



Report to the Secretary of State for Transport

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an Inspector appointed by the Secretary of State for Transport

Date: 18 November 2011

**HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981**

**CAMBRIDGESHIRE COUNTY COUNCIL
HUNTINGDON WEST OF TOWN CENTRE LINK ROAD
SIDE ROADS
AND
COMPULSORY PURCHASE ORDERS 2011**

Date of Inquiry: 6-8 September and 11-12 October 2011

Ref: DPI/E0535/11/17

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ABBREVIATIONS

AAP	Huntingdon West Area Action Plan
CPO	Compulsory Purchase Order
dB(A)	Decibels on the A-weighted scale
Ha	hectares
HIRR	Huntingdon Inner Ring Road
LTP	Local Transport Plan
m	metres
m ²	square metres
PCU	Passenger Car Unit
PIM	Pre-Inquiry meeting
PPS1	Planning Policy Statement 1: <i>Delivering Sustainable Development</i>
PPS4	Planning Policy Statement 4: <i>Planning for Sustainable Economic Growth</i>
SATURN	A computerised traffic model
SRO	Side Roads Order
TRANSYT	A computerised model for junction analysis
TRICS	A national database of trip generation rates for different development types

CASE DETAILS

- The Side Roads Order (SRO) was made by Cambridgeshire County Council (“the Council”) under Sections 14 and 125 of the Highways Act 1980 and all other powers enabling them in that behalf, and is known as the Cambridgeshire County Council (Huntingdon West of Town Centre Link) (Side Roads) Order 2011.
- The SRO was made on 26 January 2011 and would, if confirmed, authorise the Council to make alterations to public and private rights of way on or in the vicinity of the proposed link road, including the stopping-up and/or improvement of existing highways, the construction of new highways and the stopping-up and provision of private means of access.
- The Compulsory Purchase Order (CPO) was made under Sections 239, 240, 249 and 250 of the Highways Act 1980 and the Acquisition of Land Act 1981, and is known as the Cambridgeshire County Council (Huntingdon West of Town Centre Link) Compulsory Purchase Order 2011.
- The CPO was made on 26 January 2011 and would, if confirmed, authorise the Council to purchase compulsorily land or rights required for, or in connection with, the construction of the proposed Link Road and the construction or improvement of highways and accesses in pursuance of the SRO.
- There were nine objections outstanding to the Orders at the commencement of the joint local inquiries.

Summary of Recommendations: I recommend that the Side Roads Order be confirmed as made and that the Compulsory Purchase Order be confirmed as made subject to modification.

1.0 PREAMBLE

- 1.1 I have been appointed by the Secretary of State for Transport, pursuant to paragraph 7 of Schedule 1 to the Highway’s Act 1980 (“the Act”) and Section 13 (3) (b) of the Acquisition of Land Act 1981, to hold inquiries into the above Orders and the proposed Huntingdon West of Town Centre Link Road (“the Link Road”) giving rise to the Orders. For ease of reference, the concurrent inquiries will hereinafter be referred to as the inquiry.
- 1.2 The Link Road would involve the construction of 520m of single carriageway road, a new three arm signalised junction on Ermine Street and a new four arm signalised junction at Brampton Road/George Street. The road would have a central area three metres wide to allow for right turning lanes to serve proposed development areas. There would be a shared use footway/cycleway on each side of the main carriageway.
- 1.3 A Pre-Inquiry meeting (PIM) was held on 18 August 2011 at the Hinchingsbrooke Country Park, Huntingdon. The main purpose of the PIM was to explain the procedure for the inquiry and the timetable of events. A briefing note for inquiry participants was prepared by the Inspector prior to

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- the PIM and copied to the promoters and objectors (PID9). Notes of the PIM were similarly circulated (PID10).
- 1.4 Two alternative routes for the scheme were submitted by objectors to the Orders. Plans of these alternatives were made available for public inspection at the Council offices and were publicly advertised in the local press on 1 September 2011 (ID2). The alternatives gave rise to three objections.
- 1.5 The inquiry commenced at 10.00 am on Tuesday 6 September 2011 at the Civic Centre, Huntingdon and was adjourned on Thursday 8 September 2011 in order that the Council could undertake further traffic modelling work. The inquiry resumed on Tuesday 11 October 2011 and closed on Wednesday 12 October 2011.
- 1.6 At the commencement of the inquiry there were seven outstanding statutory objectors and two non-statutory objectors. Two objectors appeared at the inquiry, Santon Development Group Ltd ("Santon") and Tesco Stores Ltd ("Tesco"). They presented a joint case. The main grounds of objection were that no compelling case had been made for the acquisition of the land, the funding model for the scheme was flawed, the route of the scheme would inhibit development, the land west of the town centre could be developed without the link road and traffic nuisance due to the proximity of the scheme to residential property.
- 1.7 Five of the objections were withdrawn during the course of the inquiry.
- 1.8 At the opening of the inquiry the Council confirmed that it had complied with all the required statutory formalities and submitted a folder of documents to demonstrate this (ID2).
- 1.9 The inquiry was conducted under the Highways (Inquiries Procedure) Rules 1994 and the Compulsory Purchase (Inquiry Procedure) Rules 2007.
- 1.10 I made an unaccompanied site visit on 17 August 2011 and an accompanied site visit on Thursday 8 September 2011.
- 1.11 This report contains a brief description of the scheme and its surroundings, the gist of the cases presented¹ and my conclusions and recommendations. Lists of appearances (Appendix A) and documents (Appendix B) are attached. References to the documents listed in Appendix B are given in brackets. In the interests of completeness, the lists of documents include statements of case, proofs of evidence, the Council's responses to objections and other evidence submitted by the parties. This is subject to the proviso that these may have been added to or otherwise amended at the inquiry. In other words, unless expressly stated they do not take account of how the evidence may have been affected by cross-examination or other aspects of the inquiry.

¹ The summary of the Council's case and that of Santon /Tesco are based on the closing submissions of the parties.

2.0 DESCRIPTION OF THE LINK ROAD AND ITS SURROUNDINGS

- 2.1 The Link Road would provide a new single carriageway road between Ermine Street and Brampton Road/George Street on the western edge of Huntingdon town centre. The area through which the Link Road would pass is predominantly brownfield land. The majority of the property which would be affected comprises warehousing/factory units some of which have already been demolished. In addition, a residential dwelling would be directly affected as well as Network Rail land.
- 2.2 The Link Road would have signalised junctions at Brampton Road/George Street and Ermine Street. These would provide for all movements with the exception of the right turn from George Street into the Link Road. The proposed road would also have a central area of hatching which would allow for the provision of access junctions with right turn lanes into the various development areas.
- 2.3 The proposals include a series of access junctions to adjacent land. The largest development plot, which is located on the eastern side of the road immediately north of George Street, would require a signalised junction rather than a priority junction with a right turn lane. It is therefore proposed to construct this junction at the same time as the Link Road. Access would also be provided as part of the scheme to the Network Rail land to the west of the Link Road.
- 2.4 There is an existing minor vehicular access which passes under the East Coast Main Line railway opposite Ferrars Road. It is proposed that this access be maintained. It is lightly trafficked so it has been incorporated into the scheme as a driveway access.
- 2.5 The driveway accesses to 2 - 4 Ermine Street are currently located on Ermine Street, but in close proximity to the proposed junction. It is therefore proposed that this driveway is re-located onto the Link Road a short distance south of Ermine Street.
- 2.6 The road would provide facilities for walking and cycling journeys. A 3.5m wide shared footway / cycleway would be provided on both sides of the road. These would link to the existing route along the northern side of Brampton Road/George Street. This new route would provide for journeys in a north-south direction.
- 2.7 The Link Road would include signalised pedestrian crossing facilities at Ermine Street, the signalised development access and at Brampton Road/George Street. A toucan crossing is also proposed adjacent to Ferrars Road.
- 2.8 The road would pass over the current Public Rights of Way network and would therefore involve the stopping up of part of Footpath No. 12. It is proposed that the route is diverted along a section of the footway/cycleway on the eastern side of the junction linking with the proposed toucan crossing. A short section of footway/cycleway would also be provided to the west of the Link Road to link this route back into the footway/cycleway network.

3.0 THE CASE FOR CAMBRIDGESHIRE COUNTY COUNCIL

The material points are:

The Scheme

- 3.1 The proposal seeks to meet the need identified in the Huntingdon & Godmanchester Market Town Transport Strategy 2003 – 2011 (DD1). This strategy is a joint strategy between the County and District Councils in Cambridgeshire and is part of the wider Cambridgeshire Local Transport Plan.
- 3.2 Whilst the Local Transport Plan (DD2) has been updated to cover the period 2011-2026 (ID9), the Market Towns Transport Strategy remains in the form as previously adopted.
- 3.3 The strategy recognises that: -
- "the Huntingdon inner ring road as it is currently operating, creates unnecessary vehicular movements for traffic due to the need to navigate the one way system."* (DD1 p90)
- 3.4 Road users in Huntingdon will have recognised the significant pressure on the local road network in the peak periods when travelling in Huntingdon. This occurs whether the travel is by bus or other motor vehicle and congestion is often experienced. This is due to the operation of the four main approaches to the town (Ermine Street, Hartford Road, The Avenue, Godmanchester and George Street) meeting the one way system of the Huntingdon Inner Ring Road (HIRR). The resulting congestion, both now and more frequently in the future, places a stranglehold on the vitality of the town. This experience and the modelling undertaken by the Council:
- "Clearly demonstrates that measures need to be introduced for Huntingdon and Godmanchester. Key conclusions drawn from the modelling are that:*
- 'do-nothing' is not an option;*
 - the current development proposals will lead to unacceptable levels of congestion in Huntingdon if significant new transport measures are not introduced;*
 - two-way operation of the ring road will not work in terms of capacity and safety;*
 - a link road through the west of town centre development site between Ermine Street and George Street will provide significant relief to the northern section of the HIRR, particularly in respect of the increased travel demand from the development, and also allow more direct and appropriate access to the rail station area from northern areas of Huntingdon"* (DD1 p99)
- 3.5 The Link Road seeks to address the above issues. It would provide significant relief to the northern section of the HIRR and allow more direct and appropriate access to the railway station from areas to the north of Huntingdon.

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- 3.6 The Link Road would provide easier access to Hinchingsbrooke Hospital and the railway station from the north of the town. Traffic which currently comes down Ermine Street and around the ring road to access these locations would be able to use the Link Road. This would be a reduction of 1.8km, and would provide some relief to the congestion on the HIRR. Traffic on the HIRR would be significantly reduced, the extent varying on the different sections of the road in the AM and PM peaks. The Link Road would also facilitate the provision of residential, retail and employment development in the Huntingdon West area and make provision for pedestrians and cyclists with a 3.5m wide shared use facility on both sides of the new road.
- 3.7 No specific public transport proposals are proposed for the Link Road. However, the Link Road would provide the opportunity for services to be re-routed. This could be to provide access to the railway station, or access to the contra flow bus lane on the HIRR for Ermine Street services that would otherwise have to travel round the majority of that route in order to access the bus station.
- 3.8 The transport strategy does not exist in some form of policy vacuum. Further development in and around the town is anticipated by the Regional Spatial Strategy and the recently adopted Core Strategy (DD18). Further, in 2010 the Huntingdon West Area Action Plan (AAP) (DD3) was adopted following an examination into the plan (DD20). It identifies land for development, including a significant area to the west of the town centre. It may be noted that Tesco was a major participant in that examination. It did not object to the principle of the Link Road and even on its own case did not appear to consider that there was an inhibition on a food store coming forward on the land which it controlled with the implementation of the approved Link Road (ID8 p3). The Link Road is essential to allow the development within the West of Town Centre Area to take place.
- 3.9 An illustrative access strategy has been developed to demonstrate that satisfactory access can be achieved to the various development plots (ID14). The location of the various junctions are generally inter-related, so the illustrative strategy also aims to provide guidance for the positioning of access junctions as each individual development plot comes forward.

