

NR/A1

TRANSPORT AND WORKS ACT 1992

TOWN AND COUNTRY PLANNING ACT 1990

TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004

**THE NETWORK RAIL
(HITCHIN (CAMBRIDGE JUNCTION))
ORDER**

**STATEMENT OF CASE OF THE APPLICANT
NETWORK RAIL INFRASTRUCTURE LIMITED**

February 2010



TABLE OF CONTENTS

1	GENERAL INTRODUCTION	3
2	THE APPLICATION	4
3	POLICY AND REGULATORY FRAMEWORK	9
4	FUNDING	17
5	EAST COAST MAIN LINE ROUTE UTILISATION STRATEGY	18
6	THE NEED FOR THE HITCHIN (CAMBRIDGE JUNCTION) SCHEME	23
7	SCHEME DESCRIPTION	26
8	SCHEME DEVELOPMENT	28
9	TRANSPORT AND PLANNING POLICY CONTEXT	33
10	ACQUISITION AND USE OF LAND	49
11	ENVIRONMENTAL IMPACT ASSESSMENT	52
12	CONSTRUCTION TRAFFIC	60
13	PUBLIC OPEN SPACE	66
14	UTILITIES DIVERSIONS	70
15	CONSULTATION	71
16	OBJECTIONS	73
17	CONCLUSION	79

Appendix 1: Glossary

Appendix 2: List of Documents

Appendix 3: Locations where documentation may be inspected

1 GENERAL INTRODUCTION

- 1.1 On 30 September 2009 Network Rail Infrastructure Limited (“**NRIL**”) applied to the Secretary of State for Transport to make The Network Rail (Hitchin (Cambridge Junction)) Order (“**the Order**”) under the Transport and Works Act 1992 (**CD/B1**).
- 1.2 The application (“**the TWAO Application**”) was made in accordance with the procedure contained in the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (SI 2006/1466) (“**the 2006 Rules**”) (**CD/B3**). It has been given reference TWA/09/APP/05 by the Department for Transport (“**DfT**”).
- 1.3 The Order, if made, will confer upon NRIL the powers necessary to construct and operate a new section of railway running partly on embankment and partly on viaduct from a point to the north of Hitchin Station to a point on the existing Hitchin to Cambridge railway line to the west of Stotfold Road as described in further detail in this Statement. This proposal is referred to hereinafter as the Hitchin (Cambridge Junction) Scheme.
- 1.4 This document is NRIL’s Statement of Case for the Hitchin (Cambridge Junction) Scheme. It contains particulars of the case which NRIL proposes to put forward at the public local inquiry into the TWAO Application. The statement is to be served under Rule 7 of the Transport and Works (Inquiries Procedure) Rules 2004 (SI 2004/2018) (the “**Inquiries Procedure Rules**”) (**CD/B2**).
- 1.5 The Statement of Case includes the following appendices:

Appendix 1: A Glossary of initials referred to in this Statement of Case

Appendix 2: A list of documents to which NRIL intends to refer or put in evidence at the public local inquiry, including those documents comprising the TWAO Application as submitted on 30 September 2009

Appendix 3: A list of the locations and times where a copy of, or a copy of the relevant part of, the documents identified in the list of documents at Appendix 2 may be inspected free of charge

2 THE APPLICATION

2.1 The TWAO Application and its Legislative Context

- 2.1.1 The TWAO application was made to the Secretary of State for Transport ("**Secretary of State**") under sections 1 and 5 of the Transport and Works Act 1992.
- 2.1.2 The purpose of the Order is to obtain the powers necessary to authorise NRIL to construct and operate a new section of railway, running partly on embankment and partly on viaduct, to the north of Hitchin Station. This new section of grade-separated railway will enable rail services from Hitchin to Cambridge which, at present, cross the East Coast Main Line ("**ECML**") at grade, to pass over the ECML and services operating on that line. The Order would permit NRIL to acquire, compulsorily or by agreement, land and rights in land and to use land for railway purposes.
- 2.1.3 The TWAO Application was the subject of publicity and notices as required by the 2006 Rules under which representations to the Secretary of State upon the TWAO Application were invited until 11 November 2009. The proposals were also the subject of a consultation exercise carried out by NRIL as described in the Consultation Report ("**CD/A5**") submitted with the TWAO Application (which exceeded the level of consultation required by the 2006 Rules). The consultation exercise is described in Chapter 15 of this Statement.
- 2.1.4 Sixty three (63) letters of objection, six (6) letters of representation and two (2) letters of support to the proposed Order have been submitted to the Secretary of State. The issues arising from these representations are discussed in Chapter 16 of this Statement.
- 2.1.5 On Wednesday 9 December 2009, NRIL was informed by the DfT of the Secretary of State's intention to hold a public local inquiry into the TWAO Application ("**the Inquiry**") and that Wednesday 9 December 2009 would be the 'starting date' for the purposes of the Inquiries Procedure Rules.
- 2.1.6 A statement of matters provided under Rule 7(6) of the Inquiries Procedure Rules will be served by the Secretary of State in due course.

2.2 The Scope of the Order

- 2.2.1 The Order is being promoted to permit NRIL to construct and operate works and to compulsorily acquire land and rights in land for the purpose of constructing a new grade separated junction at Hitchin (Cambridge Junction). The proposed works comprise:

- a new railway, 2265 metres in length, running partly on embankment and partly on viaduct, carrying the Hitchin to Cambridge line over the ECML, including an under bridge;
- a drainage outfall including a detention basin and a headwall at the River Hiz;
- widening of an existing access road within the National Grid Operational Centre;
- two new access roads to provide access to the new railway;
- a new farm access at the northern end of Wilbury Way; and
- the protection and diversion of various items of utilities apparatus.

2.2.2 The draft Order comprises 46 articles, in 6 parts, together with 13 Schedules. Part 1 of the Order contains preliminary provisions including citation, commencement and interpretation provisions. Part 2, together with Schedules 1 to 6, make provision for, and relating to, the construction of the works. Part 3 of the Order, together with Schedule 7 to 10, make provision for the compulsory acquisition of land and rights in land and for the temporary possession of land for the purposes of or in connection with the intended works and NRIL's railway undertaking. Part 4 makes provision for the operation of the authorised railway. Part 5 together with Schedules 11 and 12, contains protective provisions for the protection of statutory undertakers. Part 6 contains a number of miscellaneous and general provisions.

2.2.3 The provisions of the Order are substantially based on the Model Clauses for Railways, as contained in Schedule 1 to the Transport and Works (Model Clauses for Railways and Tramways) Order 2006 (**"the Model Clauses for Railways"**) (CD/B14).

2.2.4 In some instances, the Order departs from the Model Clauses for Railways where it contains provisions modelled on those contained in previous orders, including the Network Rail (Thameslink 2000) Order 2006, the Docklands Light Railway (Stratford International Extension) Order 2006 and the Nottingham Express Transit System Order 2009.

2.2.5 In some other cases, the Order's provisions are drawn from the Model Clauses for Tramways, as contained in Schedule 2 to the Transport and Works (Model Clauses for Railways and Tramways) Order 2006.

2.2.6 In accordance with the requirements of Rule 10(2) (b) of the 2006 Rules, NRIL's application to the Secretary of State for Transport

includes an Explanatory Memorandum. This Memorandum explains the purpose and effect of each article of, and Schedule to, the Order.

2.3 The Suite of Application Documents

2.3.1 The 2006 Rules specify documents which are required to accompany an application for a Transport and Works Act Order. NRIL's TWAO Application comprises the documents required by the 2006 Rules as follows;

- Letter of application **(CD/A1)**;
- Draft Order **(CD/A2)**;
- Draft Explanatory Memorandum explaining the purpose and effect of each article and Schedule in the TWAO **(CD/A3)**;
- Concise Statement of the aims of the proposals **(CD/A4)**;
- Report summarising the consultations that have been undertaken **(CD/A5)**;
- List of all consents, permissions or licences required under other enactments for the purpose of the powers sought in the application **(CD/A6)**;
- Funding Statement detailing NRIL's proposals for funding the cost of implementing the TWAO **(CD/A7)**;
- Estimate of the Costs of carrying out the works provided for in the TWAO **(CD/A8)**;
- Request for a direction under Section 90(2A) of the Town and Country Planning Act 1990 for deemed planning permission for the Scheme accompanied by draft planning conditions **(CD/A9)**;
- Location Plan, Works and Land Plans, Sections, Open Space Plan and Rights of Way Plan **(CD/A10)**;
- Book of Reference relating to the Works and Land Plans **(CD/A11)**;
- Planning Direction Drawings showing elements of the development in further detail **(CD/A12)**; and
- Environmental Statement (consisting of four volumes including a Non-Technical Summary, a Scoping and Methodology Report, a Main Report and a Previous Studies and Options report) **(CD/A13)**.

2.4 The requirement for deemed planning permission and its scope

- 2.4.1 Rule 10(6) of the 2006 Rules provides for an application to be made for a direction granting deemed planning permission for works and the use of land under section 90(2A) of the Town and Country Planning Act 1990 (**CD/B4**).
- 2.4.2 Some of the proposed works contained within the Order do or may constitute development requiring planning permission under section 57(1) of the Town and Country Planning Act 1990 (**CD/B4**). NRIL has sought a direction in this case with conditions subject to which it is proposed that the direction should be made. The direction sought is for deemed planning permission to be granted for the works with the details of some matters being reserved for subsequent approval by the local planning authority ("**LPA**").
- 2.4.3 A set of planning direction drawings showing the works for which a direction of deemed planning permission is sought accompanies the Order application as required by Rule 10(6)(d) of the 2006 Rules.
- 2.4.4 The request is accompanied by a statement of proposed planning conditions ("**the Planning Conditions**")¹. The Planning Conditions were drafted by NRIL, in consultation with North Hertfordshire District Council ("**NHDC**"), which is the LPA.
- 2.4.5 The proposed conditions relate to:
- A time limit for commencement of development
 - The later approval by the LPA of certain specified details of elements of the development (3 conditions)
 - Compliance with the project's Planning and Environmental Management Strategy ("**PEMS**")
 - Landscaping
 - Archaeology
 - Construction noise and
 - Air quality
- 2.4.6 In the light of comments made by the DfT, the Environment Agency ("**EA**") and following further discussion with the LPA, a revised list of proposed conditions is being prepared by NRIL. It is expected that this list will be agreed with NHDC and submitted to the DfT before the start of the public inquiry.

¹ The proposed planning conditions are set out in Schedule 1 to document **CD/A9**.

2.5 Application for a certificate under the Acquisition of Land Act 1981

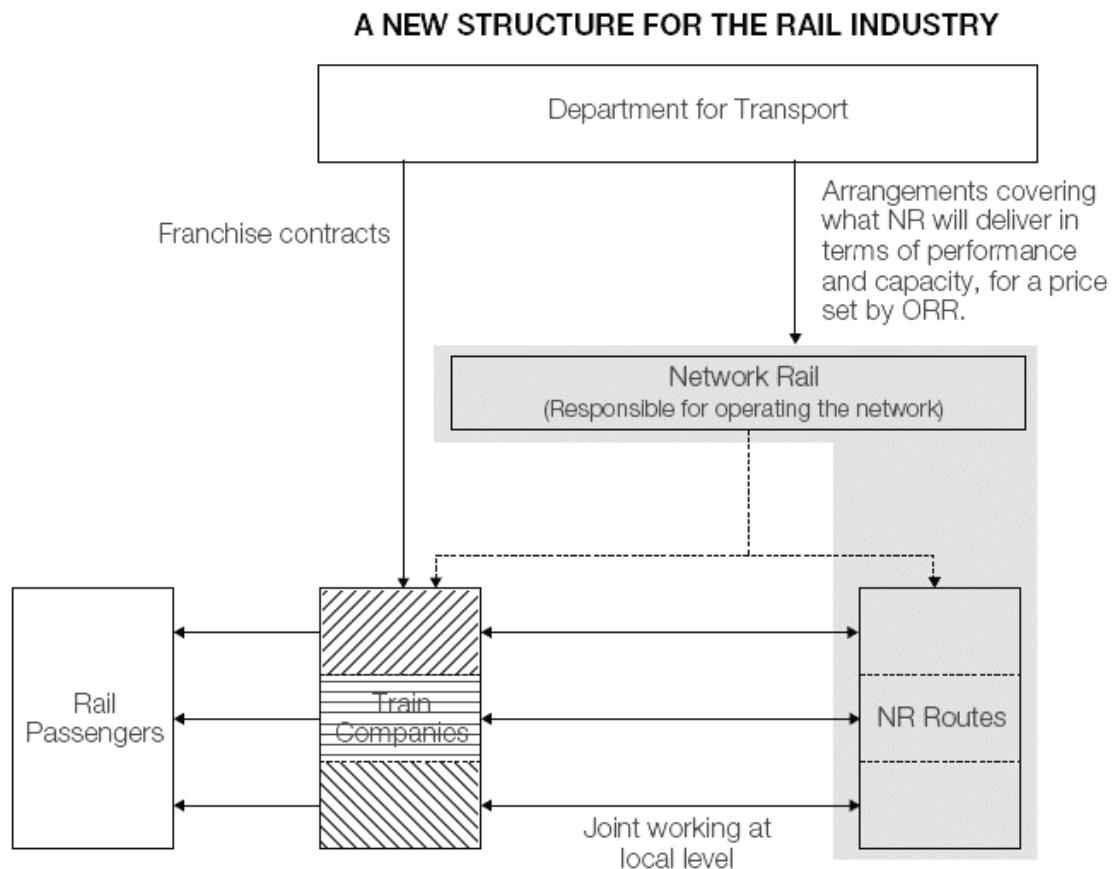
- 2.5.1 Parts of the land required for the Hitchin (Cambridge Junction) Scheme is or may constitute public open space for the purposes of sections 19 and 28 of the Acquisition of Land Act 1981 (**“the 1981 Act”**) (NR/B18).
- 2.5.2 Where it is proposed to compulsory acquire public open space, or rights in or over public open space, sections 19 and 28 require the proposed Order to be subject to Special Parliamentary Procedure unless the Secretary of State certifies to the contrary.
- 2.5.3 Accordingly, on 30 September 2009, NRIL applied to the Secretary of State for Communities and Local Government for a certificate under section 19 of the 1981 Act. The Secretary of State is currently considering the application. Should he announce his intention to grant a certificate, this will be advertised in accordance with the provisions of Section 19(2A) of the 1981 Act.
- 2.5.4 Further information regarding NRIL’s proposals in respect of public open space and its application for a certificate under section 19 of the 1981 Act can be found in Chapter 13 of this Statement.

3 POLICY AND REGULATORY FRAMEWORK

3.1 The Railway Industry

- 3.1.1 The present structure of the railway industry came into being under the provisions of the Railways Act 2005 (**“the 2005 Act”**) (CD/B15) which followed a White Paper *The Future of Rail* (Cm 6233) (CD/C1) published by the DfT in July 2004. The White Paper made clear government support for infrastructure improvements to the railway network. Following the coming into force of the 2005 Act strategic and financial responsibilities for the railway passed from the Strategic Rail Authority to the DfT, and the Secretary of State now takes responsibility for setting the national level strategic outputs for the railway industry, its terms of capacity and performance.
- 3.1.2 The rail industry in Britain is regulated by the Office of Rail Regulation (**“ORR”**).
- 3.1.3 A diagram indicating the main relationships within the railway industry is shown below at Figure 1.

Figure 1



(The Future of Rail, Department for Transport, July 2004)

3.2 Network Rail

- 3.2.1 The ultimate parent company of NRIL is Network Rail Limited (“**NRL**”). NRL is a “not-for-dividend” company whose purpose is to deliver a safe, reliable and efficient railway for Britain. All its profits go straight back into improving the railway. As a company limited by guarantee, it is a private company operating as a commercial business. The NRL Board runs the company to the standards required of a publicly listed company. NRL is directly accountable to its members who are drawn from the rail industry and the general public.
- 3.2.2 NRIL owns and operates the heavy rail infrastructure network. It does not operate passenger trains or commercial freight trains; this is the responsibility of Train Operating Companies (“**TOCs**”) and Freight Operating Companies (“**FOCs**”).
- 3.2.3 NRIL is primarily responsible for operation, maintenance, repair, renewal and enhancement of track, stations, signalling and electrical control equipment. NRIL, as facility owner of the network, grants rights to TOCs and FOCs to use the network in the form of track, station, and depot access agreements approved by the ORR.
- 3.2.4 The activities of NRIL as network operator are regulated by the ORR by means of a network licence (**CD/B17**) granted under section 8 of the Railways Act 1993 (as amended) (**CD/B16**). That licence was most recently revised in April 2009.
- 3.2.5 Condition 1 of that licence (network management) sets out NRIL’s core responsibilities in operating, maintaining, renewing and enhancing the rail network. The purposes specified in the network licence are to secure:-
- (i) the operation and maintenance of the network;
 - (ii) the renewal and replacement of the network; and
 - (iii) the improvement, enhancement and development of the network.
- 3.2.6 In each case NRIL must carry out its responsibilities in accordance with best practice and in a timely, efficient and economical manner so as to satisfy the reasonable requirements of persons providing railway services and funders of railway services including potential providers or potential funders. These responsibilities include the maintenance and improvement of the quality and capability of the railway network and the facilitating of improved railway service performance in respect of services for the carriage of passengers and goods by rail operating on the network.

- 3.2.7 NRIL is under a general duty to fulfil the responsibilities identified in clause² 3.2.5 above to the greatest extent reasonably practicable having regard to all relevant circumstances.
- 3.2.8 The organisation of NRIL comprises a headquarters organisation responsible for the strategic direction of the company supported by a number of regionally based route specific organisations. Hitchin is contained within the area of responsibility of the London North Eastern Route organisation. Sponsorship of strategic infrastructure investment programmes is the responsibility of NRIL Network Development (part of the headquarters organisation). The Hitchin (Cambridge Junction) Scheme is the responsibility of the Network Development North and East team.

3.3 High Level Output Specifications

- 3.3.1 In July 2007, the Government unveiled its 30-year rail strategy³ setting out its long-term vision for the railway in England and Wales. Included in this long-term strategy are the shorter-term priorities and requirements for the current control period CP4 from April 2009 to March 2014⁴. This high level output specification (“**HLOS**”)⁵ sets out what the Government and Scottish Ministers want to buy from the rail industry over this five year control period in terms of reliability, capacity and safety and the projects they will fund. There will be further HLOSs for future control periods.

3.4 Route Utilisation Strategies

- 3.4.1 Condition 7 of NRIL’s network licence requires that NRIL shall establish and maintain Route Utilisation Strategies (“**RUS**”) for the whole and parts of the network. An RUS comprises a strategic examination of the rail network and its usage and capability in relation to current and future demand. Where shortfalls in capacity are identified, the RUS will identify options for addressing them. These options typically involve timetabling changes or investment. To address the requirements of funders and stakeholders, an RUS seeks to balance capacity, passenger and freight demand, operational performance, infrastructure maintenance and costs.
- 3.4.2 RUSs consider the rail network over a period of 20 to 30 years and may be adapted in the future as later HLOSs are issued by the Government. RUSs and HLOSs therefore go hand in hand and are

² For reasons of clarity, references in this Statement of Case to other parts of the statement are by use of the words “Chapter” and “clause”. Where “paragraph” or “section” is used, the reference is to documents other than this Statement of Case

³ White Paper “Delivering a Sustainable Railway” (cm7176), Department for Transport, July 2007 (**CD/C2**)

⁴ Government plans for Network Rail (including for the financing of investment projects such as the Hitchin (Cambridge Junction) scheme) are regulated in five year periods (Control Periods). Control Period 4 (“**CP4**”) is the period between April 2009 and March 2014.

