

APPENDIX 1 - DRAFT RESPONSE

1. Introduction

- 1.1 The A14 Cambridge to Huntingdon project is the largest single road project in the UK. The scale and importance of the scheme, to improve a 21 mile length of trunk road presents a significant local challenge. Cambridgeshire County Council is supportive of the scheme, but recognises that the project has significant impacts on local communities. The scheme also transfers to Cambridgeshire County Council significant assets, including de-trunked sections of the A14. Cambridgeshire County Council is also therefore a significant stakeholder in the scheme.
- 1.2 The project is classed as a Nationally Significant Infrastructure Project (NSIP) and will go through the Development Consent Order (DCO) process under the 2008 Planning Act (the Act). The DCO process places statutory obligations on local authorities to report on the adequacy of consultation by the Applicant before applying for a DCO.
- 1.3 This report is Cambridgeshire County Council's response to the statutory requirement to advise the Planning Inspectorate (PINS) of the adequacy of consultation by the Highways Agency (the Applicant) in the Pre-Application stage.
- 1.4 The Planning Act 2008 contains the following requirements in relation to the pre-application procedure for an order granting development consent:
 - Duty to consult (Section 42 of the Act)
 - Duty to consult the local community (Section 47 of the Act)
 - Duty to publicise (Section 48 of the Act)
- 1.5 Under Section 55 of the Planning Act 2008 local authorities may make representations to the Secretary of State concerning the adequacy of the applicant's consultation, which the Secretary of State must regard. Any such representation must be limited to how the applicant has carried out the consultation and may not be about how the applicant has had regard to responses to the consultation itself.
- 1.6 This report has been developed on the basis of the guidance provided by DCLG on pre-application consultation under the Planning Act 2008ⁱ.

2. Statement of Community Consultation

- 2.1 The Highways Agency produced a Statement of Community Consultation (SOCC). The SOCC identified the Highways Agency's approach to consultation on the proposals for the scheme. Cambridgeshire County Council was consulted on the content of the Highways Agency's SOCC in March 2014.
- 2.2 The Highways Agency's SOCC included sections on features of the scheme, the application process, the autumn 2013 consultation on options and the proposals for a 10 week public consultation at the pre-application stage. As well as the SOCC, the HA made available a Preliminary Environmental Information Report (PEIR), a Preliminary Traffic Report and the proposed scheme layout.
- 2.3 The Highways Agency committed to:
- Hold a 10 week public consultation between 7 April and 5 June 2014. All consultation venues and dates were identified on the basis of accessibility for individuals, including a selection of weekend and evening events, accessible entrances and clear signage.
 - Make the PEIR available at all consultation events and community drop off locations as well as on the HA's website.
 - All responses made during the consultation will be recorded and carefully considered by the HA and will influence, where appropriate, further refinements to the proposals.
 - Hold 30 manned events across the wider area of the scheme proposals. In addition consultation materials were made available at various deposit points.
 - Make Consultation materials available on the Highways Agency's website, and provide a Freepost address and email address to receive the consultation responses free of charge. Provide a phone number for queries.
- 2.4 A letter was sent from Cambridgeshire County Council on 7 March 2014 confirming the County Council was content with the SOCC subject to consideration of several elements mainly related to the Preliminary Environment Information Report (PEIR). These elements were related to ecology, planning minerals and waste, and the historic environment.
- 2.5 The SOCC was printed in the Cambridge News on 31 March 2014 and The Hunts Post on 2 April 2014. The Highways Agency advertised the consultation on its website, and carried out a leaflet drop in the affected area.
- 2.6 The County Council is satisfied that the Highways Agency has carried out the consultation in accordance with the SOCC.

