

Cambridge South Infrastructure Enhancement

Statement of Common Ground

Between

(1) Network Rail Infrastructure Limited; and

(2) University of Cambridge

In relation to the proposed Transport and Works Act Order for Cambridge South Infrastructure Enhancements Scheme.

Date: 17 February 2022

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1. ABBREVIATIONS

DfT	Department for Transport
ES	Environmental Statement
LWA	Land and Works Agreement
NRIL	Network Rail Infrastructure Limited
SoCG	Statement of Common Ground
TWAO	Transport and Works Act Order
University	University of Cambridge

2. INTRODUCTION

- 2.1 This Statement of Common Ground (**SoCG**) has been prepared by Network Rail Infrastructure Limited (**NRIL**) and the University of Cambridge (**University**). It sets out the position between the parties in relation to the Transport and Works Act Order (**TWAO**) application submitted to the Department for Transport (**DfT**) on 18 June 2021 for the Cambridge South Infrastructure Enhancements scheme (the **CSIE Scheme**).
- 2.2 This SoCG sets out the relationship between NRIL and the University and has been structured to reflect topics of interest to NRIL and the University in relation to the TWAO application for the CSIE Scheme.

3. SCHEME OVERVIEW

- 3.1 NRIL has applied to the DfT for a TWAO to construct the CSIE Scheme under the Transport and Works Act 1992. The application was accompanied by an Environmental Statement (**ES**) and a request for a Planning Direction under Section 90 (2A) of the Town and Country Planning Act 1990.
- 3.2 The CSIE Scheme will provide for the construction of a new station in South Cambridgeshire and associated improvements to the West Anglia Main Line and Shepreth Branch Line for the purposes of improving connectivity and capacity in the Cambridgeshire region, details of which are set out in more detail in Network Rail's application document reference NR01.
- 3.3 A public inquiry in respect of the CSIE Scheme commenced on 1 February 2022.

4. CONSULTATION BETWEEN NRIL AND UOC

- 4.1 NRIL consulted the University on the CSIE scheme before making the TWAO application.

- 4.2 The University has provided meaningful responses to the two rounds of public consultation undertaken in January and October 2020.
- 4.3 NRIL and the University have maintained engagement throughout the progress of the TWAO application.
- 4.4 A site visit was undertaken with representatives of NRIL and University on 25 November 2021.
- 4.5 Technical discussions have been undertaken between NRIL and the University's respective technical advisors on the topic areas described below in order to reach agreement on the areas of common ground.
- 4.6 Draft Heads of Terms for a Land and Works Agreement (**LWA**) were issued by NRIL to the University on 1 December 2021, with the purpose of seeking withdrawal of the University's objection through legal commitments from NRIL to manage and mitigate any potential impacts of the CSIE during the construction and operational phases.
- 4.7 Following negotiation, the substantial points of the LWA have been agreed between NRIL and the University, and NRIL and the University are in the process of finalising the specific drafting of the LWA. Completion of the LWA would enable the University to withdraw their objection to the CSIE scheme.

5. UNIVERSITY POINTS OF OBJECTION

- 5.1 The University issued a letter of objection (the 'objection letter') to the DfT Transport Infrastructure Planning Unit dated 30 July 2021, detailing the University's grounds for objection to the TWAO application, which have been summarised below:
 - (a) Ground 1 - Impact of the Scheme on the University - Noise and Vibration
 - (b) Ground 2 - Impact of the Scheme on the University- wider impacts
 - (i) Compulsory acquisition of land and rights in land
 - (ii) Drainage
 - (c) Ground 3 - Other concerns
 - (i) Hobson's Conduit
 - (ii) Development of Plot 9
 - (iii) Ancillary rights

- (iv) Correcting errors in the Book of Reference (specifically any plots that are missed)

5.2 NRIL responded to the University's objection letter on 2 September 2021, addressing each of the grounds of objection and concluded the response with a request for a meeting with the University, to start the process of identifying the University's requirements for withdrawing each item of objection to the CSIE TWAO application.

5.3 The University issued a statement of case dated 14 September 2021, where the grounds for objection detailed in the objection letter were further detailed, the main impacts highlighted in the University's statement of case where:

- (a) The Impacts of the Scheme on the AMB and Research
- (b) The impacts of the Scheme on Plot 9
- (c) Impacts of the Scheme - Noise and Vibration
- (d) Impacts of the Scheme - EMI
- (e) Impacts of the Scheme - Drainage
- (f) Impacts of the Scheme - Highways
- (g) Compulsory Acquisition Powers
- (h) Planning Context
- (i) Inadequate Consultation
- (j) Costs and Funding

5.4 NRIL and the University representatives met on 24 September 2021 to run through the University's grounds of objection to the CSIE scheme. The conclusion of the meeting was that further detailed technical meetings would be required to identify appropriate mitigations for each ground of objection.

