

**IN THE MATTER OF THE CAMBRIDGE SOUTH EAST TRANSPORT ORDER MADE BY
CAMBRIDGESHIRE COUNTY COUNCIL**

TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004

STATEMENT OF CASE

on behalf of

NETWORK RAIL INFRASTRUCTURE LIMITED

19 September 2025

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1 Introduction

- 1.1 This Statement of Case (**SoC**) is submitted on behalf of Network Rail Infrastructure Limited (**Network Rail**) in response to Cambridgeshire County Council's (**CCC**) application for a Transport and Works Act Order pursuant to section 6 of the Transport and Works Act 1992, for an Order under sections 1 and 5 of that Act (**CSET Order**).
- 1.2 The application was made by CCC (the **Applicant**) on 9 January 2025.
- 1.3 The draft CSET Order, if granted, would authorise the construction, maintenance, and operation by the CCC of a guided busway between Cambridge Biomedical Campus at the southern end of Francis Crick Avenue in Cambridge and a new travel hub facility at the A1307/A11/A505 road junction southeast of the village of Babraham (the **Scheme**).
- 1.4 The draft CSET Order, if granted, would also permit the compulsory acquisition of land and rights to facilitate the Scheme. The CSET Order is sought together with the approval of a request being made to the Secretary of State for Transport to give a direction under section 90(2A) of the Town and Country Planning Act 1990 that planning permission, so far as it is required, shall be deemed to be granted for the Scheme to be authorised by the draft CSET Order.
- 1.5 Network Rail is currently constructing a new station (**Cambridge South Station**) and implementing rail upgrades pursuant to a Transport and Works Act Order known as The Network Rail (Cambridge South Infrastructure Enhancements) 2022 (**CSIE Order**). Cambridge South Station is expected to be open for public use in early 2026.
- 1.6 Construction and operational access (including for passengers and maintenance) to Cambridge South Station is and will be provided from Francis Crick Avenue, along which the proposed Scheme is intended to progress.

2 Background

- 2.1 The object of the CSIE Order is to authorise the construction, maintenance and operation by Network Rail of works comprising the construction of a new station in South Cambridgeshire and associated improvements to the West Anglia Main Line for the purposes of improving connectivity and capacity in the Cambridgeshire region and, to accommodate future growth in the area.
- 2.2 Network Rail is identified in the Book of Reference (**BoR**) for the Scheme as having rights (easements) in over Plot 001 - 1177.11 square metres of private road, hardstanding and verges forming part of Robinson Way, Cambridge, which is subject to compulsory acquisition limited to temporary use of land and acquisition of permanent rights. Accordingly, Network Rail is a statutory objector.
- 2.3 However, Network Rail also considers that freehold land, identified in the BoR for acquisition limited to temporary use and acquisition of permanent rights, has not been accurately reflected as being within its ownership. This relates to sections of the following land forming part of the Scheme:
 - (a) Plot 002 - 781.26 square metres of busway, hardstanding and verges lying to the west of Francis Crick Avenue Cambridge;

- (b) Plot 004 - 724.74 square metres of road, verge and hardstanding forming part of Francis Crick Avenue, Cambridge; and
 - (c) Plot 006 - 387.12 square metres of road and verges forming part of Francis Crick Avenue, Cambridge.
- 2.4 Sections of Plots 002, 004, and 006, to the east of Francis Crick Avenue, were subject to a General vesting Declaration made 7 November 2023 by Network Rail, following the Secretary of State's decision to approve the making of the CSIE Order, authorising Network Rail to acquire specific plots of land.
- 2.5 Following the Vesting Date for these plots of land, Network Rail is the proprietor of the freehold estate of the land with absolute title.
- 2.6 These plots of land (the numbers of which relate to the CSIE Order) include:
- (a) Plot 032 - 128 square metres of land, drain, access track, embankment and stairs situated to the north of AstraZeneca premises;
 - (b) Plot 034 - 5 square metres of land situated to the north of AstraZeneca premises;
 - (c) Plot 035 - 541 square metres of land, scrub and drain situated to the north of AstraZeneca premises;
 - (d) Plot 036 - 3357 square metres of land, scrub and balancing pond situated to the north of AstraZeneca premises; and
 - (e) Plot 039 - 35 square metres of land but excluding the subway/tunnel, foul water pipe and communications cable located on the top of the said subway/tunnel located to the north east of AstraZeneca premises.
- 2.7 A sippet from the GVD plan illustrating the location of those plots is shown at Figure 1 below.

