

A14 Cambridge to Huntingdon Improvement Scheme – second written representation from Campaign for Better Transport

From Sian Berry, interested party 10030656 (and representing the views of Chris Todd, interested party 10030494)

Responding to:

The Examining Authority's (ExA's) second written questions, and remaining issues
Applicant's report on local traffic impacts outside those in the Transport Traffic Modelling Update Report

We would also like to state provisionally that we are interested in attending the Issue Specific Hearings below, assuming there are remaining issues for us in these areas:

- 15 September 2015 - Issue Specific Hearing
Noise and air quality
- 16 September 2015 - Issue Specific Hearing
Traffic and transportation
- 17 September 2015 - Issue Specific Hearing
Detailed design

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Issues we are particularly concerned with

Our original written representation (WR) focused on traffic and transport impacts, the overreliance of the business case on projected driver time savings, the availability of credible alternatives, air pollution impacts and the detrimental design of the scheme with impacts on the landscape and local residents.

We are pleased to see these issues taken up in both the first and second set of questions by the ExA, and have read with interest the responses of the applicants.

In this submission we will review these responses and provide comments on the second questions, along with further information about recent legal developments surrounding air pollution.

1. Questions and responses on design

We are particularly interested in questions 1.9.6, 1.9.7, 1.9.9, 1.9.10 and 1.9.15, as our first WR highlighted the commitment of the Government to 'make roads beautiful'.

Highways England (HE) has since convened the Design Panel required by the Government in the Road Investment Strategy and, in our previous WR, we welcomed question 1.9.15 which asked about an independent design review of the scheme.

In response to the questions above, Highways England has outlined its approach to design, for example¹

"The highway alignments have been designed with a consideration of the environmental impacts of the scheme whilst providing a safe, cost- effective, and practicable solution."

" The majority of the new bridge structures on the scheme, including those on the Huntingdon Southern bypass section, are similar in nature and have been developed as a family of structures known as the 'Standard Overbridges'.

Applicant responses to question 1.9.9

"The design has developed considering advice contained in the Design Manual for Roads and Bridges (DMRB) chapter 10, the 'Good Roads Guide'"

Applicant response to question 1.9.15

Throughout these responses it is clear the design process for this scheme has been no different in character or approach than for any other road project, choosing standard designs set out in the Design Manual for Roads and Bridges, with little response to the nature of the landscape the major design choices made, except in settling for open abutments to the overbridges on the road, considering 'logical' concrete finishes, and putting large tree-covered bunds into the plans for crude screening.

In our previous WR we provided extracts from the description of the area around the A14 as part of National Character Area 88, which showed that large bunds, embankments and bridges would be ill fitting in the open, flat landscape and would seriously alter the character of the area.

The applicant concludes on the question of an independent design review, that: *"in this case further independent review beyond that noted above is not considered necessary due to the level of professional input into the development of the scheme and consultation that has influenced the scheme design."*

It is clear that the processes undertaken so far do not comply with the spirit of the NPS's request that: *"The use of professional, independent advice on the design aspects of a proposal should be considered, to ensure good design principles are embedded into infrastructure proposals."*

Remaining issues:

Given that the HE Design Panel has now convened and has agreed its draft Terms of Reference (TOR),² which include the ability to review schemes whenever required by the Secretary of State, we propose that the proposal is referred to them for review and comments on its quality of design, and that the IS hearing on detailed design is postponed until these comments are received.

In the normal process of review, the panel's TOR state that a scheme should be referred to the panel at an early stage in development so that the scheme can be amended. In this case, since it could not have been

¹ Report 9 Landscape and Visual Effects, HE/A14/EX/36, <http://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010018/Events/Deadline%202/HE-A14-EX-36%20ExAQ1%20Report%209%20Landscape%20and%20Visual%20Effects.pdf>

² The Design Panel's draft Terms of Reference are appended to this representation

referred earlier, a set of comments on the scheme would be a helpful independent assessment of whether the scheme complies with the NPS, and should be sought according to the final bullet point in the extract below, which allows for other referrals to be made.