5.5 Proofs of evidence were exchanged on 7 January 2022, and rebuttals were issued by both NRIL and the University on 18 January 2022.

6. AREAS OF THE UNIVERSITY OBJECTION NOW AGREED BETWEEN THE PARTIES

6.1 Impacts of the Scheme - Noise and Vibration (in relation to the AMB and research)

- 6.1.1 The following statement is agreed by Rupert Thornely-Taylor (Rupert Taylor Limited representing the University) and Lynden Spencer-Allen (in respect to vibration) and Simon Taylor (in respect to noise) (Ramboll representing NRIL).
- 6.1.2 Detailed noise and vibration thresholds and monitoring criteria have been agreed between NRIL and the University, for the construction and operation phases of the CSIE scheme.
- 6.1.3 NRIL undertake to produce a Construction Phase Plan (CPP), in consultation with the University, for the construction of the Works authorised by the Order which are directly adjacent to the AMB site and the associated movement plant and materials during the construction process. The CPP will include the proposed noise and vibration monitoring and mitigation measures to be implemented during construction to ensure no exceedances of Construction Vibration and Noise Thresholds. The CPP will be issued to the University for approval (such approval not to be unreasonably withheld) 56 days prior to commencement of construction works within the vicinity of the AMB site.
- 6.1.4 To ensure that Operational Noise and Vibration Thresholds are not exceeded, NRIL shall:
- (a) undertake to design and construct the CSIE Up loop line track, south of the proposed Cambridge South Station, with minimum switches and crossings turn out radii of 1176m and a maximum line speed of 60mph.
 - (b) undertake to design and construct the proposed CSIE Up line switches and crossings so that they are situated a minimum of 188m from the frog of the crossing to the centre of the AMB.
 - (c) commit to not using aluminothermic welds on the CSIE new sections of track or switches and crossings within 180m to the centre of the AMB.
- 6.1.5 Based on the above commitments and undertakings, NRIL and the University hereby confirm to the Inspector that no further grounds for objection remain in respect to noise and vibration.
- 6.2 Impacts of the Scheme - EMI (in relation to the AMB and research)**

- 6.2.1 The following statement is agreed by John McAuley (Compliance Engineering Ireland Limited representing the University) and Rasheed Hameed and Pierre Fayet (Arcadis representing NRIL).
- 6.2.2 NRIL commits to mitigating any potential for increased electromagnetic interference from the train and associated HV/MV equipment to be located in close proximity to the AMB.
- 6.2.3 NRIL agrees that any exceedance of the environmental limits of the sensitive research equipment or alteration of the existing electromagnetic environment within the AMB or which impacts AMB electrical services will require mitigation and the specific mitigation required must be identified and agreed with the University prior to construction.
- 6.2.4 NRIL commits to undertaking pre and post construction Electromagnetic site surveys, assessments and modelling to provide the necessary evidence to inform such mitigation and control measures, the cost of which shall be met by NRIL.
- 6.2.5 Based on the above commitments NRIL and the University hereby confirm to the Inspector that no further grounds for objection remain in respect to EMI.
- 6.3 Impacts of the Scheme - Drainage (including impacts on AMB and Plot 9)**
- 6.3.1 The following statement is agreed by Paul Jenkin (Stantec representing the University) and Sue Brocken (Arcadis representing NRIL).
- 6.3.2 It is agreed that in principle the current proposals to mitigate for the impact of the haul road on Plot 9/AMB would provide a basis for ensuring that the University is in no worse position in respect of drainage in the temporary or permanent case.
- 6.3.3 It is agreed that the modelling undertaken for the outline design of these proposals is sufficiently detailed to give confidence that such a scheme can be delivered.
- 6.3.4 It is agreed that this modelling contains a number of assumptions which should be addressed through the collection of additional more detailed survey data.
- 6.3.5 Using microdrainage and a number of standard and site-specific assumptions Arcadis conclude that
- (a) The depth and frequency of flooding at Plot 9/AMB would not increase

- (b) The rate and volume of water passing onto the Hobsons Brook from Plot 9/AMB would not increase and this will ultimately be agreed with the LLFA
- (c) The overall quality of water passing onto the Hobsons Brook from Plot9/AMB will be no worse than existing and will maintain the position under the covenants.
- (d) Recognising that there are a number of assumptions within this analysis Arcadis are comfortable that any resultant uncertainties can be accommodated within the built form of their scheme.

