

A14

Cambridge to Huntingdon improvement scheme

Development Consent Order Application

HE/A14/EX/74

TR010018

HE/A14/EX/74

Response to the A14 Agents Association's Written Summary (submitted at Deadline 5, 22 July 2015)
of Oral Submissions made by the A14 Agents Association,
the National Farmers Union and Camilla Horsfall of Carter Jonas at the first
Issue Specific Hearing on the Draft DCO (held on 15 July 2015)

August 2015

The Infrastructure Planning (Examination Procedure) Rules 2010



A14 Cambridge to Huntingdon improvement scheme

Development Consent Order Application

Response to the A14 Agents Association's Written Summary
(submitted at Deadline 5, 22 July 2015)
of Oral Submissions made by the A14 Agents Association,
the National Farmers Union and Camilla Horsfall of Carter Jonas
at the first Issue Specific Hearing on the Draft DCO (held on 15
July 2015)

HE/A14/EX/74

3 August 2015

1 Introduction

- 1.1 This document provides responses by Highways England (the “Applicant”) to the written summary of oral submissions made by the A14 Agents Association, Camilla Horsfall of Carter Jonas ('Camilla Horsfall') and the National Farmers Union at Deadline 5 (22 July 2015) following the first Issue Specific Hearing on the Draft DCO that took place on Wednesday 15 July 2015.
- 1.2 This document considers the key issues raised by the A14 Agents Association, Camilla Horsfall and the National Farmers Union in the summary document and provides a response, drawing on previous submissions made by Highways England where appropriate.

2 Highways England's Response to Written Summary of Oral Submissions made by A14 Agents Association, Camilla Horsfall and the National Farmers Union

2.1.1 Table 2.1 identifies the key topics raised by A14 Agents Association, Camilla Horsfall and the National Farmers Union and sets out Highways England's response. In addition, where the issue has been responded to previously, the document reference has been provided to aid navigation through the examination documentation.

Table 2-1: Highways England's Response to key topics raised in the Written Summary of Oral Submissions made by the A14 Agents Association, Camilla Horsfall and the National Farmers Union

Key Topic	Issue raised by A14 Agents Association, Camilla Horsfall and the National Farmers Union	Highways England Response
Water	<p>The extent of land to be acquired for flood compensation areas and the proportionality to the areas of land taken for the road. This should take into account the existing drainage infrastructure, particularly at Brampton.</p> <p>Inconsistency of responses to Environment Agency and to the National Farmers Union where similar issues have been raised.</p>	<p>The floodplain compensation areas have been designed to replace the existing floodplain lost as a result of the scheme. Their size is determined by the volume of floodplain loss but also the level at which floodplain is lost. The volume of floodplain compensation provision has to be provided at the same level as the current floodplain provision to ensure it operates (fills) on a flood event occurring. Consequently it is necessary to excavate ground outside the floodplain to the required level which means the extent of the floodplain compensation is sometimes larger than that lost as a result of the road.</p> <p>With specific reference to Brampton, the Flood Risk Assessment demonstrates that through the provision of mitigation measures the scheme will not exacerbate flooding in the town downstream from the watercourses that flow through it.</p> <p>The draft DCO scheme design aims to preserve existing drainage where possible or make suitable diversions to maintain the existing land drainage regime. Where the construction of the proposed road causes existing land drainage systems to be severed, head drains would be laid to collect the land drainage flows and</p>

Key Topic	Issue raised by A14 Agents Association, Camilla Horsfall and the National Farmers Union	Highways England Response
		<p>convey them to the nearest watercourse.</p> <p>The design of the floodplain compensation areas is based on the best available information. As additional topographic information becomes available through the detailed design process the floodplain compensation areas may be refined and so reference would be made to the refined layout. In light of the ongoing technical discussions with the Environment Agency relating to hydraulic monitoring, Highways England considered it appropriate to provide the Environment Agency with an update on progress of this work</p>
	<p>The impact, if any, of further hydraulic or topological studies during the detailed design stage on the extent of land to be compulsorily acquired for flood compensation.</p> <p>As further refinement will only take place after the DCO examination has completed, areas of flood plain compensation areas which landowners find burdensome and detrimental to their farms should not simply be compulsorily acquired.</p>	<p>As stated at page 14 of Report 3 of Highways England Response to Written Representations from the Environment Agency (document ref HE-A14-EX-25) (PINS ref: REP4-013), the hydraulic models used to assess the flood risk impact of the scheme are being refined during the examination period to address the Environment Agency's review comments. This process may lead to the refinement of the floodplain compensation areas. Additionally the areas will be refined further during the detailed design phase following the making of the DCO (if the application is granted).</p> <p>Discussions held between Highways England and landowners during the detailed design process will inform the outcome of the detailed design process. Highways England's intention is to acquire only the land which is actually required to deliver the scheme; however, any land compulsorily acquired, which is later found not to be required for the scheme due to detailed design development would be offered back to the original landowner.</p>

