been carried out using the industry standard Cost Benefit to Accident - Light Touch (COBALT) appraisal. As a result of the identification of departures and the detail of the COBALT safety assessment, the Panel is content that safety matters have been sufficiently taken into account in the application.

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<sup>23</sup> The Design Manual for Roads and Bridges was first published by the Highways Agency in 1992 to codify standards for trunk roads. It continues to be updated as a reference document for those involved in the design, assessment and operation of trunk roads.

- 4.4.100 Moreover, this level of detail has allowed A14 junction elements to be considered individually and safety improvements made over and above standards in certain locations where appropriate opportunities exist. Examples of this are at the Ellington westbound entry, the Swavesey east bound entry, Bar Hill eastbound entry and westbound exit and the Girton M11 loop to the eastbound A428 slip roads [REP2-018].
- 4.4.101 We therefore consider that there is nothing to suggest that the overall scheme would not have a beneficial effect in terms of road safety. The Panel is also satisfied that the applicant has taken specific opportunities to improve road safety through the introduction of proportionate measures<sup>24</sup>.

## **SUSTAINABLE TRANSPORT**

### **Assessment Methodology**

- 4.4.102 The applicant's understanding of the baseline Non-Motorised User (NMU) conditions as set out in Chapter 15 of the ES has been established from desk-based studies, site visits, surveys and consideration of stakeholder feedback [APP-346]. The desk-based studies drew from the CCC definitive map, surveys undertaken in 2007 to 2009 for an earlier A14 proposal, local planning policy documents and CCC cycle route maps. Site visits were undertaken in May 2014 and surveys in May and June 2014. Stakeholder feedback was obtained from local authorities, workshops and public exhibitions.
- 4.4.103 This information then informed the characterisation of the existing NMU routes within the study area. This characterisation considered the likely types of NMU including pedestrians, cyclist, and equestrians. It also considered whether use is for utility or recreational purposes, the level of use, any route obstacles, amenity value and any specific facilities for users. These considerations then informed the categorisation of the sensitivity of the route, against which construction and operational impacts were assessed.
- 4.4.104 The assessment in the ES of impacts upon NMUs drew upon guidance set out in the DMRB. The DMRB criteria for community severance relate specifically to pedestrians. In the absence of other criteria however, they were used as indication of how intimidating conditions on a road may be for cyclists travelling along a road as well as for pedestrians crossing the road. The Panel considers this to be a reasonable extrapolation of the criteria.

### **A14 Impacts**

- 4.4.105 The ES explains that NMUs are not prohibited from using the section of the A14 which is to be improved online [APP-346]. It is however

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<sup>24</sup> NNNPS paragraph 3.10

unsuitable for such journeys due to traffic speed, high traffic levels and numbers of HGVs together with the frequency of entry and exit slip roads.

- 4.4.106 During operation of the scheme, the ES identifies a number of beneficial effects in terms of NMU routes [APP-346]. The scheme would provide a new NMU route and associated links to current standards, alongside the local access road and the de-trunked A14 between Fenstanton and Girton [REP2-006 Q1.5.8]. This would greatly improve NMU connectivity along this part of the A14 corridor with its linkages into Cambridge from Northstowe and its 10,000 new dwellings, Swavesey, Bar Hill and Madingley. The route and links would also reinstate footpaths and bridleways previously effectively severed by A14 improvements in the areas of Fen Drayton, Swavesey, Lolworth, Dry Drayton, Conington and Girton [REP2-015 Q1.14.3]. The TA reports that this would unlock latent demand in this area and the ES identifies that these improvements would have a large beneficial effect. These improvements would also make local bus services more accessible, on outward and return journeys. This would be as a result of bus stops being relocated to the new, less trafficked and more easily crossed, local access road.
- 4.4.107 At Bar Hill, the existing A14 separates the village, which includes a large food store, from the village of Longstanton and new development at Northstowe. NMUs currently have to cross the A14 using the two multi-arm grade separated junction roundabouts. At Swavesey, the existing A14 separates the village of Boxworth and Cambridge Services from the villages of Boxworth End and Swavesey and the Buckingham Business Park. NMUs currently have to cross the A14 using the multi-arm roundabout access to the services.
- 4.4.108 The scheme would provide new segregated, bridged and wheelchair suitable routes to cross the A14 at these locations. These crossings would also connect with the local access road NMU route and, at Bar Hill, would tie in with a proposal for an NMU route to the Northstowe development. Again, the TA reports that these crossings would unlock latent demand in this area.
- 4.4.109 At Brampton, the TA reports that NMU desire lines exist between Brampton, Brampton Woods and Brampton Hut Services [APP-756]. The public rights of way (PRoWs) which previously provided these links were severed during the widening of the A1 some decades ago. The ES also records that this re-connection, including a bridleway link, would have large and moderate beneficial effects [REP2-015 Q1.14.3]. Having considered the NMU proposals for this area, we are satisfied that the scheme would address this severance in a proportionate manner.
- 4.4.110 The NMU route alongside the Woolley Road local access road, and the connecting bridleway to the north of Woolley Road, would have a greater separation from the main A1 carriageway than currently exists in the highway verge. The ES reports that this would have a moderate

beneficial effect. Here, as for all NMU routes within the scheme, path and separation widths are set out in the SoCG and would be regulated and enforced under the legal agreement between the applicant and CCC.

- 4.4.111 The off-line element of the scheme, the Huntingdon southern bypass, would permanently alter the PRow network which it would cross. New routes would however be provided to ensure continued connectivity between routes either side of the road and all bridges would include NMU facilities for pedestrians, cyclists and equestrians.
- 4.4.112 The ES reports some, residual and post landscape mitigation, moderate adverse effects on public rights of way from the presence of the completed on-line and off-line elements of the scheme [REP2-015 Q1.14.3]. These would be in the Silver Street, New Barns Lane, Offords, Godmanchester, Hemingford Abbot, Hemingford Grey and Mere Way areas. We are however satisfied that any such effects would be outweighed by the benefits to the NMU network already described.
- 4.4.113 During construction of the scheme, the CoCP would require contractors to provide effective measures to minimise disruption to NMUs [REP2-015 Q1.14.3]. The ES reports however that two Bridleways in the Madingley and Girton areas would be subject to large adverse effects. There would also be moderate adverse effects from construction activities on public rights of way, permissive paths and other bridleways in the Huntingdon, Brampton, Fenstanton, Conington, Dry Drayton, Swavesey and Bar Hill areas. We are however also satisfied that any such, relatively short term, effects would be outweighed by the benefits to the NMU network already described.
- 4.4.114 Various areas along the route of the scheme have been the subject of requests for further provisions in relation to NMUs in terms of the replacement of existing routes and enhancement [RR-087, 048, 089, 200 and 480]. CCC are however satisfied with the level of provision within the scheme and indeed the Huntingdon group of the Ramblers Association express themselves to be very satisfied with the provision as a lasting legacy between Ellington and Hilton along the A1(M) and A14 off-line sections of the scheme [RR-008]. The policy aim of the NNNPS is to retain existing connectivity across schemes and to correct historic problems through reasonable endeavours. The provision of NMU routes to offset other impacts of the scheme, such as between The Offords and Godmanchester, is not therefore something that could be required of the applicant [RR-048].
- 4.4.115 Throughout the A14 route related elements of the scheme, the Panel is satisfied that the NMU provisions would reduce community severance, correct historic problems, enable cyclists to use junctions easily and safely and improve accessibility for those with mobility impairments. [REP2-013 Q1.12.19]. The majority of these provisions

would address more than one, and indeed some would address all, of these matters.

### **Huntingdon Town Centre Impacts**

- 4.4.116 The elements of the scheme within Huntingdon town centre would affect existing NMU routes at the junction between Castle Moat Road and Walden Road and at the Brampton Road/Edison Bell Way junction. At Castle Moat Road/Walden Road, which the TA notes is used by significant numbers of NMUs, the junction would include an additional arm for the Pathfinder Link and the junction is forecast to have increased traffic levels [APP-756]. It would however become signalised with a pedestrian crossing of Castle Moat Road, one of the main entry legs. It would also have a toucan crossing, which would serve National Cycle Route 51 (NCR51), at the Pathfinder Link, which would be the other main leg.
- 4.4.117 At Brampton Road/Edison Bell Way, the station approach would be re-aligned to include the Mill Common Link connection to the former A14 to the south. The junction is already signalised with a toucan crossing for NCR51. The junction is forecast, under CHARM3a LIT, to have increased traffic levels which, in 2035, would exceed its capacity by 4% and cause delays of 113s per vehicle on the worst leg of the junction [REP6-002]. In 2020 however, the worst leg of the junction is forecast to operate with 8% spare capacity and a delay, said to be acceptable, of 52s per vehicle. These forecasts are based on signal phasing and staging, which reflects the level of use of the NMU routes across the junction [REP2-013 Q1.12.53].
- 4.4.118 The applicant has suggested that the junction could operate within capacity if the phasing and staging of signals was optimised in favour of vehicular rather than NMU movements. The Panel considers that there is thus a future conflict which would need to be resolved. In the context of the level of spare capacity in 2020 and the excess in 2035, the conflict would be likely to occur towards the end of the 2020 to 2035 period.
- 4.4.119 The junction has been identified in the discussions relating to post completion traffic level monitoring and mitigation in a legal agreement between the applicant and CCC. The resolution of future conflict at the junction could therefore have a context and framework in which it could take place together with a reasonable time period for implementation [REP2-013 Q1.12.54]. It is also of note that the performance of the junction in 2035 with the scheme is not forecast to be any worse than it is forecast to be without the scheme.
- 4.4.120 Hinchingsbrooke School has also raised concerns over the safety of its students in this general area and towards the Views Common link road [REP2-070]. We are however satisfied that the proposed handover plan to CCC together with the monitoring and mitigation agreement would ensure that appropriate provisions were made in this regard [REP4-016]. In particular, the handover plan would require details of

pedestrian facilities to be agreed with CCC prior to their adoption by CCC.

- 4.4.121 As a result of all of the above points, we are satisfied that the scheme would not have an unacceptable impact on NMU routes in Huntingdon town centre.

### **Summary**

- 4.4.122 In the opinion of the Panel, the applicant has used reasonable endeavours to address the needs of NMUs in the scheme to mitigate adverse impacts<sup>25</sup>. This includes locations where the national road network severs communities and acts as a barrier to cycling and walking. Where reasonable opportunities exist, the scheme also seeks to correct historic problems in this regard<sup>26</sup>.
- 4.4.123 We consider that the scheme would, where possible, improve access and take account of the accessibility requirements of those who use sustainable transport infrastructure, including disabled users<sup>27</sup>. During operation, a number of beneficial effects have been identified in the ES in relation to NMU routes [APP-346]. The scheme would also address existing safety problems and enhance the environment for NMUs<sup>28</sup>. In our view, the scheme would thus deliver, where appropriate, improvements that would reduce community severance and improve accessibility<sup>29</sup>.
- 4.4.124 From all of the above, the Panel considers that the scheme would address the need for sustainable transport in a proportionate and appropriate manner and there is nothing to suggest that the scheme would be unacceptable in this regard.

### **CONCLUSION**

- 4.4.125 The Panel has considered all of the written and oral submissions made in relation to traffic and transportation, in addition to those specifically identified in this section of the report. We are satisfied that they have been appropriately addressed in terms of the application, the additional work carried out by the applicant, the agreements reached with various statutory bodies and the recommended DCO. We are therefore satisfied that the scheme would not have any unacceptable impacts in terms of traffic and transportation.

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<sup>25</sup> NNNPS paragraphs 3.17 and 5.216

<sup>26</sup> NNNPS paragraph 5.205

<sup>27</sup> NNNPS paragraph 3.20

<sup>28</sup> NNNPS paragraph 2.9

<sup>29</sup> NNNPS paragraph 3.22

## **4.5 DESIGN AND ENGINEERING STANDARDS**

### **INTRODUCTION**

- 4.5.1 This section of the chapter addresses the scheme design and engineering matters, in relation to construction materials and waste that are not considered elsewhere in the report. These matters were assessed in the Application Environmental Statement. The matters are considered here in the context of the guidance in the NNNPS. References to the relevant sections of these documents are given in footnotes. Specific concerns, where material to the recommendation, are also considered. Where representations are referred to, they are given as examples of matters raised and do not reflect the entirety of representations considered.

### **CONSTRUCTION MATERIALS**

- 4.5.2 The scheme would require some five million cubic metres of additional fill material over that which would be available from the cuttings and other excavations along the route [REP2-015 Q1.14.5]. This is due to the topography of the area and the need to raise the carriageway above flood levels and provide mitigation bunds for local residents.
- 4.5.3 This fill material is proposed to be extracted from borrow pits located near to the areas where the material would be required and situated to minimise haulage across the East Coast Main Railway Line and the environmentally sensitive River Great Ouse [REP2-015 Q1.14.4, REP7-018 Q2.5.6 & REP7-039]. This would ensure that the scheme would be as self-sufficient as is practicable with regard to bulk earthworks materials and minimise haulage distances and the amount of construction traffic using the existing road network. It would also reduce traffic related environmental effects, including noise, dust and emissions, compared with use of existing quarry sources, which are present in the area and have been said to be able to provide the required fill [REP1-035]. A buffer zone of 150 m would be provided between the borrow pits and all housing.
- 4.5.4 The Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011 (CPMWCS) acknowledges that the A14 scheme would require large quantities of sands and gravels and that the use of borrow pits would be required [REP2-015 Q1.14.5]. All borrow pits, apart from Borrow Pit (BP) 5, are located with CPMWCS mineral safeguarding areas [APP-335].
- 4.5.5 The Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals Plan 2012 (CPMWSSPP) identifies allocated areas for sand and gravel borrow pits [REP2-015 Q1.14.5]. Some of these areas have been historically allocated for the A14 scheme and, as such, any material excavated from them can only be used for the scheme. The proposed borrow pits are mostly located within allocated sites. BP2, 3 and 7 entirely fall within the allocated areas for mineral extraction identified in the CMWSSPP, as do parts of BP1 and 6.

Whilst BP5 and the remainder of BP1 and 6 fall outside of the allocated areas, BP5 lies immediately adjacent to an allocated site and CCC has agreed to the locations of these, and indeed all of the borrow pits [REP14-008].

- 4.5.6 The National Farmers' Union (NFU) has questioned the necessity of the borrow pits as an element of the scheme [REP2-164]. It has also suggested that, in the context of quarries within a 40 mile radius of the scheme, the deepening of existing extraction areas would have less environmental impact than new borrow pit sites.
- 4.5.7 Whilst this could be the case if the extraction operations are considered in isolation, we are not convinced that it would be the case on this scheme if transport impacts are included in the assessment of the resourcing of materials. This is because the strategic road network in this area has already been shown to be subject to damaging congestion at an economic and environmental level [REP9-011]. The local road network has also been the subject of many representations related to the adverse effects of traffic levels and some traffic calming measures have already been put in place to manage existing issues.
- 4.5.8 In the Panel's view, the use of offsite quarries would carry a significant risk of higher and more damaging traffic levels on the existing and unimproved road network, whichever quarries are selected. The applicant's assessment of alternatives has suggested that an operation involving 8 dump trucks hauling 3 km along the site on a daily basis would approximate to 30 road HGVs undertaking 240 return trips in a day to a source some 12 km from the scheme [REP9-011]. We consider that these potential effects can be seen by comparison between the borrow pit locations and the source quarries suggested by the NFU [REP2-015 and REP2-164].
- 4.5.9 Furthermore, the borrow pits areas generally accord with identified mineral extraction policy areas. They are therefore likely to be favoured for extraction in the future. Such future extraction would be likely to result some local impacts that would be similar to those with the scheme borrow pits. The future use of these borrow pit areas would however be unlikely to be for one single construction purpose, as would be the case with the scheme borrow pits. It would therefore be likely that any extraction impacts, whilst maybe not at the same level as from the scheme borrow pits, would occur over a longer period of time and have a greater carbon footprint due to lengthier haulage distances. In our opinion, all of these matters weigh heavily in favour of the use of the specific borrow pits on this scheme and we consider them to be a necessary element of the scheme.
- 4.5.10 The quantities of material said to be required include a surplus of some 11% to accommodate any changed circumstances during construction such as ground conditions or weather damage to suitable material [REP7-018 Q2.5.6 and REP10-42]. We are satisfied that the applicant has provided sufficient justification in respect of the required

quantity and surplus. The recommended DCO limits of deviation would also allow an additional 0.5 m of excavation within each of the borrow pits. This could appear to represent an additional contingency. We are however satisfied that it would be necessary to allow for local adjustments to the excavated profile to provide drainage at the base of the borrow pits, amongst other things.

- 4.5.11 Future contractors would be required, specifically under their construction contracts and in accordance with the CoCP under recommended DCO Requirement 4, to use material from the borrow pits for the scheme in accordance with the contract works information [REP7-018 Q2.5.7 and REP14-022]. We are satisfied that this would avoid the impacts from the use of offsite sources as set out above and prevent commercial over-excavation of the borrow pits.
- 4.5.12 From all of the above, we are satisfied that the proposed borrow pits generally accord with local planning policy. They would also have significant benefits in terms of sustainability and environmental impact compared with other fill sources<sup>30</sup>. Their use therefore represents a necessary and appropriate approach to the sourcing of fill material and the extent and volume of the borrow pits has been justified to our satisfaction.
- 4.5.13 Notwithstanding the use of on-site borrow pits, high volumes of certain types of materials would still need to be imported [REP2-015 Q1.14.3]. The use of recycled content in new materials would however be required, where practicable, under the CoCP [REP14-022]. We are satisfied that this would sufficiently accord with the principles of sustainable development.

### **CONSTRUCTION WASTE**

- 4.5.14 In our view, the ES sets out appropriate waste management arrangements which include information on the proposed waste recovery and disposal system for all waste generated by the construction of the scheme [APP-344]<sup>31</sup>. This includes the recovery of demolition waste from the A14 Huntingdon viaduct.
- 4.5.15 The CoCP, which has been agreed with CCC, would require construction to be carried out in accordance with a Site Waste Management Plan (SWMP). This would be prepared under Waste and Resources Action Programme guidance. The SWMP would identify waste to landfill targets to work towards the aim of recovering at least 70% of non-hazardous construction and demolition waste. We are therefore satisfied that the scheme would use waste as a resource wherever possible and that adequate steps have been taken to

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<sup>30</sup> NNNPS paragraph 4.32

<sup>31</sup> NNNPS paragraph 5.42

minimise the volume of waste arisings and the volume sent to disposal<sup>32</sup>.

- 4.5.16 The CoCP would also ensure that the construction of the scheme would be undertaken through the waste hierarchy and that contractors would implement sustainable waste management measures<sup>33</sup>.
- 4.5.17 The ES identifies several landfill sites in the area, including one that can take hazardous waste [APP-703]. We are therefore satisfied that hazardous and non-hazardous waste arising from the construction of the scheme would be able to be properly managed, both on-site and off-site<sup>34</sup>. From the assessment reported in the ES, we also consider that waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available and that this waste would not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area<sup>35</sup>.
- 4.5.18 The EA and other relevant authorities have not raised any concerns regarding construction waste management. Furthermore, we can see no reason to suggest that operational waste licences would not subsequently be granted<sup>36</sup>.
- 4.5.19 From all of the above, we consider that construction waste arising from the scheme would not result in any unacceptable impacts.

## **CONCLUSION**

- 4.5.20 The Panel has considered all of the written and oral submissions made in relation to construction materials and waste, in addition to those specifically identified in this section of the report. From the above, the Panel concludes that there are no reasons to suggest that the scheme would be unacceptable in terms of design and engineering matters in relation to construction materials and waste.

## **4.6 AIR QUALITY AND EMISSIONS**

### **INTRODUCTION**

- 4.6.1 Historically, air quality has been an issue in the vicinity of the scheme leading to the declaration of six Air Quality Management Areas (AQMAs) by HDC; South Cambridgeshire District Council (SCDC) and CCiC where air quality objectives have been exceeded.
- 4.6.2 This section of the chapter begins with consideration of the methodology used by the applicant to address air quality. It then

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<sup>32</sup> NNNPS paragraph 5.39 & 5.43

<sup>33</sup> NNNPS paragraph 5.40

<sup>34</sup> NNNPS paragraph 5.43

<sup>35</sup> NNNPS paragraph 5.43

<sup>36</sup> NNNPS paragraph 4.56

considers the implications of the Air Quality Directive before turning to consider the effect of the scheme on the AQMAs and the measures in place for monitoring during operation. Control of dust and emissions during construction is then discussed before turning to the potential effects of air pollution on health and emissions of light.

## **METHODOLOGY**

- 4.6.3 The ES considered the potential effects on local and regional air quality during both construction and operational phases of the scheme. HDC, SCDC and CCiC have statutory responsibilities for air quality matters within their areas and each confirmed that the scope and approach which the applicant adopted to the assessment of air quality was appropriate [REP10-031].
- 4.6.4 Histon and Impington Parish Council [RR-627], along with a number of other IPs [RR-676, RR-585 and RR-186] raised concerns in their RRs suggesting that PM<sub>2.5</sub> had not been properly assessed and that the baseline data for PM<sub>2.5</sub> was not available.
- 4.6.5 The applicant's response was that emissions of PM<sub>2.5</sub> were not considered in the assessment as existing monitoring in the area showed that PM<sub>2.5</sub> did not exceed the pollutant threshold [REP1-035]. This indicated no risk of exceedance of the air quality limit value for this pollutant. Furthermore, the methodology for air quality assessment of trunk road schemes as set out within DMRB did not require assessment of PM<sub>2.5</sub>. The applicant's review of the Department for Environment, Food and Rural Affairs' (Defra's) monitoring data for PM<sub>2.5</sub> also indicated no exceedances of the pollutant threshold. For these reasons, the applicant did not propose further work in this area.
- 4.6.6 The Panel notes the local authorities supported the methodology used by the applicant for assessing air quality. The local authorities did not challenge the exclusion of PM<sub>2.5</sub> from the assessment criteria. The Panel has no reason to disagree with this view.

## **Implications of IAN 185/15**

- 4.6.7 HE's Interim Advice Note (IAN) 185/15 was published in February 2015, after the acceptance of the A14 DCO application for Examination. IAN185/15 provided updated advice to support highway scheme air quality assessments. CCiC requested the applicant to undertake a full review of the scheme proposals based on the approach set out in IAN185/15 [REP4-028].
- 4.6.8 The applicant undertook this further assessment. The results did not show that the outcome using the revised methodology was significantly different from the results presented in the applicant's original ES. The local authorities agreed [REP13-053].
- 4.6.9 We have no reasons to disagree with the conclusions of the local authorities in this regard.

## **AIR QUALITY DIRECTIVE**

- 4.6.10 A number of IPs questioned the effects of the Supreme Court Judgement on Air Quality on the scheme [including RR-014, 539, 650 and 673]. The applicant set out that the Supreme Court Judgement required the UK to prepare a new plan to meet the limit values for NO<sub>2</sub> because of the failure to comply with the limit values by the due date required by the Air Quality Directive [REP2-002]. The applicant indicated that the plan needed to demonstrate how the UK would address reducing NO<sub>2</sub> concentrations in areas above the limit value.
- 4.6.11 Campaign for Better Transport (CBT) questioned at the Noise and Air Quality ISH, what the conditions would need to be for the scheme to be compliant with legislation in the light of the Supreme Court Judgement [REP10-059] drawing attention to the to the Defra consultation document on draft plans to improve air quality<sup>37</sup>.
- 4.6.12 CBT sought a new assessment of the impact based on new baseline data [REP10-059]. It questioned whether assumptions about improvements in vehicle emissions were realistic, suggesting that there were risks of the scheme not complying with standards. It therefore argued that a new ES should be prepared based on a new baseline and assuming no improvement in vehicle emissions in future scenarios.
- 4.6.13 The applicant explained that Defra's consultation document made reference to the air quality plan for the Eastern Zone which includes the A14 scheme [Appendix 5 of REP10-037]. The applicant argued that it was reasonable to assume that Defra would consider the exclusion of the A14 improvements as being detrimental to achievement of the EU limit values in the region.
- 4.6.14 In response to the issue of vehicle emissions the applicant indicated that sensitivity testing had been carried out which showed that there were no changes in the air quality assessment and that the doubt-over improvements in emissions would not have any material effect on the results of the scheme's air quality assessment [REP11-007].
- 4.6.15 CCiC's view on the Judgment was that it was unlikely to have a direct impact on the proposed scheme unless it could be shown that the scheme would delay compliance with the EU air quality objectives [REP2-105].
- 4.6.16 The Panel will return to the implication of the Air Quality Directive on post scheme monitoring later in this section.

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<sup>37</sup> Consultation on draft plans to improve air quality; Tackling nitrogen dioxide in our towns and cities; September 2015

## **AIR QUALITY MANAGEMENT AREAS**

- 4.6.17 IPs were also concerned about the effects of the scheme on the AQMAs in the area [for example RR-577, RR-632 and RR-575]. IPs specifically referred to AQMAs at Fenstanton and Brampton and asked about the actions which would be taken to mitigate the effects of pollutants from the proposed road.
- 4.6.18 Within the vicinity of the scheme, there are six AQMAs as illustrated in ES Figure 8.3 [APP-368] and include :
- Huntingdon;
  - Brampton;
  - Hemingford to Fenstanton A14;
  - The A14 corridor;
  - St. Neots; and  
Cambridge City
- 4.6.19 The St Neots and Cambridge City AQMAs were not modelled as these lie outside the study area of the scheme.
- 4.6.20 The applicant explained that in some locations, predominantly along the existing A14 corridor, predicted concentrations in the 'without scheme' scenario were more at risk of exceeding the relevant air quality objectives than the 'with scheme' scenario.
- 4.6.21 Table 8.9 of the ES [APP-339] provides a summary of the modelled results in the AQMAs which forecast that all AQMAs within the area are predicted to have improvements in air quality with the implementation of the scheme [REP1-035]. The AQMA at Brampton, located adjacent to the spur between Brampton Hut and the Spittals Interchange, is predicted to experience an improvement in air quality as A14 traffic diverts to the new southern bypass. Similarly, the AQMA at Fenstanton is on the part of the A14 which would be de-trunked with the result that traffic volumes are predicted to reduce in the vicinity of the AQMA.
- 4.6.22 As set out in the Joint LIR, the Local Authorities (LAs) agreed with the applicant's view that there would be an improvement in air quality across the AQMAs. This would result from the new section of the A14 scheme taking traffic away from these areas [REP2-184]. CCiC, HDC and SCDC have produced a single air quality action plan (AQAP) for the area which detailed their plans to improve air quality within declared AQMAs [APP-339]. One of the key measures within the AQAP is support for the A14 improvement scheme as a means of improving air quality on local roads. The AQAP expects the A14 scheme to remove traffic from the AQMAs and improve traffic flows within the A14 Corridor AQMA. The A14 Corridor AQMA is also predicted to have no exceedances of the air quality objectives in the opening year.
- 4.6.23 The Panel notes that in so far as the AQMAs are concerned, the effects of the scheme are predicted to provide a positive improvement in air quality.

## **MONITORING DURING OPERATION**

- 4.6.24 Although the local authorities were in agreement with the applicant over the methodology and predicted effects of air quality within the scheme area, they disagreed with the applicant's position that monitoring was not required during operation.
- 4.6.25 The Panel probed this matter further, asking questions at the air quality ISH and the third DCO hearing about the basis of the air quality modelling and why the applicant did not consider it needed post construction monitoring.
- 4.6.26 The applicant explained in more detail why it considered that post construction air quality monitoring was not required [REP10-037]. It argued that no significant adverse effects were predicted in the ES and air quality monitoring was already carried out close to the scheme by the local authorities as part of their statutory responsibilities for Local Air Quality Management.
- 4.6.27 On the basis of the overall beneficial impacts and the low risk of exceedance of air quality limit values and objectives, the applicant did not consider that additional monitoring was appropriate [REP10-037].
- 4.6.28 The local authorities maintained their view that monitoring ought to be carried out at strategic locations and in areas forecast to experience a decline in air quality. In their view, there was sufficient uncertainty in relation to the air quality predictions to warrant post implementation monitoring to validate modelling predictions.
- 4.6.29 In their joint LIR, the LAs noted that whilst pollution levels in Cambridge city centre would remain below the objectives, where modelled, the more central sections of the feeder roads and the inner ring road (part of the AQMA) had not been assessed [REP2-184]. Furthermore, that measured levels of NO<sub>2</sub> nearer the city centre had been closer to, and above, the air quality objective levels in recent years and that increases in traffic on the A14 could tip the balance to exceed the objective.
- 4.6.30 CCiC elaborated further on this matter. It was particularly concerned about the likely negative impact on air quality on routes into Cambridge [REP2-184] and the need for an appropriate baseline for monitoring PM<sub>10</sub> and NO<sub>2</sub> to determine if improvement or deterioration was as predicted particularly as the baseline data would be over six years old by the time the scheme was finished [REP7-044].
- 4.6.31 Other reasons why the local authorities considered monitoring was necessary included in essence, the following:
- a requirement for major developments to monitor and if necessary mitigate air quality impacts in line with the adopted development plan. Monitoring to validate improvements to allow the AQMA to be revoked or demonstrate the need for additional mitigation measures [REP7-048];

- the need for monitoring to demonstrate that the scheme, when operational, would not have a significant detrimental impact on local air quality and to aid in the determination of suitable mitigation where appropriate [REP7-011]; and
- the need for monitoring at agreed locations to an agreed specification for 12 months prior to construction and then for a period until the monitoring at each site showed three years of compliance with air quality limit values. The monitoring would be for NO<sub>2</sub> only, apart from along the Cambridge Northern Bypass (Bar Hill to Fen Ditton) where PM<sub>10</sub>, PM<sub>2.5</sub> and NO monitoring was proposed. In the event of non-compliance with air quality limit values, the applicant was requested to contribute financially to the mitigation through Air Quality Action Plans [REP10-031].

4.6.32 The local authorities proposed a minimum of 5 years post completion monitoring and mitigation and depending on the results of that monitoring, appropriate mitigation measures.

4.6.33 In response to the specific issues raised by CCiC the applicant explained that traffic data had been screened in order to define the affected road network where a significant change to air quality might occur [REP4-019]. This showed that the scheme would not result in any significant changes to traffic in central sections of Cambridge or the inner ring road. Therefore the scheme would neither improve nor have a significant adverse impact on Cambridge City, the AQMA or feeder roads into the centre of Cambridge and was forecast to have a negligible or no impact on the AQMA. The applicant's ES predicted no significant effects with respect to air quality and concentrations in Cambridge would be well below the air quality objective and EU limit values for annual mean nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>).

4.6.34 The applicant confirmed its view that monitoring was neither appropriate nor necessary [REP11-007 and REP13-031]. However, 'as a gesture of goodwill' it offered to provide monitoring for a period of three years from the opening of the scheme, putting forward a draft requirement to that effect. The applicant accepted the locations for monitoring which the LAs had proposed. It also stated that if any material worsening of air quality was directly attributable to the scheme it would work with the LAs to define and agree suitable mitigation measures.

### **Summary**

4.6.35 The Panel notes the guidance in the NNNPS which states that the SoS must give air quality considerations substantial weight where a project would lead to deterioration in air quality in a zone/agglomeration. The SoS should refuse consent where, after taking into account mitigation, the air quality impacts of the scheme would result in zone/agglomeration which is currently compliant with AQD becoming non-compliant.

- 4.6.36 Whilst the applicant argued that the scheme demonstrated compliance with the EU AQD, and that no significant impacts or exceedances of the EU limit values were predicted and there was no indication that it would result in the UK Eastern Zone not achieving compliance with the predicted date set out by Defra, the Panel has reason to be cautious.
- 4.6.37 We have considered the concerns raised by IPs and the local authorities about the reliability of forecasting and predictions. We have also had cognisance of the draft Defra document 'Draft Plans to improve air quality in the UK' and in particular paragraphs 19 – 22 of that document in relation to uncertainty of projections.
- 4.6.38 At this time, to give the SoS some certainty in handling forecasts, we are recommending the inclusion of the requirement to undertake air quality monitoring and this is included at Requirement 16 of the recommended DCO.

### **AIR QUALITY DURING CONSTRUCTION**

- 4.6.39 Given the proximity of residential properties and business to parts of the scheme, the LAs expressed concern in their joint LIR that the proposed measures to control emissions were inadequate [REP2-184]. They argued that further assessment should be undertaken during construction. Several IPs also raised concerns about the effects during construction particularly borrow pits in the vicinity of Brampton [RR-565, 217, 684, 650 and 662].
- 4.6.40 The applicant explained that these effects had been assessed in the ES [APP-339] and that the CoCP would provide measures to control dust and other effects during construction.
- 4.6.41 The applicant argued that visual inspection and monitoring procedures, rather than measurement of emissions, provided the quickest and most effective approach to monitoring and in their response to the Panel's second round questions [PD-006] explained why it considered visual monitoring was the most effective way of safeguarding air quality [REP7-015 Q2.1.11]. The applicant also referred to the NPPG on minerals which does not specify the measurement of dust emissions during construction, but instead states that measures to control dust should be described in terms of their potential to reduce dust and their consequent impacts [REP8-015].
- 4.6.42 The local authorities raised other matters in relation to construction, including requests for consultation and investigation by HE when complaints were received from the local authorities regarding excessive dust depositions and concerns regarding enforcement options available to LAs if the mitigation measures failed.
- 4.6.43 The applicant explained that these matters would be addressed in two ways. Firstly, further consideration of potential dust impacts would be undertaken at detailed design stage during development of the Construction Environmental Management Plans (CEMPs) and Local Environmental Management Plans (LEMPs) which would be part of the

CoCP. Each main contractor would be required to have a CEMP which would include contractor roles, responsibilities and monitoring systems to be employed during the planning and construction of works. LEMPs would outline area and site specific environmental good practice measures for HDCs area and SCDC's area. LEMPs would be prepared in consultation with the relevant local authority and other relevant stakeholders as appropriate. Consequently, LAs would have a direct input into the monitoring procedures to be implemented should the Order be made [REP2-002]. The CoCP would also ensure that the applicant and contractors used reasonable endeavours to agree the relevant LEMPs with SCDC and HDC [REP14-022].

- 4.6.44 Secondly, the applicant referred to the best practice mitigation measures incorporated into the CoCP to reduce dust impacts to a negligible level [REP1-035]. Mitigation measures would be applied at all sites where dust producing activities would take place [REP14-022]. The CoCP would require the main contractors to assess the effectiveness of measures to prevent dust, air pollution, odour and exhaust emissions.
- 4.6.45 In so far as dust was concerned, the applicant explained that experience across a range of construction sites showed that best practice mitigation measures for dust suppression and management were successful in reducing dust impacts to a negligible level and as such, it was confident that the resulting effects would not be expected to be significant. With no significant effects on air quality the applicant argued that no ambient air quality monitoring would be needed and there would not be negative health effects [REP10-037].
- 4.6.46 So far as enforcement options were concerned the applicant reminded LAs of their powers to deal with dust impacts during construction and if best practice measurements detailed in the CoCP failed [REP2-002]. The Panel notes that the LAs would be able to take action if the applicant committed an offence pursuant to Part 8 s161 of the PA2008 [REP8-015].
- 4.6.47 In its signed SoCG SCDC agreed that it was likely that any construction effects would be mitigated effectively by the implementation of a robust CoCP [REP13-012]. HDC also supported the CoCP [REP13-012]. CCIC although not providing written evidence of support did not disagree with the applicants proposals in relation to air quality monitoring during construction.

### **Summary**

- 4.6.48 The Panel notes that the applicant's proposed measures set out in the CoCP to monitor dust during construction are based on Institute of Air Quality Management best practice guidance [APP-339]. Furthermore that consultation in relation to air quality monitoring procedures would take place during detailed design with the relevant planning authorities and in the preparation of the LEMPs for Huntingdonshire and South Cambridgeshire.

- 4.6.49 In so far as the CoCP is concerned, this would be secured by Requirement 4 of the recommended Order and would be a certified document given effect by Article 41.

### **AIR QUALITY AND HEALTH**

- 4.6.50 Many representations made by IPs [for example RR-580 and RR-206; the Brampton A14 Campaign Group (BCG) [RR-650] and Campaign for Better Transport [RR-261] raised concern about the possibility of a link between air quality and health. These matters were also raised during open floor hearings. Several IPs also referred specifically to the Gauderman Report [including RR-671, 564, 567, 186 and 648].
- 4.6.51 In Q1.1.9 [PD-005] the Panel asked whether the assessment of human health impacts in Appendix 18.1 [APP-749] had taken into account the Gauderman Report (2007) on the effect of exposure to traffic on lung development in young people.
- 4.6.52 The applicant stated that Appendix 18.1 had not directly considered the findings of the Gauderman Report [REP2-002]. The assessment had used UK Air Quality Standards based on EU air quality directives to assess the impact on human health and showed that the scheme would not breach any UK/EU air quality standards and would generally improve air quality in urban areas. The standards were designed to maintain pollutant concentrations below levels known to cause an impact on human health or where the impact would be very small.
- 4.6.53 The Gauderman Report was one of a number of studies which examined the effects of air pollution whilst air quality standards were set by reviewing the entire evidence base rather than relying on a single study. The applicant therefore argued that it would be inappropriate to give the Gauderman Report greater weight in the assessment over other studies.
- 4.6.54 The applicant also argued that the effects of air quality on human health were related to objectives or limit values set by the Government and the EU at concentrations which were set to protect human health and in particular the health of sensitive individuals such as children.
- 4.6.55 The results of the Gauderman Report were also questioned by the applicant on the basis that it examined health impacts in 500 m bands from a motorway. The applicant argued that air quality modelling showed that beyond 200 m from the road the impacts would be very small. With reference to a later report by Gauderman indicating that improved air quality resulted in improvements in lung-function in children, the applicant stated that the scheme would provide an overall benefit to health as pollutant concentrations would be reduced in more populated urban areas [REP2-002 Q1.1.9].
- 4.6.56 The BCG and other individual IPs further argued that the scheme failed to comply with the EU Health Strategy (Unconditional Protection of Children's Health), the World Health Organisation's 'Children's

Environment and Health Action Plan' and the EU Air Quality Directive (AQD) [RR-650, and RR-206]. In response [REP1-035] the applicant stated that the EU Health Strategy and WHO reports did not set air quality limits which were more stringent than those in the EU AQD, which were used to assess the air quality impacts of the scheme.

4.6.57 The Panel's view is that the applicant has demonstrated that the scheme is likely to result in an overall reduction of the main urban areas' exposure to air pollutants as it removes traffic from the main roads along the route. Whilst the Gauderman Study (2007) considers the effect of exposure to traffic on lung development in young people the applicant has raised reasonable questions about its applicability to the current scheme.

4.6.58 The Panel notes that the applicant's ES indicates that the proposed scheme would not result in exceedances of any UK or EU air quality standards or EU limit values which have themselves been set at levels to protect human health. On this basis the Panel finds that the applicant has taken account of the scheme's potential impacts on human health and that this would not be a reason to prevent the Order being made. The Panel concludes that it should not weight the conclusions in the Gauderman Study 2007 over and above the conclusions in a range of relevant studies but rather should direct itself to the achievement of UK and EU limit values. It has found that none would be exceeded and that the project would deliver localised improvements where traffic was reduced in urban areas.

### **NATURE CONSERVATION SITES**

4.6.59 The Panel received very few representations from IPs in relation to the effect of air quality on nature conservation sites and ecological receptors. The applicant has addressed these matters in the ES at Chapter 8 and has set out how it considers it meets the tests set out in the NNNPS in its statement of case [REP15-025]. The Panel is content that this matter has been adequately dealt with.

### **EFFECTS OF LIGHTING**

4.6.60 The NNNPS includes lighting as part of the section on a range of emissions including dust and for that reason the matter is included in this section of the report. Reference should also be made to the section on landscape and visual effects where the impact of lighting is also addressed.

4.6.61 SCDC [RR-450] and a number of other IPs [RR-287, RR-440 and RR-578] raised concerns about the effect of lighting on the countryside and people living close to the scheme. The impact from lighting of the carriageway and the use of lights by vehicles moving along the carriageway particularly on elevated sections of the new road were identified as concerns. Natural England (NE) also raised a concern about lighting seeking to ensure that light spillage was minimised to avoid adverse impacts on ecological assets.

- 4.6.62 In response to the Panel's question [PD-006 Q2.7.1] about the impact of artificial lighting and the desire of LAs to ensure that lighting would be installed having regard to industry best practice and guidance the applicant confirmed that these standards would be adopted and indicated that detailed design would take account of the surrounding natural and human environmental features [REP7-020 Q2.7.1].
- 4.6.63 The applicant also indicated that the design of the scheme did not include road lighting in the majority of the rural parts of the scheme but lighting is proposed at major junctions and in urban locations including at Girton and in Huntingdon [REP7-038]. This is set out on the GA plans APP-037 and APP-014.
- 4.6.64 The recommended DCO includes a highway lighting scheme requirement which provides that no part of the authorised development must commence until a written scheme of the proposed highway lighting for that part had been submitted to and approved by the SoS, following consultation with the local highway authority. This is discussed further in Chapter 8 of this report.
- 4.6.65 SCDC confirmed its concerns about lighting have been addressed in the SoCG [REP13-012].
- 4.6.66 The Panel's conclusion regarding artificial lighting is that appropriate mechanisms are in place in Requirement 14 of the recommended Order to manage and minimise the impacts of lighting.

## **CONCLUSION**

- 4.6.67 The Panel has considered all of the written and oral representations made in relation to air quality, in addition to those specifically referred to in this section of the report. We are satisfied that with the mitigation proposed and the requirements secured in the recommended DCO for air quality monitoring during operation and in relation to the Code of Practice during construction, air quality impacts of the scheme should not weigh against the Order being made.
- 4.6.68 In respect of the effects of air pollution on health and emissions of light, we do not consider there are matters that would prevent the Order being made.

## **4.7 CARBON EMISSIONS**

### **INTRODUCTION**

- 4.7.1 This section of the chapter addresses carbon emissions in the context of the guidance in the NNNPS. References to the relevant sections of the NNNPS are given in footnotes. The NNNPS advises that the Government has a legally binding framework to cut greenhouse gas emissions and a national carbon reduction strategy for meeting carbon budgets which it is legally required to meet. Whilst any increase in carbon emissions is not a reason to refuse consent (and it advises that it considers that the impact of road development on aggregate levels

of emissions is likely to be very small), nonetheless, evidence of appropriate mitigation measures in design and construction to ensure that the carbon footprint is not unnecessarily high, would be a material factor in the decision making process<sup>38</sup>.

## **CARBON FOOTPRINT**

- 4.7.2 The applicant considers the likely significant effects of the scheme on carbon emissions in the ES [APP-339]. Appendix 13.2 of the ES [APP-704] provides a detailed carbon assessment of the scheme. This concludes that during the construction phase, the carbon footprint would be approximately 981,432 tonnes of carbon dioxide equivalent (CO<sub>2</sub>e) - of which 75% would be due to minerals and excavation; and 24% due to transport and logistics. During operation, the applicant estimates that traffic and energy use would generate an additional 4,388,794 tonnes of CO<sub>2</sub>e over a 60 year lifespan of the scheme [APP-704].
- 4.7.3 A small number of IPs expressed concern that the scheme would contribute to climate change due to a major increase in carbon emissions [for example RR-221, 550, 567 and 588]. The Panel also asked during their first round questions for the applicant to provide more details on the steps which would be taken to limit the carbon footprint of the scheme.
- 4.7.4 In summary, the applicant explained that these measures would include:
- Reducing journey length, optimising speed and reducing impacts due to car idling;
  - Engineering design efficiency contributing to reduced construction and operational emissions;
  - Following the principle of avoidance and reduction in design and construction; and
  - Minimising earthwork quantities in scheme design particularly in respect of vertical alignment including location of borrows pits close to the point of use along the route of the scheme, thus reducing heavy vehicle use and associated emissions [REP2-004 Q1.3.1].
- 4.7.5 SUSTRANS raised a number of points including whether the applicant's assessment considered emissions generated by impacts on traffic outside of the scheme boundary and whether the scheme was justified when other trends, for example changes in work and lifestyle patterns and better rail access between the eastern ports and the Midlands, were considered. The applicant confirmed that the assessment considered carbon emissions due to processes outside of the scheme boundary as well as transport emissions and workers commuting to and from the area. In relation to the justification of the scheme, the

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<sup>38</sup> NNNPS paragraph 5.18

applicant explained that the carbon assessment included a monetised environmental cost as part of its Cost Benefit analysis, resulting in a Cost Benefit Ratio of between 1.7 and 2.7 and therefore qualifying as a high value for money scheme [REP1-035].

- 4.7.6 Other IPs expressed the view that the scheme conflicted with national policy to reduce carbon emissions [for example RR-186, 233, 650 and 503]. In response, the applicant referred to the guidance in the NNNPS<sup>39</sup> which states that the impact of a road project would be unlikely to affect the ability of the Government to meet its reduction targets. In the applicant's view, the carbon assessment also demonstrates that this individual scheme is not at odds with the UK Government's projected reduction in annual transport emissions to around 116 million tonnes carbon dioxide equivalent (MtCO<sub>2</sub>e) by 2030 [REP1-035].

## **CONCLUSIONS**

- 4.7.7 Taking into account the nature and extent of the scheme and the guidance set out in the NNNPS the Panel is satisfied that the increase in carbon emissions resulting from the scheme would not be so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets<sup>40</sup>.

## **4.8 NOISE AND VIBRATION**

### **INTRODUCTION**

- 4.8.1 There were a very large number of relevant representations in relation to noise from individual IPs including a wide range of Parish Councils [for example RR-155, RR-371 and RR-615].
- 4.8.2 Among the matters raised were the impact of construction noise across the scheme and the noise from construction compounds and borrow pits [for example RR-150, RR-565 and RR-684]. There was extensive concern about the noise which would be generated if the scheme went ahead, and whether the mitigation which the applicant proposed would appropriately deal with the impacts [for example REP2-163, REP2-184 and REP2-035].
- 4.8.3 Noise was an issue raised by many participants at the open floor hearings particularly at Brampton and Hilton. The subject was also addressed at the Noise and Air Quality ISH on 15 September 2015.
- 4.8.4 Few IPs raised matters in relation to vibration in their written and oral submissions.

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<sup>39</sup> NNNPS paragraph 5.17

<sup>40</sup> NNNPS paragraph 5.18

- 4.8.5 Traffic noise had been an historical issue for communities living close to the existing A1 and A14; resulting in the 2014 Noise Action Plan for Roads which identified 23 Important Areas (IAs) in the scheme's study area, included in action plans published under the Environmental Noise (England) Regulations 2006 [REP10-037].
- 4.8.6 This section begins with the methodology for noise assessment and the implications of IAN 185/15. It then considers the effects of construction noise including noise related to borrow pits and proposed construction noise mitigation. We then consider operational noise and its potential effects on specific locations before considering operational noise monitoring.

#### **METHODOLOGY FOR NOISE ASSESSMENT**

- 4.8.7 In its first round questions, the Panel asked whether the baseline data for noise assessment had been agreed with the LAs [PD-005 Q1.10.2]. HDC and CCiC confirmed that they accepted the baseline methodology and results [REP2-179 and REP2-011 Q1.10.2]. SCDC also confirmed that baseline data and baseline monitoring locations were agreed [REP2-190]. CCC, HDC and SCDC confirmed their view in the updated joint LIR, that the noise impact assessment had been undertaken in accordance with relevant national and industry best practice guidance and standards [REP8-011]. The Panel has no reason to disagree.
- 4.8.8 The applicant stated that the EIA regulations include a requirement to describe the measures to avoid or reduce adverse likely significant effects due to noise. The applicant's criteria for the assessment of operational noise effects included designated 'quiet areas' [APP-345].
- 4.8.9 No designated quiet areas were identified in the study area although there was debate at the ISH on detailed design matters on 17 September about whether the Great Ouse Valley should be designated as a quiet area [EV-059]. BMRA sought clarification as to whether the Ouse Valley Way noise assessment had taken account of this. The applicant's response at REP10-037 made reference to the CRPE's tranquillity maps which indicated that the Great Ouse Valley did not stand out from any other rural area in the vicinity of the scheme as being of distinctly greater tranquillity and was therefore not assessed as a quiet area.
- 4.8.10 The Panel accepts that at this time the Great Ouse Valley is not a designated quiet area and as such an alternative approach to noise assessment has not been adopted in this location. Matters specifically in relation to the particular noise effects on Buckden Marina are dealt with later in this section in relation to operational noise.

## **Implications of IAN 185 / 15**

- 4.8.11 Interim Advice Note (IAN) 185/15<sup>41</sup> was published, following the submission of the A14 DCO application. IAN185/15 provided updated advice to support highway scheme noise and vibration assessments. In Q1.10.4 the Panel asked whether different outputs could have occurred had the assessment of noise and vibration been made on the basis of the new advice [PD-005].
- 4.8.12 The applicant's response to Q1.10.4 considered the likelihood that retrospectively applying the methodology in IAN185/15 to the noise assessment in the ES would change the outcomes of that assessment [REP2-011 Q1.10.4]. It identified that there was a moderate risk that the application of IAN185/15 could result in worsened effects for the section of the Cambridge Northern Bypass between Histon / Impington and Milton and that a detailed review of the implications of IAN185/15 with regard to the noise assessment for this section should be undertaken.
- 4.8.13 At Deadline 8, the applicant stated that the detailed review confirmed the risk assessment which had been presented in response to Q1.10.4, having considered the whole scheme [REP8-020]. Only the section of the Cambridge Northern Bypass between Histon and Milton interchanges was identified as of moderate risk of worsening noise impact as a result of the retrospective application of IAN185/15. Taking account of the mitigation proposed along this section of road the applicant assessed the impacts as being negligible with no adverse likely significant effects.
- 4.8.14 In a joint SoCG with the applicant CCiC, HDC and SCDC confirmed that they were not looking to any changes in the modelling approach used in the assessment [REP10-031]. In addition, no IPs pursued the outcome of the assessment made using IAN185/15. Consequently the Panel accepts the applicant's view that the IAN185/15 methodology would only result in a moderate risk of worsening noise impact along the section of Cambridge Northern Bypass.

## **Summary conclusion on methodology**

- 4.8.15 With respect to the methodology which the applicant has applied to the noise assessment, the Panel is content with the approach and does not accept the suggestion that the Ouse Valley should have been defined as a tranquil area and treated differently.
- 4.8.16 Related to this, the applicant's review on the basis of IAN185/15 did not produce outcomes at variance with the ES and the methodology can be considered to be robust.

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<sup>41</sup> Highways England Interim Advice Note IAN185/15 Traffic, Air Quality and Noise was published in January 2015. It provides Updated traffic, air quality and noise advice on the assessment of link speeds and generation of vehicle data into 'speed-bands' for users of DMRB Volume 11, Section 3, Part 1 Air Quality; and Volume 11, Section 3, Part 7 Noise.

## **CONSTRUCTION NOISE**

- 4.8.17 A number of IPs identified the impact of construction noise as an issue, including the impact of noise arising from construction sites, while Milton Parish Council raised the issue of construction noise impacts on residents of Blackwell caravan site on the north side of the A14, east of the guided busway route [RR-303, RR-217, RR-565 and RR-462].
- 4.8.18 CCC, HDC, SCDC and CCiC confirmed that during construction there would be direct adverse noise impacts on residential communities [REP8-011]. The greatest impact would affect ten dwellings at the south west corner of RAF Brampton where the operation of borrow pits and soil storage compounds would be on-going for 4-6 months. There would also be impacts on dwellings on the A14 between Bar Hill and Girton and at various locations along the Cambridge Northern Bypass including night-time working, whilst dwellings in Huntingdon would be affected by construction noise for approximately one month during day time associated with the removal of the viaduct [REP8-011].
- 4.8.19 Taking account of the avoidance and mitigation measures integrated into the base scheme, the applicant's ES predicted that over 300 individual dwellings would experience construction noise levels higher than the noise insulation trigger levels defined in the CoCP [APP-345]. All of these properties were within the Cambridge Northern Bypass area.
- 4.8.20 In the joint LIR [REP8-011] CCC, HDC, SCDC and CCiC noted that noise insulation for qualifying properties would ensure that internal noise levels would be substantially reduced so that they would not be disruptive and the significant observed adverse effects inside the dwelling would therefore be avoided. The applicant's noise insulation and temporary re-housing policy is set out in section 13.4 of the applicant's CoCP which, as a certified document would be secured through Requirement 4 of the recommended DCO [REP14-022]. As stated by the applicant, "the measures are intended to provide additional protection to residents in the event that it is not practicable to mitigate airborne noise, or reduce their exposure to it, to levels that are tolerable during certain intensive construction phases" [REP14-022].
- 4.8.21 The applicant stated that the avoidance and mitigation measures proposed would avoid airborne construction noise effects on the majority of receptors and communities. The applicant's view was that temporary significant construction noise effects would not cause significant noise effects on health and quality of life because the noise would be intrusive, but not disruptive, as set out in the government's Planning Policy Guidance on Noise [APP-345]. This view was shared by the LAs [REP8-011].
- 4.8.22 Direct adverse effects from construction noise on non-residential receptors were predicted for a number of properties along the route of

the scheme. The applicant indicated that it would continue to engage with owners and operators of non-residential receptors subject to a likely significant effect to establish sensitivity of the receptors and develop additional mitigation where necessary and practicable as required by the CoCP. Any mitigation would be included in the final Local Environmental Management Plan (LEMP), required as part of the CoCP in collaboration with HDC and SCDC.

- 4.8.23 Section 13 of the CoCP details the various measures required by the contractor to reduce noise and vibration impacts during construction. This includes the consents process under s61 of the Control of Pollution Act 1974 to be followed to ensure that the contractor employed best practicable means (BPM) to minimise noise and vibration. The contractor would seek to obtain consent from the LA before construction starts within bounds defined in the ES [REP13-019].
- 4.8.24 It also includes an obligation on the contractor to prepare a noise and vibration plan as part of its Construction Environment Management Plan both of which are integral to the CoCP and would be secured by Requirement 4 of the recommended DCO. The noise and vibration plan would ensure a variety of management and monitoring processes were in place such as:
- noise control integrated into the preparation of method statements;
  - proactive links between noise management activities and community relations; and
  - implementing management processes to ensure ongoing compliance, improve and rapid corrective actions to avoid potential non-compliance [REP14-022].
- 4.8.25 The SoCG with HDC and SCDC confirmed their agreement to the measures set out in relation to noise and vibration as specified in the CoCP [REP13-012].
- 4.8.26 CCC, HDC, SCDC and CCiC stated in the joint LIR and confirmed their position through their SoCG; that they were supportive of the approach to construction management which would mitigate noise related construction effects through the implementation of the CoCP and proposed LEMPs [REP13-012 and REP2-147]. SCDC supported the applicant's aim to ensure that construction noise mitigation measures should include the use of appropriate work practices including best available techniques (BAT) to reduce noise and vibration impacts [REP2-147].
- 4.8.27 With regard to the noise impact at Blackwell caravan site, SCDC's SoCG with the applicant noted the particular nature of properties at that site, namely caravans and mobile homes [REP13-012]. The SoCG also noted that the applicant confirmed that noise mitigation during construction around the site would be handled as a special case provision as provided for in the CoCP.

- 4.8.28 The Panel notes that HDC and SCDC, which have statutory responsibilities for the monitoring and control of noise, have not disputed the applicant's approach or findings with regard to construction noise.
- 4.8.29 As confirmed by HDC and SCDC, the mitigation provided through the Noise Insulation Regulations and the provisions of the CoCP would provide appropriate measures to manage the impact of construction noise [REP13-012]. The measures to mitigate construction noise set out in the CoCP would be secured through Requirement 4 of the Recommended DCO. This would allow HDC and SCDC to engage with the applicant and contractors in relation to the regulation of noise generating construction activities and the local authorities would also be involved in the preparation of LEMPs through the CoCP.

### **Noise Impacts from Borrow Pits**

- 4.8.30 A specific concern for some IPs [RR-565, 217 and 329] related to whether the noise impacts of the proposed borrow pits had been appropriately considered. In their WRs, CCC [REP2-159], HDC [REP2-112] and SCDC [REP2-147] also raised a concern about the way in which the noise assessment and mitigation for borrow pits was addressed.
- 4.8.31 CCC, HDC, SCDC and CCiC stated that whilst the extraction of material from borrow pits was indirectly related to construction of the scheme, the works were effectively a separate minerals and waste activity for which operational noise limits would be lower than for traditional construction noise [REP2-184]. They pointed out that as some of the borrow pits proposed would be large and close to rural villages where A14 traffic noise was less of an impact, the construction impact approach taken in the CoCP was not applicable and a greater level of control was justified. They argued that borrow pits should be treated as minerals extraction sites and therefore the noise implications should be assessed in accordance with the Planning Practice Guidance relating to minerals. Further consideration was sought to ensure that the noise impacts relating to borrow pits would be appropriately mitigated [REP2-184].
- 4.8.32 The applicant's response to the Councils' LIR drew attention to the fact that the borrow pits were directly related to the construction of the A14 and would only be used for that purpose [REP4-019]. The applicant argued that treating the borrow pits as an integral part of the overall construction and minimising noise effects using the CoCP would be beneficial to the local community as controls would be more comprehensive and stringent.
- 4.8.33 The applicant explained that the CoCP would commit the contractor to seek prior consent from the relevant local authority under s61 of Control of Pollution Act 1974. The applicant also argued that seeking to control noise using two different regimes would lead to challenges and risks in assuring compliance. Consequently, it argued that the

control measures set out in the CoCP would provide a higher level of protection than that which would normally be provided by the imposition of limits based upon noise standards applied to mineral working sites.

- 4.8.34 Section 5 of the Borrow Pits – Design, Restoration and Aftercare Proposals provides information relevant to the management of the excavation of borrow pits [REP7-039]. This was accepted by SCDC and HDC in their SoCG with the applicant [REP13-012]. CCC confirmed in their SoCG with the applicant that the CoCP was an acceptable tool for controlling the impacts of the operation subject to the use of appropriate noise criteria [REP13-012].
- 4.8.35 Initial concerns which SCDC raised about the significance of noise and vibration relating to works at borrow pits were resolved and the Council confirmed that it was satisfied that that the mitigation approach proposed was acceptable for both borrow pit related activities and road construction works [REP13-012].
- 4.8.36 The Panel notes the concern from IPs in relation to the potential noise from borrow pits. However it is of the view is that the CoCP would provide the mechanism through which control of construction noise impacts at borrow pits would be ensured.

#### **Summary conclusions on construction noise**

- 4.8.37 The Panel accepts that there would be noise related effects in different locations during the construction of the scheme including those specifically identified above. However, taking into account the measures set out in the CoCP including the noise and vibration management plan and the noise insulation and temporary re-housing policy and other mitigation measures to be approved under requirement 4 of the recommended DCO, the noise impacts of the scheme would be limited to certain locations only and their effects managed.
- 4.8.38 In so far as noise specifically from borrow pits is concerned, the applicant's approach to noise impacts at borrow pits appears robust and now has the support of the LAs.

#### **OPERATIONAL NOISE**

- 4.8.39 IPs made many representations in respect of operational noise and the measures that would be in place for mitigation during operation. Particular locations where operational noise was raised by a large number of IPs included Alconbury, Brampton (including RAF Brampton), Buckden Marina/Ouse Valley, Hilton and Fenstanton.
- 4.8.40 This sub-section sets out the view of the local authorities in respect of operational noise generally, before considering other issues arising from representations and then consultation on and securing mitigation.

