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Dear Sirs,

PLANNING ACT 2008 APPLICATION FOR THE PROPOSED A14 CAMBRIDGE TO HUNTINGDON IMPROVEMENT SCHEME DEVELOPMENT CONSENT ORDER

1. I am directed by the Secretary of State for Transport (“the Secretary of State”) to say that consideration has been given to the report of the Examining Authority who conducted an examination into the application made by the Highways Agency (now Highways England Company Limited) on 30 December 2014 for the A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order (“the Order”) under section 37 of the Planning Act 2008 (“the 2008 Act”). The Examining Authority comprised a panel of four examining inspectors, Frances Fernandes, Kevin Gleeson, Emrys Parry and Stephen Roscoe, referred to in this letter as “the Panel”. Highways England Company Limited is referred to in this letter as “the applicant”.

2. The examination of the application began on 13 May 2015 and was completed on 13 November 2015. The examination was conducted on the basis of written evidence submitted to the Panel and by a series of hearings held at Milton, Bar Hill, Brampton and St Ives between 13 July 2015 and 22 October 2015.

3. The Order would grant development consent for the improvement of a 34 kilometre section of the A14 between Ellington (near Huntingdon) and Milton (near Cambridge). The scheme includes the widening of the A1 between Brampton and Alconbury; a new Huntingdon Southern Bypass; downgrading of the existing A14 trunk road between Brampton Hut and Swavesey to county road status; demolition of the A14 viaduct and construction of a new link road in Huntingdon; widening of the existing A14 between Swavesey and Girton; construction of a new local access road between Fen Drayton and Girton; widening of a section of the Cambridge Northern Bypass between Histon and Milton; and improvements to existing junctions. The strategic objectives of the scheme are to combat congestion, unlock economic growth, improve connectivity and safety, and provide enhanced facilities for pedestrians and equestrians.

4. Enclosed with this letter is a copy of the Panel's report. The proposed development is described in sections 1 and 2 of the report. The Panel's findings are set out in sections 4 to 8 of the report, and their overall conclusions and recommendation are in section 9 of the report.

Summary of the Panel's recommendations

5. The Panel recommended that the Order be made, in the form set out in Appendix H to the report.

Summary of Secretary of State's decision

6. **The Secretary of State has decided under section 114 of the 2008 Act to make with modifications an Order granting development consent for the proposals in this application.** This letter is the statement of reasons for the Secretary of State's decision for the purposes of section 116 of the 2008 Act and regulation 23(2)(d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 ("the 2009 Regulations").

Secretary of State's consideration

7. The Secretary of State's consideration of the Panel's report is set out in the following paragraphs. Where not stated in this letter, the Secretary of State can be taken to agree with the Panel's conclusions as set out in the report. All paragraph references, unless otherwise stated, are to the Panel's report ("PR") and references to requirements are to those in Schedule 2 to the Order, as set out in Appendix H to the PR.

Legal and Policy context

8. The Secretary of State has considered the changes made to the application referred to at PR 1.3.11-17 and PR 2.2.1-8. He agrees with the Panel that, while the scheme changed over the course of the examination, it did not do so to the point where it was a different application (PR 3.11.1-5). He is therefore satisfied that it is within the powers of section 114 of the 2008 Act for him to make the Order in the form recommended by the Panel.

9. The Secretary of State has also considered the changes proposed by the applicant a week before the end of the examination which the Panel did not accept for consideration (PR 2.2.9-10). The Secretary of State considers that it is appropriate to accept the request to remove ten floodplain compensation areas from the scheme in line with the applicant's updated Flood Risk Assessment ("FRA") because the changes would not result in a materially worse environmental impact as set out in the FRA; each of the changes is minor relative to the scheme as a whole; and the changes would lead to a reduction in the land take for the scheme by 76,607 square metres. He notes further that none of those with an interest in the affected land whom the applicant informed of the proposed removal of flood compensation areas have made any representations on the matter. He has therefore decided to include the changes referred to at PR 8.3.15 and PR 8.6.2-3 in the Order.

10. The Secretary of State notes that, following the designation of the National Policy Statement for National Networks ("NPSNN") on 14 January 2015, he is required by section 104(3) of the 2008 Act to decide this application in accordance with the NPSNN (subject to certain exceptions which are not relevant in this case). In other respects, he agrees with the Panel's assessment of the legislation and policy that are relevant and important matters

to be taken into account in deciding this application (PR 3.2-3.10). The Secretary of State confirms that, in considering this application, he has had regard to the legislation and policy referred to by the Panel, including the Local Impact Report submitted jointly by Cambridgeshire County Council (“CCC”), Huntingdonshire District Council (“HDC”), South Cambridgeshire District Council (“SCDC”) and Cambridge City Council (“CCiC”).

