

A14
Cambridge to Huntingdon
improvement scheme
Development Consent Order Application

HE/A14/EX/268

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Summary Case of Highways England at Deadline 15

November 2015



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1. Introduction

- 1.1 The document entitled the Case for the Scheme [APP-755] comprised one of the application documents submitted in December 2014. Following the designation of the National Networks National Policy Statement ('the NNNPS') in January 2015, an assessment of conformity of the Scheme with the NNNPS was provided by way of update to the Case for the Scheme [APP-784] and this was itself subsequently updated in REP9-19 and further updated in EX/259 submitted at Deadline 15, to take account of information submitted to the Examination.
- 1.2 The case for compulsory acquisition of land required for the Scheme is set out in the Statement of Reasons, as updated in REP13-048.
- 1.3 This Summary Case of Highways England at Deadline 15 draws on material already submitted to the Examination. So as to assist the Examining Authority, it seeks concisely to identify (with references) the main issues as they appear to Highways England at Deadline 15 in the light of the material submitted by all parties to the Examination, including in particular where important matters appear no longer to be in issue. It does not purport to be (a) comprehensive or (b) to suggest that there are not other issues which are of relevance.
- 1.4 In addition to Highways England's responses to Relevant Representations and to Written Representations, there are at Deadline 15 79 signed Statements of Common Ground [REP13-012; REP14-011; EX/249 at Deadline 15]. Where they refer to Matters under Discussion, they are relevant as a record of matters which in a number of instances, where apparent from the wording, will continue to be discussed during the detailed design stage [see, for example, REP12-009, the Statement of Common Ground ('the SCG') with Mr and Mrs. Lenton and R. Lenton Ltd, which contains Highways England's commitment under this head to examining alternative detailed locations for soil storage during the detailed design stage; and the SCG with M. P.Mann at REP13-012].
- 1.5 There are 5 unsigned Statements of Common Ground, which have some relevance in so far as setting out Highways England's views on the issues raised.
- 1.6 At the outset it is noted that there is strong support for the Scheme from Cambridgeshire County Council [RR-070, REP14-011], support for the overall scheme from Huntingdonshire District Council [RR-645, REP13-012] and support in principle for the Scheme from South Cambridgeshire District Council [RR-450, REP13-012] and no objection from any of the statutory environmental bodies to the principle of the Scheme, Historic

England [REP13-012], the Environment Agency [RR-639, REP2-134] and Natural England [RR-630, REP2-134].

1.7 This Summary Case is structured as follows:

- (a) The underlying need and the Scheme objectives
- (b) How the Scheme meets the need
- (c) Alternatives
- (d) Consultation
- (e) Design process and the components of the Scheme
- (f) The prospective detailed design process
- (g) General principles of mitigation
- (h) EIA
- (i) Traffic
- (j) Noise
- (k) Air Quality
- (l) Flood Risk
- (m) Landscape
- (n) Ecology
- (o) Agriculture and land use
- (p) Other environmental effects
- (q) Special Category Land
- (r) Delivery
- (s) Compulsory acquisition: the approach
- (t) Compulsory acquisition: a compelling case in the public interest
- (u) Legacy
- (v) Conclusion

1.8 Each of the matters identified above is addressed in turn below.

2. The Underlying Need and Objectives of the Scheme

2.1 The underlying need is articulated in the Case for the Scheme [APP-775, Ref 7.1] at chapter 2. The Joint Local Impact Report [REP2-184] identifies several existing characteristics which reflect that need: AQMAs caused by heavy traffic flow on the existing A14, significantly unpredictable journey times likely to be worsened with population and planned economic growth, frequent long delays, lack of resilience to accidents, limited use of the A14 by non-vehicular users, conflicting local and strategic traffic (made worse by the relatively high HGV proportion of traffic), numerous access points contributing to congestion and diversion onto less suitable roads [REP8-011, paragraphs 2.2.6, 2.2.7, 2.2.8, 2.4.1 and sections 3 and 7].

2.2 The underlying need has not altered since the submission of the application, except to become more pressing through the passage of time. The urgency in addressing the need arises particularly in the context of development which is proceeding on the assumption of the Scheme proceeding or which is contingent upon the Scheme proceeding. It remains a scheme of strategic national importance and high regional priority, as recognised in the National Infrastructure Plan 2014, which also recognises the contingency upon the Scheme of major housing development at Northstowe [REP13-049, 10.11].

2.3 The Scheme objectives have been crafted to respond to this need. Highways England's analysis of the nature of the problem and the appropriateness of the objectives of the Scheme is widely shared. Those sharing that analysis include:

- the local highway authority, Cambridgeshire County Council [item 4.11 of the SCG in REP14-011];
- the two district authorities South Cambridgeshire DC [item 1 of the SCG in REP13-012] and Huntingdonshire DC [item 2 of the SCG in REP13-012];
- Cambridgeshire Police and Crime Commissioner, the local NHS Trust [item 1 of their respective SCGs in REP13-012];
- Cambridgeshire Fire and Rescue and East of England Ambulance Services;
- Homes and Communities Agency; and

- several other authorities such as Suffolk County Council, Peterborough City Council, Godmanchester, Huntingdon and St Ives Town Councils and Bar Hill Parish Council [item 1 in each of their SCGs contained in REP13-012].

3. How the Scheme meets the Underlying Need

- 3.1 Explanation of the development of the Scheme and the options considered are set out in the Case for the Scheme at chapter 4 [APP-755]. The Scheme has been tested against alternative options including multi-modal options. This took place not only as part of CHUMMS but was undertaken afresh in 2011-12 as part of the A14 Study, as described in APP-755, section 4.3 and further detailed in REP11-013 (Assessment of modal alternatives to address problems in the Cambridge - Huntingdon corridor), to which is attached the Output 3 study. The reasons for rejecting other highway options are set out in Table 4.1 of the Case for the Scheme [APP-755] and summarised in the Environmental Statement ('the ES') [APP-755]. Paragraph 4.27 of the NNNPS is engaged and the Examining Authority and the Secretary of State can be satisfied that a proper assessment of options has been undertaken and it is not necessary now to reconsider this process [EX/259 at Deadline 15].
- 3.2 The objectives of the Scheme, namely, to combat congestion, unlock growth, connect people, improve safety and create a positive legacy are only effectively achieved through implementation of the Scheme [APP-755, section 3]. These objectives are consonant with the Government's policy set out in the NNNPS on the need for development of the national road network (see paragraphs 2.1-2.27): the Update to Case for the Scheme addresses these paragraphs and explains how the Scheme addresses the need; and Table 8.1 of APP-755 summarises how the Scheme meets its objectives. The Joint LIR confirms that the Scheme is in compliance with national policy [REP8-011, 4.2.1 and Table 2].
- 3.3 The Scheme also accords overall with local policy [APP-755, chapter 6; see also Highways England's response to the Joint Local Impact Report (REP8-011) contained in REP9-019, as updated in EX/259 submitted at D15]. The Joint LIR has not been updated by the local authorities since 2 September 2015 and must be read in the light of the subsequent Statements of Common Ground.
- 3.4 There are in addition important social and environmental benefits attributable to the Scheme in terms of air quality and noise.
- 3.5 The Scheme provides High Value for Money with an adjusted BCR of 2.3 [REP2-018, Table 5.2 on the basis of the CHARM3a modelling; there are no changes as a result of the various sensitivities applied, including RTF

2015]. This does not include any of the benefits associated with development that is dependent on the Scheme for its release [REP2-018, 5.2.14]. It also does not include local economic benefits as identified in the ES with 824-1567 construction jobs [Table 16.6, APP-347].