"Purpose of the Design Panel

The Design Panel encourages design excellence in the landscape, engineering and built environment aspects of Highways England's projects. The Panel's purpose is to ensure the strategic road network displays design quality through being safe, functional and effective, responding positively and sensitively to landscape character, cultural heritage and communities, whilst also conforming to the principles of sustainable development. Its role, will be to independently advise Highways England in order to enhance the design of England's strategic road network.

Highways England and the Design Panel

Highways England seeks advice from the Design Panel:

- *To embed a design led approach as an important part of the development of all road infrastructure.*
- *On the design of road improvement, network management and operations.*
- *On the development of relevant design standards and advice.*
- *At any other time where required by the Secretary of State."*

Extract from HE Design Panel draft Terms of Reference

Second ExA questions we will be reviewing responses to:

- Q2.9.3

2. Questions and responses on traffic flows and impacts, including time savings

We were pleased to see detailed questions on a number of issues we raised in our first WR in the first written questions and requests from the ExA. These included:

- 1.12.1 (scenarios in the 2015 National Road Traffic Forecasts)
- 1.12.10 (induced traffic across the corridor)
- 1.12.31-1.12.34 (impacts on local roads, including induced traffic)
- 1.12.14 (sensitivity tests)
- 1.12.15 (query about the numbers reported using the proposed bypass)

Remaining issues:

A) Forecasts

We previously welcomed question 1.12.1 requesting the reassessment of traffic forecasts and impacts according to the new scenarios. However, Highways England's (HE's) response to question 1.12.1 is highly unsatisfactory. Instead of performing new tests to see what the impact of the different Department for Transport forecast scenarios would be, the response simply seeks to explain how the existing traffic modelling it has carried out, including sensitivity tests, relates to the scenarios.

The new question from the ExA Q2.12.1 is highly pertinent, as it asks why scenario 1 is '*the most directly comparable with the 2015 Road Traffic Forecasts*', which highlights how the previous question was misinterpreted.

We take issue in particular with paragraph 11 in the response from HE:

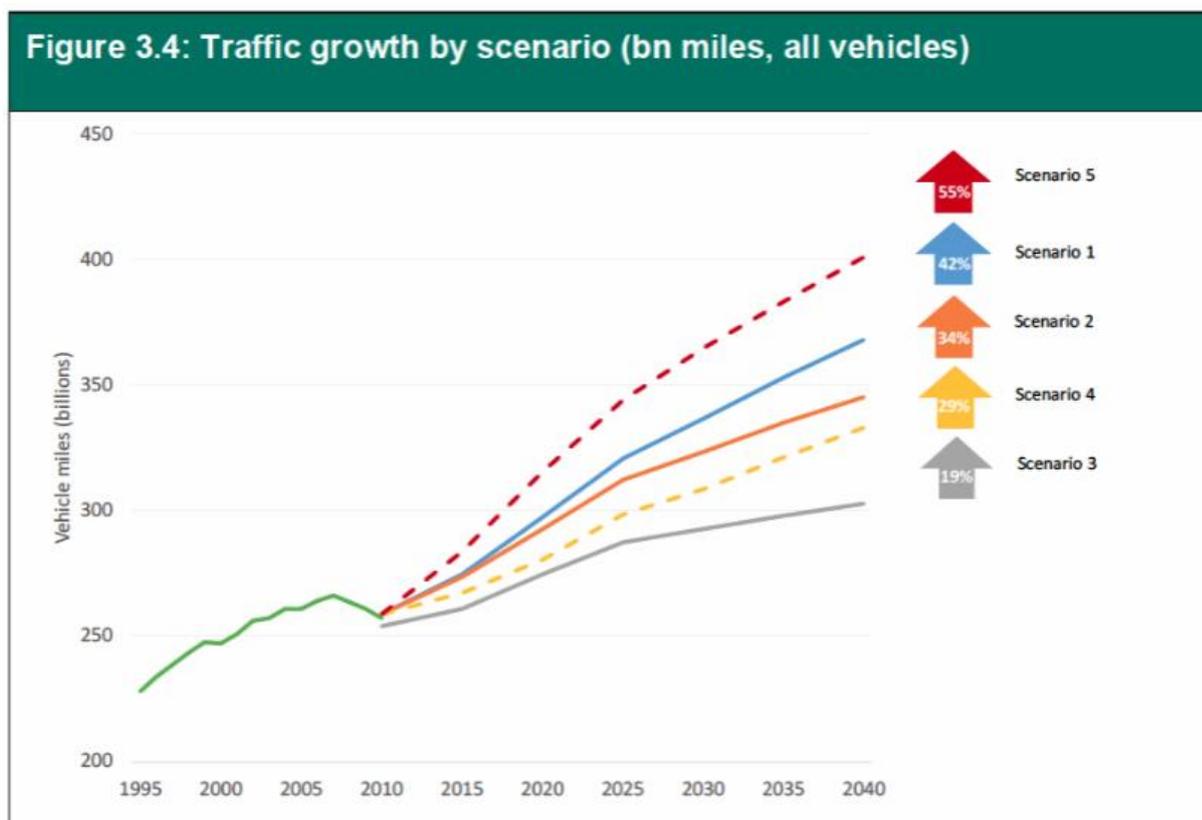
"11. The more extreme growth scenarios (Scenario 4 – Low Growth, Scenario 5 – High Growth) show much different growth compared to the 'core' forecasts, which are closely aligned with scenario 1. As part of the model forecasting [as done by HE], both Low and High Growth sensitivity tests have been undertaken in line with the guidance set out in WebTAG unit M4 §3.2. These tests are designed to assess the impacts of the scheme should the 'core' growth forecasts not materialise. Whilst not being the same assumptions as RTF15 scenarios 4 and 5, they are designed to provide an upper and lower range for the assessment. Both economic appraisal and operational design workstreams have considered the outcomes of these tests."

