

IN THE MATTER OF:

THE PROPOSED CAMBRIDGESHIRE COUNTY COUNCIL
CAMBOURNE TO CAMBRIDGE ORDER

APPLICANT'S OPENING STATEMENT

I. INTRODUCTION

1. A striking feature of this case is the near universal agreement that there is a need to provide a reliable public transport service between Cambourne and Cambridge.
2. The proposed guided busway ("**the Busway**") will meet that need.
3. The fact that there is agreement on these matters is striking, but it should not be surprising because the need for new transport infrastructure is a key feature of both national and local policy, both that which is adopted and that which is emerging.
4. At a national level, there is very strong – cross party – support for the growth of Cambridge, including the delivery of new transport infrastructure to support that growth.
5. In 2024 the last Conservative Government published the Case for Cambridge.¹ The Case for Cambridge supported significant housing and employment land growth, in particular new space for laboratories and research, underpinned by '*fast and reliable public transportation with a wealth of options for walking and cycling*'.²
6. These improvements are needed now. As the Case for Cambridge explained: severe road congestion is, already, a feature of daily life in Greater Cambridge.³ This has a human consequence: it leads to journey

¹ CD 7-01.

² CD 7-01 at PDF p. 5, second paragraph.

³ CD 7-01 at PDF p. 7, final bullet point.

delays, frustration for local people, poor air quality and related health consequences.⁴ It also has a ‘critical’ economic consequence: pressured public transport and poor connectivity is constraining the local economy, wasting time and is inefficient for everyone.⁵

7. The Case for Cambridge could not be clearer: as Cambridge grows, the provision of sustainable and efficient infrastructure will determine whether it becomes a better place in which to live, work and study.⁶ Easy movement at a human scale will be a crucial component in the high growth, high productivity Cambridge of the future.⁷
8. The Greater Cambridge City Deal (“**the City Deal**”) puts the position even more starkly: the success to date – the “Cambridge Phenomenon” has been widely celebrated, but is now contributing to a shortage of housing and significant transport congestion ‘*that threatens to choke off further economic growth*’.⁸
9. The policy of the current Labour Government continues the main tenets of the Case for Cambridge. At the end of last year, the Housing Minister, Matthew Pennycook MP, reiterated that ‘*Cambridge faces significant barriers to growth and there are increasing pressures for local residents and communities, such as expensive housing and traffic congestions*’.⁹
10. It follows that there is very strong support, at a national level, for improvements to the transport infrastructure in Greater Cambridge. The Busway is precisely the sort of new infrastructure that is needed and it benefits from this very strong national support.
11. There is also very strong support at a local and regional level for improvements to the transport infrastructure in Greater Cambridge, and for the Busway in particular. The Local Plan policies that promote significant growth at Cambourne and at Bourn Airfield are premised on

⁴ Ibid.

⁵ Ibid.

⁶ CD 7-01 at PDF p. 29, first paragraph.

⁷ Ibid.

⁸ CD 7-02 at PDF p. 3, penultimate paragraph.

⁹ CD 7-39 at PDF p. 3, second paragraph.

the provision of bus service improvements (with a specific reference to a busway) on the A1303 corridor¹⁰ Similarly, the future housing growth in the emerging development plan is predicated on the delivery of the Busway.¹¹

12. There is a very good reason for this support at local, regional and national level. Cambridge is one of the UK's most important economic assets and global centre of innovation, home to the largest life sciences cluster in Europe.¹² The unique innovation ecosystem that has emerged in Greater Cambridge over the past fifty years has been a phenomenal success – life science firms in Cambridge already contribute nearly £3 billion annually to the UK economy.¹³
13. In these circumstances, it is untenable – and unconscionable – to stand by and let clearly identified constraints curb the future growth of Greater Cambridge.
14. Put simply, the *'size of the economic prize, and the potential contribution Cambridge could make to the UK economy, is significant'*.¹⁴
15. Unleashing the economic potential of Cambridge is a national imperative.¹⁵
16. The City Deal is the principal funding mechanism to tackle these challenges. The City Deal brings together Cambridge City Council, south Cambridgeshire District Council, Cambridgeshire County Council, the University of Cambridge and, through the Greater Cambridge and Greater Peterborough Enterprise Partnership, local businesses, colleges and research facilities in the area.¹⁶ Within this group, the City Council, the District Council, the County Council and the University of Cambridge, have formed the Greater Cambridge Partnership ("**the GCP**") to drive the delivery of the City Deal.

¹⁰ CD6.02 policies SS/7(8) and SS/8(12)

¹¹ CD6.04 page 44

¹² Ibid.

¹³ Ibid.

¹⁴ CD 7-01 at PDF p. 13, third paragraph.

¹⁵ CD 7-01 at PDF p. 13, sixth paragraph.

¹⁶ CD 7-02 at PDF p. 3, second paragraph.

