

A14
Cambridge to Huntingdon
improvement scheme
Development Consent Order Application

HE/A14/EX/95

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HE/A14/EX/95

Document introducing amendments to the draft DCO (Rev 3)

August 2015

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009

The Infrastructure Planning (Examination Procedure) Rules 2010

A14 CAMBRIDGE TO HUNTINGDON IMPROVEMENT SCHEME

DOCUMENT INTRODUCING AMENDMENTS TO THE DRAFT DCO (REV 3) SUBMITTED ON 19 AUGUST 2015 (DEADLINE 7)

1. INTRODUCTION

- 1.1 This document sets out the changes that Highways England has made to the draft Development Consent Order ("DCO") in the version submitted at Deadline 7 (19 August 2015) (DCO Revision 3), compared with the previous version of the draft DCO submitted at Deadline 4 (7 July 2015) (DCO Revision 1) and incorporating changes made in the revised draft DCO submitted and put on deposit for public inspection pursuant to the requirements of Regulations 7 and 8 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (DCO Revision 2). Highways England's revised draft DCO (Revision 3) is document HE/A14/EX/96, and an electronic comparison between the two versions has also been submitted (document HE/A14/EX/97).
- 1.2 In broad terms the changes to the draft DCO have been made for the following reasons:
- 1.2.1 changes arising from continued discussions with the host and other local authorities, statutory undertakers and landowners;
 - 1.2.2 changes arising from points raised at the Issue Specific Hearing on the DCO on 15 July 2015;
 - 1.2.3 changes arising from the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 procedure as a result of scheme changes; and
 - 1.2.4 other points which Highways England has identified as requiring amendment since the first revision of the DCO was submitted.
- 1.3 This document also explains why certain changes to the DCO that have been suggested by the Examining Authority or interested parties have not been made by Highways England (where such matters have not been covered in Highways England's responses to the Examining Authority's Second Written Questions).

2. TABLE OF CHANGES TO THE DRAFT DCO

Provision in revised draft DCO	Brief description of and explanation for the change (or lack of change, as the case may be)
Article 2	<p>The definition of 'borrow pits restoration plan' has been amended so this now refers to a 'borrow pits restoration and aftercare strategy' and rather than cross-referring to Appendix 3.3 of the environmental statement, the definition makes clear that this will be a standalone document, certified by the Secretary of State on the making of the Order.</p> <p>For clarity, the <i>Borrow Pits - Design, Restoration and Aftercare Proposals</i> (Applicant ref: HE/A14/EX/104) submitted at Deadline 7 responds to the request by the Examining Authority at the Issue Specific Hearing on the draft DCO on 15 July 2015 for an update position and further information on design and aftercare proposals for borrow pits. This document is not the one intended to be secured by the DCO and now referred to in paragraph 11 of Schedule 2. Highways England anticipates that a version of the 'borrow pits restoration and aftercare strategy', which <i>is</i> the document intended to be secured by the DCO</p>