## Local authority view of operational noise

- 4.8.41 In its written representation (WR) HDC stated that, with particular reference to the NNNPS<sup>42</sup>, adverse noise effects should be minimised as far as sustainably possible but not necessarily avoided or prevented [REP2-112]. The Noise Policy Statement for England (NPSE)<sup>43</sup> noted that all reasonable steps should be taken to mitigate and minimise adverse effects but this did not mean that such adverse effects could not occur.
- 4.8.42 HDC recognised that it was not sustainable to provide further mitigation in every case and understood that because the predicted noise levels were within threshold standards it could not insist on greater protection for the properties identified as not requiring further mitigation.
- 4.8.43 SCDC acknowledged out in its WR that the magnitude of noise increases and the number of people adversely affected had been minimised by noise mitigation integrated into the scheme, in line with the aim of government noise policy [REP2-147].
- 4.8.44 The applicant's ES sought to evaluate the impact and effect caused by long term change in noise as a result of the scheme where the noise level of the completed scheme would be greater than the relevant significant observed adverse effect level (SOAEL). In such situations the applicant acknowledged that there was a risk of likely health effects associated with long term permanent exposure [REP10-037].
- 4.8.45 Some areas in the scheme noise study area were already exposed to high levels of road traffic noise. In such cases the ES gave greater weight to noise changes where the existing baseline noise level was already in excess of the relevant SOAEL [REP10-037].
- 4.8.46 Mitigation measures designed into the scheme to reduce noise impacts during operation included the design of the alignment and cuttings, the use of low noise surfacing (LNS) and very low noise surfacing (vLNS), landscaped earthworks and the installation of noise barriers at a number of locations. This approach was in line with the NNNPS<sup>44</sup> which advises that the project should demonstrate good design to minimise noise emissions. Mitigation provided through detailed design such as noise barriers would be secured through Requirement 12 of the recommended DCO, relating to the approval of their details, their installation and their retention [REP13-014].
- 4.8.47 CCC, HDC, SCDC and CCiC stated in their joint LIR that they accepted the applicant's ES assessment that during operation, for non-residential properties, significant observed effects remaining after

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<sup>42</sup> NNNPS paragraph 5.195

<sup>43</sup> NPSE section 2.24

<sup>44</sup> NNNPS paragraph 5.194

mitigation would result in moderate adverse airborne noise impacts at Cambridgeshire Constabulary HQ, Huntingdon and New Close Business Park [REP8-011]. Nevertheless, the view of these LAs was that operational noise should not give rise to long term unacceptable noise impacts on health and quality of life.

- 4.8.48 The applicant confirmed that noise insulation under the Noise Insulation Regulations would be provided in line with the scheme operational noise and vibration policy [APP-705<sup>45</sup>] to avoid significant adverse effects on health and quality of life where sustainable mitigation in the scheme was not effective alone [REP4-019].
- 4.8.49 The LAs also noted that the ES showed that residual noise levels at Rhadegund Cottages, Huntingdon Road, Cambridge; dwellings at Hackers Fruit Farm, Huntingdon Road, Lolworth and Catchall Farm Cottages, all of which are within IAs, would have major reductions in noise compared to the existing levels [REP8-011]. Nevertheless, the LAs stated that taking account of the mitigation included in the base scheme the noise levels would remain a significant observed adverse effect at these locations.
- 4.8.50 Subsequent to the submission of the ES the applicant considered further how best to mitigate the adverse impacts of noise and how to enhance the benefits of the scheme at residential areas. The primary driver for noise mitigation was the policy in the NNNPS<sup>46</sup> that adverse impacts/effects on health and quality of life due to noise should be mitigated and minimised where it was sustainable to do so.
- 4.8.51 Based on the NNNPS the applicant has adopted Best Available Techniques (BAT) to reduce noise impacts [REP10-040]. It had considered the engineering and financial implications of using new higher performance road surface specification, (very low noise surfacing (vLNS) which would generate a lower noise than specified in DMRB) and/or additional noise barriers to reduce traffic noise through adopting BAT.
- 4.8.52 In addition to the locations where a residual likely significant effect due to adverse noise impacts was predicted, namely south west Brampton, RAF Brampton and Fenstanton (Pear Tree Close), the applicant also assessed locations where IPs through their representations and the joint Council's LIR had sought additional mitigation and where the ES identified that long term noise levels could exceed the relevant lowest observed adverse effect level. These comprised Alconbury, Buckden Marina, Offord Cluny, Hilton, Girton, Histon/Impington and Orchard Park/Kings Hedges. As a result Very Low Noise Surfacing is now proposed by the applicant in a number of locations across the scheme [REP13-019, Table 4 and Figure 1].

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<sup>45</sup> ES Appendix 14.1

<sup>46</sup> Aim 2 of paragraph 5.195

## **Other issues arising from representations**

### ***Brampton***

- 4.8.53 Many IPs from Brampton raised concerns about the impact of noise from the scheme in written and oral representations [including RR-326 and RR-578]. The matter was also raised by Brampton Parish Council [RR-625], Buckden Parish Council [RR-393] and BCG [RR-650].
- 4.8.54 In response, the applicant explored whether a case could be made for the use of vLNS at Brampton. Its assessment, which related to the south west part of the settlement closest to proposed new A14, identified that there was a strong sustainability case for the use of vLNS as the monetised benefits would greatly exceed the additional costs and substantially reduce the number of dwellings subject to adverse impacts. Consequently, vLNS was proposed for a 9 km stretch of the scheme south of Brampton Hut [REP13-019]. This was in addition to the existing proposals for a 2m high noise barrier on top of a 2 m false cutting along the scheme alignment, as set out in the Application documents [APP-416].
- 4.8.55 Brampton Parish Council and Buckden Parish Council both entered into a SoCG indicating that they were content with the proposed mitigation. [REP13-012]. Nevertheless, many other IPs in the vicinity of Brampton maintained their concerns about the impact of noise and level of mitigation.
- 4.8.56 The Panel has had regard to the applicant's justification for the proposed mitigation and considers that the approach which the applicant has adopted at Brampton is appropriate in the context of the NNNPS<sup>47</sup> and NPSE<sup>48</sup>.

### ***Fenstanton***

- 4.8.57 Fenstanton Parish Council [RR-270] considered that the noise mitigation proposed was inadequate arguing that the proposed 2 m bund should be increased in height to 4 m to address moderate adverse effects in the vicinity of Pear Tree Close, Fenstanton.
- 4.8.58 The applicant assessed that the increased bund height would be unsustainable because of the ratio of benefit to cost and because of the effects caused by the mitigation, such as landscape and visual effects. In a further assessment the applicant stated that there was no sustainable case for providing vLNS or a noise barrier because in the case of the former, although the significant effect would be removed, the cost would exceed the monetised benefit whilst in terms of the latter there would be negligible noise benefits but adverse visual

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<sup>47</sup> NNNPS paragraph 5.195

<sup>48</sup> NPSE section 2.24

impacts would be introduced. The SoCG with Fenstanton Parish Council records the matter as not agreed [REP13-012].

- 4.8.59 The Panel considers that increasing the bund height to 4 m would be detrimental to the landscape and the introduction of a 2 m high noise barrier would have an adverse visual impact. Taking account of the applicant's methodology for adopting BAT there does not appear to be sufficient reason to provide vLNS in this location. Consequently the Panel finds the applicant's proposed mitigation acceptable in this location.

### ***Alconbury***

- 4.8.60 The Lordsway Park Residents Association [REP2-166] raised concerns at the open floor hearing about the proposed 2 m high barrier adjacent to the B1043 (A1 southbound off-slip) seeking the same approach as proposed for the opposite carriageway adjacent to the A1 [EV-033]. The applicant confirmed that the 2 m high barrier reflected the different circumstances of the carriageways (including height and separation distance from the A1) and the mitigation proposed for residents of Lordsway Park was appropriate to minimise noise as far as sustainable taking account of the existing barrier between the slip road and the A1 [REP7-023 Q2.10.12].
- 4.8.61 Alconbury Parish Council expressed general concern about the impact of noise on the village recognising that some residences are within a defined Important Area (IA) (IA5154). The Parish Council noted that five houses to the south of the village would not benefit from any noise barriers [RR-456]. Concern was also expressed by the owner of a residential property to the south of the village about the noise impact particularly taking account of the listed nature of the property which would make noise insulation difficult [RR-256].
- 4.8.62 On the basis of further work which was undertaken post submission of the DCO application, the applicant concluded that the provision of vLNS on the A1 at Alconbury was justified to minimise the effect of noise on residents because Alconbury is densely populated, already exposed to high levels of road traffic noise and as such the monetised benefits significantly outweighed the additional costs of providing vLNS in that location. The applicant also proposed an extension of the Alconbury noise barrier through an additional fence barrier on top of an existing bund to achieve 4 m total height above road level in order to protect dwellings at Sharps Lane. With regard to Lordsway Park, the 2 m barrier alongside the B1043 was proposed as part of a package of measures to mitigate traffic noise which the applicant considered would together minimise adverse effects for residents.
- 4.8.63 In response to RR-256 and REP14-002 the applicant stated that neither the extension of the proposed noise barrier nor the extension of vLNS past the listed property were sustainable or justified, with costs far exceeding monetised noise benefits. In addition the property would be unlikely to qualify for noise insulation [REP15-016].

4.8.64 The Panel has considered the range of mitigation measures proposed by the applicant in the vicinity of Alconbury. The proposed new and extended barriers together with vLNS would, in the Panel's view, be necessary to minimise the effects of noise on residents on either side of the A1, taking account of the likely impacts. With regard to the listed property to the south of the village, the Panel accepts the applicant's position that neither extending the proposed noise barrier or the vLNS could be justified in terms of cost. The panel's acceptance of this position is on the basis that LNS would be provided on the modified A1 which would reduce noise levels.

### ***Buckden Marina***

- 4.8.65 Buckden Marina is an inland marina situated next to the River Great Ouse, four miles south of Huntingdon and includes 81 permanent private residential properties [REP14-011]. Many residents represented by the Buckden Marina Residents Association (BMRA) [including RR-332, 674, and RR-311] sought additional noise mitigation including noise barriers and landscaping.
- 4.8.66 In response to various submissions by BMRA the applicant confirmed that the closest lodges at Buckden Marina were within the ES study area and should be treated as residential receptors [REP9-018]. On the basis of the ES assessment methodology the applicant stated that there would be a likely significant effect due to long term minor noise impacts on the lodges [REP13-019]. The sustainability of two additional mitigation options was addressed by the applicant namely a noise barrier on the proposed Great Ouse Viaduct extending westwards and vLNS extending past Buckden Marina [REP8-023].
- 4.8.67 The applicant reported that unusual acoustic conditions exist at Buckden Marina because of a large body of water between the proposed new road and the marina lodges and because of the elevated alignment of the scheme over the river Great Ouse [REP13-032]. These factors would reduce ground absorption and hence all other parameters remaining equal, the noise forecast at Buckden Marina would be higher than at other locations a similar distance from the scheme. On this basis, even though the benefits of vLNS would only outweigh the costs during winter, the applicant proposed vLNS to the north of the marina.
- 4.8.68 Whilst welcoming the mitigation which the applicant proposed the BMRA noted that the applicant's decision not to propose noise barriers, whilst in line with policy and guidance would not enable noise impacts to be minimised as far as is reasonably practicable [REP15-012].
- 4.8.69 The Panel recognises that during the examination the applicant confirmed that the lodges at Buckden Marina should be treated as residential receptors and this resulted in the assessment of impacts being changed. In addition, the applicant has proposed vLNS on the proposed viaduct recognising the unique acoustic conditions occurring at Buckden Marina due to the large body of water between the

proposed road and the lodges. The Panel accepts that this provides sufficient justification for this location to be treated differently from other locations a similar distance from the scheme.

- 4.8.70 The Panel notes that the BMRA welcomes the proposals for vLNS. However, on the basis of policy and guidance as set out in the NNNPS and NPSE, the Panel accepts the applicant's position that a noise barrier cannot be justified in this location.

### ***Offord Cluny***

- 4.8.71 Offord Cluny and Offord Darcy Parish Council [RR-046 and REP2-100] expressed concern about the noise impact of the scheme on the parish and the ability of mitigation, including LNS, to address the matter.
- 4.8.72 The applicant addressed the issue of mitigation in its further assessment work and came to the view that neither an additional noise barrier nor vLNS would be sustainable solutions as in the case of the former the cost would exceed the monetised benefit while in the latter case the costs would be equivalent to the monetised benefit [REP10-040]. In relation to vLNS, it is a new type of surfacing on which the design life of 10 years is based on theory rather than experience [REP13-032]. It therefore carries a risk that theoretical performance may not meet design life expectations. Until there is a higher level of confidence in the design life of the surfacing, the Panel is satisfied that an equivalence in terms of monetised benefit is not sufficient to justify the provision of vLNS.
- 4.8.73 The Panel concludes that on the basis of the approach which the applicant has adopted to BPM there is no justification for additional mitigation at Offord Cluny.

### ***Hilton***

- 4.8.74 Residents of Hilton [for example REP2-027, RR-054 and RR-500] together with Hilton Parish Council (HPC) [REP2-098] and Hilton Action on Traffic [REP2-034] engaged extensively throughout the examination particularly on the issue of noise mitigation. The matter was also raised by many residents at the open floor hearing in the village on 13 July 2015 where there were numerous requests for additional noise mitigation to be provided through an enhanced noise barrier [EV-030].
- 4.8.75 The applicant's approach to noise mitigation for Hilton incorporated the alignment, landscape earthworks and LNS which were designed into the scheme to minimise as far as sustainable adverse effects on health and quality of life [REP7-038].
- 4.8.76 As confirmed in the SoCG between HPC and the applicant, HPC disagreed that the scheme would not result in a likely significant effect on Hilton [REP13-012]. Moreover, HPC considered that due to the proximity of the proposed road the increase in noise would be near constant rather than dependent upon wind conditions, and therefore

the increase in 3 dB as an average would be significant considering the tranquil setting of the village.

- 4.8.77 HPC submitted a report which proposed to mitigate the noise impact from the scheme [REP5-031]. HPC's noise consultant acknowledged that Hilton was outside the 600 m corridor given in DMRB as an assessment criterion and therefore it would normally not be assessed for noise [REP8-005]. HPC's proposed mitigation was a 4 m high barrier in place of the applicant's proposed 2 m high bund. HPC's proposed solution would, they argued, have significantly outperformed the applicant's scheme and led to an improvement in the noise climate of the village in most cases.
- 4.8.78 The applicant's response to HPC's report was that as it had not used the appropriate Calculation of Road Traffic Noise (CRTN) methodology it could not be relied upon [REP7-023 Q2.10.10]. CRTN is the methodology for predicting road traffic noise referred to in the NNNPS. In addition, the applicant stated that the study had not considered whether the proposed mitigation was sustainable or not including the relative cost to benefit of the recommended barrier option.
- 4.8.79 As HPC's study had not undertaken an assessment using appropriate methodology (CRTN), the applicant argued that it could not be used to suggest that the scheme would give rise to adverse impacts and therefore, as set out in the NNNPS, sustainable mitigation is only required where the impacts/effects on health and quality of life are adverse [REP9-020]. The applicant's own assessment of the 4 m noise barrier using the ISO9613 methodology adopted by HPC resulted in a negligible improvement at Hilton compared to the applicant's 2 m landscape bund. The applicant considered that applying HPC's methodology to the analysis at Hilton was beyond the limits of validity and therefore the noise benefits could not be relied upon and the proposed 4 m high barrier could not be justified [REP10-037].
- 4.8.80 The assessment which the applicant undertook to consider further mitigation reported that neither the extension of the 2 m barrier to a length of 4 km nor the introduction of 4 km of vLNS would be sustainable [REP8-023]. In the case of the barrier the applicant stated that the cost would exceed the monetised benefit and would also have an adverse visual impact, whilst for the vLNS the costs would be equivalent to the monetised benefits. The applicant argued that there were no exceptional circumstances which would make the use of vLNS at that location sustainable given the significant cost [REP13-032]. Again, as previously described, the Panel is satisfied that an equivalence in terms of monetised benefit is not sufficient to justify the provision of vLNS.
- 4.8.81 The applicant also considered the situation at Hilton alongside potential mitigation for Pear Tree Close, Fenstanton. The applicant's further assessment demonstrated that the total cost would be marginally lower than the lengths for each section in isolation but the

applicant's assessment was that the monetised benefits would not be greater than the costs.

- 4.8.82 At the ISH on 22 October 2015 the Panel asked the applicant to compare the CRTN and ISO9613 methodologies for both the applicant's proposed 2 m barrier and HPC's alternative 4 m noise barrier at Hilton [EV-072]. The applicant claimed that the results demonstrated that its earlier assessment that the change from a 2 m barrier to a 4 m barrier would not provide any appreciable acoustic benefit remained valid [REP13-032].
- 4.8.83 The Panel also asked the applicant [EV-072] to consider how the cost benefit assessment would change if a more optimistic renewal assumption were used than that taken into account in REP10-040. The earlier assessment had considered the effect of the lifespan of vLNS being decreased by one year (from 10 to 9) and the revised assessment showed that the cost benefit assessment would not improve if it were assumed that vLNS required resurfacing every 11 years as opposed to 10 years. The applicant therefore stated that the assessment would not result in any additional locations being provided with vLNS beyond those identified in REP13-019.
- 4.8.84 The Panel received many representations from residents in Hilton concerned about the impact of noise from the proposed scheme on the village. HPC and other IPs from Hilton were very engaged in the examination particularly in relation to noise issues and their own consultant sought to challenge the applicant's case that no noise mitigation beyond the 2 m high earth bund was necessary. As HPC's consultant acknowledged, the village is outside the 600 m corridor used as an assessment criteria in DMRB. The Panel also considers that the suggested benefits which are claimed for HPC's proposed 4 m high noise barrier are questionable as the applicant has shown.
- 4.8.85 The applicant has adopted the same approach to the assessment of mitigation in relation to vLNS and noise barriers in this situation as elsewhere along the route and the Panel cannot identify any unique circumstances which would justify additional mitigation. Similarly the Panel accepts the applicant's explanation regarding the renewal of vLNS in the absence of any reasonable challenge to that position. The Panel is therefore satisfied that the proposed mitigation in this area would be appropriate.

### ***Cambridge Crematorium***

- 4.8.86 In the joint LIR, CCC, HDC, SCDC and CCiC noted that at Cambridge City Crematorium the construction of a 3 m high noise barrier between the westbound carriageway of the A14 and the Crematorium would result in a minor beneficial impact based upon the reduction in external traffic noise which would be likely to result in reduced disruption to visitors [REP2-184]. In its WR CCiC noted that the noise impact elsewhere on the site was uncertain particularly in the woodlands and the Garden of Remembrance [REP2-140]. CCiC as the

operator of the Crematorium and SCDC within whose jurisdiction the Crematorium is located requested a noise barrier to be provided to protect the Garden of Remembrance from noise from the proposed access road [REP12-009].

- 4.8.87 In responding to CCiC's WR the applicant stated that with regard to the woodlands and the Garden of Remembrance the influence of traffic noise arising from the access road to the south of the Crematorium would be negligible. The applicant therefore stated that it was not considered necessary to mitigate noise from the access road [REP4-011].
- 4.8.88 Subsequent correspondence between the applicant and CCiC suggests that CCiC accepted that a noise barrier between the proposed access road and the Garden of Remembrance within the Crematorium would not be justified [REP12-009].
- 4.8.89 The applicant's proposal for a revised access to Cambridge Crematorium, and an alternative access favoured by CCiC, are discussed in the CA chapter.
- 4.8.90 The Panel concludes that the applicant's noise assessment provides sufficient evidence that the impact of the proposed access road would not justify the provision of a noise barrier between the proposed road and the Garden of Remembrance [REP8-015]. The Panel is satisfied that correspondence between the applicant and CCiC demonstrates that the additional noise mitigation is not required.

### ***Cambridge Northern Bypass***

- 4.8.91 Along the Cambridge Northern Bypass, noise levels are sufficiently high that a number of Important Areas (IA5043, IA5044, IA5055 and IA6109) have been designated.
- 4.8.92 As set out in the Panel's Second Questions at Q2.10.5, SCDC sought additional noise mitigation at sensitive locations including Orchard Park Primary School and neighbourhood recreational centre and Cambridge Regional College [PD-006]. In response to Q2.10.5, the applicant provided a commitment to introduce additional noise mitigation in the form of vLNS on the A14 at Orchard Park and Girton [REP7-023 Q2.10.5].
- 4.8.93 In its WR [REP2-147] SCDC sought clarification from the applicant about the existing noise barrier at Orchard Park as submitted plans showed that it would be retained [APP-416]. SCDC argued that it was meant to be a temporary structure and that the barrier may not be fit for purpose.
- 4.8.94 The applicant has confirmed that it had not proposed to replace the existing barrier adjacent to Orchard Park but the provision of 3 km of vLNS would be sustainable and was therefore recommended. At Girton, where there is an Important Area, the further BAT assessment indicated that 2 km of vLNS would be sustainable together with the

lengthening of the proposed barrier on the south side of the A14, east of Girton Road (Barrier M26) [APP-416]. The applicant also proposed to include 3 km of vLNS at Bar Hill within the scheme with noise barriers unchanged from the ES submission [REP10-040]. The SoCG between SCDC and the applicant confirmed that SCDC was satisfied that their concerns about noise along the Cambridge Northern Bypass between Girton and Milton and at Bar Hill had been addressed and that the noise barrier at Girton would be extended [REP13-012].

- 4.8.95 The IPs note that high noise levels along the Cambridge Northern Bypass have been recognised in the designation of Important Areas. Additional BAT assessment work led to the applicant proposing a range of additional mitigation measures which are supported by SCDC whilst IPs have not sought to challenge the applicant's reasoning. The Panel therefore considers that the proposed mitigation measures in this section of the scheme are appropriate and acceptable.

### **Consultation on mitigation proposals**

- 4.8.96 Throughout the Examination, IPs expressed concern that insufficient detail had been provided by the applicant about the scheme. Consequently, some IPs [RR-344] sought confirmation from the applicant that the detailed design process would provide an opportunity for IPs to influence design. This matter is discussed in the Landscape and Visual Impact section of Chapter 4 under Good Design. The same principles apply to noise mitigation proposals which are addressed in this section.
- 4.8.97 In its comments at the DCO Hearing on 15 July [EV-034] the applicant referred to noise issues as being "fundamentally a trunk road design issue" and that this was not something that it was appropriate for LAs to be consulted on prior to the mitigation details being approved by the SoS [REP5-028]. The LAs were asked to respond to these views in Q2.6.5 [PD-006].
- 4.8.98 CCC responded that whilst the primary impact of noise was from a trunk road the people impacted would be residents from Cambridgeshire [REP7-006]. Consequently, given the sensitivity of noise as a local impact it would be reasonable for safeguards to be in place to ensure that noise was mitigated. CCC also pointed out that the applicant's draft Requirement 12 which had been proposed at Deadline 4 [REP4-023] would permit the detailed design of noise barriers to be materially different, subject to no new or worse impact. CCC argued that noise was not a trunk road design issue only and that there should be consultation with the relevant planning authority.
- 4.8.99 HDC also argued that it would be appropriate for LAs to be consulted on any development that could cause noise to ensure an adequate assessment was undertaken, and in order to assess the proposed mitigation it would be necessary to review the assessment [REP7-044].

- 4.8.100 In its response to the Panel's First Questions [PD-005] SCDC identified the need for LAs to be consulted on proposed noise mitigation including noise barriers prior to detailed approval [REP2-190]. The Council also indicated that as the location of any barrier or bund proposed in the ES was only indicative their detailed design, including acoustic performance should be secured in consultation with the Council through the DCO [REP7-048].
- 4.8.101 BMRA took the view that consultation with other authorities, organisations and individuals should take place on planned mitigation, prior to submission to the Secretary of State [REP7-013].
- 4.8.102 In response to the requests for consultation, the applicant confirmed that it would amend the draft Requirement 12 to bring it in line with other relevant requirements with regard to consultation with LAs and to confirm that discharge would only take place following consultation with the relevant planning authority [REP9-012].
- 4.8.103 The Panel understands that the nature of the scheme means that details of various elements of design and mitigation are still to be resolved. The applicant proposed a new Requirement at Deadline 4 to address noise mitigation and proposed a modification at Deadline 8 to ensure that consultation would take place with the relevant planning authority. On the basis of concerns expressed by LAs and to ensure consistency with other proposed Requirements, the Panel concludes that the proposed amendment to Requirement 12 [REP13-014] should be included in the Recommended DCO.

### **Securing noise mitigation**

- 4.8.104 During the Examination much of the focus in relation to noise mitigation centred on the form and extent of the mitigation. Some IPs directly referred to the mechanism by which mitigation would be secured [for example RR-031 and RR-446] and the issue was raised as a particular concern by SCDC [REP2-147].
- 4.8.105 SCDC was concerned that the locations of noise barriers shown in the applicant's submission were only indicative and argued that their detailed design including technical details to optimise mitigation should be secured and approved by SCDC through a requirement in the DCO [REP2-147].
- 4.8.106 In response to Q1.10.8 [PD-005] regarding the mechanism by which noise barriers would be secured, the applicant stated that the scheme Operational Noise and Vibration Policy (Appendix 14.1 of the ES [APP-705]) set out how detailed design of noise mitigation would develop post DCO [REP2-011 Q1.10.8]. Reference was also made to an amendment to Requirement 6 of Rev 1 of the applicant's DCO to add "noise fences/walls" to the list of mitigation measures to be included in the landscaping scheme [REP4-021].
- 4.8.107 The applicant proposed a new requirement in response to Q1.10.8 in their Revised DCO Rev 1 [REP4-021]. This would require the applicant

to submit for approval, written details of noise mitigation measures to be constructed as part of the scheme. If such measures materially differed from those identified in the applicant's ES, evidence must be provided that they would not give rise to any materially new or materially worse adverse environmental effects from those reported in the ES.

- 4.8.108 The Panel's consultation draft DCO [PD-016] proposed a number of amendments to the applicant's requirement relating to noise mitigation within the revised draft DCO (Rev 4) [REP10-051]. The applicant commented that the Panel's amendment would effectively give noise limits which could not be enforced because measurement would be required which was not practicable. The applicant also noted that HDC and CCiC had accepted the original wording of the Requirement [REP12-007]. SCDC confirmed that it was seeking reassurance that measures were put in place to ensure noise levels did not exceed predicted levels [REP13-055].
- 4.8.109 The Panel's view is that it is appropriate that noise mitigation is secured through the DCO and that position has been accepted by HDC, SCDC and CCiC. It also reflects the general concerns about mitigation expressed by IPs. The applicant's proposal as set out in their Rev 5 of the draft DCO [REP13-014] does not include amendments proposed by the Panel and supported by SCDC but such matters would be addressed through the proposed requirement relating to noise mitigation. The Panel therefore recommends the inclusion of the applicant's Requirement 12 [REP13-014] in the Recommended DCO.

### **Summary Conclusion on Operational Noise**

- 4.8.110 The Panel notes that in the joint LIR CCC, HDC, SCDC and CCiC confirmed that, with appropriate mitigation, operational noise should not give rise to any long term unacceptable noise or vibration impacts on health and quality of life [REP8-011].
- 4.8.111 During the Examination the applicant has proposed a number of significant changes to mitigation comprising vLNS and additional or extended noise barriers. Whilst not all IPs will be satisfied that the mitigation is sufficient, the Panel considers that on the basis of the likely effects of the scheme and in the context of the NNNPS and NPSE the applicant's proposals for mitigation are appropriate and acceptable. The Panel also considers that mitigation would be sufficiently secured by the provisions in the recommended DCO.

### **NOISE MONITORING POST SCHEME OPENING**

- 4.8.112 Whilst individual IPs did not generally request post construction monitoring a number of representations made at open floor hearings questioned how communities could be sure that operational noise would be in line with the applicant's assessment if monitoring was not undertaken.

- 4.8.113 In its WR, SCDC argued that appropriate post implementation monitoring of noise should be undertaken as it was standard practice within South Cambridgeshire to ensure that modelled noise levels were achieved and that there were no unexpected and unacceptable adverse impacts which would require further mitigation [REP2-147].
- 4.8.114 In its WR, HDC asserted that a monitoring regime should be introduced to measure any possible situation where a property might become adversely affected and therefore require suitable mitigation [REP2-112]. The Council also stated that noise monitoring would be helpful to understand how the applicant proposed to investigate complaints from residents claiming that they were adversely affected by the new road [REP7-044]. SCDC made a similar point noting that the LAs had no statutory powers to address traffic noise [REP10-055].
- 4.8.115 CCC also called for post-construction noise monitoring in its WR [REP3-006]. Consequently, the Panel asked in Q2.10.1 how post construction monitoring would be secured if it were to be included in the DCO [PD-006].
- 4.8.116 SCDC's view on Q2.10.1 was that future noise predictions should be verified by post scheme noise monitoring at locations where the residential noise levels would be greater than the SOAEL identified in the applicant's ES even with the mitigated scheme [REP7-048].
- 4.8.117 The applicant's response [REP7-023 Q2.10.1] was that post construction monitoring was already proposed in the Operational Noise and Vibration Policy<sup>49</sup> [APP-705]. Furthermore, the Noise Insulation Regulations would require the monitoring of noise levels to ensure that properties potentially qualifying for noise insulation were properly identified.
- 4.8.118 Beyond this, the applicant claimed that post construction noise monitoring was not necessary because it could not practically be used to check whether the actual noise impacts were greater or less than those forecast in the ES [REP7-023 Q2.10.1].
- 4.8.119 The applicant also quoted DMRB as the method of calculating traffic noise which the NNNPS recommended [REP7-023 Q2.10.1]. DMRB states that the preferred method for calculating noise levels from road traffic is by prediction rather than by measurement largely because noise levels can be affected by non-traffic noise. DMRB acknowledges that there are occasions when it is necessary to resort to measurement but the applicant argued that there was nothing to suggest that the calculated noise change was unreliable in this situation.
- 4.8.120 The applicant confirmed that in the event of a noise complaint alleging unacceptable noise effects worse than those identified in the ES, it

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<sup>49</sup> ES Appendix 14.1

would have to investigate and (where the complaint was justified) take all reasonable, practicable and sustainable steps to ensure compliance. This would be based on the complaints procedures set out in section 4 of the CoCP which the applicant pointed out applying during the operation of the scheme [REP14-012 and REP10-037].

- 4.8.121 The applicant argued that the draft requirement proposed in Revision 1 of their DCO in relation to noise mitigation (Requirement 12) [REP4-023] complied with the NNNPS<sup>50</sup>. It would provide for the mitigation measures put forward by the applicant, consulted upon with relevant planning authorities and approved by the Secretary of State to be put in place to ensure that noise levels from the project would not exceed those described in the ES, described as compliance by design.
- 4.8.122 The applicant also argued that monitoring traffic on local roads would have the effect of indirect monitoring for noise on those local roads, since traffic forecasts were a basis for noise predictions [REP10-037]. CCC, HDC and SCDC supported monitoring to confirm that the predictions of modelling were accurate, and considered that the monitoring of local roads would be inappropriate for determining the effects on the proposed road.
- 4.8.123 SCDC stated that there was a need to ensure that noise levels and impacts as predicted were not exceeded [REP13-055]. SCDC made reference to the DMRB advice which stated that although there was no general requirement for noise and vibration monitoring following completion of a road project this may be required if an objective of the road project was to reduce noise. The Council also referred to the guidance in the NNNPS<sup>51</sup> that applicants should consider opportunities to address noise issues associated with IAs. Furthermore, SCDC pointed out that one of the key aims of the ES was to address noise in IAs.
- 4.8.124 SCDC confirmed that they wanted post-completion monitoring to be undertaken by the applicant at the worst affected properties only, namely locations identified as IAs [REP13-055].
- 4.8.125 In response to SCDC's submission the applicant argued that the scheme would not increase noise at any properties in the IAs and the scheme would not cause the relevant SOAEL to be exceeded [REP14-012]. The IAs were designated because they were already exposed to high levels of road traffic in excess of the SOAELs. The applicant also argued that the scheme would reduce noise exposure at all locations in the IAs within SCDC. However, in some cases the reductions would not be so great as to bring them below the relevant SOAEL once the scheme and its mitigation was in place

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<sup>50</sup> NNNPS Paragraph 5.196

<sup>51</sup> NNNPS Paragraph 5.200

- 4.8.126 The applicant stated that the imposition of noise limits through the proposed requirement would apply to the whole scheme and not just the IAs and would represent a significant departure from the compliance by design approach that had been used successfully on other major infrastructure projects [REP14-012].
- 4.8.127 The applicant argued that its drafting of the requirement regarding noise mitigation would ensure that the mitigation in the detailed design would be no worse in its performance than that identified in the ES, that SCDC would be consulted as part of the approval process and that the mitigation would be maintained [REP12-007]. In addition, controlled tests and measurements would be used, where appropriate, to check and verify the performance of noise mitigation measures. This would ensure that the noise reductions forecast at the IAs within South Cambridgeshire would be delivered.
- 4.8.128 Nevertheless, without prejudice to this position, the applicant stated that should the SoS not agree with it on this matter, it has proposed an additional requirement. This would establish a post construction noise monitoring plan which had to be submitted to and approved in writing by the SoS, following consultation with SCDC [REP14-012]. The monitoring plan must make provision for monitoring of traffic flows at the IAs identified within South Cambridgeshire and must provide that for a period of three years from the opening of the scheme traffic monitoring would be undertaken at the IAs in accordance with the POPE procedure. If following analysis of the monitoring data it reasonably appeared that as a result of the scheme traffic flows and noise effects were materially greater as a result of the scheme than those predicted in the ES, the applicant would consider sustainable mitigation [REP14-012].
- 4.8.129 SCDC did not respond to the draft requirement proposed by the applicant and the SoCG with SCDC confirmed that at Deadline 13 this remained an outstanding matter [REP13-012]. At Deadline 15 the applicant proposed an amendment to the alternative requirement to clarify how the proposed monitoring plan would operate [REP15-035].
- 4.8.130 The Panel considers that a requirement which provides for post construction noise monitoring is appropriate for the following reasons:
- Many IPs have expressed concerns about the impact of operational noise and on the basis that HDC and SCDC have statutory responsibilities for such matters it is appropriate that the matter is appropriately considered;
  - Whilst HDC have not pursued their objection, SCDC have done so and have identified specific locations (IAs) within their district where they consider monitoring should be undertaken;
  - The case for such monitoring has been made by the Council with reference to existing noise levels and in the Panel's view this would not duplicate other monitoring regimes which the applicant would be undertaking; and

- Consequently the Panel proposes the inclusion of a requirement to address post construction monitoring in the Recommended DCO.

## **CONCLUSION**

- 4.8.131 The Panel has considered all of the written and oral representations made in relation to noise and vibration in addition to those specifically identified in this section of the report. It has also considered whether the scheme would accord with paragraphs 5.186 to 5.199 of the NNNPS; that it would avoid significant adverse impacts on health and quality of life from noise and vibration; and that other adverse impacts from noise would be mitigated and minimised. The NPSE notes that this does not mean that adverse effects could not occur.
- 4.8.132 The Panel considers that it is perhaps inevitable that predicted increases in levels of noise would increase in some locations where the A14 follows an offline route; equally that other locations would benefit from the removal of traffic on de-trunked sections of the A14. These effects would be the unavoidable consequence of the schemes' aim of reducing congestion.
- 4.8.133 The applicant has proposed measures to mitigate operational noise at various locations along the route adopting BAT to reduce noise impacts in line with the NNNPS which have led during the Examination to a number of changes to mitigation comprising vLNS and additional or extended noise barriers.
- 4.8.134 The Panel notes that CCC, HDC, SCDC and CCiC consider that with appropriate mitigation, operational noise from the scheme should not give rise to any long term unacceptable noise or vibration impacts on health and quality of life.
- 4.8.135 On balance, the Panel is of the view that the benefits of the scheme would outweigh its negative noise impacts both individually and cumulatively and that noise should not be a reason to prevent the making of the Order.

## **4.9 FLOOD RISK**

### **INTRODUCTION**

- 4.9.1 This section of the chapter addresses: the positions of the statutory bodies in relation to the scheme; how climate change has been accommodated within the scheme in terms of fluvial and surface water flood risk and construction; the effect of the scheme in respect of fluvial, surface water and other forms of flooding; and the performance of the scheme against the sequential and exception tests. These matters were assessed in the Application Environmental Statement [APP-348] which was updated at Deadline 14 [REP14-013 and REP14-015]. The matters are considered here in the context of the guidance in the NNNPS, including the NPPF where appropriate. References to the relevant sections of these documents are given in

footnotes. The matters are also considered under the PA2008, in particular s10(3)(a) which refers to the desirability of mitigating, and adapting to, climate change<sup>52</sup>. Specific concerns, where material to the recommendation, are also considered. Where representations are referred to, they are given as examples of matters raised and do not reflect the entirety of representations considered.

- 4.9.2 The above assessment is based on the design of the scheme, as described in the ES. Some specific details could vary within the limits of the DCO during detailed design. Specific details would however require the approval of the EA and the relevant drainage authority in respect of plans and further particulars prior to construction. This would be regulated under the protective provisions and requirements in the recommended DCO. The Panel is therefore satisfied that the design described in the ES provides an acceptable Rochdale envelope against which the effects of the scheme can be properly assessed.
- 4.9.3 A SoCG has been agreed and signed between the applicant and the Environment Agency (EA) [REP15-040]. From this, matters that are agreed include those that relate to flood risk. The SoCG reports that there are no areas where differences remain or issues still under discussion. The recommended DCO also includes EA consenting powers for specific works under protective provisions, where the approval of plans and further particulars is required. The protective provisions have been agreed with the EA [REP15-036]. At Deadline 15, the EA gave consent under s150 of the PA2008 to the dis-application of the legislation listed in Article 3(1)(a) and (b) and (2) of the recommended DCO. Consent for certain works in a main river would therefore be sought under the protective provisions rather than the Water Resources Act 1991. The Panel is of the view that the drawing together within the DCO of consenting mechanisms in this manner, would lead to a more efficient approvals process. This would be because the benefits from the level of agreement and cooperation that has been achieved during the Examination would not be set aside and lost.
- 4.9.4 Parts of the scheme would lie within the internal drainage districts of Swavesey and Alconbury and the district of Ellington. A SoCG between the applicant and Swavesey Internal Drainage Board has been signed [REP13-012]. This states that the Board accepts the scheme, and reports various matters of detail that are not agreed or still under discussion, which are covered later in this chapter of the report. The applicant has proposed protective provisions in relation to relevant drainage authorities, including the Board, at Deadline 10, on 30 September 2015, with the identification of key watercourses at Deadline 15 [REP10-051 and REP15-041].

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<sup>52</sup> NNNPS paragraph 4.36

- 4.9.5 The provisions are not referred to in the SoCG. The Board has not made any subsequent specific submission in relation to these provisions, although the SoCG was signed by the Board on 25 September 2015. There is however no specific acceptance of these provisions and no specific PA2008 s150 agreement to the disapplication of the relevant watercourse provisions under Article 3 of the recommended DCO. Such agreement would be required by the SoS before any DCO with the disapplication could be made. The Panel considers that such an agreement should be sought as again it would lead to a more efficient approvals process, for the reasons set out above.
- 4.9.6 A SoCG between the applicant and the Alconbury and Ellington Internal Drainage Board has been developed during the Examination [REP15-015]. Whilst the applicant has advised that the version submitted at Deadline 15 is final, it is not signed, and no submissions have been received from the Board in relation to it. The SoCG states that the Board accepts the scheme, and reports various matters of detail that are not agreed or still under discussion, which are covered later in this chapter of the report. There is also no specific acceptance of the applicants suggested protective provisions and no specific PA2008 s150 agreement to the disapplication of the relevant watercourse provisions under Article 3 of the recommended DCO. Such agreement would again be required by the SoS before any DCO with the disapplication could be made. The Panel again considers that such an agreement should be sought, for the reasons set out above.
- 4.9.7 A SoCG between the applicant and the Old West Internal Drainage Board has been signed [REP13-012]. This states that the Board supports the scheme. It also states that, as the scheme does not lie within the Board's rateable area, the Board is not a relevant drainage authority and the protective provisions do not apply. The Board's support for the scheme is therefore subject to drainage flow specifications being met.
- 4.9.8 The lead local flood authority for the area in which the scheme is situated is Cambridgeshire County Council [REP15-028]. A SoCG between the applicant and CCC has been signed [REP14-008]. From this, matters that are agreed include those that relate to the Code of Construction Practice (CoCP) to be certified under the DCO, drainage, flooding and the environment. The SoCG reports that there are no matters not agreed in relation to these issues. CCC has agreed to the drainage authorities' protective provisions in the recommended DCO. CCC has also agreed to the disapplication of the Land Drainage Act 1991 and the Water Resources Act 1991 in respect of watercourses for which CCC is responsible as provided for in Article 3 of the recommended DCO under s150 of the PA2008. Consent for certain works in an ordinary watercourse would therefore be sought under the protective provisions rather than the Land Drainage Act 1991. The Panel is satisfied that this would be an appropriate mechanism, for the reasons set out above.

## THE SCHEME

- 4.9.9 The scheme would transect the EA Flood Zone 3 at various locations [REP15-028]. Sea level rise will not affect this part of East Anglia during the anticipated life-span of the scheme and the River Great Ouse, the most significant main river, is not tidal at the location of the scheme [REP15-025]. Flood Zone 3 therefore represents the area that could be flooded from a river by a 1% (1 in 100) Average Event Probability (AEP) flood. Flood risk is therefore a factor in determining the application for development consent<sup>53</sup>. Furthermore, the area has suffered a series of historic flood events at various locations.
- 4.9.10 The application was accompanied by a Flood Risk Assessment (FRA) [APP-744]<sup>54</sup>. The study area for flood risk extends 1 km from the boundary of the scheme both upstream and downstream. The study area was however expanded as necessary to gather all relevant information and included historic flooding records.
- 4.9.11 The FRA was updated at Deadlines 13, 14 and 15 [REP13-020, REP14-015 and REP15-028]. The FRA makes no distinction between Flood Zones 3b, which is the functional floodplain where water has to flow or be stored in times of a specific flood, and Zone 3a, which comprises the remainder of 1% AEP Flood Zone 3. In the Strategic Flood Risk Assessments (SFRAs) for the locality of the scheme, the Huntingdonshire District Council SFRA Update and the South Cambridgeshire and Cambridge City Level 1 SFRA, Zone 3b comprises the extent of the 5% (1 in 20) AEP flood. The SFRAs also include historic flooding data.
- 4.9.12 The FRA adopts the approach stipulated for a development within Zone 3b throughout Zone 3, including application of the Exception Test. This results in a more conservative approach against the separation of Zones 3a and 3b. The need for mitigation, where the impact of the scheme would be greater than neutral, is based on an assessment of the scheme's potential impact on water levels during the 1% AEP flood. Such water levels are generally higher than those resulting from the 5% AEP flood.
- 4.9.13 The applicant undertook pre-application discussions with the EA, CCC (the lead local flood authority), relevant internal drainage boards, local authorities, sewerage undertakers and the highway authority [REP2-014 Q1.13.8 and REP15-025]<sup>55</sup>. The EA was however of the view that the Application did not contain sufficient evidence in relation to hydrological and FRA issues [REP13-052].
- 4.9.14 At the end of the Examination, a position was reached where there were no remaining differences between the applicant and the EA and

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<sup>53</sup> NNNPS paragraph 5.98

<sup>54</sup> NNNPS paragraph 5.92

<sup>55</sup> NNNPS paragraph 5.96

no issues still under discussion [REP15-040]. This did require much work by, and diversion of resources within, the EA. This was necessary in response to what the EA considered to be large volumes of hydrological modelling and associated FRA data throughout, and particularly towards the end of, the Examination [REP13-052].

- 4.9.15 The EA warns that, in future, it may not be able to facilitate such a short notice response to the receipt of information. It also strongly recommends that this practice be discouraged on other DCO applications in order to enable a holistic, inclusive appraisal of the scheme and a transparent investigation into potential flood risk impacts. Our assessment against the NNNPS has taken these concerns into account.
- 4.9.16 The Panel wishes to bring the matter of consultation with water related statutory bodies to the attention of the SoS. In this case, agreement was reached with the EA at the end of the Examination and the EA consented to the disapplication of certain legislation. The applicant did not however reach a similar disapplication position with the relevant internal drainage boards, and this is a matter which the SoS would need to address if minded to make the DCO. The Panel is of the view that, had the evidence available at the end of the Examination been available earlier, then the agreement and consent of both relevant internal drainage boards would have been likely to be possible.

## **STATUTORY BODIES**

### **Environment Agency**

- 4.9.17 As a result of the work carried out during the Examination, as referred to above, the EA has no outstanding concerns relating to the modelling and FRA referred to in the recommended DCO and to be certified under any subsequent Order [REP15-036]. This is said to be on the understanding that the latest versions of any data it has received are incorporated within the Deadline 15 submission by the applicant.
- 4.9.18 The EA had raised concerns at Deadline 14 regarding watercourse maintenance widths being insufficient at 6 m [REP14-025]. This has been addressed by the removal of this maximum in the applicant's Deadline 14 version of the CoCP [REP14-022]. The EA had also questioned the accuracy of a statement in the FRA relating to flooding from the River Great Ouse and this has been revised in the FRA submitted at Deadline 15 [REP15-036 and REP15-028]. The different positions of the applicant and the EA in respect of Requirement 15 concerning compliance with the FRA are addressed in Chapter 8 of this report.
- 4.9.19 The EA had also sought to ensure that the floodplain compensation areas are designated as floodplain and therefore protected and managed as such [REP15-040]. The NFU and the A14 Agents

Association also raised concerns regarding a lack of strategy for the management of these areas post construction [RR-455, RR-605 and REP2-164]. They also queried whether the areas only needed to be made available for floodplain compensation, rather than being an integral part of the scheme [REP10-18]. Under the CoCP, certified under the recommended DCO, contractors would however be required to prepare a Handover Management Plan. Where necessary, this would include a flood zone challenge to incorporate these areas into the floodplain, together with areas of the restored borrow pits that would lie within the floodplain. We are therefore satisfied that the CoCP, Handover Management Plan and any flood zone challenge would secure the appropriate management of these areas in the future. In view of the concerns raised by the EA, we are of the view that these areas should, in the first instance, be constructed and managed as an integral part of the scheme. This would be to seek to ensure their effectiveness within, what appears to the Panel to be, a complex floodplain.

- 4.9.20 There is thus nothing to suggest that the EA's previous concerns raised during the Examination have not been addressed by the submission of the applicant's revised FRA and CoCP by Deadline 15 [REP14-022 and REP15-028]. The Panel is therefore of the view that the EA's "no outstanding concerns" position stands.
- 4.9.21 The EA is of the opinion that the scheme would not be contrary to the principles of the flood risk policy of the NNNPS [REP15-036]. The EA is also of the view that the SoS can be assured that the scheme would not increase flood risk to property elsewhere<sup>56</sup>. Where it has been identified that there would be increased flood risk to areas of land, then the EA is satisfied that the applicant has informed the relevant landowners to seek their acceptance of this. We are satisfied that the applicant has provided evidence of either the agreement or acknowledgement of landowners whose land would be affected by floodwater level changes in a 1% AEP flood as a result of the scheme [REP7-025 Q2.13.4, REP15-025 and REP15-030].
- 4.9.22 These increases in flood risk would relate to the River Great Ouse, Ellington Brook and Beck Brook and the changes would affect undeveloped land and not property [REP15-028]. It is possible that some further works may be required under these agreements or acknowledgements. We are however satisfied that, in the context of the limited areas involved, such works could be enforced under the recommended DCO Requirement 15 and undertaken through a separate consent outside of the DCO if necessary [REP7-025 Q2.13.5].
- 4.9.23 The applicant's SoCG with the EA suggests that the applicant is seeking the agreement of an affected landowner to a change in floodwater levels as a result of changes to flows in Brampton Brook

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<sup>56</sup> NNNPS paragraph 5.99

[REP15-040]. As a result of the scheme however, there would be no water level increases in either the 5% or 1% AEP floods and, in fact, all but one of the modelled water levels would decrease [REP15-028]. The Panel therefore considers that the agreement or acknowledgement of these changes with relevant landowners would therefore be unnecessary prior to the making of any DCO.

### **Swavesey Internal Drainage Board**

- 4.9.24 The Board's remaining areas still under discussion with the applicant in respect of the scheme are as follows [REP13-012]: the Board is concerned that the proposed drainage attenuation ponds and other facilities may not be maintained under an acceptable schedule in accordance with their flood defence purpose; it is also concerned that they may not have adequate access for required machinery.
- 4.9.25 These elements of the scheme would be situated on land acquired by the applicant under the recommended DCO. The elements would therefore be maintained and operated alongside all other elements of the scheme [REP13-020 and REP14-012]. This would accord with the licence from the SoS under which the applicant manages the SRN. The Panel is therefore satisfied that maintenance would be carried out to a standard acceptable to the SoS.
- 4.9.26 Within the proposals for the scheme, the primary purpose of the attenuation ponds would be to manage surface water run-off [REP2-019]. Whilst the ponds would be constructed and managed in an ecologically sensitive manner where possible, we are satisfied that their primary purpose would take precedence. This would of course be subject to any subsequent statutory protection provisions that may apply.
- 4.9.27 Various highway drainage matters are still under discussion between the applicant and the Board [REP13-012]. These include the impact of the scheme on drainage in the Bar Hill area and Utton's Drove Drain, the impact of the high river level closure of Webb's Hole sluice on scheme drainage, drainage from the Swavesey junction and nearby areas, culvert modification and Bar Hill and Northstowe surface water drainage mitigation measures.
- 4.9.28 Drainage from Bar Hill would cross the scheme using Oakington Brook and Longstanton Brook [REP14-012]. In the 1% AEP flood, the scheme would result in a 1 mm in-channel water level increase in Oakington Brook immediately upstream of the scheme crossing and a 9 mm water level increase in a small area off-line [REP15-028]. Both of these increases would be downstream of the housing at Bar Hill. There would be no effect on property or loss of floodplain. In Longstanton Brook, there would be no perceptible change, less than 1 mm, in water levels in the 1% AEP flood upstream of the scheme crossing, on the Bar Hill side of the A14. We are therefore satisfied that there is no evidence of any negative drainage effects at Bar Hill.

- 4.9.29 Under a 1% AEP flood and as a result of the scheme, Utton's Drove Drain would experience a downstream water level increase of up to 160 mm over a 36 m length. This length would lie within the scheme and permanent acquisition boundary. The Board is concerned about the effect of the scheme on Swavesey Drain from changes to flows in Utton's Drove Drain. The confluence of these two watercourses lies some 4 km downstream of the scheme [REP13-022]. As a consequence of the extent of water level increases identified above and the separation between the two watercourses, the panel is of the view that there would be no material effect.
- 4.9.30 The drainage attenuation ponds within the scheme would return surface water flows from the increased carriageway within the scheme to their previous green field flow rates. The ponds would store excess flows and empty when free flow is possible. As a result of this, and the assessment of changes to flood risk in the FRA, we are satisfied that the scheme would not change flow conditions at or around river sluices, such as at Webb's Hole, which close at times of high river levels.
- 4.9.31 Drainage impacts in the Swavesey area have been assessed in the FRA and the modelling undertaken has been accepted by the EA. Furthermore, any works in relation to lengths of key watercourses and main rivers specified in the recommended DCO would require plan and further particulars approval of the relevant drainage authority or the EA before commencement. We are satisfied that this would ensure that the design and operation of drainage crossing the scheme, including culverts, and surface water entering the scheme would be regulated.
- 4.9.32 The Board has also raised the existence of operational problems with the Bar Hill flow mitigation measures and the provision of mitigation for future flows from development at Northstowe. We are however of the view that such resolution of current problems and the provision of future mitigation lie outside the reasonable scope of the scheme and the policy guidance in the NNNPS.
- 4.9.33 In the view of the Panel therefore, none of the above matters undermine the Board's general acceptance of the scheme or suggest that the scheme would be deficient in any way in matters relating to the Board's operations or responsibilities. Furthermore, the matters set out in the Board's Written Representation to the Examination, relating to Swavesey area drainage concerns and specific queries, have been addressed to our satisfaction [REP2-037]. There remains however the outstanding matter of specific PA2008 s150 agreement to disapplication, as set out above.

### **Alconbury and Ellington Internal Drainage Board**

- 4.9.34 The remaining areas that are said, by the applicant, to be not agreed between the applicant and the Board are as follows: the Board considers that the applicant's maintenance commitment to drainage

attenuation ponds and outfalls is insufficient; and that the increased lengths of drainage channels being proposed would increase its operational costs [REP15-015].

- 4.9.35 In terms of the maintenance of drainage attenuation ponds, the Panel is satisfied that adequate arrangements would be made, as previously reported. Under the applicant's protective provisions, plans of outfalls to the Board's watercourses would need to be approved by the Board, as would any further particulars [REP10-051 and REP15-041]. The further particulars could include inspection and maintenance arrangements [REP7-025 Q2.13.1]. There is also no evidence that the scheme would significantly increase the watercourse length of the arterial surface water drainage system.
- 4.9.36 The remaining areas that are said, by the applicant, to be still under discussion between the applicant and the Board are as follows [REP15-015]. The Board wishes to be involved in detailed design affecting the Board's area and in any discussions regarding the potential use of borrow pits as part of a wider flood management in the area south of Brampton Hut services. Again, under the applicant's protective provisions, plans of outfalls to the Board's watercourses would need to be approved by the Board, as would any further particulars [REP10-051 and REP15-041].
- 4.9.37 In the view of the Panel therefore, all of the above matters do not undermine the Board's general acceptance of the scheme or suggest that the scheme would be deficient in any way in matters relating to the Board's operations or responsibilities. There remains however the outstanding matter of specific PA2008 s150 agreement to disapplication, as set out above.

#### **Old West Internal Drainage Board**

- 4.9.38 The Board's support for the scheme is subject to drainage flow specifications being met [REP13-012]. The Panel is satisfied that there is no evidence to suggest that this would not be the case and therefore would not undermine the Board's support for the scheme. There are no outstanding matters relating to disapplication, as set out above.

#### **The Lead Local Flood Authority**

- 4.9.39 CCC has accepted the outline proposal for drainage included in the recommended DCO [REP14-008]. CCC has requested that alleviation measures for pre-existing flooding are considered during detailed design. The Panel is satisfied that sufficient opportunities for this to take place have been made available with DCO Requirement 3 and the protective provision plan and further particulars approval arrangements. Again, there are no outstanding matters relating to disapplication.

## **CLIMATE CHANGE**

4.9.40 The design life for the scheme has been taken as 100 years for the scheme as a whole and 60 years for the surface water drainage infrastructure within the scheme [REP15-028]. Sixty years is said to be a typical design life for specific drainage assets and the Panel can see no reason to disagree [REP15-025]. We now turn to consider how the scheme has addressed climate change in terms of fluvial, or watercourse, related flood events and surface water, or intense rainfall, related storm events.

### **Fluvial Flood Risk**

4.9.41 The scheme carriageway would be a critical feature of national networks infrastructure. Apart from at Oakington Brook, which is considered separately, during a 1% AEP +20% climate change flood, the freeboard to carriageway levels would be greater than 0.84 m. The effect of the 20% addition to flood flows for climate change is to raise water levels by a maximum of 0.17 m on the watercourses that would cross the scheme. In view of the difference between this climate change addition and the remaining available freeboard, the Panel does not consider it likely that the carriageway would be seriously affected by more radical changes to the climate beyond that predicted in the latest set of UK climate projections<sup>57</sup>.

4.9.42 Turning now to Oakington Brook, during a 1% AEP flood, the freeboard would be a difference in level of 0.33m between the peak of the floodwater and the carriageway. A 1% AEP +20% climate change flood would however cause the carriageway to flood by a maximum depth of 0.25 m. This flooding would extend over a 150 m long by 5 m wide area and would affect two of the four northbound traffic lanes at this location. This flooding would therefore not result in closure of the SRN at this point.

4.9.43 The flooding would be caused by constriction resulting from the existing A14 culvert that would remain under the northbound carriageway. Future carriageway flooding could be prevented by the installation of a wall or bund over the length of carriageway at risk or the raising of carriageway levels within the limits of deviation in the recommended DCO. Such measures could also accommodate more radical changes to the climate. We therefore consider that action could be taken to ensure the operation of the highway over its estimated lifetime through further mitigation or adaption<sup>58</sup>.

4.9.44 The location of the scheme has been the subject of study over a number of years. Given the fixed points at which the scheme needs to

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<sup>57</sup> NNNPS paragraph 4.43

<sup>58</sup> NNNPS paragraph 4.43

connect with the SRN, we are satisfied that the crossing of high flood risk areas could not be avoided<sup>59</sup>.

- 4.9.45 In terms of design and operation, the scheme would result in floodplain loss. It would however provide level for level compensation storage for a 1% AEP flood +20% climate change [REP2-014 Q1.13.12, REP7-025 Q2.13.2 and REP14-015]. This flood risk exceeds the parameters set out in the Design Manual for Road and Bridge Works<sup>60</sup>. Furthermore, the areas of floodplain compensation presented at the end of the Examination would be conservative and would allow for some uncertainties within the design, such as minor deviation in vertical alignment in localised areas [REP2-014 Q1.13.7 and APP-732]. The NFU and the A14 Agents Association have raised concerns regarding the scale of the floodplain compensation areas, amongst other things [RR-455, RR-605 and REP2-164]. In view of the above points however and the relationship between climate change forecasts and the extent of these compensation areas, we are satisfied that the applicant's conservative approach is appropriate.
- 4.9.46 Climate change uplift has also been applied to all modelled watercourses that would cross the scheme [REP15-028]. The 20% uplift applied to peak flows in the fluvial models and rainfall intensities for drainage design accords with EA guidance<sup>61</sup> to support the NPPF based on the output of the UK Climate Projections 2009 [REP2-014 Q1.13.9]. This uplift is applicable up to 2115 and its use has been agreed with the EA [REP15-040]. No further sets of UK climate projections have been put forward by the applicant or any statutory body and we therefore consider that these uplifts accord with the NNNPS<sup>62</sup>.
- 4.9.47 Three watercourses did not have existing hydraulic models [APP-733]. These were Cock Brook, Grafham Road Drain and Longstanton Brook. For these watercourses, the 20% climate change flow uplift was characterised by using the maximum water level rise of 0.16 m from the climate change uplift on the other modelled watercourses. The watercourses from which the maximum was taken excluded Oakington Brook, which shows an uncharacteristic 0.59 m rise due to its unusually managed and urbanised nature for this locality. This approach was again agreed with the EA [REP15-036] and, in the view of the Panel, accords with the NNNPS<sup>63</sup>.

### **Surface Water Flood Risk**

- 4.9.48 The design of the scheme drainage system has been based on national standards [REP15-025]. It complies with the Flood and Water

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<sup>59</sup> NNNPS paragraph 5.102

<sup>60</sup> Design Manual for Roads and Bridges guidance for Road Drainage and the Water Environment, published by the Highways Agency (DMRB HA45/09)

<sup>61</sup> Climate change allowances for planners; Environment Agency; September 2013

<sup>62</sup> NNNPS paragraphs 4.41 and 4.42

<sup>63</sup> NNNPS paragraphs 4.41 and 4.42

Management Act 2010 and the design of sustainable drainage systems (SuDS). The system is designed to accommodate the 1% AEP storm plus a 20% rainfall intensity allowance for climate change [REP15-028]. Under the EA guidance, this uplift is applicable up to 2085 and its use has been agreed with the EA [REP2-014 Q1.13.9 and REP15-040].

- 4.9.49 If, during consultation with the EA or CCC, at detailed design stage, a design life beyond 2085 is required, this would necessitate a 30% rainfall intensity allowance for climate change. The inclusion of this revised allowance in the design could be enforced Requirement 10 where details of the surface water system must be approved by the SoS following consultation with the relevant planning authority. It could also be enforced by the main river and key or ordinary watercourse outfall and particulars approval required under the recommended DCO provisions for the protection of the EA and drainage authorities respectively.
- 4.9.50 All additional impervious run-off from the scheme would be attenuated to green field rates by bunded ponds on land to be compulsorily acquired under the recommended DCO [REP2-014 Q1.13.10]. In order to accommodate the additional rainfall intensity allowance, the Panel is satisfied that the capacities of the balancing ponds could be increased by modest increases in the height or depth of the retaining structures. This is on the basis that the ponds would currently have a general average depth of between 1 and 2 m and that the design rainfall intensity would increase by a maximum of 10% over the current design intensity.
- 4.9.51 Should any overtopping occur, it would take place into areas already at risk of fluvial flooding and over a long length due to the low longitudinal gradient, resulting in a low velocity with limited erosion [REP15-028]. Furthermore, certain ponds would have a secondary pumped outfall to overcome flood locking and such a system could be used to drain the base of a pond if made deeper to increase capacity [REP2-014 Q1.13.13]. The Panel considers that the potential for the accommodation of this greater rainfall intensity would also accord with the NNNPS<sup>64</sup>. This is in terms of avoiding serious effect from more radical changes to the climate beyond that predicted in the latest set of UK climate projections.

### **Summary**

- 4.9.52 In view of all of the above points, the Panel is satisfied that the Application, and in particular the ES, at the end of the Examination has considered the impacts of climate change in terms of location,

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<sup>64</sup> NNNPS paragraph 4.43

design, build and operation in terms of fluvial and surface water flood risk<sup>65</sup>.

