

The Cambourne to Cambridge Order 202X

Explanatory Memorandum

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EXPLANATORY MEMORANDUM

1. INTRODUCTION

- 1.1 This memorandum accompanies an application for The Cambourne to Cambridge Order (the **Application**) by Cambridgeshire County Council (referred to in this document as the **Undertaker**) to construct a guided transport system between Sterling Way, Cambourne, to Grange Road, Cambridge, (**the Scheme**) as defined in the draft Order.
- 1.2 This memorandum explains the purpose and effect of each article of, and Schedule to, the draft Cambourne to Cambridge Order (the **draft Order**), as required by Rule 10(2)(b) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006.
- 1.3 The Undertaker provides this memorandum to provide a detailed explanation of the content of the draft Order as required by the Regulations.
- 1.4 The Order is based on the Model Clauses for Tramways contained in Schedule 2 to The Transport and Works (Model Clauses for Railways and Tramways) Order 2006 (S.I.2006/1954) ("the model clauses") but occasionally departs from those clauses and follows previous precedent orders including the Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523) ("the Cambridgeshire Order") and The Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244) ("the AVTM Order"). It also follows more modern wording found in The Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020 (S.I. 2020/114) ("the East West Rail Order").

This memorandum also highlights and explains the purpose and effect of any departures from relevant Orders for similar development and, where appropriate, also draws on draft Orders made under the Planning Act 2008 and other Acts authorising development.

- 1.5 Appendix 1 is a document explaining the separation of functions applied by Cambridgeshire County Council in carrying out its various functions as project undertaker and as local highway authority. It is supported in this by the Greater Cambridgeshire Partnership (GCP).
- 1.6 Appendix 2 is a Statement of Reasons document to demonstrate accordance with the Acquisition of Land Act 1981, Transport and Works Act 1992 and associated Rules; the Human Rights Act 1998; Equality Act 2010; the DfT guidance " Transport and Works Act orders: a brief guide (November 2013) and MHCLG's 'Guidance on Compulsory purchase process and The Crichel Down Rules' (July 2019 update). In this respect it provides specific purposes for which each plot of land is subject to compulsory acquisition powers.

2. THE PURPOSE OF THE DRAFT ORDER

- 2.1 The Scheme for which the draft Order has been prepared is a priority for the GCP, creating a vital link to ease congestion, offer sustainable travel choices, connect communities and support growth. The Scheme aims to provide better public transport, walking and cycling options for those

who travel in the A428 and A1303 area, improving journey times and linking communities and employment sites in the area west of Cambridge.

3. THE ROLES OF GCP AND OF CAMBRIDGESHIRE COUNTY COUNCIL AS APPLICANT

- 3.1 GCP is the local delivery body for the relevant City Deal with Central Government, being a partnership of councils, business and academia working together, and with partners and local communities, to grow and share prosperity and improve quality of life for the people of Greater Cambridge. The four partners are Cambridge City Council, Cambridgeshire County Council, South Cambridgeshire District Council and the University of Cambridge. One of a number of 'City Deals' agreed by central Government in 2013, it is worth up to £500 million in funding to 2030 for transport infrastructure to boost economic growth.
- 3.2 The GCP's four corridor projects are providing better public transport and active travel routes for walking and cycling, offering better connectivity and alternatives to car use for growing communities to the north, south east, east and west of the city. New routes will be served by modern vehicles to limit air pollution and noise and complemented by travel hubs to encourage park and ride journeys and end-to-end space for active travel options such as walking or cycling.
- 3.3 Whilst GCP is leading on the delivery of the City Deal, and has many functions of the relevant partners delegated to it, the local authority with responsibility for local transport remains Cambridgeshire County Council. The County Council is the accountable body for the Scheme and will operate or procure the operation of the Scheme. Accordingly Cambridgeshire County Council is the Undertaker applying for the powers contained in the Order.

4. SEPARATION OF FUNCTIONS

- 4.1 Appendix 1 to this Memorandum is the text of a document circulated to the relevant officers at Cambridgeshire County Council, Cambridge City Council, South Cambridgeshire District Council and GCP to explain the separate roles of:
- 4.1.1 the County Council as a local planning authority, local highway authority and in regard to its other relevant statutory functions; and
- 4.1.2 Cambridge City Council and South Cambridgeshire District Council as local planning authorities

and as constituent members of GCP in support of the Scheme.

- 4.2 The Undertaker will continue to be mindful of the separate functions involved in promoting and commenting on the provisions of the draft Order.

5. STATUTORY UNDERTAKERS

- 5.1 The Undertaker is engaged with each of the statutory undertakers it has identified as owning apparatus within the Order land.
- 5.2 Negotiations have progressed well and it is anticipated that either protective provisions attached to the Order will be finalised in good time before the end of the examination or separate agreements will be entered into with the relevant undertaker.

Draft protective provisions are provided in the Order for certain undertakers. It is to be noted that at the time of submission these have not been finally settled and agreed and may be subject to further change.

6. THE PROVISIONS OF THE DRAFT ORDER

- 6.1 This section of this memorandum explains the provisions of the draft Order. A number of Made Orders are referred to frequently below, being:

(a) the Ashton Vale to Temple Meads and Bristol City Centre Rapid Transit Order 2013 (S.I. 2013/3244) ("the AVTM Order");

(b) the Cambridgeshire Order - The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523);

(c) the East West Rail Order - The Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020 (S.I. 2020/114); and

(d) the model clauses - The Model Clauses for Tramways contained in Schedule 2 to The Transport and Works (Model Clauses for Railways and Tramways) Order 2006 (S.I.2006/1954).

Part 1: Preliminary Provisions

6.2 Articles 1 to 3 of the draft Order contain preliminary provisions.

<p>Article 1 Citation and Commencement</p>	<p>This provides for the commencement and citation of the draft Order. It includes the date on which the draft Order comes into force, which may or may not be the date on which the draft Order is made.</p>
<p>Article 2 Interpretation</p>	<p>This provides for the interpretation of the Order. Definitions additional to those set out in the model clauses have been included in this article to provide clarity, taking into account the specific provisions of the Order.</p> <p>Paragraph (2) departs from the model clauses by including reference to the imposition of restrictive covenants for the benefit of land which is acquired under this. The power to impose restrictive covenants has precedent in, for example, the Network Rail (Ordsall Chord) Order 2015 (S.I. 2015 No. 780) and the Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018 No. 446).</p> <p>A new paragraph (3) explains that references to numbered plots are references to plot numbers on the deposited plans. This has been added to provide clarity and has precedent in the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020 (S.I. 2020 No. 114).</p>
<p>Article 3 Disapplication of legislative provisions</p>	<p>This Article seeks, to incorporate and modify legislative provisions which are necessary for carrying out the authorised development. It is not taken from the Model Clauses.</p> <p>Article 3(1) disapplies the provisions of the Neighbourhood Planning Act 2017 insofar as they relate to the powers of temporary possession or use of land pursuant to the draft Order. The provisions of the 2017 Act are not yet in force and it is not known when they may come in to force. The potential for significant change to the processes and timetable requirements in the 2017 Act could have a material impact on the Undertaker's delivery programme and could significantly impact on the ability to deliver the authorised development on time. This potential uncertainty is therefore sought to be avoided. The principle of disapplication has been previously accepted by the Secretary of State – see for instance the Silvertown Tunnel Order 2018, article 3(1)(p).</p> <p>Articles 3(2) and 3(3) seek to disapply provisions of the Environmental Permitting (England and Wales) Regulations 2016(FN19) in relation to the carrying on of a flood risk activity or a water discharge activity and section 32 of the Land Drainage Act 1991 on the basis of discussions with the Environment Agency meaning that the need for the additional consents is unnecessary.</p> <p>Article 3(4) provides that the Community Infrastructure Regulations 2010 (as amended) are excluded. This is because and it is necessary to clarify that</p>

	<p>the CIL Schedule will not apply to the travel hub proposed at Babraham. It is common for CIL to be disapplied in Orders under the Planning Act 2008. See for example the Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014, Article 14 and The National Grid (Hinckley Point C Connection Project) Order 2016.</p>
<p>Article 4 Application of the 1991 Act</p>	<p>This article provides for the application of the New Roads and Street Works Act 1991 (1991 c.22). It modifies the approach in the model clauses, by providing for both provisions of the 1991 Act that will apply to the works executed under the powers of the Order and also provides that certain provisions will not apply. These provisions are set out in a list in paragraph (3).</p> <p>Paragraph (8) makes provision for the undertaker to have the same powers with respect to the reinstatement of streets as the street authority has under section 72 of the 1991 Act and paragraph (10) makes provision for the undertaker to monitor the execution of works and for the protection of the guided transport system. Other additions to the model clauses are the inclusion of section 75 (inspection fees) within the scope of the provisions of the 1991 Act that will apply and, at paragraph (2), a provision allowing the undertaker to be treated in the same way as a highway authority in relation to major transport works. These provisions are relatively standard in complex projects of this type where significant works are required within the public highway and are considered to be necessary.</p> <p>Paragraph (9) provides for the guided transport system to be regarded as tramway for the purposes of the 1991 Act thereby conferring on the undertaker certain benefits granted to tramway undertakers. This approach has precedent in article 3 of the Cambridgeshire Order and article 4 of the AVTM Order.</p>

Part 2: Works Provisions

6.3 Part 2 of the Order contains provisions for, and relating to, the construction of works.

<p>Article 5 Power to construct and maintain works</p>	<p>This article would authorise the construction and maintenance of the principal works proposed (“the scheduled works”) described in Schedule 1 (scheduled works) and shown on the plans and sections deposited in connection with the application. Schedule 1 describes works for the purpose of the guided transport system and sets out the individual works between Sterling Way, Cambourne and Grange Road, Cambridge which comprise the principal works required for the Scheme.</p> <p>It also provides ancillary works and for the construction and maintenance works necessary and expedient for the purposes of the scheduled works. In identifying such works, the article also makes certain provision not included in the model clauses by providing for the undertaker to construct other works including:</p> <ul style="list-style-type: none"> - Stops and platforms; - buildings and other works required for the management or maintenance of the authorised guided transport system; - works required for strengthening, improving, maintaining or reconstructing any street;
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	<ul style="list-style-type: none"> - connections to existing streets; - street furniture drains and apparatus - ecological works; and - works for the strengthening, alteration or demolition of any building. <p>In addition, and departing from the model clauses, article 5(5) provides for the removal of temporary works constructed by the undertaker for the purposes of the authorised works. Such provisions can be found in the AVTM Order (article 5).</p>
<p>Article 6 Power to deviate</p>	<p>This Article allows for limits of deviation for works authorised by the draft Order. The article requires that linear works are constructed within the limits for the relevant work shown on the Works Plan and all non-linear works are constructed within the areas shown on the Works Plan for that Work.</p> <p>Vertical deviation from the levels shown on the [section drawings] are permitted upwards by 1 metre and downwards to not exceed 1 metre.</p> <p>Article 6(3) provides for the provision of such gaps in guidance (which may be necessary for technical reasons or for traffic management reasons) as might be expedient. This provision has precedent in the Cambridgeshire Order (article 5) and the AVTM Order (Article 6) but is not in the Model Clauses.</p> <p>As a departure to the model clauses, paragraph (4) provides for in respect of certain intended bridges, to deviate from designs shown on the Order plans and deviation of the start and end points of the scheduled works as shown on the Order plans. These provisions are required to provide for sufficient flexibility in the construction of the authorised works. They have a precedent in the AVTM Order (article 6), save the AVTM Order allows only lateral deviation.</p>
<p>Article 7 Power to alter layout, etc., of streets</p>	<p>This article would permit the Undertaker to alter the layout of streets in order to accommodate the introduction of the guided transport system with the consent of the street authority (not to be unreasonably withheld) or, in the case of the alterations in respect of certain streets detailed in Schedule 3 to the Order, without further reference to the street authority. In addition to the powers in the model clauses, this article provides for (i) the altering of the width of any kerb, footway, cycle track or verge within the relevant streets and (ii) the carrying out of works for the provision or alteration of parking places, loading bays, bus stop clearways, cycle tracks and bus laybys or traffic calming works which are of a description prescribed in the Highways (Traffic Calming) Regulations 1999 and which are carried out in compliance with those regulations.</p> <p>Because the guided transport system crosses streets without the authorised guided transport system being laid across those streets the powers of this article relate to streets within the permanent limits rather than (as in the model clauses) streets along which a tramway is laid.</p> <p>These provisions are required to construct the authorised works within and across streets and are based on article 6 of the Cambridgeshire Order and Article 7 of the AVTM Order. .</p> <p>In addition a deeming provision has been included in paragraph (4) to require a notification of a decision by the person receiving an application for consent within 28 days. This is required to ensure that clear and appropriate timetables are known, so that construction of the scheme is not disrupted by delays in obtaining responses to</p>

	applications for consent.
Article 8 Apparatus in Streets	This article would permit the Undertaker to place and maintain equipment and apparatus in streets for the purposes of or in connection with the construction, maintenance and use of the guided transport system. Where the power under this article would be exercised within the boundaries of a street outside of the Order limits by virtue of that street having a junction with a street along which the construction of the guided transport system the consent of the street authority (not to be unreasonably withheld) is required. This provision has precedent in article 8 of the AVTM Order.
Article 9 Power to execute street works	This article would confer authority on the Undertaker to execute works in or under streets in connection with the exercise of powers under article 8 (apparatus in streets). Article 9(3) departs from the model clauses and limits the exercise of the powers under article 9 by requiring the consent of the street authority in relation to streets outside the Order limits. It has a precedent in article 9 of the AVTM Order.
Article 10 Rights of way over access tracks	This article provides that the use by the public of the bridleway what will be provided on the emergency and maintenance access route forming part of the works to be authorised by the Order will be subject to the use of the route for emergency and maintenance purposes. This article has precedent in article 9 of the Cambridgeshire Order.
Article 11 Construction of new and stopping up of existing streets	<p>This article provides for the construction of certain new streets and the stopping up or diversion of certain existing streets, in accordance with the relevant part of Schedule 4 (Streets to be stopped up and the provision of substitutes). Schedule 4 splits these into 4 categories, being new paths or streets (Part 1); streets for which a substitute is to be provided (Part 2), streets for which no substitute is to be provided (Part 3), and means of access for which a substitute is to be provided (Part 4).</p> <p>This article is based on the model clauses with some variations based on article 10 of the AVTM Order, with the provision regarding private means of access being provided in addition, being a variation from both the AVTM Order and the Model Clauses, to reflect the particular requirements of this scheme and reflecting this scheme being located to a large extent within an agricultural area.</p>
Article 12 Temporary Stopping Up of Streets	<p>This article provides for the temporary stopping up of streets subject to the consent of the street authority concerned (not to be unreasonably withheld but which may be subject to reasonable conditions) or, in the case of the temporary stopping up of those streets specified in Schedule 4 or Schedule 5 to the Order, following consultation with the street authority. In addition to the model clauses, the article provides that the undertaker may use any street stopped up under the powers of this article as a temporary working site, an addition that has precedent including in the AVTM Order (article 11).</p> <p>Also in addition a deeming provision has been included in paragraph (7) to require a notification of a decision by the person receiving an application for consent within 28 days. This is required to ensure that clear and appropriate timetables are known, so that construction of the scheme is not disrupted by delays in obtaining responses to applications for consent.</p>
Article 13 Access to works	This article allows the Undertaker to form or use accesses to the highway network from neighbouring land for the purposes of the authorised development within order limits is permitted, if approved by