⁵ The HLOS formed an Appendix to the White Paper **CD/C2**

complementary to each other. For example, the HLOS for CP4 was published in July 2007 at which time the RUS for the ECML was already being drafted and was amended to take account of the CP4 HLOS.

3.4.3 Condition 7 contains an objective for each RUS: this is as follows:

"the effective and efficient use and development of the capacity available, consistent with funding that is, or is reasonably likely to become, available during the period of the route utilisation strategy and with the licence holder's performance of the duty".

3.4.4 Condition 7 also requires NRIL to propose a programme of RUS establishment dates. NRIL has developed a consultation process in taking forward this programme. Each individual RUS is overseen by meetings of industry representatives and also County Councils for the route under consideration.

3.4.5 The Route Utilisation Strategy for the ECML ("**ECML RUS**") (**CD/C6**) was published in February 2008 (see Chapter 5 below for more detail about the ECML RUS).

3.5 Network Change

3.5.1 Network Change is a contractual process that is incorporated into every Track Access Contract through Part G of the Network Code and is a compulsory process for consulting and compensating changes to the Network (including its layout, configuration or condition) that are likely to '*materially affect the operation of the Network; or the operation of trains on the Network*'. Network Change, therefore, allows NRIL, TOCs/FOCs and Competent Authorities⁶ to propose changes to the Network. The regulatory and contractual framework, together with the ORR, requires NRIL to be able to demonstrate that Network Change proposals are in the industry's best interests before they are sent out for formal consultation.

3.5.2 As part of this process, there is an over-arching obligation on NRIL to facilitate Network Change. NRIL is obligated to "*take all reasonable steps to facilitate the development, establishment and implementation of any proposal for Network Change*". This requires NRIL to provide details of the proposed Network Change to all affected Train Operators, and respond to any responses from Train Operators to the Network Change proposals. The information that is

⁶ As defined in the Network Code, "Competent Authority" means any local, national or supra-national agency, authority, department, inspectorate, minister, ministry, official, court, tribunal, or public or statutory person (whether autonomous or not and including the Office of Rail Regulation) whether of the United Kingdom or of the European Union, which has, in respect of an Access Agreement, jurisdiction over either or both of the Access Parties to, or the subject matter of, that agreement provided that "Competent Authority" shall not include Her Majesty's Government (or any department, minister, official or nominee of it) where acting as shareholder of the Access Party in question or other than pursuant to the Crown prerogative or a statutory function or power

provided must enable the Train Operators to assess the impact on their business. If a Train Operator does not have enough information then they can reject the Network Change.

3.5.3 The information must include:

- (a) reasons for the proposed change;
- (b) a statement as to the likely effect of the proposal on the operation of the Network or of trains on the Network;
- (c) a specification of the work to be done including any relevant site plans, track diagrams etc;
- (d) a statement of the proposed times in which the work is likely to be carried out, including start and end dates (either specific possession details or the expected number of possessions, likely hours and dates/period);
- (e) the response date by when any comments/ objections etc. should have been received by NRIL.

3.5.4 The Network Change process is applicable to the Hitchin (Cambridge Junction) Scheme and consultation with all TOCs and FOCs who will be affected by the Scheme has already begun with a view to achieving Network Change approval in readiness for the outcome of the TWA process. Feedback from the consultation already carried out with TOCs/FOCs has been captured by NRIL and, where possible, is being taken into account in the development of the access strategy⁷ for the Scheme.

3.6 Maintenance of the Railway

3.6.1 In carrying out its duty to maintain the railway, NRIL requires periods (“**possessions**”) when it must occupy the railway to enable it to have complete control over sections of the line. During possessions, no train services can be run by TOCs/FOCs.

3.6.2 The times when train operators can have access to any section of the railway network to run trains and those when NRIL can have access to its network to carry out maintenance, renewal and enhancement work are set out in a document produced annually for each timetable year and entitled **Rules of the Route (NR/B1A and NR/B1B)**⁸.

⁷ NRIL requires TOC/FOC acceptance of proposals for track possessions based on how these impact their normal operations, revenue etc.

⁸ Document **NR/B1A** comprises the Rules of the Route in operation for the timetable period between Sunday 13 December 2009 and Saturday 11 December 2010. Document **NR/B1B** comprises the Rules of the Route under development for the timetable period between Sunday 12 December 2010 and Saturday 10 December

- 3.6.3 Preparation of the Rules of the Route takes place in accordance with a prescribed timetable.
- 3.6.4 The contents of the Rules of the Route are determined by NRIL through informal consultation with TOCs/FOCs with the aim of achieving the optimal balance between access to the network for train operations and access for maintenance, renewal and enhancement work. This is followed by formal consultation with TOCs/FOCs in accordance with Access Condition D2 (**CD/B19**)⁹, leading to the issue by Network Rail of the Final Rules of the Route. TOCs/FOCs have a right of appeal against the contents of the Final Rules of the Route under Access Condition D2.1.7.
- 3.6.5 Rules of the Route for each annual timetable period include:
- (a) guidelines for granting possessions;
 - (b) standard possession opportunities, i.e. guidance on possession times that are available;
 - (c) midweek possession strategy, i.e. a description of the opportunities available for possessions of regular maintenance of the network; and
 - (d) any restrictions that will affect the operation of trains, e.g. temporary speed restrictions, signalling disconnections etc.
- 3.6.6 NRIL pays compensation to TOCs/FOCs in accordance with their regulated track access contracts for any restrictions of use of all or any part of the network which results in a difference between the timetable on any particular day compared with the timetable that would have been used had no restriction existed.
- 3.6.7 The ORR has set NRIL targets for a measure of network availability for CP4. The activities required to meet NRIL's regulatory output requirements and to meet TOCs/FOCs' network availability aspirations are being managed in a programme known as "seven day railway". Among the core initiatives and activities required to improve network availability are:
- (a) a move away from long possessions at weekends which currently close the network to traffic for one or two days; and
 - (b) changes to working practices and methods which allow existing maintenance and renewals activities to take place during a series of shorter (e.g. overnight) possessions.

2011. Rules of the Route consist of a framework document and schedules related to particular parts of the network. **NR/B1A and NR/B1B** include extracts from schedules related to the Hitchin area.

⁹ Access Conditions form part of the Network Code

- 3.6.8 There will be therefore during CP4 increasing pressure on the availability of overnight possessions of the track in order to accommodate work that would previously have been done during weekend disruptive possessions.

3.7 NRIL technical approval processes

- 3.7.1 NRIL requires that new civil engineering structures are submitted to rigorous technical approval processes to ensure that they are safe and fit for purpose. In 2002 NRIL introduced a new, mandatory staged approach to the development of investment projects – the Guide to Railway Investment Projects (“**GRIP**”)¹⁰. The GRIP process defines the 9 stages of a successful project:-

Stage 1	Output Definition
Stage 2	Pre-feasibility
Stage 3	Option Selection
Stage 4	Single Option Development
Stage 5	Detailed Design
Stage 6	Construction, Testing & Commissioning
Stage 7	Scheme Handback
Stage 8	Project Close Out
Stage 9	Post-GRIP.

- 3.7.2 GRIP is now a railway industry recognised process for the management of projects on the infrastructure and is mandatory for all significant NRIL projects. The Hitchin (Cambridge Junction) Scheme is applying GRIP to its entire works. Before the close of some of the GRIP Stages, projects are subject to rigorous examinations (Stagegate Reviews) to confirm that the requirements for the Stage have been properly carried out. The Hitchin (Cambridge Junction) Scheme is currently at the GRIP Stage 4 (Single Option Development) stage.

- 3.7.3 The design for the Hitchin (Cambridge Junction) Scheme must also pass through the formal design approvals process mandated in NRIL Standard **NR/SP/CIV/003**, “Technical Approval of Design, Construction and Maintenance of Civil Engineering Infrastructure” (Issue 2) (**NR/B3**). This is a rigorous, mandatory technical approval process carried out in accordance with mandatory national railway

¹⁰ (**NR/B2**) GRIP Manual PM01 (version 7.01) “Introduction to the Project Management Manual”.

industry processes for the staged approval of civil engineering designs. In summary, this process requires:-

- (a) Approval in Principle (“Form A”) before detailed design of a structure can be started: this approval is required at project, Territory and Headquarters levels;
- (b) Approval of “Approved for Construction” drawings and design (“Form B”) before the detailed design can be finalised and approved.

4 FUNDING

4.1 Funding the Scheme

- 4.1.1 Funding of the Hitchin (Cambridge Junction) Scheme is explained in the Funding Statement which accompanied the TWAO application **(CD/A7)**.
- 4.1.2 The Scheme forms part of the wider NRIL CP4 Delivery Plan Enhancements Programme, June 2009 **(NR/B13)** which is specified and fully funded as part of the ORR's Final Determination for NRIL **(CD/C3)** to undertake enhancement schemes between April 2009 and March 2014¹¹. The capital cost of the Scheme would therefore be met by the DfT.
- 4.1.3 It forms part of a wider programme of schemes on the ECML¹² that were identified through the ECML RUS **(CD/C6)** business case analysis carried out in support of the identification of this Scheme as an integral part of delivering the required capacity and performance improvements on the ECML.

4.2 Estimate of Scheme costs

- 4.2.1 The anticipated costs of the Hitchin (Cambridge Junction) Scheme are identified in the costs estimate submitted to the Secretary of State under Rule 10(3)(b)(ii) of the 2006 Rules and are identified in that document as being £62,610,000.
- 4.2.2 The cost estimate includes the capital expenditure required to obtain consents for and to construct the Scheme, including the cost of acquiring land which is blighted land within the meaning of section 149 of the Town and Country Planning Act 1990 **(CD/B4)**.

¹¹ Office of Rail Regulation letter to NRIL dated 3 September 2009 **(NR/B14)** confirms that the June 2009 CP4 Delivery Plan 2009 Enhancements programme (including Hitchin grade separation) now form the CP4 plan

¹² See pages 106 to 124 of **NR/B13**

5 EAST COAST MAIN LINE ROUTE UTILISATION STRATEGY

- 5.1 The ECML is the electrified high-speed link between London, Yorkshire, the North East and Edinburgh (see Figure 2). It also handles cross-country, commuter and local passenger services, and carries heavy tonnages of freight traffic, particularly over the northern sections. The route forms a key artery on the eastern side of the country and parallels the A1 trunk road. It links London, the South East and East Anglia, with the Yorkshire and Humber and North East Regions, and Eastern Scotland. It also carries key commuter flows for the north side of London. It is therefore important to the economic health of a number of areas of Britain.



Figure 2: Geographic scope of ECML

5.2 Strategic Business Plan

In October 2007, Network Rail published its Strategic Business Plan (“**SBP**”) for 2009 – 2014 (**CD/C7**)¹³. This identified the schemes required to meet the HLOS outputs aligning with the emerging conclusions of the ECML RUS Draft for Consultation. The SBP also explained the extent to which passenger and freight demand is growing, and set out an ambitious agenda for growing the capacity of Britain’s railway to meet this demand. In support of the SBP 2007 are a number of more detailed ‘Route Plans’. Route Plan 8 (**CD/C20**) covers the ECML.

CP4 Delivery Plan

5.3 NRIL’s CP4 Delivery Plan enhancements programme statement of scope, outputs and milestones February 2009 (**NR/B13**) sets out its enhancements plan for CP4. For each enhancement scheme funded through the ORR’s final determination it sets out:

- (i) NRIL’s obligations consistent with the final determinations;
- (ii) The proposed scope of the programme or project;
- (iii) The outputs that the scope is intended to support;
- (iv) Key assumptions and interfaces and
- (v) Milestones.

Hitchin (Cambridge Junction) is a specific scheme outlined within this Delivery Plan. (project reference 18.06).

5.4 In summary therefore, the RUS was the strategy document that responded to how the HLOS requirements could be delivered that formed the basis for our bid for funding in CP4, which has then been confirmed by the ORR. The Delivery Plan sets out NRIL’s proposals, as outlined above, for the enhancement schemes for which NRIL is now funded in CP4.

5.5 There are few places where growth is expected to be more in evidence than on the ECML. This will need to accommodate a significant growth in passengers on both long distance services and London commuter routes. The ECML RUS (**CD/C6**) proposes a number of improvements to increase peak capacity on passenger services by making provision for more or longer trains. These include power supply upgrades, grade separation at key points and additional and longer platforms. These enhancements will deliver improved connectivity between London and Yorkshire, the North East and Scotland through additional services and reduced journey times as well as

¹³ An updated version of the SBP was published in April 2008 (**CD/C21**). Both the October 2007 and April 2008 versions are still valid documents

helping to offer a consistent timetable to meet passenger and freight demand each day of the week.

- 5.6 The most acute issue on the ECML is accommodating the forecast growth in both passenger and freight traffic although a number of performance issues are also apparent. The route is seeing a continued increase in demand in the long distance, commuter and regional passenger markets as well as freight tonnages. Long distance services using London King's Cross regularly serve Leeds, Newcastle and Edinburgh with some services operating beyond these points. There are also eight trains per day each way between Hull and London. Other long distance journeys on the route include cross country services connecting Eastern Scotland and the North East with the North West, Midlands and South West.
- 5.7 The main commuter market faces towards London with suburban trains operating to/from King's Cross and Moorgate serving North London, central and north Hertfordshire and Cambridgeshire. In addition, there is a significant long distance commuter market using ECML stations, particularly Grantham and Newark. The route is also used for other commuter journeys mainly into Leeds, Newcastle and Edinburgh.
- 5.8 There are also a number of regional express and rural passenger services interacting with the route at various locations, particularly between Peterborough and Doncaster.
- 5.9 As there are few freight terminals on the route, most freight trains operating on the ECML are transiting between other areas of freight activity. The majority use the route to access the East Coast ports, the Tees Valley and Scotland. A key use is for coal from the North East and Scottish opencast sites and Scottish and East Coast ports destined for the Aire and Trent Valley power stations. Container and other intermodal traffics from Felixstowe and the Thames estuary ports are a particular growth area.
- 5.10 The normal weekday level of operation of long distance trains in and out of King's Cross comprises approximately 2 trains per hour ("**tph**") to/from the North East and Edinburgh, up to 2 tph to/from Leeds and a train roughly every two hours between Hull and King's Cross. The overall level of service increases to 5 or 6 tph at peak times. Some of the Leeds and Edinburgh trains extend to/from Bradford, Harrogate, Skipton, Glasgow Central, Inverness and Aberdeen.
- 5.11 Overlaid on these trains is an extensive outer suburban service south of Peterborough, including trains joining/leaving the route at Hitchin serving Cambridge and King's Lynn via Royston. Inner suburban services operate from Moorgate to Welwyn Garden City, Hertford North and Letchworth. These services use King's Cross at weekends. The weekday service is increased in the morning and evening peaks.
- 5.12 Much of the route currently operates at or just below capacity for much of the day due to the service mix and stopping patterns. This is against a

background of both passenger and freight growth. The route has capacity constraints at a number of key locations, including at King's Cross, Hitchin, and Peterborough. In addition, the lack of electrified or larger gauge routes paralleling the route reduces the opportunity for freight services to be routed away from the capacity constrained sections.

- 5.13 The capacity constraints cause performance problems when long distance services are running out of course. The mix of high speed passenger trains, with varying stopping patterns, and slower passenger and freight services, also make it difficult to contain delays on the two track sections. The two track sections are also a problem when an incident affects one or both lines as there are few viable diversionary routes, especially for electric trains.
- 5.14 Future peak demand on the ECML at the southern end of the route heading into London is predicted to grow by approximately two per cent per year over the next ten years, unless lack of capacity constrains this growth. However, passenger flows from a number of stations are expected to grow in any event as a result of an increase in planned housing in their catchment areas. Growth on services on the Cambridge line is expected to be the highest.
- 5.15 Economic growth is expected to increase demand for off peak travel from the inner and outer suburban areas, particularly for journeys to London where rail competes strongly with other modes.
- 5.16 Demand for longer distance travel is also expected to continue to rise as economic growth encourages further business and leisure trips: and growth on London flows is expected to be the highest. The longer distance market from Yorkshire, the North East and Eastern Scotland is expected to grow approximately three per cent per year. Additional journeys into King's Cross will also be generated with the opening of section 2 of the High Speed One line to the Channel Tunnel improving connections from the north to the Continent.
- 5.17 Construction of the Thameslink Programme, enabling through running of services on this route across London, will also create new journey opportunities thereby stimulating further growth.
- 5.18 In terms of future services, NRIL's customers have, over recent years, already increased service levels for the long distance market from various locations in the North into King's Cross and continue to have aspirations to increase these services further.
- 5.19 The InterCity East Coast franchise, which provides most of the long distance services based on King's Cross, will be retendered by the DfT in 2011. Subject to the availability of rolling stock and the completion of any necessary infrastructure works, the pattern and level of service is likely to evolve in future years in line with the recommendations of the ECML RUS.

- 5.20 In summary, therefore, many parts of the ECML route are already close to capacity and there is only very limited scope to meet expected increases in demand without major timetable changes and infrastructure enhancements.
- 5.21 As explained in Chapter 7 below, the Hitchin (Cambridge Junction) Scheme will provide one of the rail infrastructure enhancements that will contribute to meeting the expected increased demand for rail services by removing at-grade conflicts between rail traffic on the ECML and that on the Cambridge line.

6 THE NEED FOR THE HITCHIN (CAMBRIDGE JUNCTION) SCHEME

- 6.1 Hitchin (Cambridge Junction) is an existing junction on the ECML, situated just north of Hitchin Station. It allows for services to Cambridge to cross the ECML to join the Hitchin to Cambridge Line (“**CL**”).
- 6.2 The services that use the ECML and CL are a mixture of Long Distance High Speed (“**LDHS**”) passenger services, commuter services and freight services.
- 6.3 As explained above, the ECML and CL are strategic routes accommodating services to and from London, as well as Yorkshire, North East England, Scotland, East Midlands and East of England.
- 6.4 The ECML route is generally already very well used by both passenger and freight traffic there having been considerable growth in the demand for rail passenger services since privatisation of the railway particularly between London and Peterborough but also to Yorkshire, the North-East and eastern Scotland, as well as an increase in the demand for freight services on the route. The most acute issues now arising on the ECML relate to the need to accommodate the forecast further growth in passenger and freight traffic and the need to remove infrastructure constraints that adversely affect train service performance.
- 6.5 Rail service capacity is constrained on the ECML by the presence of 2-track sections and at a number of ‘bottlenecks’ on the route, and many trains operating on the ECML and CL already suffer from high levels of overcrowding.
- 6.6 In order to support the forecast growth on LDHS services, especially on flows between London and Yorkshire, and the growth in demand for rail freight, attributable to increased imports, train operating and freight operating companies are increasingly looking to run more services whilst still meeting improved performance targets. The success of these strategies requires additional infrastructure to provide the capacity and performance required.
- 6.7 During the LDHS peak period, the critical part of the ECML route in terms of capacity and performance constraints is the section between Peterborough and King’s Cross. Investment in the infrastructure in this section of the network is therefore required to meet both the peak and off-peak demand projections.
- 6.8 As outlined in Chapter 5, major factors which affect rail service performance include the mix of services with varying speeds and stopping patterns and the large number of complex junctions and crossings that are mostly at at-grade level. These two factors result in conflicting train movements that are unavoidable by reason of the limited availability of alternative diversionary routes. At present, trains travelling to the north towards Cambridge have to cross three of the four lines of the ECML on the flat junction at Hitchin (Cambridge Junction). The presence of this junction renders it impossible to

accommodate additional LDHS services on the ECML without significant adverse impacts on journey times and / or performance (see Figure 3).

