

A14 DEVELOPMENT CONSENT ORDER (DCO) – PROCESS AND NEGOTIATIONS
UPDATE ON ISSUES RAISED IN THE COUNTY COUNCIL'S CONSULTATION
RESPONSE

To: **Economy and Environment Committee**

Meeting Date: **13th January 2015**

From: **Executive Director, E,T&E**

Electoral division(s): **All, but more specifically impacting on:
Huntingdon (2) , The Hemingfords and Fenstanton,
St Ives (2), Sawtry and Ellington, Somersham and Earith,
Brampton and Kimbolton, Castle,Cottenham, Histon and
Impington (2),Waterbeach, East Chesterton, Willingham,
Kings Hedges, Bar Hill, Arbury, West Chesterton,
Godmanchester and Huntingdon East (2), Papworth and
Swavesey, Buckden, Gransden and the Offords, Hardwick
Woodditton,Somersham and Earith**

Forward Plan ref: **Not applicable Key Decision No**

Purpose: To update members on progress with the Highways Agency's (HA) Development Consent Order (DCO) process for the A14 improvement scheme and on negotiations to address issues and concerns raised by the County Council's consultation response. To also seek feedback on the draft relevant representations response to register the County Council's interest in responding to the DCO process.

Recommendation: It is recommended that the Committee

- a) note the process, timescales and progress with the HA on addressing issues and comment on this and the way forward.
- b) endorse the proposed initial response to the Planning Inspectorate (Appendix 1) to register the County Council's interest in the DCO process

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1. INTRODUCTION

- 1.1 This report outlines progress with the Highways Agency's (HA) Development Consent Order (DCO) process for the A14 improvement scheme, and on negotiations to address issues and concerns raised by the County Council's consultation response. It also outlines the process and timescales for response and seeks endorsement of the proposed initial response to the Planning Inspectorate to register the County Council's interest in the DCO process.
- 1.2 Members views are sought on the draft response, attached as Appendix 1.

2 BACKGROUND

- 2.1 The A14 scheme is the largest single highway scheme in the country. The scale and importance of the scheme, to improve a 21mile length of trunk road between Cambridge and Huntingdon, means that it is classed as a Nationally Significant Infrastructure Project (NSIP). Under this regime, the HA must obtain consent under the Planning Act 2008 by means of submitting a Development Consent Order (DCO) application to the Secretary of State. The DCO consent regime brings together a range of different statutory Orders and Consents into a single legal instrument. There are great expectations by the Planning Inspectorate for consultation and consideration of the issues before making a DCO application.
- 2.2 Submission of the DCO application was anticipated to be on 28 November 2014 but the application will now be submitted on the 31st December 2014. This delay means that timings for submission of our representations has changed, with our formal submission now expected to be required during May, ahead of the anticipated examination which is likely to commence in June. Timescales will be clarified soon after submission of the DCO.
- 2.3 The HA will be keen to maintain momentum to avoid impacting on timescales for delivery of the scheme (subject to approvals). Therefore, it is likely that timescales for considering the application will be challenging. Officers will organise briefings with members to ensure due consideration of the issues. To meet the challenging timescales, it is proposed that the Economy and Environment Committee will consider and take the decision on the final submission in May at a special meeting. This will take place after holding joint briefings with both Economy & Environment and Highways & Community Infrastructure Spokes and Committees, during April. This will help to ensure an integrated approach to consideration and feedback on representations and submissions to the DCO from the County Council.
- 2.3 Progress made to date includes a report on Adequacy of Consultation being presented and approved by members of the Economy & Environment Committee (E and E Committee) on 25th November. This report confirmed that the County Council had been consulted by the HA in developing the proposals, that the consultation had been adequate, but that at this stage, not all comments made by the County Council had been taken on board by the HA.

- 2.3 After the HA apply for the DCO the PINS (Planning Inspectorate) will invite the County Council to make representations as to the adequacy of this consultation. The County Council's response that was approved by the E&E Committee will be submitted in response to this request.
- 2.4 PINS has 28 days from application to decide whether or not to accept the application by the Highways Agency. The Planning Inspectorate will consider the adequacy of consultation representations by the County Council and other stakeholders, together with the Highways Agency's own Consultation Report, in deciding if the application should be accepted. Members are asked to note that in accepting the application PINS are only agreeing to consider the application for the DCO not granting the DCO.

