Transport and Works Act 1992

Transport and Works (Applications and Objections Procedure) Rules 2006

Rule 10(2)(b)

The Cambourne to Cambridge Order 202[X]

Explanatory Memorandum

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EXPLANATORY MEMORANDUM – NOVEMBER 2025

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1. INTRODUCTION

1.1 This memorandum accompanies an application (the "**Application"**) made by Cambridgeshire County Council (referred to in this document as the **"Undertaker"**) for an order, under the provisions of the Transport and Works Act 1992. The Application is made by the Undertaker to allow it to construct and operate a guided busway system between Sterling Way, Cambourne, to Grange Road, Cambridge, (the **"Scheme"**).

1.2 This updated memorandum has been prepared by the Undertaker following amendments made during the public inquiry process.

1.3 This memorandum explains the purpose and effect of each article of, and Schedule to, the draft Cambourne to Cambridge Order (the **"Order"**), as required by Rule 10(2)(b) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006**.**

1.4 The Undertaker provides this memorandum to give a detailed explanation of the content of the Order, as required by the Regulations.

1.5 The Order is based on the Model Clauses for Tramways contained in Schedule 2 to The Transport and Works (Model Clauses for Railways and Tramways) Order 2006 (S.I.2006/1954) ("the **Model Clauses**") and in particular schedule 2, which provides model clauses for tramway schemes. The Order occasionally departs from those clauses and follows previous precedent orders including:

1.5.1 the Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523) ("the **Cambridgeshire Order**");

1.5.2 the Greater Manchester (Leigh Busway) Order 2005 (S.I. 2005/1918) (the "**Leigh Order**") and

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

1.6 It also follows more modern wording found in

1.6.1 The Network Rail (East West Rail) (Bicester to Bedford Improvements) Order 2020 (S.I. 2020/114) ("the **East West Rail Order**");

1.6.2 the Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022 No. 1067) (the "**Huddersfield Orde**r"); and

1.6.3 The Network Rail (Cambridge South Infrastructure Enhancements) Order 2022 (S.I. 2022 No. 1406) ("the **Cambridge South Station Order").**

1.7 This memorandum also highlights and explains the purpose and effect of any departures from relevant Orders for similar development. Where appropriate, the drafting also draws on Orders made under the Planning Act 2008.

1.8 Appendix 1 is a document explaining the separation of functions applied by the Undertaker in carrying out its various functions as project undertaker and, separately, as local highway authority and other statutory functions where appropriate. It also provides an explanation of the functions of Cambridge City Council (the **"City Council"**) and South Cambridgeshire District Council ("**SCDC"**). As explained, the Undertaker (or **CCC** as referred to in Appendix 1) is supported in the Application by the Greater Cambridgeshire Partnership (**GCP**), the role of which is also explained in Appendix 1.

2. THE PURPOSE OF THE ORDER

2.1 The Scheme for which the Order has been prepared is a priority for the GCP and the Undertaker, creating a vital link to ease congestion, offer sustainable travel choices, connect communities and support growth. The Scheme aims to provide better public transport for those who travel in the A428 and A1303 area, improving journey times and linking communities and employment sites in the area west of Cambridge.

2.2 The Scheme will include a two-way 13.6km long guided busway connecting Cambourne in the west with 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 Cambridge campus.

2.3 An emergency and maintenance access track will run alongside the segregated sections of guided busway, and will also be available for use as an active travel path. For the most part it will be designated as a public bridleway, subject to its primary purpose for maintenance and use in emergencies.

2.4 In addition the Scotland Farm travel hub (a park and ride facility) will be situated along the route, just north of the A428, approximately 5km west of Cambridge.

2.5 The Scheme includes new bridges over the M11 and at Bin Brook to provide for the two-way guided busway

2.6 In addition, the Scheme includes access roads, temporary compounds, diversion and creation of public rights of way, highway crossings, drainage works and attenuation and infiltration ponds.

2.7 The Scheme will use hybrid powered vehicles (and in due course, electric vehicles) which will be guided either wholly or mainly by means of sensors on the vehicles for the receipt of data which is used to guide the vehicles; or wholly or mainly by means of wheels bearing outwards against fixed apparatus. It will provide a service of around 10 buses per hour each way.

3. STATUTORY UNDERTAKERS

3.1 The Undertaker is engaged with each of the statutory undertakers and operators of electronic communications systems it has identified as owning apparatus within the Order land.

3.2 Negotiations have progressed well, and it is anticipated that either protective provisions attached to the Order will be finalised in good time before the end of the inquiry or separate agreements will be entered into with the relevant undertaker.