Traffic and transportation

11. With regard to the assessment of alternatives, the Secretary of State agrees with the Panel that there has been sufficient consideration of alternative routes during a lengthy process that has included consultation at various stages. He notes that the applicant has carried out a full options appraisal for the scheme as required by paragraph 4.27 of the NPSNN which has included a proportionate consideration of viable modal alternatives. He agrees also with the Panel that there is nothing to suggest that more favourable alternative routes exist (PR 4.4.8-19).

12. The Secretary of State has considered the Panel’s assessment of the impact of the scheme on the highway network at PR 4.4.20-95. He agrees with the Panel that the application is supported by a local transport model which provides sufficiently accurate detail of the impacts of the scheme and that the modelling is proportionate to the scale of the scheme and includes appropriate sensitivity analysis. The Secretary of State accordingly agrees with the Panel’s conclusion that the scheme would be beneficial to the Strategic Road Network and acceptable in terms of local traffic and transportation impacts.

13. The Secretary of State agrees with the Panel that safety matters have been sufficiently taken into account in the application. He is satisfied also that the overall scheme would have a beneficial effect in terms of road safety and that specific opportunities have been taken to improve road safety through the introduction of proportionate measures (PR 4.4.96-101).

14. With regard to sustainable transport, the Secretary of State agrees with the Panel that the applicant has used reasonable endeavours to address the needs of non-motorised users (“NMUs”) and to mitigate adverse impacts. He notes 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. He notes also that the scheme would address existing safety problems and enhance the environment for NMUs. He agrees with the Panel that the scheme would in these ways deliver improvements which would reduce community severance and improve accessibility (PR 4.4.102-124).

15. The Secretary of State is accordingly satisfied like the Panel that the scheme would be beneficial to the strategic road network and would not have any unacceptable impacts in terms of traffic and transportation (PR 4.4.125, 6.2.1).

Design and engineering standards

16. The Secretary of State agrees with the Panel that the proposal to extract fill material required for the scheme from the proposed borrow pits generally accords with local planning policy. He accepts that this approach would have significant benefits in terms of sustainability and environmental impact and that it is both necessary and appropriate. He agrees further that the volume of the borrow pits has been justified (PR 4.5.1-13). As regards construction waste, the Secretary of State agrees that hazardous and non-

hazardous waste arising from construction would be able to be properly managed, both on and off site, and that there would not be any unacceptable impacts (PR 4.5.14-20).

Air quality and emissions

17. The Secretary of State notes first that the local authorities supported the methodology used by the applicant for assessing air quality (PR 4.6.6-9). As regards the impacts of the scheme on the Air Quality Management Areas (“AQMA”) in the vicinity, he notes further that the local authorities agreed with the applicant’s predictions that there would be an improvement in air quality across the AQMA by removing traffic from them and by improving traffic flows in the A14 Corridor AQMA (PR 4.6.17-23).

18. With regard to the monitoring of air quality effects during operation, the Secretary of State notes the applicant’s position that the scheme demonstrated compliance with the EU Air Quality Directive, that no significant impacts or exceedances of the EU limit values were predicted and that there was no indication that the scheme would result in the UK Eastern Zone not achieving compliance with the predicted date set out by Defra. He agrees, however, with the Panel that it is prudent to be cautious about the reliability of forecasting and predictions and agrees that a requirement to undertake air quality monitoring during operation of the scheme should be included in the Order (PR 4.6.24-38).

19. The Secretary of State has considered the adequacy of the proposed measures to control emissions and potential dust impacts during construction. He is satisfied that the implementation of a robust Code of Construction Practice (“CoCP”) would effectively mitigate construction effects. He notes further that consultation in relation to air quality monitoring procedures would take place during detailed design with the relevant planning authorities and that the CoCP would be secured by requirement 4 (PR 4.6.39-49).

20. The Secretary of State agrees with the Panel that, having regard to the likely overall reduction of the main urban areas’ exposure to air pollutants as a result of the scheme, the potential impacts of the scheme on human health have been adequately taken into account (PR 4.6.50-58). He agrees also that appropriate mechanisms are in place in requirement 14 to manage and minimise the impacts of artificial lighting as a result of the scheme (PR 4.6.60-66).

21. The Secretary of State agrees with the Panel’s conclusion that neither the air quality impacts of the scheme, nor the effects of air pollution on health, nor the emission of light, are matters that would prevent the Order being made (PR 4.6.68).