## **FLUVIAL, SURFACE WATER AND OTHER FORMS OF FLOODING**

- 4.9.53 We now turn to the effect of the scheme in respect of flooding. Construction would be carried out in accordance with the certified CoCP [REP14-022]. This document has been agreed with the EA and CCC had no further comments on it [REP14-008 and REP15-036]. It includes construction matters relating to road drainage and the water environment, such as flood risk. These matters include consultation with the EA on the containment and management of surface water run-off from the construction site to prevent adverse impacts including changes to flow volume and water levels. The main contractors would also be required to consult with the relevant regulatory bodies and other relevant risk management authorities on areas at risk of flooding. They would also be required to make use of the EA's 'Floodline' flood warning service for works within areas at risk of flooding. Furthermore, site specific flood risk management plans for those areas of the site at risk of flooding would be prepared.
- 4.9.54 The CoCP uses a risk based precautionary approach and the source – pathway – receptor concept would be applied to temporary and permanent works. Construction works proposals must also ensure that flood risk is managed appropriately. This would include the provision of evidence that flood warning and emergency management measures are established. Where practicable, contractors must also avoid locating temporary structures and the placing of construction equipment within Flood Zone 3. As a consequence of all of the above matters, the Panel is satisfied that any matters relating to flood risk would be appropriately accommodated during the construction period.
- 4.9.55 In relation to fluvial flooding and the completed scheme, the ES reports that the FRA has demonstrated how the scheme would aim to maintain existing levels of flood risk through management, mitigation and the assessment of residual risk [REP14-013 and REP15-028]. The locations where concerns regarding future fluvial flood risk have been raised include the following areas.
- 4.9.56 In terms of Girton, the FRA demonstrates that the scheme would result in a 10 mm water level increase in a 1% AEP flood on Beck Brook downstream of the scheme towards Girton [RR-033, RR-034, RR-035, RR-038, RR-045, RR-051 and REP14-015]. The scheme would result in some flood plain loss related to Washpit Brook upstream of Girton. This loss would however be fully compensated for within the scheme to avoid any effect on the watercourse.
- 4.9.57 On Brampton Brook, the FRA demonstrates that the scheme would result in reduced downstream water levels in the village of Brampton,

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<sup>65</sup> NNNPS paragraphs 4.40 and 5.90

with a reduction of 160mm in a 1% AEP flood at Brook End Cottage [RR-091, RR-102, RR-146, RR-161, RR-164, RR-199, RR-217, RR-228, RR-300, RR-409, RR-497, RR-539, RR-550, RR-564, RR-575, RR-576, RR-578, RR-623, RR-625, RR-632, RR-648, RR-650, RR-662, RR-681, RR-682, RR-692 and RR-696]. Again the scheme would result in some flood plain loss related to the brook upstream of Brampton, but this loss would be fully compensated for within the scheme to avoid any effect on the watercourse.

- 4.9.58 On Oxholme and Covell's Drains, the FRA demonstrates that the scheme would reduce water levels in a 1% AEP flood [RR-558 and RR-584]. In respect of Hilton, the FRA demonstrates that the scheme would reduce water level in a 1% AEP flood on West Brook and on the Hilton Road Drain [RR-020, RR-153, RR-189, RR-221, RR-287, RR-302, RR-303, RR-304, RR-312, RR-329, RR-334, RR-337, RR-415, RR-427, RR-434, RR-454 and RR-701]. The scheme would result in some flood plain loss downstream of Hilton, but this loss would be fully compensated for within the scheme to avoid any effect on the watercourse.
- 4.9.59 On Alconbury Brook, the FRA demonstrates that the scheme would have no effect on water levels on the brook itself in a 1% AEP flood [RR-244, RR-246, RR-249, RR-250, RR-265, RR-268 and RR-339]. The scheme would however increase flood water levels in lower severity return periods, but these would be up to 4 mm on farmland already flooded to a depth of between 350 and 450 mm. On Cock Brook, the FRA demonstrates that the scheme would reduce water levels in a 1% AEP flood. It would however result in similar lower severity flood event effects to those on Alconbury Brook.
- 4.9.60 On the River Great Ouse, the FRA demonstrates that in a 1% AEP flood the scheme would increase water levels at the nearest of the Buckden Marina properties by less than 10 mm [RR-193]. In view of a potential effect on property and in response to concern expressed during the examination, the FRA rightly examines this situation in more detail. This more detailed work has been carried out on the basis of a 1% AEP plus climate change flood. In this case, flood water depths at the four properties predicted to be impacted would be between 9 and 135 mm without the scheme. With the scheme, the increases in these water levels would be between 3 and 6 mm.
- 4.9.61 These properties are however constructed with threshold levels between 740 and 870 mm above ground level, seemingly in view of their low lying proximity to the river. We are therefore satisfied that the change to the current situation would be negligible and not unacceptable.
- 4.9.62 The ES concludes that no impacts are considered to be significant or comprise material increases to peak water levels. From the Application and the evidence submitted during the Examination, the Panel can see no reason to conclude otherwise.

- 4.9.63 The assessment in the FRA accords with the EA's River Great Ouse Catchment Flood Management Plan. This plan seeks to lead the sustainable management of flood risk in the catchment over the next 50 to 100 years. The scheme would also reduce peak water levels on Brampton Brook, Grafham Road Drain, Oxholme Drain, Covell's Drain and West Brook [REP15-025 and REP15-028].
- 4.9.64 The FRA includes risks from groundwater, public sewers and reservoir and flood defence failure [REP15-028]. The ES has arrived at the following conclusions in relation to these matters. It concludes that the scheme would not affect existing levels of groundwater flood risk. The scheme would not drain to any existing public sewer and therefore would not affect existing levels of flood risk from these systems. The scheme would not impact on any risk of flooding from dam failure and it would not be located in an area benefitting from flood defences defined by the EA. Failure in either of these circumstances therefore would not affect the scheme. No impact from these matters is considered significant and, from the Application and the evidence submitted during the Examination, we can see no reason to conclude otherwise.
- 4.9.65 The FRA, which has been informed by the SFRAs for the area, has also addressed the lifetime safety of the scheme taking into account the vulnerability of its users. The design life for the scheme has been taken as 100 years for the scheme as a whole.
- 4.9.66 In terms of surface water flooding, the design life for the surface water drainage infrastructure within the scheme has been taken as 60 years [REP15-028]. Surface water flow routes have been clearly identified, as has mitigation through attenuation ponds, in addition to on-line storage [REP2-014 Q1.13.10]. The ponds would be managed in accordance with the NNNPS<sup>66</sup>. The NFU and the A14 Agents Association have raised concerns regarding the scale of the attenuation ponds amongst other things [RR-455, RR-605 and REP2-164]. The extent of the ponds would however be such that the volumes and peak flow rates of surface water leaving the scheme would be no greater than the rates prior to the scheme and we are satisfied that their extent is justified<sup>67</sup>. The ponds would also provide wildlife habitat, where this did not affect their primary function<sup>68</sup>.
- 4.9.67 The applicant would be responsible for the maintenance of the ponds, which would be situated on land under its ownership. We consider that the applicant would be the most appropriate body to maintain the ponds, which would represent SuDS<sup>69</sup>. The freeboard, of 0.15 m, provided within these ponds, whose average depth generally ranges between 1 and 2 m, would broadly represent some 10% of their

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<sup>66</sup> NNNPS paragraph 5.97 and 5.100

<sup>67</sup> NNNPS paragraph 5.113

<sup>68</sup> NNNPS paragraph 5.115

<sup>69</sup> NNNPS paragraph 5.100, 5.110 and 5.111

capacity. This would allow the surface water drainage system to cope with some events that exceeded its capacity<sup>70</sup>. The ES does not identify any issues of significance in relation to the surface water drainage system. From the Application and the evidence submitted during the Examination, we can see no reason to conclude otherwise. From all of the above, we are satisfied that the FRA has identified and assessed all forms of flooding to and from the scheme<sup>71</sup>. It has also demonstrated how these flood risks would be managed so that the scheme would remain safe throughout its lifetime and has taken climate change into account. The FRA has considered the vulnerability of those using the scheme and the need for it to remain operational, included the assessment of the residual risk and provided evidence for the application of the Sequential and Exception Tests<sup>72</sup>.

- 4.9.68 The Panel therefore concludes, as the EA suggests, that the SoS can be assured that the scheme would not increase flood risk to property elsewhere. Furthermore, where it has been identified that there would be increased flood risk to areas of land then the relevant landowners have confirmed their agreement to, or acknowledgement of, this.

### **THE SEQUENTIAL AND EXCEPTION TESTS**

- 4.9.69 The existing A14 is part of the strategic highway network and the scheme includes an offline improvement to a section of the A14. Work undertaken prior to this application has considered, and found against, alternative routes taking into account all environmental impacts and constraints [REP15-028]. The consideration of alternative routes has been addressed in Chapter 2 and at the beginning of this section. The Panel is satisfied that there are no reasonably available routes with a lower probability of flooding and the scheme therefore passes the Sequential Test under the NNNPS<sup>73</sup> and NPPF<sup>74</sup>.
- 4.9.70 We have found that the scheme is supported by a very strong economic case in terms of congestion reduction and that it represents high value for money, as set out in the economic and social effects section of this chapter. The improvement is therefore necessary over the length proposed and the scheme therefore represents essential transport infrastructure. Having thus defined the extent of the improvement, in other words its commencement and termination points, it would be necessary for the route to cross areas of EA Flood Zones 3a and 3b. These areas have a high probability of river flooding and comprise part of the functional floodplain respectively. The scheme therefore has a Table 2: Flood Risk Vulnerability Classification of Essential Infrastructure under Planning Practice Guidance (PPG)<sup>75</sup>.

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<sup>70</sup> NNNPS paragraph 5.112

<sup>71</sup> NNNPS paragraph 5.93 and 5.94

<sup>72</sup> NNNPS paragraph 5.94

<sup>73</sup> NNNPS paragraph 5.91 and 5.105

<sup>74</sup> NPPF paragraph 101

<sup>75</sup> PPG paragraph 066: Reference ID 7-066-20140306

This essential transport infrastructure would therefore be appropriate in Flood Zone 3b, subject to the Exception Test, as set out below<sup>76</sup>.

- 4.9.71 As a result of the nature of the scheme and the flood zones that it would cross, the scheme is required to pass the Exception Test under PPG<sup>77</sup>. Whilst the Exception Test threshold for Flood Zone 3a is lower than that for Zone 3b, the applicant has tested the scheme against the thresholds for Zone 3b throughout Zone 3a as well [REP15-028]. We consider that this approach is more cautious than that required by policy.
- 4.9.72 We have already found that the scheme would remain operational and safe in times of flood<sup>78</sup>. This is notwithstanding some 1% AEP plus 20% climate change carriageway flooding at Oakington Brook. We have also found that the scheme would provide wider sustainability benefits to the community by reducing the socio-economic cost of accidents, providing access for new housing development and providing direct quality of life and legacy benefits, as set out in the economic and social effects section of this chapter. These matters would outweigh the climate change carriageway flood risk<sup>79</sup>.
- 4.9.73 The scheme would also provide level for level floodplain compensation storage for a 1% AEP plus 20% climate change flood throughout Flood Zone 3 and thus would not result in any loss of floodplain storage. Furthermore, the modelling work undertaken shows that, notwithstanding some local water level increases which are either within the scheme or on land with the agreement or acknowledgement of the landowner, the scheme would not impede water flows and not increase flood risk elsewhere<sup>80</sup>. The Panel is therefore satisfied that the scheme passes the Exception Test.

## **CONCLUSION**

- 4.9.74 From the above, it can be seen that all reasonable steps have been taken to avoid, limit and reduce the risk of flooding to the proposed infrastructure and others<sup>81</sup>. Reasonable measures have also been made to ensure that the infrastructure would remain functional in the event of predicted flooding<sup>82</sup>. Furthermore, the scheme would be sustainable and as durable, adaptable and resilient as it could reasonably be in terms of flooding and climate change<sup>83</sup>. In this regard, it is of particular note that the scheme design allows for a greater degree of climate change effects than are required under the DMRB.

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<sup>76</sup> NNNPS paragraph 5.105

<sup>77</sup> PPG paragraph 067: Reference ID 7-067-20140306

<sup>78</sup> NNNPS paragraph 5.109

<sup>79</sup> NNNPS paragraph 5.108

<sup>80</sup> NNNPS paragraph 5.99

<sup>81</sup> NNNPS paragraph 5.102

<sup>82</sup> NNNPS paragraph 5.104

<sup>83</sup> NNNPS paragraph 4.32

4.9.75 In terms of flood risk, the Panel therefore concludes that the application is supported by an appropriate FRA and the scheme passes the Sequential and Exception Tests and would accord with the NNNPS<sup>84</sup> and the NPPF. The Panel has considered all of the written and oral submissions made in relation to flood risk, in addition to those specifically identified in this section of the report. We are satisfied that they have been appropriately addressed in terms of the application, the additional work carried out by the applicant, the agreements reached with various statutory bodies and the recommended DCO. We therefore conclude that the scheme would not have an unacceptable effect in terms of flood risk. We do however again draw attention to the need to address disapplication measures, as set out in this section of the report, prior to any DCO being made.

## **4.10 LANDSCAPE AND VISUAL IMPACTS**

### **INTRODUCTION**

4.10.1 The applicant's assessment of the landscape and visual effects of the scheme was set out in its ES Chapter 10 Landscape [APP-341] and appendices 10.1–10.7 [APP-682 to APP-688].

4.10.2 This section begins by addressing matters related to good design before turning to the methodology used for the Landscape and Visual Impact Assessment and then considering the landscape and visual effects of the scheme.

### **GOOD DESIGN**

4.10.3 The process by which the principles of good design could be incorporated into the scheme during the development of detailed design was discussed throughout the Examination. The Panel asked whether an independent design review of the scheme had been undertaken in line with the NNNPS<sup>85</sup> which states that the use of professional, independent advice on the design aspects of a proposal should be considered, to ensure good design principles are embedded into infrastructure proposals [PD-005 Q1.9.15]. The applicant stated that it worked with a consortium of professionals to design the scheme and that an independent review was not necessary due to the level of professional input into the development of the scheme [REP2-010 Q1.9.15].

4.10.4 The Panel remained concerned about the process for securing an independent design review. At the ISH on detailed design, the Panel asked the applicant to explain the purpose of Highways England Design Panel and whether it should have a role in relation to design advice in connection to the scheme [EV-059 to EV-060].

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<sup>84</sup> NNNPS paragraph 5.98

<sup>85</sup> NNNPS paragraph 4.33

- 4.10.5 The applicant explained that because of the very early stage in the creation of the Highways England Design Panel it considered that the best way of securing advice on the design of the scheme was to work with the Design Council's Design Review panel in line with advice in the NNNPS [REP10-046].
- 4.10.6 The applicant proposed inclusion of a new requirement [REP10-052]. Under the provisions of this requirement, the applicant would undertake to consult with and consider the advice of the Design Council's Design Review panel in respect of the detailed design of the authorised development; and that no part of the authorised development could commence until this process had taken place. Furthermore, the provisions of this requirement also provided for consultation with the relevant planning authorities, the Parish Forums, the Community Forums, the Landowner Forums and the Environment Forum provided for in the CoCP.
- 4.10.7 The Panel considered that this would address its concerns but considered that in so far as the drafting of the DCO was concerned, there was potential for confusion between the existing Requirement 3 'Detailed Design' and the applicant's proposed new requirement 'Development of Detailed Design'. As such, following discussion at the third DCO hearing, the applicant merged the two requirements together under Requirement 3 [REP15-020].
- 4.10.8 Further details in relation to the approach to engagement with relevant stakeholders during detailed design were set out in a note prepared by the applicant on Participation in the Detailed Design Process [REP10-042]. This included details about the roles of the Parish Forums, the Community Forums, the Landowner Forums and the Environment Forum which would be secured through section 4 of the CoCP [REP14-022].
- 4.10.9 One of the matters which the Panel addressed at the ISH on detailed design was whether the design process had balanced the visual appearance of the scheme alongside other considerations including functionality, fitness for purpose, sustainability and cost. This was in recognition of the advice in the NNNPS<sup>86</sup> which sets out the criteria for good design. This identified visual appearance as a key factor in the design of infrastructure and advised that good design should produce sustainable infrastructure with an appearance that demonstrates good aesthetics as far as possible.
- 4.10.10 A lack of design detail was raised by a number of IPs [for example RR-311; REP10-020 and REP13-010]. It was argued that the application was not sufficiently detailed in order to properly assess the scheme in terms of landscape and visual impact and provided no protection to IPs to ensure that the mitigation set out during the examination would

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<sup>86</sup> NNNPS paragraph 4.28

be implemented and that there was a need for independent checks and balances not simply approval through the SoS to ensure that specific design conditions would be applied rather than simply compliance with the principle of the DMRB [REP15-008].

- 4.10.11 Campaign for Better Transport (CBT) expressed concern that the design process for the scheme had been no different in character or approach than for any other road project, choosing standard designs set out in DMRB and with little response to the nature of the landscape [REP7-047]. It argued that bridges should be designed to blend into their surroundings and reflect local materials and colours and that the landscape character and local materials should determine whether a standardised approach was appropriate. CBT noted that at the ISH on detailed design the applicant stated that each bridge was individually designed, but also indicated that to do so was costly [REP10-059]. Consequently CBT argued that whilst it is accepted that there may be common elements between some bridges this would not prevent bridges being designed to fit into their surroundings.
- 4.10.12 The applicant confirmed that that the majority of new bridge structures would be similar in nature and had been developed as a family of structures known as the standard over-bridges. The preliminary design of the structures had been carried out with key consideration to the impact on the predominantly flat, open, rural landscape. The applicant stated that solutions had been developed to ensure that visual intrusion was minimised.
- 4.10.13 The applicant stated that whilst the SoS would have responsibility for discharging requirements there would be checks and balances throughout the process, with an independent team in HE scrutinising and approving any proposed submissions before it went to the SoS for approval, following consultation [REP11-007]. The SoS would take into account consultation responses and decide whether or not the submission should be approved.
- 4.10.14 Initially, the Panel were concerned about the applicant's lack of independent design review and the lack of opportunity for IPs and other stakeholders to participate in the development of detailed design should the Order be made. However, with the introduction of Requirement 3(2) and 3(3), the Panel is satisfied that these matters were subsequently addressed.

## **LANDSCAPE AND VISUAL IMPACT ASSESSMENT**

- 4.10.15 The methodology adopted for the Landscape and Visual Impact Assessment was based on Interim Advice Note 135/10 Landscape and Visual Effects Assessment (IAN135/10)<sup>87</sup>. The assessment was also

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<sup>87</sup> Highways England Interim Advice Note IAN135/10 Landscape and Visual Effects Assessment was published in November 2010. It covers the assessment and reporting of the effects highway projects on landscape

undertaken having regard to the 'Guidelines for Landscape and Visual Impact Assessment, Third Edition 2013 produced by the Landscape Institute and Institute of Environmental Management and Assessment, the Landscape Character Assessment Guidance for England and Scotland, 2002 and Photography and Photomontage in Landscape and Visual Impact Assessment, 2011.

- 4.10.16 HDC and SCDC agreed in their respective SoCGs that the methodology was acceptable [REP13-012 and REP10-049] and we have no reason to disagree.

### **LANDSCAPE EFFECTS OF THE SCHEME**

- 4.10.17 The landscape effects of the scheme are set out in ES Chapter 10 Landscape [APP-341] and Appendices 10.1–10.7 [APP-682 to APP-688].
- 4.10.18 We will look at the existing landscape character of the area before considering the capacity of the landscape to accommodate the scheme, then turn to landscape effects during construction and operation and potential cumulative impacts.

### **Existing Landscape Character**

- 4.10.19 The topography of the area reflects the pattern of rivers and watercourses flowing northwards. The River Great Ouse flows between Buckden and the Offords and around Portholme with its wide and flat floodplain and numerous lakes and disused gravel pits. The landscape to the south of the existing A14 is largely undulating whilst that to the north is flatter; both are characterised by large scale intensive arable farmland whilst scattered woods also form prominent landscape features.
- 4.10.20 The ES notes that there are no nationally designated areas within the study area relating to landscape, although there is an aspiration for part of the Great Ouse Valley to be designated as an Area of Outstanding Natural Beauty (AONB) [APP-341]. At this stage however, no such designation exists. Local planning policies set out in the joint LIR, aim to protect the countryside and its features as well as protecting heritage landscape features and their settings [REP2-184]. The effect of the scheme specifically on heritage assets, an important component of landscape character, is considered under the Historic Environment section of this chapter.

### **Capacity of the Landscape to Accommodate Change**

- 4.10.21 Table 10.9 of the ES [APP-341] and Figure 10.3 [APP-380] provided the applicant's assessment of local landscape types and areas, used to

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character and on views from sensitive visual receptors. It has application to new construction, improvement and maintenance projects.

assess the different effects the scheme would have on the landscape. The applicant also established a Zone of Theoretical Visibility (ZTV) to identify the extent of land from which the scheme would be visible and from which the study area for the landscape assessment was defined. This was illustrated in Figure 10.4 [APP-381].

- 4.10.22 Table 10.2 of the ES identified the criteria for landscape sensitivity reflecting the vulnerability to change as well as the importance of the landscape and its perceived value to users [APP-341]. In table 10.11 the applicant identified 24 different local landscape character areas, of which five were identified as having a moderate sensitivity and four with high sensitivity. The remainder were of low sensitivity [APP-341]. No RRs raised concerns about the landscape character assessment framework.
- 4.10.23 Character areas identified by the applicant as having moderate sensitivity comprise the area from Brampton Wood to Buckden, the North Flowing Ouse Valley Floodplain, Girton, the villages of Histon and Impington and the area around the station in Huntingdon.
- 4.10.24 Character areas assessed as having a high sensitivity included Godmanchester where much of the town is included in conservation areas, the East Flowing Ouse Valley Floodplain focused around the open land of commons including Portholme, and in Huntingdon, Hinchingsbrooke and the central part of Views Common together with the eastern part of Views Common derived from their historic context.
- 4.10.25 The Panel considers that the applicant's landscape assessment has been undertaken in line with the guidelines which are identified within the NNNPS<sup>88</sup>. It is noted that the approach to the assessment was found to be acceptable to HDC and SCDC [REP13-012] and that no concerns were raised by RR. Consequently the Panel concludes that the identification of character areas was robust.

### **Landscape Effects**

- 4.10.26 For much of its length the scheme would be located in landscape currently characterised by highway infrastructure such as the existing A14 and the A1. Other parts of the scheme would see the introduction of a new offline section of road described as the Huntingdon Southern Bypass [APP-755].
- 4.10.27 The applicant acknowledges that the scheme would result in a range of temporary and permanent adverse effects on the landscape [APP-341] but that it has been designed to minimise landscape impacts through the provision of environmental bunds and extensive planting to screen the new highway, its associated infrastructure and the traffic using it.

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<sup>88</sup> NNNPS paragraph 5.144

- 4.10.28 Temporary effects would be caused due to the winning and working and storage of materials including from the borrow pits located along the scheme corridor. Taking account of the sensitivity of landscape character areas and the magnitude of impacts, the applicant assessed the following locations as being subject to the greatest effects during construction.
- 4.10.29 In the North Flowing Ouse Valley Floodplain major disruption would occur during construction as a result of earthworks, construction activity and haul roads.
- 4.10.30 In Huntingdon around Hinchingsbrooke and Views Common large scale change was predicted to occur to the existing character of the Common as a result of the construction activity relating to a roundabout and link road and the removal of a substantial part of the existing A14 embankment whilst the eastern part of Mill Common would be affected through the construction of the Pathfinder Link and works to the de-trunked section of the A14.
- 4.10.31 Permanent effects would include vegetation removal, the intensification of highway infrastructure due to widening of the existing highway, the introduction of major highway infrastructure along the offline sections of the scheme and new or changed junctions and bridge structures. New landforms such as environmental bunds and borrow pits would adversely affect landscape character as would lighting impacts.
- 4.10.32 In the North Flowing Ouse Valley the ES finds that the introduction of new embankments and viaducts over the River Great Ouse and East Coast Main Line (ECML) coupled with traffic on it would be prominent and uncharacteristic features, at variance with the landform, scale and pattern of the landscape. Mitigation planting would soften the impact of the structures over time and help integrate the scheme into the landscape but the effect would still be considerable.
- 4.10.33 In Huntingdon the ES finds that the introduction of a new link road elevated on embankment and associated lighting at Views Common resulting in the loss of green space and landscape features would be partially offset by mitigation planting, the restoration of the historic parkland setting and the removal of the existing A14 embankment. Nevertheless, the long term changes would be extensive.
- 4.10.34 In the eastern part of Mill Common the introduction of the Pathfinder Link, embankments and associated highways infrastructure would result in the loss of green space and vegetation and the introduction of highway infrastructure which would not be in keeping with the character of the common. The effect on this landscape would also be harmful in the longer term.
- 4.10.35 Offset against these issues, the removal of the existing viaduct in Huntingdon as well as its embankments and associated infrastructure

which are prominent structures detracting from the landscape is assessed in the ES as having a large beneficial effect.

- 4.10.36 CBT argued that the design of the scheme did not appear to have paid appropriate attention to colour or materials in the design or its appearance in the landscape [REP10-059]. Much of the landscape through which the new road would be located was flat or gently rolling and often very open, yet the road would enclose the landscape with large embankments and other out of character elements. CBT argued that only form appeared to have been considered and a fairly universal design was provided which was not responsive or sensitive to landscape character.
- 4.10.37 The applicant stated that its primary approach to mitigating impacts of the proposed scheme was to avoid or reduce impacts through the design of the highway alignment and decisions about junction or bridge arrangements. The applicant also proposed to integrate the scheme into the existing landscape through the inclusion of environmental bunds, the rounding of embankments, false cuttings and minimising the impact of road lighting [REP10-042].
- 4.10.38 Other elements of landscape mitigation include the introduction of species rich grassland in appropriate locations, the use of hedgerows where appropriate and structural planting within and surrounding borrow pits. The applicant indicated that the principles behind the proposed mitigation would be taken forward into detailed design work which would reflect the variations in local landscape character types [REP10-042].
- 4.10.39 Measures to mitigate the impact of construction on landscape are set out by the applicant in section 10 of the CoCP, which would be secured through Requirement 4 of the recommended DCO, if made [REP14-022].
- 4.10.40 CCC, HDC, SCDC and CCiC agree with the landscape assessment and effects on the landscape pointing to the negative impacts during construction including disruption of landform through the creation of local access roads, bunds, borrow pits and soil storage areas. HDC also referred to the removal of trees and vegetation particularly within the Huntingdon Conservation Area [REP8-011].
- 4.10.41 Whilst acknowledging the adverse effects on landscape during operation, CCC, HDC, SCDC and CCiC also referred to the positive effects on the landscape arising from extensive areas of mitigation planting and ecological planting [REP2-184 and REP8-011]. Within Huntingdon, whilst there would be some negative effects on the landscape of the Views Common and Mill Common areas there would also be significant townscape benefits from the removal of the viaduct.

### **Summary**

- 4.10.42 Given the scale of the scheme, and notwithstanding the significant Huntingdon townscape benefits, the Panel accepts that some adverse

landscape effects will inevitably occur. The Panel also notes the advice in the NNNPS<sup>89</sup> that in order to address the need for the development of the national road network, it may not be sufficient to simply expand capacity on the existing network and that, in these circumstances, new road alignments and corresponding links, including river crossings, may be needed to support increased capacity and connectivity.

- 4.10.43 With this in mind, the Panel is satisfied that in accordance with the NNNPS<sup>90</sup>, the scheme has been designed to take account of the potential impact on the landscape having regard to siting, operational and other relevant constraints with the aim of avoiding or minimising harm to the landscape.
- 4.10.44 The Code of Construction Practice, Implementation and Maintenance of Landscaping, and the Borrow Pits Restoration and Aftercare Strategy secured by requirements 4, 7 and 11 respectively in the recommended Order would also ensure that measures are taken to avoid, reduce and mitigate landscape effects during construction and operation of the scheme; whilst integrating the scheme and borrow pits into the landscape of the area.
- 4.10.45 Furthermore, Requirement 3(2) and 3(3) discussed previously in this section under Good Design would also provide a process and a framework through which to incorporate the principles of good design during the development of the detailed design stage of the scheme and in this way, provide a forum by through which the concerns of CBT could be addressed.
- 4.10.46 Whilst there would be adverse landscape effects from the scheme, the Panel does not consider that these should heavily weigh against the making of the Order.

### **VISUAL EFFECTS OF THE SCHEME**

- 4.10.47 The applicant's assessment of the visual effects for different receptor groups was provided in Appendices 10.2-10.5 of the ES [APP-683 to APP-686].
- 4.10.48 The Panel received a large number of written and oral representations from individual IPs as well as from a number of Parish Councils in relation to the visual effects of the proposed scheme [see for example RR-422, RR343, RR-447, RR-435, RR-362 and RR-416]. IP concerns were broad ranging and related to different geographical locations along the route of the scheme.
- 4.10.49 So that the Panel could better understand the range of concerns raised by IPs in relation to the visual effects of the scheme, the Panel

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<sup>89</sup> NNNPS paragraph 2.27

<sup>90</sup> NNNPS paragraph 5.149

undertook a number of accompanied and unaccompanied site visits to different parts of the scheme, at different times during the period May to November 2015 and in different weather conditions.

4.10.50 We consider in turn different parts of the scheme and the matters raised by IPs in relation to visual effects.

### **Ouse Valley**

4.10.51 The greatest number of visual impact representations related to concerns about Work No.5(gg) - the viaduct that would span the River Great Ouse. The proposed western element of the viaduct would have a span of approximately 540 m whilst the eastern element would span approximately 265 m in length [APP-005].

4.10.52 From the many representations received in relation to this matter, the main points can be summarised as follows:

- IPs were concerned about the architectural merit of the proposed viaduct structure [RR-483, RR-547, RR-395, RR-418, RR-560 and RR-737];
- Other IPs [for example RR-344 and RR-363] were concerned that the proposed viaduct structure would spoil the view of the Ouse valley;
- Concerns about the view of the proposed road from the top of Offord Hill, looking down and across the Ouse Valley were raised by the Parish Council of Offord Cluny and Offord Darcy [REP2-100];
- Offord Cluny and Offord Darcy Parish Council and other IPs [RR-046, RR-370 and RR-651] also argued that the aesthetic quality of the structure should be a priority consideration in a sensitive landscape;
- CBT raised many issues in relation to design including concerns about lighting columns, gantries and other structures [REP10-059];
- Some IPs argued that the applicant's proposals did not demonstrate that the appearance of the scheme had been given any consideration [REP10-020 and [REP 10-058];
- BMRA expressed concern that the Ouse Valley crossing would be highly visible from Buckden Marina [RR-311] particularly during winter, when screening would be less effective [REP14-011]. Along with other IPs, BMRA was concerned about the appearance of the proposed viaduct. BMRA argued that, given the height of the bridge a structure of high aesthetic quality should be provided and consideration should be given to the location of a proposed gantry being located at the highest point where the scheme crosses the ECML [REP14-011]; and
- CCC, HDC, SCDC and CCiC stated that the Ouse Valley crossing would inevitably create adverse impacts on visual amenity, arising mainly from the alignment of the embankments and bridges at right angles to the south/north alignment of the broad river valley [REP7-044 and REP8-011]. HDC argued that to

minimise the impacts the bridge structure should allow maximum views along the river valley corridor.

- 4.10.53 In its ES, the applicant provided photomontages showing the effect of the proposed scheme viewed from the Ouse Valley Way (viewpoint 3, visual receptor P13) and from Offord Road north of Offord Darcy (viewpoint 13) [Figure 10.6: APP-383 and REP2-010 (Figure 1 - Q1.9.13)]. Subsequently at Deadline 9, in response to comments from the BMRA the applicant produced Viewpoints 15, 16 and 17 [REP9-018].
- 4.10.54 The River Great Ouse viaduct and the bridge over the ECML would be visually intrusive in winter for users of part of the Ouse Valley Way as shown in the photomontage from Viewpoint 3 [Figure 10.6, Viewpoint 3, APP-383], but the applicant stated that it would not be practicable to mitigate these visual effects where there would be open foreground views of the viaduct. The applicant's assessment of winter views stated that views to the north-west would be screened by existing vegetation and whilst views of the road, moving traffic and headlights may be possible they would not be dominant in these views [REP9-018].
- 4.10.55 There would be extensive views of the bridge over the ECML from properties to the north of Offord Cluny and from residential properties at Offord Hill and within Offord Darcy both during construction and on completion of the scheme. The applicant argued that adverse impact on these views would reduce over time as new planting became established. The applicant assessed the significance of visual effects as limited because the scheme would not be dominant in such views [see Figure 10.6, Viewpoint 13, APP-383].
- 4.10.56 The applicant explained that the design had aimed to minimise visual intrusion within the Ouse Valley, maintain views along the valley floor and had taken account of DMRB which includes guidance on the integration of new roads in the landscape including the principles of crossing valleys [REP2-010 Q1.9.6 and REP7-038]. The design approach aimed to avoid a structure with a thick deck as this would not sit well within the landscape of the valley and as deck thickness would increase significantly with longer spans between piers, overly long spans were avoided.
- 4.10.57 The design approach at the Ouse Valley crossing took account of the depth of the structure and clearances agreed between the applicant and the EA above the navigation channel and above the banks to allow for maintenance access [REP2-010 Q1.9.9]. With regard to the ECML which the applicant noted would be at a high point in the proposed carriageway alignment, the height was determined by the level of the existing railway on embankment, clearance to the overhead railway line equipment and depth of the bridge structure [REP8-021 and REP9-008].

- 4.10.58 The applicant had assessed whether it would be possible to relocate the gantry above the ECML eastwards to a less prominent location. Whilst it stated that a slight change in position would be possible it noted that this would not eliminate adverse effects and therefore the issue would be reviewed at the detailed design stage [REP10-042].
- 4.10.59 The applicant responded to comments [RR-046] that the proposed viaduct would make it impossible to plant trees or other vegetative mitigation [REP4-012]. The applicant accepted that even with proposed mitigation planting there would be significant residual adverse visual effects but argued that a viaduct type structure would have advantages over embankments for a number of reasons including minimising intrusion into the floodplain and reducing the footprint of the scheme.
- 4.10.60 Vegetation loss was raised as an issue by CCC, HDC, SCDC and CCiC in the joint LIR [REP8-011]. In response the applicant stated that landscape planting, proposed as part of the scheme would provide essential mitigation for the visual effects of the proposed road [REP11-011].
- 4.10.61 In order to secure the implementation and maintenance of landscaping the applicant proposed draft Requirement 6 in its draft DCO requiring each part of the landscaping scheme to be submitted to and approved in writing by the SoS following consultation with the relevant planning authority [APP-008].
- 4.10.62 In response to representations from CCC, HDC and SCDC the applicant amended the draft Requirement to provide for an overarching landscaping strategy to be submitted before construction began which would provide the framework against which each of the detailed landscaping plans for site specific proposals would comply following consultation with the relevant planning authority [REP2-190, REP7-044 and REP7-006].
- 4.10.63 The applicant argued that it was neither appropriate nor necessary for the SoS to have an approval role for both the strategic and detailed levels [REP7-031] and SCDC confirmed that it was content with this proposed wording in their SoCG [REP13-012].
- 4.10.64 The draft Requirement dealing with the landscaping provided for an aftercare period of five years if any vegetation required replacement in the event of it dying or becoming seriously diseased [APP-008]. SCDC was seeking an aftercare period of 10 years based on the period of time which the Council considered that landscaping needed to fully establish itself [REP13-055].
- 4.10.65 The issue of the aftercare of borrow pits is addressed in section 4.7 which deals with biodiversity and ecology.
- 4.10.66 It was clear to the Panel from the range of matters raised by IPs, that the River Great Ouse valley is a very sensitive location within the scheme and that the effect on visual receptors would be keenly felt.

- 4.10.67 The Panel noted the many matters raised by IPs and the steps taken by the applicant to address these, including Requirement 6 in relation to landscaping implementation and maintenance [REP15-019].
- 4.10.68 The Panel also noted the disagreement in relation to the time period for aftercare; SCDC requested ten years and the applicant proposed five years. CCC and HDC did not object to the applicant's proposed five year period and there is little precedent in cases of made Orders for periods of more than five years. The Panel is satisfied that a five year aftercare period would enable sufficient time for planting to become established.
- 4.10.69 However, the Panel still remained concerned about the effect of the scheme in this locality given the scale of the infrastructure proposed and its visual effects. Whilst mitigation as a result of landscaping would provide some relief, it would not address concerns in respect of matters such as architectural merit, and design. It asked the applicant to consider how the draft DCO could acknowledge and address the concern expressed by many IPs over the visual impact of the structure.
- 4.10.70 The applicant agreed that the River Great Ouse viaduct would be a significant and unique structure in the context of the scheme in a sensitive location, and should be subject to scrutiny during the detailed design stage [REP15-021]. Consultation on the development of detailed design would be secured through Requirement 3 of the recommended DCO, if made [REP15-019]. In addition, the applicant proposed an approval role for the SoS in respect of the external appearance of the viaduct and that such approval should be subject to consultation with the relevant planning authority. This is set out at Requirement 3(5) of the draft DCO [REP15-020].
- 4.10.71 The Panel considers the inclusion of Requirement 3(5) goes some way towards addressing the concerns of IPs over the visual appearance of the viaduct structure, but the Panel remains concerned about the visual effect on receptors at this location.

### **Brampton Hut to Brampton Interchange**

- 4.10.72 A number of IPs, particularly residents of Brampton [for example RR-575 and RR-567] were concerned about the visual impact of the scheme between the Brampton Hut junction and Brampton interchange. Photomontages were produced by the applicant showing the effect of the proposed scheme viewed from the public bridleway east of Brampton Wood (viewpoint 1, visual receptor P3), from the public footpath west of RAF Brampton (viewpoint 2, visual receptor P11) and from the western edge of Brampton (viewpoint 12, visual receptor 7) [APP-383 Figure 10.6 and REP2-010 Figure 1 Q1.9.13].
- 4.10.73 Between Brampton Hut and Brampton interchange the ES finds that during construction the visual effects of the excavation of borrow pits, earthworks to create environmental bunds, vegetation clearance, soil

storage areas, construction compounds and the movement of heavy plant would be considerable. Adverse visual effects would particularly be experienced by residential properties on the western edge of Brampton and Footpath 15 as a result of earthworks and construction of the Brampton interchange bridge. Similarly users of the realigned bridleway Brampton 19 and from Brampton Lodge Farm and footpath Brampton 3 would experience very different views than at present. Elsewhere around Brampton, occupiers of some of the residential properties on the southern edge of RAF Brampton would experience views of major excavation and construction works.

- 4.10.74 During the operation of the road the most visually intrusive features would be the elevated junction links and lighting at Ellington junction and Brampton interchange. From housing on the western edge of Brampton there would be views of traffic and highway infrastructure screened by environmental bunds and noise barriers. From properties on the edge of RAF Brampton and from Public Rights of Way locally there would be views of borrow pits and the Brampton interchange.
- 4.10.75 Immediately following construction, winter views from visual receptors at Rectory Farm towards Ellington junction, the A14 and borrow pits, and views from users of a section of bridleway Brampton 19 of the borrow pits and A14 would be significantly different from those currently experienced. Users of byways Brampton 1 and Buckden 11 would experience views of Brampton interchange whilst properties south of Brampton interchange would view Buckden Road bridge and lighting. Over time, screening vegetation would limit the views of the scheme and generally reduce the significance of visual effects although junction lighting and signage may remain as intrusive elements.
- 4.10.76 The Panel agrees that between Brampton Hut and Brampton interchange the visual effects of the scheme both during construction and operation would be altered. These changes would be experienced by receptors in the context of considerable existing highway infrastructure.
- 4.10.77 Whilst the Panel is satisfied that the mitigation provided through Requirements 3, 4 and 7 of the recommended DCO would provide some mitigation of the visual effects, nevertheless, given the extent of the proposed highway structures, the Panel is of the view that it would not be possible to mitigate all adverse impacts of the scheme in this location.

#### **North of Hilton (Huntingdon Southern bypass offline section)**

- 4.10.78 Many IPs from the Hilton area were concerned about the visual impact of the scheme when viewed from the village. As part of the application, the applicant had included a photomontage to illustrate the effect of the new offline road when viewed from the public bridleway north of Hilton (viewpoint 5, visual receptor 28) [APP-383 Figure 10.6].

- 4.10.79 Other IPs living closer to the proposed alignment of the new offline section of the road to the north and the south of the Huntingdon Southern Bypass including Oxholme Farm, Old Clayfields and Topfield Farm were also concerned about the visual impact of the proposed scheme during construction and operation [RR-683, RR-195 and RR-460].
- 4.10.80 In response to the Panel's first question Q1.9.7 the applicant produced a further photomontage from Hilton Road, north east of Hilton (viewpoint 14) [REP2-010 Figure 1 Q1.9.7].
- 4.10.81 The photomontages show that distant views towards the scheme from the northern edges of Hilton would be filtered by field boundary vegetation.
- 4.10.82 In other closer locations including Old Clayfields (visual receptor 69) and Oxholme Farm (visual receptor 68) both within 400 m of the proposed road there would be foreground views of traffic on Hilton Road bridge, other over bridges and linear parts of the new road. Over time, views would become less prominent as a result of landscape screening, although the proximity of the road in relation to these locations would not alter.
- 4.10.83 Hilton Parish Council (HPC) suggested that a proposed 4 m barrier would provide a benefit in terms of landscape and visual effects [REP8-005]. In response, the applicant stated that their 2 m high earth bund would conceal most traffic. When the tree planting on the bund had matured the applicant assessed that there would be total screening of traffic in summer and partial screening in winter given the distance of the scheme from the village and taking account of existing vegetation between the village and the proposed road.
- 4.10.84 HPC's proposal would, according to the applicant, achieve a marginal improvement by concealing all traffic in views from the south including Hilton on the completion of the construction. However, the applicant considered that HPC's proposal would dominate local views by being approximately 5-6 metres higher than existing ground level. The applicant argued that the bund itself could be disguised with planting on the south side but the structure on the north side would be intrusive and out of character with the local landscape in views from of the road from the north looking south.
- 4.10.85 The applicant's view was that the HPC proposal would not alter the visual effect on Topfield Farm (visual receptor 61) on Mere Way, north of the scheme but would increase the intrusiveness of the road in views from the property. The extension of HPC's scheme eastwards, beyond the applicant's proposed bund, would result in marginal benefits to oblique north easterly views from three properties (Fields View, Clayfield Farm and Hilton End Farm). In the applicant's scheme these views would be screened by a proposed belt of trees (without mounding) in addition to existing retained hedges. The assessed levels of visual effect for these properties would not change with HPC's

proposal and would make no difference to the visual effects of the Potton Road and Hilton Road over-bridges [REP9-020].

- 4.10.86 The Panel considers that the visual effects of the scheme on properties within Hilton would be limited due to their distance from the road and the filtering effect of intermediate vegetation. The Panel considers that the applicant's proposed bund would provide an appropriate response to mitigate the visual impact of the road in this location. The Panel considers that the alternative proposal suggested by HPC, would not provide significant visual benefit and might possibly create adverse visual effects particularly when viewed from the north.
- 4.10.87 We are of the view that significant visual effects would occur during construction due to the scale of the works required.
- 4.10.88 During operation, whilst the nature of visual effect would change, the scale of the new road and its associated structures would mean that visual effects remain. However, the environmental bunds and landscape planting should help to reduce the visual impact. Further benefits would be realised as the landscape planting matures.

#### **Fen Drayton to Girton**

- 4.10.89 Along this section of the scheme, the widening of carriageways and the introduction of additional highway and associated infrastructure would lead to the loss of some existing mature vegetation and also to the scheme being closer to visual receptors than the existing road resulting in adverse effects. This would be particularly the case for properties to the south of the A14 around Lolworth, around Bar Hill, Girton interchange and to the west of Girton village. Enlarged junctions, raised carriageways and additional lighting would increase existing adverse visual impacts.
- 4.10.90 Apart from the excavation of the borrow pit north of Boxworth and the new local access road to the south of Cambridge Crematorium the majority of construction activity would be set within the context of the existing highway. Nevertheless the visual effects during construction and immediately following would be considerable.
- 4.10.91 Following construction the most visually intrusive elements of the scheme would be the expansion of junctions and interchanges and the associated loss of existing tree cover; extensive borrow pits; the introduction of local access roads and the widening of the cutting at Girton.
- 4.10.92 Extensive noise barriers would limit the visibility of traffic along this section but in some cases these would be intrusive elements in views particularly before mitigation planting is fully established.
- 4.10.93 Visual effects along the online section of the route would be seen in the context of existing highway infrastructure, however, the removal of vegetation and the introduction of new infrastructure would increase the prominence of the road in many cases.

- 4.10.94 Views toward the borrow pit to the south east of Dry Drayton Road would generally be from people in vehicles and in the long term when mitigation planting was established the change in the view would, according to the applicant, be beneficial. Views of the borrow pit north west of Boxworth would generally be restricted by mature screen planting and with the long term restoration to agriculture the visual effects would become insignificant.
- 4.10.95 The most significant adverse visual effects would be on views from visual receptors at Noon Folly Farm from where there would be clear views of the local access road and expanded Bar Hill junction; from users of Bridleway Longstanton 10 from where there would be foreground views of the local access road, elevated NMU bridge and enlarged Bar Hill junction; and users of Bridleway Dry Drayton 12 and footpath Girton 8 from where there would be foreground views of traffic on the local access road. Planting would over time establish screening vegetation which would reduce the significance of visual effects although junction lighting, some signing and traffic on bridges would remain as intrusive elements.
- 4.10.96 The Panel concludes that within this section of the scheme views should be seen in the context of considerable existing highway infrastructure. The Panel is satisfied that the mitigation provided through Requirements 3, 4 and 7 of the recommended DCO would however, mitigate the effects of the scheme and reduce its visual impact in this location.

### **Cambridge Northern Bypass**

- 4.10.97 Along the Cambridge Northern Bypass many existing visual receptors have glimpses of the existing A14 and traffic. These glimpses would be greater when vegetation is removed to facilitate the construction of the new scheme and the introduction of noise barriers and gantry signs would also create an additional visual impact at some locations.
- 4.10.98 Following construction the most visually intrusive elements of the scheme would be the regraded embankment north of the Cambridge Northern Bypass between Histon and Milton with the loss of existing screening. The applicant has assessed the visual effects along this section of the scheme as not being of high significance because many visual receptors already experience views of existing highway infrastructure. Mitigation planting and noise barriers would reduce visual intrusion caused by the existing A14/Cambridge Northern Bypass.
- 4.10.99 The Panel notes that some adverse effects on visual receptors would arise during construction due to the removal of vegetation and the introduction or replacement of noise barriers and additional highway infrastructure. Nevertheless, the Panel concludes that the visual effects of the scheme between Girton and Milton should be seen in the context of the existing Cambridge Northern Bypass which already provides visual receptors with views of major highway infrastructure.

The Panel is therefore of the view that mitigation secured through Requirements 3, 4 and 7 of the recommended DCO would manage the adverse effects on visual receptors to avoid unacceptable impact.

### **Huntingdon**

- 4.10.100 Photomontages produced by the applicant show the effects of the submitted scheme from Mill Common (viewpoint 9) from Views Common (viewpoint 10) and from Brampton Road, west of the existing A14 Huntingdon viaduct (viewpoint 11) [APP-383 Figure 10.6].
- 4.10.101 The applicant has assessed the effects within Huntingdon arising from the construction activity relating to the new link roads across Views Common and Mill Common together with the removal of the existing A14 viaduct and its embankment as being of high significance from numerous residential properties and users of footpaths [APP-341].
- 4.10.102 The removal of the viaduct would result in a significant reduction in the visual effect of the highway for many receptors in Huntingdon.
- 4.10.103 Some adverse impacts on visual receptors would occur following construction arising from the Views Common and Mill Common links and whilst mitigation planting would be likely to reduce the effects over time the effects of infrastructure elements such as lighting and signs would remain.
- 4.10.104 The Panel concludes that whilst there would be construction effects on visual receptors in Huntingdon, that these would be reduced to an acceptable level through the measures set out in the CoCP, secured by Requirement 4 of the recommended DCO. The Panel also concludes that in terms of visual impact the removal of the Huntingdon viaduct and its embankments would be of considerable benefit for a number of visual receptors including those in the vicinity of Views Common and Mill Common, offsetting the temporary visual effects experienced during construction of the scheme in this location.
- 4.10.105 Views Common and Mill Common are sensitive in heritage terms. The Panel is however satisfied that the detailed design of the new link roads and associated infrastructure in this area would be subject to appropriate and careful consideration during detailed design as provided for through Requirements 3 and 7 of the recommended DCO.

### **Summary of Visual Effects**

- 4.10.106 The Panel notes that the scheme would result in a range of effects on visual receptors with the greatest adverse effect occurring to receptors close to the sections of road relating to the new offline parts of the scheme.
- 4.10.107 Although landscape planting and environmental bunds together with noise barriers would mitigate the visual effects of the scheme to some extent, the Panel is of the view that given the scale of the scheme and the changes in those locations where currently there is no highway

infrastructure, considerable visual effects would continue to be experienced by many.

- 4.10.108 In other parts of the scheme, landscaping and screening of the existing highway alignment would reduce the visual effects on sensitive receptors.
- 4.10.109 Within Huntingdon, the removal of the viaduct and associated structures would provide a significant beneficial visual effect on the townscape.

### **LIGHTING**

- 4.10.110 Previously in Chapter 4, we considered the effect of artificial light emissions in the context of air quality and emissions more generally. This section reviews the effects of lighting on visual receptors. Many IPs [RR-287, RR-353 and RR-559] were concerned about the impact of the lighting of the new road and vehicles using it, and the impacts of lighting on heritage assets. Specific locations identified in RRs/WRs included Depden Farm [RR-500], Rectory Farm [RR-423], Buckden Marina [REP2-099], Huntingdon and Godmanchester. CCC, HDC and SCDC stated that the introduction and extension of lighting would have a negative impact on the visual environment most significantly for local residents and businesses located near the A14 junctions [REP8-011].
- 4.10.111 The scheme would not include road lighting in the majority of rural parts of the scheme but lighting is proposed at major junctions and in urban situations such as junctions in Huntingdon. As set out on General Arrangement Plans 6 and 7 [APP-022 and APP-023] road lighting is not proposed in the vicinity of the Ouse Valley crossing. No lighting was proposed at or near Godmanchester. However, road lighting at the Ermine Street Junction would be visible from Depden Farm with the visual effects reducing over time as vegetation matured. Rectory Farm would experience the effect of lighting which would also reduce over time with vegetation maturing. The applicant stated that the impact of road lighting, where deemed essential would be minimised through careful placement and the use of modern controllable light sources.
- 4.10.112 With regard to light from moving vehicles, whilst a solid barrier could partially screen views of cars and headlights this would need to be balanced against the appearance of the structure. Similarly a balance had to be struck between the requirement to light a road effectively and safely and the need to control the distribution of light so as not to negatively impact the surrounding environment [REP2-010 Q1.9.8].
- 4.10.113 An additional draft requirement was proposed by the applicant at Deadline 7 to secure a lighting scheme to be submitted to and approved by the SoS [REP7-020 Q2.7.1]. The draft requirement would ensure that the lighting was provided to at least the standard assumed in the applicant's ES [APP-340].

- 4.10.114 In its signed SoCG with SCDC the applicant confirmed that the impact of lighting with respect to existing lighting conditions, potential impacts during construction and operation and mitigation would be addressed at detailed design stage when the relevant local authorities would be consulted. CCC, HDC and SCDC also confirmed their agreement to the lighting proposals as set out in draft Requirement 14 – Highway Lighting Scheme [REP13-012].
- 4.10.115 The Panel considers that the measures contained within Requirement 14 of the recommended DCO involving the approval of the SoS following consultation with the relevant planning authority would provide the necessary means to ensure that the impact of lighting on local residents and businesses is reduced to an acceptable level.

### **CONCLUSION**

- 4.10.116 In so far as the design of the scheme is concerned, we are satisfied that account has been taken of its potential impact upon the landscape having regard to siting, lighting, operational and other relevant constraints. We are further satisfied that reasonable mitigation has been provided where possible and that measures are in place to ensure good design is embedded into the scheme as it develops through the detailed design stage<sup>91</sup>.
- 4.10.117 The scheme would however, lead to negative visual effects for many living, working and visiting the area. These effects will alter during construction and operation of the scheme, and some visual effects will lessen as landscape planting matures. Nonetheless, visual intrusion will still remain particularly for those in the vicinity of the offline Huntingdon Southern Bypass.
- 4.10.118 In the absence of detailed design, the Panel remains concerned about the visual design of structures connected to the scheme and in particular, the viaduct structure over the River Great Ouse and East Coast mainline. It is our view that the visual effects on sensitive receptors will remain and that the potential for visual intrusion due of the scale and extent of the structure in this location is high. To our mind, this is a factor that weighs against the making of the Order<sup>92</sup>.

## **4.11 WATER QUALITY AND RESOURCES**

### **INTRODUCTION**

- 4.11.1 This section of the chapter addresses the effects of the scheme on Water Framework Directive (WFD) and other surface waterbodies and then groundwater and resources in terms of matters related to water quality. These matters were assessed in the Application Environmental Statement [APP-348] which was updated at

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<sup>91</sup> NNNPS paragraph 5.149

<sup>92</sup> NNNPS paragraph 5.158

Deadline 14 [REP14-013]. The matters are considered here in the context of the guidance in the NNNPS and references to the relevant sections of this document are given in footnotes. Where representations are referred to, they are given as examples of matters raised and do not reflect the entirety of representations considered.

- 4.11.2 A SoCG has been agreed and signed between the applicant and the Environment Agency (EA) [REP15-040]. From this, matters that are agreed include those that relate to groundwater and the WFD. The SoCG reports that there are no areas where differences remain or issues still under discussion.
- 4.11.3 The scheme is located within the Anglian River Basin District for which the EA has prepared a River Basin Management Plan (RBMP) [REP14-013]. The scheme lies within the catchment area for the River Great Ouse. Much of the arable land within and adjacent to the study area is drained by a network of field drains, Internal Drainage Board drains, Award Drains and brooks.
- 4.11.4 The study area in the ES for hydromorphology (the physical characteristics of the shape, boundaries and content of a water body) and surface water quality extends 1 km from the boundary of the scheme, both upstream and downstream. The ES study area for the surface water quality assessment encompasses all the watercourses that would be likely to receive road runoff from the scheme. There are 78 proposed outfalls which would discharge into more than 20 watercourses. The hydrogeological groundwater study area comprises a 500 m radius around the scheme boundary.
- 4.11.5 The ES has found that there are seven WFD water bodies, defined in the RBMP, which could be impacted by the scheme. Six of these are classified by the EA as Heavily Modified Water Bodies (HMWB). These are Ellington Brook, Cock Brook, Alconbury and Brampton Brook, the River Great Ouse, West Brook and Cottenham Lode. All of these have a moderate potential overall ecological, or surface water, status. The water body not classified as a HMWB is Swavesey Drain and this has a good overall ecological, or surface water, status.
- 4.11.6 Of these WFD watercourses, the River Great Ouse and West Brook are the only ones to have a 2015 chemical status objective and these objectives are to improve the status within the good category. The River Great Ouse receives water from Brampton Brook (outside of the WFD designation) and Grafham Road, Buckden Road, IDB, Ouse East, Offord Road, Debden and Oxholme Drains. West Brook receives water from the Huntingdon DC Award Drain.
- 4.11.7 There are also a number of lakes and other water bodies lying within the study area. These are: the former gravel pits along the Ellington Brook and Alconbury Brook used for recreational purposes; Brampton Ponds; Grafham Road Drain Ponds; the Royal Society for the Protection of Birds Local Nature Reserve Lakes at Fen Drayton; the former gravel pits along the River Great Ouse in a County Wildlife

Site; Cawcutts abstraction reservoir; the National Institute of Agricultural Botany abstraction reservoir; and the Milton Country Park Lakes.

- 4.11.8 There are three surface water abstractions for agricultural and recreational use and 10 known active discharge licences in the area.
- 4.11.9 There is one WFD groundwater body present within the scheme footprint near Bar Hill junction on the existing A14. The water body is the Cam and Ely Ouse Woburn Sands and is classified as achieving good quantitative and chemical quality, or status. Nutrients, hazardous substances and other pollutants are detailed as pressures and risks to this groundwater body. The scheme does not lie within any groundwater Source Protection Zone.
- 4.11.10 Two known private water supplies are situated near Borrow Pit 3 and three licensed abstractions, two from groundwater and one from a reservoir, are located within the hydrogeological study area. The licensed abstractions are not potable.
- 4.11.11 From all of the above, the Panel is satisfied that the ES has described the physical characteristics of the water environment, including the dynamics of flow and the existing quality of waters and existing water sources that could be affected by the scheme<sup>93</sup>.

### **Water Framework Directive Waterbodies**

- 4.11.12 The WFD (Directive 2000/60/EC) has the overarching objective of all water bodies in Europe attaining good or high ecological status/potential before 2027. The WFD is implemented in England and Wales by The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 (SI 3242/2003). The EA is the competent authority in England responsible for delivery of the WFD. RBMPs have been created, setting out measures to ensure that WFD water bodies in England and Wales achieve good ecological status or potential.
- 4.11.13 The EA requires an assessment of the impact of any construction or modification to WFD water bodies in the UK. Ecological quality comprises a series of biological, physico-chemical (joint physical and chemical) and hydromorphological quality elements. NSIP developments that would directly modify any WFD water bodies must be assessed. It is also important that consideration is given to the potential impacts on headwater drains and small streams (not classified as water bodies) which could be directly inputted to by a scheme, as potentially a receiving water body immediately downstream could be affected.

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<sup>93</sup> NNNPS paragraph 5.223

- 4.11.14 The scheme would include culverts, outfalls, clear span bridges, a viaduct and two channel realignments which could affect WFD waterbodies. These effects are identified in the ES [REP14-013] and in the WFD compliance assessment [APP-748], which takes into account the Priority Substances and Environmental Quality Standards (EQS) Directives<sup>94</sup>.
- 4.11.15 This assessment is based on the design of the scheme, as described in the ES. Some specific details could vary within the limits of the DCO during detailed design. Specific details would however require the approval of the EA and the relevant drainage authority in respect of plans and further particulars prior to construction. This would be regulated under the protective provisions and requirements in the recommended DCO. The Panel is therefore satisfied that the design of the scheme described in the ES provides an acceptable Rochdale envelope against which the effects of the scheme can be properly assessed.
- 4.11.16 The ES reports that any biological quality impacts from surface water run-off would be localised and would not be expected to affect the overall WFD assessment of biological quality elements at the water body level. Physico-chemical water quality would be improved in areas where the scheme incorporates works to the existing A14 or A1<sup>95</sup>. This would be because the provision of additional attenuation ponds would partially treat run-off through reed bed and other wetland planting. Pollution control and spillage containment facilities would be included at highway drainage outfalls to control persistent low level spillages and major pollution incidents. The EA is content with arrangements for pollution control in terms of the CoCP, CEMPs and associated accident management plans [REP15-040]. We are therefore satisfied that the scheme would be unlikely to have any adverse effect on the three surface water and one reservoir abstraction in the study area or any cumulative effect on the 10 discharge licences in the study area.
- 4.11.17 Run-off quality would also be improved from the former A14 between Brampton Hut and Swavesey due to reduced traffic levels. Run-off from the off-line section of the scheme would also be subject to similar attenuation and pollution control measures in order that existing water quality would not be affected.
- 4.11.18 The works that could result hydromorphological effects include the disconnection of the water body from its floodplain due to the presence of new structures, a reduction in longitudinal connectivity and the removal of natural cross-sections and riparian corridors. Any impacts would however be likely to be localised. Mitigation measures detailed for these water bodies would include: following best practice guidelines in the design of structures; reducing the length or size of

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<sup>94</sup> NNNPS paragraph 5.226

<sup>95</sup> NNNPS paragraph 5.222

culverts or headwalls where possible; and ensuring that the lateral and longitudinal connectivity of the water bodies is maintained as far as practicable in terms of the nature of surfaces and the retention of channel capacities. Integration of planting as part of the landscaping of the scheme would also help enhance the surrounding riparian area. The ES considers that these measures would be likely to mitigate the impacts found. The ES also finds that the River Great Ouse viaduct and the West Brook and Alconbury and Brampton Brook channel realignments would have little effect on hydromorphology. Indeed, channel realignments could provide areas of enhancement.

