

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 Order.
- 1.2 This memorandum explains the purpose and effect of each article of, and Schedule to, the Cambourne to Cambridge Order (the "**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 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**") and The Network Rail (Cambridge South Infrastructure Enhancements) Order 2022 (S.I. 2022 No. 1406) ("the **Cambridge South Station Order**").
- 1.5 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 Orders made under the Planning Act 2008 and other Acts authorising development.
- 1.6 Appendix 1 is a document explaining the separation of functions applied by the Undertaker in carrying out its various functions as project undertaker and separately, as local highway authority and other statutory functions where appropriate. It also provides an explanation of the functions of Cambridge City Council (**the City Council**) and South Cambridgeshire District Council (**SCDC**). As explained, the Undertaker (or **CCC** as referred to in Appendix 1) is supported in the Application by the Greater Cambridgeshire Partnership (**GCP**), the role of which is also explained in Appendix 1.

2. THE PURPOSE OF THE ORDER

- 2.1 The Scheme for which the 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 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. STATUTORY UNDERTAKERS

- 3.1 The Undertaker is engaged with each of the statutory undertakers it has identified as owning apparatus within the Order land.
- 3.2 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 inquiry or separate agreements will be entered into with the relevant undertaker.
- 3.3 Where protective provisions are provided in the Order for specific undertakers, these have not been finally settled and agreed and may be subject to further change.

4. THE PROVISIONS OF THE ORDER

- 4.1 This section of this memorandum explains the provisions of the Order. A number of made orders are referred to frequently below, being:
- (a) the AVTM Order;
 - (b) the Cambridgeshire Order;
 - (c) the East West Rail Order;
 - (d) the Cambridge South Station Order; and
 - (e) the model clauses.

Part 1: Preliminary Provisions

- 4.2 Articles 1 to 3 of the Order contain preliminary provisions.

Article 1 Citation and Commencement	This provides for the commencement and citation of the Order. It includes the date on which the Order comes into force, which may or may not be the date on which the Order is made.
Article 2 Interpretation	<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 East West Rail Order.</p>
Article 3 Disapplication of legislative provisions	<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 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</p>

	<p>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 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. It has precedent in the Cambridge South Station Order.</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.</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> <p>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>

Part 2: Works Provisions

4.3 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;
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	<ul style="list-style-type: none"> - works required for strengthening, improving, maintaining or reconstructing any street; - embankments cuttings, and retaining walls - 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) and the Cambridge South Station Order (article 6).</p>
<p>Article 6 Power to deviate</p>	<p>This Article allows for limits of deviation for works authorised by the 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(2) allows the emergency and maintenance tracks that are to be provided as part of the Works to be at a different level to the principal element of the relevant Work. The wording is taken from Article 6(2) of the AVTM Order.</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 that the AVTM Order allows only lateral deviation, with the Order also allowing a work to extend longitudinally for up to three metres from the indicated termination point.</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 applications for consent.</p>
<p>Article 8 Apparatus in Streets</p>	<p>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.</p>
<p>Article 9 Power to execute street works</p>	<p>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.</p>
<p>Article 10 Rights of way over access tracks</p>	<p>This article provides that the use by the public of the bridleway that 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 but has been adapted to improve clarity and to permit the use of accommodation crossings over the public rights of way created by the Order.</p>
<p>Article 11 Construction of new and stopping up of existing streets, means of access etc.</p>	<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 and means of access to be stopped up and the provision of substitutes). Schedule 4 splits these into 5 categories, being new paths or streets (Part 1); highways to be stopped up for which a substitute is to be provided (Part 2), streets to be stopped up for which a substitute is to be provided (Part 3) streets to be stopped up for which no substitute is to be provided (Part 4) means of access to be closed for which a substitute is to be provided (Part 5)</p> <p>This article is based on the model clauses with some variations based on article 10 of the AVTM Order. The provision regarding private means of access being provided is in addition a variation from both the AVTM Order and the model clauses. It reflects the particular requirements of this Scheme as it is located to a large extent within an agricultural area.</p>
<p>Article 12 Temporary Stopping Up of Streets</p>	<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</p>