3. PROCESS AND LIKELY TIMESCALE

- 3.1 After the DCO application has been accepted by the Planning Inspectorate (PINS) for Examination, the HA has a statutory duty to notify all affected persons, and organisations with statutory duties, that their application has been accepted, and giving a period of 28 days minimum for relevant representations to be made to PINS. A relevant representation is a notice of statutory interest in the proposals with a statement of which aspects of the proposals are supported or objected to. This paper identifies the issues which the County Council proposes to include in its representation to the Planning Inspectorate. A draft response will be appended to the paper for E&E Committee to consider alongside this update in January.
- 3.2 In the period after the DCO application being accepted, PINS will consider all the relevant representations and will convene a statutory meeting (the Preliminary Meeting) to discuss with interested parties the timetable for Examination. At the Preliminary Meeting or shortly after, PINS will issue what is termed the Rule 8 letter setting the deadlines by which key documents must be received. The principal key documents for the County Council will be:-
- Statement of Common Ground (prepared by the HA but agreed with CCC)
 - Local Impact Report
 - Written Representations
- 3.3 Written representations will be the County Council's input to the Examination in regards of support for or objection to elements of the A14 proposals. The County Council strongly supports the scheme, is providing part funding for it, but there are likely to be areas of difference with the HA over details or protection of CCC statutory duties. This will become clearer once the final details have been submitted and are scrutinised.
- 3.4 At the Preliminary Meeting the Planning Inspectorate will discuss with interested parties the timetable for Examination and what parts will be conducted in public hearings. There is no statutory requirement for the whole of the Examination to be conducted in public hearings. As the Planning Act establishes a statutory maximum of 6 months for Examination, PINS will be seeking to conduct the Examination in as efficient a manner as possible.
- 3.5 The Local Impact Report is in preparation as a joint submission with Huntingdonshire District Council (HDC) and South Cambridgeshire District

Council (SCDC). In accordance with PINS guidelines, this will present the positive, negative and neutral impacts of the scheme from a local perspective, and providing local knowledge and insights for PINS. Guidance from PINS is that the Local Impact Report should not duplicate the ES prepared by the HA.

- 3.6 The HA will submit to PINS a Statement of Common Ground with the County Council. This document will detail which aspects of the HA application are agreed or not agreed with the County Council. The Statement of Common Ground is written by the HA, but cannot present as agreed what in fact has not. The process of agreeing the content of the statement has been integral to pre-application consultation.
- 3.7 The County Council is working closely with the HA to develop an agreed Statement of Common Ground position. It is the intention of the County Council to attempt to secure as wide a position of agreement as possible, but it is expected that a number of aspects may remain un-agreed. It will be the task of the Planning Inspectorate to decide on disputed matters in their recommendations to the Secretary of State.
- 3.8 Updates on the Statement of Common Ground, Local Impact Report and written representations will be considered at member briefing sessions during February and March 2015 and will be considered by both Committees and Spokes during April and will form part of the final submission to the Planning Inspectorate during May which will be considered and recommended by the Economy and Environment Committee.

4. PROGRESS ON KEY ISSUES

- 4.1 The County Council has been provided with draft copies of the Design, Transport Assessment, Environmental Statement, and Development Consent Order. These are being scrutinised and comments are being fed back to the HA to consider in the final proposals. At the present time the key issues are:

Requirements and Protective Provisions

- 4.2 The 2008 Planning Act provides for requirements on the applicant (the Secretary of State) similar to planning conditions. These become legally enforceable through the Development Consent Order. Officers have provided to the HA a list of topics to be covered by requirements in the DCO including:
 - Approval of Design of Local Roads
 - Development of the Code of Construction Practice
 - Traffic Management
 - Archaeological Written Scheme of Investigation
 - Protected Species
 - Surface Water Drainage
 - Borrow Pits
- 4.3 All these will be included in Schedule 2 of the DCO, but Officers are working to agree the terms of the requirements to ensure that we will be party to agreeing the details in relation to these important matters. In this regard, officers are seeking assurance on the meaning of 'consultation in the draft requirements'.

- 4.4 The 2008 Planning Act provides for prescribed consents to be included in the DCO only with the agreement of the consenting authority. The relevant consents are listed in the Regulations and in respect of the County Council; the only consent regime affected is consents under the Land Drainage Act. The HA have proposed that these consents are included in the DCO to be covered by a Protective Provision for CCC approval of submissions. The detail of this is awaited, but when received the principle of including Land Drainage consents in the DCO with relevant Protective Provisions will be submitted for Member consideration and approval as part of the County Councils response.