We reproduce below Figures 1.5 and 1.6 from our first WR, which reproduced Figures 3.1 and 3.4 from the 2015 National Road Traffic Forecasts.

Fig 1.5: New scenarios in the 2015 National Road Traffic Forecasts³ (reproduced from our first WR)

Table 3.1: Summary of variations between forecast scenarios			
	Trip rates	Income relationship	Macroeconomic
Scenario 1	Historic average	Positive and declining	Central
Scenario 2	Historic average	Zero	Central
Scenario 3	Extrapolated trend	Positive and declining	Central
Scenario 4 ¹⁸	Historic average	Positive and declining	High oil, low GDP
Scenario 5	Historic average	Positive and declining	Low oil, high GDP

Fig 1.6: Forecasts for total traffic (reproduced from our first WR)



³ National Road Traffic Forecasts 2015, Department for Transport, March 2015. <https://www.gov.uk/government/publications/road-traffic-forecasts-2015>

These figures clearly show that the lowest growth scenario is scenario 3, which assumed a central economic forecast but – for the first time – takes into account the continuation of the long-term trend for declining trip rates by any mode of travel, including by car. This scenario is clearly the most interesting and 'extreme' test to apply to the current proposal in terms of examining the need for the scheme, yet has been completely ignored by HE's response.

We ask the ExA to request that question 1.12.1 is answered again, making it very clear what is required from the HE in order to understand how the different scenarios affect the 'do minimum' case and properly assess whether the scheme is robustly justified, and what the impact of adding new road capacity would be.

B) Impact on local roads

In response to the other questions above, Highways England has provided a document containing responses to the questions,⁴ as well as an updated Local Traffic Impact report,⁵ submitted on 3 August 2015.

We have reviewed the replies, the new traffic report and Cambridge City Council's response to the earlier traffic impact report. The City Council's questions the traffic modelling's methods and conclusions, following review by their own consultants, and does not believe that these accurately reflect the impact of the expansion of the A14 and the capacity of the SRN in this area (which in turn calls into question the projected impact on air pollution). For example, the City Council says (page 5 of its submission).⁶

"The model predicts very high growth in traffic entering Cambridge for the period 2014-2035 in the 'Do minimum', and comparatively little impact from the A14 itself. It is not clear at present how realistic the former can be given current constraints on the road network in Cambridge, which calls into question the latter."