4. Alternatives

- 4.1 As set out above, alternative options have been considered in detail during the course of the development of the Scheme and it is not now necessary to revisit the decision to proceed with the Scheme.
- 4.2 At the Examination, some parties have suggested alternatives to the Scheme, in particular the Brampton A14 Campaign Group. Notwithstanding paragraph 4.27 of the NNNPS, Highways England has responded to the substance of the Campaign Group's proposals [REP4-016, REP4-018, REP8-015 and REP10-041, section 5] and the position reached as between the parties is recorded in the Statement of Common Ground [REP13-012]. None of the suggestions, if pursued, would obviate the need for the Scheme.
- 4.3 Another suggestion has been that upgrading the A428 would be preferable. Such upgrading is not an alternative, and would have a negligible effect on traffic on the A14 [REP4-016, pp. 50-54; REP4-018, 1.12.6 ; and REP8-010 in which Cambridgeshire County Council agree that it would not act as an alternative].
- 4.4 Other parties have questioned the need to remove the Huntingdon viaduct, in some cases suggesting its retention as a variant to the Scheme. As explained in Huntingdon Viaduct Response Collated [REP7-028; see also REP2-006, 1.5.11], removal of the viaduct would support Huntingdon District Council's strategic regeneration objectives, as articulated in the West Area Action Plan, as well as enhancing the character of the Huntingdon Conservation Area; improve air quality in Huntingdon; and enable improved road connections within the town, notably to the railway station and the hospital and secondary school for those travelling from Godmanchester. Moreover, its retention would undermine the Scheme's objective of resolving congestion at Brampton Hut and the Spittals Interchange as the viaduct would continue to be used by strategic traffic. REP10-041 at 2.6 and Appendix 3 demonstrated that with incorporation of the viaduct into the Scheme, almost all HGVs are forecast to continue to use the viaduct in 2020 and 2035 notwithstanding the longer travel time for HGVs. Cambridgeshire County Council would not accept de-trunking if the viaduct was retained [REP14-011, SCG]. Furthermore, there are significant annual maintenance costs and the anticipated economic life of the existing viaduct is approximately ten years.

4.5 None of the local authorities propose any alternatives.

5. Consultation

5.1 The overall consultation process is described in chapter 5 of the ES [APP-336], in the Consultation Report itself [APP-757] and in the Case for the Scheme [APP-755]. These documents demonstrate the breadth of both statutory and non-statutory consultation. The consultation process helped design and shape the project. Numerous changes were made as a result of comments received. These are recorded in the Consultation Report which sets out, for each section of the Scheme, a summary of the changes made as a result of the consultation responses. Thus, at the formal consultation stage, changes were made to the form of the crossing of the Great Ouse and additional flood compensation areas were included at the request of the Environment Agency and at the immediately preceding informal stage, for example, substantive junction layout and design improvements were incorporated at Swavesey, Bar Hill and Girton.

5.2 Cambridge County Council [AOC-001], Huntingdonshire District Council [AOC-013] and South Cambridge District Council [AOC-014] all submitted adequacy of consultation responses as host authorities. None suggested that the consultation was inadequate and their full responses were taken into account in accepting the application.

5.3 The process of consultation has continued during the Examination, with many of the 71 total non-material changes accepted by the Examining Authority deriving from continued dialogue with other parties.

5.4 Wide engagement on the detailed design of the Scheme will continue beyond the Examination. During the course of the Examination a structure has been put in place to enable wider involvement in the detailed design of the Scheme, as explained further below.

6. Design Process and Components of the Scheme

6.1 The design of the Scheme is appropriate to fulfil the Scheme's objectives. The CHARM3a modelling represents the most robust basis for assessment [REP6-002, para. 8.1.4; REP9-021 page 23] and the various sensitivity tests carried out confirm that it remains robust [REP2-018: the minor adjustments arising from the use of CHARM3a and from the application of RTF 2015 can be accommodated within the footprint of the Scheme; REP6-002].

- 6.2 The engineering standards adopted are also appropriate. The route is proposed as a high standard dual carriageway all-purpose road to give route continuity to the A14 for its length from Felixstowe some 65 miles to the east to Catthorpe 40 mile west. The cross-sectional standards adopted for the A14 and A1 mainline carriageways scheme are as set out in Table 3.7 of REP2-018. The widening of the road to dual 3 lane/ dual 4 lane standards would materially increase the resilience of the road by making it far less susceptible to total blockage than the existing layout and the removal of direct accesses and the improvement of junctions would lead to smoother traffic flows and thereby improve safety.
- 6.3 The reasons for the non-inclusion of the “missing movement” at the Girton interchange are accepted by Cambridgeshire County Council [REP2-006, paragraphs 1.5.9 and 1.5.10; REP8-010].
- 6.4 A schedule of the design parameters for the local access road, side roads and Huntingdon Town Centre is contained in the Statement of Common Ground with Cambridge County Council [REP14-011].
- 6.5 The principles of good design have been taken into account [REP2-010, 1.9.6]. The Scheme has also been designed with a view to minimising carbon footprint [REP2-004].
- 6.6 The Scheme includes proposals for revised access to the Cambridge Crematorium. 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. The new access would pass close to, but would avoid, the ash scattering area and the Muslim burial area. Recent work on the development of the design of the proposed access confirms that it could be constructed without impact on either of these areas. Cambridge City Council has expressed a preference for a supplementary or replacement access at the eastern side of the site, however, as it is anticipated that this would improve traffic movements and parking arrangements within the site. Highways England is 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, as are negotiations with the neighbouring landowner for acquisition of the necessary land. 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 already provides for an adequate replacement access which could be delivered without detriment to the operation of the Crematorium site. Further detail is set out in deadline 15 submission EX/251 (at section 5) and the parties' respective positions are

summarised in a Statement of Common Ground [EX/249, Ref LI28] submitted at Deadline 15.

- 6.7 The Scheme contains significant investment in new NMU facilities. A total of over 30 km of new facilities are proposed. These include a 12 km facility shared between equestrians, cyclists and pedestrians, segregated from and alongside the Local Access Road, extending from Girton, on the outskirts of Cambridge, to Fenstanton, with links to adjoining facilities, bridleways and footpaths; various new bridleways and cycle links; two new NMU bridges across the A14, which are planned as landmark structures (at Bar Hill and Swavesey); facilities on all new highway over-bridges and under-bridges; and new or revised toucan crossings at several locations in Huntingdon, at Bar Hill, Brampton Hut and Histon ([REP2-013 FWQ1.12.19]).
- 6.8 One additional provision for NMUs has been included as a non-material change [DR1.66, REP7-034]. Suggestions for further provision of NMU facilities have been raised during the Examination. Highways England has responded to those raised at the hearings in REP11-007 at 2.6 and 2.10. None are justified as part of the Scheme but as explained under Legacy below, the Scheme does provide the opportunity for such additional provision to be considered under the legacy process [see also REP2-006 1.5.80].
- 6.9 Concern has been expressed as to the proposed widths for NMU facilities and ensuring that these are carried forward through the detailed design and construction stages of the scheme. The facilities would be designed in accordance with Highways England design standards and Department for Transport good practice guidance and are considered to provide facilities proportionate to likely needs. The extent and standards of provision have been developed and agreed in consultation with Cambridgeshire County Council, the local highway authority responsible for adopting the NMU facilities. A schedule of proposals and indicative widths of NMU facilities has been included in the appendices to the Statement of Common Ground with Cambridgeshire County Council [REP14-011]. Cambridgeshire County Council has accepted that the widths of Public Rights of Way will not be included in the DCO itself, on the basis that Highways England assists the County Council to establish PROW in the definitive map as robustly and accurately as possible, enabling the County Council to prepare Legal Event Modification orders. Highways England agrees to further discuss with the County Council contributions towards the costs of legal event modification orders [REP14-011].
- 6.10 The Scheme includes land that is essential for flood compensation, as well as landscape and ecological mitigation. It also includes borrow pits

so as to ensure that the shortfall in the necessary material to construct the scheme, particularly bulk fill, can be obtained sustainably and economically [REP2-015, 1.14.4; REP7-018, 2.5.6; REP9-011; REP10-33, 2.4].

- 6.11 Transport of very low value materials such as clays over anything other than very short distances (less than 5km) is not generally economically viable. It is also not an environmentally sustainable approach given the extra burden this would place on the local highway network. Furthermore, it is not an option favoured by the host authorities who support the Scheme incorporating the borrow pit sites [Joint LIR, REP8-011, 4.2.1: the use and location of the borrow pits is justified in terms of the overriding social and environmental benefits of such use].
- 6.12 An explanation of which of the components of the Scheme comprise associated development is contained at REP7-042.