	<p>the highway authority, such approval not to be unreasonably withheld. This departs from the Model Clauses, article 11, in that model article 11 paragraph (a), providing a schedule of accesses, is not included. This approach was followed in the AVTM Order. As all accesses to works will be within the principal line of the authorised works, a schedule including additional "side accesses" is not required.</p>
<p>Article 14 Construction and maintenance of new, altered or diverted streets</p>	<p>This article makes provision for new footpaths and streets, and alterations or diversions, to be completed to the reasonable satisfaction of the highway authority (or the street authority in the case of alterations or diversions). They must then be maintained by the Undertaker for a period of 12 months, and by the relevant authority thereafter. In addition to the model clauses provisions, <i>article 14(3)</i> makes it explicit that, except as provided in the article, the Undertaker shall not be liable to maintain the surface of any street in, on, under or over which the scheduled works shall be constructed, or the immediate approaches to any such street, unless otherwise agreed with the street authority. Paragraphs (1) to (5) have precedent in article 14 of the AVTM Order.</p> <p>In addition, article 14(6) makes it clear that the provisions of article 14(1) do not apply to the authorised guided busway.</p>
<p>Article 15 Agreements with street authorities</p>	<p>This article would authorise street authorities and the undertaker to enter into agreements relating to the construction of new streets, works in or affecting streets and the stopping up, alteration or diversion of streets. It varies at paragraphs (b) and (c) from the model clauses, following the precedent in the AVTM Order (article 14). These paragraphs provide for further matters about which the Undertaker may reach agreement with the street authority.</p>
<p>Article 16 Guided busway highway etc crossings</p>	<p>This article would permit the undertaker to construct new road crossings in respect of roads, or highways created after the application for this Order enabling guided transport vehicles to cross those roads or highways on the level. Any traffic sign which is put in place is to be treated as if placed under the Road Traffic Regulation Act 1984. This article is necessary for protecting the continuing operation of the guided transport system and has precedent in article 16 of the AVTM Order.</p>
<p>Article 17 Use of private roads for construction and operation</p>	<p>This article would permit the undertaker to use private roads within Order limits for both construction and operation of the authorised works. Compensation is payable for repair of such roads for loss or damage resulting from the exercise of the power. Disputes as to compensation are to be determined under Part 1 of the 1961 Act.</p>
<p>Article 18 Discharge of water</p>	<p>This article is required to allow for the drainage of the land within the Order limits in connection with the carrying out and maintenance of the development. Under the provisions of this article consent is required from the person who owns the relevant watercourse, public sewer or drain but such consent may not be unreasonably withheld.</p> <p>The drafting has been updated to refer to the Environmental Permitting (England and Wales) Regulations 2016.</p> <p>In addition a deeming provision has been included in paragraph (8) to require a notification of a decision by the person receiving an application for consent within 28 days. This is required to ensure that clear and appropriate timetables are known, so that construction of the scheme is not disrupted by delays in obtaining responses to applications for consent.</p>

<p>Article 19 Safeguarding works to buildings</p>	<p>This article would permit the Undertaker to carry out certain safeguarding works before, during or after construction of the authorised works (up to a period of 5 years after that part of the authorised works is opened for use) to buildings which may be affected by the works. Provision is made for certain restrictions and the payment of compensation. It is based on the Model Clauses as adapted by the AVTM Order, with the exclusion of article 18 (11) (a) (iii) which is not needed for this Order.</p>
<p>Article 20 Planning Permission</p>	<p>This article ensures that once constructed, the guided transport system will be treated as operational land and so will have the benefit of permitted development rights under Part 9 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015 No. 596). The article is taken from article 19 of the AVTM Order.</p>
<p>Article 21 Power to survey and investigate land etc</p>	<p>This article confers upon the Undertaker a power to survey and investigate land, including the ability to make trial holes, to use and leave apparatus on the land in question and to enter onto land. The Article also makes provision in relation to the payment of compensation and the notice period that must be given to owners and occupiers of land ahead of any surveys.</p> <p>Approval (which may not be unreasonably withheld) for the making of trial holes is required, in the case of a carriageway or footway from the highway authority, or in the case of a private street, from the street authority.</p> <p>The article is based on article 21 of the East West Rail Order, with suitable amendment, as the Model Clauses are now substantially out of date, with more recent Orders reflecting the provision of S172 etc. of the Housing And Planning Act 2016.</p>
<p>Article 22 Restriction on Apparatus</p>	<p>This article deems the guided busway and its associated emergency and maintenance track to have been designated by the street authority as a protected street for the purposes of S61 of the New Roads and Street Works Act 1991. This is believed to be necessary as the guided busway will have the characteristics of a street as defined in S48(1) of the 1991 Act and it is essential for the provision of a high quality public transport route that apparatus is not installed within or adjacent to the guided busway under the 1991 Act's provisions without the consent of the authority that owns and manages the guided busway.</p> <p>The Article has precedent in article 20 of the Cambridgeshire Order.</p>
<p>Article 23 Obstruction of construction of authorised works</p>	<p>This article would make obstructing the construction of the proposed works or interfering with apparatus belonging to a person acting under the authority of the undertaker a criminal offence.</p>

Part 3: Acquisition And Possession Of Land

6.4 Part 3 of the Order contains provisions for, and relating to, the acquisition and possession of land.

<p>Article 24 Compulsory acquisition of</p>	<p>This article would confer on the Undertaker powers of compulsory acquisition of so much of the Order Land as is required for the authorised project or to facilitate it, or is incidental to it. The article in</p>
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land	part 3 reflects article 23 of the AVTM Order in referring to permanent limits in paragraph (1) but is further adopted to reflect the more modern drafting of article 22 of the East West Rail Order.
Article 25 Application of Part 1 of the 1965 Act	<p>This article applies Part 1 of the Compulsory Purchase Act 1965 to reflect section 125 of the 2008 Act. It also reflects changes introduced by the Housing and Planning Act 2016.</p> <p>Paragraphs (2) and (3) amend the provisions of the Compulsory Purchase Act 1965 so that they are consistent with the terms of the Order and paragraph (4) makes it clear that the notice periods introduced by the Housing and Planning Act 2016 do not apply to the temporary possession or use of land under articles 28 or 29 of the Order. In addition, the Article also reflects recent amendments to the Compulsory Purchase Act 1965 providing that where the making of the draft Order is subject to a statutory challenge, the deadline for the exercise of compulsory acquisition powers under the Compulsory Purchase Act 1965 is increased by a period equivalent to the period beginning with the day the application is made, and ending on the day it is withdrawn or finally determined (or if shorter, one year).</p> <p>This article also clarifies, by applying an amendment for the purposes of the draft Order to Schedule 2A of the Compulsory Purchase Act 1965, that the counter-notice provisions in that schedule that are available to landowners where part only of land is acquired compulsorily do not apply where the land has only been taken possession of under the temporary possession powers set out in article 28 or article 29.</p> <p>The Article modernises the Model Clauses and largely follows the East West Rail Order.</p>
Article 26 Application of the Compulsory Purchase (Vesting Declarations) Act 1981	<p>This article provides for the Order to apply as if it were a compulsory purchase order for the purposes of the Compulsory Purchase (Vesting Declarations) Act 1981 and provides for that Act to have effect subject to certain modifications. It gives the Undertaker the option to acquire land by this method rather than through the notice to treat procedure. This article is based on the Model Clauses and has been updated to reflect the changes brought about by the Housing and Planning Act 2016 including the amendments to the Compulsory Purchase (Vesting Declarations) Act 1981, and provides that where the making of the Order is subject to a statutory challenge, the deadline for the exercise of compulsory acquisition powers under the Compulsory Purchase (Vesting Declarations) Act 1981 is increased by a period equivalent to the period beginning with the day the application is made, and ending on the day it is withdrawn or finally determined (or if shorter, one year).</p>

<p>Article 27</p> <p>Power to acquire new rights and imposition of restrictive covenants</p>	<p>The Article enables the Undertaker to acquire rights over land, including new rights and existing rights if applicable.</p> <p>The Article is drafted so as to allow the Undertaker flexibility to acquire new rights in the Order Land if appropriate rather than outright acquisition under Article 23 (Compulsory acquisition of land). This flexibility allows the Undertaker, if it is possible so to do, to reduce the areas required for freehold acquisition and rely on new, permanent rights instead if this is appropriate. This flexibility is appropriate to allow for continued negotiations with owners of the Order Land. It broadly follows the Model clauses and is a provision that is usual in Transport and Works Act Orders and hybrid bills. Provision is also made in paragraph 2 for the imposition of restrictive covenants on relevant order land if required for protecting the authorised works. The drafting is largely based on that contained in East West Rail Order.</p> <p>The Article makes reference to Schedule [] (Land in which only new rights etc. may be acquired), and states that in the case of land scheduled in Column 1 of that Schedule, the new rights that may be acquired are limited to the new rights (and restrictive covenants where relevant) set out in Column 2 of the Schedule.</p> <p>Reference is also made to Schedule 8 (Modification of compensation and compulsory purchase enactments for creation of new rights) in the modifications of compulsory purchase legislation to apply appropriate provisions regarding material detriment etc. to the acquisition of new rights.</p> <p>Paragraphs (6) – (8) deal with the situation where the power to acquire or rely on new rights is transferred to a statutory undertaker. The transferred power will remain subject to the provisions of this article.</p>
<p>Article 28</p> <p>Rights under or over streets</p>	<p>This article provides that the Undertaker may use a street for the works without being required to acquire any part of the street or any easement or right in the street. Provision is made for the payment of compensation.</p>
<p>Article 29</p> <p>Temporary use of land for construction of works</p>	<p>This article permits the Undertaker to take temporary possession of the land included in Schedule 9 (Land of which temporary possession may be taken).</p> <p>The Article also provides for other land within Order limits in respect of which notice of entry has not yet been served under Section 11 of the Compulsory Purchase Act 1965 and no vesting declaration has been made under the Compulsory Purchase (Vesting Declarations) Act 1981 to be used temporarily. This broadly follows the Model Clauses but has been modified in line with a number of more recent Orders, principally the East West Rail Order. As works may be constructed prior to permanent acquisition of land, permanent land interests can be acquired for the scheme "as built", with no need to account for uncertainties in as-built construction in terms of land acquired. It allows greater flexibility in the event that following detailed design of the works it is decided that only temporary occupation rather than permanent acquisition of land is required.</p> <p>Article 28 provides that powers to take possession of land temporarily, if land is specified in Schedule 9 (Land of which temporary possession may be taken), may be used only for the specific purposes set out in column 3 of that schedule.</p> <p>In all cases where powers of temporary possession are exercised, compensation must be paid to the landowner and any occupiers for</p>

	loss or damage arising from their exercise where claimed.
Article 30 Temporary use of land for maintenance of works	This article provides that the Undertaker may take temporary possession of land within the Order limits required for the purpose of maintaining the authorised works, and to construct such temporary works as may be reasonably necessary for that purpose for a period of five years from the date on which that part of the authorised development is first used. Provision is made for notice and compensation. This power does not apply with respect to houses, gardens or any other buildings for the time being occupied. Provision is also made for taking temporary possession without notice, or at a shorter notice than is usually permitted in an emergency. This is based on, but modifies, the model clauses (article 31) by including more details on the content of any notice to be served under article 29(3).
Article 31 Disregard of certain interests and improvements	This article reflects section 4 (Assessment of compensation) of the Acquisition of Land Act 1981 and is included to apply the effects of that section to compulsory acquisition under the Order. The effect of the article, as with Section 4 of the 1981 Act, is to allow the Tribunal to disregard certain interests in and enhancements to the value of land when assessing compensation if the interest or enhancement was designed with a view to obtaining compensation or increased compensation.
Article 32 Set-off for enhancement in value of retained land	This article provides that in assessing the compensation payable to any person in respect of the acquisition of any land, the Tribunal shall set off against the value of the land any increase in value of any contiguous or adjacent land belonging to that person arising out of construction of the authorised works.
Article 33 Extinguishment or suspension of private rights	This article deals with extinguishing or suspending private rights in existence within Order limits. It is based on the model clauses (article 35) and modernised by the East West Rail Order (Article 32) but further adapted to apply to private rights generally and not just to rights of way. Subject to compulsory acquisition under Article 23 (Compulsory acquisition of land) and Article 26 (power to acquire new rights). It provides that where land is compulsorily acquired, such private rights or restrictive covenants are suspended and unenforceable or (where the beneficiaries are notified by the Undertaker), extinguished as far as their continuance would be inconsistent with the purpose for which temporary possession is taken for as long as the Undertaker remains in lawful possession of the land. It also provides (in Article 32(2)) for the extinguishment of private rights on Order land already owned by the undertaker, when any activity authorised by the Order interferes with or breaches those rights. Compensation is payable under this article in accordance with the principles for the payment of compensation for injurious affection to land that would ordinarily apply to schemes where statutory authority is relied upon and a claim under section 10 of the Compulsory Purchase Act 1965 arises. Article 32(3) provides for the extinguishment or suspension of private rights in land that are inconsistent with new rights created in the land under the Order. Article 32(4) provides for the suspension of private rights in land subject to temporary powers under the Order. Paragraphs 7 and 8 allow the Undertaker to provide notice to the contrary to the provisions of the article, allowing the undertaker to

	confirm to the relevant owner of a dominant tenement that the rights that would by operation of this Article be suspended and unenforceable are not so suspended or unenforceable.
Article 34 Power to acquire subsoil or airspace only	This article authorises the Undertaker to acquire the subsoil in any Order land without acquiring the whole of that land. In certain cases it may be necessary only to acquire a stratum of land below the surface and in the absence of this article the Undertaker would be obliged to acquire the whole interest in the land. The article is based on article 27 of the model clauses, adapted to reflect the provisions of Schedule 2A of the Compulsory Purchase Act 1965, as inserted by Section 199 of and Schedule 17 to the Housing and Planning Act 2016. Precedent can be found in article 26 of the East West Rail Order.
Article 35 Time limit for exercise of acquisition	This article compulsorily imposes a time limit of five years from the coming into force of the Order for the exercise of powers of compulsory acquisition of land. This follows the approach in the Model Clauses.
Article 36 Special Category Land	<p>Under section 12 of the 1992 Act an order consent is subject to special parliamentary procedure when it authorises the compulsory acquisition of land to which the section applies (i.e. a common, open space or fuel or field garden allotment). The exception is if the Secretary of State is satisfied that certain tests under section 19 of the Acquisition of Land Act 1981 are met, including if the Secretary of State is satisfied that replacement land has been or will be given in exchange for the order land, and the replacement land has been or will be vested in the prospective seller and subject to the same rights, trusts and incidents as attach to the order land.</p> <p>This article deals with the replacement of open space special category land that is required for the authorised development. The article makes provision for the special category land vest in the Applicant once the Secretary of State (in consultation with the relevant planning authority) has certified that a scheme for the provision of the replacement land as open space, and a timetable for the implementation of that scheme, has been received from the Applicant.</p> <p>On the date on which the replacement land is laid out and provided in accordance with the scheme, the replacement land will vest in the person in whom the special category land was previously vested and will be subject to the same rights, trusts and incidents as attached to the special category land.</p> <p>The article is based on article 38 of the M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 but simplified to reflect the different nature of the open space being acquired</p>

Part 4: Operation Of The Guided Transport System

6.5 Part 4 of the Order contains provisions on operational matters for the guided transport system.

Article 37 Power to operate and use the guided transport system	This article would authorise the Undertaker to operate and use the guided busway for the carriage of passengers and goods. It would also grant to the Undertaker exclusive rights in relation to the operation of the guided busway, and this is supported by the creation of a criminal offence for unlawful use. This provision is based on article 34 of the
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	Cambridgeshire Order.
Article 38 Power to charge fares	This article contains powers for the Undertaker to charge fares for travelling on the guided busway. It is based on the model clauses, but follows article 37 of the AVTM Order in providing for the entry into agreements for ticketing arrangements.
Article 39	Maintenance of Approved Works
Article 40 Removal of obstructions	This article provides for the person in charge of a vehicle obstructing any vehicle using the guided transport system, from which a load has fallen obstructing either system, to be responsible for its immediate removal. In default, provision is made to enable the Undertaker to take reasonable steps to remove the obstruction and to recover its expenses from the person in charge of the vehicle at the time or, in certain circumstances, the vehicle's owner. Further, an offence is created in relation to the wilful interference with or the obstruction of the operation of the authorised guided transport system. It is adapted from the AVTM Order, article 38.
Article 41 Traffic signs	This article would enable the Undertaker to place and maintain traffic signs for the purposes of the authorised guided transport system. It requires the Undertaker to consult with and to enter into arrangements with the traffic authority for this purpose. It also modifies the Road Traffic Regulation Act 1984 in its application to the authorised guided transport system. It is adapted from the AVTM Order, article 38.
Article 42 Traffic regulation	<p>This article would allow the Undertaker to:</p> <ul style="list-style-type: none"> - permit, prohibit or restrict the stopping, waiting or loading or unloading of vehicles along certain roads; - make provision as to the direction of vehicular traffic; - create new bus lanes; and - permit or prohibit vehicular access to certain roads, in each case as specified in Schedule 10. The ability to "permit" is not included in the model clauses, but is considered to be necessary particularly in the circumstance of access to a private street already subject to traffic regulation (Charles Babbage Road) and is preceded in article 40 of the AVTM Order. <p>The article also includes more general powers at paragraph (2) in relation to traffic regulation, allowing the Undertaker to:</p> <ul style="list-style-type: none"> - revoke, amend or suspend in whole or in part any order made under the Road Traffic Regulation Act 1984; - permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road; - authorise the use as a parking place of any road; - make provision as to the direction or priority of vehicular traffic; or - permit or prohibit vehicular access to any road. <p>The chief officer of police and the relevant traffic authority must be notified in advance of the exercise of the powers under paragraphs (1) and (2) of the article. The article includes a specific power to vary or revoke provisions made under it.</p> <p>The wording is based on article 40 of the AVTM Order.</p>