Formalities

- 3.10 The Link Road has planning permission (DD4) and Conservation Area Consent granted by the Secretary of State (DD5). The SRO and CPO have been made (DD8 and DD9) and compliance with statutory procedures has been confirmed (ID2).

Main issues

- 3.11 The main subject areas that arose during the inquiry are those related to planning, funding and highways. Whilst there is clear overlap between these matters, for ease of exposition, the Council's position is set out below by reference to these headings.

Planning

- 3.12 There appeared to be little by way of dispute as to the significance to be
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attributed both to the Core Strategy and the recently adopted AAP. With respect to the Objectors² evidence (OBJ2.2), the highest that this may be put is that Plan 6e of the AAP is but a concept plan which may be departed from by reason of the Tesco proposals. However, the planning status, both of the AAP and the clear references to the Link Road (as permitted) as a component of it, makes those contentions difficult to support.

- 3.13 As Mr Ingram pointed out (LA2.4), the clear national policy in Planning Policy Statement 4: *Planning for Sustainable Economic Growth* (PPS4), specifically advises in Policy EC4.1 that local planning authorities should proactively plan to promote competitive town centre environments by planning for a strong retail mix and by identifying sites in the centre, or on the edge of centre, capable of accommodating larger format developments where a need for such development has been identified. Indeed, the emerging National Planning Policy Framework re-emphasises the need to promote the vitality and viability of town centres.
- 3.14 The adopted Huntingdonshire Core Strategy 2009 (DD18) outlines proposals for sustainable growth and regeneration to 2026. Policy CS8 clarifies that at least 9000m² of comparison floorspace will be located in Huntingdon, concentrated in the town centre with priority given to the further development and improvement of retail facilities at Chequers Court. Complementary and appropriate development, that does not jeopardise the delivery of the further redevelopment of Chequers Court, will be located in a significant mixed use redevelopment in the area west of the town centre covered by the AAP. This wording is important in that schemes in the area will be carefully controlled to ensure that they are truly complementary to the existing town centre, rather than competing directly with it. Overall they must contribute appropriately to the provision of retail and town centre uses in Huntingdon.
- 3.15 In addition, the AAP outlines how the planned changes will be delivered. Policy HW1 and HW2 look to deliver the Link Road in order to promote accessibility and to enable redevelopment. Policy HW4 outlines the anticipated quantum and mix of development within the George Street/Ermine Street area with the related text, maps and diagrams providing further appropriate levels of detailed guidance.
- 3.16 Further, the wording to Policy HW4 clarifies that the policy allows for the development of approximately 5,350m² of retail floorspace, development that is complementary to the continuing vitality and viability of the town centre and does not jeopardise the delivery of further redevelopment at Chequers Court. Any retail development beyond that figure would need to satisfy the policy tests in CS8 of the Core Strategy, HW4 of the AAP and demonstrate its acceptability in transport terms.
- 3.17 The supporting text to Policy HW4 clarifies that retail proposals will have to demonstrate that the sites chosen are appropriate, propose an acceptable traffic and urban design solution (for the redevelopment of the site and as part of the redevelopment of the area as a whole) and have regard to the

² Santon/Tesco were the only objectors who appeared at the inquiry and they presented a joint case. For ease of reference they are subsequently referred to as "the Objectors".

issues of retail mix. They will also have to demonstrate that they will enhance the vitality of Huntingdon town centre by complementing existing retail provision and choice as well as act as a positive factor in terms of the overall regeneration and enhancement of the town centre.

- 3.18 Mr Ingram was clear that the area closest to George Street is the most appropriate for any retail development as it would have access from the proposed Link Road, is close to existing retailing in the town centre and would help to facilitate improved linkages between the town centre, the railway station and the Hinchingsbrooke area.
- 3.19 In relation to the Objectors' alternative proposals (PID2), Mr Ingram had a number of criticisms, particularly their justification in principle having regard to the terms of the Core Strategy and the AAP. Insofar as these policy documents were suggestive of an alternative approach, Mr Ingram was clear that the Objectors' alternatives do not appear to accord with the approach so recently adopted in the AAP. The policy background does not provide an appropriate basis to undermine the compelling justification for the Orders being confirmed.

Funding

- 3.20 The funding position relating to the CPO was set out clearly by Mr Hughes for the Council (LA3.1). Whilst written evidence was advanced for the Objectors by Mr Astbury (OBJ3.2), his challenge fell away during cross examination.
- 3.21 The essentials of the position remain as set out in Mr Hughes' proof of evidence which makes clear the absence of any justified concern relating to the origin or availability of funds in order to be able to complete the CPO.
- 3.22 The total scheme costs have been assessed using the latest information provided from the Council's engineering term contractor for road construction and from professional advice on the possible compensation that could be due on the scheme. Any disagreements on compensation would be resolved through negotiations or, if these fail, through the Lands Tribunal system. Both the County Council and Huntingdonshire District Council ("the District Council") are satisfied that the costs are justified and that the funding is available.
- 3.23 The funding model is set out in Mr Hughes' evidence (LA3.1) in paragraphs 2.2 and 2.3. He makes it clear that in the unlikely event that scheme costs exceed budget, the Councils have put in place safeguards to ensure delivery of the scheme.
- 3.24 In response to Mr GL Hearn's query (Inspector's Dossier Doc.F) as to the £0.42m Section 106 payment, a clear and unequivocal statement has been provided on behalf of the Councils (LA3.3).
- 3.25 Mr Hughes was clear that there has been a detailed study into the costing of the scheme and the possible sources of funding. The Councils have agreed to fund the scheme and have identified various methods of pay back that have been approved by both Council Cabinets who have agreed to support the scheme on this basis.

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- 3.26 One aspect of the Objectors' case with regard to funding arrangements was a contention that the Council was reliant upon the sale of excess land. This is clarified in the evidence of Mr Hughes and also in ID13 which makes it clear that the Council does not wish to acquire land outside the CPO boundary. However, should it be compelled to do so through the compulsory purchase process then some of the costs so incurred could be recovered through onward sale. However, this part of the process was intended to be broadly neutral.
- 3.27 Mr Astbury on behalf of the Objectors sought to contend that the funding basis was flawed and/or there was some element of double counting. However, this was shown not to be the case. Mr Astbury also sought to contend that this would somehow constitute a bad use of public funds. This contention is roundly rejected by the two Councils funding the scheme. However, and in any event, he accepted that there has never been a scenario where the Secretary of State has decided not to confirm CPO powers on the basis that it is alleged that it would be a bad use of public funds. Fundamentally, Mr Astbury acknowledged in cross examination that the councils had committed to the necessary amount of borrowing and that as far as funding was concerned there was no impediment to the delivery of the scheme.
- 3.28 In respect of the tests set out by the Inspector (PID9), Mr Astbury accepted in cross examination that he had no objection pursuant to the SRO and was only concerned with the CPO tests³. He accepted that tests (c), (d) and (e) were satisfied i.e. the acquiring authority has a clear idea how to use the land it intends to acquire, it can show that all necessary resources to carry out its plans are likely to be available within a reasonable timescale and that the scheme is unlikely to be blocked by any impediment to implementation.
- 3.29 Mr Astbury's only concern therefore related to criteria (a) and (b). If it is considered that there was a compelling case for acquisition, under (a), then no discrete human rights issues would arise.
- 3.30 Mr Astbury also acknowledged that the Secretary of State should take into consideration the recently adopted AAP, that the link road has the benefit of planning permission and that the Link Road was taken as a "given" within the terms of the AAP. He also accepted that the Objectors had had the opportunity to object both to the granting of planning permission for the road and to the adoption of the AAP. They were fully aware of both and yet did not object.
- 3.31 Notwithstanding the assertions contained in their evidence, there was no material advanced by the Objectors to show how the land could be developed in accordance with their proposal by way of a Transport Assessment, an Urban Design or any other form of technical assessment.
- 3.32 In response to the suggestion that there could be two culs de sac, one from Brampton Road serving a development to the south and one from Ermine Street to the north serving Tesco, no technical assessment has been

³ Tests set out at paragraph 7.66

brought forward by the Objectors to indicate how this could be achieved. Nor was there any evidence to indicate how the HIRR would be alleviated by this proposed arrangement.

- 3.33 With regard to the AAP, Mr Astbury accepted that the Objectors' proposed approach would not be compliant with Policy HW1 of the AAP and would not be in accord either with the concept of the AAP nor Policy HW4. Mr Astbury then sought to change tack and suggested that the proposal would accord with the objectives of the AAP but accepted that, in addition to the policies identified above, it would also be contrary to AAP "Objective 1" and in consequence his proposed arrangement would not accord with the AAP.

Highway Issues

- 3.34 The Objectors did not submit a transport assessment in order to support any of their alternative options. Indeed, in order to deal satisfactorily with some of the matters raised during Mr Clarke's evidence-in-chief, the inquiry was adjourned in order to allow, among other things, further SATURN runs to be undertaken.
- 3.35 The Objectors' fundamental criticism upon highway grounds is that the SATURN model was in some way inadequate and did not demonstrate any highway benefit arising from the scheme. For the reasons given in the evidence of Mr Clough, it is submitted that that contention should be rejected. The SATURN model is an appropriate model, drawn up in conjunction with the Highways Agency in context of the former A14 scheme and has been properly validated. It has modelled the wider network of Huntingdon and in particular the HIRR. As Mr Clough attested it is not just a "macro" tool but is entirely appropriate to consider schemes of this size.
- 3.36 One feature of the traffic modelling, upon which further explanation was provided by the Council (ID18), was the need for manual reassignments to be made. These were to allow for diverted and bypass trips to be reflected without distorting the model results. Mr Clarke accepted that this was a conventional approach.
- 3.37 Mr Clarke's concerns in respect of the retail assessment appeared to be that there was no retail matrix within the transport model. In addition, he considered that Chequers Court should have been omitted to reflect his perception of what would happen in future, if the Link Road scheme went ahead. Neither of these contentions are justified. As Mr Clough explained, the SATURN traffic model made a quite realistic and robust assumption, given the road network of Huntingdon, to divide the distribution of trips related to the West of Town Centre Development Area equally between the four cardinal points of the compass reflecting the four principal routes into the town.
- 3.38 Some little time was taken up considering notional journeys by residents from the Newtown area of the town (ID18 Technical Note C). There could equally be a bias of new shoppers coming from the north and west of the town to access the new development who would not then need to utilise the HIRR. In consequence, the Council's assessment is robust and if anything represents a worst case. This is especially so given that it is anticipated that there will continue to be a significant convenience retail presence