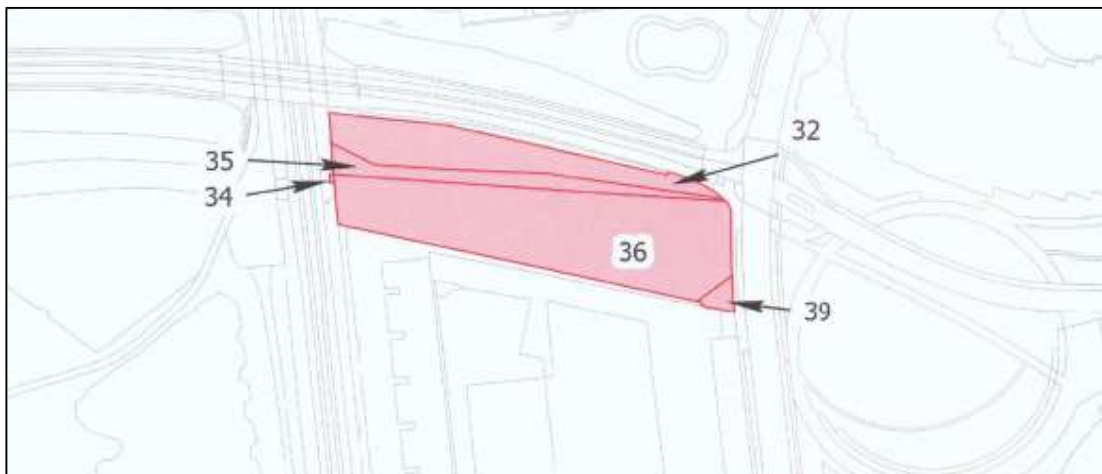


Figure 1 – Section of GDV Plan accompanying General Vesting Declaration (7 November 2024)

- 2.8 An application for the transfer of part relating to the plots subject to the General Vesting Declaration was submitted to the Land Registry 8 October 2024 and has been assigned the new title number CB490131, however the application's progress is delayed.

- 2.9 Accordingly, the interaction between the Scheme and Network Rail's land has not been accurately reflected in the Application or fully understood by the Applicant.

3 Interaction with Network Rail Land

- 3.1 On behalf of Network Rail, this firm submitted an objection letter (the **Objection Letter**) to the Scheme setting out its grounds of objection and noting the inclusion of its standard protective provisions in the draft CSET Order.
- 3.2 Ultimately Network Rail must be ensured that its existing rights will be retained, as well any rights yet to be determined.
- 3.3 The Scheme's proposed works are notably proximate to the operational railway and the safe operation of the railway must be protected. As demonstrated in the Works and Land Plan including Longitudinal Sections (CSET-11-D01), Sheets 1 (Figure 2) and 2 (Figure 3), the Applicant is seeking:
- (a) powers of temporary use of land and acquisition of permanent rights over land within Network Rail's freehold ownership and over which it has existing rights (which includes Plots 001, 002, 004, and 006); and