- 4.11.19 The regulation of mitigation measures would take place under the recommended DCO provisions for the protection of the EA and drainage authorities in Schedule 9. We also consider that appropriate requirements to secure the mitigation of adverse effects on the water environment are included within the recommended DCO, particularly Requirements 6, 10 and 15<sup>96</sup>. They would be necessary to allow the scheme, which could otherwise not be environmentally acceptable in terms of the water environment, to proceed<sup>97</sup>. It is also of note that permits under the Environmental Permitting Regulations would be required from the EA, as the recommended DCO does not include any provision to remove this requirement<sup>98</sup>.
- 4.11.20 The CoCP, which would be certified under the recommended DCO, would reduce the risk of impacts on the water environment during construction through good pollution control practice [REP14-022]<sup>99</sup>. The CoCP includes sections on environmental management and implementation and general site operations. These would seek to minimise the extent of bare earth surfaces, which could lead to higher silt loadings, and disturbance of existing channel bed forms during in-channel working. The CoCP also has been accepted by the EA and CCC in terms of the water environment. Our view therefore is that the mitigation measures set out in the CoCP would be acceptable<sup>100</sup>.
- 4.11.21 As a result of these mitigation measures, the ES anticipates that there would be no deterioration in the ecological status of any of the seven WFD watercourse water bodies within the study area [APP-748]. It also indicates that the impact of the scheme on these water bodies would be compliant with the WFD.
- 4.11.22 In respect of the one WFD groundwater body within the scheme footprint, any de-watering of the scheme would be carried out in accordance with a groundwater monitoring plan to be prepared in consultation with the EA under the CoCP which, in the recommended DCO, would be certified by the SoS. The ES reports that no works

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<sup>96</sup> NNNPS paragraph 5.227

<sup>97</sup> NNNPS paragraph 4.49

<sup>98</sup> NNNPS paragraph 4.48

<sup>99</sup> NNNPS paragraph 5.231

<sup>100</sup> NNNPS paragraph 5.229

would impact on this groundwater body and it has therefore not been included in the assessment. We have no reason to disagree with this approach and there is nothing to suggest that the scheme would cause the status of the groundwater to deteriorate.

- 4.11.23 The Panel can see no reason to dispute the findings of the ES in relation to the WFD, as set out above. There is also no evidence that the scheme, in terms of construction and operation, would result in surface waters and groundwater failing to meet environmental objectives established under the WFD or experiences deterioration in status<sup>101</sup>. It is our view therefore that, in the light of the duty under regulation 17 of the Water Environment (Water Framework Directive)(England and Wales) Regulations 2003, Article 4.7 of the WFD is not engaged and that the scheme would be acceptable in the context of the WFD.

### **Other Surface Waterbodies**

- 4.11.24 The ES reports that there would be no residual impacts, in both the construction and operational phases, on the hydromorphology of other watercourses or water features. In the context of the certified CoCP and the mitigation measures, as already reported, there is, in our view, no reason to suggest otherwise.
- 4.11.25 In terms of surface water quality, the ES reports that there would be no residual impacts from the construction phase and again, in our view, there is no reason to suggest otherwise.
- 4.11.26 In its operation, 12 of the scheme's 78 outfalls would compromise water quality in the receiving watercourse and therefore fail the Highways Agency Water Risk Assessment Tool (HAWRAT) on a residual basis [APP-747]. Eight of these 12 outfalls would however drain lengths of existing carriageway or junctions that would be improved as part of the scheme. In these areas, before mitigation to reduce residual impact, 33 of the proposed outfalls would fail the HAWRAT assessment. On the basis that a similar number of outfalls in these areas are likely to currently fail, we consider that the reduction to eight failures in this area would be a benefit from the scheme rather than a negative impact.
- 4.11.27 Furthermore, no outfalls would fail in assessment, on a residual basis, against the Environmental Quality Standards (EQS) for copper or zinc. EQS are used to assess whether a long-term impact on ecology would be likely to occur. At two outfalls however, sediment build up could lead to copper levels higher than the EQS in nearby downstream receiving waters. At these locations, both waters are said to have limited ecological potential and the residual mitigation is therefore said to be appropriate.

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<sup>101</sup> NNNPS paragraph 5.219

- 4.11.28 Proposed outfalls along relevant river stretches have also been assessed in combination, within 1 km for soluble pollutants and 100 m for sediment bound pollutants. A total of 24 in-combination assessments were undertaken. No stretches would fail in assessment on a residual basis against the EQS for copper or zinc. Fourteen in-combination assessments, for sediment and copper, would however fail the HAWRAT test. Of these 14, 12 HAWRAT failures would occur on river stretches related to online carriageway improvements. We consider that water quality on these stretches would thus be likely to be improved as a result of the scheme due to the proposed attenuation and treatment measures.
- 4.11.29 The absence of EQS failures and the limited sediment and in-combination consequences has resulted in the ES reporting a slight adverse effect for all watercourses. This level of effect takes into account the accidental spillage assessment and the comparison to the annual average EQS for copper and zinc. The accidental spillage assessment shows that there would be no discharge with a serious spillage risk more frequent than the 1% AEP. Indeed, some 16 outfalls would have a risk threshold of 0.5% AEP or 1 in 200 years.
- 4.11.30 The proportion of heavy goods vehicles (HGVs) is the main parameter used in assessment of the risk of accidental spillage. Here, the A14 is, and would be, subject to high proportions of HGV traffic compared to other parts of the SRN. The low level of spillage risk is therefore an important factor in determining the acceptability of the scheme in relation to the water environment. Furthermore, the extension of this protection to the online sections of the A14 and A1 that would be retained is an important benefit in this regard.
- 4.11.31 The watercourses into which the existing and proposed carriageways that would be subject to the scheme discharge lie within the catchment of the River Great Ouse. The source of any operational pollution from these existing and proposed carriageways would be vehicles travelling on them. At any point in time, the number of vehicles and the level of operational pollution from them in the with and without scheme scenarios would be of the same order of magnitude.
- 4.11.32 At catchment level, the scheme would add attenuation and treatment measures into the surface water drainage system immediately downstream of carriageways within the scheme. For any level of overall traffic or pollution creation, these attenuation and treatment measures would improve the water quality of the River Great Ouse catchment as a whole. The ES therefore assesses the overall effect on the water quality of the River Great Ouse catchment as a result of the scheme to be slight beneficial.
- 4.11.33 Lakes and other water bodies identified would not receive any discharge from the scheme and therefore would not be subject to any impacts. One of the Buckden Gravel Pits would however be in-filled to accommodate an embankment. This is though the furthest from the

River Great Ouse and its in-filling would be unlikely to alter any connectivity with the river.

- 4.11.34 In view of all of the above points, the Panel does not consider that there is any reason to suggest that the effect of the scheme on surface water quality from its operation would be any greater than the slight adverse, and therefore not significant, as reported in the ES.

### **Groundwater**

- 4.11.35 The ES reports on the assessment of potential impacts related to groundwater and associated receptors including groundwater abstractions, ecological receptors and surface waters. It has had regard to the Groundwater Daughter Directive 2006/118/EC [REP15-028]<sup>102</sup>. Key potential impacts on the River Terrace Deposits and associated receptors and on the Woburn Sands outcrop area are identified. These are associated with borrow pit areas and flood compensation areas.
- 4.11.36 A number of mitigation measures have been identified and would be secured under the recommended DCO. Further ground investigation has been scheduled to support the detailed design phase, during which the impact assessment and the specification of mitigation measures would be refined.
- 4.11.37 The River Terrace Deposits and associated receptors may be impacted during the construction phase with the dewatering of the borrow pits. The significance of these impacts has however been assessed as neutral to slight with implementation of the identified mitigation measures.
- 4.11.38 Flood compensation areas in the western and central parts of the scheme would be located on areas of River Terrace Deposits. To the east, flood compensation areas would be above the Woburn Sands outcrop area. Whilst these compensation areas would intercept and temporarily impound surface water runoff, they would also allow it to infiltrate to groundwater. As a result, there would be a temporary increase in groundwater recharge and the elevation of the groundwater surface local to the flood compensation areas.
- 4.11.39 This recharge would create a potential for existing in-ground contamination to become mobilised or displaced. This would however be unlikely to cause any significant issues, given the expected and very localised groundwater flow disturbance pattern and the EA is satisfied with the provisions in the DCO in this regard. Moreover, the nearest potentially polluted groundwater area is localised in its extent and some distance from the scheme.

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<sup>102</sup> NNNPS paragraph 5.226

- 4.11.40 We are also satisfied that the scheme would be unlikely to have an adverse effect on the two licensed groundwater abstractions within the study area. There are also no matters not agreed between the applicant and Anglian Water in relation to any water resources management plan [REP15-040]<sup>103</sup>. Furthermore, the EA is content that adequate arrangements would be in place to address any issues relating to the mobilisation of leachate from the Milton and Buckden South landfill sites and any other areas of contaminated land.
- 4.11.41 The ES therefore reports that the scheme would result in a neutral or slight adverse residual effect on groundwater for both the construction and operational phases following implementation of the identified mitigation measures. In view of all of the above points, the Panel does not consider that there is any reason to suggest that the effect of the scheme would be any greater than the slight adverse, and therefore not significant, reported in the ES.

### **Summary**

- 4.11.42 From all of the above, the Panel is satisfied that the ES has described the impact of the scheme on: water resources; the physical characteristics of the water environment, WFD water bodies or protected areas and sources protection zones around potable groundwater abstractions together with cumulative effects<sup>104</sup>. We are also satisfied that the scheme would adhere to National Standards for SuDS<sup>105</sup>.
- 4.11.43 Our assessment in relation to water quality and resources undertaken during the Examination has been on the basis that the relevant pollution control regime would be properly applied and enforced<sup>106</sup>.
- 4.11.44 Sufficient cooperation with the EA, Natural England, the Internal Drainage Boards (IDBs) and water and sewerage undertakers has taken place<sup>107</sup>. We are therefore satisfied that potential releases could be adequately regulated under the pollution control framework, and this position is supported by the EA<sup>108</sup>. Relevant permissions would need to be obtained for any activities within the scheme that would be regulated under those regimes before the activities could be operated<sup>109</sup>. Furthermore, there is no evidence of existing sources of pollution in and around the scheme that, when the effects of the scheme are added, would make the scheme cumulatively unacceptable, particularly in relation to statutory environmental water quality limits<sup>110</sup>.

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<sup>103</sup> NNNPS paragraph 5.226

<sup>104</sup> NNNPS paragraph 5.223

<sup>105</sup> NNNPS paragraph 5.230

<sup>106</sup> NNNPS paragraph 4.50

<sup>107</sup> NNNPS paragraph 4.55

<sup>108</sup> NNNPS paragraph 4.55

<sup>109</sup> NNNPS paragraph 4.48 and 5.224

<sup>110</sup> NNNPS paragraph 4.55

4.11.45 From the application and submissions made, there is no reason for the Panel to believe that any relevant necessary operational pollution control permits, licences or other consents would not be subsequently granted<sup>111</sup>. Furthermore, the EA is satisfied on the scope of the permit or consent and any management plans<sup>112</sup>.

## **CONCLUSION**

4.11.46 From all of the above, the scheme would have regard to the Anglian RBMP and the requirements of the WFD and its daughter directives, including those of priority substances and groundwater<sup>113</sup>. The scheme would not have any likely effects on the ability of the seven identified water bodies to achieve good ecological status or potential and would not have any likely effects on surrounding water bodies.

4.11.47 The Panel therefore concludes that the scheme would not have an adverse effect that would result in surface waters, groundwater or protected areas failing to meet environmental objectives established under the WFD<sup>114</sup>. Article 4.7 of the WFD Regulations would not therefore need to be applied<sup>115</sup>. The Panel is also satisfied that opportunities have been taken, where feasible, to improve upon the quality of existing discharges to contribute towards WFD commitments. In our view therefore, the scheme would not therefore have an unacceptable impact in terms of water quality.

4.11.48 The Panel has considered all of the written and oral submissions made in relation to water quality and resources, in addition to those specifically identified in this section of the report. We are satisfied that they have been appropriately addressed in terms of the application, the additional work carried out by the applicant, the agreements reached with various statutory bodies and the recommended DCO. We therefore conclude that the scheme would not have an unacceptable effect in terms of water quality and resources.

## **4.12 BIODIVERSITY AND ECOLOGICAL CONSERVATION**

### **INTRODUCTION**

4.12.1 This section of the chapter addresses biodiversity and ecological conservation issues apart from issues relating to Habitats Regulations Assessment (HRA) which have been addressed separately in Chapter 5 of this Report. It begins with of Sites of Special Scientific Interest (SSSI) before considering non-statutory wildlife sites. European and nationally protected species are addressed followed by other species.

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<sup>111</sup> NNNPS paragraph 4.56

<sup>112</sup> NNNPS paragraph 4.53

<sup>113</sup> NNNPS paragraph 5.226

<sup>114</sup> NNNPS paragraph 5.219 and 5.225

<sup>115</sup> NNNPS paragraph 5.226

The section then considers habitat and borrow pits including their management and maintenance.

- 4.12.2 The NNNPS<sup>116</sup> explains that Government policy for the natural environment is based on moving from net biodiversity loss to net gain by supporting healthy, well-functioning ecosystems and establishing more coherent ecological networks. As a general principle, and building on the Government's biodiversity strategy, development should avoid significant harm to biodiversity, including through mitigation.
- 4.12.3 In accordance with the NNNPS<sup>117</sup>, Environmental Statement (ES) Chapter 11 [APP-342], supported by appendices 11.1 to 11.12 [APP-689 to APP-700], assesses the likely significant effects on internationally, nationally and locally designated sites of ecological importance, protected species, habitats and other species identified as being of principal importance for biodiversity. The potential effects on ecological receptors during construction and operation of the scheme have been identified. Studies have included those for birds, fish, amphibians, invertebrates, reptiles and mammals (bats, water vole, otter and badger). The ES also described the avoidance and mitigation measures proposed within the scheme and identifies those residual effects which are significant.
- 4.12.4 Biodiversity and ecological conservation was identified as a principal issue in the ExA's Rule 6 Letter [PD-003], with the impact on habitats and species identified as a matter for consideration. A small number of IPs raised concerns about the impact of the scheme on habitats and species [REP7-038].
- 4.12.5 Natural England (NE), as the relevant Statutory Nature Conservation Body, confirmed that it agreed with the broad scope of the EIA and that the ES provided a comprehensive and robust assessment of the likely significant impacts of the proposed scheme on relevant ecological features including designated sites, protected species and wider biodiversity, in line with the requirements of paragraph 5.22 the NNNPS. There are no outstanding objections from NE or the EA in respect of ecological matters.

#### **SITES OF SPECIAL SCIENTIFIC INTEREST**

- 4.12.6 The applicant identified nine Sites of Special Scientific Interest (SSSI) which could potentially be adversely affected by the scheme, one of which is within the scheme boundary (Brampton Meadow SSSI) and one of which is adjacent (Portholme SSSI) [APP-342]. NE confirmed they were satisfied that the correct SSSIs were scoped into the EIA [REP8-016]. The ES concludes that there would be no significant

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<sup>116</sup> NNNPS paragraph 5.20

<sup>117</sup> NNNPS paragraph 5.22

adverse effects on SSSIs during construction or operation of the scheme [APP-342].

- 4.12.7 The Brampton Meadow SSSI would be surrounded by roads on all sides as a result of a new access road between the A1 and A14. In view of this, the applicant proposes to provide an ecological mitigation area adjacent to the Brampton Meadow SSSI. This ecological mitigation area is intended to improve the ecological diversity of surrounding habitats, whilst mammal crossings would retain the connection of the SSSI to the wider countryside for mobile species [APP-342]. Overall the ES predicts neutral/slight beneficial effects on the Brampton Meadow SSSI during the operational phase of the scheme [APP-342].
- 4.12.8 Following a request from NE a new requirement was added to the applicant's draft DCO at Deadline 7 [REP7-031] to ensure that prior to the commencement of Work No's 1, 2, 3, 40 and 44, details of the establishment and management of the Brampton Meadow ecological mitigation area must be approved by the SoS, following consultation with NE. This has been subsequently included as Requirement 13 of the recommended DCO (Appendix H of this Report).
- 4.12.9 The Portholme SSSI is located 11 metres from the scheme at its closest point [APP-342]. This site is also designated as a Special Area of Conservation (SAC), with implications for the SAC addressed in Chapter 5 of this Report. The ES confirms that there would be no direct habitat loss at Portholme SSSI as a result of the scheme, although potential impacts on the SSSI could occur as a result of changes in water and air quality conditions [APP-342]. No significant effects on the Portholme SSSI are predicted during construction or operation of the scheme [APP-342].
- 4.12.10 NE confirmed through its SoCG with the applicant [REP8-016] that it was satisfied with the conclusion that the scheme would have no likely significant effect on the features for which the SSSIs were notified, subject to the implementation of mitigation.
- 4.12.11 The Panel notes that NE is content with the approach which the applicant has adopted with respect to the assessment of SSSIs and accepts the proposed mitigation in respect of Brampton Meadow SSSI. The Panel considers that the proposed mitigation measures would ensure that the SoS can be satisfied that harmful aspects of the scheme can be mitigated to ensure the conservation of the site's biodiversity in line with paragraph 5.29 of the NNNPS.

## **REGIONAL AND LOCAL SITES**

- 4.12.12 The ES identifies a number of non-statutory wildlife sites within 2 km of the scheme and provides a detailed assessment of the impacts on the River Great Ouse County Wildlife Site (CWS) and the Buckden Gravel Pits CWS, which would be crossed by the proposed road [APP-342].

- 4.12.13 The impact of the road on biodiversity across the River Great Ouse floodplain was raised by a number of IPs [see for example, RR-233 and RR-082] as well as the Campaign for Better Transport [RR-261]. CCC, HDC and SCDC stated that potential impacts of the scheme included habitat loss and changes in environmental conditions with no attempt to identify opportunities to provide mitigation/compensation to enhance the poorer quality habitats within the Buckden Gravel Pits CWS [REP2-184]. They raised the concern that the entire Buckden Gravel Pits CWS was not included in the Phase 1 Habitat survey so that there was a risk that adverse impacts had not been identified and stated that insufficient evidence had been provided to demonstrate that there would be no adverse hydrological impact on the Fenstanton Pits CWS.
- 4.12.14 The applicant stated that there would be some habitat loss at the Buckden Gravel Pits CWS during construction and operation [REP4-019]. This would be mitigated through the restoration of the habitats damaged and enhancement of the habitats in the remaining CWS, with no significant residual effects on the CWS anticipated [APP-342]. Effects on species using this CWS are addressed later in this section.
- 4.12.15 The applicant confirmed that during detailed design, habitats within the Buckden Gravel Pits CWS would be surveyed and the quality of habitats identified in more detail to inform plans for restoration of the area to enhance this CWS [REP4-019]. This is reiterated in the applicant's SoCG with CCC [REP14-011].
- 4.12.16 CCC also agreed through its SoCG [REP14-011] that its request for consultation in respect of ecological matters relating to CWSs would be secured via the CoCP and the appropriate LEMP, while dust impacts on CWSs would be managed in terms of best practicable means in the CoCP. It also agreed that the hydrological impacts on CWSs would be addressed through the LEMP [REP14-011]. The CoCP and LEMPs would be secured through Requirement 4 of the recommended DCO if made.
- 4.12.17 The Panel has considered the representations in respect of the CWSs and notes the progress made between the applicant and local authorities (CCC/HDC/SCDC) in finding an acceptable way forward to address initial concerns through the CoCP and LEMPs. Whilst general concerns have been raised by IPs about potential damage to the biodiversity of the River Great Ouse Floodplain, there is little evidence to substantiate these concerns. As such, after considering in line with the NNNPS<sup>118</sup> the Panel does not consider the effects on regional and local wildlife sites weigh against the Order being made.

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<sup>118</sup> NNNPS paragraph 5.31

## **EUROPEAN PROTECTED SPECIES**

### **Bats**

- 4.12.18 Bat surveys used to inform the ES confirmed that bats are using habitats on and around the study area. The ES predicts moderate adverse effects on bats as a result of disturbance and direct mortality (vehicle collisions) during operation of the scheme [APP-342]. Mitigation measures are proposed to reduce the adverse effects. Beneficial effects on bats are also predicted during operation of the scheme as a result of habitat gain.
- 4.12.19 In its RR NE identified the need for further surveys of high potential and known bat roost features to support bat licence applications [RR-630], whilst in its WR NE sought more detailed information on the design of mitigation measures [REP2-150]. CCC also raised a concern that the assessment of the significance of impacts at borrow pit 1 and the hedgerow linking Brampton Wood SSSI in the ES was inadequate [REP2-159].
- 4.12.20 Information regarding the mitigation of impacts on bats would be subject to consultation during detailed design. This would be secured by Requirement 5 of the recommended DCO which would address the issue of Protected Species and ensure that pre-construction surveys would take place in the season before the start of construction for each section to provide up to date information. NE confirmed its acceptance of the draft Requirement in its SoCG [REP8-016].
- 4.12.21 NE requested that a lighting plan should be developed to ensure that essential lighting was used only where needed and light spill onto bat commuting and foraging areas was minimised [REP2-150]. The applicant confirmed that a lighting plan would be provided during detailed design and this would be secured by means of draft Requirement 14 [REP7-031]. NE subsequently confirmed that they were content with the inclusion of this requirement [REP13-016].
- 4.12.22 Through their SoCG, the applicant and CCC agreed that bats at Brampton Woods would be safeguarded through the pre-construction surveys and the detailed design process and through consultation on the LEMPs [REP13-012].
- 4.12.23 The applicant submitted a draft bat mitigation licence to NE in respect of affected species of bat. In response, NE issued a 'letter of no impediment' (LONI) on 13 August 2015, confirming that on the basis of the information and proposals provided, NE saw no impediment to a licence being issued should the DCO be granted.
- 4.12.24 Over the course of the Examination, agreement was reached between the applicant and IPs on the approach to ensuring appropriate mitigation. This would be via the LEMPs that would be required as part of the CoCP secured through Requirement 4, 5 and 14 of the recommended DCO. The Panel therefore concludes that the impacts of the scheme on bats can be appropriately mitigated.

## **Great Crested Newt**

- 4.12.25 Surveys undertaken to inform the ES recorded great crested newts (GCN) in a number of water bodies [APP-342]. The applicant proposed a number of ecological mitigation sites in order to mitigate the impacts on GCN during construction of the scheme. With these mitigation measures the ES predicted that there would be neutral effects on GCN during construction of the scheme and a slight, permanent positive effect for GCN during the operational phase [APP-342].
- 4.12.26 The applicant submitted a draft GCN mitigation licence to NE. In response, NE issued a LONI in respect of GCN on 26 August 2015, confirming that on the basis of the information and proposals provided it saw no impediment to a licence being issued, should the DCO be made.
- 4.12.27 In relation to proposed change DR1.87, NE noted [REP12-011] that pre-construction ecological surveys (carried out between February and September 2015) indicated that GCN were absent from ponds adjacent to Woodhatch Farm. As such NE accepted that the receptor site proposed in the ES for GCN (primarily in plot 4/6) would no longer be required and confirmed that the scheme would not require a protected species licence for GCN [REP12-011].
- 4.12.28 In view of the representations from NE and in the absence of representations from other IPs in relation to GCN, the Panel concludes that Requirement 5 of the Recommended DCO would provide an appropriate mechanism to manage any additional survey work which is required as well as appropriate mitigation measures.

## **Otter**

- 4.12.29 The SoCG with NE confirmed that no breach of legislation protecting otters was anticipated but further pre-construction surveys would provide up to date information to inform the possible need for otter licence applications [REP8-016]. The Panel is content that this matter can be appropriately addressed through Requirement 5 of the recommended DCO.

## **NATIONALLY PROTECTED SPECIES**

### **Birds**

- 4.12.30 The ES identifies potential impacts on breeding birds, in particular that during the operation of the scheme, there would be a possibility of significant adverse residual effects on breeding birds present at the Buckden Gravel Pits CWS (including Cetti's and grasshopper warblers) as a result of noise disturbance [APP-342].
- 4.12.31 In its RR, NE stated that the mitigation measures proposed to protect breeding birds and barn owls were adequate subject to the agreement of details [RR-630]. The local authorities (CCC, HDC and SCDC)

raised a concern in their joint LIR that due to the estimated high volume of traffic using the scheme and the increase in visual stimulus and traffic noise, breeding birds would be affected by noise disturbance [REP2-184]. Consequently they argued that the ecological mitigation areas would not necessarily be used for breeding to the extent that they fully offset the effects of disturbance or a reduction in breeding habitats at the Buckden Gravel Pits and other areas [REP2-184].

- 4.12.32 NE confirmed that it was satisfied the applicant's draft breeding bird method statement would provide measures to minimise impacts on breeding birds and barn owls and stated that the proposals were in accordance with recognised best practice and in line with NE's standing advice for protected species [REP7-009]. This was reiterated in the SoCG with NE, which also states that a draft method statement had been agreed with NE which would be appended to the LEMPs [REP8-016].
- 4.12.33 NE supported the applicant's intention set out within the method statement to seek the advice of the Barn Owl Trust on the proposed provision of additional barn owl nesting opportunities [REP7-009]. The implementation of the method statement through the LEMPs would be secured through Section 12 of the CoCP [REP14-022]. This provides for contractors to comply with approved method statements which would be provided to NE for their comment. The breeding bird method statement would be incorporated into the breeding bird species management plan.
- 4.12.34 As set out in the updated summary of the EIA, the applicant assessed that during operation, impacts resulting from direct habitat loss associated with Buckden Gravel Pits would be fully mitigated by design and by the time of the scheme becoming operational planting would be significantly mature to provide foraging and nesting habitats while proposals for the long term management of the borrow pits would provide new habitats in excess of those lost [REP14-018]. The CoCP would also provide for the contractor to prepare a management plan for the Buckden Gravel Pits CWS [REP14-022]. The restoration of the borrow pits and their management using the principles set out in the CoCP would provide compensation for the residual effects on the two warbler species [REP4-019].

### **Water vole**

- 4.12.35 A number of IPs including the EA [RR-639] and NE [RR-630] raised concerns in their RR about the loss of long-term sustainability of water vole populations and direct impacts on water vole. Three small colonies of water vole were identified within or near the footprint of the scheme. The applicant's response indicated that the scheme would result in an increase in suitable habitats for water voles because of enhancements to water courses and water vole specific habitat creation [REP1-035]. A dedicated water vole receptor site was identified on the A1 Alconbury to Brampton Hut section of the scheme

to provide permanent replacement habitat to address habitat loss as a result of the scheme [APP-342].

- 4.12.36 The applicant indicated that a draft water vole conservation licence application had been submitted to NE [REP4-018]. Subsequently NE issued a LONI required in respect of licensing for water vole on 13 August 2015, which indicated that the favourable conservation status of the species would not be adversely affected by the scheme [REP8-016].
- 4.12.37 The applicant's proposed changes DR1.40b and DR1.88 would (respectively) provide a water vole receptor site on an area of land to the east of Oakington Brook and significantly reduce the size of another proposed water vole receptor site [REP12-011]. In addition proposed change DR1.40a would provide an area of land to the east of Longstanton Brook for water vole mitigation [REP7-034]. These changes were proposed as a result of the pre-construction surveys, which showed water voles to be present in areas where they were previously absent and vice-versa [REP11-011]. The applicant concluded that these proposed changes were unlikely to give rise to any new likely significant effects beyond those assessed in the ES [REP7-034]. NE agreed with this conclusion and at Deadline 13 advised that proposed change DR1.40a would have no implications for the water vole LONI, issued on 13 August 2015 [REP13-007].
- 4.12.38 The EA also raised initial concerns about the ecological implications of the diversion of the West Brook and Alconbury Brook. Diversions to these brooks are required to cross the new A14 and facilitate the provision of a bridge for the B1040 over the new A14 in respect of West Brook and because of necessary widening of the A1(M) in respect of Alconbury Brook [REP14-015]. The design of the new channels would include site specific enhancements to the existing structure and habitats of each watercourse and would aim to improve the overall ecological quality of the realigned sections of the river resulting in habitat creation. The ES also finds that the West Brook and Alconbury Brook channel realignments would have little effect on hydromorphology outside of the re-alignments [APP-348]. The Panel concludes that the EA's concerns in respect of would be appropriately addressed through species management plans secured through the CoCP [REP14-022].

### **Badger and reptiles**

- 4.12.39 NE issued a LONI in respect of licensing for badgers on 25 August 2015, whilst for reptiles a draft reptile mitigation method statement was agreed between NE and the applicant through the SoCG [REP8-016]. In addition, the Panel concludes that the CoCP would ensure that a habitat management plan, secured through the CoCP would address mitigation for badgers and reptiles.

## **Summary in relation to nationally protected species**

- 4.12.40 The Panel has taken account of all relevant and important written and oral representations received in respect of nationally protected species. Apart from those of NE and the EA, representations have typically been general concerns about the impact of the scheme on protected species. The applicant has provided draft method statements and/or provisions in the CoCP to address the need for surveys or additional mitigation measures. In addition, LONIs in respect of protected species mitigation licences have been issued by NE indicating that the conservation status of the species would not be adversely affected by the proposals. As a result of these measures the Panel is of the view that the effects of the scheme on nationally protected species would be very limited and where negative can be satisfactorily managed through appropriate mitigation which would not prevent the SoS from making the Order if so minded.

### **OTHER SPECIES**

- 4.12.41 The EA requested that pre-construction ecological surveys for terrestrial invertebrates be undertaken as a basis for detailed design and construction decisions [RR-639]. The EA also stated that it was generally opposed to the culverting of watercourses because of the adverse ecological, flood risk, human safety and aesthetic impacts [REP2-154]. The applicant explained that culverting would be minimised during the detailed design of the scheme but confirmed that the detailed design of culverts, where necessary, would be developed in consultation with the EA and NE [REP2-003 Q1.2.10].
- 4.12.42 CCC argued that potentially all habitats affected by development should be adequately surveyed to inform any avoidance, mitigation or compensatory measures [REP2-159]. The council also stated that even if the site did not support GCN, it was still necessary to ensure that other amphibians were not adversely affected by the scheme.
- 4.12.43 In its subsequent SoCG the applicant and CCC agreed that terrestrial invertebrates would be safeguarded through the process of pre-construction surveys which would inform any required mitigation through the detailed design process and through consultation on the LEMPs.
- 4.12.44 The Panel is satisfied that the scheme would not result in undue harm to terrestrial invertebrates and amphibians and that the concerns expressed by IPs during the Examination would be dealt with during detailed design stage with appropriate mitigation provided through species management plans secured via the CoCP.

### **HABITATS**

- 4.12.45 The applicant states that although the scheme would result in semi-natural habitat losses of approximately 134 ha in the short term, associated with site clearance and construction (including broadleaved woodland, trees, hedges and water bodies), as a result of the design

mitigation proposed there would be a net permanent gain of 271 ha of semi-natural habitat in the long term, due to the creation of approximately 404 ha of habitat [REP4-019]. The NFU and other IPs considered that there was no justification for the creation of 271 ha of habitat and that provision should be on a like for like basis rather than a net habitat gain [REP2-164 and REP11-015].

- 4.12.46 In the applicant's view, the new habitats with semi-natural grassland and mixed woodland would have greater biodiversity value than the arable land it would replace and have been designed to connect to the linear landscape and that sites had been selected due to their proximity to existing bio-diverse habitats such as woodlands and wetlands, to increase the ecological network connectivity [REP11-011].
- 4.12.47 The applicant stated that it had undertaken a review of the requirement for ecological habitat creation on a plot by plot basis in following consultations with landowners amongst other matters and had considered the need for each plot including the potential to reduce the area sought. It undertook to continue the review through the detailed design process [REP11-011].
- 4.12.48 CCC, HDC and SCDC noted in the joint LIR that of the total habitat loss during construction, 87% was arable land [REP2-184]. CCC, HDC and SCDC subsequently accepted that arable land was considered to be of relatively low ecological value and in abundance in the local area such that the loss would not be considered significant [REP8-011]. The potential loss of arable land is considered more fully under the section on socio-economic effects in Chapter 4.
- 4.12.49 In its RR, the EA proposed that biodiversity mitigation areas be linked as part of a network of wildlife corridors [RR-639]. In its subsequent SoCG, the EA agreed with the applicant that the issue of connectivity between habitats and populations could be addressed through the detailed design stage [REP10-049].
- 4.12.50 The Panel accepts the applicant's justification that ecological mitigation needs to address a number of requirements namely the need to comply with legislation, the mitigation of the effects of the scheme, providing compensation for the residual effects of the scheme and the restoration of borrow pits. The Panel notes that the applicant proposes to address this ecological mitigation through landscape planting, the provision of protected species mitigation sites, the provision of general diversity areas and the restoration of borrow pits and that such an approach is appropriate [REP11-011].
- 4.12.51 The Panel concludes that the proposed net habitat gain is supported by the NNNPS<sup>119</sup> which indicates that the SoS should consider whether the applicant has maximised opportunities for building in beneficial

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<sup>119</sup> NNNPS paragraph 5.33

biodiversity features as part of good design in and around developments. The Panel considers that the applicant's approach to assessing and mitigating impacts on habitats through the provision of replacement habitat or utilising opportunities presented by other elements of the scheme is justified. The Panel is also satisfied with the applicant's approach to the ongoing review of those sites during the detailed design process.

#### **BORROW PITS AFTERCARE AND RESTORATION**

- 4.12.52 CCC, HDC and SCDC were concerned that there was a lack of detail about how borrow pits would be restored and managed and a lack of commitment to their long term management [REP2-184]. Their view was that the proposal of a 5 year management period would be inadequate to achieve any long term net gain in biodiversity. SCDC sought an aftercare period of 15 years [REP13-012].
- 4.12.53 In response, the applicant agreed to extend the aftercare period from 5 to 10 years but did not accept SCDC's proposal for an aftercare period of 15 years. The applicant considered that 10 years would provide adequate time for the establishment and management of ecological mitigation [REP13-027].
- 4.12.54 After the 10 year management period, the applicant would offer the borrow pit sites back to the original owners of the land with legal covenants to ensure the sites were maintained in accordance with the scheme restoration and aftercare arrangements. As set out in the Summary of Ecological Mitigation [REP11-011], should the original owners not want to re-acquire the land it would be maintained in the long term as part of the highways estate by Highways England's managing agents, or through sale or management agreements with other suitable bodies [REP4-019]. The Panel recognises that the long term management of the borrow pits to ensure that both habitat restoration and the long term biodiversity gain is an important element of the approach to ecological mitigation.
- 4.12.55 HDC welcomed the continued dialogue about the future of the borrow pits, post scheme construction [REP13-012]. HDC was in broad agreement with the applicant about the aftercare strategy but considered that inadequate consideration had been given to their position should the borrow pits remain in the applicant's ownership beyond the 10 year period if the sale of the borrow pits was not achieved.
- 4.12.56 CCC agreed in its SoCG with the approach to the restoration and aftercare of borrow pits [REP13-012]. SCDC maintained its position that the aftercare period should be 15 years [REP13-012].
- 4.12.57 Whether the borrow pits remain in Highways England's ownership beyond the 10 year period or transfer to another owner, this would not affect their future management in terms of ecological mitigation if

the sites were maintained in accordance with the scheme restoration and aftercare arrangements.

- 4.12.58 In so far as the time period for aftercare is concerned, the Panel notes that CCC and HDC are content but that SCDC considers 15 years would be more appropriate and in line with their existing practice on major applications. The Panel notes that there is little precedent in existing made Orders for aftercare at borrow pit sites. In the Panel's view, the ten year period is appropriate for this particular element of the scheme given their sensitivity. This contrasts with the five year aftercare period across the rest of the scheme which is a more typical aftercare period in made Orders to date.
- 4.12.59 Having considered the various representations on this matter, the Panel is content that the Borrow Pits Restoration and Aftercare Strategy provides a clear route forward for managing the restoration and aftercare process and would be secured through Requirement 11 of the recommended DCO.

### **HABITAT MANAGEMENT AND MAINTENANCE**

- 4.12.60 A number of individual IPs [RR-613 and RR-610] together with the EA [RR-639] questioned who would be responsible for the management and maintenance of proposed habitat and ecological mitigation areas, indicating that a financially supported long-term monitoring and maintenance plan would be required to ensure successful mitigation. NE identified the need for a Habitat Management and Maintenance Plan for habitat creation areas, clearly setting out who would be responsible for carrying out these works [REP2-150].
- 4.12.61 The applicant stated that the management and maintenance of receptor sites for water voles and GCN, along with biodiversity mitigation areas and landscaping would be carried out according to a Handover Management Plan (HEMP) [REP8-016]. This would be prepared at the end of the five-year maintenance period during which the scheme will be maintained by the construction contractors. The SoCG with NE confirms that a Habitat Management and Maintenance Plan would be prepared as part of the HEMP [REP8-016]. The HEMP would be part of the CoCP secured through Requirement 4 of the recommended DCO if made. The EA also confirmed in its SoCG with the applicant that details of the proposed maintenance would be provided through the detailed design process [REP10-049].
- 4.12.62 The Panel takes the view that with the measures set out in the CoCP having been accepted by both the EA and NE and secured through Requirement 4 of the recommended DCO, these would be effective in the management and maintenance of habitats in the future.

### **CONCLUSIONS**

- 4.12.63 The Panel received few representations from IPs in relation to biodiversity and ecology and although the subject was identified as a principal issue, it did not feature extensively during the Examination.

- 4.12.64 The Panel is content with the proposed mitigation in respect of Brampton Meadow SSSI, which NE has also accepted. This should ensure that the SoS can be satisfied that the biodiversity of this site can be conserved in line with paragraph 5.29 of the NNNPS.
- 4.12.65 Concerns raised by IPs about the impact of the scheme on CWSs are capable of resolution through the detailed design process and the mitigation measures contained within the CoCP in the view of the Panel.
- 4.12.66 In terms of European and nationally protected species, the Panel concludes that the measures within the CoCP, secured through Requirement 4 and Requirement 5 which addresses Protected Species would provide the appropriate means of managing the effects of the scheme. Where appropriate these measures have the support of the EA, NE and CCC. Furthermore NE has issued LONIs in respect of Protected Species.
- 4.12.67 In respect of nationally protected and other species, the Panel is satisfied that the scheme would not result in undue harm and mitigation would be provided through the CoCP which includes specific provision for species or habitat management plans. In the long term the scheme would have positive effects for a number of species as a result of habitat creation.
- 4.12.68 With regard to ecological mitigation sites the Panel notes the concerns expressed by the NFU about the loss of arable farming land and that the land-take greatly exceeded the ecological loss. The Panel accepts that the land requirement is largely landscape driven but also meets the objectives of maximising opportunities for biodiversity as set out in paragraph 5.33 the NNNPS. The Panel does not consider that the ecological provision in the scheme is excessive or unnecessary.
- 4.12.69 Proposals for borrow pits are set out in the Borrow Pits Restoration and Aftercare Strategy and have general support from CCC, HDC and SCDC. The applicant extended its original proposal for an aftercare period of 5 years to a commitment for 10 years. Although this does not meet the wishes of SCDC for a 15 year aftercare period the Panel concludes that with the measures set out in the strategy a 10 year period would be adequate.
- 4.12.70 In terms of the future management and maintenance of habitats the Panel concludes that the measures set out in the CoCP which have been accepted by both the EA would provide an acceptable means of control.
- 4.12.71 Requirements 5, 11, 13 and 14 of the Recommended DCO specifically relate to ecological mitigation. In addition, the CoCP, which would be secured through Requirement 4, would have a significant role in addressing the mitigation of environmental effects. The Panel concludes that these would be appropriate in terms of the advice in paragraph 5.37 of the NNNPS which states that the SoS should

consider appropriate requirements to ensure that mitigation measures are delivered.

- 4.12.72 With the safeguards that would be afforded by the suite of requirements that would apply to ecological mitigation, the Panel concludes that there are no biodiversity or ecology matters that would weigh against the Order being made.

## **4.13 ECONOMIC AND SOCIAL EFFECTS**

### **INTRODUCTION**

- 4.13.1 This section of the chapter addresses economic and social effects and within this section, we also include consideration of the effects on land use given the entwined nature of these matters. These effects were assessed in the Application Environmental Statement including at Chapter 16, an assessment of the likely significant effects on people and communities and the likely impacts on agricultural land, farms and community severance [APP-347].
- 4.13.2 The matters are considered here in the context of the guidance in the NNNPS, the National Policy Statement for Ports (NPSP) and the NPPF. References to the relevant sections of these documents are given in footnotes.

### **ECONOMIC EFFECTS**

- 4.13.3 The NNNPS advises that the national roads networks that connect our regions and international gateways play a significant part in supporting economic growth, as well as existing economic activity and productivity<sup>120</sup>. It also adds that traffic congestion can constrain economic activity by making it harder for businesses to access export markets<sup>121</sup>. The NPSP advises that shipping continues to provide the only effective way to move the vast majority of freight in and out of the UK<sup>122</sup>. It also adds that the provision of sufficient sea port capacity will remain an essential element in ensuring sustainable growth in the UK economy.
- 4.13.4 The scheme comprises the improvement of an HGV laden and currently congested section of the A14 which connects the port of Felixstowe with various regions of the UK. It can thus be said to play a significant supporting role in economic terms, with potential benefits including job creation through economic growth<sup>123</sup>. These economic benefits would also be present at national, regional and local levels<sup>124</sup>. Indeed, the Strategic Vision within the December 2014 Government Road Investment Strategy (RIS1) singles out the scheme and its

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<sup>120</sup> NNNPS paragraph 2.1

<sup>121</sup> NNNPS paragraph 2.16

<sup>122</sup> NPSP paragraph 3.1.4

<sup>123</sup> NNNPS paragraph 4.3

<sup>124</sup> NNNPS paragraph 4.4

benefits [APP-755]. The RIS1 Overview then cites the stretch of the A14 to be improved as "the biggest single choke point for British business".

- 4.13.5 Some IPs raised concerns about the public cost of the scheme and that this was not an economic benefit [for example RR-576, 575, 165 and 233]. The Application has been supported by a business case prepared in accordance with DfT guidelines<sup>125</sup> [APP-755]. The business case assesses the economic, environmental and social impacts of the scheme on a financial basis.
- 4.13.6 The main economic and social impacts assessed are benefits in terms of travel time and reliability and dis-benefits in terms of construction delays and increased vehicle operating costs due to additional mileage. The main environmental impacts assessed are benefits in terms of greenhouse gas emissions, due to reduced congestion, and noise and air quality, due to the relocation of traffic away from developed areas.
- 4.13.7 In relation to the subject matter, the Panel is satisfied that the information provided, and its assessment, is proportionate to the scheme. During the Examination, the business case was updated to reflect the traffic flows in CHARM3a [REP2-018]. The updated reference year, against which discount rates to costs and benefits were made, was 2015 and the initial Benefit Cost Ratio (BCR) was calculated as 1.2. Whilst this falls within the low value for money category, it does not include journey time reliability and business growth constraints due to congestion. When these are added, the BCR rises to 2.3, which falls within the high value for money category. As the main aim of the scheme is to overcome existing congestion through the provision of additional capacity, we would expect the BCR to rise significantly in this manner. We therefore consider it right that the scheme is judged on the adjusted BCR.

## **LAND USE**

- 4.13.8 The area surrounding the scheme supports valuable agricultural land [APP-702]. The majority of the scheme would cross Grade 2 and 3 agricultural land, which is within the best and most versatile land category [APP-420]. From the distribution and extent of this land, the Panel agrees with the applicant that it would not have been reasonably possible to avoid this land to secure the necessary improvements to the strategic road network.
- 4.13.9 With this in mind, the applicant has assessed the individual impacts of the scheme on land and farms and the scheme would be undertaken under a Soil Management Strategy (SMS) [APP-347]. The impacts have been assessed on a worst case basis where all of the Grade 3 land has been assumed to lie within the Grade 3a best and most

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<sup>125</sup> NNNPS paragraph 4.5

versatile classification [REP2-008 Q1.7.1 & 2]. We consider that this reasonably accords with the fact that 95% of Grade 3 land lies with the Grade 3a classification. The SMS would be secured and regulated under the CoCP and recommended DCO Requirement 4. The SMS would also include a technical annex that would secure a detailed soil resources survey, as requested by, and agreed with, NE [REP8-016]. We are therefore satisfied that the applicant has taken into account the economic and other benefits of the best and most versatile agricultural land<sup>126 127</sup>.

- 4.13.10 Matters in relation to flood alleviation and compensation areas; balancing ponds and the effects of loss of land on farms or other businesses raised by some IPs, are discussed in chapter 7 of this report. The NNNPS also advises that there is a critical need to address road congestion to provide resilient networks that better support social activity<sup>128</sup>. The scheme would also provide necessary highway access and capacity for the development of 8,500 dwellings at Northstowe [REP2-013 Q1.12.33]. In this regard, the scheme would directly support housing development which would improve the quality of life of the area's population<sup>129</sup>. This direct and positive impact would be in addition to the indirect benefit that the scheme would bring to the general viability of housing schemes in this area due to improved highway connectivity<sup>130</sup>.
- 4.13.11 The local authorities in the area consider that the scheme would markedly improve traffic conditions on the A141 around Huntingdon [REP8-011]. This would be to the extent that traffic from Alconbury Weald and Wyton Airfield planned developments can largely be accommodated in the Huntingdon area with improvements to junctions on the existing route. Proposals for these developments include over 9,500 new dwellings and 150 ha of employment development land. The Panel can see no reason to disagree with these matters as benefits. We have also found that the scheme would reduce the socio-economic cost of accidents and this again is a significant benefit<sup>131</sup>.
- 4.13.12 The applicant's case for the scheme suggests that the scheme would result in direct quality of life and legacy benefits [APP-755] including green infrastructure and improved non-motorised user (NMU) facilities along existing roads.
- 4.13.13 We consider that green infrastructure is primarily mitigation rather than quality of life and legacy benefits.

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<sup>126</sup> NNNPS paragraph 5.168

<sup>127</sup> NPPF paragraph 112

<sup>128</sup> NNNPS paragraph 2.2

<sup>129</sup> NNNPS paragraph 2.22

<sup>130</sup> NNNPS paragraph 4.3

<sup>131</sup> NNNPS paragraph 3.9

4.13.14 This is by definition, a linear scheme, connected to a wider network and designed to link together separate points<sup>132</sup>. Parts of it would impact on the openness of the Cambridge Green Belt, by expanding existing highways infrastructure around Girton and the Local Access Road [REP8-011]. The NNNPS advises that national networks infrastructure projects may comprise inappropriate development in the Green Belt. Furthermore, the very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations<sup>133</sup>. Parts of the scheme would represent inappropriate development. We have however already found that there is a clear need for the A14 scheme in this location. We consider that the potential harm to the Green Belt by reason of inappropriateness and any other harm identified in this chapter of the report is clearly outweighed by the need for the A14 scheme in this location. Very special circumstances therefore exist and the scheme would accord with the NNNPS, NPPF and South Cambridgeshire District Council Development Plan Document Policy GB/1.

### **SOCIAL EFFECTS**

- 4.13.15 A very large number of IPs in their oral and written representations, raised concerns about the effects of the scheme on their communities, particularly residents from Hilton and Brampton, including traffic levels; effects on Public Rights of Way; air and light pollution; noise; the design of structures associated with the new road; and visual impact. We have considered these issues and the effects on communities in detail in earlier sections of this chapter.
- 4.13.16 Other quality of life and legacy benefits of the scheme put forward by the applicant the opening up of Huntingdon town centre through the removal of the existing viaduct; the provision of new link roads and non-motorised user facilities; a strong route wide visual identity; and improved non-motorised user (NMU) facilities along existing roads [APP-755].
- 4.13.17 We also consider visual identity to be primarily mitigation rather than a quality of life or legacy benefit. The opening up of the town centre is however a benefit in terms of the transfer of through traffic away from the town and the transfer of traffic from radial routes into the town onto the de-trunked sections of the A14. The transfer of traffic from local villages onto the more freely flowing improved A14 is also a material social benefit. The improvement of NMU routes across the existing A14 and their movement away from the dual carriageway and onto a local access road is also another benefit to which we accord weight.

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<sup>132</sup> NNNPS paragraph 4.11

<sup>133</sup> NNNPS paragraph 5.178

- 4.13.18 Whilst the benefits from these objectives can be difficult to quantify we can see no reason to disagree with these particular aspects of the applicant's case for the scheme. Many of these aspects also ought to deliver strong performance against the relevant development plan policies of the local authorities. We consider that these quality of life improvements would make the well-connected A14 corridor a better place to live and attract people and businesses to contribute to the greater Cambridge economy.
- 4.13.19 The applicant also suggests that further legacy objectives include the start-up of a community volunteering programme, local economic growth with open procurement leading to local education, employment and skills. In our view however these are primarily construction period related benefits and their translation into legacy benefits is somewhat uncertain.
- 4.13.20 Concerns regarding socio-economic impacts during construction were expressed by Suffolk County Council and others [REP9-017 & RR-608]. The applicant included an assessment of the scheme on the labour market, including within this a socio-economic assessment of the additional local employment from construction of the scheme [APP-347].
- 4.13.21 The scheme is forecast to require a workforce of up to 3,520 workers (ES para 16.6.23) [APP-347]. It would have a construction period of 3.5 years [REP10-042 Appendix 6]. Construction compounds would be located at 6 sites along the route, with welfare, messing and canteen facilities at each location. The main compound would include a 'construction village' providing temporary accommodation for 500 workers [REP7-021 Q2.8.4]. This would be adjacent to the main compound at Swavesey as indicated on General Arrangement Sheet 15 [APP-031]. Detailed compound locations and workforce numbers are provided by the applicant [REP10-042 Appendix 6].
- 4.13.22 Some IPs questioned the measures that would be taken to reduce the impacts of construction worker traffic on local communities [RR-375]. The applicant considers that the non-local workforce would be accommodated locally or in the construction village at Swavesey thereby reducing the distance for construction workers to travel; and that the CoCP would secure the operation of a workforce travel plan to minimise workforce trips as well as measures in relation to community relations to address and respond to any issues relating to community cohesion [REP14-023].

## **CONCLUSION**

- 4.13.23 On the basis of the submissions and responses it has considered, the Panel concludes that there is a very strong economic case in favour of the scheme which represents high value for money.
- 4.13.24 In so far as land use is concerned, we are satisfied that the applicant has taken into account the economic and other benefits of the best

and most versatile agricultural land and that the scheme would directly support housing development and the general viability of housing schemes in this area due to improved highway connectivity.

4.13.25 We note the concern expressed by many of those living and working in the vicinity of the scheme in relation to a range of environmental effects and have considered these in earlier sections of Chapter 4.

4.13.26 As such, there are no significant issues in respect of economic, land use and social effects that would justify the DCO not being made.

## **4.14 HISTORIC ENVIRONMENT**

### **Introduction**

4.14.1 Section 3 of the Infrastructure Planning (Decisions) Regulations 2010 indicates that when deciding an application for development consent the SoS must have regard to the desirability of:

- Preserving any listed building or its setting or any feature of special architectural or historic interest which it possesses;
- Preserving or enhancing the character or appearance of a conservation area; and
- Preserving any scheduled ancient monument or its setting.

4.14.2 The Compliance Tracker prepared by the applicant summarises the assessment requirements of the NNNPS [APP-784]. This includes the need to provide a description of the significance of the heritage assets affected by the proposed development and the contribution of their setting to that significance<sup>134</sup>.

4.14.3 The NNNPS also sets out the criteria that decision makers are to apply in considering the significance and value of heritage assets and the weight to be given to their conservation in determining whether or not to approve the development consent application<sup>135</sup>.

4.14.4 The Panel received very few representations from IPs in respect of the historic environment and it was not identified as a principal issue.

### **Heritage Assets**

4.14.5 The applicant assessed the potential impacts of the proposed scheme in ES Chapter 9 Cultural Heritage and appendices 9.1 to 9.4. It includes an assessment of the significance of the assets that might potentially be affected. The applicant records that the assessment included geophysical surveys, field walking and archaeological trial trenching. The applicant also states that the route has been designed to avoid historical features wherever practical [APP-681].

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<sup>134</sup> NNNPS paragraph 5.127

<sup>135</sup> NNNPS paragraphs 5.128 to 5.138

- 4.14.6 Two 200 m study areas formed the focus of the assessment; the first, around the footprint of the improvements in Huntingdon and the second around the footprint of the mainline section of the scheme including the proposed road, borrow pits, culverts, attenuation ponds and swales, as well as temporary land take areas for topsoil storage and construction compounds etc. The applicant confirmed its approach to the assessment was agreed with EH [APP-681]. Tables 9.2, 9.3 and 9.4 set out the criteria used by the applicant to assess the value of archaeological remains, historic buildings and historic landscapes respectively, in the study area [APP-681].
- 4.14.7 In both study areas there are no World Heritage Sites, Registered Battlefields, Registered Parks and Gardens.

#### ***Archaeological remains in Huntingdon study area***

- 4.14.8 Within the Huntingdon study area, there are two Scheduled Ancient Monuments (SAMs) assessed as high value. These are the Earthwork on Mill Common (Asset No. 442) and Huntingdon Castle (Asset No. 250) [APP-375 Figure 9.1, Sheets 14 and 15].
- 4.14.9 During construction, no effects are identified on Asset 250. The ES states that the extent of Asset 442 has previously been impacted by the construction of the existing A14 which it considers, "is likely to have removed or truncated archaeological remains of the earthwork in this area". Development of the scheme would result in construction across the southern part of Asset 442, principally within the existing road embankment. The ES notes that there would be potential for physical impacts on any surviving archaeological remains of the monument which exist below the embankment, assessing the magnitude of the impact as minor adverse and the significance of the effect as slight adverse.
- 4.14.10 Mitigation measures include earthwork survey and targeted excavation. Trial trenching would be undertaken to enable any archaeological remains associated with the SAM surviving below the road to be identified and a scheme of archaeological mitigation developed. The magnitude of the residual impact is assessed as being negligible and the significance of the residual effect, neutral [APP-340 Table 9.12].
- 4.14.11 Historic England have signed a SoCG with the applicant, confirming that the upstanding section of asset 442 would not be impacted by the scheme, agreeing that, as stated in the ES, the scheduled area continues under the current A14 embankment. Historic England is content that it would be consulted along with CCC following detailed design in advance of any works relating to removal of the embankment [REP13- 012]. Requirement 8 of the recommended Order secures the preparation of a Written Scheme of Investigation (WSI) for the investigation of areas of archaeological interest which reflect the mitigation measures set out in the ES. The high-level overarching WSI has been agreed by CCC from which site specific

WSIs will be developed in consultation with CCC and Historic England [REP2-186, REP3-009].

- 4.14.12 During operation of the scheme, the ES does not identify any effects on the setting of Asset 442; however it does state that new lighting would be visible from higher points of Asset 250 (Appendix 10.5). This would result in increased light pollution affecting the setting of the SAM. However, the magnitude of the impact has been assessed by the applicant as minor adverse and the significance of the effect as slight adverse. The ES does not propose mitigation and as such, the magnitude of the residual impact is assessed as minor and the significance of the residual effect, slight adverse [APP-340 Table 9.16].
- 4.14.13 Historic England has stated its belief that the removal of the Huntingdon viaduct would be beneficial to the setting of Asset 250 [REP13-012]. It does not raise objections in relation to the effect of increased light pollution on the setting of Asset 250.
- 4.14.14 The recommended DCO includes Requirement 14, Highway Lighting Scheme. This would ensure that no part of the authorised development commences until a written scheme of the proposed highway lighting has been submitted to and approved by the SoS following consultation with the relevant planning authority or local highway and that the standard of lighting does not give rise to any materially new or materially worse adverse effects than those reported in the ES.
- 4.14.15 A further 75 archaeological sites have been identified within the study area [APP-681 Appendix 9.2]. Direct impacts have been identified for several of these assets during construction. Mitigation would include a WSI for archaeological works providing for preservation in situ, a watching brief, or preservation by record secured by Requirement 8 of the recommended DCO if made. We agree with this approach which is in line with advice in the NNNPS<sup>136</sup>. CCC confirmed it was content that the outline WSI submitted to the Examination at Deadline 13 was suitable for certification [REP14-008].
- 4.14.16 The applicant states that the scheme would be unlikely to have any impact on other archaeological assets during operation (para 9.5.2). It reasons that:
- "the setting of archaeological assets cannot be readily appreciated by the observer and the value of these assets is derived from information contained within the associated remains rather than their setting. As a result, factors such as changes in traffic and noise levels and the implementation of associated infrastructure such as lighting would not have any impact on the undesignated archaeological assets."*

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<sup>136</sup> NNNPS paragraphs 5.139 to 5.142

4.14.17 In coming to a view over the effect of the scheme during construction on Asset 442, the Panel has no reason to disagree with the conclusions of Historic England. In so far as additional light pollution on the setting of Asset 250 during operation is concerned, the Panel has given weight to the expertise of Historic England and its view that the overall setting of the SAM would be enhanced by the scheme following removal of the Huntingdon viaduct. The Panel is satisfied that on balance, the harm to the SAM would be outweighed by the benefit and does not see this as a matter that should prevent the making of the Order if the SoS is so minded.

#### ***Archaeological remains in mainline study area***

4.14.18 240 archaeological sites have been identified within the mainline study area, none of which are assessed as assets of high value [APP-441 Appendix 9.2]. Direct impacts have been identified for those assets located wholly or substantially within the scheme footprint, assessed as a major adverse impact resulting in the total loss or substantial removal of these remains. Lesser impacts are assessed where construction would result in only partial removal of the asset [APP-340 Table 9.9].

4.14.19 As with the Huntingdon study area, mitigation would include a WSI for archaeological works providing for survey, targeted excavation, a watching brief, or preservation by record secured by Requirement 8 of the recommended DCO if made [APP-340 Table 9.12]. As stated earlier, this is in line with advice in the NNNPS<sup>137</sup>.

4.14.20 For the reasons outlined earlier in relation to the Huntingdon study area, the applicant states that no impacts are predicted on archaeological assets during operation.

#### ***Historic buildings in Huntingdon study area***

4.14.21 Three conservation areas are identified by the applicant, in addition to 48 other historic assets. The conservation areas are assessed as high value: Huntingdon historic town (Asset 235); Godmanchester Post Street (Asset 236) and Godmanchester Earning Street (Asset 565). The Brampton conservation area (Asset No 562) is assessed as medium value as only a small area of the conservation area would be affected by the scheme.

4.14.22 During construction, major adverse impacts on Asset 235 resulting from the permanent land take at Mill Common and Views Common are predicted as a result of the construction of the scheme. No impact is predicted on the other conservation areas during construction.

4.14.23 Visual intrusion during construction of the scheme is assessed as having a range of impacts of varying significance on 14 historic

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<sup>137</sup>NNNPS paragraphs 5.139 to 5.142

buildings and their setting within the Huntingdon study area. No impact is predicted on the remaining historic assets. Given the temporary nature of the impact, no mitigation is proposed.

- 4.14.24 During operation, the scheme would result in various changes to the roads in the study area as well as the removal of the Huntingdon viaduct [APP 340 para 9.5.4]. As a result, the magnitude of impact on Asset 235 has been assessed as major adverse and moderate beneficial, and the significance of effect as large adverse and moderate beneficial. The magnitude of effects during operation on the other three conservation areas are assessed as moderate or minor beneficial and the significance moderate or slight beneficial because of the slight reduction in traffic.
- 4.14.25 Potential indirect impacts are identified on the settings of 9 historic buildings including Grade 1 Hinchingbrooke House (Asset No 471); Grade 1 Hinchingbrooke Gatehouse and Walls at Hinchingbrooke House (Asset No 469); and Grade II\* Park Wall of Hinchingbrooke House fronting Brampton Road (Asset No 472). The assessment in the ES is that operation of the scheme would slightly urbanise the setting of these high value assets due to the presence of increased street furniture, signage and a 5% predicted increase in traffic. However the magnitude of impact is assessed as minor or negligible adverse and the significance of the effect as slight adverse.
- 4.14.26 Removal of the Huntingdon viaduct is considered in the ES to enhance the setting of historic buildings in the area including Grade II Huntingdon railway station (Asset No 458). The magnitude of this impact has been assessed by the applicant as major beneficial and the significance of effect as large beneficial.
- 4.14.27 One area of disagreement between the applicant and HDC was the effect on the setting of Huntingdon railway station. HDC argued that a more detailed assessment should have been undertaken looking at the effect of the "viaduct removal, the creation of new local access roads and the proposed layout within the station itself, including replacement car parking proposals and public transport interchange requirements" [REP13-012].
- 4.14.28 The applicant's view was that there had been an adequate assessment and that in Chapter 9 of the ES, the assessment states that there would be temporary adverse effects during construction and that during operation there would be a large beneficial effect on the setting of the building [REP14-012].
- 4.14.29 Insofar as replacement car parking is concerned, the applicant stated that this was not part of the scheme. As such no assessment of the effect of replacement car parking on the listed building had been undertaken. If such a proposal were to come forward, Network Rail would be required to undertake such an assessment as part of any future planning application [REP14-012]. The Panel agrees.