- within the redeveloped Chequers Court.
- 3.39 Further, the model specifically considered both the type and extent of development in the West of Town Centre Area, including 9000m² of retail (including convenience) provision. As Mr Clarke accepted, the assumption in the model on retail provision is not retailer specific. Consequently, it is submitted that the criticism levelled by the Objectors regarding the need for a retail matrix is misplaced.
- 3.40 The Objectors' criticisms are more forensic than actual and do not critically undermine either the need for the scheme or its fundamental justification.
- 3.41 As Technical Note A in ID18 has identified, the notional Tesco cul-de-sac scheme could be accessed from Ermine Street. However, it would be likely to give rise to a substantial number of movements (247) along residential streets in the peak hour by way of rat running. Whilst Mr Clarke did not accept that this would occur, or occur to the extent identified in Technical Note A, he did accept that significant vehicular movement along the streets would be undesirable. The model also showed that such a proposal would also increase flows on the Brampton Road to Ermine Street section of the HIRR. That would also be undesirable.
- 3.42 When considering the Objectors' alternative proposals it is worth noting that they do not control the land which it appears they would require at Ermine Street in order to be able to carry out any of their proposals. The Council has acquired No. 8 Ermine Street and Travis Perkins owns the land to the north. There is no indication that Tesco has the benefit of any entitlement to use either of those parcels of land. In short, it would appear that their alternative proposals are not deliverable.
- 3.43 The Council has been clear that, with its proposals, queuing would arise on the approach to the new link road, both from Ermine Street and Brampton Road, and on the new link road itself. However, even allowing for such queuing the Link Road would still provide relief to the HIRR as it would be more attractive in time saving terms than going all the way around the ring road.
- 3.44 The Objectors were also critical that the proposal would adversely affect their ability to redevelop their own land. That is rejected. Mr Clough made clear that the approach adopted sought to minimise the effect on homes, businesses and the land taken. The proposed route alignment would facilitate development on both sides of the Link Road. Mr Ingram for the Council confirmed that the proposed alignment was consistent with that set out in the AAP which took the route of the Link Road as a "given". It is the route that Tesco were content with when the AAP was considered (ID8)
- 3.45 The alternative alignments put forward by the Objectors are promoted as freeing up more land for development. The Council's highway and planning evidence has responded to this and emphasised the need to accord with the terms of the AAP and the Urban Design and Movement Study which underpins it (DD21). Some of the contentions advanced by the Objectors would be at variance with those key urban design concepts and if pursued would be likely to encounter opposition.
- 3.46 There is nothing in the case put forward by the Objectors other than a plea

not to provide a route or to provide another route. Another route is akin to obliterating the Link Road scheme and the proposed funding of it as part of the AAP. Whilst their case is expressed as an alternative route, it is a guise for saying no.

- 3.47 Partly in response to the Inspector's queries, but also to meet the criticisms contained in Mr Clarke's evidence at OBJ1.1 para 4.6, the Council produced Technical Note B in ID18. This considered the effect on traffic flows of the Link Road in isolation i.e. without the effects of the associated development traffic. Whilst the scheme does have a much wider significance in facilitating development to the west of Huntingdon town centre, so far as the wider network is concerned it provides a benefit saving of 429 Passenger Car Unit (PCU) hours in the AM peak and 1400 PCU hours in the PM peak (ID18 Technical Note B Table 3.1). So far as the HIRR itself is concerned that benefit, in isolation, is 287 PCU hours in the AM peak (over 55% reduction compared with the do-nothing) and 129 PCU hours in the PM peak (a 15% saving, when compared on the same basis).
- 3.48 When looked at purely as a highway scheme it is clear that the benefits to the HIRR are very significant and that there are still material benefits to the wider road network.
- 3.49 Given the overall objectives of the scheme, including its support of policies in the core strategy and the AAP, it is submitted that the case in favour of the scheme is compelling.

Objections

- 3.50 Of the original nine letters of objection, the majority have been resolved as follows:
- a) Network Rail – objection withdrawn (PID5)
 - b) Rustons Engineering and RECO Property Limited – their objections withdrawn (ID17)
 - c) Mr Armstrong/Pendlebury - objection withdrawn (ID5).
 - d) The trustees of Huntingdon Freeman's Charity withdrew their objection, subject to a condition regarding the form of wording to be included in a revised CPO (PID4). The form of that wording was set out in previous correspondence but is, for clarity, reiterated in ID21. The Council commends that wording and seeks a modification to the CPO on the basis that the Secretary of State is minded to confirm the Order.
- 3.51 Travis Perkins - this objection has not been withdrawn, though it may be noted that it is not an objection in principle. Provision has been made by the Council, as shown in the land access plan (ID14), for access to be maintained to their property.
- 3.52 Mr Doig has not appeared at the inquiry and by his e-mail dated 21 August 2011 (ID1) has indicated that his objections in respect of vehicular access, parking and the potential damage to property have been resolved. The only remaining objection from Mr Doig relates to traffic nuisance. Mr Clough and

Mr Ingram indicated how this had been considered but that this did not give rise to material detriment either to warrant refusal of permission of the scheme or to justify withholding confirmation of the Orders.

- 3.53 The issue of securing access to Mr Doig's residence at No. 4 Ermine Street, was made clear at the inquiry and this is also dealt with in the Land Access Plan (ID14). In addition, and in response to the Inspector's query, both the existing and the post-development noise climate is explained (ID15). The front of this office property remains at 64 dB(A) with the link road in place. The side of the house would experience an increase of 5 dB(A) and the rear 6 dB(A).
- 3.54 Santon/Tesco, as set out both in the submissions and in the evidence, were the principal Objectors to the orders.

Other Issues

- 3.55 The Inspector referred to the response to the planning application for the Link Road from the Trustees of Huntingdon Freeman's Charity. This raised the issue of a potential effect of the scheme on Common Land in an area to the south of Brampton Road known as Mill Common. The Council has responded to this in detail and has confirmed that the land required for the scheme does not include registered Common Land, nor public open space (ID12).
- 3.56 ID14 contains a Land Access plan, updated on 11 October 2011, showing the existing and committed access points along the route of the proposed Link Road. It also indicates a number of locations where the Council would be agreeable in principle to access points being provided subject to the resolution of details.

Conclusions

- 3.57 The case for the proposed Scheme is compelling. It meets a range of objectives as outlined above and is justified.
- 3.58 It is submitted that the published proposals are consistent with the Government's policy objectives for transport and represent the optimum solution for addressing the transport problems in Huntingdon.
- 3.59 The HIRR creates a barrier between the town centre and the rest of Huntingdon. The heavily trafficked nature of the road is one of the key concerns and discourages travel by other modes such as walking, cycling and public transport. There are few crossing points for pedestrians and cyclists so journeys are longer than they need to be.
- 3.60 The introduction of the Link Road would significantly improve connectivity in the area, make public transport journeys shorter, relieve congestion and the amount of traffic on the HIRR. The provision of dedicated shared pedestrian and cycle lanes would encourage more sustainable means of transport other than the private car. All of the above will contribute towards sustainability by reducing vehicle movements and emissions.
- 3.61 As outlined above the proposal is endorsed in planning policies at national, regional, county and district level.

3.62 The scheme proposals would be of benefit to the people of Huntingdon and those benefits would far outweigh any of the dis-benefits. The Council's case has answered the criticisms made of the scheme and it is respectfully submitted that the Inspector recommend that the two Orders be confirmed by the Secretary of State, subject to the minor amendments set out at ID21.

4.0 THE CASE FOR THE OBJECTORS

Santon Group Developments Ltd and Tesco Stores Ltd

The material points are:

- 4.1 The theme of the objection is that the landowners Santons, (supported by Tesco), do not wish their proprietary rights to be compromised by the compulsory purchase of their land. Thus they have a fundamental objection to the whole process and request that the CPO is not confirmed. The basis of the objection is that there is no compelling case for the Link Road in the public interest.
- 4.2 The Council has failed to found their CPO at the threshold. If that is not accepted, and there is to be a compulsory purchase to promote a road across Santon land, it should do the minimum damage that is reasonably achievable. The Council has selected the wrong route and must go back and start again to promote the route which does not so comprehensively compromise the long term beneficial use of the Santon estate.
- 4.3 It is conceded that Santon were slow in bringing forward an objection to the principle of the route in the planning process. However, this does not absolve the decision maker from giving due weight to the duly made statutory objection to the CPO. Santon/Tesco challenge the principle of the scheme and the alignment, and it is incumbent on the promoters to justify the CPO. If they do not do so, the Secretary of State will not confirm it.
- 4.4 The objection demands a compelling case. It is not enough to say there may, for example, be some relief to central Huntingdon. That is not compelling in the public interest. A high standard of proof is required and it has to be based primarily on the highway engineering case. The promoter's case appears to be that the SATURN model is all persuasive but there has been no justification of it through proper analysis. Indeed, Mr Clough made it plain he was not in a position to respond to questions on the internal performance of it. No one on the Council side apparently thought to question the approach until the inquiry. Now it has been looked at in more detail, arising from the Inspector allowing an adjournment for the promoters to try to explain their case, there are fundamental concerns.
- 4.5 The issues raised by the Santon/Tesco objection can be summarised thus:
- a) Challenge to the need to compulsorily acquire at all; and
 - b) Challenge to the route of the proposed link road in any event.

The case for acquiring the land

4.6 There must be a compelling case. In consequence there must be a robust

highway justification for the removal of property rights.

- 4.7 Mr Clough for the Council was clear that the objective of the CPO is:
- a) To reduce the traffic on the HIRR by giving some relief by avoiding the 1.8 km movement from Ermine Street to Brampton Road;
 - b) To improve bus movement which he identified as one an hour. It was not clear whether it was desired still to use the HIRR to get on and off the bus;
 - c) To afford the opportunity to provide cycling and walking facilities. That is achievable whatever route is chosen or if none at all is promoted.
- 4.8 Points b) and c) above are minor and could not justify the CPO. The essence of the Council case is in the hoped for relief under a) above. The promotion would '*stand or fall*' on that approach⁴. The basis of Mr Clough's claim was to show, as he said, some relief on the HIRR through the avoidance of the manoeuvre from Ermine Street through to the railway station.
- 4.9 There was no explanation as to how that relief stands in comparison with any burdens for others. For example, the residents of the area of Newtown to the north of Huntingdon may have a longer journey to a notional replacement superstore west of Huntingdon and it is necessary to understand how many there would be, and how they would travel. The corollary may also be true that there may be more journeys attracted from such an area because of facilities alongside the link road. No evidence was given as to the likely journeys, their number or route. Nor was any evidence forthcoming as to the number of movements which would be encouraged due to the argued for relief from having to travel round the HIRR. It is not axiomatic that they would use the Link Road given the apparently agreed position that there would be substantial queues on it at busy times.
- 4.10 Mr Clarke's rebuttal (ID19) emphasises the lack of clarity finding as he did:
- a) There has been an erroneous approach to the Chequers Court development site. In assuming that there would be the same order of vehicular visitation before and after the replacement of the Sainsbury's store, no allowance was made for the existing food trips to Sainsbury's which would not go to Chequers Court but to the new store at the southern end of the link road via the HIRR. They are currently intercepted by the existing Sainsbury's store;
 - b) Refining that point, Mr Clarke found that there was no assessment from the SATURN model of diverted traffic using the HIRR given the proposed location of the Sainsbury's store;
 - c) There is no comfort for the promoters in the identity, or not, of the

⁴ Clough cross examination Day 1

existing retailer. A notional convenience retailer would intercept the predominantly car borne trade which is currently just using the northern quadrant of the HIRR howsoever badged. Similarly a new 9000m² store, again howsoever badged, is going to be more attractive than the existing store. The currently intercepted trade would therefore be attracted round the HIRR to the new shop. Thus more traffic on the HIRR.