Carbon emissions

22. The Secretary of State agrees with the Panel that, taking into account the nature and extent of the scheme and the guidance in the NPSNN, 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 emission targets (PR 4.7.1-7).

Noise and vibration

23. The Secretary of State agrees with the Panel that the methodology which the applicant has applied to noise assessment is appropriate and robust (PR 4.8.7-16). With regard to construction noise, he notes that there would be noise related effects in different locations during construction of the scheme. He agrees, however, that taking into account

the CoCP and other mitigation measures to be approved under requirement 4, the noise impacts of the scheme would be limited to certain locations only and their effects managed. He agrees also that the applicant's approach to noise impacts at borrow pits are robust (PR 4.8.17-38).

25. The Secretary of State has considered the Panel's assessment at PR 4.8.39-109 of the operational noise impacts of the scheme. He notes that the local authorities' joint LIR confirmed that with appropriate mitigation the scheme should not give rise to any long term unacceptable noise or vibration impacts on health and quality of life. He notes also that during the examination the applicant proposed a number of significant changes to mitigation comprising very low noise surfacing and additional or extended noise barriers where justified. He is satisfied in particular that the applicant's mitigation proposals near Buckden Marina in the Great Ouse valley would be sufficient to address the unique acoustic conditions at that location (PR 4.8.65-70). The Secretary of State accordingly agrees with the Panel that, on the basis of the likely effects of the scheme and in the context of the NPSNN and the Noise Policy Statement for England, the applicant's proposals for mitigation are appropriate and acceptable, and that they would be sufficiently secured by the requirements (PR 4.8.110-111). He agrees further that a requirement to address post-construction noise monitoring should be included in the Order for the reasons given by the Panel at PR 4.8.130.

26. The Secretary of State agrees with the Panel's conclusion that on balance the benefits of the scheme would outweigh its negative noise impacts both individually and cumulatively (PR 4.8.131-135).

Flood risk

27. As regards the position of the statutory bodies responsible for flood risk, the Secretary of State notes from the finalised Statement of Common Ground ("SoCG") between the applicant and the Environment Agency ("EA") that there are no areas where differences remain or issues are still under discussion. The SoCG also includes the EA's consent under section 150 of the 2008 Act for the Order to dis-apply certain legislative provisions that would otherwise require the applicant to obtain a separate consent or authorisation from the EA for parts of the scheme to be authorised by the Order (ER 4.9.3). The Secretary of State notes further the Panel's view that the revised FRA and CoCP submitted by the applicant at the end of the examination have addressed the EA's previous concerns, and notes the EA's opinion that the scheme would not be contrary to the principles of flood risk policy in the NPSNN (PR 4.9.20-21).

28. With regard to the other relevant statutory bodies, the Secretary of State notes that during the examination the applicant finalised SoCGs with the Swavesey Internal Drainage Board ("IDB"), the Old West IDB and CCC, and agreed a SoCG with the Alconbury and Ellington IDB but that it was not signed. He notes, however, that the SoCGs with the Swavesey IDB and with the Alconbury and Ellington IDB did not include consent under section 150 of the 2008 Act for the Order to dis-apply section 23 of the Land Drainage Act 1991 which prohibits certain works that would affect an "ordinary watercourse" without the consent of the relevant drainage board; neither did those SoCGs include specific acceptance of the protective provisions for IDBs proposed by the applicant (ER 4.9.4-8). Since the close of the examination, the applicant has not secured the consent of Swavesey IDB or of Alconbury and Ellington IDB under section 150 to the disapplication of section 23 of the Land Drainage Act 1991. The Secretary of State is therefore obliged to exclude the watercourses for which those IDBs are responsible from the disapplication of this provision

in article 3 of the Order. He has also decided to limit the protective provisions in Part 4 of Schedule 9 to the Order to watercourses for which CCC is the relevant drainage board as requested by the applicant on 10 May 2016.

29. The Secretary of State agrees with the Panel that none of the matters which were not agreed in the SoCGs referred to in paragraph 28 above undermine the general acceptance of the scheme by the IDBs or suggest that the scheme would be deficient in any way in matters relating to the operations or responsibilities of the IDBs. He is similarly satisfied that the outstanding concerns of CCC would be addressed during the detailed design of the scheme in accordance with requirement 3 (PR 4.9.24-39).

30. The Secretary of State agrees with the Panel that the application for the scheme, including the Environmental Statement (“ES”) as updated during the examination, has adequately addressed the impacts of climate change in terms of location, design, build and operation in relation to fluvial and surface water flood risk, for the reasons given by the Panel (PR 4.9.40-52).

