

Dear Mr Coombes

I wish to add a further item to my list of issues affecting Brampton - namely (demolition of) the Huntingdon A14 viaduct.

Brampton is not alone in seeking retention of the viaduct which we consider should be included in issue specific open floor hearings (evenings).

Retention of the viaduct and existing A14 capacity is central to our alternative A14 scheme (development ongoing), which was submitted to the Highways Agency in October 2013. This is an updated version of our original alternative A14 scheme submitted to the Public Inquiry in 2010. It includes upgrading the A14/M11-A428-A421 route to the M1 as an alternative Huntingdon Southern Bypass and 'smarter choices' options (including rail freight and improved public transport) in compliance with DfT policy.

Sincerely

Eileen Collier (Cllr)
Brampton A14 Campaign Group

From: [REDACTED]
To: a14cambridgetohuntingdon@pins.gsi.gov.uk
Subject: A14 - PINS Preliminary Meeting 13 May - Ref TR 010018
Date: Tue, 5 May 2015 18:11:14 +0000

For attention of Nicholas Coombes - Case Manager
Sir

Please find attached at **Annex A** Brampton A14 Campaign Group's reponse to your request for comments related to Annexes C & D of your letter dated 17 April.

Additional Annex A1 is the extract from the A14 PIM notes (May 2010) and **Annex A2** refers to the Supreme Court ruling on air pollution (29 April 2015).

I confirm that I plan to attend the Preliminary Meeting on 13 May and reserve the right to speak on these and other issues outlined in our initial registration letter - attached at **Annex B** - should they arise. Other members of BCG may attend but most work during weekdays.

I can also confirm that my neighbour, Mrs Liz Olding of Brook End, Park Road, Brampton, is an interested party and also plans to attend, reserving the right to speak on flooding issues. Sadly her 17th century thatched cottage has suffered from flooding in recent years. I am writing on her behalf as she does not have a computer and was unsure about what she should do. Nicholas Warner is also an interested party and has requested that I advise you that he too wishes to attend on 13 May, reserving the right to speak on air pollution issues. Could you confirm that this is acceptable please?

I also wish to request that hard copies of the updated Examination documents also be made available for communities at this end of the Huntingdon to Cambridge scheme as not everyone is comfortable with a computer or has easy access to Cambridge Library. May I suggest Huntingdon Library as a suitable additional location for the documents? It is open from Monday to Saturday each week with convenient opening hours.

Sincerely

Eileen Collier (Cllr) - Brampton A14 Campaign Group
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A14 Prelim Meeting - BCG comments on PINS Annexes C & D – 5 May 2015

Annex C - initial assessment of principal issues – Comments:

1. Alternative schemes submitted to the Highways Agency (now Highways England - HE) have not been specifically listed in Annex C - eg **Brampton A14 Campaign Group alternative scheme**.

In order to comply with Treasury Green Book value for money rules, we understand that alternative schemes submitted should be drawn up and costed by Highways England, in conjunction with proposers, as instructed by the Planning Inspector at the Public Inquiry pre-meeting (PIM) in May 2010 - see **official PIM notes(extract attached)**.

We consider such schemes could be addressed under the sub-heading **Design concept and process** of the **Design and Engineering Standards** section but listed separately as **Alternative schemes**.

2. Public health issues are not specifically included in the list at Annex C. These could be addressed under the sections **Air Quality and emissions**; **Noise and vibration**; or **Environmental Impact Assessment**.

We consider that **public health issues** should be addressed separately under the heading: **Risks to Public Health**. Issues to be addressed as a matter of urgency include reducing **road traffic air pollution** to comply with the **Supreme Court ruling on 29 April 2015** (attached) which requires new **UK Air Quality Plans** to be drawn up by the end of this year.

Annex D - Draft timetable for examination of the application - Comments:

3. At least one Brampton open-floor hearing should be held in the evening as many interested parties are at work during weekdays.

Key Brampton-specific issues to be addressed (including risks to public health) arising from construction and subsequent operation of :

- **Huntingdon Southern Bypass and A1/A14 Interchange;**
- **widening A1 to six lanes from Brampton Hut to Alconbury;**
- **cumulative effects over many years of road traffic, during construction and subsequent operation, together with:**
 - **air pollution, noise and vibration from quarrying activities alongside A1/A14 Interchange close to homes and village school;**
 - **air pollution, noise and vibration from thousands of on-site HGV movements to move up to 3 million tons of sand and gravel;**
 - **dust and fumes from planned on-site cement-processing plant .**
- **risk of flooding to communities and transport networks (road /rail).**

4. Site inspection visits at Brampton will also be required.

EC – Brampton A14 Campaign Group 5 May 2015

A14 PUBLIC INQUIRY 2010 – PRELIMINARY INQUIRY MEETING NOTES (EXTRACTS)

25. **Alternative routes** had been put forward by various interested parties. Notification of these had been due by 17 May. The Inspector confirmed that he would consider these alternative routes, but that in the interests of fairness and clarity it was necessary for all people likely to be affected by the alternative routes to be aware of them and have had the opportunity to comment on them. **It was agreed that the alternative routes which had been put forward by the deadline date would be drawn up by the HA, signed off by the person or persons who had promoted them, and advertised so as to enable representations on them to be made.**

26. The HA stated that some of the alternative routes could be outside the scope of the inquiry, and that they would need to take a view on these. The promoters of the alternative routes may of course take a different view to the HA which they would need to put forward at the inquiry.

