



Rebuttal Evidence to OBJ-23 (Cambridge City Council)

The Transport and Works (Inquiries Procedure) Rules 2004

January 2022

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1 INTRODUCTION

- 1.1 This rebuttal evidence has been prepared on behalf of Network Rail (“**NR**”) to the Proofs of Evidence prepared on behalf of OBJ-23 – Cambridge City Council, which concern:
 - 1.1.1 OBJ-23-W3/1 evidence of Guy Belcher;
 - 1.1.2 OBJ-23-W2/1 evidence of Alistair Wilson; and
 - 1.1.3 OBJ-23-W1/1 evidence of Charlotte Burton.
- 1.2 It is not intended that this rebuttal proof should address further points that witnesses for NR have previously covered in their evidence; however, cross-references to relevant paragraphs of those witnesses’ proofs of evidence are made where appropriate.
- 1.3 It is intended that this rebuttal proof should be a composite response to those issues raised by OBJ-23. In this respect, for cross-examination purposes the name of the NR witness who is responsible for each aspect of this rebuttal proof will be given at the beginning of each section below.
- 1.4 This rebuttal proof sets out the points raised by OBJ-23 under the topics identified above. For each of these sections, the point is summarised in plain font, with any quotations shown in italics. This is followed by NR’s response, preceded by the name of the witness making responsible for that part of the rebuttal. Within each sub-theme, there may be several points, each of which is dealt with separately in turn, and with the witness identified as described.

2 OBJ23-W3-Proof of Guy Belcher

Response of Guy Stone (Biodiversity)

2.1 Point 1 - Reasoning as to why 20% BNG is not being sought – Para 3.3

- 2.1.1 Mr Belcher has requested a reason as to why 20% Biodiversity Net Gain is not being provided. The reasoning for this has been provided in my Proof of Evidence, an extraction of which is below:
- 2.1.2 “The CCiC statement of case (E10) suggests that the proposal should seek to achieve 20% BNG. Although not referenced by CCiC, this would be in accordance with CCiC’s emerging Biodiversity Strategy 2021 – 2030 (Appendix D). The targets set in this strategy are aspirational and do not form part of the adopted development plan but, do form a material consideration in terms of what CCiC consider as ‘enhancement’. Network Rail’s position is that the 10% BNG target is consistent with the 38 requirements of the Environment Act 2021 which will, when the relevant provisions are brought into force, require that certain developments deliver at least 10% increase in biodiversity. The CSIE Scheme will also deliver wider benefits which will support broader policy considerations around climate change and sustainability through encouraging a reduction in car travel and a model shift towards public transport. As a result, Network Rail do not believe that an increased BNG target is warranted and given the development plan only seeks to enhance biodiversity, the commitment to a 10% increase in line with the Environment Act 2021 is sufficient.”

2.2 Point 2 - Absence of further information requested in relation to Biodiversity Net Gain – Para 3.5 and 3.6

Response of Guy Stone (Biodiversity)

- 2.2.1 I note that Mr Belcher does not consider that he has had sufficient detail to support the Technical Note previously supplied. I have attached a plan (Appendix A) and the full metric (Appendix B) to show further detail of habitat retention, enhancement and creation within the site boundary. The metric indicates the habitat conditions. The

habitats to be created are representative of the surrounding area and will be managed using established methods to achieve their condition status. The management methods and timescales will be detailed in a landscape and ecology management plan provided prior to construction under a planning condition. This will cover 30 years of management. Natural England guidance has been followed in determining the restrictions to achieving condition status¹

Response of John Pearson (Planning)

2.2.2 My Colleague Guy Stone has provided a response to the ability of the CSIE Project to meet the BNG targets. Network rail would suggest further that the proposed Hard and Soft Landscape condition (No. 29) includes the provision of an updated BNG report to confirm what has been achieved on site and what needs to be provided off site.