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	<p>and therefore certified through the certification provisions, will be submitted to the examination at Deadline 10, following its development and consultation with key stakeholders in respect of the same, with it being finalised following further such consultation before the end of the examination.</p> <p>The 'borrow pits restoration and aftercare strategy' will contain a 'roadmap' for how detailed site-specific plans (i.e. individual plans for each borrow pit) will then be developed and consulted on.</p> <p>A standard definition of 'construct' has been added to clarify the meaning of this term throughout the DCO.</p>
Article 3	<p>This article has been amended following comments made by the Environment Agency and Cambridgeshire County Council. The disapplication of the specified statutory provisions is now proposed only to extend to the construction of the authorised development, rather than to maintenance and operation too. Highways England considers this to be more appropriate in the circumstances.</p> <p>A new statutory provision has also been added to this article: section 32 of the Land Drainage Act 1991 provides for the Minister to revoke, vary or amend a provision relating to an award which affects or relates to drainage. Highways England considers that, as part of the authorised development, this procedure could apply in relation to those award drains that are affected by the scheme and, as such, it would be prudent to disapply any requirement to obtain Ministerial approval in those circumstances. This ties in with the intention behind article 4, as explained at the 1st DCO Hearing.</p> <p>Highways England has discussed the wording of article 3 with Natural England (following an issue being raised by Natural England at the Issue Specific Hearing on the DCO on 15 July 2015) and Natural England has confirmed it is content with the wording of the article as it is.</p>
Article 7	<p>Following the Issue Specific Hearing on the DCO on 15 July 2015, the Examining Authority asked Highways England to re-consider the wording at the end of article 7(b). This has been amended with a view to making it clearer as to how the process of demonstrating that there would not be any materially new or materially worse adverse environment effects would operate, although the substance remains unchanged.</p> <p>Highways England considers that the current wording of this article would not allow it to construct the development outside of the envelope of what was assessed by the environmental impact assessment and reported in the environmental statement.</p>
Article 11	<p>At the Issue Specific Hearing on the DCO on 15 July 2015, Cambridgeshire County Council requested that article 11 be amended to clarify the situation where it is proposed there would be concurrent private means of access and public rights of way. Highways England has not made any amendments to the article at this point, but will seek to gain clarity from Cambridgeshire County Council as to precisely what changes it is seeking, and will reflect any necessary changes in the next revision of the DCO.</p>
Article 12	<p>Cambridgeshire County Council has stated that it considers article 12(4) should be amended to state that any date of de-trunking is to be agreed between the parties. Highways England does not consider any amendment is necessary, on the basis that article 12(4) is appropriately drafted and that the County Council's interests in agreeing the de-trunking date will be adequately secured through the proposed legal agreement to be entered into between the parties.</p>

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Article 30(3)	<p>At the Issue Specific Hearing on the DCO on 15 July 2015, Highways England was asked to consider how the wording in article 30(3) could be amended to make clear when the 'completion' of works would occur. Highways England has not made any amendments to this article, which is very standard wording in DCOs made to date and in numerous other orders, because Highways England does not consider that any amendments are necessary.</p> <p>However, the timescales for temporary possession, amongst other matters, are matters that Highways England would expect to be covered in the proposed Landowner Forum (please see Highways England's response to the Examining Authority's Written Question 2.6.4).</p>
Article 34	<p>Following the Examining Authority's First Written Questions and the Issue Specific Hearing on the DCO on 15 July 2015, Highways England has given further consideration to the definition of 'public utility undertaker'. It is agreed that the relevant definition in the Highways Act 1980 does not provide the necessary and appropriate scope, so the wording has been amended to make clear that the definition encompasses gas, water, electricity and sewerage undertakers.</p>
Article 41	<p>This article has been amended to add the borrow pits restoration and aftercare strategy as a document that is to be certified if the DCO is made.</p>
Schedule 1, Work No.2, preamble	<p>The measurement of 500 metres has been amended to 520 metres to account for the amendment to the Ellington Junction proposed as part of the Application for the Compulsory Acquisition of Additional Land made pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (Applicant ref: HE/A14/EX/68; PINS ref: REP5-030).</p>
Schedule 1, Work No.3, preamble	<p>The measurement of 570 metres has been amended to 540 metres to account for the amendment to the Ellington Junction proposed as part of the Application for the Compulsory Acquisition of Additional Land made pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (Applicant ref: HE/A14/EX/68; PINS ref: REP5-030).</p>
Schedule 1, Work No.5(u)	<p>Drafting has been added in respect of the two new emergency and maintenance-use only east-facing slip roads which are proposed to be added to the amended Ellington Junction, such amendment having been proposed as part of the Application for the Compulsory Acquisition of Additional Land made pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (Applicant ref: HE/A14/EX/68; PINS ref: REP5-030).</p>
Schedule 1, Work No.33	<p>Following the Examining Authority's First Written Questions (and subsequent comments), drafting has been added to make clear the separation between the proposed scheme and the 'pinch point' scheme comprising the A14 Junction 31 to 32 Eastbound and Westbound Improvements. Some amendments and corrections have also been made on a further review of the drafting (for example, west has been replaced with east on the sixth line of the preamble).</p>
Schedule 1, Work No.41	<p>Amendments have been made to the length of diversion of water pipeline (changed from 1,100m to 1,300 metres) and to the position of that diversion (300 metres changed to 270 metres; and 850 metres changed to 870 metres) in terms of its distance from the Brampton Hut Interchange. These amendments have been made in connection with the changes to the Ellington Junction proposed as part of the Application for the Compulsory Acquisition of Additional Land made pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (Applicant ref: HE/A14/EX/68; PINS ref: REP5-030).</p>