	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.
Article 13 Access to works	<p>This article allows the Undertaker the power to provide or improve means of access at the locations given in Part 6 of Schedule 4 (Streets and means of access to be stopped up and the provision of substitutes) and to close existing means of access in the location given in Part 7 of Schedule 4. In addition, the Undertaker may, with the approval of the highway authority, provide or improve means of access at any additional locations within the Order limits as the Undertaker may reasonable require, providing that if the highway authority does not respond within 28 days, it should be deemed to have been granted approval</p> <p>This has precedent in the Cambridge South Station Order, the Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020 (S.I.2020 No.114) and Network Rail (Ordsall Chord) Order 2015. The provision for deemed consent after 28 days avoids unnecessary delays to the authorised project.</p>
Article 14 Construction and maintenance of new, altered or diverted streets	<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, article 14(3) 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>
Article 15 Agreements with street authorities	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.
Article 16 Guided busway highway etc crossings	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.
Article 17 Use of private roads for construction and operation	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.
Article 18 Discharge of water	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.

	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.
Article 19 Power to survey and investigate land etc	<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 s.172 etc. of the Housing And Planning Act 2016.</p>
Article 20 Planning Permission and supplementary powers	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.
Article 21 Restriction on Apparatus	<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 s.61 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 s.48(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>
Article 22 Obstruction of construction of authorised works	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.

Part 3: Acquisition And Possession Of Land

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

Article 23 Compulsory acquisition of land	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 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.
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<p>Article 24</p> <p>Application of Part 1 of the 1965 Act</p>	<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 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 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, article 23.</p>
<p>Article 25</p> <p>Application of the Compulsory Purchase (Vesting Declarations) Act 1981</p>	<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 26</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 8 (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 9 (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 27</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 and precedent can be found in the Cambridge South Order. .</p>
<p>Article 28</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 10 (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 s.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>The Article provides that powers to take possession of land temporarily, if land is specified in Schedule 10 (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 loss or damage arising from their exercise where claimed.</p>
<p>Article 29</p> <p>Temporary use of land for maintenance of works</p>	<p>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</p>

	<p>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).</p>
<p>Article 30 Temporary use of land for access</p>	<p>This article authorises the Undertaker to take temporary access over land specified in schedule 10 for the purpose of temporary access, rather than taking possession, for constructing the authorised works. It requires 7 days' prior notice to be given to those interested in the land unless access is urgently required. The purpose is to allow a more limited impact on the use of land where the acquisition of new rights on a permanent basis, or temporary possession of the land is not required. It is based on article 30 of the East West Rail Order.</p>
<p>Article 31 Disregard of certain interests and improvements</p>	<p>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.</p> <p>The effect of the article, as with s.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.</p>
<p>Article 32 Set-off for enhancement in value of retained land</p>	<p>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.</p>
<p>Article 33 Extinguishment or suspension of private rights</p>	<p>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).</p> <p>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.</p> <p>It also provides (in Article 33(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.</p> <p>Article 33(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.</p> <p>Article 33(4) provides for the suspension of private rights in land subject to temporary powers under the Order.</p> <p>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.</p>