2.3 Point 3 - Need for detail to demonstrate exhaustion of on-site mitigation – Para 3.7

Response of Guy Stone (Biodiversity)

2.3.1 As per my previous response, a plan (Appendix A) and the full metric (Appendix B) are included to show further detail of habitat retention, enhancement and creation within the site boundary. The areas of temporary land take will be restored to biodiverse habitats where there is not a requirement to restore these to their current use. Enhancement measures are also indicated where proposed. However, it will not be possible to enhance the retained habitats within Hobson's Park. This is because these habitats are already managed to good condition for the purposes of biodiversity.

¹ Crosher I., Gold S., Heaver M., Heydon M., Moore L., Panks S., Scott S., Stone D., White N. 2019. The Biodiversity Metric 2.0: Auditing and accounting for biodiversity value: technical supplement (Beta version, July 2019). Natural England

2.4 Point 4 - Clarity regarding the delivery of offsite biodiversity net gain – Para 3.9

Response of Guy Stone (Biodiversity)

- 2.4.1 Network Rail are committed to supporting the management of offsite habitat creation. The layout of proposed habitats, management methods and timescales will be detailed in a landscape and ecology management plan provided prior to construction. This will cover 30 years of management. The landscape and ecology management plan will be secured through a planning condition as referred to by Mr Pearson's rebuttal.

Response of John Pearson (Planning)

- 2.4.2 Further to the situation explained in their Planning Proof (NRE9.2) paragraphs 4.7.12 & 13 Network Rail have received draft Head of Terms from the CCoC with regard to providing off site mitigation.
- 2.4.3 With respect to contributions towards maintenance for the new landscaping in the park Network Rail have said they are willing to enter into an agreement with the CCiC to cover this. Network Rail will meet with CCiC to discuss the form of this agreement and suitable and appropriate obligations which would be necessary to make the development acceptable in planning terms.
- 2.4.4 As above, Network Rail would suggest further that the proposed Hard and Soft Landscape condition (No. 29) includes the provision of an updated BNG report to confirm what has been achieved on site and what needs to be provided off site.

2.5 Point 5 - Challenge to provisions for corn buntings during construction – Para 3.13

- 2.5.1 The example of recolonisation of the area by corn bunting following previous construction works provides evidence that this species will return to a site following disturbance from works. It has not displaced the proper assessment of the impact on corn buntings.
- 2.5.2 Impacts on breeding birds have been considered in the ES. Mitigation is proposed to reduce these impacts as outlined in the ES and my Proof of Evidence, including cumulative impacts from other developments. This mitigation includes measures appropriate for ground nesting species such as corn bunting and skylark. It is acknowledged that changes in recreational use during construction are likely and measures are proposed in my Proof of Evidence to minimise the negative impacts on corn buntings that such changes have the potential to cause. There is no indication that farming practices on adjacent land will change and the permanent loss of farmland is minimal and for the purpose of providing exchange land with mitigating features for corn bunting. Weed rich habitats, nesting cover and song posts will be detailed in the landscape and ecology management plan, produced prior to construction. The precautionary principle has been considered; monitoring of corn bunting activity will be undertaken through construction to ensure that reactive measures can be put in place to minimise disturbance.

2.6 Point 6 - Proposed mitigation for corn bunting – Para 3.14

- 2.6.1 Mr Belcher has requested further assurance as to how construction impacts on corn buntings will be mitigated. The attached plan (Appendix A) provides indicative locations where favourable weed rich habitats, nesting cover and song posts will be provided. This will be part located in the exchange land which is currently existing farmland. Network Rail is prepared to commit to providing this mitigation and as

such it appears the Council's concern can be resolved. Detail on the location and management of weed rich habitats, nesting cover and song posts will be included in the landscape and ecology management plan, produced prior to construction.

2.7 Point 7 - Requirement to demonstrate suitable land is available within the redline to provide mitigation for corn bunting – Para 3.15

2.7.1 The attached plan (Appendix A) provides indicative locations where favourable weed rich habitats, nesting cover and song posts will be provided. This includes the exchange land which will not be accessible to the public during construction. Mr Belcher has referred to increased recreational use being a source of concern for breeding corn bunting and skylark. The exclusion of recreational use from the exchange land and limitation of construction to haul routes will ensure that suitable areas are available for the use of corn buntings and the measures noted above can be implemented. Detail on the location and management of mitigating habitat for corn bunting will be included in the landscape and ecology management plan, produced prior to construction.