7. The Approach to Detailed Design

- 7.1 What was encompassed by each of the preliminary and detailed design stages was explained at the hearing on 17 September 2015 [EV-059]. The first, preliminary design, is all the design and scheme development carried out in advance of applying for consent. It is carried out at least level of design at this stage a 1:2500 scale. This level of design enables: (i) the proper identification of the required land-take; (ii) the identification of effects on rights of way; (iii) the assessment of environmental impacts; (iv) the development of a scheme budget; (v) the development of a construction methodology. It also permits meaningful consultation on the proposed scheme. The second stage of design is the detailed design. This stage is required as the resolution of the preliminary design stage is not sufficient to enable the Scheme to be constructed. Typically, detailed design is undertaken at a 1:500 scale or larger at junctions and structures (that is to say the drawings are at least 5 times more detailed than those produced at the preliminary design stage).
- 7.2 The detailed design stage would include independent review by the Design Council's Design Review Panel. There would also need to be consultation in respect of the detailed design with the relevant planning authorities, the Parish Forums, the Community Forums, the Landowner Forums and the Environment Forum in accordance with the provisions of the Code of Construction Practice (Requirement 17). Further, the external appearance of the viaduct to be constructed as Work No. 5 (gg) would require approval from the Secretary of State following consultation with the relevant planning authorities (Requirement 17) [REP13-014].

- 7.3 A detailed note sets out the process of engagement on detailed design and the role of the Design Council's Design Review Panel [REP10-046], the substance of which has been incorporated into the Code of Construction Practice (CoCP) [REP14-022].

8. General Principles of Mitigation

- 8.1 The starting point for the Scheme has been to incorporate mitigation by design.
- 8.2 That starting point has in turn been underpinned by four mitigation mechanisms:
- Articles in the draft Order, such as Article 13(3) and (4) in respect of access to property;
 - Protective provisions in the Schedule 9 to the draft Order for the benefit of statutory bodies and undertakers exercising public functions;
 - The Legal Agreement to be entered into with Cambridgeshire County Council, which includes a process for local roads traffic monitoring; and
 - The Requirements in the draft Order, which include compliance with the Code of Construction Practice ('the CoCP'), itself securing a number mitigation measures.
- 8.3 The Requirements are set out last in the sequence above since it is only if not provided for in the first three mechanisms that a Requirement has been proposed by Highways England; a Requirement would not otherwise be justified as necessary in accordance with paragraph 4.9 of the NNNPS (REP9-014: applicable to protective provisions but equally applicable to where protection is secured by the legal agreement).
- 8.4 There is agreement with the affected local authorities, Cambridgeshire County, Huntingdonshire District and South Cambridgeshire District Councils, that any approval process in respect of the Requirements should be undertaken by the Secretary of State (recorded in responses to REP8-015 37). Highways England's separate legal personality from the Secretary of State means that this would be appropriate and transparent (REP8-015 p37; see also REP5-028 appendix 1).
- 8.5 Each of the mechanisms is enforceable. The Legal Agreement is contractually enforceable. Compliance with all elements of the Order, including the protective provisions (which also benefit from the particular

terms set out therein in respect of dispute resolution), is directly enforceable by the local authorities under the Planning Act 2008, including the CoCP which is itself enforceable through the Requirements, with a more powerful armoury of enforcement powers than available in the ordinary planning regime (REP10-036; REP9-016 in respect of the CoCP).

- 8.6 The CoCP, which in turn provides for the production of Local Environmental Management Plans as part of a consultative process, has been agreed by the three host authorities, Natural England, Historic England and the Environment Agency [REP14-010]. The NFU's queries relating to the CoCP have been addressed [REP14-024].
- 8.7 The foundation of the Requirements has been explained in REP13-018; they have been crafted in the light of paragraph 4.9 of the NNNPS. Although not considered necessary, Highways England has agreed that a Requirement relating to focussed Air Quality monitoring would be acceptable to it [EX/265]. The remaining Requirements are now agreed by the host authorities, with the exception of the noise Requirements sought by South Cambridgeshire District Council (addressed below) [REP14-012]. Highways England understands Natural England, Historic England and the Environment Agency to agree with the Requirements with there being no outstanding objections in respect of the terms of the DCO from these parties (see, for example, appendix 2 of REP13-016 and EX/264).
- 8.8 The process of approval of the Requirements would be rigorous, involving "double dose" consultation [REP10-042, REP10-036], in addition to the participatory processes of the Forums during detailed design [REP10-046; REP7-019, paragraph 2.6.3 explains the significance of the consultation requirement].
- 8.9 Highways England has set out a process for how the restoration and aftercare for the borrow pits will be achieved in the Borrow Pits Restoration and Aftercare Strategy submitted at Deadline 10 [REP10-043] and updated at Deadline 13 [REP13-027]. This will be a certified document referred to in DCO Schedule 2, Part 1, Requirement 11.
- 8.10 In addition, there are separate obligations upon Highways England which will operate independently of the Order, namely, the Post Opening Evaluation Process (POPE) and the Licence [contained at REP10-41], paragraph 4.2 of which obliges Highways England to minimise the environmental impact of operating, maintaining and improving its network and to seek to protect and enhance the quality of the surrounding environment [REP10-37, Appendix 4].

9. EIA

- 9.1 The ES, together with updates to take account of the mitigation that has been supplemented during the course of the Examination, will form one of the documents to be certified under article 41 of the draft Order and set out in Schedule 10. Although these updates technically comprise “other information,” which together with the ES comprise the Environmental Information which the Secretary of State must take into account when making a DCO (Infrastructure Planning (Environmental Impact Assessment) Regulations 2009: Regulations 2(1) and(3)), they have been defined for the purposes of Schedule 10 as part of the ES to ensure transparency and a consistent baseline when applying those Requirements which refer to a baseline (e.g. paragraph 3 of Schedule 2 to the DCO rev 6: [EX/253; submitted at Deadline 15]).
- 9.2 Where there is any disagreement as to the assessment, it is agreed either not to be material or as being capable of being addressed through other means. Thus the SCG with Cambridgeshire County Council [REP14-011, LAO1] in relation to archaeology confirms that the concern is addressed through the WSI [EX/266] and the Requirement relating to it; see too the approach is taken by them in respect of Buckden Gravel Pits [REP8-011 9.3.11]. The SCG with South Cambridgeshire District Council [REP13-002, LA04/22] confirms the non-materiality of certain presentational points in the ES [see also REP1-035 section 9, REP2-009 1.8.1 and REP4-018 6.1 in respect of cumulative impacts; REP10-042 provides further explanation on cumulative impacts in response to Buckden Marina Residents’ Association].
- 9.3 Suffolk County Council queried the socio-economic assessment during construction (REP13-012: LA/05) to which Highways England responded in Appendix B of LA/05 as to the sufficiency of the information; see also REP1-035, 8.3 where it is explained that Highways England’s approach accords with guidance.
- 9.4 Huntingdonshire District Council has latterly questioned whether there has been assessment of the effects on the setting of Huntingdon station building. There clearly has, as explained in REP14-012 on the car park, in addition to the response as to the Scheme’s effect on parking at the station [REP13-030 and REP10-054] (for station issues see also signed SCG with Network Rail REP14/11).
- 9.5 No representation in respect of the adequacy of the ES comes close to fulfilling the test of any deficiency in the ES being such as to make the ES not in substance an ES at all. Each point has been responded to and in

any event, as noted above, the EIA extends to all the information relating to the environment submitted to the Examination by any party. The requisite environmental information is before the Examination so as to enable a DCO to be made.

10. Traffic

- 10.1 The traffic modelling upon which the Scheme is based has been updated during the course of the Examination. Highways England provided to the examination a Traffic Modelling Update Report [REP2-018], providing detail on an update made to the Cambridge to Huntingdon A14 Road Model (CHARM) between December 2014 and spring 2015 and the subsequent impact on the assessment of the scheme (CHARM3a) (the Transport Assessment having been based on the CHARM2 model [APP-756]). This report also provided detail on updated road traffic forecasts published by the Department for Transport in March 2015 (RTF15) which had a negligible effect on traffic forecasts. The report also includes sensitivity tests for a high development scenario in which the Northstowe development was built out to 10,000 houses. This sensitivity testing showed that the junctions would operate within capacity, albeit at higher levels of saturation, with no further modifications necessary [see also REP7-024 2.12.7].
- 10.2 There has also been testing in respect of the potential upgrading of the A428 [REP4-016, pp. 50-54; REP4-018, 1.12.6 and REP8-010] which shows a negligible effect on the A14.
- 10.3 This work has been supplemented by further sensitivity tests contained in the Local Traffic Impact Report [REP6-002].
- 10.4 There is agreement with the host authorities that the modelling has reached an acceptable level of validation [REP8-011 8.2] and that following the sensitivity tests in the LTIR, the latest modelling is accepted as a suitable basis to consider traffic impact of the A14 on the local road network [REP8-011 8.1.1; REP8-010 2.1.9 and 5.1.1 in respect of junctions]. Highways England remains of the view that CHARM3a provides the most robust assessment [REP9-021 p. 23], of predicted effects on the strategic road network with the Local Impact Test (LIT) being most representative of the predicted effects on the local road network [REP 10-041, 2.7.13], but has agreed that in respect of the local traffic monitoring agreed with Cambridgeshire County Council [as set out in the legal agreement with the Council, see REP13-033, updated at EX/267] it would use the Local Impact Tests together with Sensitivity Test 2 (LIT+S2) [see also REP10-48].