<p>Article 34</p> <p>Power to acquire subsoil or airspace only</p>	<p>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 s.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.</p>
<p>Article 35</p> <p>Time limit for exercise of acquisition</p>	<p>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.</p>
<p>Article 36</p> <p>Open Space Land</p>	<p>Under s.12 of the 1992 Act an order is subject to special parliamentary procedure if it authorises the compulsory acquisition of land to which the section applies (i.e. a common, open space or fuel or field garden allotment), unless the Secretary of State is satisfied that certain tests under s.19 of the Acquisition of Land Act 1981 are met.</p> <p>Section 19 of the Acquisition of Land Act 1981 provides that, in so far as a compulsory purchase order authorises the purchase of any land forming part of a common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied that exchange land has been or will be given in exchange for the order land, and the exchange 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, the acquisition of that is required for the Scheme. Open space land is defined in S19(4) of Acquisition of Land Act 1981 being land that is laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.</p> <p>It is to be noted that this statutory definition is narrower than the use of the phrase open space in the planning policy documentation adopted by the relevant host local planning authorities. The local planning policy definitions include land that is not used by the public for recreation (or formally laid out as open space).</p> <p>This article therefore makes provision for the existing open space land to vest in the undertaker only if it has taken possession of the exchange land which will be used to replace the open space special category land.</p> <p>On the east side of the M11 motorway the guided transport system will require the acquisition of land that is publicly accessible by way of bridleway 39/30 and is designated as open space by the Cambridge City Council Local Plan 2018 Policy 67. It applies to two plots shown in the book of reference and land plans, 14-153 and 14-154. (Neighbouring land held by the also forming part of the policy designated open space is expressly excluded from compulsory acquisition so is not subject to the need for a certificate or special parliamentary procedure under Section 19 of the Acquisition of Land Act 1981).</p> <p>Paragraph (1) prohibits possession of plot 14-153 under the powers in the Order unless the undertaker has also taken possession of the relevant exchange land.</p> <p>Paragraph (2) discharges the open space special category land from all existing rights trusts and incidents to which it is subject. Paragraph (3) required the exchange land to be paid out as replacement open space withing one year of the authorised works being brought in to public use.</p> <p>Plot 14-154 is itself Crown Land so the relevant Crown interest cannot itself be subject to compulsory acquisition. However, it dealt with in the draft Article (and will be included in the application for a certificate under S19 of the</p>

	<p>Acquisition of Land Act 1981) as the Undertaker anticipates powers may be required to remove other interests that may still exist in this land.</p> <p>Paragraphs (3) and (4) therefore repeat paragraphs (1) and (2) in relation not the DfT Open Space and the land to be provided in replacement for it.</p> <p>Paragraph (5) sets the timetable for the provision of replacement open space before the end of the period of one year beginning with the date the authorised works are first brought into public use.</p> <p>On the date on which the exchange 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 (Paragraphs (6) and (7).</p> <p>The article is based on article 44 of The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022 No.1067) but modified to reflect the circumstances of the Scheme.</p>
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Part 4: Operation Of The Guided Transport System

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

<p>Article 37</p> <p>Power to operate and use the guided transport system</p>	<p>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 Cambridgeshire Order.</p>
<p>Article 38</p> <p>Power to charge fares</p>	<p>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.</p>
<p>Article 39</p> <p>Maintenance of approved works etc.</p>	<p>This article requires the maintenance of works plant and equipment forming part of the authorised guided busway in accordance with any approval given under S.41 of the 1992 Act. Contravention of the requirement in article 39(1) is an offence under article 39(2). Article 39(3) restricts the commencement of proceedings save by or with the consent of the Health and Safety Executive or the Director of Public Prosecutions. The article is based on article 39 of the Cambridgeshire Order.</p>
<p>Article 40</p> <p>Removal of obstructions</p>	<p>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.</p>
<p>Article 41</p> <p>Traffic signs</p>	<p>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.</p>

<p>Article 42</p> <p>Traffic regulation</p>	<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 11. 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 appropriate 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 s.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>

Part 5: Miscellaneous and general

<p>Article 50</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 noise 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 s.82 of the Environmental Protection Act 1990. This approach follows the model provisions.</p>
<p>Article 51</p> <p>Statutory Undertakers etc</p>	<p>This article introduces Schedule 12 (provisions relating to statutory undertakers, etc.) to the Order, which contains specific safeguards for statutory undertakers.</p>
<p>Article 52</p> <p>Protection of Interests</p>	<p>This article gives effect to the protective provisions which are in Schedule 13.</p>

