

## **Network Rail (Cambridge South Infrastructure Enhancement) Order**

### **South Cambridgeshire District Council (OBJ-24)**

#### **Position Statement 10.02.2022**

1. This statement provides an update on the status of the objections made by South Cambridgeshire District Council (OBJ-24) (hereafter 'the Council') as set out in Ms Burton's Proof of Evidence (OBJ-24-W/1), following the Rebuttal to the Council's evidence (NRE-REB-07) which refers the Council to the Rebuttal to Cambridge City Council's evidence (NRE-REB-06), and following further evidence from the Applicant.
2. The Council's objections were summarised by reference to a conflict with Local Plan policies HQ/1, NH/2, and NH/4 in terms of the impact on biodiversity and existing trees. The Council stated that its objections 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) had 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.
3. As set out in detail in Cambridge City Council's updated position statement (10 February 2022), the Council has received further information from the Applicant to address these objections. This included further evidence about proposed onsite habitat retention, enhancement and creation (OBJ-23 Rebuttal Appendix A) and used to inform updated BNG calculations (OBJ-23 Rebuttal Appendix B). The Council is content that the proposed habitats are appropriate and can be secured through the proposed landscaping condition 29. The potential loss of existing trees has been reduced as a result of the reduced area of temporary land acquisition required at Long Road Sixth Form College, although the Council shares the concerns of Cambridge City Council about the assessment of the impact on those trees and the Arboricultural Implications Assessment that has been provided by the Applicant. The Council is also content that the proposed on-site BNG maximises the potential on-site habitat creation and enhancement options and that it is therefore appropriate to seek offsite BNG provision for the remaining habitat units.
4. The Council is content that the proposed off site habitat creation at Lower Valley Farm is appropriate and likely to be deliverable subject to an

appropriate legal mechanism to secure its delivery. The proposals for Lower Valley Farm are at an appropriate scale, sit within the Cambridge Nature Network as a strategic site for habitat creation and the ownership of the land by Cambridgeshire County Council provides security of long term governance. For these reasons and subject to an appropriate legal mechanism to ensure delivery of the offsite mitigation (as addressed below), the Council is satisfied that its objections in respect of the BNG calculations and the provision of onsite and offsite mitigation have been overcome.

5. As to the legal mechanism for delivery of the offsite mitigation, the Council has been told by the Applicant that it is discussing an Options Agreement for the mitigation at Lower Valley Farm with Cambridgeshire County Council. The Applicant has advised that Heads of Terms for the Options Agreement have been produced and a draft Options Agreement would be available in a matter of weeks. The Applicant has also committed to providing a letter from Cambridgeshire County Council confirming their commitment to enter into an Options Agreement in respect of the land. Subject to receipt of such a commitment on the part of Cambridgeshire County Council, the Council is satisfied that there are exceptional circumstances to justify the imposition of a condition requiring the delivery of the offsite mitigation to be secured through a Section 106 Agreement. Subject to receipt of the letter from Cambridgeshire County Council and the imposition of a condition requiring the delivery of the offsite mitigation to be secured through a S106 Agreement, the Council withdraws its objection on this basis.
6. Network Rail has advised (NRE\_REB-06) that the proposed condition to secure the mitigation identified within the Environmental Statement does not meet the tests for a planning condition in terms being necessary and reasonableness. The Applicant has advised that the proposed conditions cover the mitigation measures identified in the ES, and that if the Council can identify specific issues they believe need to be addressed or mitigation secured then they are happy to discuss and include in the proposed planning conditions as necessary. The Council accepts this position, subject to all parties ensuring that the mitigation has been secured by other means through the Order or the deemed planning consent.
7. The Council's position on planning conditions is reflected in the comments within Cambridge City Council's position statement 10.02.2022.
8. For these reasons, the Council withdraws its objection to the application and now conditionally supports the application, subject to the conditions discussed above and within Cambridge City Council's position statement 10.02.2022.

9. Finally, the Council wishes to bring to the Inspector's and the Applicant's attention the adoption of the Biodiversity SPD by the Council on 7 February 2022. This was referred to as 'pending adoption' in the list of material considerations in Ms Burton's Proof of Evidence. The Council considers that this does not materially change the Council's position on biodiversity matters. A copy of the document can be provided upon request.

**END**