- 10.5 Highways England has also provided further explanation as to why a steady state model is appropriate [REP10-041 2.4].
- 10.6 Overall CHARM3a results in lower traffic forecasts on the major routes than CHARM2. On local roads CHARM3a traffic forecasts are similar to or lower than the CHARM2 traffic forecasts. CHARM3a performed similarly to CHARM2 for junction performance, for link capacity, and merge and diverge. No adverse environmental effects were identified for CHARM3a over and above CHARM2.
- 10.7 The differences between CHARM3a and LIT are slight [REP10-041 2.7.13]. The differences between CHARM3a and LIT+S2 are greater with the effect generally being an enhancement of the beneficial impact of the Scheme on the local road network [REP10-041 2.7.17].
- 10.8 Use of either CHARM3a, LIT or LIT+S2 results generally in material relief for local roads in accordance with the objectives of the Scheme ([REP2-018 section 2.6 and 8.1.7-8.1.9 REP6-002 8.1.7-8.1.9). The modelling also confirms the environmental and traffic effects of not proceeding with the Scheme, i.e. the 'without Scheme' world.
- 10.9 At Madingley and the Avenue there would be increases in traffic with the Scheme. On safety grounds Highways England would not be willing to design the junction of the Avenue with the local access road with a left-in, left-out arrangement. The increased traffic on the Avenue would be well within the capacity of the road. Any proposal to close the Avenue entirely would need to be carried out with local consultation. Such an approach would not be precluded by the DCO but the timing of any such consultation would be in the hands of the County Council and the result unknown, since there is close inter-relationship with traffic through Dry Drayton [REP2-006, 1.5.4; REP2-013, 1.2.4; REP8-015, 2.9; REP10-041 appendix 4]. The County Council confirms that to achieve significant benefits in Madingley would require measures that would have a significant impact on connectivity [REP8-010, 7.2.7]. REP10-002 states the County Council's position in respect of potential change to the arrangements in this location: the County Council would need to undertake consultation, subject to which it could proceed under section 116 of the Highways Act 1980 to make any changes without necessitating any change to the DCO.
- 10.10 In respect of flows within Cambridge, Appendix 2 of REP10-041 refers to subsequent compilation of count data which has then been compared with modelled flows, showing a reasonable validation performance (69 and 74% in the am and pm peak respectively) in the context of the very low level of impact that the Scheme is likely to have in Cambridge.

Achieving 85% validation in Cambridge would result in little or no difference in terms of traffic impacts.

- 10.11 In respect of existing junctions, the aim of nil detriment is generally achieved under the various modelling scenarios. One exception is at the B1514/Edison Bell Way junction where the junction is already at capacity. Both the highway authority and the local planning authority accept that the Scheme is unlikely to improve the junction but would not worsen it either, having regard also to significant benefits elsewhere in Huntingdon [Joint LIR REP8-011 8.5.12; REP8-010 4.2.1, see also REP8-015 pp. 88-89]. Further explanation is also contained in the response to Hinchingsbrooke Healthcare NHS Trust in REP11-007 2.14.
- 10.12 The de-trunking process is now the subject of the agreement with Cambridgeshire County Council.
- 10.13 As part of the POPE process, Highways England would monitor the effectiveness of the Scheme and its traffic performance, in the context of its licence, to ensure that it was performing as predicted. This would be supplemented by the local traffic monitoring and associated procedures pursuant to the agreement with Cambridgeshire County Council [REP13-033 submitted at Deadline 13]. Three further stages of Road Safety Audits would be undertaken under the mandatory requirements of DMRB [REP2-012 1.11.3].
- 10.14 The benefits in respect of traffic clearly outweigh any outweigh adverse effects. The Scheme accords with the NNNPS in respect of traffic, as set out in the NNNPS tracker [APP-784, as updated by REP9-018, and deadline 15 submission EX/259].

11. Noise

- 11.1 The assessment methodology, which is amplified in REP9-020 and REP10-037, is accepted by the three local authorities, each of which agreed with the methodology at the outset in the scoping stage [REP11-007, paragraph 2.13; REP2-011, 1.10.2]. As required under the NPS, CTRN has been employed for the operational noise assessment to predict road traffic noise. The use of alternative methodologies, as suggested by Hilton Parish Council, does not accord with the NPS [REP11-07, paragraph 2.13].
- 11.2 The Local Impact Report confirms that the noise and vibration impact has in the main been carried out in accordance with relevant national and industry best practice guidance and standards [REP8-011, paragraph 9.4.59]. The assessment has also taken account of IAN185/15 [REP8-

020]. Sensitivity tests have been conducted which confirm that neither CHARM3a nor the LTIR alter the assessment [REP13-019].

- 11.3 Highways England has continued through the Examination period to seek to mitigate and minimise adverse impacts of noise from the Scheme, where sustainable (NPS, paragraph 5.195, second bullet) and that process will continue beyond the Examination. Thus, the innovative use of Very Low Noise Surfacing is now proposed, where sustainable [Table 4 and Figure 1, REP13-019]. Furthermore, the narrowing of the Scheme footprint adjacent to Orchard Park has resulted in noise benefits during the construction period [REP13-019].
- 11.4 Subject to SCDC's request for noise monitoring, neither Cambridgeshire CC, SCDC nor HDC have any residual issues in respect of noise. The Joint Local Impact Report confirms that, with appropriate mitigation, construction and operational noise should not give rise to any long term unacceptable noise or vibration impacts on health and quality of life [REP8-011, paragraph 9.4.60; see also RE13-019]; although it should be noted that the Joint LIR does not take account of the inclusion of VLNS, however Highways England's updated response to the Joint LIR at Deadline 15 explains how the new provision of vLNS introduced through the Examination helps to mitigate the impacts identified [EX/252]
- 11.5 The measures in the CoCP, which include noise insulation during construction where appropriate, are secured by a Requirement. The CoCP makes provision for the consents process to be followed under section 61 of the Control of Pollution Act 1974 to ensure that the contractor employs best practicable means to minimise noise and vibration as approved by the local authorities before construction starts within bounds defined by the Environmental Statement [REP13-019]. For the permanent works, the noise barriers and Low Noise Surfacing (as well as the Very Low Noise Surfacing) comprise mitigation by design, underpinned by a separate proposed Requirement relating to approval of their details, their installation and their retention (also assured by the POPE regime). In addition, noise insulation would be installed where triggered under the Noise Insulation Regulations.
- 11.6 There is no need for a separate monitoring Requirement as requested by SCDC, but not the other authorities (REP11-007 Appendix 4; also REP13-032): moreover, there can be no justification for noise limits tied to the predicted levels which do not represent thresholds of acceptability. In any event, the traffic monitoring on local roads which will be undertaken through the agreement with Cambridgeshire County Council and on the trunk road under the POPE process will be more than adequate to identify whether any further steps need to be taken in respect of traffic, and the noise effects of traffic. If, contrary to the view of

Highways England, the Examining Authority consider that such a Requirement is justified, the suggested wording is contained at HE/A14/EX/269 (which amends Appendix B of REP14-012).

