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Dear Ms Beard

The Network Rail (Cambridge South Infrastructure Enhancements) Order (the Order) - Application pursuant to S19 and 28 Acquisition of Land Act 1981 (the Act)

As you are aware, on 23 August 2021 an application was submitted on behalf of Network Rail Infrastructure Limited for a certificate pursuant to Section 19 and 28 of the Acquisition of Land Act 1981. The application is required as part of Network Rail's proposed Order which seeks the compulsory acquisition of existing open space and new rights over existing open space.

The application identified as Affected Open Space (existing open space over which permanent new rights are sought) plots 002 and 008 (as identified in Schedule 4 of the draft Order) and also went on to identify existing open space which would be subject to powers of temporary possession (with those plots identified in Schedule 4 of the Order). The purpose of this letter is to clarify those plots which should be treated as Affected Open Space for the purposes of the S28/Schedule 3 paragraph 6(1)(a) application.

When seeking new rights, the Secretary of State for the purposes of paragraph 6(1)(a) of Schedule 3 of the Act, needs to be satisfied that the right sought over land will be "no less advantageous" when such land is "burdened" with such right. An application for a certificate under Section 28 and Schedule 3 paragraph (6) therefore only applies where a permanent right is sought and does not apply to powers of temporary possession. On that basis, we wish to clarify that the existing open space identified as being subject to powers of temporary possession (rather than the acquisition of new rights) does not need to be considered as part of the application for the S28 certificate. These plots are plots 002, 004, 004d, 004e, 004f, 004g, 005, 006, 006a, 008, 008a, 010, 011, 012, 013, 084, 085, 087 and 090) and can be removed from consideration as part of the application.

The only plots that comprise Affected Open Space requiring consideration under S28 are therefore Plots 002, 008 and 008a (noting that the latter was erroneously included in the plots described as being subject to

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temporary possession). Plot 008a was however correctly identified in the draft Order and deposited Order Plans accompanying the application as being subject to permanent rights of access are sought over plot 008a (as well as temporary possession). The new right sought is to provide access to the Replacement Land, as the public are already able to access this land informally it is considered that the right sought is no less advantageous to current situation as explained in the application.

In light of the above clarification, we can confirm that the S28/Schedule 3 paragraph 6(1)(a) application relates therefore only to plots 002, 008 and 008a. The plots subject to the S19 application remain as originally applied for.

We note that in any event, no party has objected to the grant of the certificates sought.

Yours sincerely

Michele Vas

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