

**A14**  
**Cambridge to Huntingdon**  
**improvement scheme**  
Development Consent Order Application

**HE/A14/EX/52**

TR010018

**HE/A14/EX/52**

**Highways England's comments on the Written Representations**  
**Report 4: Statutory Undertakers**

July 2015

The Infrastructure Planning (Examination Procedure) Rules 2010



## **A14 Cambridge to Huntingdon improvement scheme**

Development Consent Order Application  
Response to written representations  
(Report 4: Statutory undertakers)

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# 1 Introduction

## 1.1 Purpose of this report

- 1.1.1 A total of 4 written representations were submitted to the Examining Authority at deadline 2 (15 June 2015) by statutory undertakers, as listed below.
- BNP Paribas on behalf of Royal Mail and PFA Consulting
  - Bond Dickinson on behalf of Network Rail
  - Govia Thameslink Railways (GTR)
  - Swavesey Internal Drainage Board
- 1.1.2 The report provides Highways England's response to the principal issues raised, thereby providing a reference document to all interested parties and the Examining Authority.
- 1.1.3 The report focuses on substantive issues raised in written representations and does not comment on introductory or contextual information.

## 1.2 Structure of this document

- 1.2.1 The written representations raised a wide range of specific and detailed issues. This report is structured by Interested Party, in order to provide a response to specific issues raised. The report therefore includes a chapter for each Interested Party as listed in 1.1.1 above.
- 1.2.2 Within each chapter the report provides an overview of the Interested Party and the issues raised by the written representation. The overview also notes any points made in support of the scheme. The written representations raised a wide range of detailed issues, and these are structured within each chapter by principal issue in line with the principal issues identified in Annex C of the Rule 6 letter. These sections set out the issues raised with quotes and summaries and the Highways England response to these issues.

## 1.3 Ongoing engagement

- 1.3.1 Highways England continues to engage with statutory undertakers, including through the preparation of statements of common ground and ongoing meetings. Many of the issues set out in this report, will also be addressed as part of this ongoing engagement.

## 2 BNP Paribas on behalf of Royal Mail and PFA Consulting

### 2.1 Overview

2.1.1 BNP Paribas submitted a written representation (dated 15 June 2015) on behalf of Royal Mail and PFA Consulting identifying issues regarding design and engineering standards.

2.1.2 The representation raises principal issues as detailed below. Quotes and summaries taken from Royal Mail's written representation are highlighted in bold, followed by a response from Highways England.

2.1.3 In addition to issues raised, the Royal Mail also made the following points in support of the DCO application:

Royal Mail supports the A14 Cambridge to Huntingdon Improvement Scheme's operational principle as it will benefit all road users upon completion (Page 3, Para 3).

### 2.2 Design and Engineering Standards

#### Key issue

***“Royal Mail fully supports the principle of the proposed A14 Cambridge to Huntingdon Improvement Scheme, which is expected to be of benefit to all users of this road once complete. However, Royal Mail is concerned about the potential for disruption to its mail collection, transport and delivery during the estimated four year construction period of the A14 Cambridge to Huntingdon Improvement Scheme. Any such disruption on the A14, or the surrounding highway network, could affect Royal Mail’s future ability to provide an efficient mail sorting and delivery service to the public in accordance with its statutory obligations. Clearly, this presents a risk to Royal Mail’s business.” (Page 3, Para 3)***

#### Highways England response

2.2.1 Construction traffic volumes and movements have been assessed for the scheme in the *Transport Assessment (document reference 7.2)* as updated by the *Traffic Modelling Update Report (document reference HE/A14/EX/44)*.

2.2.2 Mitigation measures to minimise the disruption to traffic flow have been proposed and form part of the scheme. This includes the creation of haul routes, where practicable, which would run adjacent to the scheme or, in some instances, within the footprint of the new road (see Appendix 3.2 in the Environmental Statement for information). Compound sites, borrow pits and general construction areas could be

accessed via these temporary routes thereby minimising disruption to the highway network.

- 2.2.3 Segregated haul routes would separate significant volumes of construction traffic from public traffic, thereby minimising impact to traffic flow over the A14 and nearby road network. It is noted that optimal construction phasing (allowing significant works to be conducted offline) along with efficient traffic management would be required to ensure two lanes of traffic in each direction are open during peak hours as far as is reasonably practicable.
- 2.2.4 The main contractors would form a Traffic Management Working Group as set out in paragraph 1.5.13 of the Code of Construction Practice (CoCP) (appendix 20.2 to the *Environment Statement document reference 6.3*) and would consult with local authorities regarding access routes that may be used by the main contractors to access the construction sites and any local road traffic management measures. This would include consultation regarding any particular timing restrictions on the use of the roads. Chapter 15 of the CoCP details further measures to limit the impact on road users during construction of the scheme. Compliance with the CoCP is secured by paragraph 3 of Schedule 2 to the *Draft Development Consent Order (document reference 3.1)*. Additionally, paragraph 8 of the Draft Development Consent Order requires the approval of a traffic management plan before the relevant part of construction can begin.

## Key issue

***“As will be noted, PFA Consulting concludes that the construction of the A14 Improvements will inevitably lead to periods of increased congestion, causing delays and longer journey times than currently experienced.***

***PFA Consulting has also commented that whilst Highways England has programmed detailed consultation with local residents, local businesses and Parish Councils, insufficient attention has been given to instigate consultation with major road users and hauliers such as Royal Mail.***

***In line with the recommendations from PFA Consulting, in order to address the identified risk that the A14 Cambridge to Huntingdon Improvement Scheme presents to its business, Royal Mail requests that Highways England's Community Engagement Strategy should be revised to include major A14 users to ensure that adequate consultations occur.***

***Royal Mail requests that these consultations should cover traffic management proposals and ensure the provision of advance information on programmed construction activities to enable Royal Mail to instigate contingency measures, if required.” (Page 4, Para 2-5)***

## Highways England response

- 2.2.5 It is envisaged that a large number of construction movements would be required during the construction period, with a large number of these utilising offline temporary haul routes (see Annex B, appendix 3.2 in the Environmental Statement for details of volumes of construction traffic).
- 2.2.6 Online widening works, where traffic management would be required, would have some impact on traffic flow. This being the case, a substantial amount of construction work can be carried out offline during the construction period which would alleviate the need to use the existing road network and thereby minimise the duration users are impacted. Certain disruptive activities (such as launch of bridge beams) would only take place during off peak hours, thereby controlling congestion.
- 2.2.7 A traffic management plan will be prepared which would be submitted for approval following consultation with the relevant planning authority. The traffic management plan is secured by the *Draft Development Consent Order (document reference 3.1)*.
- 2.2.8 Local communities were consulted during the design of the scheme and Highways England will continue to engage with local communities through the detailed design stage after the development consent order is made (if the application is granted). The ongoing consultation process will aim to address issues raised by local communities, businesses and other key stakeholders such as Royal Mail. Please see chapters 4 and 15 of the Code of Construction Practice (CoCP) (*document reference 6.2 Appendix 20.2*) for more details on the consultation to be undertaken by Highways England and the main contractors during construction. Compliance with the CoCP is secured by paragraph 3 of Schedule 2 to the draft Development Consent Order (*document reference 3.1*).
- 2.2.9 Minimising disruption for both local and long-distance journeys throughout the construction period is a key priority for Highways England.

## 3 Bond Dickinson on behalf of Network Rail

### 3.1 Overview

- 3.1.1 Bond Dickinson submitted a written representation (dated 5 June 2015) on behalf of Network Rail identifying issues regarding design and engineering standards and the development consent order.
- 3.1.2 The representation raises principal issues as detailed below. Quotes and summaries taken from Network Rail's written representation are highlighted in bold, followed by a response from Highways England.