27. The deadline of 17 May for the submission of alternatives was questioned, as some correspondence from objectors dating from November 2009 had only been replied to by the HA on 12 May. The Inspector confirmed that the Highways Act indicates that the Secretary of State may disregard any alternative routes put forward after 17 May. He also confirmed that any alternative routes not put forward by this date might be considered by him during the inquiry if he considered them to have substance, but against the background of not having been advertised, and of not therefore having been considered by parties who might be affected by them.

APPENDIX C

9. In all the circumstances, I conclude that I should not be justified in seeking the agreement of the Secretary of State to the variation of the commencement date for the inquiry. Unless the Secretary of State decides to suspend the arrangements for the inquiry following the application made by the Offords A14 Action Group, the inquiry will open as planned on Tuesday 20 July 2010.

28 May 2010

Supreme Court orders new UK air quality plan

29.04.2015

News

Michael Holder

The UK government must prepare and consult with the public on a new air quality plan aimed at meeting EU nitrogen dioxide limits by the end of 2015, the Supreme Court ruled this morning (April 29).

Handing down [the unanimous judgement](#) in a case brought against Defra by environmental lawyer organisation ClientEarth, the Supreme Court ordered the UK's current air quality plans, prepared in 2011, to be quashed.



TV camera crews and air quality campaigners gathered outside the Supreme Court in Westminster this morning

Defra's current 2011 plans would see the UK achieve compliance with the NO₂ limit values in the EU ambient Air Quality Directive by 2030 in several zones, including London, West Midlands and West Yorkshire. This is 20 years after the original EU legal deadline of January 2010.

Furthermore, the Supreme Court has also made a mandatory order for Defra to prepare new air quality plans by no later than 31 December 2015 aimed at meeting the NO₂ objectives.

Handing down the judgement on behalf of the five Justices who heard the case, Lord Carnwath said: "The new government, whatever its political complexion, should be left in no doubt as to the need for immediate action to address this issue."

Judgement

In its application to the Court, ClientEarth had called for Defra to prepare a new air quality plan "within three months".

However, Lord Carnwath said today: "...the Supreme Court by a unanimous judgment orders that the government must prepare and consult on new air quality plans under article 23(1) for submission to the European Commission no later than 31 December 2015."

Defra had already accepted that new plans needed to be prepared and said it intended to consult and produce new plans by the end of the year. But, it had said that due to restrictions on government policy during the General Election period, it was unable to undertake a binding order to do so for definite by this date.

For this reason, however, Lord Carnwath said it was necessary for the court to make mandatory order for the new plans to be prepared by the December 31 deadline.

As the Supreme Court is the UK's highest court, there is no right of appeal, but today's judgement does allow Defra to apply for an extension to the December 31 deadline in the administrative court.

Lord Carnwath said: "There will be provision for application to the administrative court if necessary to vary the time limit or for determination of other legal issues which may arise in the course of preparation of the new plans."

Air quality plans

Today's judgement explains that the new plans to be formulated should consider a "checklist" of air pollution mitigation measures set out in paragraph 3 section B of annex XV of the Ambient Air Quality Directive, as ClientEarth's lawyer Ben Jaffey had called for during the April 16 hearing.

Lord Carnwath said today: "I agree with that approach, but do not regard it as necessary to spell it out in an order of the court."

Breach

In its application to the Supreme Court at the final hearing in the case on April 16 ([see AirQualityNews.com story](#)), ClientEarth had also argued that Defra was in breach of Article 22 of the EU Directive by failing to apply for an extension to the January 2010 deadline for meeting the NO2 limits.

However, today's ruling does not support ClientEarth's argument that Defra is in breach of the EU Directive for not applying for an extension to the deadline, although it does reiterate Defra's breach of NO2 limit values in several areas as set out in article 13 of the Directive.

Lord Carnwath said today: "The critical breach is of article 13, not of articles 22 or 23. The CJEU [the Court of Justice of the European Union] judgement leaves no doubt as to the seriousness of the breach, which has been continuing for more than five years, nor as to the responsibility of the national court to secure compliance. Further, during those five years the prospects of compliance have become worse. The most recent projections predict non-compliance in some zones even beyond 2030."