- d) It is simply not open to the decision maker to conclude that in some way there is a balance to be found between the increase in traffic from the north and a potential decrease from the west. Travel round Huntingdon will have revealed the broad concentration of population as elsewhere than to the west. But even if that is not accepted, no conclusion can be reached without empirical data. To conclude there would be a balance is no more than a guess. Compulsory acquisition of property based on guesswork would be irrational.
- e) Similarly, there is now a clear picture from Mr Clough's evidence as to the SATURN input or lack of it. SATURN is an excellent tool for assessing the range of traffic movements which can be drawn from the traffic inputs. But there has to be a sufficiency of inputs. The inquiry heard that it is a programme used in assessing substantial schemes in Cambridgeshire and indeed appears to have been produced mainly for the strategic A14 realignment. It is also clear that it does not descend to the origins and destinations of residents to the north of Huntingdon as Mr Clough conceded. Nor, as he told, does it deal with retail movements. This is a highway scheme necessarily predicated on unlocking the retail potential at the southern end of the proposed Link Road and it is fundamentally important to have information on the car borne shopping travel patterns of the town. None was forthcoming. SATURN does not therefore address them. Again, judgements are reduced to a guess.

4.11 In summary, Mr Clough said originally that the SATURN material was good enough to ascertain the relief to the HIRR, but Mr Clough said that he did not have the material to show what the relief would be⁵. The overall conclusion is not supported by the evidence. It is found in neither the Transport Assessment for the planning permission nor the Sainsbury's supermarket application. It is guessed at apparently from the cobbling together of the SATURN model for the A14 scheme with the product of TRANSYT runs for the junctions. Mr Clarke advises that the SATURN model cannot be used on this basis (ID19 para 6.9). He reminds us that the model was developed originally some years ago and has been modified over time. Its primary function is as a strategic regional tool unable to model the modest local implications of proposals such as the Link Road in Huntingdon which depend on an understanding of the car borne shoppers' travel pattern.

4.12 Santon/Tesco's concern about lack of scientific method is compounded by the knowledge that the proposal was predicated on the basis that the A14

⁵ Mr Clough in evidence Day 1

would be improved to the south of Huntingdon with attendant relief of the town centre creating a basis for introducing the Link Road. The inquiry was not told of the consequence now that the A14 change is not forthcoming and there is a different basis of promotion. Nor was the inquiry told the amount of, or implication of, the A14 traffic being reassigned along the Link Road given the current propensity to use the town to avoid the congestion on the trunk road. In reverse, the same would apply to the A141 traffic. It was conceded in the Transport Assessment (DD4 Item 11 para 7.7) that SATURN cannot model trip reassignment.

- 4.13 Examination of the Transport Assessment in support of the Link Road planning application gives more cause for concern than information as to the performance of the anticipated regime.
- 4.14 In the peak hours there would be 400/500m queues on the Link Road and Brampton Road (DD23). That was confirmed by Mr Clough who said that there would also be congestion on the Link Road with concomitant congestion elsewhere⁶. The test run was done without development traffic and the counterintuitive result was that more traffic was attracted⁷. But Mr Clough agreed, there would be even more congestion with the development traffic⁸. That is confirmation of the Objectors' concerns that the traffic would worsen, particularly on the HIRR.
- 4.15 It did not appear to be clear to the Council that they were proposing a no right turn ban at the Brampton Road/George Street junction with the Link Road. As a result, traffic from the north and east using the HIRR could not access the Link Road from George Street. Any reassignment of traffic to a notional Sainsbury's superstore, would therefore have to go along the HIRR north up to Ermine Street and south down the Link Road.
- 4.16 It is impossible to see how any forecast reduction in traffic on the HIRR has been arrived at. As Mr Clough's proof confirms, the regime would return to similar levels of operation in 2015 as experienced on the network currently (LA1.2 para. 4.15). The case is not made out and it appears an inappropriate guess is invited.

Alternative Routes

- 4.17 It is a wholly reasonable expectation for the decision maker to anticipate that the acquiring authority would have considered appropriate options before imposing the route on landowners. Mr Clough was unable to give any confidence that had been done. There is no basis for a conclusion that there is a sufficient scale of relief that it is in the public interest to compromise proprietary rights by compulsory purchase.
- 4.18 The 2004 Engineering Feasibility Study (DD25) analysed routes west and east of the railway and concluded that east of the railway was the better

⁶ Cross examination of Mr Clough Day 4

⁷ Mr Clough response to Inspector query Day 4

⁸ Cross examination of Mr Clough Day 4

- proposition. The east of the railway route looked at in that document was different to that promoted currently and had a more western alignment. There was no overt analysis of the western alignment to the east of the railway line. That was in circumstances where the District Council put the County Council on notice requiring "*justification for a preferred option that bisects the site to prevent a "big shed development"*" (DD25 para 4.2).
- 4.19 Nor was there overt analysis as to why the promoted alignment was arrived at. Mr Clough appeared to say there was a process of elimination of routes on the basis of minimisation of land take. He said that there was consideration of east and west alignments.
- 4.20 There was, however, no evidence of any balance, declared or struck, accounting the land take element with any other relevant matter such as engineering performance, access and most importantly, as far as the landowner, is concerned efficacy of the residual land area. Mr Clough was clear that there was no effort to engineer the maximisation of the remaining land plot size⁹. There should have been. The District Council thought it was worthy of bringing to the attention of the 2004 Engineering Feasibility Study (see para 4.18 above).
- 4.21 Santon/Tesco identify three approaches. First a 'do nothing' using the existing site in their estate, second a western modification of the Order route (Alternative 1) and third a similar eastern alignment (Alternative 2) (PID2).
- 4.22 The first 'do nothing' approach uses the same access regime as proposed for the Link Road, moving vehicles onto Ermine Street. Mr Clarke's analysis compared the performance of the junction with the proposed Link Road on the assumption that the site supported a 'worse case' superstore of 5625m² (gross). In this scenario, the traffic using the same junction as the Link Road in the pm peak hour is always substantially less than that which would arise with the Link Road scheme (ID19 para 2.2 Table 1 and para 2.3). Any suggestion that a high traffic generating shop use is inappropriate in comparison to the Link Road proposal is unarguable. Similarly there is lesser impact on the Ermine Street/HIRR junction with the Santon/Tesco scheme. Traffic is reduced in comparison.
- 4.23 A comparison between Appendices G and H of the new material in ID18 and ID20 show greater flows with the Link Road than a Santon/Tesco retail scheme with a similar junction. Opportunism has encouraged the Council in its analysis to treat the Santon/Tesco junction as lesser than the scheme junction at Ermine Street for the Link Road scenario. That is an invalid approach. It would always be open either to achieve land assembly of the same junction, or if not, a similar adequate junction. It is what developers do. It is not incumbent on Santon/Tesco at this stage to give certainty, just opportunity.
- 4.24 The greater flows at the junction with Ermine Street would be with the Council's scheme not that for the Santon/Tesco option. There would be a greater tendency to rat run as a consequence with the Council scheme.

⁹ Mr Clough cross examination Day 1

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- 4.25 The Objectors' western and eastern alternative alignments of the proposed route could facilitate movement on an east west axis just as the preferred Link Road scheme does. It might require, for example, arrangements to be made across a retail or residential site, but that is not unusual. The movement on the north south axis would of course be the same.
- 4.26 The size of the car park in Land Parcel (I)¹⁰ with Alternative 1 is a matter of apparent concern for the Council. It is a concern of no substance as there is sufficient space to provide car parking given there is a 15m depth to the site¹¹. Even if that were not so, the advantage of achieving an unencumbered size of site on the other side of the Link Road would greatly outweigh any perceived disadvantage.
- 4.27 With reference to the written submission by Sainsbury's on the alternative alignments (ID10), a detailed response to the issues raised was submitted to the inquiry (ID22). It is considered that it has been demonstrated that both of the alternative options are acceptable.
- 4.28 The planning background is essentially found in the AAP (DD3). Policies HW1 and HW4 identify a route which will be determined. That is not the end of the issue since Policy HW4 is indicative and Map 6e showing land uses no more than conceptual. Planning permission for one route is not exclusive. There is no bar to another route becoming favoured or receiving planning permission. There is always the overarching requirement to justify the compulsory acquisition and, if the case is not made out, it is a statutorily appropriate course to reject a Plan favoured route, even if it has planning permission. The Plan in this instance is not overarching.
- 4.29 Indeed, the AAP itself contemplates that eventuality. Appendix 2 describes the appropriate course in the fall back situation if the Link Road does not proceed. There is no definition of the size of development in these circumstances. Common sense would suggest that the comparator of size would be the full range of the West of Huntingdon provision in Policy HW4. Similarly, the other elements referred to in Appendix 2 in the AAP: alleviation of traffic flows; opening up of land for development opportunities and reduction of the barrier effect of HIRR, amount to usual development control matters. These matters would have to be addressed whatever proposal is forthcoming on the Santon or any other site by, amongst other things, travel plans.

Concluding scenario

- 4.30 The case has not been made that there is any, or any sufficient, traffic relief to Huntingdon justifying acquisition of the property of Santon. Added to that is the scepticism of Mr Astbury as to the efficacy of the funding arrangements. The CPO could not be confirmed if the Secretary of State was similarly sceptical about the certainty of the funding coming forward. The blight would be permanent and impossible to lift.

¹⁰ As labelled on Plan 6e in the AAP

¹¹ Mr Clarke in evidence Day 2

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- 4.31 In the event the CPO is not confirmed, the plots west of Huntingdon would remain development sites which would come forward with their own proposals. They would have to satisfy the planning policy regime and address any perceived highway issues. It is not beyond the bounds of possibility for the landowners to cooperate, as is done frequently elsewhere. It is not inconceivable, as a development solution, that there could be a road across the area potentially linking Ermine Street with Brampton Road. Public money would not be required. Infrastructure would be development funded to meet its own demands.
- 4.32 If the Secretary of State finds that the case is made out, then there are three options in order of preference.
- 4.33 A western alternative route for the Link Road (Alternative 1) would go as near to the railway as could be achieved while retaining engineering integrity. It would have the same junctions north and south and could achieve pedestrian/cycle links in all directions. Sensibly, it would place the barriers of the railway and road in close proximity which would reduce their combined effect. Critically, it would leave a residual plot uncompromised by the Link Road which would maximise the potential for any development. If that is favoured, the CPO would have to be quashed and another promoted if there is not agreement.
- 4.34 Next there is the eastern route solution (Alternative 2). This would have the same essential route characteristics as the western route save that it would join with Ermine Street further to the east. More property would have to be taken but, on balance given the residual developable land, that would be a price worth paying if there was to be a Link Road. Again, another CPO would have to be promoted.
- 4.35 The last and least in terms of preference, is the Order route. It is inadequate and compromised. The CPO should not be confirmed.