2.8 Point 8 - Requirement for details of impact of corn bunting mitigation upon recreational requirements of site during construction and operation – Para 3.16-3.17

2.8.1 My Proof of Evidence provides further detail on the management of recreational use to minimise impacts on corn buntings. The attached plan (Appendix A) provides indicative locations where favourable weed rich habitats, nesting cover and song posts will be provided. This includes the exchange land which will not be accessible to the public during construction. Post construction there will be a larger area suitable for use by corn buntings as the exchange land will be established in addition to the release of areas of temporary use within

the site boundary. Mr Belcher has raised the concern that measures to reduce disturbance to ground nesting birds, such as fencing, may not be compatible with the recreational use of the park. In my Proof of Evidence, I have stated that monitoring during construction will aim to identify the location of corn bunting and skylark nests in Hobson's Park and where present, temporary fencing and signage will be used to demarcate an appropriate buffer around the nests to further discourage disturbance from people and dogs. Corn buntings and skylarks will be nesting where longer grass provides cover from predators and less disturbance from the public. Areas of longer grass are not readily used for recreation and therefore there will not be an issue with temporary fencing within such areas.

3 OBJ23-W2 – Proof of Alistair Wilson

3.1 Point 1 – Permanent loss of open space

3.1.1 Paragraph 5.1 (a) (ii). The proposed exchange land although compensatory in respect of size, does not address the impact of disaggregation of Hobsons Park due to the introduction of the Station, its forecourt and access paths. For example, the creation of smaller parcels of land south of the Cambridge Guided Busway and between the new footpath networks, the areas of land around the Station, and the reconfiguration of the land south of Addenbrookes Access Road, all of which have limited future recreational uses.

Response of David Jones (Open Space)

3.1.2 Cambridge City Council's objection appears to be based on a complaint that NR is not providing compensation for existing open space within Hobson's Park which is not being permanently acquired by NR for the CSIE Scheme, but which CCiC considers will be adversely affected by path creation/improvement proposed as part of the Project.

- 3.1.3 I note that Cambridge City Council has not objected to the application for the Open Space Certificate.
- 3.1.4 I am advised that there is no legal requirement for NR to provide replacement land other than in relation to land which is being permanently acquired. In any event, I do not consider that the CSIE Project results in adverse disaggregation as Mr Wilson suggests.
- 3.1.5 The area of Hobson's Park south of the guided busway is already disaggregated by a publicly accessible pedestrian path, albeit constructed from reinforced grass (Figure 1 below). The proposals, which would replace this path with a hard surface, would therefore not bring about significant further disaggregation.

Figure 1 – Footpath south of the guided busway



- 3.1.6 The land either side of this existing reinforced grass path forms part of the wildflower meadow areas of Hobson's Park. These areas are

characterised for much of the year by tall grassland vegetation (Figure 2 below) which, when occurring, deters easy public access to them for many recreational activities.

Figure 2 – Wildflower Meadow, Hobsons Park



- 3.1.7 The other proposed paths, i.e. heading south-west from the station forecourt and south along the railway under Nine Wells Bridge to Addenbrookes Road (Figure 3 below) would replace the paths that already exist. They would therefore not bring about further significant disaggregation.
- 3.1.8 The existing stone surface of the path heading south from the station along the railway under Nine Wells Bridge to Addenbrookes Road would be replaced with reinforced grass.

Figure 3 – Footpaths south of Addenbrookes Road



3.1.9 The land on which much of the proposed station building and forecourt is to be sited on is used by park maintenance-related access paths, material piles and compacted areas of vehicular turning, as well as by the starkly engineered form of the guided busway embankment, the railway margins and the semi-urban influence of the Cambridge Biomedical Campus buildings (Figure 4 below).