The case came back to the UK Supreme Court this year after the Court of Justice of the European Union (CJEU) ruled in November 2014 that it was up to UK national courts to

decide what action was necessary to take on ensuring compliance with the EU Directive ‘as soon as possible’ (see [AirQualityNews.com story](#)).

Defra

Responding to the Supreme Court’s verdict today, Defra said it was working with the European Commission and local authorities to “ensure compliance with the limit values in the shortest possible time”.

A spokeswoman for Defra said: “Air quality has improved significantly in recent years and as this judgement recognises, work is already underway on revised plans (since February 2014) to meet EU targets on NO₂ as soon as possible. It has always been the government’s position to submit these plans before the end of this year. Meeting NO₂ limits is a common challenge across Europe with 17 member states exceeding limits.”

Defra said that the “main reason” NO₂ breaches are so high across Europe is because the Euro emission standards for diesel cars “failed to deliver expected reductions in NO₂ in real life situations” adding that “the UK is pushing for action to address this as early as possible”.

ClientEarth

ClientEarth hailed today’s “historic ruling” which it said would force the government to “urgently clean up pollution from diesel vehicles, the main source of the illegal levels of nitrogen dioxide found in many of the UK’s towns and cities”.

It also said Defra would have to consider the likes of low emission zones, congestion charging and other economic incentives in preparation of the new air quality plans.

Alan Andrews, ClientEarth lawyer, said: “We brought our case because we have a right to breathe clean air and today the Supreme Court has upheld that right. This ruling will benefit everyone’s health but particularly children, older people and those with existing health conditions like asthma and heart and lung conditions.

“The next government, regardless of the political party or parties which take power, is now legally bound to take urgent action on this public health crisis. Before next week’s election all political parties need to make a clear commitment to policies which will deliver clean air and protect our health.”

Related Links:

[-Supreme Court judgement: ClientEarth v Secretary of State for the Environment, Food and Rural Affairs](#)

A14 Cambridge to Huntingdon Improvement Scheme

Representation No. **680**

Received **12 March 2015**

From **Brampton A14 Campaign Group**

Representation

Brampton A14 campaign Group is opposed to this Highways Agency (HA) A14 scheme. We have the following objections and observations:

a. The HA scheme is based on the outdated CHUMMS scheme (2001) and does not comply with current national and international transport, environment and health policy/law including:

1. UN - Climate Change (scheme increases carbon emissions: flooding risks to communities; resilience of transport networks at risk);
2. UK law (Carbon emissions reduction);
3. WHO (Children's Environment & Health Action Plan);
4. EU law (Air Quality Directives);
5. EU Health Strategy ('unconditional protection of children's health');
6. UK- NPPF (sustainable development criteria & Precautionary Principle);
7. DfT policy (modal shift of freight from road to rail; 'smarter choices').

b. HA community engagement flawed - consultation process inadequate:

1. exhibitions - largely PR exercises promoting HA scheme;
2. information - officials at meetings/exhibitions unable to answer detailed questions;
3. written responses - consultation in 2013 showed 'lack of support' for Huntingdon Southern Bypass - a six-lane elevated highway across the Ouse Valley flood plain from Swavesey to Brampton - no alternative options considered.
4. HA scheme extended in 2013 to widen A1 to six lanes between Brampton and Alconbury: no detailed justification of need - 'smarter choices' such as workplace travel plans, car clubs or rail options (passenger and freight) to service Alconbury Local Enterprise Zone not considered.

c. Value for money: Less costly alternative scheme submitted by Brampton in 2010 and 2013; HA scheme costs now £1.5 billion - £60 million per mile; Planning Inspector at A14 Public Inquiry in May 2010 instructed HA to draw up and assess alternative schemes. HA scheme cancelled in October 2010 on cost grounds.

d. Huntingdon Southern Bypass - local impacts

1. air, noise and light pollution from ten lanes of traffic at Brampton Interchange - 200 metres from family homes and near village school;
2. road traffic air pollution biggest risk to public health:
 1. lung development of children impaired up to 500 metres from similar road schemes (Gauderman report- Lancet 2007);
 2. fine particulates significant risk to public health (DEFRA);
 3. Brampton west of Interchange in path of prevailing westerly winds.

e. Borrowpits - cumulative effects of air and noise pollution from several sources:

1. borrow pits on both sides of Brampton Interchange for extraction of 2 million tons of

sand and gravel for road construction;

2. thousands of lorry movements plus noise, dust and fumes from quarrying activities and cement plant.

4. visual intrusion - effects on local landscape character;

5. loss of tranquility Ouse Valley Way; impact on proposed Ouse Valley AONB;

6. impact on cultural heritage - listed buildings and historic waymarker at Brampton

7. Impact on SSSIs and nature conservation sites and wildlife; impact on hydrology of Brampton Wood SSSI (ancient woodland);

8. increased flooding risk to communities in the Ouse valley;

9. loss of high quality arable farmland;

10. demolition of cottages – nearby tree with TPO at risk

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11. property blight.