### 3.2 Design and Engineering Standards

#### Key issue

***Work to install bridge would interfere with the OLE. Adequate provision not made for the carrying out of these works and the safety of the railway.” (Page 4, Para 2.2.4)***

#### Highways England response

- 3.2.1 Several meetings between Highways England and Network Rail have taken place regarding this matter. A provisional agreement for carrying out all required works safely for the scheme has been reached.
- 3.2.2 A Basic Asset Protection Agreement between Highways England and Network Rail was signed in February 2014. This document details the way that Network Rail's assets will be protected.
- 3.2.3 Highways England has actively engaged with Network Rail regarding the specific issue of Overhead Line Equipment (OLE) modification and other issues. A series of Asset Protection meetings was instigated by Highways England on 22 September 2014. These meetings have taken place on a monthly basis and are attended by Jason Letts (Highways England), Laura Smythe and Steve Butcher of the Network Rail Asset protection team. Further meetings have been held on 18 November 2014, 16 December 2014, 23 February 2015, and 22 April 2015.
- 3.2.4 During the first meeting (22 September 2014) Network Rail confirmed that a multi-disciplinary meeting should be convened to discuss the possible modification of OLE. A meeting was held on 30 September 2014 and it was agreed by Network Rail that the East Coast Main Line overbridge could be constructed with a soffit clearance height of 6.38m, providing the OLE would be modified prior to construction. Richard Ollerenshaw (Network Rail Senior Electrification Engineer) stated that Highways England would need to produce a feasibility report into modifying the OLE and Network Rail would need to carry out a performance review of the OLE to determine if the proposals were acceptable.

- 3.2.5 Highways England completed this feasibility study on the 3 November 2014. Richard Ollerenshaw produced his performance review on the 6 November 2014. Both studies concluded that the modification of 11 Headspan OLE structures to rigid gantry structures would allow Highways England to build its bridge with soffit height of 6.38m.
- 3.2.6 At a multi-disciplinary meeting held on the 28 January 2015, it was discussed that Highways England would need to decide whether to carry out the works itself or pay Network Rail to carry out the works.
- 3.2.7 In an email dated 16 March 2015, Highways England informed Network Rail that it was Highways England's preference that it would fund Network Rail to carry out the works. Highways England then requested costs from Network Rail to produce a detail design of the modification and the implementation of the design.
- 3.2.8 In an email dated 27 May 2015, Network Rail sent a formal cost estimate for design and implementation of OLE works to Highways England.
- 3.2.9 At present Highways England is preparing the legal agreement with Network Rail that will set out the terms by which the OLE can be modified.
- 3.2.10 Further updates in relation to this point are made in the Statement of Common Ground with NR submitted at Deadline 3.

### 3.3 Development Consent Order

#### Key issue

***"2.1 Subject to the proper protection of Network Rail's statutory undertaking, Network Rail does not object in principle to the making of the DCO. However at the time of submission of this document Network Rail's interests are not adequately protected and its objection is therefore sustained. Network Rail's objection is limited to those parts of the proposed DCO affecting its operational land and described in this representation." (All paras except Page 4, Para 2.2.4)***

#### Highways England response

- 3.3.1 Highways England is negotiating an agreement with Network Rail and standard protective provisions for the benefit of Network Rail. Highways England intends to include within the DCO protective provisions to protect Network Rail's interests. Highways England welcomes Network Rail's confirmation that it does not object in principle to the making of the DCO.

## Key issue

### ***"2.2 Specifically, Network Rail objects to the following:***

***2.2.1 The granting of powers of compulsory acquisition over the Network Rail Land. These would cause serious detriment to the carrying on of Network Rail's railway undertaking contrary to Section 127 of the 2008 Act and it would not be in the public interest to grant such powers under Section 122 of the 2008 Act."***

## Highways England response

3.3.2 Powers of compulsory acquisition are sought over Network Rail land as set out in the *Statement of Reasons* (document reference 4.1).

8.8. It is proposed to acquire land from Network Rail Infrastructure Limited at the following plots of land in Huntingdon adjacent to the railway station: 34/30; 34/32a; 34/32d; and 34/36. Further information regarding these plots can be found in Appendices A and B. Plot 34/30 comprises grass verge and footway and the junction with Burrows drive and Brampton Road and would be acquired for the landscaping works associated with the construction of the B1514 Brampton Road Improvement (Work No.35). Plots 34/32a and 34/32d would comprise open car parking, under the A14 bridge and on the east and west sides of the A14. Plot 34/32a would be acquired for works associated with the construction of the Mill Common Link (Work No.36) and the construction of a private means of access to Huntingdon Railway Station with associated landscaping together with the demolition of the Huntingdon A14 viaduct (Work No.35). Plot 34/32d would be acquired for works in connection with the construction of the Mill Common Link (Work No.36) and associated landscaping. Plot 34/36 comprises grassed land and trees between Station Cottages and Alconbury Brook and would be acquired for Works associated with the construction of a new private means of access to Huntingdon Railway Station car park associated with the construction of the Mill Common Link (Work No.36) together with landscaping.

8.9 It is proposed to acquire new rights over land from Network Rail Infrastructure Limited in connection with the scheme. Rights would be acquired over Plots 9/7, 9/8, and 9/9, comprising of grassed cut slope, trees and a concrete railway accommodation bridge west of Corpus Christi farm, to construct and maintain a new track to access the River Great Ouse viaduct and drainage attenuation pond with or without vehicles plant and machinery for the benefit of the Secretary of State for Transport in connection with the new A14 (Work No.5). Rights over Plot 9/16b would be acquired to construct, use and maintain a bridge over the East Coast Mainline Railway for the benefit of the Secretary of State for Transport in connection with the new A14 (Work No.5).

- 3.3.3 No land comprising operational railway is proposed to be acquired permanently. New rights for bridges over operational railway are required. Highways England has proposed to Network Rail that protective provisions are included in the DCO to protect Network Rail's position so that no powers of compulsory acquisition can be exercised over Network Rail property without Network Rail's consent.
- 3.3.4 Further to that, an agreement has been proposed to Network Rail under which a property agreement would be entered into to deal with the transfer of any necessary property rights and asset protection agreements would be entered into to ensure that Network Rail property is adequately protected during the carrying out of the works for the scheme. Notwithstanding the proposal that necessary property rights would be transferred under a property agreement, powers of compulsory acquisition over such land remain necessary to deal with any rights of any third parties over such land and to ensure that the transfer of any property takes place against the backdrop of the Compensation Code to ensure that both Highways England and Network Rail are treated fairly.
- 3.3.5 Accordingly under such arrangements, there would be no detriment to the carrying on of Network Rail's railway undertaking.
- 3.3.6 The reasons as to why there are compelling reasons in the public interest for the proposed powers of compulsory acquisition for the DCO scheme are set out in the Statement of Reasons (document reference 4.1) and in the Case for the Scheme (document reference 7.1).

