

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

HE/A14/EX/251

TR010018

HE/A14/EX/251

Compulsory Acquisition Submission - Deadline 15

November 2015

The Infrastructure Planning (Examination Procedure) Rules 2010



A14 Cambridge to Huntingdon improvement scheme

**Compulsory Acquisition Submission
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11 November 2015

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1. Introduction

- 1.1 This submission responds to representations made by interested parties at Deadline 14, and those representations submitted in relation to Highways England's application for the compulsory acquisition of additional land pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 ('the proposed provision') (Applicant reference HE/A14/EX/68, PINS reference REP5-030).
- 1.2 This submission also provides an update on other compulsory acquisition matters, consideration of which has been ongoing throughout the Examination.

2. Response to Deadline 14 submissions

Sam Swaine

- 2.1 Mr Swaine's representation was submitted as a late representation at Deadline 13 (30 October 2015) and was accepted by the Examining Authority on 5 November 2015. However, as a response to Mr Swaine's representation was not included in Highways England's *Comments on Deadline 13 Submissions* (Applicant reference HE/A14/EX/234; PINS reference REP14-012) submitted at Deadline 14 (6 November 2015), this submission now provides a response to it.
- 2.2 Mr Swaine's representation questions the need for and suitability of the proposed non-motorised user ('NMU') provision on the de-trunked and widened section of the A14 from Fen Drayton to Cambridge Services.
- 2.3 The NMU facility on the north-east side of the existing A14 dual carriageway (to be de-trunked) would form part of a continuous link for pedestrians, cyclists and equestrians between Fenstanton and the outskirts of Cambridge. It would provide a pathway similar to the existing pathway alongside the Cambridge Guided Busway. A number of bridleways, which were previously severed by the A14, would link to this NMU facility, and the facility would provide new linkages between those bridleways. The facility would provide for two way use, so there would be no need for users to cross the de-trunked A14 dual carriageway.
- 2.4 It is acknowledged that there would be different types of non-motorised user on this NMU provision, including commuters and leisure riders. However, the facility has been designed in accordance with industry best practice to accommodate shared use by a variety of NMUs. This facility would link with existing NMU facilities beyond Fenstanton (Sustrans Regional Route 24 along Mill Road and Cambridge Road)

and Girton (facilities to Cambridge City Centre), providing additional connectivity, in accordance with the Scheme's objectives. Off-road motorcycles are motor vehicles and are not permitted to use bridleways. Accordingly, they would not be permitted to use any of the NMU facilities provided in the Scheme. Motor-cyclists are required to use the carriageway provided for vehicular use.

- 2.5 Non-motorised users are an important consideration in transport planning, and Highways England is committed to ensuring that the Scheme provides facilities which can accommodate safe and convenient use by NMUs.

Michael Alexander

- 2.6 Mr Alexander submitted two representations at Deadline 14. One submission was made on behalf of Mr and Mrs Everdell and Lenton Farms (PINS reference REP14-026); the other was made in Mr Alexander's own name, writing on his own behalf and that of his colleague David Sinfield and their respective clients (PINS reference REP14-027).
- 2.7 In his representation made on behalf of Mr and Mrs Everdell and Lenton Farms, Mr Alexander raises his clients' concerns as to the operation of Article 7(b), and whether landowners can be considered 'affected parties' from whom Highways England is required to seek plan approval.
- 2.8 Highways England confirms that the 'affected parties' referred to are those that have the benefit of protective provisions in Schedule 9 to the DCO. This does not include relevant landowners who, in the context of the borrow pits, would receive appropriate compensation pursuant to the compensation code and commensurate with the value of the land being acquired.
- 2.9 Highways England does not consider it appropriate for private individuals to have a plan approval role within the protective provisions – this would be in conflict with the established way in which protective provisions have been used in DCOs and similar Statutory Instruments for many years. As can be seen from Schedule 9 to the DCO, it is only regulatory bodies and consenting bodies that are permitted to benefit from protective provisions, as such bodies require a plan approval role in order to safeguard the exercise of their public and/or regulatory functions.
- 2.10 However, landowners should derive comfort from the requirements contained in Schedule 2 to the DCO and, in respect of article 7 of the DCO specifically, the fact that the limits of deviation cannot be

exceeded unless the Secretary of State has effectively approved this, following consultation with the relevant planning authority.

