



N A B A R R O

By Email Only – A14cambridgetohuntingon@pins.gsi.gov.uk

Planning Inspectorate
3/18 Eagle Wing
2 The Square
Bristol
BS1 6PN

For Attention of: Nicholas Coombes

11 June 2015

Our ref: GB/T1953/00162
Your ref: TR010018/10030612

Dear Sirs

**Interested Party - Lafarge Aggregates Ltd (Unique Reference Number: 10030612)
A14 Cambridge to Huntingdon Improvement Scheme (Project Reference Number: TR010018)
Notification of wish to make Oral Representations**

We act for Lafarge Aggregates Ltd (the "**Company**") with respect to the above matter. Please take this as formal notification (as required by the Rule 8 Letter from the Examining Authority dated 21 May 2015) of the Company's wish to make oral representations at the following hearings:

- Issue Specific Hearings on the draft Development Consent Order dated 15 July 2015 and 4 September 2015;
- Compulsory Acquisition Hearings dated 1 - 3 September 2015; and
- Any further scheduled Issue Specific Hearings or Hearings related to the draft Development Consent Order or Compulsory Acquisition matters.

Representatives from the Company and its professional team will be in attendance, the names of which will be confirmed in due course.

Please acknowledge receipt of this letter.

Should you have any further queries please contact Rebecca Roffe of this office on r.roffe@nabarro.com or 0114 279 4040.

Yours faithfully

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A14 CAMBRIDGE TO HUNTINGDON IMPROVEMENT SCHEME (PROJECT REFERENCE NUMBER: TR010018)

LAFARGE AGGREGATES LTD (INTERESTED PARTY UNIQUE REFERENCE NUMBER: 10030612)

WRITTEN REPRESENTATIONS – 11 JUNE 2015

- 1.1 We have no objection in principle to the A14 Improvement Scheme application, provided that the issues below are addressed as part of the examination process.
- 1.2 Our concerns primarily relate to compulsory acquisition matters. The Applicant's Book of Reference indicates that it intends to acquire compulsorily, both permanently and temporarily, a number of plots over which Lafarge Aggregates Ltd (the "**Company**") has an interest by virtue of its minerals lease. It is crucial that this acquisition does not impact on the Company's ability to exercise the rights under its mineral lease, and powers of compulsory acquisition are only being exercised to the extent specifically necessary for implementation of the project and in the public interest.
- 1.3 In general, the Applicant's reasons for acquisition are generic and based on the claimed justifications for the scheme as a whole, rather than making a clear argument for acquisition of the individual land or rights in question. It is not clear to us why some of the plots are required to be acquired outright rather than, for example, being adopted as a public highway or being subjected to temporary rights.
- 1.4 Some specific issues we have identified are as follows:
 - 1.4.1 A number of the plots are proposed to be acquired for landscaping reasons, which we understand is intended to facilitate planting associated with the development. Whilst landscaping would generally be needed on a scheme such as this, no justification has been given as to why such planting is required on the specific plots over which the Company has an interest, and why the Examining Authority should allow the compulsory acquisition of land to enable such basic ancillary works to proceed.
 - 1.4.2 The Applicant is proposing to acquire wide parcels of land for use as borrow pits, requiring acquisition of both the surface and mineral interests at the relevant plots. We note the Applicant's response to our Relevant Representations in this respect but this is not an adequate response on the need for the acquisition. We understand from the Applicant's Statement of Reasons that fill material is required for construction of the project in excess of what will be excavated along the constructed road and, as a result, it is proposing to construct a number of borrow pits from where it can source that fill material. Without any explanation otherwise, we can only conclude that this approach has been adopted for reasons of expediency and to secure cost savings for the Applicant. There is no proper justification in the Statement of Reasons as to why the Applicant cannot source such material from elsewhere or as to why the minerals in which the Company has an interest have been selected. Any such acquisition may also impact on the Company's ability to exercise its mineral rights and, as such, has the possibility of causing significant harm to the Company's future business operations.
 - 1.4.3 We understand that the Applicant is proposing to acquire various plots to enable it to construct and implement floodplain compensation measures, which are needed to replace the volumes of floodplain removed by the scheme. The appropriateness of these

works is on the whole in doubt, given that the Flood Risk Assessment drafted by the Applicant acknowledges that the measures proposed may not be entirely effective to mitigate the rise in water levels. If the measures proposed are inadequate, there can clearly be no case for the use of onerous compulsory acquisition powers. Furthermore, it has again not been properly explained why the flood measures are needed in the specific areas proposed and it is not clear why certain plots are required permanently for construction of the relevant infrastructure, while other plots are only subject to temporary acquisition.

- 1.4.4 In general, there is insufficient detail on the extent and length of time proposed for the temporary acquisition. The Company is therefore unable to properly assess the impacts on its business (or that of its landlord) of the proposed acquisition. Given the significant lack of information, our submissions are made without prejudice to any further comments we may have on receipt of the outstanding information.
- 1.4.5 We would also query the robustness of the Applicant's optioneering process when discounting alternatives to the proposed route. This process appears to have been focussed on the overall route of the road, while failing to adequately and properly assess the suitability of the location recommended for the ancillary and associated works. The Company therefore remains concerned that the compulsory acquisition of certain areas of land adjacent to the main highway has not been properly justified.
- 1.5 In summary, the Applicant has not justified why each plot is needed for the project to progress or why such extensive areas of land should be permanently acquired. We require reassurances that the acquisition of the land for both permanent and temporary use will not materially impact on the land over which the Company has an interest and that there will be no unreasonable impacts on the Company's current or future business.

NABARRO LLP

11 JUNE 2015