- 4.14.30 No impact is predicted for the remaining 42 historic assets in the study area during operation.
- 4.14.31 The applicant has sought to incorporate mitigation through design as set out in paragraph 9.6.14 [APP-340]. Other proposed mitigation includes hard and soft landscaping proposals, photographic and other forms of preservation by record.
- 4.14.32 Historic England confirm that they support the removal of the existing viaduct, as the reduction in traffic should improve the character and appearance of the Huntingdon Conservation Area as well as many listed buildings [REP13-012]. They also confirm that they are "broadly comfortable" with the proposals affecting, Hinchingsbrooke House and the rest of the Huntingdon Conservation Area. CCC also agrees that the demolition of the viaduct will enhance heritage assets [REP14-008].
- 4.14.33 The Panel notes that HDC welcomes the extensive work that the applicant has done to identify Heritage and Conservations issues and the work that it has done to rank these in terms of importance [REP13-012]. It is satisfied that the applicant has undertaken an adequate assessment of the historic buildings in the Huntingdon study area. The Panel considers that the assessment undertaken by the applicant in relation to the setting of Huntingdon railway station is appropriate and that the more detailed assessment proposed by HDC is not necessary as it relates to matters that are not part of the applicant's scheme. The Panel has no reason to disagree with the conclusions of Historic England and CCC in respect of the effect on historic buildings in the Huntingdon study area.

***Historic buildings in mainline study area***

- 4.14.34 There are no Grade 1 buildings in the mainline study area, although there are a number of Grade II\* buildings. The Conservation Areas at Offord Cluny, Fenstanton and Hilton fall outwith the 200 m study area and the effects on these heritage assets are not considered further. Historic England agrees that these aspects have been adequately assessed in the ES [REP13-012]. Whilst oral representations were made in respect of the effect on the Hilton Conservation Area [EV-030], we have no reasons to disagree with Historic England's view on this matter.
- 4.14.35 Although temporary visual intrusion is assessed on the setting of the Offord Cluny conservation area (Asset No 537) during construction; given the distance of the temporary construction site some 720 m to the north, the magnitude of impact is assessed in the ES as moderate adverse and the significance as slight adverse.
- 4.14.36 Five assets, including three Grade II milestones and two other undesignated buildings would be removed during construction. The three Grade II milestones would be reinstated, with the effect assessed as major adverse and the significance as moderate adverse

or slight adverse. Historic England confirm that in so far as the potential impacts on Grade II listed milestones are concerned, the safe removal, safe storage and relocation to a suitable location to be agreed between Historic England and the applicant is the correct process and is welcomed [REP13-012]. SCDC acknowledges and agrees with the proposed approach [REP13-012].

- 4.14.37 The settings of a further 28 assets would be affected by construction of the scheme with varying levels of magnitude and significance as set out in the ES and Table 9.10
- 4.14.38 During operation, the setting of 31 assets would be affected. Whilst no major adverse impacts are predicted, moderate adverse magnitude impacts would be experienced by 9 assets including Grade II\* All Saints Church, Lolworth (Asset No 96). The ES identifies that the location of Robins Lane Bridge (an overbridge some 0.5 km to the north of the Church) would intrude on views to and from the church and the landmark role the church tower has on the locality. The magnitude of the impact has been assessed as moderate adverse and the significance of the effect as moderate adverse.
- 4.14.39 SCDC and the applicant agree that a landscape mitigation scheme would be required to reduce the adverse impacts on the setting of All Saints Church and that this should consider the existing views to and from Lolworth and the 'parkland' landscape to the east of the village. Both parties agree that further discussion should take place during detailed design with the applicant recognising that this is an area needing special treatment [REP13-012].
- 4.14.40 The Panel undertook an unaccompanied site visit to Lolworth, looking at the setting of the Church and its relationship to the proposed overbridge. It is content with the approach set out by SCDC and the applicant, confirmed in their signed SoCG. This would also be secured by Requirement 3 - Preparation of Detailed Design, of the recommended DCO if made.
- 4.14.41 Chapter 9 and Table 9.11 set out the detailed assessment of predicted impacts during operation on historic buildings in the mainline study area. Mitigation measures are set out in Table 9.14 and 9.18 and include landscaping photographic surveys, removal and reinstatement of milestones, preservation by record and protection during construction through fencing.
- 4.14.42 One IP raised concerns about the potential impact of the scheme on a currently undesignated Orlit B Royal Observatory Corp observation post. The applicant confirmed that whilst the observation post was outwith the red line area, it had been identified as Asset 169 within the scheme study area for historic buildings. Works in the area would be limited to improvements to an existing access track and as such the asset would not be impacted. However, if there were concerns during construction, temporary protection measures could be put in place such as those recommended for the WW2 pillbox (Asset 54). A

SoCG was submitted to the Examination confirming both parties agreement with this approach [REP13-012].

***Historic Landscapes in the Huntingdon and Mainline scheme Study Area***

- 4.14.43 The primary construction and operation related impacts in Huntingdon would occur to Mill Common and Views Common (HLC11) a result of permanent land take and the movement of construction traffic and traffic from operation of the scheme. The magnitude of impact has been assessed as moderate adverse and the significance as moderate adverse throughout construction and operation. Removal of the Huntingdon viaduct and therefore the reduction in severance in part of the Common is however assessed in the ES as being of minor magnitude and the significance as slight beneficial. CCC agrees that the demolition of the viaduct would enhance landscape setting [REP14-11 and REP14-008]. Mitigation would be via landscape survey record and sample excavation of impacted remains.
- 4.14.44 In the mainline study area, there are a number of minor adverse impacts on different landscape character types and the significance of effect is predicted in the ES to be slight adverse during construction.
- 4.14.45 During operation, the ES predicts the same impacts which commenced during construction phase to continue during the operation of the scheme with the movement of vehicles in the offline parts of the scheme introducing traffic noise and visual intrusion. The applicant suggests this would create a magnitude of impact as minor adverse and the significance of impact as slight adverse.

**Conclusions**

- 4.14.46 The Panel notes Historic England, CCC and SCDC have no outstanding matters of disagreement in this area. Whilst HDC raised concerns in relation to the setting of Huntingdon train station and this remains a matter of disagreement between it and the applicant, the Panel is satisfied with the response put forward by the applicant. HDC has no further areas of disagreement with the applicant in respect of heritage assets.
- 4.14.47 On the basis of the Examination and the representations it has considered, the Panel concludes that the potential impact of the scheme has been properly addressed in terms of the Infrastructure Planning (Decisions) Regulations, and the NNNPS.
- 4.14.48 The appropriate safeguards are included in the recommended DCO in accordance with the procedures required by Historic England and the local authorities, including Requirement 3 to ensure that CCC, SCDC and HDC would be consulted in relation to detailed design matters including the effect on the listed buildings of Lolworth Church and Huntingdon railway station; Requirement 8 to ensure that archaeology would be properly investigated and recorded in line with the WSI; and Requirement 14 to ensure that the local authorities would be

consulted during the preparation of a detailed lighting strategy including Asset 250, Huntingdon Castle.

- 4.14.49 Given the size of the scheme, a range of heritage assets would be affected. Harm would be limited, however, by agreed requirements and other measures. Therefore, although the effect on heritage assets weighs both in favour of and against the scheme there are none which indicate against the making of the DCO.

## **4.15 ENVIRONMENTAL IMPACT ASSESSMENT**

### **Introduction**

- 4.15.1 In previous sections of Chapter 4, the Panel has considered the cumulative effects of the scheme on matters such as vehicular usage, surface water attenuation, noise, acoustic barriers, ecological mitigation measures, night time visual effects and other related environmental impacts.
- 4.15.2 This section considers written and oral representations received in relation to planned developments and those likely to come about in the foreseeable future; and the effects of the different change requests received from the applicant. The section concludes with consideration of the cumulative impact on health.

### **Planned and foreseeable development**

#### ***Local authorities***

- 4.15.3 At first round questions the Panel asked whether agreement had been reached with the local authorities on the developments included in the cumulative impact assessment of the EIA. The applicant confirmed that the local authorities were consulted and had agreed to the developments included, providing a list of these as part of their response to the Panel [REP2-009 Q1.8.1]. Furthermore, the applicant added that the local authorities had also agreed to the developments included in the transport modelling [REP2-009 Q1.8.1].
- 4.15.4 HDC and SCDC initially raised queries in relation to whether RAF Wyton; Darwin Green Two and the Cambridge Northern Fringe East development had been included in the cumulative effects assessment [REP2-179; REP2-183]. HDC and SCDC subsequently confirmed that they were satisfied with the applicant's response to their concerns provided at Deadline 4 and that the overall findings of the cumulative impact assessment remained unaltered [EV-034 to EV-037].

#### ***Buckden Marina Residents' Association***

- 4.15.5 In their written and oral representations, Buckden Marina Residents' Association (BMRA) voiced their concern that the scheme had not taken into account the cumulative effects on Buckden Marina resulting from the A428 and A1(M) improvement schemes; Network Rail's plans to introduce the European Rail Traffic Management System and the

closure of the Offord level crossing [RR-311, REP2-099, EV-059 and EV-060].

- 4.15.6 The applicant explained that the A428 scheme had arisen after the traffic forecasting and environmental assessments had been undertaken for the A14 and that the scheme was only at Options Stage. Nonetheless, it had undertaken a sensitivity test which indicated that the A14 and A428 would be complementary and would only generate a 2% change in flow, which would not alter the conclusions of the ES in relation to noise or air quality [REP10-042].
- 4.15.7 The A1 scheme is a strategic study into potential improvements to the A1 between the M25 and Peterborough. Therefore, the applicant argued, the outcomes and options were not known and the ability to assess its cumulative impacts in relation to design, traffic flows or sequencing with the A14 scheme, would not be possible [REP10-042].
- 4.15.8 The European Rail Traffic Management System would enable more trains onto tracks through optimal train speeds. It has a high level timeline of 2020 for installation by Network Rail. Although acknowledging that the scheme was 'reasonably committed', the applicant explained that there was no further information available in relation to it. Furthermore, it was not aware of any associated infrastructure requirements; arguing that in any event, any potential noise increase from more trains would be offset through the introduction (by 2018) of quieter trains as part of the Government's InterCity Express programme. The applicant was of the view that other than noise, there were no other potential cumulative effects with the A14 scheme [REP10-042].
- 4.15.9 The potential closure of Offord level crossing was identified in the ES but not considered to be reasonably foreseeable by the applicant. It referred to information from Network Rail published in June 2015, which stated that Network Rail was no longer undertaking a single programme of level crossing closure and would indicate towards the end of 2015 which level crossing might be closed [APP-349]. As such the applicant remained of the view that the closure of Offord level crossing was not reasonably foreseeable and therefore it was not included in the assessment of cumulative effects [REP10-042].
- 4.15.10 During the latter stages of the Examination, both the applicant and BMRA agreed that there was no design or environmental information available, or a planned programme of works in relation to the schemes and therefore it was not possible to assess the cumulative impacts [REP14-011]. Where information was available, this was not anticipated to change the conclusions of the ES [REP14-011].
- 4.15.11 However, in respect of the potential realignment of the A1(M), no such agreement was reached as reflected in the signed SoCG between the applicant and BMRA [REP14-011]. BMRA maintained its concern that potential cumulative effects could arise if proposals came forward to realign the A1(M) closer to Buckden Marina. In its view, the applicant

should have modelled traffic flows with a future A1(M) scheme in place to draw out the cumulative effects [REP10-058]. Furthermore, the applicant should include mitigation, for example, enabling works for noise barriers to reduce unnecessary work and costs being incurred later [REP15-012].

- 4.15.12 Equally, the applicant maintained its view that it was not possible to assess the environmental effects of the A1(M) scheme at the current time [REP11-007]. Any scheme proposals would be subject to a feasibility study and environmental assessment throughout design development. This would influence both the choice of option and mitigation necessary to avoid or reduce impacts [REP14-011].
- 4.15.13 In its final written representation, BMRA sought assurance that potential cumulative impacts of the A1(M) and A14 be considered further prior to finalisation of the A14 detailed design and that the A1(M) study would engage at an early stage with local community groups and stakeholders [REP15-012].
- 4.15.14 The Panel has considered all the written and oral submissions made in relation to cumulative effects of the scheme on Buckden Marina in addition to those specifically identified in this section of the report. We note the agreement reached between the applicant and BMRA in respect of the potential for cumulative effects in relation to the Network Rail and A428 schemes.
- 4.15.15 We are satisfied with the applicant's sensitivity testing in relation to the A428 and the conclusions reached that this would not alter the findings of the ES in respect of air quality and noise. We also agree that the Network Rail schemes are insufficiently developed to enable a further assessment of their cumulative effects.
- 4.15.16 Turning to the BMRA's principal point of concern, in relation to the A1 scheme, we accept the applicant's argument that this scheme is not sufficiently developed to enable an assessment of cumulative effects to be undertaken at this time. The scheme is at the stage of a strategic study into potential improvements between the M25 and Peterborough. This may or may not; result in proposals coming forward that may or may not affect the A14.
- 4.15.17 We are satisfied that the process for managing consultation in respect of any future proposals in relation to the A1(M) which might affect the A14 in the vicinity of Buckden Marina, would be secured by Requirement 3, in particular 3(4), and Requirement 18 in the recommended DCO.
- 4.15.18 From all of the above, the Panel considers that the cumulative effects in relation to Buckden Marina have been appropriately identified by the applicant and that a process is in place, secured by the recommended DCO, for ensuring ongoing consultation with the local community and other relevant stakeholders should schemes in relation to the A1 study emerge in the future.

### **Change requests by the applicant**

- 4.15.19 In so far as the different changes made during the Examination, we have considered whether there is a cumulative impact on the scheme i.e. whether taken together they may result in additional cumulative effects which need to be considered.
- 4.15.20 The changes in many cases either replace an existing proposal with a revised proposal, or in some cases actually reduce the land to be taken and consequently the impact. In those cases where there is some increased land take, it is minor in the context of the overall scheme.
- 4.15.21 Overall, for these reasons we are satisfied that no cumulative effects would arise from the changes to the scheme made during the Examination which would prevent the making of the Order.

### **Cumulative impact on health**

- 4.15.22 The applicant considers the health impacts of the scheme in Appendix 18.1 of the ES [APP-749].
- 4.15.23 In its relevant representation, Public Health England states that it is satisfied with the approach taken by the applicant and that in its view, the health impacts of the scheme on air and water have been adequately considered [RR-599] and that the potential impacts on public health would be controlled by the implementation of a suitable CEMP or equivalent document.
- 4.15.24 In so far as changes were proposed to the scheme by the applicant, PHE confirmed that whilst noting the proposed changes, it had no additional comments to make, but did ask the Panel to seek assurances from the EA and the local authorities that they were satisfied with the CEMP or equivalent document [REP9-002]. As reported earlier in this chapter, both the EA and the local authorities have confirmed they are content with the CoCP which would secure the preparation of CEMPs and LEMPs in the vicinity of the scheme.
- 4.15.25 The Panel has also considered in some detail the health effects in relation to air quality, noise and potentially contaminated land in earlier sections of this chapter and concludes that the overall health impacts of the scheme are, or can be made, acceptable. To that extent, we are satisfied that it would comply with the health policy aspects of the NNNPS and that there are no cumulative impacts<sup>138</sup> on health that would weigh against the making of the Order.

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<sup>138</sup> NNNPS paragraph 4.82

## **Conclusion**

- 4.15.26 We are satisfied that whilst some cumulative effects may arise from the scheme together with planned and foreseeable developments, these would be avoided, managed and mitigated by the measures which form part of the proposed scheme and through the requirements in the recommended DCO.
- 4.15.27 The Panel has also considered the interrelationships between effects and whether these might as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis.<sup>139</sup> We are satisfied that there are no such effects and therefore nothing to prevent the making of the Order on the grounds of cumulative effects.

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<sup>139</sup> NNNPS paragraph 4.17

## **5 HABITAT REGULATIONS ASSESSMENT**

### **5.1 INTRODUCTION**

- 5.1.1 The SoS is the competent authority for the purposes of the Habitats Regulations for applications submitted under the PA2008.
- 5.1.2 The NNNPS<sup>140</sup> sets out the policy context to which the decision-maker must have regard under the Habitats Regulations. It states that an applicant must provide sufficient information with their application for development consent to enable the SoS to carry out an appropriate assessment (under Regulation 61 of the Habitats Regulations) if required. This information should include details of any measures that are proposed to minimise or avoid any likely significant effects (LSE) on a European site. The information provided may also assist the SoS in concluding that an appropriate assessment is not required because significant effects on European sites are sufficiently unlikely that they can be excluded.
- 5.1.3 This Chapter discusses the assembled evidence regarding LSE for all European sites potentially affected by the scheme. To assist the SoS in performing their duties under the Habitats Regulations, we draw conclusions and make recommendations regarding LSE on European sites and the available mitigation options where they are considered to be necessary.
- 5.1.4 The applicant submitted an Assessment of Implications on European Sites (AIES) – Stage 1: No Significant Effects Report, together with screening matrices, which was considered sufficient to accept as part of the application for Examination [APP-700].

### **5.2 REPORT ON THE IMPLICATIONS FOR EUROPEAN SITES (RIES)**

- 5.2.1 In order to assist the SoS in carrying out his responsibility as competent authority, the Panel has (with the support of the PINS Environmental Services Team) prepared a RIES (Appendix D). The RIES is based on the applicant's AIES and screening matrices, together with evidence from representations by IPs, including NE as the relevant statutory nature conservation body (SNCB), during the course of the Examination in response to queries raised by IPs and the Panel's first and second written questions.
- 5.2.2 The purpose of the RIES (and the consultation responses received in response to it) is to compile, document and signpost information provided within the DCO application, along with the information submitted throughout the Examination by both the applicant and IPs. It is issued to ensure that all IPs, including the SNCB, are consulted formally on Habitats Regulations matters. In The Panel's view, this process can be relied on by the SoS for the purposes of Regulation

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<sup>140</sup> NNNPS paragraphs 4.22 to 4.25

61(3) of the Habitats Regulations in the event it is concluded that an appropriate assessment is required.

### **5.3 SCHEME LOCATION**

5.3.1 The scheme is not connected with or necessary to the management for nature conservation of any of the European sites considered within the AIES. In relation to the assessment of the effects of the scheme alone<sup>141</sup>, the applicant identified European sites at a range of distances for inclusion in the assessment, encompassing:

- All European sites within 2 km of the scheme;
- SACs where the scheme crosses / is adjacent to, upstream of, or downstream of, watercourses designated in part or wholly as a European site;
- All European sites within 30 km of the scheme where bats are a qualifying feature; and
- All European sites within 5 km of the scheme where wintering birds are a qualifying feature.

5.3.2 Accordingly the AIES identified the following five European sites and their features for inclusion within the assessment of LSE [locations shown on APP-401]:

- Portholme SAC;
- Ouse Washes SAC;
- Ouse Washes SPA;
- Ouse Washes Ramsar site; and
- Eversden and Wimpole Woods SAC.

5.3.3 NE, in its RR, did not identify any other European sites that could be affected by the scheme [RR-630].

5.3.4 Within the AIES, the applicant provided an in-combination assessment of effects for the scheme and major developments identified within 5 km of the scheme. The scope of the applicant's in-combination assessment was not disputed by NE.

5.3.5 The principal matters in relation to HRA during the Examination were:

- The need to determine the correct qualifying features of the Ouse Washes SPA; and
- The need to obtain separate matrices for each of the three designations applicable to the Ouse Washes site, to accompany the AIES.

5.3.6 The Panel were concerned that the original screening matrices submitted with the AIES had imprecise references to the information

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<sup>141</sup> Undertaken following guidance set out within the Design Manual for Roads and Bridges (DMRB) HD44/09: Assessment of implications (of highways and/or roads projects) on European sites (including appropriate assessment)

supporting the conclusions of the applicant's assessment [APP-700]. In Annex G of our Rule 6 letter, we requested updated matrices, with specific references to where the relevant information could be found [PD-003].

- 5.3.7 A single matrix was submitted with the AIES for the Ouse Washes, which is designated as a Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. In response to our first written questions, the applicant provided separate matrices for each of the separate designations applicable to the Ouse Washes site [PD-005 Q1.2.17]. However, this information was not provided in the format prescribed within the Planning Inspectorate's Advice Note 10: Habitats Regulations Assessment relevant to nationally significant infrastructure projects.
- 5.3.8 In response to our second written questions, the applicant provided separate matrices for the three designations applicable to the Ouse Washes site, presented in Advice Note 10 format [PD-006 Q2.2.23]. In its submission for Deadline 7, NE indicated that the applicant's matrix for the Ouse Washes SPA did not contain all of the correct qualifying features [REP7-009]. At Deadline 8, NE submitted a list of the correct qualifying features for the Ouse Washes SPA and provided confirmation that these features had been agreed between themselves and the applicant [REP8-004].
- 5.3.9 The applicant provided a full set of updated matrices to accompany the original AIES at Deadline 9, addressing all of the points the Panel had previously raised regarding the matrices [REP9-007]. The matrix for the Ouse Washes SPA included the qualifying features agreed with NE at Deadline 8.

## **5.4 HRA IMPLICATIONS OF SCHEME**

- 5.4.1 The five European sites identified above were screened by the applicant prior to the Examination. The screening matrices provided in Annex C of the AIES [APP-700] considered each of these sites against the following possible impacts:
- Habitat loss/fragmentation;
  - Indirect changes to conditions;
  - Inappropriate management and alien introductions; and
  - In combination effects.
- 5.4.2 At the completion of the screening process, the applicant concluded that the scheme was unlikely to have significant effects, either alone or in combination with other plans or projects, on the European sites identified above and as such an appropriate assessment of the scheme was not required.
- 5.4.3 The applicant's view was not disputed by NE or any other IPs during the Examination. NE confirmed in their RR that they were satisfied that the applicant's AIES demonstrated beyond reasonable scientific doubt that there would be no significant effect on the integrity of

Portholme SAC and Eversden and Wimpole Woods SAC [RR-630]. In our first written questions we sought confirmation from NE that there would be no significant effect on the integrity of the Ouse Washes SAC/SPA/Ramsar site [PD-005 Q1.2.19].

5.4.4 NE's response confirmed that they were satisfied that the scheme was unlikely to have a significant effect on the Ouse Washes SAC/SPA/Ramsar site, either alone or in-combination with any other plan or project [REP2-150]. NE explained that the scheme would be located some 9.3 km from the Ouse Washes site and that the applicant had undertaken sufficient consideration of the proposed drainage to confirm that the proposal was not likely to have a significant effect on the qualifying SAC, SPA and Ramsar features of the site [REP2-150].

5.4.5 NE's response also noted that mitigation measures had been proposed to protect water quality during construction [REP2-150]. These measures are included in the CoCP [REP14-022] and described in detail in Chapter 17 of the Environmental Statement (ES) [REP14-013]. Requirement 4 of the recommended DCO (Appendix H) secures that the scheme must be carried out in accordance with the provisions of the CoCP (to be certified under the DCO). The assessment predicted that during operation the scheme would have a slight beneficial effect on water quality in the Great Ouse catchment, as it would provide attenuation and treatment of road runoff where none currently exists [REP14-013].

5.4.6 The applicant has agreed a SoCG with NE, which in section 4 reiterates their satisfaction with firstly, the European sites scoped into the AIES and secondly, the applicant's conclusion that the scheme would have no LSE on these sites [REP13-012].

## **5.5 CONCLUSIONS**

5.5.1 The Examination has considered the LSE on the following European sites potentially affected by the scheme:

- Portholme SAC;
- Ouse Washes SAC;
- Ouse Washes SPA;
- Ouse Washes Ramsar; and
- Eversden and Wimpole Woods SAC.

5.5.2 Taking account of all relevant and important representations received by the Panel, we conclude that the scheme would not adversely affect European sites, species or habitats, whilst recognising that the SoS is the competent authority under the Habitat Regulations.

## **6 THE PANEL'S CONCLUSIONS ON THE CASE FOR DEVELOPMENT**

### **6.1 INTRODUCTION**

- 6.1.1 The NNNPS was formally designated in January 2015. It provides the primary basis for making decisions on development consent applications for national networks nationally significant infrastructure projects in England by the SoS. Our conclusions on the case for development contained in the application before us are therefore reached within the context of the policies contained therein.
- 6.1.2 The importance that Government attaches to the provision of national networks is clearly set out in the NNNPS. In paragraph 2.1 the NNNPS states that "well-connected and high-performing networks with sufficient capacity are vital to meet the country's long-term needs and support a prosperous economy." Paragraph 2.2 states that "there is a critical need to improve the national networks to address road congestion .... To provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network that is capable of supporting economic growth." Furthermore, that "improvements may also be required to address the impact of the national networks on quality of life and environmental factors". Paragraph 2.9 states that development will be needed to address safety problems, enhance the environment or enhance accessibility for non-motorised users" and that without development, the national networks will act as a "constraint to sustainable economic growth, quality of life and wider environmental objectives."
- 6.1.3 Therefore, as set out in paragraph 2.10, Government requires all applications for development consent to be assessed on the basis that there is "a compelling need for development of national networks" and that the Panel and the SoS should therefore start their assessment of applications for infrastructure covered by the NNNPS on that basis.
- 6.1.4 As to the national road network, paragraph 1.5 of the NNNPS advises that the vast majority of nationally significant infrastructure projects on the road network are likely to be developments on the Strategic Road Network, as is the case for the scheme we have examined. Paragraph 2.12 advises that roads are the most heavily used mode of transport in England and that at paragraph 2.13, a well-functioning Strategic Road Network "is critical in enabling safe and reliable journeys and the movement of goods in support of national and regional economies."
- 6.1.5 Whilst the Strategic Road Network makes up only 2% of roads in England, paragraph 2.14 advises that it carries a third of all road traffic and two thirds of freight traffic. Some 85% of the public use the network as drivers or passengers in any 12 month period and that those who never drive on the Strategic Road Network are reliant on it to deliver the goods they need.

- 6.1.6 The Government states that the national road network is under significant pressure and estimates that 16% of all travel time in 2010 was spent delayed in traffic and that as set out in paragraph 2.18, the direct costs of congestion on the Strategic Road Network are estimated at £1.9 billion in 2010 and forecast to rise to £9.8 billion per annum by 2040 without any intervention.
- 6.1.7 The Government's policy for addressing the need for development of the national road network is set out in paragraphs 2.21 to 2.27. Paragraph 2.27 states that "it will not be sufficient to simply expand capacity on the existing network. In those circumstances new road alignments and corresponding links, including alignments which cross a river or estuary, may be needed to support increased capacity and connectivity".

## **6.2 ASSESSING THE IMPACTS OF THE PROPOSED SCHEME**

- 6.2.1 Turning to the range of potential impacts that would arise should the scheme be constructed (see Chapter 4), we conclude that the principle of the scheme would accord with Government policy (see paragraph 4.13.4) and that, with the support of a local transport model, the scheme would be beneficial to the strategic road network; acceptable in terms of local traffic and would not have any unacceptable impacts in terms of traffic and transportation (paragraph 4.4.125).
- 6.2.2 In so far as construction materials for the scheme are concerned, the use of borrow pits would generally accord with local planning policy. They would also have significant benefits in terms of sustainability and environmental impact compared with other fill sources and the extent and volume of the borrow pits has been justified to our satisfaction (paragraph 4.5.12). Their use represents a necessary and appropriate approach to the sourcing of fill material for the scheme (paragraph 4.5.12). We also consider that construction waste arising from the scheme would not result in any unacceptable impacts (paragraph 4.5.19).
- 6.2.3 Turning to air quality, we are satisfied that with the mitigation proposed and the requirements secured in the recommended DCO for air quality monitoring during operation and in relation to the Code of Practice during construction, air quality impacts of the scheme should not weigh against the Order being made (paragraph 4.6.67). In respect of the effects of air pollution on health and emissions of light, we do not consider there are matters that would prevent the Order being made (paragraph 4.6.68). During operation, in so far as the AQMAs are concerned, the effects of the scheme are predicted to provide a positive improvement in air quality (paragraph 4.6.23).
- 6.2.4 No significant impacts or exceedances of the EU limit values were predicted and there was no indication that it would result in the UK Eastern Zone not achieving compliance with the predicted date set out by Defra (paragraph 4.6.35). We do however consider it prudent to give the SoS some certainty in handling forecasts and we are

recommending the inclusion of the requirement to undertake air quality monitoring and this is included at Requirement 16 of the recommended DCO (paragraph 4.6.38).

- 6.2.5 We conclude in relation to carbon emissions, that the increase in carbon emissions resulting from the scheme would not be so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets (paragraph 4.7.7).
- 6.2.6 As to noise, the Panel accepts that there would be noise related effects in different locations during the construction of the scheme. However, taking into account the measures set out in the CoCP including the noise and vibration management plan and the noise insulation and temporary re-housing policy and other mitigation measures to be approved under requirement 4 of the recommended DCO, the noise impacts of the scheme would be limited to certain locations only and their effects managed (paragraph 4.8.37). In so far as noise specifically from borrow pits is concerned, the applicant's approach to noise impacts at borrow pits appears robust and now has the support of the LAs (paragraph 4.8.38). With the mitigation proposed, it is our view that construction noise should not weigh heavily against the SoS making the DCO (paragraph 4.8.37).
- 6.2.7 During operation, the Panel considers that it is perhaps inevitable that predicted increases in levels of noise would increase in some locations where the A14 follows an offline route; equally that other locations would benefit from the removal of traffic on de-trunked sections of the A14. These effects would be the unavoidable consequence of the schemes' aim of reducing congestion (paragraph 4.8.132). With the mitigation proposed and requirement 12 in the recommended DCO securing SoS approval of the noise mitigation measures to be constructed, it is our view however that some adverse impacts would remain and that these should be considered in the context of the scheme as a whole (paragraph 4.8.135).
- 6.2.8 In terms of flood risk, we conclude that the application is supported by an appropriate FRA and the scheme passes the Sequential and Exception Tests and would accord with the NNNPS and the NPPF. We are satisfied that all of the written and oral submissions made in relation to flood risk have been appropriately addressed in terms of the application, the additional work carried out by the applicant, the agreements reached with various statutory bodies and the recommended DCO. We therefore conclude that the scheme would not have an unacceptable effect in terms of flood risk. We do however again draw attention to the need to address disapplication measures, as set out in this section of the report, prior to any DCO being made (paragraph 4.9.75).
- 6.2.9 Inevitably, a scheme of this size will have effects on the landscape and visual receptors. We are satisfied that account has been taken of its potential impact upon the landscape having regard to siting, lighting, operational and other relevant constraints. We are further satisfied

that reasonable mitigation has been provided where possible and that measures are in place to ensure good design is embedded into the scheme as it develops through the detailed design stage. We therefore conclude that the adverse landscape effects have been minimised as far as possible and that the overall effects of the scheme both during construction and when operational, would not be unacceptable on the landscape, much of which currently features highway infrastructure and which is not a nationally designated area (paragraph 4.10.20)

- 6.2.10 In so far as visual effects are concerned, we conclude that the scheme would result in a range of effects on visual receptors with the greatest adverse effects occurring as a result of the proposed Ouse Valley viaduct and those sections of road relating to the new offline parts of the scheme. The greatest beneficial effect would arise due to the removal of the Huntingdon viaduct. With the mitigation proposed including design consultation as the scheme develops secured under requirement 3 of the recommended DCO and the extensive mitigation landscaping secured under Requirement 7, its impact would be reduced in the longer term (paragraph 4.10.117). Nonetheless, it is our view that these effects will remain and are to our mind, a factor that weighs against the making of the Order (paragraph 4.10.118).
- 6.2.11 As to water quality and resources, we conclude that the scheme would not have an adverse effect that would result in surface waters, groundwater or protected areas failing to meet environmental objectives established under the WFD (paragraph 4.11.47). Article 4.7 of the WFD Regulations would not therefore need to be applied. The Panel also concludes that the scheme would not have any likely unacceptable effects on other waterbodies. The Panel is also satisfied that opportunities have been taken, where feasible, to improve upon the quality of existing discharges to contribute towards WFD commitments. In our view therefore, the scheme would not have an unacceptable impact in terms of water quality and resources.
- 6.2.12 With the safeguards that would be afforded by the suite of requirements that would apply to ecological mitigation, we conclude that there are no biodiversity or ecology matters that would weigh against the Order being made (paragraph 4.12.72).
- 6.2.13 We conclude that there is a very strong economic case in favour of the scheme which represents high value for money and that it would play a significant supporting role in economic terms, with potential benefits including job creation through economic growth (paragraphs 4.13.4 and 4.13.23). We also conclude that the scheme would provide material social benefits (paragraph 4.13.24). As such, there are no significant issues in respect of socio-economic effects that would justify the DCO not being made (4.13.26).
- 6.2.14 Given the size of the scheme, a range of heritage assets would be affected. Harm would be limited, however, by agreed requirements and other measures. Therefore, having regard to the tests in Section

3 of the Infrastructure Planning (Decisions) Regulations 2010 (paragraph 4.14.47) which are as follows:

- preserving any listed building or its setting or any features of special architectural or historic interest which it possesses;
- preserving or enhancing the character or appearance of a conservation area; and
- preserving any scheduled ancient monument or its setting

any harm to heritage assets would be less than substantial and sufficient safeguards to minimise impacts on the historic and archaeological environments would be secured through the Order, if made (paragraph 4.14.49).

6.2.15 We are satisfied that whilst some cumulative effects may arise from the scheme together with planned and foreseeable developments, these would be avoided, managed and mitigated by the measures which form part of the proposed scheme and through the requirements in the recommended DCO (paragraph 4.15.26).

6.2.16 The Panel has also considered the interrelationships between effects and whether these might as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis. We are satisfied that there are no such effects and therefore nothing to prevent the making of the Order on the grounds of cumulative effects (paragraph 4.15.27).

### **6.3 HABITATS REGULATIONS ASSESSMENT**

6.3.1 Habitats Regulations Assessment is a matter for the SoS to undertake as the decision maker and Competent Authority for the proposal.

6.3.2 The Examination has considered the LSE on the following European sites potentially affected by the scheme:

- Portholme SAC;
- Ouse Washes SAC;
- Ouse Washes SPA;
- Ouse Washes Ramsar; and
- Eversden and Wimpole Woods SAC.

6.3.3 Taking account of all relevant and important representations received by the Panel, we conclude that the scheme would not adversely affect European sites, species or habitats, whilst recognising that the SoS is the competent authority under the Habitat Regulations (paragraph 5.5.2).

### **6.4 OVERALL CONCLUSION ON THE CASE FOR DEVELOPMENT**

6.4.1 NNNPS paragraph 4.2 advises that, subject to the provisions of s104 of the PA2008, the starting point for the determination of an application for a national networks NSIP is a presumption in favour of development.

- 6.4.2 In reaching our conclusions on the case for the proposed development, we have had regard to the relevant NPSs, the joint LIR and all other matters which we consider are both important and relevant to the SoS's decision. We have further considered whether in determining this application in accordance with the relevant NPSs would lead to the UK to be in breach of any of its international obligations where relevant. We have concluded that in all respects, we have complied with these duties.
- 6.4.3 Bringing the above conclusions together, we note the Government's strong policy support for schemes that seek to deliver a well-functioning Strategic Road Network.
- 6.4.4 We have considered the impacts of the proposed scheme which are inevitably, mixed. We have sought to weight the adverse impacts from the scheme against the benefits.
- 6.4.5 We have found that the adverse impacts that relate to noise and visual impacts, to which we attach moderate weight, should be considered in the context of the scheme as a whole. In particular, this consideration should be undertaken against the identified benefits of the scheme in relation to the Strategic Road Network and the scheme's significant supporting role in economic terms, to which we attach great weight. On this basis, these benefits clearly outweigh the identified adverse noise and visual impacts.
- 6.4.6 There are other matters that bring both benefits and adverse effects, but none of these matters, either individually or cumulatively, lead to a different conclusion in terms of overall benefits and impacts.
- 6.4.7 We also see no reason for HRA matters to prevent the making of the Order.
- 6.4.8 The Panel therefore concludes that, for the reasons set out in the preceding chapters and summarised above, development consent should be granted, subject to the incorporation of the changes it has made to the recommended DCO as discussed in Chapter 8 below.

## **7 COMPULSORY ACQUISITION AND RELATED MATTERS**

### **7.1 THE REQUEST FOR COMPULSORY ACQUISITION POWERS**

- 7.1.1 Compulsory acquisition powers (CA powers) are sought in respect of all the land within the Application and within the DCO boundary (amended as described below) save some areas where only temporary use and occupation powers are sought. All the land is shown on the Land Plans [REP13-036] and the works for which the land is required are shown on the Works Plans [REP13-037].
- 7.1.2 After the Application had been made by the applicant, there followed during the course of the Examination four submissions for acceptance by the Panel of non-material changes to the Application. These are referred to below.
- 7.1.3 All the land is referred to in the draft DCO as the Order land and in this chapter as the CA land. A Book of Reference, Land Plans [APP-042] Statement of Reasons and Funding Statement were submitted with the Application. The Statement of Reasons was updated in October 2015 [REP13-048] and amended Land Plans were submitted at various stages during the examination and in final form in October 2015 [REP13-036] and likewise the Book of Reference was submitted in final form in November 2015 [REP15-026].
- 7.1.4 The scheme which is the subject of the Application is described in Chapter 2 of this report and the Statement of Reasons sets out at section 4 paragraphs 4.7 to 4.26 the location and description of the Order land and its land use.

### **7.2 THE PURPOSES FOR WHICH THE LAND IS REQUIRED**

- 7.2.1 The Application is for development consent for the A14 Cambridge to Huntingdon improvement scheme. The applicant states that if the SoS makes a DCO in respect of the scheme it will be necessary for that DCO to contain powers to enable the applicant to acquire compulsorily land and rights over land, and to take possession of land temporarily, to enable the construction and delivery of the scheme. This is because land that is presently owned or occupied by persons other than the applicant is required for carrying out the works. Part of the proposed alignment is over land where there has not previously been a highway and has not been associated with highway use. The applicant state that without acquisition and temporary use of the land, the scheme cannot be delivered.
- 7.2.2 The Book of Reference identifies all the plots of land required and these are shown on the land plans comprising 40 sheets: on the Land Plans plots are numbered consecutively by reference to each individual land plan.

7.2.3 The Land Plans submitted by the applicant were revised and amended as the Examination proceeded not only to accommodate the non-material changes and additional land referred to below but also to correct errors and omissions. The DCO would authorise the compulsory acquisition of interests or rights in land and the following additional powers:

- private rights over land;
- acquisition of sub soil or airspace;
- temporary use of land for carrying out the authorised development; and
- temporary use of land for maintaining the authorised development.

7.2.4 The Application included Crown land along much of the route of the scheme but, as explained below, this ceased to be Crown land when the highway interests of the Department of Transport were transferred to Highways England. There remained three Crown land interests in the Application - land owned respectively by the Department of the Environment, Food and Rural Affairs (Defra), the Crown Estates and The Historical Railways Estate.

7.2.5 Statutory undertakers land and electronic communications code operators land is involved along the route and powers are sought to acquire land, interfere with interests, override interests and remove apparatus. All the land involved is include in Parts 1 and 3 of the Book of Reference.

7.2.6 The DCO seeks to incorporate the provisions of the Compulsory Purchase (General Vesting Declarations) Act 1981 with modifications.

7.2.7 The DCO seeks powers to take temporary possession of land specified in Schedule 7 to the DCO to enable the applicant to:

- remove buildings and vegetation from the land;
- construct temporary works(including accesses) and buildings on land; and
- construct permanent works as specified in Schedule 7 of the DCO and other mitigation works.

7.2.8 It also includes powers of temporary possession for the purpose of maintaining the works.

### **7.3 THE REQUIREMENTS OF THE PLANNING ACT 2008**

7.3.1 Compulsory acquisition powers can only be granted if the conditions set out in sections 122 and 123 of the PA2008 are met.

7.3.2 Section 122(2) requires that the land must be required for the development to which the development consent relates or is required to facilitate or is incidental to the development. In respect of land required for the development, the land to be taken must be no more than is reasonably required and be proportionate.

7.3.3 Section 122(3) requires that there must be a compelling case in the public interest which means that the public benefit derived from the compulsory acquisition must outweigh the private loss that would be suffered by those whose land is affected. In balancing public interest against private loss, compulsory acquisition must be justified in its own right. But this does not mean that the compulsory acquisition proposal can be considered in isolation from the wider consideration of the merits of the project. There must be a need for the project to be carried out and there must be consistency and coherency in the decision-making process.

7.3.4 Section 123 requires that one of three conditions is met by the proposal. The Panel is satisfied that the condition in s123(2) was met because the Application for the DCO included a request for compulsory acquisition of the land to be authorised. In the event there was also an application for additional land which triggered The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regs), a result of which the recommended Land Plans and Book of Reference include land which was not included in the Application.

7.3.5 A number of general considerations also have to be addressed either as a result of following applicable guidance<sup>142</sup> or in accordance with legal duties on decision-makers:

- all reasonable alternatives to compulsory acquisition must be explored;
- the applicant must have a clear idea of how it intends to use the land and to demonstrate funds are available; and
- the decision-maker must be satisfied that the purposes stated for the acquisition are legitimate and sufficiently justify the inevitable interference with the human rights of those affected.

7.3.6 The PA2008 requires that if changes are sought to the Application the changes whether material or non-material must be considered and approved or otherwise by the Panel. If the changes involve additional land then if CA is required and the consent of those affected is not obtained by the applicant, then the provisions of the CA Regs will apply. There were changes to the Application involving additional land and these are considered elsewhere in this chapter.

## **7.4 HOW THE PANEL EXAMINED THE CASE FOR COMPULSORY ACQUISITION**

7.4.1 In its letter dated 21 May 2015 [PD-004] the Panel raised the First Examining Authority Questions [PD-005] which included questions

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<sup>142</sup> Guidance is contained in three documents which are set out below, in each case the acronym used in this chapter for the relevant guidance is set out in brackets following each document:

- Compulsory Purchase and the Crichel Down Rules-Circular 06/04 (06/04)
- Guidance related to procedures for the compulsory acquisition of land (2013)
- Compulsory purchase process and the Crichel Down rules (2015)

Where used with no acronym Guidance refers to all of the above documents

relating to compulsory acquisition and these were responded to by the applicant on 25 June 2015 [REP2-005].

- 7.4.2 The Second Examining Authority Questions [PD-006] again included matters relating to compulsory acquisition and these were responded to by the applicant on 19 August 2015 [REP7-017]. A CA hearing was requested by IPs. There were more than 500 objections to the request for the grant of CA powers. A list of IPs who requested a CA hearing is set out in Appendix F. A list of all Interested Parties who objected to the grant of CA powers is set out in Appendix E
- 7.4.3 The applicant sought a number of non- material changes to the Application scheme. The first application [REP5-030] required additional land in four locations and for which the consent of those affected had not been obtained. The Application was accompanied by a Supplemental Book of Reference [REP5-030], Supplemental Land Plans [REP5-030] and Statement of Reasons [REP5-030]. No further Funding Statement was submitted, the applicant relying on the Funding Statement submitted with the original Application to support the submission. The CA Regs were applied in relation to this Application (the Additional Land Application) and the relevant processes under the CA Regs were undertaken by the applicant.
- 7.4.4 Although no requests were made for a CA hearing to be held in relation to the Additional Land Application the Panel decided that in order to ensure fairness to all affected persons a CA Hearing would be held. In the event one objection was received but in error it was forwarded to the applicant and later passed to the Panel.
- 7.4.5 Two further non-material changes applications were made [REP7-034 and REP9-006] involving:
- reductions in the land sought in the original Application;
  - additional land where the consent of those affected had been obtained; and
  - additional land which required CA for which the consent of those affected had not been obtained, but where the applicant was seeking to obtain the consent of persons with an interest in the additional land.
- 7.4.6 At the request of the Panel the two applications [REP7-034 and REP9-006] were combined into a single fourth application submitted in September 2015 [REP10-047] and this application was itself updated in October 2015 [REP11-009]. A fifth application for further changes submitted by the applicant in November 2015 was not accepted into the Examination because there was insufficient time for interested parties to comment on the proposed changes before the Examination closed. The consideration of the scheme in this chapter refers to the scheme as amended by the Additional Land application and the change applications.

- 7.4.7 CA hearings relating to the Application were held on the 1, 2 and 3 of September 2015. A hearing into the Additional Land application was held on the 21 October 2015. A further CA hearing was held on the same day to consider generally the CA case put forward by the applicant, and outstanding Crown and statutory undertaker matters.
- 7.4.8 The following representations and objections to the grant of CA powers were withdrawn on the dates set out below:
- Anglian Water [REP15-010] 11 November 2015
  - National Grid Gas [REP14-004] 5 November 2015
  - The Marshall Family (in relation to the proposed provision of additional land) [REP13-013] October 2015

## **7.5 THE APPLICANT'S CASE**

- 7.5.1 The applicant's case is set out in the Statement of Reasons [APP-005], a revised version of which was submitted in June 2015 [REP2-016] following the designation by the SoS on 14 January 2015 of the NNNPS.
- 7.5.2 The Statement of Reasons was accompanied by a Funding Statement [APP-006], Land Plans [APP-042 to 082] and a Book of Reference [APP-007].
- 7.5.3 Detailed supporting information is set out in the Case for the Scheme [APP-755] and the Environmental Statement [APP-331 to 352] where in the Main Alternatives Chapter in Volume 1 of the Environmental Statement the applicant's consideration of alternatives is set out.
- 7.5.4 During the Examination the applicant also provided additional information in response to the Panel's questions referred to above, Interested Party submissions, submissions in response to sections 127 and 138 issues and in relation to Crown land.

### **Requirements for the Compulsory Acquisition of Land**

- 7.5.5 The purpose of seeking powers of compulsory acquisition and temporary possession is to enable the acquisition by the applicant of land and interests it needs to construct the scheme as set out in the DCO.
- 7.5.6 The acquisition of the land is therefore required for the purposes of the DCO. Without the land the scheme cannot be delivered.
- 7.5.7 The applicant states that they intend wherever possible to negotiate to acquire the land and interests it needs by agreement. However, powers of compulsory acquisition are also required as a means of overriding existing rights and interests in or over land as well as creating new rights over land. The Application is supported by the Land Plans [APP-042 to 082] which show the land and interests required; and the Works Plans [APP-083 to APP-113] which indicate the works to be carried out. Appendix A of the Statement of Reasons

explains in what way the works to be carried out would affect each plot of land and how and why each plot is needed for the scheme.

- 7.5.8 Powers of temporary possession are also sought and Appendix E sets out the plots where temporary possession is required and the purpose of which each of the plots will be used.

### **The National Networks NPS**

- 7.5.9 The NNNPS sets out the Government's vision and policy against which the SoS will make decisions on applications for development consent for nationally significant infrastructure projects on the strategic road and rail networks.
- 7.5.10 The applicant argues that scheme aligns with the Government's strategic policy set out in the NNNPS and the way in which the strategic objectives of the scheme are aligned with Government policy are set out in chapter 10 of the Statement of Reasons. The need for the scheme is also documented in national and local policy documents as explained in greater detail in the Case for the Scheme [APP-755].
- 7.5.11 The strategic objectives of the scheme are to combat congestion, unlock growth, make provision for non-motorised users and vulnerable users, improve safety and leave a positive legacy – all of which are set out in greater detail in chapter 6 of the Statement of Reasons.
- 7.5.12 The reasoning behind the adoption of a borrow pit strategy, the establishment of flood compensation areas, drainage alleviation and treatment ponds and landscaping works are also set out in chapter 6 of the Statement Reasons.
- 7.5.13 A comprehensive programme of mitigation has been developed to redress the effects of the scheme on ecology and further mitigation measures are designed into the scheme to reduce noise impacts at a number of locations.

### **Alternatives**

- 7.5.14 In the Main Alternatives Chapter in Volume 1 of the Environmental Statement [APP-332] the applicant has explored alternative options for the scheme and selected the most appropriate option.
- 7.5.15 The applicant states that none of the alternative options would avoid the need for compulsory acquisition and temporary possession of land, and the land proposed to be acquired for the scheme is no more than is reasonably necessary required for the applicant to occupy, and for construction, mitigation and ongoing maintenance of the scheme.

### **Funding**

- 7.5.16 The Funding Statement [APP-006] submitted by the applicant sets out the position with regard to funding. The scheme has been supported in principle by the Government since June 2013 and this support is now

a financial commitment to meet the total costs of the scheme. This commitment was given in the 2013 Spending Review and confirmed by the Chief Secretary to the Treasury in the Autumn Statement.

- 7.5.17 In addition and following completion of construction, local authorities and local enterprise partnerships in the Cambridgeshire and East of England region have committed to make a contribution of up to £100 million to the scheme; these contributions will be forthcoming following the completion of construction works and will extend over 25 year period.
- 7.5.18 The applicant advises that this funding commitment has not been affected by the change of the Highways Agency from an Executive Agency of the Department of Transport to a government-owned strategic highways company appointed by the Department of Transport (Highways England). Funds will therefore be available for compulsory acquisition and scheme compensation for the lifetime of the acquisition, construction and implementation processes.

### **Applicant's justification for seeking powers of Compulsory Acquisition**

- 7.5.19 The applicant's Case for the Scheme demonstrates that there is a very strong and compelling case in the public interest for the scheme to be delivered. It follows that there is a similarly compelling case in the public interest to include in the DCO the compulsory acquisition powers being applied for, the exercise of which is shown throughout the Statement of Reasons to be necessary and proportionate to the extent that interference with private land and rights is required.

### **Statutory Undertakers Land – Sections 127 and 138**

- 7.5.20 The applicant's draft DCO proposes to acquire land from three statutory undertakers: Network Rail Infrastructure Limited, Anglian Water Services Ltd and Eastern Power Networks plc. Both Network Rail Infrastructure Limited [RR-612] and Anglian Water Services Ltd [RR-059] have submitted representations in respect of the scheme.
- 7.5.21 However the applicant seeks to reach agreement with these undertakers and to include in the DCO protective provisions to protect their interests. It also proposes to acquire new rights over land from Network Rail Infrastructure Limited. Section 138 of the PA2008 is also engaged because the applicant seeks powers to interfere with the apparatus of statutory undertakers as described in the Statement of Reasons.

### **Special Category Land**

#### ***Common Land***

- 7.5.22 The applicant's draft DCO has engaged section 131 of the PA2008 (but not section 132) in respect of the acquisition of part of a small area of registered common land forming part of a larger grassed area known

as Mill Common which is used for grazing. It is not open space (as defined in section 131(12) of the PA2008) nor is it mainly a common as defined in section 131(12). However, it includes a small triangular area of grassland which is registered common land and so comes within the definition of a common in section 131(12). Nevertheless the applicant considers that the exemption (to the application of special parliamentary procedure) which is provided by section 131(5) of the PA2008 would apply because:

- the area of land to be acquired for the scheme is required to facilitate highway widening in connection with the improvement to the A14;
- the area of land required for the scheme does not exceed 200 m<sup>2</sup> in extent (it is 171 m<sup>2</sup> in area); and
- its replacement is unnecessary because it forms a very small part of a larger expanse of grazing land at Mill Common (the total area of Mill Common is 61,313 m<sup>2</sup>. The 171 m<sup>2</sup> area required for the scheme comprises only 0.28% of the total area of Mill Common).

### **Open Space**

7.5.23 A small part of a golf course set within the grounds of the Menzies Hotel located to the south of the existing A14 at Bar Hill is required for the scheme. It presently comprises the hedgerow boundary between the golf course and the existing A14 and Oakington Road together with some maintained grassland and planted areas forming part of the golf course; but none of the area proposed be acquired forms part of the practice area, tees, fairways and greens of the golf course.

7.5.24 The applicant considers that the exemption (to the application of special parliamentary procedure) which is provided by section 131(5) of the PA2008 would apply because:

- the area of land to be acquired for the scheme is required partially for the widening and partly for the drainage of an existing highway; and
- its replacement is unnecessary because;
- the area to be acquired for the scheme comprises 16,109 m<sup>2</sup> which is only 3.11% of the total area of golf course;
- it comprises a hedgerow boundary between the golf course and the existing A 14 and Oakington Road together with some maintained grassland and planted areas but no part of the playing areas of the golf course; and
- if acquired it would have no material adverse effect upon the use of the golf course such that its replacement with exchange land is unnecessary.

7.5.25 Paragraph 5.166 of the NNNPS, states that "*open space ... land should not be developed unless the land is surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality and suitable location, and that in such cases*

*applicants considering proposals to develop such land should have regard to any local authorities assessment of need for such types of buildings land and buildings"* The applicant engaged with the relevant local authority in relation to this matter and the outcome is reported upon later in this Chapter.

### **Crown land**

- 7.5.26 The applicant states that part of the land required for the scheme is shown in the Book of Reference as Crown land since it is owned by the SoS. However, on 30 March 2015 a Transfer Scheme was made by the SoS transferring to Highways England all land formerly held by the SoS for the purpose of the SoS's function as the highway authority responsible for the strategic road network in England.
- 7.5.27 The applicant advises that as a strategic highways company and not an Executive Agency of the Department Of Transport, Highways England does not hold land on behalf of the Crown nor is it an appropriate Crown authority. Accordingly, the land transferred to Highways England which includes the land in the scheme formerly held by the SoS, is no longer within the definition in section 135 of the PA2008, and can no longer be considered as Crown land for which consent under section 135 is required.
- 7.5.28 There are three other areas of land within the scheme which are Crown land and for which the consent of the appropriate Crown body was being sought by the applicant and these are considered later in this chapter

### **The Human Rights Act 1998**

- 7.5.29 The applicant has considered the potential infringement of Convention rights (as codified in the Human Rights Act 1998) in consequence of the compulsory acquisition powers included within the DCO. The land to be acquired for the scheme is the minimum necessary to ensure delivery of the scheme and necessary mitigation, and the scheme is designed to minimise interference with the peaceful enjoyment of a person's possessions under article 1 of the First Protocol of the Human Rights Act.
- 7.5.30 The applicant considers that there would be a very significant public benefit arising from the grant of development consent for the scheme. That benefit can only be realised if the development consent is accompanied by the grant of powers of compulsory acquisition. The public interest can only be safeguarded by the acquisition of this land and such acquisition would not place a disproportionate burden on the affected landowners, who would be compensated for any loss suffered.
- 7.5.31 The applicant considers that the significant public benefit to which the scheme would give rise outweigh the effects of the DCO upon persons with property rights in land and would not be a disproportionate interference with their rights under article 8 and article 1 of the First

Protocol. In addition those affected by the exercise of compulsory powers would be entitled to compensation.

7.5.32 In relation to article 6 the DCO process provides for all persons affected by the exercise of the compulsory powers to be consulted; the right to make representations at hearings to be held and challenge in the courts, and in the case of compensation disputes referral to the Upper Tribunal (Lands Chamber).

7.5.33 For these reasons the applicant considers that any infringement of the Convention Rights of those whose interests in the land might be affected by the exercise of powers of compulsory acquisition, would be proportionate and legitimate, would be in the public interest, and would be in accordance with national and European law. The applicant therefore considers it would be appropriate and proportionate for the SoS to make the DCO including the grant of compulsory acquisition powers.

### **Summary of Applicant's Case**

7.5.34 The applicant considers that there is a compelling case in the public interest for the inclusion in the DCO of compulsory acquisition powers that would enable the applicant to secure any outstanding land interests and rights, which cannot be acquired by agreement, and which would be required to facilitate delivery of the scheme. The compelling case is set out in the Statement of Reasons and is evidenced further in the wider documentation comprised in the Application.

7.5.35 Further, that there is also justification for the inclusion of temporary possession powers in the DCO to facilitate the works required to implement the scheme.

## **7.6 OBJECTIONS**

7.6.1 More than 500 representations were received regarding the request for the grant of compulsory powers and temporary powers relating to land. All the objectors are listed and identified in Appendix E where information is given in summary as to the nature of the objection, the objection made, and where appropriate the land interests affected by reference to land plan plot numbers.

7.6.2 Temporary possession powers are not compulsory acquisition powers and are considered separately below and in Chapter 8 dealing with the draft DCO.

7.6.3 Objections to the grant of compulsory acquisition powers are set out below and are dealt with by considering objections made by organisations of behalf of objectors who they represent (which we have termed Generic Objections), then by persons with an interest in the land affected (ie within categories 1 and 2 as defined in section 44 of the PA2008) and then parties within category 3 as defined in section 44 who may make a claim under section 10 of the Compulsory

Purchase Act 1965 or Part 1 of the Land Compensation Act 1973 (which we term Category 3 Parties). Lastly, we consider objections made by statutory undertakers and issues relating to special category land and Crown land

## **7.7 THE APPLICANT'S RESPONSE TO OBJECTIONS**

- 7.7.1 The applicant has responded to the Generic Objections by the Agents Association (AA) and (NFU) on behalf of those they represent [REP4-015] and added further responses as the Examination progressed and also responses to objections made by individuals and organisations.
- 7.7.2 It has also pursued discussions with objectors to seek to address, where possible, specific issues and concerns, and has entered into SoCGs to reflect what has and has not been agreed. Some of these SoCGs have been exchanged and others have not.
- 7.7.3 By the close of the Examination three objections had been withdrawn and these are referred to earlier in this chapter.

## **7.8 THE OBJECTIONS AND THE PANEL'S RESPONSE TO OBJECTIONS.**

- 7.8.1 We have read through all the objections received. Many of the issues raised by objectors have also been considered by the Panel when considering the planning issues arising in relation to consideration of the grant of the draft DCO. The objections are considered here in the context of the application for the grant of CA powers. Appendix E sets out all the objections and the plots they relate to and indicates whether or not it is a CA objection. In relation to CA objections in Categories 1 and 2 the Panel has examined them against the tests set out in the PA2008 (s122 and s123), having regard to Guidance and with regard to the provisions of the Human Rights Act 1998.
- 7.8.2 They are distinguished from those other objections under Category 3 referred to in Appendix E as not CA objections, and which may be objections to the application for powers of temporary possession under Articles 30 and 31 of the DCO or objections to the grant of CA powers by those who may be able to make a claim under section 10 of the Compulsory Purchase Act 1965 or Part I of the Land Compensation Act 1973.
- 7.8.3 However, there are many plots of land where CA powers as well as powers of temporary possession under Articles 30 and 31 are sought. This overlap occurs where land is required for works but may, when these works are completed, be capable of being returned to the owner. The applicant has in these circumstances sought the lesser power of temporary possession under Articles 30 and 31 of the DCO so that the use of CA powers is kept to a minimum.
- 7.8.4 We have read all the objections set out in relevant representations and written representations, subsequent submissions, and submissions made at the CA hearings. As indicated above objections can be

categorised as generic as set out in the objections of the AA and NFU or specific to their own land interests and relate to such issues as the extent of land take, proposed, access and drainage issues.

7.8.5 Turning now to the objections themselves and related matters we have considered them in the following order:

- Generic Objections;
- Objections by Parties with an Interest in the Land Affected;
- Category 3 Objections;
- Statutory undertakers, Special Category and Crown land.

7.8.6 We set out later in this chapter the Panel's approach to the considerations of CA issues which forms the basis of our consideration and conclusions drawn in relation to all the objections made and related matters which now follows.

### **Generic Objections**

7.8.7 These objectors are either represented by agents who are members of the Agents Association (AA) which has made representations on behalf of all of its members, or are members of the National Farmers Union (NFU) which has also submitted objections on its own and on its members' behalf. The agents concerned and the objectors who are members of the NFU are set out in Appendix G of this report.

### ***Objection 383 The Agents Association***

7.8.8 The AA objection sets out a number of concerns relating to the accuracy of documentation, inaccuracies in the Book of Reference, changes between the application DCO [APP-008] and the April 2014 consultation documents, the assumptions related to freehold ownership beneath highways, and lack of consultation.