- 2.11 In his representation made in his own name, Mr Alexander expresses his view that his (and his colleague's) meetings with Highways England did not consider the possibility of acquisition by agreement, as asserted in Highways England's *Compulsory Acquisition Submission at Deadline 13* (Applicant reference HE/A14/EX/191, PINS reference REP13-013).
- 2.12 Highways England recalls that the meeting with Mr Alexander that was planned for 16 December 2014 (as agreed at the meeting on 12 November 2014) was cancelled by Mr Alexander at short notice, as Mr Alexander was unable to attend. Accordingly, Highways England acknowledges that a meeting did not take place on 16 December 2015. Instead, a meeting was arranged with Mr Alexander as soon as possible on his return from holiday in February 2015.
- 2.13 The meeting with Mr Alexander (and others) on 19 February 2015 was a wide ranging meeting. Potential compensation values were discussed in relation to borrow pit sites and agricultural land and the principles of how acquisition by agreement could work (for all Mr Alexander's clients) were discussed in detail. However Mr Alexander maintained an objection, on behalf of his clients, to any land being taken for the Scheme and particularly in respect of land required for the provision of borrow pits.
- 2.14 Highways England was therefore unable to continue to make substantive progress towards acquisition by agreement in these instances.

Mrs Maria Hugh

- 2.15 Two representations were submitted on behalf of Mrs Hugh, relating to the proposed provision of a new bridleway close to her property on the west side of the A1 at Alconbury. This bridleway was proposed as non-material design change reference DR1.66 in the *Consolidated Proposed Non-Material Changes Report* (Applicant reference HE/A14/EX/163, PINS reference REP10-047) and, pursuant to a procedural decision by the Examining Authority, was accepted as part of the Scheme.
- 2.16 The representations (submitted by Bidwells (REP14-002), and Jonathan Djanogly MP (REP14-001)) on behalf of Mrs Hugh focus on four primary concerns:

- Why a non-motorised user route has been created at this location;
- Why a noise bund is not proposed at this location;
- Whether or not security fencing will be provided; and
- Whether or not the screening fence to be provided for users of the NMU route would have noise attenuation properties.

2.17 Highways England's response to these points is set out below:

2.18 The non-motorised user (NMU) route proposed at this location, which would be a bridleway, is intended to link Brampton Hut junction with local communities and the local rural road network on the west side of the A1, and to provide a continuous NMU facility between the proposed local road network south of Alconbury and the proposed NMU network south of Brampton Hut junction.

2.19 Proposals for this bridleway were added to the Scheme (in the form of non-material design change reference DR1.66) in response to a request from Huntingdonshire District Council during discussions to progress the Statement of Common Ground (see item 41 of the Statement of Common Ground with Huntingdonshire District Council (reference LA02 of Applicant reference HE/A14/EX/190, PINS reference REP13-012).

2.20 By way of explanation as to why a noise bund is not proposed to be provided near to Mrs Hugh's property, Highways England noted in its response to Ms Hugh's Written Representation (Applicant reference HE/A14/EX/53, PINS Reference REP4-015):

"The noise assessment presented in Chapter 14 (paragraph 14.4.27) of the Environmental Statement (Applicant reference 6.1, PINS reference APP-345)) identifies that Brooklands House is unlikely to qualify for noise insulation under the Government's Noise Insulation Regulations (1975). Confirmation of qualification for noise insulation would be made by the responsible authority before the scheme comes into operation, based on as built information in accordance with the Noise Insulation Regulations.

"If noise insulation were required then, with appropriate design, consultation and consents (that would all be undertaken by Highways England), noise insulation could be provided for the listed building.