17. The City Deal includes an ambitious programme to enhance transport capacity in the area.¹⁷ This transport capacity is needed along key strategic corridors to and from the city, particularly along those corridors where significant new housing and/or economic growth is planned. The corridor between Cambourne and Cambridge is precisely such a location; and the Busway is a priority scheme for this specific purpose.
18. It is in this context that this inquiry opens. The County Council, on behalf of the GCP, seeks – through the proposed order and request that a direction be made that planning permission be deemed to be granted – authorisation to deliver and operate the Busway to contribute to Greater Cambridge’s continued success.
19. Although there is near universal agreement that Greater Cambridge needs new transport infrastructure to the west of Cambridge, the County Council – and the GCP – appreciates that the precise form and route of the Busway is both supported and opposed by members of the community.
20. As this inquiry will hear, those living closest to the new Busway, or owning land on or near the Busway’s route, have the loudest concerns.
21. The County Council – and the GCP – have not ignored those concerns: a careful process of assessment has been undertaken, adverse impacts have been identified and mitigated, any residual impacts have been minimised and, ultimately, the Busway is policy compliant with the planning balance tilted firmly in favour of the scheme.

II. THE APPLICATION, THE APPLICANT AND THE GCP

22. We start by introducing the application, the applicant and the GCP.

The Application

23. The Application is composed of three principal components.
24. First, an application pursuant to section 6 of the Transport and Works Act 2006 (“**TWA 2006**”) for an order under sections 1 and 5 of the TWA in the

¹⁷ CD 702 at PDF p. 4, penultimate paragraph.

terms of the draft order prepared by the Applicant (“**the Proposed Order**”).¹⁸

25. The Proposed Order will authorise the construction and operation of a two-way 13.6km long guided busway connecting Cambourne in the West to Cambridge in the east. It will be segregated from local highways except for stretches along St Neots Road, south of the A428 at Hardwick, and on the privately maintained Charles Babbage road, on the University of Cambridge’s west campus. An emergency and maintenance access track will run alongside the segregated sections of the Busway and will be used as an active travel path, in addition to its primary purpose of maintenance and emergency access. A travel hub will also be situated at Scotland Farm, providing a park and ride facility.
26. Secondly, a direction that planning permission be deemed to be granted is sought pursuant to section 90(2A) of the Town and Country Planning Act 1990 (“**TCPA 1990**”) ¹⁹ for the development authorised by the Proposed Order.²⁰ Although a description of development²¹ has been provided at the Inspector’s requests, the County Council reiterates that its request for deemed planning permission is expressed (in the conventional way) by reference to the development to be authorised by the Proposed Order, rather than a freestanding project or set of works. The plans for both the Proposed Order and the request for deemed planning permission are the same.
27. Thirdly, an application for a certificate under section 19(1)(a) of the Acquisition of Land Act 1981 (“**ALA 1981**”) is made in respect of two parcels of land, namely Plots 14-153 and 14-154.²² Both plots are considered to be open space (being land which may be used for the purposes of public recreation). The land offered in exchange is identified in the order as plots 14-144c and 14-144b.

¹⁸ Latest draft at CD 1-02a.

¹⁹ CD 5-08 at pdf page 186

²⁰ See request at CD 1-14.

²¹ CD25-23-02

²² See application at CD 1-22.

The Applicant

28. The County Council is the local highways authority and is the applicant on behalf of the GCP, because – although the GCP is the local delivery body for the City Deal and is both promoting and leading on the delivery of the Busway – GCP is not empowered to make an application under the TWA 1992.
29. The application documents and the County Council’s evidence explains the role of the GCP, its functions and the separation of functions with the County Council.²³

The Greater Cambridge Partnership

30. Given some of the issues raised by objectors, and notwithstanding the written explanations already provided, it assists to explain further now the role of the GCP and its relationship with other bodies.
31. The GCP is a joint committee of the three Councils,²⁴ established by the County Council under section 102(1) (b) of the Local Government Act 1972 and by the City Council and the District Council under section 9EB of the Local Government Act 2000.²⁵
32. The Executive Board is the decision-making body for the GCP.²⁶ It comprises voting representatives of the 3 constituent Local Authorities with non-voting representation of the business sector and University of Cambridge. The Mayor of Cambridgeshire and Peterborough is a non-voting invitee to the GCP Executive Board at the discretion of the Chair.²⁷

²³ See CD 1-03 at Appendix 1 on PDF p. 29. See also Mr Baker’s POE at 2.1.1-2.1.5: CD26-01-APP-W1-1

²⁴ The County Council, the City Council and the District Council.

²⁵ Paragraph 1.16 of the GCP Governance Framework CD7-06, paragraph 1.16 of the Greater Cambridge City Deal Assurance Framework CD7-37

²⁶ Paragraph 1.19 of the GCP Governance Framework CD7-06, paragraph 1.16 of the Greater Cambridge City Deal Assurance Framework CD7-37

²⁷ Paragraph 1.40 of the GCP Governance Framework CD7-06, paragraph 1.40 of the Greater Cambridge City Deal Assurance Framework CD7-37

Relationship between GCP and the County Council

33. In addition to the County Council's role as part of the joint committee, the County Council also acts as the accountable body for the GCP, and accounts for City Deal funds.²⁸
34. A body which has power to promote Bills in Parliament has power to apply for a TWA Order.²⁹ A local authority (including the County Council) has the power to promote Bills in Parliament.³⁰ The power to promote Bills in Parliament has not been delegated to the GCP. The County Council is the applicant for the order on this basis.