3. Duty to Consult Under the Act

Duty to Publicise

- 3.1 In terms of the Duty to Publicise the Highways Agency advertised the intention to make an application in two local newspapers, the Cambridge News and the Hunts Post as follows:
- Cambridge News – 31 March 2014 – a daily paper
 - The Hunts Post – 2 April 2014 – a weekly paper
- 3.2 Both papers are prominent and read in the area of the scheme, and provide adequate geographical coverage of the affected area. The Cambridge News covers mainly the eastern end of the scheme, the Hunts Post the western end.
- 3.3 Circulation figures for the Cambridge News show a circulation in Cambridge, Cambridge Rural Area, and Huntingdon of circa 12500 daily (2011 data from the Newspaper Society – more recent data not available). Circulation figures (Newspaper Society 2013) for the Hunts Post show a circulation for the Hunts Post of circa 40,000 copies per week.
- 3.4 It is understood that the Highways Agency carried out a leaflet drop in the local area of a consultation flyer. The County Council is unable to verify that this reached all intended addresses, but assumes that a high percentage of reasonable target addresses were reached, and this will be demonstrated in the Highways Agency's own Consultation Report.
- 3.5 The Highways Agency further advertised the consultation on its website. A deadline for responses to consultation was set as 23:59 on Sunday 15 June 2014, later extended to 12.00 am on 16 June 2014.
- 3.6 In terms of the Duty to Publicise the County Council considers that the Highways Agency took reasonable and effective measures to publicise its intent to make an application.

Duty to Consult

Compliance with Section 42(a)

- 3.7 The County Council is unable to provide an opinion on if the Highways Agency has satisfied the obligation to consult with the persons listed in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, but assumes that the Highways Agency has done so, and will be able to satisfy the Planning Inspectorate that this is the case.

Compliance with Section 42(b)

3.8 With respect to the duty to consult with relevant bodies including the County Council, the County Council considers that the duty to consult was discharged, but that the availability of information until late in the process of pre-application consultation was limited. As a result the County Council considers that the opportunity of the County Council to influence the Highways Agency in scheme development was to some degree constrained. The County Council expects the Highways Agency to continue to engage, and progress with this engagement will be summarised in the Statement of Common Ground.

3.9 The County Council supports the scheme, and considers that in the main part the scheme satisfies all principal requirements of the County Council, and that therefore the Highways Agency has reasonably consulted the County Council.

Compliance with Section 42(c)

3.10 Section 42(c) of the Act does not apply to the A14 project as it is not in Greater London.

Compliance with Section 42(d)

3.11 The County Council has no information on the Highways Agency consultation with landowners and similar interests, but has been assured by the Highways Agency that such consultation has taken place. Again, the County Council assumes the Highways Agency will be able to satisfy the Planning Inspectorate on this point.

Duty to Consult the Local Community

3.12 With respect to the Duty to Consult with Communities, the County Council believes that the Highways Agency has met its obligations set out in the Statement of Community Consultation to consult with communities. The County Council, however, makes no comment on the adequacy of the response of the Highways Agency to comments made by communities, as it is understood that the Planning Inspectorate will consider this in Examination. The County Council will address impacts on local communities and the effectiveness of the Highways Agency response in the Local Impact Report.

3.13 The County Council adopted in March 2014 a Statement of Community Involvement (SCI) for projects in Cambridgeshireⁱⁱ. Section 4 of the SCI addresses 'National Strategic Infrastructure Projects' and details the requirements to be undertaken by the applicant. The Highways Agency has met the general consultation requirements included within the Statement of Community Involvement, considering that the SCI was adopted at the time that the A14 consultation was starting.

3.14 The County Council is however aware of a number of complaints made about the consultation process, and considers that this forms part of its remit in reporting on adequacy of consultation. It does so on the basis that if, as has been

represented, the Highways Agency was unable to provide information requested at Public Exhibitions, and it would have been reasonable for such information to have been available, then it may be the case that consultation was not adequate.