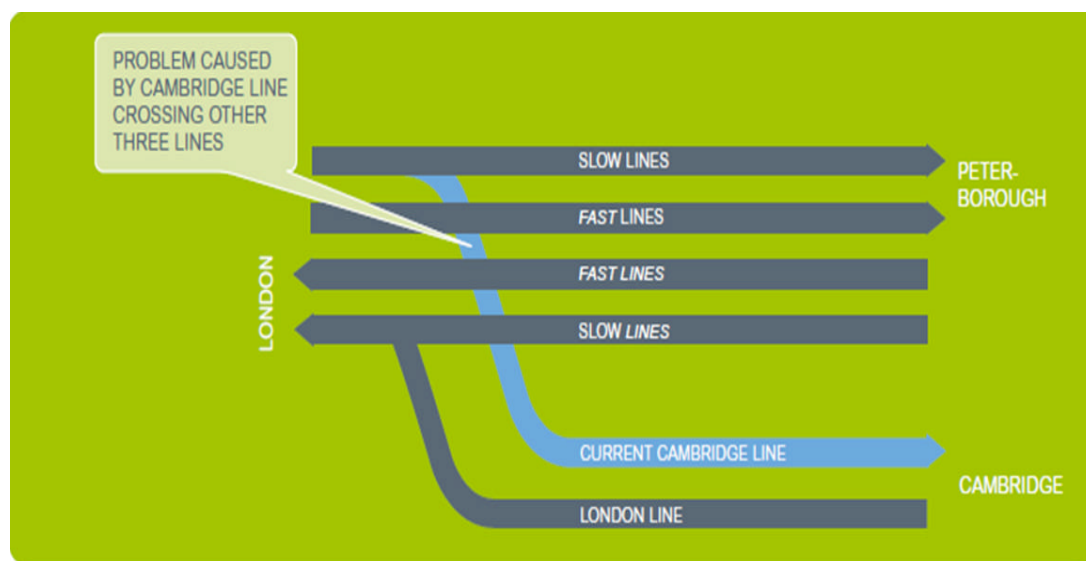


Figure 3: The Problem at Hitchin (Cambridge Junction)

- 6.9 The ECML RUS (**CD/C6**), published in February 2008, aims to identify a strategy for the railway to meet expected future requirements in a way that is deliverable, affordable and consistent with performance and safety improvements. It sets out the relevant background information on the ECML, identifying the issues that are currently faced on these routes and that are predicted to arise over the next decade. Simpler and lower cost interventions are considered, including optimising use of existing infrastructure; and timetable solutions are sought as preferable to infrastructure works, subject to there being no unacceptable rail service performance impacts.
- 6.10 The strategy therefore is to seek timetable solutions to performance constraints and where possible to optimise the use of existing infrastructure in the short term; to invest in longer passenger trains at peak times where this is practical, and to expand the infrastructure capacity around the main infrastructure constraints.
- 6.11 The Hitchin (Cambridge Junction) Scheme forms part of a programme of enhancement works that NRIL has been funded by the DfT to deliver during this control period in order to enhance capacity and performance on the ECML in support of the introduction of a new timetable in December 2013 on the route¹⁴. The Scheme has, accordingly, both localised and national benefits as part of the wider programme of works on the ECML.
- 6.12 It contributes towards delivering the HLOS increased passenger kilometre specification for ECML, the London capacity specification and improved performance and safety. The Scheme will eliminate conflicting movements between train services to Cambridge on the CL, and train services to, and

¹⁴ See Pages 106 to 124 of **NR/B13** in regard to the programme of ECML enhancement schemes

from, the Peterborough direction on the ECML, thereby allowing an increase in LDHS passenger and freight services as part of a the wider programme of works on the ECML (see Figure 4).

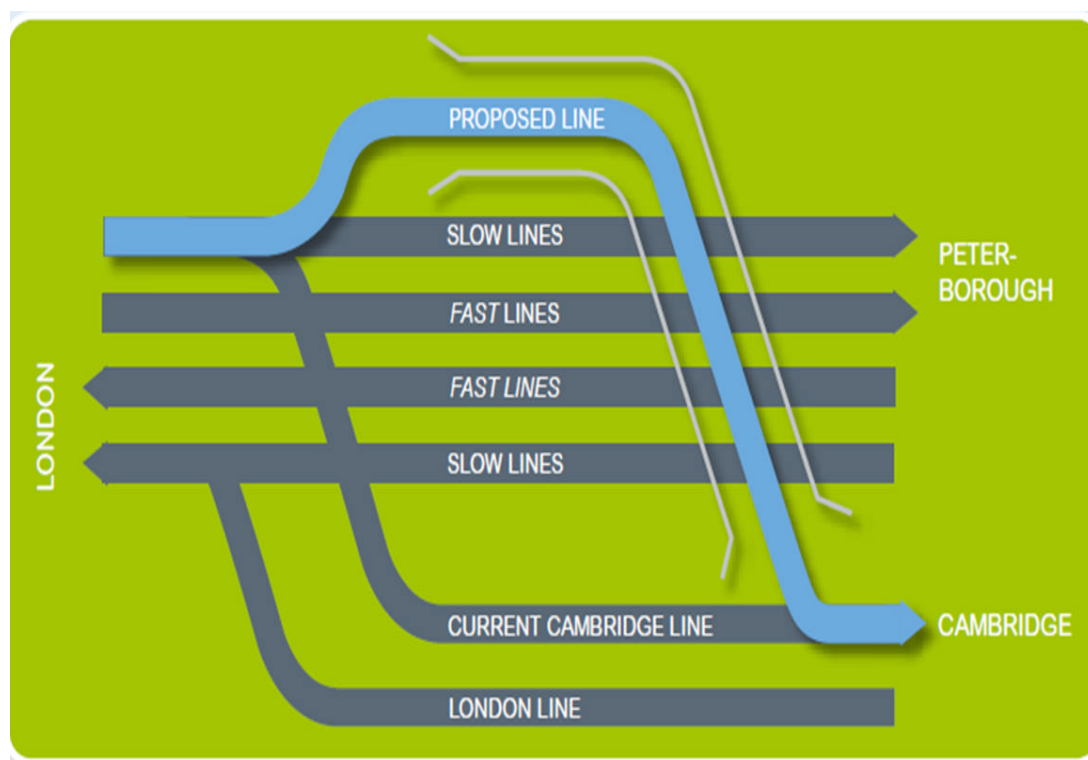


Figure 4: The Solution for Hitchin (Cambridge Junction)

- 6.13 It will also improve the routing of trains over the Hitchin (Cambridge Junction) layout thereby reducing the performance minutes currently accrued by all TOCs/FOCs as a result of conflicting movements between services travelling to Cambridge and services travelling south from the Peterborough direction.
- 6.14 By eliminating most of the above mentioned conflicts, a major constraint in developing timetables on the ECML will be removed, thereby allowing an increase in LDHS services, as part of a programme of ECML schemes (as identified in the ECML RUS) and an increase in services with an improvement in performance and more trains operating on the network
- 6.15 The design for the proposed grade-separated flyover accommodates the freight services that currently operate on the ECML and CL.
- 6.16 The Hitchin (Cambridge Junction) Scheme is a key component for delivering the timetables being developed, by the DfT, to support the introduction of the Intercity Express Programme and Thameslink Programme on the ECML in the next control period which starts in April 2014. Completion of the Scheme before the introduction of the new ECML timetable in December 2013 is therefore a key requirement for NRIL.

7 SCHEME DESCRIPTION

- 7.1 The design for the Scheme comprises approximately 2.265 km of new electrified single track railway located approximately 1.6 km north of Hitchin Station (see Figure 5).



Figure 5: Aerial view of Hitchin (Cambridge Junction) proposal

- 7.2 Most of the new link will be located outside existing NRIL fence lines, necessitating the acquisition of land from a number of landowners. The new link will accommodate trains travelling in the Cambridge direction only, with a line speed of 50/55mph. The track will be supported on an 850 metre long new viaduct and on 1250 metres of new embankment¹⁵ and will include an accommodation bridge and a field access to provide access to severed land. Vehicular and walking routes will be provided to the new link for maintenance, and this will include the creation of a new junction onto a public road (Stotfold Road). The Scheme crosses a variety of local features including a locally designated ecological site, low-lying wetland, the ECML railway, a sludge treatment centre, and arable fields. A number of statutory utilities pipes and cables are affected by the Scheme and will be diverted (detailed in Chapter 14).

¹⁵ The remaining 165 metres of the new railway comprises upgrading and re-use of a section of existing embankment at the junction of the new railway with the ECML.

- 7.3 It is proposed that the viaduct will be constructed of steel beams with an in-situ concrete deck, and reinforced concrete piers and abutments on piled foundations. The bridge beams over the ECML will be lifted in by crane during disruptive possessions. The embankment will comprise in the order of 300,000 tonnes of fill suitable for construction of side slopes of 1 vertical to 2 horizontal. The side slopes will be treated with a combination of calcareous grassland and planting of trees and shrubs to satisfy some of the environmental mitigation measures identified in the Environmental Statement. Bio-swales using natural filtration techniques will be constructed at the toes of the embankment to provide a sustainable drainage system for the earthworks. The viaduct will be drained to the adjacent River Hiz via a new attenuation basin which will also be used to provide new habitats as part of the ecological mitigation measures.
- 7.4 In order to construct the Scheme a temporary haul road will be built across the whole length of the new route. The haul road will be connected to a public road (Stotfold Road) by a new road junction. This junction will be retained on completion to serve as a new maintenance access point. Sections of the haul road are to be constructed on operational third party land, and one section requires the demolition of buildings associated with a metal recycling depot to allow for construction access to the west of the ECML.
- 7.5 The construction of the Scheme necessitates the temporary stopping up of sections of the following streets/footpaths; Cadwell Lane; Stotfold Road; and public Footpaths FP 026 & FP 089. A short section of each footpath will be permanently stopped up although the footpaths will be reinstated along a new alignment following completion of the Scheme's construction. The construction of the Scheme will also require the temporary use of other areas of land for working areas, compounds etc. NRIL proposals in respect of the use and acquisition of land are further explained in Chapter 10 of this Statement.

8 SCHEME DEVELOPMENT

8.1 Development of the Hitchin (Cambridge Junction) Scheme goes back to 1997 and during this time a wide range of different engineering layouts and options have been considered. The options have been subject to varying levels of design development and environmental appraisal. A detailed account of the options considered, the appraisals, and the outcome of the various appraisals and assessments carried out between 1997 and 2009 is provided in Volume 4 of the Environmental Statement (“ES”) (CD/A13).

8.2 In summary, the key stages of the option development process leading to the proposed scheme were:

1. **Pre-Feasibility Study, 1997/98 (NR/B4):** this study developed and appraised seven different route options to increase capacity at Hitchin (Cambridge Junction) (see Figure 6):-

- Option H1: Grade separation with a single track new link with a new viaduct located immediately north of Hitchin Station between Grove Road and the existing branch to Cambridge;
- Option H2: Grade separation with a single track new link with a new viaduct located near where the Icknield Way crosses the ECML;
- Option H3: grade separation commencing south of Hitchin station with a new viaduct rising through the station area on the west side through the existing station car park and passing over ECML between Grove Road and the existing branch to Cambridge;
- Option H4: grade separation south of Hitchin station, with a new viaduct or underpass near Little Wymondley. New track(s) on east side of ECML and new platform face(s) on east side;
- Option H5: New off-Line fast tracks (i.e. an ECML bypass) to divert fast trains away from Hitchin station;
- Option H6: grade separation of the fast lines on their existing horizontal alignment (not shown on Figure 6);
- Option H7: new chord off line connecting ECML to the Cambridge branch.

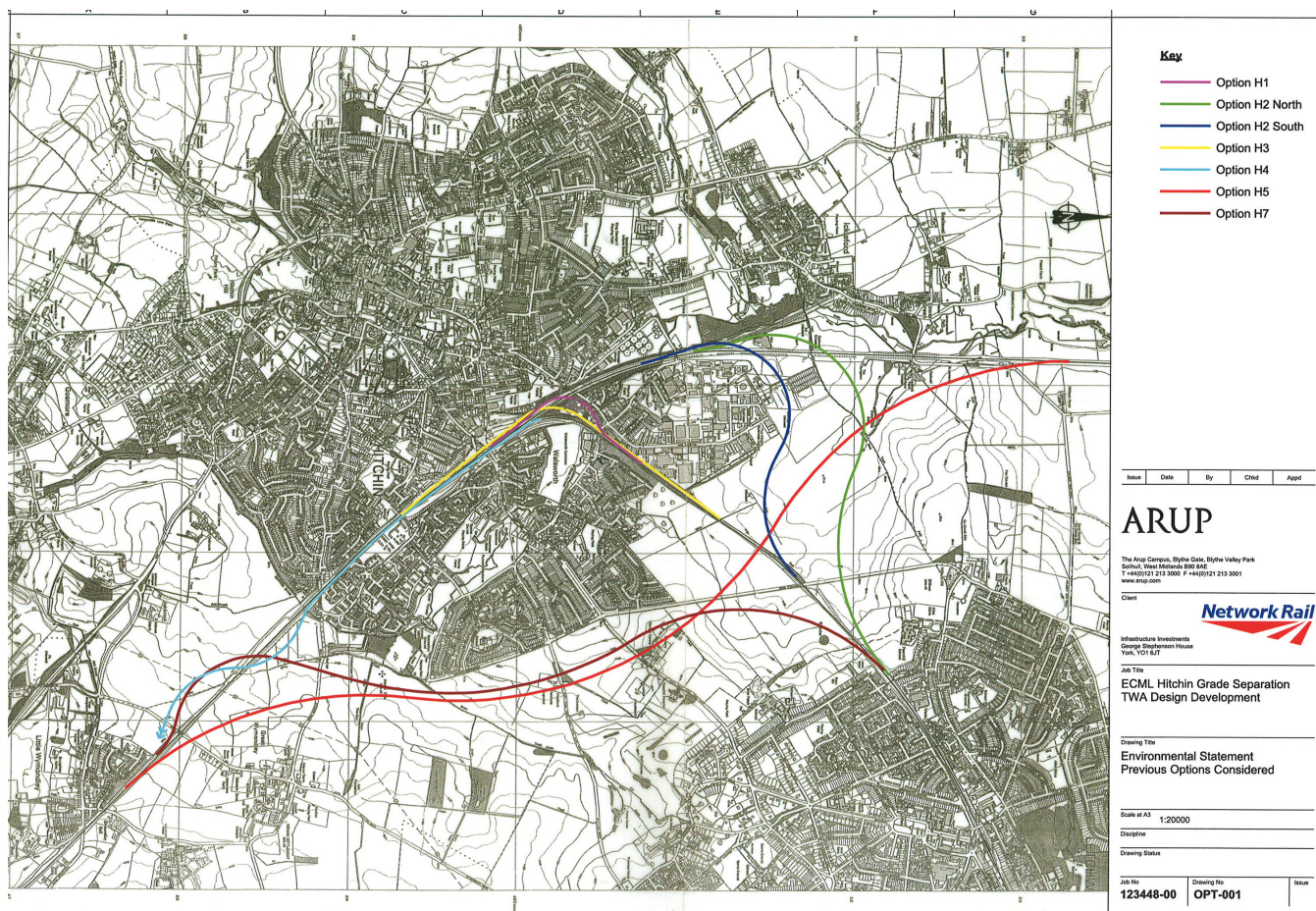


Figure 6: Previously considered options H1 to H7.

The study resulted in the identification of two preferred route options to be taken forward;

2. **Feasibility Study, 1998/99 (NR/B5):** this study developed the detail of the two preferred route options identified in the Pre-Feasibility Study

Option H2, comprising a new grade separated single track link with a new structure passing either over under the ECML near where the Icknield Way crosses the ECML, would pass across open fields to the east of the ECML, and tie into the Cambridge Branch near west of Letchworth, near Stotfold Road. After the completion of the optioneering process, this option was identified as preferred.

Four variations on the H2 option were assessed further (see Figure 7). These were:

- a) H2 North Over option (H2NO): this option passed over the ECML on a new bridge immediately adjacent to where the Icknield Way crosses the ECML. The option crossed over Stotfold Road on a new bridge and tied in to the Cambridge branch immediately west of Letchworth;

- b) H2 North Under option (H2NU): this option passed under the ECML via a new underbridge immediately adjacent to where the Icknield Way crosses the ECML. The option crossed over Stotfold Road on a new bridge and tied in to the Cambridge branch immediately west of Letchworth;
- c) H2 South Over option (H2SO): this option passed over the ECML on a new bridge south of the location where the Icknield Way crosses the ECML. The option tied in to the Cambridge branch immediately west of the current bridge over Stotfold Road. The alignment developed at this stage is very similar to the alignment currently proposed for the Hitchin (Cambridge Junction) Scheme;
- d) H2 South Under option (H2SU): this option passed under the ECML via a new underbridge south of the location where the Icknield Way crosses the ECML. The option tied in to the Cambridge branch immediately west of the current bridge over Stotfold Road.