Relationship between the County Council and the Combined Authority

35. The Cambridgeshire and Peterborough Combined Authority ("**the Combined Authority**") was established under powers conferred on the Secretary of State by the Local Democracy, Economic Development and Construction Act 2009. The order establishing the Combined Authority is the Cambridgeshire and Peterborough Combined Authority Order 2017 ("**the 2017 Order**")³¹.
36. Functions of upper-tier authorities as local transport authorities under Part II of the Transport Act 2000 ("**TA 2000**") are exercisable by the Combined Authority.³² Those functions include preparing local transport plans (section 108 TA 2000). Additionally, the Combined Authority is a franchising authority for bus franchising under section 123A TA 2000.³³
37. The Combined Authority operates under a constitution³⁴. Paragraph 7.1.6.2 of the constitution provides:

'A decision on a question relating to:

(a) the Transport Plan;

²⁸ Paragraphs 1.45 and 1.46 of the Greater Cambridge City Deal Assurance Framework CD7-37

²⁹ Section 20(1) TWA 1992, CD5-09

³⁰ Section 239(1) Local Government Act 1972: CD 5-03

³¹ CD5-30

³² Article 8(b) of the 2017 Order

³³ Section 123A(4) TA 2000

³⁴ CD9-57

(b) any spending plans or plans for the allocation of transport-related funding;

requires a vote in favour, by at least two-thirds of all Members (or their Substitute Members) appointed by the Constituent Councils to include the Members appointed by Cambridgeshire County Council and Peterborough City Council, or their Substitute Members.’

38. It follows that decision to make a transport plan or to spend money on transport related matters (such as bus franchising) can only be made with the support of the County Council.

III. OVERVIEW OF THE APPLICANT’S CASE ON THE IDENTIFIED MATTERS

Matter 1 – Aims, objectives and need for the Busway

39. The starting point for this Matter is the need for the Busway. It is that need which underpins the identified aims and objectives.
40. The national need to unlock the growth of Greater Cambridge is expressed at a local level in two clear imperatives.
41. The first is to provide more homes and employment land in the right places.
42. The second is to address the well-documented transport constraints in the region, in particular in gaining access into the city.

Imperative 1 - The need to unlock new housing and employment land

43. One of the identified drivers of the Cambridge Phenomenon is the attractiveness of Greater Cambridge as a place to live, not just to do business.³⁵ The consequences of insufficient housing are already starting to be felt. This is most obvious in terms of spiralling housing affordability.³⁶ This adversely affects local residents and creates a supply

³⁵ CD 7-02 at PDF p. 3, third bullet point.

³⁶ CD 7-01 at PDF p. 18.

issue for local businesses who want to grow their workforce. There are also other indicators in recent years of growing high skilled job vacancies.³⁷

44. Another of the identified drivers was the clustering of a world class university with cutting edge businesses. This facilitated co-operation and cross-fertilisation between entrepreneurs and academics.³⁸ However, as is obvious, there must be space for these clusters to form and grow. Today, that space is not available in the quantities required. Cambridge is experiencing an '*acute*' and '*significant*' shortage of laboratory space.³⁹ Since 2020 – five years ago – the volume of laboratory floorspace sought by companies in the city has exceeded the level of office space available.⁴⁰
45. The City Council and the District Council are facing this challenge head on.
46. The adopted development plan – principally composed of the South Cambridgeshire Local Plan ("**the SCLP**") and the Cambridge Local Plan ("**the CLP**") – plans for 33,500 new homes and 44,000 jobs across Greater Cambridge by 2031.⁴¹
47. This planned growth includes significant housing growth on major allocations at both Bourn Airfield⁴² (3,500 dwellings) and Cambourne West⁴³ (allocated for 1,200 dwellings, with planning permission granted for up to 2,350 dwellings and other uses⁴⁴), as well as significant employment growth at West Cambridge (383,000 sqm).⁴⁵ The growth at Bourn Airfield is particularly dependent on the delivery of the Busway: delivery beyond 500 dwellings is prohibited by a planning condition in advance of the Busway's delivery (or equivalent provision).⁴⁶

³⁷ CD 7-01 at PDF p. 19.

³⁸ CD7-02 at PDF p. 3, first and second bullet points.

³⁹ CD 7-01 at PDF p. 19, first paragraph and PDF p.10, first bullet point.

⁴⁰ CD7-01 at PDF p. 19, third paragraph.

⁴¹ Mr Kelly's POE at [3.8] on PDF p. 9.

⁴² Policy SS/7 of the SCLP – CD 6-02 at PDF p. 84.

⁴³ Policy SS/8 of the SCLP – CD 6-02 at PDF p. 90.

⁴⁴ CD4-.1 decision notice

⁴⁵ Policy 19 of the CLP – CD6-01 at PDF p. 80.

