

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/UK01-1728791-70063/98023460 v1

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

2 August 2021

Dear Sirs

Network Rail (Cambridge South Infrastructure Enhancements) Order

1. We act on behalf of our clients Countryside Cambridge One Limited and Countryside Cambridge Two Limited. Our clients have received notices 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 clients are supportive of the Scheme in principle, they object to the Draft Order on the grounds that the Promoter has not provided a compelling case in the public interest for interfering with our clients' rights in land and, more widely, adversely affecting the existing Cambridge Biomedical Campus and its planned and permitted expansion, such as the placing of additional strain on Campus infrastructure, with potential implications for our clients' land and infrastructure.
3. Our clients 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. In summary, our clients' principal reasons for objecting to the Draft Order are as follows:

- (a) It has not been demonstrated that the interference with our clients' rights in land, as well as the taking of powers to use land in so far as it affects our clients, is necessary to implement and maintain the Scheme;
 - (b) Our clients have concerns as to the impacts of the Scheme on the pedestrian and cycle routes and other services/utility infrastructure;
 - (c) Our clients have concerns as to the Scheme's impact on the drainage systems at and associated with the Biomedical Campus;
 - (d) There has been insufficient consideration of the impact of the Scheme in combination with other proposals for public transport links to the Biomedical Campus.
5. Our clients are currently engaged in an in-depth review of the application documentation and reserves the right to supplement these grounds following the outcome of that review.
6. Our clients are "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 Act. As matters stand, it is considered that a public inquiry would be the appropriate mode of addressing the objection.
7. **Extent of land acquisition**
- 7.1 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"*.
- 7.2 As stated above, our clients do not consider that it has been demonstrated that the interference with our clients' rights in land, is in all respects necessary to implement and maintain the Scheme.
- 7.3 Our clients are also concerned that the Promoter's proposals involve it taking 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 and users of the Biomedical Campus. Our clients consider that the area of the Country Park proposed to be used as a temporary construction compound goes far beyond what is required for the Promoter's proposals and will have an unacceptably detrimental effect on local residents and Campus users.
8. **Impact on infrastructure at and adjacent to the Biomedical Campus**
- 8.1 Our clients have concerns as to whether the Promoter's proposals adequately mitigate the impact of the Scheme on the infrastructure at the Biomedical Campus, and the potential for associated detrimental impacts on our clients' land and infrastructure.
- 8.2 Our clients are also concerned with the proposals to remove the pedestrian and cycle access from the Country Park to the Active Recreation Area under the Guided Busway Bridge. Despite extensive discussions between our clients and the Promoter, the arrangements for the provision of a safe alternative access route are unclear. This alternative access is required for occupiers of the residential development to be able to safely use these Active Recreation Areas and if alternative arrangements are not provided, the Scheme's impact on the existing access would severely reduce the ability of residents to enjoy such spaces.

- 8.3 While there has been some discussion around pedestrian access being taken by crossing over the Guided Busway, these proposals are not suitable to cyclists, wheelchair and pushchair users and our clients are concerned that the needs of such users are not being properly considered. There are also safety concerns around pedestrians crossing the Guided Busway unless a signalled crossing is provided. It should be noted that there has already been one fatality connected to the Guided Busway and, given the speed at which buses travel along it, there is a risk of further injury should the public seek to cross over it as though it were a normal road. Our clients 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.

9. **Impact on drainage systems**

- 9.1 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"*.
- 9.2 However, our clients 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. Our clients are currently engaged in an in-depth 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

- 9.3 Our clients remain to be satisfied as to whether the Promoter's proposals for the Scheme give adequate information about the drainage mitigation proposed. Our clients understand that the Promoter intends to carry out culverting of the existing drainage infrastructure but our clients are not yet clear as to how this will be carried out. It is important that our clients are consulted on the technical design review and agree any changes to the drainage systems prior to any alterations to these drainage systems being carried out.

Contractual drainage considerations

- 9.4 Our clients understand 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 risks causing flooding. Our clients are 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 and remain to be satisfied as to whether these proposals are acceptable.

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

- 10.1 Our clients 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 our clients' land and infrastructure. 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 clients in assessing the impact of the Scheme.

- 10.2 It is considered on present information that the Promoter's assessment of cumulative impact with the GCP proposals is inadequate.
11. As stated above, our clients reserve the right to supplement its grounds of objection following the completion of its detailed review of the application documents.
12. Finally, our clients 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.
13. Our clients are disappointed that the matters of concern referred to above have not been addressed adequately or at all by the Promoter. Despite this, our clients 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 avoids unnecessary harm to our clients' property.

Yours faithfully



Fieldfisher