7.8.9 Specifically the AA in its representation [RR-605] objects on the following grounds:

- the use of the minerals and the creation of borrow pits and all the flood and landscaping areas and construction areas which are not matters for which powers of compulsory acquisition and/or temporary possession can lawfully be included in the DCO;
- the creation of the borrow pits and the removal of the minerals, the creation of the flood and landscaping areas and the construction areas will occur during construction of the proposed highway improvements and for this period powers of permanent compulsory acquisition of land are not required;
- the applicant has failed to show that landscape and mitigation areas are needed on the scale sought, or at all, and failed to show by hydrological evidence that flood alleviation areas and balancing ponds are required on the scale sought, or at all;
- consequent on the above a compelling case as required under section 123(3) of the PA2008 cannot be shown;

- there is no power in the PA2008 to include powers of temporary possession use and occupation of land;
- flood, landscape and construction areas can be secured by the taking of rights only and permanent acquisition is unnecessary and would invoke the relevant Human Rights Act articles; and
- the Mining Code should not be incorporated in the DCO and the minerals should be acquired and compensation paid.

7.8.10 These representations were expanded upon in the written representation with examples given of the effect of excessive land take e.g. in relation to Mr C Behagg.

***Objection 278 The National Farmers' Union***

7.8.11 The NFU objection set out in its written representations RR-605 and RR-455 and further representations made during the course of the Examination relates to the same issues as set out in the AA representation and specifically objects as follows:

- that the compelling case obligation as required by section 123(3) had not been met having regard to the guidance given by Sullivan LJ in R(FCC Environment (UK) Ltd) v Secretary Of State for Energy and Climate Change;
- the scale of land required for mitigation and flood compensation areas is excessive and could be secured by other means than the compulsory acquisition of the freehold;
- the acquisition of land for borrow pits is unnecessary as adequate alternative sources of material are available, the environmental impact is greater than if material was sourced from existing quarries, consequential measures would be unnecessary and less land taken out of agricultural production and accordingly no compelling case can be made for compulsory acquisition;
- incorporation of the Mining Code as proposed by Highways England does not meet the required tests; and
- there are no statutory provisions in the PA2008 for the grant of temporary possession powers.

7.8.12 At the CA hearing on 3 September 2015 Counsel on behalf of both the AA and NFU expanded upon the objections made [EV-047 and EV-048]. Much argument also took place regarding the 06/04 guidance the 2013 guidance and the 2015 guidance which replaces 06/04.

**Panel Consideration of the Generic Objections**

7.8.13 The Panel considers the principal issues raised by the AA and the NFU are:

- whether or not the compelling case that is required by section 122(3) has been met having regard to matters such as the extent of land take, the interests to be taken and the nature and substance of the proposed scheme (and whether Guidance and advice has been followed);

- whether or not a number of the powers sought fall within the powers of the PA2008.
- 7.8.14 Dealing with the first issue the applicant argues [REP15-034] that a compelling case can and has been made, based, as is usual in road schemes, on an indicative design for the scheme, and that pursuant to paragraph 13 of the 2013 guidance there is compelling and clear evidence that the net benefits of the scheme would outweigh the private loss of those whose land would be acquired, acknowledging that the exact details of what is required and how it can be delivered will only be determined through the subsequent development of the detailed design stage.
- 7.8.15 Further, that the 2013 guidance gives support to applicants for long linear schemes to make initial provision for compulsory acquisition of land within a DCO Application while contemporaneously engaging in negotiations with landowners. The applicant maintains this is the approach it has adopted and sets out its reasoning in support in REP11-009.
- 7.8.16 The objectors argue that with regard to the compelling case, how can a compelling case be made for land take and interests in it when these matters are not known with any degree of certainty at the time of the application, may change later in the process, or necessitate further studies which may affect the land take and interests, requiring less or more land and interests, as has been the case in this application.
- 7.8.17 Further, in a number of submissions they argue that guidance has not been followed and in REP15-013, NFU refer specifically to the 2015 guidance which states "*acquiring authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued, or at least genuinely attempted*" and that the applicant has not been contemporaneously carrying out negotiations.
- 7.8.18 In our view a key consideration in determining whether the requirements of section 122(3) have been met is to consider the nature and substance of the proposed scheme at the time the Application was made and to consider the Guidance which is applicable.
- 7.8.19 We have considered the many submissions made by both sides and are satisfied that being a linear scheme the applicant has followed Guidance in providing evidence of its attempt to initiate and pursue negotiations [REP14-024]. We acknowledge that there will be many reasons why the pursuit of negotiations may have little success, but that does not alter the fact that the process was initiated by the applicant.
- 7.8.20 However, whilst complying with Guidance is of some weight it is only guidance and the crucial issue is whether or not the statutory tests under section 122(3) had been met.

- 7.8.21 In this context the Panel has considered the nature and substance of the scheme that is the subject of the Application and the process involved in pursuing it. We understand and accept that such a scheme as the A14 improvement scheme will proceed initially on the basis of an indicative preliminary design and be refined as the detailed design process proceeds. The question is whether this indicative design scheme which is the subject of the Application has sufficient content and is of such substance at the time the Application is submitted to be a scheme which can meet the compelling case test under section 122(3). We are satisfied that it does, and that it can form a proper basis for initiating the consultation process referred to in Guidance.
- 7.8.22 We base our judgement on our view that the application documents identified clearly a scheme capable of implementation with all the supporting required evidence relating to planning policy, environmental matters, works and engineering drawings and plans, as well as the required documentation relating to the proposed use of compulsory acquisition powers. It may be an indicative scheme but that does not detract from it being a scheme and proposal capable of being tested under sections 122 and 123 of the PA2008 and 122(3) in particular.
- 7.8.23 We recognise that as the detailed design process proceeds, more research is done and more information becomes available, the scheme may change in detail and these changes may affect the extent of land take, the nature of the interests required and even whether some of the land included in the Application is still required at all, or other than on a permanent basis.
- 7.8.24 We believe a case can be made on the basis of an indicative scheme notwithstanding that it will almost inevitably change in detail but not substance as detailed design progresses. This does not in the Panel's view detract from our judgement that the compelling case test can be met as outlined above.
- 7.8.25 The objectors made reference to the FCC Environment case<sup>143</sup> where Sullivan LJ gave instances of where a compelling case could not be made [REP2-164].
- 7.8.26 The applicant responded [REP4-015] at paras 63.4.8 to 63.4.19 and maintains that:
- having regard to the scale of the scheme and the need to deliver it in a specific and relatively short time; and
  - the Case for the Scheme [APP-755] and the Statement of Reasons [APP-005] explain how the applicant has considered the question of whether the public benefits to be derived from the scheme outweigh the private losses and the Secretary of State in

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<sup>143</sup> [2015] EWCA Civ55

making a judgement on applying section 122(3) will be persuaded that the public benefit outweighs the private loss.

- Further, that whilst there may be instances where examples cited by the objector in the circumstances referred to arise, a compelling case in this instance can be made out in respect of the scheme.

7.8.27 The Panel accepts the reasoning put forward by the applicant and is of the view that this scheme is one where a compelling case for compulsory acquisition can be made out.

7.8.28 We turn now to the issues raised by the AA and NFU on the legality of the powers sought. The objectors argue that construction areas, borrow pits, flood and landscape mitigation areas were not matters for which powers of compulsory acquisition under article 20 of the DCO can be lawfully used. The Panel notes however that Schedule 1 of the DCO defines the authorised development and includes all these areas throughout the various works that constitute the authorised development.

7.8.29 Article 20(1) of draft DCO [REP15-020] states that the land can be compulsorily acquired if it is "*required for the authorised development or to facilitate or is incidental to it*"; the Panel is satisfied that these matters can lawfully be included in the DCO.

7.8.30 The objectors' Counsel at the CA hearing held on 3 September 2015 stated that it would not be raising the issue regarding the power of temporary possession referred to both by the AA and NFU representations and stated to be outwith the powers of the PA2008. The Panel would, for the avoidance of any doubt, confirm that it accepts the applicant's submission that such a power can be included in the DCO since it falls within the very wide definition of section 120(3) of the PA2008 which states "*an order granting development consent may make provisions relating to any matter ancillary to the development for which consent is granted*".

7.8.31 Again the Panel notes that such powers have been included in other DCOs confirmed by Secretaries of State, for example Thames Tideway Tunnel and Hinkley Point C Nuclear Power station.

7.8.32 Lastly, we refer to the AA and NFU objection's relating to Article 21 of the draft DCO [REP15-020], Compulsory Acquisition of Land - Incorporation of the Mineral Code<sup>144</sup>. The AA and NFU say it should not be included in the DCO: minerals should be acquired and compensation paid; further, that the relevant tests have not been met.

7.8.33 The Mining Code is particularly relevant to the extraction of minerals from the borrow pits. The objector raises the issue as to whether

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<sup>144</sup> The Mining Code is effectively a reference to Parts 2 and 3 to the Acquisition of Land Act 1981

borrow pits should form part of the scheme because there are other local sources of minerals available. The judgement on that issue was made by the Panel earlier in the report in Chapter 4, leading to the recommendation of the grant of development consent.

- 7.8.34 In this chapter the issue is therefore its relevance in relation to the application of the Mining Code. The objectors at the CA Hearing on 3 September 2015 acknowledged the Mining Code approach but argued that the necessity test in paragraph 2(2) of Schedule 2 of the Acquisition of Land Act 1981 must be satisfied and it had not because whilst it can met for the road itself, it could not be met for the borrow pits where an alternative source of minerals was available.
- 7.8.35 The applicant argued that the borrow pits were an essential part of the scheme (being part of the authorised development) and as such meet the necessity test. The objectors also say that the owners of minerals extracted for the scheme should be properly compensated in accordance with the statutory compensation code<sup>145</sup> and pursuant to section 126 of the PA2008.
- 7.8.36 Our view is that the scheme is not just the road itself but also includes other areas such as borrow pits needed to implement the scheme. On the basis that the borrow pits fall within the authorised development as set out in Schedule 1 of the DCO, the Panel is satisfied that the Mining Code can be incorporated in the DCO, that the necessity test is met and that compensation for minerals taken will be paid pursuant to the statutory compensation code.
- 7.8.37 In summary:
- we are satisfied that the compelling case that is required by section 122(3) has been met having regard to matters such as the extent of land take, the interests to be taken and the nature and substance of the proposed scheme( and that Guidance and advice has been followed);and
  - that the powers sought fall within the PA2008.

### **Those with an Interest in the Land Affected**

- 7.8.38 Over and above these generic objections made by the AA and NFU on behalf of the objectors they represent, the individual site specific issues raised by objectors were as follows:

#### ***Objection 7 - Andrew DC Smith, Trustee (Ekins Trustees)***

- 7.8.39 This objector is concerned about the loss of car parking at Mill Common car park used by the occupants of Centenary House.

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<sup>145</sup> No code exists as such, but it is generally taken to mean the law as set out in The Land Compensation Acts 1961 and 1973 ,the Compulsory Purchase Act 1965,as amended by subsequent legislation and case law

7.8.40 A further representation was submitted on behalf of the Trustees [REP14-024] which confirms that the applicant and the Trustees have reached an agreed position in respect of land required for the scheme in the vicinity of the Mill Common car park, and that no change is required to the relevant land plan.

7.8.41 With the objector's concerns satisfied we recommend the grant of compulsory acquisition powers.

***Objection 25 - King Hedges Investments Limited***

7.8.42 The scheme will affect the company's development proposals at Orchard Park to the north of Cambridge and immediately adjacent to the A14: there is no need for the land to be taken from the company and the proposed gantry will cause light pollution and fencing will need to be replaced.

7.8.43 The applicant has stated [REP13-013] that discussions with the objector will continue throughout the detailed design process and that the objector has responded to an invitation to enter into a SoCG.

7.8.44 We believe that the ongoing discussions between the parties will as detailed design develops deal with the issue raised by the objector regarding a noise barrier and the issue of noise management during construction is addressed by requirement 12. Accordingly, we recommend the grant of compulsory acquisition powers.

***Objections 27, 316 and 318 - Sally Williams and C Rose and Son***

7.8.45 These objections relate to Linton Farm, Hilton, and make representations regarding excessive land take, access to retained land, land take for an attenuation pond is excessive and that that the road itself is a waste of good agricultural land.

7.8.46 The applicant has responded to the objections made [REP4-015] and stated that new access arrangements are being considered and it will engage with the objector as the detailed design process proceeds.

7.8.47 We are satisfied that the proposed land take is necessary. With regard to access whilst an alternative might exist and be considered by the applicant, we are satisfied that the one applied for is justified and we recommend the grant of compulsory acquisition powers.

***Objection 29 - Extra MSA Cambridge Limited***

7.8.48 Whilst supporting the principle of the A14 investment and upgrading proposals, the objector is concerned to ensure that the service area is able to continue to meet the need for its facilities and that the current proposals will have a detrimental effect on access to and from the service area.

- 7.8.49 A SoCG was entered into between the applicant and the objector on 28 September 2015 [REP13-012] dealing with matters of concern to the objector.
- 7.8.50 Whilst we are satisfied with the case for the powers sought by the applicant and recommend the grant of compulsory acquisition powers, we note from the SOCG that concerns of the objector, for example, with regard to signage, can be met at the detailed design stage.

***Objections 30 - St John's College***

- 7.8.51 The college considers that there is no need for the borrow pits as there are local quarries and pits able to supply materials. The justification for the use of borrow pits as against using local quarries and pits, their location and haul routes are considered in Chapter 4 and the Panel acknowledged and confirmed the Borrow pits strategy.
- 7.8.52 A SoCG is under consideration but has not yet been entered into.
- 7.8.53 We anticipate that there will be progress on a SoCG, but in any event, being satisfied with the applicant's case in particular in relation to the borrow pits strategy and the required land take it, we recommend the grant of compulsory acquisition powers.

***Objection 32 - M RH (GB) Ltd***

- 7.8.54 This Company owns Lolworth Service Station and objects to the revised junction arrangements at Bar Hill on safety grounds and the potential to cause confusion.
- 7.8.55 It is noted that MRH (GB) supports the A14 improvement scheme, particularly in regard to the suggested signing agreement for Lolworth Service Station. However, the issues raised by the objector can only be considered as the detailed design process develops. The applicant has stated that the matter will be discussed with MRH (GB).
- 7.8.56 We are satisfied with the scheme as proposed by the applicant at this location and, being aware that the objector supports the scheme and that the issues raised by the objector will be considered further at the detailed design stage, we recommend the grant of compulsory acquisition powers.

***Objection 44 - Robert William Pearson***

- 7.8.57 Clarification is required on ownership issues, access arrangements and drainage and the applicant has indicated that it will seek to address these as detailed design progress.
- 7.8.58 A SoCG was entered into between the applicant and the objector on 30 October 2015 confirming these commitments and accordingly being satisfied with the applicant's case we recommend the grant of compulsory acquisition powers.

**Objection 47 – Magpas**

- 7.8.59 Magpas, an air ambulance charity, is a tenant of Centenary House and the Mill Common car park and is concerned at the proposed loss of car parking spaces which it considers may make its business unviable.
- 7.8.60 We report above in relation to the Ekins Trustees that agreement has been reached with regard to Mill Common car park which is used by Magpas.
- 7.8.61 In these circumstances we recommend the grant of compulsory acquisition powers.

**Objections 57 and 60 – B Timms and P Timms**

- 7.8.62 The compound and soil storage site next to their boundary will have an adverse effect on their bed and breakfast business and on the value of their property.
- 7.8.63 If there is any impact on the business and value and since no land is taken this is a matter which relates only to compensation and is outside our consideration under the PA2008 and so we recommend the grant of compulsory acquisition powers.

**Objection 80 - Mr C Behagg**

- 7.8.64 Mr Behagg is a farm business tenant and considers that the proposed land take for non-highway works including floodplain compensation and an ecological mitigation area is excessive.
- 7.8.65 We have considered the applicant's case and set out our consideration and conclusions on the floodplain compensation and ecological mitigation issues raised by the objector in Chapter 4, and are satisfied that the proposed land take is necessary and we recommend the grant of compulsory acquisition powers.

**Objection 88 – Thomas Galon Charity**

- 7.8.66 The charity objects that an existing vehicular access will be replaced by a non-motorised user route and full vehicular access will be restricted: further that access to a proposed balancing pond should be moved to the east.
- 7.8.67 We have considered this objection against the applicant's proposals for this land which have been changed to meet the objector's concerns. Accordingly there being no other outstanding issues, we are satisfied with the applicant's proposals and we recommend the grant of compulsory acquisition powers.

**Objection 89 – Barrett Eastern Counties, North West Cambridge Consortium of Land Owners comprising The National Institute of Agricultural Botany Trust, the Master, fellows and scholars of St Catherine's College Cambridge and of**

### ***Christ's College Cambridge***

- 7.8.68 These objectors object to the loss of land at the Country Park for uses the relocation of which has not been demonstrated as achievable within the country park, the loss of residential land, and issues regarding acoustic and landscaped mounds and displaced floodwater.
- 7.8.69 There have been discussions between the applicant and the Consortium regarding additional land take [REP7-034] and this has been agreed by the Consortium. Also, agreement on how the applicant's proposed landscaping works will fit in with future development requirements of the Consortium will be analysed and considered by the applicant at detailed design stage.
- 7.8.70 In these circumstances we believe the applicant has so far as possible without compromising the purpose of the scheme accommodated the objectors' concerns and being satisfied with the applicant's CA proposals, we recommend the grant of compulsory acquisition powers.

### ***Objection 101 - A W and DG Carr***

- 7.8.71 These objectors are concerned at the overall impact on Offord Hill Farm and the two associated dwellings, with specific concerns regarding severance, access and water supply.
- 7.8.72 Proposed design changes resolve some access issues [REP7-034]. A meeting has been held to discuss drainage issues and take on board the objector's knowledge of drainage at this location. This should lead to many of the objector's concerns being addressed and, being satisfied with the applicant's case for the acquisition of interests in the objector's land, we recommend the grant of compulsory acquisition powers.

### ***Objection 104 – Lafarge Aggregates Ltd (now Tarmac)***

- 7.8.73 This company has a current lease of minerals and is concerned that there is more land take than is required for the construction of the scheme and is also concerned to ensure that appropriate compensation is paid.
- 7.8.74 There is no SoCG with Tarmac and any settlement with Tarmac will be reached only through a side agreement. Such an agreement would clarify whether arrangements could be made not to compulsorily acquire Tarmac's leasehold interests on the basis that Tarmac would supply minerals to the applicant. Discussions are to take place to explore this arrangement and will continue through the detailed design stage. Tarmac's concerns regarding the payment of appropriate compensation are matters which would be addressed under the statutory compensation code if the need arose.
- 7.8.75 We would hope that agreement is reached but if not, compensation remedies are available and, being satisfied with the applicant's case since the land is needed in connection with the adoption of a borrow

pits strategy by the applicant, as discussed in Chapter 4, we recommend the grant of compulsory acquisition powers.

***Objection 113 - M/s Sadler Farbon and Winter***

- 7.8.76 In relation to their interests in both New Barns Farm Conington and Brickyard Farm, Boxworth, the objectors have made representations regarding the size and use of a proposed ecological area (currently good agricultural land) arguing that there is no compelling case for the acquisition; the capacity of the proposed bridge over Covell's Drain, and issues regarding access, land drainage, the implications of taking land for temporary possession and the acquiring of rights permanently.
- 7.8.77 A SoCG was entered into between the applicant and the objectors on the 28 September 2015 [REP10-049], discussions continue regarding a number of outstanding matters relating to the SoCG.
- 7.8.78 We are of the view that the specific site issues outstanding in this case can be accommodated by further discussions. We are satisfied that the land is needed for the delivery of the scheme and have considered ecological issues in Chapter 4. Being satisfied with the applicant's case generally and in this regard specifically, we recommend the grant of compulsory acquisition powers.

***Objection 115 - Mr Angus Lammie***

- 7.8.79 Mr Lammie submitted representations relating to the private means of access to the south of Alconbury Brook and concerns in relation to fencing and drainage and the extent of land take for these non-highway matters.
- 7.8.80 A SoCG was entered into between the applicant and Miss Georgina Grey and Mr Angus Lammie on 22 October [REP13-012] but there are a number of outstanding matters which are the subject of ongoing discussions.
- 7.8.81 We are of the view that the site specific issues in this case can be accommodated by the applicant and being satisfied with the applicant's case for the acquisition of interests in the objector's land we recommend the grant of compulsory acquisition powers.

***Objection 118 - Miss Georgina Grey***

- 7.8.82 Miss Grey is concerned at the impact of increased noise on her home, the substantial areas being lost to flood compensation works and soil storage areas, the extension of the current private means of access to the south of Alconbury Brook, regarding the provision of the appropriate fencing along the highway boundaries and the effective maintenance of existing drainage schemes.

- 7.8.83 The objector entered into the SoCG referred to above jointly with Mr Lammie where outstanding matters are the subject of ongoing discussions.
- 7.8.84 We have considered the issue of the areas being taken for flood compensation works in the flood risk section in Chapter 4. The CoCP has specific safeguards regarding noise and we are of the view that other site specific issues can be accommodated by the applicant. Accordingly, being satisfied with the applicant's case for the acquisition of interests in the objector's land we recommend the grant of compulsory acquisition powers.

***Objections 117, 118, 120 and 122 – T, A and D Wilderspin and G B and A Wilderspin Ltd***

- 7.8.85 The powers sought if granted will lead to 90% of the entire farm being compulsory acquired leaving the remainder uneconomic as a commercial farming unit resulting in the loss of the livelihood of family members and G B and A Wilderspin being wound up with tax consequences arising.
- 7.8.86 The Wilderspains argue that instead of taking land for borrow pits there are local quarries and pits which can supply the material needed and that there is no geotechnical data concerning the exact nature of the clay at borrow pit 5 nor has any ground investigation been undertaken.
- 7.8.87 The Panel recognises the significance of this objection because of the impact the proposals will have on the objector's business and his family. The applicant has met with the objector to discuss the situation and whilst it has been unable to put forward at this stage any reduction in the proposed land take it has sought to give some latitude to the Wilderspains whilst they consider the financial implications of what is proposed. A summary of the position is set out in Appendix 3 of REP13-013.
- 7.8.88 The applicant has in the SoCG agreed with the Wilderspains, stated that it will explore the possibility of the grant by the Wilderspin family to it of a lease or such other short term proprietary interest in the land at Borrow Pit 5 which would permit the extraction of minerals for the scheme, as well as the restoration of that land in accordance with the Borrow Pit Restoration Plan and Aftercare Strategy. In the event that an appropriate proprietary interest is granted by the Wilderspin family before any compulsory acquisition powers are required to be used by the applicant, then the applicant undertakes that in these circumstances it will not exercise of powers of compulsory acquisition (or temporary possession) pursuant to the DCO in respect of the land needed for Borrow Pit 5.
- 7.8.89 However, given that such an agreement is not yet in place, the applicant, in order to ensure that it is able to deliver a scheme still seeks compulsory acquisition powers; an approach which the applicant

says is in accordance with current Government policy as set out in Guidance.

- 7.8.90 The SoCG at section 4 also records that the applicant will, as detailed design progresses, liaise closely with the Wilderspin family to minimise agricultural impact and rationalise boundaries with the aim of retaining the bulk of the land in agriculture. This will enable the Wilderspains to consider the impact of the applicant's proposals for Borrow Pit 5 on agricultural viability and a number of other outstanding matters so that the Wilderspin family can consider their options.
- 7.8.91 We are satisfied that in the circumstances where the applicant relies on a Borrow Pits Aftercare and Restoration Strategy (which we as a Panel have considered in Chapter 4 and endorsed in reaching our conclusions on the grant of development consent), the applicant in the commitments in the SoCG has gone as far as possible to assist the Wilderspains. We understand too that the Wilderspains cannot rationalise their options until further detailed design has been undertaken and also why the applicant at this stage still seeks the grant of compulsory acquisition and temporary possession powers.
- 7.8.92 Against this background and the undertakings given by the applicant in the SoCG we have concluded as a Panel that the compulsory acquisition powers should be granted since we are satisfied with the applicant's case for the acquisition of interests in the objector's land, and are also mindful that in appropriate circumstances the statutory compensation code contemplates situations where there may be a total extinguishment of a business.

***Objection 130 – The National Institute of Agricultural Botany Trust (NIAB) and NIAB TAG***

- 7.8.93 NIAB argues that loss of good agricultural land currently used for seed and plant breeding trials could be avoided by relocating attenuation pond FCA 24 to the east of Longstanton Brook, that the land take alongside the A14 is excessive and that some of the land could be taken on a temporary or licence basis rather than permanently.
- 7.8.94 This objector is currently in the process of seeking to sell their holding as a whole as a going concern. Discussions continue and the prospective purchaser has been made aware of design change DR1.40a which affects the land and does not object to it.
- 7.8.95 We have considered the issues of the land required for borrow pits, flood compensation, balancing ponds and ecological mitigation in Chapter 4 and are satisfied with the applicant's case for the acquisition of interests in the objector's land and in these circumstances we recommend the grant of compulsory acquisition powers.

***Objection 132 - Dareway Properties Ltd***

- 7.8.96 The company objects that the proposed scheme shows permanent land take but it is unclear that the land is required for any permanent

purpose in connection with the new road, so the extent of acquisition appears greater than is needed; and where temporary access is required a licence or agreement would be more appropriate.

- 7.8.97 We have looked at the applicant's proposals in relation to the objectors land and are satisfied with the applicant's case for the acquisition of interests in the objector's land, that the land take is not excessive, and we recommend the grant of compulsory acquisition powers.

***Objection 133 - Chivers Farm Ltd***

- 7.8.98 The company's representations [RR-260, RR-263, REP2-043 and REP2-044] raise issues relating to access (including access to retained land) the borrow pits and design issues. In particular, there is concern regarding the need for a continuous track around the lake to the retained.

- 7.8.99 The applicant has confirmed [REP4-015] that following completion of the scheme the track would continue around the perimeter of the lake and expects to reach agreement on the details of the land take and access issues after the DCO is made (if granted). Further, that the CoCP requires contractors to agree suitable working arrangements to minimise disruption to the operation of the lake.

- 7.8.100 We are satisfied that the concerns raised by the objector will be addressed by the applicant and as we are satisfied with the applicant's case for the acquisition of interests in the objector's land. We recommend the grant of compulsory acquisition powers.

***Objection 135 - Mr Michael Richards***

- 7.8.101 Mr Richards raises concerns regarding access both permanent and during construction and also issues regarding drainage.

- 7.8.102 We are satisfied with the applicant's case for the acquisition of interests in the objector's land - the issues regarding access are capable of resolution with the applicant and the issues regarding drainage should be capable of being dealt with at detailed design stage and, accordingly, we recommend the grant of compulsory acquisition powers.

***Objection 137 - LRG HI Ltd***

- 7.8.103 The legality of including powers of temporary possession in the DCO is challenged and representations are also made regarding accommodation works and associated impacts on the Holiday Inn.

- 7.8.104 We have considered the issue of temporary possession powers in relation to the Generic objections referred to above.

- 7.8.105 Accommodation works can be dealt with at detailed stage and impacts on the Holiday Inn are matters which can be dealt with under the statutory compensation code.
- 7.8.106 In these circumstances and being satisfied with the applicant's case for the acquisition of interests in the objector's land we recommend the grant of compulsory acquisition powers.

***Objection 198 – Roger Cowell (Welney Farm Properties)***

- 7.8.107 Representations are made regarding the blighting of industrial premises, land requirements for the scheme, access to retained land and impacts on property values.
- 7.8.108 The applicant is continuing discussions with Mr Colwell regarding an acquisition of this site and if compensation cannot be agreed it can be settled in accordance with the statutory compensation code.
- 7.8.109 In these circumstances being satisfied with the applicant's case for the acquisition of interests in the objector's land we recommend the grant of compulsory acquisition powers.

***Objection 212 – Graham and Marie Ann Wedd***

- 7.8.110 Both raised concerns regarding the impacts on Hill Farm, in particular land requirements and access arrangements.
- 7.8.111 The applicant has clarified land take requirements and resolved the access issue. With these matters resolved, and being satisfied with the applicant's case for the acquisition of interests in the objector's land, we recommend the grant of compulsory acquisition powers.

***Objections 221 and 225 – Mr R W Eayrs and Mr R W Eayrs and Partners***

- 7.8.112 These objectors are concerned regarding loss of access to areas of retained land and drainage.
- 7.8.113 The applicant has stated in REP4-015 that revised accesses are being considered and explains how drainage is being dealt with.
- 7.8.114 We have read the applicant's submission REP4-015, note that the applicant has revised access provisions and acknowledge the applicant's explanation regarding drainage. In these circumstances, being satisfied with the applicant's case for the acquisition of interests in the objector's land, we recommend the grant of compulsory acquisition powers.

***Objection 227 - K P Papworth, C Papworth and M P Papworth***

- 7.8.115 These objectors raise concerns regarding proposals which appear to restrict their access to Hall Farm from Conington Road.

7.8.116 REP4-014 sets out how access arrangements will be dealt with at the detailed design stage by agreement with the owner. With the objectors concerns being addressed, and being satisfied with the applicant's proposals in relation to the objector's land, we recommend the grant of compulsory acquisition powers.

***Objection 231 – Mr Kevin Roe***

7.8.117 Mr Roe raises objections on the grounds of excessive land take for landscaping, the impact on existing farm access arrangements, responsibility for trunk road and side road boundary areas (possible effect on shading of crops) and concerns regarding fencing and drainage.

7.8.118 The applicant has responded to the issues raised by the objector in REP4-015.

7.8.119 We consider that the applicant has addressed the objectors issues in REP4-015 and being satisfied with the applicant's case for the acquisition of interests in the objector's land we recommend the grant of compulsory acquisition powers.

***Objection 235 – The Executors of the late R G S Newman***

7.8.120 Concerns are raised concerning excessive land take, floodplain compensation areas and frontage land ownership.

7.8.121 A SoCG was entered into between the applicant and the objector on the 28 September 2015 [REP13-012] and discussions are planned to continue as detailed design is progressed.

7.8.122 We consider that all the issues, save that of land take, can be dealt with as detailed design is progressed. So far as land take is concerned, we are satisfied with the applicant's case for the acquisition of interests in the objector's land, and in relation to floodplain compensation areas these are addressed by the Panel in the flood risk section in Chapter 4 of the report. We recommend the grant of compulsory acquisition powers.

***Objection 240 - Mrs Eleanor Disney***

7.8.123 Mrs Disney's objection concerns issues relating to Rectory Farm, including land requirements, access arrangements and environmental impacts.

7.8.124 The applicant in REP4-015 states that it seeks to resolve access issues so far as possible and that as detailed design proceeds, the applicant will always seek to use temporary powers rather than permanent powers of acquisition wherever possible.

7.8.125 We are satisfied with the applicant's approach in this case and since we are also satisfied with the applicant's case for the acquisition of

interests in the objector's land we recommend the grant of compulsory acquisition powers.

***Objection 241 – Trinity College Cambridge***

- 7.8.126 The college's representation concerns the extent of land take, noise, mitigation measures and road layout at the Cambridge Science Park/Milton Road Junction and issues regarding land requirements, land ownership and provision of agricultural access at Ladysmith Farm Madingley.
- 7.8.127 REP4-015 sets out in detail how the applicant will deal with the issues raised by the College.
- 7.8.128 We have considered the contents of REP4-015 and see this as a reasonable way forward to deal with matters relating to issues such as access to retained land, minimising adverse impacts and other matters; we are also mindful that if issues such as severance cannot be settled they can be dealt with under the statutory compensation code.
- 7.8.129 In the circumstances since we are satisfied with the applicant's case for the acquisition of interests in the objector's land and that the statutory compensation code may be of relevance in dealing with severance issues, we recommend the grant of compulsory acquisition powers.

***Objection 258 - Dr Jan Axmacher***

- 7.8.130 This objector requested a site visit which was undertaken by the Panel on 17 July 2015. The objector's concerns arise from the proximity of the proposed scheme to Station Cottages and concern that the existing screen in the form of conifers would be removed. Other concerns relate to environmental impacts, access, traffic safety and conservation impacts [REP2-023 and RR-425].
- 7.8.131 The applicant responded to the objector's concerns in REP4-015.
- 7.8.132 The Panel in its Second Written Questions [PD-006] raised the issue of the conifer screening at this location. The applicant confirmed that the conifers would be removed but that the detailed design of the station access would be developed to retain as many trees as practicable behind the cottages. The issue of noise and air quality is discussed in Chapter 4. The need to avoid unnecessary tree and vegetation removal and protection of existing trees is a requirement of the CoCP secured by Requirement 4.
- 7.8.133 Requirements 12 and 16 impose obligations in relation to noise and air quality respectively.
- 7.8.134 The Panel has concluded that so far as possible the concerns raised by the objector will be addressed by the safeguards described above and, accordingly, being satisfied that the acquisition of the land in question

is needed for the implementation of the scheme recommends the grant of compulsory acquisition powers.

***Objection 274 – A MW J and C W Looker***

- 7.8.135 Their objection relates to the legality of the powers sought (which we have addressed above in response to the Generic objections) access to severed land, access and highway boundaries, fencing and drainage.
- 7.8.136 The applicant responds to the issues raised by the objector in REP4-015 and explains the position in relation to access issues and severed land in particular.
- 7.8.137 We are satisfied with the applicant's case for the acquisition of interests in the objector's land and the approach to dealing with the issues raised by the objector taken by the applicant and we recommend the grant of compulsory acquisition powers.

***Objection 275 – Mr Tony Burrin***

- 7.8.138 Mr Burrin is concerned about the impact of noise, access and traffic movement in relation to the proposed borrow pits opposite his property and similar impacts from the proposed realignment of a B road to go under the A14.
- 7.8.139 Dealing with the objector's concerns, the CoCP which addresses issues relating to noise, and access and traffic movement in relation to the proposed borrow pits has been considered by the Panel in Chapter 4 when considering the case for the grant of development consent which we have recommended be granted. Moreover, the design of the realignment of the B road and associated accesses would be subject to CCC approval under the recommended DCO.
- 7.8.140 Accordingly, being satisfied with the applicant's case for the acquisition of interests in the objector's land we recommend the grant of compulsory acquisition powers.

***Objection 276 – Mr Peter Mann***

- 7.8.141 Mr Mann's representations concern access to Mr Mann's northerly land which is severed by the proposals, emergency access, the extent of the area required for permanent land take which is good agricultural land, mitigation and flood alleviation and balancing ponds, where evidence is lacking to support the proposed land take.
- 7.8.142 The SoCG entered into between the applicant and the objector [REP13-012] addresses the severed land issue and a number of matters which while the applicant is committed to resolving can only be addressed as detailed design progresses. However, in relation to compensation areas (relating to landscape and flooding) the applicant would be prepared to enter into a legal agreement granting temporary rights and imposing covenants on the objectors title, provided such an

agreement is concluded before the applicant is ready to commence the compulsory acquisition process to implement the scheme.

- 7.8.143 We have concluded that the applicant's undertakings in the SoCG will address the objector's concerns so far as possible without impeding the scheme design and as we are satisfied with the applicant's case for the acquisition of interests in the objector's land and with the SoCG in place we recommend the grant of compulsory acquisition powers.

***Objection 277 – F B Rule and Son and R W Eays and Partners trading as Hillgrove Farming***

- 7.8.144 These objectors are concerned that the viability of their farming operation would be impaired by an excessive acquisition of their land.

- 7.8.145 We have considered in Chapter 4 the reasons for the proposed land take for various purpose and we are satisfied that in this case the extent of the land take is necessary to enable the implementation of their scheme. If issues regarding viability do arise they can be considered under the statutory compensation code and accordingly being satisfied with the applicant's case for the acquisition of interests in the objector's land, we recommend the grant of compulsory acquisition powers.

***Objection 278 - The National Farmers' Union (NFU)***

- 7.8.146 Many of the issues raised by the NFU have been addressed under the Generic objections considered above.
- 7.8.147 Whilst the NFU has no land interests of its own which are affected a SoCG is being discussed between the applicant and the NFU [REP13-012]. The question of the grant of compulsory acquisition powers however, does not arise.

***Objection 280 – Wood Green, The Animal Charity***

- 7.8.148 The charity raises issues regarding egress from its property as a consequence of changes in levels and the noise impact during construction.
- 7.8.149 In REP4-015 the applicant states that the objector's concerns will be dealt with through the CoCP which requires the contractor to liaise with and work with local residents and businesses such as Wood Green Animal shelter and, in these circumstances, being satisfied with the applicant's case for the acquisition of interests in the objector's land we recommend the grant of compulsory acquisition powers.

***Objection 282 – G and T Stocker and Trustees of Margaret Stocker***

- 7.8.150 These objectors raise concerns regarding planning issues and loss of water supply.

- 7.8.151 The applicant in REP4-015 addresses the concerns raised by these objectors concerning planning issues noise, drainage and water supply and sets out its commitment to overcome these issues as detailed design proceeds.
- 7.8.152 We are satisfied with the applicant's approach and commitment to deal with these issues and the need for the grant of compulsory powers in relation to this objector's land, and we recommend the grant of compulsory acquisition powers.

***Objections 285 and 291 - Mr and Mrs Robert Lenton and Robert Lenton Ltd***

- 7.8.153 These objections relate to interests in Corpus Christi Farm and Depden Farm. In relation to Corpus Christi Farm they concern temporary and permanent access rights, the configuration of an access route over the land and future access to severed land; and in relation to Depden Farm, relate to soil storage areas, land take, ecological mitigation and access arrangements.
- 7.8.154 A SoCG was entered into [REP13-012] which amends the proposed access route across Corpus Christi Farm and deals with a number of access issues at Depden Farm and other concerns of the objectors, many of which can only be dealt with at the detailed stage.
- 7.8.155 With this agreement in place and the variation to the powers sought, we are satisfied with the applicant's case for the acquisition of interests in the objector's land and we recommend the grant of compulsory acquisition powers.

***Objections 288 and 356 - Mercury Instruments Ltd***

- 7.8.156 This objector's concerns relate to landscape mitigation, access provisions, and issues regarding electricity supply, fencing, security and drainage.
- 7.8.157 We have read the applicant's response to the issues raised by this objector [REP4-015]. We are satisfied with the applicant's response and with the applicant's case that the acquisition of interests in the objector's land. It is also likely that some of the specific concerns of the objector can be accommodated at detailed design stage
- 7.8.158 Accordingly, in these circumstances, we recommend the grant of compulsory acquisition powers.

***Objection 289 - G B Sewell and Partners***

- 7.8.159 G B Sewell and Partners make representations that the works required could be undertaken by the acquisition of rights (or temporary powers) rather than compulsory acquisition of the land.

- 7.8.160 A SoCG was entered into [REP13-012] dealing with the objectors concerns and how the compulsory acquisition powers will be implemented.
- 7.8.161 We accept the applicant's response to the objectors concerns set out in the SoCG and that the powers sought are needed to implement the scheme. Since we are satisfied with the applicant's case for the acquisition of interests in the objector's land and with the SoCG in place, we recommend the grant of compulsory acquisition powers.

***Objection 294 - Diocesan Office, Ely Board of Finance***

- 7.8.162 The Diocesan Office raises concerns regarding long term drainage to agricultural land and production though no evidence has been submitted to support these broad contentions. We have considered the applicant's approach to drainage issues and the need for the land take proposed and are satisfied that it is necessary to implement the scheme. We recommend the grant of compulsory acquisition powers.

***Objection 295 - J and J Witherow***

- 7.8.163 This objection raises concerns regarding access, drainage and fencing.
- 7.8.164 The applicant has stated [REP4-015] that the access issues both during and after construction is dealt with in the CoCP; that details of fencing will be dealt with at the detailed design stage and also sets out how drainage issues will be dealt with.
- 7.8.165 The applicant's objections having been dealt with, and being satisfied with the applicant's case for the acquisition of interests in the objector's land, we recommend the grant of compulsory acquisition powers.

***Objections 300,432 and 434 - C Cooper and Sons, Phillip Cooper and Susan Cooper***

- 7.8.166 These objectors object on grounds relating to the borrow pit land take, road height, visual and noise mitigation measures, flood alleviation, landscaping requirements and alignment of the proposed road.
- 7.8.167 A SoCG was entered into on 29 October 2015 [REP13-012] but whilst one or two matters are to be looked at during detailed design stage, the document in fact shows no matters have been agreed and simply records the applicant's response to the objection, justifying its case.
- 7.8.168 As a Panel we have considered the applicant's case for land take for the borrow pits, flood alleviation and landscaping in Chapter 4 and endorsed that approach in our recommendation to grant development consent. We are satisfied that the objectors' land is needed to implement the scheme and we recommend the grant of compulsory acquisition powers.

**Objection 308 - Ms Gillian Burgess and Mrs Judith Stearn**

- 7.8.169 These objectors raise concerns regarding access, access to retained land, water supply and fencing.
- 7.8.170 The applicant states in REP4-015 that it will consult with the objector at detailed design stage to resolve the issues raised.
- 7.8.171 This being so and being satisfied with the applicant's need for the acquisition of interests in the objector's land to implement the scheme we recommend the grant of compulsory acquisition powers.

**Objection 315 - John Shepperson Ltd**

- 7.8.172 The company considers that the applicant has failed to show that the proposed landscaping mitigation measures are required on the scale sought or at all, and failed to show by hydrological evidence that flood alleviation areas and balancing ponds are required on the scale sought, or at all. Further, that there are areas of land within the proposed scheme which have no relevance to the scheme including an area of woodland planting on the northern side of the new local road, and several further areas of the north western side of the Swavesey junction.
- 7.8.173 The applicant has responded to the objections raised [REP4-015] and we accept the response. We have considered the issue of land take to implement landscape mitigation in Chapter 4 and the need for evidence for flood alleviation and balancing ponds and are satisfied with the need for the acquisition of interests in the objector's land to implement the scheme and we recommend the grant of compulsory acquisition powers.

**Objection 319 - J J Gallagher**

- 7.8.174 The company supports the scheme. It does however object to the use of compulsory acquisition powers because it does not consider that the applicant has made the case for the proposed land take and that it is no more than is reasonably necessary.
- 7.8.175 Further, it will have a severe impact on layout and access or adjacent development recently granted planning permission and built out and completed.
- 7.8.176 The applicant entered into a SoCG with JJ Gallagher Ltd, Land Improvements Holdings Plc, bpha Ltd, Premier Inns Hotels Ltd and Cambridge City Council on 13 October 2015 [REP13-012] in which the applicant states that it considers the use of temporary powers will suffice and the permanent work required will be contained within the existing highway boundary.
- 7.8.177 We note the applicant's commitment and on this basis and being satisfied with the applicant's case for the acquisition of interests in the

objector's land we recommend the grant of compulsory acquisition powers.

***Objection 320 and 322 - Girton College, Cambridge***

7.8.178 The College objection sets out its need for a fuller understanding of the reasons for the extent of the compulsory acquisition requirements as they affect Girton College.

7.8.179 Many of the points raised by the objector relate to clarification on issues such as the extent of land take and accuracy of information and as such do not, in the Panel's view, amount to an objection in substance to the grant of powers sought.

7.8.180 However, we are satisfied with the need for the acquisition of interests in the objector's land in order to implement the scheme and we recommend the grant of compulsory acquisition powers.

***Objection 326 - Mr N D'Agati***

7.8.181 Mr D'Agati will lose two plots of land which currently form part of a wooded boundary and private access to his property Beacon Field Equine Centre.

7.8.182 He is concerned too that his access will be compromised and more dangerous and become a turning circle. He is also concerned at the increased noise and pollution from the new road and that during construction the use of heavy machinery will have a detrimental effect on the use of his paddocks for grazing.

7.8.183 The applicant states that there have been meetings with Mr D'Agati and the only issue outstanding relates to detailed drainage design.

7.8.184 We note that there is only one outstanding issue and that this can be dealt with at detailed design stage. As we are satisfied with the applicant's case for the acquisition of interests in the objector's land we recommend the grant of compulsory acquisition powers.

***Objection 327 - Huntingdon Freeman's Trust***

7.8.185 The Trust has concerns regarding land take and land ownership at Mill and Views Commons and the potential negative impacts on Mill Common due to the proposed access arrangements.

7.8.186 The applicant entered into a SoCG with the Trust on 22 October 2015 [REP13-012] and whilst a number of issues remain outstanding the applicant has agreed to transfer back to the Trust all land outside the highway boundary and not essential for the structure and maintenance of the highway, and in relation to the Pathfinder link road will transfer all land not essential to the highway to the Trust. The applicant has also reviewed the access proposal off the link road south of Views Common giving access to Views Common land, and has amended the design to provide access directly off the roundabout eastwards onto

the Trust's land. The change was submitted as DR.52, part of REP7-034.

- 7.8.187 We are satisfied with the applicant's commitment as set out in the SoCG and as we are satisfied with the applicant's case for the acquisition of interests in the objector's land as amended and, having regard to the above, we recommend the grant of compulsory acquisition powers.

***Objection 328 - The Church Commissioners for England***

- 7.8.188 The Commissioners have made representations [REP2-082] relating to their land holdings at Lodge Farm, Corpus Christi Farm, Lower Debden Farm and Debden Farm.
- 7.8.189 They raise issues including the disposal to the applicant of cottages at Grafham Road (planned to be demolished to make way for the scheme).
- 7.8.190 At Lodge Farm, the need is questioned for grassland, woodland, flood compensation and borrow pits.
- 7.8.191 At Corpus Christi Farm, access and the need to increase bridge design for access to retained land is questioned.
- 7.8.192 At Debden Farm, there is an access issue.
- 7.8.193 Generally, issues are also raised regarding the proposed borrow pits, loss of arable land drainage and ecological mitigation proposals.
- 7.8.194 The applicant entered into a SoCG with the Commissioners [REP13-012]. The agreement sets out the approach agreed by the applicant to a large number of the issues raised by the objector in relation to its land holdings including changes to its proposed land take; it also records the matters not agreed which in some instances can only be taken forward as the detailed design process proceeds.
- 7.8.195 The Commissioners state that they support the NFU SoCG but at the close of the Examination this agreement was not completed. We have considered the issues relating to the applicant's borrow pits, landscaping, ecological mitigation and flood alleviation proposals in Chapter 4 and subsequently recommended the grant of development consent.
- 7.8.196 Subject to the agreed land take changes proposed, we recommend the grant of compulsory acquisition powers, as we are satisfied with the applicant's case for the acquisition of interests in the objector's land (as amended) to implement the scheme.

**Objections 329 and 501 - The Chancellor, Masters and Scholars of the University of Cambridge**

- 7.8.197 The University of Cambridge is the freehold owner or tenant of substantial areas of land required to deliver the A14 scheme (only some of which are listed below) which it recognises needs to be improved to reduce traffic delays, improve highway safety and provide further capacity to enable the continuing development of Cambridge.
- 7.8.198 These areas include Cambridge University Farms at Yarmouth Farm, Grange Farm, Catch Hall Farm, Ladysmith Farm and the St John's College land to the north of the A14 land to the south of Girton (St John's College), land at Girton Interchange (Trinity College), land between Huntingdon Road and the A14 (Girton Grange); the University is also currently implementing two major development sites in north west Cambridge and west Cambridge. Its representations comprise general matters and site specific matters which are set out in Appendices 1 and 2 respectively of its written representation [RR-532]. Issues raised in representations include access to retained land, the need to reduce the impact of the scheme on retained land, the ability to farm retained land commercially and environmental mitigation including the location of a proposed balancing pond.
- 7.8.199 The objector did not attend any of the CA hearings but entered into a SoCG with the applicant on 29 October 2015 [REP13-012]. This considers and addresses many of the issues raised by the university and sets out issues which are not agreed, some of which cannot be fully addressed until the detailed design process is further progressed. We have considered the matters agreed and not agreed in the SoCG. Matters outstanding include severance issues, environmental mitigation, location of a balancing pond and flood compensation areas. The applicant has stated it will review these issues as detailed design proceeds and this should lead to many of the issues being addressed. We are satisfied with the applicant's case for the acquisition of interests in the objector's land, and accordingly we recommend the grant of compulsory acquisition powers.

**Objection 331 - R A B and P W Everdell**

- 7.8.200 These objectors raise concerns regarding the proposed land acquisition and access arrangements at West End Farm, the impacts of borrow pits and future land ownership arrangements.
- 7.8.201 A draft SoCG has been submitted by the applicant [REP13-012]. It identifies issues resolved and those not agreed. This objector opposes the proposed use of borrow pits to source the materials needed and the land take for flood compensation areas. These are matters which the Panel considered in reaching our judgement regarding the grant of development consent in Chapter 4.
- 7.8.202 We have considered the matters agreed and not agreed and, we remain satisfied with the applicant's case for the acquisition of

interests in the objector's land in order to implement the scheme and we recommend the grant of compulsory acquisition powers.

***Objections 336, 337 and 338 - Mrs E R Rushton and Mrs C King as Trustees of the George Lenton Trust, Lenton Bros Ltd and Lenton Farms Ltd (for reference only collectively referred to as Lenton Farms)***

7.8.203 These objectors representations relate to:

- extensive and unnecessary environmental mitigation;
- loss of arable land;
- habitat mitigation which is excessive with no long term management plan for the area;
- areas to be taken for mitigation will have a significant detrimental and unacceptable impact on productive agricultural land and farm businesses;
- access issues and the need for passing places on Grafham Road
- issues regarding severed land;
- proposed bridleway issues;
- lack of hydrological evidence to justify proposed land take on the scale sought for flood alleviation areas and balancing ponds;
- the use of borrow pits which is considered unnecessary as local quarries and pits are able to supply the material required; and
- likely unforeseen consequences of borrow pits on existing fishing lakes.

7.8.204 The above is a summary of the extensive and detailed objections made and set out in [RR-540, REP2-075 and REP2-081] and subsequent evidence provided during the course of the Examination.

7.8.205 The applicant entered into a SoCG with Lenton Farms [REP13-012]. It identifies issues resolved and those not agreed. It records where, in response to the objections raised, the applicant has made changes to the scheme. Lenton Farms opposes the proposed use of borrow pits to source the materials needed, the land take for flood compensation areas, and the extent of land take for ecological mitigation areas. These are matters which the Panel has considered in Chapter 4 in reaching its judgement regarding the grant of development consent.

7.8.206 We have considered the matters agreed and not agreed and that where possible the applicant has sought to address the issues raised by the objectors. In these circumstances and subject to the agreed land take changes proposed taking place, we are satisfied with the applicant's case for the acquisition of interests in the objector's land to implement the scheme, and we recommend the grant of compulsory acquisition powers.

***Objection 339 - J S and K W Burgess and J W Burgess and Son Ltd***

7.8.207 The objection raises concerns regarding land issues, proposed land take and access arrangements, fencing and maintenance of drainage

systems and access to Redhill Farm. The applicant has responded [REP4-015] and with regard to the access issue has set out access rights which will be secured after the scheme has been completed.

- 7.8.208 We consider fencing, maintenance and drainage, are issues which can be addressed at detailed design stage and accordingly being satisfied with the applicant's case for the acquisition of interests in the objector's in order to implement the scheme, we recommend the grant of compulsory acquisition powers.

***Objection 342 - I A C and N I C Wright***

- 7.8.209 These objectors raise issues regarding the legality of powers used which are discussed elsewhere in relation to the Generic objections made by the AA and NFU.

***Objection 344 - Landro Ltd***

- 7.8.210 The company's objection relates to the proposed methods for removing the A14 viaduct structure through its site and the proposed reinstatement of areas within the company's ownership.
- 7.8.211 Concerns are also raised regarding access and the impact of the proposals on its land holding as set out in detailed representations which also identify issues regarding the proposed use of temporary possession powers and permanent land take.
- 7.8.212 The applicant entered into a SoCG with Mr R Gredly/Landro and Hinchbrooke Water Tower Ltd on 11 November 2015 [REP13-012]. The applicant has made changes to the land take and set these out in DR1.100 [REP9-006] and the agreement sets out further matters which have yet to be agreed.
- 7.8.213 It is apparent that the objector has a detailed understanding of the issues involved in removing the viaduct structure and in particular the likely impact on its land interests. We consider that the changes set out in the SoCG show a positive commitment on the part of the applicant to address the issues and concerns raised by objector.
- 7.8.214 We have considered the matters agreed and not agreed and, subject to the agreed land take changes proposed we are satisfied with the applicant's case for the acquisition of interests in the objector's land, as amended, in order to implement the scheme, and we recommend the grant of compulsory acquisition powers.

***Objection 346 - Anne Tim and Sarah Brawn***

- 7.8.215 These objectors make representations concerning the use of their land for soil storage areas, fencing and drainage associated with the proposed scheme.
- 7.8.216 The applicant has responded to the issues raised by these objectors [REP4-015]. We have considered the issues raised and the applicant's

response and we consider the applicant's response to be reasonable and acceptable. We are satisfied with the applicant's case for the acquisition of interests in the objector's land in order to implement the scheme, and we recommend the grant of compulsory acquisition powers.

***Objection 379 - Keiro Ltd***

7.8.217 This objection is concerned that the proposal will destroy the opportunity to develop its site as a lorry park with associated facilities – the subject of a planning application as yet undetermined by the local planning authority. Keiro objects on the basis that the opportunity to develop a facility which would be well used by the distribution sector will be denied.

7.8.218 The applicant has stated that it is negotiating with the objector to acquire this site; these negotiations were not concluded prior to the close of the Examination but the applicant hopes to conclude negotiations prior to the Secretary of State making a decision on the Application.

7.8.219 Meanwhile, the Panel confirms that we are satisfied that the objector's land is needed to implement the scheme and recommend the grant of compulsory acquisition powers.

***Objection 383 - The Agents Association***

7.8.220 This objection has been considered above.

***Objection 384 - Hinchingsbrooke Health Care NHS Trust***

7.8.221 Whilst the Trust supports the road scheme in principle it objects to the inclusion of land owned by the trust, since the land in question is included in the health campus proposals – proposals which are supported by the draft local plan in the Huntingdon spatial plan and which are strategically important for the health campus development.

7.8.222 A SoCG was entered into between the applicant and the company 10 September 2015 [REP13-012] which states that the applicant has agreed to some minor modifications of the proposed land take and has agreed to remove a proposed environmental planting area. It has also agreed to continue to discuss environmental issues as detailed design proceeds.

7.8.223 The Trust also has concerns regarding traffic matters in the Hinchingsbrooke area and the applicant has agreed that at detailed design stage replacement emergency provision will be considered to Hinchingsbrooke Park Road.

7.8.224 We are satisfied that so far as possible without compromising the scheme the applicant has sought to address the objectors' issues and concerns. We are also satisfied that the amended land take is needed

to implement the scheme and we recommend the grant of compulsory acquisition powers.

***Objections 386 - William George Topham, 388 - Miss J M Papworth and 389 - The Swansley Wood Partnership***

- 7.8.225 We have considered these objections together since the parties are inter-related and are all parties to the SoCG referred to below. These objections raise issues regarding the compulsory acquisition powers applied for, borrow pits mitigation, hydrology, rights of access, rights of way, soil storage, landscape, ecology, communications, agri-business impacts and land drains.
- 7.8.226 A comprehensive explanation of the issues raised is set out in the representations made [RR-610, RR-613, REP2-128, RR-614, REP2-120 and REP10-004] and subsequent documentation and evidence given at the compulsory acquisition hearing held on 3 September 2015.
- 7.8.227 Miss Papworth raises concerns in relation to:
- Highways England's ability to compulsorily acquire land for ecological areas and landscaping, with proposals being in any event excessive;
  - the compelling case has not been made for the land required for mitigation, flood compensation areas and borrow pits;
  - the scale and need for land for flood compensation areas;
  - the location and compelling case made for borrow pits;
  - the incorporation of the Mining Code in the DCO;
  - access issues; and
  - disruption to the agricultural businesses and interests set out in [RR-613].
- 7.8.228 These issues are more fully explained in the relevant and written representations and subsequent submissions made, and at the CA hearing held on 3 September 2015.
- 7.8.229 The Swansley Wood Partnership comprising the parties set out in RR-614 is farmed by G W Topham and Sons; this agri-business farms in excess of 3,994 hectares within Cambridgeshire. There are two holdings which are directly affected by the proposed scheme.
- 7.8.230 The Partnership objects on the grounds that:
- the legality of powers used for areas such as borrow pits, flood and landscaping areas and construction areas, which are considered elsewhere;
  - the creation of the landscape areas and construction areas which do not require powers of permanent acquisition;
  - Highways England has failed to show that the landscaping areas are required on the scale sought and has failed to demonstrate by metrological evidence that the flood alleviation areas and balancing ponds are required on the scale sought, or at all.

- 7.8.231 Specifically, issues are raised regarding access, Silver Street, temporary severance of land during construction, soils and protection of farmland, landscaping ecology and habitat areas, impact of noise, dust, vibration and lighting on occupants at Depden Top Farm; impact on agri-business and haulage company; access issues.
- 7.8.232 All the above are expanded upon in the representations made and subsequent submissions both in writing and at the CA Hearing held on 3 September 2015.
- 7.8.233 A SoCG was entered into between the applicant and G W Topham and Sons, Miss Papworth (Weybridge Farm) and Swansley Wood Partnership (Lower Depden Farm) [REP15-015]. It has been finalised but not exchanged and discussions are ongoing between the parties. In summary the document records that a number specific detailed matters have been agreed, but that many more remain outstanding - some of which are probably capable of resolution at detailed design stage.
- 7.8.234 Further, the objectors maintain their objections to the borrow pits land take and the principle of using borrow pits for the scheme, issues regarding flood compensation areas design, balancing ponds, design issues, the remit of the scheme in terms of land take by the use of compulsory powers and a number of other matters; all recorded in the SoCG.
- 7.8.235 We would anticipate that many of the site specific issues are capable of resolution in ongoing dialogue as detailed design evolves but acknowledge that the objections in principle remain and that these objections in principle challenge the fundamental requirements of the scheme in the area of the objector's land holdings.
- 7.8.236 We have considered in Chapter 4 the applicant's borrow pit strategy, its approach to landscape and ecological mitigation and requirements for flood alleviation areas and balancing ponds ,and subsequently endorsed the applicant's approach by recommending the grant of development consent. We are conscious of the effect on these objectors' land holdings but we are satisfied with the applicant's need for the acquisition of interests in the objectors' land to implement the scheme, and we recommend the grant of compulsory acquisition powers.

***Objection 390 - Mr P and Mrs R Burton***

- 7.8.237 Mr and Mrs Burton object on grounds relating to the temporary acquisition of land at Lattenbury Farm, effects on drainage, access and flooding.
- 7.8.238 These are matters which the applicant has stated will be addressed at the detailed design stage.

7.8.239 The powers sought in this case are temporary powers. We consider temporary possession powers below and also in Chapter 8 dealing with the DCO.

***Objection 391 - Landsman Ltd***

7.8.240 Landsman Ltd objects on the grounds that the loss of hardstanding adversely affects its ability to operate its business of supplying/hiring portaloos (jeopardising parking for 25 of its 40 tankers); further, that the residential dwelling fronting Brampton Road for which planning permission has been obtained, will be seriously affected by noise, fumes, vibration and lighting-severely affecting occupiers' quiet enjoyment and also affecting value.

7.8.241 The applicant has stated that discussions are taking place with the objector to agree terms for an early acquisition of its interest and in these circumstances and being satisfied with the applicant's need for the acquisition of interests in the objector's land we recommend the grant of compulsory acquisition powers.

***Objection 392 - Coif Nominees Ltd***

7.8.242 The objector is an investment owner and landlord of a group of properties which are affected by the scheme. The company has no issue with the principle of the scheme but is concerned that a considerable portion of land and easements will be acquired which will have an impact on the quiet enjoyment of premises by its tenants and occupiers as well as disruption to access, both during construction and operation.

7.8.243 It has two primary concerns - financial loss including diminishing in value of its assets and concern that Well Brook Court, where there is significant loss to car parking and circulation within the estate, should have been assessed with other private interests in section 16.3.21 of chapter 16 of the Environmental Statement.

7.8.244 A SoCG [REP13-012] has been finalised but not signed. This sets out the objector's concerns. The applicant has agreed [REP14-024] to undertake to Coif in the form of a legal agreement various matters relating to its use of compulsory acquisition powers and discussions on this agreement will continue through the detailed design stage.

7.8.245 However, the agreement which would commit the applicant to use only temporary possession powers rather than compulsory acquisition powers has not yet been exchanged and accordingly the Panel has considered the matter on the basis as set out in the Book of Reference i.e. that compulsory acquisition powers are sought. The Panel is satisfied that the objector's land is needed for the implementation of the scheme and recommends the grant of compulsory acquisition powers.

**Objection 399 - Shell UK and Associated Shell Companies**

- 7.8.246 Shell's representation relates to its financial interests in Fenstanton Service Station and Godmanchester Road Service Station and leasehold interest in the Cambridge trunk road service area. It is concerned at the potential of the scheme to adversely affect the operation and value of the petrol filling stations.
- 7.8.247 The Panel notes that any adverse effect if proved would come within the statutory compensation code and being satisfied that the objector's land is needed for the implementation of the scheme recommends the grant of compulsory acquisition powers.