3.1.10 This contributes little to the visual amenity of the general area in comparison to the other areas of Hobson's Park which is considered to be a more attractive area in which to recreate.

Pic 4 – Site of the proposed station building and forecourt



3.2 Point 2 – Extent and duration of temporary compound

3.2.1 Paragraph 5.1 (a) (iii) The proposed exchange land is south of Addenbrooke's Access Road (AAA) and is therefore both physically and visually a separate and segregated space from Hobson's Park.

Response of David Jones (Open Space)

3.2.2 It is acknowledged that the proposed exchange land is separated from Hobson's Park by Addenbrooke's Access Road and existing landscape planting on either side of the highway corridor.

3.2.3 The design intent for the proposed exchange land is to provide an attractive recreational area within which the public can recreate, benefitting from broad views across open countryside. It will display a similar mosaic of landscape types (i.e. in terms of form, scale and vegetative cover) to those found within the core of the Hobson's Park.

As noted in paragraph 5.4.12 of my Proof of Evidence, *‘the landscaped proposals are intended to provide a new area of publicly accessible open space, comprising of grassland, scattered scrub/tree copses, ponds and riparian habitat to the south of Hobson’s Brook.’*

- 3.2.4 An indicative landscape layout (Drawing Ref. 158454-ARC-00-ZZ-DRG-EEN-000076) submitted as part of the request for deemed planning permission provides for improved access provision between Hobson's Park and the proposed exchange land. This includes an accommodation bridge over Hobson’s Brook and the continued use of a pedestrian route via Addenbrookes Bridge providing a continuous link from Hobson’s Park into the exchange land.
- 3.2.5 It is also worth noting the currently disaggregated link from Hobson’s Park to the Active Recreation Area to the north will be improved as part of the CSIE proposals with a proposed extension of the Park’s central spine path to the central area of the Active Recreation Area via an at grade pedestrian crossing over the Guided Busway, creating better opportunities for access to recreational areas than currently exist.

Response of Andy Barnes (Construction)

- 3.2.6 Section 5.2 of Mr Wilson’s Proof of Evidence (W2/1) concerns the extent and duration of the temporary compound in Hobson’s Park
- 3.2.7 In Section 6 of my Proof of Evidence (NRE1.2), I have described the location, size and purpose of compounds to the west of the railway including CC2 which will service work to the new Down Loop line and CC3 within the Hobson's Park which is required to construct the new station building.
- 3.2.8 In Sections 6.11 and 6.12 of my Proof of Evidence, I describe an approach to staging of the works within a construction programme that I estimated as 115 weeks and dependent on available railway

possessions for key elements of the works. My evidence recognises opportunity for an earlier removal of the construction compound alongside the proposed western station building once this is substantially complete. This is CC3.

- 3.2.9 In para 399 of my Proof of Evidence, I clarify that the area of land identified in the Environmental Statement was based on a proposal to use surplus excavated material in landscaping forms across the park. Temporary land was identified to facilitate construction of this landscaping. More recent proposals have reduced this ambition and limit the area of the park requested in the Deposited Plans, (NR22). This accedes to Mr Wilson's point in Section 5.3 of his Proof of Evidence. That represents a reduction of roughly two thirds and is the minimum space required to construct the works and reinstate the park on completion

3.3 Point 3 – Replacement planting for AZ loss – Paragraph 5.4(d)

Response of John Pearson (Planning)

- 3.3.1 Network Rail have set out how they propose to deal the matter of the CBC Western Boundary Planting and Strategic Gaps in paragraphs 7.2.12 and 7.2.13 of the Network Rail Planning Proof (NRE9.2). This is drafted in response to the objection from AstraZeneca, which is expected to be withdrawn prior to the inquiry.
- 3.3.2 Network Rail have proposed two new Design Principles (Ref. 3.7P & Q in Appendix C to NRE9.3). These were sent to the CCiC on the 10 December 2021.

3.7P, Green Fencing, the proposed landscape design will seek to incorporate a living green fence between the AstraZeneca car park and the Cambridge South Station.

