

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

HE/A14/EX/10+

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Analysis of elements of the proposed scheme that are either part of
the Nationally Significant Infrastructure Project or associated development

August 2015

The Infrastructure Planning (Examination Procedure) Rules 2010

A14 CAMBRIDGE TO HUNTINGDON IMPROVEMENT SCHEME

ANALYSIS OF WORKS CONSIDERED AS PART OF THE NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT OR AS ASSOCIATED DEVELOPMENT

1. At the Issue Specific Hearing on the draft Development Consent Order ("**DCO**") on 15 July 2015, the Examining Authority requested that Highways England provide a schedule setting out what parts of the proposed development it considers are part of (or integral to) the Nationally Significant Infrastructure Project ("**NSIP**") and which parts it considers are 'associated development'.
2. Under s.115 of the Planning Act 2008 ("**the PA**"), a DCO can include development for which a DCO is required (i.e. an NSIP) and associated development. Associated development is defined in s.115(2) of the PA as development which is associated with the relevant NSIP (or any part of it), is not the construction or extension of one or more dwellings and is wholly within England.
3. A description of the proposed development is contained in Schedule 1 to the draft DCO. Highways England, in line with established precedent in England, has not split out the NSIP and associated development elements in Schedule 1, and does not propose to do so in light of this document. This document has been produced simply to assist the Examining Authority.
4. As Highways England set out in paragraph 2.9 of its *Explanatory Memorandum to Draft Proposed Order* (Applicant reference 3.2; PINS reference APP-009), it is considered that all works in Schedule 1 to the draft DCO can be properly authorised by a DCO, as they constitute either part of the NSIP or associated development (see s. 115 of the Planning Act 2008). Examples were given in paragraph 2.8 of that document of what Highways England considered could be associated development at that time, subject to the caveat that there is likely to be an overlap between NSIP and associated development works in some cases. This should also be considered when reviewing the schedule below, which sets out in more detail what Highways England considers could be associated development. However, as stated, Highways England considers that the distinction is somewhat academic on the basis that all of the proposed development can be included within the DCO by virtue of being either part of the NSIP or associated development. The schedule below sets out how each type of development can be analysed as part of the NSIP or as associated development or as potentially both.
5. Highways England has had particular regard to the publication *Planning Act 2008: Guidance on associated development applications for major infrastructure projects (DCLG, April 2013)* ("**the Guidance**") when devising the schedule below.

Schedule

Type of development	Part of the NSIP or Associated Development?	Reasoning
Any alteration, improvement or construction of a highway for which Highways England is highway authority (including the widening and realignment of existing trunk roads, and associated slip roads and structures)	NSIP	Under section 22 of the PA, such works (subject to relevant thresholds, which are met in this case) are NSIPs and thus required to be authorised by a DCO. These works are the fundamental part of the proposed scheme and are the driver for this application for a DCO.
Any alteration, improvement or construction of slip roads, local roads, rights of way and NMU routes (including associated structures) for which Highways England is not responsible	Associated development	<p>As these works do not meet the tests for being an NSIP under the PA, these will not form part of the NSIP. However, they are plainly 'associated' with the NSIP.</p> <p>The construction of these works will help address the impacts of the NSIP elements of the Scheme (by allowing routes for local traffic as well as access to local properties and businesses which would be affected) and there is therefore a direct relationship between these works and the NSIP elements of the Scheme.</p> <p>The works would not be constructed were it not for the Scheme – on this basis, it is plainly arguable their construction is not an aim of itself and is subordinate to the NSIP.</p> <p>The works are very much proportionate in scale when looked at in the context of the overall Scheme.</p>
Removal of the Huntingdon Viaduct	Associated development	It is considered that the removal of the Huntingdon viaduct supports the 'operation' of the NSIP, on the basis of the benefits that carrying out such works would provide overall. For example, without the removal of the viaduct, it is expected that congestion would not be eased to the maximum extent possible. Please see Highways England's response to the Examining Authority's Second Written Question 2.12.18 for more commentary on why the removal of the Huntingdon Viaduct is a

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		<p>necessary element of the proposed scheme.</p> <p>Primarily, the scheme would result in the strategic road network moving from the centre of Huntingdon (via the viaduct) to the new southern bypass. As a result, the road network within Huntingdon would be passed back to Cambridgeshire County Council. To ensure that this road network is more appropriate to its proposed use and its environmental context (by reference to cost, scale, types of traffic etc.), the works proposed in the DCO are required, are integral to the overall scheme and, as a result, are directly related to the NSIP elements which provide the new southern bypass. Were the Scheme not to be implemented, it is unlikely that the town centre improvement works (including, for example, the link road arrangements) would be carried out in isolation and are thus not an aim in themselves.</p> <p>On this basis, the works in Huntingdon are proportionate to the overall scheme.</p>
New and altered means of access	Associated development	<p>Works in respect of access arrangements are clearly not part of the NSIP (i.e. they would not be 'part of' the construction, alteration or improvement of a highway for which Highways England is highway authority) but are 'associated' with the NSIP on the basis they are required as a direct result of the effects of the NSIP works. This accords with the Guidance.</p>
Borrow pits	Associated development	<p>Highways England considers that the use of borrow pits in the course of (and therefore to support) the construction of the scheme clearly supports the assertion that they are associated development.</p> <p>The borrow pits will clearly support the construction of the Scheme as it will provide required materials.</p> <p>The provision of these borrow pits is clearly not an aim in itself but is</p>

