

CORRECTION NOTICE

THE A14 CAMBRIDGE TO HUNTINGDON IMPROVEMENT SCHEME DEVELOPMENT CONSENT ORDER 2016 (S.I. 2016/547)

SCHEDULE 4 TO THE PLANNING ACT 2008

CORRECTION OF ERRORS IN DEVELOPMENT CONSENT DECISIONS

13th November 2017

The Secretary of State has received a request on behalf of Highways England for the correction of an error in the A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016 (“the Order”) under section 119 of, and Schedule 4 to, the Planning Act 2008.

The Secretary of State has, by a correction order, inserted the following requirement after paragraph 12 of Schedule 2 (requirements) to the Order which had been omitted in error—

“Post-construction noise monitoring and mitigation plan

12A.—(1) No part of the authorised development within the area of South Cambridgeshire District Council is to be opened for public use until a post-construction noise monitoring plan for that part complying with this requirement has been submitted to and approved in writing by the Secretary of State, following consultation with South Cambridgeshire District Council (“the monitoring plan”).

(2) The monitoring plan must make provision for the monitoring of traffic flows with reference to the Important Areas identified within the area of South Cambridgeshire District Council in the environmental statement.

(3) The monitoring plan must provide that—

- (a) during the 12 month period after the authorised development has been opened for public use, and during the 12 month period after the authorised development has been opened for public use for 4 years, traffic monitoring must be undertaken for the locations referred to in sub-paragraph (2) in accordance with the Post Opening Project Evaluation procedure operated by the undertaker;
- (b) if following analysis by the undertaker of the monitoring data derived from the monitoring mentioned in sub-paragraph (a), in consultation with South Cambridgeshire District Council, it reasonably appears to the undertaker that as a result of the authorised development traffic flows are materially greater than those predicted in the environmental statement, the assessment of noise effects at the locations where those materially greater flows are identified is to be re-calculated utilising the monitored data and using the methodology set out in the environmental statement; and
- (c) if it reasonably appears to the undertaker from the re-calculations mentioned in sub-paragraph (b) that the noise effects of the authorised development are materially greater than those predicted in the environmental statement, the undertaker, in consultation with South Cambridgeshire District Council, must develop a scheme of reasonable and sustainable mitigation at each relevant location, which the undertaker must submit to the Secretary of State for approval.

(4) Post-construction noise monitoring must be carried out by the undertaker in accordance with the monitoring plan and the results of the monitoring must be submitted to South Cambridgeshire District Council.

(5) Before considering whether to approve any scheme of mitigation submitted by the undertaker to the Secretary of State, the Secretary of State must consult South Cambridgeshire District Council.

(6) Any scheme of mitigation approved by the Secretary of State must be implemented by the undertaker.”

This insertion has been made in accordance with paragraph 25 of the letter issued on behalf of the Secretary of State on 11 May 2016, which was the statement of reasons for the Secretary of State’s decision for the purposes of section 116 of the Planning Act 2008 and regulation 23(2)(d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118(4) of the Planning Act 2008, a decision under paragraph 1 of Schedule 4 to correct an error in an Order granting development consent can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the High Court during the period of 6 weeks beginning with the day after the day on which the Order making the correction is published. The A14 Cambridge to Huntingdon Improvement Scheme Development Consent (Correction) Order 2017 (as made) is being published on the Planning Inspectorate website at the following address:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a14-cambridge-to-huntingdon-improvement-scheme/>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Correction Order referred to in this notice is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6655).