31. With regard to fluvial, surface water and other forms of flooding, the Secretary of State agrees with the Panel that any matters relating to flood risk during construction of the scheme would be appropriately accommodated through the CoCP (PR 4.9.53-54). In relation to the effects of the completed scheme, he agrees with the Panel that the applicant’s FRA has appropriately addressed all forms of flooding to and from the scheme and how flood risk would be managed so that the scheme would remain safe throughout its lifetime. He accordingly agrees with the Panel that the scheme would not increase flood risk to property elsewhere (PR 4.9.55-68). The Secretary of State agrees further with the Panel that the scheme passes the Sequential and Exception tests which apply under the NPSNN and the National Planning Policy Framework (PR 4.9.69-73).

32. The Secretary of State agrees with the Panel’s overall conclusions on this matter, in particular that all reasonable steps have been taken to avoid, limit and reduce the risk of flooding; that the scheme would be sustainable and as resilient as it could reasonably be in relation to flood risk and climate change; and that the scheme would not have an unacceptable effect in terms of flood risk (PR 4.9.74-75).

Landscape and visual impacts

33. The Secretary of State has noted the Panel’s original concern about the lack of an independent design review and the opportunity for interested parties and other stakeholders to participate in the development of detailed design. However, he is like the Panel satisfied that these matters are adequately addressed by the additional provisions in requirement 3 as to consultation with the Design Council’s Design Review panel and with local representatives (PR 4.10.3-14).

34. The Secretary of State has considered the Panel’s assessment of the landscape effects of the scheme at PR 4.10.17-46. He agrees with the Panel that some adverse landscape effects will inevitably occur and that in accordance with the NPSNN the design of the scheme has taken 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. He agrees further that the Order would ensure measures are taken to avoid, reduce and mitigate landscape effects during construction and operation of the scheme and would provide a process and framework through which to incorporate the principles of good design during the development of the detailed design stage of the

scheme. The Secretary of State agrees with the Panel's conclusion that while there would be adverse landscape effects from the scheme he does not consider that these should weigh heavily against the making of the Order.

35. With regard to the visual effects of the scheme addressed at PR 4.10.47-118, the Secretary of State agrees with the Panel that the scheme would result in a range of effects on visual receptors with the greatest adverse effect on receptors close to the new offline sections of the route. Although landscape planting, environmental bunds and noise barriers would go some way to mitigate the adverse visual effects of the scheme, he accepts that in locations where there is currently no highway infrastructure many would continue to experience considerable visual effects (PR 4.10.106-107). The Secretary of State recognises that this is a particular concern in relation to the River Great Ouse Viaduct given the scale of the proposed infrastructure in a sensitive location and accepts the Panel's view that this factor weighs against the making of the Order PR 4.10.51-71, 4.10.118). He notes also that the removal of the A14 viaduct in Huntingdon would provide a significant beneficial visual effect on the townscape (PR 4.10.109). As regards the effects of lighting on the visual environment, the Secretary of State agrees with the Panel that appropriate mechanisms are in place in the Order to manage and minimise the impacts of lighting (PR 4.10.110-115).

Water quality and resources

36. The Secretary of State has considered the Panel's assessment of the effects of the scheme on the water environment at PR 4.11. He agrees with the Panel that the applicant's ES has adequately described the physical characteristics of the water environment and the impacts of the scheme, including impacts on water resources and Water Framework Directive ("WFD") water bodies and protected areas and source protection zones around potable groundwater abstractions.

37. In relation to WFD waterbodies, the Secretary of State agrees with the Panel that, on the basis of the findings in the ES, the scheme would not result in surface waters and groundwater failing to meet the environmental objectives established under the WFD or experience deterioration in status. He is therefore satisfied that the scheme would be acceptable in the context of the WFD (PR 4.11.23). The Secretary of State similarly agrees with the Panel that the effect of the scheme on other surface water bodies and groundwater would not be greater than slight adverse and therefore not significant (PR 4.11.34, 41).

38. The Secretary of State is like the Panel satisfied that potential releases could be adequately regulated under the pollution control regime and that there is no evidence of existing sources of pollution in and around the scheme which, when the effects of the scheme are added, would make the scheme cumulatively unacceptable. He notes further the Panel's view that there is no reason to believe that any relevant necessary operational pollution control permits, licences or other consents would not be granted (ER 4.11.43-45).

39. The Secretary of State agrees with the Panel's conclusion 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 WFD. He notes also that opportunities have been taken, where feasible, to improve upon the quality of existing discharges to contribute towards WFD commitments. The Secretary of State is therefore, like the Examining Authority, satisfied that the scheme would not have an unacceptable impact in terms of water quality and resources (PR 4.11.47-48).