3.7Q, Structural Planting, to include replacement planting Within Hobson's Park for the structural planting lost on the western boundary of the railway adjacent AstraZeneca. This will include:

- 20 No. large trees
- 44 No. small trees
- 2 No. bat boxes
- 4 No. bird boxes

3.3.3 Network Rail will factor in a 10% net gain to these figures as part of its overall commitment to biodiversity.

3.4 Point 4 – Proposed routes through the park- Paragraph 5.5

Response of John Pearson (Planning)

3.4.1 During the preparation of the TWAO application Network Rail consulted with CCiC and CCoC on the alignment of the proposed cycleway and footpath (Work No.4) that will connect the Trumpington Residential area to the new station. The route delineated within the Deposited Plans (NR09) reflected the outcome of those discussions, and the proposal for the route to eventually be adopted by the highway authority, see attached notes of meeting Shared Use Path through Hobsons Park dated 24 March 2021. Following receipt of the Trumpington Residents' Association objection and other representations made on the TWAO application, Network Rail arranged a site meeting with Trumpington Residents' Association and Cambridge Past Present and Future which was also attended by CCiC Streets and Open Space – Development Manager in December 2021. At the site meeting discussions focused on moving this route closer to the route of the Guided Bus Way. A design review meeting was arranged by Network Rail on 6 December, to update the statutory authorities (CCoC

and CCiC) on the proposals for the cycleway / footway and to raise the option of changing the alignment from that proposed within the application. CCoC confirmed that if they were to adopt the route then the alignment contained within the TWAO application would need to be maintained and that the specification for the public right of way would need to adhere to the highway authority guidelines and design standards. If the alignment is to be changed then CCoC would not adopt the cycleway and footpath.

3.4.2 Network Rail have no objection to the alignment being amended, but it would be outside the scope of the compulsory purchase powers currently set out within the TWAO application. Therefore, it would require private treaty arrangements to be agreed with the existing landowners to make the land available for the re-aligned cycleway and footpath and require agreement from CCiC to be responsible for permanently maintaining the route in perpetuity, for which Network Rail would be willing to pay a commuted sum to CCiC.

3.4.3 Network Rail note that this is one of the main pedestrian/cycle accesses to the station and as such their preference is that the route should be created as highway and adopted by the County rather than left as a permissive route.

3.5 Point 5 – Access to the exchange land

3.5.1 Paragraph 5.1 (a) (iv) The proposed exchange land is not easily accessible the Clay Farm development (from which Hobsons Park was secured and delivered) across a busy road, nor does it form a connection with the existing Park.

Response of David Jones (Open Space)

- 3.5.2 Pedestrian access to the proposed exchange land at Hobson's Park will continue to utilise an existing footpath connection to the Clay Farm development across Addenbrookes Road. Pedestrian access within the site will be facilitated by an accommodation bridge over Hobson's Brooke from this westerly direction. Direct connection to the exchange land from Hobson's Park to the east will continue to use an upgraded footpath link under Addenbrookes Road Bridge forming an uninterrupted connection to the existing Hobsons' Park.

Response of Andy Barnes (Construction)

- 3.5.3 Section 5.2 of Mr Wilson's Proof of Evidence (W2/1) suggests that the TWA has also not confirmed how the compound will be accessed by vehicles during the build stage. He also states that there is also no detail in respect of long-term access need with regards to the maintenance of station and its infrastructure.
- 3.5.4 Section 6 of my Proof of Evidence (NRE1.2), I describe Network Rail's outline proposals for
- a) points of access to areas for construction,
 - b) temporary access roads
 - c) construction compounds
 - d) what are described as haul roads.
- 3.5.5 Construction Compound CC3 is accessed via an existing junction on Addenbrooke's Road, AP2, the upgraded existing track towards the railway, AR2 and then via what is described as a haul road but which is also a continuation of the temporary access road to CC3. This is HR3.

- 3.5.6 In Section 7.12 of my Proof of Evidence, I describe NR's proposals to incorporate access for emergency vehicles and occasional maintenance vehicles broadly along the line of the existing stoned path alongside the railway. NR designs propose that this path is constructed using grasscrete to support the establishment of a green sword behind reinstated landscaping forms.