### **Key issue**

***"2.2.2 The current wording of the Draft DCO and the Application, including:***

***(a) The absence of adequate protective provisions, in the standard form, in favour of Network Rail.***

***(b) The transfer of the benefit of the DCO pursuant to Article 9 of the Draft DCO.***

***(c) The lack of an appropriate mechanism in the Draft DCO for ensuring that the Undertaker is responsible for the maintenance of the New Bridge.***

***(d) The lack of a vehicle/weight restriction in respect of the Corpus Christi Bridge.***

***(e) The lack of suitable assurances regarding the maintenance of access to Huntingdon Railway Station during the carrying out of the Authorised***

***Development and after the Authorised Development has been completed.***

***(f) The lack of suitable assurances regarding the provision of suitable and adequate car parking and replacement car parking at Huntingdon Railway Station during the carrying out of the Authorised Development and after the Authorised Development has been completed.***

***(g) The installation of the Water Tank and Outfall in the Southern Car Park.***

***(h) The extent and duration of the permanent and temporary land-take of the Draft DCO in respect of the Railway Land."***

### **Highways England response**

3.3.7 As to (a), see the response to paragraph 2.1 above.

3.3.8 As to (b) to (h) see the responses on these matters in the relevant paragraphs below.

### **Key issue**

***"2.2.3 Network Rail not being shown in the Book of Reference as the owner of Plots 34/31a 34/35a and 34/35b."***

### **Highways England response**

3.3.9 Noted. Highways England will review the situation and amend the Book of Reference as necessary.

### **Key issue**

***"3.2.1 Section 122 of the 2008 Act sets out the principal test for the Secretary of State in determining whether or not to include powers of compulsory acquisition in a development consent order.***

***3.2.2 Section 122 states as follows:***

***122 Purpose for which compulsory acquisition may be authorised***

***(1) An order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State is satisfied that the conditions in subsections (2) and (3) are met.***

***(2) The condition is that the land—***

***(a) is required for the development to which the development consent relates,***

***(b) is required to facilitate or is incidental to that development, or***

**(c)...**

**(3) The condition is that there is a compelling case in the public interest for the land to be acquired compulsorily.**

**3.2.3 The first part of this test is that the land is “required” for the development. This word is not defined in the 2008 Act, however Paragraph 11 of the DGLG Guidance states in relation to Section 122(2)(a):**

**“...the applicant should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought. The Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.”**

**Paragraph 11 continues in relation to Section 122(2)(b):**

**“An example might be the acquisition of land for the purposes of landscaping the project. In such a case the Secretary of State will need to be satisfied that the development could only be landscaped to a satisfactory standard if the land in question were to be compulsorily acquired, and that the land to be taken is no more than is reasonably necessary for that purpose, and that is proportionate.”**

**3.2.4 The word “required” in Section 122 of the 2008 Act also mirrors the wording of Section 226(1)(a) of the 1990 Act (as that Section was originally enacted). The meaning of that word was considered by the Court of Appeal in *Sharkey v Secretary of State for the Environment* (1992) 63 P. & C.R. 332 where McGowan LJ stated:**

**“...the local authority do not have to go so far as to show that the compulsory purchase is indispensable to the carrying out of the activity or the achieving of the purpose; or, to use another similar expression, that it is essential. On the other hand, I do not find the word ‘desirable’ satisfactory, because it could be mistaken for ‘convenient’, which clearly, in my judgment, is not sufficient. I believe the word ‘required’ here means ‘necessary in the circumstances of the case.’”**

**Although *Sharkey* related to a different piece of legislation, in light of the DCLG Guidance set out above it would seem reasonable to conclude that the word “required” in Section 122(1)(a) and (b) should be interpreted in the same manner.**

**3.2.5 The Secretary of State must also be satisfied that there is a “compelling case in the public interest” for the land to be acquired compulsorily. Paragraph 13 of the DCLG Guidance states:**

**“For this condition to be met, the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that**

***would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. Parliament has always taken the view that land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss."***

***3.2.6 Paragraphs 14 to 16 of the DCLG Guidance continue by explaining that "...the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition." When addressing the question of whether to grant powers of compulsory acquisition the decision maker is also bound to have regard to Article 1 of the First Protocol of ECHR (protection of property).***

***3.2.7 As land belonging to a statutory undertaker for the purposes of their undertaking, the Network Rail Land is land belonging to a statutory undertaker and is a special species of land. This is recognised by the special protection applied to such land by virtue of Section 127 of the 2008 Act (see section 3.3 below). These protections are necessary because such undertakings provide a public service. The public interest test in Section 122(3) of the 2008 Act therefore falls to be determined not just by weighing the public benefits of the scheme against the private loss of Network Rail, but also against the public dis-benefits caused by the disruption of Network Rail's undertaking, which are inseparable from Network Rail's private interest. The potential detriment to Network Rail's undertaking (and by extension to the public interest) is examined in more detail in Section 3.4 below.***

***3.2.8 The Draft DCO contains powers which could have the effect of closing the Railway for a period of several years. For example Article 30(1)(a)(ii) of the Draft DCO would allow the Promoter to take temporary possession of Plot 9/16b and to remain in possession for a period of up to six years. This would severely disrupt the East Coast Main Line which is one of the nation's principal rail arteries, and this would have severe adverse consequences for the wider economy.***

***3.2.9 The consequences of granting the powers of compulsory acquisition set out in the Draft DCO would potentially be very severe both in terms of public and private loss. It follows that the test set out in Section 122 has not been satisfied in respect of the Network Rail Land and the Network Rail Rights Land and that the powers of compulsory acquisition which the Promoter is seeking in relation to this land should not be granted." (3.2 Section 122 of the 2008 Act)***

## Highways England response

- 3.3.10 The grounds as to why there are compelling reasons in the public interest for the powers of permanent acquisition and temporary use under the DCO are set out in the Statement of Reasons (document ref 4.1) and Case for the Scheme (document ref 7.1). The Statement of Reasons explains why the powers are necessary and not merely convenient.
- 3.3.11 Under the arrangements proposed to Network Rail, the exercise of any temporary possession powers under the DCO over any parts of Network Rail property would be subject to the provisions of Office of Road and Rail Regulation approved asset protection agreements which in particular would govern the time, duration and manner of any activities that might impact on or disrupt any operational railway. If any disruption to the East Coast Main Line is necessary, it would therefore occur in accordance with the standard railway possessions regime.
- 3.3.12 Given that any impact of the construction of the scheme on Network Rail Property and / or operational railway would therefore be entirely within railway industry norms, it is Highways England's view that the exercise of weighing the respective merits falls clearly in favour of the public interest in the scheme as set out in the Case for the Scheme (document ref. 7.1).

### Key issue

***"(e) The New Bridge Land forms part of the Network Rail's operational Railway and facilitates the movement of railway traffic. The temporary possession of the New Bridge Land pursuant to the DCO would interrupt this service. The construction of the New Bridge will also necessitate the alteration of the OLE which is fundamental to the operation of the railway and the Draft DCO does not provide adequate safeguards to minimise disruption to services. The granting of powers of compulsory acquisition in relation to the New Bridge Land would therefore cause serious detriment to the carrying on of Network Rail's undertaking (see paragraph 3.2.8 above). The established system of railway possessions under the Network Code provides a far more suitable and balanced mechanism under which these works may be carried out. It is essential that the any closure of the Railway necessitated by the Authorised Development is of a very limited duration (i.e. limited to a matter of days and not years). As a general principle, the taking of the Network Rail Land may only be with Network Rail's permission, under their supervision and for such period of time as Network Rail stipulates. Network Rail is very concerned that at the time of submission of this document the Promoter has not yet applied for technical clearance for these works." (Paragraph 3.3.1)***

## Highways England response

3.3.13 As set out above, Highways England has proposed to Network Rail that the standard industry norms will apply to any necessary railway possessions or other disruption to the operational railway. It is hoped that a successful conclusion of the discussions relating to the arrangements proposed to Network Rail will allow them to withdraw their representation.