Biodiversity and ecological conservation

40. The Secretary of State has considered the Panel's assessment of the effects of the scheme on biodiversity and ecological conservation at PR 4.12. He agrees with the Panel that the proposed mitigation in respect of Brampton Meadow Site of Special Scientific Interest would ensure that the harmful aspects of the scheme could be mitigated and would ensure the conservation of the site's biodiversity in line with the NPSNN (PR 4.12.6-11). He is similarly satisfied that the impacts of the scheme on regional and local wildlife sites are acceptable subject to the proposed mitigation and do not weigh against the Order being made (PR 4.12.12-17).

41. As regards European and nationally protected species the Secretary of State agrees with the Panel that measures within the CoCP, secured through requirements 4 and 5, would provide the appropriate means of managing the effects of the scheme. He notes in this context that Natural England has issued Letters of No Impediment in respect of various protected species. He notes further that in the long term the scheme would have positive effects for a number of species as a result of habitat creation (PR 4.12.18-44, 66-67).

42. The Secretary of State agrees with the Panel that the proposed provision of ecological mitigation sites which would result in a net habitat gain, is supported by paragraph 5.33 of the NPSNN and is not excessive or unnecessary (PR 4.12.45-51,68). He agrees also that the Borrow Pits Restoration and Aftercare Strategy is appropriate and that the measures for the future management and maintenance of habitats set out in the CoCP would provide an acceptable means of control (PR 4.12.52-62, 69-70).

43. For all the above reasons and having regard to paragraph 5.37 of the NPSNN, the Secretary of State agrees with the Panel that, with the ecological mitigation safeguards secured by the requirements, there are no biodiversity or ecology matters that would weigh against the Order being made (PR 4.12.71-72).

Economic and social effects

44. The Secretary of State agrees with the Panel that, since the main aim of the scheme is to relieve a congested section of the A14 that connects the Port of Felixstowe with various regions of the UK, it would play a significant supporting role in economic terms, with potential benefits including job creation through economic growth. He agrees further that the scheme should be judged on the adjusted Benefit Cost Ratio which includes journey time reliability and current business growth restraints due to congestion. On this basis he is satisfied like the Panel that there is a very strong economic case in favour of the scheme which represents high value for money (PR 4.13.3-7, 23).

45. As regards land use, the Secretary of State notes that the scheme would cross Grade 2 and 3 agricultural land which is within the best and most versatile land category, but agrees with the Panel that it would not have been reasonably possible to avoid this land to secure the necessary improvements to the Strategic Road Network. He is satisfied that the applicant has taken into account the economic and other benefits of this land in developing the scheme and notes that the scheme would have countervailing benefits of supporting housing development and reducing the socio-economic cost of accidents. The Secretary of State notes also that parts of the scheme would impact on the openness of the Cambridge Green Belt and would represent inappropriate development as referred to in policies to protect the Green Belt in the NPSNN, the National Planning Policy Framework and relevant local development plans. He agrees, however, with the Panel that the potential harm to the

Green Belt and any other harm is clearly outweighed by the need for the scheme in this location so as to constitute very special circumstances for the purposes of paragraph 5.178 of the NPSNN (PR 4.13.8-14, 24).

46. With regard to social effects, many of the concerns of those living and working in the vicinity about the environmental effects of the scheme on their communities are addressed earlier in this letter. In other respects, the Secretary of State agrees with the Panel that the scheme would provide material social benefits by making the A14 corridor a better place to live and by attracting people and businesses to contribute to the greater Cambridge economy, as well as generating employment opportunities from construction of the scheme (PR 4.13.15-22, 6.2.13).

Historic environment

47. The Secretary of State has considered the Panel's assessment at PR 4.14.1-45 of the effects of the scheme on the historic environment in construction and operation. He notes first that Historic England, CCC and SCDC had no outstanding matters of disagreement in this area. As regards the outstanding concerns of HDC about the setting of Huntingdon railway station, he agrees with the Panel that the assessment undertaken by the applicant is appropriate. He is satisfied further that the potential impact of the scheme has been properly addressed in terms of the Infrastructure (Decisions) Regulations 2010 and the NPSNN. The Secretary of State agrees with the Panel's conclusion that, while a range of heritage assets would be affected by the scheme, any harm would be less than substantial and would be limited by the requirements and other measures (PR 4.1.46-49, 6.2.14). Having regard to paragraph 5.134 of the NPSNN, the Secretary of State is satisfied that the public benefits of the scheme would outweigh that harm.