"Low noise surfacing would be provided on the modified A1 with the proposed scheme. This would reduce noise levels at Brooklands House by 2.5 dB compared to hot rolled asphalt.

"Providing a noise barrier in this location would not be justified or sustainable because:

- The dwelling does not fall within any of the Important Area defined by the 2014 Noise Action Plan for Roads;*
- The forecast noise levels (day and night) following completion of the proposed scheme are not 'unacceptable' – i.e. the noise levels at the dwelling' location 22 (66 dB LpAeq,16hr [day] and 62 dB LpAeq,8hr [night]) are lower than the Unacceptable Adverse Effect Levels defined in Table 14.2 of Chapter 14 to the ES (document reference 6.1) consistent with Government noise policy and Planning Practice Guidance; and*
- The cost of a barrier (either as a fence barrier or landscape earthwork) would far exceed the monetised noise benefit provided by the barrier."*

Applying the methodology confirmed in the *Updated Position Statement on Further Noise Mitigation* (Applicant reference HE/A14/EX/156; PINS reference REP10-040), it would also not be sustainable to provide very Low Noise Surfacing at this location as the cost of the vLNS would far exceed the monetised noise benefit provided by the barrier (the sustainable provision of vLNS to minimise adverse effects on Alconbury would stop someway north of Brooklands House).

2.21 Highways England has agreed with Mrs Hugh's agents, Bidwells, that security fencing will be provided where the bridleway runs close to the boundary of Mrs Hugh's property. The exact nature and location of this security fencing will be discussed with Mrs Hugh at the detailed design stage (if the DCO is made).

2.22 As part of the NMU provision at this location, a fence would be required to separate the A1 motorised traffic from the non-motorised bridleway traffic, providing a physical / visual barrier to prevent users travelling towards oncoming traffic in the dark from being dazzled by the headlights of oncoming vehicles. A fence would also be necessary to obscure the noise and view, at close proximity, of passing high speed traffic, which could potentially make use of the bridleway an unpleasant, uncomfortable or intimidating experience for people and/or make the bridleway a dangerous place for horses. The fence would also be required as a security measure, to prevent NMUs from

accessing or crossing the carriageway, for road safety reasons. Highways England confirms that this fence would have noise attenuating properties essentially equivalent to those of a typical noise barrier, subject to its dimensions, details of which would be discussed with Mrs Hugh at the detailed design stage (if the DCO is made).

Landro Limited

- 2.23 At Deadline 14, the agency Barker Storey Matthews submitted a further representation on behalf of Landro Limited (PINS reference REP14-007) confirming that most of Landro Limited's concerns have been addressed by Highways England, save for those relating to areas of proposed planting to the north of Brampton Road, in Huntingdon – specifically, at plot 34/25d.
- 2.24 As set out in the agreed Statement of Common Ground submitted at Deadline 13 (reference LI27 of Applicant reference HE/A14/EX/190, PINS reference REP13-012), Highways England has sought to accommodate Landro Limited's concerns, summarised as follows:
- 2.25 Plot 34/25d was amended in proposed design change DR1.100 (within *Consolidated Proposed Non-Material Changes Report* (Applicant reference HE/A14/EX/163, PINS reference REP10-047) to create two separate plots. Plot 34/25f (which was formerly part of plot 24/35d) has been created as a new temporary possession plot, replacing the previous proposal to acquire land in this plot compulsorily (which proposal would have blocked access to the Water Tower car park). Use and possession of the land in plot 34/25f is required temporarily to allow localised highway adjustment during the detailed design and construction phases.
- 2.26 Plot 34/25d remains as a plot in relation to which powers of compulsory acquisition are proposed to be sought, but it has been reduced in size, to allow the line of tree planting which Highways England considers is necessary to continue along the line of plot 34/25d in order to integrate the Brampton Road street scape once the viaduct has been removed.
- 2.27 Highways England acknowledges that Landro Limited wishes to retain ownership of land allocated (under the Scheme proposals) to provide tree planting along the frontage to Brampton Road.
- 2.28 In relation to plot 34/25d, it is both parties' intention that an agreement will be entered into, granting the temporary rights needed by Highways England to plant the trees; and an appropriately worded covenant to ensure that the trees must be maintained in such a way (specification of maintenance to be set out in the covenants) as to enable Highways

England to provide the appropriate landscaping required for the A14 scheme in perpetuity.