Asset Management and Transfer

- 4.5 On completion in 2020 the County Council will inherit a considerable extent of de-trunked, new and improved roads. More than 20km of roads will be added to the County Council's responsibilities. Officers are discussing the detail of this with the HA and the following issues are noted:

- The HA will continue to maintain all de-trunked sections as normal until asset transfer. Officers are seeking assurance on a minimum period post-handover without other than normal maintenance.
- The HA will provide access to all asset register and maintenance records.
- The process of asset transfer and condition to be covered by a Memorandum of Understanding as used on the A5 & A556 de-trunking. Details are awaited.
- There is common agreement on the desire to establish clear boundaries and asset register limits to avoid problems on previous de-trunking projects.

- 4.6 Significant issues that need to be considered and agreed include ongoing maintenance costs for new County roads and de-trunking and related dowry costs. The latter will need to be discussed with Department for Transport (DFT), in terms of the County's likely future settlement and ongoing maintenance bill. Agreement will also be needed in relation to areas of common interest such as traffic management and related to the 'Legacy' of the scheme.

Traffic Forecasts

- 4.7 The HA presented their traffic forecasts to Members on 20 November, and the HA has also provided draft traffic forecasts associated with the scheme to officers. These are for an assumed year of opening of 2020, and a design year of 2035. The forecasts have been prepared using a model known as CHARM2, this being based on the County Council's Cambridge Sub-Regional Model and forecasts have been made available for AM peak (0800-0900, PM peak (1700-1800), and for an average day.
- 4.8 The forecasts have been set out in a Draft Transport Assessment report which also seeks to document the operational impact of the forecast changes in traffic flow as a consequence of the A14 improvement. Prior to any formal County Council position being taken on this report, further technical assessment is required to enable the impact of the improvement on the local road network to be fully understood. Officers are reviewing the outputs from the model to understand the predicted impacts of the scheme. This includes

reviewing how well the model validates against observed traffic data as this is key to understanding the robustness of future forecasts. Initial analysis suggests that whilst the model validates well for the A14 mainline, the validation is less good on some areas of the local highway network, further away.

- 4.9 To assist with the assessment of the robustness of the HA's model, the County Council is procuring the support of specialist consultants. This work, together with the expertise of officers in-house, will ensure that the HA's models and their forecasts are finely scrutinised and that areas of concern, together with those of agreement, can be highlighted in the forthcoming Statement of Common Ground.
- 4.10 Initial findings suggest that the scheme will lead to significant reductions in traffic flow in Huntingdon town centre, and a limited impact on traffic flows into Cambridge overall but with some redistribution on which radial routes traffic chooses to use to access the City.

Removal of the viaduct

- 4.11 Demolition of the Huntingdon Viaduct remains a key proposal. The latest traffic assessment predicts a limited increase in traffic on the section of Brampton Road under the viaduct, but elsewhere traffic on the ring road, through Godmanchester, on Thrapston Road and other sections of Brampton Road is predicted to reduce.
- 4.12 The County has continued to raise concerns regarding capacity and safety for those walking and cycling between Hinchbrooke and the Station once the viaduct is removed. The HA confirmed that they are not planning to provide a foot/cycle bridge adjacent to the Brampton Road Railway bridge, and once the viaduct is removed the HA plan to return the road to its original state with 2m wide footpath.
- 4.13 However at a recent meeting the HA has now confirmed that the footpath will be 3m wide, and on the basis of their most recent counts and assessment, consider that this level of provision is adequate for those walking and cycling in this area. While this appears to be a more adequate level of provision, the County Council will need to review the details and carry out independent analysis of the traffic forecasts once the final details are available, to test the adequacy of the provision here, especially given that this is such a busy key route linking to a school and hospital.

Ecological Issues

- 4.14 Officers have thus far raised concerns over likely impacts on Buckden Gravel Pits County Wildlife site (CWS) and potential impacts on River Great Ouse CWS. Some habitat may be lost and some protected species could be adversely affected. The provision of a green bridge at Silver Street has been concluded by Officers to not be supported by policy, or to be essential for ecological mitigation. There is not considered to be justification for a green bridge for Rights of Way.

Archaeology

- 4.15 Officers are keen to ensure that the HA expedite the work required to inform

the mitigation design for archaeology /historic environment and legacy works, in time for the submission of the DCO. Discussions have been ongoing and the archaeological assessment will form part of the **Environmental Statement (ES)**, and the HA confirmed that they are open to considering possibilities for the display of discoveries or public viewing points.

