



A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order

Comments on revised draft Development Consent Order (Rev 1)

(HE-A14-EX-59)

by South Cambridgeshire District Council

22 July 2015

The Council, in its response to the Examining Authority's first set of written questions (REP2-189), stated that it would like the opportunity to review and respond to Highways England's revisions to the draft Development Consent Order (DCO) wording when it was made available. Highways England submitted a revised draft DCO at Deadline 4 on 7 July 2015 (HE-A14-EX-59), and the Council is hereby providing its response to the revised DCO:

Amended Requirement 7: Implementation and maintenance of landscaping

The Council supports the inclusion of a new clause (2b) to ensure the landscaping works associated with any noise mitigation measures, such as noise fences and walls, are included within the landscaping scheme to be approved by Secretary of State following consultation with the local planning authority.

New Requirement 12: Noise Mitigation

The Council is generally supportive of the inclusion of a new Requirement covering noise mitigation. This would partly address the Council's concern raised in paragraph 80 of its Written Representation (REP2-147).

However, as one of the local authorities with noise responsibilities the Council considers it important that the Secretary of State consults with the Council before it approves any noise mitigation measures. This would also ensure consistency with the approach included in a number of other Requirements.

Therefore the Council suggests Requirement 12 should be amended to read:

12.—(1) No part of the authorised development must commence until written details of proposed noise mitigation in respect of the use and operation of that part section of the authorised development, including the detailed design and acoustic performance of environmental noise barriers, have been submitted to and approved by the Secretary of State, following / in consultation with the local planning authority.

(No change proposed to paragraph 2)

~~(3) The noise mitigation must be constructed in accordance with the approved details referred to in sub-paragraph (1).~~ The authorised development must not be brought into use until the approved noise mitigation has been implemented and any approved noise barriers have been constructed in accordance with the approved design referred to in sub-paragraph (1). The approved noise mitigation and environmental noise barriers shall be retained thereafter.

A new sub-paragraph (4) should be added as follows:

(4) New or altered sections of carriageway must be constructed using reduced / low noise surfacing¹ and shall be retained thereafter.

¹ As defined in annex 4 of Part 7 HD 213/11 – Revision 1, Noise and Vibration of Volume 11 Environmental Assessment, Section 3 Environmental Assessment Techniques of the Design Manual for Roads and Bridges (HD213/11)

Proposed amendment to Requirement 4: Code of Construction Practice

The Council, in its Written Representation (REP2-147), sought the inclusion of an additional Requirement to secure the formal approval of Construction Environmental Management Plans and Local Environmental Management Plans (paragraphs 84 and 130 - 137). The Council considers this to be of paramount importance as the Planning Act 2008 appears to provide **a general absolute defence to action in respect of statutory nuisance**. Therefore Local Authorities have little or no powers if annoyance or nuisance arises.

The following amendment to Requirement 4 is proposed:

Code of construction practice and local environmental management plans

4.-(1) The construction of the authorised development must be carried out in accordance with the provisions of the code of construction practice.

(2) No part of the authorised development or each phased section of the scheme shall commence until the Local Environmental Management Plans (LEMPs) as referred to in the Code of Construction Practice (CoCP) have been prepared in consultation with the relevant planning authority, and submitted to and approved in writing by the Secretary of State.

The above comments are made on a without prejudice basis to the Council's Written Representation (REP2-147), which raises a number of other concerns about the Requirements and DCO process (see paragraphs 118 -138).

The Council is continuing discussions with Highways England on a number of issues and reserves the right to recommend additional Requirements and/or revisions to their wording should these be considered necessary.