3.15 These complaints are summarised in AnnexB.

4. Consultation with Cambridgeshire County Council

- 4.1 As a statutory consultee and Tier 1 Authority, the County Council has been involved in ongoing discussions on all aspects of the scheme.
- 4.2 Prior to making a DCO Application the Highways Agency has held a number of workshops with Cambridgeshire County Council and other authorities to present key elements of the Environmental Statement, Transport Assessment, Design, and Asset Management proposals. At each stage there has been an opportunity for Cambridgeshire County Council specialists to make comment on the Highways Agency proposals.
- 4.3 Due to the nature of the process and the short timescale between release of final proposals and the Application it has not been possible to reach full agreement with the Highways Agency on all matters pre-application. From Cambridgeshire County Council's perspective, not all comments and observations made by Cambridgeshire County Council have yet been adopted or taken on board by the Highways Agency. However, it is acknowledged that nonetheless the Highways Agency has responded to comments and concerns over the scheme from stakeholders generally in a positive manner, and has taken the opportunity to work closely with the County Council and others as the scheme has developed. This has resulted in changes to the proposals, some of which have been significant.
- 4.4 Cambridgeshire County Council is content that the Highways Agency has consulted with them in developing the proposals, and is confident that the Highways Agency will continue to engage to resolve the outstanding areas of agreement. Progress with this engagement will be summarised in the Statement of Common Ground between the Highways Agency and Cambridgeshire County Council to be submitted at Examination stage.
- 4.5 A summary of the meetings and submissions to Cambridgeshire County Council by the Highways Agency can be found in AnnexA.

5. Complaints over Public Consultation

5.1 Complaints over public consultation that the County Council is aware of are presented in Annex 2. All complaints were from one community (Hilton) and concerned:

- A lack of (detailed) information,
- A lack of knowledge by attending Highways Agency representatives, and
- A lack of consultation on alternative routes.

5.2 Cambridgeshire County Council is unable to verify the accuracy of the complaints as exhibitions were not monitored. However, various members of County Council staff attended the exhibitions informally, and thought the exhibitions to be well presented and well attended by the Highways Agency.

5.3 The Highways Agency advised on 7 October 2014 that:

- A public exhibition was held at Hilton Village Hall, on Friday 27 and Saturday 28 September 2013, to explain the scheme, gain a wider understanding of public and stakeholder opinions on the then proposed route and the other highways options considered. Hilton was specifically chosen as it is along the line of the route and would be directly affected by the proposed scheme.
- An exhibition for the statutory pre application consultation was held in Hilton on Friday 25 April 2014.
- The Highways Agency has undertaken to meet with landowners, and in some cases Land Agents, impacted by the proposed scheme to ensure that they are well informed, understand the proposed impacts on their assets and ensuring that consultation responses are included in the design review process.
- A Parish meeting was scheduled on 8 May 2014. There were 70 plus members of Hilton parish in attendance.
- Following the meeting held on 8 May 2014 the Highways Agency wrote to the Parish Council to explain further the objectives of the Pre application consultation, the Planning Act 2008 process and what would happen next in terms of consultation and future opportunities available.
- A meeting was held at Shire Hall, Cambridge on 17 June with Cllr Drew and Councillor Bates to discuss the representations being received from the parish.
- An increasing number of representations were received through multiple channels as some parishioners lobbied Jonathan Djanogly MP, Huntingdonshire District Council, Councillors Bates and Drew directly, Cambridgeshire Direct, and the Highways Agency. In response, a total of 31 individual letters were sent acknowledging receipt of the letters and responding, where appropriate, to the points raised and advising of the next steps.

- The Highways Agency has responded directly to Jonathan Djanogly MP regarding the points he raised in relation to Hilton.
- The Highways Agency has proposed a meeting scheduled for 16 October 2014 to provide an additional opportunity for the Parish Council to discuss their concerns.