This echoes our concerns in our first WR, which pointed out the predicted induced traffic on the major roads (see figure 4.1 reproduced below) and questioned whether this could lead to only minimal new traffic in central Cambridge, as the new journeys will not start and end on the SRN. Increasing traffic in the City would undermine efforts made – and highlighted by – the Council to reduce traffic over the past decade, and would be a counterproductive use of public money.

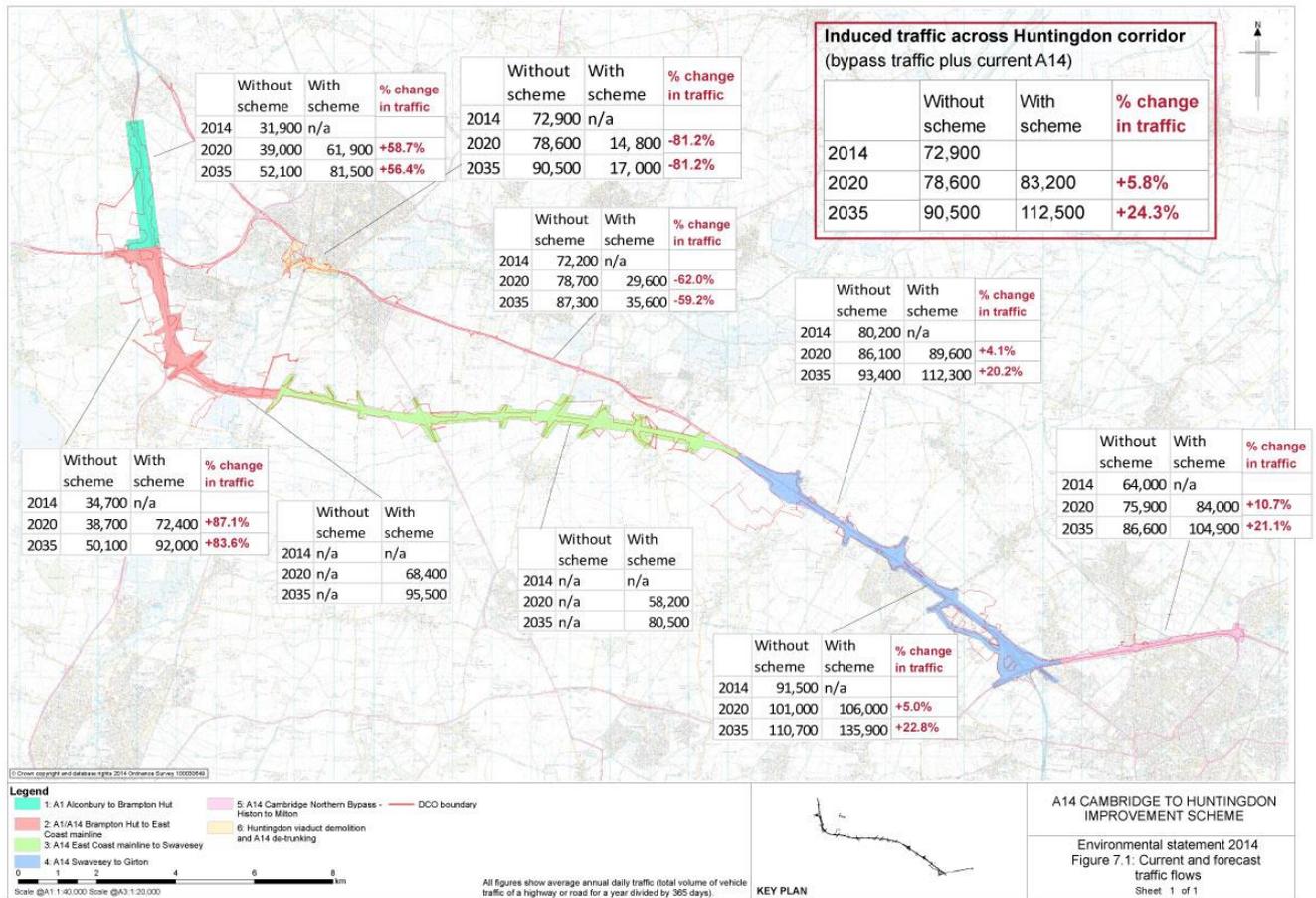
We look forward to reading the City Council's response to the updated Local Traffic Impact report and will provide further comments in future.