Key Topic	Issue raised by A14 Agents Association, Camilla Horsfall and the National Farmers Union	Highways England Response
	<p>The adequacy of the flood compensation provision in the Scheme's design.</p>	<p>Where hydraulic modelling is available, the Flood Risk Assessment (Appendix 17.01, Environmental Statement (document ref: 6.3) (PINS ref: APP-744)) includes an assessment of the impact of the scheme on the 5% (1 in 20 year) or 4% (1 in 25 year) Annual Exceedance Probability event (in addition to the 1%, 1 in 100 year event). The two lower severity events are typically equivalent to the functional floodplain as defined in paragraph 015 of the National Planning Practice Guidance. The Flood Risk Assessment (Appendix 17.01, Environmental Statement (document ref: 6.3) (PINS ref: APP-744)) demonstrates how the scheme would not exacerbate existing flood risk under such events. This assessment is being verified through the additional modelling being progressed during examination. The additional modelling is being progressed to address the comments received from the Environment Agency following their review of the Flood Risk Assessment and their written representations. The programme for this work extends to early October as agreed with the Environment Agency. It is anticipated that this work will enable the refinement of the extent of the floodplain compensation areas.</p> <p>Level for level floodplain compensation has been provided at all locations where the scheme results in a loss of floodplain, up to the design water level of the 1% (1 in 100-year) Annual Exceedance Probability event plus an allowance for climate change. The floodplain compensation areas have been located as close as reasonably practicable to the area of loss to provide the compensation at the same level. It is not always possible to locate the floodplain compensation areas immediately adjacent to the location of loss but they are always connected to the floodplain. These areas are being refined using the updated hydraulic models during examination and will be periodically reviewed by the Environment Agency throughout the examination period with a final update of the Flood Risk Assessment to be agreed in early October..</p> <p>In summary, with reference to section 1.8.2 of the Flood Risk Assessment (Appendix 17.01, Environmental Statement (document ref: 6.1) (PINS ref: APP-744)):</p> <ul style="list-style-type: none"> • Table 23.1 of the Flood Risk Assessment (Appendix 17.01,

Key Topic	Issue raised by A14 Agents Association, Camilla Horsfall and the National Farmers Union	Highways England Response
		<p>Environmental Statement (document ref: 6.1) (PINS ref: APP-744)) demonstrates how the carriageway level will be above peak design water levels at each watercourse to ensure it will be safe for users during times of flood;</p> <ul style="list-style-type: none"> • Floodplain compensation areas are provided to replace floodplain storage lost as a result of the road and ensure there is no net loss of floodplain; and • As stated above the Flood Risk Assessment (Appendix 17.01, Environmental Statement (document ref: 6.1) (PINS ref: APP-744)) demonstrates that the scheme will not increase water levels by impeding water flow and therefore will not increase flood risk elsewhere except for three watercourses where this is unavoidable (Ellington Brook, Brampton Brook and the river Great Ouse). In these cases Highways England is seeking agreement to the change on flood risk directly with the landowners. <p>As stated in Report 5 of Highways England's Response to Written Representations (document ref: HE/A14/EX/53) (PINS ref: REP4-015) highway drainage attenuation ponds have been located, as far as reasonably practicable, outside Flood Zone 3 areas. However, in a number of instances this has not been possible due to the flat topography and wide floodplain prevalent along the route, together with the design principle of keeping vertical alignment of the road as low as possible. Any attenuation pond located in Flood Zone 3 would be bunded to ensure no flood water would enter the pond. It would have a primary gravity outfall that would operate in the majority of storm situations as water level in the receiving watercourse would be sufficiently low to allow a gravity discharge from the pond. Dependent on detailed design and confirmation of exact inlet and outlet levels, in exceptional circumstances, to address local constraints, the pond would have a secondary pumped outfall that would operate if the pond were to be flood locked due to inundation of flood plain. This would ensure that flow attenuation would continue to be operational during a combination of extreme weather conditions.</p>

