

Transport Infrastructure Planning Unit,
Department for Transport,
Great Minster House,
33 Horseferry Road,
London, SW1P 4DR.

Riverbank House
2 Swan Lane
London EC4R 3TT

T +44 (0)20 7861 4000
F +44 (0)20 7488 0084
E info@fieldfisher.com
CDE 823

www.fieldfisher.com

By Email (transportinfrastructure@dft.gov.uk)
By Post

Our Ref: NB17/NB17/UK01-1728791-70063/97913914 v3

John Bowman
Partner
+44 (0)20 7861 4975 (Direct Dial)
+44 (0)7714 126 825 (Mobile)
john.bowman@fieldfisher.com

30 July 2021

Dear Sirs

Network Rail (Cambridge South Infrastructure Enhancements) Order

1. We act on behalf of our client Cambridge Medipark Limited. Our client has received a notice dated 17 June 2021 of an application to acquire land and rights in land compulsorily, to use land and to extinguish rights over land, served on behalf of Network Rail Infrastructure Limited ("the Promoter") in respect of the proposed Network Rail (Cambridge South Infrastructure Enhancements) Order ("the Draft Order"), to be made under the Transport and Works Act 1992 ("the Act"). The Draft Order, if made, would authorise the proposed new railway station ("the Scheme") adjacent to Cambridge Biomedical Campus.
2. While our client is supportive of the Scheme in principle, it objects to the Draft Order on the grounds that the Promoter has not provided a compelling case in the public interest for depriving our client of its land and, more widely, adversely affecting the existing Cambridge Biomedical Campus and its planned and permitted expansion, such as by placing additional strain on Campus infrastructure.
3. Cambridge Biomedical Campus is recognised in the Cambridge Local Plan 2018 as *"an international centre of excellence for patient care, biomedical research and healthcare education. It plays a local, regional and national role in providing medical facilities and medical research. The local plan will continue to support its continuing development as such, and as a high quality, legible and sustainable campus. It also reinforces the existing biomedical and biotechnology cluster in the Cambridge area"* (para. 3.42). Policy 40 of the Local Plan encourages and supports research and development and research facilities to come forward at the Biomedical Campus. The Promoter's Planning Statement acknowledges Cambridge Biomedical Campus as *"the largest centre of medical research and health science in Europe and...expected to grow"* (para. 2.2.2). Cambridge Biomedical Campus benefits from two outline planning consents which have been granted for 215,000m² and 75,000m² of expansion.
4. Our client is the master developer for the two phases to the expansion of Cambridge Biomedical Campus. The Phase 1 development is well progressed with occupiers including the Medical

Research Council, AstraZeneca, Royal Papworth Hospital and University of Cambridge and part of Phase 2 (the Abcam building) has also been developed. The remainder of Phase 2 has the benefit of outline planning permission. Whilst our client recognises the sustainability benefits of a railway station in this location, it is critical that neither the operation of the existing development (and the infrastructure which serves it) nor the ability to implement the remaining development in a timely manner are impeded or otherwise prejudiced by the construction or operation of the Scheme. The Scheme is anticipated to be constructed between late 2022 and mid 2025 (Environmental Statement chapter 4, para. 4.3.51) which is likely to overlap with the construction of the next building on Phase 2 which is targeted to commence in 2022. The development of the station and associated infrastructure will require substantial alterations to the road infrastructure and communal land.