⁴⁶ CD 4-06 condition 13 on page 13, and CD25-13 condition 13 on pdf page 13

48. The City Council and the District Council are now promoting a new joint local plan (“**the JLP**”). Although the plan-making process is ongoing, the direction of travel is clear, as are the principal components of the JLP. In particular:
- 48.1. The JLP continues the central tenets of the established spatial strategy. Cambourne will remain a focus for growth.
 - 48.2. The allocations at Bourn Airfield and Cambourne West are maintained and there are proposed new housing allocations in Cambourne to deliver 1,950 homes.⁴⁷
 - 48.3. The JLP continues to support The University Innovation District on the West of Cambridge.⁴⁸
 - 48.4. The objectively assessed housing and employment land needs are now higher still: 58,500 jobs are required by 2041 and 44,400 homes are required by 2041. In identifying these needs, the City Council and District Council have rightly gone beyond the standard method on the basis that housing must keep up with job growth.⁴⁹
49. Overall, it is clear that development in Cambourne and to the west of Cambridge will be required to meet identified need. In this respect, the JLP has a clear vision to create vibrant and highly sustainable places in Cambourne, Bourn Airfield and on the western edge of Cambridge. The growth proposals are premised on the assumption that the Busway will be provided.⁵⁰ The JLP expressly recognises that the Busway will be a *‘significant improvement in public transport [which] provides an opportunity to grow [Cambourne as] an existing new town, enhancing the critical mass of population, employment and services available locally to those communities’*.⁵¹

⁴⁷ CD 6-04 at Figure 4 on PDF p. 22.

⁴⁸ CD 6-02 at PDF p. 30, penultimate bullet point.

⁴⁹ CD 6-04 at PDF p. 28, number 2, and PDF pp. 60 and 91 (Policy S/WC).

⁵⁰ CD 6-04 at PDF p. 39, fourth paragraph.

⁵¹ CD 6-04 at PDF p. 39, fourth paragraph.

Imperative 2 - The need to address transport constraints in Greater Cambridge

50. The transport constraints in Greater Cambridge are well documented and on this issue above all others, there does not appear to be disagreement by the Busway's objectors.
51. In any event, the transport constraints are evidenced in the Application. The Transport Assessment assesses future transport conditions without the Busway, concluding that within the study area (essentially the western Cambourne to Cambridge corridor) multiple junctions in both the AM Peak and the PM Peak, as well as in the interpeak, will experience high levels of queuing traffic and delay, significantly in excess of acceptable levels.⁵² This is reiterated in the Outline Business Case which identifies, without intervention, that vehicle trips, in particular commuting by car, are forecast to grow and exacerbate existing congestion.⁵³
52. The need for intervention is also well established and clearly evidenced. As early as 2014, the Transport Strategy for Cambridge and South Cambridgeshire identified a need for intervention on the Cambourne to Cambridge corridor, including segregated bus links on the A1303 or an offline alignment between the A428 and the M11; provision of an outer Park & Ride on the A428 between Cambourne and the A1303; and a busway on the A1303 or high quality public transport infrastructure to serve Bourn Airfield and Cambourne.⁵⁴
53. Subsequent transport plans have reiterated the need for intervention.⁵⁵ This includes the evidence base to the JLP which takes into account the Busway as part of its baseline mitigation and forecasts it taking a significant increase in public transport trips in the Cambourne to Cambridge corridor.⁵⁶

⁵² CD 1-25.01 at [6.3] on PDF pp. 35 – 39.

⁵³ CD 1-20.05 at [8.1] on PDF p. 80.

⁵⁴ CD 7-07 at Figure 5.14 on PDF p. 102.

⁵⁵ For example, the Local Transport Plan 2019 - CD 6.07 at p. 102.

⁵⁶ CD 6-05 at [2.2.12] on PDF p. 34 and at [14.5.6] on PDF p. 261.

54. Overall, the transport constraints are well documented and a key driver of the need for the Busway.

Aims and objectives of the Busway

55. The Busway's aims and objectives have been formulated in response to these identified needs.

56. The overall objectives of the Busway are to:

56.1. Achieve improved accessibility to support the economic growth of the Greater Cambridge region;

56.2. Deliver a sustainable transport network/system that connects areas between Cambourne and Cambridge along the A428/A1303 transport corridor; and

56.3. Contribute to enhanced quality of life by relieving congestion and improving air quality within the surrounding areas along the A428/A1303 corridor and within the city.⁵⁷

57. The aims of the Busway are formulated to meet these objectives. In summary, the Busway aims to relieve congestion; support economic growth (in particular at Bourn Airfield and Cambourne); deliver sustainable transport routes for walkers, riders and horse riders; deliver a travel hub at Scotland Farm providing park and ride; and enhancing quality of life, including through air quality and environmental improvements.

58. The Busway delivers on these aims and objectives.

59. The principal benefits include:

59.1. **Transport benefits.** The Busway will reduce bus journey times (by 50% in the AM peak) and increase bus patronage (9,000 new trips a

⁵⁷ CD 1-04 at [4.1] on PDF p. 3.

day out of a total of 10,000 trips), increase bus mode share and reliability.⁵⁸ These benefits have an estimated value of £49m PB.⁵⁹

59.2. **Economic benefits.** The new homes that are unlocked will have both a social and economic benefit. The land value uplift is worth over £222 m PV, potentially £338m PV.⁶⁰ There will be additional benefits to the regional and national economy: a £100m GVA per annum uplift in Greater Cambridge and nearly £3m PV of benefits for the national economy.⁶¹

59.3. **Social benefits.** As already explained, the Busway will unlock significant new housing growth, including Bourn Airfield (with 30% affordable) and Cambourne West (with 40% affordable)⁶². These new homes will be coupled with improved and increased opportunities to use public and active travel, including notable benefits for those who are young or do not have access to a car.⁶³

59.4. **Environmental benefits.** A range of environmental benefits are also secured, including a net reduction in carbon emissions; improved open space; and significant BNG.⁶⁴

60. Taken together, this is a significant package of benefits which directly meet the identified need and satisfy the Busway's aims and objectives.