Key Topic	Issue raised by A14 Agents Association, Camilla Horsfall and the National Farmers Union	Highways England Response
	<p>Removal of best and most versatile agricultural land from agricultural production and use as flood compensation areas.</p>	<p>Floodplain compensation has to be provided at the same volume and level as that lost and as close as practicable to the location of loss. The extent of the floodplain compensation areas has been determined by the level at which the flood storage volume has been lost as a result of the construction of the road as required by the Environment Agency to ensure the scheme does not displace flood water. The depth of the floodplain compensation areas varies across the scheme and in the vicinity of Weybridge Farm is shown as being a maximum of 3.2m below existing ground levels as shown at Sheet 54 of the DCO submission Engineering Sections Drawings (drawing ref A14-ARP-ZZ-00-DR-Z-04054) (PINS ref: APP-251).</p> <p>It may be possible to return the area to its current use providing the ground levels are not altered through farming. It is likely this will require the provision of a covenant on the land and the designation of these areas as floodplain which will restrict their future use. The ground level information can only be confirmed following the completion of the detailed design.</p>
	<p>There have been inconsistencies in the extent and depth of flood compensation areas since April 2014.</p>	<p>During summer 2014, the Environment Agency produced a revised flood risk assessment. This assessment resulted in the revised approach, in the scheme, to flood compensation areas and to the River Great Ouse Crossing at Buckden-Offord. Highways England held information events in Buckden, Offord, Brampton and Godmanchester to communicate the revised approach to flood compensation to interested parties. The affected landowners were contacted directly to advise them of the need for these changes.</p>
	<p>The impact of taking large areas of land for the scheme on the farmed environment has not been adequately considered.</p> <p>A greater amount of two-way dialogue is required.</p>	<p>Floodplain compensation areas are included in the scheme to ensure that the scheme does not displace floodwater and increase flood risk elsewhere. As stated above, floodplain compensation needs to be provided at the same level as that lost and not just the same plan area or volume to ensure it operates at the same time during a flood event.</p> <p>The draft DCO scheme seeks to retain existing drainage infrastructure wherever possible. It provides mitigation for the additional runoff produced by the scheme before connecting into the existing drainage network.</p>

Key Topic	Issue raised by A14 Agents Association, Camilla Horsfall and the National Farmers Union	Highways England Response
		<p>Details of Highways England's approach to discussions with landowners are set out at paragraphs 2.9.4 to 2.9.9 of Report 5 of Highways England's Response to Written Representations (HE/A14/EX/53) (PINS ref: REP4-015).</p>
Habitat Mitigation	<p>The scheme is designed to achieve a net gain in habitat effect rather than no net loss, leading to excessive land take.</p>	<p>Highways England has proposed creating habitats to effectively mitigate and compensate for effects of the scheme in accordance to the findings of the environmental impact assessment and in line with relevant guidance and legislation and does not consider the proposals to be excessive. Highways England's response to the issue of the extent of land take for habitat mitigation is detailed at paragraphs 63.2.1 to 63.2.24 of Report 5 of Highways England's Response to Written Representations (HE/A14/EX/53) (PINS ref: REP4-015).</p>
	<p>There is a lack of consideration of the impact of land taken out of production on business viability.</p>	<p>Highways England recognises the importance of and value of soils and their protection. In developing the proposed scheme, Highways England has sought to minimise the footprint of the scheme thus reducing the permanent loss of the best and most versatile land. Highways England intends to ensure that any soils that are disturbed and displaced by the proposed scheme are re-used sustainably.</p> <p>Chapter 16 of the Environmental Statement (document reference 6.1) (PINS ref: APP-347) considers the impact of the scheme on farming businesses and future viability of the farm caused due to severance and changes to access where the change would impact farm operations.</p> <p>Paragraph 16.2.16 of Chapter 16 of the Environmental Statement (document reference 6.1) (PINS ref: APP-347) states:</p> <p><i>"The assessment has been informed by analysis of the scheme design and land boundaries as well as information gathered through stakeholder consultation and site visits to farmsteads. The extents of any major reorganisation of the holding or increased demands on management that may be caused by the scheme have been considered where applicable."</i></p>

