

Department for **Transport**

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Your Ref:
Our Ref: DN5045/55/7/11 & DN5045/60/1/21
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Dear Sir

HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981

HUNTINGDON WEST OF TOWN CENTRE LINK ("the published scheme");

THE CAMBRIDGESHIRE COUNTY COUNCIL (HUNTINGDON WEST OF TOWN CENTRE LINK) (SIDE ROADS) ORDER 2011 ("the SRO"); and

THE CAMBRIDGESHIRE COUNTY COUNCIL (HUNTINGDON WEST OF TOWN CENTRE LINK) COMPULSORY PURCHASE ORDER 2011 ("the CPO")

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to refer to the concurrent Public Local Inquiries ("the Inquiry") held at The Civic Centre, Huntingdon between 6-8 September and 11-12 October 2011 before Christopher Millns BSc (Hons) MSc CEng FICE FCIHT an Inspector appointed by the Secretary of State to hear objections to and representations about the above named Orders submitted by Cambridgeshire County Council ("the Council").

2. The SRO and CPO if confirmed by the Secretary of State would authorise the Council to:

- a. 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; and
- b. compulsory purchase 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.

The CPO will provide for the acquisition of land and rights over land necessary to carry out these works ("the published scheme")

THE INSPECTOR'S REPORT

3. The Inspector has considered all the objections to and representations about the above Orders both as made in writing and presented orally at the Inquiry and has submitted his report to the Secretary of State. A copy of that report is enclosed with this letter. References in this letter to the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in the report.

4. The Inspector's report summarises the case for the Council at IR 3.0 to IR 3.62; the case for the objectors is summarised at IR 4.0 to IR 4.40; and the Council's rebuttal to individual objections is at IR 3.50 to IR 3.54. The Inspector's conclusions are detailed at IR 7.0 to IR 7.78 whilst his recommendations are given at IR 8.0 to IR 8.2.

5. In light of his conclusions the Inspector has recommended at IR 8.1 that the SRO be confirmed; and at IR 8.2 that the CPO be modified as set out at IR 7.76 and that the Order so modified be confirmed. The modification described at IR 7.76 is that the following wording should be substituted for the wording in column 2 of Plot 4C: "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".

This modification was proposed by the Council in the course of the Inquiry in order to meet the concerns of an objector the Trustees of Huntingdon Freeman's charity relating to vehicular access rights over a section of Footpath 12.

6. Further to the modification recommended by the Inspector, as referred to at paragraph 5 above, the Secretary of State proposes to incorporate additional minor technical modifications to the Side Roads Order and the Compulsory Purchase Order. These are:

- a. The plan titles on sheet 1 and sheet 2 and Article 4 (c) of the Order Schedule are modified to read "The Cambridgeshire County Council (Huntington West of Town Centre Link) (Side Roads) Order 2011" to correspond with the title given at top the Order.
- b. In Schedule part 2, under the heading "LENGTHS OF HIGHWAY TO BE IMPROVED", within the description 2 the reference to "sheet No. 2" is replaced by "sheet No.1" and within the description 2A the reference to "sheet No 1" is replaced by "sheet No. 2".
- c. The plan title and Article 2 (1) of the Order are modified to read "The Cambridgeshire County Council (Huntington West of Town Centre Link) Compulsory Purchase Order 2011" to correspond with the title given at top the Order.

THE DECISION OF THE SECRETARY OF STATE

7. The Secretary of State has considered carefully all the objections to, and representations about, the Orders, including alternative proposals put forward. She has considered the Inspector's report and accepts his conclusions and recommendations.

8. The Secretary of State has carefully considered whether the purposes for which the CPO is required sufficiently justify interfering with the human rights of the objectors, owners and lessees and she is satisfied that they do. In particular, she has considered the provisions of Article 1 of The First Protocol to the European Convention on Human Rights. In this respect, the Secretary of State agrees with the Inspector's conclusion at IR 7.78 and is satisfied that in confirming the CPO a fair balance has been struck between the public interest and interests of the objectors, owners and lessees.

9. The Secretary of State does not consider that the objections, singly or together, constitute grounds for not proceeding with the proposals, and accepts that the modifications mentioned in paragraphs 5 and 6 above which in the opinion of the Secretary of State are not "substantial" for the purposes of paragraph 8(3) in Schedule 1 of the Highways Act 1980, are necessary and that they should be made. For these reasons she has decided to confirm:

The Cambridgeshire County Council (Huntingdon West of Town Centre Link) (Side Roads) Order 2011 ("the SRO"); and

The Cambridgeshire County Council (Huntingdon West of Town Centre Link) Compulsory Purchase Order 2011 ("the CPO") as modified by her;

and this letter constitutes her decision to that effect.

10. In confirming the Orders, the Secretary of State has relied on the information that the Council and others have provided, as contained in the Orders and any related plans, diagrams, statements or correspondence as being factually correct. This decision on confirming these orders is given on this basis.

COMPENSATION

11. Details of compensation arising as a consequence of confirmation of a CPO are for negotiation with the acquiring authority and not the Secretary of State. Accordingly, owners and occupiers of land included in the CPO will need to be approached by the Council about the amount of compensation payable to them in respect of their interests in the land required for the proposals. If the amount cannot be agreed the matter may be referred for determination by the Lands Tribunal under the Lands Tribunal Act 1949 and the Land Compensation Act 1961.

AVAILABILITY OF DOCUMENTS

12. A copy of this letter, together with a copy of the Inspector's report has been sent to objectors, and to other persons who appeared and made representations at the Inquiry. Copies will be made available on request to any other persons directly concerned and can also be viewed on <http://www.dft.gov.uk/topics/legislation/national-transport-casework/local-authority-orders/>. Please arrange for a copy of the Inspector's report and of this letter to be made available for inspection at the offices of the Council and at all other places used to deposit the Orders for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report. Those documents, photographs or plans, are retained at this office, and will be made available at a local place of inspection.

RIGHT OF CHALLENGE

13. Notice is to be published of confirmation of the Orders. Any person who wishes to question the validity of the confirmed Orders, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded her powers or has not complied with the relevant statutory requirements in confirming the Orders may, under the provisions of Schedule 2 to the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such application must be made within six weeks of publication of the notice that the Orders have been confirmed. The High Court cannot entertain an application under the said Schedule 2 or Section 23 before publication of the notice that the Secretary of State has confirmed the Orders.

Yours faithfully

A handwritten signature in black ink, appearing to be 'K. Davies', with a small dot at the end.

Karen Davies
Authorised by the Secretary of State
To sign in that behalf