

Network Rail (Cambridge South Infrastructure Enhancement) Order

Proof of Evidence of Charlotte Burton

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Principal Planning Officer, Greater Cambridge Shared Planning

On behalf of South Cambridgeshire District Council (OBJ-24)

Relating to Statement of Matters (211027) items 3. (i) The effect of the proposal on biodiversity including biodiversity net gain; and 10. The conditions proposed to be attached to the deemed planning permission for the scheme.

07 January 2022

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1.0 Introduction

1. My name is Charlotte Burton, and I am a fully qualified planning officer presently employed by Greater Cambridge Shared Planning as a Principal Planning Officer. I am appearing at the Inquiry into the application for the Network Rail (Cambridge South Infrastructure Enhancement) Order on behalf of South Cambridgeshire District Council (hereafter referred to as 'the Council').
2. I am a fully chartered member of the Royal Town Planning Institute with 7 years' post-qualification experience. I have a Bachelor of Arts degree in Geography and a Master of Science degree in Spatial Planning. The evidence which I have prepared and provide for in this Proof of Evidence is true and I confirm that the opinions expressed are my true and professional opinions.
3. The Council supports the aim of the Cambridge South Infrastructure Enhancements scheme, which aligns with the Cambridgeshire and Peterborough Combined Authority Local Transport Plan (2020) and the objectives of the South Cambridgeshire Local Plan 2018 to promote sustainable economic growth, respond to climate change, and maximise sustainable transport modes
4. Notwithstanding this, the Council has raised objections to the scheme where the proposal fails to comply with the adopted development plan and other material considerations, which were summarised in our representation to the public consultation (OBJ-24) and Statement of Case (E11-OBJ24). Since then, officers for the Council have engaged with the applicant to seek to resolve our objections, including several meetings and exchanges of correspondence.
5. Correspondence summarising these discussions and the current position on our objections at the time of writing is provided in the letter from the Council dated 07 December (Appendix B) and the response from the applicant's Planning Manager dated 10 December (Appendix C). My Proof of Evidence has been prepared based on the content of these documents, although review of the documents is ongoing at the time of writing.
6. The Council maintains its objections to the scheme because, on the basis of the material in front of the Council at this time, the proposal fails to accord with the adopted development plan and other material considerations for the following reasons and having regard to the planning balance, material planning considerations are not sufficient to overcome the objection:
 1. The application has not provided sufficient information to demonstrate the 10% biodiversity net gain target is achievable and can provide appropriate mitigation on or near to the site, and as a result has not demonstrated compliance with Local Plan 2018 policy NH/4, and NPPF 2021 paragraph 174.
 2. The loss of trees along the railway line and across the scheme must be minimised in accordance with Local Plan 2018 policies HQ/1, NH/2, and NH/4.

7. Notwithstanding this, should the Secretary of State be minded to grant deemed planning consent, then the Council requests that planning conditions are applied. At the time of writing, the Council has not agreed a set of draft conditions with the applicant. Discussions are ongoing and the Council anticipates agreeing draft conditions in the Statement of Common Ground to be submitted.
8. I have provided comments on the most up-to-date set of draft conditions available to me at the time of writing (Appendix A). In summary, the Council supports the substance of most of the conditions, however further discussions are required on the conditions relating to archaeology, biodiversity net gain, surface water drainage, public art and lighting.
9. The Council also requests an additional condition to secure compliance with the mitigation measures within the Environmental Statement. Draft wording for this is provided below.
10. Finally, a further review of all the conditions is requested with the applicant before confirming an agreed set of planning conditions to ensure the conditions and reasons are accurately and concisely worded to facilitate the efficient discharge of the planning conditions for this significant and complicated scheme.
11. My Proof of Evidence therefore relates to the following matters on behalf of South Cambridgeshire District Council as outlined in the Statement of Matters:
 3. (i) The effect of the proposal on biodiversity including biodiversity net gain;
 10. The conditions proposed to be attached to the deemed planning permission for the scheme.