Environmental impact assessment

48. With regard to the cumulative effects of the scheme and the concerns of the Buckden Marina Residents Association, the Secretary of State agrees with the Panel that the effects in relation to Buckden Marina have been appropriately identified by the applicant and that a process is in place, secured by the Order, for ensuring ongoing consultation with the local community should schemes in relation to the A1 study emerge in the future (PR 4.15.5-18). More generally, the Secretary of State is satisfied that no cumulative effects would arise from the changes to the scheme made during the examination (including those referred to at paragraph 9 above) which would prevent the making of the Order; and that there are no cumulative impacts on health that would weigh against making the Order (PR 4.15.19-25).

49. The Secretary of State agrees with the Panel's conclusion that any cumulative effects arising from the scheme together with planned and foreseeable developments would be avoided, managed and mitigated through the measures which form part of the scheme and through the requirements. He is further satisfied like the Panel that when taken together the cumulative effects would not as a whole affect the environment so as to prevent the making of the Order (PR 4.15.26-27).

50. The Secretary of State agrees with the Panel that the environmental information provided by the applicant in its ES meets the definition of "environmental statement" given in regulation 2(1) of the 2009 Regulations (PR 1.1.5). He confirms for the purposes of regulation 3(2) of the 2009 Regulations that, in coming to his decision to make the Order, he has taken into consideration all the environmental information in accordance with regulation 3(2) of the 2009 Regulations. For the purposes of regulation 23(2)(d)(iii) of the

2009 Regulations, the Secretary of State considers that the main measures to avoid, reduce and, if possible, offset the major adverse environmental impacts of development are those specified in the requirements.

Habitats regulation assessment

51. The Secretary of State has considered the Panel's assessment at PR 5.1-5 of the likely significant effects of the scheme on the five European sites potentially affected by the scheme. He agrees with the Panel that, with the mitigation proposed, the scheme would not adversely affect European sites, species or habitats. He notes also that Natural England agrees with that conclusion. The Secretary of State is therefore satisfied that it is unnecessary for him to carry out an appropriate assessment under the Conservation of Habitats and Species Regulations 2010.

Overall conclusions on the case for development consent

52. The Secretary of State agrees with the Panel that, in accordance with paragraphs 2.1-10 of the NPSNN, he must start his assessment of this application on the basis that there is a compelling need for development of national networks to address road congestion, to provide safe, expeditious networks and to support economic growth. He notes, furthermore, that paragraph 2.27 of the NPSNN recognises that new road alignments and corresponding links, including alignments which cross a river or estuary, may be needed to support increased capacity and connectivity; and that paragraph 4.2 of the NPSNN advises that the starting point for the determination of a national networks application under the 2008 Act is a presumption in favour of development (PR 6.1, 6.4.1).

53. The Secretary of State confirms that in determining this application he has had regard to all the matters specified in section 104 of the 2008 Act referred to at PR 6.4.2. As regards the impacts of the scheme referred to in paragraphs 11 to 51 of this letter, the Secretary of State agrees with the Panel that the identified benefits of the scheme for the Strategic Road Network (which align with the strategic policy objectives in the NPSNN), including the scheme's significant supporting role in economic terms, clearly outweigh the identified adverse noise and visual impacts of the scheme. He agrees further that none of the other benefits or adverse effects of the scheme identified by the Panel, either individually or cumulatively, lead to a different conclusion in terms of the overall benefits and impacts of the scheme (PR 6.4.4-6).

54. The Secretary of State accordingly agrees with the Panel for all the reasons given by the Panel that development consent should be given for the scheme, subject to the changes which the Panel has incorporated in the Order at Appendix H to the PR, and to the further changes referred to in this letter (PR 6.4.8).

Compulsory acquisition and related matters

55. The Secretary of State has considered the compulsory acquisition powers sought by the applicant in accordance with sections 122,123,127, 131 and 138 of the 2008 Act, the Human Rights Act 1998 and relevant guidance. In doing so, he has taken into account the cases of the applicant and the affected persons as set out at PR 7.5-7.8.315.

56. The Secretary of State agrees with the Panel's conclusions on the case for granting compulsory acquisition powers for the reasons given by the Panel, both generally (at PR 7.9-7.12) and in relation to specific objections (as set out in PR 7.8). In particular, the

Secretary of State agrees with the Panel that clear, substantial and compelling public benefits of the scheme would outweigh the private loss which would be suffered by those whose land would be compulsorily acquired for the scheme (PR 7.9.4-13); that the land for which compulsory acquisition powers was sought was required to enable the construction, use and maintenance of the road and that there was no alternative to the use of those powers (PR 7.9.14-17); that the requirements of the Human Rights Act 1998 in relation to interference with individual rights were satisfied (PR 7.11.1-5); and that funding for the scheme was secured having regard to the Government's commitment to fund the progression of the scheme in the 2013 spending round and as confirmed in the National Infrastructure Plan 2014 (PR 7.11.6-9). The Secretary of State has accordingly concluded that, subject to amending the Order and book of reference to reflect the changes referred to at paragraph 9 above, there is a compelling case in the public interest to grant the compulsory acquisition powers sought by the applicant (PR 7.12.3).