<p>Article 43</p> <p>Power to lop trees overhanging the guided transport system</p>	<p>This article is included to enable the Undertaker to fell or lop any tree or shrub near the authorised guided transport system, or cut back its roots, where it believes that it is necessary to prevent the tree or shrub from interfering with the authorised guided transport system, subject to some exceptions.</p> <p>The article makes provision for compensation to be payable for any loss or damage arising from the lopping or felling of trees, shrubs or hedgerows. The wording is based on article 41 of the AVTM Order.</p>
<p>Article 44</p> <p>Trespass on the guided transport system</p>	<p>This article makes trespass in relation to the proposed off street areas of the guided transport system and other land of the undertaker a criminal offence. Requirements are included in relation to the display of notices. The wording is based on article 42 of the AVTM Order.</p>
<p>Article 45</p> <p>Power to make byelaws</p>	<p>This article authorises the Undertaker to make byelaws in relation to the guided transport system. In addition, byelaws relating to the undertaker's premises would extend to premises used for or in connection with the operation or maintenance of the authorised guided transport system including any depot, building and park & ride site. The wording is based on article 43 of the AVTM Order.</p>
<p>Article 46</p> <p>Power to contract for police services</p>	<p>This article enables agreements between the Undertaker and police authorities for the provision of police services for the guided transport system and associated premises. It follows article 46 of the Cambridgeshire Order and article 44 of the AVTM order, with suitable minor amendments.</p>
<p>Article 47</p> <p>Powers of disposal, agreements for operation, etc.</p>	<p>This article allows the Undertaker, with the consent of the Secretary of State, to enter into agreements for the transfer, charge or lease of interests in the authorised works or rights to construct, maintain, use or operate the authorised works.</p> <p>It also provides for the entry into agreements, with the consent of the Secretary of State, that are connected with or consequential on any agreements for such transfer, charge or lease.</p> <p>The agreements may provide for any connected or consequential matters, for financing for the construction, maintenance or operation of the authorised works to be provided by the undertaker or any other person, and for the transferee, lessee or any other person to exercise, enjoy or be responsible for any related functions of the undertaker, exclusively or concurrently with the undertaker or another person.</p> <p>The powers would be subject to the same restrictions, liabilities and obligations as would apply to the Undertaker.</p> <p>The Undertaker is also empowered to provide to any person in connection with such an agreement, or with the design, construction, financing, maintenance, use or operation of the authorised works such guarantees, indemnities or other forms of security as it considers necessary or appropriate.</p> <p>These provisions are substantially different from the model clauses. The changes are required to modernise the model clauses and allow the Undertaker to enter more complex contractual arrangements. The article has precedent in Article 45 of the AVTM Order.</p>
<p>Article 48</p> <p>Application of Landlord and Tenant law</p>	<p>This article provides that landlord and tenant law will be overridden so as not to prejudice the operation of any agreement entered into under the powers in the Order.</p>

<p>Article 49</p> <p>Registration of guided busway services and substitute road services</p>	<p>This article allows the Undertaker to provide or secure the provision of replacement services by road where the guided transport system is temporarily interrupted, curtailed or discontinued. Paragraph (3) disapplies section 6 of the Transport Act 1985 in relation to such substitute services to the effect that they need not be registered in advance with the traffic commissioner. It also provides that the guided transport system is to be treated as a road for the purposes of the registration of bus services under the Transport Act 1985.</p> <p>This provision is not in the model clauses but has a precedent in the Cambridgeshire Order (articles 36 and 37) and article 47 of the AVTM Order.</p>
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Part 5: Miscellaneous and general

<p>Article 50</p> <p>Disclosure of Confidential Information</p>	<p>This article makes disclosure of certain confidential information obtained upon entry to certain premises under article 18 (Safeguarding works to buildings) and article 20 (Power to survey and investigate land) a criminal offence.</p>
<p>Article 51</p> <p>Defence to proceedings in respect of statutory nuisance</p>	<p>This article provides that no-one shall be able to bring statutory nuisance proceedings under the Environmental Protection Act 1990 in respect of air pollution noise or light pollution, if it is created in the course of carrying out or maintenance of the authorised project. It is not considered that any properties will be affected beyond statutory nuisance thresholds, as mitigation measures will be used to control emissions. However, the Undertaker considers that this Article should be included in the event that proceedings are brought under Section 82 of the Environmental Protection Act 1990. This approach follows the Model Provisions.</p>
<p>Article 52</p> <p>Statutory Undertakers etc</p>	<p>This article introduces Schedule 11 (provisions relating to statutory undertakers, etc.) to the Order, which contains specific safeguards for statutory undertakers.</p>
<p>Article 53</p> <p>Protection of Interests</p>	<p>This article gives effect to the protective provisions which are in Schedule 12.</p>
<p>Article 54</p> <p>Disapplication of Covenants made under section 8 of the National Trusts act 1937</p>	<p>Under paragraph 4 of schedule 1 to the 1992 Act an Order may provide for The creation and extinguishment of rights over land, whether compulsorily or by agreement.</p> <p>This article is included to specifically deal with the covenants contained in an agreement dated 30 April 1958 affecting land west of Cambridge Road Coton, made between the Cambridge Preservation Society and the National Trust.</p> <p>The benefit of this agreement is held by the National Trust by virtue of s.8 of the National Trust Act 1937. The purpose of the deed of covenant is to restrict development of the land that may alter the natural appearance or condition of the land or is, in the opinion of the National Trust, prejudicial to amenity. Consent is required from the National Trust to new buildings or felling of trees.</p> <p>As the works to construct the Scheme will breach this deed of covenant, specific powers are sought to authorise the breach and to regulate the payment of compensation due, if any.</p>

Article 55 Minerals	This article provides that the rights of persons entitled to mines and minerals are not affected by the Order. Liability for damage to the guided transport system is unaffected. The provision can be found in the Cambridgeshire Order (article 52) and the AVTM Order (article 57).
Article 56 Certification of plans etc.	This article requires certain plans and documents referred to in the Order to be submitted, as soon as practicable following the making of the Order, to the decision maker to be certified as a true copy. This is a frequently used provision in a number of recent made Orders.
Article 57 Service of notices	This article is included to ensure certainty regarding the procedure for service of any notice required by the Order, for example, under article 20 (Power to survey and investigate the land). It allows for service by first class post, by hand and by email with the consent of the recipient. The content follows similar provision in recently made Orders, including the East West Rail Order, article 21.
Article 58 No double recovery	This article provides that compensation is not payable both under this Order and other compensation regimes for the same loss or damage. It also provides that there is not to be double recovery under two or more different provisions of this Order. The wording can be found in article 66 of the AVTM Order.
Article 59 Arbitration	This article provides for arbitration in cases of dispute under the Order.

7. SCHEDULES

Schedule 1: Scheduled Works	Describes the scheduled works to be carried out relying on the powers in the Order.
Schedule 2: Ancillary Acquisition of Land	Describes the land required for ancillary works.
Schedule 3: Streets subject to alteration of layout	This schedule lists the streets which are to be subject to the provisions of article 7 - streets subject to alteration of layout.
Schedule 4: Streets to be stopped up and the provision of substitutes	This schedule lists the streets which are to be permanently stopped up pursuant to article 11 (Construction of new and stopping up of existing streets, etc). Part 1 lists the paths and streets to be created by the Order. Part 2 lists highways to be stopped for which replacements are being provided and Part 3 lists the paths or streets to be stopped for which replacements are being provided. Part 4 streets to be stopped up with no replacement provided. Part 5 provides for private means of access to be closed for which replacements are to be provide. The locations are shown on the rights of way plans.
Schedule 5: Streets to be temporarily stopped up	This schedule lists the streets which are to be permanently stopped up pursuant to article 12 (Temporary stopping up of Streets).

Schedule 6: Highways to be crossed on the level	This schedule lists those highways which the guided busway will cross on the level.
Schedule 7: Land not to be acquired compulsorily	Plots not to be acquired compulsorily
Schedule 8:in which only new rights, etc., may be acquired	This schedule lists those plots shown on the works and land plan for which powers to acquire new rights and restrictive covenants are sought (Article 26).
Schedule 9: Modification Of Compensation And Compulsory Purchase Enactments For Creation Of New Rights	This schedule makes consequential amendments to the Compulsory Purchase legislation to modify its application for the acquisition of new rights under the Order.
Schedule 10:Land of which temporary possession may be taken	This Schedule sets out the land of which temporary possession may be taken pursuant to article 28 (temporary use of land for construction of works).
Schedule 11: Traffic Regulation	This Schedule details the traffic regulation provision sought pursuant to article 42 (traffic regulation).
Schedule 12: Provisions relating to Statutory Undertakers, etc	This Schedule includes provisions to regulate the application of the Order in relation to the apparatus of statutory undertakers.

APPENDIX 1

Separation of Functions Document

Cambourne to Cambridge – Transport and Works Act Order application

Division of Roles and Responsibilities For Councils, Members and Officers

1. Introduction

- 1.1 The Cambourne to Cambridge project (C2C) is a proposed new public transport route linking Cambourne and Cambridge. It will include a dedicated high quality passenger transport route serving communities in Cambourne and the proposed Bourn Airfield development, as well as serving Hardwick, Coton and the West Cambridge campus. Adjoining the route there will be an emergency access and maintenance track that would also provide an active travel path for pedestrians/cyclists and equestrians.
 - 1.2 C2C is being promoted by the Greater Cambridge Partnership (GCP). The GCP is the local delivery body for a City Deal with central government, bringing powers of investment worth up to £1 billion over 15 years to the greater Cambridgeshire area. The five partners of the GCP are:
 - 1.2.1 Cambridgeshire County Council (CCC);
 - 1.2.2 Cambridge City Council (City Council);
 - 1.2.3 South Cambridgeshire District Council (SCDC);
 - 1.2.4 the Business Board of the Cambridgeshire and Peterborough Combined Authority (Business Board); and
 - 1.2.5 University of Cambridge (UoC).
 - 1.3 The GCP Executive Board was established as a joint committee of the three Cambridgeshire authorities by CCC pursuant to section 102(1)(b) of the Local Government Act 1972 and by the City Council and SCDC pursuant to section 9EB of the Local Government Act 2000. The authorities exercise full voting rights and the Business Board and UoC have the status of being co-opted members (without voting rights). Moreover, transport policy is now determined by the Cambridgeshire and Peterborough Combined Authority (CPCA) who prepare the Local Transport Plan (LTP). C2C contributes to delivery of the LTP and the Elected Mayor attends Executive Board meetings by invitation to represent CPCA.
 - 1.4 C2C is situated within the local district administrative boundaries of SCDC and the City Council. C2C is wholly within the county administrative boundary of CCC.
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- 1.5 CCC, SCDC and the City Council are local planning authorities as defined in Part 1 of the Town and Country Planning Act (1990) and CCC is local highway authority under the Highways Act 1980. All three local authorities are also joint promoters of C2C, by virtue of them having established a joint committee.

2. Purpose of This Protocol

- 2.1 This protocol has been prepared to clearly set out the administrative arrangements made by CCC, SCDC and the City Council to describe the separation of functions between those persons acting for or assisting each of them in their different capacities in dealing with C2C. It also deals with the requirements on Members to consider the function within which they are operating.

3. Division of Functions between GCP and CCC as promoting bodies

- 3.1 C2C is one of a number of transport projects that is being promoted by the GCP. The GCP and CCC have agreed to work together on the promotion of the GCP's transport projects. A Memorandum of Understanding (MoU) has been prepared between GCP and CCC, which should be read in conjunction with this Separate of Functions Protocol (see appendix 1).
- 3.2 The MoU provides clarification on the roles and responsibilities of the GCP and CCC in their roles in connection with the promotion of a number of projects including as promoters of C2C.
- 3.3 In summary, the GCP is responsible for the funding, appointment and management of the project team and preparation of the relevant documents, plans and reports, required for submission under the TWAO. This includes preparation and completion of an Environmental Impact Assessment (EIA) and preparation of a Report of Consultation undertaken.
- 3.4 Since the GCP does not constitute a legal entity, CCC provides GCP with the legal capacity to enter into contracts and to promote the C2C acting as its accountable body under the City Deal. CCC is also the formal applicant of the TWAO on behalf of the GCP (Applicant).

4. Regulatory Role of the Cambridgeshire Authorities

- 4.1 As part of the TWAO it is the intention to request that the Secretary of State to deem the grant of planning permission by way of direction under section 90(2A) of the Town and Country Planning Act (1990).
- 4.2 Since CCC will be the formal applicant, it will be invited by the Inspector (appointed by the Planning Inspectorate on behalf of the Secretary of State who will consider the TWAO application) to submit and provide submissions on the TWAO and supporting documentation. Supported by GCP it will be invited to give evidence as required during the Public Inquiry, to inform the Inspector recommendations and the Secretary of State's decision on the TWAO.
- 4.3 Whilst SCDC and the City Council have a role as joint committee members responsible for promoting C2C, their officers have historically had no role in the promotion of C2C. Their role is therefore confined to the exercise of functions as local planning authorities.
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4.4 However, CCC, in addition to its role as joint committee member of the GCP Executive Board and Applicant for the TWAO, has roles as:

1. County Planning Authority (On the basis that the C2C could be promoted as a Regulation 3 development);
2. Highway and Traffic Authority; and
3. Lead Local Flood Authority.

which must be kept separate from its role as Applicant for the TWAO and as a partner of the GCP as Promoter.

4.5 It is also important to consider the role of external consultants and the potential for an organisation performing the roles for both the Councils as promoter and regulatory authority. If such situations exist, the consultant firm should be asked to provide separate teams for the different parts of the authorities and reminded of the need for that team to advise in the role appropriate to their instructions and without influence arising from the consultant from being instructed by another part of the relevant Council. An individual should not advise on both sides of the Council process.

4.6 It is anticipated the Application for TWAO Scheme will be submitted in mid-2023.

5. CAMBRIDGESHIRE COUNTY COUNCIL- SUMMARY OF ROLES- PROMOTING THE TWAO

Transport and Works Act Order Promotion and Application

Overview

5.1 The TWAO is being drafted by a team at Womble Bond Dickinson LLP Solicitors, instructed by CCC on behalf of GCP. They receive instructions from the C2C Project Manager.

GCP Staff Roles – Applying for the TWAO

5.2 Leading the application process, attending key meetings with Stakeholders, controlling budgets, leading on key decisions, overseeing the project design and all technical workstreams, overseeing land assembly, approving document production, providing evidence at public inquiry hearings and administering the Application process.

5.3 The staff at GCP progressing the application, and responsible for undertaking the above activities include:

- (i) Project Manager, C2C – Jo Baker; and
- (ii) Director of Transport Peter Blake

5.4 The roles of the officers referred to in 6.3 are:

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- a) Promoting the TWAO – leading on the process for consultation, preparing the Application and providing evidence at the Public Inquiry.
 - b) Environmental Impact Assessment (EIA) – GCP staff will provide instructions, attend meetings and integrate the EIA consultants' work with the other workstreams. GCP staff will attend key meetings and decide on what mitigation measures can be offered in the Environmental Statement.
 - c) Ecological impacts – procuring reports to inform the Inspector and Natural England on the impacts of the TWAO Scheme.
 - d) Consultation Requirements – ensuring the statutory consultation requirements are complied with and evidenced.
 - e) Land – the promoting team will provide instructions on negotiations with landowners and decide the terms for acquisition. Important in this respect are the major development sites of West Cambridge and Bourn Airfield and related to delivery of the eastern section of C2C, West Cambourne (the Development Sites) and development agreements with interested parties.
 - f) Development Sites – s 106 agreements. Each Development Site has either a completed or a draft s 106 agreement in progress to control the development of each Development site. The promoting team must ensure that the C2C scheme is provided for in the completion or discharge of obligations in the s 106 agreements.
 - g) Highway, Public Right of Way and Traffic issues – the promoting team will commission the design of new highways and accesses and decide on the proposed impacts on public rights of way to be sought in the TWAO.

