

Our ref: HE/A14/EX/69
Your ref: TR010018

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A14 Cambridge to Huntingdon Improvement Scheme
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A14 Cambridge to Huntingdon
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29 July 2015

Direct Line: 07584 126937

Dear Nicholas,

Draft A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order

Updated Application for Compulsory Acquisition of Additional Land – HE/A14/EX/68 / REP5-030

1. I refer to Highways England's *Updated Application for the Compulsory Acquisition of Additional Land* (document reference HE/A14/EX/68 / REP5-030) which was submitted to the Planning Inspectorate at Deadline 5 of the examination (22 July 2015) pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 ('the Additional Land Application').
2. Please accept this letter as Highways England's written request for the four scheme changes proposed in the Additional Land Application (at paragraph 1.1.4) to be made to the accepted application, which is currently before the Planning Inspectorate for examination.
3. As explained in the Additional Land Application (at paragraph 1.1.5), it is Highways England's view that none of the four proposed changes, whether taken individually or collectively, is material in nature. These changes are localised in their effect and do not change either the substance of the scheme for which development consent is sought, or the effect of the scheme on the local community. In environmental terms, it is not anticipated that any of the changes would result in any materially worse environmental effects than those assessed and reported in the Environmental Statement (document reference 6.1 / APP-347).
4. Highways England therefore considers that if the changes were accepted and consent for the scheme subsequently granted without any further consultation on the changes, the granting of consent would not deprive any persons who should have been consulted on the scheme for which consent is sought, the opportunity of that consultation.

Accordingly, the test in the principle established by the case of *Bernard Wheatcroft Ltd - v- Secretary of State for the Environment*¹, which considered the issue of making amendments to development proposals during the period between the application for, and the grant of, consent ('the Wheatcroft principle'), is considered to be satisfied.

5. An integral part of the legal test in the Wheatcroft principle is the issue of fairness to third parties. In this context, factors such as the timing of and reasons for a request for amendments to proposals will have a bearing on the related decision-making process. Each of the changes proposed in the Additional Land Application has arisen and been developed through Highways England's on-going engagement with those parties affected by the changes, in each case with the aim of identifying a solution which seeks to balance the needs of the affected parties with Highways England's obligations in connection with delivering the scheme. Explanatory details are set out in paragraphs 1.1.10 to 1.1.19 of the Additional Land Application.
6. Prior to Highways England's engagement with parties affected by the changes proposed in the Additional Land Application, the parties were consulted on the original scheme proposals; accordingly, all the parties identified in the Supplemental Book of Reference (within the Additional Land Application) are also included in the main Book of Reference (document reference HE-A14-EX-02 / APP-764). In short, there are no new affected parties.
7. Some of the additional land which would be required to implement the proposed changes is already within the Order limits (as defined in the application currently under examination) as land which is proposed to be possessed and used temporarily. However, such land is included in the Additional Land Application where it would not be possible for the proposed scheme changes to be implemented through the exercise of powers of temporary use and possession; rather, powers authorising the compulsory acquisition of land, or of rights over land, are required. Where additional land outside the Order limits is sought in the Additional Land Application, it is contiguous with land which is already within the Order limits. Details are set out in the table at paragraph 2.2 of the Additional Land Application.
8. Highways England aims to acquire land for the scheme by agreement wherever possible, without resort to the exercise of powers of compulsory acquisition. Accordingly, negotiations with the affected parties identified in the Supplemental Book of Reference will be continued in parallel with steps in compliance with the procedural requirements of Regulations 5 to 19 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010.
9. Highways England considers that the incorporation of those procedural requirements into the on-going examination timetable would provide further opportunities for consultation and consideration of the proposed amendments by affected parties. In addition, as explained in paragraph 1.1.5 of the Additional Land Application, Highways England proposes to extend the scope of the notice requirements in those Regulations

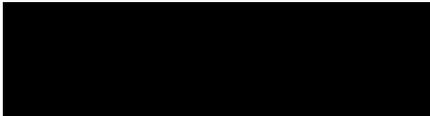
¹ [1982] JPL 37

to include parties who have made representations on the matter of network resilience in the Brampton Hut area of the scheme, around the junction of the A14 with the A1.²

10. Highways England would welcome comments from the Planning Inspectorate on any of the above.

11. Please acknowledge safe receipt of this letter.

Yours sincerely



John Rowland
Project Manager
A14 Cambridge to Huntingdon improvement scheme

² It is envisaged that such parties would be:

1. Joseph Brien – submissions made at the preliminary meeting on 13 May 2015;
2. Mike Boyles – submissions made at the Brampton Open Floor Hearing on 14 July 2015; and
3. Suffolk County Council – in its relevant representation and in its written representation.