5. In summary, our client's principal reasons for objecting to the Draft Order are as follows:
 - (a) It has not been demonstrated that acquisition of our client's land and rights in land, as well as the taking of powers to use land in so far as it affects our client, is necessary to implement and maintain the Scheme. Related to this, the Promoter has failed to take reasonable steps to acquire the land and the rights by agreement;
 - (b) Our client has concerns as to the Scheme's impact on the drainage systems in respect of the Biomedical Campus;
 - (c) Our client has concerns as to the impacts of the Scheme on our client's road and other services/utility infrastructure at the Biomedical Campus;
 - (d) Our client is concerned as to the impact of the Scheme on its ability to bring forward the remainder of Phase 2 of the development at the Biomedical Campus; and
 - (e) There has been insufficient consideration of the impact of the Scheme in combination with other proposals for public transport links at the Biomedical Campus.
6. Our client is currently engaged in a technical review of the application documentation and reserves the right to supplement these grounds following the outcome of that review.
7. Our client is a "statutory objector" 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 Act. As matters stand, it is considered that a public inquiry would be the appropriate mode of addressing the objection.
8. **Extent of land acquisition**
 - 8.1 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"*.
 - 8.2 As stated above, our client does not consider that it has been demonstrated that acquisition of our client's land and rights in land, as well as the taking of powers to use land in so far as it affects our client, is in all respects necessary to implement and maintain the Scheme.
9. **Failure to take reasonable steps to acquire the land by agreement**
 - 9.1 The TWA Guidance at paragraph 1.39 encourages acquiring authorities to follow the guidance on the use of compulsory purchase powers in Circular 06/2004 (Compulsory Purchase and the Criche

Down Rules). The circular has since been replaced by the Guidance on compulsory purchase process and the Crichel Down Rules published by the Ministry of Housing, Communities and Local Government in July 2019 ("the CPO Guidance"), which states at paragraph 17 that where an Order under the Act is sought, *"acquiring authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued or at least genuinely attempted, save for lands where land ownership is unknown or in question."*

- 9.2 While our client acknowledges that the Promoter has engaged in consultation with it, these discussions have been largely around the design and positioning of the station and in relation to land referencing rather than a genuine and meaningful attempt to reach an agreement to acquire the land that Network Rail requires from our client. Our client is disappointed by the Promoter's stance but remains hopeful that an agreement can be reached should the Promoter wish to engage with it.

10. Impact on drainage systems

- 10.1 Paragraph 15 of the CPO Guidance states that *"the acquiring authority will also need to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation. These include: the programming of any infrastructure accommodation works or remedial work which may be required"*.
- 10.2 However, our client remains 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 client in breach of its contractual obligations with the Hobson's Conduit Trust. Our client is currently engaged in a technical review of the information provided by the Promoter but wishes to highlight areas of particular concern which the Promoter's proposals will need to address.

Appropriate Mitigation

- 10.3 Our client remains to be satisfied as to whether the Promoter's proposals for the Scheme give adequate information about the drainage mitigation proposed. Our client has two drainage ponds situated on the land subject to the Draft Order which appear to need to be relocated or culverted but our client is not yet clear as to how this will be carried out. It is important that our client is consulted on the technical design review and agrees any changes to the drainage systems and that the replacement arrangements are put into place prior to the removal of the drainage pond(s) if they are not to remain in place but be culverted.

Contractual drainage considerations

- 10.4 Our client understands that the Promoter intends to install culverting to one of the ditches 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 will put our client in breach of its obligations and risks causing flooding. Our client is currently considering the Promoter's proposals to assess the impacts on the surface water and foul water drainage systems and whether these are in compliance with the agreed flow rates.

11. Impact on infrastructure at the Biomedical Campus

- 11.1 In addition to its concerns on drainage, our client also has concerns as to whether the Promoter's proposals adequately mitigate the impact of the Scheme on the infrastructure at the Biomedical Campus. Most passengers arriving at the station are likely to be either working or visiting one of

the businesses, medical facilities or educational buildings and will either walk, cycle or get a taxi to their destination resulting in additional demands on the Campus infrastructure.