6.5 *Role of County Council Members – Transport for Works Order Promotion*

- a) *Key decisions on the Application:* County Council Members will decide on whether or not the application for a TWAO is to be made. Thereafter CGP's officers will have day to day conduct of the Application.
- b) *implementation post decision:* If the TWAO is made, County Council members will be asked to decide whether or not to proceed with implementation of the C2C scheme subject to a Full Business Case being prepared and considered by the Executive Board.
- c) *approval of major land transactions/resolution of compensation:* Depending on the nature of the transaction, and the quantum to be paid, Members may have to approve specific early land acquisitions, if agreement is to be reached with landowners in advance of the Order being made. The terms are likely to be conditional on the scheme being consented and taken forward. Significant compensation settlements may also have to be reported to members.

6. **CONSIDERING THE PROPOSED TWAO – THE ROLE OF THE THREE LOCAL AUTHORITIES**

The TWAO – general

- 6.1 Officers in their capacity of carrying out development management and regulatory functions will need to consider key aspects of the TWAO. Specialist officers will also need to consider
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elements of the evidence supporting the TWAO and be engaged with the Public Inquiry process.

Environmental Impact Assessment

- 6.2 The EIA process is iterative and officers will be consulted by the GCP team instructed to promote the Application by the GCP officers named in paragraph 5.3 above on the impacts of the TWAO Scheme on the environment. At the Public Inquiry officers responsible for the EIA consultation responses may be asked to inform the Inspector on their views of the findings in the Environmental Statement. In this respect, it should be noted that Regulation 64(2) of the Town and County Planning (Environmental Impact Assessment) Regulations 2017 requires functional separation where a proposal is being brought forward and determined by an authority. Whilst, CCC is not the determining authority its responses to the Environmental Statement will be taken into account in the determination by the Secretary of State.
- 6.3 The Council's specialist staff on particular issues will be called on/consulted by the promoting team and if necessary the Inspector(s). If external consultants are used they should also be separate from the promoting team.

Consideration of Ecology issues

- 6.4 The role of the Councils will be to provide advice to both the Applicant but also the Secretary of State in considering any Habitats Regulation assessment required as a result of matters being included in the TWAO application.

Consultation obligations

- 6.5 The Councils may be invited to consider the adequacy of consultation undertaken by those promoting the Application.
- 6.6 It is essential that any consultation response on the TWAO and any evidence given at Public Inquiry related to that response is prepared and given by officers at CCC, SCDC and the City Council who have not been involved in the promotion of the TWAO.

Highways

- 6.7 The Order will seek power for highway works. CCC as the highway authority needs to consider any application proposals and their impacts on the highway as if the plans were being submitted by a developer. The Council's highway and public rights of way officers may also be asked to provide evidence at the inquiry.
- 6.8 Whilst GCP has been delegated highway authority powers by CCC it is the intention that officers from CCC as highway authority, who are not associated with the promotion of the TWAO C2C scheme, will provide an independent technical review of the TWAO application.
- 6.9 The relevant case officers for CCC Highway Development Management reviewing the TWAO application and planning submission are
- 6.10 The relevant case officer for CCC Transport Assessment Team reviewing the TWAO application and planning submission is ...
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- 6.11 The City Council and SCDC amalgamated to form the Greater Cambridge Shared Planning Service in 2018. The administrative areas for the two authorities remains unchanged, however only one planning team now operates within the two administrative areas.
- 6.12 The Greater Cambridge Shared Planning Service as the local planning authority will be responsible for the discharge of planning conditions, should deemed planning permission be granted under the TWAO. It is intended to agree the scope of the proposed planning conditions with officers at the Greater Cambridge Shared Planning Service prior to the submission of the TWAO.
- 6.13 CCC will be a consultee on the discharge of planning conditions.
- 6.14 The Greater Cambridge Shared Planning Services case officer and CCC's Case Officer has met with and continues to meet with the application team to discuss the scope of the TWAO??
- 6.15 The Case Officer for the Greater Cambridge Shared Planning Service is ...
- 6.16 The Case Officer for Cambridgeshire County Council is

7. REPRESENTATIONS AT PUBLIC INQUIRY HEARINGS AND APPROVING STATEMENT OF COMMON GROUND

- 7.1 The Greater Cambridge Shared Planning Service and CCC may be required to attend public inquiry hearing sessions to provide evidence and must be separately represented.
- 7.2 The setting out of Statements of Common Ground (SoCG) with the Applicant is also a key process for the Greater Cambridge Shared Planning Service and CCC to consider when carrying out their statutory functions. Designating the relevant officers and considering if member approval may be needed for the SoCG will need to be considered. Officers agreeing SOCG for the Council in its regulatory role must be entirely separate from those officers involved in the promotion of the project.

8. THE ROLE OF MEMBERS IN CONSIDERING THE TWAO

- 8.1 The Greater Cambridge Shared Planning Service and CCC may decide that members should agree and approve in Committee their formal consultation response on the TWAO. This will be requested following the submission of the TWAO, but the document should, if it is to be considered by members, be on the Forward Plan for the later months of 2023 to ensure that the report is appropriately timetabled to fit in with the public inquiry.
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APPENDIX 2
STATEMENT OF REASONS

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1 Introduction

1.1 Summary

- 1.1.1 This Statement of Reasons (this “Statement”) relates to an application, made by Cambridgeshire County Council (the “Applicant”) on behalf of the Greater Cambridge Partnership (GCP) to the Secretary of State for Transport via the Planning Inspectorate (the “Inspectorate”) under the Transport and Works Act 1992 (**TWA 1992**) for a Transport and Works Act Order (TWAO). If made, the TWAO would grant consent for construction, operation and maintenance of a guided busway between the town of Cambourne and Cambridge City centre referred to as the Cambourne to Cambridge better Public Transport (C2C) project (‘the Scheme’).
- 1.1.2 This Statement has been prepared to demonstrate accordance with the Acquisition of Land Act 1981, Transport and Works Act 1992 and associated Rules; the Human Rights Act 1998; Equality Act 2010; the DfT guidance "Transport and Works Act orders: a brief guide (November 2013) and MHCLG's 'Guidance on Compulsory purchase process and The Crichel Down Rules' (July 2019 update).

1.2 The Scheme

- 1.2.1 The Scheme is for a guided busway that may be authorised by way of a TWAO under Part I and Section 1(1)(d) of the TWA 1992.
- 1.2.2 Further information regarding how the Scheme qualifies as a guided transport system under sections 1 and 2 of the TWA 1992 and Article 2 of the Transport and Works (Guided Transport Modes) Order 1992 (S.I. 1992/3231), (Modes Order) is set out in part 6 of the Explanatory Memorandum.
- 1.2.3 The Scheme proposes the development of a dedicated guided busway running for approximately 13.6km between the town of Cambourne and Cambridge city centre parallel to the A428/A1303. It would serve existing and proposed communities in Cambourne and the proposed Bourn Airfield development, as well as in Hardwick, Coton and the West Cambridge campus. An emergency access and maintenance track (service track) will also be provided that will run alongside the majority of the dedicated guided busway, also providing a shared use route for pedestrians and cyclists. Part of the service track will also function as a bridleway.
- 1.2.4 The Scheme is a priority for GCP, Cambridgeshire County Council and the Greater Cambridge region, creating a vital link to ease congestion along the A428/A1303 and within Cambridge city centre. It would offer increased sustainable travel choices, connect existing and proposed communities along the route and support the wider growth of the Greater Cambridge region.
- 1.2.5 The Scheme is one of four corridor projects, along with Cambridge Eastern Access, Cambridge South-East Transport (CSET), and Waterbeach to Cambridge. The four projects aim to provide better public transport and active

travel that improve connectivity and alternatives to car use for growing communities to the north, south-east, east and west of the city. New routes will be served by modern low emission vehicles that limit air pollution and noise, and also provide space for maintenance, emergency access, walking and cycling. The routes are complemented by travel hubs to encourage park and ride journeys. Numerous other interventions in and around Cambridge are planned or are already underway, including improved cycle and pedestrian facilities and measures to manage car use in the city.

- 1.2.6 A more detailed description of the Scheme can be found in the scheme description chapter of the Environmental Statement accompanying the application. As the Scheme is a guided transport scheme, an Order must be obtained from the Secretary of State to authorise it, and an application must be made to the Secretary of State under the Transport and Works Act 1992.

- **Greater Cambridge Partnership**

- 1.2.7 As the delivery body for the Greater Cambridge City Deal, the GCP is delivering a comprehensive programme of sustainable transport initiatives, working with local authority partners to create a comprehensive transport network that can meet the needs of the area now and into the future. The Scheme is one of four corridor schemes that form a key component of the GCP's sustainable transport programme.

- 1.2.8 The GCP, through Cambridgeshire County Council (the Applicant), is making an application to the Secretary of State for an order under the Transport and Works Act 1992 as lead authority. The application will be accompanied by a request for a Planning Direction under Section 90 (2A) of the Town and Country Planning Act 1990.

1.3 Compulsory Acquisition

- 1.3.1 In its TWAO application for the Scheme, the Applicant seeks compulsory acquisition of land and rights and temporary possession powers in respect of certain land interests. A detailed description of the extent and nature of the powers sought is set out in **Chapter 3** of this Statement.

1.4 Land Interests

- 1.4.1 The extent of the land interests affected by the compulsory acquisition and temporary possession powers sought by the Applicant in relation to the land (the Land) is described in **Chapter 4** of this Statement.

- 1.4.2 The Applicant has carried out diligent inquiry, as set out in the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (the 2006 Rules and the Planning Act 2008: 'Guidance related to procedures for the compulsory acquisition of land' (the CA Guidance), to identify all the persons with an interest in the Land (the land shown on the Works and Land Plans, persons with a potential claim for compensation as a result of the Scheme, and a number of other potential parties and statutory designations. These persons have been consulted pursuant to Rules 13, 14 and 16 of the 2006 Rules . The categories of persons identified, and the methods used to

identify them are described in **Chapter 4** of this Statement by reference to the categories in the Book of Reference that will accompany the application.

- 1.4.3 The Applicant has entered into negotiations to acquire other parties' interests voluntarily and is progressing those discussions. These negotiations are not yet completed.
- 1.4.4 It is necessary to acquire the land interests by compulsory Acquisition to enable the Scheme to be delivered. The Acquisition of all land interests is necessary to enable the Scheme to be proceed. Further details are set out in **Chapter 4** of this Statement.
- 1.4.5 The Applicant already holds, often as highway authority, an interest a number of plots which are subject to rights of others which are incompatible with the construction and operation of the Scheme. In order to ensure that any such rights can be overridden (and the persons benefitting from them are compensated for such removal) the Applicant's own land has been included within the Land to which compulsory powers are sought.

1.5 The Case for Compulsory Acquisition

- 1.5.1 This Statement sets out the reasons for the inclusion of compulsory acquisition powers within the draft TWAO. It explains it is necessary to include compulsory acquisition powers within the TWAO so that the Applicant can acquire the land interests required for the construction and operation (including maintenance) of the Scheme that is not already in its possession. It also explains why powers are necessary to enable the Applicant to use land temporarily and compulsorily acquire, suspend, interfere with or extinguish rights over land. This is in order to construct and maintain the Scheme in a way that is both proportionate and in the public interest by reducing environmental impacts, minimising the cost to the Applicant and mitigating the impact on affected land interests. This compelling case is evidenced further in the wider documentation that accompanies the application.
- 1.5.2 The powers of compulsory acquisition and temporary possession sought in the application are necessary, proportionate and justified. The powers sought are in accordance with all relevant statutory and policy guidance.
- 1.5.3 There is a compelling case in the public interest for the compulsory acquisition and temporary possession powers sought as set out in **Chapter 5** of this Statement. The conclusion of this Statement is that the grant of the compulsory powers requested would be lawful under all applicable legal regimes.

1.6 Human Rights

- 1.6.1 In preparing the TWAO, the Applicant has had regard to the European Convention of Human Rights and the Human Rights Act 1998. **Chapter 6** of this Statement considers how the Scheme complies with this legislation notwithstanding any infringement of private rights of those whose interests in the land may be affected by the exercise of powers of compulsory Acquisition and temporary possession.

1.7 Special Considerations

1.7.1 In **Chapter 7** of this Statement, the Applicant has identified all special category land which is affected by the compulsory Acquisition powers sought in the TWAO. The Applicant has engaged with the persons responsible for the relevant special category land and with a view to avoiding the need for special parliamentary procedures in accordance with the Section 12 of the TWA 1992. The Applicant has further considered what other consents are required in order to enable the Scheme to proceed and set out how these will be secured.

1.8 Compliance with statutory requirements and policy guidance

1.8.1 This Statement has been prepared in accordance with the requirements of 2006 Rules and the CA Guidance.

1.8.2 This Statement is required because the TWAO, if made, would confer upon the Applicant the compulsory acquisition powers described in this Statement, including the power to acquire land outright, the power to acquire rights over land, the power to extinguish rights over land and the power to occupy land temporarily for construction and maintenance purposes.

1.8.3 This Statement should be read alongside the other TWAO application documents that relate to the compulsory acquisition powers sought by the Applicant, including:

- Draft TWAO (**TWAO/___**)
- Explanatory Memorandum (**TWAO/___**)
- Book of Reference (**TWAO/___**)
- Works and Land Plans (**TWAO/___**)
- Crown and Special Category Land Plans (**TWAO/___**)
- Funding Statement (**TWAO/___**)
- Introduction to the Application (**TWAO/___**)

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2 The Scheme

2.1 Site Location

- a) The route for the Proposed Development extends from west to east from Sterling Way in the town of Cambourne to Grange Road in the City of Cambridge, comprising a relatively narrow corridor that allows sufficient space to construct the guided busway, public transport stops, and associated mitigation works including landscaping and ecological mitigation.
 - b) The Scheme proposes the development of a dedicated guided busway running for approx. 13.6km between the town of Cambourne and Cambridge City centre, to the south of, and roughly parallel to the A428/A1303. It would serve existing and proposed communities in Cambourne and the proposed Bourn Airfield development, as well as in Hardwick, Coton and the West Cambridge campus. An emergency access and maintenance track (service track) will also be provided that will run alongside the guided busway, also providing a shared use path for pedestrians and cyclists.
- 2.1.1 An area of land located off Scotland Road to the north of the A428 dual carriageway, which would be used for the Scotland Farm travel hub. On highway running (including on diverted highway) is proposed on St Neots' Road east of Hardwick, whilst the private road known as Charles Babbage Road on the West Cambridge Campus would also be utilised.
- 2.1.2 The Application Site passes through or by several settlements including Cambourne, Bourn Airfield, Hardwick, Coton, West Cambridge and the Cambridge fringe.
- 2.1.3 The Application Site passes through the administrative areas of South Cambridgeshire District Council and Cambridge City Council.
- c) The Scheme - Background
 - d) The Scheme is for a guided busway that may be authorised by way of a TWAO under Part I and Section 1(1)(d) of the TWA 1992. Further information regarding how the Scheme qualifies as a guided transport system under sections 1 and 2 of the TWA 1992 and Article 2 of the Transport and Works (Guided Transport Modes) Order 1992 (S.I. 1992/3231), (Modes Order) is set out in part 6 of the Explanatory Memorandum.
 - e) If authorised, the resulting Transport and Works Act Order (TWAO) and deemed planning (together with an existing planning permission between Sterling Way and Broadway in Cambourne) will together provide the relevant powers and planning permissions for the construction, maintenance and operation of the Scheme.
 - f) The Scheme is intended to create a vital public transport link to ease congestion along the A428/A1303 and within Cambridge city centre. It would offer increased

sustainable travel choices, connect existing and proposed communities along the route and support the wider growth of the Greater Cambridge region.