**Objection 400 - BP Oil UK Ltd**

- 7.8.248 BP owns the Brampton Hut Service Area and is concerned at the likely adverse effect of the scheme on its interests and those of its tenants.
- 7.8.249 The Panel notes that any adverse effect if proved would come within the statutory compensation code and being satisfied that the objector's land is needed for the implementation of the scheme recommends the grant of compulsory acquisition powers.

**Objection 403 - Basil Clifford King**

- 7.8.250 Mr King has concerns regarding the legality of the powers used and has specific concerns relating to Debden Farm and Views Common where permanent acquisition powers are sought for flooding and landscaping works but only temporary powers are needed since these will be put in place during construction.
- 7.8.251 Issues regarding the legality of the powers being sought are dealt with elsewhere in the response to the Generic objections and in REP4-015 the applicant responds to the other issues raised by the objector.
- 7.8.252 We are satisfied with the applicant's explanation of the need for permanent compulsory acquisition powers in relation to interests in the objector's land and we recommend the grant of compulsory acquisition powers.

**Objection 404 - Dry Drayton Estates Ltd and P.X. Farms Ltd**

- 7.8.253 Much of this objection is concerned with the legality of powers used and in particular that only temporary powers are needed for construction areas.
- 7.8.254 The legality of powers used is discussed elsewhere in the response to the Generic objections. The applicant has stated [REP13-013] that acquisition negotiations are in progress. However, we are satisfied with the applicant's case for the acquisition of temporary and permanent interests in the objector's land in order to implement the scheme and we recommend the grant of compulsory acquisition powers.

**Objection 405 - Napp Pharmaceutical Holdings Ltd**

- 7.8.255 This company's representation relates to land take, the consultation process, containment of construction, temporary and permanent access, landscaping and fencing.
- 7.8.256 A SoCG [REP13-012] has been entered into between the applicant and the objector and the applicant has agreed that it will undertake to the objector in the form of a legal agreement how it will exercise the compulsory acquisition powers. Discussions are ongoing to finalise this agreement
- 7.8.257 With the commitment by the applicant to enter into a legal agreement along the lines outlined in the SoCG and being satisfied with the applicant's case for the acquisition of interests in the objector's land in order to implement the scheme, we recommend the grant of compulsory acquisition powers.

**Objection 406 - Office of the Police and Crime Commissioner for Cambridge (PCC)**

- 7.8.258 The PCC supports the scheme in principle but is concerned that land is to be acquired from the PCC which is the subject of an exclusivity contract with Hinchingsbrooke Health Care NHS Trust and its acquisition would prevent the expansion and sustainability plans of the Trust; further, the PCC seeks confirmation that vehicle access will be provided to adjoining police land if land is taken as proposed.
- 7.8.259 A SoCG [REP13-012] was entered into between the applicant and the PPC. The PCC broadly supports the scheme to improve traffic flow and reduce congestion on the A14. The agreement sets out the concerns of the PCC and how these will be addressed by the applicant.
- 7.8.260 With the SoCG being in place and being satisfied with the applicant's case for the acquisition of interests in the objector's land in order to implement the scheme we recommend the grant of compulsory acquisition powers.

**Objection 410 - J A J Winter**

- 7.8.261 This objector raises specific issues relating to Top Farm Hemingford Abbots, in particular regarding the effect of the proposed scheme on the current efficient drainage system.
- 7.8.262 The applicant has responded to the issues raised by the objector [REP4-015].
- 7.8.263 We are satisfied with the applicant's response and its case for the acquisition of interests in the objector's land in order to implement the scheme and we recommend the grant of compulsory acquisition powers.

#### ***Objection 414- Sainsbury's Supermarket Ltd***

- 7.8.264 Sainsbury's does not object in principle to the scheme but is concerned about the effects on its proposed new site adjacent to Edison Bell Way, north of Brampton Road; further, the impact on its business operations and its customers shopping experience.
- 7.8.265 The Panel notes that any adverse effect if proved would come within the statutory compensation code and being satisfied that the objector's land is needed to implement the scheme, recommends the grant of compulsory acquisition powers.

#### ***Objection 444 - Sam Swaine***

- 7.8.266 Mr Swaine makes representations concerning the impacts on wildlife, traffic flow, land drainage at Friesland Farm and Newbarns Farm, noise and pollution, excessive land requirements and access arrangements.
- 7.8.267 The applicant in REP15-017 responds to the objector's concerns and states that it will review the impact on the objector as the detailed design progresses.
- 7.8.268 The issues of noise and air quality are addressed in Requirements 12 and 16 respectively and we note the applicant's commitment to address other issues at the detailed design stage.
- 7.8.269 Accordingly, being satisfied with the applicant's case for the acquisition of interests in the objector's land in order to implement the scheme, we consider this to be an acceptable approach by the applicant and we recommend the grant of compulsory acquisition powers.

#### ***Objection 447 - Premier Inns Hotels Ltd***

- 7.8.270 Premier Inns in REP2-114 identifies issues concerning land take (and parking loss), service vehicle access and the effect on its overall business operation.
- 7.8.271 It also sets out in its representation that the applicant has confirmed to Gallagher Estates (Premier Inns landlord) that notwithstanding the full extent of the DCO boundary there will be no encroachment of the proposed highway works outside of Highway England's existing highway boundary and therefore no physical impact on all land taken from the adjacent completed development at Orchard Park including the Premier Inn. Further, that the land identified for permanent acquisition would no longer be required save for certain rights of access.
- 7.8.272 We have no evidence before us that the commitments set out in the SoCG have been concluded with the objector. However, we are aware that the freeholder of the land interests of which Premier Inns is the tenant – JJ Gallagher (Objection 391) has concluded a SoCG with the

applicant that work will be contained within the highway boundary and only temporary powers will be required.

- 7.8.273 The powers sought in this case are temporary powers. We consider temporary possession powers below and also in Chapter 8 dealing with the DCO.

***Objection 448 - Whitbread Group Plc***

- 7.8.274 Whitbread objects to the scheme in relation to the proposed changes at Brampton Hut Services and the potentially significant adverse impact; a particular concern relates to the acquisition of land temporarily for use as a soil storage area. The applicant in [REP4-015] has clarified the extent of land take that it will seek to minimise the effect of the operation of the soil storage area during the construction phase and will seek to address other issues during the detailed design stage.

- 7.8.275 We are satisfied the applicant's response to this objection and being also satisfied with the applicant's case for the acquisition of interests in the objector's land in order to implement the scheme, we recommend the grant of compulsory acquisition powers.

***Objection 502 - FCC Environmental (UK) Ltd***

- 7.8.276 The Company raises a number of issues related to Milton landfill, including the loss of boreholes, impacts on land fill management and monitoring systems, and environmental protection and compliance. Specifically in relation to compulsory acquisition it seeks clarification regarding environmental liability in the event of the transfer of rights over its land.

- 7.8.277 The applicant in REP4-015 sets out how the environmental liability will be dealt with and that acquisition on a permanent or temporary basis will be the subject of ongoing discussion at detailed design stage.

- 7.8.278 We consider the applicant's response to this objection acceptable in dealing with the objector's concerns and being satisfied with the applicant's case for the acquisition of interests in the objector's land in order to implement the scheme; we recommend the grant of compulsory acquisition powers.

***Objection 504 - B J, G R, L O and R W Marshall***

- 7.8.279 These objectors make representations concerning land requirements, land ownership, access arrangements, loss of privacy and environmental impacts.

- 7.8.280 A SoCG [REP13-012] was entered into between the applicant and the Marshall family on 1 September 2015 which set out the issues between the parties. Discussions were delayed pending resolution of access issues and their objection to a proposed provision by the applicant relating to additional land which as reported above has now

been withdrawn. The applicant reports in REP13-013 that negotiations to acquire can now continue.

- 7.8.281 We note the contents of the SoCG and that there have been positive discussions with the objector and negotiations on outstanding issues are continuing. In these circumstances and being satisfied with the applicant's case for the acquisition of interests in the objector's land in order to implement the scheme (and with the changes proposed in the applicant's provision regarding additional land), we recommend the grant of compulsory acquisition powers.

***Objection 505 - Govia Thameslink Railway***

- 7.8.282 Govia has an interest in Huntingdon station and has concerns regarding the proposed new access to the site (the existing access being removed under the scheme), car parking, disturbance to station operations and passenger safety.
- 7.8.283 A SoCG [REP15-015] was entered into between the applicant and Govia (a leaseholder of Network Rail at Huntingdon station) on 11 November 2015 which sets out Govia's concerns regarding loss of car parking issues and disturbance. Discussions are taking place outwith the applicant's A14 scheme regarding alternative parking spaces.
- 7.8.284 If the car parking spaces are not replaced a claim may lie under the statutory compensation code depending on how Govia and Network Rail deal with the leasehold position, but we are satisfied with the applicant's case for the acquisition of the objector's interests in the land in order to implement the scheme, and we recommend the grant of compulsory acquisition powers.

***Objection 507 - Tesco Stores Ltd***

- 7.8.285 Whilst Tesco does not object to the principle of the scheme it has concerns that the scheme will have a significant adverse impact on its business operations, particularly during the construction period.
- 7.8.286 In particular, it has concerns regarding the operation of its Bar Hill store and the Tesco.Com centre located there.
- 7.8.287 Discussions have commenced with Tesco [REP12-004] and in REP14-024 the applicant states that Tesco has confirmed it has no objection to the scheme and discussions were proceeding regarding the impact of the scheme on Tesco's interests at Bar Hill.
- 7.8.288 With the objector not objecting to the principle of the scheme, discussions proceeding between the parties and the availability of a compensation remedy under the statutory compensation code we recommend, being satisfied with the applicant's case for the acquisition of interests in the objector's land in order to implement the scheme the grant of compulsory acquisition powers.

***Objection by Cambridge City Council (unnumbered)***

- 7.8.289 The Council objects to the proposal by the applicant to seek powers of temporary possession under Article 30 of the DCO to provide a new access to the Cambridge Crematorium in relation to land at the crematorium owned by the Council.
- 7.8.290 A SoCG was entered into by the applicant with the Council dated 11 November 2015 [REP15-015] which sets out the Council's objection. The Council's proposed solution is an alternative access to the east of the crematorium although this would require the acquisition of land not within the draft DCO. The owners of the land required for the alternative access have responded positively but no negotiations have taken place with the applicant. The Council proposed a variation to the DCO to include the necessary land but the applicant stated that this was not an available option at such a late stage in the Examination.
- 7.8.291 The Council maintains its objection [REP12-002] on the grounds that it impacts on an area that has been used for the scattering of ashes and is close to the Muslim burial area, there is potential for substantial damage to the operation of the site arising from the new entrance/exit proposals and that the council has proposed an alternative entrance/exit arrangement. The Panel shared the Council's concerns that the western access proposed by the applicant will impact on an area used for informal and formal scattering of ashes and the planting of memorial trees and on the adjacent Muslim burial area and that alteration of the area and would be a sensitive issue.
- 7.8.292 The Panel undertook an accompanied site visit on 17 July 2015 [EV-025] and following further discussion on the matter with the applicant at the CA hearing on 21 September 2015, undertook a further unaccompanied site visit on 11 November 2015. The Panel has considered the applicant's submission in particular its submission at REP15-017, but is not persuaded that the suggested manner of undertaking the works in this location would overcome the concerns outlined above.
- 7.8.293 The Panel is mindful of the fact that the power sought by the applicant is for temporary possession and that it is not seeking CA powers. Nevertheless, because of the sensitive nature of the proposal and the fact that an alternative acceptable to the Council is available (albeit outwith the Order limits) the Panel recommends that the powers under Articles 30 and 31 of the DCO for temporary use of plot 23/14(b) be refused in respect of plot 23/14b on land plan 23 and that this plot be removed from the Book of Reference.

***Objection by Domino Printing Sciences Plc (unnumbered)***

- 7.8.294 A SoCG was entered into by the applicant with the objector dated 28 September 2015 [REP13-012] stating that no part or parts of the land by any of the Domino group of companies at Bar Hill and Lolworth is currently required for or in connection with the A14 scheme save for

the land which may be required in accordance with Item 1 in section 4.1.1 of the SOCG.

- 7.8.295 Item 4.1.1 of the SoCG deals with matters concerning drainage, flood design, flood risk, footpath/bridleway issues, construction period issues, road alignment and new cabling for the objector's site.
- 7.8.296 We are satisfied that all of these matters can be resolved as detailed design proceeds and accordingly, being satisfied with the applicant's case for the acquisition of interests in the objector's land in order to implement the scheme, and subject to the above undertaking, we recommend the grant of compulsory acquisition powers.

### **Category 3 Parties**

- 7.8.297 These parties object on a range of issues arising from the construction and implementation of the proposed scheme. Appendix E identifies these objectors and a summary of the objections they raise. The principal number of objections relate to noise (304 objections), air pollution, dust, light (294 objections), health (50 objections) and depreciation in property values (37). Flooding, vibration, disruption and impact on amenity are also issues raised.
- 7.8.298 The Panel has been concerned during the Examination to ensure there are adequate safeguards in place on a number of these issues particularly noise and air quality and this is reflected in the CoCP [REP14-022] at sections 13 and 6 respectively and secured by Requirements 12 and 16 respectively.
- 7.8.299 The remedies of making a claim under section 10 of the Compulsory Purchase Act 1965 or in due course under Part 1 of the Land Compensation Act 1973 are available to these objectors.

### **Objection 128 - Maria Hugh**

- 7.8.300 Mrs Hugh's concerns relate to the impact of noise on her property, security and the proposed NMU route. We have highlighted this Category 3 objection because she raises a unique issue which the applicant has considered and sought to address. Mrs Hugh's property is a listed building and consequently one of the usual remedies relating to noise, double glazing, may not be possible in this case
- 7.8.301 Mrs Hugh requested that a bund be provided and that there should be low noise surfacing on the proposed highway. The applicant has looked into the provision of a bund and the low noise surfacing but has decided that they are not justified on financial grounds.
- 7.8.302 It has, however, confirmed [REP15-017] that security fencing is to be provided where the proposed bridleway runs close to the boundary of the property (the exact nature and design of which is to be discussed with Mrs Hugh at the detailed design stage). It also confirmed there will be discussion about the fence required to separate the A1 motorised traffic from the NMU traffic which will have noise

attenuating properties equivalent to those of a typical noise barrier. We would note that as Mrs Hugh has no land being taken for the scheme she may nevertheless in due course be able to lodge a claim under section 10 of the Compulsory Purchase Act 1965 and section 1 of the Land Compensation Act 1973 depending on how the applicant deals with the issues set out above.

## **STATUTORY UNDERTAKERS LAND/SPECIAL CATEGORY LAND/CROWN LAND**

### **Statutory Undertakers land**

#### ***Objection 387 - Network Rail Infrastructure Ltd***

- 7.8.303 Network Rail objected on the ground that there were no protective provisions in the DCO to protect its statutory undertakers interests, duties and obligations notwithstanding the fact that it provided standard protective provisions to the (then) Highways Agency prior to the development consent Application being submitted to the Planning Inspectorate.
- 7.8.304 Network Rail would also anticipate an asset protection in respect of the works to be agreed with the applicant and again this is not in place.
- 7.8.305 A SoCG [REP14-011] was being discussed but had not been agreed by the close of the Examination. Protective Provisions have been agreed save for one matter which is whether a 12 or 24 month period should be included in para 9(1) (Schedule 9, Paragraph 63(1) in the Panel's recommended Order). The Panel has decided the period should be 24 months, there being precedence for this approach in the A160/A180 (Port of Immingham Improvement) Development Consent Order 2015.
- 7.8.306 Network Rail did submit a second objection relating specifically to the proposed compulsory acquisition of additional land at Mill Common (the proposed provision). Network Rail's outstanding issues are set out in a letter from its solicitors dated 13 November 2015 [REP15-037] and its objection is maintained. These issues arise because a Framework Agreement has not been concluded and concern one matter regarding protective provisions (discussed above), the late provision of information from the applicant to enable it to undertake internal clearance on land disposal and the loss of 170 car parking spaces at Huntingdon station car park. There is nothing in the letter in its letter of 23 November 2015 to indicate that acquisition of its land would cause serious detriment to the carrying on of its undertaking or that if necessary that land could not be replaced. Indeed with regard to the loss of car parking spaces the letter suggested that the Framework Agreement would have provided a mechanism to secure replacement parking. Station car parking is also considered in chapter 4 in relation to heritage and the effect of the proposals on the setting of the building.
- 7.8.307 It appears to the Panel that the issue of concern is a lack of time to conclude a Framework Agreement before the close of the Examination

rather than any detrimental effect on the carrying on of the undertaking. No evidence has been produced to suggest otherwise.

7.8.308 In these circumstances, the Panel has considered the provisions of section 127(1) to (3). It is satisfied, having regard to the applicant's case for the acquisition of interests in the objector's land in order to implement the scheme, and the above considerations, that the requirement of section 127(3)(a) and (b) are met and recommend the grant of compulsory acquisition powers.

7.8.309 Since negotiations are clearly taking place on a Framework Agreement which might lead to the withdrawal of the objection the SoS may wish to check on the progress on this agreement before reaching a decision on the grant of compulsory acquisition powers.

***South Staffordshire Water Plc (trading as Cambridge Water)***

7.8.310 Cambridge Water is a utility company and an undertaker established under the Water Industry Act 1991 and makes representations because it has numerous supply mains affected by the proposed works and needs to be satisfied that the functions will be accommodated and the costs of doing so met by the applicant.

7.8.311 A SoCG was entered into between the applicant and the company on 30 October 2015 [REP13-012] which indicates that all concerns and matters raised in the company's representation have been dealt with to its satisfaction and are agreed. It also has the benefit of the Protective Provisions set out in the draft DCO for the benefit of electricity, gas, water and sewerage undertakers. The company broadly supports the scheme and its objectives but as is standard practice with water companies, full resolution of a number of matters will not be achieved until detailed design stage.

7.8.312 As an undertaker under the Water Industry Act 1991 the company in our view falls within the definition of statutory undertaker within the meaning of sections 127 and 138 of the PA2008. The applicant in its submission [REP15-017] stated that in the circumstances it is not necessary for section 127 to apply. However if section 127 did apply the Panel does not consider it has any discretion in determining whether the section applies - it applies as a matter of law where it has been triggered by the representation being made and not withdrawn.

7.8.313 However, since no land is being acquired from the undertaker it is the Panel's view that section 127 is not triggered but because it only has rights and apparatus within the scheme land (described in the company's representation [RR-602] in this case it is section 138 which is triggered.

7.8.314 Having regard to section 138(4) the Panel is satisfied that the extinguishment or removal of the right or relevant apparatus is necessary for the carrying out of the development to which the order relates and recommends that the SoS includes the necessary powers to do so in the order.

- 7.8.315 This will provide the necessary powers to the applicant which it can then apply in accordance with the terms of the SoCG which has been entered into with the company.

### ***Eastern Power Networks***

- 7.8.316 Whilst s127 could apply to this undertaker it has not made a representation and, accordingly, the provisions of the section are not triggered.

### ***Other Statutory Undertakers***

- 7.8.317 The Statement of Reasons [REP13-049] sets out information regarding statutory undertakers whose rights and apparatus will be interfered with by the delivery of the scheme. Schedule 9 of the recommended Order includes provision for the protection of such undertakers and we are satisfied that the interference with apparatus and rights is necessary for the purposes of carrying out the development. Accordingly, having regard to the provisions of section 138(4) of the PA2008 we recommend to the Secretary of State that the order may include provision for the extinguishment of the relevant rights or the removal of the relevant apparatus.

### ***Special category Land***

#### ***Common Land***

- 7.8.318 Delivery of the scheme would require the acquisition of part of a small area of registered common forming part of a larger grassed area known as Mill Common which is used for grazing. It is not open space (as defined in section 131(2) of the PA 2008) nor is it - in the main - a common. However, Mill Common includes a small triangular area of grassland which is registered common land and comes within the definition of a common in section 131(12) of the PA2008.
- 7.8.319 The acquisition of 171 m<sup>2</sup> (forming part of this small triangle, of common land) is required to enable the delivery of the scheme, specifically to facilitate road widening in connection with improvements to the A14 trunk road. The applicant considers that the exemption provided by section 131(5) of the PA2008 applies to this area of common land and sets out at paragraph 11.9 of the Statement of Reasons why it considers that the criteria in section 131(5) are met.
- 7.8.320 The Panel agrees with the applicant's reasoning. It has received no representations calling for exchange land to meet the needs of an individual or the public and being satisfied that the exemption provided by section 131(5) applies in this case, it recommends to the Secretary of State that special parliamentary procedure should not apply to this land and that the recommended DCO records the SoS's satisfaction on this matter as required by section 131(3) of the PA2008.

### **Open Space**

- 7.8.321 Delivery of the scheme would require the acquisition of part of a golf course set within the grounds of the Menzies Hotel, located to the south of the A14 at Bar Hill. None of the area to be acquired forms part of the practice area, tees, fairways or greens of the golf course. The acquisition of this area of the golf course is required to enable delivery of the scheme, specifically to facilitate highway drainage in connection with improvements to widen the existing A14 trunk road.
- 7.8.322 The applicant considers that the exemption which is provided by section 131(5) of the PA2008 would apply to this area of open space at the golf course and sets out at paragraph 11.9 of the Statement of Reasons why it considers that the criteria in section 131(5) are met.
- 7.8.323 The Panel agrees with the applicant's reasoning. It has received no representations calling for exchange land to meet the needs of an individual or the public and, being satisfied that the exemption provided by section 131(5) applies in this case, it recommends to the Secretary of State that special parliamentary procedure should not apply to this land and that the draft DCO records the SoS's satisfaction on this matter as required by section 131(3) of the PA2008.
- 7.8.324 Applicants considering proposals which would involve building on open space, sports or recreational buildings and land should have regard to any local authority's assessment of need for such land and buildings. The applicant at paragraph 11.7 of the Statement of Reasons refers to Paragraph 5.174 of the NNNPS which states:
- "Existing open space, sports and recreational buildings and land should not be developed unless the land is surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. Applicants considering proposals which would involve developing such land should have regard to any local authority's assessment of need for such types of land and buildings."*
- 7.8.325 The SoCG [REP13-012] entered into with the relevant local authority – South Cambridgeshire District Council - confirms that the applicant's proposal to acquire the golf course land is in compliance with paragraph 5.174 of the NNNPS.

### **Crown Land**

- 7.8.326 There are three areas of land within the scheme which were originally considered to be Crown land. Of these three, land owned by Barwell Properties Ltd (now dissolved) was originally thought to have passed to the Treasury Solicitor. REP13-013 explains why this is not the case and why it is now no longer considered to be Crown land and this reasoning is accepted by the Panel.
- 7.8.327 The two remaining areas are Crown land belonging to Defra and The Historical Railways Estate. Both organisations have now given their

consents for the inclusion of their land in the scheme [REP11-009 and REP12-005].

## **7.9 THE PANEL'S CONSIDERATION OF THE CA ISSUES**

- 7.9.1 The Panel's approach to the question whether and what CA powers it should recommend to the SoS to grant has been to seek to apply the relevant sections of the PA2008, notably s122 and s123, the Guidance, and the Human Rights Act 1998; and, in the light of the representations received and the evidence submitted, to consider whether a compelling case has been made in the public interest, balancing the public interest against private loss.
- 7.9.2 The Panel understands, however, that the DCO submitted at Deadline 15 deals with both the development itself and CA powers [REP15-020]. The case for CA powers cannot properly be considered unless and until the Panel has formed a view on the case for the development overall, and the consideration of the CA issues must be consistent with that view.
- 7.9.3 The Panel has shown in Chapter 6 that it has reached the view that development consent should be granted. The question therefore that the Panel addresses here is the extent to which, in the light of the factors set out above, the case is made for CA powers necessary to enable the development to proceed.

### **The public benefit**

- 7.9.4 The effect of s122(1) and s122(2) of PA2008 is to provide that the land to be subject to CA must be required for the development to which the development consent relates; effectively that the land needs to be acquired, or rights over, or under it acquired or impediments upon it removed, in order that the development can be carried out.
- 7.9.5 To reach our judgement on this requirement the approach we have taken was to examine:
- the case which has been made for the grant of CA powers in respect of each and every plot included in the Book of Reference;
  - the justification for the inclusion of the plots in the Statement of Reasons;
  - the type and extent of interests sought;
  - the stated use of the Order land and whether there are clear and necessary proposals in relation to each plot sought; and
  - the potential effects and consequences of taking the land proposed.
- 7.9.6 We are satisfied that in the event of the grant of development consent for the A14 Improvement Scheme, as applied for, there would be a need to acquire the rights and interests in the CA land and the powers sought in the DCO would be required to implement the development.

- 7.9.7 With regard to section 122(3), in considering whether there is a compelling case in the public interest there are a number of issues to be considered in balancing the public interest against the private loss which would occur.
- 7.9.8 In relation to the overall planning case this is considered in detail elsewhere in this report. We have recorded in our conclusions in Chapter 6 that the case for making the DCO in the form we propose is, overall, made out.
- 7.9.9 The scheme aligns with the Government's strategic policy objective which is stated in the NNNPS as being to deliver improvements in capacity, connectivity and resilience on the national network to support a prosperous and competitive economy, and to improve the overall quality of life.
- 7.9.10 The scheme would also contribute to the strategic aim as set out paragraph 2.2 of the NNNPS of:
- "improving the national networks to address road congestion ... to provide safe expeditious and resilient networks that better support social and economic activity: and to provide a transport network that is capable of stimulating and supporting economic growth."*
- 7.9.11 In our opinion in accordance with the NNNPS the public benefits associated with the construction and use of the A14 improvement scheme would be clear, substantial and compelling.
- 7.9.12 Paragraphs 6.22 to 6.2.32 of the Statement of Reasons, in particular, sets out the wider social and environmental benefits to society which the applicant sets out that the scheme is proposed to bring about. We agree with this assessment.
- 7.9.13 Overall, the public benefits associated with the scheme as provided for and set out in the NNNPS would in our view outweigh the private loss which would be suffered by those whose land is to be acquired to enable the project to proceed.

### **Alternatives**

- 7.9.14 DCLG guidance(2013) requires (paragraph 8) that:
- "The promoter should be able to demonstrate to the satisfaction of the decision maker that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored."*
- 7.9.15 The applicant at paragraph 6.7 of the Statement of Reasons refers to the Main Alternatives Chapter in Volume 1 of the Environmental Statement where alternative options for the scheme were considered explaining how the scheme (the subject of the DCO Application) was selected. The applicant points out that none of the alternative options would remove the need for the use of Compulsory Acquisition powers

and argues that the land proposed to be acquired for the scheme is no more than is reasonably required for it to occupy, and for its construction, mitigation and ongoing maintenance.

7.9.16 At the CA hearings the Panel examined the extent of the land for which CA powers were sought and examined the arguments made by objectors. As a consequence of this examination the areas of land in respect of which CA powers were sought was reduced or amended and revised Books of Reference and land plans were submitted by the applicant to reflect this reduction. Further changes to the proposed land take also arose out of discussions with owners and IPs and are reflected in the revised Book of Reference and land Plans submitted in November 2015.

7.9.17 At the end of this process the Panel concluded that the land for which CA powers was being sought was required to enable the construction, use and maintenance of the road and that there was no alternative to the use of CA powers, if required.

## **7.10 TEMPORARY POSSESSION**

7.10.1 In relation to the temporary possession powers sought pursuant to Articles 30 and 31 of the DCO (discussed in the following chapter), the applicant sets out its justification for the grant of these powers in section 5 of the Statement of Reasons. They are required for essential road sites compound storage, space to carry out utility diversions and to set up haulage routes.

7.10.2 We are satisfied that the relevant land is required for these purposes and is necessary to implement the scheme. The exercise of these rights of temporary possession and use of land will infringe Convention rights under the Human Rights Act 1998, but we consider that they are proportionate in relation to the scheme, legitimate and in the public interest. There is provision in the DCO for compensation to be paid to affected parties and the significant public benefits which the scheme will give will outweigh the effects of their use upon those affected.

## **7.11 THE PANEL'S OVERALL CA CONCLUSIONS**

### **Human Rights Act 1998 considerations**

7.11.1 A key consideration in formulating a compelling case is consideration of the potential interference with human rights which may occur if CA powers are granted and exercised. The applicant acknowledges that the DCO engages a number of the articles of the Human Rights Act:

- It would affect Article 1 of the First Protocol (rights of those whose property is to be compulsorily acquired and whose peaceful enjoyment of their property is to be interfered with);
- Article 6 entitles those affected by CA powers sought for the project to a fair and public hearing of their objections; and

- Article 8 protects private and family life, home and correspondence.
- 7.11.2 No public authority can interfere with these rights except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well-being of the country.
- 7.11.3 The applicant states that all owners and occupiers of land affected by the proposals have been contacted and representations could be made in response to notice under s56 PA2008 or at any CA hearing advertised or held in public by the Panel.
- 7.11.4 In the Statement of Reasons the applicant set out the considerations that arise and stated that it had carefully considered the balance to be struck between individual rights and the wider public interest.
- 7.11.5 Having regard to the relevant provision of the Human Rights Act we have considered the individual rights interfered with and the submissions made by affected parties in this regard and are satisfied that:
- in relation to Article 1 of the First Protocol that the proposed interference with the individual's rights would be lawful, necessary, proportionate and justified in the public interest;
  - in relation to Article 6 we are satisfied that all objections which have been made have either been resolved with the objector, or the objectors have had the opportunity to present their cases to us in writing and at the CA hearings; and
  - in relation to Article 8 the interference is in accordance with the law and is necessary in the interests of the economic well-being of the country.

### **Adequacy of funding**

- 7.11.6 Paragraphs 17 and 18 of the 2013 guidance sets out the need for a Funding Statement to accompany the Application and information which that document should contain regarding the resource implications of the proposed scheme.
- 7.11.7 The Funding Statement [APP-006] states that the document 'Investing in Britain's Future' published in June 2013 confirmed the Government's commitment to upgrading the A14 between Cambridge and Huntingdon, subject to value for money and deliverability. It confirmed that funding would be supported by contributions from the local authorities and local enterprise partnerships.
- 7.11.8 Government commitment to funding the progression of the scheme was given through the 2013 Spending Round. Government's commitment to the scheme has also been expressed in the National Infrastructure Plan 2014 where it was listed as a 'Top 40' priority infrastructure investment and was described as

*"£1.5 billion of investment in the A14 Cambridge to Huntingdon [improvement scheme] which improves freight access to Felixstowe, one of the country's major shipping ports, tackling the congestion in the East of England and unlocking a major housing development at Northstowe"*

and as being a project of

*"strategic importance, significant capital value: high regional priority" enabling "significant private sector investment"*

7.11.9 The current cost estimate for the scheme is £1.487 billion and this estimate includes an allowance for compensation relating to the compulsory acquisition of interests in and rights over land and the temporary possession of land, and also takes account of potential claims under Part 1 of the Land Compensation Act 1973, section 10 of the Compulsory Purchase Act 1965 and Section 152(3) of the PA2008.

## **7.12 THE PANEL'S RECOMMENDATIONS ON THE GRANTING OF COMPULSORY ACQUISITION POWERS AND RELATED MATTERS**

7.12.1 With regard to s122(2) of the PA2008 we are satisfied that the legal interests in all plots described and set out in the Book of Reference and on the Land Plans (as amended) would be required in order to implement the scheme.

7.12.2 With regard to s122(3) we are satisfied in relation to the Application:

- That the objectives of the scheme align with the Government's policy objectives set out in the NNNPS and will meet a national need;
- that the need to secure the land and rights required and to construct the development within a reasonable timescale and therefore ensure that the delivery of the A14 Cambridge to Huntingdon Improvement scheme identified as a "TOP 40" priority in the National Infrastructure Plan represents a significant public benefit to weigh in the balance;
- that the private loss to those affected has been mitigated to a large degree through the selection of the Application land, the use of temporary possession to minimise permanent land take and the extent of the rights and interests proposed to be acquired;
- that the applicant has shown that all reasonable alternatives to CA have been explored;
- that funding for the scheme (including CA costs and non-CA compensation and project costs) is secured; and
- that the proposed interference with the human rights of individuals would be for a legitimate purpose that would justify such interference in the public interest and to a proportionate extent.

- 7.12.3 In these circumstances we consider that there is a compelling case in the public interest for the grant of the CA powers sought by the applicant in respect of the CA land as shown on the Land Plans.
- 7.12.4 Further for the reasons set out in paragraph 7.8.293 we recommend that the powers under articles 30 and 31 of the DCO be refused in relation to plot 23/14b on land plan 23.
- 7.12.5 Lastly, with regard to the incorporation of other statutory powers pursuant to s120(5)(a), we are satisfied that as required by s117(4), the DCO has been drafted in the form of a statutory instrument and further that no provision of the DCO contravenes the provisions of s126 which precludes the modification of compensation provisions.

## **8 DRAFT DEVELOPMENT CONSENT ORDER AND RELATED MATTERS**

### **8.1 INTRODUCTION**

- 8.1.1 The application draft DCO [APP-008] along with an Explanatory Memorandum [APP-009] was submitted as part of the application for development consent by the applicant. The Explanatory Memorandum describes the purpose of the DCO and each of its articles and schedules.
- 8.1.2 The DCO was based on the model provisions [general and railway] of the now repealed Infrastructure Planning [Model Provisions] [England and Wales] Order 2009 as well as 'precedents' from other DCOs that had been consented at the date of making the application. In addition, the applicant drafted a number of bespoke requirements.
- 8.1.3 This Chapter provides an overview of the changes made to the DCO between the application draft and the Panel's recommended DCO. It then considers in depth changes made to Articles and Schedules of the DCO before considering other legal agreements and consents.

#### **DRAFT VERSIONS OF THE DCO**

- 8.1.4 The DCO, if made, would grant development consent for improvements to the A14 between Cambridge and Huntingdon. Powers would be conferred on the applicant with whom responsibility would lie for construction of the scheme. De-trunking of stretches of the A14 is an integral part of the scheme for which responsibility for operation would fall to CCC. The applicant would operate those parts of the scheme comprising the strategic road network. The scheme is summarised in Chapter 1 of this report.
- 8.1.5 The Panel looked into the detail of the structure and effectiveness of the DCO through written and oral questions including three ISHs specifically on the DCO. By the end of the Examination, six subsequent versions of the draft DCO were published as listed below:
- (i) Application draft DCO dated December 2014 [APP-008]
  - (ii) Revised draft DCO [Rev 1] dated 7 July 2015 [REP4-021], plus a comparison version between Rev 1 and the application draft [REP4-022].
  - (iii) Revised draft DCO [not numbered] dated 5 August 2015 following Deadline 6 and drafted specifically in relation to an application for additional land made by the applicant under the Infrastructure Planning [Compulsory Acquisition] Regulations 2010 [APP-786].
  - (iv) Revised draft DCO [Rev 3] dated 19 August 2015 [REP7-031], plus a comparison version between Rev 3 and Rev 1 application draft [REP7-032].

- (v) Revised draft DCO [Rev 4] dated 30 September 2015 [REP10-051], plus a comparison version between Rev 4 and Rev 3 [REP10-052].
- (vi) Revised draft DCO [Rev 5] dated 30 October 2015 [REP13-014], plus a comparison version between Rev 5 and Rev 4 [REP13-015].
- (vii) Revised draft DCO [Rev 6] dated 11 November 2015 [REP15-019], plus a comparison version between Rev 6 and Rev 4 [REP15-020].

8.1.6 The Panel issued a consultation draft DCO between receipt of versions 3 and 4 of the applicant's draft DCO, containing matters requiring clarification from IPs and the applicant, as well as suggesting additions and deletions to the applicant's draft DCO [PD-016]. This was discussed at the third DCO ISH, allowing time for the applicant and other IPs to submit a summary of their views in writing after the hearing and enabling all parties the opportunity to comment on any comments made in respect of the Panels draft DCO. This resulted in three further iterations of the draft DCO by the applicant: versions 4, 5 and 6.

8.1.7 The applicant also submitted three revised Explanatory Memorandums to reflect the evolving DCO [REP10-053, REP13-017 and REP15-023].

### **OVERVIEW OF MAIN CHANGES TO THE DCO**

8.1.8 Changes made to the DCO have arisen as a result of various factors including the transfer of roles and obligations from the Highways Agency to HE on 1 April 2015; the Panel's questions; and ongoing discussions between the applicant, landowners and other IPs. Over the course of the Examination, the Panel also received an application for additional land and a number of change requests which have had implications for the drafting of the Order.

8.1.9 The main changes include:

- alterations to Part 2 of Schedule 2 - discharge of requirements, in response to concerns over the potential conflict between the role of beneficiary and regulator of the DCO;
- the inclusion of drafting changes to Articles for greater precision;
- the inclusion of additional requirements to provide greater control over construction and operation of the scheme; and
- drafting changes to schedules of the DCO as a result of the additional land application and the various change requests accepted by the Panel as being non-material.

## **8.2 ARTICLES**

8.2.1 Articles in the recommended DCO are divided into seven parts. These are:

- (1) Part 1: Articles 1 to 4 which set out the preliminary provisions providing for commencement, citation and interpretation.

- (2) Part 2: Articles 5 to 9, containing the Principal Powers in relation to the Order.
- (3) Part 3: Articles 10 to 16, 'Streets' referring to matters relating to the application of the New Roads and Streets Works Act 1991 as well as construction and maintenance, classification, stopping up, access to works and clearways.
- (4) Part 4: Articles 17 to 19 includes Supplemental Powers in relation to discharge of water, protective works to buildings and authority to survey and investigate land.
- (5) Part 5: Articles 20 to 35 contains the powers in relation to acquisition and possession of land.
- (6) Part 6: Articles 36 and 37 contains powers in relation to operations affecting trees and hedgerows.
- (7) Part 7: Article 38 to 45 provides for a number of miscellaneous and general provisions.

### **Article 2 - Interpretation**

- 8.2.2 Edits have been made to this article over the course of the Examination which are not considered by the Panel to be contentious. These edits include amendments to 'commence' in response to the Panel's first written questions to reduce the scope of the works; and changes in the definition of undertaker, in response to changes in the status of the applicant from the Highways Agency to HE as discussed in Chapter 1 [REP4-022].

### **Article 3 - Disapplication of legislative provisions**

- 8.2.3 Article 3 seeks to disapply a number of existing statutes that impact upon the construction of the scheme. Changes were made following comments from the EA and CCC at the first DCO ISH, to ensure that the disapplication of specified statutory provisions only applied to construction and not maintenance and operation of the proposed scheme [EV-034 to EV-037; REP7-032].
- 8.2.4 The Panel wanted to gain a clearer insight into how the disapplication of consents would be dealt with in practice and where this might have an effect in relation to the scheme. As such, it requested the applicant to provide a post hearing note after the first DCO ISH, providing more detail [EV-034 to EV-037].
- 8.2.5 The applicant's note sets out its request to disapply certain provisions relating to the Water Resources Act 1991; the Land Drainage Act 1991 and the Wildlife and Countryside Act 1981 [REP5-028 Appendix 2]. The applicant explained that the works authorised by the DCO would affect a number of watercourses, particularly the River Great Ouse (a main river) in addition to the Brampton Meadows SSSI.
- 8.2.6 A new sub-section to Article 3 was also proposed by the applicant following its discussions with the EA. This would disapply certain provisions within the Anglian Water Act 1977. This governs some waterways and rivers in the vicinity of the proposed scheme and could

also be affected by the works authorised by the DCO [REP10-050 and REP10-052].

- 8.2.7 The applicant explained that it had taken the approach to disapply these consents so that it could provide a 'one stop shop' of construction related consents. Furthermore, that there would still be a role for the consenting bodies by virtue of Article 40 of the DCO, under which protective provisions would be given effect including those for the benefit of the EA and Drainage Authorities to give them "plan approval" powers. It was the applicant's view that the practical process would be "very similar" to the process under the disappplied legislation [REP5-028 Appendix 2].
- 8.2.8 The EA stated at the first DCO ISH that it would confirm its consent to the disapplication, provided protective provisions were agreed and included in the DCO. These were agreed and are included in the recommended Order. Consequently, consent was forthcoming at Deadline 15 [REP15-036].
- 8.2.9 CCC is the lead local flood authority for the area in which the scheme is situated. In its signed SoCG, CCC agreed to the disapplication of the Land Drainage Act 1991 and the Water Resources Act 1991 in respect of watercourses for which it is responsible [REP14-008].
- 8.2.10 No specific agreement was provided by Swavesey IDB or Alconbury and Ellington IDB for the disapplication of the relevant watercourse provisions under this Article. This is discussed in more detail in the section on Flood Risk in Chapter 4. Such agreement would be required by the SoS before any DCO could be made. In the event that the agreement of Swavesey IDB and Alconbury and Ellington IDB was not forthcoming the SoS would have to take these disapplication elements out of the DCO and the applicant would have to apply to the IDBs for consent.
- 8.2.11 In so far as the Wildlife and Countryside Act 1981 is concerned, the applicant explained that NE did not consider protective provisions necessary, provided a specific requirement be included within the DCO which would allow NE to agree proposals for management of the Brampton Meadows SSSI [REP5-028 Appendix 2]. In this way, the applicant argued that it would have the same degree of influence that it would under the relevant legislative provision to be disappplied. The Brampton Meadows requirement was included in revision 3 of the draft DCO [REP7-032]. NE confirmed it was content with this approach in its response to the Panel's second written questions [REP7-009].
- 8.2.12 The Panel notes that s150(1) of the PA2008 may include provision the effect of which is to remove a requirement for a prescribed consent only if the relevant body has consented to the inclusion of the provision. In this instance, relevant bodies would be the EA; NE and local drainage authorities including the two Internal Drainage Boards and CCC. The Panel also notes guidance from DCLG under which the

policy imperative of the DCO is to provide a single consenting regime as far as possible.

- 8.2.13 Consent has been provided by EA as a result of the inclusion of agreed protective provisions; by NE, due to inclusion of an agreed requirement on Brampton Meadows SSSI; and CCC in its signed SoCG. For the reasons set out in Chapter 4, no agreement has yet been secured from the two IDBs.
- 8.2.14 The Panel has concluded that provided the SoS secures the agreement of the two IDBs, then the disapplication set out in Article 3 of the Panels recommended DCO should be allowed. In the event that this was not secured, then the SoS would need to apply directly to the IDBs for consent.

### **Article 7 - Limits of deviation**

- 8.2.15 The Panel asked questions during the first DCO ISH about the limits of deviation that might be enabled by the inclusion of this article in the DCO and its potential to allow deviation above that which has been the basis for matters assessed as recorded in the ES [EV-034 to EV-037]. The EA also expressed its concern over the effect of Article 7 in relation to the ES [RR-639 and REP2-154].
- 8.2.16 The applicant's view was that it was necessary to retain a degree of flexibility given that detailed scheme design was still to emerge, as discussed in the introduction to Chapter 4. Furthermore, given that the protective provisions include a 'plan approval' role of elements of the scheme, these protective provisions would 'bite' to give comfort to the relevant parties involved [EV-34 to EV-037 and EV-0505 to EV-051].
- 8.2.17 Lafarge Aggregates Ltd (now Tarmac) queried whether the flexibility in the article would enable the applicant to pay compensation for fewer minerals than it would actually be extracting from the borrow pits. This is because the article allows the applicant to deviate vertically downwards 0.5 metres automatically and then to any further distance it wishes (subject to significant environmental effects). The applicant's response was that this was a valuation point that would be considered at an appropriate time in negotiation with landowners [REP5-021].
- 8.2.18 Drafting changes were made to Article 7(b) at version 3 of the draft DCO [REP7-032] in response to concerns from the Panel that the wording was not clear. The drafting amendments include the need for the undertaker to demonstrate to the SoS's satisfaction that a deviation in limits would not give rise to any materially new or materially worse adverse environmental effects from those assessed in the ES [REP7-030].
- 8.2.19 The Panel questioned whether there was precedent for the use of the 'certification' provision as set out in Article 7 [EV-050 to EV-051]. In essence, the applicant argued that whilst there was no precedent for the precise mechanism in respect of development beyond the vertical

limits of deviation, there were examples of the procedure having been applied in other DCOs. The applicant argued that the concept had precedent and therefore, had been found to be acceptable and appropriate by the SoS for inclusion in other consented Orders. More detailed reasoning is set out in the applicant's post hearing note [REP9-015].

8.2.20 At version 4 of the draft DCO inclusion of the need to consult with the relevant local planning authority was added to Article 7(b) for precision following discussion at the second DCO ISH [REP10-052].

8.2.21 The Panel considers that with the inclusion of protective provisions as set out in Schedule 9 of the recommended DCO, the additional drafting clarity at 7(b) in respect of the role of the SoS and the relevant planning authority and confirmation that the approach to the use of certification has precedent in other consented DCOs, Article 7 can be included in the recommended Order.

### **Article 9 - Consent to transfer benefit of Order**

8.2.22 The Panel suggested at first round questions that any transfer of the benefit of the Order should be subject to the consent of the SoS first, given the change in status of the applicant [PD-005 Q1.6.3]. Revision 1 of the draft DCO contains this amendment [REP4-022].

8.2.23 With the inclusion of this amendment, the Panel has included Article 9 in the recommended Order.

### **Article 11 - Construction and maintenance of new altered or diverted streets and other structures**

8.2.24 CCC was in discussion with the applicant throughout the Examination in relation to Article 11. This followed on from concerns raised by CCC in their written representation relating to the maintenance liability of the County Council in circumstances where a footpath, cycle track or bridle-way co-existed with a private means of access [REP2-159]. The County Council was clear that it did not wish to acquire a liability to maintain metalled surfaces or larger structures simply due to these carrying by coincidence, a public right of way. Furthermore, it was concerned that the draft DCO was ambiguous in relation to this point, which could in its view, lead to potential costly dispute as well as damage to assets which might impact unreasonably on users.

8.2.25 Alternative drafting was proposed by CCC in their written representation to address this point [REP2-159]. Although recognising CCC's concerns, the applicant was doubtful that the proposed wording would achieve the aims sought by the County Council and was therefore considering different alternative drafting [REP12-007].

8.2.26 Two weeks before the close of Examination, CCC and the applicant reached agreement over the drafting of the article as confirmed by both parties [REP13-054 and REP13-016]. Revision 5 of the draft DCO subsequently included amended wording at subsections (1), (2)

and (3). Each subsection made clear that references to highways includes culverts or other structures laid under them; whilst subsection (3) sets out that in circumstances where a footpath, cycle track or bridleway is altered or diverted under the Order along a vehicular private means of access, the altered or diverted part must be maintained by the person or persons with the benefit of the vehicular means of access.

8.2.27 The applicant also proposed deletion of 11(5) which, in its view, had become superfluous in the light of the changes to 11(1) to 11(3).

8.2.28 Given that CCC and the applicant are now in agreement over the drafting contained in revision 5 of the draft DCO, the Panel is content to include this in the recommended Order.

### **Article 12 - Classification of roads**

8.2.29 Article 12 was also the subject of discussion throughout the Examination between the applicant and CCC. In its written representation, CCC proposed the inclusion of drafting to ensure that the date of de-trunking would be by mutual agreement of the undertaker and the County Council. CCC argued that this was required to protect it as local highway authority and to ensure that the de-trunked roads to be handed over to the local highway authority would be in a reasonable and acceptable condition [REP2-159].

8.2.30 The applicant initially resisted this proposal on the grounds that a legal agreement was under discussion and would be in place between the parties before the close of the Examination. This legal agreement would regulate de-trunking, therefore the date of de-trunking was unnecessary. However, at Revision 6 of the draft DCO, 12(5) was inserted into the article, which requires the SoS to consent to any de-trunking following consultation with CCC as local highway authority.

8.2.31 The applicant also provided 'position statements' at Deadline 12, 13 and 15 containing details of how the applicant considered the de-trunking process would work in practice [REP12-006, REP13-033 and REP15-033].

8.2.32 The Panel is satisfied that the concerns of CCC in relation to this article have now been resolved therefore Article 12 is included in the recommended Order.

8.2.33 In so far as the legal agreement that relates to Article 12 is concerned, this is discussed later in this Chapter under the section on Other Legal Agreements.

### **Article 21 - compulsory acquisition of land - incorporation of the mineral code**

8.2.34 Although the drafting of this article was not contentious, the incorporation of the mining code was subject to some discussion at the CA hearings in September 2015. Chapter 7 of this report sets out the

detail of that discussion, and the Panel is content to recommend the Article.

### **Article 23 - Acquisition of rights**

- 8.2.35 No drafting changes were proposed during the course of the Examination to the wording of this article. However, the Panel requested the applicant to explain further the way in which 23(4) would interact with Article 28 'acquisition of part of certain properties' and Schedule 6 'modification of compensation and compulsory purchase enactments for creation of new rights'. In particular, how it would be ensured that landowners rights to serve a notice under section 8 of the Compulsory Purchase Act 1965 would not be affected by the provisions of the DCO, as potentially this could be contrary to s126 of PA2008.
- 8.2.36 In their detailed explanation, the applicant explained that the drafting did not have any such effect [REP5-028 Appendix 3] and specifically did not materially affect the rights of landowners and so did not fall foul of section 126 of the PA2008.
- 8.2.37 The Panel accepts the applicant's explanation and is content with the inclusion of the Article in the recommended DCO.

### **Article 24 - Public rights of way**

- 8.2.38 CCC argued that Public Rights of Way [PRoW] widths should be included in the DCO. They referred to the advice of Gregory Jones QC who in essence advocated that it would be 'prudent' for CCC to ensure the widths of any PRoW granted by the DCO were made clear on the face of the Order and set out in his advice his reasons for so doing.
- 8.2.39 The applicant explained that it was not legally required to show the widths of PRoW; that it was not usual for DCOs to provide this detail and that it would not be possible for the DCO to provide exact details of design given the sequencing of the detailed design process in relation to consenting of the Order [REP7-004 Annex 2].
- 8.2.40 Furthermore, the applicant stated that pursuant to s53 of the Wildlife and Countryside Act 1981, modifications to the Definitive Map must be completed by the surveying authority after a statutory instrument [the DCO in this case] is made. Therefore, it was the duty of CCC to modify the Definitive Map. The applicant stated that it would discuss detailed plans with CCC at detailed design stage and from this; CCC would be able to determine the widths of the PRoW and carry out any necessary modifications to the Definitive Map [REP7-004 Annex 2].
- 8.2.41 The applicant provided a detailed commentary on the specific points raised by CCC's Counsel at Deadline 8 [REP8-022]. It confirmed that it would make available 'as built' drawings, compatible with CCC's computerised mapping systems which would then enable CCC to prepare a Definitive Map modification order. This would be provided under the terms of a legal agreement under discussion between the

applicant and CCC discussed under Other Legal Agreements in this Chapter [REP8-022].

- 8.2.42 At Deadline 10, CCC accepted the position set out by the applicant that it was "not physically possible" to include the widths of PRow [REP10-001]. The Panel notes in the finalised and agreed SoCG, that the applicant would provide 'as built' digital data on completion to enable the County Council to update its statutory records [REP14-008].
- 8.2.43 It seems to the Panel, having considered the case put forward by both parties together with the fact that detailed design has yet to be completed in relation to the scheme, that it would not be possible for the applicant to be more precise than the information already contained in column 1 of Parts 1 and 2 of Schedule 4 as referred to in Article 24(1).
- 8.2.44 The Panel also gives weight to the applicant's proposal to consult with CCC during detailed design. In so far as the provision of 'as built' digital data is concerned, the Panel did not receive evidence of a signed legal agreement between the parties before the Examination closed. As such, whilst the intention is noted, the Panel is not in a position to come to a view on this particular point.
- 8.2.45 In the light of the above the Panel is satisfied that Article 24 provides an appropriate base from which to extinguish and provide alternative PRows in relation to the scheme and it is included in the recommended Order.

### **Article 30 and 31 - Temporary use of land for carrying out and maintaining the authorised development**

- 8.2.46 Although the form of drafting of these articles was not contentious, the Panel has recommended refusal of the use of the powers of temporary possession to provide a new access to the Cambridge Crematorium in relation to land at the crematorium owned by CCC. This is discussed in Chapter Seven.

### **Article 34 - Recovery of costs of new connection**

- 8.2.47 In its first round questions [PD-005 Q1.6.15] the Panel queried whether there was an anomaly between 31(1) and 31(2) since the term 'public utility undertaker' as defined in the 1980 Act does not in any event include an undertaker for public sewers. Additionally that term is limited to suppliers of gas or hydraulic power and no other utility undertakers. The applicant agreed and redrafted the definition as shown in Revision 3 of the draft DCO [REP7-032] so that it refers specifically to a gas, water, electricity or sewerage undertaker.
- 8.2.48 The Panel considers the redrafted wording provides greater clarity and includes Article 34 in the recommended Order.

## **Article 40 - Protective Provisions**

- 8.2.49 This article gives effect to Schedule 9 of the recommended Order. Protective provisions are discussed in Chapter 7 in relation to CA and later in this chapter under Schedule 9.
- 8.2.50 The article was not contentious and it is included in the recommended Order. .

## **Article 41 - Certification of plans**

- 8.2.51 Given the number of plans and other documents, and in line with PINS Guidance Note 15, the Panel proposed insertion of a new Schedule associated to Article 41 in which the documents to be certified would be listed [PD-016].
- 8.2.52 The applicant included this Schedule in Revision 5 of the draft DCO [REP13-015], along with an updated list of documents to be certified at Revision 6 of the draft DCO [REP15-020].
- 8.2.53 One IP, representing 19 landowners affected by the scheme, questioned the effect of relocating plans and other documents to Schedule 10 and whether there was an opportunity for plans and documents to be altered between potential consent being granted by the SoS if they were minded so to do, and the subsequent submission of documents to the SoS for certification [REP12-001].
- 8.2.54 The matter was considered at the third DCO hearing [EV-072 to EV-073], and assurances provided by the applicant that the effect of relocating the plans to a Schedule would not change their status as documents certified by Article 41. Furthermore, the applicant confirmed that plans and other documents listed in Schedule 10 would include precise document referencing, so that there would be no confusion as to what had been certified by the DCO.
- 8.2.55 A further matter discussed at the third DCO hearing and elaborated upon in written representations thereafter, related to the way in which IPs could be certain which plans and other documents were the correct and up to date certified documents, given that matters around detailed design would still be evolving if the Order was made [REP13-006].
- 8.2.56 The applicant agreed to give this point further thought and, in response to a request by the Panel, prepared a post hearing note, setting out how it envisaged the detailed certification process for documents and plans would work generally and how IPs, the public and indeed the applicant and contractors, could determine what was certified including those that had been amended following further detailed design [REP13-016].
- 8.2.57 As a result of this further consideration, the applicant proposed inclusion of a new subsection at Requirement 3 of revision 5 of the draft DCO (Works Plans and Engineering Section Drawings) requiring

the undertaker to make amended details available in electronic form for inspection by members of the public [REP13-015]. The applicant's post hearing note also confirmed that further discussions would be held with the relevant planning authorities in response to a suggestion by the Panel that they could provide a signposting role through their websites, directing members of the public to the certified documents on the applicant's website.

- 8.2.58 It is the Panel's view that the drafting amendments proposed to Article 41(1) at Revision 5 of the draft DCO [REP13-015] makes the purpose of Schedule 10 clear. The drafting amendments at 41(2) introduced at Revision 6 of the draft DCO [REP15-020] ensures that any document set out in Schedule 10 which might be amended to reflect the SoS's decision to make the Order, is the document that would subsequently be required to be certified. This wording is necessary, in the Panel's view, to overcome IP concerns that any amendments made at a later stage to certified documents are included in the up to date version of the certified document and to ensure that the SoS can make changes to the documents listed in Schedule 10.
- 8.2.59 The introduction of 41(3) at Revision 4 of the DCO [REP10-052], in the Panel's view, provides the opportunity for members of the public to review the certified plans and other documents at any time by making these available in electronic form for inspection.
- 8.2.60 The Panel has introduced the word 'plans' throughout Article 41 for precision and to ensure these are included in addition to documents.
- 8.2.61 The detailed drafting of Schedule 10 is discussed later in this chapter. Requirement 3 of Schedule 2 is also discussed later in this chapter under Requirements.
- 8.2.62 In so far as the precise point in relation to certification is concerned, the Panel considers the inclusion of 3(2) provides the undertaker with a responsibility to ensure the certified list of plans and other documents is available to members of the public and therefore any IP, contractor or HE staff. Requirement 3(2) is therefore included in the recommended Order.

### **8.3 SCHEDULE 1 - AUTHORISED DEVELOPMENT**

- 8.3.1 Defined in Article 2, Schedule 1 sets out the authorised development given effect by Article 5 of the DCO.

#### **Associated development**

- 8.3.2 At the first DCO ISH, the Panel questioned whether it was appropriate to combine together in one Schedule, those parts of the scheme that were integral to the NSIP and other parts of the scheme considered to be associated development and therefore, not distinguish between the two [EV-034 to EV-037]. In pursuing this line of questioning, the Panel asked the applicant to distinguish between the 'integral' and 'associated development' elements of the scheme.

- 8.3.3 The applicant stated that its approach was well founded, referring to s115 of PA2008 which provides powers for a DCO to include elements that are integral to the NSIP and its associated development. In a post hearing note, the applicant provided a breakdown of the different elements of the scheme. This included which elements the applicant considered to be part of the NSIP; which elements it considered were associated development and which elements could be categorised as both. The applicant also referred to the precedent established in other made Orders [REP7-042].
- 8.3.4 The Panel has had regard to the core principles for associated development set out in DCLG 'Guidance on associated development applications for major infrastructure projects' (DCLG 2013). In particular, whether the associated development has a direct relationship to the principal development; whether it supports the construction or operation of the principal development or helps to address its impacts; and whether the associated development is subordinate to the principal development and not an aim in itself<sup>146</sup>.
- 8.3.5 The Panel is satisfied with the applicant's reasoning that the elements of the scheme are justified either as part of the principal development; as associated development or in some cases, both integral to the principal development or associated with it, which is also in line with DCLG Guidance.
- 8.3.6 In so far as other made Orders are concerned, the Panel notes there is a mix of practice to date in so far as the treatment of principal and associated development is concerned. In some instances, associated development has been identified separately (for example, Norwich) whilst in other made Orders, no distinction has been provided (for example, A19, Morpeth and M1 Luton).
- 8.3.7 On balance, it seems to the Panel that no specific advantage would be gained by separating out principal development from associated development within Schedule 1 and as such, the Panel is content to include Schedule 1 in the recommended Order with no separation out of the different elements.

### **Changes to Work Plans**

- 8.3.8 A number of changes have been introduced to Schedule 1 in response to drafting errors; the effects of the Panel making procedural decisions in relation to additional land and non-material change requests during the course of the Examination; and in response to written and oral questions from the Panel. Changes made include:

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<sup>146</sup> Guidance on associated development applications for major infrastructure projects; paragraph 5

***Draft DCO Revision 1 [REP4-022]***

- 8.3.9 Amendments to Work No. 34(e), (f) and (g) as a result of the Errata submission submitted prior to the opening of the Examination to correct a drafting error relating to the new foot path and bridleway shown in relation to sheet HT1 of the General Arrangement Drawings [APP-774 to 778].
- 8.3.10 Amendments to Work No. 88(d) to include reference to 'byways open to all traffic' at the request of CCC in its written representation [REP2-159].

***Draft DCO Revision 3 [REP7-032]***

- 8.3.11 Changes proposed to Works No. 2, 3, 5(u), 41 and 89 as a result of the application for additional land made by the applicant pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 [REP5-030].
- 8.3.12 Work No.33 has been redrafted to make clear the separation between the proposed scheme and the 'pinch point project' at Histon referred to in the section on Traffic and Transportation in Chapter 4, as well as minor edits and corrections following the review of the drafting [REP7-030].

***Draft DCO Revision 4 [REP10-052]***

- 8.3.13 This includes amendments affecting Work No. 63, 64, 70, 73 and 90 as a result of the first set of change requests to be received by the Panel [REP5-030]. The Panel subsequently decided these changes were non material and accepted them into the Examination [PD-008].

***Draft DCO Revision 5 [REP13-015]***

- 8.3.14 Minor edits to Work No. 6, 64 and 74 including removal of an unnecessary catch all at the end of Work No 90 plus changes to Work No 6, as a result of change request DR1.23. The changes were proposed by the applicant [REP7-034] and accepted by the Panel as non-material [PD-013].