- 2.29 Further, Highways England is committed to discussions and subsequent agreement with Landro Limited in relation to the exact form of the tree planting and to specify the species, size and spacing of trees to ensure compatibility with the development of the Water Tower site in the future. Highways England understands that, in the future, if the Water Tower development takes place, any subsequent planning approvals in relation to that proposal would supersede the A14 tree planting proposals where they are not deemed compatible.
- 2.30 If an agreement between the landowner and Highways England has been finalised and entered into (and covenants imposed) prior to, or by the time at which, Highways England is ready to start the general vesting declaration (GVD) process or ready to serve Notices to Treat and Notices of Entry in respect of land or rights over land to be acquired for the tree planting in plot 34/25d, then Highways England will not exercise powers of compulsory acquisition or powers of temporary possession in respect of the land in that plot which is required for the tree planting along the Brampton Road frontage.

Ekins Trustees

- 2.31 At Deadline 14, the agency Barker Storey Matthews submitted a further representation on behalf of the Ekins Trustees, in respect of the Trustees' interest in land at Centenary House, including car parking facilities at Mill Common (REP14-006).
- 2.32 This representation confirms that Highways England and the Ekins Trustees have reached an agreed position in respect of land required for the Scheme in the vicinity of the Mill Common car park, and that accordingly, no change to Sheet 34 of the Land Plans submitted at Deadline 13 (Applicant's reference HE/A14/EX/216; PINS reference REP13-036) is required.

3. Update on Response to Comments on Changes to the Scheme

- 3.1 Representations were submitted by a number of interested parties in relation to the requests for proposed non-material changes to the Scheme that were submitted by Highways England during the Examination (including changes proposed pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010) and which were accepted by the Examining Authority in a series of procedural decisions (PD-08, PD-013, PD-014 and PD-018).

- 3.2 This submission provides an update on all of the comments on the scheme changes:
- 3.3 **Public Health England** (PINS reference REP9-002), **Historic England** (PINS reference REP9-001), and the **Health and Safety Executive** (PINS reference REP13-057), all confirmed that they have no objection to the proposed changes, which Highways England notes.
- 3.4 **Natural England** made a number of comments (REP9-023, REP12-011, REP13-007) in relation to changes to the Scheme which explained the ecological background to a number of the proposed non-material changes and expressed their support for the Scheme. No further action is therefore required in relation to these submissions.
- 3.5 **National Grid Gas plc** made a number of comments (REP9-004) as to the non-material changes that have been proposed to facilitate diversions of National Grid apparatus. Highways England took these comments into account in its *Consolidated Proposed Non-Material Changes Report* (Applicant reference HE/A14/EX/163, PINS reference REP10-047) submitted at Deadline 10. As a result of this, National Grid Gas plc has now agreed a Statement of Common Ground (reference SU08 of HE/A14/EX/190, PINS reference REP13-012) and has agreed Protective Provisions within the DCO. In light of these items being agreed, National Grid Gas plc has now withdrawn its objection to the Scheme, by way of its submission at Deadline 14 (PINS reference REP14-004).
- 3.6 **Birketts LLP on behalf of JCAM Commercial Real Estate Property VII Limited** (the developers of the RAF Brampton site), submitted a representation (REP9-003) querying the proposed footpath envisaged by design change DR1.79. Following receipt of this submission, and discussions with Cambridgeshire County Council, who had originally requested the proposed NMU provision which was the subject of DR1.79, this design change (DR1.79) was withdrawn by Highways England in the Consolidated Proposed Non-Material Changes Report submitted at Deadline 10 (Applicant reference HE/A14/EX/163, PINS reference REP10-047 – see paragraph 1.1.4).
- 3.7 **Michael Alexander on behalf of the Marshall family**: As set out in Highways England's *Compulsory Acquisition Submission - Deadline 13* (Applicant reference HE/A14/EX/191, PINS reference REP13-013), an objection to the proposed provision of additional land was submitted by Michael Alexander on behalf of the Marshall family (REP9-024 – received by the Planning Inspectorate on 19 October 2015 and accepted as a late submission). As set out in that Deadline 13

submission, this objection has now been withdrawn (see para 2.5 and Appendix 2 of HE/A14/EX/191, PINS reference REP13-013).