- g) The Scheme is one of four corridor projects, along with Cambridge Eastern Access, Cambridge South-East Transport (C-SET), and Waterbeach to Cambridge. The four projects aim to provide better public transport and active travel that improve connectivity and alternatives to car use for growing communities to the north, south-east, east and west of the city. New routes will be served by modern, electric vehicles that limit air pollution and noise, and also provide space for maintenance, emergency access, walking and cycling. The routes are complemented by travel hubs to encourage park and ride journeys. Numerous other interventions in and around Cambridge are planned or are already underway, including improved cycle and pedestrian facilities and measures to manage car use in the city.
- h) As the Scheme is a TWAO an Order must be obtained from the Secretary of State to authorise it, and an application must be made to the Secretary of State under the Transport and Works Act 1992.
- i) The roles of GCP and of Cambridgeshire County Council as applicant
- j) GCP is the local delivery body for the relevant City Deal with Central Government, being a partnership of councils, business and academia working together, and with partners and local communities, to grow and share prosperity and improve quality of life for the people of Greater Cambridge. The four partners are Cambridge City Council, Cambridgeshire County Council, South Cambridgeshire District Council and the University of Cambridge. One of a number of 'City Deals' agreed by central Government in 2013, it is worth up to £500 million in funding to 2030 for transport infrastructure to boost economic growth.
- k) The GCP's four corridor projects are providing better public transport and active travel routes for walking and cycling, offering better connectivity and alternatives to car use for growing communities to the north, southeast, east and west of the city. New routes will be served by modern vehicles to limit air pollution and noise and complemented by travel hubs to encourage park and ride journeys and end-to-end space for active travel options such as walking or cycling.
- l) Whilst GCP is leading on the delivery of the City Deal, and has many functions of the relevant partners delegated to it, the local authority with responsibility for local transport remains Cambridgeshire County Council.
- m) The County Council is the accountable body for the Scheme and will operate or procure the operation of the Scheme.
- n) Accordingly, Cambridgeshire County Council is the Undertaker applying for the powers contained in the Order including powers of compulsory acquisition.

2.2 Description of the Scheme

- 2.2.1 The Applicant proposes new public transport route linking Cambourne and Cambridge. It will include a dedicated busway serving communities in Cambourne and the proposed Bourn Airfield development, as well as in Hardwick, Coton and the West Cambridge campus.

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- 2.2.2 Vehicles providing services on the busway will have access to a new travel hub (a park and ride facility) at Scotland Farm on the A428, from where drivers can leave their cars and continue into the city using the C2C, by bus or cycle, and avoid the increasingly congested roads.
- 2.2.3 The extent of the Scheme is illustrated in Figure 1.1 Site location Volume 2 of the ES. A detailed description of the Scheme is provided in Chapter 2, The Proposed Scheme of the ES(**TWAO/6.1**).
- 2.2.4 Key elements of the Scheme are set out in section 2.8 below.
- 2.2.5 A more detailed description of the Scheme can be found in Chapter 3: The Scheme Description of the ES (**TWAO/____**).

2.3 Key objectives

- o) The key objectives of the Scheme are to:
- p) - achieve improved accessibility to support the economic growth of the Greater Cambridge region.
- q) - deliver a sustainable transport network/system that connects areas between Cambourne and Cambridge along the A428/A1303; and
- r) - contribute to enhanced quality of life by relieving congestion and improving air quality within the surrounding areas along the A428 /A1303 and within Cambridge city centre.
- s) The Scheme will enable people to travel by public transport for employment and education purposes, encouraging a modal shift to public transport via a congestion free alternative to private vehicular trips, facilitating sustainable development at key strategic economic and housing sites within the Cambridge region.

2.4 Benefits of the Scheme

- 2.4.1 The economic benefits of the Scheme are set out in Chapter 3 of the Planning Statement (**TWAO/____**) and in the OBC Appendix B Economic Case Addendum (TWAO/____) which highlights the monetised economic benefits of the Scheme.
- 2.4.2 To achieve sustainable development Paragraph 7 of the National Planning Policy Framework 2021 states that that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- t) - an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure
 - u) - a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed

beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- v) - an environmental objective – to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

2.5 Economic Benefits

2.5.1 In terms of economic benefits, the Scheme will provide much needed infrastructure to link together existing major housing and employment areas. It will provide the opportunity for a more sustainable, reliable and rapid alternative form of travel between Cambourne and Cambridge for existing and future residents.

2.5.2 This will include providing reliable journeys to work from Cambourne to Cambridge. In addition, the scheme also aligns with recent and projected housing and job growth along the A428 corridor as set out in the Cambridge City and South Cambridgeshire District Council Local Plans and the CPIER Interim Report 2018.

2.6 Social Benefits

2.6.1 In social terms of social benefits, the Scheme will support the promotion of healthy communities by providing a significantly improved public transport system together a cycle and pedestrian network from Cambourne to Cambridge.

2.6.2 This will result in a likely modal shift change as specified in OBC Appendix B Economic Case Addendum (TWA0/___) which identifies a doubling of bus modal share as well as more people cycling and walking to work. In addition, by alleviating congestion, the guided busway will also support the required housing and employment growth along the A428 Corridor. This is required in order to meet the objectively assessed housing and employment needs of Cambridge City and South Cambridgeshire District Council, as identified in evidence-based documents in their emerging Local Plans.

2.6.3 The social benefits are also considered to be strongly supported in planning terms and represent a strong material planning consideration in favour of the Scheme.

2.7 Environmental Benefits

2.7.1 The environmental benefits of the Scheme include the non-monetised social and distributional impacts of the Scheme that are set out in Chapter 3 of the Planning Statement (TWA0/___) and the OBC Addendum (TWA0--).

2.7.2 The environmental impact of the Scheme is a key issue in planning terms. These in particular relate to restriction of inappropriate development within the Green Belt, the impact of the proposals in landscape and visual terms, and heritage

considerations related to the setting of the Conservation Areas and listed buildings within Cambridge City and Coton.

2.7.3 The benefits include the following:

- w) - Traffic congestion is damaging to the environment, public health and to local economy. The Scheme will create sustainable travel choices, be served by modern public transport vehicles, which are designed to limit emissions and pollution. The Scheme will also add much needed walking and cycling provisions to the area.
- x) - A new transport link running regular, quality services will provide a vital connection for growing communities, enabling them to access jobs, services and other opportunities.
- y) The Scheme is intended to be served by modern low emission vehicles to limit air pollution and noise and to be adaptable over time to make use of developing technology.

2.7.4 The assessment of the Scheme's effects on the environment is set out in the ES (TWA0/----)

2.8 The authorised works

2.8.1 In order to carry out the Scheme it will be necessary to carry out the works comprised in Schedule 1 of the draft TWA0. The ancillary land required for additional works, such as the park and ride facility at Scotland Road, Dry Drayton, is described in Schedule 2 of the draft TWA0. A description of the works against each plot of land shown on the Works and Land Plans (TWA0/___) is detailed in Annex A of this Statement.

2.8.2 The works are located in the South Cambridgeshire, and the City of Cambridge, between Cambourne and Grange Road, Cambridge. The 10 scheduled works principally consist of a two-way guided busway together with an adjoining emergency and maintenance access track. The works and ancillary activities comprising the scheme are:

z) Works in South Cambridgeshire

- aa) **Work No.1** – starts at Sterling Way, Cambourne, and runs east between Sterling Way and Broadway, Cambourne. This land has planning permission for the proposed work and is subject to a S106 Town and Country Planning Act 1990 agreement dated 29 December 2017 (**S106 Agreement**), requiring the land to become a new route for buses serving Cambourne. Powers of freehold acquisition of the land and deemed planning permission are not required to be sought as planning permission already exists and the Applicant can call on the land to become available to it. Work No. 1 is included in the draft TWA0 for the relevant statutory authorisations to operate and maintain the Scheme to be secured. The land is currently an informal walkway, pending it being developed in accordance with the obligations contained in the S106 Agreement. The owner of the land has recently submitted an application to South Cambridgeshire District Council for approval of reserved matters for the link (ref: S/4594/18/RM).

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- bb) The Scheme then crosses the highway of Broadway before entering the former Bourn Airfield site.
- cc) **Work No.2** – starts on the eastern side of Broadway, Cambourne, before running through the Bourn Airfield site in a northern then easterly direction and terminating at St Neots Road, Childerley.
- dd) On the western end of work No. 2 provision is made for a construction compound and also a permanent attenuation pond to drain Work No.2. At the eastern end a proposed new access road for the Bourn Quarter development is needed to replace the current access to the Bourn Quarter via the track known as Wellington Way, which will be severed by Work No. 2.
- ee) The land on which Work No. 2 is to be constructed on is currently the disused Bourn Airfield. It is proposed to be developed pursuant to a comprehensive scheme currently subject to a planning application which has been made to the local planning authority (South Cambridgeshire Council) and given the reference S/3440/18/OL. This is guided by the Bourn Airfield New Village Spatial Framework and Infrastructure Delivery Plan 2019 which states at page 14:
- ff) "A high-quality public transport route linking Cambourne to Cambridge is being planned with the route passing through the northern part of the site".
- gg) The scheme then crosses St Neots Road before work No. 3 commences on the northeast side of St Neots Road, parallel to the A428.
- hh) South of Work No. 2 and north of the Bourn Quarter, land is proposed to be used for a construction compound.
- ii) **Work No.3** starts at St Neots Road, Childerley and continuing in east, between the A428 and St Neots Road, before reaching St Neots Road, Dry Drayton, west of the St Neots Road and Scotland Road junction.
- jj) Construction compounds are proposed north of St Neots Road and East of Childerley Lodge, and to the west of the Scotland Road junction.
- kk) The land required for Work No. 3 and the construction compounds currently comprises agricultural land.
- ll) Between Works No. 3 and 4 the proposed scheme will largely make use of the existing highway network, principally St Neots Road. St Neots Road and Scotland are included within order lands for temporary possession powers for minor works to the highway, whilst a small compound is also proposed south of St Neots Road.
- mm) North of the A428 is the proposed park and ride site, which is immediately north of the A428, west of the Callow Brook and east of Scotland Road. This area is currently part of a larger agricultural field. Powers are also sought to provide a new path across the Callow Brook to meet the existing footbridge over the A428 that is located east of the A428/Scotland Road junction.
- nn) **Works Nos. 4 and 5** are the realignment of St Neots Road, east of Cambridge Road Hardwick, and Long Road in Comberton, to provide access to Work No.6. The realigned section is approximately 250 metres in length, from the junction with Long Road, Comberton.

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- oo) Work No.5 is approximately 430 metres in length, commencing at the junction with Work No.4 and 6. west of Long Road and terminating approximately 264 metres west of the St Neots Road and Madingley Road junction.
- pp) St Neots Road will be diverted south from its existing alignment. A construction compound is proposed west of the junction of Long Road with St Neots Road.
- qq) The land required for these works and ancillary activities is currently in agricultural use.
- rr) **Work No.6** is a short (359 metres) section of guided busway between St Neots Road and Long Road, Comberton. An attenuation pond is proposed south of Work Number 6, west of Long Road.
- ss) The land required for these works and ancillary activities is currently in agricultural use.
- tt) The Scheme then crosses the highway of Long Road.
- uu) **Work No.7** will be between Long Road Comberton to Cambridge Road, Coton.
- vv) As well as the guided busway, a small construction compound is proposed to the east of long road and north of the guided busway. A permanent attenuation pond and associated drainage run will be provided south of the guided busway, east of long road. A further construction compound will be provided northwest of the Coton Church of England School. A third compound is proposed west of Cambridge Road where the guided busway will cross Cambridge Road to meet Work No. 8.
- ww) The land here is currently in agricultural use.
- xx) **Work No.8** commences at Cambridge Road Coton and running in an easterly direction before terminating at a junction with Work No. 9 at the administrative boundary between South Cambridgeshire and the City of Cambridge, to the west of the M11. The land is currently a private orchard.
- yy) Works in the of City of Cambridge
- zz) **Work No.9** commences at the administrative boundary of between South Cambridgeshire and the City of Cambridge at a junction with work No. 8. It heads east on a new bridge over the M11 motorway before terminating at Charles Babbage Road, Newnham.
- aaa) To the west of the M11 and south of the guided busway it is proposed to provide an attenuation pond and replacement open space in exchange for the open space land that will be taken on the east side of the M11 motorway. Permanent new rights are proposed to construct and maintain a bridge over the M11 motorway and discussions are in train with National Highways Limited to formulate an appropriate overbridge agreement. Temporary powers of occupation of the M11 motorway are sought simply to allow for the installation of the overbridge in night-time positions of the M11 motorway.
- bbb) Construction compounds are proposed to facilitate the installation of the bridge and the construction of the embankment, to the west of Charles Babbage Road on the West Cambridge Campus.
- ccc) The land here is partly in private ownership forming part of the curtilage of the Rectory Farm Hotel, partly the M11 motorway carriageway and partly land comprising part of the University of Cambridge's West Cambridge Campus.

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- ddd) Within the West Cambridge Campus permanent new rights are sought for the operation of vehicles over the existing Charles Babbage Road. Access rights are also sought to connect to Madingley Road, in case needed for service vehicles or for provision of services. In addition, permanent new rights for a drainage connection right are sought beneath Ada Lovelace Way.
- eee) East of the M11 an area of open space has been identified and this is to be acquired compulsorily and replaced on the western side of the motorway as discussed above. The existing public right of way (a bridleway) that runs parallel to the M11 motorway will be diverted east and then west to run around the toe of the embankment forming the approach for the bridge over the M11 motorway.
- fff) **Work No.10** commences at Charles Babbage Road, running south direction through the West Cambridge campus, and over the water feature on the southern boundary of the campus. The route of Footpath 39/31 would be diverted north on to the existing private walkway area on the southern boundary of the campus. South of the West Cambridge campus and existing footpath a small construction compound is proposed. East of the proposed Work there will be a new attenuation pond and landscaped area.
- ggg) Work No. 10 then continues south-east through agricultural land and across Bin Brook, before terminating at Grange Road, Newnham. The route replaces the existing private track known as the Rifle Range Path that runs west from Grange Road, between the University Rugby Ground and Clare Hall. This Work includes a new bridge over Bin Brook. A construction compound would be established west of the University Rugby Ground.

3 Compulsory Acquisition

3.1 Scope of compulsory acquisition powers with reference to the draft TWAO

3.1.1 The purpose of the compulsory acquisition powers in the TWAO is to enable the Applicant to construct, operate and maintain the Scheme. The specific compulsory acquisition powers sought by the Applicant are set out in full in Part 3 of the draft TWAO.

3.1.2 Section 5 and Schedule 1 of the TWA 1992 provide for a Transport and Works Act Order to include provision authorising acquisition of land, including compulsory acquisition.

3.1.3 In addition to the powers of compulsory acquisition, section 1 of the TWA 1992 provides that the TWAO may make provision relating to, or to matters ancillary to the development in respect of which a TWAO is sought. The matters in respect of which provision may be made includes (but is not expressly limited to) matters listed in Schedule 1 of the TWA 1992, and relevant to this application include:

- a. construction, alteration, repair maintenance, demolition and removal of transport system;
- b. carrying out civil engineering or other works;
- c. creation and extinguishment of rights over land (compulsorily or by agreement);
- d. abrogation or modification of agreements relating to land;
- e. conferring on persons providing transport services rights to use systems belonging to others;
- f. the protection of property or interests of any person;
- g. the imposition and exclusion of obligations or liability in respect of any acts or omissions;
- h. the making of agreements to secure the provision of police services;
- i. the carrying out of surveys and taking of soil samples;
- j. payment of compensation;
- k. the charging of tolls, fares (including penalty fares) and other charges and the creation of summary offences in connection with the non-payment (or failure to give a name and address) in relation to the provisions relating to penalty fares;
- l. bylaw making;
- m. payment of rates;

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- n. transfer leasing discontinuance of undertakings; and
 - o. submission of disputes to arbitration.