***Draft DCO Revision 6 [REP15-020]***

- 8.3.15 In Revision 6, the applicant proposed a number of deletions to Work No. 5, 22 and 26 as a result of a change request to remove a number of flood compensation areas from the scheme [REP14-024]. These proposed deletions were as follows:
- Work No.22 paragraph (s)
  - Work No.22 paragraph (v)
  - Work No.5 paragraph (jjj)
  - Work No.5 paragraph (iii)
  - Work No.22 paragraph (r)
  - Work No.26 paragraph (c)

- Work No.5 paragraph (ggg)
- Work No.22 paragraph (t) [REP10-024]

8.3.16 The change request was received by the Panel one week before the close of the Examination. The Panel did not consider there was sufficient time for the change request to be properly examined to ensure all important and relevant matters were considered. Furthermore, the Panel did not consider there was sufficient time available for IPs to be able to digest, understand and comment on the proposed change request before the end of the Examination. As such, the change request was not accepted in line with PINS Guidance Note 16.

8.3.17 Therefore, the Panel's recommended Order includes all proposed changes made to Schedule 1 by the applicant during the course of the Examination, apart from the deletions of certain flood compensation areas introduced at Revision 6 of the draft DCO in relation to Work Nos 5, 22 and 26. The SoS may wish to give consideration as to whether or not the changes proposed to Work Nos 5, 22 and 26 should be included in the Order and whether any persons ought to be consulted during the decision making period on any such changes.

## **8.4 SCHEDULE 2 - REQUIREMENTS**

8.4.1 The applicant explained that the draft requirements stem from the original model provisions; precedent from previous made Orders; plus a number of bespoke requirements specifically for the scheme. The origin of each requirement was set out in a post hearing note requested by the Panel and updated following the third DCO ISH [EV-034 to EV-037 and REP5-028 Appendix 6 and REP13-018].

### **Precision and paucity of requirements**

8.4.2 SCDC was concerned that the drafting of requirements in the application DCO was not sufficiently detailed and that they needed to refer precisely to the plan drawing or document being approved [REP2-147]. The Panel was also concerned about the general paucity of requirements in the application draft DCO [APP-008], particularly when compared to other consented highway-related DCOs. The application draft DCO contained only 13 requirements in relation to the scheme [APP-008].

8.4.3 Over the course of the Examination, ten new requirements have been introduced in addition to a requirement on interpretation (albeit one requirement 'Development of Detailed Design' was introduced and then subsequently deleted and merged with Requirement 3).

8.4.4 Many of the original requirements have been subject to considerable debate resulting in a number of amendments and re-drafting. The

Panel has applied the guidance set out in the NNNPS<sup>147</sup> in its approach to the suite of requirements for the scheme and is now satisfied that the subject matter regulated by requirements on a highways scheme are regulated to the extent necessary having regard to policy and evidence.

### **Requirement 1 - Interpretation**

- 8.4.5 Definitions have been added in response to questions from the Panel and IPs at the ISHs on Noise and Air Quality; and Detailed Design. This includes explanations of the Design Council's Design Review Panel; the Borrow Pits, Restoration and Aftercare Strategy and the CoCP, the latter two having been relocated from Article 2 to Schedule 2 (as this is where they are specifically referred to). The additional definitions to Requirement 1 are included in the recommended Order.

### **Requirement 3 - Preparation of Detailed Design etc**

- 8.4.6 Requirement 3 has been amended and supplemented over the course of the Examination, with the inclusion of four new subparagraphs and additional text inserted into paragraph (1). The applicant stated that the requirement had 'broad precedent' in previous Orders and that the purpose was to secure the preliminary design of the scheme; recognising that there was no detailed design in place at the time the DCO would be consented, if the SoS was so minded. As such, the applicant considered it would not be appropriate for there to be a 'blanket' design requirement due to the nature and scale of the scheme.
- 8.4.7 SCDC raised concerns at the second DCO hearing about the procedure for detailed design [EV-050 to EV-051]. The applicant produced a detailed note setting out how this would be achieved [REP10-046].
- 8.4.8 The Panel was concerned about the enforceability and precision of Requirement 3 and how it met the specific tests as set out in the NNNPS<sup>148</sup> [EV-042]. The Panel raised the same point in relation to requirements 4, 5, 7, 8, 11 and 12 and these are discussed later in this chapter.
- 8.4.9 The applicant explained that the requirement secured the outline design of the scheme including the limits of deviation, whilst dictating the scope of the development by reference to the works plans, engineering drawings and sections. In the applicant's view, it met the tests for enforceability and preciseness because the scheme design shown on the works plans and engineering drawings and sections would be 'certified' under Article 41 and therefore would be 'set'. In this way, it was clear and practicably possible for the applicant to comply with the requirement [Appendix 1 of REP10-035].

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<sup>147</sup> NNNPS paragraph 4.20

<sup>148</sup> NNNPS paragraph 4.9

- 8.4.10 The Panel pursued the matter of precision further and in its consultation draft DCO included new wording for Requirement 3, the purpose of which was to provide additional drafting clarity [PD-016].
- 8.4.11 As a result, the applicant introduced a number of drafting changes to sub paragraph (1) to make clear that any amendments to the works plans or engineering drawings should not give rise to any materially new or materially worse adverse environmental effects from those assessed in the ES. Whilst the drafting was based upon the wording proposed by the Panel, the applicant explained it had altered this to ensure consistency with Article 7 [REP13-015].
- 8.4.12 The applicant also modified subparagraph (1) with the insertion of the words "designed in detail and (carried out) so that it is compatible with the preliminary (scheme design)" in order to provide clarity that the detailed design of the scheme would be compatible with the preliminary scheme design shown on the works plans and engineering section drawings [REP15-022]. At the third DCO ISH, concerns were raised by a number of IPs in relation to the ability of members of the public to access certified plans or other documents. This is discussed in more detail under Article 41 of this chapter. In response, the applicant inserted subparagraph (2) to make clear that any amended documents would be made available for inspection by members of the public [REP13-015].
- 8.4.13 Subparagraphs (3) and (4) were introduced by the applicant following discussions at the third ISH DCO and the Panel's view that confusion was caused by having two draft requirements in the same Schedule referring to detailed design; Requirement 3 'Detailed Design' and Requirement 15 (introduced at Revision 4 of the draft DCO ) referring to the 'Development of detailed design' [REP10-052]. The Panel proposed their amalgamation to improve clarity of drafting [EV-072 to EV-073]. As a result, the applicant merged the two requirements into one, adding new subparagraphs (3) and (4) and deleting the proposed Requirement 15 from the draft DCO [REP15-020].
- 8.4.14 As discussed in the Landscape and Visual Impact section of Chapter 4, the Panel was concerned about the extent to which an independent design review of the scheme had been undertaken, asking for further detail at first round questions and in subsequent DCO hearings. Subparagraph (3) was introduced by the applicant in response to this concern. It makes provision for the Design Council to review and provide advice and for the applicant to consider that advice in the finalisation of detailed scheme design.
- 8.4.15 Lastly, in relation to this requirement, the applicant introduced a new subparagraph (5). This was in response to representations made throughout the Examination by IPs, and following extensive discussion at the Detailed Design ISH, in respect of proposals for the design of the viaduct over the river Great Ouse and adjoining East Coast mainline, given the size and prominence of the structure and its location in this part of the scheme. As discussed in Chapter 4 in the

section on Landscape and Visual Impact, IPs were very concerned to ensure that good design would prevail in relation to the external visual appearance of the viaduct structure [EV-059 and EV-060].

- 8.4.16 Subparagraph (5) proposes the SoS has an approval role in respect of the external appearance of the viaduct structure subject to consultation with the relevant planning authority.
- 8.4.17 The revisions to Requirement 3 have, in the Panel's view, addressed the concerns of the Panel and IPs raised at various stages of the Examination in relation to good design and the subsequent process for ensuring good design is embedded into detailed design should the Order be made. The drafting additions to the requirement also provide a specific focus on the largest structure of the scheme in a locally sensitive location, that being the viaduct structure over the River Great Ouse and East Coast mainline railway.
- 8.4.18 With these changes to the requirement, the Panel is now content to include Requirement 3 in the recommended Order.

#### **Requirement 4 - Code of Construction Practice**

- 8.4.19 The code of construction practice (CoCP) has been the subject of a number of revisions during the Examination following written and oral representations and the initial concerns expressed by the local authorities that it was lacking in detail [REP2-159].
- 8.4.20 A version tracking all the changes made during the Examination to the CoCP was submitted at Deadline 14 along with a clean version for certification [REP14-022 and REP14-023]. Towards the end of the Examination, CCC confirmed it had no comments to make on the CoCP submitted by the applicant at Deadline 13 [REPP14-008].
- 8.4.21 The EA drew attention to two revisions that had been made to the CoCP at Section 14.1 with which they did not agree [REP13-052]. The applicant subsequently amended these details and following confirmation that EA was in agreement with the amendments, resubmitted the CoCP [REP14-022]. No further comments from the EA in respect of the CoCP were received by the Panel.
- 8.4.22 The details of the CoCP are discussed in relevant sections of Chapter 4. This part of the report considers the drafting of the requirement and its suitability for inclusion in the recommended Order.
- 8.4.23 Although there is precedent for the inclusion of CoCPs in Orders made by the SoS, the brevity of the drafting of Requirement 4 sets it apart from previously consented examples. The applicant stated that it was a bespoke requirement, the intention of which was to secure a finalised and certified CoCP before the close of the Examination. As such, there was no need within the draft requirement to refer to the detailed terms of the CoCP and the plans contained within it [REP5-028]. Failure to comply with the contents of the CoCP would be a breach of the DCO.

- 8.4.24 IPs argued that the wording of the requirement meant that it was difficult to understand what matters were covered by the CoCP [REP2-147 and REP5-014]. SCDC provided alternative wording of the requirement [REP2-159 para 9.2.1 and REP2-147 para 131]. The Panel's consultation draft DCO reflected this point, adding more detailed wording to the requirement which sought to include on the face of the Order, the contents of the CoCP [PD-016]. The Panel also questioned how the CoCP requirement as drafted met the tests set out in the NNNPS<sup>149</sup> [EV-043].
- 8.4.25 The applicant maintained its view that more detailed wording of the requirement was unnecessary given that the CoCP would become a certified document [EV-034 to EV-037 and EV-050 to EV-051]. Furthermore, it argued that the drafting met the NNNPS tests, in essence because it provided a clear obligation on the applicant and its contractors and because any breach would be enforceable as a breach of the DCO. More detailed reasoning is set out in the applicants post hearing note following the first DCO ISH [REP10-035 Appendix 1].
- 8.4.26 Nonetheless, the applicant proposed the inclusion of a detailed definition of the CoCP under Requirement 1 to aid understanding of the matters contained within it [REP10-052]. The applicant also proposed the inclusion of an additional bespoke subparagraph (2) to make clear that any Local Environmental Management Plans (LEMP) produced under the CoCP must be made available in electronic form for inspection by members of the public [REP13-015].
- 8.4.27 During the Examination, the applicant responded to matters raised by the Panel and IPs, such that the CoCP submitted at Deadline 14 was a far more comprehensive document. Against this backdrop, it is the view of the Panel that the final revision of the CoCP does provide a solid framework from which construction practice can be controlled, managed and mitigated in relation to the scheme and one that we are satisfied can be recommended to the SoS [REP14-022]. Given this, the Panel is content that the brevity of subparagraph (1) of Requirement 4 is appropriate when coupled with the addition of the explanation for the CoCP under Requirement 1 - Interpretation and as such, can be included in the recommended Order.
- 8.4.28 The Panel is also of the view that the inclusion of subparagraph (2) responds to wider concerns raised by IPs in relation to access to certified documents and it is also included in the recommended Order.

### **Requirement 5 - Protected Species**

- 8.4.29 In response to the Panel's first written questions and to comments made by NE, a number of non-contentious amendments were made to the drafting to ensure that:

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<sup>149</sup> NNNPS paragraph 4.9

- design and management details would be included in any scheme of protection and mitigation that NE is consulted upon;
- that these protection and mitigation measures would be in accordance with the DMRB; and
- that a definition of protected species was included under Requirement 1 - Interpretation [REP4-022 and REP7-032].

8.4.30 CCC initially requested the introduction of a new requirement in relation to locally important species and County Wildlife Sites. Subsequent discussion with the applicant led to the resolution of CCC's concerns in so far as the matter would be covered within the CoCP. CCC therefore confirmed that their request for a separate requirement in the DCO was not necessary [REP13-054].

8.4.31 The redrafted version of Requirement 5 is included in the recommended Order.

### **Requirement 6 - Contaminated Land and Groundwater**

8.4.32 SCDC requested amendment to the drafting of this requirement, to ensure that any risk assessment in respect of found contaminated land would be carried out in consultation with either the relevant planning authority or the EA [REP10-055 and REP13-015]. The applicant included amended drafting in the draft DCO [REP15-020].

8.4.33 The Panel are however, concerned that the drafting of this requirement lacks precision and have therefore introduced minor amendments to 6(1) and 6(2) replacing 'or' with 'and' and deleting 'as appropriate'. In the Panel's view, these changes are necessary to ensure certainty and prevent the possibility of consultation with the EA and/or the relevant planning authority inadvertently falling between two stools.

8.4.34 With the clarity afforded by these additional drafting changes, the Panel is content to include Requirement 6 in the recommended Order.

### **Requirement 7 - Implementation and Maintenance of Landscaping**

8.4.35 Several amendments were made to the drafting of this requirement as a result of the Panel's first and second questions [PD-005 and PD-006]. The applicant included subparagraph (3)(b) to make it clear that landscaping associated with noise fences and walls would be included within any landscaping scheme produced [REP4-022]. The applicant also provided clarity at subparagraph (1) so that no part of the authorised development could commence until a landscaping scheme had been submitted to and approved in writing by the SoS, following consultation with the relevant planning authority [REP7-032].

8.4.36 Further drafting amendments were introduced following representations from SCDC and discussion at the third DCO ISH [EV-072 to EV-073]. SCDC called for an overarching landscape strategy to

be approved by the SoS from which more detailed strategies would flow. SCDC also proposed the SoS approved these more detailed strategies. The applicant considered that it would not be appropriate for the SoS to approve both types of strategy. It proposed an alternative approach in which an overarching planting strategy would be issued after consultation with the relevant planning authorities; but that the SoS would still retain the role of approving the more detailed landscape scheme, following consultation with the relevant planning authority [REP13-015].

- 8.4.37 The signed SoCG confirms that SCDC are in agreement both with this approach and the subsequent redrafting of the requirement [REP13-055 and REP13-012]. The Panel has no reason to disagree and therefore includes Requirement 7 in the recommended Order.

#### **Requirement 8 - Archaeology**

- 8.4.38 The Panel proposed the inclusion of a reference to the Outline WSI, which would then become a certified document [REP13-051]. The applicant inserted the revised drafting at Revision 5 of the draft DCO. CCC confirmed that it was satisfied with the WSI [REP14-008].

- 8.4.39 With this drafting changes agreed, the Panel is content to include Requirement 8 in the recommended Order.

#### **Requirement 9 - Traffic Management**

- 8.4.40 During the Examination, there was only one change to the drafting of this requirement. This was to replace consultation with the 'relevant planning authority' with consultation with the local highway authority [REP7-032].

- 8.4.41 The Panel is satisfied with Requirement 9 and it is included in the recommended Order.

#### **Requirement 10 - Surface Water Drainage**

- 8.4.42 No changes were made to this uncontroversial requirement and it is included in the recommended Order.

#### **Requirement 11 - Borrow Pits**

- 8.4.43 As with the CoCP, the drafting of the borrow pits requirement generated much discussion during the Examination due to the initial lack of detail in the Borrow Pits Restoration and Aftercare Strategy (the BPRA Strategy) referred to by the requirement. This section considers the drafting of the requirement and its suitability for inclusion in the recommended Order. Discussion of the BPRA Strategy per se, is provided in the Biodiversity and Ecological Conservation section of Chapter 4.

- 8.4.44 The applicant stated that Requirement 11 was a bespoke requirement, which would require the restoration and aftercare of the borrow pits to

be carried out in accordance with the BPR Strategy [REP13-018]. It would be a certified document given effect by Article 41 and included in the list of certified documents at Schedule 10.

- 8.4.45 However, as with the CoCP, IPs argued that the requirement was too brief and that it was difficult to understand what matters were included in the BPR Strategy to which the requirement referred.
- 8.4.46 Both CCC and SCDC provided amendments to the wording of the requirement. CCC's modifications were to make clear that there should be consultation with CCC over detailed design, aftercare and restoration, in view of their role as mineral planning authority and to ensure that the borrow pits would meet the operational and restoration standards required for mineral extraction in Cambridgeshire [REP2-159]. SCDC's modifications were to ensure that detailed plans within the BPR Strategy would be formally certified by the SoS [REP2-147].
- 8.4.47 The Panel picked up these concerns in its consultation draft DCO, inserting SCDCs more detailed wording to the requirement at subparagraph (2) for discussion at the third DCO ISH [PD-016].
- 8.4.48 The Panel questioned how the requirement as drafted met the tests set out in the NNNPS<sup>150</sup> and in particular, precision and enforceability [EV-043].
- 8.4.49 At the third DCO ISH, the applicant set out its view that more detailed wording of the requirement was not necessary given that the BPR Strategy would become a certified document [REP10-035]. In a similar vein to its position in respect of the CoCP, it also argued that the drafting met the NNNPS tests, because in essence it provided a clear obligation on the applicant and its contractors and because any breach would be enforceable as a breach of the DCO. More detailed reasoning is set out in the applicants post hearing note [REP10-035 Appendix 1].
- 8.4.50 Notwithstanding this, the applicant proposed the inclusion of a detailed definition of the BPR Strategy under Requirement 1 to aid understanding of the matters contained within it [REP10-052]. The applicant also proposed the inclusion of an additional bespoke subparagraph (2) at revision 5 of the draft DCO, to make clear that the undertaker must make the plans produced in accordance with the BPR Strategy available in an electronic form for inspection by members of the public [REP13-015].
- 8.4.51 In considering the wording of the draft requirement, the Panel notes CCC's confirmation that it would accept the BPR Strategy as a certified document being a "binding agreement by HE to consult with the Council in detailed design of the development, operation and

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<sup>150</sup> NNNPS paragraph 4.9

restoration of the borrow pits" [REP10-001]. CCC also confirmed it had no further comments on the drafting of the DCO [REP14-008].

- 8.4.52 The Panel also notes SCDC confirmed they were content with the wording of the requirement in oral submissions at the second DCO ISH [EV-050 and EV-051]. However, SCDC retained its objection to the aftercare period referred to in the BPR Strategy in which it sought 15 years and not 10 years as proposed by the applicant [REP10-055]. This matter is discussed in Chapter 4, Landscape and Visual Impacts.
- 8.4.53 The Panel gives particular weight to CCC's position in relation to the drafting of this requirement given CCC's role as mineral planning authority. CCC has confirmed it is content with the BPR Strategy and that this would be a certified document.
- 8.4.54 Together, subparagraph (1) of Requirement 11 when coupled with the addition of the explanation for the BPR Strategy under Requirement 1 - Interpretation does, in the Panel's view, make the purpose and the contents of the BPR Strategy clear. The Panel is also satisfied that it would be a certified document given effect by Article 41.
- 8.4.55 The Panel considers that the inclusion of subparagraph (2) responds to wider concerns raised by IPs in relation to access to certified documents and that this is a helpful addition to the proposed requirement.
- 8.4.56 Given these considerations, the Panel is content to include the Borrow Pits requirement in the recommended Order.

### **Requirement 12 - Noise Mitigation**

- 8.4.57 This bespoke requirement was introduced early on in the Examination in response to the Panel's first written questions [PD-005]. It requires the applicant to submit for approval, written details of noise mitigation measures to be constructed as part of the authorised development and for the development to be carried out in accordance with the approved details [REP4-022 and REP13-018].
- 8.4.58 Minor drafting amendments were added during the course of the Examination, including the need to consult with the relevant planning authority, thus bringing the requirement in line with other requirements [REP10-052].
- 8.4.59 Other additions in response to representations made by SCDC include ensuring very low noise surfacing is added to noise mitigation measures following its introduction as a mitigation measure during the Examination (discussed more fully in the Chapter 4 Noise and Vibration section); and at subparagraph (3), that the noise mitigation approved must be retained [REP13-015].
- 8.4.60 The Panel is content with the requirement and it is included in the recommended Order.

### **Requirement 13 - Brampton Meadows Site of Special Scientific Interest Mitigation Areas**

- 8.4.61 This requirement was included at NEs request and the drafting agreed by them. It was introduced at revision 3 of the draft DCO [REP7-032].
- 8.4.62 The requirement was not controversial and the Panel has no reason to disagree with its inclusion in the recommended Order.

### **Requirement 14 - Highway Lighting Scheme**

- 8.4.63 There were several iterations of this bespoke requirement following its introduction at revision 3 of the draft DCO [REP7-032]. Although not contentious per se, the concept of a requirement on highway lighting schemes having precedent in other Orders, the Panel and IP's initially proposed changes to the drafting to improve its precision and enforceability.
- 8.4.64 NE, the relevant planning authorities and local highway authority subsequently confirmed they were in agreement with the drafting towards the end of the Examination [REP9-015, EV-072 and EV-073].
- 8.4.65 The Panel is now content with the drafting of this requirement and it is included in the recommended Order.

### **Requirement 15 - Flood Risk Assessment**

- 8.4.66 Following discussion at the third DCO ISH and ISH on Flooding, Drainage and other matters [EV-066 and EV-063], this requirement was added at the request of the Panel, to ensure the scheme would be carried out in accordance with the finalised and updated Flood Risk Assessment, submitted towards the end of the Examination [REP15-028]. The Flood Risk Assessment would be a document to be certified by the SoS under Article 41.
- 8.4.67 The inclusion of Requirement 15 concerning compliance with the FRA is agreed in principle between the applicant and the EA [REP15-036 and 019]. The applicant has however suggested the use of "no material exceedance" of FRA flood levels rather than "no exceedance", as suggested by the EA. The applicant's suggestion would result in imprecision where detailed limits in terms of flood water levels are readily available. This would conflict with the NPPF<sup>151</sup> and the requirement does not therefore include "material".
- 8.4.68 The requirement also necessitates the EA to be satisfied that there is no exceedance of FRA flood water levels where this has not been agreed with the landowner [REP15-019]. The EA is concerned that this would go beyond its strategic role [REP15-036].

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<sup>151</sup> NPPF paragraph 206

- 8.4.69 Whilst the Panel accepts this point, any departures from the FRA which do not have affected landowner agreement would need to be regulated in some manner. This situation would be somewhat similar to Requirement 6 of the recommended DCO concerning contaminated land and groundwater, where the SoS's approval is required following consultation with the EA.
- 8.4.70 This requirement has not been the subject of any adverse comment from either the EA or the applicant and therefore this mechanism has been used for departures from the FRA in Requirement 15. With this in place, Requirement 15 is included in the recommended Order.

### **Requirement 16 - Air Quality Monitoring**

- 8.4.71 A concern for IPs was the potential effect of the scheme on air quality if the DCO was made. Although the applicant stated that there would not be any deterioration in air quality, HDC, SCDC and Cambridge City Council questioned the lack of proposals put forward by the applicant for post scheme opening monitoring of air quality. The detail of these concerns and the Panels response is discussed in Chapter 4, Air Quality.
- 8.4.72 Requirement 16 was introduced by the applicant following discussion at the third DCO ISH [REP13-016]. However, the applicant restated its position that the requirement was not necessary in view of the findings of the ES.
- 8.4.73 The proposed requirement obliges the applicant to undertake air quality monitoring, exchange and share data with the local authorities and if following analysis it considered that the A14 was directly responsible for any worsening of air quality at the monitoring sites, agree a mitigation scheme in discussion with the relevant planning authority, to be approved by the SoS [REP13-015].
- 8.4.74 The requirement was developed from a joint position statement from HDC, SCDC and CCC indicating where they wished to see air quality monitoring undertaken [REP10-055].
- 8.4.75 The local authorities were not content with all aspects of the proposed drafting. Therefore, following further discussions, the applicant submitted a revised requirement which the applicant states had been agreed by the local authorities, at the end of the Examination to address the matters they had raised [REP15-020].
- 8.4.76 Whilst the applicant confirms that the local authorities were in agreement to the final drafting of this requirement, no evidence was provided by them at the closing stages of the Examination to either agree or disagree. Looking at the detail of the requirement and comparing these with the concerns raised by the local authorities in response to its initial drafting, it does appear to the Panel that the local authorities concerns have largely been taken on board and included in the revised requirement.

- 8.4.77 Two aspects of the requirement do, in the Panel's view, differ from what was proposed by the local authorities as well as introduce uncertainty and a lack of precision.
- 8.4.78 The first difference is that the applicant specified a period for pre-construction monitoring of at least 2 months whereas the LA sought at least 3 months. With regard to pre-construction monitoring, as the applicant's proposal proposes "at least" 2 months, should the case be made to extend this period then there would be scope to do so in discussion with the relevant council.
- 8.4.79 The second difference is that the applicant's amended requirement to continue the monitoring (beyond the initial 3 years from opening) until 12 months of no exceedances of air quality objectives or EU limit values for the pollutants monitored has been observed; is dependent on the exceedance itself being caused by the authorised development. The inclusion of the stipulation that the exceedance was caused by the authorised development may be difficult to prove.
- 8.4.80 As the Panel has no confirmation from the local authorities that this element is acceptable and because it would not meet the tests in the NNNPS in terms of enforceability we do not include the phrase 'provided that the exceedance is caused by the authorised development' in the Recommended Order. Similarly, the Panel has no evidence that the clarification relating to monitoring and quality assurance procedures set out in REP15-031 addresses the councils' concerns and we can only attach limited weight to these points.
- 8.4.81 The Panel is of the view that that the requirement proposed by the applicant would address the concerns of the LAs with respect to air quality monitoring and mitigation and meets the tests of the NNNPS. As such, we are content to include it in the recommended Order.

#### **Requirement 17 - Traffic Monitoring and Mitigation**

- 8.4.82 This is a new requirement inserted by the Panel for the reasons set out in the section on Legal Agreements towards the end of this chapter.

#### **Requirement 18 - Amendments to approved details**

- 8.4.83 No comments were received from IPs. The requirement has precedent in previous made Orders and the Panel is content to include this in the recommended Order.

#### **Requirement 19 - Details of Consultation**

- 8.4.84 This is a bespoke requirement proposed by the applicant and ensures that the applicant must provide details of the consultation it has carried out as part of the process of finalising details for the approval of the SoS under the requirements.

- 8.4.85 The Panel proposed additional wording to this requirement in its consultation draft DCO to make clear that the applicant must reflect any consultation responses in the details provided [PD-016]. The applicant agreed and included these proposed drafting alterations at revision 5 of the draft DCO with the insertion of 'appropriate, fair and reasonable to do so' [REP13-015].
- 8.4.86 The Panel is satisfied with this additional drafting and the requirement is included in the recommended Order.

## **SCHEDULE 2 - PART 2 PROCEDURE FOR THE DISCHARGE OF REQUIREMENTS**

### **Requirement 20 - Applications made under requirements**

- 8.4.87 No comments were received from IPs and the Panel is content to include this in the recommended Order.

### **Requirement 21 - Further Information**

- 8.4.88 No comments were received from IPs and the Panel is content to include this in the recommended Order.

## **BENEFICIARY AND REGULATOR OF THE DCO**

- 8.4.89 The potential conflict between the role of beneficiary and regulator of the DCO was raised by the Panel in first round questions [PD-005 Q1.6.33 and Q1.1.6]. The applicant stated that it was considering who might be 'the most appropriate body' (other than the Secretary of State as currently) to discharge requirements and that the position in respect of 'how' the requirements could be discharged was still evolving within its organisation.
- 8.4.90 This matter was explored further at the first DCO ISH [EV-034 to EV-037]. The applicant argued that it did not see the need for any change in the procedure to that which operates under previously made highway Orders in which the SoS would discharge the requirements on the advice of the Highways Agency; other than to recognise that HE was now a separate entity from the SoS [EV-034 to EV-037 and REP5-028].
- 8.4.91 At second round questions, the Panel pursued the matter of discharge of requirements further, questioning whether the relevant planning authorities would be better placed to undertake this function [PD-006 Q2.6.2]. The local authorities were unanimous in their view that they were not resourced sufficiently to take on responsibility for this role.
- 8.4.92 CCC accepted that the SoS was best placed due to the burden on resources it would create for the County Council [REP7-006]. HDC and SCDC both stated that they neither had the resources or the expertise to undertake the role of discharge of requirements. They were concerned that having different relevant planning authorities

across the scheme area, would lead to disjointed and ineffective discharge of requirements [REP7-044 and REP7-048].

### **TRANSPARENCY AND FAIRNESS**

- 8.4.93 At the first DCO ISH, the Panel queried how the discharge process would ensure transparency and fairness, given the change of status of the applicant.
- 8.4.94 The applicant proposed that the SoS would sign off (i.e. confirm compliance with) the requirements after receiving advice and/or guidance from the applicant, reflecting previous practice under the Highways Act 1980 regime where the SoS delegated their functions to the Highways Agency [REP5-028].
- 8.4.95 CCC, whilst acknowledging the view of the applicant that transparency would be provided by publication of both consultation and recommendation, stated that transparency would be best effected by consultation with the relevant planning authorities in respect of all requirements and "reasonably taking account of that consultation in making recommendations for discharge." Without this consultation, CCC suggested, the independence of the applicant in respect of decisions of which it would be a beneficiary, might be at risk [REP5-014].
- 8.4.96 CCC also called for consistency such that the SoS would be required to consult with relevant planning authorities during the discharge of all DCO requirements but that this did not currently extend to all requirements [REP7-006]. HDC and SCDC supported CCCs approach in order to ensure full public scrutiny [REP7-044 and REP7-048].
- 8.4.97 The applicant stated that in its view, consultation had been allowed for in respect of each requirement, but this was either with the relevant planning authority or NE as appropriate and was therefore content that its approach would ensure transparency [REP8-015].
- 8.4.98 In response to requests from the Panel, the applicant provided a detailed note based on further discussions it had had internally and with the Department for Transport, setting out its proposed approach to discharging requirements and particularly in relation to fairness and transparency. The applicant's note sets out the steps it proposes to follow within its organisation to ensure transparency and fairness [REP10-036].
- 8.4.99 The Panel is of the view that consultation with the relevant planning authority and NE has been allowed for in the draft requirements. On some occasions, consultation is with the EA and the local highway authority (EA Requirement 6 and 15, and local highway authority Requirement 9). The Panel is satisfied that this will provide scrutiny and transparency in the discharge of requirements.

## **Requirement 22 - Register of Requirements**

- 8.4.100 The applicant proposed a public register of requirements which would capture the progress being made against each one. The public register would be extrapolated from the requirements and could include the following elements:
- documents produced for the discharge;
  - internal approvals gained by the applicant;
  - consultation with relevant parties undertaken; and
  - progress with gaining approval from the SoS [REP5-028]
- 8.4.101 Version 4 of the draft DCO introduces the register of requirements into Schedule 2 at Requirement 20 [REP10-052]. This has the effect of requiring the undertaker to establish and maintain the register, making it available electronically for members of the public to inspect. This register would set out the status of each requirement in terms of whether the SoS has approved it; providing electronic links to any document containing the approved details. The requirement also places a responsibility on the undertaker to maintain the register for a period of 3 years following completion of the authorised development.
- 8.4.102 SCDC supported the register of requirements which in its view overcame concerns about the practicalities of discharging requirements and the need to make clear which iterations of documents were the certified copies [REP10-055]. CCC and HDC did not disagree.
- 8.4.103 It is the Panel's view that this bespoke requirement, responds to the concerns of IPs for greater clarity and transparency in the way in which decisions are taken given the change in status of the applicant and the need for clear ways to ensure public scrutiny. As such, it is included in the recommended Order.

## **Requirement 23 - Anticipatory steps towards compliance with any requirement**

- 8.4.104 Version 6 of the draft DCO introduces new Requirement 23 'Anticipatory steps towards compliance with any requirement' [REP15-020]. The purpose of this would be to make clear that any steps that the applicant has undertaken prior to the DCO coming into force if consented, could be taken into account in the discharge of and or compliance with the requirements [REP13-018].
- 8.4.105 In so far as Requirement 23 is concerned, this provides a way to ensure that the evolving nature of the scheme and thus its effects on progress towards discharge of requirements, are captured and properly fed into the SoS's decision making process. The Panel is content to include this in the recommended Order.

## **ENFORCEMENT OF REQUIREMENTS**

- 8.4.106 As an adjunct to discussion about the discharge of requirements, the Panel sought further confirmation from the applicant in relation to enforcement procedures, given that under Part 8 of the PA2008, it is an offence to breach the terms of the DCO and the responsibility for enforcement rests with the local planning authorities.
- 8.4.107 The applicant's view was that it was inherent within the terms of a DCO that the SoS would carry out his or her functions properly and correctly, but in the event that this did not happen, then that would be a breach of the DCO and the likely process in respect of any breach would be through application for judicial review [REP10-036].
- 8.4.108 The NFU was also concerned about enforcement of requirements specifically in relation to the CoCP, raising this matter at the CA hearing on 2 September [EV-045 to EV-046]. In its response, the applicant referred to specific wording within the CoCP which, in its view, makes clear that it would have responsibility for compliance. In a post hearing note, the applicant argued it would not be able to pass on any complaints as to contractors' behaviour back to the contractor and disclaim responsibility for it. As such, it would need to take actions to ensure the terms of the CoCP were enforced to ensure compliance with the requirement [REP9-016].
- 8.4.109 In its response to the NFU, the applicant also referred to the detailed provisions of Part 8 of PA2008 and the enquiries and complaints procedure set out in Part 4 of the CoCP [REP9-016].
- 8.4.110 The Panel notes enforcement is set out at Part 3.6 and the enquiries and complaints procedure is set out at Part 4.4 of the CoCP and is content with the reasoning in relation to enforcement provided by the applicant [REP14-022].

## **8.5 SCHEDULES 3 AND 4**

- 8.5.1 Schedules 3 and 4 of the recommended DCO contain information referred to in Articles 12, 16, 13 and 24 of the Order respectively, in relation to the Classification of roads, Stopping up of highways and private means of access and the creation of new highways and private means of access.
- 8.5.2 With respect to the proposed new Trunk Road described in the Order Schedule 3 Part 6, paragraphs 1 and 8, CCC considers these to be on an acceptable route the location of which has been the subject of considerable public consultation and study. CCC is satisfied that the route has been chosen after careful study of alternatives and deliberation [REP2-159].
- 8.5.3 In so far as the slip roads and connector roads described in the Order are considered, Schedule 3 Part 6, paragraphs 2, 3, 4, 5, 6, and 7 CCC also considers these to be a necessary element of the proposals to provide interchange of traffic between intersecting roads [REP3-006].

8.5.4 CCC confirmed that they had checked and were content with the Schedules at the second DCO hearing and the Panel has no reason to disagree. Therefore, the Panel is satisfied with the inclusion of Schedule 3 and 4 in the recommended Order.

## **8.6 SCHEDULES 5 TO 7**

8.6.1 Schedules 5 to 7 of the recommended DCO are given effect by Articles 23 and 30 of the Order, in relation to compulsory acquisition of rights and the temporary use of land for carrying out the authorised development.

8.6.2 In so far as Schedule 7 is concerned, the applicant proposed two additions to land plan Sheet 17 and land plan Sheet 22 in revision 6 of the draft DCO as a result of a change request to remove a number of flood compensation areas from the scheme [REP14-024].

8.6.3 As discussed in relation to Schedule 1, the change request was received by the Panel one week before the close of the hearing and for the reasons set out earlier in the Chapter; the Panel did not accept it. Therefore, the Panel's recommended Order includes all proposed changes made to Schedules 5 to 7 by the applicant during the course of the Examination, apart from the additions referred to in relation to land plan Sheet 17 and Sheet 22 at Schedule 7.

## **8.7 SCHEDULE 8 - TREES SUBJECT TO TREE PRESERVATION ORDERS**

8.7.1 Article 37 of the recommended Order gives effect to Schedule 8 of the recommended Order. CCC confirmed that it had checked and were content with the Schedules of the DCO and the Panel has no reason to disagree. Therefore, the Panel is satisfied with the inclusion of Schedule 8 in the recommended Order.

## **8.8 SCHEDULE 9 - PROTECTIVE PROVISIONS**

8.8.1 Schedule 9 contains seven sets of protective provisions all of which were agreed or were close to being agreed at the end of the Examination. In response to questions from the Panel, the applicant explained that it had followed established convention and sought to secure the protection of interests (such as property and statutory functions) via protective provisions. Its detailed reasoning is set out in a post hearing note prepared following the second DCO ISH [REP9-014].

8.8.2 The protective provisions are as follows:

- (1) Part 1 'Protection of electricity, gas, water and sewerage undertakers. Agreed by National Grid Gas [REP14-004].
- (2) Part 2 'Protection of operators of electronic communications code networks'. No electronic communications code networks lodged any objections to Schedule 9 as such, it, will apply to them.

- (3) Part 3 'Protection of the Environment Agency'. Agreed by the EA [REP15-036].
- (4) Part 4 'Protection of Drainage Authorities in Respect of Ordinary Watercourses'. Agreed by the lead local flood authority, CCC [REP14-008]. Swavesey and Alconbury and Ellington IDBs do not provide specific acceptance of the applicant's suggested protective provisions as discussed in Water, flooding and drainage in Chapter 4.
- (5) Part 5 'Protection of National Grid'. Agreed by National Grid [REP14-004].
- (6) Part 6 'Protection of Railway Interests'. Agreed bar one matter discussed below.
- (7) Part 7 'Protection of Anglian Water' Agreed by Anglian Water [REP15-010].

8.8.3 Chapter 7 discusses protective provisions in more detail including the one matter not agreed which is with Network Rail and relates to whether a 12 or 24 month period should be included in para 9(1) (Schedule 9, Part 6, Paragraph 63(1) in the Panel's recommended Order).

8.8.4 As set out in Chapter 7, the Panel has decided the period should be 24 months, there being precedence for this approach in the A160/A180 (Port of Immingham Improvement) Development Consent Order 2015. As such, 24 months is included in the recommended Order at Schedule 9, Part 6, paragraph 63(1).

## **8.9 SCHEDULE 10**

8.9.1 Schedule 10 is given effect by Article 41 of the recommended Order. The proposed convention for referencing the certified plans and other documents is unique to this Examination.

8.9.2 The Panel have made a number of editing changes in the Schedule for clarity and precision for example, providing references to the correct application documents and these changes are included in the recommended Order.

## **8.10 OTHER LEGAL AGREEMENTS**

8.10.1 Throughout the Examination, CCC and the applicant referred to ongoing discussions over the drafting of a legal agreement relating to de-trunking, traffic monitoring and mitigation; a draft of which was submitted to the Examination at Deadline 13 [REP13-033 Appendix 1]. As referred to in Chapter 4, Traffic and Transportation, a SoCG has been entered into which reports that the legal agreement was agreed between the parties [REP13-054, REP14-008 and REP15-033]. Evidence of this was not however submitted during the Examination.

8.10.2 We are of the view that submission of this agreement is very likely during the reporting and decision period. This is on the grounds of the SoCG agreement between the parties and the explanation that 'administrative and logistical hurdles' had prevented an executed copy

being submitted to the Examination. The applicant and CCC have also undertaken to submit a copy of the completed agreement to the SoS as soon as possible.

- 8.10.3 Nonetheless, the Panel has no certainty that the legal agreement will be finalised and submitted during the reporting and decision making period. As such, should the SoS be minded to make the DCO and a completed agreement has not been submitted, a new Requirement 17, Traffic Monitoring and Mitigation has been included in the recommended Order. This requirement has been the subject of oral and written representations by the applicant and CCC following its inclusion in the Panel's consultation draft DCO and subsequent discussion at the third DCO ISH [PD-016 and EV-072 to EV-073]. Whilst the heading for the requirement in the Panel's consultation draft DCO referred to mitigation, the text of the requirement did not follow this through. The potential for mitigation is however, referred to in the draft legal agreement between the applicant and CCC and we therefore consider it to be appropriate for inclusion in the text for the requirement in the Panel's recommended DCO.
- 8.10.4 It is our view that although the applicant and CCC did not consider the proposed requirement would be necessary given the negotiation of a legal agreement; its inclusion in the recommended DCO overcomes any potential issue caused by the failure to agree a legal agreement.
- 8.10.5 In the absence of a de-trunking agreement, we also refer to Article 12(5). This effectively maintains a CCC role in de-trunking, and as such, ensures that a de-trunking agreement is not a necessary pre-requisite for the SoS to make the Order.

## **8.11 OTHER CONSENTS**

- 8.11.1 The applicant states that the majority of consents would be included in the DCO, as permitted by the PA2008. Some consents would be pursued separately, including Environmental Permits, Protected Species Licences (and the Panel notes that letters of no impediment in respect of certain species have been received from NE; Highways Act 1980 consents and s61 consents under the Control of Pollution Act 1974 [APP-010 and REP7-040]. The Panel has no reason to disagree with this approach to securing other consents.

## **8.12 CONCLUSION**

- 8.12.1 The Panel considers the recommended Order as set out in Appendix H to be acceptable having regard to all matters forming part of the Application, the development sought and put before us at the Examination.

## **9 SUMMARY OF CONCLUSIONS AND RECOMMENDATION**

### **9.1 CONCLUSIONS**

9.1.1 In relation to s104 of PA2008, the Panel further concludes in summary:

- That making the recommended Order would be in accordance with National Policy Statements for National Networks and Ports, any relevant development plans and other relevant policy, all of which have been taken into account in this report;
- That the Panel has had regard to the joint Local Impact Report and the updated Joint Local Impact Report from Cambridgeshire County Council, Huntingdonshire District Council, South Cambridgeshire District Council and Cambridge City Council in making its recommendation;
- That whilst the Secretary of State is the competent authority under the Habitats Regulations, the Panel finds that, in its view, the proposal would not adversely affect European sites, species or habitats, and the Panel has taken this into account in reaching its recommendation;
- That in regard to all other matters and representations received, the Panel found no important and relevant matters that would individually or collectively lead to a different recommendation to that below;
- That there is no adverse impact of the scheme that would outweigh its benefits; and
- That there is no reason to indicate the application should be decided other than in accordance with the relevant National Policy Statements.

9.1.2 In relation to the application for compulsory acquisition powers within the recommended Order, the Panel in summary concludes:

9.1.3 That there is a compelling case in the public interest for the grant of the CA powers sought by the applicant in respect of the CA land as shown on the land plans. Further for the reasons set out in paragraph 7.8.293 the Panel recommends that the powers under articles 30 and 31 of the DCO be refused in relation to plot 23/14b on land plan 23.

### **9.2 RECOMMENDATION**

9.2.1 For all the above reasons, and in the light of the Panel's findings and conclusions on important and relevant matters set out in this report, the Panel recommends the Secretary of State for Transport makes the A14 Cambridge to Huntingdon Improvement Scheme Order in the form recommended at Appendix H.

## APPENDICIES

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## APPENDIX A: THE EXAMINATION

The list below contains the main events which occurred, and procedural decisions taken, during the examination.

Date	Event
13 May 2015	Preliminary Meeting
21 May 2015	<p>Issue by ExA of:</p> <p>The Examining Authority's first written questions and requests for information</p> <p>Rule 8 Letter consisting of:</p> <p>Examination timetable and procedure Request for any comments from interested parties on the new documents submitted by the applicant to the ExA for the examination and considered at the Preliminary meeting on 13 May 2015 Request for Submissions of Common Ground Request for Local Impact Reports Request for Written representations and comments on relevant representations Request for Notifications of wish to attend hearings Request for Notifications of wish to attend an accompanied site inspection and for suggestions for specific locations for the ExA to visit</p>
1 June 2015	<p>Deadline 1</p> <p>Deadline for receipt by the ExA of:</p> <p>Comments on relevant representations (RRs) Suggested locations and justifications for the accompanied site inspection. Report on negotiations with affected persons in respect of compulsory acquisition for each plot</p>

Date	Event
15 June 2015	<p data-bbox="571 282 730 309">Deadline 2</p> <p data-bbox="571 349 1086 376">Deadline for receipt by the ExA of:</p> <p data-bbox="571 421 1278 488">Written representations (WRs) by all interested parties</p> <p data-bbox="571 495 1366 521">Joint Local Impact Report (LIR) from local authorities</p> <p data-bbox="571 528 1198 555">Responses to ExA's first written questions</p> <p data-bbox="571 562 1366 801">A Traffic Modelling Update Report to include: an environmental impact general topic review; detailed air quality and noise modelling work and data analysis; the effect of the November 2014 and March 2015 DfT economic data and road traffic forecasts; and revised operational tables for the Transport Assessment</p> <p data-bbox="571 808 1374 875">A revised business case in accordance with the Traffic Modelling Update Report</p> <p data-bbox="571 882 1254 909">Any further information requested by the ExA</p> <p data-bbox="571 954 791 981">Comments on:</p> <p data-bbox="571 1025 1382 1126">Revised application documents following s51 advice from Planning Inspectorate. Published on the Planning Portal on 15 April 2015.</p> <p data-bbox="571 1133 1294 1160">Errata sheet and revised application documents. Published on the Planning Portal on 12 May 2015.</p> <p data-bbox="571 1167 1366 1267">Update to the Case for the Scheme. Published on the Planning Portal on 14 May 2015</p> <p data-bbox="571 1312 767 1339">Notifications:</p> <p data-bbox="571 1384 1358 1507">Notification by interested parties of wish to be heard at open floor hearings, providing details of the date and time of the open floor hearing which you wish to attend</p> <p data-bbox="571 1514 1342 1615">Notification of wish to make oral representations at the issue specific hearing on the draft Development Consent Order (DCO)</p> <p data-bbox="571 1621 1358 1722">Notification by interested parties of their intention to attend the accompanied site visit to attend an accompanied site visit</p> <p data-bbox="571 1729 1246 1796">Notification by statutory parties of wish to be considered an interested party</p>

Date	Event
26 June 2015	<p>Deadline 3</p> <p>Deadline for receipt by the ExA of:</p> <p>Statements of Common Ground requested by ExA Revised joint LIR which must clearly show (in track changes) any alterations to the previous joint LIR submission. Local authorities to make clear that this supersedes the former version. Revised WRs from local authorities which must clearly show (in track changes) any alterations to the previous WR submission. Local authorities to make clear that this supersedes the former version.</p>
7 July 2015	<p>Deadline 4</p> <p>Deadline for receipt by the ExA of:</p> <p>Comments on WRs Comments on LIRs Comments on responses to ExA's first written questions Comments on the Traffic Modelling Update Report Report on status of negotiations with affected persons in respect of compulsory acquisition for each plot Applicant's revised draft DCO Applicant's completed matrices on Screening and Implications for the integrity of European sites.</p>
13 July 2015	Open Floor Hearing
14 July 2015	Open Floor Hearings
15 July 2015	Issue Specific Hearing on the Draft Development Consent Order (DCO)
16 July 2015	Accompanied Site Visit
17 July 2015	Accompanied Site Visit
22 July 2015	<p>Deadline 5</p> <p>Deadline for receipt of:</p> <p>Summary of oral submissions put at hearings Post-hearing documents Any further information requested by the ExA 2015</p>
14 July 2015	Open Floor Hearings
29 July 2015	Publication of second written questions by the ExA
31 July 2015	Procedural Decision taken by the ExA to accept the applicant's proposed scheme changes
31 July 2015	Notification by the ExA to accept the proposed compulsory acquisition of additional land as part of the application

Date	Event
3 August 2015	<p>Deadline 6</p> <p>Deadline for receipt of:</p> <p>Applicant's report on local traffic impacts outside those in the Transport Assessment and Traffic Modelling Update Report</p>
4 August 2015	<p>Issue of Rule 9 letter setting out proposed changes to the application, notification of the September hearings and the ExA's second written questions.</p>
19 August 2015	<p>Deadline 7</p> <p>Deadline for receipt of:</p> <p>Responses to ExA's second written questions Applicant's proposed changes to the scheme</p> <p>Comments on:</p> <p>the Applicant's report on local traffic impacts outside those in the Transport Traffic Modelling Update Report the Applicant's revised draft DCO</p> <p>Notifications:</p> <p>Notification of wish to speak at a compulsory acquisition hearing</p>
1 September 2015	<p>Compulsory acquisition hearing</p>
2 September 2015	<p>Deadline 8</p> <p>Deadline for receipt of:</p> <p>Comments on responses to ExA's second written questions Any supplementary documents to update the joint LIR from local authorities. Any local authority that submits a supplementary document to the joint LIR to make clear its relationship to that joint LIR. Any further information requested by the ExA.</p> <p>Notifications:</p> <p>Notification of wish to make oral representations at the issue specific hearing</p>
2 September 2015	<p>Compulsory acquisition hearing</p>
3 September 2015	<p>Compulsory acquisition hearing</p>
4 September 2015	<p>Issue Specific Hearing on the Draft Development Consent Order (DCO)</p>

Date	Event
10 September 2015	Deadline 9  Deadline for receipt of:  Comments on changes to the scheme Comments on the proposed provision for compulsory acquisition of additional land
15 September 2015	Issue Specific Hearing on noise and air quality
16 September 2015	Issue Specific Hearing on traffic and transportation
17 September 2015	Issue Specific Hearing on detailed design
18 September 2015	Issue Specific Hearing on miscellaneous matters
28 September 2015	Deadline 10  Deadline for receipt of:  Summary of oral submissions put at hearings Post-hearing documents Comments on any supplementary joint LIR Applicant's revised draft DCO and Explanatory Memorandum Any further information requested by the ExA
29 September 2015	Notification by the ExA of procedural decision on changes to the application
29 September 2015	Procedural decisions taken by the ExA to accept the applicant's second and third proposed scheme changes, excepting those where landowner consent is required
9 October 2015	Publication of the ExA's Report on the Implications for European Sites
13 October 2015	Publication of the ExA's draft DCO
14 October 2015	Deadline 11  Deadline for receipt of:  Any further information requested by the ExA.  Notifications:  Notification of wish to make oral representations at the October hearings.
21 October 2015	Issue Specific Hearing Reserved hearing date
21 October 2015	Compulsory acquisition hearing into the proposed provision for the compulsory acquisition of additional land
21 October 2015	Open Floor Hearing Matters related to the proposed provision for the compulsory acquisition of additional land and any other matters relating to the scheme changes

Date	Event
21 October 2015	Compulsory acquisition hearing on general matters
21 October 2015	Reserved for accompanied site visit only if required from compulsory acquisition hearing
22 October 2015	Deadline 12  Deadline for receipt of:  Written representations regarding the proposed provision for the compulsory acquisition of additional land Comments on changes to the scheme.
22 October 2015	Issue specific hearing on the draft DCO
27 October 2015	Notification by the ExA of further procedural decision on changes to the application
27 October 2015	Procedural decision taken by the ExA to accept the applicant's scheme changes, having received confirmation of landowner consent
30 October 2015	Deadline 13  Deadline for receipt of:  Comments on ExA's draft DCO Comments on Report on the Implications for European Sites Post hearing documents Any further information requested by the ExA.
3 November 2015	Requests made by the ExA for information relating to flooding and drainage matters
6 November 2015	Requests made by the ExA for information relating to flooding
6 November 2015	Deadline 14  Deadline for receipt of:  Comments on written representations regarding the proposed provision for the compulsory acquisition of additional land Responses to comments on ExA's draft DCO Any further information requested by the ExA.
11 November 2015	Deadline 15  Deadline for receipt of:  All final written responses.
13 November 2015	Close of Examination.
18 November 2015	Notification by the ExA of completion of the examination.

## **APPENDIX B: EXAMINATION LIBRARY**

The examination library is provided as a separate document.

## APPENDIX C: LIST OF ABBREVIATIONS

Abbreviation or usage	Reference
AA	Agents Association
AEP	Average Event Probability
AIES	Assessment of Implications on European Sites
AONB	Area of Outstanding Natural Beauty
AQAP	Air Quality Action Plan
AQD	Air Quality Directive
AQMA	Air Quality Management Area
BAT	Best available techniques
BCG	Brampton A14 Campaign Group
BMRA	Buckden Marina Residents Association
BPM	Best practicable means
CA	Compulsory Acquisition
CA Regs	Infrastructure Planning (Compulsory Acquisition) Regulations 2010
CBT	Campaign for Better Transport
CCC	Cambridgeshire County Council
CCiC	Cambridge City Council
CEMP	Construction Environmental Management Plan
CHARM	Cambridge to Huntingdon A14 Road Model
CHUMMS	Cambridge to Huntingdon Multi-Modal Study
COBALT	Cost Benefit to Accident - Light Touch
CoCP	Code of Construction Practice
CPMWCS	Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011
CPMWSSPP	Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals Plan 2012
CRTN	Calculation of Road Traffic Noise
CSRM	Cambridge Sub-Regional Model
CWS	County Wildlife Site
DCLG	Department for Communities and Local Government
DCLG compulsory acquisition guidance	'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land', Department of Communities and Local Government, September 2013
DCO	Development consent order (made or proposed to be made under the Planning Act 2008 (as amended))
Defra	Department for Environment, Food and Rural Affairs
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridges
EA	Environment Agency
ECML	East Coast Main Line railway
EEA	European Economic Area
EH	English Heritage
EIA	Environmental Impact Assessment
EIA Regulations	Infrastructure Planning (Environmental Impact Assessment) Regulations 2009
EQS	Environmental Quality Standard

Abbreviation or usage	Reference
EPR	Infrastructure Planning (Examination Procedure) Rules 2010
ES	Environmental Statement
EU	European Union
ExA	Examining Authority
FRA	Flood Risk Assessment
GCN	Great Crested Newts
HAWRAT	Highways Agency Water Risk Assessment Tool
HDC	Huntingdonshire District Council
HE	Highways England
HEMP	Handover Management Plan
HGV	Heavy Goods Vehicle
HMWB	Heavily Modified Water Body
HPC	Hilton Parish Council
HRA	Habitat Regulations Assessment
IA	Important Area
IAN	Highways England Interim Advice Note
IDB	Internal Drainage Board
IP	Interested Party
LA	Local Authority
LEMP	Local Environmental Management Plan
LIR	Local Impact Report
LNS	low noise surfacing
LONI	letter of no impediment
LSE	likely significant effects
NCR	National Cycle Route
NE	Natural England
NERC	Natural Environment and Rural Communities Act
NFU	National Farmers' Union
NMU	Non-motorised users
NNNPS	National Networks National Policy Statement
NPSP	National Policy Statement for Ports
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPS	National Policy Statement
NPSE	Noise Policy Statement for England
NSIP	Nationally Significant Infrastructure Project
NTEM	National Trip End Model
PA2008	Planning Act 2008
PRoW	Public Right of Way
Ramsar	The Ramsar Convention on Wetlands
RBMP	River Basin Management Plans
RIES	Report on the Implications for European Sites
RIS1	Roads Investment Strategy 2015-2020
RR	Relevant Representation
RTF13	National Transport Model Road Traffic Forecasts 2013
SAC	Special Area of Conservation
SAM	Scheduled Ancient Monument

Abbreviation or usage	Reference
SCDC	South Cambridgeshire District Council
SFRA	Strategic Flood Risk Assessment
SMS	Soil Management Strategy
SNCB	Statutory Nature Conservation Body
SoCG	Statement of Common Ground
SOAEL	significant observed adverse effect level
SoS	Secretary of State
SPA	Special Protection Area
SRN	Strategic Road Network
SSSI	Sites of Special Scientific Interest
SuDS	Sustainable Drainage System
SWMP	Site Waste Management Plan
TA	Transport Assessment
vLNS	very low noise surfacing
WFD	Water Framework Directive
WR	Written Representation
WSI	Written Scheme of Investigation
ZTV	Zone of theoretical visibility

## **APPENDIX D: REPORT ON THE IMPLICATIONS FOR EUROPEAN SITES**

The Report on the Implications for European Sites is provided as a separate document.

**APPENDIX E: LIST OF OBJECTIONS TO THE GRANTING OF  
COMPULSORY ACQUISITION POWERS**

The List of Objections to the Granting of Compulsory Acquisition Powers is provided as a separate document.

**APPENDIX F: LIST OF INTERESTED PARTIES REQUESTING TO  
SPEAK AT A COMPULSORY ACQUISITION HEARING**

<b>Attendees</b>	<b>Organisation</b>
Stephen Home (Robinson and Hall)	on behalf of Mr and Mrs Burton
Maya Orme, BNP Paribas	COIF Nominees Limited
	Extra MSA Cambridge Ltd
Field Fisher	National Grid Gas plc and National Grid Electricity Transmission plc
John Gant	St Johns College
John Gant	Girton College
	Homes & Communities Agency
David Sinfield, Brown & Co	Lenton Farms
Savills	LRG HI Ltd
Andrew Meikle, Bletsoes	on behalf of G B Sewell & Mr Peter Mann
Stephen Dagg (Bond Dickinson)	Network Rail
Rebecca Roffe, Nabarro LLP	acting for Tarmac (previously Lafarge Aggregates)
Camila Horsfall (Carter Jonas)	Mr WG Topham, GW Topham, Miss Papworth and Swansley Wood Partnership
Michael Hamilton (Cheffins)	on behalf of Alan Wilderspin, Derek Wilderspin and Betty Williams of New Barns Farm

**APPENDIX G: INTERESTED PARTIES REPRESENTED BY THE NATIONAL FARMERS UNION (NFU) AND AGENTS REPRESENTED BY THE A14 AGENTS ASSOCIATION**

NFU represents
Church Commissioners for England, Church House, Gt Smith Street, London, SW1P 3AZ
ACH Behagg Esq, A M Behagg Farms, Hall Green, Low Road, Fenstanton, PE28 9JD
Tim Brawn, Manor Farm, The Maltings, Alconbury, PE28 4DZ
JW Burgess & Sons Ltd, 139 Boxworth End, Swavesey, CB24 4RA
Mr and Mrs P Burton Lattenbury Services & Farming Co, Lattenbury Hill, Godmanchester PE28 9PA
Messrs PM Carr & Sons, Offord Hill Farm, Offord Road, Godmanchester, PE29 2LD
Chivers Farms Ltd, Victoria Farm, Main Street, Hardwick, Cambridge CB23 7QS
C Cooper & Sons, Oxholme Farm, Fenstanton Rd, Hilton, PE28 9JA
Hazlewell Land Ltd, Hazlewell Farm, Bar Road, Lolworth, CB238DS
Robert Eayrs, Home Farm, Graveley, PE19 6PL
G&G Grey, Lazy Acre, Brooklands Farm, Great North Road, Alconbury, PE28 4HA
Basil King, Stirling Farm Cottage, Buckden Road, Brampton, PE28 4NF
Mark A Leaman, National Institute of Agricultural Botany, Huntingdon Road, Cambridge, CB3 0LE
Robert Lenton, Depden Farm, London Road, Godmanchester, PE29 2LJ
KP Papworth and Sons, Hall Farm, Conington, CB23 4LR
F J Roe Ltd, Park Farm Lodge, Buckford, Hunts, PE28 5AT
Lenton Bros Ltd, Park Farm, Brampton, PE28 4RN
G B Sewell and Partners, Harcourt Farm, Cambridge Rd, Godmanchester PE29 2EL
GW Topham & Son, North East Farm Office, Cambridge Road, Eltisley, PE19 6TR
G and MA Wedd Ltd, Hill Farm, Huntingdon Road, Lolworth, CB23 8DP
G B and A Wilderspin Ltd, New Barns Farm, High Street, Boxworth, CB23 4LZ
James Winter, Top Farm, Springfield Cottage, Hemingford Abbots PE28 9AD
Boxworth Farming Company Ltd, Rectory Farm, Brook Street, Elsworth, CB23 4HX
Nick Wright, Marshalls Farm, Elsworth Road, Conington, CB23 4LW
Andrew Hodson, Boxworth End Farm, 126 Boxworth End, Swavesey, CB24 4RA
Gavin Hughes, Cambridge University Farm, Park Farm, Madingley, CB23 8YW
Adrian & James Peck, Dry Drayton Estate Ltd, Scotland Farm, Scotland Road, Dry Drayton, CB23 8AU

**A14 Agents' Association  
represents the surveying firms/agents**

Brown and Co. Alexanders

Savills incorporating Smiths Gore

Cheffins

RB Surveyors

Bidwells

Henry H Bletsoe and Son

Joliffe Dakin

Robinson and Hall

Strutt and Parker

Carter Jonas LLP

## **APPENDIX H: RECOMMENDED DCO**

The Recommended Development Consent Order is provided as a separate document.