Written Objections

- 4.36 The material points raised in the written objections which raised additional issues are:
- Mr M Doig – local resident at 4 Ermine Street
- 4.37 A satisfactory response has been made by the Council to the objections relating to vehicular access, parking and potential damage to 4 Ermine Street. Although the correct procedural guidelines have been followed, the official notification process should have informed all local residents affected by the scheme rather than limited solely to those whose property was being compulsorily purchased (ID1).
- 4.38 Objection is maintained in terms of the levels of noise at both the side and front of 4 Ermine Street which would affect the quality of life of Mr Doig and his family. This would arise from the increased level of traffic on both the new Link Road and the ring road.
- Travis Perkins Plc
- 4.39 Travis Perkins own plots 3, 3A, 3B and 3C as shown on the CPO Schedule

and Plan (DD8). The company objects to the CPO but is not opposed to the scheme in principle¹². The land is currently vacant but there is a need for suitable access. The ability to re-use or secure development on the land would be delayed and prejudiced by the proposed Link Road. No solution to the access problem has been offered.

- 4.40 There is no description in the CPO of the nature of the rights to be purchased over Plot 3C.

5.0 SUPPORT FOR THE SCHEME

Huntingdon Town Partnership

- 5.1 The material points raised in the written submission which raised additional issues are:
- 5.2 The Partnership would welcome the construction of the Link Road as it would ease traffic flow around the ring road and throughout the surrounding area (PID11). The ring road is no longer fit for purpose. When the town is grid locked due to high traffic levels, a local traffic incident or congestion on the adjacent A14, the whole area suffers with the resulting impact on residents and businesses. The Link Road would provide an alternative route for traffic and allow for the much needed expansion of the town.

6.0 OBJECTIONS TO ALTERNATIVE ROUTES

- 6.1 The material points raised in the written objections to the alternative routes which raised additional issues are:

Travis Perkins Plc

- 6.2 The Company has no objection to Alternative Route 1 provided that, if constructed, it would provide a second access to the Travis Perkins site. However, the Company objects to Alternative 2 as this would leave only one poor access from the site onto Ermine Street which would probably be a 'north only' access (ID6).

Network Rail

- 6.3 Network Rail objects to the alternative proposals put forward by Santon/Tesco on the grounds that operational railway land would be adversely affected (PID6).

Sainsbury's Supermarkets Ltd

- 6.4 Sainsbury's objects to the two alternative routes (ID10). It has an interest in the land which would be affected. On 18 April 2011, the District Council resolved to grant planning permission in relation to a Sainsbury's retail led development proposal subject to entering into a Section 106 Agreement. Negotiations in this respect are ongoing. The development would be

¹² Inspector's Dossier Appendix F (7)

accessed from the Link Road and the alternative routes would not be compatible with Sainsbury's proposals.

- 6.5 Alternative 1 would limit scope for development in Land Parcels (A) and (I) identified in the AAP. The alignment also raises concerns in respect of tight radii, the gradient at the northern end and inclusion of an s-bend. It would also appear to have a tighter radius into the proposed access/egress for the main store. This would affect the ability of larger vehicles to enter the proposed new food store. From a design perspective, Alternative 1 is poor and unacceptable.
- 6.6 The alignment of Alternative 2 would potentially sterilise Land Parcel (I) as it would not be possible to access that development due to the configuration of junctions. It would also affect a number of other development allocations in the area. It would require the demolition of four properties and four trees, which are the subject of Tree Preservation Orders, would need to be felled. In design terms, the introduction of an additional signalised junction would have a detrimental impact on capacity. There are also concerns relating to gradients, radii and impact on the proposed layout of Sainsbury's proposals.
- 6.7 The Council's proposed route offers some certainty and improves the prospect of sustainable development being brought forward in the short to medium term in accordance with the AAP. By contrast, the alternative routes have not been subject to detailed preparation, design or scrutiny. They do not comply with policy and would undermine the prospects of sustainable growth.

Response to objections

- 6.8 Santon/Tesco's responded to Sainsbury's comments on the alternative alignments (ID 22). In summary, their response to additional matters raised by Sainsbury's are:
- a) Both alternative schemes are technically acceptable;
 - b) Land Parcel (I) would still be suitable for long stay parking;
 - c) Detailed design issues relating to alignments, gradients, dwell areas, radii, reverse curve and access to Sainsbury's development are acceptable or could be resolved at detailed design stage;
 - d) Access could be satisfactorily achieved to other parcels of land shown in the AAP.

7.0 CONCLUSIONS

- 7.1 Bearing in mind the submissions and representation I have received, I have reached the following conclusions, reference being given in square brackets to other paragraphs in my report where appropriate.
- 7.2 As Santon Group Developments Ltd (“Santon”), supported by Tesco Stores Ltd (“Tesco”), were the only objectors to appear at the inquiry, I have, for ease of reference, referred to them as “the Objectors” in these conclusions. My findings on the additional matters raised in the written objections are considered separately below. I have then reached a conclusion on each of the two Orders before the inquiry, based on reference to the statutory tests.
- 7.3 The Objectors have a fundamental objection to the confirmation of the CPO on the basis that a compelling case has not been made for the Link Road in the public interest [4.1]. Further, they have indicated that if this is not accepted then the CPO should still not be confirmed as there are alternative routes which would be preferable [4.33-4.34].
- 7.4 The main issues raised in the evidence submitted to the inquiry relate to planning, highways and funding of the proposals. I have therefore considered each of these topic areas followed by my assessment of the evidence submitted on the alternative routes. Prior to consideration of these main issues, I have set out below a summary of the policy background to the proposals based on the submitted evidence.

Policy Background

- 7.5 The Government’s Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1) (DD14) emphasises that the plan-led system, and the certainty and predictability it aims to provide, is central to the delivery of sustainable development. Local planning authorities are also encouraged to promote urban regeneration. Policy EC3 in Planning Policy Statement 4: *Planning for Sustainable Economic Growth* (PPS4) (DD15) provides positive support and encouragement to planning authorities to set out a strategy for the management and growth of town centres [3.13].
- 7.6 The East of England Plan sets out the spatial strategy for the Eastern Region (DD17). For Huntingdonshire, economic growth is focussed on market towns such as Huntingdon. The Government has indicated its intention to revoke regional strategies. Although they still currently form part of Development Plans, I note that little reliance was placed on regional policies by parties to the inquiry. Similarly, I have not relied upon them to any significant extent in reaching my conclusions.
- 7.7 The adopted Huntingdonshire Core Strategy 2009 sets out the proposals for the sustainable growth and regeneration of Huntingdonshire for the period up to 2026 emphasising the role of the market towns (DD18). Policy CS8 confirms the location of a significant mixed use development in the area to the west of Huntingdon town centre. It also clarifies that such provision will be governed by the Huntingdon West Area Action Plan (“AAP”) [3.14].
- 7.8 Policy HW1 in the AAP confirms that the Link Road scheme forms part of the proposed new and enhanced local road network for Huntingdon. Policy

HW4 indicates that development sites in the George Street/Ermine Street area will be developed in accordance with a masterplan using the concepts set out in Plan 6e of the AAP (DD3). Plan 6e shows the proposed location of development plots and includes the Link Road on the alignment which, although diagrammatic, appears to be that on which the Orders before the inquiry are based [3.15-3.17].

- 7.9 The AAP was subject to public consultation followed by a public examination in July and August 2010 [3.8]. Amendments were made to the AAP by Huntingdonshire District Council in line with the Inspector's recommendations (DD20). The adopted plan forms part of the Development Plan for the area. I turn now to the relevant local transport strategy.
- 7.10 The Huntingdon & Godmanchester Market Town Transport Strategy 2003 – 2011 ("the transport strategy") (DD1) forms part of the Cambridgeshire Local Transport Plan (LTP) which has recently been updated to cover the period 2011-2026 [3.1-3.2]. The transport strategy identifies the issues to be addressed in the local area including the "unnecessary vehicular movements for traffic due to the need to navigate the one-way system" [3.3]. The transport strategy concludes that current development proposals will lead to unacceptable levels of congestion in Huntingdon if significant new transport measures are not introduced [3.4].
- 7.11 The transport strategy identifies the Link Road scheme as providing "a northern entry routing to the western area of Huntingdon from the bypass and, in particular, access to new development, Hinchingsbrooke and the rail station. It also provides relief to the congestion on the HIRR in conjunction with the west of town centre development" (DD1 p99 Table A8.34).
- 7.12 The proposed Link Road has been granted planning permission and Conservation Area Consent [3.10].

Planning Issues

- 7.13 The main planning issue raised by the Objectors relates to the policies contained in the AAP in particular Policies HW1 and HW4. Policy HW1 clearly establishes the principle of constructing a Link Road through the Huntingdon West Area with the design and specification to be determined by the District Council in consultation with its partners. Policy HW4 indicates how the developments sites within the area are to be redeveloped. I note that the concepts on which the redevelopment is to be based (Plan 6e in the AAP) also include the provision of a Link Road through the area ensuring consistency with Policy HW1.
- 7.14 The AAP also gives guidance on the scale of development which might come forward in the event that the Link Road does not proceed [4.29]. As the Inspector at the AAP noted in his report, this was a necessary provision as without it the AAP would have been unsound as it would not say how the possible absence of the Link Road would be handled (DD20 para.10). This provision does not detract though from the very clear policy objective of the Plan, as set out in Policy HW1, to provide the necessary infrastructure, including the Link Road, to promote better accessibility and enable redevelopment of the Huntingdon West Area.

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- 7.15 I agree with the Objectors' argument that the AAP does not set the route for the Link Road. This was clearly not its intention. Subsequent to the adoption of the AAP, the Council followed the necessary statutory process, seeking planning permission and Conservation Area Consent for the published route, both of which have been granted [3.10].
- 7.16 The Council pointed out that, prior to the publication of the Orders, the Objectors did not make any representations regarding the Link Road despite having had ample opportunity to do so [3.30]. It was also drawn to my attention that Tesco gave evidence at the public examination of the AAP and considered, at that time, that a food store located on the parcels of land in which they had an interest would be compatible with the Link Road on the route now proposed [3.8].
- 7.17 The Objectors acknowledge that they were slow in bringing forward their objection to the principle of the route [4.3]. Given the opportunities that have been available to them during earlier consultations, and more formally as part of statutory procedures, I can understand the Council's position in this respect [3.30, 3.44]. At the very least, I recognise that there has been an inconsistency in the Objectors' stance with respect to the proposals. I accept though that this does not absolve the decision maker from giving due weight to their statutory objection to the CPO which I have considered on its merits [4.3].
- 7.18 The Objectors contend that a "Plan favoured route even if it has planning permission" is not "overarching" [4.28]. I agree as, if it were to be so, there would be little point in the statutory order process, or the need for an inquiry. Nevertheless, planning policies and planning status are relevant matters in determining whether a compelling case has been made out for the scheme and whether the other statutory tests for the Orders are met.
- 7.19 The Objectors have postulated the circumstances which might arise in the event that the CPO is not confirmed [4.31]. These, they argue, would include the possibility that landowners might cooperate in redeveloping the land in the Huntingdon West area. This cooperation might, they suggest, extend to the possible construction of a link road between Ermine Street and Brampton Road without the requirement for public funds. I agree this is a potential scenario. It is, though, one fraught with uncertainty and contrary to the principles of good planning and the delivery of sustainable development advocated in PPS1 [7.5]. For this reason, it is not therefore an approach I could commend.
- 7.20 I have taken into account the policy background to the proposals and my consideration of the planning issues above. I conclude that national, regional and local planning policies are supportive of the regeneration of the Huntingdon West Area. Local planning and transport policies also support the construction of a link road between Ermine Street and Brampton Road to serve that re-development. The proposed Link Road has also been granted planning permission and Conservation Area Consent which adds weight to my conclusion that it would not conflict with the overall thrust of planning policy.