### Key issue

***"(f) The Corpus Christi Bridge crosses the East Coast Main Line and was provided as a private accommodation bridge for the adjacent farm. As such it is suitable for use by agricultural vehicles but not by the type of heavy construction vehicle that would be required to construct the Authorised Development. Moreover the powers in the Draft DCO could potentially be used to exclude Network Rail from taking access to the Bridge. Given the of the bridge to the East Coast Main Line, Network Rail needs to maintain free and uninterrupted emergency access to the Bridge both for safety and operational reasons (for example in the event that repairs were required to the OLE). The powers being sought are too general and too weighted in favour of the Undertaker and do not take into account the needs to Network Rail as a statutory undertaker. "***  
***(Paragraph 3.3.1)***

## Highways England response

3.3.14 See the response given in relation to 4.4 below.

### Key issue

***"(g) The Existing Access provides the only vehicular access to the eastern platforms of Huntingdon Station and the adjacent car parks. The permanent acquisition of the Existing Access pursuant to the DCO would prevent such access. Although powers are being sought in the Draft DCO for the provision of replacement access (i.e. the New Northern Access and the New Southern Access) there is no certainty that such accesses will be provided and, even if they are, there is no certainty that they will be provided before the closure of the Existing Access (see Section 4.5 below). The permanent acquisition of the North Eastern Car Park together with the temporary acquisition of the Existing Access would also lead to a position where inadequate parking facilities are provided at Huntingdon Station. No replacement car park is being provided under the scheme and Section 127(3)(b) is not therefore engaged. The taking of the New Southern Access Land would prevent access from being taken along this route unless and until a new access road is provided and suitable rights granted, and as stated above, the provision of these works and their timing is not guaranteed under the Order (again see Section 4.5 below). Moreover, the Water Tank Land,***

***over which powers of temporary possession for up to six years are being sought, immediately adjoins New Southern Access Land. Even if the New Southern Access is constructed and made available for use, the temporary possession powers being sought over the Water Tank Land mean that there is no guarantee that access could in fact be taken. These powers of compulsory acquisition would severely disrupt the operation of Huntingdon Station and would therefore cause serious detriment to the carrying on of Network Rail's undertaking." (Paragraph 3.3.1)***

### Highways England response

3.3.15 See the response given in relation to paragraph 4.5.

### Key issue

***"(h) The Draft DCO contains a number of powers to acquire land both permanently and temporarily which are subject to this test, including Articles 20 (compulsory acquisition of land), 27 (acquisition of subsoil or airspace only), 29 (rights under or over streets), 30 (temporary use of land for carrying out the authorised development, 31 (temporary use of land for maintaining the authorised development) and 32 (statutory undertakers). In light of the issues referred to above Network Rail considers that these powers cannot be taken without serious detriment to the carrying on of its railway undertaking and it therefore objects to these powers applying to the Network Rail Land.***

***(i) Network Rail is also particularly concerned about Article 32 which relates to the compulsory acquisition of statutory undertakers' land. Unlike the general power relating to compulsory acquisition in Article 20, the Article 32 power is not circumscribed by Article 23(2) (which provides that only new rights may be acquired in relation to the land as referred to in Schedule 5). The Draft DCO as drafted would therefore allow the compulsory acquisition of the Temporary Possession Land and the Temporary Possession and Rights Land. By way of explanation:***

***(i) Article 32(1) expressly limits the power to acquire statutory undertakers' land by applying the provisions of Article 23(3) (i.e. that where a right is taken over land the Undertaker need not acquire a greater interest in the land).***

***(ii) Article 32(1) is silent in respect of Article 23(2) which limits the powers of compulsory acquisition in relation to certain land to the acquisition of rights only.***

***(iii) The fact that Article 23(3) is expressly referred to but Article 23(2) is not suggests that it is not intended that Article 23(2) should apply to statutory undertakers' land acquired under Article 32." (Paragraph 3.3.1)***

## Highways England response

3.3.16 Highways England has reviewed the draft DCO as applied for in light of Network Rail's comments and considers that article 32 should be restricted by article 23(2) rather than by article 23(3) (which is not a restriction but a beneficial provision). Highways England will propose the necessary change in the revised draft of the DCO being submitted at Deadline 4.

### Key issue

***"(c) The taking of rights to construct a new "track" over the Corpus Christi Bridge takes no account of the structural integrity of the bridge. The nature of the proposed "track" does not appear to be determined by the Draft DCO and it is unclear whether the track could safely be constructed and used on the bridge. In light of this uncertainty the taking of these rights would be likely to cause serious detriment to the carrying on of Network Rail's undertaking. Network Rail is very concerned that the rights being sought over the Corpus Christi Bridge would allow heavy construction traffic to use it as the bridge is unsuitable for such traffic. Moreover, the Application does not take any account of the increased risk of road vehicle incursion onto the railway or provide adequate preventative measures. In light of these issues the Applicant should carry out an options appraisal in respect of alternative routes and provide evidence as to why this is the only option."***  
(Paragraph 3.2.2)

## Highways England response

3.3.17 The track is proposed to allow continued access to Corpus Christi Farm as well as for maintenance vehicles. It is not proposed as a construction haulage route. The condition of the Corpus Christi Bridge (also known as Lancaster's Bridge) has been discussed with Network Rail in the development of the design. Highways England has considered the condition of the bridge using records provided by Network Rail. The initial review has concluded that it is likely that the bridge in its current form will prove suitable for the proposed use. As part of Highways England's technical approvals processes at detailed design stage following any making of the development consent order, the bridge would be required to be assessed to confirm its adequacy for carrying the proposed vehicles. Similarly, the risk of vehicle incursion would be assessed and any improvements to vehicle restraint measures would be identified.

### Key issue

***"(d) The taking of a right to construct use and maintain the New Bridge over the East Coast Main Line in the uncontrolled way provided for by the Draft DCO would be likely to have severe detrimental impacts on***

***Network Rail's statutory undertaking (see Paragraph 3.3.1(e) above). Moreover, Network Rail is very concerned for the potential for the reintroduction of settlement of Network Rail embankments which could arise due to the loads imposed during and following the road embankment construction.***

***(e) The taking of a right to construct use and maintain the Water Tank and Outfall over the Water Tank Land is part of a package of measures proposed for Huntingdon Station. The taking of the right to install the Water Tank and Outfall in this location (immediately adjoining the proposed New Southern Access) would potentially prevent the use of the New Southern Access which is vital to ensure continued vehicular access to Huntingdon Station. Again, therefore, the taking of these rights would be likely to have severe detrimental impacts on Network Rail's statutory undertaking." (Paragraph 3.2.2)***

### **Highways England response**

3.3.18 In discussion with Network Rail, the design of the bridge has been developed with consideration for the potential settlement effects on NR assets. Highways England would seek to agree with Network Rail permitted settlement amounts, along with a suitable monitoring regime throughout the construction period. These settlements would be used to determine the detailed design of the bridge. Highways England will work with Network Rail to ensure any right to construct and maintain the drainage outfall would minimise any impact on the operation of the site. This aspect will be considered alongside the issues raised in 4.6 below.

### **Key issue**

***"3.4.1 Section 138 contains a special test which must be applied by the Secretary of State before powers of compulsory acquisition are granted which would extinguish a right or way, or a right of laying down, erecting, continuing or maintaining apparatus on, under or over land" where that right is vested in a statutory undertaker for the purposes of their statutory undertaking. Under Section 138(4):***

***(4) The order may include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, only if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates.***

***3.4.2 The Draft DCO contains a number of powers to extinguish rights, including Articles 13 (permanent stopping up of streets and private means of access), 25 (private rights over land) and 32 (statutory undertakers). An example of the serious issues which would arise if these powers were granted in relation to the Network Rail Land and***

***Network Rail Rights Land are highlighted in Paragraph 3.3.1(g) above in respect of the closing of the Existing Access. Although the Statement of Matters makes reference to Section 138, no justification has been made out for the removal of Network Rail's rights in the Network Rail Rights Land. Accordingly no case has been made out that the extinguishment of Network Rail's rights is necessary to allow the development to proceed and the powers which are being sought in relation to Network Rail's interests in the Network Rail Rights Land should not be granted."***

### **Highways England response**

3.3.19 The reasons why the powers of compulsory acquisition are necessary over all of the plots comprising the Network Rail Rights Land are set out in the Statement of Reasons, accordingly:

Plot 34/25b would be required temporarily for all purposes associated with the de-trunking of the existing A14(T) between Alconbury and Fen Drayton, the stopping up of the A14(T) in Huntingdon and to provide working space and temporary access for works in connection with the demolition of the Huntingdon A14 viaduct (Work Nos. 5, 35 and 36).