- 11.7 The few residual potential significant adverse effects on health and quality of life arising from the Scheme, within the meaning of the first bullet point of paragraph 5.195 of the NPS, would be avoided both during construction and operation by the provision of noise insulation. Adverse effects on health and quality of life have been minimised as far as sustainable [REP-019] in line with the second aim of paragraph 5.195 of the NPS, with only 75 dwellings forecast to experience material noise increases from the Scheme. The operation of the Scheme would overall be beneficial in terms of noise. 3200 dwellings would experience an improvement due to the Scheme [REP13-019]. 22 of the 23 Important Areas affected by the Scheme would experience improvement, with one area neutral [REP13-019] - all in line with the third aim of paragraph 5.195 of the NPS; the Joint LIR confirms the positive impacts on “a number of Important Areas where existing noise levels are significant.” [REP1-284 9.4.5]
- 11.8 No significant vibration effects are forecast.
- 11.9 Hilton Parish Council seek further mitigation and question the predictions. Every effort has been made to assist Hilton Parish Council with an understanding of the modelling [REP8-005, REP9-020, REP10-037, REP11-007 and REP13-032]. As stated above, the use of CTRN is required by the NPS and the methods used by Hilton Parish Council throw up anomalies. There are no exceptional circumstances which would make the use of VLNS in this location sustainable. The benefits fall well below the ratio of 2:1 explained in REP10-040 (further tested in REP13-032) and indeed the benefits do not even exceed the costs. Installation of barriers would be very poor value and impose adverse visual impacts in this location. Huntingdonshire DC agree that there is no need for additional mitigation at Hilton (REP11-007).
- 11.10 Buckden Marina Residents Association have sought further noise mitigation. It has been agreed by Highways England that exceptional circumstances operate in respect of Buckden Marina so that even though the benefits of VLNS only outweigh the costs during winter (at 1.5:1), the use of VLNS can be justified [REP13-032]; see also the SCG with BMRA [REP14-011].
- 11.11 At the Crematorium it is now accepted by Cambridge City Council that a noise barrier at this location would not be justified [REP12-009].

- 11.12 The benefits of the Scheme in respect of noise substantially outweigh the adverse noise effects. Both the assessment and its output comply with the NPS.

12. Air Quality

- 12.1 Each of the local authorities, including in this context Cambridge City Council, is in agreement with the assessment, save for the issue of operational phase monitoring [REP10-037: a joint position statement is attached to Appendix 6 which confirms this]. The results in the assessment have been tested against CHARM3a and the LITR, confirming that the predictions remain unchanged [REP10-37].
- 12.2 The assessment has applied conservative assumptions, including the assumptions in respect of NO_x emissions under IAN170/12 [APP-339, paragraph 8.5.17, REP2-002 1.1.7 and REP7-015, 2.1.8; see also REP2-002, 1.1.12]. IAN185/15, which was developed after the production of the ES, does not alter the assessment conclusions [REP10-038]. Assessment of PM_{2.5} is not required but in any event, no exceedances are predicted [REP1-035, 2.3].
- 12.3 The CoCP, enforceable by Requirement, comprises a raft of measures to limit dust emissions and other atmospheric emissions during construction, with the predicted air quality effects during this phase being not significant (APP-339, 8.6.2; see also REP7-015). There is no need for any monitoring in the operational phase for the reasons set out at REP11-007 at 2.4; however, as a gesture of goodwill and in the interests of effective collaboration with the local authorities, Highways England has agreed to provide automatic air quality monitoring in the two locations requested, in addition to diffusion tube monitoring at a number of locations requested [REP13-031]. The wording of the Requirement has now been agreed between with the local authorities, and is reflected in paragraph 16 of Schedule 2 of the revised draft DCO submitted alongside this document at Deadline 15 (HE/A14/EX/253). Further explanation as to this agreed position is given in the Air Quality Monitoring Statement submitted by Highways England at Deadline 15 (HE/A14/EX/265).
- 12.4 There would be no risk of exceedances of EU limit values by reason of the Scheme or of any extension of the date for predicted compliance with such values in the Eastern Zone (REP10-37). No significant impacts are predicted to occur as a result of the Scheme (APP-339 Table 8.12; see also REP2-002 1.1.10). Indeed, the Scheme has been incorporated by the local authorities into draft DEFRA Air Quality Plan for the Eastern Zone as part of a package which will improve air quality (REP10-037, Appendix 5). It is also supported in the Air Quality Action Plan for the

Cambridgeshire Growth Area by Huntingdonshire and South Cambridgeshire District Councils and Cambridge City Council as a “key measure” (APP-339 paragraph 8.1.20).

- 12.5 The Scheme results in an overall reduction in exposure of the population to air pollutants. This is an inevitable consequence of the Scheme as it removes traffic from the more highly populated areas and Brampton. These areas, together with Fenstanton, have been declared as Air Quality Management Areas. Each of these would experience a significant improvement in air quality as a result of the Scheme (APP-339, Table 8.9; REP2-002, 1.1.11). Within Cambridge City, there would be a negligible effect on the AQMA as traffic changes in this area are predicted to be very small, with most links in the City predicted to have small reductions in traffic (REP2-002, 1.1.16). Overall there are greater benefits to the region in respect of air quality pollutant concentrations with the Scheme than without (APP-339, 8.8.9).
- 12.6 The Joint Local Impact Report broadly reflects this, identifying the air quality impacts for local areas as being mostly positive and in terms of NO₂ and PM₁₀, noting the many communities that would benefit from the Scheme [REP8-011, 9.5.10].). Although the Report notes some negative impact on routes into Cambridge, this is only on the basis of posited uncertainty and the suggested consequence of that is additional monitoring, as now proposed. Any negative impact on routes into Cambridge is not accepted by Highways England for the reasons set out at REP10-37 Appendix 7 [see also REP4-011] but the issue is in any event no longer live.
- 12.7 The implications of the VW scandal reported in the press in October 2015 have been considered; it has no effect on the assessment, as explained at REP11-007 (2.2 and 2.8)
- 12.8 It is clear that the benefits in respect of air quality outweigh any minor adverse effects, with neither the circumstances in paragraphs 5.12 or 5.13 of the NPS being applicable. The Scheme accords with the NPS in respect of air quality [EX/259 submitted at Deadline 15].

13. Flood Risk

- 13.1 Highways England has provided an updated Chapter 17 of the ES road drainage and the water environment [REP14-013], an updated Flood Risk Assessment [EX/262] as well as the latest Flood Risk Assessment Position Statement (dated 11 November 2015) [EX/264] (although previous position statements were submitted at Deadlines 13 and 14) . These documents together set out the position in relation to road drainage and the water environment.

- 13.2 These documents reflect a programme of additional hydraulic modelling to refine the FRA in response to queries raised by the EA on the FRA submitted with the ES in December 2014 and to take account of new information provided by the EA in August and September 2015 [REP14-017, 6.1.3]. This work led to the updated ES chapter and FRA published at DL14 and DL15 respectively. The latest documents (Deadline15) reflect further discussions with the EA.
- 13.3 Copies of the updated FRA have been provided to the Alconbury and Ellington IBD and Swavesey IDB. Neither of these bodies has objected on the basis of flood risk.
- 13.4 The Joint LIR confirms, albeit on the basis of the earlier FRA, that there is no significant increase in flood risk [REP8-011, 9.8.10]. None of the host authorities (Cambridgeshire County Council, Huntingdonshire District Council and South Cambridgeshire District Council) object on the basis of the FRA.
- 13.5 During operation, the FRA concludes that the likely significant effect of the scheme on flood risk, taking account of climate change, would be neutral for 11 of the 15 watercourses assessed. Table 4.1 of the Position Statement submitted at Deadline 14 [REP14-017] sets out the summary of changes to peak water levels [REP14-017, p.8-9]. A slight adverse effect (insignificant in ES terms) is identified for the following four watercourses: Ellington Brook; River Great Ouse; West Brook; and Beck Brook. The detailed assessment of each of these watercourses is found in the FRA ([EX/264]; section 6, p.37 for Ellington Brook; section 10, p.52 for River Great Ouse; section 11, p.59 for West Brook; and section 18, p.88for Beck Brook).
- 13.6 Protective provisions in favour of the EA have been incorporated in the DCO. Further, there is a specific requirement proposed which would ensure compliance with the updated FRA.
- 13.7 It is understood that the EA are content with the FRA and with flood risk issues generally and that any minor outstanding issues can be dealt with through the protective provisions and requirement referred to above. This is set out in EX/264. There would be no material increase in flood risk as explained in Table 4.1 of REP14-017 and the sequential and exception tests are passed. All reasonable steps have been taken to avoid, limit and reduce the risk of flooding.
- 13.8 The scheme accords with the NPS in respect of flood risk and it is understood that the EA shares this view and will set this out in their Deadline 15 submission.