3.3 Where protective provisions are provided in the Order for specific undertakers, not all of these have not yet been finally settled and agreed and may be subject to further change. The protective provisions other than those in Parts 1-3, 5, 8 and 9 within Schedule 12 should be considered to be in draft form.

4. THE PROVISIONS OF THE ORDER

4.1 This section of this memorandum explains the provisions of the Order. A number of made orders are referred to frequently below, being:

(a) the AVTM Order;

(b) the Cambridgeshire Order;

(c) the East West Rail Order; and

(d) the Cambridge South Station Order.

4.2 In addition the Model Clauses are referred to throughout the following explanation of the provisions of the Order.

Provisions of the Draft Order

Part 1: Preliminary Provisions

4.3 Articles 1 to 3 of the Order contain preliminary provisions.

Article 1 Citation and Commencement	This provides for the commencement and citation of the Order. It includes the date on which the Order comes into force, which may or may not be the date on which the Order is made.
Article 2 Interpretation	This provides for the interpretation of the Order. Definitions additional to those set out in the Model Clauses have been included in this article to provide clarity, taking into account the specific provisions of the Order. Definitions contained in the Model Clauses relevant to tramways only have not been included. There are several definitions used in the Order regarding the authorised works which are defined in this article, These are: *authorised guided busway* – any section of guided busway authorised by the Order; *emergency and maintenance access track* – the track provided alongside and as part of, the authorised guided busway; *guided busway* – a way provided for the use of vehicles employing a mode of guidance listed in article 2(e), (f), (g) or (h) of the Transport and Works (Guided Transport Modes) Order 1992; and *guided busway system* – the authorised guided busway and associated apparatus and facilities. Paragraph (2) departs from the Model Clauses by including reference to the imposition of restrictive covenants for the benefit of land which is acquired under this Order. The power to impose restrictive covenants has precedent in, for example, the Network Rail (Ordsall Chord) Order 2015 (S.I. 2015 No. 780) and the Network Rail (Hope Valley Capacity) Order 2018 (S.I. 2018 No. 446). Additional words of clarification have been added to provide that the benefit of the imposed covenants attaches to guided busway premises.

	A new paragraph (3) explains that references to numbered plots are references to plot numbers on the deposited plans. This has been added to provide clarity and has precedent in the East West Rail Order.
Article 3 Disapplication of legislative provisions	This Article seeks, to incorporate and modify legislative provisions which are necessary for carrying out the authorised development. It is not taken from the Model Clauses. Paragraph 3(1) disapplies the provisions of the Neighbourhood Planning Act 2017 insofar as they relate to the powers of temporary possession or use of land pursuant to the Order. The provisions of the 2017 Act are not yet in force and it is not known when they may come into force. The potential for significant change to the processes and timetable requirements in the 2017 Act could have a material impact on the Undertaker's delivery programme and could significantly impact on the ability to deliver the authorised development on time. This potential uncertainty is therefore to be avoided where possible. The principle of disapplication has been previously accepted by the Secretary of State in a number of made development consent orders – see for instance the Silvertown Tunnel Order 2018, article 3(1)(p). Paragraphs 3(2) and (3) seek to disapply provisions of the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016 No. 1154) in relation to the carrying on of a flood risk activity or a water discharge activity in relation to section 32 of the Land Drainage Act 1991 (S.I. 1991 No. 59). This has precedent in the Cambridge South Station Order. This provision has also replaced the consenting requirements under section 109 of the Water Resources Act 1991 (c.57) to erect, construct or carry out works to any structure in a watercourse which is part of a main river (principally the Bin Brook in Cambridge) in order to provide certainty that the project can proceed in relation to works to be authorised by the Order in, over or adjacent to main rivers. Paragraph (2) provides for the disapplication of additional consents which would otherwise be required from the drainage authorities under the Land Drainage Act 1991 (c.59). Under section 23 of the Land Drainage Act 1991 there are requirements for consent to erect obstructions to the flow of an ordinary watercourse and for approval under byelaws made or deemed to be made under section 66 of that Act. These are consents for activities in relation to ordinary watercourses such as improvements to drainage facilities which are a necessary part of the project. The Order disapplies the requirements for in-principle consent. Instead the Order provides for the approval of detailed plans of the works in the protective provisions for the Environment Agency and lead local flood authority in Schedule 12 (protective provisions). The disapplications in paragraphs 2(a), 2(b) and 2(d) have precedent in article 5 of the East West Rail Order. Paragraph 2(c) has precedent in a number of made development consent orders, including article 3(2)(a) of the A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024 No. 60).
Article 4 Application of the 1991 Act	This article provides for the application of the New Roads and Street Works Act 1991 (c.22 "**the 1991 Act**"). It modifies the approach in the Model Clauses, by providing for both provisions of the 1991 Act that will apply to the works executed under the powers of the Order and for certain provisions that will not