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3.2 Main Compulsory acquisition powers

- 3.2.1 The main powers authorising the compulsory acquisition of land, or interests in, or rights over land, are contained in Articles 23 (compulsory acquisition of land) and 26 (power to acquire rights and imposition of restrictive covenants) of the draft TWAO **Table 1 of Annex A** of this Statement provides a description of the land which is subject to powers of outright acquisition in terms of Article 23. The purpose for acquiring this land is to enable the Applicant to construct the permanent works on the land and other elements described in **Annex A**.
- 3.2.2 Article 26 allows rights over land to be acquired instead of outright acquisition. This allows flexibility in approach and a reduction in the impact on the interests of the land interest. Compulsory acquisition of rights and the compulsory imposition of restrictive covenants is authorised by Article 26.
- 3.2.3 **Table 2 of Annex A** of this Statement provides a description of the land which is subject to the acquisition of rights or the imposition of restrictive covenants. These rights are necessary for the purposes of constructing the works and the maintenance of the works thereafter, ensuring that the operator of the finished Scheme is able to fulfil their functions.
- 3.2.4 The Applicant has considered where the beneficial ownership of the relevant land need not be taken from the current owner for the works in the relevant land to be implemented and maintained. The implementation of the works will often take place following temporary powers being exercised by the Applicant which may include the suspension of the ability of the owner and others to access the land whilst works are carried out. The permanent new rights would then be relied upon including, where necessary restrictive covenants to protect the installed works from interference.
- 3.2.5 Other compulsory acquisition powers are sought in the draft TWAO and these similarly relate to land and will, or may, authorise, interfere with property, rights or interests.
- 3.2.6 In addition, powers are sought in the draft TWAO to enable the temporary possession and use of land.
- 3.2.7 In each case, the party having an interest in the land, or the interest or right in the land, may be entitled to compensation.
- 3.2.8 Where powers to acquire freehold of land, or permanent new rights are included, then the power would also exist for the Applicant to take possession of that land under its temporary powers, as discussed in section 3.4 below, and subject to the requirements and restrictions set out in draft article 28.

3.2.9 Where permanent freehold can be taken by the Applicant, it also is open to the Applicant to serve notices, or to vest, permanent new rights rather than the freehold.

3.3 Other Compulsory Acquisition Powers

3.3.1 The other compulsory acquisition powers sought by the Applicant in the draft TWAO include:

- **Article 27: Rights under or over streets**

3.3.2 Article 27 is not in a strict sense a power of compulsory acquisition. However, it is included here for completeness because it would authorise the Applicant to:

- a. enter on and appropriate so much of the subsoil underneath or the airspace over any street within the limits of the TWAO as may be required to provide the Scheme; and
- b. use that subsoil or airspace for the purposes of carrying out the Scheme or any purpose ancillary to it.

3.3.3 Save in the case of subways or underground buildings, or to cellars or similar structures forming part of a building fronting the street, the Applicant may exercise its power under Article 28 without having to acquire any part of the street or any easement or right in the street.

- **Article 33: Extinguishment or suspension of private rights**

3.3.4 Article 33 allows for the extinguishment of existing private rights over land, subject to the compulsory acquisition of rights, or subject to the imposition of restrictive covenants, to the extent that continuing the existing rights would be inconsistent with the right acquired or restrictive covenant imposed (Article 33(3)).

3.3.5 The Article further provides that, where new rights are being compulsorily acquired or restrictive covenants are being imposed on land then any existing private rights or restrictive covenants which that land is subject to may be extinguished to the extent that continuing enjoyment of those private rights or restrictive covenants would be inconsistent with the new rights acquired or restrictive covenants imposed.

3.3.6 With regard to the land that the Applicant may take temporary possession, Article 33 of the draft TWAO provides that all private rights over that land will be suspended and unenforceable for as long as the Applicant is in lawful possession of the land.

3.3.7 The power to extinguish existing rights is required to ensure that such rights do not interfere with the construction and operation of the Scheme.

3.3.8 The Article provides that any person who suffers loss caused by the extinguishment or suspension of rights (pursuant to the exercise of the power in Article 33 is entitled to reasonable compensation.

- **Article 34: Acquisition of subsoil or airspace only**

3.3.9 Article 34 provides that where the Applicant has, in respect of any land, powers of compulsory acquisition under Article 23 then it may, for the same purposes for which it is authorised to acquire the whole of the land, choose instead to acquire only the subsoil underneath, or airspace over the land. This power is included for flexibility as it would allow the Applicant to minimise its costs and/or impact to land interests by acquiring subsoil or airspace only where it is possible to do so and still deliver the Scheme, leaving land interests in possession of the valuable part of the land.

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3.4 Temporary Powers

3.4.1 The Applicant further seeks, in the draft TWAO, powers to take temporary possession of the land to carry out and thereafter maintain the Scheme. **Table 3 of Annex A** of this Statement provides a description of the land which may only be used or occupied temporarily. The powers of temporary possession in the draft TWAO are as follows:

- **Article 28: Temporary use of land for construction of works**

3.4.2 Article 28 would authorise the Applicant to take temporary possession of:

- p. the land specified in column 1 and 2 of Schedule 10 to the draft TWAO; or
- q. any other land within the limits of the draft TWAO so long as the Applicant has not served a notice of entry or executed a General Vesting Declaration (GVD) in respect of the land.

3.4.3 In addition to taking possession of the land the Article 28 would authorise the Applicant to:

- a. remove buildings and vegetation from the land;
- b. construct temporary works (including accesses) and buildings on the land; and
- c. construct any permanent works specified in Schedule 1 to the draft TWAO.

3.4.4 The power to take temporary possession would be subject to time limits under Article 28(3). The Applicant cannot remain in possession unless the owner of the land agrees:

- a. as regards to any land specified in columns 1 and 2 of Schedule 10 to the draft TWAO, for more than a year after completing that part of the Scheme specified in relation to that land in column 3 of the Schedule; and
- b. as regards to any other Order land, for more than a year after completing the work for which temporary possession was taken (unless before the end of that

period the Applicant has made a vesting declaration or served notice of entry in relation to that land).

3.4.5 Article 28(4) provides that before giving up possession of any land the Applicant would be obliged to remove all temporary works and restore the land to the condition it was in on the date on which possession of the land was first taken or such other condition as may be agreed with the owners of the land.

- **Article 29: Temporary use of land for maintaining the authorised development**

3.4.6 Article 29 would empower the Applicant to take temporary possession of any land within the limits of the draft TWAO, if reasonably required for the purpose of maintaining the Scheme, at any time during the maintenance period (i.e. five years from the date on which that part of the Scheme is first open for use).

3.4.7 This Article would allow the Applicant to construct temporary works and buildings on the land, so far as reasonably necessary for the purpose of maintenance. The Applicant would not be able to take temporary possession of a house, or a garden belonging to a house, or any other occupied building under this Article.

3.4.8 The Applicant may only remain in possession of land under this Article for so long as may be reasonably necessary to carry out the maintenance of the part of the Scheme for which possession was taken. Before giving up possession of land temporarily possessed under this Article, the Applicant would be required to remove all temporary works and restore the land to the condition it was in on the date on which possession of the land was first taken or such other condition as may be reasonably agreed with the owners of the land.

3.4.9 The powers to use land temporarily for carrying out the Scheme ensures that appropriate work sites, working space and means of access are available for use during the construction and maintenance period and provides space for mitigation and other permanent works. This temporary power minimises the impact on land interests by ensuring that the Applicant does not have to acquire land it only requires temporarily.

3.4.10 The powers to use land temporarily for maintaining the Scheme ensures that the land is available for maintenance works during a five-year period from when that part of the Scheme is first opened for use. This is in the public interest as it ensures that it is possible to maintain the Scheme and the public benefits it will deliver. Temporary powers are sought for this purpose as permanent powers would entail an excessive impact on land interests.

3.5 Other Rights and Powers

3.5.1 In addition to powers of compulsory acquisition, if made the TWAO would also confer other rights and powers on the Applicant that may interfere with property rights and private interests. These additional powers (which are explained in more detail in the Explanatory Memorandum) are:

a) Article 7: Power to alter layout, etc., of streets

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- b) Article 11: Construction of new and stopping up of existing streets, etc.
 - c) Article 12: Temporary stopping up of streets
 - d) Article 19: Power to survey and investigate land; and
 - e) Article 43: Power to lop trees overhanging guided transport system.

3.5.2 In each case (for both the principal powers and other powers) the parties having interest in the land, or the interest or right in the land, may be entitled to compensation. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.

4 Land Interests

4.1 The extent of the land subject to powers

- 4.1.1 The Land subject to compulsory acquisition and temporary possession powers and required in order to enable the Applicant to construct the Scheme is described in **Chapter 2** of this Statement and is shown on the Land Plans (**TWAO/2.3**) and the Works Plans (**TWAO/2.4**). It is further described in the Book of Reference (**TWAO/4.3**).
- 4.1.2 The land lies roughly west - east between the settlement of Cambourne and the western side of the City of Cambridge. The Order land is south of and parallel to the A428/A1303 corridor. The Scheme location is provided on the **Location Plan (TWAO/2.1)**.
- 4.1.3 The Land subject to the powers comprises approximately 89.05 hectares. Of this approximately 60.49 hectares will be acquired permanently, 24.56 hectares will be subject to temporary possession with use of land and 4 hectares will be permanent acquisition of rights over land.
- 4.1.4 The Applicant has sought powers of compulsory acquisition (or rights of use) in respect of all plots of land required for the Scheme even where it already holds an interest or presumes it holds an interest in the land. This approach has been taken to ensure that the Applicant has the right to acquire the interest it needs in all of the Land, even where an unknown or unregistered interest later asserts an interest in land which the Applicant believe it owns and clearing the title would be necessary.
- 4.1.5 The purpose for which each plot of land is required is described in **Annex A** of this Statement.

4.2 Land Referencing

- *Contact Referencing*

- 4.2.1 Following initial non-contact methods, persons identified as having an interest in the Land or a potential claim were issued a letter with a plan describing the extents of the Scheme, and a questionnaire requesting return of information about their interests in the Land.
- 4.2.2 This was followed up by telephone and letter contact confirming that the Scheme was in development and because there could be impact on their land interest the Applicant needed to ensure the correct information was held

4.3 Negotiation to acquire by agreement

- 4.3.1 As well as consulting all persons with an interest in the Land about the Scheme proposals as recommended in the Department for Transport's guidance: '*Transport and Works Act orders: good practice tips for applicants for the TWA*'; the Applicant is aware of the recommendation to seek to acquire land by

negotiation wherever practicable. The power to acquire land compulsorily should only be sought if attempts to acquire by agreement fail.

4.3.2 At the same time, the Applicant notes that the guidance also recognises that where proposals would entail the compulsory acquisition of many separate plots of land, it may not always be practicable to acquire each plot of land by negotiation. As the CA Guidance states (at paragraph 25) *“Where this is the case, it is reasonable to include provision authorising compulsory Acquisition covering all the land required at the outset”*.

4.3.3 The Applicant has engaged or will be engaging with all landowners, leaseholders and occupiers with a view to acquiring their land interest by agreement by writing to them to inform them of the Applicant’s willingness to negotiate to acquire the Land by agreement, and to invite dialogue at that point. As a result, the Applicant is in the process of continuing to engage with a significant proportion of land interests with regard to the acquisition of land by agreement, in particular, landowners on either side of Broadway, in Cambourne and also with the University of Cambridge. Negotiations are also progressing with National Highways Limited regarding a bridge over the M11 Motorway.

4.3.4 Whilst negotiations are ongoing, the Applicant is mindful that it is under a duty to acquire land at best value and that it is required to deliver the Scheme within a specified timescale. It has concluded that it may not be possible to acquire by agreement all land interests necessary to deliver the Scheme within this timescale.

4.3.5 There are further parcels of land in unknown ownership which cannot be acquired by agreement. These are set out in Table 1 below:

• **Table 1 – Unknown Land Interests within the Order Limits relevant to Permanent Acquisition**

• Nature of Interest	• Description of the Land	• Affected Land Plot Number/s/Sheet
• Freehold	Verge and copse on the east side of Broadway	• 1-018

4.3.6 Given that negotiations have not conclude and because there are parcels of land where holders of interests in land cannot be traced, the Applicant has concluded that the Scheme is unlikely to be capable of being delivered without compulsory acquisition powers.

4.3.7 Land already owned by the Applicant is included in the TWAO to ensure that no known or unknown third-party rights, which might impede delivery of the Scheme, remain over the land.

4.4 Utility Diversions

4.4.1 A number of existing utility services are located in the surrounding area that would be affected by the Scheme. The relevant major utility diversions are summarised below:

4.4.2 *UK Power Networks* – existing high-voltage overhead lines which cross the route of the Busway in the following locations are to be relocated underground or diverted:

- Approximately 83m to the east of the junction between the proposed Busway and the Broadway. (Plot Numbers 1-015, 1-022, 1-020, 1-021)
- Approximately 260m to the west of the junction between the proposed Busway and Long Road, Hardwick. (Plot Numbers 9-086, 9-090, 9-091, 9-089, 9-094)
- At the junction between the proposed Busway and Long Road, Hardwick. (Plot Numbers 10-107, 10-106, 10-104)
- Approximately 1285m to the east of the junction between the proposed Busway and Long Road, Hardwick. (Plot Numbers 11-122, 12-123)
- Approximately 335m to the east of the junction between the proposed Busway and Cambridge Road, Coton. (Plot Number 13-142)

4.4.3 *UK Power Networks* – existing high-voltage underground cables which cross the route of the Busway in the following locations are to be protected or diverted:

- Crossing the site of the proposed travel Hub (Park and Ride Facility) at Scotland farm approximately 165m to the east of Scotland Road. (Plot Numbers 6-073, 7-076, 7-077, 7-078)
- Approximately 535m to the West of the junction between the proposed Busway and Cambridge Road, Coton. (Plot Numbers 12-124, 12-125)
- Approximately 100m to the east of the junction between the proposed Busway and Cambridge Road, Coton. (Plot Number 13-142)
- Crossing the junction between Ada Lovelace Road and Charles Babbage Road in the University of Cambridge West Cambridge site. (Plot Numbers 14-160, 14-155)

4.4.4 *UK Power Networks* – existing low-voltage underground cables which cross the route of the Busway in the following locations are to be protected or diverted:

- Approximately 100m to the east of the junction between the proposed Busway and Cambridge Road, Coton. (Plot Number 13-142)

4.4.5 *Cambridge Water* – existing water mains which cross the route of the Busway in the in the following locations are to be protected or diverted:

- 9-inch and 250mm water mains approximately 50m to the west of the junction between the proposed Busway and St Neots Road, Childerley. (Plot Numbers 3-033, 1-015, 3-035, 4-040)
- 450mm, 225mm and 2 No. 355mm diameter water mains approximately 95m to the east of Childerley Lodge. (Plot Numbers 4-048, 4-050, 4-051, 4-052, 4-053)
- 2 No. 280mm diameter water mains approximately 410m to the west of the A428/Scotland Road junction. (Plot Numbers 4-052, 4-053, 4-054)
- 15-inch and 4-inch water mains at the proposed P&R junction on Scotland Road, Dry Drayton. (Plot Numbers 4-053, 7-075, 6-072, 6-073)
- 8-inch and 450mm water mains on the southern side of St Neots Road, Hardwick in the vicinity of the proposed highway realignment. (Plot Numbers 9-085, 9-089, 9-094, 9-099, 10-109, 10-114, 10-115)
- 500mm diameter water main at the junction between the proposed Busway and Long Road, Hardwick. (Plot Numbers 10-107, 10-106, 10-104)
- 600mm and 450mm diameter water mains approximately 1035m to the east of the junction between the proposed Busway and Long Road, Hardwick. (Plot Number 11-121)
- 400mm and 10-inch diameter water mains approximately 1595m to the east of the junction between the proposed Busway and Long Road, Hardwick. (Plot Numbers 11-122, 12-123)
- 180mm and 6-inch diameter water mains at the junction between the proposed Busway and Cambridge Road, Coton. (Plot Numbers 13-131, 13-141, 13-143)
- 18-inch water main approximately 65m to the east of where the proposed Busway crosses the Cambridge Canal and enters/exits the West Cambridge site. (Plot Numbers 15-163, 15-167, 16-164, 16-168, 16-173, 16-174)

4.4.6 *Cadent Gas* – existing medium-pressure gas mains which cross the route of the Busway in the following locations require diversions:

- within the Bourn Arfield site approximately 280m to the west of the junction between the proposed Busway and St Neots Road, Childerley. (Plot Numbers 3-033, 1-015, 3-032)
- within the Bourn Arfield site approximately 22m to the west of the junction between the proposed Busway and St Neots Road, Childerley. (Plot Numbers 3-038, 4-041)
- Approximately 415m to the west of the A428/Scotland Road junction. (Plot Numbers 5-054, 4-052, 4-053)

4.4.7 *Cadent Gas* – existing low-pressure gas mains which cross the route of the Busway in the following locations require diversions:

-
- at the junction between the proposed Busway and Cambridge Road, Coton. (Plot Numbers 13-131, 13-140, 13-141, 13-143)
 - within West Cambridge at the proposed site of the M11 overbridge approach embankment and crossing the junction between Ada Lovelace Road and Charles Babbage Road. (Plot Numbers 14-160, 14-155)

4.4.8 *Anglian Water* – existing foul sewers which cross the route of the Busway in the following locations are to be protected or diverted:

- Approximately 525m to the west of the junction between the proposed Busway and Cambridge Road, Coton. (Plot Numbers 12-124, 12-125)

4.4.9 *The University of Cambridge Granta Backbone Network* – underground telecommunications network in the following locations require diversions:

- Roughly along the line of the proposed route of the Busway between the West Cambridge Campus and Grange Road, Cambridge. (Plot Numbers 15-163, 16-164, 16-178, 17-183, 17-184)

4.4.10 *BT Openreach* - underground telecommunications network in the following locations require diversions:

- Roughly along the line of the proposed route of the Busway between the West Cambridge Campus and Grange Road, Cambridge. (Plot Numbers 16-164, 16-178, 17-183, 17-184)

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4.4.11 There will also be a number of minor diversions not described in the main diversion works above, which lie within the Order limits, principally within highway boundaries..