- 4.16 Current concerns relate to the lack of investigation of borrow pits and other areas. Officers are concerned that HA intentions to investigate these at a later date will risk programme delays and leave insufficient time to deal with major finds. Officers are also concerned that the assumption that embankments will protect archaeology and hence do not need to be investigated risks damage to sensitive archaeology in some soils.

Capacity and resilience to cater for growth.

- 4.17 The HA has confirmed that all known major developments with the exception of Wyton are included in the traffic forecasts. Wyton has not been included due to it being at an early stage, but is considered to be allowed for in general growth assumptions. Bar Hill junction is being designed for Northstowe Phases 1 and 2, but with widened embankments and bridges to allow for Phase 3. Officers are seeking assurances that no cost with build out to Phase 3 will fall on the County Council. Design of the B1050 allows for Northstowe.

Borrow Pits

- 4.18 Discussions are continuing with regard to the borrow pits that are proposed to supply construction materials for the scheme. Whilst the draft ES does not contain the full level of detail that would normally be expected for a mineral planning application, it is very positive to note that the application includes specific sites for associated mineral extraction and that these broadly align with areas identified in the Minerals and Waste Plan.
- 4.19 Officers are continuing to work with the HA in order to refine the level of detail and provide a more detailed analysis of any site related issues. Of particular importance, there is a need to establish a clear management strategy for restored sites to ensure that the proposed after-uses are successfully established. It is HA policy to dispose of non-operational land after completion, and Officers are seeking safeguards that restoration and aftercare obligations will pass to successors in title.

5. REPRESENTATIONS TO THE PLANNING INSPECTORATE (PINS)

- 5.1 As noted above once PINS has accepted the HA DCO application, the HA has a statutory duty to give notice to the public and statutory bodies and invite them to make relevant representations to the Planning Inspectorate. The period for making representations is anticipated to be 28 days from notification.
- 5.2 Based on current information and knowledge, officers are considering that the County Council should make the following representations to the Planning Inspectorate as the outline of the County Council position to be the subject of written representations into the Examination.

1. That the County Council has a statutory interest in the Examination of the A14 Cambridge to Huntingdon DCO.

2. That the County Council broadly supports and welcomes the A14 improvements as being essential for economic growth and transport in Cambridgeshire, and desires that the project be delivered as soon as reasonably possible.
3. That the County Council will be making written representations to Examination in the following areas:

Transport Assessment
Highways Asset Definition
Asset Transfer and De-Trunking
Traffic Regulation Orders
Minerals and Waste
Cultural Heritage
Highways Design
Road Drainage and Flooding
Rights of Way and Access
Ecology and Nature Conservation
Legacy

- 5.3 Appendix 1 includes an outline draft of the initial representation. Details of the representations to be made will be dependent on the scrutiny of the DCO application when made, after 31st December 2014 and continuing negotiation with the HA. Representations may express general support to the HA work, but also express concerns with aspects of detail. Representations by subject will also deal with protective provisions and requirements.

6. SUMMARY

- 6.1 Members are invited to note the process, timescales and progress with the HA on addressing issues and comment on this and the way forward. While progress is being made, we are awaiting the final details, and have some concerns over the impacts of delays on our ability to resource and scrutinize this critically important application to meet the challenging timescales. However, every opportunity is being taken to prepare and progress work to ensure the implications are understood and that we input in a timely manner as and when information is available.
- 6.2 Given the likely impacts of slippage, and time pressure to make representations, officers will be briefing members of both the Economy and Environment and Highways and Infrastructure Committees during April ahead of Economy and Environment Committee consideration of the proposed submission in May. This will help to ensure both Committees consider the County Council's representations on the DCO, the Local Impact Report and Statement of Common Ground in an integrated way.

7. ALIGNMENT WITH CORPORATE PRIORITIES

7.1 Developing the local economy for the benefit of all

The following bullet points set out details of implications identified by officers:

- The scheme will have significant benefits for the local economy through the reduction of traffic congestion on the A14, a nationally known bottleneck and adjacent County Roads, Market Towns and Villages.