3.6 Point 6 – Access to the exchange land across the AAA

- 3.6.1 Paragraph 5.9 J (i) The exchange land is bordered by Addenbrookes Access Road (AAA) to which the Clay Farm is predominately built to the North. The AAA is a very busy road and there are currently no controlled crossing points to allow access to the exchange land.

Response of David Jones (Open Space)

- 3.6.2 It is agreed that pedestrian access to Clay Farm from the proposed exchange land will involve crossing Addenbrookes Road. An existing traffic island is provided a short distance along the footway immediately to the west of the exchange site access, providing a central refuge within the highway for pedestrians crossing the road at this point, with a footway connection into Clay Farm beyond.

3.7 Point 7 – Access to the exchange land without crossing the AAA

- 3.7.1 Paragraph 5.9 J (ii) The exchange land is only accessible (without crossing AAA) from the Hobson's Park by access under the Addenbrookes Road bridge. This land also includes railway infrastructure in proximity.

Response of David Jones (Open Space)

- 3.7.2 The proposed exchange land at Hobson's Park provides improved footpath provision at both the existing westerly and easterly access points into the site. These are shown on the indicative landscape layout (Drawing Ref. 158454-ARC-00-ZZ-DRG-EEN-000076) submitted

as part of the request for deemed planning permission. This also shows proposed screen planting around the railway systems compound, comprising of a mix of native tree and scrub planting to mitigate views from within the proposed exchange land site, as well as from Public Rights of Way and Hobson's Park.

3.8 Point 8 – limitations of exchange land

3.8.1 Paragraph 5.9 J (iii) At this point no landscape plans have been presented in respect of the layout and purpose of the exchange land or how it will be accessed. The exchange land has limitations in respect of access due to a watercourse to two sides of its boundary and this has a significant impact on accessibility and its potential contribution as mitigation for the scheme

Response of David Jones (Open Space)

3.8.2 An indicative landscape layout (Drawing Ref. 158454-ARC-00-ZZ-DRG-EEN-000076) submitted as part of the request for deemed planning permission, presents outline landscape proposals for the exchange land, including proposed access arrangements. Paragraph 5.4.11 of my Proof of Evidence states that this will be developed and implemented following approval of the landscape design by the local planning authority. A proposed accommodation bridge over Hobson's Brook will provide pedestrian access over the existing watercourse which runs along the southern boundary to the site and into the exchange land.

3.9 Point 9 – Increased maintenance cost for Park – Paragraph 5.8

Response of John Pearson (Planning)

3.9.1 With respect to contributions towards maintenance for the new landscaping in the park Network Rail confirmed in the meeting with GCSP on the 13 December 2021 and noted in Appendix C – Response

from applicant to Council dated 10 December 2021 (OBJ-23-W1-2) that they are willing to enter into an agreement with the CCiC to cover this. Network Rail will meet with CCiC to discuss the form of this agreement and suitable and appropriate obligations which would be necessary to make the development acceptable in planning terms.

3.10 Point 10 – Loss of trees – Para 5.12

Response of Guy Stone (Biodiversity)

- 3.10.1 An Arboricultural Impact Assessment (AIA) is being prepared which will highlight areas where tree removal is unavoidable and where trees have the potential to be impacted as a result of proposed works.
- 3.10.2 A small triangle of wooded land, approximately 100 metres in length and at its widest, 7 metres wide, will be temporarily required from Long Road Sixth Form College to facilitate access from the MRC car park to the northern most extent of the proposed new Up Loop line. There will be no need to access any further areas within the curtilage of Long Road 6th Form College in order to progress the works. Beyond the triangle of land that is temporarily required, access in the area to the east of the railway will be limited to trackside pedestrian traffic meaning the trees along the college boundary will be largely unaffected. Some minor understory vegetation clearance may be necessary to install a new rail boundary fence line. This may have some minor effect on the RPAs of the trees where pedestrian traffic will be required and fencepost holes excavated, but this will be captured in the AIA. Specific protection/working measures should then be included in an Arboricultural Method Statement (AMS).