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Schedule 1, Work No.89	A new Work has been added – it is for the diversion of a statutory undertaker's equipment (an overhead power line is proposed to be undergrounded) necessary in connection with the proposed non-material amendment to the scheme at Woodhatch Farm, to the west of the proposed Ellington Junction and the existing Brampton Hut Interchange. This amendment has been made in connection with the changes to the Order Limits in the vicinity of Woodhatch Farm, proposed as part of the Application for the Compulsory Acquisition of Additional Land made pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (Applicant ref: HE/A14/EX/68; PINS ref: REP5-030).
Schedule 2, Part 1, Paragraph 1	A definition of 'nationally protected species' has been added following comments from the Examining Authority at the Issue Specific Hearing on the DCO on 15 July 2015.
Schedule 2, Part 1, Paragraph 5(2)	Drafting has been added, following a request from Natural England, to make clear that any scheme of protection and mitigation measures includes their <u>design and management</u> .
Schedule 2, Part 1, Paragraph 7(1)	Following the Examining Authority's Second Written Questions (specifically 2.9.1), this paragraph has been amended to make clear as to when any landscaping scheme must be submitted for approval.
Schedule 2, Part 1, Paragraph 9(1)	Following the Issue Specific Hearing on the DCO, an amendment has been made to this paragraph to make clear that the local highway authority must be consulted prior to approval being given by the Secretary of State, rather than the relevant planning authority.
Schedule 2, Part 1, Paragraph 11	An amendment has been made to this paragraph to refer now to the 'borrow pits restoration and aftercare strategy'
Schedule 2, Part 1, Paragraph 13	<p>A new requirement has been added, following a request from Natural England, making clear that, prior to certain Work Nos. commencing, details of the establishment and management of the Brampton Meadows SSSI mitigation areas must be submitted to and approved by the Secretary of State, following consultation with Natural England.</p> <p>The requirement also states that the establishment and management of the mitigation areas must be carried out in accordance with the approved details.</p>
Schedule 2, Part 1, Paragraph 14	<p>Following further consideration, a new requirement has been added in respect of the highway lighting of the authorised development.</p> <p>The new requirement provides that no part of the authorised development must commence until a written scheme of the proposed highway lighting for that part has been submitted to and approved by the Secretary of State, following consultation with the local highway authority.</p> <p>The standard of lighting must either reflect the standards as set out in the environmental statement, or where they materially differ, evidence must be provided that the alternative standard would not give rise to any materially new</p>