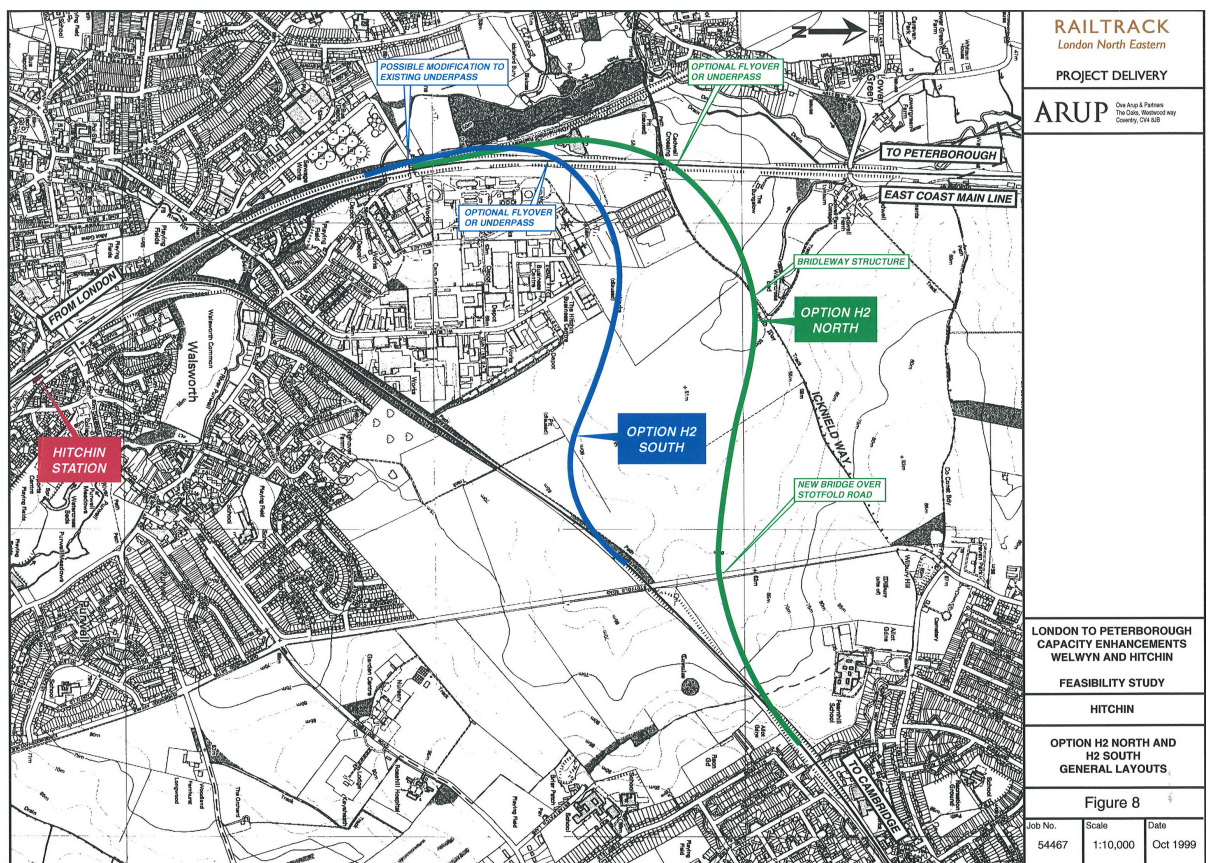


Figure 7: Options for variations on route H2

This study resulted in the identification of a single preferred route option and layout to be taken forward;

3. **Assessment of Supplementary Issues Raised by Local Authority, Sept 1999 (NR/B6):** the preferred option identified in the Feasibility Study was presented to a Local Authority Joint Members Meeting in Sep 1999. This resulted in the then Railtrack (now NRIL) being requested to review a number potential modifications and issues associated with the preferred layout;
 4. **Additional Feasibility Work, 2001 (NR/B7):** this study developed a number of options for the reconfiguration of the existing flat junction to support the preferred option for the grade separation. It also further developed and considered one issue identified by the Local Authority in Sept 1999;
 5. **Re-assessment of feasibility Option H1, 2003 (NR/B8):** a particular route option that had been discounted during the 1999 Feasibility Study was re-appraised to take account of various circumstances that had changed by 2003. Some of this work was undertaken by an independent consultant who had not previously been involved with the Scheme;
 6. **Strategic Rail Authority (SRA) Review, 2003 (NR/B9):** March and December 2003 the SRA and NRIL undertook a thorough review of all the previous studies undertaken, and all options considered. The review considered a number of changes to constraints and circumstances. The review endorsed the findings of the previous studies and concluded that of the layout options for Option H2, a southerly location was still preferred, and that Option H2 should pass over, rather than under, the ECML;
 7. **NRIL review of preferred route option, 2006 (NR/B10):** in August 2006 NRIL carried out a review of the preferred option with some potential modifications, and also reviewed a route option that had been considered and discounted during the Pre-Feasibility Study. This process concluded with a formal GRIP 3 Stagegate Review that confirmed the choice of the preferred route option;
 8. **NRIL review of preferred option proposals:** in June 2007 NRIL commenced the design development and formal Environmental Impact Assessment (“EIA”) on the preferred route option and layout for the preparation of an ES to support the TWAO Application. At the commencement of this stage, the layout of the preferred route was further reviewed, along with a further review of the Pre-Feasibility and Feasibility Studies to ensure that all previous option decisions were still valid considering the current baseline conditions.
- 8.3 In May 2008, NRIL re-confirmed that the preferred option to be taken forward in the TWA Application was Option H2SO. It was also confirmed that the layout was to comprise the following key components:-
- (a) West of ECML: Embankment;

- (b) Between ECML and the Anglian Water STC: Viaduct;
- (c) Anglian Water STC to Cambridge line at Stotfold Road: Embankment

8.4 As the development of the layout of the preferred option progressed, it became apparent that the impact of the embankment proposed on the west side of ECML was such that consideration should be given to constructing a viaduct instead. In March 2009 NRIL undertook a further appraisal to compare the embankment and viaduct solutions. The appraisal identified that a viaduct solution on the west side offered a number of engineering and cost benefits over the currently proposed embankment as well as responding to feedback from consultation.

9 TRANSPORT AND PLANNING POLICY CONTEXT

9.1 National Transport Policy

PPG 13 Transport (CD/C4)

9.1.1 Government policy on transport is set out in PPG13 issued in March 2001. The objectives of the policy are set out at paragraph 4

- *promote more sustainable transport choices for both people and for moving freight*
- *promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and*
- *reduce the need to travel, especially by car.*

9.1.2 The general advice to local planning authorities is then listed in a number of 'bullet points' at paragraph 6 including:-

- *Protect sites and routes which could be critical in developing infrastructure to widen transport choices for both passenger and freight movements*

9.2 Delivering a Sustainable Transport System – DfT Nov. 2008 (CD/C5).

9.2.1 This document sets out the Government's response to The Eddington Transport Study and the Stern Review. The document explains the strategy that both tackles immediate problems and also shapes the transport system to meet the much longer-term transport challenges that are critical for future prosperity and way of life. Chapter 4 looks at the national framework, paragraphs 4.9 and 4.10 identify the key strategic national corridors are identified as follows:-

4.9 However, cities do not function in isolation, and their relationship with their rural hinterlands is vital in their continued success. Eddington also emphasised the economic importance of the key inter-urban corridors and international gateways.

4.10 Using these start points, our analysis has led us to identify a number of components of the transport infrastructure that, collectively, are critical to the functioning of the system as a whole and to the economic success of the nation. These are:

- *the ten ports and seven airports (which together make up our key international gateways) through which most people and goods enter and leave this country;*

- *our ten biggest conurbations, which contain about one-third of the population of Great Britain; and*
- *the 14 national transport corridors that connect them and other areas with strong economic growth and inward investment (such as the Thames Valley and south Cambridgeshire) with each other and with the principal freight distribution centres.*

9.2.2 The 'strategic core' of the transport system is illustrated in Figure 4.1 and Tables 4.1–4.3 of the document. The Strategic National Corridors illustrated in Fig 4.1 include:-

10, *London to the East Midlands, Yorkshire, North East and Scotland.*

9.3 **Delivering a Sustainable Railway – DfT, July 2007 (CD/C2)**

9.3.1 This White Paper set out the Government's policy towards the railways and included at Appendix A the HLOS statement required by the Railways Act 2005 which sets out the outputs the Government desires to be delivered during CP4.

9.3.2 Inter-urban services are considered in chapter 6 of the White Paper. At paragraph 6.22 the requirement for increases in capacity on six main routes including on the ECML as follows:-

The recently published draft route utilisation strategy for this line confirms that additional train paths are available to run increased service frequency specified in the invitation to tender for the intercity East Coast franchise. Around 70 per cent additional peak capacity could be provided from new Intercity Express train deployment; timetable simplification; and major works to address the bottlenecks along the route. A further increase in capacity may be possible from a major redevelopment of the approaches to Kings Cross. Capacity enhancements can be delivered on the south of the route as a result of longer suburban trains and completion of the Thameslink Programme.

9.3.3 The Thameslink Programme is referred to in the section on 'Delivering improvements for London and the South East'. The first paragraph in the box on page 50 titled 'The Thameslink Programme' states:-

The Thameslink programme will enhance the frequency and capacity of services that operate north-south through central London. It will provide a step change in capacity allowing 12-carriage operations and 24 trains per hour in both directions through the centre of London. The enhanced Thameslink route will serve a greater number of stations north and south of London and will provide significant congestion relief (both on national rail and London Underground)

while providing capacity for future growth. The scheme provides significant economic benefits to London and the wider South East.

- 9.3.4 The HLOS statement at Appendix A table A3¹⁶ sets out the level of demand to be accommodated in CP4 on the 23 strategic routes. For the ECML the requirement is to provide for an increase of 15% in the annual passenger kilometres. In addition the funding for the Thameslink Programme is divided into two increments as described at paragraph A13. The second increment involving the connection of the Great Northern services into the route and operation of 12 car trains on the Peterborough and Cambridge routes is planned to be delivered by December 2015.

9.4 National Railway Planning

- 9.4.1 National transport policy is expressed in general terms at a high level as exemplified by the HLOS requirement for a 15% increase in the annual passenger kilometres on the ECML. It is the responsibility of NRIL under Condition 7 of its network licence to translate these high level requirements into a practical delivery plan (RUSs) for the railway network. This is done through a series of documents prepared in consultation with its industry partners, the train operating companies and freight operating companies, and the DfT. These documents look both at the medium term generally coinciding with CP4 and the longer term beyond the end of CP4.
- 9.4.2 As was explained in further detail in Chapter 3 clauses 3.4.1 to 3.4.5 and in Chapter 5 of this Statement, NRIL prepares RUSs for all routes. These are subject to consultation with a wide range of bodies including local authorities. The ECML RUS (**CD/C6**) was the subject of consultation between June and September 2007 and was published as a final document in February 2008. After examining existing and forecast demand it identifies the 'gaps' in capacity on the route which would prevent meeting future demand. At page 108 the forecast demand for an increase in LDHS services is examined (6.7.4 Assessment of Option 3.3). The operational analysis identifies a number of critical capacity constraints including Cambridge Junction at Hitchin.
- 9.4.3 Section 8 .5 of the ECML RUS sets out the medium-term strategy 2009 – 2014 (CP4). At paragraph 8.5.9 the strategy to deliver the outputs are identified including at 'F':-

Grade separation at Hitchin Cambridge Junction. This will improve journey times and reduce adverse performance impact and junction safety risk.

¹⁶ HLOS is described earlier in this Statement at Chapter 3, clause 3.3.1

9.4.4 Coinciding with the preparation of the ECML RUS was the preparation of NRIL's SBP for CP4 published in October 2007 **(CD/C7)**. The SBP sets out NRIL's proposals for the operation, maintenance, renewal and development of the rail network in partnership with the rest of the industry and government through the DfT. The SBP lists the HLOS output projects including 'Hitchin grade separation' (on page 150).

9.4.5 In support of the SBP 2007, a number of more detailed 'Route Plans'. The ECML is covered by Route Plan 8. The most recent version of Route Plan 8, published in March 2009 **(CD/C20)** states that:-

"The route has capacity constraints at a number of key locations, including Hitchin – at grade junction to/from Cambridge line creates capacity constraint and again exacerbates delays." (see page 7)

9.5 National Planning Policy

PPS 1 Delivering Sustainable Development (CD/C8)

9.5.1 The Government's general approach to planning policy is set out in PPS 1 Delivering Sustainable Development. The four aims of sustainable development are set out at paragraph 4:-

- *social progress that recognises the needs of everyone*
- *effective protection of the environment*
- *the prudent use of natural resources and*
- *the maintenance of high and stable levels of economic growth and employment*

The general approach is set out at paragraph 27 and includes at (iv) the need to take account of accessibility and sustainable transport needs and at (vii) encourage accessible public transport to secure more sustainable patterns of transport development.

Planning and Climate Change Supplement to PPS 1 (CD/C9)

9.5.2 Subsequent to the publication of PPS 1 a supplement was published on 'Planning and Climate Change' in Dec 2007. The government considers that:-

"Addressing climate change is therefore the Government's principal concern for sustainable development."

9.5.3 The key planning objectives by which a full and appropriate response to climate change is to be delivered is set out at paragraph 9 with the third point being:-

“– deliver patterns of urban growth and sustainable rural developments that help secure the fullest possible use of sustainable transport for moving freight, public transport, cycling and walking; and, which overall, reduce the need to travel, especially by car”;

PPG 2 Green Belts (CD/C10)

9.5.4 The five purposes of the Green Belt are set out at paragraph 1.5 of PPG2. These are:-

- *to check the unrestricted sprawl of large built up areas;*
- *to prevent neighbouring towns from merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration by encouraging the recycling of derelict land and other urban land.*

9.5.5 The appropriate use of land in the Green Belt is set out in paragraph 1.6 as being

- *to provide opportunities for access to the open countryside for the urban population;*
- *to provide opportunities for outdoor sport and outdoor recreation near urban areas;*
- *to retain attractive landscapes, and enhance landscapes, where people live;*
- *to improve damaged and derelict land around towns;*
- *to secure nature conservation interest; and*
- *to retain land in agriculture, forestry and related uses.*

9.5.6 The presumption against inappropriate development is set out in paragraph 3.1. Such development should not be approved except in ‘very special circumstances’.

- 9.5.7 Paragraph 3.2 considers the nature of ‘inappropriate development’ and under what circumstances such development might be approved:-

Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

- 9.5.8 The approach to dealing with large scale infrastructure projects in Green Belt including those justified by ‘very special circumstances’ is set out at paragraph 3.13

“When any large scale development or redevelopment of land occurs in the Green Belt (including mineral extraction, the tipping of waste, and road and other infrastructure developments or improvements), it should, so far as possible contribute to the achievement of the objectives for the use of land in the Green Belt. This approach applies to large scale developments irrespective of whether they are appropriate development or inappropriate development which is justified by very special circumstances. Development Plans should make clear the local planning authority’s intended approach”

9.6 Development Plan

Regional Spatial Strategy East of England Plan (May 2008) (“RSS”) (CD/C11)

9.6.1 Policy SS1: Achieving Sustainable Development

This sets out the five guiding principles to be applied to achieve sustainable development. The policy refers to the elements contributing to sustainable communities in ‘Sustainable Communities: Homes for All’, including

“well connected in terms of good transport services”

- 9.6.2 The policy concludes that:-

“In particular, the spatial strategy seeks to ensure that development:

- *maximises the potential for people to form more sustainable relationships between their homes, workplaces, and other concentrations of regularly used services and facilities, and means of travel between them; and*

- *respects environmental limits by seeking net environmental gains wherever possible, or at least avoiding harm, or (where harm is justified within an integrated approach to the guiding principles set out above) minimising, mitigating and/or compensating for that harm.”*

9.6.3 Policy SS2: Overall Spatial Strategy

“In seeking the more sustainable relationships described in Policy SS1 the spatial strategy directs most strategically significant growth to the region’s major urban areas where:

- *Strategic networks connect and public transport accessibility is at its best and has the most scope for improvement; and*
- *There is the greatest potential to build on existing concentrations of activities and physical and social infrastructure and to use growth as a means of extending and enhancing them efficiently”.*

9.6.4 Policy SS3: Key Centres for Development and Change

“To achieve sustainable development and the aims of Policies SS1 and SS2 new development should be concentrated at the following locations:

(list of 21 towns or groups of towns including)

Hatfield & Welwyn Garden City

Cambridge

Kings Lynn

Peterborough

Stevenage”

9.6.5 Policy SS5: Priority Areas for Regeneration

The priority areas for regeneration are: (includes)

Areas with significant areas of deprivation, list 7 towns or groups of towns including, Peterborough and Stevenage

9.6.6 Policy SS7: Green Belt

The broad extent of green belts in the East of England is appropriate, and should be maintained. However, strategic reviews of green belt boundaries are needed in the following areas to meet regional development needs at the most sustainable locations:

- *Stevenage, involving land in Stevenage and North Hertfordshire;*
- *Hemel Hempstead, involving land in Dacorum and probably St Albans District;*
- *Harlow, involving land in Harlow, East Hertfordshire and Epping Forest Districts; and*
- *Welwyn/Hatfield, involving land in Welwyn Hatfield District and potentially St Albans District.*

A more local review will be required in Broxbourne. These reviews will have to satisfy national criteria for green belt releases, accord with the spatial strategy, and ensure that sufficient land is identified to avoid the need for further review to meet development needs before 2031. Where reviews cover more than one local authority, they should be undertaken through a joint or co-ordinated approach.

The reviews at Harlow and Stevenage should identify compensating strategic extensions to the green belt in East Hertfordshire and North Hertfordshire respectively.

9.6.7 Policy T1: Regional Transport Strategy Objectives and Outcomes

“To implement the vision and objectives of the Regional Spatial Strategy, the following objectives of this RTS give a clear priority to increase passenger and freight movement by more sustainable modes, while reflecting the functionality required of the region’s transport networks:

- *to manage travel behaviour and the demand for transport to reduce the rate of road traffic growth and ensure the transport sector makes an appropriate contribution to reducing greenhouse gas emissions;*
- *to encourage efficient use of existing infrastructure;*
- *to enable the provision of the infrastructure and transport services necessary to support existing communities and development proposed in the spatial strategy;*
- *to improve access to jobs, services and leisure facilities.*

The successful achievement of the objectives will lead to the following outcomes:

- *improved journey reliability as a result of tackling congestion;*
- *increased proportion of the region’s movements by public transport, walking and cycling;*

- *sustainable access to areas of new development and regeneration;*
- *safe, efficient and sustainable movement between homes and workplaces, education, town centres, health provision and other key destinations;*
- *increased proportion of freight moved by rail;*
- *safe, efficient and sustainable movement of passengers and freight to and from the regions international gateways;*
- *economic growth without a concomitant growth in travel;*
- *improved air quality;*
- *reduced greenhouse gas emissions.”*

9.6.8 Policy T5: Inter Urban Public Transport

“Improvements to inter-urban public transport should be focussed on the Regional Transport Nodes: there follows a list of 24 places including:-

Cambridge, Welwyn Garden City & Hatfield, King’s Lynn, Peterborough and Stevenage

The priorities for improvements to inter-urban public transport will be;
(i) to facilitate movement between the Regional Transport Nodes;

(ii) to facilitate access to London and national networks and,

(iii) within the Regional Transport nodes, to improve the interchange between modes and the integration of strategic and local networks. Measures should include:

- *improved access, particularly by sustainable local transport, to main line stations;*
- *improvements to rail services to enhance capacity and passenger comfort;*
- *facilities to support and encourage high quality interurban bus/coach services, particularly east-west links and other situations where rail is not available, co-ordinated with rail and local transport; and*
- *strategic park and ride with the aim of reducing car use.”*

9.6.9 Policy T10: Freight movement

“Priority should be given to the efficient and sustainable movement of freight, maximising the proportion of freight carried by rail and water where those are the most efficient modes.”

9.6.10 Policy T15: Transport investment Priorities

This policy sets out the principles for future transport investment and identifies in fig 4 the areas

“likely to come under increasing transport pressure as a result of underlying growth and the development strategy of the RSS:”

The list includes:-

- *the London to Huntingdonshire corridor, including the Stevenage area;*
- *the Cambridge area;*
- *Central Hertfordshire.*

9.6.11 Section 13 of the Strategy deals with the ‘Sub-Areas and Key Centres for Development and Change’. These include policies for the Cambridge sub-region, policies CSR1 – CSR4; Welwyn Garden City and Hatfield, policy LA3; King’s Lynn, policy KL1; Peterborough, policy PB1 and Stevenage, policy SV1.

9.7 Hertfordshire County Council (HCC”)

The Hertfordshire Structure Plan Review 1991 – 2011 (CD/C12)

9.7.1 By direction under paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004, the Secretary of State outlined those policies to be “saved” beyond 27 September 2007. The adoption of the RSS in May 2008 replaced some of these saved policies such that only policies 3, 15, 24, 35 and 52 of the Structure Plan Review remained saved pending the adoption of Local Development Documents. None of these policies are relevant to the Hitchin (Cambridge Junction) Scheme.