4.4.12 Schedule 8 to the draft TWAO sets out the plots in which permanent new rights are required which also include diversions. A general right to divert apparatus is included in every new rights plot in addition to any specific diversions identified, to cover the possibility that the Applicant discovers apparatus that is not apparent from the desktop engineering surveys carried out prior to the TWAO application.

5 The Case for Compulsory Acquisition

5.1 Introduction

hhh) 5.1.1 In seeking compulsory acquisition and temporary possession powers in the draft TWAO (**TWAO/___**), the Applicant has had regard to tests set out in the CPO Guidance and also had regard to applicable principles in the Planning Act 2008: guidance related to procedures for the compulsory acquisition of land (published by the former Department for Communities and Local Government, September 2013).

5.2 The statutory conditions and CPO Guidance

5.2.1 The CPO Guidance (paragraphs 13-15) set out the considerations which the Secretary of State will take into account in deciding whether the compulsory purchase is justified. In particular it highlights that:

iii) A compulsory purchase order should only be made where there is a compelling case in the public interest.

jjj) The acquiring authority must have a clear idea of how it intends to use the land which it is proposing to acquire;

kkk) The acquiring authority must show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale, including sources of funding and timescale for the availability of funding.

lll) Evidence should be provided to show that sufficient funding could be made available immediately to cope with any purchase resulting from a blight notice.

mmm) The acquiring authority can show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation. These include:

- a. the programming of any infrastructure accommodation works or remedial work which may be required; and
- b. any need for planning permission or other consent or licence

5.3 Need for the Land and the purposes for which compulsory acquisition powers are sought

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- 5.3.1 At **Annex A** of this Statement, the Applicant sets out why compulsory powers are necessary in relation to each individual parcel of the Land, with reference to the relevant TWAO works numbers and the nature of the works as set out in Schedule 1 of the draft TWAO (**TWAO/___**). The proposed use of this land and the benefits this will bring to the Scheme are set out in general summary in **Chapter 2** of this Statement. **Annex A** of this Statement sets out in granularity the purpose of acquisition / use of each plot.
- 5.3.2 The Applicant considers that the land included in the draft TWAO (**TWAO/___**) is the minimum land-take required to construct, operate, maintain and mitigate the Scheme and is necessary to achieve the objectives of the Scheme. The Applicant has sought to achieve a balance between minimising land-take and securing sufficient land to deliver the Scheme, noting that the detailed design of the Scheme has yet to be developed. In the event that less land proves to be required in a particular area following the detailed design stage, the Applicant would only seek to acquire that part of the land that is required and, in all events, will seek to minimise effects on land interests.
- 5.3.3 The compulsory acquisition powers are also required to override any existing rights and interests in the land as well as grant the right to take temporary possession of land for construction and maintenance purposes. Again, without these rights over the Land, the Scheme cannot be delivered.
- 5.3.4 The Applicant is accordingly satisfied that the extent of the Land to be taken is reasonable and proportionate.

5.4 Compelling case in the public interest

- 5.4.1 This Statement sets out the reasons for the inclusion of compulsory acquisition powers in the draft TWAO (**TWAO/___**). It also explains it is necessary to include compulsory powers in the TWAO so that the Applicant can acquire the land required for the construction of the Scheme that it not already in its possession. It also explains why powers of compulsory acquisition are necessary to enable the Applicant to use land temporarily and acquire or extinguish rights over land in order to construct the Scheme in a way that is both proportionate and in the public interest by reducing environmental impacts, minimising costs to the Applicant (and hence the public purse) and mitigating the impact on land interests. This compelling case is evidenced further in the wider documentation that accompanies the application.
- 5.4.2 The case for the Scheme is set out in **Chapter 2** of this Statement and in other application documents, including Chapter 3 of the Planning Statement (**TWAO/___**). Together they demonstrate that there is a compelling case in the public interest for the Scheme to be delivered.

5.5 Consideration of Alternatives

- 5.5.1 As explained in Chapter 4 of the ES (**TWAO/6.1**) the Applicant has explored alternatives options for the Scheme.

5.5.2 In designing the Scheme and determining the Land subject to compulsory Acquisition and temporary possession powers, the Applicant has considered alternatives and modifications to the Scheme to minimise the potential land-take. These alternatives and modifications were consulted on and the preferred route has been chosen based on a thorough consideration of relevant issues. This process is described in detail in Chapter 4 (TWA0/).

5.5.3 Following consideration of the responses to the non-statutory consultation and further design work, the Scheme was refined. This has included consideration of the land required for the utilities diversions and resulted in minor changes to the TWA0 boundary presented at the statutory consultation. The feedback received from both consultations, together with that from stakeholder engagement on the design, proposed mitigation measures or issues raised during statutory consultation, has informed the Scheme as presented within the application documents.

5.6 Funding

5.6.1 The availability of funding for the Scheme and for compensation liabilities arising from land assembly is set out in the Applicant's Funding Statement.

5.6.2 The Applicant is content that there is reasonable prospect of the necessary funds for Acquisition being available for the reasons set out in the Funding Statement (TWA0/___).

5.6.3 The Applicant has instructed expert compensation surveyors to advise on land assembly and property costs. The Applicant believes that the total compensation liability for land assembly should not exceed £6.75million. The Applicant, through GCP, has access to funding sufficient for payment of the compensation sums anticipated.

5.7 Acquisition by Agreement

5.7.1 The Applicant recognises that attempts to acquire by agreement should be pursued. However, the Applicant notes that the compulsory purchase guidance recognises that, in some cases, it may not always be practicable to acquire each plot of land by agreement. Where this is the case paragraph 97 of the CA Guidance indicates that it is reasonable to include provision authorising compulsory acquisition covering all the land required at the outset. It also recognises that in some cases it may preferable, or necessary, to acquire land compulsorily rather than by agreement.

5.7.2 The Applicant is satisfied that compulsory Acquisition and temporary possession powers are required to ensure that the Scheme can be delivered in a reasonable timescale and in the event that it does not prove possible to acquire all of the Land by agreement.

5.8 Conclusions

5.8.1 All of the land subject to compulsory acquisition and temporary possession powers is necessary to construct, operate, maintain and mitigate the Scheme;

and necessary to achieve the objectives of the Scheme. The extent of the Land sought is reasonable and proportionate.

- 5.8.2 The exercise of the compulsory acquisition powers that are sought is shown throughout this Statement to be necessary and proportionate to the extent that interference with private land and rights is required. In the absence of compulsory powers, the Applicant considers that it would not be possible to proceed with the Scheme, and benefits of the Scheme would not be realised.

6 Human Rights

- 6.1.1 The Acquiring Authority has considered the rights of those listed in the Book of Reference and deemed that interference with their rights, in particular those under Article 8 of the European Convention on Human Rights (Convention), is proportionate and necessary. Those affected will be adequately compensated for any infringement of their rights.

6.2 The protected rights

- 6.2.1 The Human Rights Act 1998 incorporated into domestic law the provision of the European Convention on Human Rights (ECHR). The relevant articles can be summarised as follows:

- Article 1 of The First Protocol – protects the rights to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest.
- Article 6 – entitles those affected by compulsory powers to a fair and public hearing.
- Article 8 – protects the right of the individual to respect for his private and family life, his home and his correspondence. Interference with this right can be justified if it is in accordance with law and is necessary in the interests of, among other things, national security, public safety or the economic wellbeing of the country.

- 6.2.2 Section 6 of the Human Rights Act 1998 prohibits the public authorities from acting in a way which is incompatible with rights protected by the ECHR.

- 6.2.3 Paragraph 10 of the CA Guidance sets out how applicants should take into account Human Rights:

- *“The Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. In particular, regard must be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of acquisition of a dwelling, Article 8 of the Convention.”*

- 6.2.4 The draft TWAO (**TWAO/___**), if made, may infringe the human rights of persons with an interest in land. This infringement is authorised by law provided that:

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- There is a compelling case in the public interest for the compulsory acquisition powers included within the TWAO, and that proper procedures are followed.
 - Any interference with a human right is proportionate and otherwise justified.

6.3 Compliance with the Convention

6.3.1 The Applicant recognises that the Scheme may have an impact on individuals but considers that the significant public benefits that will arise from the Scheme, as set out in this Statement outweigh any harm to those individuals. The draft TWAO strikes a fair balance between the public interest in seeing the Scheme proceed (which is unlikely to happen in the absence of the TWAO) and the private rights which will be affected by the compulsory acquisition.

6.3.2 In relation to both Article 1 and 8, the compelling case in the public interest for the compulsory acquisition powers included within the draft TWAO has been demonstrated in this Statement and in the Planning Statement (**TWAO/___**). The Land included over which compulsory acquisition powers are sought as set out in the TWAO is the minimum necessary to ensure the delivery of the Scheme. The Scheme has been designed to minimise harm whilst achieving its publicly stated objectives. In this respect the interference with human rights is both proportionate and justified.

6.3.3 In relation to Article 6 the Applicant is content that recommended procedures have been followed for both the consultation on the Scheme and for the determination of the compulsory acquisition powers included in the draft TWAO. Throughout the development of the Scheme, the Applicant has given persons with an interest in the Land a full opportunity to comment on the proposals, both in a statutory and non-statutory capacity, and the Applicant has endeavoured to engage with land interests. The Applicant has had regard to land interest feedback in both the initial design of the Scheme and in iterative design changes throughout the life of the Scheme. Examples of design changes are provided within the Consultation Report (**TWAO/___**).

6.3.4 Furthermore, any individuals affected by the draft TWAO may submit representations by way of an objection to the application

6.3.5 If the TWAO is made, a person aggrieved may challenge the TWAO by judicial review in the High Court if they consider that the grounds for doing so are made out pursuant to section 23 of the Acquisition of Land Act 1981.

6.4 Consideration of duties under the Equality Act 2010

6.4.1 The Applicant has complied with its duties under section 149 of the Equality Act 2010 and has had due regard to the need to (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by or under the Equality Act 2010; (ii) advance equality of opportunity between persons who share a protected characteristic and persons who do not share it; and (iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.4.2 The Applicant has carried out an Equality Impact Assessment (EqIA) (TWAO/___). The EqIA describes the process and results of a study to determine the impact of the Scheme on a variety of demographic and protected characteristic groups identified in the surrounding area.

6.4.3 The EqIA concludes that low level negative impacts may be experienced during construction for young people and their carers and for disabled people due to construction activities and disruption. However, during operation the C2C Scheme is likely to result in high level positive impacts for young and elderly people, medium level positive impacts for disabled users and overall positive impacts of various levels for all genders due to improved connectivity. Further opportunities were identified to advance equality, foster good relations and prevent discrimination in the conclusions to the EqIA.

nnn) This degree of impact and the scope for building mitigation into the Scheme leads to the conclusion that there is no impediment to the Scheme and monitoring will be ongoing to ensure that remains the case.

6.5 Fair compensation

6.5.1 Any person affected by the exercise of compulsory acquisition powers or by the exercise of temporary possession, may be entitled to compensation. This entitlement to compensation is provided for by the existing compensation code and to the draft TWAO. The Applicant has the resources to pay such compensation and has demonstrated in the Funding Statement (TWAO/___) that these resources are available.

6.5.2 Any dispute in respect of the compensation payable may be referred to the Upper Tribunal (Lands Chamber), an independent tribunal, for determination.

6.6 Conclusions

6.6.1 For the reasons set out above, the Applicant considers that any infringement of the ECHR rights of those whose interests in the land might be affected by the exercise of powers of compulsory acquisition would be proportionate and legitimate, would be in the public interest and would be in accordance with national and European law. The Applicant therefore considers that it would be appropriate and proportionate for the Secretary of State to make the TWAO including the grant of compulsory acquisition powers.

7 Key Locations

7.1 There are a number of areas included within Order Limits where particular considerations apply. These are dealt with individually below.

7.2 Sterling Way to Broadway, Cambourne

7.2.1 The land between these two roads benefits from planning permission for a proposed busway link and is subject to a S106 Town and Country Planning Act 1990 agreement dated 29 December 2017 (S106 Agreement), requiring the land to become a new route for buses serving Cambourne to be completed and capable of being open for use before the first dwelling of the development is occupied. A modification to the s 106 agreement is currently being pursued and completion is awaited.

7.2.2 On that basis powers of freehold acquisition of the land and deemed planning permission are not required to be sought as planning permission already exists and the Applicant can call on the land becoming available to it.

7.2.3 Work No. 1 is included in the draft TWAO for the relevant statutory authorisations to operate and maintain the Scheme to be secured.

7.2.4 The land is currently an informal walkway, pending it being developed for the proposed transport link. An application for approval of reserved matters has been submitted to South Cambridgeshire District Council for approval for the link (ref: S/4594/18/RM).

7.2.5 Discussions with the landowner regarding the development of the required bus link are continuing.

7.3 Bourn Airfield and Bourn Quarter

7.3.1 Between Broadway and St Neots Road the Scheme will pass through the former Bourn Airfield site, which is proposed for redevelopment, as is discussed above. The developer and the Applicant are discussing terms that will allow for the integration of the proposed Scheme within the wider development of the Airfield, as proposed in the Outline Planning Application for the site and the Supplementary Planning Document which informed that Application, and the route of the Scheme has been selected to follow the line identified by the developer in order to minimise the impact on the developable area of the Airfield site.

7.3.2 At the eastern side of the development, development by another party, known as the Bourn Quarter, has already commenced with several large commercial buildings being occupied. The Bourn Quarter is currently accessed by a concrete track from St Neots Road, which will be severed by the Scheme. As a result of this anticipated severance the planning application for the development includes a new Wellington Way to replace the existing track known as Wellington Way and to provide a suitable new access for the Bourn Quarter.

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- 7.3.3 The Scheme includes the powers to provide this realignment as an ancillary work in order to enable it to be delivered in advance of that phase of the Airport development should that be necessary.

7.4 National Trust covenants

- 7.4.1 A number of land parcels to the west of the M11 are subject to covenants made under the land includes the area immediately west of the M11, as well as parcels northeast and north west of Coton. The area of land known as Coton Orchard, located northeast of Coton is subject to similar covenants all of which are enforceable by the National Trust subsequent to deeds entered into by the Cambridge Preservation Society in December and April 1958 respectively. Parts of works 7, 8 and 9 lie within the covenanted lands. The relevant plots are: 10-114, 11-121, 12-125, 12-126, 13-142, 14-144, 14-145, 14-146 and 14-147.
- 7.4.2 In summary the covenants, which were given by the Cambridge Preservation Society to the National Trust in 1958 under the provisions of the National Trust Act 1937, aim to preserve the open character of the covenanted land.
- 7.4.3 Whilst the general principles of statutory authority would apply preventing the enforcement by way of injunction of the covenants by the National Trust, it is proposed that the Order apply to permit the overriding of the National Trust covenants whilst the Scheme is in operation, subject to the payment of compensation for persons who experience loss as a result of the extinguishment or suspension of the relevant covenants.
- 7.4.4 The Applicant has been consulting with the National Trust in regard to the proposed provision within the Order, which is at draft Article 54 of the TWAO.

