

TRANSPORT AND WORKS ACT 1992

TRANSPORT AND WORKS (INQUIRIES PROCEDURES) RULES 2004

NETWORK RAIL (CAMBRIDGE SOUTH INFRASTRUCTURE ENHANCEMENTS) ORDER

SUMMARY PROOF OF EVIDENCE

ON MATTERS OF TOWN & COUNTRY PLANNING

PAUL MILLINER MRTPI, HEAD OF ESTATE PLANNING,

ESTATES DIVISION

**ON BEHALF OF THE CHANCELLORS, MASTERS AND SCHOLARS OF THE
UNIVERSITY OF CAMBRIDGE**

Inquiry Document Reference	[TBC] / OBJ 8
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Contents

1	QUALIFICATION AND EXPERIENCE	2
2	SCOPE AND NATURE OF EVIDENCE	2
3	PLANNING POLICY ASSESSMENT	2
4	PLANNING CONDITIONS AND POTENTIAL MITIGATION	3
5	UNIVERSITY'S OBLIGATIONS IN RELATION TO EXTANT CONSENT	4
6	CONCLUSIONS	4

1 QUALIFICATION AND EXPERIENCE

- 1.1 I am Paul Milliner MRTPI. My qualifications and experience are set out in section 1 of my main Proof of Evidence
- 1.2 I manage an in-house town planning service for the development and management of the University's estate. This has included obtaining the reserved matters consent for the Anne McLaren Building ("**AMB**") and the outline planning permission for Plot 9 of the Cambridge Biomedical Campus ("**CBC**").

2 SCOPE AND NATURE OF EVIDENCE

- 2.1 My evidence covers the Town and Country Planning ("**Planning**") matters relating to the Scheme. A summary of the University's case and concerns is set out in Section 2 of my Main Proof.
- 2.2 The University has a number of property ownership interests within and near the TWAO application site, including the AMB, Plot 9 (undeveloped land with potential for approximately 14,000m² development for biomedical and biotechnology research use) and other facilities, as shown on the plan included in Section 2 of my Main Proof.
- 2.3 The University is particularly concerned with the effects of the Scheme proposed by the Order in relation to the AMB – for which Network Rail has assessed significant adverse effects arising from vibration – and Plot 9, both of which adjoin the application site and would be affected by compulsory acquisition, construction works and the operation of the railway as shown at Appendix 1 of my main Proof of Evidence.
- 2.4 The AMB is a vital component of the University's life science research at CBC which has significant public benefit, as set out Karl Wilson's Proof of Evidence.
- 2.5 Therefore, if adverse environmental effects from vibration, or indeed from noise, electro-magnetic interference ("**EMI**") or flooding, could not be mitigated effectively, to the extent that the AMB could not operate within its core design parameters, the harm to life science research of high public value would be severe.

3 PLANNING POLICY ASSESSMENT

Introduction

- 3.1 In section 3 of my Main Proof of Evidence I set out a planning policy assessment. I consider,(i) development plan policy relating to the CBC specifically before, (ii) addressing other aspects of policy by reference to the Planning Statement (document NR14) submitted with the application by Network Rail. I identify issues of contention or where the Applicant's analysis is either lacking in detail or omits references to additional policies of relevance.
- 3.2 The University recognises in general terms the potential benefits held in prospect by the Scheme and that this may be reflected in aspects of the policy assessment carried out in the Planning Statement. In the absence of information (as addressed by the University various witnesses), however, including detail of means to satisfactorily mitigate the effects of the Scheme on the operation of the AMB and the future development and operation of Plot 9, the Scheme would in my view create conflict with a number of planning policies and would be inconsistent with development plan policies for the sustainable development of CBC. Until these issues are resolved, these policy conflicts are sufficient to mean that Network Rail has not made out its policy case for the confirmation of the Order.
- 3.3 A number of planning policies have the potential to be breached by the Scheme as currently proposed in the Application and these are set out in full in section 3 in my Main Proof.

4 PLANNING CONDITIONS AND POTENTIAL MITIGATION

- 4.1 Proposed planning conditions are set out in the Request for Deemed Planning Permission ("**Deemed Permission**") (Document NR12). This includes a pre-commencement condition requiring the submission and approval of a CoCP, to include a Noise and Vibration Management Plan (Condition 10) and a proposed pre-commencement condition for the submission and approval of a surface water drainage scheme (Condition 13).
- 4.2 It is the University's case that the Scheme currently contains insufficient information to demonstrate that significant adverse effects on the University's research in the AMB arising from noise and vibration can be mitigated adequately. Similarly, the Scheme contains insufficient information to demonstrate that impacts on drainage that may affect the operation of the AMB and the future development and operation of Plot 9 can be mitigated adequately.

- 4.3 In my opinion, the submission of detailed mitigation proposals after the Order has been consented, but prior to commencement of works, is not appropriate as the full extent of effects has not been properly assessed and there is no certainty that significant adverse effects are capable of being mitigated. The risk to the public benefit of the research being carried out in the AMB, and to the future development of Plot 9, is too great. Consent for the Scheme should not be granted unless it can be demonstrated beyond doubt that appropriate mitigation can be delivered to mitigate adverse effects on noise, vibration and drainage.
- 4.4 Alternatively, I consider that Network Rail would have to enter into legally binding commitments, through Protective Provisions on the face of the Order and through a Land and Works Agreement with the University in which they would commit to specific measures as set out in the evidence submitted on behalf of the University.

5 UNIVERSITY'S OBLIGATIONS IN RELATION TO EXISTANT CONSENT

- 5.1 In section 5 of my Main proof I detail the landscaping planning conditions attached to Outline Planning Permission 14/2094/S73. The approved scheme for the AMB is subject to their terms.
- 5.4 As set out in my Main Proof, the removal of landscaping implemented in conjunction with development of the AMB as a consequence of the proposed Scheme could place the University in breach of planning control. The University requires Network Rail to secure measures to remove the risk of enforcement action by the Local Planning Authority.

6 CONCLUSIONS

- 6.1 The University must ensure that the effects of the Scheme do not detrimentally affect the University's research and the operations of its estate, most particularly the AMB and Plot 9, as the University's main interests most immediately adjacent to the TWAO application site.
- 6.2 The University is concerned that the TWAO application contains insufficient evidence to demonstrate that the effects of the Scheme, principally with regard to noise and vibration, and also drainage (both in terms of temporary effects arising during construction and permanently during the operational phase of the Scheme), have been appropriately assessed. Nor has it been shown that these effects are capable of being

resolved through a suitable package of design and mitigation measures within the constraints of the TWAO application site.

- 6.3 As such, the University respectfully requests that the Order should not be approved until such time that a full and proper assessment and package of mitigation measures is articulated and encapsulated within the proposed Scheme. In the alternative, Network Rail would have to enter into legally binding agreements with the University through Protected Provisions on the face of the Order and through a Land and Works Agreement as set out above.

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