2.0 Description of the proposals

12. The proposed works within South Cambridgeshire comprise:
 - works to Shepreth Branch Junction in Great Shelford, including remodelling the switches and minor realignment of the track for short distance to permit line speeds to be increased from 30 miles per hour (mph) to 50 mph;
 - associated works to the embankments to accommodate and support the new railway infrastructure;
 - Webster's footbridge installation of safety screens and a small railway maintenance area to the east of the existing Webster's footbridge;
 - closure of farm crossings Dukes No.2 Level Crossing and Webster's Level Crossing at Shelford and extinguishment of the existing private access over the crossing to improve safety. A new bridge is proposed over Hobson's Brook to give access to that land from Addenbrooke's Road;

- new permanent rail systems compound to the south-west of Addenbrooke's Road (Nine Wells Bridge) within a fenced enclosure containing an electricity substation, a single storey building housing signalling and equipment, space for maintenance vehicle parking;
- attenuation ponds and drainage works to the south of Addenbrooke's Road;
- acquisition of replacement land for exchange open space land to the south of Addenbrooke's Road including landscaping works;
- relocation of existing masts and compounds;
- powers to carry out certain works in the highway and the right to use private roads for the purposes of construction, and powers to carry out works to streets including the temporary diversion of streets; and
- temporary diversion of NCN Route 11 (cycle track) and reinstatement post construction to its original alignment under Nine Wells Bridge.

3.0 Site description and context

13. The part of the site area within South Cambridgeshire consists of the land to the south of Addenbrooke's Road on both sides of the railway line, including the proposed exchange land and compound, land adjacent to the western side of the railway line, and an area around Webster's Footbridge at the northern extent of Great Shelford.
14. The proposed works are within Great Shelford parish boundary. This area is within the Cambridge Southern Fringe covered by the adopted Area Action Plan (2008) which is carried forward under policy S/6 of the Local Plan. To the east is an employment allocation for an extension to the Cambridge Biomedical Campus allocated under policy E/2 of the Local Plan.
15. The proposed works would be within the Cambridge Green Belt protected under policy S/4 of the Local Plan. Hobson's Brook runs through the site and the Nine Wells Local Nature Reserve is within 100m of the site. The Scheduled Monument to the west of the railway line and to the south of Addenbrooke's Road is partially within the site.
16. The Grade II Listed Nine Wells Monument is within 130m to the east of the site and there are a number of other Listed Buildings in Great Shelford within 30m of the application site boundary. The Great Shelford Conservation Area adjoins the southern boundary of the application site.

4.0 Planning policy context

17. The adopted development plan is the South Cambridgeshire Local Plan 2018 (D-08). The relevant policies are as follows:

Policy S/2 (Objectives of the Local Plan)
Policy S/3 (Presumption in Favour of Sustainable Development)
Policy S/4 (Cambridge Green Belt)
Policy S/6 The Development Strategy to 2031
Policy CC/1 (Mitigation and Adaptation to Climate Change)
Policy CC/4 (Water Efficiency)
Policy CC/6 (Construction Methods)
Policy CC/7 (Water Quality)
Policy CC/8 (Sustainable Drainage Systems)
Policy CC/9 (Managing Flood Risk)
Policy HQ/1 (Design Principles)
Policy HQ/2 (Public Art and New Development)
Policy NH/2 (Protecting and Enhancing Landscape Character)
Policy NH/3 (Protecting Agricultural Land)
Policy NH/4 (Biodiversity)
Policy NH/6 (Green Infrastructure)
Policy NH/8 (Mitigating the Impact of Development In and Adjoining the Green Belt)
Policy NH/13 (Important Countryside Frontage)
Policy NH/14 (Heritage Assets)
Policy E/2 (Cambridge Biomedical Campus Extension)
Policy SC/1 (Allocation for Open Space)
Policy SC/9 (Lighting Proposals)
Policy SC/10 (Noise Pollution)
Policy SC/11 (Contaminated Land)
Policy SC/12 (Air Quality)
Policy TI/2 (Planning for Sustainable Travel)
Policy TI/6 (Cambridge Airport Public Safety Zone)
Policy TI/7 (Lord's Bridge Radio Telescope)
Policy TI/8 (Infrastructure and New Developments)

18. The adopted Cambridge Southern Fringe Area Action Plan (adopted 2008) (D-11) also forms part of the development plan.