	apply. These provisions are set out in a list in paragraph (3). The disapplication of these provisions (which are designed primarily to regulate the carrying out of street works by utility companies in respect of their apparatus) is appropriate given the scale of work proposed under the Order, the specific authorisation given for those works by the Order, and the specific provisions in the Order which regulate the carrying out of the works authorised by the Order. Paragraphs (1) and (2) provide that certain works carried out under the authority of the Order are to be "major highway works" for the purposes of the 1991 Act. The effect of this is to clarify that the cost-sharing provisions relevant to the diversion of utility apparatus (which would apply to such works under the 1991 Act if carried out by the highway authority) will apply in respect of the works authorised by the Order, irrespective of who carries them out. Article 4(3) is not a model clause but is well precedented, for example see article 4 of the East West Rail Order. The effect of the amendment is to increase the number of provisions contained in the New Road and Street Works Act 1991 which are not to have effect in relation to the powers exercisable under the terms of this Order. Paragraphs (4) to (6) apply certain provisions of the 1991 Act (listed in paragraph (5)) to streets which are to be temporarily restricted for use, altered or diverted under the Order. This is for two reasons: first, it prevents any confusion as to whether works in respect of a temporarily affected street are "street works" for the purposes of the 1991 Act; and secondly, it simplifies the implementation of the works by providing for a single process in respect of streets which are stopped up and those which are not. Additions to the Model Clauses are the inclusion of section 75 (inspection fees) within the scope of the provisions of the 1991 Act that will apply. Sub-paragraphs (7)(a) and (b) provide that nothing in article 14 of the Order (which provides that any highway that is constructed, altered or diverted under the Order must be maintained by the local highway authority) affects the operation of section 87 of the 1991 Act, which allows a local highway authority to declare that a street in its area is likely to become a maintainable highway and consequently that Part 3 of the 1991 Act applies to that street. The Undertaker will not in respect of the provisions of the Order, be under the duties that apply to a street authority under the 1991 Act by virtue of being responsible for the maintenance of a street under article 14. It is taken from the Model Clauses. Paragraph (8) makes provision for the Undertaker to have the same powers with respect to the reinstatement of streets as the street authority has under section 72 of the 1991 Act. It is taken from the Model Clauses. Paragraph (9) provides for the guided busway system to be regarded as a tramway for the purposes of the 1991 Act thereby conferring on the Undertaker certain benefits granted to tramway undertakers. Paragraph (10) makes provision for the undertaker to monitor the execution of works and for the protection of the guided busway system. This approach has precedent in article 3 of the Cambridgeshire Order and article 4 of the AVTM Order.

Part 2: Works Provisions

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

Article 5 Power to construct and maintain works	This article authorises the construction and maintenance of the principal works proposed in the Order. Article 5(1) authorises the construction of the scheduled works which are described in Schedule 1 (scheduled works) and shown on the plans and sections deposited in connection with the Application. The scheduled works must be constructed within the limits of deviation (article 5(2)). Article 5(3) authorises the construction of the works described in column (3) of Schedule 2 (acquisition of certain lands for ancillary works) on the land described in columns (1) and (2) of that Schedule. Article 5(4) authorises the construction of the works described in column (3) of Schedule 7 (land in which only new rights, etc, may be acquired) on the land described in columns (1) and (2) of that Schedule. Article 5(5) provides for the construction and maintenance works necessary and expedient for the purposes of the scheduled works. In identifying such works, the article also makes certain provision not included in the Model Clauses by providing for the undertaker to construct other works including: - stops and platforms; - park and ride facilities; - buildings and other works required for the management or maintenance of the authorised guided busway; - embankments cuttings, and retaining walls; - works required for strengthening, improving, maintaining or reconstructing any street; - connections to existing streets; - street furniture drains and apparatus; - works relating to utilities' apparatus; - works to watercourses; - mitigation and ecological works, - works to provide replacement open space; - fencing and provision of paths and ways; and - works for the protection of land and premises. These additional provisions are required as general authorisations for activities intrinsic to the provision of the Scheme and are descriptions of the types of works which it is envisaged are likely to be necessary or expedient for the purposes of, or for purposes ancillary to, the construction of the scheduled works authorised by this Order. In addition, and departing from the Model Clauses, article 5(7) provides for the removal of temporary works constructed by the undertaker for the purposes of the authorised works. Such provisions can be found in the AVTM Order (article 5) and the Cambridge South Station Order (article 6). Paragraph (8) provides that landscaping, ecological mitigation works and other works to mitigate any adverse effects of the construction, maintenance and operation of the authorised works may be carried out or maintained within the order limits. Article 5 departs from the Model Clauses because it does not limit authorisation for carrying out and maintaining certain ancillary works to within street boundaries and on land specified within certain schedules for the purposes specified in those schedules. This could inadvertently restrict ancillary works from being carried out on certain plots. The restriction is not