Statutory undertakers' land

57. With regard to the Framework Agreement between the applicant and Network Rail ("NR") referred to at PR 7.8.309, this remains to be completed. However, NR and the applicant informed the Secretary of State on 9 May 2016 that they had agreed the terms of protective provisions for the benefit of NR to be included in Schedule 9 to the Order and were continuing to work towards completion of the Framework Agreement. The Secretary of State notes in particular that NR and the applicant are now agreed that the period specified in paragraph 63(1) of Schedule 9 to the Order should be 24 months, as recommended by the Panel in any event (PR 7.8.305), and that NR does not object to the making of the Order subject to the inclusion of this change. He is accordingly making this change to the Order. The Secretary of State agrees further with the Panel that the requirements of section 127(3)(a) and (b) of the 2008 Act are met and that the compulsory acquisition powers in relation to NR's land should be granted (PR 7.8.309)

58. With regard to those statutory undertakers whose rights and apparatus will be interfered with by the scheme and section 138(4) of the 2008 Act, the Secretary of State agrees with the Panel that the extinguishment of the relevant rights or the removal of the relevant apparatus is necessary for the purposes of carrying out the development to which the Order relates (PR 7.8.310-315, 7.8.317).

Common land and open space

59. The Secretary of State agrees with the Panel for the reasons given that the exemptions provided by section 131(5) of the 2008 Act apply in relation to the acquisition of the common land and open space required for the scheme. He is satisfied also that the acquisition of open space is in compliance with paragraph 5.174 of the NPSNN (PR 7.8.318-325).

Crown land

60. The Secretary of State notes that Defra and the Historic Railways Estate have given the consents required by section 135 of the 2008 Act (PR 7.8.326-327).

Temporary possession

61. The Secretary of State agrees with the Panel that the temporary possession powers sought by the applicant are necessary and justified for the reasons given by the Panel (PR

7.10.1-2). However, he does not agree with the Panel that the powers for the temporary use of plot 23/14b to provide a new western access to Cambridge Crematorium should be refused. While he recognises the sensitivity of the site of the western access and the concerns of the CCiC about operational impacts on the Crematorium, he considers that the removal of those powers would mean that there was no certainty that a safer access to the Crematorium from the proposed local access road could be provided. This is because the alternative eastern access favoured by CCiC lies outside the Order limits and would require the acquisition of land and separate planning consents (PR 7.8.289-293, PR 7.12.4). The Secretary of State has therefore decided that the powers in the Order to create the western access should remain as a fall-back provision, but encourages the applicant to continue to work with CCiC to incorporate the alternative eastern access into the scheme at the detailed design stage if at all possible.

Draft Order and related matters

62. The Secretary of State has considered the Panel's assessment of the Order and other legal agreements and consents in section 8 of the PR. He is satisfied that, subject to the qualifications set out in the following paragraphs, the Order set out at Appendix H to the PR is appropriate and acceptable for the purposes of the scheme. (References to article numbers in the following paragraphs are to the articles as numbered in Appendix H.)

63. In article 2 (interpretation), the Secretary of State is replacing the definition of "commence" with a substantive provision in article 5 (development consent, etc., granted by the Order) to make clear that the works referred to in that definition may be carried out once the Order comes into force and are not subject to prior approval under the requirements (see PR 8.2.2). He is also adding definitions of "cycleway" and "equestrian track" so as to distinguish clearly the different facilities that are to be provided for NMUs as referred to in Schedules 1 and 4 to the Order, as requested by the applicant on 29 April 2016.

64. In article 3 (disapplication of legislative provisions), as noted at paragraph 28 above, the Secretary of State is modifying the disapplication of section 23 of the Land Drainage Act 1991 (see PR 8.2.12-14). He is also amending the reference to section 109 of the Water Resources Act 1991 which has been repealed by the Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations 2016.