Highway Issues

- 7.21 In essence, the Objectors argue that there are fundamental flaws in the traffic assessment that underpins the justification for the Link Road proposals. In particular they contend that the SATURN model used in the assessment is defective in a number of respects [4.10-4.16]. The Council asserts that it is a robust model and fit for purpose, developed in conjunction with the Highways Agency and properly validated [3.35].
- 7.22 The Council confirmed that the Link Road sought to address the issues identified in the transport strategy [3.3-3.7]. It set out the transport objectives of the scheme and accepted that the relief of the northern section of the HIRR was the principal aim of the scheme, in addition to opening up the area for redevelopment [3.8]. There were other benefits claimed too including improved access to Hinchingsbrooke Hospital and the railway station [3.6]. The extent of the relief afforded to the HIRR was one of the main issues in contention at the inquiry.
- 7.23 The transport assessment of the scheme was undertaken in 2009 to support the planning application for the Link Road (DD4 doc 11). I note that the SATURN traffic model used in that assessment was initially developed by the Council to support its Local Transport Plan Strategies, including the Huntingdon and Godmanchester Market Town Strategy (DD4 doc 11 p33). It was then further developed to provide the modelling of the Highways Agency's A14 Ellington to Fen Ditton scheme. The Council also indicated that the model was used to assess all of its significant highway projects and gave examples¹³.
- 7.24 It seems to me that, in principle, the above approach to the traffic assessment of the scheme makes sense. It should have ensured a degree of consistency with the assessment of the Council's other proposals in its LTP and also with the assessment of the A14 scheme, which although now withdrawn, would have had a significant impact on traffic flows in the Huntingdon area.
- 7.25 It is important though that such a model is suitably refined so as to reflect local data where appropriate for individual schemes. I note that in this regard, prior to its use for the Link Road scheme, trip generation rates for the local Huntingdon area, including those in Huntingdon West, were included in a refinement to the model. These replaced a more general allowance for planned growth in the area. Details of the trip rates and associated development assumptions for these changes were provided by the Council (DD4 (11-4)). The trip rates were based partly on the national TRICS database with more relevant local data used where appropriate.
- 7.26 I have also taken into account that modifications were made to the SATURN model to ensure that it satisfactorily reflected the local highway network following the introduction of the Link Road scheme and its associated developments (DD4 (11-7)). There was no significant criticism made during the course of the inquiry of either the level of detail of the modelled

¹³ Mr Clough re-examination Day 4

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- highway network or the trip generation rates employed. I am satisfied that these aspects appear to have been appropriately modelled.
- 7.27 The Council explained that three scenarios had been considered for the assessment of the impact of the Link Road (DD4 doc.11 para.7.4). The year 2015 was adopted as the assumed year of opening of the scheme. Scenario A consisted of the 2015 base year plus committed developments. This was compared with Scenario B which included, additionally to Scenario A, the Link Road and the developments which would be served by it in Huntingdon West. A sensitivity test, Scenario C, was also undertaken to determine the effect of adding the A14 Ellington to Fen Ditton scheme to Scenario B. Modelling was undertaken for both the AM and PM peak hours (DD4 doc.11).
- 7.28 The outputs from the model included the forecast traffic flows on the network links and the turning movements at junctions in the vicinity of the scheme. There was some confusion during the course of the inquiry as, initially, incorrect tables of figures were supplied by the Council. Difficulties were also experienced in seeking relevant information about details of the model and some of the terms used in the tabulated data. It was apparent that the Council's witness dealing with the traffic evidence was not fully familiar with the workings of the SATURN model, a shortcoming which he accepted. This was unsatisfactory and caused some delay in the inquiry process whilst answers were sought from the Council's consultants.
- 7.29 It was also disappointing that the Council did not make it clear in its evidence that the proposed junction arrangement of the Link Road with Brampton Road/George Street would prevent the right turn into the Link Road from the eastern approach to the junction [4.15]. As the Objectors pointed out, this would mean that some journeys to the proposed new food store would have to route north along the HIRR and then south down the Link Road. The Council gave no explanation for the above restriction although I appreciate that the SATURN model took it into account. It would no doubt help to improve the capacity of the Brampton Road/George Street junction as well as the access junction on the Link Road to the new store. The alternative journey would involve a series of left turns which would be likely to take up less junction capacity.
- 7.30 During the third day of the inquiry the Council asked for an adjournment in order to undertake further traffic modelling work. The extent of the work was agreed with the Objectors and is listed at ID16. Essentially, the main purpose of the further work was to enable the Council to respond to issues raised by the Objectors. These included assumptions made in the model relating to the Chequers Court development, the proposed new store west of Huntingdon and the effects of the Link Road on New Town traffic.
- 7.31 In addition, the SATURN model was re-run to assess the effect of a 5625m² retail food store at the northern end of the Huntingdon West area served from Ermine Street. This option had been put forward by the Objectors. It excluded the Link Road and other developments in Huntingdon West. I have considered the results of this assessment together with the Objectors' other alternatives (ID18).

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- 7.32 In response to a query from myself, as well as issues raised by the Objectors, the Council also arranged for the model to be run on the basis of a new Scenario which I will refer to as Scenario D. This included the Link Road and committed developments but excluded those in the Huntingdon West area.
- 7.33 Scenario D proved to be very informative in that it revealed the likely benefits of the Link Road in its own right as a highway scheme. Prior to this information being made available, the impact of the Link Road on traffic flows had been combined under Scenario B with the effect of the additional traffic which would be generated by the significant development proposals in the Huntingdon West area. This masked the direct benefits attributable to the Link Road. The results from the Scenario D model runs showed that significant benefits would arise from the construction of the Link Road both to the wider highway network and in particular to the HIRR in terms of savings in PCU-hours¹⁴ [3.47].
- 7.34 I appreciate that Scenario B, which assumes full development of the Huntingdon West area, is arguably a more realistic outcome than Scenario D although undoubtedly it would take a few years before it was achieved. The output from the modelling work for Scenario B showed that there would still be reductions in traffic flows, albeit smaller, on most sections of the HIRR both in the AM and PM peak hours (ID18 Technical Note B). There would also be increases in flow on a significant number of links in the network as demonstrated by the network diagrams produced in evidence by the Council. I note though that these would still be within the capacity of individual network links (LA1.2 para.4.13). It is also important to take into account that in this scenario there would be the economic benefit from having achieved the redevelopment of the Huntingdon West area.
- 7.35 In assessing the suitability of the SATURN model for this scheme, it is relevant to note that it takes account of delays due to congestion and the impact this would have on the routing of journeys. This is important for modelling an urban area with the inevitable congestion which occurs at peak times. This feature of the model also appears to have enabled it to reflect changes in the routing of traffic using the A14, evidenced by the results of the traffic assignments in Scenarios C and D.
- 7.36 The Council also demonstrated that the capacity of key junctions had been assessed using the output from the SATURN model fed into more sophisticated junction modelling software known as TRANSYT. This is an approach often used to enable a more detailed assessment of critical junctions. I do not therefore share the Objectors' criticisms in this regard [4.11]. Based on these assessments, the Council accepted that there would be queuing at peak times on the Link Road and on the Ermine Street and Brampton Road approaches to it [3.43]. Some of these queues would, I recognise, be significant. As noted above, the modelling technique employed would have taken the resulting delays into account. It is also a likely explanation as to why the Scenario D test, which excluded

¹⁴ PCU stands for Passenger Car Unit

- development traffic turning off and on to the Link Road, attracted more traffic to the Link Road than Scenario B [4.14].
- 7.37 As demonstrated by the traffic forecasts for Scenario C, the improvement scheme for the A14 would have relieved a significant element of the above congestion (LA1.2 para. 4.18). I understand that following the withdrawal of the scheme from the Trunk Road programme, the Government has announced that there will be a study aimed at identifying cost effective proposals for addressing the congestion on the A14 corridor. I appreciate that the Link Road scheme and associated developments would have performed better in traffic terms with the previously planned A14 improvements in place. However, given the alternative scenarios modelled by the Council, I do not agree with the Objectors' contention that the Link Road scheme is predicated on this basis [4.12].
- 7.38 The Objectors highlighted a number of weaknesses as they saw it in the SATURN model. With regard to shopping trips, it is not unusual for such models to lack separate matrices for this trip purpose. I can also appreciate that without such data, assumptions had to be made on the likely distribution of trips to the proposed new Sainsbury's food store at Huntingdon West. These included not only newly generated trips but those which would arise from so called "pass by" and "diverted" traffic. The percentage of each type of trip was taken from national research data. There was no significant challenge to this and it seems to me to be a reasonably robust assumption.
- 7.39 The Council acknowledged that SATURN could not readily model the "pass by" and "diverted" element of shopping trips and that it was necessary to make manual adjustments. Such manual adjustments are again not unusual. I recognise that they were carried out in an attempt to ensure that the modelled flows and turning movements were more realistic.
- 7.40 The Objectors' main argument in the above regard was that there was no allowance made for trips to the existing Sainsbury's food store at Chequers Court diverting to the new store. This, they argued, would result in more trips having to route round the HIRR to access the new store than happens currently [4.10]. I agree that to an extent this would be likely to occur particularly for those trips originating from the residential areas on the eastern side of the town. There are however substantial concentrations of population to the south and west of the HIRR where many residents would have a shorter journey to the new food store and make less use of the HIRR. The Objectors observed that it would be guesswork to assume that these effects would balance without reliance on empirical data [4.10 (d)]. Nevertheless, for the above reason, it seems a reasonable assumption that there would be a significant compensatory reduction in flows on the HIRR which would help to offset any increased travel from the eastern side of the town.
- 7.41 In considering the above matter, I have also had regard to the assumption made within the model that trips to the Chequers Court retail area would be of the same order both before and after the proposed move by Sainsbury's to the western side of the town. I agree with the Council's view that this would be a "worst case scenario" as it would retain a higher level of traffic on the HIRR. I also note that the intention is to retain a substantial retail

presence at Chequers Court which would still be likely to attract significant traffic flows. Taking all of the above factors into account, I am satisfied that the assumptions made within the SATURN model in relation to shopping trips are reasonably robust and have not unduly affected the Council's assessment of the Link Road.

- 7.42 I appreciate that all traffic models have their weaknesses in attempting to replicate what is a complex pattern of decisions made by individual motorists. The Council's SATURN model is clearly no exception in this regard. In essence though, it seems to me that the provision of additional highway capacity on the western side of Huntingdon, linking two of the town's main radial routes, would be of significant benefit. It would not only service the redevelopment of the Huntingdon West area but also provide improved access for some journeys which would otherwise have to circumnavigate the lengthy one-way ring road [3.3-3.6].
- 7.43 Based on the Council's own case, it is evident that the Link Road scheme would leave a significant number of highway issues to be resolved in Huntingdon. This is not surprising given the limited nature of the scheme. However, based on the evidence submitted to the inquiry and my findings above, I am satisfied that it would achieve the stated objective of providing relief to the HIRR and also improve access more generally on the western side of the town.