Response of John Pearson (Planning)

- 3.10.3 Network Rail have addressed this in section 4.7 of their Planning Proof (NRE9.2). Network Rail would note that the proposed works to the

trees would be undertaken in accordance with an approved arboricultural method statement and tree protection plan which the council suggested in the proposed condition in their SoC. Network Rail have agreed this condition and proposed wording was included in planning proof appendix A (NRE9.3). The CCiC in doc ref. OBJ-23-W3 have proposed further amendments which Network broadly accept as the changes just re order the condition. The exception is the addition of 'in logical sequence' as this seems unnecessary.

3.10.4 In any event, Network Rail is preparing an Arboricultural Implications Assessment (AIA) as confirmed by Guy Stone

4 OBJ23-W1 – Proof of Charlotte Burton

4.1 Point 1 – Failure to demonstrate genuine and demonstrable net gain for biodiversity

Response of John Pearson (Planning)

4.1.1 Further to the situation explained in their Planning Proof (NRE9.2) paragraphs 4.7.12 & 13 Network Rail have received draft Head of Terms from the CCoC with regard to providing off site mitigation.

4.1.2 Section 2.2 of the planning proof (NRE9.2) sets out that the application for deemed planning permission is equivalent to an outline planning permission. As part of the application Network Rail have included illustrative landscape proposals setting out how the landscaping can be developed in broad terms. In addition, there is a requirement captured through the proposed planning condition to achieve 10% BNG. Network Rail will seek to provide mitigation onsite, but I understand that this is not completely feasible and so Network Rail are seeking an agreement with CCoC that will enable the shortfall in the BNG units not provided through the onsite landscaping proposals to be provided off site within Cambridgeshire.

- 4.1.3 Further details regarding the BNG assessment have been provided by Guy Stone.
- 4.1.4 With respect to contributions towards maintenance for the new landscaping in the park Network Rail have said they are willing to enter into an agreement with the CCiC to cover this. Network Rail will meet with CCiC to discuss the form of this agreement and suitable and appropriate obligations which would be necessary to make the development acceptable in planning terms.
- 4.1.5 Network Rail would suggest further that the proposed Hard and Soft Landscape condition (No. 29) includes the provision of an updated BNG report to confirm what has been achieved on site and what needs to be provided off site. Network Rail believe on balance given the outline nature of the application the commitments made through the planning conditions and ongoing discussion to discuss appropriate obligations that the benefits of the proposed CSIE Project and committed targets of BNG the application accords with the development plan policies as set out in the NRE9.2 section 4.7.

4.2 Point 2 – Failure to demonstrate compliance with Policy 70 – Paragraph 5.15 and 5.16

Response of John Pearson (Planning)

- 4.2.1 Further to the assessment in section 4.5 of the planning proof (NRE9.3) Network Rail have clearly demonstrated that the replacement land matches that lost permanently in terms of quantity and given the quality of the final landscaping will be subject to approval by the local planning authority believe that the quality will be in the gift of the council through that approval. The design intent for the proposed exchange land is to provide an attractive recreational area within which the public can recreate, benefitting from broad views across open

countryside. It will display a similar mosaic of landscape types (i.e., in terms of form, scale and vegetative cover) to those found within the core of the Hobson's Park. As noted in paragraph 5.4.12 of my Proof of Evidence, 'the landscaped proposals are intended to provide a new area of publicly accessible open space, comprising of grassland, scattered scrub/tree copses, ponds and riparian habitat to the south of Hobson's Brook

- 4.2.2 Network Rail note that the areas lost permanently are on the periphery of the park mainly alongside the existing rail corridor which is separated from the main area of the park by a belt of tree planting and alongside the guided bus route. These areas will be combined into a single landscaped area to the south of Addenbrooke's Road. Network Rail have reviewed access into this area and propose to secure the delivery of the 'potential future footbridge' across Hobson's Brook shown on drawing ref. 158454-ARC-ZZ-ZZ-DRG-LEP-000054. This will ensure access to the Exchange Land more easily from Underneath Nine Wells Bridge providing a safe route from the main park to the exchange land without needing to cross Addenbrooke's Road. An existing crossing point of Addenbrooke's Road is located where Addenbrooke's Road crosses Hobson's Brook. This crossing comprises a pedestrian refuge as can be seen in image below.