	considered necessary because the location of the works are adequately controlled through the conditions of the deemed planning permission, which require compliance with the submitted plans.
Article 6 Power to deviate	This Article allows for limits of deviation for scheduled works authorised by the Order. The article requires that these linear works are constructed within the limits of deviation shown on the Works Plan. Vertical deviation is permitted upwards or downwards by 1 metre from the levels shown on the section drawings. Article 6(2) allows the emergency and maintenance tracks that are to be provided as part of the works to be at a different level to the principal element of the relevant work. The wording is taken from Article 6(2) of the AVTM Order. Article 6(3) provides for the provision of such gaps in guidance (which may be necessary for technical reasons or for traffic management reasons) as might be expedient. This provision has precedent in the Cambridgeshire Order (article 5) and the AVTM Order (Article 6). As a departure from the Model Clauses, paragraph (4) provides for the ability to deviate from the start and end points of the scheduled works as shown on the works and land plan. This is required to provide for sufficient flexibility in the construction of the authorised works, particularly at highway crossings. There is precedent in the AVTM Order (article 6), save that the AVTM Order allows only lateral deviation, whereas the Order also allows a work to extend longitudinally for up to three metres from the indicated commencement or termination point. A second departure from the Model Clauses is at paragraph (5). At the request of the local highway authority provision has been made for the final alignment of diverted public rights of way being determined when built, within limits of deviation for the diversion that are to be found on the rights of way plans accompanying the Application. This applies to three public rights of way proposed to be diverted, being: Public footpath 55/2, Coton; Bridleway 39/30 next to the M11 at the West Cambridge Campus, and Footpath 39/31at the West Cambridge Campus. This principle has precedent in article 8 (1)(b) of The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (S.I. 2022 No. 934), but the wording has been changed to reflect the provisions of this Order. The local highway authority has asked that the flexibility as to the precise alignment of the diverted public right of way be included in this Order to allow for micro siting of the diverted ways, if required, at detailed design stage.

Part 3: Streets

4.5 Part 3 of the Order contains provisions for, and relating to, the construction, closure, use of and works to streets.

Article 7 Power to alter layout, etc., of streets	This article permits the Undertaker to alter the layout of streets in order to accommodate the introduction of the guided busway system with the consent of the street authority (not to be unreasonably withheld). Paragraph (1) introduces Schedules 3 and 4 to the Order Schedule 3 lists the streets (Part 1) and public rights of way (Part 2) to which article 7(1) applies. Schedule 4 deals with streets to be stopped up, etc.