⁴ Highways England, Response to the First Written Questions (Report 12: Transportation and Traffic) HE-A14-EX-39 <http://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010018/Events/Deadline%202/HE-A14-EX-39%20ExAQ1%20Report%2012%20Transportation%20and%20Traffic.pdf>

⁵ Highways England, Local Traffic Impact Report HE-A14-EX-73 <http://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010018/Events/Deadline%206/Highways%20England%20-%20HE-A14-EX-73%20Local%20Traffic%20Impact%20Report.pdf>

⁶ Cambridge City Council, Matter 12 – Transportation & Traffic, June 2015 <http://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010018/Events/Deadline%202/Cambridge%20City%20Council%20Written%20Representation.pdf>

Figure 4.1 – adaptation of figure 07.01 (reproduced from our first WR)



C) Driver time savings and request for an updated business case

One of our concerns is also that the original business case relied too much on driver time savings. An updated business case, including a summary of the breakdown of benefits and a benefit-cost ratio in each case, would be of benefit to the ExA in examining the need for the scheme, as well as its value for money. However, we should not find this information amongst the responses to the first written questions, or in the updated Case for the Scheme.

We request that an update to the tables of benefits and costs in the original Case for the Scheme, as well as an updated benefit-cost ration, is provided to correspond with each of the five scenarios in the new National Road Traffic Forecasts.

Second ExA questions we will be reviewing responses to:

Please note that as these are highly technical questions, ourselves and the Brampton A14 Group may require expert help and additional time beyond the next deadline (Deadline 8, 2 September) to secure this and provide comments.

- Q2.12.1
- Q2.15.1-Q2.15.10

3. Questions and responses on air pollution

In our first WR we welcomed the ExA's questions 1.1.10 to 1.1.14, which sought clarity on the ES and air pollution impacts of the scheme, as well as question 1.1.15 which asked about the implications of the recent Supreme Court judgment against the UK Government.

We had reviewed the Environmental Statement (ES, chapter 8) and queried the very low predicted impact on air pollution, particularly in Brampton, despite the increase in traffic near the village of nearly 87% compared with the do-minimum scenario. We also queried some of the baseline data and the fact that locations in central Cambridge currently exceeding EU legal limits were left out of the study. Question 1.1.16 sought clarity on this question too.

Remaining issues:

A) Impact on air pollution in Cambridge and Huntingdon

Cambridge City Council, in its submission on air quality,⁷ raised a number of important issues with the assessment of air pollution in the original ES. These again reflected concerns we had raised in our WR, and included a number of failings that were contrary to agreements made between the authority and HE in January 2014:

- "1. the failure to extend the geographic scope of the assessment to show the impact on the Cambridge AQMA*
- 2. no agreement on the use of 2014 emission factors in the dispersion modelling to identify the maximum likely impacts*
- 3. no additional background PM10 monitoring carried out north of Cambridge head of the assessment and*
- 4. contour mapping of model outputs where populated areas could be affected"*

Cambridge City Council, Matter 1 – Air Quality, June 2015

We have seen the technical note from HE (appended to reference 6) covering the use of the most pessimistic emissions factors - i.e. continuing the 2014 emissions factors until 2035 - and the conclusion that the impact on the AQMA remains 'not significant' and that no additional exceedences are created in Cambridge. However, these sensitivity tests continue to use the earlier traffic impact methodology, and the problems with this are highlighted in section 2 above.

These conclusions therefore don't reassure us that the scheme will be legally compliant with the imperative on the UK Government to bring air pollution within legal limits in 'as short a time as possible' in Cambridge, and believe this is reason alone for refusing the DCO – see note below relating to Q1.1.15.