<p>Article 53</p> <p>Disapplication of agreements restricting use of land</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:</p> <p>(i) an agreement dated 30 April 1958 affecting land west of Cambridge Road Coton, made between the Cambridge Preservation Society and the National Trust; and</p> <p>(ii) Deeds of Covenant 16 December 1958 made between The Cambridge Preservation Society and the National Trust</p> <p>The benefit of the agreements are held by the National Trust by virtue of s.8 of the National Trust Act 1937. Their purpose 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>
<p>Article 54</p> <p>Minerals</p>	<p>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).</p>
<p>Article 55</p> <p>Certification of plans etc.</p>	<p>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.</p>
<p>Article 56</p> <p>Service of notices</p>	<p>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.</p>
<p>Article 57</p> <p>No double recovery</p>	<p>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.</p>
<p>Article 58</p> <p>Arbitration</p>	<p>This article provides for arbitration in cases of dispute under the Order.</p>
<p>Article 59</p> <p>Crown Land</p>	<p>This article provides saving provisions for the Crown and is based on a number of made orders. This article prevents the undertaker from acquiring any Crown land, or from otherwise interfering with it, without the written consent of the relevant Crown authority. The Crown's consent may be given unconditionally or subject to terms and conditions. The acquisition of other interests in land held by a Crown body is permitted with the consent of the relevant Crown body.</p>

5. SCHEDULES

<p>Schedule 1:</p> <p>Scheduled Works</p>	<p>Describes the scheduled works to be carried out relying on the powers in the Order.</p>
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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 and means of access to be stopped up and the provision of substitutes	<p>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).</p> <p>Part 1 lists the paths and streets to be created by the Order. Part 2 lists highways to be stopped up for which a substitute is to be provided. Part 3 lists streets to be stopped up for which a substitute is to be provided. Part 4 lists streets to be stopped up for which no substitute is to be provided and Part 5 lists means of access to be closed for which a substitute is to be provided. The locations are shown on the rights of way plans.</p> <p>Part 6 lists new means of access or improvement of existing means of access and Part 7 lists means of access to be closed for which no substitute is to be provided.</p>
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	This schedule lists land included within the Order limits not to be compulsorily acquired.
Schedule 8: Land 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.
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 39 (traffic regulation).
Schedule 12:	This Schedule includes provisions to regulate the application of the Order in relation to the apparatus of statutory undertakers.

Provisions relating to Statutory Undertakers, etc.	
Schedule 13: Protective provisions	This Schedule includes provisions to protect the interests of various bodies whose assets may be affected by the Scheme.

APPENDIX 1

Separation of Functions Document

Cambourne to Cambridge – Transport and Works Act Order application

Protocol on Division of Roles and Responsibilities For Councils, Members and Officers

1. Introduction

- 1.1 GCP is the local delivery body for the Greater Cambridge 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 the City Council, CCC, SCDC and the University of Cambridge (UoC). 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.
- 1.2 The GCP’s four corridor projects are providing better public transport 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.
- 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**). The Scheme contributes to delivery of the LTP and the Elected Mayor attends Executive Board meetings by invitation to represent CPCA.

- 1.4 Whilst GCP is leading on the delivery of the City Deal and has many functions of the relevant partners delegated to it, as a joint committee it is not a self-standing legal entity with powers to make a TWAO application. CCC is the accountable body for GCP projects and will operate or procure the operation of the Scheme. Accordingly, CCC is the Undertaker applying for the powers contained in the Order.

2. Separation of Functions

- 2.1 This Protocol is the text of a document circulated to the relevant officers at CCC, the City Council and SCDC to explain the separate roles of:

- 2.1.1 CCC in regard to all its relevant statutory functions;

- 2.1.2 The City Council and SCDC as local planning authorities and any other relevant statutory functions.

- 2.1.3 All the authorities as part of the joint committee referred to above.

- 2.2 The Undertaker will continue to be mindful of the separate functions involved in promoting and commenting on the provisions of the Order. 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 the Scheme. 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 The Scheme 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.
- 3.2 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 Order. This includes preparation and completion of all the Application documents.

