



## Meeting note

<b>File reference</b>	TR010018 A14 Cambridge to Huntingdon Improvement Scheme
<b>Status</b>	<b>FINAL</b>
<b>Author</b>	Tayo Olaitan ( <i>Mark Wilson, Jenny Colfer, Hannah Nelson</i> )
<b>Date</b>	Wednesday 18 December 2013
<b>Meeting with</b>	Highways Agency
<b>Venue</b>	Planning Inspectorate, Temple Quay House, Bristol
<b>Attendees (PINS)</b>	Mark Wilson – Case Lead Jenny Colfer – Environmental Services Hannah Nelson – Environmental Services Noreen Sutton - Legal Tayo Olaitan – Assistant Case Officer
<b>Attendees (Highways Agency)</b>	Martin Clarke - DCO Delivery Lead Karl Brooks - Assistant DCO Delivery Lead Jeremy Damrel - DCO Assurance Project Lead Shirley Henderson - Environment Lead Tom Henderson – Legal Lead Stuart Wilson – Highways Agency Natural England Account Holder
<b>Meeting objectives</b>	Highways Agency to provide an overview of the A14 scheme; PINS to give advice on application submission requirements and Environmental Impact Assessment issues
<b>Circulation</b>	All meeting attendees from PINS and the Highways Agency
<b>Duration</b>	11:30 – 13:00

## 1. Introductions

This was the first meeting between the Planning Inspectorate (PINS) and the Highways Agency (HA) to discuss how their preparation of the Development Consent Order (DCO) was progressing; for the HA to raise any queries and seek clarification from PINS; and for PINS to highlight areas of the DCO process that HA needed to be aware of.

Stuart Wilson was an additional attendee at the meeting on behalf of the Highways Agency.

There were no absences.

## 2. Scheme description and programme

**HA** - spoke about the option consultation carried out in September / October 2013. Tolling has now been removed from the scheme.

**HA** – described the consultation exercise in more detail, and explained that they expected the selection of the preferred route to be made early 2014. The statutory community consultation is intended to occur in spring 2014, and an application for a scoping opinion will be submitted to PINS after the preferred route is announced, and the intention is that the DCO application will be submitted in autumn 2014.

**HA** – spoke more on the general outcomes from the consultation that had occurred so far:

- Girton Interchange – not particularly contentious
- Girton to Swavesey – again, this was not particularly contentious.; the HA team acknowledge that they need to raise public awareness of how this part of the scheme will work
- The bypass itself and the A1 widening – concerns were expressed about noise pollution with communities close to the road concerned by its visual impact. The removal of the existing viaduct (recently strengthened), with the intention of improving community cohesion and economic prospects, was also of interest to consultees.

**HA** – referred to the scheme's legacy of which environmental improvements and economic growth had been identified; the by-line adopted for the scheme is **'more than a road'**.

**HA** – confirmed that they had positive discussions with the three local authorities through which the scheme passes – all are in support of the scheme. A number of local authorities will be contributing funds for the scheme.

**PINS** – asked where they could find copies of the consultation material used to date.

**HA** – advised all consultation documents were on [HA website](#).

**HA** – mentioned that compulsory acquisition (CA) will be required; the number of affected persons has yet to be quantified.

**PINS** – confirmed that matters concerning CA affecting statutory undertakers land and apparatus (s.127 and s.138 PA2008) were delegated to PINS; however the CA of open land and common land (Ss.131 and 132 PA2008) would be decided by the Department for Environment, Food and Rural Affairs (Defra) and the Department of Communities and Local Government (DCLG), as these decision making powers have not been delegated to PINS.

### **3. PINS procedures**

**PINS** – highlighted the importance of appropriate safeguards being put in place to ensure propriety. This is especially so given that local authorities and the Government were funding the scheme as well as undertaking statutory and non statutory roles in the decision-making process.

**PINS** – emphasised the importance of the HA not being complacent, despite the impetus given to the scheme by its inclusion in the National Infrastructure Plan, and the possible designation of a National Networks NPS (NNNPS) in the coming year. It was important for the HA to understand the need to prepare a robust application and to be prepared to justify the choices made during the pre application stage, at examination. The Examining Authority, when appointed, will be under a duty to consider any matter they consider to be relevant and important in making their recommendation to the Secretary of State. The issue of the “need” for the scheme and the extent to which this will be taken account of by the Examining Authority will depend on any designated NNNPS and also in the context of the statutory tests associated with any CA that may be required.

**PINS** – clarified the need for all the consultation outcomes to be captured, even the non statutory, in order to show how the decision to go with the preferred route was reached.

**PINS** – advised that while they understood the need for the statutory consultation to be proportionate, it was not unusual on a long linear scheme for more than a single stage of consultation to be undertaken. Promoters on some other schemes have had a second round of consultation, building on the feedback from an earlier round; or they have held targeted consultation exercises where particular issues have arisen at specific location(s) along the route. In undertaking targeted consultation promoters should objectively consider the extent to which issues arising can be contained, taking account of the extent of the impacts on a community and / or stakeholder group.