- 3.8 **Network Rail Infrastructure Limited:** A second objection submitted by Network Rail, relating specifically to the proposed compulsory acquisition of additional land (at Mill Common) (the proposed provision) was submitted to the Examination by Network Rail at Deadline 8 (PINS reference REP8-001). No reasons were given for Network Rail's objection within this submission, and Network Rail did not appear at the Compulsory Acquisition hearings to explain its objection. Highways England has continued to engage with Network Rail, and has clarified the proposed use of the relevant plot (34/54) with Network Rail. It has been established, however, that the land in plot 34/54 is not operational land and it is understood that the land in plot 34/54 it is not owned by Network Rail for the purposes of its undertaking. As indicated in Highways England's *Compulsory Acquisition Submission – Deadline 13* (Applicant reference HE/A14/EX/191, PINS reference REP13-013) Network Rail had indicated that it could not withdraw its objection to the inclusion of this plot in the DCO until the overarching interface agreement between Network Rail and Highways England has been finalised and entered into. As set out in section 4 below, it is not considered likely that this objection will be withdrawn prior to the end of the Examination. However, Highways England will continue its endeavours to secure the withdrawal of this objection following the close of the Examination.

4. Update on Statutory Undertakers

- 4.1 In its previous submissions on compulsory acquisition matters, Highways England has identified National Grid Gas plc, Anglian Water Services Limited, and Network Rail Infrastructure Limited as statutory undertakers who had submitted representations to the Examination and who held land interests in the Scheme identified in the Book of Reference, and to whom section 127 of the Planning Act 2008 could therefore apply if those representations (objecting to the Scheme) were not withdrawn.
- 4.2 However, Highways England has not previously identified in its submissions the fact that there is another statutory undertaker which submitted a representation in relation to the Scheme - Cambridge Water. This body does not hold a land interest identified in the Book of Reference, but does have apparatus which is affected by the Scheme. As a result of this, if Cambridge Water's objection is not withdrawn, section 127 of the Planning Act 2008 would apply. An update on the position for all of these parties is therefore set out below:

- 4.3 **National Grid Gas plc:** As set out above, National Grid Gas plc withdrew its objection to the Scheme at Deadline 14 (REP14-004). Section 127 will therefore not apply National Grid Gas plc.
- 4.4 **Anglian Water:** A Statement of Common Ground (SU02) and an agreed form of DCO protective provisions have been reached with Anglian Water. In addition, Anglian Water Services Limited has now withdrawn its objection (at Deadline 15); accordingly section 127 will not be engaged in respect of Anglian Water.
- 4.5 **Network Rail:** A final Statement of Common Ground for Network Rail Infrastructure Limited was submitted at Deadline 14 (reference SU09 of Applicant reference HE/A14/EX/233, PINS reference REP14-011). Further to this, discussions in relation to protective provisions and a side agreement have continued between both parties throughout the remainder of the Examination period. However, it is not considered that these will be agreed by both parties, such that the objection will be capable of withdrawal prior to the close of the Examination. Highways England will continue its endeavours to secure the withdrawal of this objection after the close of the Examination. Highways England confirms that the protective provisions contained in the draft DCO submitted at Deadline 15 are Highways England's preferred protective provisions in respect of railway interests, and are not yet agreed by Network Rail Infrastructure Limited.
- 4.6 **Cambridge Water:** Discussions with Cambridge Water have been ongoing throughout the Examination, and a Statement of Common Ground was agreed and submitted at Deadline 13 (reference SU04 of Applicant reference HE/A14/EX/190, PINS reference REP13-012). Whilst a formal withdrawal of Cambridge Water's representation has not been provided, the email attached at Appendix 1 makes it clear that Cambridge Water agrees that Highways England's response, in the Statement of Common Ground, to the concerns raised in its representation is sufficient for its purposes, such that the issues raised in its representation are now settled. Accordingly, Highways England would submit that it is not necessary for section 127 to apply in respect of Cambridge Water.