Matter 2 – Whether all statutory procedural requirements have been dealt with

61. The County Council has complied with all of the procedural requirements in detail, as set out in the Note dated 19 June 2025.⁶⁵ There does not appear to be any substantive challenge on this matter from other parties.

⁵⁸ Whitehouse POE at [3.28] and [3.29] on PDF pp. 22 – 23.

⁵⁹ Whitehouse POE at [3.2.11] at PDF p. 23.

⁶⁰ Whitehouse POE at [3.2.12] and [3.2.13] on PDF p. 23.

⁶¹ Whitehouse POE at [3.2.16] on PDF p. 24.

⁶² Whitehouse POE at [3.2.13] on pdf p. 23

⁶³ Whitehouse POE at [3.2.17] – [3.2.22] on PDF pp. 24 – 25.

⁶⁴ Whitehouse POE at [3.23 – 3.2.25] on PDF p. 25.

⁶⁵ CD 25-04.

Matter 3 – Main alternatives considered

- 62. This matter is keenly contested by objectors, but, on a proper analysis, those objections are not robust.
- 63. In this case, the assessment of alternatives has been adequate, the required information has been provided and the best option has been chosen.

Legal framework

- 64. Pursuant to rule 11(1)(d) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (“**the 2006 Rules**”) the environmental statement must include:

‘a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed works and their specific characteristics, and an indication of the main reason for the options chosen, taking into account the significant effects of the proposed works on the environment.’⁶⁶

- 65. Two matters must be noted:
 - 65.1. This obligation is to study and provide information about alternatives for the purposes of informing the Secretary of State’s reasoned conclusion pursuant to section 13B TWA 1992. Thus this obligation is about the provision of information, not about the attainment of a particular outcome. Environmental impact assessment (“**EIA**”) is a tool but it does not dictate an outcome: the least environmentally harmful option need not be the chosen option or the consented option.
 - 65.2. At the EIA stage – in comparison to the earlier stage of strategic environmental assessment (“**SEA**”) – does not require alternatives to be worked up in the same level of detail as the preferred option: see *R. (Buckinghamshire County Council) v Secretary of State for Transport* [2014] UKSC 3; [2014] 1 WLR 324 per Lord Carnwath JSC

⁶⁶ CD 5-18 at PDF p. 20.

at [44].⁶⁷ Equally, the reasons for choosing the preferred option over those alternatives need only be the “main” reasons: *ibid*. Thus the statutory requirement does not require the detailed working up of alternatives or the provision of a detailed side-by-side comparison.

66. Outside of this statutory framework of the TWA 1992 and the 2006 Rules, the principles set out *R. (Mount Cook Land Ltd) v Westminster City Council*⁶⁸ per Auld LJ at [30] apply in relation to planning applications:

66.1. Whether any proposed use is acceptable in planning terms depends on whether it would cause planning harm judged according to relevant planning policies where there are any.

66.2. In the absence of conflict with planning policy and/or other planning harm, the relative advantages of alternative uses on the application site or of the same use on alternative sites are normally irrelevant in planning terms.

66.3. Where an application proposal does not conflict with policy, otherwise involves no planning harm, any alternative proposals would normally be irrelevant.

66.4. Even, in exceptional circumstances where alternative proposals might be relevant, inchoate or vague schemes and/or those that are unlikely or have no real possibility of coming about would not be relevant or, if they were, should be given little or no weight.

67. When considering compulsory purchase of land. The principle of providing a reliable public transport service between Cambourne and Cambridge is generally accepted. Once the principle is accepted the question becomes, how will the objective be achieved⁶⁹. If alternative means of achieving that objective are put forward, they are to be considered when determining, as a matter of judgment, whether there is a

⁶⁷ CD 5-31 at PDF p. 17. See also CD5-32 *Holohan and others v An Bord Pleanála* [2019] PTSR 1054 at paragraph 66

⁶⁸ [2017] PTSR 1166 CD5-38

⁶⁹ See *Hall and Another v. First Secretary of State* [2007] EWCA Civ 612 at paragraph 20. CD5-39

compelling case in the public interest to justify the compulsory acquisition of land. If an alternative scheme is not deliverable, viable, or feasible, it can (as a matter of judgment) be rejected as not providing an alternative means of achieving the objective. If an alternative scheme is considered to be deliverable, its advantages and disadvantages can be compared to the proposed scheme. A judgment must then be made on whether the alternative would serve equally well to achieve the desired purpose after all relevant considerations including cost and delay have been taken into account⁷⁰.