**HA** – advised of their intention for a single stage of statutory consultation post the announcement of the preferred route.

**PINS** – emphasised the need for the pre application stage to be iterative and for consultees to have a genuine opportunity to influence the preparation of the application.

**HA** – confirmed that there was no plan for a two stage statutory consultation programme at this time, but this would be kept under review.

**HA** – advised that the non-statutory consultation to date had broadly mirrored the statutory consultation requirements to assist with continuity of understanding.

#### **4. Early submission of DCO documents**

##### **Points concerning environmental aspects of scheme:**

**PINS** – requested that as much detail as possible be provided in the Scoping Report to assist the scoping opinion.

**HA** – queried the need for a Habitat Regulations Assessment Report if the scheme was not near to any European sites.

**PINS** – advised the applicant to consult with Natural England (NE) to determine whether an appropriate assessment is required for the proposed development and drew the applicant's attention to PINS Advice Note 10: Habitat Regulations Assessment.

**PINS** – drew the applicant's attention to DEFRA's Major Infrastructure and Environment Unit (MIEU). The unit has the ability to assist the developer in their approach to consultation and in producing agreed statements which can be of use when producing statements of common ground.

**HA** – queried the need for a health impact assessment report.

**PINS** – advised that the Environmental Services team would be likely to consult Public Health England (formerly the Health Protection Agency (HPA)), should the HA request a scoping opinion for this scheme, and suggested the HA might want to contact them for advice in the meantime.

**HA** – advised that consideration of carbon would be included within the ES, possibly as an appendix.

**PINS** – advised the applicant to set out their proposed approach within a Scoping Report to allow PINS and prescribed consultees to comment on the proposed scope of the ES. Where the applicant proposes to scope aspects out of the ES or suggest a very refined scope, the applicant was advised to provide clear justification and evidence supporting the argument within the ES.

**HA** – queried that if protected species licenses were required and were not pursued with Natural England alongside the examination of the development, would the lack of a letter of no impediment cause significant concern to the granting of a DCO.

**PINS** – confirmed that in such circumstances the Examining Authority may need to focus on this during the examination. The point of the pre application stage was to reduce the number of matters which needed to be considered at examination, by seeking agreement with interested parties including prescribed consultees. It was in the applicant's interest to manage down risk and uncertainty in advance of submission.

**HA** – queried whether the HRA matrices as set out in PINS Advice Note 10 were mandatory.

**PINS** – advised that it was not a statutory requirement, but suggested using it as a good signposting document.

**HA** – requested advice on what to include in the Preliminary Environmental Information (PEI) document.

**PINS** – confirmed that there is no required format for the document and it should reflect the environmental information that is available at the time. The applicant was referred to Advice Note 7: Screening, Scoping and Preliminary Environmental Information

**PINS** – requested that a Geographic Information System (GIS) shape file of the scheme boundary should be submitted no less than two weeks in advance of any Scoping Report and also referred them to Advice Note 7, for information on the format of the GIS shape file and other requirements relating to the submission of a scoping request.

### **Other points of discussion:**

**PINS** - advised of the need to ensure sufficient information is available in any DCO submitted, if they wanted PINS to comment. Often draft DCOs submitted to PINS contained blank schedules and lacked the necessary detail for PINS to be able to provide substantive comments.

**PINS** – queried whether they would be compiling a Code of Construction Practice (CoCP).

**HA** – reported there was an intention to draft such a document, but this had not been confirmed.

**PINS** – suggested that use of such a code, was potentially a better approach than trying to utilise a multiplicity of protective provisions and requirements within the DCO. Given the linear nature of the scheme it would also allow bespoke approaches to be adopted at different locations, contained within a single coherent document.

**HA** – confirmed that they would be putting together an outline Environmental Management Plan as part of their application.

**HA** – (in response to an enquiry from PINS) advised that they were unlikely to use the powers already available to them within other legislation, to obtain access to land and/or rights over land, as they were difficult to use.

**PINS** – raised the possibility that they would undertake outreach events to advise local communities about the process, and confirmed that HA assistance would be appreciated in identifying suitable venues in due course.

**PINS** – suggested that HA have a programme officer as a single point of contact for PINS to liaise with, in terms of logistical arrangements for the examination. It was important that HA invested in the examination as it was in their interest that it ran smoothly and also from the point of view of HA controlling the costs associated with the holding of an examination (venue hire, audio arrangements etc)

**PINS** – distributed a paper covering common DCO acceptance mistakes to HA attendees and suggested that they use the PINS s.55 checklist to complete their own pre submission check of their application documents, and submit their self completed s.55 checklist as an appendix to any cover letter.

## **5. Any Other Business (AOB)**

**HA** – advised they would like a follow up meeting with PINS in advance of the statutory consultation, but after PINS have provided feedback on their Scoping Report; possibly late March/ early April 2014.

**HA** - will advise PINS on a date for the next meeting in due course.

**PINS** - suggested monthly meetings in the run up to submission.

## **6. Date of next meeting**

To be confirmed.