Hertfordshire Local Transport Plan 2006/07 – 2010/11 Rail Strategy (CD/C13)

9.7.2 The role of the railway within Hertfordshire’s Transport Strategy is set out at paragraph 2.1:

The rail network undertakes the following roles:

- *Providing access to employment in London and other key centres in Hertfordshire and the surrounding counties (including Milton Keynes, Luton, Harlow and Cambridge);*

- *Enhancing the economic and social vitality of Hertfordshire's close network of towns by providing access to education, employment, leisure, health and shopping facilities;*
- *Connecting Hertfordshire with other parts of the East of England region, through strategic connections between regional interchange centres;*
- *Linking Hertfordshire with other parts of the country through long distance services operating from the main railheads at Watford Junction and Stevenage (also Luton outside the county);*

Enabling access to international services through links to major airports (Luton and Stansted) and to future Eurostar services from St Pancras.

- 9.7.3 There is then a section for each of the rail routes through the county. For the ECML under the heading 'strategic' the following appears:-

Support in principle for the Hitchin fly-over scheme as a generator of additional capacity for north Hertfordshire stations.

9.8 North Hertfordshire District Council

- 9.8.1 North Hertfordshire District Local Plan No2 with alterations originally adopted April 1996 (**CD/C14**), saved Policies under Planning & Compulsory Purchase Act 2004, written Statement Sept 2007.
- 9.8.2 Policy 2 - Green Belt.
- 9.8.3 In the Green Belt, as shown on the Proposals Map, the Council will aim to keep the uses of land open in character. Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact.
- 9.8.4 Note there are no saved policies relating to transport other than on 'General Aviation' (Policy 47) and Car Parking Standards (Policy 55).
- 9.8.5 The Local Development Framework which replaces the local plan is at an early stage of development but the need to relieve the capacity constraint of the Hitchin rail junction is one of the issues which recent consultative documents have raised.
- 9.8.6 As part of the 'evidence' base for the development plan documents North Herts District Council ("**NHDC**") prepared a 'Transport and utilities constraints, Background Paper, Evidence for planning

policies' August 2007 (**CD/C15**). At paragraph 2.7 the observations of NRIL are referred to and the issues raised including:-

"In addition a development scheme is being worked up at present for the Hitchin Flyover for the elimination of conflicting movements at the flat junction where Cambridge trains meet and cross over the East Coast Main Line (ECML)"

- 9.8.7 A 'Core Strategy Preferred Options Paper' was issued for public consultation in Sept 2007 (**CD/C16**). At paragraph 2.13 a 'spatial vision' is described and paragraph 2.14 then sets out a series of strategic objectives designed to achieve the 'spatial vision'. One of the strategic objectives is:-

SO/K Ensure there are adequate facilities and infrastructure to support new and existing communities.

- 9.8.8 Paragraphs 2.28 -2.30 consider the strategic options for Hitchin. There are two discounted options described at paragraphs 2.28 and 2.29 with the preferred option described in paragraph 2.30. This refers to an expansion of the industrial area of Cadwell Lane/Wilbury Way being served by a new road from Stotfold Road and says:-

"If this option is pursued, the route would need to be incorporated into the design of a possible Cambridge-bound curve which is being considered by Network Rail"

- 9.8.9 In the section on core policies for Transport the capacity issue is identified at paragraph 5.56 in the following terms:-

"Demand for rail is welcomed but the railway network faces its own pressures regarding increased capacity at peak times due to infrastructure and rolling stock constraints."

- 9.8.10 Development Policy Preferred Options Paper was issued for consultation in September 2007. Development Policy 18 deals with a 'Transport hierarchy of users'. The proposed policy wording sets out a 'priority ordered user hierarchy as follows:-

- 2) *Pedestrians, especially the mobility impaired;*
- 3) *Cyclists and, where appropriate, horse riders;*
- 4) *Passenger transport; and*
- 5) *All forms of motor transport*

9.9 Analysis

- 9.9.1 A principal policy issue is that the proposed development comprises 'inappropriate development' in the Green Belt. Green Belt policy as

expressed both in Government planning statements and in the development plan, is that 'inappropriate' development should not be permitted in the Green Belt unless there are 'very special circumstances' that clearly outweigh the harm to Green Belt and any other harm caused. It is acknowledged that the proposal is, by definition, 'inappropriate' development and that accordingly 'very special circumstances' are required to be shown if deemed planning permission is to be granted.

- 9.9.2 By its very nature, the transport network, including the rail network if it is to serve its purpose of connecting urban areas must traverse the Green Belt. Indeed railway corridors form a settled feature of Green Belts and can form important wildlife corridors. Inevitably if population and economic growth is to be facilitated by improvements to transport infrastructure then this is likely to involve development within the Green Belt. The RSS recognises the need for strategic growth and in its policy on Green Belts acknowledges the need for strategic reviews of the Green Belt to facilitate growth at Stevenage, Hemel Hempstead, Harlow and Welwyn/Hatfield (policy SS7). It also acknowledges that, to facilitate this growth, improvements to the transport infrastructure will be required (policies T1 & T5).
- 9.9.3 The policy of sustainable development as expressed in PPS1 and the annex emphasises, firstly, the need to reduce the need for travel and secondly to encourage a modal shift towards more sustainable forms of transport. Sustainability is also about creating the environment for economic growth. The railway is generally recognised as being a more sustainable transport system than the private car or plane. To achieve a modal shift the railway system needs to be made more attractive to users in terms of reliability, and capacity. The Governments strategic transport policy as set out in the White Paper 'Delivering a Sustainable Transport System', identifies 14 key corridors including London to the East Midlands, Yorkshire, North East and Scotland.
- 9.9.4 The Governments transport policy is further refined in the White Paper on a 'Sustainable Railway'. This seeks both to increase the number of inter-urban services on the ECML and facilitate the improvement of outer suburban services that will be brought about by the Thameslink Programme. This project will, amongst other improvements, provide for through running of trains from Peterborough and Kings Lynn to the south coast.
- 9.9.5 The ECML RUS is NRIL's response to these requirements. It identifies the key capacity bottlenecks on the route which need to be relieved. One of these bottlenecks is the flat junction at Hitchin where services for Cambridge leave the ECML. The analysis of the RUS demonstrates that the existing flat junction must be replaced by a grade separated junction if the capacity requirements are to be met.

- 9.9.6 The Regional Spatial Strategy sets out a policy to concentrate development in existing centres and to seek the improvement of transport links between those centres. Hitchin (Cambridge Junction) lies on a key section of the railway linking Welwyn Garden City, Hatfield, Stevenage to Peterborough on the ECML and to Cambridge and Kings Lynn on the CL. The improvement of the railway is fundamental to the basic regional spatial strategy.
- 9.9.7 It is thus central to the achievement of the aims and objectives of transport policies at national, regional and local levels that infrastructural and service improvements to the ECML, including the Hitchin (Cambridge Junction) Scheme, are brought about.
- 9.9.8 A number of solutions to the service constraints caused by the flat junction at Hitchin were developed as outlined in Chapter 8 of this Statement. Early work showed that remodelling the junction at grade could not solve the problem and that a grade separated junction/junction by-pass was required. Seven options were developed two of which were within the built up area of Hitchin the other five in the Green Belt.
- 9.9.9 The two options in the urban area of Hitchin were for flyovers at or about the existing junction. Both options within the town would have required demolition of between 30 – 50 residential and commercial properties; and depending on the exact alignment, and would have created major problems for construction traffic as the only practical vehicular route to the site would have been through the built-up area of Hitchin. There would have been significant disruption caused to the residents of Hitchin, including rendering a number of properties uninhabitable during the construction phase and there would have been a significant permanent impact in terms of visual intrusion and noise. For these reasons construction within the urban area was rejected. This left the five options within the Green Belt.
- 9.9.10 These five options are as shown in Volume 4 of the Environmental Statement and in Figure 6 above. Option 4 involved an 'S' shaped route to take the down slow line over the ECML between Stevenage and Hitchin and would constitute a significant intrusive element in the Green Belt corridor between these two towns. Options H5 and H7 were for 'by-pass' routes to the east of Hitchin, which would be a significant intrusion into the Green Belt corridor between Hitchin and Letchworth.
- 9.9.11 The remaining two options were variations on a theme of providing a route around the northeast of Hitchin. The initial option H2North was considered to fulfil all requirements from a railway operational point of view, with large radii and gentle gradients and to minimise effects on the external environment. This option was then reviewed and an alignment further south avoiding crossing and re-crossing the Icknield Way was examined which gave rise to the preferred

H2South option which is more closely associated with edge of the urban area of Hitchin. It was readily apparent during the early stages of the option assessment that there was a clear preference for an option on the southern alignment on the grounds of a number of environmental factors. It is this latter option which is contained in the TWAO and for which deemed planning application is sought.

- 9.9.12 Whilst the Order route lies within the Green Belt, its alignment to the west of the ECML is closely associated with the ECML which itself at this point lies within the Green Belt. After crossing the ECML to the north of the built-up area of Hitchin the Order route turns eastwards to pass on viaduct through an area used for utilities and sewage works; it then passes more or less on a parallel alignment to the northern boundary of the Hitchin Industrial Estate. It is only after leaving the north-eastern corner of the commercial area that the route to Stotfold Road divides a more significant area of open land before rejoining the Cambridge line just to the west of Stotfold Road. In this way the route minimises its impact on openness.
- 9.9.13 The guidance on Green Belt acknowledges at paragraph 3.13 that there will be occasions when there are ‘very special circumstances’ which justify large infrastructure projects in the Green Belt. Nevertheless the advice is. “...that it should, so far as possible contribute to the achievement of the objectives for the use of land in the Green Belt”.
- 9.9.14 Two of the uses of land in the Green Belt are given as retaining land in agricultural use and securing nature conservation interests. Whilst the Scheme will take land out of agricultural use once the development is complete, the railway embankment will become an informal area of nature conservation. Access to the new railway will be restricted such that the new embankments will become an informal nature reserve, and even more so with the positive measures by way of environmental mitigation that NRIL will carry out. It is of interest to note in this context that Natural England in their observations state that the habitat created by the railway will be a positive enhancement for the Corn Bunting which has been noted in the area¹⁷. Even the track bed and immediate area, whilst subject of more intrusive human activity, is likely to contribute to the creation of the informal nature reserve.
- 9.9.15 The ‘very special circumstances’ which outweigh the harm caused to the Green Belt by reason of the inappropriateness of the Scheme and other harm including loss of openness are:-
- (i) The proposal is supported by and supports Government policy on sustainable transport by contributing to the

¹⁷ See note of meeting held on 22 June 2009 between NRIL and Natural England (NR/27)

improvement of rail services enabling a modal shift from private car to rail;

- (ii) The Scheme will make a significant contribution to the maintenance and improvement of the ECML which is classified by the DfT as one of 14 key national transport corridors;
- (iii) The capacity improvement at Hitchin will not only provide for increased inter urban rail services but also provide for a more reliable outer suburban services;
- (iv) The RSS specifically identifies six urban areas connected by the ECML and Cambridge lines for further growth including improved transport links;
- (v) The emerging NHDC Local Development Framework acknowledges the need to resolve the capacity issue at Hitchin;
- (vi) The Hertfordshire Local Transport Plan provides for the improvement of rail services;
- (vii) The two options for a grade separated junction within the urban area of Hitchin would have significant permanent and temporary impacts involving significant demolition of residential property and construction traffic impacts as to be unacceptable;
- (viii) The alignment of the Order route minimises loss of openness and it is the least intrusive route of the options considered;
- (ix) The railway corridor will form a new area for informal nature conservation within the Green Belt that will, to some extent, mitigate its impact by making a positive contribution to one of the purposes of the Green Belt.

9.9.16 In addition to the principal planning policy issue of inappropriate development in the Green Belt there are a number of subsidiary issues. These include the impact of the Scheme on the River Hiz flood plain and on ecological interests. These impacts will be controllable and mitigated by the detailed design of the Scheme and the draft conditions to be attached to the deemed consent.

10 ACQUISITION AND USE OF LAND

10.1 Introduction

- 10.1.1 The Order, if approved, will grant NRIL the power to compulsorily acquire land, or rights over land, needed to construct and operate and maintain the new railway.
- 10.1.2 Some of the works will be contained within land which is already within the freehold ownership of NRIL, but it will be necessary to permanently acquire additional land which is in private ownership.
- 10.1.3 The amount of land that can be acquired or used for the Scheme in the draft Order is defined by the limits of deviation and limits of land to be acquired or used. These limits are all defined in the draft Order and are shown on the Works and Land Plans which form Sheets 3 to 6 of the Order Plans **(CD/A10)**.
- 10.1.4 As part of the TWAO application process, and in accordance with the 2006 Rules, numerous notices have been served by NRIL including on the owners and occupiers of land affected by the Scheme.
- 10.1.5 Land and property will be acquired or used for the Hitchin (Cambridge Junction) Scheme in a number of different ways, including:
- Temporary access over land;
 - Temporary occupation of land and property;
 - Permanent acquisition of rights or imposition of restrictive covenants over land;
 - Permanent acquisition of land and property.
- 10.1.6 All of the areas of land and property rights sought to be acquired under the powers in Part 3 of the draft Order are necessary for the Scheme and no land will be acquired either permanently or temporarily unless properly required for the construction, operation, maintenance, renewal or protection of the proposed new railway; or to mitigate the effect on severed farm land (Work no 9 at the north end of Wilbury Way); or to comply with the Acquisition of Land Act 1981 **(CD/B18)** in relation to the acquisition of public open space and its replacement (Work no 1 and Work no 4 on the west side of the ECML). The Order limits have been drawn as necessary to achieve this in an economic way.
- 10.1.7 No residential property will be demolished to accommodate the Scheme. The only commercial buildings which need to be demolished to allow construction works to be undertaken are the

office buildings located in the north east corner of the SITA site (as explained in Chapter 12 clause 12.15 below),

10.2 Temporary access over or occupation of land and property

10.2.1 Powers of temporary access or occupation are required in relation to land which is needed for construction purposes, but which is not required for the future operation or maintenance of the Scheme.

10.2.2 These purposes include provision of access, storage or fabrication areas, sites for storage and operation of large plant such as cranes, safety zones around the works or site offices and accommodation facilities.

10.2.3 The proposal for a temporary haul road from Stotfold Road and extending throughout the length of the works, which will also require temporary possession of land, has been explained in Chapter 7 and is also referred to in Chapter 12 clauses 12.13 to 12.17.

10.2.4 A number of areas of land have been set aside adjacent to the site to serve as contractor compounds, working and storage areas, turning area etc. The main areas are as follows;

- approximately 4 hectares adjacent to the site access point off Stotfold Rd;
- at the toe of the embankment on the north side;
- adjacent to the viaduct site on the east side of the ECML;
- within the SITA MR Ltd (“SITA”) depot south of Cadwell Lane;
- adjacent to the viaduct site on the west side of the ECML (located on the former landfill site).

10.3 All of these areas are incorporated within the land requirements in the TWA Order and can be seen on the Works and Land Plans within the Order Plans (**CD/A10**) which form part of NRIL’s TWAO application.

10.4 Permanent land take

10.4.1 NRIL is seeking powers to permanently acquire the land that is required for the siting of the Scheme’s permanent structures and to ensure their future operation or maintenance. In addition, land is being sought permanently in order to provide replacement for public open space land on the west side of the ECML (Work No 1). As explained in Chapter 13 clause 13.4.2 of this Statement, the land acquired to provide replacement public open space will, following construction of the Scheme be vested in NHDC.

10.5 Permanent Acquisition of rights over land and property

- 10.5.1 Permanent acquisition of rights over land and property is required where land does not need to be acquired, but rights are necessary to use the land including the acquisition of rights at the north end of Wilbury Way (Work No 9) to mitigate adverse effects on the access to and use of severed farm land.
- 10.5.2 NRIL is also seeking powers to permanently impose restrictive covenants upon land adjacent to the proposed railway. It may be necessary to impose restrictive covenants upon land adjoining railway land to ensure that the use of the land will not interfere with the safe operation of the authorised railway, for example, overhead signalling equipment. The power to impose restrictive covenants will enable NRIL to minimise the amount of land which, otherwise, it might be necessary to acquire outright.

10.6 The Compensation Code

- 10.6.1 Those who have land or an interest in land acquired from them either temporarily or permanently will be entitled to compensation and, in certain circumstances, landowners whose property is affected by the works may also be entitled to compensation in certain circumstances.
- 10.6.2 The Order applies Part 1 of the Compulsory Purchase Act 1965 (**CD/B20**) which, through its application, has the effect of requiring NRIL to pay compensation to qualifying parties under what is known as the Statutory Compensation Code.
- 10.6.3 The Code sets down the rules relating to the calculation and payment of compensation as they now stand and the Code is an amalgamation of numerous Acts of Parliament and legal precedents that have evolved over 150 years. The principle of equivalence applies. Those entitled to compensation would receive the equivalent in monetary terms of the value of their interest disregarding any element of that value that is attributable to the Hitchin (Cambridge Junction) Scheme proposals.

11 ENVIRONMENTAL IMPACT ASSESSMENT

11.1 Introduction

- 11.1.1 An Environmental Impact Assessment (“**EIA**”) has been undertaken for the Hitchin (Cambridge Junction) Scheme in accordance with the 2006 Rules.
- 11.1.2 The findings of the EIA have been reported in an Environmental Statement (“**ES**”) (**CD/A13**) which was submitted with the TWAO application. The 2006 Rules require an ES to describe those environmental effects which are considered likely to be significant. There is no statutory definition of significance and the primary purpose of identifying and describing significant effects is to inform the decision making process.
- 11.1.3 This section identifies the principal issues raised by the ES and explains the elements of mitigation that have been incorporated into the proposals.

Environmental Context

- 11.1.4 The ES sets out the likely significant environmental effects arising from the construction and operation of the Hitchin (Cambridge Junction) Scheme and, where appropriate, the mitigation measures intended to prevent, reduce or remedy any significant effects on the environment. A summary of the findings reported in the ES is set out here.

Scope of the EIA

- 11.1.5 The scope of the EIA was established by the Hitchin (Cambridge Junction) Scheme Environmental Impact Assessment Scoping Report (Arup, September 2008)¹⁸ which was consulted upon with statutory authorities (e.g. English Heritage and Natural England) and other key stakeholders. Responses from this consultation were considered and changes made to the scope of the assessment and methods of assessment where appropriate. Environmental surveys followed which enabled the existing baseline conditions to be understood. As assessments of the likely significant impacts were undertaken, appropriate mitigation measures were identified and incorporated in the “Consultative Design”, to ensure that the adverse impacts on the environment were reduced to the practicable minimum. The Consultative Design was taken to public consultation, and the design was subsequently modified to incorporate where necessary changes arising from the issues raised by those consulted. The process led ultimately to the production of the “Published Design” (frozen with no more amendments), on which the

¹⁸ See Volume 2 of **CD/A13**

formal EIA was undertaken the results of which are reported in the ES.

Environmental Consultation

11.1.6 NRIL's environmental specialists briefed local authorities and statutory environmental authorities on the Scheme. Environmental Assessment Methodologies for the project and the approach to Environmental Management have also been shared with these organisations. Environmental consultants, commissioned by NRIL, have also consulted these authorities throughout the development of the Scheme. This consultation has proved a valuable source of knowledge and information on local communities and the environment. Information has been shared between the specialist and these organisations to help provide a thorough environmental assessment. Consultation will continue throughout the construction stages of the works to ensure that local people and relevant authorities are kept informed of the methods to be employed to minimise and manage likely environmental effects.