5. Update on Cambridge Crematorium

- 5.1 The Scheme includes proposals for revised access to the Cambridge Crematorium. The only existing access and egress to the Crematorium site is by way of a direct exit/entrance off/onto the westbound carriageway of the A14, via a left-in left-out junction at the rear of an extended layby/bus stop (see photo below).

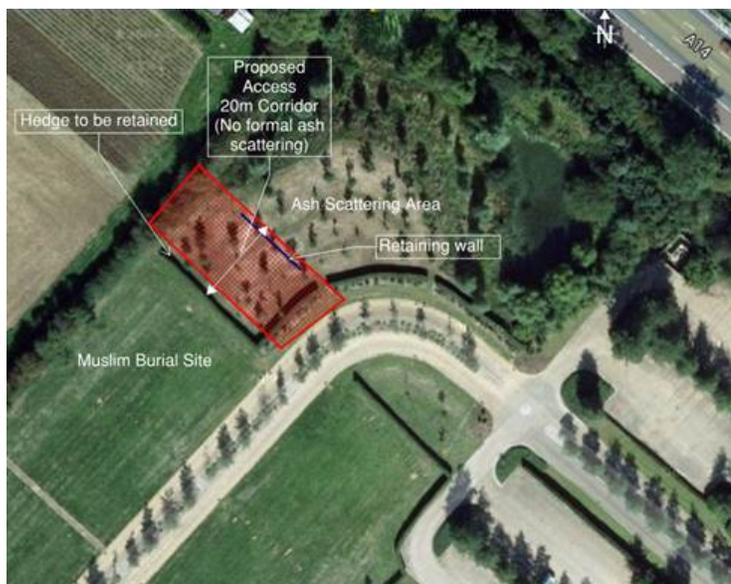
- 5.2 The existing entry/exit to the Crematorium comprises two single lanes each of which is approximately 3.5m - 4m wide. Most traffic entering the site currently turns right in front of the main building and accesses the car parks to the west of the site. Hearses park in front of the main building.
- 5.3 This existing access is proposed to be stopped up as part of the Scheme in order to contribute to the achievement of the Scheme's objectives, by regulating traffic flows and improving safety on the A14 by reducing the need for local traffic to use the A14 and eliminating direct accesses onto the A14, thereby helping to decrease the mixing of slow-moving accelerating and decelerating traffic with the fast-moving strategic through traffic.



- 5.4 The existing left-in left-out direct access from/to the A14 is proposed to be replaced at the western side of the site by a new access of similar capacity to the existing access, connecting to a junction on the proposed Local Access Road. This replacement access would connect more directly to the existing Crematorium car parks which are on the western side of the site.
- 5.5 With the replacement access in place, entry and exit into the car parks themselves would mirror the existing arrangements and there would be no need for Highways England to affect the existing car park layout or capacity; therefore, any conflicts between traffic streams on the site would be very similar to existing conditions. The City Council has not presented any evidence to substantiate its assertion that a 'new access at this [western] location would create internal traffic flow problems' (as suggested in the Statement of Common Ground (HE/A14/EX/249, Ref LI28)).
- 5.6 Highways England is committed to working with the Crematorium at the detailed design stage to agree any further consequential works on

the site which may be necessary in connection with the proposed western access, such as revised signage and road markings, removal of redundant lengths of road and landscaping.