We also request that the same analysis and sensitivity test – using 2014 emissions factors - is carried out for the assessment of air pollution effects around Brampton, which is not under the remit of Cambridge City Council, but which faces a very large increase in traffic, and is where the failure of emissions standards to improve vehicle performance in terms of air quality would potentially have the most impact.

B) Review of response to Q1.1.15 on the Supreme Court judgment on air quality policies

In response to Q1.1.15, HE has said three things that concern us greatly:

- 109. In the Environmental Statement (document reference 6.1) compliance with the Air Quality Directive is reported from paragraphs 8.5.58 onwards (and Appendix 8.1 Section 8, document reference 6.3) using the approach required by the Highways England Interim Advice Note 175/13.*

⁷ Cambridge City Council, Matter 1 – Air Quality, June 2015 <http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR010018/Events/Deadline%202/Cambridge%20City%20Council%20Written%20Representation.pdf>

This paragraph refers to an IAM that is currently suspended, and under review and therefore cannot be relied upon to give a definitive answer on legal questions of this kind.⁸ A new version is pending and we assume that the new version will reflect the needs of the new, more effective, air quality plan currently being drafted by the Government.

108. Within each zone, air quality modelling is carried out using the Pollution Climate Mapping (PCM) model in order to predict the concentrations of nitrogen dioxide at four metres from the roadside. Where the PCM model predicts that the limit value will be exceeded, then this would be reported to the European Commission as a non-compliance. It is only the results of the PCM model that are reported and hence only the results from this model are important in determining whether the UK complies with the limit values.

113. As reported in the Environmental Statement (document reference 6.1), there are no likely significant air quality effects, nor will there be a deterioration in air quality in a zone or agglomeration as a result of the scheme.

All the assertions in these paragraphs are clearly in question, there is no certainty of there being no significant effects, as the evidence from Cambridge City Council shows.

In addition, the legal basis given for assessing whether a zone is compliant or not is not consistent with advice received from the European Commission in 2014 by Mr Simon Birkett of the Clean Air in London campaign, which does not mandate the use of models but says that: "*limit values must indeed be complied with throughout the territory of any given air quality zone*".

This advice is attached as an appendix to this document.

We recommend that the ExA seeks its own legal advice on whether a scheme can worsen air pollution in the way this proposal will do, and remain legally compliant with both the Directive and the NPS.

Second ExA questions we will be reviewing responses to:

- Q2.1.7
- Q2.1.8
- Q2.1.12-Q2.1.14

4. Alternative schemes

Question 1.12.16 was directed to the Brampton A14 Group and asks for detail of the alternative scheme, which has been provided.

However, we are concerned this question was not directed at the applicant, and about the slow progress of moves to assess the potential of this scheme, including the impact of proposed improvements to the A428 alternative route. Assessment of this alternative was agreed at a Public Inquiry as far back as 2010 and it should be for the applicant to develop and assess the scheme based on the – quite sufficient - detail already provided by the Brampton A14 Group.

Instead, the consultants Arup, who we understood were to assess the Brampton A14 Group's proposals, have focused mainly on emails and meeting requests concerning a possible statement of common ground rather than addressing the requests made by the group.

⁸ HE Interim Advice Notes online: <http://www.standardsforhighways.co.uk/ians/>

Second ExA questions we will be reviewing responses to:

There are no second ExA questions on this topic, but we would like to request that a full assessment of the alternative is provided by the applicant.

August 2015

Sian Berry
Campaign for Better Transport

Campaign for Better Transport's vision is a country where communities have affordable transport that improves quality of life and protects the environment. Achieving our vision requires substantial changes to UK transport policy which we aim to achieve by providing well-researched, practical solutions that gain support from both decision-makers and the public.

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Appendix 1: draft Terms of reference for the Highways England Design Panel

Highways England Design Panel Draft Terms of Reference July 2015

Purpose of the Design Panel

The Design Panel encourages design excellence in the landscape, engineering and built environment aspects of Highways England's projects. The Panel's purpose is to ensure the strategic road network displays design quality through being safe, functional and effective, responding positively and sensitively to landscape character, cultural heritage and communities, whilst also conforming to the principles of sustainable development. Its role, will be to independently advise Highways England in order to enhance the design of England's strategic road network.