Lack of Information

- 5.4 The County Council is aware that the Highways Agency had not completed the Environmental Impact Assessment and Traffic Assessment at the time of the public exhibitions, however, it is understood that a Preliminary Environmental Information Report (PEIR) and Preliminary Traffic Report were available at the exhibitions, and on-line. The PEIR was intended to give attendees an understanding of the key issues and enable them to prepare well-informed responses. The PEIR considered Air Quality, Noise, Cultural Heritage, Landscape and Visual Impact, Water, Geology, Materials, Waste, and People and Communities.
- 5.5 Baseline noise levels were presented in the PEIR for several communities including Hilton. Hilton was identified in the PEIR as a location potentially sensitive to changes in noise, but not identified specifically as a location likely to experience an increase in noise, except that this category included “residential properties and other locations within the vicinity of the proposed Huntingdon Southern Bypass” (which would include Hilton). The PEIR stated that locations more than 600m from a road had not been evaluated, as this represents the limit of properties likely to be sensitive to noise. Nonetheless, the PEIR stated that acoustic barriers were being appraised for Hilton.
- 5.6 In terms of visual impact Hilton was identified as being in an area of high value and sensitivity, and a residential location likely to be most sensitive.
- 5.7 The County Council considers that the public consultation presented some information on environmental impacts, but notes that detailed information such as would be in a full environmental impact assessment was not available in deposited documents. The Highways Agency, however, stated in the PEIR that the environmental impact assessment was being done in two stages, and that the Environmental Statement would be prepared after consultation.
- 5.8 The view of the County Council is that the full environmental impact of the scheme, proposed mitigation, and the case for the proposed route will form part of the Highways Agency’s DCO application. This will be scrutinised in Examination, and members of the public will have the opportunity to make further representations as part of that process. While it may have been helpful for more detailed information to have been available, the County Council does not consider the statutory public consultation to have been inadequate, given the history of the project and the stage in the process.

Lack of Knowledge

- 5.9 With respect to the knowledge of the scheme by officers attending the exhibitions the County Council is unable to comment. However, one member of staff attending an exhibition did observe that more detailed questions could not be answered.

Lack of Consultation on Alternative Routes

- 5.10 The County Council is very aware that the A14 has been the subject of previous public consultations which have considered alternative routes, notably in 2006. The proposals and routes for the A14 have been extensively examined since the 2001 Cambridge to Huntingdon Multi Modal Study (CHUMMS), and public consultation has been carried out at various stages (in 2005 and 2006). In September 2013 the Highways Agency consulted on 6 route options that arose from the review of the A14 scheme.
- 5.11 The County Council is content that the Highways Agency has arrived at the route for the A14 by due process and that public consultation has been part of this process at key stages. In this respect the County Council considers that public consultation over alternative routes has been undertaken.

AnnexA – Summary of Consultation with Cambridgeshire County Council

Key meetings held between HA and CCC

Date	Purpose of Meeting
3rd December 2013	Meeting to discuss ecology baseline surveys
9th December 2013	To discuss A14 Scheme design with CCC technical officers- initial meeting to identify areas of concern
11th December 2013	Early community engagement
16th December 2013	Meeting to discuss the legacy of the A14
9th January 2014	Meeting to discuss the proposed scheme and upcoming consultation events
9th January 2014	Monthly Forum to outline and update the local authorities on process and programme
16th January 2014	Workshop to discuss design freeze 1
17th January 2014	Presentation to CCC and Atkins
21st January 2014	Traffic Meeting to discuss A14 & Northstowe
28th January 2014	Follow-up Highway Design Meeting
29th January 2014	Forum to provide update of the scheme and discuss potential environmental issues.
11th February 2014	CCC Co-ordination Meeting No. 3: Feedback meeting.
13th February 2014	Monthly Forum to outline and update local authorities on process and programme

20th February 2014	Tier 1 Members Briefing
6th March 2014	Meeting to discuss access into and out of the bus / train facilities in Huntingdon Town Centre
13th March 2014	Meeting to discuss street lighting and ITS
18th March 2014	Monthly Forum to outline and update local authorities on process and programme
27th March 2014	Forum to provide update of the scheme and discuss potential environmental issues.
13th May 2014	Meeting to discuss proposed NMU provisions in more detail
19th May 2014	Regular progress meeting with Tier 1 Local Authorities.
22nd May 2014	Forum to provide update of the scheme and discuss potential environmental issues.
11th July 2014	Meeting to discuss EIA Scoping Response Letter, potential content of the Borrow Pit Planning Statements as well as to provide updates on the scheme
16th July 2014	Meeting on Landscape Liaison
24th July 2014	Workshop to discuss potential options for restoring the borrow pits.
30th July 2014	Workshop to discuss the SoCG process and areas of the scheme that are in agreement.
1st August 2014	A14 Project Board
14th August 2014	Meeting regarding Traffic Regulation orders (TROs)
18th August 2014	Presentation of Design Freeze 4