- 5.7 The new western access would pass close to, but would avoid, the ash scattering area and the Muslim burial area. An existing hedge, which identifies the northern boundary of the Muslim burial area, would be retained, with all access works being carried out on the north side of the hedge.
- 5.8 There is a formal approval process to go through before ashes are scattered at the Crematorium, and the Crematorium has records of where scatterings have been permitted. Cambridge City Council has confirmed to Highways England that there has been no formal ash scattering within the 20m wide corridor north of the hedge (i.e. in the area hatched red in the photograph below, which is where the proposed western access would be located).
- 5.9 Recent work on the development of the design of the proposed western access confirms that it could be constructed without impact on either the Muslim burial area or the ash scattering area and that a 20m wide corridor (as shown hatched red on the photo below) is sufficient to construct the new access. Any potential intrusion of earthworks into the mounded, landscaped area to the north of the proposed access could be avoided by the construction of a low retaining wall located on the northern side of the 20m corridor (in the event that this was necessary due to level differences). (The potential location of the retaining wall is indicated by a blue line on the photo below.)



- 5.10 Highways England confirms that all works would be carried out following consultation and agreement of details and with an appreciation of the sensitivity of the site.
- 5.11 However, Cambridge City Council has expressed a preference for a supplementary or replacement access at the eastern side of the site, as it is anticipated that this would improve traffic movements and parking arrangements within the site.
- 5.12 Highways England is currently working with the City Council to explore the potential for such an access, which would require the acquisition from a third party of land to the east of the site. Preliminary design work on proposals for an eastern access is underway (related drawings are attached to the Statement of Common Ground (HE/A14/EX/249, Ref LI28), as are negotiations with the neighbouring landowner for acquisition of the necessary land.
- 5.13 Highways England is prepared to support the City Council's aspiration to secure access via the east of the site, but considers that this would need to be taken forward outside the DCO scheme, which, as explained above, already provides for an adequate replacement access which could be delivered without detriment to the operation of the Crematorium site.
- 5.14 Highways England will continue to work with the Crematorium to incorporate the proposed eastern access into the Scheme at the detailed design stage, should the additional land required at the eastern side of the site become available for use and the requisite planning consents be secured.
- 5.15 The parties' respective positions are summarised in an agreed, signed Statement of Common Ground (HE/A14/EX/249, Ref LI28) submitted at Deadline 15.

6. Update on legal agreements

- 6.1 Highways England has been progressing the legal agreement with Napp Pharmaceuticals Holdings Limited, Bard Pharmaceuticals Limited and Mundipharma Research Ltd and this is now agreed, subject to Board approval.

7. Update on Changes to Flood Compensation Areas

- 7.1 In its *Compulsory Acquisition Submission Deadline 14* (Applicant reference HE/A14/EX/247, PINS reference REP14-024), Highways England set out the consequential changes to the DCO, plans and compulsory acquisition information relating to the Scheme, which would arise from the reduction in flood compensation areas, the need for which has been created by the revised modelling that informed the *Flood Risk Assessment* submitted at Deadline 13 (Applicant reference HE/A14/EX/200, PINS reference REP13-020), now superseded by the further revised *Flood Risk Assessment* (Applicant reference HE/A14/EX/626) submitted at Deadline 15.
- 7.2 By means of an update, Highways England confirms that, notwithstanding the absence of any legislative or regulatory requirement for it to do so, it has written to all those persons who have a land interest in the land plots affected by these changes, bringing these proposed changes to their attention, and directing them to the relevant documents on the Examination website. The template for the letter that has been sent is included in Appendix A of *Compulsory Acquisition Submission Deadline 14* (Applicant reference HE/A14/EX/247, PINS reference REP14-024); the letters that were actually sent also included references to the relevant floodplain compensation areas / flood compensation areas and to the affected plots of land (as defined in the Land Plans and the Book of Reference).
- 7.3 Highways England confirms that none of the proposed changes should be considered 'material' changes for the purposes of the Planning Act 2008.
- 7.4 None of the changes proposed as a result of the revised Flood Risk Assessment are material in nature - whether considered individually or collectively, separately or cumulatively, they do not result in changes to the underlying scheme to which the application relates. The proposed 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, these changes arise from the update of environmental information, and as such, none would result in any materially worse likely environmental effects than those assessed and reported in the Environmental Statement (Applicant document reference 6.1 / APP-APP-331 to APP- 352).
- 7.5 Highways England considers these changes to be non-material because:
- each of the changes is considered to be minor;