Environmental mitigation during construction

11.1.7 NRIL's corporate Sustainability Policy Statement (**NR/C1**) sets out the vision for delivering sustainability, and makes clear commitments to environmental management and the integration of sustainable principles in all aspects of the company's undertaking. NRIL has developed a company specification called Contract Requirements – Environment ("**CR-E**") (**NR/C2**). Compliance with CR-E is mandatory for all NRIL projects involving design or physical works and will be a key environmental management tool for construction of the Hitchin (Cambridge Junction) Scheme. In addition, NRIL has developed a Planning and Environmental Management Strategy ("**PEMS**") for the Scheme¹⁹. This sets out how NRIL will manage and mitigate the adverse environmental impacts of the Scheme.

Topics considered in the ES

11.1.8 The ES reports the likely significant impacts of the Scheme under the following topic headings:

- Noise and Vibration;
- Microclimate;
- Landscape and Visual Impact;
- Ecology and Nature Conservation;

¹⁹ Appendix to Volume 2 of **CD/A13**

- Cultural Heritage and Archaeology;
- Water Resources and Hydrology;
- Air Quality;
- Impact on Policies and Plans;
- Community Effects;
- Traffic Effects: Temporary and Permanent;
- Geology and Soils; and
- Cumulative Effects.

Topics not considered in the ES

11.1.9 Having regard to an initial assessment undertaken during the scoping work, it was established that the likely effects concerning the following environmental topics were of such low significance that they did not need to be reported in the final ES:

- Air quality changes attributable to the operation of the Scheme;
- Microclimate effects;
- Socio-economic benefits as a result of the operation and maintenance of the Scheme;
- Permanent traffic effects.

The Assessment Procedure

11.1.10 The assessment of impact for the Hitchin (Cambridge Junction) Scheme involved a number of key stages. These are outlined below:

- Desk studies: Obtaining of data from statutory and non-statutory bodies;
- A Scope and Methodology Report: Identifying environmental topics to be subject to the EIA/ES and methods used for their assessment;
- Surveys: Undertaken so that the baseline situation could be understood;
- Constraints mapping: Environmental constraints potentially affected by the Scheme and the environmental context in which they sit;

- Impact Assessment: In line with the methods and techniques identified in the Scope and Methodology Report;
- Consultation: Proposals presented to statutory and non-statutory bodies;
- Mitigation design: Adverse environmental effects reduced to as low an impact as reasonably practicably possible;
- Complete EIA and write the ES: A concise statement of the environmental conditions and mitigation measures to remedy the likely significant adverse environmental effects.

Summary

11.1.11 NRIL has fully considered the impact that the Hitchin (Cambridge Junction) Scheme will have on the environment. Where effects have been assessed to be significant adverse, environmental mitigation has been incorporated in the design of the Scheme. NRIL has committed to a programme of discussion with landowners to incorporate further mitigation (where approval is given) and to provide compensation in kind or through other means, for those areas where the Scheme carries forward a residual effect that cannot be removed or mitigated effectively.

11.1.12 The land-take adjacent to River Hiz and in the sensitive Cadwell Marsh and Burymead Springs area has been minimised by incorporating a viaduct structure in that area rather than an embankment. The viaduct also extends over the section east of the ECML so as to minimise the effects of severance of public utilities owned and operated by National Grid and Anglian Water.

11.1.13 New amphibian ponds are proposed within the Cadwell Marsh area in order to compensate for the loss of similar features due to the viaduct construction. The side slopes of the embankment will be developed with a carefully balanced combination of calcareous grassland and tree/shrub planting. The tree planting is designed to mitigate the visual impact of that section of the route crossing the agricultural fields. Beetle banks will be constructed adjacent to the bio-swale drainage ditches on both sides of the embankment to provide mitigation for the effects on various breeding birds.

11.2 LANDSCAPE AND VISUAL IMPACT

11.2.1 The landscape in the vicinity of the River Hiz is characterised by linear woodland following the water course. Further to the east the Industrial Estate off Wilbury Way is a prominent feature surrounded by undulating agricultural land. Beyond the urban area, the land is primarily arable with large scale fields framed by mature hedgerows. This area forms part of the Arlesey – Great Wymondley Landscape Character Area.

- 11.2.2 A landscape and visual assessment of the proposed railway on viaduct and embankment has been undertaken and is reported in the ES which identifies the likely significant effects of the development proposals during construction and when in operation. The Scheme proposals include planting and habitat creation with the planting of native trees and shrubs and the establishment of calcareous grassland, reedbeds, ponds and beetle banks.
- 11.2.3 The development proposed, whilst involving the introduction of a major new structure in the countryside, being adjacent to the existing railway and the northern edge of Hitchin, can be satisfactorily accommodated within the local and wider landscape. Each of the concerns about landscape and visual matters that have been raised in Objections to the Order will be addressed in evidence showing how any harm caused can be satisfactorily mitigated or resolved in both the short and long term.

11.3 ECOLOGY

- 11.3.1 Information on existing habitats and species occurring in the area of the proposed Scheme was obtained from surveys and desk based sources. A total of 11 non-statutory designated nature conservation sites, referred to as Wildlife Sites (“**WS**”) occur within the study area. From the range of species specific surveys undertaken, key species identified included amphibians, reptiles, breeding birds and bats. The following valued ecological features were recorded within the study area: dense scrub, unimproved calcareous grassland, reedbed, common toad, common lizard, corn bunting, cuckoo, reed warbler, yellow wagtail, turtle dove, bullfinch, reed bunting, linnet, common pipistrelle, soprano pipistrelle and Natterer’s bat.
- 11.3.2 During construction, there are predicted effects on amphibians (including Common Toad), reptiles (including Common Lizard), breeding birds (including Corn Bunting, Turtle Dove and Bullfinch), bats and otters.
- 11.3.3 During operation, there are impacts on unimproved Calcareous Grassland (the proposed railway viaduct and embankment would result in the loss of approximately 0.4ha of calcareous grassland at Spitalbrook Green Wildlife Site), reptiles through the loss of habitat at Cadwell Marsh & Burymead Springs WS, breeding birds through the loss of nesting sites and foraging habitat (although tree and shrub planting as part of the Scheme will provide potential nest sites for birds, it will take several years to mature and it would have a permanent negative effect on the conservation status of breeding birds), and bats through the loss of bat roost sites and foraging habitat.
- 11.3.4 As part of the Scheme, the incorporation and implementation of the following ecological compensation and mitigation measures will mitigate these effects and be beneficial to wildlife:

- 2.1 Ha of calcareous grassland will be created using native species of local origin on the proposed railway embankment;
- a new reedbed will be created in the proposed water attenuation basin;
- subject to the agreement with the landowner, additional ponds will be created within Cadwell Marsh & Burymead Springs WS for amphibians;
- reptile hibernacula will be provided and areas of grassland and scrub created to provide habitat for common lizard and other reptile species;
- beetle banks will be created along the proposed railway embankment to provide feeding opportunities for corn bunting;
- hawthorn and blackthorn will be planted to provide nesting habitat for turtle dove and bullfinch when mature; and,
- Protected species licences will be obtained where necessary and mitigation implemented prior to works commencing where possible.

11.3.5 It is considered that these mitigation measures result in either neutral or positive effects on the ecological features affected by the Scheme.

11.4 NOISE AND VIBRATION

11.4.1 Noise and vibration surveys were undertaken at a number of locations considered representative of noise sensitive receptors to establish the baseline ambient noise level. Noise and vibration due to construction activities, including construction traffic, has been predicted and assessed and although noise levels at receptors close to the Scheme are predicted to increase during the construction phases, no significant noise effects have been identified.

11.4.2 The noise generated by the operational railway, with and without the Scheme, has been predicted and compared to the existing baseline noise level. With the noise and vibration mitigation measures in place as defined in the ES, the Scheme is unlikely to result in a direct noise impact at nearby noise sensitive properties. However, the cumulative effect of this Scheme in combination with a number of other planned ECML enhancement schemes is likely to be an indirect slight adverse noise impact at properties on Bury Mead Road, due to the intensification of the use of the ECML.

11.5 GROUND CONTAMINATION

- 11.5.1 The effect of the Scheme during its construction and operational phases on soils, geology and hydrogeology in the area has been assessed and the known and potential contamination issues have been described.
- 11.5.2 In the Hitchin study area a number of springs, ponds and marshy areas were identified which indicate the groundwater table is likely to be at or close to ground level. The chalk aquifer has been classified by the Environment Agency (“EA”) as a principal major aquifer of regional importance, overlaid by Soils of High Leaching Potential. Groundwater discharge also occurs into the valley of the River Hiz.
- 11.5.3 The River Hiz is the nearest water course to the proposed railway alignment. The River Hiz flows east to west under the ECML to the south of Cadwell Lane. It then arcs around and flows to the north. The potential sources of contamination at the site comprise the STC lagoons, the landfill area, existing Made Ground on the site, for example that which comprises the railway embankment, and the SITA site which may be contaminated with metals and hydrocarbons.
- 11.5.4 The following receptors have been identified as relevant to the assessment of risks from contamination hazards on the site:
- i) Groundwater beneath the site in the chalk aquifer (major aquifer);
 - ii) Surface waters in the vicinity of the site, in particular the River Hiz, located approximately 50m to the west of the site;
 - iii) Ecological sites;
 - iv) Neighbouring residents, workers and public passers by;
 - v) Construction staff and future maintenance workers;
 - vi) Construction materials (concrete and supply pipes).
- 11.5.5 Various sources of potential contamination were found to be present on site or in its immediate vicinity. These include the existing landfill to the west of ECML, the SITA depot, the STC lagoons and Made Ground, e.g. the existing railway embankment. The agricultural land use may also be a potential source of diffuse pollution from contamination such as fertilisers, pesticides and herbicides. Finally, contaminated ground not yet identified by the desk study or the intrusive investigation, may be encountered during the construction works.
- 11.5.6 The piling of foundations as part of the construction of the elevated structure has the potential of facilitating migration of contamination from the ground surface downwards into the aquifer. Piling methods which protect the aquifer, such as Continuous Flight Auger piling, shall be adopted where possible to minimise risks of contaminant migration and gas/groundwater monitoring should be carried out before, during and after the piling works.
- 11.5.7 A potential pathway for contamination migration is the surface water drainage which will comprise grassed swales located at the toe of

the embankment on either side. There is the potential for infiltration of contaminants to take place via the drainage system towards the groundwater. However, this will be addressed by the design of the swales and appropriate selection of vegetation/filters within the drainage system. The landfill currently present to the west of the ECML is likely to be piled through as part of the construction of the elevated structure. Localised hotspots of contamination, if encountered in further stages of ground investigation or during the construction works, will be appropriately treated to remove the risk to controlled waters / human health. The appropriate treatment may involve in situ techniques or excavated and disposed off site.

- 11.5.8 During construction and operation of the proposed Scheme, the potential impacts upon human health, controlled waters and the environment from contamination on the site, will be mitigated using a series of design measures and construction procedures to be drawn up at the detailed design stage. These details may require agreement with the Local Planning Authority will be fully consulted with the EA and may be subject of appropriate planning conditions.
- 11.5.9 Most of the impacts identified as part of this assessment can be successfully mitigated at design or construction phase. After mitigation, the impacts are assessed as negligible to minor adverse. Provided all the appropriate and necessary mitigation measures are successfully implemented and subject to results of monitoring programmes, the residual impacts of the proposed Scheme are assessed as negligible upon human health and negligible to minor adverse upon controlled waters. Consequently, no significant residual effects are expected as a result of the Scheme.

12 CONSTRUCTION TRAFFIC

- 12.1 Construction of the new railway will necessarily involve the importation of a substantial quantity of material for the construction of the embankment and viaduct sections of the new railway.
- 12.2 It will not be possible to quantify with precision the amount of the various types of materials that will be required or the detailed construction programme that will determine the daily flow of delivery lorries until detailed design of the new railway has been carried out and contractors appointed to undertake the works. NRIL has however produced an indicative programme for the construction works (see Figure 1.4 in Volume 3 of the ES) based on indicative forecasts of the volumes of materials required.
- 12.3 Although the permitted hours of work for construction of the new railway have yet to be agreed they will be determined as part of the process by which the contractor obtains consents from NHDC under section 61 of the Control of Pollution Act 1974 (**CD/B10**) – for the purpose of assessing construction traffic flow volumes it has been assumed that work will take place over a ten hour period Mondays to Fridays only.

Delivery of construction materials by rail

- 12.4 NRIL has examined the potential for delivery of materials (and in particular bulk material for construction of the embankment) by rail (**NR/B11**). Seven options for the delivery of bulk fill materials by rail have been considered:
- 12.4.1 By means of a spur off the Cambridge line after construction of part of the new alignment (**Option A**);
- 12.4.2 Discharge direct from trains standing, during possessions of the line, on the Cambridge line (**Option B**);
- 12.4.3 Discharge direct from trains standing, during possessions of the line, on the ECML, ideally next to the worksite on the UP slow (i.e. southbound line) or slightly to the north of the Icknield Way (**Option C**);
- 12.4.4 Delivery by rail to Hitchin Up yard (East of Station) then onwards conveyance to site by road (**Option D**);
- 12.4.5 Delivery by rail to Hitchin Down Yard (North West of Station) then onwards conveyance to site by road (**Option E**);
- 12.4.6 Delivery by rail to Stevenage Lafarge Sidings then onwards conveyance to site by road (**Option F**);
- 12.4.7 Delivery by rail to Welwyn Garden City Sidings then onwards conveyance to site by road (**Option G**).
- 12.5 NRIL has given serious consideration to these options. It has concluded however that there is no reasonably practicable method for delivery of bulk

fill materials by rail that would permit construction of the Scheme within the required timescale for introduction of the December 2013 timetable change.

- 12.6 Three of the railway delivery options (Options A, B and C) have been discounted due to the likely significant disruption to rail services and the adverse impact on the construction schedule; in particular, the options where (as would be the case for options B and C) discharge of materials would be direct from trains standing on main lines during possessions. In the case of option B, possessions of the Cambridge Line within Rules of the Route would only be available for four hours on Sunday mornings²⁰. There are also significant adverse safety implications to be taken into account with the options where material is being off-loaded from trains during possessions with adjacent lines open to traffic. Options B and C would also require work to be carried out at night.
- 12.7 The remaining four options (D, E, F and G) have been discounted due to the fact that they will require road haulage to site from rail sidings and thus will not avoid the local transportation of bulk fill materials on the road networks local to Hitchin and Letchworth.
- 12.8 All rail delivery options would extend the construction schedule resulting in the project not being completed in time for the introduction of the December 2013 ECML timetable²¹.
- 12.9 The use of a privately owned self discharge (conveyor) train (off-loading direct from the Cambridge lines or ECML) is discounted on the grounds that, in addition to disruption to timetabled rail services, its availability would be severely restricted to weekends only and thus would extend the construction programme by five years.
- 12.10 Whilst cost has not been a key consideration in deciding on the preferred method of bulk fill materials delivery, there are likely to be significant additional costs for delivery by rail compared with delivery by road: a principal cause of such additional costs being compensation that would be payable to TOCs/FOCs for track possessions outside Rules of the Route that affect their timetabled rail services.

Delivery of construction materials by road

- 12.11 NRIL has used the indicative construction programme and predicted material requirements to prepare a forecast of the numbers of vehicle movements that will be required. In preparing these forecasts, NRIL has categorised construction traffic flows as being either 'steady state' (the normal daily working flows including the flows associated with every-day contractor

²⁰ See Chapter 3 clauses 3.6.1 to 3.6.8 above for further information about arrangements for NRIL to obtain possessions of parts of the railway network. In particular, note the section 4 schedules in Rules of the Route documents **NR/B1A** and **NR/B1B**. Midweek night possessions of the Cambridge line are restricted to 9 weeks per year for routine maintenance of the railway. This restriction is caused by the need to provide access for trains to the train maintenance depot at Letchworth.

²¹ See Chapter 6 Clause 6.16 above.

personnel based in the temporary site offices) and 'exceptional' flows which represent the additional flows created by isolated activities which occasionally produce a significant increase over and above the 'steady state' flows. The predicted 'steady state' flows over the predicted construction period are illustrated in Figure 11.1 in Volume 3 of the ES.

- 12.12 The key factors underpinning NRIL's strategy for construction traffic are:
- (a) construction traffic will access the construction site at one access point only, this being via a new junction into the site off Stotfold Road;
 - (b) construction traffic will negotiate the site by using a dedicated temporary haul road constructed through the site: the haul road will connect to Stotfold Road at the new junction;
 - (c) construction traffic accessing the area of the site on the west side of ECML will use the temporary haul road through the site, travel on to Cadwell Lane at the entrance to the National Grid operations centre, and pass beneath the existing Cadwell Lane bridge under the ECML;
 - (d) the main route for construction traffic travelling to and from the site will be via junction 10 of the A1(M), the A507, Hitchin Road, Wilbury Hills Road and Stotfold Road. Where reasonably practicable, HGV movements for the works will not be permitted south of the new Stotfold Road junction;
 - (e) NRIL will require its contractors to comply with a Construction Traffic Code of Practice. Compliance with this Code of Practice will be monitored and enforced.

Temporary Construction Haul Road

- 12.13 Construction traffic will negotiate the site by using a dedicated temporary haul road constructed through the site, which connects to Stotfold Road at the new junction. The haul road will generally be 8m wide with an additional 2m to provide a safe pedestrian route. This will provide more than sufficient width for two-way operation. It will run along the north side of the site adjacent to the embankment and will be positioned such that it is immediately outside the position of the permanent fence line, thus not necessitating removal prior to completion of construction. It should however be noted that, apart from the short section to be retained permanently for access to maintain the railway, the road will be removed when construction is complete. The haul road runs continuously along the line of the viaduct at an offset of 10m to allow adequate working space around the viaduct.
- 12.14 In order to provide access to the west side of the ECML the haul road will be extended through the National Grid Operations Centre. The design proposes to widen and strengthen the existing service road that serves the Operations Centre and the Anglian Water STC. Construction traffic will then share the road with the National Grid and Anglian Water traffic that currently use it.

- 12.15 South of the National Grid Operations Centre, construction traffic will join Cadwell Lane, but only to gain access to the existing Cadwell Lane Bridge under the ECML. All traffic for the works to the west of the ECML will pass under the bridge. The Cadwell Lane Bridge is currently used mainly by SITA customers and it is considered not feasible for SITA traffic to use the bridge during construction due to the volumes of traffic and the lack of capacity at this location. It is therefore proposed to close the depot during construction. Furthermore, in order to provide an adequate turning circle for the delivery of the beams for the viaduct, and at the same time providing sufficient clearance around the north west corner of the existing bridge, the office buildings in the north east corner of the SITA depot need to be demolished and that land temporarily acquired.
- 12.16 A haul road similar to that described on the east side of ECML will be provided on the west side of the ECML adjacent to the viaduct.
- 12.17 At the junction of the temporary haul road with Stotfold Road, NRIL proposes that a central lane should be provided to permit right turns from Stotfold Road onto the haul road. This central lane would remain as a permanent feature although the temporary traffic signals to be provided during the construction of the Hitchin (Cambridge Junction) Scheme would be in operation for the duration of the works only.

Construction traffic routeing

- 12.18 The construction traffic route proposed is considered to be the most feasible route for a number of reasons.