- Huntingdon and Godmanchester should receive an economic impetus with development opportunities that should flow from the reduction of traffic in the towns.
- The scheme will facilitate the provision of the eventual full build out of the new town of Northstowe.
- The nationally known congestion on A14 is also known as “Cambridge’s Congestion”, its eradication would stop that unfortunate linkage.
- Legacy issues through new apprenticeships linked to the scheme will aid the future economy and
- The additional connectivity gained through improved cycling facilities should bring further benefits.

7.2 Helping people live healthy and independent lives

The new cycling facility provision in the corridor will encourage more cycling, especially for journeys to work and education which will benefit the health of residents. Additional footpath linkage will encourage more walking and exercise activity.

7.3 Supporting and protecting vulnerable people

There are no significant implications for this priority.

8. SIGNIFICANT IMPLICATIONS

8.1 Resource Implications

The following bullet points set out details of significant implications identified by officers:

- The Council has agreed (See Cabinet Meeting Minutes for 10/9/2013) to provide £25m towards the Treasury stipulation that £100m of the scheme costs must be funded locally from the Local Enterprise Partnerships (LEPs) and Local Authorities which will benefit from the scheme. It is anticipated that this will be paid at a rate of £1m per year with funds top sliced from the Council’s Local Transport Plan funding rather than additional borrowing. Payments will need to be made from 2020 onwards.
- The Council will, subject to satisfactory negotiation over reinstatement costs to an acceptable residual life, become the local highway authority for 20 kilometres of de-trunked grade separated dual carriageway. For this a significant dowry payment will need to be negotiated with Department for Transport (DfT) and the Highways Agency (HA) before the County Council should accept these responsibilities.
- The Council will inherit 12 kilometres of new public highway and accompanying cycle facilities which will bring their own resource demand for on-going maintenance. Discussions with DfT over the classification of these and the de-trunked roads will be required.
- The Council is also keen to work with HA to explore whether there will be any resources to support the amount of work from County Council officers that will be needed to input to the DCO process and to fully understand the implications for this authority.

8.2 Statutory, Risk and Legal Implications

There are still significant legal and statutory risks to the DCO process which has yet to be fully tested for strategic highway schemes. At a national level there appears considerable support for the scheme.

8.3 Equality and Diversity Implications

There are no significant implications within this category.

8.4 Engagement and Consultation Implications

There has been extensive consultation by the HA on the proposed A14 Cambridge to Huntingdon Scheme., and this was set out in the Highways Agency Statement of Community Consultation, which was agreed.

8.5 Localism and Local Member Involvement

Although the A14 is principally a strategic scheme it will have local consequences which are likely to stimulate new ideas and opportunities whether this is at village, parish, City, or Market Town level.

Elected Members have been kept informed of progress of the scheme and the undertaking of the two consultation exercises by both by the HA and more directly by the County Council. There have also been five presentations or exhibitions solely for elected Members, when invitations were sent to County Members and the District Councils, and further workshops are planned for Traffic Forecasts and to outline headline results from the Environmental Statement.

8.6 Public Health Implications

There is expected to be major air quality and noise benefits in the Huntingdon and Godmanchester central areas. There are potential air quality benefits across a wider area with the significant reduction in the nitrous oxides and particulate levels likely with the scheme. However, there will be areas where there are negative impacts and significant mitigation will be needed and further information will be available in the Environmental Statement.

Source Documents	Location
<p>Cambridgeshire County Council A14 informal consultation response – committee papers 27th May 2014</p> <p>The CHUMMS Report, DfT, September 2001</p> <p>The Cabinet has previously considered the A14 scheme(s) on 25/9/01, 14/6/05, 23/5/06, 27/2/07, 15/12/09, 17/9/12, 10/9/13, & 29/10/13</p> <p>County Council Cabinet Agendas and Minutes can be found at: http://www.cambridgeshire.gov.uk/CMSWebsite/Apps/Committees/Committee.aspx?committeeID=11</p> <p>The County Council's Enterprise, Growth and Community Infrastructure Overview and Scrutiny Committee considered the current scheme on 4/2/14, item 4</p> <p>http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Meeting.aspx?meetingID=689</p>	<p>Location of Hard Copies of documents: Room 2A Castle Court Shire Hall, Cambridge, CB3 0AP</p>

For the proposed scheme and consultation materials please see

<https://www.gov.uk/government/consultations/a14-cambridge-to-huntingdon-improvement-proposed-scheme>

For the Highways Agency Statement of Community Consultation see

http://assets.highways.gov.uk/roads/road-projects/a14-cambridge-to-huntingdon-improvement/A14C2H_SoCC_Final_140321.pdf