4. Regulatory Role of the Cambridgeshire Authorities

- 4.1 In addition to an application for an Order to the Secretary of State, it is also 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 application for the Order) to submit and provide submissions on the Order 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 Order.
- 4.3 Whilst SCDC and the City Council have a role as joint committee members responsible for promoting the Project, their officers have historically had no role in the promotion of the Project. Their role is therefore confined to the exercise of functions as local planning authorities.
- 4.4 However, CCC, in addition to its role as joint committee member of the GCP Executive Board and applicant for the Order, has roles as:
 - 4.1.1 County Planning Authority (on the basis that the planning permission for the Scheme could be promoted as a Regulation 3 development);
 - 4.1.2 Highway, Traffic and Street Authority; and
 - 4.1.3 Lead Local Flood Authority.

which must be kept separate from its role as applicant for the Order 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.

5. CCC – Summary of Roles – Promoting the Order

- 5.1 The Order was drafted by a team at Womble Bond Dickinson LLP Solicitors, instructed by CCC on behalf of GCP. They receive instructions from the Project Manager of GCP.

5.2 The Senior Responsible Officer at GCP progressing the application, and responsible for undertaking the activities below, is the GCP Director of Transport supported by the Project Manager.

5.3 The roles of the officers, supported by external consultants, referred to in 5.2 include:

5.3.1 Promoting the Order – leading on the process for consultation, preparing the Application and providing evidence at the Public Inquiry.

5.3.2 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.

5.3.3 Ecological impacts – procuring reports to inform the Inspector and Natural England on the impacts of the Scheme.

5.3.4 Consultation Requirements – ensuring the statutory consultation requirements are complied with and evidenced.

5.3.5 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 Cambourne, West Cambridge and Bourn Airfield and related to delivery of the eastern section of the Scheme, (the Development Sites) and development agreements with interested parties.

5.3.6 Development Sites – s 106 agreements. Each Development Site has either a completed or a draft s 106 agreement is in progress to control the development of each Development site. The promoting team must ensure that the Scheme is provided for in the completion or discharge of obligations in the s 106 agreements.

5.3.7 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 Order.

5.4 Role of County Council Members – Transport for Works Order Promotion

5.4.1 *Key decisions on the Application:* At a full County Council Meeting held on 21 March 2023, members approved a recommendation to make the Application and request for deemed planning permission. Thereafter CGP's officers have had day to day conduct of the Application.

5.4.2 *Implementation post decision:* If the Order is made, County Council members will be asked to decide whether or not to proceed with implementation of the Scheme subject to a Full Business Case being prepared and considered by the Executive Board.

5.4.3 *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 but generally this function is delegated to the Council's section 151 Officer.

6. **Considering the Proposed Order – The Role of the three Local Authorities.**

The Order

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

Environmental Impact Assessment

6.2 The EIA process is iterative and Council officers have been and will continue to be consulted by the GCP team on the impacts of the 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 Application.

Consultation obligations

- 6.5 It is essential that any consultation response on the Scheme 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 Order.

Highways, Street and Traffic

- 6.6 The Order will seek power for highway works. CCC as the highway, street and traffic authority as appropriate 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.
- 6.7 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 Scheme, will provide an independent technical review of the Application.
- 6.8 The relevant case officer for CCC Highway Development Management reviewing the Application and planning submission is the Highways Development Manager.
- 6.9 The relevant case officer for CCC Transport Assessment Team reviewing the Application and planning submission is the Transport Assessment Manager.

Planning

- 6.10 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 across the two administrative areas.

- 6.11 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. 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 Application.
- 6.12 CCC will be a consultee on the discharge of planning conditions.
- 6.13 The Greater Cambridge Shared Planning Services case officer and CCC's case officer have met with and continue to meet with the application team to discuss the scope of the Application and deemed planning request.
- 6.14 The lead Officer for the Greater Cambridge Shared Planning Service is the Strategic Sites Manager.
- 6.15 The lead Officer for CCC is the Head of Service: Planning and Sustainable Growth.

Flooding

- 6.16 As lead local flood authority, specialist CCC officers will be responsible for considering the Flood Risk Assessment and advising on all matters in connection with drainage for the Scheme,

Representations at the Public Inquiry Hearings and negotiating Statements of Common Ground

- 6.17 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.
- 6.18 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 Councils in their regulatory role must be entirely separate from those officers involved in the promotion of the project.