Traffic for works west of ECML

- 12.19 A key constraint in the routeing of any construction traffic is that it is not feasible to access the site via Cadwell Lane from the junction with Grove Road, Woolgrove Road and Wilbury Way due to the existing levels of congestion of both the junction and Cadwell Lane. In addition, it has been made clear to NRIL during consultation with NHDC, HCC (who are the highway authority) and the Police that routeing of construction traffic through the built-up areas of Hitchin is considered wholly unsuitable.
- 12.20 NRIL also considered construction of a dedicated temporary haul route across the River Hiz and Cadwell Marshes and connecting with Arlesey Way / Old Hale Road. However a haul road on this alignment, although temporary, would cause significant adverse environmental impacts in the Cadwell Marsh area. For this reason, together with the consequent need for routeing of construction traffic through Hitchin or Ickleford (also viewed by NHDC, HCC and the Police as being wholly unsuitable), a temporary haul road from Arlesey Way / Old Hale Road was ruled out.
- 12.21 Similarly, a temporary dedicated haul road from Bury Mead Road through the Anglian Water Services Ltd sewage treatment road was ruled out because of the need to route construction traffic through Hitchin.

- 12.22 The analysis outlined above has led to the conclusion that the optimum solution is to route construction traffic for works west of ECML to the site via the dedicated haul route from Stotfold Road. It is this route, accordingly, that will be used for all construction traffic for the Hitchin (Cambridge Junction) Scheme.

Access route to Stotfold Road junction

- 12.23 Although the proposed origin of the predicted construction vehicles will not be known until after the appointment of contractors for the Scheme after the TWA Order is in place, where reasonably practicable all movements will be routed via the motorway (A1(M)) for trips to and from the south and trunk road (A1) for trips to and from the north.
- 12.24 Three potential routes were identified from the A1(M) to the Stotfold Road junction – two from Junction 9 (A505) and one from Junction 10 (A507). The routes from Junction 9 would be either wholly along the A505 (Letchworth Gate / Baldock Road / Hitchin Road / Cambridge Road) as far as Stotfold Road, or along Baldock Lane / Willian Road as far as Queenswood Drive and then Stotfold Road. These two routes were considered to be unsatisfactory in comparison with a route from Junction 10 along the A507 (Baldock Road) as far as Stotfold Road because of the dense residential nature of the environment and the undesirability of the introduction of construction traffic on the major routes through and between Letchworth and Hitchin. Routing of construction traffic through Willian Road is not possible without lifting the existing traffic regulation order preventing access to this route for vehicles weighing in excess of 7.5 tonnes.
- 12.25 All construction traffic to and from the Stotfold Road junction will accordingly be routed via Junction 10 of the A1(M), the A507 Baldock Road / Stotfold Bypass and the C109 Hitchin Road / Wilbury Hills Road / Stotfold Road. Use of this route has been discussed with the two highways authorities concerned (HCC and Central Bedfordshire Council), NHDC and Hertfordshire Police. These discussions have led to a general consensus that the route described is the most appropriate for the routing of construction traffic during the construction period.
- 12.26 NRIL accepts however that measures will need to be taken along the proposed route to mitigate the temporary effects of construction traffic on those using the roads and living nearby. Discussions have taken place with the HCC Highways Authority and Hertfordshire Police about what measures might need to be taken. These might include reduction in maximum speed limits, improved pedestrian access to the Hillcrest Park static caravan site and restrictions on on-street parking. These discussions have not yet been fully resolved and no decisions have yet been taken about individual mitigation measures or the total amount to be spent on construction traffic mitigation. Mitigation measures would be sought through one or more temporary traffic regulation orders.
- 12.27 Subsequently to the discussions mentioned above, NHDC requested that NRIL investigate the practicability of adopting an alternative system for

construction traffic routeing – inwards via Junction 9, Letchworth Gate and A505, outwards via Wilbury Hills Road, Hitchin Road and A507.

- 12.28 Accordingly, NRIL appointed leading specialist consultants Steer Davies Gleave to review the basis of its construction traffic routeing proposals and to consider the NHDC proposal. Steer Davies Gleave's report (**NR/B12**) concludes that NRIL's proposed route remains the preferred option for the routeing of construction vehicle traffic to and from the Hitchin (Cambridge Junction) work site. This route passes the least number of sensitive receptors, utilises a road network that is largely able to accommodate additional construction traffic and has a limited existing personal injury accident history.
- 12.29 Steer Davies Gleave recommends that the following mitigation measures are implemented to help ensure the safe use of this route for the duration of the works:
- (a) a temporary 50mph maximum speed restriction implemented on the stretch of the C109 Stotfold Road in the vicinity of the junction with the temporary haul road, and that adherence to this limit should be reviewed by NRIL, the highway authority and the police and that should a problem persist then vehicle activated warning signs should be implemented and, if these do not force adherence to the speed limit then traffic speed enforcement cameras should be considered;
 - (b) new drop kerb pedestrian crossing point is provided on Wilbury Hills Road at the access point to Hillcrest Park to enhance the safety of those wishing to cross the carriageway;
 - (c) a temporary daytime waiting restriction for all vehicles is implemented on Wilbury Hills Road to ensure the route remains clear of parked vehicles for the two-way movement of all traffic.
- 12.30 NRIL also intend that a Construction Traffic Code of Practice should be developed for the site to help mitigate and control the predicted impact from construction vehicle traffic. This should be developed in conjunction with the highway authorities and police before commencing on site and would cover topics such as construction traffic vehicle routes, normal/notifiable and abnormal loads, public information, operational hours, highway condition surveys, highway and sign cleaning, spilt load procedures and vehicle access and security.
- 12.31 NRIL will require its main contractor to implement this Construction Traffic Code of Practice in terms stipulated by NRIL and will monitor and as necessary enforce compliance with its terms.

13 PUBLIC OPEN SPACE

13.1 Introduction

- 13.1.1 The Order, if made, will authorise NRIL to acquire compulsorily land and rights in land and to use land for the purposes of the Order. The extent of the land to be so acquired, or in respect of which rights are to be so acquired for the purposes of the Hitchin (Cambridge Junction) Scheme, is shown in the Order Plans **(CD/A10)**. The land is also described in the Book of Reference which accompanied the Order **(CD/A11)**.
- 13.1.2 Under section 12(1) of the Transport and Works Act 1992 **(CD/B1)** a Transport and Works Act Order authorising a compulsory acquisition is subject to Special Parliamentary Procedure to the same extent as it would be, by virtue of section 19 of the 1981 Act **(CD/B18)**, if the acquisition were authorised by an order made under section 2(1) of the 1981 Act (which sets out the procedures for authorising compulsory purchase orders).
- 13.1.3 Part of the land to be acquired compulsorily, or in respect of which rights are to be acquired compulsorily, for the Hitchin (Cambridge Junction) Scheme, is, or may be, open space within the meaning given to that term in section 19 (4) of the 1981 Act, being *“land...used for the purposes of public recreation”*.
- 13.1.4 Accordingly, the draft Order, if made, will be subject to Special Parliamentary Procedure unless the Secretary of State certifies:
- (a) in the case of land being purchased compulsorily, that, in exchange for the land being purchased, there has been or will be provided other land that is not less in area than, and is equally advantageous to the public as, the land being acquired and that it has been or will be vested in the person or persons in whom the land being purchased was vested, and subject to the like rights, trusts and incidents as attach to the land being purchased; and
 - (b) in the case of land in respect of which rights (only) are being acquired compulsorily -
 - (a) the land when burdened with the right sought, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights, and to the public than it was before;
 - (b) additional land has been or will be provided in exchange for the right being compulsorily acquired that, as respects the persons in whom there is vested the land over which the right is to be acquired, the persons, if any, entitled to rights over

that land, and the public, is adequate to compensate for the disadvantages which will result from acquisition of the right and that the additional land has been or will be vested in the persons in whom there is vested the land over which the right is to be acquired, and subject to the like rights, trusts and incidents as attach to that land.

- 13.1.5 On 30 September 2009, NRIL applied to the Secretary of State for Communities and Local Government for a certificate under section 19 of the 1981 Act.
- 13.1.6 The Secretary of State is currently considering the application. Should he announce his intention to grant a certificate, this will be advertised in accordance with the provisions of Section 19(2A) of the 1981 Act.

13.2 The Open Space Land

- 13.2.1 The open space to be acquired compulsorily is shown coloured blue and yellow on the Open Space Plan (which forms sheet 9 of the Order Plans **(CD/A10)**)
- 13.2.2 The land coloured blue is referred to in the Book of Reference **(CD/A11)** and shown on the Order Plans as part of parcel 22 and parcel 24. The blue land measures approximately 490 square metres. It comprises open grass and scrub land to which the public has access for informal use. It is required permanently for the purposes of the authorised works, in particular the work described and numbered as Work No. 1 (the new railway). There are no known specific rights over the blue land that would need to be replicated in the provision of exchange land.
- 13.2.3 The land coloured yellow is referred to in the Book of Reference and shown on the Order Plans as parcel 16 and part of parcel 22. It measures approximately 2,576 square metres. It comprises open grass and scrub land to which the public has access for informal use. It is required for the purposes of the authorised works, in particular the work described and numbered as Work No. 4 (a drainage outfall, including a headwall and detention basin). There are no known specific rights over the yellow land that would need to be replicated in the provision of exchange land. When the authorised works have been constructed, the land is to revert to being used as open space.
- 13.2.4 The open space land in respect of which rights are to be acquired compulsorily is shown coloured green on the Open Space Plan. It is referred to in the Book of Reference and shown on the Order Plans as part of parcel 22. It measures approximately 739 square metres. It comprises open grass and scrub land to which the public has access for informal use. Temporary use of it is required to enable the construction of the authorised works. Permanent rights over it are

required for the purposes of gaining access to and maintaining the authorised works, once constructed. There are no known specific rights over it that would need to be replicated in the provision of exchange land.

13.3 Exchange land

13.3.1 In exchange for the land coloured blue and yellow and, insofar as the land coloured green may, when burdened with the new rights to which it is to be made subject, be less advantageous to those persons in whom it is vested and to the public than it was before, to compensate for such disadvantage, NRIL proposes to provide by way of exchange land the land shown and coloured pink and yellow on the Open Space Plan.

13.3.2 The land coloured pink is referred to in the Book of Reference and shown on the Order Plans as part of parcels 18 and 21. It measures approximately 1,230 square metres. The pink land is owned by NHDC and is currently leased to SITA, it being part of a scrap metal yard. Temporary use of the pink land is required to enable the construction of the authorised works. In order to provide it as exchange land, NRIL proposes to acquire it compulsorily.

13.3.3 Thus, the land to be purchased compulsorily or in respect of which rights to be acquired compulsorily is as follows:

Land	Area(m²)
Blue	490
Green	739
Yellow	<u>2,576</u>
Total	3,805

And the land being provided as exchange land is:

Land	Area(m²)
Pink	1,230
Yellow	<u>2,576</u>
Total	3,806

13.4 Adequacy of Exchange Land

13.4.1 After construction of the authorised works:

- (a) the land coloured pink will be cleared and, if necessary, decontaminated. New top soil will be applied to it. It will then

be planted with species such as ash, crack willow, hawthorn, blackthorn and kidney vetch. Reptile hibernacula and beetle banks will also be introduced. Public access to it will be provided;

- (b) the land coloured yellow will be landscaped and planted with reeds consistent with its intended use as a drainage outfall, headwall and detention basin. Public access to it will be provided. It will be subject to a right of access by NRIL to maintain and renew the authorised works constructed on it and it may be subject to a restriction as to its use for other purposes but not so as to prevent its use as public open space; and
- (c) the land coloured green will be subject to a right of access by NRIL but may otherwise be used as it is now.

13.4.2 All of the land in question belongs to NHDC, the LPA. It is intended that, when the construction of the authorised works has been completed, the land coloured pink and the land coloured yellow will be vested in the Council. NRIL also aims to agree with the Council before works commence on the open space land a plan for the landscaping and planting of the exchange land. A clause to this effect has been included in the draft Order **(CD/A2)** (article 30).

13.4.3 Once the landscaping of the exchange land has been carried out, and allowed to mature and develop, and once access to it by the public has been provided, the exchange land will be no less advantageous to its owner and to the public as the existing open space currently is.

13.5 Conclusion

13.5.1 The exchange land is at least as great in area as the land to be acquired. In NRIL's view the exchange land is also at least as advantageous to the public as a whole as the land to be acquired. In addition the proposed Order includes provisions requiring NHDC to certify that a scheme for the provision of the exchange land as open space has been implemented to its satisfaction. In NRIL's view, therefore, the proposed exchange satisfies the test in section 19(1) (a) of the 1981 Act and the Exchange Land Certificate should be given.

14 UTILITIES DIVERSIONS

14.1 NRIL's Engagement with Utilities Companies

NRIL and Arup (design consultants) have over the course of the development of the Hitchin (Cambridge Junction) Scheme consulted with all the affected utility companies, explaining the Scheme and exploring potential protection measures and diversionary routes.

14.2 The Apparatus Likely to be Affected

14.2.1 The utilities known to be affected by the Scheme design and that will require diversion or significant protection measures are as follows:

- Anglian Water Services Limited: a rising main, a gravity foul sewer, return liquor and various other pipes associated with operational and redundant equipment;
- National Grid: low, medium and high pressure gas mains;
- EDF: a 33kV overhead line, a buried 11kV line and an overhead 11kV line;
- Virgin Media: a fibre optic cable in the western verge of Stotfold Road.

14.2.2 Diversion works for the above utilities need to be carried out in advance of the main construction work.

14.2.3 Provision has been included within the Draft Order for the principal utilities diversions to be carried out, in the form of Works Nos. 2, 3, 7, 8, 10 and 11, as listed in Schedule 1 to the Order.

14.2.4 In addition, there are a number of more minor known services which have been identified that should not be directly affected by the work which will need to be located and protected during the work.

14.3 Protective Provisions within the Draft Order

14.3.1 The draft Order contains detailed provisions in Articles 9, 29, 35, 36 and Schedules 11 and 12 which regulate works involving works to apparatus owned by statutory undertakers, the detailed provisions in Schedule 12 apply only to those undertakers involved in the provision of electricity, gas, water and sewerage services.

15 CONSULTATION

15.1 NRIL has consulted widely on the Hitchin (Cambridge Junction) Scheme to ensure that all those who have a view on the proposal have been able to have their say. Potential stakeholders were carefully identified and contacted at an early stage and every effort has been made to continue to build and maintain dialogue throughout the development of the Scheme. NRIL has also conducted extensive consultation with the public in local areas including both Hitchin and Letchworth. Full details of consultation undertaken are set out in the Report on Consultations Carried Out **(CD/A5)** and Statement of Community Involvement **(CD/A5)** that were submitted to the Secretary of State alongside the draft Order.

15.2 NRIL's principal objectives for consultation with stakeholders were that

- (i) it should share information with those who might be affected by or interested in the proposals;
- (ii) it should give stakeholders the opportunity to have their say;
- (iii) it should lead to improvements of the Scheme;
- (iv) there should be 'no surprises' for people and organisations affected by the Scheme;
- (v) the Order should be finalised in a collaborative rather than confrontational manner.

15.3 NRIL has consulted with the following groups and individuals:

- (i) Hertfordshire County Council;
- (ii) North Hertfordshire District Council;
- (iii) Parish and town councils;
- (iv) MPs/Local politicians;
- (v) Land owners and occupiers;
- (vi) The Environment Agency;
- (vii) Statutory Bodies (such as Natural England and English Heritage);
- (viii) Utility companies;
- (ix) Parties named in Schedules 5 and 6 of the 2006 Rules **(CD/B3)** to whom the Order is relevant;
- (x) Local residents and businesses; and
- (xi) Train and Freight Operating Companies.

- 15.4** In April 2009 NRIL conducted public information sessions for the proposals over three days at The Priory Hitchin preceded by a preview evening for local councillors and a further session (as part of an NHDC residents forum) in July 2009 at Highgrove School Letchworth. As part of these exhibitions, members of the public were invited to attend, ask any questions they had and to leave their comments in writing. The April 2009 exhibition was well publicised through advertisements and editorials in local newspapers and talked about on local television and radio. The exhibition information is also available on the NRIL website. The full report is available in the Statement of Community Involvement (**part of CD/A5**).
- 15.5** Information about the proposals was available on the NRIL website – www.networkrail.co.uk/hitchin.
- 15.6** There was strong interest from the local community, including:
- (i) 301 people attended the public information sessions in April 2009;
 - (ii) 28 people attended the preview night briefing;
 - (iii) 129 written comments were received;
 - (iv) about 40 people attended the public information session in July 2009;
 - (v) 1,307 visited the consultation website over a 3 month period with 31 people contacting NRIL through the email address provided.
- 15.7** Responses to the proposal, both formally and informally, were extremely positive with 43% of respondents in writing (by far the largest category) expressing approval.

16 OBJECTIONS

- 16.1 As stated in Chapter 2 Clause 2.1.4 of this Statement, 63 letters of objection to, 6 letters of representation in respect of, and 2 letters in support of the proposed Order were submitted to the Secretary of State. 16 of the objections received were from statutory objectors within the meaning of Section 11 of the TWA.
- 16.2 NRIL is currently in the process of corresponding and meeting with objectors with a view to addressing their concerns and, if necessary, reaching a mutually acceptable agreement or undertaking, which will allow the objection to be withdrawn.
- 16.3 44 objections were received from individual residents in the Wilbury Hills Road area of Letchworth about matters related to construction traffic during the construction period: two residents' organisations (Wilbury Residents' Alliance and Hillcrest Park Residents Association) have been formed to represent residents and NRIL is in continuing contact with these groups regarding its proposals.
- 16.4 This Chapter of the Statement summarises the principal issues raised in objections and outlines NRIL's position and response to them where appropriate. More detailed, current responses to objections, including any which have been withdrawn, will be included in NRIL's evidence to the public inquiry.

Inappropriate development in the Green Belt

- 16.5 Chapter 9 of this Statement, in particular clauses 9.9.12 to 9.9.15 of that Chapter sets out in outline NRIL's position regarding this issue.

Land take issues

- 16.6 NRIL is actively engaged in negotiations with parties, including NHDC, whose land is proposed to be taken under the Order. It is hoped that agreements will be reached with individual landowners prior to the public inquiry.

Exchange land for public open space land

- 16.7 Chapter 13 and in particular clauses 13.3 and 13.4 of this Statement sets out in outline NRIL's position regarding this matter. It is NRIL's intention to seek agreement prior to the public inquiry with NHDC about acquisition of land for which the exchange land is required.

Landscape and Visual Issues

- 16.8 Chapter 11 of this Statement, in particular clauses 11.2.1 to 11.2.3 of that Chapter sets out in outline NRIL's position regarding these issues.

Ecological Issues

- 16.9 Chapter 11 clauses 11.3.1 to 11.3.5 of this Statement sets out in outline NRIL's position regarding ecological issues.

Noise and vibration

- 16.10 Chapter 11 clauses 11.4.1 and 11.4.2 of this Statement sets out in outline NRIL's position regarding these matters.

Location of attenuation basin (Work No 4)

- 16.11 NHDC has requested that NRIL relocate the location of the attenuation basin, which is required to control the flow of surface water draining from the new railway into the River Hiz, to a point further away from the SITA site. It is acknowledged that this apparatus must be located so as to catch the maximum practicable amount of water from the new railway. NRIL is discussing this matter with NHDC and also with the EA, whose opinion about it will be crucial,

Contaminated Land

- 16.12 Chapter 11 clauses 11.5.1 to 11.5.9 of this Statement sets out in outline NRIL's position regarding this matter. NRIL considers that matters regarding contaminated land, raised primarily by the EA and NHDC, are technical issues that can and will be resolved between the parties before the public inquiry, in the case of the EA it is considered likely that a Protective Provision will be agreed to form a Schedule to the Order.