19. Relevant supplementary planning documents (SPDs) include:

Greater Cambridge Sustainable Design and Construction SPD
(adopted 2018) (D-12)
Cambridgeshire Flood and Water SPD (adopted 2018) (D-13)

20. Other material considerations include (see List of Reference documents):

District Design Guide SPD (adopted in 2010 and superseded)

Landscape in New Developments SPD (adopted in 2010 and superseded)
 Biodiversity SPD (adopted 2009 and superseded)
 Trees and Development Sites SPD (adopted in 2009 and superseded)
 Open Space in New Developments SPD (adopted in 2009 and superseded)
 Public Art SPD (adopted in 2009 and superseded)
 Draft Biodiversity SPD (pending adoption)
 Cambridgeshire and Peterborough Local Transport Plan (2020) (D-09)
 Transport Strategy for Cambridge and South Cambridgeshire (2014) (D-10)

21. The National Planning Policy Framework (2021) (NPPF) (D-01) and National Planning Practice Guidance (NPPG) (D-04) are also material considerations.

5.0 Evidence

Biodiversity net gain

22. The Council relies upon the evidence provided by Guy Belcher for Cambridge City Council which demonstrates that the proposals do not provide sufficient detail in relation to biodiversity net gain for the local planning authorities to be confident that biodiversity net gain will be achieved, contrary to the development plan, the NPPF, the NPPG and industry best practice principles. The applicant's proposed approach to secure detail via a planning condition does not accord with the NPPG and further information is required before the application is determined.
23. Local Plan policy NH/4 Biodiversity states that new development must aim to maintain, enhance, restore or add to biodiversity, and that opportunities should be taken to achieve positive gain through the form and design of development. The NPPF promotes development providing measurable net gains for biodiversity, and opportunities to improve biodiversity in and around developments should be integrated as part of their design (paragraphs 174 and 180). The Environment Act introduces a statutory minimum biodiversity net gain target.
24. The Council has encouraged the applicant to achieve a higher target than the proposed 10% biodiversity net gain, as no reason has been provided why a higher target cannot be achieved. A higher target would align with the Council's Doubling Nature Strategy 2021 and the government's 'world leading environmental ambitions' for the OxCam Arc, which commits to 20% biodiversity net gain for developments, as set out in the 'Shared regional principles for protecting, restoring and enhancing the environment in the Oxford-Cambridge Arc', published by the OxCam Arc Environment Working Group in March 2021. Whilst the Council recognises that 20% biodiversity net gain could be difficult to accommodate onsite, the proposals for offsite biodiversity net gain would appear to be capable of accommodating such an uplift.

