

**TRANSPORT AND WORKS ACT 1992**

**TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004**

**THE PROPOSED NETWORK RAIL (CAMBRIDGE SOUTH INFRASTRUCTURE  
ENHANCEMENTS) ORDER**

**STATEMENT OF CASE**

**on behalf of**

**COUNTRYSIDE CAMBRIDGE ONE LIMITED and  
COUNTRYSIDE CAMBRIDGE TWO LIMITED**

**15 September 2021**

## **Introduction**

1. This is the Statement of Case of Countryside Cambridge One Limited and Countryside Cambridge Two Limited (“CC”) in response to the requirement of the Secretary of State for Transport pursuant to Rule 7(3) of the Transport and Works (Inquiries Procedure) Rules 2004 contained in his letter dated 4 August 2021, following CC’s letter of objection dated 2 August 2021 (“the OL”) to the proposed Network Rail (Cambridge South Infrastructure Enhancements) Order (“the Draft Order”). The Draft Order, if made, would authorise a proposed new railway station with associated works adjacent to the Cambridge Biomedical Campus (“the Scheme”).
2. CC received a response to the OL from the promoter of the Draft Order, Network Rail Infrastructure Limited (“the Promoter”), on 10 September 2021.. The response does not address any of the substantive points raised in the OL.

## **CC and their objections**

3. CC are the developers of the Great Kneighton residential development located adjacent to Cambridge Biomedical Campus. This new community provides 2,550 much needed new homes and includes a new primary and secondary school, a 120 acre country park and other informal recreational and play spaces, a community square with retail and leisure facilities served by the Cambridgeshire Guided Busway and an extensive network of footpaths and cycleways to connect residents to Cambridge Biomedical Campus, including Addenbrooke's Hospital, and to the City centre. The development shares infrastructure with the Biomedical Campus and changes to the drainage and highways infrastructure on the Campus have the potential to adversely affect the residential development.
4. Planning permission was granted for Great Kneighton residential development by Cambridge City Council, subject to an agreement under Section 106 of the Town and Country Planning Act 1990. The development is now largely complete. In particular, the necessary drainage ponds and open space have been laid out. CC are obliged pursuant to the permission to complete a pedestrian and cycle access route between the open space which comprises the Country Park to the south of the Guided Busway and the Active Recreation Area to the north so as to ensure that the two areas are appropriately linked. That link also provides maintenance access for vehicles between the two areas.
5. CC have legal interests in Plots 24, 25, 28, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 56, 57, 58, 60, 62, 64, 65 and 67 as described in the Book of Reference. CC are therefore statutory objectors within the definition in rule 23(5) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 and within section 11(4) of the Transport and Works Act 1992.
6. As stated in the OL, CC are supportive of the Scheme in principle but object to the Draft Order and the application for deemed planning permission on the following grounds:

- (i) It has not been demonstrated that the interference with the above interests in land, as well as the taking of powers to use land in so far as it affects CC's interests in land, is necessary to implement and maintain the Scheme;
  - (ii) The loss of such a substantial part of the Country Park during the construction period has not been adequately justified by the Promoter;
  - (iii) The Scheme would result in the loss of the pedestrian and cycle link under the Guided Busway Bridge to the west of the railway line;
  - (iv) There is insufficient information to demonstrate that the Scheme's drainage proposals are appropriate and would not have adverse effects on the wider drainage network;
  - (v) There has been insufficient consideration of the impact of the Scheme in combination with other proposals, which is therefore premature; and
  - (vi) In the light of the above, the Promoter has not provided a compelling case in the public interest for interfering with CC's rights in land.
7. CC are disappointed that the matters of concern referred to above have not been addressed adequately or at all by the Promoter. However, CC remain willing to discuss with the Promoter its proposals with a view to finding a mutually agreeable solution to allow the Scheme to proceed in a way which addresses the above issues and avoids unnecessary harm to their interests. CC note the commitment to further dialogue by the Promoter in its letter dated 10 September 2021. However, no mention is made in that letter of the issues of the loss of the Country Park and the pedestrian and cycle link to the west of the railway line (outside the Campus).
8. In addition to the above, the Promoter should give an undertaking for the legal fees in relation to the works which will be necessary to ensure that the operational services and infrastructure are protected.

**(i) Interference with land**

9. The guidance on the procedures for obtaining orders under the Transport and Works Act 1992, relating to transport systems, inland waterways and works interfering with rights of navigation published by the Department for Transport in June 2006 ("the TWA Guidance"). Paragraph 1.40 of the TWA Guidance requires that "the applicant [for an Order under the Act] must be prepared, and able, to justify all compulsory land acquisition".
10. As matters stand, stated above, CC do not consider that it has been demonstrated by the Promoter that the interference with CC's interests in land is in all respects necessary to implement and maintain the Scheme.