- 11.2 In relation to the existing Campus road impacts, the Scheme proposes a very small number of drop off car parking spaces (three in total, with an additional three taxi bays) which appears to be insufficient for the volume of likely travellers to and from the station. As such, it is unclear how the Promoter intends to avoid people waiting on Francis Crick Avenue and the other main routes within the Campus while they await trains to arrive. Such behaviour is likely to create serious hazard to pedestrians and cyclists as cars will need to pull up in the cycle lane when stopping on Francis Crick Avenue.
- 11.3 Further, during peak times it does not appear that the limited number of spaces will be sufficient and risks long queues of traffic, illicit parking within Campus car parks and dangerous and inappropriate pick off and drop off locations. There is also no provision for buses to access the station car park directly, meaning passengers arriving by bus will be dropped at the nearest bus stop on Francis Crick Avenue which risks creating further delays and increased danger to pedestrians.
- 11.4 The addition of a new station will undoubtedly increase the vehicular movements upon the existing highway infrastructure, namely Addenbrooke's Road, Francis Crick Avenue, Robinson Way and Dame Mary Archer Way, some of which are privately owned roads. This is likely to require additional maintenance to be carried out by our client. In addition, the proposed access way into the station located near to the Guided Busway junction on Francis Crick Avenue and additional peak hour traffic may result in a need for additional traffic management to regulate the movement of vehicles along Francis Crick Avenue. In so far as the Promoter wishes to take the benefit of the use of our client's private roads by compulsion, it should also be required to accept the burden of increased maintenance costs and any other costs relevant to their use authorised by the Draft Order. Temporary road closures and diversions during construction works are also likely to have a serious impact and our client has particular safety concerns in regard to the impact on the Francis Crick Avenue junction with the Guided Busway during the construction of the new station access road.
- 11.5 The Scheme is also likely to result in many additional cyclists on the Campus and we note that the proposal for 1,000 cycle parking spaces, whilst necessary, may not be sufficient, based on our client's experience of demand for cycle parking on the Biomedical Campus. This means that the Scheme may result in bicycles being left in the facilities provided by the occupiers of the Campus for use by their staff. There is also likely to be an increased impact on the cycleways on the Campus which will require maintenance and may affect the usability of the routes for the Campus occupiers. Furthermore, there is currently a Traffic Regulation Order in place to ensure that the private estate roads are not used as a cut through to Long Road and the city centre. The effects of the Draft Order upon this is unclear. Our client is also concerned that the limited area for construction will adversely impact the road network. Our client remains to be satisfied as to whether these impacts have been properly considered by the Promoter.
- 11.6 Our client is currently engaged in a technical review of the Scheme documentation to ensure that the Promoter's proposals are sufficient to ensure the safety and continued maintenance of the road and cycle network on the Campus.

12. Impact on the ability to bring forward the remainder of Phase 2 of the development

- 12.1 Having regard to the drainage and highways issues above, our client is concerned as to how this will affect its ability to proceed with the remainder of Phase 2 of the development.
- 12.2 This concern includes the Scheme's impact on our client's ability to bring forward the multi-storey carpark to replace the ABCAM temporary carpark as part of Phase 2. The proximity of the main

construction compound to the site of the future multi-storey carpark and also the proposed rerouting of the cycle route into this area of the Campus have the potential to impede development in this area of the Campus and it is imperative that access is maintained to allow our client to construct and operate the necessary car parking facilities to service this part of the Campus.

- 12.3 More widely, there is simply insufficient information provided by the Promoter as to how the construction of the Scheme would be compatible with the construction of the remainder of the Phase 2 development.

13. Cumulative impacts with the Greater Cambridge Partnership proposals for the Biomedical Campus

- 13.1 Our client has 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. The Promoter and GCP have not explained how the two schemes will interact and, as we understand, have not reached an agreement for working in partnership, creating further difficulties for our client in assessing the impact of the Scheme.
- 13.2 The Scheme includes a permanent compound by Addenbrooke's Road which would appear to conflict with GCP's proposals and further, the GCP proposals require the remodelling of Francis Crick Avenue, which land is included with the Draft Order and from which the Promoter will take an access to the Station, to allow the guided busway route to be installed.
- 13.3 It is considered on present information that the Promoter's assessment of cumulative impact with the GCP proposals is inadequate.
14. As stated above, our client reserves the right to supplement its grounds of objection following the completion of its detailed technical review of the application documents. This technical review encompasses wider environmental matters including noise impacts.
15. Finally, our client will also be seeking an undertaking for the legal fees in relation to the works which will be necessary to ensure the operational requirements of the services and infrastructure are protected.
16. Our client is disappointed that the matters of concern referred to above have not been addressed adequately or at all by the Promoter. Despite this, our client remains 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 avoids unnecessary harm to our client's property and which avoids prejudice to the public interest in the continued operation and planned expansion of Cambridge Biomedical Campus.

Yours faithfully



Fieldfisher