8th September 2014	A14 Project Board
9th September 2014	Traffic forecast presentation
11th September 2014	Workshop to discuss the draft Code of Construction Practice
16th September 2014	Bob Menzies and Graham Hughes presented a progress report to members on the negotiations regarding the A14.
18th September 2014	One-to-one meeting on traffic modelling
18th September 2014	Meeting to discuss highways geometry
23rd September 2014	Meeting to discuss highways geometry
3rd October 2014	Asset condition and handover
6th October 2014	A14 Project Board
14th October 2014	Meeting to discuss highways geometry
20th October 2014	Presentation of Environmental Impact Assessment
20th October 2014	DCO – Orders, Consents and Traffic Regulation Orders

AnnexB – Public Consultation Complaints

In the period after the Highways Agency public consultation a number of representations were made to the Planning Inspectorate by members of the public and Hilton Parish Council. It is the policy of PINS to publish guidance that it gives about a project on its website. Therefore these representations are in the public domain. Further, the response by PINS advised the respondent to consider sending their correspondence to the local authority as local authority consultees will provide comments on the adequacy of the Applicant's consultation, and this will be considered by PINS. Therefore, the adequacy of consultation in respect of these complaints would appear to properly form part of the consideration of adequacy of consultation.

One letter of complaint was sent to Cllr Bates. This is discussed below.

In accordance with the purpose of this report the County Council is not considering at this time the adequacy of the Highways Agency mitigation, or the aspects of the scheme referred to, as these will be included in the Statement of Common Ground and Local Impact Report. This report is concerned with adequacy of process, not adequacy of the proposals.

Summary of Complaints to Cambridgeshire County Council

Party	Date	Complaint
Julian Thomas (7 Kidman's Close, Hilton) by letter to Jonathan Djanogly MP (copied to Cllr Bates)	12/06/2014	The consultation process for all practical purposes a sham. The level of detail available was desultory. Officials and experts at the exhibitions were less than forthcoming with data. No acoustic specialists were in attendance. Detail of environmental issues only available after the end of the consultation process.

Summary of Complaints to PINS

Party	Date	Complaint
Peter Balicki on behalf of Hilton Parish Council	18/07/2014	Not carried out in accordance with the Planning Act 2008. Neither Highways Agency or Jacobs able to answer questions, nor important data provided. No serious consultation on choice of route. Route pre-determined no serious consultation on it. No reasons provided as to why so close to Hilton. No data on pollution (visual, noise, air quality, night time

		light). Insufficient time to consider technical input.
Peter and Pauline Lee (Hilton)	25/06/2014	Consultation process only lip service. No mention of Hilton in consultation booklet. Statement of no realistic chance of getting route changed. No (noise) data available.
Susan Clark (Hilton)	18/06/2014	Highways Agency representatives gave conflicting information. Lack of response to questions asked.
Lesley Coleman (Hilton)	13/06/2014	Consultation plans lack detail. No information as to why design is closer to village than the original design.
Joanne Turner (Hilton)	13/06/2014	Process being rushed by the Highways Agency. No access to environmental studies. Route moved since 2013 consultation without explanation. Consultation implemented in an appalling manner.
Martin Coleman (Hilton)	13/06/2014	Plans lack detail. No reasons for choice of route given. Little notice taken of significant concerns of villagers. More sensitive designs not explored.
Mr and Mrs Sheppard (Hilton)	13/06/2014	Lack of precise and detailed information makes it hard to make a proper assessment of impact.
Jon Platt (Hilton)	13/06/2014	Little information as to if a pre-scheme review of noise impacts would be undertaken.
Rachel Lawton	13/06/2014	Limited information. No answer to questions. Detail will be available when too late to make changes.

Background Documents;

ⁱ<http://infrastructure.independent.gov.uk/wp-content/uploads/2009/08/guidancepreapplication.pdf>

ⁱⁱhttp://www.cambridgeshire.gov.uk/download/downloads/id/1541/statement_of_community_involvement