Highways England and the Design Panel

Highways England seeks advice from the Design Panel:

- To embed a design led approach as an important part of the development of all road infrastructure.
- On the design of road improvement, network management and operations.
- On the development of relevant design standards and advice.
- At any other time where required by the Secretary of State.

The Design Panel will not have any statutory function in its own right, but its advice and guidance reports would be available to inform the statutory consent processes.

A key objective is to contribute to a fundamental shift in road design practice and make Highways England an exemplar of good design by providing expert design advice on its investments, processes and standards. This includes assisting project teams and technical advisors in understanding and promoting high quality design and encouraging the delivery of better designed schemes, rooted in the locality and respecting local character, cultural heritage and community. This will come both through advice on schemes, and through the development of Highways England's design standards.

The Design Panel will also has a wider role in promoting a fresh approach working with designers, contractors and industry partners promoting quality design, sustainable development and a more informed and aware community of practitioners working on the development of the strategic road network. In doing this it will identify any obstacles and solutions to the delivery of good design in the process from inception to implementation and review.

The work of the Design Panel will take place in the context of the government's wider Road Investment Strategy. The Panel is not expected to address wider questions of need or strategic choice, but to help implement projects in a way that best addresses their opportunities and impacts, and will engage as early as possible on options for route location and design.

Composition of the Design Panel

The Design Panel should consist of members from organisations with a proven track record in their respective fields or who are recognised experts in their own right. The composition of the Panel should ensure that it is able to make authoritative recommendations that take account of:

- The impact of activities on or enhancements to the strategic road network on its surroundings.
- The availability and practicality of methods to reduce these impacts and deliver positive change.
- The wider needs of the network and its users and neighbouring communities.

Where appropriate, the Panel's Chair may also seek to represent the views of local organisations with particular involvement in a specific project.

The Chair of the Design Panel will be Mr Mike Wilson, Chief Highway Engineer, Highways England.

The process of referral to the Design Panel

Referral of schemes:

Schemes would be referred to the Design Panel for review by the Chief Highway Engineer. The Panel itself may request submission of schemes for review if they are considered to be of potential interest.

Ministers may also request that certain schemes be reviewed, with such requests being directed through the Chief Highways Engineer.

The Highways England senior responsible owner should seek to meet all such requests.

Once schemes approach planning inquiry and construction – which is to say by stage 4 of Highways England's Project Control Framework – the need for a single, stable design will limit the potential for further adaptation. To ensure that the advice of the Panel can be properly factored into design, schemes should be requested or submitted for review as early as possible and no later than early stage 3 of the Project Control Framework.

The Panel may also examine reviewed schemes after construction, to provide, over time, a knowledge base to support other scheme delivery. This final review stage would be integrated within Highways England's post opening project evaluation process.

Referral of design standards and guidance:

The Design Panel may also review relevant design standards and guidance used by Highways England. Standards and guidance will be referred to the Panel for review by the Chief Highways Engineer. The Panel itself may request submission of standards and guidance if they consider being of interest.

Recommendations of the Panel

In addition to the development of relevant design standards concerning the impact of schemes the Design Panel will produce guidance reports following their project reviews. The Panel's recommendations must represent a holistic view of the impacts of a road scheme, taking account of both the impacts of the scheme and its wider deliverability. The reports will be approved by the Chair, and should reasonably represent the views from across the Panel.

Where the Design Panel has a range of views on a particular issue, the Panel should, at minimum, seek to give useable guidance that would be of benefit in the design process. Where there is disagreement amongst Panel members, any guidance given would be at the Chair's discretion. Highways England should respond positively to any guidance given and have due regard to the advice and general recommendations and the particular observations of the Panel on specific schemes.

The Design Panel will produce an annual report, addressed to Highways England's Chief Executive and Executive Committee. The report will reflect on the reviews of individual schemes, and should identify trends and issues of a strategic nature that could inform future delivery of Highways England's work.