The assessment of alternatives in this case

68. The County Council has documented the assessment of alternatives in the Environmental Statement (including the addendums) and in its evidence.⁷¹ This assessment was detailed and extensive, including multiple rounds of consultation. The output of that assessment was the Busway as it is presented at the inquiry.
69. We do not rehearse the detail of this assessment processing in opening this inquiry, not least as the vast majority of the process is not in dispute and is not the subject of substantive challenge by objectors. Instead, we focus on the three principal issues in dispute under this Matter.
70. **Issue 1.** The first issue is CPPF's alternative on-road option ("**the CPPF Alternative**"). As to this:
- 70.1. On-road options were extensively assessed by the County Council both before and after the preparation of the ES. This included the assessment of online options in the initial long list of 34 options between 2014 and 2017,⁷² as well as subsequent assessment of online options (including those promoted by CPPF at that time) during the

⁷⁰ *De Rothschild v. Secretary of State for Transport* (1989) 57 P&CR 330 at page 341. CD5-40

⁷¹ See, in particular ES CD1-10-1 Section 4, and Mr Baker's POE at Section 4 on PDF p. 17 ff.

⁷² Baker POE at [4.4.3] on PDF p. 19.

preparation of the Outline Business Case.⁷³ Throughout those assessments, the offline option performed consistently better.

70.2. The CPPF Alternative has evolved over time with a number of material changes being made in various different consultation responses (both formal and informal). It has never been possible for CPPF to fix its proposal for the simple reason that it has never been workable. This approach has persisted even in the preparation of its evidence for this inquiry.⁷⁴

70.3. The County Council has produced two engineering assessments of the CPPF Alternative.⁷⁵ The conclusion of both those assessments, is that the CPPF Alternative is unsafe and based on a plethora of unacceptable departures from the relevant design standards.⁷⁶ Put simply, the CPPF Alternative is not viable; it does not provide a realistic means of delivering the scheme objectives. In these circumstances, it has no real prospect of coming about and thus, applying the established principles, at best, it is a consideration to which no weight can be afforded.

71. **Issue 2.** The second issue is the alignment of the Busway at Coton Orchard. Some objectors have suggested that the Busway should have been realigned to avoid the original Bramley Apple trees.

72. This suggestion is made vaguely and is inchoate: no objector has proposed a viable alternative. In any event, such an option was assessed in the preparation of the ES, including specific consultation with the relevant landowners. That assessment and consultation demonstrated that the alternative was much less preferable: CPPF, as one of the landowners, considered the alternative to be inferior, and the assessment demonstrated that this alternative would have resulted in wider environmental impacts, as well as being inferior on operational and safety grounds.⁷⁷

⁷³ Baker POE at [4.6.2], [4.6.4] and [4.6.10] on PDF pp. 19 – 20.

⁷⁴ See, for example, Mr Johnstone's POE providing a yet further iteration of the CPPF Alternative.

⁷⁵ CD 9-31 and CD26-01-APP-W8-5.

⁷⁶ See CD 9-31 at PDF pp. 58 – 59 and CD26-01-APP-W8-5 at PDF pp. 18 – 19.

⁷⁷ CD 1.10.06 at [2.4] on PDF pp. 15 – 16.

73. It follows that this alternative cannot be given any weight, if it is even a relevant consideration at all.
74. **Issue 3.** The third issue is the selection of the Rifle Range Track instead of Adams Road.
75. Both options were fully appraised through the preparation of the Option Appraisal Reports (“OAR”) between 2018 and 2019, with further consideration before the Outline Business Case was report to the GCP’s Executive Board in 2021.
76. As the second ES Addendum demonstrates, the output of the appraisals in the OAR is that the Rifle Range Track is the better option, once the now abandoned Cambridge Autonomous Metro is discounted. It follows that the Adams Road option does not provide a proper basis for objecting to the Busway as now proposed. Further, even if (contrary to the Applicant’s case) Adams Road were considered to be a potentially preferable option, when making a judgment account would have to be taken of all relevant factors including delay. Once those factors are taken into account it is clear that Adams Road cannot properly be considered to be a preferable or equally advantageous means of securing the scheme objectives.
77. Overall, there has been adequate assessment of alternatives and, following that assessment, the Busway as now proposed is the best performing option.

Matter 4 – Effect of the implementation, operation and maintenance of the Busway

78. This matter is wide ranging. All of the relevant matters are assessed in the ES (together with the addendums) and the other application documents. We focus here on the principal matters in dispute, namely impacts relating to Coton Orchard and, separately, Clare Hall.

Coton Orchard

79. Coton Orchard is a recently designated County Wildlife Site. It does not benefit from any national designations. Although the orchard was planted in 1922, most of its apple trees are of more recent origin.⁷⁸
80. The Orchard has been assessed in detail. The ES reports a significant effect given the loss of c. half a hectare of habitat. However, off site compensation has been secured. There does not appear to be any real dispute over the assessment of these effects.
81. Turning to the older trees within the Orchard, there are six veteran trees within the Order Limits with which the Busway may interface.⁷⁹
82. The retention of three of these trees (specifically T5, T9 and T10) can be secured without their loss or deterioration.⁸⁰
83. As to the other three trees (T 6, T7 and T8), they cannot be retained in their present location, but they can be relocated without their loss or deterioration. In this regard, an acceptable location within the Order Limits has been identified at Rectory Farm, although there are other possibilities within the Orchard which GCP is willing to explore with the landowner if she wishes to do so.
84. It is to be noted that despite earlier representations, no other party is now calling specialist arboricultural evidence and, in the evidence that is being called, there is very little disagreement on this issue.
85. It follows that there will be no loss of irreplaceable habitats for the purposes of paragraph 193(c) of the NPPF. However, even if such loss did occur, it is the Applicant's case that the Busway remains in accordance with paragraph 193(c).
86. There are wholly exceptional reasons for their loss. In this regard footnote 70 of the NPPF specifically lists infrastructure projects under the TWA