Objectors' Alternatives

- 7.44 The 2004 Engineering Feasibility Study analysed routes to the east and west of the East Coast main railway line and concluded for good reasons that an option to the east of the line was to be preferred (DD25). The Objectors criticised the Council, though, for not considering appropriate options to the east of the railway line [4.17]. The Objectors referred to a consultation response from the District Council as part of the 2004 Study [4.18]. It seems to me that the District Council's comments at that time are ambiguous and could imply that the District Council was not in favour of a 'big shed development'. In any event, I note that the District Council subsequently supported the published scheme through the planning process.
- 7.45 The Council said that the proposed route to the east of the railway was developed with the aim of minimising the impact on homes, businesses and the land taken¹⁵. This assertion was, in effect, put to the test as part of the consultation undertaken on the AAP, including a public examination of it in 2010 [7.9]. In addition, prior to the AAP examination, an Urban Design and Movement Study was commissioned by the District Council [3.45]. This looked in more detail at the disposition of potential land uses within the area. It seems to me therefore that a very thorough and public process was undertaken to establish the proposed route and in particular its relationship with the redevelopment of the surrounding land. I find little to criticise therefore in the way that the Council established the alignment of the proposed Link Road.

¹⁵ Mr Clough cross examination Day 1

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- 7.46 The Objectors put forward three alternatives to the published proposals [4.21-4.29]. The first, labelled the 'do nothing', was based on a 5625m² (gross floor area) superstore sited on land owned by Santon with access onto Ermine Street. This option was tested as part of the further modelling work carried out by the Council. The model suggested that there would be an increased amount of rat running through residential areas with this option [3.41]. It appeared that one explanation for this outcome was that a lower junction capacity had been assumed in the model for the 'do-nothing' option than was the case for the Council scheme.
- 7.47 The Council argued that the Objectors did not control some of the land needed for an improved junction at Ermine Street [3.42]. This may well be so. However, for the purpose of considering whether the Orders for the scheme should be confirmed, I agree with the Objectors that this is not a reasonable expectation at this stage. I note that the resulting traffic flows at the junction of the access road with Ermine Street, and at the Ermine Street/HIRR junction, were forecast by the SATURN model to be less for the 'do nothing' than would be the case with the Link Road scheme.
- 7.48 Notwithstanding my findings above, the Objectors' 'do nothing' option would be contrary to the provisions of the AAP as it does not include provision for a link between Ermine Street and Brampton Road/George Street. Other than being of benefit to the Objector's development options, I can see little merit in the 'do nothing' alternative. I have already considered the suggestion, under this scenario, that landowners might cooperate in the future to deliver a link road [4.31]. I am not persuaded though that this is worthy of further consideration for the reasons already given [7.19]. I have also previously commented on the relevance of the provision, within the AAP, for the situation in which the Link Road does not proceed [7.14].
- 7.49 The Objectors' Alternative 1 would follow a more westerly alignment than the published scheme on the approach to Ermine Street. There would be some modest benefit gained as the road would be closer to the railway line thereby reducing its effect as a barrier to movement. I have considered the highway design issues, raised by the Council and Sainsbury's, relating to Alternative 1 [6.5] and the Objectors' response [6.8]. I appreciate that the alignment would be likely to necessitate some reduction in design standards with other issues raised being a matter of detailed design.
- 7.50 Alternative 1 would increase the size of the development area at the northern end of the scheme which would lie to the east of the Link Road. The Objectors argued that this would maximise the potential for any development [4.33]. Their evidence considered a range of different land uses. These were analysed and comparisons were made of their viability both for the Council's scheme and the Objectors' alternative alignments (OBJ2.2). The Objectors concluded that, in terms of making the most efficient and viable use of the site, the published proposals would be the worst performing (OBJ2.2 para.7.72).
- 7.51 The suitability of different land parcels within the Huntingdon West area for particular types of development, are matters for the local planning authority. The AAP indicates proposed land uses within the area although I appreciate they are not fixed at this stage and will be governed largely by

future planning decisions. It would be inappropriate for me to comment on the suitability of development options on the land. This would be speculative and in any event outside my remit. Nevertheless, I appreciate that the Objectors' arguments on route alignment are largely based on land use and development potential. Of necessity therefore, I have taken a simplistic approach to the potential development merits of the Objectors' alternatives.

- 7.52 The Objectors contend that the published scheme would result in the northern part of the Huntingdon West area being divided into a series of small land parcels (OBJ2.2 para.7.70). This contention though seems somewhat at odds with the position accepted by the Objectors, and the Council, that the map in the AAP showing these land parcels is conceptual. It is also at variance with the Objectors' development scenario for the Council scheme. This demonstrates that the smaller plots shown in the AAP could be combined into larger units (OBJ2.2 Appendix 6).
- 7.53 The Objectors estimate that the total area of land available for development in their ownership to the east of the Link Road would increase from 2.3 ha with the Council scheme to 2.7 ha for Alternative 1 (OBJ2.2 para.7.56). This represents a 17% increase. Based on these areas of land, the Objectors produced layouts for a retail food store both for their Alternative 1 for the Link Road and for the Council alignment. With Alternative 1, the store was shown as being significantly larger in net floor area, of the order of some 70% larger, than a store on the equivalent land available with the Council's scheme¹⁶.
- 7.54 I acknowledge that in terms of siting a retail store, the shape of the site is also a factor as well as its size. I also recognise that there would be other considerations including proximity to residential property and the setting of listed buildings. However, 70% seems a surprising disparity between the size of retail stores which might be possible in the above scenarios given the much smaller difference in the overall areas of land which would be available. It appears to have arisen from the assumptions made on the siting of the store and service area with the Council's alignment for the road. I am not persuaded therefore that the Objectors' comparisons in this regard are a reasonable measure of the potential developments in the two situations. I accept though the Objectors' more general assertion that an increased area of land on the eastern side of the Link Road would give a greater degree of flexibility in its redevelopment and maximise its potential. However, I am not persuaded that this benefit would be so significant as to warrant rejection of the published scheme.
- 7.55 The Objectors' Alternative 2 would follow a more easterly alignment than the published route and would be a more radical departure from it than Alternative 1. It would have a significantly greater impact on residential property requiring the demolition of four additional dwellings (LA1.4 para.4.5). There would be other disadvantages too, including the need for another signalised junction on the Link Road that would result in additional

¹⁶ Based on OBJ2.2 Appendices 5 and 6. Floor areas amended during evidence in chief of Mr Buxton on Day 3. Amended figures are 2,380m² net floor area for store shown in Appendix 5; 1400m² net floor area for store shown in Appendix 6.

delays to traffic. In a similar way to Alternative 1, it would improve flexibility in the options for redevelopment of the Objectors' land, in this case to the west of the Link Road. However, any benefit obtained would be significantly outweighed in my view by the disadvantages of this alternative.

- 7.56 For the above reasons, I consider that the Objectors' 'do nothing' and their two alternative alignments for the Link Road do not warrant further consideration.

Funding Issues

- 7.57 The Council confirmed that the total cost of the scheme is estimated at £9.971m. I heard evidence that the estimate had been based on the latest information from the Council's engineering term contractor for road construction. Professional advice had also been sought on compensation costs which would arise from the scheme [3.22].
- 7.58 The above scheme cost would be met from immediately available funding of £4.421m. This would be made up of £3.491m (Housing Growth Fund), £0.42m (existing Section 106 funding) and £0.51m (District Council Capital Budget). The County Council had approved borrowing of £2.5m with the remainder to be met from approved borrowing by the District Council (LA3.1 para.2.3).
- 7.59 The Council anticipated that additional developer contributions of £1.2m were expected to be forthcoming to avoid borrowing the full amount of the shortfall (LA3.1 para.2.4). Additionally, it was confirmed that the two Councils have mechanisms in place to repay borrowing through Section 106 receipts and potentially the Community Infrastructure Levy, the mechanism for which is anticipated to be in place by April 2012. The Council offered further reassurance that, in the event that the above sources of funding did not yield sufficient resource, repayment of the borrowing would be guaranteed through the 'rolling fund' established through the application of Growth Area Fund monies (LA3.1 para.2.5).
- 7.60 The Objectors questioned the financial deliverability of the scheme. They considered that the cost estimate underestimated the amount of compensation payable for land acquisition (OBJ3.2 para.3.2.2). However, no detailed evidence was submitted to justify this claim. The Council said that the Objectors' analysis of the funding model for the scheme was incorrect. In particular, it confirmed that £0.42m of existing S106 contribution was ring-fenced for the scheme [3.24]. The Objectors also challenged the potential for repaying the loans through the Growth Area Rolling Fund mechanism (OBJ3.2 para.3.3.12). They accepted though that there would be no problem with the immediate availability of funds for the scheme given the approvals for borrowing already agreed by the two Councils¹⁷.

¹⁷ Mr Astbury cross examination Day 2

- 7.61 The Council has demonstrated convincingly in my view that the necessary funds would be available to implement the scheme in the event that the Orders are confirmed.

Other Written Objections

Mr M Doig - 4 Ermine Street, Huntingdon

- 7.62 Mr Doig indicated that some aspects of his original objection have been resolved as a result of information sent to him by the Council [3.52]. He still maintains his objection regarding traffic nuisance. He considers that the increased traffic flows to the side and front of his house would give rise to a high level of traffic noise affecting his family's quality of life [4.37-4.38].

- 7.63 The Council supplied information to the inquiry showing the existing noise levels and those predicted for 2015 to the front, side and rear of Mr Doig's dwelling (ID15). Increases in noise levels of 5dB(A) and 6dB(A) at the side and rear of the house respectively are predicted but I note that they are not forecast to reach the level at which statutory provision for noise insulation or a grant would apply¹⁸. Even so, I appreciate that these increases would be noticeable and would have an impact on the quality of life that Mr Doig and his family currently enjoy. They are one of the dis-benefits of the scheme.

- 7.64 With regard to the procedural issue raised by Mr Doig [4.37], I am satisfied that the Council complied with all the statutory requirements including the necessary publicity of the scheme [3.10].

Travis Perkins – 12 Ermine Street, Huntingdon

- 7.65 Travis Perkins objection relates to the access and egress arrangements to their land [4.39]. I am satisfied that the 'Land Access Plan', submitted to the inquiry by the Council, indicating future access provision addresses these concerns [3.51].

- 7.66 Clarity is asked for on the nature of the rights being sought over land in the ownership of Travis Perkins referenced as Plot 3C in the Schedule which forms part of the CPO [4.40]. I am satisfied that the Schedule makes it clear that the rights being sought are for the demolition of 12 Ermine Street and making good the wall between Nos 12 and 13 Ermine Street.

The Orders

The Side Roads Order (SRO)

- 7.67 With respect to advising the Secretary of State on whether the SRO should be confirmed, I need to be satisfied that¹⁹:

¹⁸ The Noise Insulation Regulations 1975 (as amended 1988)

¹⁹ Criteria for both the SRO and CPO were set out in a note to the Council and objectors (PID9)

- a) alternative routes to highways being stopped up are reasonably convenient;
- b) for any private means of access which are to be stopped up, there is a reasonably convenient alternative means of access, another means of access is proposed, or no means of access is reasonably required.