	In addition to the powers in the Model Clauses, this article provides for (i) the altering of the width of any kerb, footway, cycle track or verge within the relevant streets and (ii) the carrying out of works for the provision or alteration of parking places, loading bays, bus stop clearways, cycle tracks and bus laybys or traffic calming works which are of a description prescribed in the Highways (Traffic Calming) Regulations 1999 S.I. 1999 No. 1026) and which are carried out in compliance with those regulations (paragraph (2)). Article 7 (2) provides a more general power to carry out works to streets. These provisions are required to construct the authorised works within and across streets and are based on article 6 of the Cambridgeshire Order and Article 7 of the AVTM Order, but altered to fit the requirements of this Application, and in particular the nature of the street works associated proposed for the Scheme. In addition a deeming provision has been included in paragraph (4) to require a notification of a decision by the person receiving an application for consent, as street authority, within 28 days. This is required to ensure that clear and appropriate timetables are known, so that construction of the Scheme is not disrupted by delays in obtaining responses to applications for consent. Where alterations are carried out for a temporary period only, then the undertaker us required under paragraph (4) to restore the temporarily altered street to the reasonable satisfaction of the street authority.
Article 8 Apparatus in streets	This article permits the Undertaker to place and maintain equipment and apparatus in streets for the purposes of or in connection with the construction, maintenance and use of the guided busway system. This may be required for the purposes of guidance of vehicles or for other structures and facilities required for the operation of the guided busway system. Where the power under this article could be exercised within the boundaries of a street outside of the Order limits by virtue of that street having a junction with a street in which the guided busway system is to be constructed, the consent of the street authority (not to be unreasonably withheld) is required. This provision is based on article 8 of the AVTM Order, save that in addition a deeming provision has been included in paragraph (3) to require a notification of a decision by the person receiving an application for consent, as street authority, within 28 days.
Article 9 Power to execute street works	This article confers authority on the Undertaker to execute works in or under streets. Whilst similar provision is included in the Model Clauses, the article also reflect a number of made development consent orders, including article 18 of the A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024 No. 60), by listing, in article 9(1), the permitted activities within streets. It also more closely reflects the wording of section 50 of the New Roads and Street Works Act 1991 (c.22). Article 9(2) is also to be found in article 18(2) of the A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024 No. 60), clarifying that the authority given by this article is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1) (prohibition of unauthorised street works) of the 1991 Act. Article 9(3) makes the exercise of the powers in this article subject to the provisions relating to statutory undertakers contained in schedule 11 (provisions relating to statutory undertakers, etc.). Article 9(4) departs from the Model Clauses and limits the exercise of the powers under article 9 by requiring the consent of the street authority in relation to streets. It is adapted from article 9 of the AVTM Order, to reflect

	that the Undertaker is also the street authority for most of the streets affected by the Scheme.
Article 10 Rights of way over emergency and maintenance access tracks, etc.	This article provides that the use by the public of the bridleways that will be provided on the emergency and maintenance access tracks forming part of the works to be authorised by the Order (and the bridleway connecting to the new open space west of the M11) may be used for emergency access and maintenance purposes. This article is included to permit the use of the emergency and maintenance access tracks by the vehicles for which it is provided, notwithstanding the creation of a public right of way over the track. The article has precedent in article 9 of the Cambridgeshire Order but has been adapted to permit the use of accommodation crossings wherever located, rather than dealing with a specified location. Paragraphs (2) and (3) are novel drafting, prepared following discussions with the local highway authority. Paragraph (2) acknowledges that an effect of the provisions of article 6 (power to deviate) is that the final alignment of emergency and maintenance tracks that will become public bridleways may vary from the routes that are shown on the rights of way plans. The combined effect of paragraph (2) and (3) is to allow the final alignment and width of the area that is to become a public bridleway to be settled by agreement between the local highway authority and the undertaker when the final built alignment is known, but prior to the bridleway being open to the public.
Article 11 Construction of new and stopping up of existing streets, means of access, etc.	This article provides for the construction of certain new streets and the stopping up or diversion of certain existing streets, in accordance with the relevant part of Schedule 4 (Streets and means of access to be stopped up and the provision of substitutes). Schedule 4 splits these into five categories to which this article applies, being new streets (Part 1); streets to be stopped up for which a substitute is to be provided (Part 2); paths or streets to be stopped up for which a substitute is to be provided (Part 3); streets to be stopped up for which no substitute is to be provided (Part 4) and means of access to be closed for which a substitute is to be provided (Part 5). (The provisions of schedule 4 relating to new means of access (Part 6) and means of access to be closed for which no substitute is to be provided (Part 7) refer to powers contained in article 13). The ability to close, without reprovision, the means of access listed in Part 6 of Schedule 4 is required to allow for the construction of Work No. 10. This Work will be shared with the beneficiaries of the existing shared access route, to facilitate access to the land currently benefiting from the to-be-closed means of access. This article is based on the Model Clauses with some variations based on article 10 of the AVTM Order. The provision regarding private means of access being provided is in addition a variation from both the AVTM Order and the Model Clauses. It reflects the particular requirements of this Scheme.
Article 12 Temporary stopping up of streets	This article provides for the temporary stopping up of streets subject to the consent of the street authority concerned (not to be unreasonably withheld but which may be subject to reasonable conditions – paragraph(4) of article 12). It is adapted from article 8 of the Model Clauses. In addition to the Model Clauses, article 12(2) provides that the undertaker may use any street stopped up under the powers of this article as a temporary working site, an addition that has been adapted from the AVTM Order (article 11) by the additional clarification that the power is only to be exercised within order limits. This provides clarity that the undertaker may use the area of the temporarily stopped up street for this purpose, whilst the street is not used by traffic.