Plot 34/25d would be acquired for the landscaping associated with the works for the B1514 Brampton Road Improvement (Work No.35).

Plot 34/25e would be acquired for all purposes associated with the de-trunking of the existing A14(T) between Alconbury and Fen Drayton, the stopping up of the A14(T) in Huntingdon and to provide working space and temporary access for works in connection with the demolition of the Huntingdon A14 viaduct (Work No. 5, 35 and 36).

### **Key issue**

***"4.1.1 Network Rail has standard protective provisions which it requires to be included in any development consent order or Transport and Works Act order which is likely to affect its railway undertaking. Although the precise detail of protective provisions needs to be agreed on each occasion, a useful starting point is the protective provisions contained in the A160/A180 (Port of Immingham Improvement) Development Consent Order 2015.***

***4.1.2 Network Rail's protective provisions are designed to balance the needs of the Promoter against the operational requirements of Network Rail's undertaking. The protective provisions deal with issues such as the restriction of the powers of the Promoter to exercise powers of compulsory acquisition except with the consent of Network Rail, the approval of plans, the carrying out of protective works and damage and obstruction arising from the works.***

***4.1.3 The Draft DCO does not contain any protective provisions in favour of Network Rail notwithstanding the fact that the Promoter undertook some initial discussions with Network Rail about the form of such***

***provisions prior to the submission of the Application. Although negotiations have now begun as to the form and inclusion of protective provisions, unless and until such time as such protective provisions are included in the DCO in a form approved by Network Rail, Network Rail must sustain in the strongest possible terms its objection to the making of the DCO."***

## **Highways England response**

3.3.20 Highways England has proposed to Network Rail that protective provisions are included in the DCO and the detail of these is currently being discussed with Network Rail.

### **Key issue**

***"4.2.1 Article 9 of the Draft DCO authorises the transfer of any or all of the benefit of the provisions of the DCO to a third party either permanently or for a limited period. Under article 9(3) the exercise by that person of such benefits and rights is subject to "the same restrictions, liabilities and obligations as would apply" under the DCO.***

***4.2.2 Network Rail is concerned in relation to the open-ended nature of this power and considers that the following principles should apply:***

***(a) The consent of the Secretary of State should be required for any transfer;***

***(b) Any transfer of powers which affect Network Rail's undertaking should only be made to another competent authority approved by Network Rail;***

***(c) Any transferee should expressly be subject to all restrictions, liabilities, and obligations (including those under contract) as the Undertaker. Article 9(3) goes some way towards this position, but does not appear to extend to contractual restrictions, liabilities, and obligations.***

***(d) Where the benefit of the Order is transferred for only a limited period (rather than permanently) under Article 9(1)(b) Network Rail considers that the Order should expressly state that the obligations on the undertaker will continue upon transfer, albeit that they will also be enforceable against the Lessee." (4.2 Transfer of the Benefit of the DCO)***

## Highways England response

3.3.21 Originally the DCO application was made by the Highways Agency as an executive agency of the Secretary of State. As such, the requirement for the consent of the Secretary of State was not necessary or appropriate. With the change of status from the Highways Agency to Highways England, Highways England will include appropriate wording in the revised draft being submitted at Deadline 4 that the consent of the Secretary of State is required for transfers of the benefit of the DCO. It will then be for the Secretary of State to decide upon the suitability or competence of any proposed transferee.

3.3.22 It is to be expected that any contractual obligations that Highways England enters into towards Network Rail will provide that any assignment of their benefit will be subject to the assignee entering into a deed of covenant towards Network Rail.

### Key issue

***"4.3.1 Article 12(3)(a) of the Draft DCO provides that "from the date that the authorised development is completed and open to traffic":***

***(a) the roads described in paragraphs 1 to 9 of Part 6 of Schedule 3 (classification of roads, etc) are to become trunk roads as if they had become so by virtue of an order made under section 10(2) of the 1980 Act specifying that date as the date on which they were to become trunk roads***

***4.3.2 The New Bridge forms part of the "New A14 Trunk Road" which is described in Paragraph 1 of Part 6 of Schedule 3 of the Draft DCO and shown on the Classification of Roads Plans. A trunk road is a highway which is maintainable by the Secretary of State or a strategic highway company such as Highways England.***

***4.3.3 Under Section 328(2) of the Highways Act 1980:***

***(2) Where a highway passes over a bridge... that bridge... is to be taken for the purposes of this Act to be part of the highway.***

***4.3.4 Section 118 of the Transport Act 1968 applies to "any bridge, including a bridge constructed after the day on which this section comes into force which... carries a highway over" a railway. Section 118(2) provides:***

***"...it shall be the duty of the person to whom a bridge to which this section applies belongs (in this section referred to as "the owner") to maintain it in such a condition that it is not a source of danger to, and does not interfere with, or require any restriction to be placed on, the traffic from time to time using the railway or inland waterway crossed by the bridge."***

**4.3.5 The powers set out in Section 118 of the Transport Act 1968 provide the statutory framework which allow the highway and the railway to co-exist and provide a position which is broadly acceptable to Network Rail. However this framework will only arise after the New A14 Trunk Road becomes a highway. Article 12(3) is therefore inadequate to protect Network Rail in two respects:**

**(a) It leaves the date when the trunk road comes into being entirely to the discretion of the Undertaker (i.e. in terms of the date when the complete the works and open the road) and does not deal with the situation in the interim.**

**(b) It appears to require the whole of the Authorised Development (i.e. all of the works referred to in Schedule 1) to be completed and open to traffic before the trunk road comes into being. This means that there is considerable uncertainty as to whether or not the trunk road will ever come into being.**

**4.3.6 Until the uncertainty surrounding this issue is resolved, Network Rail objects to the construction of the New Bridge." (4.3 Maintenance Liability for the New Bridge)**

## Highways England response

3.3.23 The risk that is identified is a narrow one, which arises in the period between construction of the New Bridge and the time at which it formally becomes highway. Once the New Bridge is completed and is open to traffic, it will become highway. It is not the case that the New Bridge could not become highway until all of the works referred to in Schedule 1 are completed.

3.3.24 The industry standard asset protection agreement that Highways England has proposed should be entered into with Network Rail would govern liability for maintaining the New Bridge during its construction and further arrangements would be made in relation to the transfer of the necessary property rights in the New Bridge.

## Key issue

**"4.4.1 The Corpus Christi Bridge crosses the East Coast Main Line and was provided as a private accommodation bridge for the adjacent farm. As such it is suitable for use by agricultural vehicles but not by the type of heavy construction vehicle that would be required to construct the Authorised Development. The Draft DCO provides a powers to take temporary possession of the bridge under Articles 30 and 31. These powers could potentially be used to exclude Network Rail from taking access to the bridge which crosses over the strategically important and nationally significant East Coast Main Line. It is fundamental to the safe and efficient operation of the railway network that Network Rail needs to maintain free and uninterrupted access to the Bridge both for safety and**

***operational reasons (for example in the event that repairs were required to the OLE). The powers being sought in the Draft DCO in relation to the Corpus Christi Bridge are too general and too weighted in favour of the Undertaker and do not take into account the needs to Network Rail as a statutory undertaker.” (4.4 Corpus Christi Bridge)***

## **Highways England response**

3.3.25 In so far as Network Rail has rights over the Corpus Christi Bridge, the proposed protective provisions and the agreement proposals set out above will serve to protect those rights.