Structure, operation and administration of the Design Panel

The Design Panel will consist of a supervising panel which will give strategic oversight (setting and agreeing terms of reference, objectives, progress and reporting). The Design Panel may, where appropriate, establish working groups to look at specific issues to give expert design review of projects and standards. Any such working groups would report back to the Design Panel.

The Design Panel will be supported by a permanent secretariat provided by the Chief Highway Engineer. The secretariat will prepare agenda and record minutes/actions, and manage the provision and distribution of project information to Panel members, and will support the production of finished reports.

Highways England project teams themselves will be responsible for the preparation of project design information and the provision of such information to reasonable timescales to enable proper consideration and review by the Panel. The Panel will define suitable information and timing requirements to project teams.

The Design Panel will meet at least six-monthly, or at such frequency as members consider necessary.

The Design Panel may undertake project reviews purely on submitted design information, or they may request presentations from the project team. Where the Design Panel is reviewing standards or guidance, then such consideration would be supported by provision of written material or presentation by Highways England's relevant technical advisors.

Conduct guidance to individual Design Panel members

Conduct should be in accordance with the Nolan Principles for public service. All Panel members are aware of their responsibilities and conduct when carrying out their duties. Chatham House Rule applies to the Panel meetings.

Highways England may from time to time lead news releases about the workings of the Panel. Feedback prior to release will always be sought from Panel members. Consequently, individual members or their organisations may adopt a Highways England news release and disseminate information after Panel meetings – recognising nothing should be done to identify, either explicitly or implicitly, who said what.

Policy, guidance and standards context

- National Planning Policy Framework
- National Networks National Policy Statement

- Highways England: Licence
- Design Manual for Roads and Bridges
- Farrell Review of Architecture and the Built Environment
- Design Council principles and guidance
- Public Sector Equality Duty, including the 'Brown Principles'

Appendix 2: Advice on air pollution compliance and worsening within a zone from the

Ref. Ares(2014)409541 - 19/02/2014



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate C - Quality of Life, Water & Air
ENV.C.3 - Air & Industrial Emissions

Brussels,
ENV.C.3/MG/dp ARES(2014)

Mr. Simon Birkett
Founder and Director
Clean Air in London
Per email: [REDACTED]

Subject: Your email dated 14 October 2013

Dear Mr. Birkett,

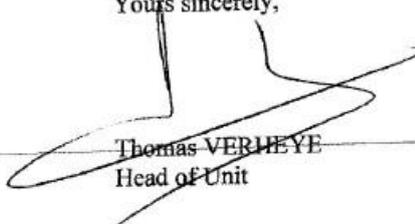
Thank you for your letter of 14 October by which you seek clarification on certain provisions of Directive 2008/50/EC, and my apologies for the delay in replying.

The authoritative interpretation of EU law is the prerogative of the EU Court of Justice; subject to this caveat, your understanding of the Directive largely coincides with the way we would interpret the relevant provisions, if requested by the Court. In particular:

1. The obligation to achieve compliance with the limit values includes the obligation to maintain such air quality status once compliance is achieved (Article 13, first paragraph).
2. With the only three exceptions listed in Annex III (Section A, paragraph 2), limit values must indeed be complied with throughout the territory of any given air quality zone, and compliance should not be determined nor assessed as an "average" of concentrations measured in different locations within the same zone.
3. Unlike target values, which create an objective to be achieved "where possible" or "where not entailing disproportionate costs", limit values create an obligation of result which is unconditional and absolute, irrespective of costs (Article 2, paragraphs 5 and 9).
4. Where air quality is already good, Article 12 of the Directive applies. This provision spells out in legal terms the "non-deterioration" principle, according to which Member States shall not only maintain the levels below the limit values, but also "endeavour to preserve the best ambient air quality compatible with sustainable development".

Finally, I have no objections to the disclosure or dissemination of this letter, to whom it might concern.

Yours sincerely,


Thomas VERHEYDE
Head of Unit

European Commission