65. In article 23 (acquisition of rights) the Secretary of State is limiting the power to impose restrictive covenants to land detailed in Schedule 5 to the Order. He is satisfied that the nature of the development proposed on those plots is such that restrictions might need to be imposed on the future use of the land to protect that development or access to it. He does not, however, consider that it is appropriate to give a general power to impose restrictive covenants over any of the Order land as defined in article 2(1) in the absence of a specific and clear justification for conferring such a wide-ranging power in the circumstances of the scheme and without an indication of how the power would be used. He considers that it is more appropriate to leave the matter of restrictive covenants to be the subject of agreement between the applicant and individual landowners during the detailed design of the scheme where this alternative to compulsory acquisition is acceptable to the landowners concerned. He does not consider that removal of the power for the applicant to impose restrictive covenants would limit the flexibility for the applicant to reach such agreements.

66. With regard to article 30 (temporary use of land for carrying out the authorised development), the Secretary of State confirms that he is retaining the reference to plot 23/14b in Schedule 7 for the reasons given in paragraph 61 above.

67. As noted at paragraph 9 above, the Secretary of State is removing from Schedule 1 (authorised development) the floodplain compensation areas referred to in PR 8.3.15.

68. In requirement 6 (contaminated land and groundwater), the Secretary of State agrees with the drafting changes referred to at PR 8.4.33 and is incorporating them in the Order.

69. In requirement 15 (flood risk assessment), the Secretary of State agrees with the drafting change referred to at PR 8.4.67 and is incorporating this in the Order.

70. In requirement 16 (air quality monitoring), the Secretary of State agrees with the drafting change referred to at PR 8.4.80 and is incorporating this in the Order.

71. The Secretary of State is content that the arrangements under requirements 20 to 23 for the discharge of requirements - including the provisions for an electronic register of requirements and for consulting with the relevant planning authorities and other bodies – would be transparent and fair and that adequate enforcement procedures would apply (PR 8.4.87-110). He notes further that, in addition to the restrictions under requirements 3(1), 12(2) and 14(2) on approving matters that would give rise to materially new or materially worse adverse environmental effects than those reported in the environmental statement, it would not be appropriate for him to approve in this context any matter which exceeded the overarching parameters set for the development by the Order.

72. In Schedule 7 (land of which temporary possession may be taken), the Secretary of State is making the additions referred to at PR 8.6.2-3 as a consequence of the removal of floodplain compensation areas referred to at paragraph 9 above.

73. In Part 4 of Schedule 9 (protective provisions), the Secretary of State is modifying the protective provisions for drainage authorities as referred to at paragraph 28 above. He is also including (in Part 8) the protective provisions requested by the applicant on 9 May 2016 for the benefit of CLH Pipeline System (CLH-PS) Limited, with the agreement of the latter.

74. The Secretary of State is making a number of other minor textual amendments to the Order set out in Appendix H to the PR in the interests of clarity, consistency and precision, and to conform with the current practice for drafting Statutory Instruments. He considers that none of these changes, either individually or taken together, materially alter the effect of the Order.

75. The Secretary of State notes that the applicant and CCC negotiated a legal agreement with respect to de-trunking, traffic monitoring and mitigation but that the signed agreement was not submitted before the end of the examination (PR 8.10). As that agreement has not yet been completed, the Secretary of State is retaining requirement 17 in the Order.

Representations since examination

76. The Secretary of State has received a number of representations since the examination closed, in addition to those referred to previously in this letter. He does not consider that anything in the correspondence constitutes new evidence, or raises a new

issue, which needs to be referred to other interested parties before he proceeds to a decision. They do not cause him to take a different view on the matters before him than he would otherwise have taken based on the Panel's report.

Secretary of State's overall conclusions and decision

77. For all the reasons given in this letter, the Secretary of State considers that there is a clear justification for authorising the A14 Cambridge to Huntingdon Improvement Scheme proposed by the applicant. In relation to section 104 of the 2008 Act, he agrees with the Panel's conclusions as summarised at PR 9.1.1 and is satisfied that there is a compelling case in the public interest for compulsory acquisition powers sought by the applicant. He has therefore decided to accept the Panel's recommendation at ER 9.2.1 and is today making the Order granting development consent, subject to the modifications referred to at paragraphs 63 to 75 above.

Challenge to decision

78. The circumstances in which the Secretary of State's decision may be challenged are set out in the note attached at the Annex to this letter.

Publicity for decision

79. The Secretary of State's decision on this application is being publicised as required by section 116 of the 2008 Act and regulation 23 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

Yours faithfully,

Martin Woods

LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the High Court during the period of 6 weeks beginning with the day after the day on which the Order is published. Please also copy any claim that is made to the High Court to the address at the top of this letter.

The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order (as made) is being published on the Planning Inspectorate website at the following address:

<http://infrastructure.planninginspectorate.gov.uk/projects/eastern/a14-cambridge-to-huntingdon-improvement-scheme/>.

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655).