Key Topic	Issue raised by A14 Agents Association, Camilla Horsfall and the National Farmers Union	Highways England Response
		<p>Table 16.11 of Chapter 16 of the Environmental Statement (document reference 6.1) (PINS ref: APP-347) provides a summary of effects on farms, including farming business viability where applicable.</p>
	<p>If borrow pits are created, they should be reinstated to agricultural use rather than used for habitat mitigation.</p>	<p>The borrow pits would provide compensation to offset predicted residual effects from the scheme. The process of determining the location and size/scale of land sought for environmental mitigation has been identified through an extensive process of environmental impact assessment. This is explained in paragraphs 63.2.1 to 63.2.24 of Report 5 of Highways England's Response to Written Representations (HE/A14/EX/53) (PINS ref: REP4-15). The assessment of the requirements for ecological mitigation is ongoing in light of pre-construction surveys, landowner consultation and detailed design. Where it is possible and restoration profiles allow, the land outside the borrow pits themselves could be returned to agricultural use where it is not required for the ecological compensation. The exact extent of such land would depend on the detailed design of the borrow pits and the compensation measures. The submitted DCO red line boundary presents a reasonable worst case. Further information relating to borrow pit restoration and aftercare will be submitted to the Examining Authority at Deadline 7.</p>
	<p>Further justification on size of mitigation is needed as 'professional judgement' is insufficient.</p>	<p>The use of professional judgement is necessary due to the fact that it is not possible to provide perfect information on all of the factors that influence decisions on the value of ecological receptors or the adequacy of mitigation for predicted effects.</p> <p>Highways England has followed good practice guidance from the Chartered Institute for Ecology and Environmental Management (CIEEM) on this matter and its assessment has been carried out by suitably qualified and experienced ecologists..</p>

Key Topic	Issue raised by A14 Agents Association, Camilla Horsfall and the National Farmers Union	Highways England Response
	Covenants to be imposed on sale back to landowners will refer to a management plan that is not yet detailed and should not be for landowners to fund; leaving this to 'detailed design' is too late.	It is Highways England policy to retain ownership of essential habitat mitigation land that is required to mitigate the effects of Highways England's schemes. Whilst land acquired for habitat mitigation remains in Highways England ownership it will be subject to ongoing maintenance as part of Highways England's managed estate. Should the land be considered to be surplus to Highways England requirements at some point in the future, covenants may be put on the land to ensure the relevant habitat is maintained. Ongoing maintenance obligations would be reflected in the sale price of the land at that point in time.
Geology/soils	Landowners should be involved in Highways England's ongoing consultation with Natural England in respect of field surveys.	The scope of the Soil Resources Survey will be detailed in the Technical Annex to the Soils Management Strategy (Environmental Statement Appendix 12.2 document reference 6.3) (PINS ref: APP-702) and will include an agricultural land classification survey (where land is not already surveyed and it is to be returned to agriculture) and a physiochemical survey of all agricultural topsoils to be stripped. Access for the soil resources survey will be undertaken with prior agreement of the affected landowners.
	Request for a restoration and reinstatement plan for soils after construction to be included in the Code of Construction Practice.	Highways England is in the process of preparing a Technical Annex to supplement the existing Soils Management Strategy prepared as part of the Environmental Statement, Appendix 12.2 document reference 6.3) (PINS ref: APP-702). This Technical Annex will set out proposals for the soil resources survey and the preparation of detailed soil resource plans by the appointed Highways England contractors, including information relating to restoration and reinstatement. The Highways England appointed contractor will appoint a consulting soil scientist and, after each area of agricultural land is re-instated, a condition report would be prepared by the contractors' consulting soil scientist. Remedial actions would be agreed and implemented as required to ensure that Article 30 of the draft DCO (restoration of land temporarily possessed to the reasonable satisfaction of the owners of the land and payment of compensation for any loss or damage suffered) is complied with and best and most versatile land is protected.

Key Topic	Issue raised by A14 Agents Association, Camilla Horsfall and the National Farmers Union	Highways England Response
Landscape	<p>Consideration has not been given to the land being lost from agricultural production to create landscape earthworks.</p>	<p>In developing the proposed scheme, Highways England has sought to minimise the footprint of the scheme thus reducing the permanent loss of the best and most versatile land, and ensure that any soils that are disturbed and displaced by the proposed scheme are re-used sustainably.</p> <p>Chapter 16 of the Environmental Statement (document reference 6.1) (PINS ref: APP-347) considers the impact of the scheme on farming businesses and future viability of the farm caused due to severance and changes to access where the change would impact farm operations.</p> <p>Paragraph 16.2.16 of Chapter 16 of the Environmental Statement (document reference 6.1) (PINS ref: APP-347) states:</p> <p><i>"The assessment has been informed by analysis of the scheme design and land boundaries as well as information gathered through stakeholder consultation and site visits to farmsteads. The extents of any major reorganisation of the holding or increased demands on management that may be caused by the scheme have been considered where applicable."</i></p> <p>Table 16.11 of Chapter 16 of the Environmental Statement (document reference 6.1) (PINS ref: APP-347) provides a summary of effects on farms, including farming business viability where applicable.</p>