14. Landscape/Visual Effects

- 14.1 Landscape and visual effects have been assessed in Chapter 10 of the Environmental Statement. The methodology for the assessment is detailed in section 10.2 of that chapter [APP-341]. A realistic worst case within the specified limits of deviation was assumed [REP2-010, FWQ.1.9.2]. The Assessment, including the methodology, has been accepted by the local planning authorities (see SCGs [REP13-012], Huntingdonshire DC (LA02/8) and South Cambridgeshire DC (LA04/9 and 10)).
- 14.2 The scheme has been designed carefully to minimise the landscape and visual impacts. Environmental bunds and extensive proposed tree and shrub planting are proposed to help screen the highway and traffic flow and integrate the scheme and the borrow pits into the wider landscape. The implementation and maintenance of this landscaping would be secured by Requirement 7 of the DCO [REP13-014]. The planning authorities would be consulted on the landscaping proposals.
- 14.3 The construction of, introduction and expansion of major highway infrastructure inevitably affects the character of the landscape. A summary of the landscape effects is contained in Table 10.11 of the ES and of visual effects in Table 10.13 of the same document. Not all the effects are adverse in nature. Indeed, significant townscape benefits will be realised by the removal of the A14 viaduct in Huntingdon (see [REP7-028] (Highway's England Huntingdon Viaduct Response Collated). Conversely, there would be significant effects in respect of new road infrastructure on Mill Common - but those are inevitable given Huntingdonshire District Council's objective of securing greater accessibility for Huntingdon. However, the impact has been minimised as far as practicable, including providing for a signalised junction as opposed to a roundabout: REP2-010, 1.9.4.
- 14.4 During the course of the Examination, it was clear that potential impact of the crossing of the River Great Ouse was of concern including to the Buckden Marina Residents' Association. Further materials were provided to supplement the assessment of this part of the Scheme [REP8-021] and [REP9-008]. The position reached with the Residents' Association following the submission of these further materials is captured in the SOCG [REP13-012, NS10/10-13]. Requirement 17(3) will ensure that the Secretary of State, following consultation with the relevant planning authority, approves the details of the River Great Ouse crossing.

- 14.5 Other matters relating to landscape and visual impact are responded to by Highways England response in REP2-010 and REP7-022.
- 14.6 There is no disagreement with the host authorities as to the appropriate mitigation. Lighting would be controlled pursuant to a separate Requirement, meeting the “missed opportunity” in respect of landscape identified in the Joint LIR [REP8-011 9.1.43].
- 14.7 South Cambridgeshire District Council maintain the view that the borrow pit areas should be subject to a period of 15 years aftercare rather than the 10 years proposed by Highways England and agreed by the other relevant statutory bodies (check). Highways England has already committed to extend the usual period of aftercare from 5 years to 10 years to apply to the borrow pits sites only (Comments on Written Representations Report 1 – Local Authorities [REP4-011]). This commitment was made in direct response to representations by a number of interested parties and as a result of dialogue and consultation over the nature of the borrow pit restoration proposals generally. A longer period than 10 years for landscape purposes is not needed. This must be seen in the context of what is proposed under the Borrow Pits Restoration and Aftercare Strategy [REP13-027] with longer term maintenance proposed for ecology in respect of some of the borrow pits where long term ecological requirements have been justified.
- 14.8 A main concern expressed by the local authorities in the Joint Local Impact Report related to vegetation loss. As set out above, it is sought to address this through the significant planting proposals that are to be approved by the Secretary of State following consultation with the relevant planning authority (Requirement 7).
- 14.9 The NPS addresses landscape and visual impacts at paragraphs 5.143-5.161. Explanation as to compliance with this aspect of the NPS is contained at REP9-019, pages 169-181.

15. Ecology

- 15.1 Natural England agrees that there has been a comprehensive and robust assessment of likely significant effects (NE, SCG, REP13-012).
- 15.2 The Scheme has been further refined during the course of the Examination so as to take account of circumstances where ecological mitigation is no longer required or where additional land is required following more recent advice from Natural England. A further refinement has been the commitment by Highways England, which has emerged from further dialogue with Natural England, the Environment Agency and Cambridgeshire County Council, to long term management of borrow pits

for ecological purposes, the extent of which is to be ascertained pursuant to the Borrow Pits Restoration and Aftercare Strategy [REP13-027]. The Joint LIR is therefore not up to date in this respect, but Highways England's updated response to the Joint LIR at Deadline 15 states that the Borrow Pits Restoration and Aftercare Strategy will secure this long term management of borrow pits [EX/252].

- 15.3 There is no objection from Natural England nor from the Environment Agency in respect of ecological matters Letters of No Impediment in respect of each potentially affected Protected Species have been issued by Natural England [REP13-012 attached to NE SCG]. The Report on European Sites identifies the absence of likely significant effects on European Sites or their qualifying features [PD-015].
- 15.4 The mitigation comprises the scheme design, the CoCP, the Requirements in respect of Protected Species and the Brampton Meadows SSSI mitigation areas and Natural England's separate licensing controls. The CoCP includes specific provision for site management plans for Buckden Gravel Pits CWS, Fenstanton CWS and Brampton Wood SSSI. The overall effects would be beneficial for ecology with the only potential long residual adverse effects now removed through the mechanisms of the Borrow Pits Restoration and Aftercare Strategy and the subsequent site-specific plans to be produced thereunder [REP14-018].
- 15.5 The NFU/the A14 Agents Association have expressed concern that the landtake greatly exceeds the ecological loss and therefore cannot be justified. This misunderstands much of the land requirement which is largely landscape driven but which would then also provide ecological benefits - see REP10-033 (and REP12-004). This accords directly with paragraph 5.33 of the NPS which notes that the Secretary of State should consider whether the applicant has maximised the opportunities for building in beneficial biodiversity features as part of good design in and around developments; there is no instance of any ecological provision in the Scheme which is either not necessary to offset loss or which uses opportunities presented by other requirements of the Scheme. REP11-011 further explains the rationale for the ecological mitigation areas.
- 15.6 Some representations have questioned the need for land to be taken for mitigating the effect on protected species (eg Network Rail and Mr. Mann in respect of badgers and Messrs. Sewell in respect of water voles). These requirements are regarded as essential by Natural England.
- 15.7 In accordance with the NPS, significant harm to biodiversity would be avoided and measures would be in place to ensure that protected species are protected from the adverse effects of development. The NPS would

not only be complied with but by reason of the opportunities presented by the landscaping requirements, there would be a net benefit for ecology.

16. Agriculture and Other Land Use

- 16.1 Contrary to the suggestions made by the NFU [REP13-056], the ES includes assessment of the effects of the Scheme on agricultural interests, including on their viability [REP14-024, 4.35 to 4.39; see also REP2-008, 1.7.4]. The NFU do not put forward any alternative assessment of effects.
- 16.2 30 farming units would be significantly affected. There would be 781.7 ha of land assumed to be permanently taken, with 223.1 ha subject to temporary possession, much of it of higher quality best and most versatile land [REP2-008 1.7.1 and Table 4.1], although these figures takes no account of the net reductions in landtake arising from the non-material changes. However, with the exception of Messrs Wilderspin, with whom Highways England has been in protracted negotiations, no business would be rendered unviable as a result of the Scheme [REP14-024].
- 16.3 During construction, extensive mitigation measures are set out in the CoCP (which includes the Technical Annex on Soil: REP8-019) enforceable by Requirement. Thus, any restored field drainage systems will be provided to an equivalent level of effectiveness as before the Scheme [REP14-024, Table 1]; see also REP2-008 1.7.2.
- 16.4 The mitigation proposed in respect of each farm unit is explained at REP2-008, 1.7.5. Moreover, Highways England has been responsive during the Examination to suggestions not previously made in respect of effects on farms and several of the non-material changes have been put forward to further mitigate the effects on farms.
- 16.5 Representations have been made by the NFU and affected landowners (specifically Messrs Wilderspin) in relation to borrow pit 5 regarding the anticipated quality of agricultural restoration that might be expected. The concerns raised relate to the ability to return the borrow pit areas to productive arable use and to protect the viability of the affected farms in the future. Similar issues also apply to borrow pit 6 which is to be restored partly to agricultural land for both arable and grassland purposes.
- 16.6 Highways England is confident that the land at borrow pit 5 can be restored in large part to high quality agricultural land equivalent in agricultural capability to the existing land with the exception only of a

small area where the final restored gradients would be too steep. This represents a very small proportion of the original land take.