⁷⁸ Saunders POE at [4.4.10] on PDF p. 15, ES Addendum 2.1.1 CD10-10.06 pdf page 6

⁷⁹ Allder POE at Image 4 on PDF p. 10.

⁸⁰ Allder POE at [4.2] on PDF p. 10.

1992 where the public benefit clearly outweighs the loss or deterioration of the trees. The Busway is such a case: it is essential infrastructure where the identified public benefits clearly outweighs the potential loss or deterioration of three veteran trees. Further, a suitable compensation strategy exists and has been secured.⁸¹

Clare Hall

87. In respect of Clare Hall, there are three principal issues.
88. **Heritage.** The first issue is the impact of the Busway on Clare Hall as a listed building. The Busway will cause some harm to the listed building, but only by way of change in the building's setting. No physical harm is caused. In policy terms, the harm will be less than substantial harm at the low end of the spectrum.⁸² Clare Hall erroneously and inconsistently asserts a higher degree of harm (although, even then still less than substantial harm). Applying paragraph 215 of the NPPF, giving considerable importance and weight to the desirability of preserving the setting of the listed building, this harm is outweighed by the public benefits of the Busway.⁸³
89. **Flooding.** The second issue is the impact of the Busway on flooding from Bin Brook.
90. The County Council has engaged in lengthy and detailed discussions with the Environment Agency ("the EA"). The EA has removed its objection.⁸⁴ The County Council's flood model is agreed to be fit for purpose.⁸⁵ It is agreed that the Busway will not increase flood risk elsewhere.⁸⁶ On this basis the EA concludes that the Flood Risk Assessment meets the NPPF's requirements on flood risk.⁸⁷ The sequential and exception tests are also met on this basis.

⁸¹ Alder POE at PDF p. 20.

⁸² Wilson POE at [4.7.27] on PDF p. 36.

⁸³ R. Lewis POE at Section 5.11

⁸⁴ CD 25-17.

⁸⁵ CD 25-17 at PDF p. 2, fourth paragraph.

⁸⁶ CD 25-17 at PDF p. 2, final paragraph.

⁸⁷ Ibid.

91. Significant weight should be given to the views of the EA, both as a matter of principle and particularly in this case given the extensive and detailed discussions.
92. Accordingly, a good reason is required to depart from the views of the EA. There is no such reason. In particular, Clare Hall's case on this issue is premised on there being disagreement with the EA, which is no longer the case. Clare Hall seeks to repeat objections made by the EA at an earlier stage but which have now been overcome. Those objections cannot be sustained now.
93. **Noise.** The third issue is the noise impacts from the Busway on Clare Hall.
94. These impacts have been assessed on a conservative, worst case, basis. It is likely that the impacts have been overestimated.⁸⁸ In any event, significant effects were only identified in the ES during construction in three limited areas. One of those areas was adjacent to Bin Brook Bridge.⁸⁹ Operational noise levels will remain below SOAEL at all times, will be below LOAEL during the daytime and, adopting restrictions on use proposed by the County Council, will also be below LOAEL during the nighttime.⁹⁰
95. Understood in its proper context, the noise impacts are acceptable.

Other identified items under this matter

96. Finally, in respect of the items identified under this matter which are not principal matters in dispute, the County Council's headline position is as follows:
- 96.1. The Busway will not have an adverse impact on East-West Rail ("EWR") and vice versa. In their representation letter, EWR Company Limited state that they strongly support the principle of the proposed Cambourne to Cambridge project⁹¹, and in their

⁸⁸ For example, T. Lewis POE at [3.6.5] on PDF p. 9.

⁸⁹ T. Lewis POE at [3.6.4] on PDF p. 9.

⁹⁰ T. Lewis POE at [3.6.12] – [3.6.18] at PDF pp. 10 – 11.

⁹¹ CD2-OBJ 247 page 1 of the letter

written Submission they recognise that their concerns can be overcome by imposition of a suitable condition⁹². Principles for a collaboration agreement have been agreed⁹³ and it is anticipated that that the concerns raised can be resolved by entering into that agreement or by condition.