Key Topic	Issue raised by A14 Agents Association, Camilla Horsfall and the National Farmers Union	Highways England Response
	<p>There has been a lack of two-way dialogue in relation to the location of the scheme's features.</p>	<p>As set out at paragraph 63.5.3 of Report 5 of Highways England's Response to Written Representations (HE/A14/EX/53) (PINS ref: REP4-15), Highways England will continue to work with farm owners and tenants to further resolve final details of landscape earthworks, embankments and disposal of soil as the project progresses through detailed design and alongside the collaborative development of Statements of Common Ground. Statements of Common Ground continue to be reviewed and updated on a regular basis as new information becomes available with a view to being finalised by Deadline 8 as requested by the Examining Authority. Further details of Highways England's engagement with stakeholders is set out at 63.8.1-63.8.3 of Report 5 of Highways England's Response to Written Representations (HE/A14/EX/53) (PINS ref: REP4-15).</p>
<p>Consultation</p>	<p>There has been a lack of sufficient engagement with landowners.</p> <p>Statements of Common Ground should have been submitted in full for deadline 2 (with reference to pre meeting with PINS in October 2014), and that they lacked in detail compared to those with local authorities.</p> <p>Too much information has been pushed to detailed design.</p>	<p>As set out at paragraph 63.8.3 of Report 5 of Highways England's Response to Written Representations (HE/A14/EX/53) (PINS ref: REP4-15), Highways England has a team that are regularly liaising with parties who have an interest in land, and Statements of Common Ground continue to be reviewed and updated on a regular basis as new information becomes available with a view to being finalised by Deadline 8 as requested by the Examining Authority.</p> <p>The timing of decisions as to where agreed solutions may be possible is dependent upon the outputs of the detailed design process conducted in conjunction with relevant contractors, once appointed, and pre-empting that process by making decisions at this stage would risk compromising the detailed design. However, where appropriate, matters agreed in Statements of Common Ground will be fed into the detailed design process.</p> <p>Further detail on Highways England's approach to discussions with landowners is set out at paragraphs 2.9.1 to 2.9.3 of Report 5 of Highways England's Response to Written Representations (HE/A14/EX/53) (PINS ref: REP4-15).</p>

Key Topic	Issue raised by A14 Agents Association, Camilla Horsfall and the National Farmers Union	Highways England Response
Detailed Design	<p>Too many issues have been pushed to detailed design, which will lead to Highways England overruling landowners after the DCO process is complete.</p> <p>Commitments should be agreed by both parties and reflected in detailed design through Statements of Common Ground, which should be complete prior to the conclusion and grant of the DCO.</p>	<p>It is not the purpose of the DCO to approve a detailed design for all of the works comprising the scheme. The purpose of the DCO is to approve an outline (or reference) design within limits/parameters, that has been consulted upon and assessed, i.e. "the authorised development".</p> <p>Highways England considers that any changes to the scheme design at detailed design stage after the development consent order (if the application is granted) is made would necessarily be minor in order that they could fall within the envelope of assessment carried out by the environmental impact assessment, as recorded in the ES (document reference 6.1) (PINS ref: APP-331 to APP-763).</p> <p>At the first Issue Specific Hearing on the Draft DCO on 15 July 2015, in response to a query from the Examining Authority, Highways England agreed to consider whether getting an independent third party involved in the land acquisition and temporary possession process would be beneficial and how this may work in practice, if feasible. This is still under consideration at present and progress is due to be reported to the Examining Authority at Deadline 7 on 19 August 2015.</p>
Book of Reference	<p>The 2010 Book of Reference was a sound source of data to inform the 2014 Book of Reference.</p>	<p>Highways England considers that the 2010 Book of Reference was not a sound source of data to inform the 2014 Book of Reference, as detailed at paragraph 7 of the Written Summary of Highways England's Oral Submissions put at the Issue Specific Hearing on the Draft DCO and Post Hearing Documents (HE/A14/EX/66) (PINS ref: REP5-028).</p>