- none of the changes would result in a materially worse environmental finding, as set out in the Flood Risk Assessment;
- the changes will have a non-existent or negligible effect on the local community;
- the change would not be a matter of interest or concern to the public; and
- the changes will cause a reduction in the land take for the Scheme which will in fact lessen the impact of the Scheme as a whole, and in so doing, may partially appease the concerns of certain landowners.

7.6 As these changes are not material changes to the Scheme, and involve a reduction to the land take required for the Scheme, it is Highways England's position that these changes are capable of acceptance, and of being included as recommended modifications to the plans and documents to be certified by the Examining Authority, during the recommendation period.

7.7 Highways England confirms that the proposed consequential amendments to the draft DCO which were detailed within the *Compulsory Acquisition Submission Deadline 14* (Applicant reference HE/A14/EX/247, PINS reference REP14-024) are included in the draft DCO submitted at Deadline 15 (HE/A14/EX/253 and HE/A14/EX/254).

7.8 It should be noted that at the request of the Examining Authority Highways England has not submitted into the Examination revised plans that reflect these changes. It is suggested that the Secretary of State can make his decision based on the information in respect of the excluded or changed floodplain compensation areas that will be provided by the Examining Authority in its recommendation report and any necessary changes made to the revised DCO. Following the decision of the Secretary of State, should the application be granted, Highways England proposes to make the necessary revisions to the plans to accord with that decision and then submit them for certification under article 41 of the DCO. At that stage, the Works Plans and Land Plans would be checked by the Department for Transport to ensure that they reflect the changes to the floodplain compensation areas endorsed in the Secretary of State's decision.

1.

Appendix 1: Cambridge Water Email

Stokes, Florence

Subject: RE: A14 Statement of Common Ground

From: Paul Valente [<mailto:Paul.Valente@cambridge-water.co.uk>]
Sent: 28 October 2015 15:51
To: Geoff Dodgson
Subject: RE: A14 Statement of Common Ground

Good Afternoon Geoff,

As per our conversation, I can confirm that the attached is satisfactory and answers my queries to the extent that I am happy for the matters to be moved into the 'agreed' column.

Kind regards

Paul

From: Geoff Dodgson [<mailto:Geoff.Dodgson@war.uk.com>]
Sent: 26 October 2015 14:37
To: Paul Valente
Subject: FW: A14 Statement of Common Ground

Hi Paul

Have you had a chance to consider this yet?

I would like to sort in the next day or two

Geoff

From: Geoff Dodgson
Sent: 21 October 2015 14:34
To: Paul Valente
Cc: Balta, Nadege
Subject: A14 Statement of Common Ground

Paul

Good to talk just now and best wishes for the new career.

Attached is a revised Statement of Common Ground. The tweaks are mostly minor and updated.

The two issues raised at the review meeting were the matters currently 'not agreed'

The detailed advice, I have received is as follows:

�. Construction – Schedule 8 of the draft DCO contains protective provisions for the benefit of water undertakers, of which Cambridge Water (I assume) is one. These contain protections in respect of works that

affect undertaker apparatus. I attach a relevant extract here, which I hope would provide the assurances they seek. Please note these are not bespoke protective provisions, as such provisions have not been requested by Cambridge Water. Instead these are more standard and generic but which should still give the protection required.

�. Customers – As above. The protective provisions contain wording dealing with costs and expenses. Further, article 34 of the DCO deals with the situation where connections to services are lost as a result of the works authorised by the DCO. I also attach this as an extract.

I have edited these words into the attached document. Given these assurances, can we move these two issues to 'Matters agreed'?

I am in the office tomorrow until about 3pm

Geoff

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Senior Consultant



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