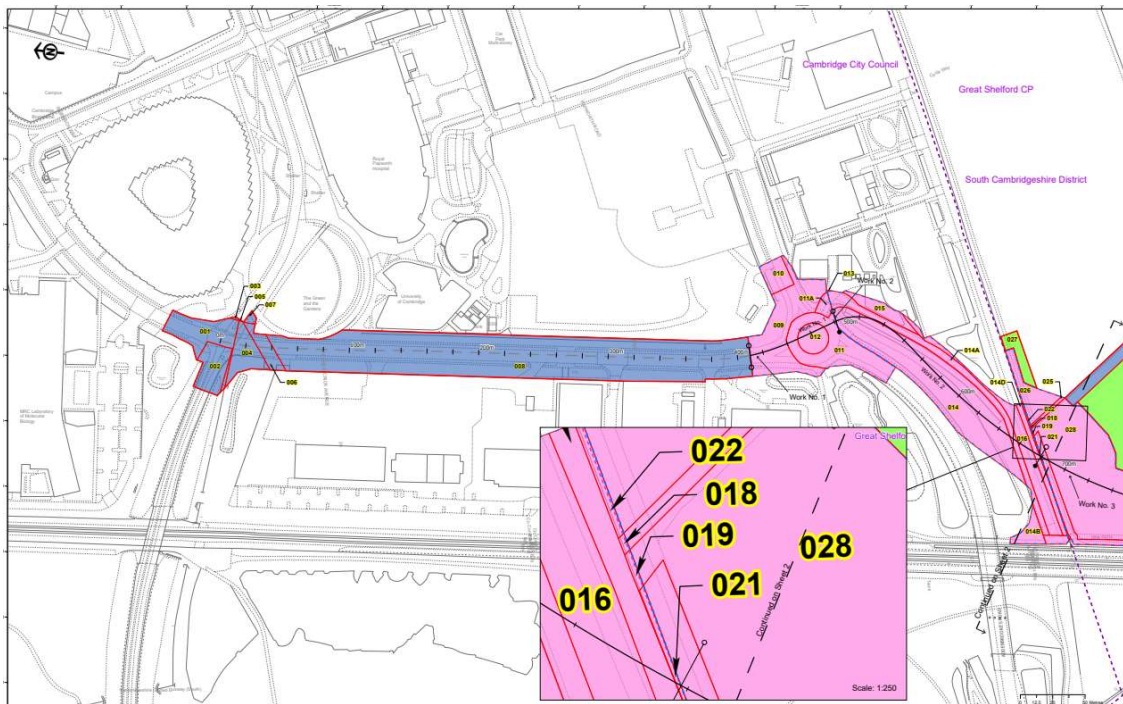


Figure 2 – Sheet 1 CSET-11-D01

- (b) unrestricted powers to acquire land right up to the boundary of the operational railway¹.