### **Key issue**

***“4.4.3 Moreover the taking of rights to construct a new “track” over the Corpus Christi Bridge takes no account of the structural integrity of the bridge. The nature of the proposed “track” does not appear to be determined by the Draft DCO and it is unclear whether the track could therefore be safely be constructed and used on the bridge. The Draft DCO does not contain any mechanism to ensure that undertaker would assess the structural capacity of the bridge. Network Rail is very concerned that the rights being sought over the Corpus Christi Bridge would allow heavy construction traffic to use it as the bridge is unsuitable for such traffic. Moreover, the Application does not take any account of the increased risk of road vehicle incursion onto the railway or provide adequate preventative measures.***

***4.4.4 In light of these issues the Applicant should carry out an options appraisal in respect of alternative routes and provide evidence as to why this is the only option.***

***4.4.5 Network Rail objects to the making of the DCO until such time as:***

***(a) Suitable and adequate arrangements are in place to allow Network Rail to gain access to the Corpus Christi Bridge at all times for the purposes of inspection, repair and maintenance;***

***(b) The nature of the proposed “track” is known;***

***(c) A restriction is placed on the size and weight of vehicles which would be allowed to use the bridge;***

***(d) The Applicant has carried out an options appraisal in respect of alternative routes and provide evidence as to why this is the only option; and***

***(e) It is proved to Network Rail that the proposed “track” would not cause the bridge to become unsafe or increase any maintenance liability Network Rail may have in relation to the bridge.”***

## Highways England response

3.3.26 See response in 3.3.17. It is not proposed that the bridge is used for heavy construction traffic and after preliminary review and discussion with Network Rail, Highways England has concluded that it is unlikely that the bridge in its current form will prove suitable for the proposed use. As part of Highways England's technical approvals processes at detailed design stage after the development consent order is made (assuming the application is successful), the bridge will be required to be assessed to confirm its adequacy for carrying the proposed vehicles and restrictions on usage can be applied if necessary.

### Key issue

***"4.5.1 The Draft DCO authorises the compulsory acquisition of the Existing Access. The Existing Access provides the only vehicular access to the eastern side of Huntingdon Station including car parks and taxi drop-off points and if the scheme is implemented this access would cease to exist.***

***4.5.2 The Draft DCO does make provision for the replacement access to be provided in the form of the New Northern Access and the New Southern Access. However the Draft DCO does not provide adequate protection in this regard for the following reasons:***

***(a) No provision is made to compel the Undertaker to construct the New Northern Access or the New Southern Access. Even if they are constructed, there is no mechanism in the Draft DCO to ensure, and therefore no certainty, that the New Northern Access and the New Southern Access will be constructed and opened before the Existing Access is closed.***

***(c) Even if they are constructed and opened before the Existing Access is closed, there is no certainty that they will remain open during the construction of the Authorised Works.***

***(d) Although it is proposed that a private access is built to the station across Plot 34/36 to provide the New Southern Access, there is no guarantee that Network Rail will have any rights over that access. Plot 34/36 is being compulsorily acquired from Network Rail who would not appear to have any rights to use the land thereafter. The same principles apply to the New Northern Access.***

***(e) Moreover, the Water Tank Land, over which powers of temporary possession for up to six years are being sought, immediately adjoins New Southern Access Land. Even if the New Southern Access is constructed and made available for use, the temporary possession powers being sought over the Water Tank Land mean that there is no guarantee that access could in fact be taken to the station using this***

*route.*

***(f) The proposals in the Draft DCO provide a considerable degree of uncertainty in respect of the nature and delivery of suitable access to Huntingdon Station and Network Rail objects to the making of the DCO until such time as these issues are resolved to its satisfaction." (4.5 Access to Huntingdon Railway Station)***

## Highways England response

3.3.27 Highways England intends to provide a suitable and reasonably convenient replacement access to the station and car park, from the public highway over land in relation to which a right of way has been granted. The existing access to the station and car park would be replaced by two new private means of accesses from the improved A14 (to be de-trunked), the first adjacent to Mill Common and the second at the southern end of the new highway Reference C on Sheet 28 of the Rights of Way and Access Plans. Highways England can confirm that the intention would be to temporarily maintain the existing access to the station and car park until construction of the new access adjacent to Mill Common and the associated improvements to the A14 are complete.

## Key issue

***"4.6.1 The Draft DCO makes provision for the permanent acquisition of the North Eastern Car Park and the temporary acquisition of the North Western Car Park for a period of up to six years. No provision is made in the Draft DCO for replacement car parking to be provided.***

***4.6.2 The station car park allows members of the public who otherwise would not be able to use rail services (because they do not live within walking distance) safe, efficient and convenient access to the rail system. The provision of suitable and adequate car parking adjacent to the railway station is therefore a vital component of Network Rail's statutory undertaking, and an important way to ensure that journeys can be completed by rail rather than by private car and that the station operates to its full potential as a sustainable transport mode in accordance with Section 4 of the NPPF.***

***4.6.3 No consideration appears to have been given to the effect of the loss of car parking spaces or whether any alternative provision should be put in place. .***

***4.6.4 The Draft DCO also makes inadequate provision to ensure that access to the Northern Car Parks and the Southern Car Park is maintained at all times (see Section 4.5 above)***

***4.6.5 Until these issues are resolved, Network Rail must maintain its objection to the Draft DCO." (4.6 Car Parking)***

## Highways England response

3.3.28 Discussions are ongoing with Network Rail and the station operator (Govia) with regards to the loss of car parking and suitable accommodation measures. The contractor will work in accordance with the Code of Construction Practice to ensure any disruption to the station's operation is minimised. This will include liaison with stakeholders such as Network Rail, train operating companies, Cambridgeshire County Council and Huntingdonshire District Council. The existing access to the station and car park would be replaced by two new private means of accesses from the improved A14 (to be de-trunked), the first adjacent to Mill Common and the second at the southern end of the new highway Reference C on Sheet 28 of the Rights of Way and Access Plans. Highways England can confirm that the intention would be to temporarily maintain the existing access to the station and car park until construction of the new access adjacent to Mill Common and the associated improvements to the A14 are complete.

### Key issue

***"4.7.1 Network Rail is the owner of Plots 34/31a, 35/35a and 34/35b in the Book of Reference. The Book of Reference therefore needs to be amended to reflect this." (4.7 Book of Reference)***

## Highways England response

3.3.29 Noted. Highways England will review the situation and amend the Book of Reference as necessary.

### Key issue

***"4.8.1 The construction of the New Bridge over the East Coast Main Line will interfere with Network Rail's OLE because the scheme proposes to provide a headroom from rail to bridge soffit of 6.38m. This is insufficient for current OLE arrangements and also future infrastructure required for 140mph trains. One solution, currently being discussed, would be for mitigation works to be undertaken that would convert existing OLE headspans into fixed portals. This would reduce the OLE system height and allow the bridge to be constructed at the proposed headroom. However these measures do not form part of the Draft DCO.***

***4.8.2 To facilitate the removal of the existing A14 flyover from above Huntingdon Station, the scheme requires temporary alterations to be undertaken to the existing OLE infrastructure. However, these measures do not form part of the Draft DCO.***

***4.8.3 The Draft DCO fails to grapple with these knock-on effects or to provide suitable and adequate protection to Network Rail in respect of the OLE works that would be required before the New Bridge could be***

***installed." (4.8 Overhead Line Equipment)***

**Highways England response**

3.3.30 As outlined in Highways England's response to section 2.2.4, Highways England has reached outline agreement with NR on the scope of work required to modify the OLE clearance. Highways England currently intends that Network Rail carry out the works themselves, paid for by Highways England. Highways England intends to enter into a development and implementation agreement with Network Rail in relation to these works.