4.2.3 With respect to contributions towards maintenance for the new landscaping in the park Network Rail have said they are willing to enter into an agreement with the CCiC to cover this. Network Rail will meet with CCiC to discuss the form of this agreement and suitable and appropriate obligations which would be necessary to make the development acceptable in planning terms.

4.3 Point 3 – Loss of trees contrary to Policy 71 – Paragraphs 5.20 to 5.22

Response of John Pearson (Planning)

4.3.1 Network Rail have addressed this in section 4.7 of their Planning Proof (NRE9.2). Network Rail would note that the proposed works to the trees would be undertaken in accordance with an approved Arboricultural Method Statement and Tree Protection Plan which the council suggested in the proposed condition in their SoC. Network Rail have agreed this condition and proposed wording was included in planning proof appendix A (NRE9.3). The CCiC in doc ref. OBJ-23-W3 have proposed further amendments which Network broadly accept apart from the addition of 'in logical sequence' as the changes just re order the condition.

- 4.3.2 In any event, I note that Network Rail will be producing an Arboricultural Implications Assessment (AIA) as confirmed by Guy Stone

4.4 Point 4 – Conditions

Response of John Pearson (Planning)

General

- 4.4.1 NR note the proposed changes to draft deemed planning conditions and note a further update was sent to the council on the 16 December 2021.
- 4.4.2 Network Rail broadly accept the changes as they only make minor drafting changes. There are a few matters to discuss with the council particularly surface water drainage which Network Rail specifically requested feedback on following the meeting with GCSP on 13 December 2021.
- 4.4.3 Another outstanding matter appears to relate to the Public Art Strategy which has not been raised previously, see CCiC Statement of Case which states “Local Plan policy 56 requires the inclusion of public art embedded within the scheme. The application has provided no details of the public art proposals at this stage; however, we support draft condition 17 to secure a public art delivery plan.”
- 4.4.4 Network Rail will have further discussion on the proposed Planning Conditions to agree them with both local planning authorities but, broadly as stated by CCiC and SCDC they are agreed. A revised set of conditions taking account the comments in the CCiC proof of evidence OBJ-23-W3 has been shared with both SCDC and CCiC via GCSP.

Electrical Vehicle Charging

- 4.4.5 Network Rail do not consider it is reasonable and proportionate to put in the electric vehicle charging points at this time given there are only nine spaces and the effects on air quality as assessed in the ES do not support this further mitigation. However, Network Rail understand the general movement towards electric vehicles, and have proposed a planning condition (No. 32) to ensure the necessary infrastructure including ducting, capacity within the station network and ability to connect to the grid is provided. This satisfies Plan policies 36 and 82.

Environmental Statement

- 4.4.6 This style of condition does not meet the tests for a planning condition in terms being necessary and reasonableness.
- 4.4.7 NR note that the government's guidance on Environmental Impact Assessment (<https://www.gov.uk/guidance/environmental-impact-assessment>) explains requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 4.4.8 Conditions attached to a planning permission or subsequent consent may include mitigation measures. However, a condition requiring the development to be “in accordance with the Environmental Statement” is unlikely to be sufficient unless the Environmental Statement was exceptionally precise in specifying the mitigation measures to be undertaken, and the condition refers to the specific part of the Environmental Statement specifying the mitigation measures.
- 4.4.9 NR do not believe the ES is sufficiently precise in this regard as it was not drafted with this in mind. NR believe the proposed conditions cover the Mitigation measures identified in the ES, if the Council can identify specific issues they believe need to be addressed or mitigation

secured NR are happy to discuss and include in the proposed planning conditions as necessary.