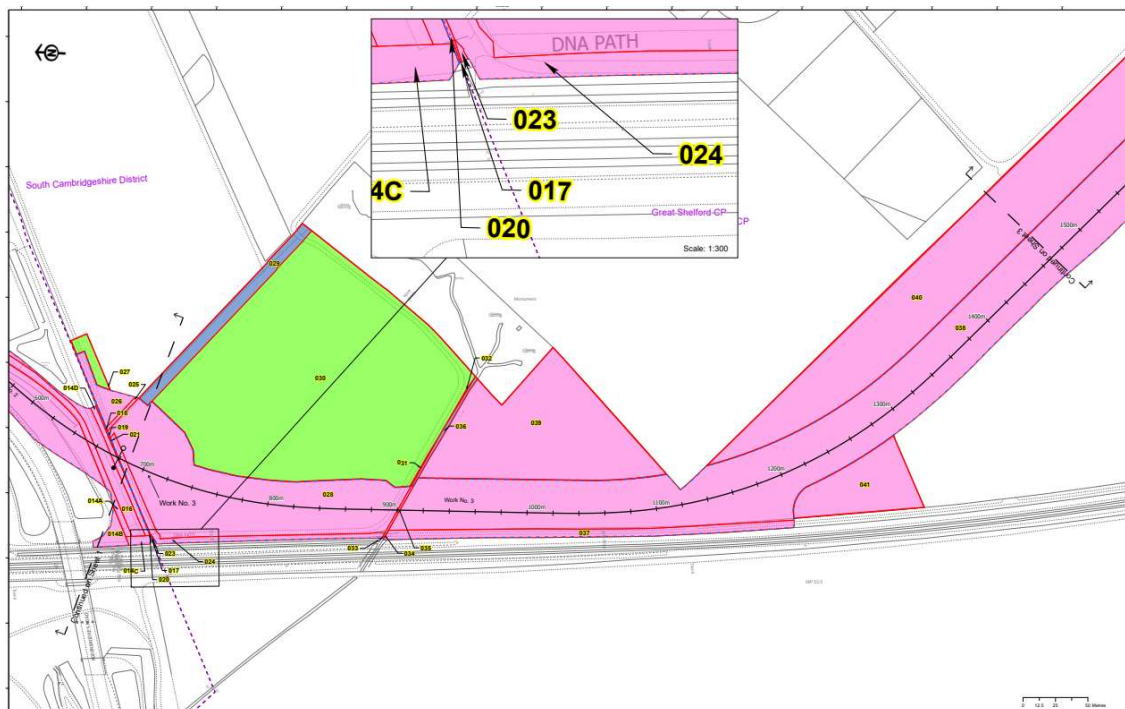


Figure 3 – Sheet 2 CSET-11-D01

- 3.4 Asset protection agreements (**APAs**) are always required by Network Rail in such circumstances and are well preceded to ensure the appropriate and necessary technical, engineering and safety requirements for working on, over or near Network Rail's operational railway. Network Rail requires that one be put in place prior to any works commencing under the CSET Order.
- 3.5 There has been no progression of discussions towards the completion of an APA at the time of drafting this Statement of Case.
- 3.6 Furthermore, under section 16 of the Acquisition of Land Act 1981 (**ALA 1981**), the Secretary of State must be satisfied prior to granting an order, that any acquisition of land will not disrupt the operation of Network Rail's statutory undertaking. While section 16 of ALA 1981 primarily applies to acquisition of land, it remains Network Rail's position that the grant of rights over land which Network Rail have a right over would disrupt the operational of the railway and the acquisition of rights over the land would have an adverse impact on railway operations, without the necessary safeguards in place.
- 3.7 The acquisition of rights over the entrance to Network Rail's new station (currently being constructed) creates risk of conflict between passengers and vehicles accessing the station with users of the CSET route. The conflict creates a liability for Network Rail which requires resolving in order to remove Network Rail's objection.
- 3.8 Whilst there are regular meetings between the Applicant and the Network Rail representatives for the CSIE scheme, there has been no progress of discussions towards a resolution of this

¹ Plots 014B, 014C, 017, 020, 023, 024, 033, 037

potential area of conflict between these areas of land, nor any discussions setting out an estimated timeline for the Applicant's occupation of the land in question.

- 3.9 As mentioned, Network Rail is currently building out the new station and rail upgrades at South Cambridge. These works are being constructed pursuant to the CSIE Order and includes the use of CPO powers for both permanent works and temporary possession associated with the construction of the works.
- 3.10 Network Rail requires further information to understand that the proposed CSET Order will not interfere with or create any limitation on the operation and continued implementation of the CSIE Order (and subsequent operation of the railway and new station), particularly in relation to areas of land which are subject to both orders. Network Rail will require contractual arrangements to be put in place to manage any such interface and avoid any prejudice of Network Rail exercising powers under the CSIE Order.
- 3.11 There has been no progress of discussions in respect of any contractual agreements to manage the interface of the CSET and CSIE schemes.
- 3.12 As stated in Network Rail's objection letter, until such time that an APA and compromise agreement are entered into, regulating certain aspects of the relationship between Network Rail and CCC in relation to the works, the compulsory purchase of land, and the implementation of the powers proposed to be conferred by the CSET Order, Network Rail will remain in objection to the order.
- 3.13 There has been no progress made in any of these regards since the submission of Network Rail's Objection Letter and therefore it continues to object to the proposed Scheme.

4 Conclusion

- 4.1 As stated above, in light of the fact that insufficient progress has been made since the submission of Network Rail's Objection Letter, it continues to reserve its position to be heard at the inquiry to explain the impact of the proposals on its railway undertaking.
- 4.2 Network Rail does not object to the Scheme in principle and supports the provision of sustainable transport developments in the City of Cambridge. However, Network Rail is under a statutory duty to protect the operational railway and associated railway infrastructure. Network Rail wishes to continue to seek agreements on the basis that is well precedented and acceptable to Network Rail as soon as possible.
- 4.3 Network Rail reserves the right to raise further details of objection as and when information comes to light, including in response to the Applicant's Statement of Case.

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