**Key issue**

***"4.9.1 The change in road configuration and the removal of headroom restrictions will impact on the usage of the Brampton Road Bridge. Network Rail is particularly concerned about changes in loading and the risk of vehicle incursion. The Application does not assess this increase in risk to Network Rail's undertaking and the Draft DCO does not provide for any mitigation measures to be constructed as part of the scheme." (4.9 Brampton Road Bridge)***

**Highways England response**

3.3.31 The existing weight restriction on Brampton Road for 7.5 tonne vehicles would continue – this is an environmental restriction rather than one imposed due to it being a weak bridge. During the development of the design to date, Highways England has obtained records of the assessment of the bridge from Network Rail and has considered the condition and strength of the bridge. It is also the case that the revised highway configuration is closer to the original design of the bridge and the configuration that was assessed by Network Rail according to the records obtained. In accordance with Highways England's technical approval procedures, further consideration of this issue would be carried out at detailed design stage after any making of the development consent order. In addition a vehicle incursion assessment would be undertaken to identify the need for any parapet improvements.

## 4 Govia Thameslink Railways (GTR)

### 4.1 Overview

4.1.1 Govia Thameslink Railways submitted a written representation (dated 8 June 2015) identifying issues regarding compulsory acquisition, design and engineering standards and the development consent order.

4.1.2 The representation raises principal issues as detailed below. Quotes and summaries taken from the Govia Thameslink Railways' written representation are highlighted in bold, followed by a response from Highways England.

### 4.2 Compulsory Acquisition

#### Key issue

***“Although the Draft DCO makes provision for a replacement access in the form of the New Northern Access and the New Southern Access, the Draft DCO does not provide adequate protection in this regard for the following reasons:***

***No provision is made to compel the Undertaker to construct the New Northern Access or the New Southern Access (sub paragraph (a)).***

***Even if they are constructed, there is no mechanism in the Draft DCO to ensure, and therefore no certainty, that the New Northern Access and the New Southern Access will be constructed and opened before the Existing Access is closed (sub paragraph (b)).***

***Even if they are constructed and opened before the Existing Access is closed, there is no certainty that they will remain open during the construction of the Authorised Works (sub paragraph (c)).***

***Although it is proposed that a private access is built to the station across Plot 34/36 to provide the New Southern Access, there is no guarantee that GTR will have any rights over that access. Plot 34/36 is being compulsorily acquired from Network Rail who would not appear to have any rights to use the land therefore thereafter and subsequently grant such rights to GTR. The same principles apply to the New Northern Access (sub paragraph (d)).***

***Moreover, the Water Tank Land, over which powers of temporary possession (for up to six years) are being sought, immediately adjoins New Southern Access Land. Even if the New Southern Access is constructed and made available for use, the temporary possession powers being sought over the Water Tank Land mean that there is no guarantee that access to the station could be taken using this route (sub paragraph (e)).***

***The proposals in the Draft DCO provide a considerable degree of uncertainty in respect of the nature and delivery of suitable access to Huntingdon Station and GTR objects to the making of the DCO until such time as these issues are resolved to its satisfaction (sub paragraph (f))." (Page 1, Para 1.1.2(a) to (f))***

## Highways England response

### 4.2.1 (a) and (b)-

The provision of the proposed new accesses at Huntingdon Station forms Work 36 (b) and (c) of Schedule 1 to the draft DCO, and is therefore part of the works which would be authorised by the Development Consent Order (DCO) if development consent was granted.

Article 13 of the DCO provides that no existing accesses can be closed until new replacement accesses have been provided, including accesses affected during construction of the scheme. It sets out that:

- "No street or private means of access ...is to be wholly or partly stopped up under this article unless—
- the new street or private means of access to be constructed and substituted for it, has been completed to the reasonable satisfaction of the street authority and is open for use; and
- a temporary alternative route for the passage of such traffic as could have used the street or private means of access to be stopped up is first provided and subsequently maintained by the undertaker, to the reasonable satisfaction of the street authority, between the commencement and termination points for the stopping up of the street or private means of access until the completion and opening of the new street or private means of access in accordance with sub-paragraph (a) Highways England will discuss with Govia Thameslink Railway the concerns relating to access which have been raised in the written representation, with the aim of identifying a solution that is acceptable to both parties; and the agreed way forward will be documented as necessary.

### 4.2.2 (c) and (e)

The construction contract would require access to be maintained throughout the construction period. Any temporary arrangements necessitated by the works would be agreed before implementation. The need for such arrangements in relation to the Scheme is contained within the *Code of Construction Practice (Appendix 20.2 to the Environmental Statement document reference 5.3)* that is secured by paragraph 2 of Schedule 2 to the draft DCO.

This would include plot 34/35a which this representation refers to as the 'Water Tank Land' and which is proposed to be subject to the

creation and acquisition of a new right to construct, use and maintain a new drainage outfall and attenuation tank for the benefit of Cambridgeshire County Council. Once construction of the water tank and outfall was complete, the Council would only have a right to access that land for inspection and maintenance of the water tank and outfall. The draft DCO does not make provision for the Council to acquire the land. It is therefore envisaged that there will be no impact on the southern access of the Station following completion of the Scheme.

#### 4.2.3 (d)

The land for the new accesses would be acquired by Highways England, which would subsequently be able to grant any rights of access over that land, as required by Network Rail and/or Govia Thameslink Railway. This enabling power would be secured by the DCO, if the application is granted and the DCO made.

The following provisions within the draft DCO expressly make provision for this access to be created (separately from the powers enabling the land to be acquired by Highways England), and thus to secure its provision after completion of the Scheme:

Schedule 1 Work 36 (c): construction of a new road access to Huntingdon Railway Station car park, as shown on sheet 28 of the rights of way and access plans and described in Schedule 4;

Schedule 4 Part 3 Sheet 28 Reference 6: New private means of access from the south-west side of the de-trunked A14 to the railway station car park.

### Key issue

#### ***"Car parking:***

***The Draft DCO makes provision for the permanent acquisition of the North Eastern Car Park and the temporary acquisition of the North Western Car Park for a period of up to six years. No provision is made in the Draft DCO for replacement car parking to be provided.***

***The station car park allows members of the public who otherwise would not be able to use rail services (because they do not live within walking distance) safe, efficient and convenient access to the rail system. The provision of suitable and adequate car parking adjacent to the railway station is therefore a vital component of GTR's service provision and an important way to ensure that journeys can be completed by rail rather than by private car so that the station operates to its full potential as a sustainable transport mode in accordance with Section 4 of the NPPF.***

***The Draft DCO also makes inadequate provision to ensure that access to the Northern Car Parks and the Southern Car Park is maintained at all times.***

***Until these issues are resolved, GTR must maintain its objection to the Draft DCO." (Page 2 - Paragraphs 1.2.1 to 1.2.4)***

## Highways England response

4.2.4 Highways England is continuing discussions with all parties with an interest in this site to consider potential solutions to this issue. Once a resolution has been agreed, this will be documented and, if necessary, the relevant parts of the DCO application will be updated to reflect the agreed changes.