25. Notwithstanding this, it is essential that the proposals demonstrate that the targeted minimum 10% biodiversity net gain can be achieved, in accordance with government guidance within the NPPG. The NPPG warns that 'care needs to be taken to ensure that any benefits promised will lead to *genuine* and *demonstrable* gains for biodiversity' (paragraph 023) (emphasis added). It goes on to advise it is important that provisions for biodiversity net gain are 'resilient to future pressures from further development or climate change, and supported by appropriate maintenance arrangements' (paragraph 023). This requires sufficient information about the biodiversity net gain proposals to be secured at the application stage to ensure the biodiversity net gain will be achieved.
26. The proposal does not provide sufficient information to demonstrate that 'genuine', 'demonstrable' and 'resilient' gains for biodiversity gain be achieved, contrary to the NPPG. As set out in evidence provided by Cambridge City Council, the biodiversity net gain metric provides only headline results and does not include details or maps of proposed habitats, nor the assumptions made about habitat condition. In addition, no details about creation, management and recreational access to the proposed biodiversity enhancements on the exchange land to the south of Addenbrooke's Road have been provided to support the metrics. Therefore, it is not possible to scrutinise the metrics.
27. The applicant has not demonstrated that options for onsite biodiversity net gain have been exhausted before the offsite provision is considered. The NPPG explains that biodiversity net gain can be achieved 'entirely on-site or by using off-site gains *where necessary*' (paragraph 023) (emphasis added). The indicative landscape plans do not give sufficient detail and assurance that options for onsite biodiversity net gain have been exhausted. Therefore, the applicant has not demonstrated that offsite provision is necessary to achieve the minimum 10% biodiversity net gain target.
28. In addition, the applicant has also not provided sufficient information to demonstrate that the proposed offsite provision can be achieved, contrary to the NPPG. The proposals include offsite biodiversity net gain on a site managed by Cambridgeshire County Council at Lower Valley Farm in Fulbourn. The applicant has advised that once discussions with the County Council have progressed further, they will be able to confirm a mechanism has been secured to deliver the required biodiversity net gain, however without this, the application cannot demonstrate that the offsite provision can be achieved. An acceptable legal mechanism must be secured before the application is determined.
29. This must include a timescale for delivery of the offsite biodiversity net gain, and details of governance to give clarity and assurance that these offsite provisions are achievable and supported by appropriate maintenance arrangements, in accordance with the NPPG.
30. In conclusion, the applicant's proposed approach to secure detail on the biodiversity net gain provision via a planning condition does not accord with the NPPG and more information should be provided before the application is determined. As quoted above, the NPPG requires 'care' to be taken to ensure that any benefits promised will lead to 'genuine' and 'demonstrable' gains for

biodiversity. Firstly, more detail is required about the options for onsite biodiversity net gain and targeting a higher biodiversity net gain. Secondly, more detail about the biodiversity net gain metrics and an acceptable legal mechanism to secure delivery of appropriate offsite provision must also be provided.

Loss of existing trees

31. The existing trees within the application site area make a significant contribution towards the existing biodiversity on the site. In order to minimise the loss of existing biodiversity, the loss of trees must be minimised. The Council supports the objections made by Cambridge City Council to the loss of trees within its area due to the overall impact on existing biodiversity as a result of the scheme. This is contrary to Local Plan 2018 policies HQ/1, NH/2, and NH/4.

Planning conditions

32. At the time of writing, the Council has not agreed a set of draft planning conditions with the applicant. Officers are in ongoing discussions with the applicant and expect to confirm an agreed set of planning conditions in a Statement of Common Ground. The Council requests that any matters that cannot be resolved through the Statement of Common Ground are discussed via the roundtable.
33. The Council provided information on the conditions it would be seeking in the original representation submitted to the public consultation (OBJ-24) and Statement of Case (E11-OBJ/24). Since then, the Council has engaged in further correspondence and meetings including with technical officers to discuss the wording of the proposed draft conditions.
34. The applicant has explained that the Council's objections relating to noise mitigation and attenuation at Great Shelford, and vibration impacts at Shepreth Branch Junction will be addressed through the condition for the Code of Construction Practice Part B, which is supported. The Council's objections relating to archaeology and artificial lighting will be addressed through ongoing discussions on the draft conditions. Therefore, the Council accepts these objections have been overcome, subject to further ongoing discussions with the applicant.
35. The Council's objections relating to the impact on National Cycle Route (NCN) 11 at Shepreth Branch Junction have been discussed with the applicant to minimise disruption to users. The applicant has advised that a short stretch of the NCN 11 route near Webster's Level Crossing would be closed to allow for the construction compound. This would be overnight closure only and the applicant has considered options to divert the route, however an alternative arrangement to marshal cyclists and pedestrians through the compound during the night closures is the preferred option.
36. While the detailed arrangements would be included in the Code of Construction Practice Part B to be secured through condition, officers requested that the

applicant provide a commitment to minimise closures and to provide marshalled access, or a diversion, with specific reference to this area within the Code of Construction Practice Part A submitted with the application. The Council requires an updated Code of Construction Practice Part A to review before this matter can be resolved. This has not been submitted yet.

