

**BY EMAIL ONLY**

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Bristol  
BS1 6PN

Our ref: MJXV/RYP/115040.00137

23 August 2021

Dear Sir or Madam

**The Network Rail (Cambridge South Infrastructure Enhancements) Order (the Order) - Application for a certificate under section 19 and under section 28 and Schedule 3 of the Acquisition of Land Act 1981 (the 1981 Act)**

We act for Network Rail Infrastructure Limited (**Network Rail**) in relation to their application for an Order under the Transport and Works Act 1992 (the **TWA**) which was submitted on 18 June 2021 to the Department of Transport. The purpose of the Order is to authorise the construction, maintenance and operation by Network Rail of works comprising the construction of a new station in South Cambridgeshire and associated improvements to the West Anglia Main Line, including works at Shepreth Junction, for the purposes of improving connectivity and capacity in the Cambridgeshire region together with the acquisition of land and rights required to facilitate the works. This letter is an application to the Secretary of State for certificates under: (i) s.19(1)(a); and (ii) s. 28 and Schedule 3, Paragraph 6(1)(a), of the 1981 Act.

The draft Order provides for Network Rail to compulsorily acquire land which is, or may be, open space within the meaning of the 1981 Act (hereafter referred to as the **Existing Open Space**). Accordingly, the Order will, if made, be subject to special parliamentary procedure unless the Secretary of State certifies under s. 19(1)(a) of the 1981 Act:

*"that there has been or will be given in exchange for such land, other land [hereafter referred to as the **Replacement Land**], not being less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased".*

The draft Order also provides for Network Rail to compulsorily acquire rights over land and/or temporarily use land during the construction period, which is, or may be, open space (hereafter referred to as the **Affected Open Space**). Accordingly, the Order will, if made, be subject to special parliamentary procedure unless the Secretary of State certifies under s. 28 and Schedule 3, Paragraph 6(1)(a) of the 1981 Act:

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*"that the land, when burdened with that right, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before".*

### Supporting Documents

We enclose the following documents in support of this application:

- 1 the draft Order (article 36 provides for the acquisition of the Existing Open Space, Articles 25 and 27 provides for temporary use and access over land and article 22 related to the acquisition of rights over land));
- 2 the Order plans (including the Open Space Land Plan); and
- 3 the Book of Reference (which include details of the Existing Open Space, the Replacement Land and the Affected Open Space).

### Existing Open Space

The Existing Open Space (comprising plots 003, 004a, 004b, 004c, 005a, 006b, 007, 014, 084a, 086) which is to be acquired compulsorily on a permanent basis to accommodate the operational activities of the proposed development (including the western station building, platform, cycle and pedestrian path, cycle parking, new hard landscaping, rail systems compound and widening of the railway corridor to service the new station) is shown coloured orange on the Open Space Land Plan. The majority of the Existing Open Space which is to be acquired is informal open space comprising predominantly scrub land and which is bordered by the existing railway to the east. It is considered that the nature and composition of the Existing Open Space limits its practical use for public recreation.

### Replacement Land

The Replacement Land (comprising plot 092) to be provided in exchange for the Existing Open Space is shown coloured green on the Open Space Land Plan.

The Replacement Land is considered to be equally advantageous to the rights-holders and to the public as the Existing Open Space Lane for the following reasons:

- (a) the amount of Replacement Land (approximately 20,840m<sup>2</sup>) exceeds the size of the Existing Open Space that is to be acquired (approximately 20,742m<sup>2</sup>);
- (b) the Replacement Land, when laid out, will be of at least as equivalent quality as the Existing Open Space and will provide informal footpaths, biodiverse habitats (including a pond) and seating areas. It will be accessible to the public for similar recreational and leisure activities as the Existing Open Space being acquired. It will not be possible to complete the laying out of the Replacement Land at the date the Existing Open Space is acquired as planting and allowing planting to become established will take time. The application support material contains indicative drawings of how the Replacement Land will be laid out and Network Rail has proposed a planning condition be included on the deemed planning permission to secure the laying out of the Replacement Land to a standard which is acceptable to the local planning authority.
- (c) Network Rail realises that, for the purposes of a certificate under sections 19 and 28 of, and paragraph 6(1)(b) of Schedule 3 to, the 1981 Act, the date of exchange is the date of assessment but submits that, once the landscaping of the exchange land has been carried out and then allowed

to mature and develop, and once access to it by the public has been provided, the exchange land will be no less advantageous to its owner and to the public as the Existing Open Space land currently is.

- (d) the Replacement land is within close proximity to the Existing Open Space land and the draft Order makes provision for Network Rail to secure the Replacement Land and the necessary rights to access this land to allow the Replacement Land to be enjoyed by the same users of the Existing Open Space.

### **Affected Open Space**

The Affected Open Space will be affected in two ways:

- (i) Affected Open Space over which permanent new rights are sought for access, for inspection, management and maintenance needed for the long term maintenance of the authorised works (comprising plots 002 and 008); and
- (ii) Affected Open Space over which temporary rights/possession will be required for purposes associated with the construction of the authorised works (comprising plots 002, 004, 004d, 004e, 004f, 004g, 005, 006, 006a, 008, 008a, 010, 011, 012, 013, 084, 085, 087 and 090).

The Affected Open Space, when burdened with the rights acquired by Network Rail, is considered to be no less advantageous to the rights-holders and the public for the following reasons:

- (a) Permanent rights – the rights will be used infrequently by Network Rail and its contractors for inspection, management and maintenance purposes (with or without vehicles and machinery). It is not anticipated that this will require the closure of any part or parts of the Affected Open Space and that members of the public will be able to continue to use the Affected Open Space in the usual way.
- (b) Temporary Rights/Possession – part of the open space will be occupied for construction purposes during the construction period (which is anticipated to be between 18 and 24 months) to provide temporary access, facilitate the carrying out of the works and provide works sites. Noise and dust are not considered to generate any impacts in view of the proposed mitigation measures set out in the ES and through the preparation of a Code of Construction Practice. Network Rail will also be re-landscaping and planting the Affected Open Space following completion of the construction period (save where natural regeneration is more appropriate), thereby ensuring that the Affected Open Space can continue to be enjoyed and used by the public. The open spaces that will be temporarily acquired form part of a much larger areas of public open space which will remain available to public during the construction phase.

### **Certification**

We ask that the Secretary of State issues certificates confirming that it is satisfied that the requirements of s. 19(1)(a), s. 28 and Schedule 3, paragraph 6(1)(a) of the 1981 Act have been met and that no order is required to be made under the Statutory Orders (Special Procedure) Act 1945 prior to the confirmation of the Order.

If the Secretary of State is minded to give the aforementioned certifications, we should be grateful if you would notify us as soon as possible so that we may, at your direction, proceed to give public notice of that intention. If any objection is raised in response to such public notice or if the Secretary of State is not minded to give the requested certifications, we ask that consideration of the relevant application be dovetailed with the TWA procedures and any public inquiry in respect of the Order.

All requests for further information and all notices or other documents required to be served upon the applicant should be sent to Dentons UK and Middle East LLP, One Fleet Place, London EC4M 7RA. Please can these be marked for the attention of Michele Vas (ref: 0115040.00137 michele.vas@dentons.com).

Yours faithfully

*Dentons UK and Middle East LLP*

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