	Article 12(3) is from article 8(2) of the Model Clauses and requires that, if the power is exercised to temporarily stop up streets, reasonable pedestrian access must be provided to affected frontage properties. Compensation for temporary suspension of private rights of way on streets temporarily stopped up is provided for in paragraph (5), precedented from article 8(5) of the Model Clauses. A deeming provision has been included in paragraph (6) to require a notification of a decision by the person receiving an application for consent within 28 days. This is required to ensure that clear and appropriate timetables are known, so that construction of the Scheme is not disrupted by delays in obtaining responses to applications for consent.
Article 13 Access and access to works	This article allows the Undertaker the power to provide or improve means of access including those at the locations given in Part 4 of Schedule 4 (Streets and means of access to be stopped up and the provision of substitutes) and to close existing means of access in the locations given in Parts 4 and 5 of Schedule 4. New accesses may be provided at the locations specified in Part 6 of Schedule 4 In addition, the Undertaker may, with the approval of the highway authority, provide or improve means of access at any additional locations within the Order limits as the Undertaker may reasonably require. Article 13(1) is adapted from article 9 of the Model Clauses. Article 13(2) is an addition to the Model Clauses, to provide that, for streets where the undertaker is not also the street authority, the power to form means of access provided is subject to the consent of the street authority. This reflects the fact that the undertaker is also the street authority for many of the streets within Order limits.
Article 14 Construction and maintenance of new, altered or diverted streets	This article makes provision for new footpaths and streets, and alterations or diversions, to be completed to the reasonable satisfaction of the highway authority (or the street authority in the case of alterations or diversions). They must then be maintained by the Undertaker for a period of 12 months, and by the relevant authority thereafter. It is based on article 10 of the Model Clauses but adapted to reflect the nature of the Scheme as a guided busway, in particular by providing clarification in article 14(6) that the guided busway itself is not to be subject to the provisions of this article. Paragraphs (1) and (2) set out the requirement that for 12 months following construction, alteration or diversion of a street, the street is to be maintained by the Undertaker, following which time liability for maintenance falls to the relevant street authority. As an addition to the Model Clauses provisions, article 14(3) provides clarification that, except as provided in the article, the Undertaker shall not be liable to maintain the surface of any street in, on, under or over which the scheduled works shall be constructed, or the immediate approaches to any such street, in respect of the structure of any bridge or tunnel carrying a street over the guided busway or carrying the guided busway over a street unless otherwise agreed with the street authority. Paragraphs (4) and (5) provide clarification in the situation where an action is commenced in respect of a claim that the undertaker has failed to maintain a street. The undertaker is permitted by paragraph (4) to seek to defend such claims on the basis that it maintained the street in such a condition so as to not be dangerous to traffic. Paragraph (5) provides a list of matters the court is to have regard to in determining a claim to which paragraphs (4) and (5) apply. Paragraphs (1) to (5) have precedent in article 13 of the AVTM Order.

	In addition, article 14(6) makes it clear that the provisions of article 14(1) do not apply to the authorised guided busway, as the undertaker will be the street authority for the authorised guided busway.
Article 15 Agreements with street authorities	This article would authorise street authorities and the undertaker to enter into agreements relating to the construction of new streets, works in or affecting streets and the stopping up, alteration or diversion of streets. It varies from the Model Clauses at paragraphs (b) and (c) of article 15, instead following the precedent in the AVTM Order (article 14), save to reflect that only one transport system is to be authorised by this Order. These paragraphs provide for further matters about which the Undertaker may reach agreement with the street authority. Paragraph (2) provides further clarity as to the subject matter of an agreement, including for the relevant street authority to carry out functions relating to the relevant street and for the terms of payment considered appropriate by the parties. It accords with article 14(2) of the Model Clauses.
Article 16 Level crossings	This article is included to make relevant provision for the crossing of existing roads on the level by the authorised guided busway and reflects the existence of a number of required crossing points where the authorised guided busway will cross existing roads. It permits the Undertaker to construct new road crossings in respect of roads, or highways, enabling guided transport vehicles to cross those roads or highways on the level. The relevant crossings are specified in Schedule 5 (highways to be crossed on the level) which is introduced by article 16(1). Article 16(4) allows the Undertaker the power to alter the level of any highway specified in schedule 5. This power is needed for any necessary tying works required to provide for an appropriate level for the crossings and is subject to the vertical limits of deviation in article 6. Article 16(2) provides that any traffic sign which is put in place is to be treated as if placed under the Road Traffic Regulation Act 1984. Paragraph (3) allows the Undertaker to enter into agreements with the highway authority in respect of the construction and/or maintenance of the level crossings. Paragraph (5) allows the Undertaker to provide and maintain barriers at highway crossings, subject to the approval of the Secretary of State. This article is necessary for protecting the continuing operation of the guided busway system and has precedent in article 15 of the Leigh Order.
Article 17 Use of private roads for construction and operation	This article permits the Undertaker to use private roads within Order limits for both construction and operation of the authorised works. Compensation is payable for repair of such roads for loss or damage resulting from the exercise of the power (paragraph (2)). Article 17(3) provides for disputes as to compensation to be determined under Part 1 of the 1961 Act. This power is required to permit the Undertaker, its agents and those seeking to use the guided busway services to use the existing streets within the Order limits, such as Wellington Way at Bourn Airfield as well as private roads on the University of Cambridge's Western Campus, such as Charles Babbage Road. The article has precedent in article 14 of the Cambridge South Station Order.