6.3.6 It is agreed that in this context “no worse” means that flood frequency and flood levels will not increase on site or in the receiving watercourses downstream and similarly that there will be no reduction in water quality.

6.3.7 In respect of Plot 9 whilst this is currently undeveloped and there is no proposal for which extant planning permission exists the phrase “no worse” would mean that a proposal equivalent to that previously consented (from a capacity and flow rate perspective) could be accommodated in drainage terms within the new proposed permanent boundaries and this can be demonstrated using the proposed models.

6.3.8 Based on the above NRIL and the University hereby confirm to the Inspector that no further grounds for objection remain in respect to surface water drainage.

6.4 Impacts of the Scheme - Highways

6.4.1 The following statement is agreed by Paul Humphrey (Schofield Lothian representing NRIL) and Graham Hughes (Stantec representing the University).

6.4.2 NRIL undertake to consult the University and provide drafts of the Construction Traffic Management Plan, the Construction Logistics Plan, the Dust Management Plan, the Flood Emergency Response Plan and the Noise and Vibration Management Plan, for the University’s comment in advance of any formal submission to the Local Planning Authority. The University is to be provided with at least 20 working days to make comments on these documents before NRIL finalises the submissions to the Local Planning Authority.

6.4.3 NRIL undertake to construct, inspect and maintain the temporary construction haul roads within the vicinity of the AMB and Plot 9 sites so that the Construction Phase Noise and Vibration Thresholds are adhered to.

- 6.4.4 During the construction, operation and demolition of the temporary construction haul roads within the vicinity of the AMB and Plot 9 sites the Construction Phase Noise and Vibration Thresholds, associated Protocols and Construction Phase Plan (see 6.1 above) must be adhered to by NRIL, unless otherwise agreed by the University in writing.
- 6.4.5 NRIL undertake to notify the University in advance of any abnormal vehicle movements in, out or through the Cambridge Biomedical Campus and any associated traffic management plans so that mitigation and controls can be agreed with the University in advance (such agreement not to be unreasonably withheld). Where there are abnormal loads present, the Construction Phase Noise and Vibration Thresholds, associated Protocols and Construction Phase Plan (see 6.1 above) must be adhered to.
- 6.4.6 NRIL to undertake a pre-construction condition survey of Francis Crick Avenue and that defects will be repaired by CBC prior to construction and Network Rail during construction.
- 6.4.7 Based on the above commitments NRIL and the University hereby confirm to the Inspector that no further grounds for objection remain in respect Highways.

6.5 Planning Context

- 6.5.1 The following statement is agreed by John Pearson MRTPI (Schofield Lothian representing NRIL) and Paul Milliner MRTPI (Head of Planning for the University).
- 6.5.2 It is agreed that in respect to the principle of development that CSIE accords with the vision and strategic objectives of the Cambridge Local Plan 2018 to promote sustainable economic growth, respond to climate change, and maximise sustainable transport modes, and is in accordance with Local Plan policy 5 which supports implementation of the Cambridgeshire and Peterborough Combined Authority Local Transport Plan (2020).
- 6.5.3 It is agreed in respect to the impact on the AMB and Plot 9 that the following development plan policies within the Cambridge City Council Local Plan (2018) (CLP), associated guidance and national policy in the National Planning Policy Framework (NPPF) are relevant to the potential impacts on the AMB and Plot 9:
- (a) CLP Policy 31 (Integrated water management and the water cycle)

- (b) CLP Policy 32 (Flood risk)
- (c) Cambridgeshire Flood and Water Supplementary Planning document (SPD)
- (d) NPPF Planning and Flood Risk (paragraphs 159-169)
- (e) Guidance for the Natural Environment 2019
- (f) CLP Policy 35 (Protection of human health and quality of life from noise and vibration)
- (g) NPPF Ground Conditions and Pollution (paragraph 185)
- (h) National Planning Practice Guidance - Noise

6.5.4 It is agreed that the most appropriate way to secure the necessary mitigation measures of impacts on the AMB and Plot 9 is for both parties to enter into the LWA. NRIL and the University agrees that this would ensure the proposed CSIE scheme minimises its impact on the AMB and Plot 9 to acceptable levels.

6.5.5 With this mitigation secured, the University agrees that the CSIE scheme would satisfy the development plan policies 31, 32 and 35 of the CLP, related guidance and the NPPF.

6.5.6 It is agreed that due to the University obligations in relation to the extant consent, specifically landscaping conditions 42 to 47 for outline planning permission 06/0796/OUT (varied by S73 permission 14/2094/S73), that the removal of landscaping implemented in conjunction with development of the AMB as a consequence of the CSIE scheme, could place the University in breach of planning control, through non-compliance of conditions.