- 16.7 Land at borrow pit 6 is expected to be restored mainly to a standard suitable for grazing rather than high quality arable use. The process by which this will be achieved at both sites is set out in the Borrow Pits Restoration and Aftercare Strategy. REP13-027 provides further information on the specifications for restoration and aftercare of agricultural land that will need to be achieved by Highways England following the relevant government guidance. There is good industry experience of returning such sites to productive arable crop production and thereby maintaining the viability of farm units. Highways England has provided, by way of example, a number of case studies of highways and minerals sites which have been successfully restored to productive arable land following restoration [REP13-029].
- 16.8 The extension of Cambridgeshire County Council's permit licensing scheme to Huntingdon is necessary to ensure that HGVs are not precluded from accessing Huntingdon. However, the County Council has explained that there is no charge for the permit and it is granted in perpetuity so long as need is demonstrated (REP10-033 and REP11-05).
- 16.9 In several instances, further detail of mitigation has now been agreed with those with farming interests, e.g. in respect of Mr and Mrs. Lenton and R. Lenton Ltd. [SCG at REP12-009].
- 16.10 Community facilities and private property would be affected in varied ways as described in the ES but at a scheme-wide level none are assessed as significant, having regard to the mitigation inherent in the design and proposed in particular during construction. There would be benefits for development land, consistent with one the objectives of the Scheme [APP-347].

17. Other Environmental Effects

- 17.1 The effects on archaeology have been assessed as neutral to slight adverse [APP-340, 9.8.2]. The SCG with Cambridgeshire County Council [REP13-012] confirms that the Outline WSI [REP13-051] is agreed and it would be the subject of a separate Requirement, thereby addressing any archaeological issue with the County Council. The Joint LIR [REP8-011, 9.2.16] is not up to date in this respect, although Highways England's updated response to the Joint LIR at Deadline 15 makes clear this is the case [EX/252].
- 17.2 In respect of cultural heritage, there would be a neutral effect on historic landscape following construction [APP-340, 9.8.5]. At Huntingdon, the

beneficial effect of removal of the viaduct in terms of the effect on heritage assets would outweigh any adverse effects from new roads at Mill Common [APP-340, 9.8.4]. As noted above, the effect on these assets is fully addressed in the ES.

- 17.3 There would be no significant effects in respect of Buckden and Milton landfills. There would be moderate adverse effects from use of high volumes of primary aggregates, as well as from importation of other material. The former represents the most sustainable use of resources; the latter would be mitigated by use of sustainable modes of transport where practicable [REP7-26, 2.14.2 in respect of Chesterton sidings].
- 17.4 An assessment has been made of the greenhouse gas emissions predicted for the Scheme which comprise very small percentages of the national carbon budgets and would have a negligible bearing on the achievement of greenhouse gas targets. [REP1-035, section 4; REP11-007 p 61]. It should also be noted that the carbon emissions assessment represents a “conservative worst case” in terms of fuel cost and vehicle technology assumptions and no account of the beneficial effects of the UK Carbon Plan policies. There would be compliance with the NPS, including paragraph 5.18: there would be no material impact on the ability of the Government to meet its carbon reduction targets [EX/259 submitted at Deadline 15].

18. Special Category Land

- 18.1 There are two areas of Special Category Land affected by the Scheme. Neither requires the provision of Replacement Land.
- 18.2 The first area of SCL, at Mill Common, involves 171 sq. m of registered common land, below the size threshold of 200 sq. m such that section 131(5)(a) applies. The giving of Replacement Land is unnecessary in the interests of the public as explained in REP13-048, at section 11.9. In particular, this area appears to be an anomalous relic of a wider former area of registered common land that was de-registered and there is extensive provision of opportunities for public recreation with a network of public rights of way and permissive paths in the immediate area. Land referencing for the Scheme has not identified any persons entitled to rights of common in respect of this area. Owned by the Huntingdon Freeman's Trust, the area forms a small part of a wider area which provides ample grazing land pursuant to private rights under a farm business tenancy. [Accordingly, section 131(5)(b) is also applicable, such that the giving in exchange of other land is unnecessary.
- 18.3 The second area of SCL, which comprises 16,109 sq. m of open space located on the edge of the golf course within the grounds of the Menzies

Hotel, is required to facilitate highway drainage for the widening of the existing A14 trunk road, such that section 131(5)(a) applies. The giving of Replacement Land is unnecessary either in the interest of the public or those with an interest in the land since the land to be acquired comprises only 3.11% of the golf course, does not impinge on the fairways and would have no material or adverse effect upon the use of the golf course. Accordingly, section 131(5)(b) is also applicable.

- 18.4 The Secretary of State can therefore be satisfied that section 131(5) applies, as prospectively recorded in the Order at Article 35 [REP13-014]. On that basis, special parliamentary procedure is not required under section 131(3).
- 18.5 It is notable that there have been no representations relating to the proposed acquisition of the land concerned or to the application of section 131(5). Neither Huntingdonshire DC nor South Cambridgeshire DC as the respective local planning authorities raise any issue and nor do the landowners. In respect of the affected open space, the SCG with SCDC [REP10-049 Ref: LA04] confirms that section 131(5) is met and that the Scheme is compliant with the NPS, with no effect on the results of the Council's assessment of open space need (to which paras. 5.166 and 5.174 of the NPS relate) (see also REP2-005, 1.4.5).

19. Delivery

- 19.1 The requisite funding for the Scheme has been secured [Funding Statement APP-006; Updated Statement of Reasons, section 6, REP13-048].
- 19.2 The necessary consents in respect of Crown Land have been given (HRE at REP12-005 and DEFRA at REP11-009). It has also now been clarified that the Crown Estate does not consider that the two plots comprising escheated land is in fact Crown Land [REP13-013 Appendix 4].
- 19.3 There is now only two extant representation from statutory undertakers such as to engage section 127 of the Planning Act 2008, since National Grid Gas and Anglian Water have both withdrawn their representations. (see deadline 15 submission EX/251, para 4). Highways England is continuing to negotiate with Network Rail and Cambridge Water and a position statement on these matters is contained in the Compulsory Acquisition submission at Deadline 15 [EX/251]. Highways England has sought to include as many other regulatory consents as practicable within the DCO [REP7-040]. Inevitably there are some which are not appropriate to be included but these either fall into the category of being suitable for later application given that their scope will only be ascertained at a later stage of development but which do not affect the principle of the

Scheme (e.g. consents under section 61 of the CoPA 1974, licences under the Highways Act 1980 and Environmental Permits) or into the category of it being apparent from the regulatory body that there is likely to be no impediment to the issue of consent (as in the case of Natural England and protected species licences).

19.4 It is reasonable to conclude in the light of the above that there is unlikely to be any impediment to the delivery of the Scheme.

20. Approach to CA

20.1 Paragraph 25 of the DCLG 2013 Guidance specific to DCOs advises that promoters should seek to acquire land by agreement where practicable but recognises that it is not always practicable to acquire the requisite land in a scheme where there may be many separate plots in which case it is reasonable to include provision authorising compulsory purchase covering all the land at the outset. The practicability of acquiring the requisite land by agreement is highly constrained by the factors set out in REP13-013 at 2.2 and Highways England has accordingly included all the required land at the outset. Nonetheless Highways England did seek at the earliest practicable opportunity - in advance of the outset, namely the submission of the DCO application - to negotiate acquisition by agreement, as explained in REP13-013 (see also deadline 15 submission EX/251 at 2.11 – 2.14).

20.2 The advice in ODPM Circular 6/2004 (now replaced by 2015 guidance from DCLG [REP14-024]) cannot be used to displace the DCO specific guidance (DCLG 2013 Guidance) but in any event it is complied with.

20.3 Highways England has explained why it requires powers of compulsory acquisition, at least at this stage, in respect of land for the flood compensation areas, the landscape and ecological areas and the borrow pits: REP10-33. This is also the case with the public rights of way: REP9-010.