Effects on utility company apparatus etc

- 16.13 NRIL is discussing such matters directly and individually with utility companies and it is hoped that agreements will be reached with them prior to the public inquiry. It is considered likely that modifications to the Protective Provisions included in the Order will be agreed with these objectors.

Planning conditions and obligations

- 16.14 NRIL and NHDC have been in discussion about agreed planning conditions that will be recommended to the inquiry inspector. Considerable progress has been made in this regard. NRIL intends to present a revised set of conditions to the Inspector at the public inquiry once discussions with NHDC have concluded. NRIL considers that a number of other matters (such as mitigation of the effects of construction traffic on the specified route used for this traffic, future maintenance of the water attenuation basin etc) could be settled by means of a section 106 agreement made between NRIL, NHDC and HCC and is currently discussing this possibility with the Councils.

Use of rail for deliveries of materials

- 16.15 Chapter 12 clauses 12.4.4 to 12.4.10 of this Statement sets out in outline NRIL's position regarding this matter.

Local sourcing of materials (borrow pits)

- 16.16 The sourcing of all materials for use on the Hitchin (Cambridge Junction) Scheme will be a matter for decision by the contractor appointed in due course to undertake the works. Part of the purpose of making sourcing of suitable materials a contractor responsibility is to achieve a competitive price which may depend significantly on the potential sources of the correct type of material which may be available at the time.
- 16.17 Use of borrow pits in the vicinity of the work sites are a potential source of material. However, local borrow pits would have to comply with the policies of the HCC Minerals Local Plan (**CD/C18**) or the Bedfordshire and Luton Minerals Local Plan (**CD/C19**). These include requirements to demonstrate that no suitable sources of materials which have been allocated in the Minerals Plan are available and that the restored landform after extraction should have a natural and harmonious fit with the existing landscape.

Construction traffic - routeing

- 16.18 Chapter 12, clauses 12.11 to 12.25, of this Statement outlines NRIL's position regarding this matter. NRIL decided in 2008 on its preferred single route for construction traffic via the A1(M) at junction 10, Hitchin Road, Wilbury Hills Road and Stotfold Road. NRIL has discussed this matter with the highway authorities of HCC and Central Bedfordshire Council and with Hertfordshire Police and also with NHDC and understands on the basis of these discussions that it is accepted by all parties that this route would be appropriate for this purpose. Following comments from residents and NHDC, a further report was sought from specialist consultants Steer Davies Gleave (**NR/B12**) to consider whether construction traffic should be divided between NRIL's preferred route and a second route via the A1(M) at junction 9, Letchworth Gate, the A507 and Stotfold Road. This report endorses NRIL's proposal for the single access route via the A1(M) at junction 10, Hitchin Road, Wilbury Hills Road and Stotfold Road.

Construction traffic - road safety, community and environmental issues

- 16.19 Chapter 12, clauses 12.29 to 12.31, outlines NRIL's position regarding these matters. Discussions with highway and police authorities about construction traffic routeing have included and will continue to include mitigation of road safety, community and environmental matters – for example by the implementation of reduced traffic speed limits. It is hoped that agreement will be reached with these authorities before the public inquiry about such matters, provision for which may take the form of an agreement under section 106 of the Town & Country Planning Act (1990) (**CD/B4**). NRIL is also proposing that a Code of Practice for Construction Traffic (see Chapter 6 of **NR/B12**) will be laid down for and enforced upon its contractors.

Access Road to Wilbury Way Industrial Estate

- 16.20 Conflicting objections have been received with regard to the possibility of an access road between Stotfold Road and Wilbury Way Industrial Estate which NRIL understands is being considered by NHDC. The Order does not seek powers for construction of a permanent access road from Stotfold Road to the Wilbury Road Industrial Estate nor for any enabling works for any such access road. The TWA does not permit powers to be sought for such purposes because the proposed Industrial Estate access road is not required in connection with the Hitchin (Cambridge Junction) Scheme. These comments are therefore not directly relevant to consideration of the draft Order.

Land severance

- 16.21 This matter refers specifically to two locations (at Cadwell Farm and Highover Farm) where the new railway involves the severance of farm land.
- 16.22 NRIL is proposing to provide an underbridge through the new embankment for use by the farmer at Highover Farm: this forms part of Work No. 11. Consultations are taking place with the farmer and landowner about the dimensions of the underbridge, which will be provided for agricultural purposes only. Access during construction is proposed to be through the construction site by prior arrangement. An alternative to provision of a bridge (increased use of an existing accommodation level crossing) has been proposed by local residents opposed to an access road between Stotfold Road and Wilbury Way Industrial Estate but this has been rejected by NRIL on railway safety grounds.
- 16.23 At Cadwell Farm a small area of agricultural land will be severed; it is proposed here that access will be provided by the acquisition of a permanent right-of-way (for agricultural purposes only) from Wilbury Way and the provision of a bridge over the ditch separating Wilbury Way from the Cadwell Farm land: this forms part of the Order (Work No 9) but negotiations are taking place with the owner of the land at the north end of Wilbury Way in regard to this matter.

Rabbit damage

- 16.24 The boundary fence between the new railway and agricultural land will be erected to rabbit proof specifications to be agreed between NRIL and the farmers and landowners.

Acquisition of a permanent easement along both sides of the new railway

- 16.25 Objections have been raised by landowners and farmers to the intention to acquire an easement for access for the purpose of maintenance of the embankment and viaduct along both sides of the new railway, and to the proposed width of this easement (6 metres). The easement is required in order to ensure that NRIL has the ability to access the operational railway in circumstances which, while necessary, do not permit the use of existing

emergency powers. The width of 6 metres is required in anticipation of the largest likely plant that may be required.

Effects of proposals upon the spring located at Cadwell Farm

16.26 A concern has been raised over the potential impact of the proposals on the quality and quantity of water arising from this spring, which is used for the purposes of agricultural irrigation and as a trout fishery. NRIL is prepared to give an undertaking that:-

- (i) the works will be designed to avoid impact upon this resource,
- (ii) to monitor the spring before during and after construction, and
- (iii) in the event of an adverse impact attributable to NRIL works to compensate for reasonable losses incurred as a result.

Rights of laying of fibre-optic cables in land acquired under the Order to remain with vendor

16.27 NRIL intends to acquire without restriction the freehold of land required permanently for the works: this matter will be reflected in the compensation payable to the affected landowner.

Land take will allow future construction of an additional railway spur

16.28 The landtake proposed in the Order is sufficient only for the construction operation and maintenance of the authorised works. There is no intention to make use of the powers sought for building an additional spur for traffic to and from the north. Additional powers related to any proposal in the future for such a spur will require to be sought specifically for this purpose.

The temporary worksite to the west of Stotfold Road may be improperly included in the Order and in any case is excessive

16.29 The inclusion of land for temporary worksites in TWA Orders is normal practice and numerous precedents may be cited. The land included in plot 66A is not excessive in terms of its proposed use as the main worksite supporting the works.

Concern over proposed drainage of land across which the new railway will be built

16.30 NRIL will construct ditches and culverts within the Order limits reasonably required and that can be accommodated within the Works for the provision of field drainage across the farmland affected by the works.

Impacts of construction and operation of the new railway on the office building known as "Centre 3", Wilbury Way

- 16.31 NRIL considers that the adoption of the Planning and Environmental Management Strategy (“PEMS”) for the Hitchin (Cambridge Junction) Scheme will provide adequate protection to this office building and its occupiers during the construction period.
- 16.32 A particular concern is that Wilbury Way will be used as a construction traffic access route. This will not be the case. NRIL’s construction traffic proposals do not include use of Wilbury Way by any construction traffic for the Hitchin (Cambridge Junction) works. The Traffic Management Plan required to be produced by NRIL’s contractor will reflect this.
- 16.33 During the operation of the railway, the ES predicts that this building could experience a moderate significant adverse impact from ‘squeal noise’ from passing trains: NRIL will consider mitigation of this effect by installation of a system of friction modification on the rail head.
- 16.34 A moderate adverse effect upon the building is predicted to arise from visual intrusion; consideration will be given to modifying the presently proposed planting on the railway embankment at this location in an effort to provide mitigation against this effect.

Insufficient Consultation

- 16.35 Objections regarding the amount of consultation carried out have arisen almost exclusively in regard to construction traffic routes in Letchworth. NRIL considers that Letchworth residents and, importantly, their elected representatives, have had plentiful opportunities to comment on NRIL’s proposals for construction traffic. During the period prior to submission of the Order, NRIL has sought to explain the plans to a wide audience and to encourage as much feedback as possible. Chapter 15 of this Statement sets out NRIL’s position regarding this matter. Consultations carried out with individual stakeholders and with local residents and businesses are described in the Report on Consultations Carried Out (**CD/A5**) and the Statement of Community Involvement (**CD/A5**).

17 CONCLUSION

17.1 NRIL is required through its network licence to develop and enhance the railway network. In connection with its development and enhancement of the network, NRIL is required to publish Route Utilisation Strategies for all sections of the network. The Hitchin (Cambridge Junction) Scheme forms a critical part of this enhancement plan. The ECML route which passes through Hitchin is already very well used by both passenger and freight traffic, and the most acute issues on the ECML are

- (a) accommodating the forecast growth in passenger and freight traffic; and
- (b) removing infrastructural constraints that adversely affect train service performance.

There has already been considerable growth in the demand for rail passenger services particularly between London and Peterborough but also to Yorkshire, the North-East and eastern Scotland, as well as an increase in the demand for freight services on the ECML. One of the significant infrastructural constraints on the ECML is the existing at grade Cambridge Junction just north of Hitchin station.

17.2 The Hitchin (Cambridge Junction) Scheme will provide the necessary infrastructure to permit trains to travel from the ECML down slow line towards Cambridge thereby removing the need for these trains to cross the Down Fast, Up Fast and Up Slow ECML lines at grade.

17.3 Without the Hitchin (Cambridge Junction) Scheme, the required improvements in capacity and performance on the ECML would not be possible.

17.4 This Statement of Case gives a description of the Scheme and the draft Order, and provides an overview of the effects that the Scheme would be likely to have on the local environment including those arising from construction traffic and explains NRIL proposals for mitigating those effects. It sets out NRIL's case for acquisition of land that is or may constitute public open space and for the provision of exchange land. In setting out the engineering requirements, it justifies the need for compulsory powers. It describes how the preferred Scheme has been developed and the consultations that have been undertaken. It summarises the objections received in response to the publication of the draft Order and NRIL's response to those objections.

17.5 It sets out NRIL's case for deemed planning permission to be granted and proposed planning conditions. It describes Government policies and objectives for the development and enhancement of rail passenger and freight services in the UK, and how NRIL is working to achieve those objectives. It sets out how this proposed Scheme fits with those policies and

plans and the benefits it would provide. It also explains how the Hitchin (Cambridge Junction) Scheme fits with national, regional and local planning policies.

Appendix 1: Glossary

CL	Hitchin to Cambridge Line
CP4	Control Period 4
CR-E	Contract Requirements – Environment
DfT	Department for Transport
EA	Environment Agency
ECML	East Coast Main Line
EIA	Environmental Impact Assessment
ES	Environmental Statement
FOC	Freight Operating Company
GRIP	Guide to Railway Investment Projects
HCC	Hertfordshire County Council
HLOS	High Level Output Statement
LDHS	Long Distance High Speed passenger services
LPA	Local Planning Authority
NHDC	North Hertfordshire District Council
NRIL	Network Rail Infrastructure Limited
NRL	Network Rail Limited
ORR	Office of Rail Regulation
PEMS	Planning and Environmental Management Statement
RSS	Regional Spatial Strategy East of England Plan May 2008
RUS	Route Utilisation Strategy
SBP	Strategic Business Plan
TOC	Train Operating Company
TPH	Trains per hour
TWA	Transport and Works Act 1992
TWAO	Transport and Works Act Order
WS	Wildlife Sites

Appendix 2: List of Documents

Core Documents

CD/A	Documents relating to the TWAO Application
CD/A1	Application Letter
CD/A2	Draft Order
CD/A3	Explanatory Memorandum
CD/A4	Concise Statement of Aims
CD/A5	Report on Consultation and Statement of Community Involvement
CD/A6	List of other consents, permissions etc.
CD/A7	Funding Statement
CD/A8	Estimate of Cost
CD/A9	Request for s.90(2A) Direction and proposed planning conditions
CD/A10	Order Plans
CD/A11	Book of reference
CD/A12	Planning Direction Drawings
CD/A13	Environmental Statement (in four volumes)
CD/A14	Open Space Application

CD/B	Legal Material and Guidance
CD/B1	Transport and Works Act 1992
CD/B2	Transport and Works (Inquiries Procedures) Rules 2004 (S.I 2004/2018)
CD/B3	Transport and Works (Applications and Objections Procedure)(England and Wales) Rules 2006 (S.I 2006/1466)
CD/B4	Sections 57(1), 90(2A), 149, Town and Country Planning Act 1990
CD/B5	Planning and Compulsory Purchase Act 2004
CD/B6	Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419)
CD/B7	A Guide to Transport and Works Act Procedures 2006
CD/B8	ODPM Circular 06/04: Compulsory Purchase and the Crichel Down Rules
CD/B9	DCLG Circular 01/06 Guidance on Changes to the Development Control System
CD/B10	Sections 60 and 61, Control of Pollution Act 1974
CD/B11	European Council Directive on Environmental Impact Assessment

	85/337/EEC
CD/B12	European Council Directive on Environmental Impact Assessment 97/11/EC
CD/B13	DETR Circular 02/99 Environmental Impact Assessment
CD/B14	The Transport and Works (Model Clauses for Railways and Tramways) Order 2006
CD/B15	Railways Act 2005
CD/B16	Section 8, Railways Act 1993
CD/B17	Network Rail Network Licence, April 2009.
CD/B18	Acquisition of Land Act 1981
CD/B19	The Network Code (Preface and Parts D and G)
CD/B20	Compulsory Purchase Act 1965

CD/C	National, Regional and local Planning and Transport Reports, Policies and Guidance Documents
CD/C1	White Paper “The Future of Rail” (cm 6233), Department for Transport, July 2004
CD/C2	White Paper “Delivering a Sustainable Railway” (cm7176), Department for Transport, July 2007
CD/C3	Determination of Network Rail’s outputs and funding for 2009-14, Office of Rail Regulation, October 2008 (summary only)
CD/C4	PPG13: Transport
CD/C5	“Delivering a Sustainable Transport System”, Department for Transport, November 2008
CD/C6	Route Utilisation Strategy for the East Coast Main Line, February 2008.
CD/C7	Strategic Business Plan (SBP) for Control Period 4, NRIL, October 2007
CD/C8	PPS 1 Delivering Sustainable Development
CD/C9	Planning and Climate Change Supplement to PPS 1, December 2007
CD/C10	PPG 2 Green Belts
CD/C11	Regional Spatial Strategy East of England Plan May 2008
CD/C12	Hertfordshire Structure Plan Review 1991 – 2011 was adopted in April 1998
CD/C13	Hertfordshire Local Transport Plan 2006/07 – 2010/11 Rail Strategy
CD/C14	North Hertfordshire District Local Plan No 2 with alterations, April 1996
CD/C15	‘Transport and utilities constraints, Background Paper, Evidence for planning policies’ August 2007

CD/C16	'Core Strategy Preferred Options Paper', Sept 2007
CD/C17	Note of meeting, 22 June 2009, between NRIL and Natural England
CD/C18	Hertfordshire Minerals Local Plan Review 2002-2016 Adopted March 2007
CD/C19	Bedfordshire and Luton Minerals and Waste Local Plan, First Review, Adopted 2005
CD/C20	NRIL Strategic Business Plan. Route Plans 2009, Route 8 East Coast Main Line, "Connecting Local Communities" March 2009
CD/C21	Strategic Business Plan (SBP) for Control Period 4 (update), NRIL, April 2008

Network Rail Documents

NR/A	Network Rail Statement of Case
NR/A1	Network Rail Statement of Case

NR/B	Project Development, Appraisal, Funding and other Documents
NR/B1A	Rules of the Route (13 December 2009 to 11 December 2010) including extracts from schedules related to the Hitchin area.
NR/B1B	Rules of the Route (12 December 2010 to 10 December 2011) including extracts from schedules related to the Hitchin area.
NR/B2	GRIP Manual PM01 (version 7.01) "Introduction to the Project Management Manual".
NR/B3	NRIL Standard NR/SP/CIV/003 , "Technical Approval of Design, Construction and Maintenance of Civil Engineering Infrastructure" (Issue2)
NR/B4	Pre-Feasibility Study, 1997/98
NR/B5	Feasibility Study, 1998/99
NR/B6	Assessment of Supplementary Issues Raised by Local Authority, Sept 1999
NR/B7	Additional Feasibility Work, 2001
NR/B8	Re-assessment of feasibility Option H1, 2003
NR/B9	Strategic Rail Authority (SRA) Review, 2003
NR/B10	NRIL review of preferred route option, 2006
NR/B11	Hitchin Grade Separation: Assessment of Material Delivery by Rail, January 2010
NR/B12	Hitchin (Cambridge Junction) Road Transport Assessment, Steer

	Davies Gleave, January 2010 (3 volumes)
NR/B13	Network Rail CP4 Delivery Plan 2009 Enhancements programme (June 2009 update) (extract)
NR/B14	Letter dated 3 September 2009 “CP4 enhancements delivery plan” from Office of Rail Regulation to NRIL

NR/C	Environmental Documents
NR/C1	NRIL Corporate Sustainability Policy Statement
NR/C2	NRIL Contract Requirements – Environment

Appendix 3: Notice of Locations where Documents referred to in Appendix 2 may be inspected

A copy of each of the documents listed in Appendix 2 of the Statement of Case may be inspected free of charge from 3 February 2010 until the commencement of the public inquiry by visiting the following locations:—

- (1) **Hitchin Library, Paynes Park, Hitchin, Hertfordshire, SG5 1EW** which is open from 1000 to 2000 on Mondays, 0900 to 2000 Tuesdays to Fridays and from 0900 to 1600 on Saturdays (closed Sundays);
- (2) **Baldock Library, Simpson Drive, Baldock, Hertfordshire, SG7 6DH** which is open from 0900 to 1900 on Mondays, Tuesdays, Wednesdays and Fridays, 0900 to 1700 on Thursdays and from 0900 to 1300 on Saturdays (closed Sundays);
- (3) **Letchworth Library, Central Library, Broadway, Letchworth, Hertfordshire, SG6 3PF** which is open from 1000 to 2000 on Mondays, 0900 to 2000 Tuesdays to Fridays and from 0900 to 1600 on Saturdays (closed Sundays);
- (4) **North Hertfordshire District Council, Council Offices, Gernon Road, Letchworth Garden City, Hertfordshire, SG6 3JF** which is open from 0900 to 1700 on Mondays to Fridays (closed Saturdays and Sundays); and
- (5) **Bircham Dyson Bell LLP, 50 Broadway, London SW1H 0BL** which is open from 0930 to 1730 on Mondays to Fridays (closed Saturdays and Sundays).

The above locations will be opened at the times listed, except on 2 and 5 April and 3 May 2010, these dates being public holidays.

Copies of any of these documents may also be obtained from **Bircham Dyson Bell LLP, 50 Broadway, London SW1H 0BL** (attention Mrs Pam Thompson (Telephone: 020 7783 3437; Email: pamthompson@bdb-law.co.uk)). A charge may be payable.