## 4.3 Design and Engineering Standards

### Key issue

***"Delivery of the works will cause substantial disturbance to station operations, station staff and rail passengers. GTR will maintain its objection until such time as we are satisfied that the works are programmed so as to minimise disturbance and maximise safety to staff and passengers". (Page 2, Para 1.3.1)***

## Highways England response

- 4.3.1 Construction activities would be programmed to minimise disruption to station staff and passengers for the duration of the construction period by means of conducting several activities offline as well as implementing effective traffic management during online works. The main contractor would liaise with all relevant stakeholders, including GTR, prior to commencement of phasing to ensure all issues have been highlighted and appropriate mitigation measures and accommodation works implemented where and when required. Discussions with the local council and local authorities have taken place and would continue to do so up until the construction methodology is finalised. An indicative construction methodology for the Huntingdon improvement works can be found in Paragraph 3.7, Chapter 3, Appendix 3.2 in the Environmental Statement. The main contractor for the works would detail a construction methodology prior to construction.
- 4.3.2 Contractors would work in accordance with the Code of Construction Practice (CoCP) (6.3 Environmental Statement Appendix 20.2) which sets out best practice guidance with regards to several aspects of construction including, site working, traffic management, disruption to users, safe working procedures. Compliance with the CoCP is secured by paragraph 3 of Part 1 of Schedule 2 to the draft Development Consent Order (document reference 3.1).

## 4.4 Development Consent Order

### Key issue

***"Before being allowed to enter onto Huntingdon Railway station the Undertakers contractors will be required to enter into an Agreement with GTR as to how the works will be carried out and will be required to submit a Risk Assessment and Method Statement and undertake the works in accordance with GTR's requirements and under such supervision as GTR considers necessary." (Para 1.3.2)***

## **Highways England response**

4.4.1 Highways England is negotiating an agreement with Network Rail and standard protective provisions for the benefit of Network Rail, and through Network Rail, train operators, will be incorporated in the DCO. Through that process the normal procedures of Station Change will serve to protect Govia Thameslink's interests in relation to Huntingdon Railway station. However, in addition, Highways England will consider the appropriateness of an agreement directly with Govia Thameslink in relation to the works at Huntingdon Railway station.

## 5 Swavesey Internal Drainage Board

### 5.1 Overview

5.1.1 Swavesey Internal Drainage Board submitted a written representation (dated 5 June 2015) identifying regarding flows from proposed local access roads, culverts and balancing ponds.

5.1.2 The representation raises principal issues as detailed below. Quotes and summaries taken from the Swavesey Internal Drainage Board's written representation are highlighted in bold, followed by a response from Highways England.

### 5.2 Water issues

#### Key issue

***“(d) The impact of the flows from the local access roads” (Page 2, Final Paragraph – sub paragraph (d))***

#### Highways England response

5.2.1 Surface water runoff from new local access roads would be treated in the same way as runoff from the mainline and would be passed through a storage facility that collects and retains excess water from extreme storm events and releases it slowly over a longer period of time, replicating 'green field' runoff flows to ensure that the risk of downstream flooding is no worse than existing and, where possible, the risk is reduced. The critical duration 1% (1 in 100) Annual Exceedance Probability (AEP) storm event + climate change would be used in the storage design as agreed with the EA.

#### Key issue

***“(c) The impact of the removal and/or modification of existing culverts” (Page 2, Final Paragraph – sub paragraph (e))***

#### Highways England response

5.2.2 In locations where existing culverts would be removed or modified then the replacement culverts or culvert extensions would have the same cross-sectional area to ensure that the existing flow regime would be preserved.

#### Key issue

***“(f) the design of the ponds ensuring the appropriate machine access for maintenance is available and retained.” (Page 2, Final Paragraph – sub paragraph (f))***

## Highways England response

5.2.3 The location of surface water treatment and storage facilities would be considered in relation to ease of access and proximity to new highway for maintenance purposes. Access tracks with a minimum width of 3.5m and with turning heads at the outfall locations would be provided. Access tracks would be designed to withstand trafficking by heavy maintenance vehicles and excavators.

### Key issue

***“The Board’s District is dependent, for free drainage, on the operation of Webbs Hole Sluice, a structure operated by the Environment Agency on the main river Swavesey Drain. This allows flows from the Board’s District and the surrounding catchment to pass into the River Great Ouse when levels permit but the Sluice will shut, at times of high levels within the River, which will therefore lead to flood waters entering the flood meadows around the village. The Board would therefore wish for the design of the drainage scheme to allow appropriate flows to pass into the river system when Webbs Hole is open and for balancing to occur when the Sluice is closed.*”**

***The Board are concerned that to do otherwise will lead to flows being attenuated and held in balancing areas when they would have been able to be discharged, thus increasing the flood risk and the amount of water required to be stored, when balancing is required. In the Board’s opinion, it will be important for the balancing areas to be emptied when free flow is possible, to create the maximum storage for when the Sluice is closed.” (Page 1, 3rd Para onwards)***

## Highways England response

5.2.4 The existing drainage arrangements at Webbs Hole are not specifically considered as part of the scheme drainage or flood risk design. Webbs Hole is approximately 6 kilometres downstream of the scheme. The scheme is expected to provide mitigation for its impact upon flow rates from the new road. Consequently attenuation facilities are proposed to store runoff from the new road and restrict discharge rates to receiving watercourses at Greenfield (undeveloped) rates. There will therefore be no change to the peak rate of flows on the receiving watercourses and specifically at Webbs Hole.

### Key issue

***“The modelling outputs in terms of flows for the areas around the proposed Swavesey junction.*”**

***The impact of the surface water drainage from the Bar Hill and the proposed Northstowe developments on the proposals particularly in the light of concerns that the mitigation measures currently in place for Bar***

***Hill do not appear to be properly functioning.***

***The envisaged status of the proposed balancing ponds in terms of ecological designation and how it will be ensures that they continue to serve their primary function.***

***The impact of the flows from the local access roads.***

***The impact of the removal and/or modification of existing culverts.***

***The design of the ponds ensuring that the appropriate machine access for maintenance is available and retained.” (Page 2, item (a) to (f))***

## **Highways England response**

- 5.2.5 Modelling outputs are included as an annex to the Flood Risk Assessment (Appendix 17.1 of the Environmental Statement).
- 5.2.6 The Longstanton and Oakington Brooks flow through Bar Hill. Sections 16 and 17 of the Flood Risk Assessment (Appendix 17.1 to the *Environmental Statement, document reference 6.3*) summarise the existing flood risk on these watercourses and how the impact of the scheme will be mitigated to ensure no deleterious impact upon flood risk.
- 5.2.7 The A14 scheme does not provide mitigation for the Bar Hill or Northstowe developments' impact upon flood risk. In accordance with the National Planning Policy Framework, those developments will be required to provide their own mitigation.
- 5.2.8 The highway attenuation ponds are not formally proposed as an ecological resource.
- 5.2.9 Where local access roads drain towards the A14 their new drainage system will connect into the drainage network and ultimately drain to the new attenuation ponds resulting in a neutral impact upon flood risk. Where the local access roads drain away from the A14 runoff will be drained via new filter drains to the existing drainage system. It is intended that the filter drains will provide an element of attenuation to reduce peak flows against existing. The existing drainage at such locations is predominantly over-the edge drainage which currently provides little or no attenuation.
- 5.2.10 Existing culverts will be maintained; new culverts have been designed to accommodate peak flows from the 1% (1 in 100 years) Annual Exceedance Probability event plus an allowance for climate change. Details of the culverts are included in Annex E and Annex I of the Flood Risk Assessment (Appendix 17.1 to the Environmental Statement).
- 5.2.11 The DCO design takes account of the need for drainage authorities to access watercourses for maintenance activities. The specifics of

access arrangements to watercourse and attenuation ponds will be resolved through the detailed design process after the development consent order (assuming the application is granted) is made.