Type of development	Part of the NSIP or Associated Development?	Reasoning
		<p>subordinate to the NSIP elements of the scheme - they are only being constructed as a result of the scheme.</p> <p>Whilst the borrow pits are of a significant size, this must be considered in the context of the size of the Scheme itself. The materials required for the construction, alteration and improvement of the relevant works will be of a large volume thus justifying the size of the borrow pits.</p>
Construction compounds (including worker accommodation)	Associated development	<p>Whilst not part of the NSIP, construction compounds are clearly 'associated' with it, on the basis that they support its construction (as per the Guidance). Worker accommodation has been considered in <i>R (on the application of Innovia Cellophane Ltd) v Infrastructure Planning Commission</i> where it was confirmed that the principle of temporary accommodation for workers engaged in the construction of an NSIP could be included in a DCO as associated development.</p>
Flood compensation areas	Associated development	<p>The Guidance suggests that flood mitigation measures would be associated development, as they would be undertaken for the purpose of addressing impacts. Highways England considers that this is correct and that the flood compensation areas meet the relevant tests set out in the Guidance and the PA. This is because they directly relate to the proposed scheme by addressing its impacts, are not an aim in themselves (they are only being constructed as a result of the scheme), and are entirely proportionate to the scale of the scheme (and have been calculated precisely on this basis).</p>
Attenuation ponds	Both	<p>Attenuation ponds are required for both the trunk road and local road elements of the scheme (i.e. NSIP and non-NSIP) and are thus integral to both. They will form part of the construction, improvement or alteration as those elements are fundamentally 'designed-in'. As such, it is considered that those ponds associated with the 'local road' elements would be associated development, but those associated with the NSIP elements</p>

Type of development	Part of the NSIP or Associated Development?	Reasoning
		<p>would be part of the NSIP.</p> <p>However, in the alternative, Highways England considers that all of the attenuation ponds would clearly meet the tests for associated development set out in the Guidance and the PA. They directly relate to the proposed scheme by addressing its impacts, are not an aim in themselves (they are only being constructed to support the operation of the scheme), and are entirely proportionate to the scale of the scheme (and have been calculated precisely on this basis).</p>
Re-alignment of watercourses	Both	<p>The re-alignment of watercourses is required for both the trunk road and local road elements of the scheme (i.e. NSIP and non-NSIP) and is integral to both. They will form part of the construction, improvement or alteration as those elements could not be undertaken without these works being carried out. As such, it is considered that those works associated with the 'local road' elements would be associated development, but those associated with the NSIP elements would be part of the NSIP.</p> <p>However, in the alternative, Highways England considers that the re-alignment of all watercourses would clearly meet the tests for associated development set out in the Guidance and the PA. They directly relate to the proposed scheme by supporting its construction and helping address its impacts, are not an aim in themselves, and are entirely proportionate to the scale of the scheme (they are only being carried out where necessary).</p>
Construction / alteration of culverts	Both	<p>The construction / alteration of culverts is required for both the trunk road and local road elements of the scheme (i.e. NSIP and non-NSIP) and are integral to both. They will form part of the construction, improvement or alteration as those elements could not be undertaken without these works being carried out. As such, it is considered that those works associated with the 'local road' elements would be associated development, but</p>

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		<p>those associated with the NSIP elements would be part of the NSIP.</p> <p>However, in the alternative, Highways England considers that the construction / alteration of all culverts would clearly meet the tests for associated development set out in the Guidance and the PA. They directly relate to the proposed scheme by addressing its impacts and supporting its operation, are not an aim in themselves (they are only being constructed to support the operation of the scheme and address its impacts), and are entirely proportionate to the scale of the scheme (and will be designed precisely on this basis).</p>
Ecological mitigation	Associated development	<p>The Guidance suggests that ecological mitigation would be associated development, as it would be undertaken for the purpose of addressing impacts. Highways England considers that this is correct and that the proposed ecological mitigation meets the relevant tests. This is because it directly relates to the proposed scheme by addressing its impacts, is not an aim in itself (the mitigation is only being constructed as a result of the scheme), and is entirely proportionate to the scale of the scheme (and the extent of the mitigation has been calculated precisely on this basis).</p>
Landscaping	Both	<p>Highways England consider that any landscaping that is laid out as part of any newly constructed, altered or improved highway for which it is the highway authority would form part of the NSIP. This is because, as the constructed, altered or improved highway is itself the NSIP under the PA, any landscaping which falls within the highway boundary clearly forms part of, and is integral, to that highway.</p> <p>However, this notwithstanding, Highways England considers that all of the proposed scheme landscaping would clearly meet the tests for associated development set out in the Guidance and the PA. It directly relates to the proposed scheme by addressing its impacts, is not an aim</p>

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		in itself (it is only being laid out to address the scheme's impacts), and is entirely proportionate to the scale of the scheme (and will be designed precisely on this basis).
Noise barriers	Associated development	<p>The Guidance suggests that noise barriers would be associated development, as they would be undertaken for the purpose of addressing impacts. Highways England considers that this is correct and that the proposed noise barriers meet the relevant tests. This is because they directly relate to the proposed scheme by addressing its impacts, are not an aim in themselves (they are only being constructed as a result of the scheme), and are entirely proportionate to the scale of the scheme (and will be designed precisely on this basis).</p>
Utility diversions	Both	<p>Utility diversions are required for both the trunk road and local road elements of the scheme (i.e. NSIP and non-NSIP) and are thus integral to both. They will form part of the construction, improvement or alteration as those elements could not be undertaken without these works being carried out. As such, it is considered that those diversions associated with the 'local road' elements would be associated development, but those associated with the NSIP elements would be part of the NSIP.</p> <p>However, in the alternative, Highways England considers that all utility diversions would clearly meet the tests for associated development set out in the Guidance and the PA. They directly relate to the proposed scheme by supporting its construction, are not an aim in themselves, and are entirely proportionate to the scale of the scheme (they are only being carried out where necessary to enable construction).</p>