Part 4: Supplemental powers

4.6 This Part provides for powers to deal with watercourses required to be used for drainage of the guided busway and powers of entry on to land for the purposes of survey.

Article 18 Discharge of water	This article is required to allow for the drainage of the land within the Order limits in connection with the carrying out and maintenance of the development. It in part reflects article 18 of the Model Clauses but has been modernised to reflect the drafting of more recent made Orders. Article 18(1) allows the use by the Undertaker of any watercourse public sewer or drain within the Order limits and to effect works to them. If there is a dispute as to the exercise of the power in respect of a public sewer or drain, then article 18(2) provides that such dispute is to be determined as if it were a dispute under section 106 of the Water Industry Act 1991 (c.56). Under the provisions of article 18(3) consent is required from the person who owns the relevant watercourse, public sewer or drain but such consent may not be unreasonably withheld. Article 18(4) provides that openings into public sewers or drains must be in accordance with approved plans and may be subject to the supervision by the owner. Article 18(5) provides that the undertaker must not damage or interfere with the bed or banks of any watercourse forming part of a main river. Article 18(6) provides that the undertaker must take reasonably practicable steps to ensure that any water that is discharged is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension. Article 18(7) clarifies that the provisions of this article do not override the environmental permitting regime. In addition, a deeming provision has been included in paragraph (8) to require a notification of a decision by the person receiving an application for consent within 28 days. This is required to ensure that clear and appropriate timetables are known, so that construction of the Scheme is not disrupted by delays in obtaining responses to applications for consent. Similar provision is to be found in a number of made Orders, such as in Article 19(8) of the East West Rail Order.
Article 19 Power to survey and investigate land etc	This article confers upon the Undertaker a power to survey and investigate land, including the ability to make trial holes, to use and leave apparatus on the land in question and to enter onto land. The Article also makes provision in relation to the payment of compensation and the notice period that must be given to owners and occupiers of land ahead of any surveys. Approval (which may not be unreasonably withheld) for the making of trial holes is required, in the case of a carriageway or footway, from the highway authority, or in the case of a private street, from the street authority. In a departure from the Model Clauses a highway or street authority which fails to respond to an application for consent within 14 days of the application being made is deemed to have given its consent. This is included to ensure the programme for the authorised works is not unduly delayed by the need to secure approval for surveys. Paragraph (13) provides that the undertaker must compensate the owners and occupiers of the land for any loss or damage arising due to the exercise of the survey powers to be resolved as if it were a dispute under Part 1 of the Land Compensation Act 1961. The article is based on article 21 of the East West Rail Order, with suitable amendment, as the Model Clauses are now substantially out of date, with more recent Orders reflecting the provision of section172 etc. of the Housing And Planning Act 2016 (c.22). It is further amended to reflect the recent precedent in the A1 in Northumberland: Morpeth to Ellingham Development Consent Order 2024 (S.I. 2024 No 733), article 26.
Article 20	This article ensures that once constructed, the guided busway will be treated as operational land and so will have the benefit of permitted development rights