6.5.7 NRIL has proposed a revision to the draft TWAO (set out in Appendix 1 below), specifically Article 35 'Planning Permission and Supplementary Powers' which the University agree would provide sufficient statutory protection to the University against enforcement action by the Local Planning Authority for breach of planning control relative to conditions 42 and 47 of outline planning permission 06/0796/OUT (varied by S73 permission 14/2094/S73).

6.5.8 Based on the above NRIL and the University hereby confirm to the Inspector that no further grounds for objection remain in respect to planning context.

6.6 Inadequate Consultation

6.6.1 The University hereby confirm to the Inspector that no further grounds for objection remain in respect to inadequate consultation.

6.7 Adequacy of the Environmental Statement


6.7.1 The University confirm that they consider that the Secretary has sufficient information to reach a reasoned conclusion about the likely significant effects of the CSIE scheme upon the environment in accordance with the requirements of the “TWA 1992”.

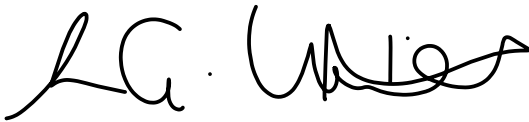
7. NRIL AND UNIVERSITY JOINT POSITION STATEMENT

- 7.1 NRIL and the University agree that on completion of the LWA, no grounds of objections will remain in respect of the University’s objection letter. NRIL and the University have agreed the position of all substantial areas and are in the process of finalising the specific drafting of the LWA based on the agreed Heads of Terms.
- 7.2 Upon completion of the LWA, which is expected imminently, the University have confirmed that they will withdraw their objection to the CSIE scheme.
- 7.3 In light of the above, the University do not intend to call any technical witnesses or make any further representations at the Public Inquiry.

8. AGREEMENT ON THIS STATEMENT OF COMMON GROUND

This Statement of Common Ground has been jointly prepared and agreed by:

University of Cambridge
<i>Name:</i> Paul Milliner
<i>Signature:</i> 
<i>Position:</i> Head of Planning
<i>On behalf of:</i> University of Cambridge
<i>Date:</i> 17 February 2022

Network Rail Infrastructure Limited
<i>Name:</i> Lewis Wingfield
<i>Signature:</i> 
<i>Position:</i> Sponsor
<i>On behalf of:</i> Network Rail Infrastructure Limited
<i>Date:</i> 17 February 2022

APPENDIX 1 – PROPOSED REVISION TO ARTICLE 35 OF THE TWAO

The insertion of the following paragraphs in article 35 of the TWAO (as applied for):

- “(4) The AstraZeneca conditions and University conditions have no effect within the Order limits.
- (5) To the extent that the carrying out of any development in accordance with a direction under section 90(2A) of the 1990 Act deeming planning permission to be granted in relation to the authorised works prevents any development permitted by the AstraZeneca permission (whether or not within the Order limits) from being carried out in accordance with any of the AstraZeneca conditions, then to that extent–
- (a) there is deemed to be no breach of the AstraZeneca conditions concerned, and
 - (b) no enforcement action may be taken in respect of the development carried out under the AstraZeneca permission.
- (6) To the extent that the carrying out of any development in accordance with a direction under section 90(2A) of the 1990 Act deeming planning permission to be granted in relation to the authorised works prevents any development permitted by the University permission (whether or not within the Order limits) from being carried out in accordance with any of the University conditions, then to that extent–
- (a) there is deemed to be no breach of University conditions concerned, and
 - (b) no enforcement action may be taken in respect of the development carried out under the University permission.

(7) In this article–

“the AstraZeneca conditions” mean conditions 42 and 45 of the AstraZeneca permission;

“the AstraZeneca permission” means the outline planning permission granted by Cambridge City Council on 15 October 2009 and given reference number 06/0796/OUT as amended by the outline planning permission granted by Cambridge City Council on 5 March 2015 and given reference number 14/2094/S73, with reserved matters approved by Cambridge City Council under the reference numbers 14/1633/REM, 19/1070/REM and 20/05027/REM and any further permission under section 73 of the 1990 Act or any non-material amendment to any of those permissions and approvals;

“the University conditions” means conditions 42 to 47 of the University permission; and

“the University permission” means the outline planning permission granted by Cambridge City Council and given reference number 06/0796/OUT as amended by the outline planning permission granted by Cambridge City Council on 5 March 2015 given reference number 14/2094/S73, together with reserved matters approved by Cambridge City Council under reference number 16/0653/REM and any further permission under section 73 of the 1990 Act or any non-material amendment to any of those permissions and approvals.