**(ii) Impact on the Country Park**

11. The Draft Order would authorise the taking of a large part of the Country Park, located immediately to the west of the railway line, and south of the Guided Busway route into the Biomedical Campus, during the construction phase of the Scheme. The Country Park provides an amenity space for local residents as well as for users of the

Biomedical Campus. It also performs an important landscape and ecological function. The loss of such a large area during this period has not been adequately justified by the Promoter and will have a severely detrimental effect on local residents and Campus users.

**(iii) Removal of pedestrian and cycle access**

12. CC are also concerned with the proposals to remove the pedestrian and cycle access (and maintenance access for vehicles) from the Country Park to the Active Recreation Area under the Guided Busway Bridge. Despite extensive discussions between CC and the Promoter, the arrangements for the provision of a safe alternative access route are unclear. An alternative access is required for occupiers of the residential development to be able to safely use these Active Recreation Areas and if adequate alternative arrangements are not provided, the Scheme's impact on the existing access would severely reduce the ability of residents to enjoy such spaces.
13. While there has been some discussion with the Promoter around alternative access being provided by crossing at grade over the Guided Busway (pursuant to Work No.5) these proposals are wholly unsuitable to cyclists, wheelchair and pushchair users. There are also safety concerns around pedestrians crossing the Guided Busway at grade unless a signalled crossing is provided. CC have been in discussions with both Cambridge City Council and Cambridge County Council about this issue and the Promoter will need to satisfy all parties that a safe alternative access can be achieved. The Promoter has, to date, failed to do so.

**(iv) Drainage impacts**

14. The local drainage system is highly complex. CC remain to be satisfied as to whether the Promoter has included appropriate mitigation to offset the interference with the drainage systems in respect of the land and rights it proposes to acquire both permanently and for temporary construction access, and, whether this would put our clients in breach of their contractual obligations with the Hobson's Conduit Trust.
15. Although noting the proposed processes in the Draft Order, including Schedule 12 Parts 3 and 4, CC do not consider that the Promoter's proposals for the Scheme give adequate information about the drainage mitigation proposed. It remains unclear how the drainage mitigation works will be carried out. It is important that CC are consulted on the detailed designs and agree any changes to the drainage systems prior to any alterations to these drainage systems being carried out.
16. CC understand that the Promoter intends to install culverting to the Northern Ditch which is fed by the Addenbrooke's Hospital (Cambridge University Hospitals NHS Foundation Trust). There is a lack of design details within the Scheme as to how drainage will be managed. The Campus has no formal drainage rights and easements have been agreed with the Hobson's Conduit Trust to allow for the site to drain into two ancient ditches. If the flow rate exceed those which have been agreed with the Trust, this risks causing flooding.

**(v) Cumulative impacts**

17. CC have been notified by the Greater Cambridge Partnership ("GCP") that it is preparing to submit an application for a Transport and Works Act Order to enable it to bring forward its Cambridge South East Transport scheme to construct a guided busway route which will run through the Biomedical Campus and may also have impacts on CC's land and infrastructure. At present, there are understood to be conflicts between the two proposals. The Promoter and GCP have not explained how the two schemes will interact and it is unclear whether they have reached any agreement for working in partnership. For this reason the Draft Order is premature.
18. It is considered on present information that the Promoter's assessment of cumulative impact with the GCP proposals is inadequate.

**(vi) No compelling case**

19. For the above reasons, the Promoter has not provided a compelling case in the public interest for interfering with CC's interest in land.

**Conclusion**

20. For the reasons above, CC continue to object to the Draft Order and intend to appear at the public local inquiry that the Secretary of State intends to hold into the application for the Draft Order. CC hopes that the Promoter will engage fully with the issues raised by CC with a view to resolving their objection, as indicated in the Promoter's letter dated 10 September 2021 (see paragraph 7 above).
21. A list of documents to which CC may refer in evidence is attached in the Appendix to this Statement of Case.

Fieldfisher LLP

15 September 2021

## **APPENDIX**

### **List of Documents**

CC may refer in evidence to the following documents:

1. The application documents accompanying the Draft Order, including the Environmental Statement
2. CC's objection letter dated 2 August 2021
3. The Promoter's response dated 10 September 2021
4. Relevant Planning permissions
5. Relevant Section 106 agreements
6. The Cambridge Local Plan 2018

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