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	<p>or materially worse environmental effects than those reported in the environmental statement.</p> <p>The requirement makes clear that it does not restrict the lighting of the authorised development during construction or temporary maintenance.</p>
Schedule 3, Part 1, Speed Limits, Sheet 4	The measurement of 376 metres has been amended to 388 metres to account for the amendment to the Ellington Junction proposed as part of the Application for the Compulsory Acquisition of Additional Land made pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (Applicant ref: HE/A14/EX/68; PINS ref: REP5-030).
Schedule 3, Part 2, Clearways and Prohibitions, Sheet 4	The measurement of 718 metres has been amended to 700 metres to account for the amendment to the Ellington Junction proposed as part of the Application for the Compulsory Acquisition of Additional Land made pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (Applicant ref: HE/A14/EX/68; PINS ref: REP5-030).
Schedule 3, Part 2, Clearways and Prohibitions, Sheet 4	Two new entries have been added – these entries provide for prohibitions of entry (for all vehicles except authorised vehicles as defined in article 12 of the DCO) in respect of the two new emergency and maintenance-use only east-facing slip roads which are proposed to be added to the amended Ellington Junction, such amendment having been proposed as part of the Application for the Compulsory Acquisition of Additional Land made pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (Applicant ref: HE/A14/EX/68; PINS ref: REP5-030).
Schedule 3, Part 2, Clearways and Prohibitions, Sheet 4	The measurement of 300 metres has been amended to 281 metres in four entries relating to user prohibitions at the Ellington Junction – prohibitions in respect of (i) pedestrians; (ii) cyclists; (iii) ridden or accompanied horses; and (iv) horse drawn vehicles. The amended measurement is needed in relation to the change to the Ellington Junction proposed as part of the Application for the Compulsory Acquisition of Additional Land made pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (Applicant ref: HE/A14/EX/68; PINS ref: REP5-030). In these four entries, references to the 'New Ellington Junction Link Road' have been changed to 'New Ellington Junction Overbridge' in order to accord with the labelling on the corresponding application plans/drawings.
Schedule 3, Part 6, paragraph 1, (b) (the second one)	The measurement of 276 metres has been amended to 215 metres to account for the effect on length of highway ((A14 Trunk Road) shown on the Classification of Roads Plans) of the amendment to the Ellington Junction proposed as part of the Application for the Compulsory Acquisition of Additional Land made pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (Applicant ref: HE/A14/EX/68; PINS ref: REP5-030).
Schedule 3, Part 6, paragraph 1, (c) (the second one)	The measurement of 203 metres has been amended to 292 metres to account for the effect on length of highway ((A14 Trunk Road) shown on the Classification of Roads Plans) of the amendment to the Ellington Junction proposed as part of the Application for the Compulsory Acquisition of Additional Land made pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (Applicant ref: HE/A14/EX/68; PINS ref: REP5-030).

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Schedule 3, Part 6, paragraph 12	The word 'ROAD' has been added after 'OFFORD' in the heading of paragraph 12, in order to correct a previous omission.
Schedule 5 - throughout	<p>References to 'the Secretary of State for Transport' have been changed to 'the undertaker' to accord with the use of the defined term 'the undertaker' throughout the rest of the DCO.</p> <p>Minor amendments have also been made at the request of National Grid Gas plc in respect of the extent of the new rights proposed to be granted to it.</p>
Schedule 5, Sheet 8	A new entry has been added in respect of new rights sought over new plots 8/17b, 8/19b, 8/22b, 8/25a and 8/21k. The new plots are required in connection with the provision of an additional area of ecological mitigation near the Buckden Landfill Site, as proposed in the Application for the Compulsory Acquisition of Additional Land made pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (Applicant ref: HE/A14/EX/68; PINS ref: REP5-030).
Schedule 7, Sheet 8	Plot 8/21m has been added to the entry relating to plot 8/21e, because, plot 8/21/m has been created as a new plot, effectively carved out of plot 8/21e, as a result of the changes arising from the provision of an additional area of ecological mitigation near the Buckden Landfill Site, as proposed in the Application for the Compulsory Acquisition of Additional Land made pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (Applicant ref: HE/A14/EX/68; PINS ref: REP5-030).
Schedule 7, Sheet 8	A new entry has been added in respect of new rights sought over land in two new plots, 8/32a and 8/32b, both of which are required in connection with the provision of an additional area of ecological mitigation near the Buckden Landfill Site, as proposed in the Application for the Compulsory Acquisition of Additional Land made pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (Applicant ref: HE/A14/EX/68; PINS ref: REP5-030).