- 96.2. The Busway will not have any adverse impact on the significance of the Grade 1 registered park and garden of the American Military Cemetery at Maddingley. Indeed, the American Battle Monuments Commission has written in support of the Busway stating that it favours development options which avoid expansion of the A1303.⁹⁴
- 96.3. Although impact on some other heritage assets has been identified those impacts are all (individually and cumulatively) at a low level. In national policy terms, these impacts amount to less than substantial harm and, applying paragraph 215 of the NPPF, that less than substantial harm is outweighed by the public benefits of the Busway which have already been summarised.
- 96.4. The Busway does lie, in part, and by no means entirely, within the Green Belt. This is inevitable with any project in the Cambourne to Cambridge corridor. A detailed Green Belt Assessment has been undertaken.⁹⁵ Having regard to that assessment, although the impact on the openness of the Green Belt and the purposes of including land within the Green Belt is generally low (and in some places openness is in fact preserved), nevertheless, overall, the Busway is inappropriate development in the Green Belt. However, the harm by reason of inappropriateness and other identified harms, is clearly outweighed by a package of very substantial benefits, the demonstrable need for the Busway and the absence of viable or preferable alternatives, such that very special circumstances exist.

⁹² CD26-09 OBJ 247 paragraph 4

⁹³ Baker POE 10.1.6

⁹⁴ CD1-06-16 pdf page 5

⁹⁵ CD 1.18.

Matter 5 – Effect on statutory undertakers, statutory utilities and other utility providers

97. The Busway will not have an adverse effect on statutory undertakers, statutory utilities or other utility providers, or their ability to carry out their undertakings effectively, safely and in compliance with any statutory or contractual obligations. Protective provisions have been incorporated into the Draft Order where necessary.⁹⁶ There is no objection from such undertakers and there is no substantive dispute under this matter.

Matter 6 – Compulsory Purchase

98. The Proposed Order contains powers of compulsory purchase to ensure that the Busway can be delivered and operated. These powers relate to both the temporary and permanent acquisition of land and rights over land along a corridor within defined limits.
99. This corridor allows sufficient space to construct the Busway itself, together with other essential components, such as the travel hub, maintenance tack, public transport stops, bridges and ancillary works necessary for mitigation.
100. The Applicant has actively engaged with affected landowners and occupiers over a number of years, resulting in agreements (either executed or agreed Heads of Terms) with nearly half of the affected landowners and occupiers.⁹⁷
101. As to those with whom agreements have not yet been reached, the Applicant continues to engage where possible. The Applicant has made offers to seven of those parties and negotiations on those offers continue.⁹⁸ GCP has also made offers to three further parties – CPPF, Houston Crest/Anna Gazeley and the Spearing Family – but unfortunately these parties have not materially engaged.⁹⁹ The two remaining parties relate to

⁹⁶ See Schedule 12

⁹⁷ Mr Franklin's POE at [5.1] - [5.24] on PDF pp. 15 -18.

⁹⁸ Mr Franklin's POE at [5.19] on PDF p. 17.

⁹⁹ Mr Franklin's POE at [5.20] – [5.22] on PDF p. 17

statutory undertakers, in respect of which negotiations continue with progress being made.¹⁰⁰

102. It follows that there is a realistic prospect of further progress and agreement, such as to avoid the need for compulsory purchase in the vast majority of these outstanding cases.

103. In respect of those cases where agreement cannot be reached, the County Council submits that compulsory purchase is justified. In particular:

103.1. There is a compelling case in the public interest, having regard to the identified need for the Busway, the benefits of delivering the busway and absence of a viable or preferable alternative route.

103.2. Although there may be an interference with some landowner/occupier human rights, given the nature of the land being acquired (principally farm land), this interference is with rights under Article 1, Protocol 1. Further and in any event, that interference is lawful and proportionate, having regard to the relatively small amount of land taken, the steps taken by GCP to mitigate that land take and the countervailing need and benefits of the Busway.

103.3. There are no impediments to the delivery of the Busway once compulsory acquisition has occurred. GCP are demonstrably committed to the Busway and the required funding has been secured.

103.4. In all the circumstances, the compulsory acquisition is necessary to deliver the Busway.

Section 19 Acquisition of Land Act 1981

104. The replacement open space is assessed in the open space assessment¹⁰¹.

¹⁰⁰ Mr Franklin's POE at [5.23] – [5.24] on PDF p. 18.

¹⁰¹ CD1-22 Appendix 10, pdf page 180

105. There can be no doubt that the proposed area of open space meets the quantitative criteria.
106. As far as quality is concerned, the replacement open space will form part of a wider area which will be the subject of enhancement and improvement¹⁰². Access to that area can be obtained from both sides of the M11 via the bridleway.
107. It is the Applicant's case that the area to be provided as open space will be equally advantageous to the public.

IV. CONCLUSION

108. Drawing these threads together, there is very strong national and local support for the delivery of the Busway. This reflects the demonstrable need for improved infrastructure to help unleash Cambridge's economic potential. The Busway meets that need and delivers a package of very substantial benefits. There are no viable or preferable alternatives. Whilst there are, inevitably, some adverse impacts, principally from the construction of the Busway, those adverse impacts are clearly outweighed by the benefits secured.
109. For these reasons, as the County Council will expand in its evidence and submissions, the County Council submits that in due course the Draft Order should be made, a direction be made that planning permission be deemed to be granted and a section 19 open space certificate issued.

**NEIL CAMERON K.C.
MATTHEW HENDERSON**

**Landmark Chambers,
180 Fleet Street,
London EC4A 2HG**

16th September 2025

¹⁰² CD1-22 Appendix 10, Appendix H (pdf page 258) indicative layout