Conclusion on the SRO

- 7.68 Only one section of Public Footpath No 12 would be stopped up and the alternative route proposed would be reasonably convenient. There were no objections to these aspects of the scheme. Alternative provision is also proposed for the two private means of access which would be stopped up. Again, there were no objections. The Council's 'Land Access Plan' also shows access to other plots of land which are either 'committed' or where access is agreeable in principle [3.56]. I therefore conclude that the criteria for the assessment of the SRO, as set out above, are met.
- 7.69 I can therefore recommend to the Secretary of State that the SRO should be confirmed as made.

The Compulsory Purchase Order (CPO)

- 7.70 With respect to advising the Secretary of State on whether the CPO should be confirmed, I need to be satisfied that:
- a) there is a compelling case for acquisition in the public interest;
 - b) this case justifies interfering with the human rights of those with an interest in the land affected;
 - c) the acquiring authority has a clear idea how it is intending to use the land it seeks to acquire;
 - d) the acquiring authority can show that all necessary resources to carry out its plans are likely to be available within a reasonable timescale;
 - e) the scheme is unlikely to be blocked by any impediment to implementation.

a) The Public Interest

- 7.71 I have concluded that the proposed Link Road would meet the stated objectives of the Council in terms of providing relief to the HIRR and improving accessibility more generally on the western side of Huntingdon town centre [7.43]. I have considered the alternatives put forward by the Objectors for a 'do nothing' option and two alternative alignments for the scheme. I have concluded that none of these merit further consideration [7.56]. I have also found that national, regional and local planning policies are supportive of the regeneration of the Huntingdon West Area [7.20] and that local planning and transport policies support the construction of the scheme to serve that re-development [7.20]. I am persuaded for these reasons that there is a compelling case for construction of the proposed Link Road in the public interest.

b) Human Rights

- 7.72 I have considered the concerns expressed by Mr Doig regarding the impact on the quality of family life due to the increased noise which would be caused by the scheme [7.62]. Although this impact is acknowledged, the benefit of the proposal to the community would, in my view, substantially

outweigh the adverse effects in this respect.

c) Clear Intention for Use of Land

- 7.73 I have studied the Schedule and Plans accompanying the CPO and can find no evidence of any proposal to purchase land or acquire rights other than that necessary to implement the scheme. I am therefore satisfied that the Order includes no more land than is necessary and that the Council has a clear idea of how it intends to use the land.

d) Resources and Timescale

- 7.74 The Council has demonstrated that sufficient resources would be available to implement the scheme and I can see no reason why it should not be implemented within a reasonable timescale [7.57-7.61].

e) Impediments to Implementation

- 7.75 I have not been made aware of any impediments to implementation of the scheme. Although conditions are attached to the planning permission for the Link Road, it was accepted by the Objectors that these did not appear to be problematic²⁰.

Modification to the CPO

- 7.76 The Council proposed an amendment to the CPO in order to meet the concerns of the Trustees of Huntingdon Freeman's Charity relating to vehicular access rights over a section of Footpath 12 [3.50 (d)]. The Trustees were anxious to ensure that it be made clear that there is no intention to grant access rights for the benefit of a private car park to the south west of the railway underpass. The Council confirmed that this car park no longer exists and therefore access rights are not required (ID21). However, in order to clarify the position, the Council has agreed with the Trustees that the following amended wording should be substituted for the wording in the Schedule to the CPO at 4C column 2:

"Land on north east side of A14 and the site of Handcrofts Lane, Huntingdon. The right to use, to construct and maintain the footway/cycleway facility to be known as Footpath 12. Vehicular access rights are also required for access to Views Common and the pumping station".

- 7.77 The above amendment would address the concerns of the Trustees. It is a minor change and not so significant in my view as to warrant re-publishing the Order.

Conclusion on the CPO

- 7.78 I conclude that all the tests required to be satisfied for the CPO have been passed and that I can recommend to the Secretary of State that the CPO should be confirmed as made, subject to the modification referred to at paragraph 7.76 above.

²⁰ Cross examination of Mr Buxton Day 3

8.0 RECOMMENDATIONS

I recommend that:

- 8.1 The Cambridgeshire County Council (Huntingdon West of Town Centre Link) (Side Roads) Order 2011 be confirmed.
- 8.2 The Cambridgeshire County Council (Huntingdon West of Town Centre Link) Compulsory Purchase Order 2011 be modified as set out in paragraph 7.76 above and that the Order so modified be confirmed.

Christopher Millns

INSPECTOR

APPENDIX A**APPEARANCES**

For the Order Making Authority, Cambridgeshire County Council

Mr Peter Goatley of Counsel

Jointly instructed by Debbie Carter-Hughes, Head of Property, Planning & Highways Law, Northamptonshire County Council and Colin Meadowcroft, Head of Legal & Democratic Services, Huntingdonshire District Council

He called:

Mr John Clough BSc, CEng, MICE	Project Manager, Cambridgeshire County Council
Mr Stephen Robert Ingram BA(Hons), BTP, DMS, MRTPI	Head of Planning Services, Huntingdonshire District Council
Mr Graham Peter Hughes BA(Hon), MSc, DipTP, MRTPI, CILT	Service Director for Strategy & Development, Cambridgeshire County Council

For Santon Developments Limited and Tesco Stores Limited

Mr Patrick Clarkson QC

Instructed by Dalee Kaur, Berwin Leighton Paisner LLP

He called:

Mr Julian Clarke MCIHT	Director, Transport Planning Associates
Mr Mark Buxton BSc(Hons), MRTPI	Partner, Development Planning Partnership
Mr Paul Astbury BSc(Hons), MRICS	Head of Compulsory Purchase, GL Hearn Ltd

APPENDIX B**DOCUMENTS**

Core Documents

DD1	Huntingdon and Godmanchester Market Town Transport Strategy 2003-2011
DD2	Cambridgeshire Local Transport Plan
DD3	Huntingdon West Area Action Plan
DD4	Planning Permission 0900871FUL
DD5	Conservation Area Consent 0900872CAC
DD6	County Council Cabinet report and resolution 29 September 2009
DD7	County Council Cabinet report and resolution 25 January 2011
DD8	The Cambridgeshire County Council (Huntingdon West of Town Centre Link) Compulsory Purchase Order 2011
DD9	The Cambridgeshire County Council (Huntingdon West of Town Centre Link) (Side Roads) Order 2011
DD10	Highways Act 1980
DD11	Acquisition of Land Act 1981
DD12	Highways (Inquiry Procedure) Rules 1994
DD13	Compulsory Purchase (Inquiry Procedure) Rules 2007
DD14	PPS1
DD15	PPS4
DD16	PPS12
DD17	The East of England Plan
DD18	Huntingdonshire Core Strategy
DD19	Huntingdonshire Core Strategy Inspector's Report
DD20	Huntingdon West AAP Inspector's Report
DD21	Huntingdon West AAP Urban Design + Movement Study (AECOM/Peter Brett for HDC, 2010)
DD22	Huntingdon Conservation Area Statement
DD23	Transport Assessment (Included in DD4)
DD24	Screening opinion of the District Council of application 0900871FUL
DD25	Link Road Atkins Engineering Study

Inspector's Dossier

A	The Inquiry Notice
B	The Cambridgeshire County Council (Huntingdon West of Town Centre Link) Side Roads Order 2011

C	The Cambridgeshire County Council (Huntingdon West of Town Centre Link) Compulsory Purchase Order 2011
D	Engineering Drawings
E	Statement of Reasons
F	Objections (9)
G	Protected Assets Certificate

Proofs of Evidence

LA1.1	Summary Proof - John Clough
LA1.2	Proof - John Clough
LA1.3	Appendices to Proof - John Clough
LA1.4	Rebuttal Proof – John Clough
LA2.1	Summary Proof - Stephen Robert Ingram
LA2.2	Proof - Stephen Robert Ingram
LA2.3	Appendices to Proof - Stephen Robert Ingram
LA2.4	Rebuttal Proof – Stephen Robert Ingram
LA3.1	Proof – Graham Peter Hughes
LA3.2	Appendices to Proof - Graham Peter Hughes
LA3.3	Rebuttal Proof – Graham Peter Hughes
OBJ1.1	Proof (includes Summary and Appendices)– Julian Clarke
OBJ2.1	Summary Proof - Mark Buxton
OBJ2.2	Proof (includes Appendices) - Mark Buxton
OBJ3.1	Summary Proof – Paul Astbury
OBJ3.2	Proof - Paul Astbury
OBJ3.3	Appendices to Proof - Paul Astbury

Other Pre-Inquiry Documents

PID1	Statement of Case – Cambridgeshire County Council
PID2	Alternative Routes submitted by TPA on behalf of Santon Group Developments and Tesco Stores
PID3	Letter dated 3 August 2011 from Cambridgeshire County Council regarding Objection by Trustees of Huntingdon Freeman's Charity
PID4	Letter dated 18 August 2011 from Alexanders on behalf of Trustees of Huntingdon Freeman's Charity conditionally withdrawing objection
PID5	Letter from Network Rail dated 19 August 2011 withdrawing objection
PID6	Letter from Network Rail dated 25 August 2011 objecting to alternative proposals put forward by Objectors

PID7	Letter dated 25 August 2011 from Taylor Vinters on behalf of Ruston's Engineering Company Ltd relating to alternative proposals put forward by Objectors
PID8	Letter dated 25 August 2011 from Taylor Vinters on behalf of Ruston's Engineering Company Ltd relating to its objection
PID9	Pre- Inquiry meeting 18 August 2011– Briefing Note for inquiry participants dated 4 August 2011
PID10	Notes of Pre-Inquiry meeting held on 18 August 2011
PID11	Letter dated 30 August 2011 from Huntingdon Town Partnership Ltd supporting scheme

INQUIRY DOCUMENTS

ID1	Email dated 25 August 2011 from Mr M Doig setting out position on his objection
ID2	Folder submitted by the Council 'Compliance with statutory procedure'
ID3	Opening submission by the Council
ID4	Letter dated 16 May 2011 from DfT listing statutory and non-statutory objectors
ID5	Letter dated 6 September from Optima Legal on behalf of Mr Armstrong/Ms Pendlebury (formally Armstrong) withdrawing objection
ID6	Squires, Sanders Hammonds letter of 5 Sept 2011 objecting to Alternative Route 1
ID7	James Dewey email to Mr M Doig of 6 Sept 2011
ID8	Tesco representation to AAP of 30 June 2010
ID9	LTP (2014 – 2026)
ID10	SNR Denton – letter dated 7 Sept 2011 on behalf of Sainsbury - objections to the alternative routes
ID11	Report on traffic growth as result of Western Area Developments
ID12	Council comment in respect of common land south of Brampton Road
ID13	Council clarification note on purchase of excess land
ID14	Council - Land Access Plan
ID15	Council - report on noise levels at 4 Ermine St
ID16	Agreed Further Transportation Assessment needs
ID17	Letter dated 9 September 2011 from Taylor Vinters withdrawing objections on behalf of Rustons Engineering Company Ltd and RECO Property Ltd
ID18	Council submissions on Further Transportation Assessments
ID19	Response from Santon Group and Tesco Stores to ID18
ID20	Council - supplementary information on link flows and turning movements in the AM and PM peak hours
ID21	Council - proposed amendment to the Side Roads Order

ID22	Response from Santon Group and Tesco Stores to representations by SNR Denton (ID10)
ID23	Closing submissions on behalf of Santon Group and Tesco Stores
ID24	Closing submissions on behalf of Cambridgeshire County Council and Huntingdonshire District Council