37. The most up-to-date set of proposed draft conditions available to me at the time of writing are those that were emailed to me by the applicant's Planning Manager on 08 December. However, I understand from a meeting with the applicant's Planning Manager on 14 December that further amendments have been made to those conditions, including new conditions. The Council has not had an opportunity to review the amendments/additions in detail and therefore further discussions are required.
38. I have provided the Council's comments on the draft conditions dated 08 December in Appendix A. This includes comments on whether the conditions are supported, or whether insertions/amendments or further discussions are required. In summary, the Council supports the substance of most of the conditions, however further discussions are required on the draft conditions relating to archaeology, biodiversity net gain, surface water drainage, public art and lighting.
39. The Council also requests an additional condition to secure the implementation of the mitigation measures identified within the Environmental Statement. Draft wording for this is provided below. This additional condition will be discussed with the applicant during ongoing discussions to agree a set of draft planning conditions.

The development shall only be carried out in accordance with the mitigation measures as set out in the Environmental Statement

Reason: To ensure that the development takes place in accordance with the principles and parameters contained within the Environmental Statement.

40. Finally, a further review of all the conditions is requested with the applicant before confirming an agreed set of planning conditions to ensure the conditions and reasons are accurately and concisely worded to facilitate discharge of the planning conditions for this significant and complicated scheme.

6.0 Conclusion

41. While the Council supports the principle of development, for the reasons outlined, the proposal has failed to demonstrate that it complies with the development plan, because of the conflict with Local Plan policies HQ/1, NH/2, and NH/4 the impact on biodiversity and existing trees.

42. In reaching this judgement, I have taken account of the benefits of the scheme in terms of the alignment with the Cambridgeshire and Peterborough Combined Authority Local Transport Plan (2020) and the objectives of the South Cambridgeshire Local Plan 2018 to promote sustainable economic growth, respond to climate change, and maximise sustainable transport modes. Nonetheless, the benefits of the scheme do not outweigh the conflict with the development plan. Therefore, as matters stand, planning permission for the scheme should not be granted, and the Order should not be made, and a certificate under section 19(1)(b) of the acquisition of Land Act 1981 should not be granted.
43. The Council's objections to the proposal could be overcome through the submission of acceptable details about the proposed onsite mitigation and how options for further onsite mitigation (including the retention of existing trees) have been exhausted; and acceptable details about the proposed delivery of offsite mitigation at Lower Valley Farm (including an acceptable legal mechanism to secure delivery) to demonstrate that the proposals will lead to genuine and demonstrable gains for biodiversity that are resilient to future pressures and supported by appropriate maintenance arrangements, in accordance with the NPPG, the NPPF and policies HQ/1, NH/2, and NH/4.

List of reference documents

District Design Guide SPD, 2010, South Cambridgeshire District Council

<https://www.scambs.gov.uk/planning/local-plan-and-neighbourhood-planning/district-design-guide-spd/>

Landscape in New Developments SPD, 2010, South Cambridgeshire District Council

https://www.scambs.gov.uk/media/6689/adopted-landscape-spd_0.pdf

Biodiversity SPD, 2009, South Cambridgeshire District Council

<https://www.scambs.gov.uk/media/17068/biodiversity-supplementary-planning-document.pdf>

Trees and Development Sites SPD, 2009, South Cambridgeshire District Council

<https://www.scambs.gov.uk/media/11039/trees-development-sites-spd-adopted-january-2009.pdf>

Open Space in New Developments SPD, 2009, South Cambridgeshire District Council

<https://www.scambs.gov.uk/media/9817/open-space-spd-adopted-january-2009.pdf>

Public Art SPD, 2009, South Cambridgeshire District Council

<https://www.scambs.gov.uk/media/10249/public-art-spd-adopted-january-2009.pdf>

Doubling Nature Strategy, 2021, South Cambridgeshire District Council

<https://www.scambs.gov.uk/media/16837/corrected-digital-final-doubling-nature-strategy.pdf>

Planning for sustainable growth in the Oxford-Cambridge Arc, 2021, Ministry of Housing, Communities and Local Government

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962455/Spatial_framework_policy_paper.pdf

Shared regional principles for protecting, restoring and enhancing the environment in the Oxford-Cambridge Arc', March 2021, OxCam Arc Environment Working Group

https://www.semlep.com/modules/downloads/download.php?file_name=2306