7.5 M11 Crossing

- ooo) The Applicant is proposing to secure permanent new rights to oversail by way of a clear span bridge the M11 motorway to the west of the West Cambridge Campus. Temporary powers to access the M11 at ground level for the purposes of installation of the proposed bridge are also sought in the Order. Future maintenance will be undertaken by way of agreement with National Highways Limited.
- ppp) Discussions regarding an appropriate overbridge agreement are underway and it is anticipated that all the relevant rights to the land required by the Applicant will be secured through agreement.

7.6 University of Cambridge West Cambridge Campus

- qqq) Discussions are ongoing with the University of Cambridge regarding the West Cambridge Campus for which the university has development proposals under consideration with Cambridge City Council. The existing Charles Babbage Road forms a route that can be utilised by buses operating on the Scheme and the Campus is of course an anticipated major destination for passenger journeys on the Scheme once in operation.
- rrr) The Applicant and the University of Cambridge are continuing to liaise on an appropriate agreement for the required rights to run over Charles Babbage Road

and the wider University Campus network, as well as for the construction of Work No. 10 south from Charles Babbage Road to Grange Road.

8 Special considerations

8.1 Crown Land

8.1.1 Section 25 of TWA 1992 states that an Order granting development consent may include provision applying to Crown Land only if the appropriate Crown authority consents to the inclusion of the provision.

8.1.2 One area of Crown land has been identified, close to the M11 motorway and the West Cambridge Campus. The Applicant is discussing the position with National Highways and will also engage with the Department for Transport regarding the transfer of the land.

8.2 Due to the nature of the relationship on matters related to the transfer of land between the Applicant and the Department for Transport, the Applicant does not anticipate any difficulty in obtaining its approval for the inclusion of these interests in the Book of Reference (Special category land – land forming part of open space and exchange land arrangements**)**

8.2.1 No commons, statutory allotments or disused burial grounds are included in Order Limits.

8.2.2 The draft TWAO makes provision for the acquisition of land which is being regarded as special category land, specifically open space. This land is located on the east side of the M11 and to the west of the West Cambridge Campus. It is accessed by public bridleway

8.2.3 The open space land (sheet 14) is in multiple ownership, including National Highways Limited and the University of Cambridge. The land that is open space is within plots 14-153, 14-154, 14-155, 14-156, 14-157, 14-158 and 14-159 and comprises 2753.05 square metres of land required temporarily for construction, 59.01 square metres of land where permanent rights are required for access, maintenance or other and 5771.79 square metres required permanently.

8.2.4 Section 19 of the **Acquisition of Land** Act 1981 applies to compulsory acquisition of any land forming part of a common, open space, fuel or field garden allotment. This makes provision for Special Parliamentary Procedure (SPP) to apply where a TWAO authorises the compulsory Acquisition of land or of rights over such land. The means the TWAO will be subject to SPP unless the Secretary of State is satisfied that one of the following circumstances applies:

- (a) that there has been or will be given in exchange for such land, other land, not being less in area and being equally advantageous to the persons, if any, entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land purchased was vested, and subject to the like rights, trusts and incidents as attach to the land purchased, or

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- (aa)that the land is being purchased in order to secure its preservation or improve its management]
 - (b)that the land does not exceed 250 square yards in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public, and certifies accordingly.

8.2.6 The Applicant is working closely with the University of Cambridge to identify replacement land and negotiations are ongoing. **Statutory Undertaker land**

8.2.5 The Applicant has, during the preparation of the TWAO application, been in discussion with a number of statutory undertakers about the diversion of existing utilities. These are described in 4.4 above.

9 Conclusions

9.1 Overview

- 9.1.1 This Statement sets out why compulsory acquisition powers have been sought in the TWAO application and explains why the Applicant considers such powers they are necessary, proportionate, and justified.
- 9.1.2 In determining the extent of compulsory acquisition and temporary possession powers proposed in the draft TWAO the Applicant has had regard to the advice in the CPO Guidance. The Applicant is content that the scope of powers sought and the extent of the interests in the Land to be acquired by compulsory acquisition are required for the Scheme and are the minimum necessary that will allow the Applicant to construct, operate and maintain the Scheme. The purpose for which each part of the Land is required is set out in **Annex A** of this Statement.
- 9.1.3 The Applicant has consulted all persons affected by the compulsory acquisition and temporary possession powers and persons who may have a claim for compensation arising from the Scheme. The Applicant has consulted such persons during preparation of the TWAO application and in the design of the Scheme to address their concerns and to ensure that any impacts are reduced or removed. The Applicant has further sought to acquire any interests in the Land by agreement wherever practicable.
- 9.1.4 The Applicant has considered the human rights of the individuals affected by the compulsory acquisition and temporary possession powers. The Applicant is satisfied that there is a compelling public interest case for compulsory acquisition and that the significant public benefits arising from the Scheme will outweigh the harm to those individuals.
- 9.1.5 The Applicant has secured the necessary funding in order to commence and fully complete all elements of the works and honour its compensation obligations within an acceptable time frame.
- 9.1.6 Without the grant of compulsory acquisition and temporary possession powers the Applicant considers that it will not be possible to construct the Scheme or realise the public benefits arising from it.

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- - **Annex A** Details of the purpose for which compulsory acquisition and temporary possession powers are sought

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- **Statement of Reasons – Annex A** The specific purposes for which each plot of Land subject to compulsory acquisition powers is required are set out in the tables in this Annex. The first column of each table identifies the plot number (as shown on the Land Plans) and used in the Book of Reference. Plots can be grouped in each row to the extent that they relate to the same Work. The second column of each table sets out the corresponding Works numbers as shown on the Works Plans and the broad uses for which the plot in question is required.
- The tables in this Annex A should be read in conjunction with and by reference to the Works and Land Plans and the Draft TWAO.
- *Table 1 – Permanent Acquisition*

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	TWAO Work No.	Purpose for which the land is required:
1-010	1 & 2	Works to Streets
1-011	1 & 2	Works to Streets
1-012	2	Works to Streets
1-015	2	Worksite and access for construction
1-016	2	Works to Streets
1-018	2	Attenuation Pond and Environmental Mitigation
1-021	2	Attenuation Pond, Environmental Mitigation and Construction Compound
2-031	2	Worksite and access for construction

Acquisition of Land – by Plot Number

Plot Number/Land Plan sheet:	TWAO Work No.	Purpose for which the land is required:
3-035	2	Worksite and access for construction
3-036	2	Worksite and access for construction
3-038	2 & 3	Worksite and access for construction
4-043	3	Landscaping
4-044	3	Landscaping
4-047	3	Worksite and access for construction
4-048	3	Worksite and access for construction
4-051	3	Worksite and access for construction
4-052	3	Worksite and access for construction
5-054	3	Attenuation Pond and Environmental Mitigation
5-055	3	Environmental Mitigation
5-056	3	Surface Water Drainage
5-060	N/A	Works to Streets
5-062	3	Worksite and access for construction
5-063	N/A	Works to Streets

Acquisition of Land – by Plot Number

Plot Number/Land Plan sheet:	TWAO Work No.	Purpose for which the land is required:
5-065	3	Worksite and access for construction
6-072	Park and Ride	Worksite and access for construction
6-073	Park and Ride	Worksite and access for construction
6-074	Park and Ride	Construction Compound, Worksite and access for construction and Environmental Mitigation
6-079	Park and Ride	Construction Compound, Worksite and access for construction and Environmental Mitigation and works to Public Right of Way
6-080	Park and Ride	Works to Public Right of Way
9-085	4 & 5	Works to Streets
9-089	4, 5 and 6	Works to Streets
9-090	4	Environmental Mitigation
9-093	6	Worksite and access for construction and Environmental Mitigation
9-096	5	Works to Streets
9-097	6	Environmental Mitigation
9-099	5	Works to Streets
10-106	N/A	Works to Streets

Acquisition of Land – by Plot Number

Plot Number/Land Plan sheet:	TWAO Work No.	Purpose for which the land is required:
10-109	5	Works to Streets
10-110	7	Worksite and access for construction and Environmental Mitigation
10-112	N/A	Works to Streets
10-114	5	Works to Streets
10-115	5	Works to Streets
10-117	5	Works to Streets
10-118	7	Attenuation Pond and Environmental Mitigation
11-120	7	Worksite and access for construction and Environmental Mitigation
11-121	7	Worksite and access for construction and Environmental Mitigation
11-122	7	Worksite and access for construction and Environmental Mitigation
12-124	7	Worksite and access for construction and Environmental Mitigation
12-125	7	Worksite and access for construction
12-126	7	Worksite and access for construction and Environmental Mitigation
12-127	7	Environmental Mitigation
13-128	7	Environmental Mitigation

Acquisition of Land – by Plot Number

Plot Number/Land Plan sheet:	TWAO Work No.	Purpose for which the land is required:
13-141	7 & 8	Worksite and access for construction and Works to Streets
13-142	8	Worksite and access for construction
14-144	9	Construction Compounds, Attenuation Ponds & Environmental Mitigation
14-145	9	Worksite access for construction
14-146	9	Construction Compound
14-152	9	Worksite and access for construction
14-153	9	Worksite and access for construction
14-154	9	Worksite and access for construction
14-155	9	Worksite and access for construction
14-157	9	Worksite and access for construction and diversion of Bridleway
15-162	10	Worksite and access for construction and diversion of the Public Right of Way 39/31
15-163	10	Worksite and access for construction and diversion of the Public Right of Way 39/31
16-164	10	Worksite and access for construction
16-172	10	Diversion of Public Right of Way 39/31
16-173	10	Worksite and access for construction

Acquisition of Land – by Plot Number		
Plot Number/Land Plan sheet:	TWAO Work No.	Purpose for which the land is required:
16-175	N/A	Worksite and access for construction
16-176	10	Attenuation Ponds, Environmental Mitigation and access for construction
16-178	10	Worksite and access for construction, Works to Streets, Attenuation Pond and Environmental Mitigation
16-179	10	Attenuation Pond and Environmental Mitigation
17-182	10	Worksite and access for construction
17-184	10	Worksite and access for construction and Works to Streets
17-185	10	Worksite and access for construction and Works to Streets

Table 2 - Permanent new rights and temporary use of land

Acquisition of Permanent New Rights over Land (and temporary use of land) – by Plot Number		
Plot Number/Land Plan sheet:	TWAO Work No.	Purpose for which the land is required:
1-020	2	Surface Water Drainage
1-025	2	Surface Water Drainage
1-027	2	Surface Water Drainage
1-028	2	Surface Water Drainage

Acquisition of Permanent New Rights over Land (and temporary use of land) – by Plot Number

Plot Number/Land Plan sheet:	TWAO Work No.	Purpose for which the land is required:
5-061	N/A	Environmental Mitigation
7-076	Park and Ride	Access for construction
7-077	Park and Ride	Access for construction
7-078	Park and Ride	Access for construction
7-081	Park and Ride	Works to Public Right of Way
9-087	4	Environmental Mitigation
9-088	4	Environmental Mitigation
10-100	6	Environmental Mitigation
10-105	6	Environmental Mitigation
10-119	N/A	Environmental Mitigation
14-147	9	Surface Water Drainage
14-159	N/A	Works to Private Road
14-160	N/A	Works to Private Road
15-167	N/A	Works to Private Road
16-177	10	Surface Water Drainage

Table 3 - temporary use of land

Temporary Possession of Land – by Work Number		
Plot Number/Land Plan sheet:	TWAO Work No.	Purpose for which the land is required:
1-004	2	Works to Streets
1-005	N/A	Works to Streets
1-006	1	Works to Streets
1-009	1 & 2	Works to Streets
1-013	2	Works to Streets
1-014	2	Works to Streets
1-017	2	Works to Streets
1-019	2	Attenuation Pond and Environmental Mitigation
1-022	2	Attenuation Pond and Environmental Mitigation
1-023	2	Worksite and access for construction
1-024	2	Attenuation Pond and Environmental Mitigation

Temporary Possession of Land – by Work Number

Plot Number/Land Plan sheet:	TWAO Work No.	Purpose for which the land is required:
1-026	2	Worksite and access for construction
1-029	2	Worksite and access for construction
1-030	2	Worksite and access for construction
3-032	2 & 3	Construction Compound
3-033	2	Worksite and access for construction
3-034	2	Worksite and access for construction
3-037	3	Worksite and access for construction and Works to Streets
4-039	2	Worksite and access for construction
4-040	2	Works to Streets
4-041	2	Works to Streets
4-042	2	Works to Streets
4-045	2 & 3	Works to Streets
4-046	2 & 3	Works to Streets
4-049	2 & 3	Construction Compound
4-050	2 & 3	Construction Compound

Temporary Possession of Land – by Work Number

Plot Number/Land Plan sheet:	TWAO Work No.	Purpose for which the land is required:
4-053	3	Worksite and access for construction and Works to Streets
5-057	N/A	Construction Compound
5-058	N/A	Works to Streets
5-059	N/A	Works to Streets
5-064	N/A	Worksite and access for construction and Works to Streets
5-066	3	Worksite and access for construction and Works to Streets
5-067	N/A	Works to existing highway to improve connection to Park and Ride facility.
6-068	N/A	Works to existing highway to improve connection to Park and Ride facility.
6-069	N/A	Works to existing highway to improve connection to Park and Ride facility.
6-070	N/A	Works to existing highway to improve connection to Park and Ride facility.
6-071	N/A	Works to existing highway to improve connection to Park and Ride facility.
7-075	Park and Ride	Works to streets
8-082	N/A	Works to Streets
8-083	N/A	Works to Streets
8-084	N/A	Construction Compound

Temporary Possession of Land – by Work Number

Plot Number/Land Plan sheet:	TWAO Work No.	Purpose for which the land is required:
9-086	4	Environmental Mitigation
9-091	4	Worksite and access for construction
9-092	5	Worksite and access for construction
9-094	4, 5, 6 & 7	Construction Compound
9-095	5	Worksite and access for construction
9-098	6	Worksite and access for construction
10-101	6	Worksite and access for construction
10-102	6	Works to Streets
10-103	6	Environmental Mitigation
10-104	6	Environmental Mitigation
10-107	6 & 7	Works to Streets
10-108	6 & 7	Works to Streets
10-111	7	Worksite and access for construction
10-113	7	Works to Streets
10-116	6 & 7	Construction Compound

Temporary Possession of Land – by Work Number

Plot Number/Land Plan sheet:	TWAO Work No.	Purpose for which the land is required:
12-123	7	Construction Compound
13-129	7 & 8	Construction Compound
13-131	7 & 8	Works to Streets
13-137	7	Works to Streets
13-140	7	Works to Streets
13-143	7 & 8	Works to Streets
14-148	9	Worksite and access for construction
14-149	9	Worksite and access for construction
14-151	9	Worksite and access for construction
14-156	9	Construction Compound
14-158	9	Construction Compound
15-161	N/A	Worksite and access for construction and diversion of Public Right of Way 39/31 (including construction of a bridge over the water feature to facilitate the diversion)
16-165	10	Worksite and access for construction
16-166	10	Worksite and access for construction

Temporary Possession of Land – by Work Number		
Plot Number/Land Plan sheet:	TWAO Work No.	Purpose for which the land is required:
16-168	10	Worksite and access for construction
16-169	10	Worksite and access for construction
16-170	10	Diversion of Public Right of Way 39/31
16-171	10	Worksite and access for construction
16-174	10	Worksite and access for construction
17-180	10	Construction Compounds
17-181	10	Construction Compounds
17-183	N/A	Works to Streets

Table 4 – land not subject to powers of compulsory acquisition

Land Subject to all Order powers except for Compulsory Acquisition – by Plot Number		
Plot Number/Land Plan sheet:	TWAO Work No.	Purpose for which the land is required:
1-001	1	Worksite and access for construction
1-002	1	Worksite and access for construction

Land Subject to all Order powers except for Compulsory Acquisition – by Plot Number		
Plot Number/Land Plan sheet:	TWAO Work No.	Purpose for which the land is required:
1-003	1	Works to Streets
1-007	1	Works to Streets
1-008	1	Works to Streets

Table 5 – land subject to powers of acquisition of airspace and rights at ground level

Permanent Acquisition of Airspace, Rights to Access at Ground Level For Maintenance of Bridge and Temporary Use of Land for Construction of Overbridge – by Plot Number		
Plot Number/Land Plan sheet:	TWAO Work No.	Purpose for which the land is required:
14-150	9	Worksite and access for construction