20.4 Non-material changes to include additional land have been accepted either on the basis of consent from those with relevant land interests or in four instances pursuant to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. These changes related to additional land at Woodhatch Farm, Ellington Junction, Buckden Landfill Site and Mill Common. The only objection in respect of the four CA Regulations sites is from Network Rail for non-specific reasons in relation to the non-operational land at Mill Common. The objection in respect of Woodhatch Farm has been withdrawn, following agreement regarding a reduction in the powers sought over land (power to acquire rights rather than land) [REP13-013].

- 20.5 Several of the remaining 67 non-material changes are reductive in effect, reflecting the process of dialogue with landowners during the Examination as well as Highways England's own audit of its requirements. As explained in REP14-024 (para 8.4), the net effect of these changes is to reduce the land requirements of the Scheme by 253,153 sq. m. There are no remaining extant objections from affected landowners that have been received in respect of any of these 67 non-material changes (which are in addition to the four CA Regulations non-material changes), and consents have been obtained from all changes that involved additional land (as summarised in REP12-005).
- 20.6 This dialogue with landowners and affected parties will continue and during the detailed design stage, there will be scope to further reduce the extent of landtake and to assess whether a lesser interest can then be taken. Article 20 provides powerful assurance in this regard [REP10-33, 2.3], The NFU/A14 Agents Association agreed with the scope of Article 20 at the hearings.
- 20.7 Statements of Common Ground record concurrence as to the way forward with individual landowners - such as Miss Grey and Mr Lammie which describes the intention for a binding legal agreement in respect of the grant of temporary rights [REP13-012]. In respect of the Wilderspins, REP10-33, 2.4.10 sets out Highways England's approach.
- 20.8 The final FRA has confirmed that no additional land is required but it has also identified that some land is no longer required [REP14-024 paragraph 8.4]. This comprises 76,607 sq. m. This reduction has not been incorporated into the collated and updated Scheme plans (submitted at Deadline 13 (REP13-035 – REP13-044), given the timing of the acceptance of the FRA by the Environment Agency. It is envisaged that revised versions of the affected sheets within the relevant sets of plans will need to be prepared. At the request of the Examining Authority Highways England has not submitted into the Examination revised plans that reflect these FRA-related 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 the 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 those plans 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.

- 20.9 As to the lawfulness of the powers sought, two points were initially raised in this respect by the NFU/the A14 Agents Association that now no longer appear to be pursued.
- 20.10 First, it was contended that a DCO cannot incorporate powers of temporary possession. Highways England responded to this by noting amongst other matters: (i) that section 120(3) has a wide ambit covering matters relating to or to matters ancillary to the development, (ii) that section 120(4) permits the inclusion of any of the matters in Part 1 of Schedule 5 to the Planning Act 2008, paragraph 2 of which includes “interference with interests in or rights over land” and (iii) the scope of section 120(5)(c) [REP2-005 response to Q1.4.8; REP4-015 paras 36.3.53 – 36.3.58; REP7-017 response to Q2.4.4]. The inclusion of the power is not novel, with some 40 DCOs having incorporated such provision [REP4-015, para. 63.4.4]. At the Hearing on 3 September 2015, it was made clear that the point is no longer pursued by the NFU or the A14 Agents Association (including the members of the latter group who had adopted the point in their representations) and this is confirmed in the SCG of the NFU.
- 20.11 The second point related to the scope of a DCO to include land required for borrow pits. As detailed in REP2-005 (at the response to Q1.4.9), Highways England explained that (i) by operation of section 159 of the Planning Act 2008, land will include minerals unless excluded (ii) Article 21 of the DCO does not exclude minerals but applies the Mining Code, as adapted, (iii) the Mining Code in paragraph 2 of Schedule 2 to the Acquisition of Land Act 1981 makes specific provision for minerals necessarily extracted or used in the construction of the undertaking (iv) given that the undertaking is that which is authorised in Schedule 1 to the Order and expressly includes the borrow pits, it follows that the necessary extraction of the mineral is an intrinsic part of the authorised development [REP2-005 paras 59 - 68]. On behalf of the NFU and the A14 Agents Association, Highways England’s explanation was “*broadly accepted* at the hearings” with a reservation that it would still be necessary to show that this component of the development, as with any part of the development, was necessary.
- 20.12 As explained above, the borrow pits need to be included to provide a sustainable and economical supply of fill for the Scheme. The evidence plainly demonstrates the necessity of including the borrow pits as an integral component of the Scheme. It follows that powers of compulsory acquisition, to secure land required for the borrow pits, need to be an integral component of the DCO.

21. Compulsory Purchase: Compelling Case in the Public Interest

- 21.1 All the land is required for the development to which the development consent relates or is required to facilitate or is incidental to the proposed development, in accordance with section 122(2) (a) and (b) of the Planning Act 2008.
- 21.2 The statutory condition under section 122(3) of there being a compelling case in the public interest for the land to be acquired compulsorily is met. Pursuant to paragraph 13 of the DCLG 2013 Guidance, there is compelling and clear evidence that the net benefits of the Scheme would outweigh the private loss of those whose land would be acquired.
- 21.3 It has not been practicable to acquire the required land by negotiation and in accordance with paragraph 25 of the DCLG 2013 Guidance, "*provision authorising compulsory acquisition covering all the land required*" has been included "*at the outset.*" This has not precluded negotiation in parallel, both prior to submission of the DCO application and subsequently, notwithstanding the constraints referred to in REP13-013.
- 21.4 All reasonable alternatives to compulsory acquisition have been explored, pursuant to paragraph 8 of the DCLG 2013 Guidance. This is inherent in the approach adopted prior to submission and during the Examination, with modifications to the Scheme being carried out specifically to limit the landtake where possible.
- 21.5 The guidance in paragraph 9 of the DCLG Guidance is also met: there is clarity as to the proposed use of the land and the test of being "*able to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available*" is amply met.
- 21.6 The current position of outstanding objections is set out in REP11-009. Subsequently, the Marshall Family, National Grid Gas and Anglian Water have withdrawn their objections. However, in addition although not withdrawn there are many objections which have been in many respects met, as recorded in the Statements of Common Ground.

22. Legacy

- 22.1 As explained in the Case for the Scheme [APP-755, section 3.6 and Tables 7.1 and 8.1], the Scheme would bestow a direct positive legacy by

opening up Huntingdon town centre, creating a strong route-wide visual identity, creating substantial green infrastructure, including 30 km. of new NMU facilities, and encouraging modal shift.

- 22.2 The A14 Strategic Stakeholder Board and supported by a Legacy Charter would provide the mechanism for securing delivery of the wider legacy that the Scheme would enable [APP-755, section 7.3]. This process, and the proposed funding associated with it, is further explained in REP10-041 in section 7 and Appendix 7.
- 22.3 More specifically, as recorded in the SCG with Cambridgeshire County Council (REP14-011) there is commitment to a Legacy Feasibility Study in respect of flooding which will consider viable alleviation measures for pre-existing flooding issues.
- 22.4 None of this comprises mitigation which is necessary to make the Scheme acceptable. But it does indicate how the Legacy Objective of the Scheme is intended to be pursued beyond the direct legacy benefits provided by the Scheme. A further example that arose during the Examination is the scope through the detailed design process to create a potential connection for NMUs through Brampton Hut [REP11-009, 6.2].

23. Conclusion

- 23.1 The Scheme complies with the NPS for the purposes of section 104(3) of the Planning Act 2008. Subsections (4) to (6) and (8) of section 104 are inapplicable and the adverse impact of the Scheme does not outweigh the benefits so as to engage subsection (7).
- 23.2 The Joint Local Impact Report, to which regard must be had under section 104(2), confirms the need for the Scheme [REP8-011; see also responses of Highways England EX/252 at D15 and the subsequent Statements of Common Ground with the authorities]. The Joint LIR contains no matters which could indicate that the DCO should not be granted.
- 23.3 There are no prescribed matters under section 104(3) and in respect of section 104(4), the net effect of any other important and relevant matters reinforce the case for a decision granting development consent.
- 23.4 The conditions in section 122 of the Planning Act 2008 are met.
- 23.5 The Order powers, in the form of the DCO as amended during the Examination [EX/253 submitted at Deadline 15] are necessary and appropriate to enable the Scheme to be constructed, operated and maintained (as explained in the Explanatory Memorandum [APP-009]).