Planning Permission and supplementary powers	under Part 9 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015 No. 596). The provisions of paragraphs (1) and (5) of this article are taken from article 19 of the AVTM Order. Paragraphs (2) to (4) of the Article deem permission to be given in relation to any works to be carried out to a tree which benefits from a Tree Preservation Order. Precedent for the wording is in article 35 of the Cambridge South Station Order. Paragraph (5) provides that undertaker shall be regarded as a road transport undertaking for the purposes of section 262(1) of the Town and Country Planning Act 1990. This confers the status of statutory undertaker on the undertaker for the purposes of the authorised works in respect of the provisions of Part XI of the 1990 Act allowing it to carry out certain works without the need for express planning permission and adjusting some of the processes by which applications for express planning permission would be dealt with. This clarification as to the planning status of the undertaker is appropriate so that the undertaker is treated in a similar manner to other persons who maintain public transport infrastructure in respect of planning related processes, reflecting the nature of the authorised guided busway as essential local transport infrastructure.
Article 21 Restriction on Apparatus	This article deems the guided busway and its associated emergency and maintenance track to have been designated by the street authority as a protected street for the purposes of section 61 of the New Roads and Street Works Act 1991 (c.22). This is necessary as the guided busway will have the characteristics of a street as defined in section 48(1) of the 1991 Act and it is essential for the provision of a high quality public transport route that apparatus is not installed within or adjacent to the guided busway under the 1991 Act's provisions without the consent of the authority that owns and manages the guided busway. The article has precedent in article 20 of the Cambridgeshire Order.
Article 22 Obstruction of construction of authorised works	This article would make obstructing the construction of the proposed works or interfering with apparatus belonging to a person acting under the authority of the undertaker a criminal offence. The provision is justified to enable the undertaker to construct the authorised works and to protect apparatus deployed in their construction. Precedent can be found in article 22 of the AVTM Order. Similar provision is also to be found in the Cambridgeshire Order but the more modern drafting of the AVTM Order has been used.

Part 5: Acquisition And Possession of Land

4.7 Part 5 of the Order contains provisions for, and relating to, the acquisition and possession of land, the subsoil of land, rights and interests in land (including the imposition of restrictive covenants) and for the temporary possession of land for the purposes of, or in connection with, the Scheme. It also provides for the payment of compensation.

Article 23 Compulsory acquisition of land	This article confers powers of compulsory acquisition on the Undertaker of so much of the Order Land as is required for the Scheme or to facilitate it or is incidental to it. This power is required as the undertaker has not yet assembled all the land required for the construction of the Scheme. The article reflects article 23 of the AVTM Order in referring to permanent limits in paragraph (1) but is further adopted

	to reflect the more modern drafting of article 19 of the Cambridge South Station Order. It also authorises the compulsory acquisition of land required for the works in Schedule 1 and the ancillary land specified in Schedule 2, which includes replacement open space land, for the purposes set out in Schedule 2. Paragraph (2) limits the area of compulsory acquisition in plot 14-150, the M11 Motorway, to freehold ownership in the airspace above 5.4 metres above the surface of the M11, being the intended minimum height of the structure of the new bridge over the M11 forming part of Work No 9. The undertaker is permitted to secure new rights and exercise temporary powers below the stated minimum level of the works, for the purposes of constructing and maintaining the proposed bridge over the M11 motorway. The wording of this paragraph has been agreed with National Highways Limited. Paragraph (3) prevents the compulsory acquisition of the freehold of plots listed in schedule 6 (Land not to be acquired compulsorily) of the Order (but does not prevent the acquisition of those plots by agreement or the acquisition of rights over those plots by agreement). Existing rights over land would be extinguished or suspended, subject to the payment of compensation. The paragraph is included to reflect that there are certain plots where the compulsory acquisition of land is not required, as a result of agreements being in place for the acquisition of interests in land required by the Undertaker.
Article 24 Application of Part 1 of the 1965 Act	This article applies, with modifications, Part 1 of the Compulsory Purchase Act 1965(c.56). It is adapted from the Model Clauses to reflect changes introduced by the Housing and Planning Act 2016 (c.22). These changes are based on the provisions of article 23 of the East West Rail Order. Paragraphs (2) and (3) amend the provisions of the Compulsory Purchase Act 1965 so that they are consistent with the terms of the Order and paragraph (4) makes it clear that the notice periods introduced by the Housing and Planning Act 2016 are adjusted to reflect that this Order is to be made under the 1992 Act. In addition, the Article also reflects recent amendments to the Compulsory Purchase Act 1965 providing that where the making of the Order is subject to a statutory challenge, the deadline for the exercise of compulsory acquisition powers under the Compulsory Purchase Act 1965 is increased by a period equivalent to the period beginning with the day the application is made, and ending on the day it is withdrawn or finally determined (or if shorter, one year) (paragraph 7). Paragraph (5) provides for a revised notice period of 1 month instead of 3 months for the service of notice of entry in cases where that notice only relates to entry onto land subject to the acquisition of an easement or other right so to exercise such an easement or right. This revised period would not apply to cases where the notice of entry relates to taking possession of land that is subject to freehold acquisition. The Order would permit (and in certain cases limit) the Undertaker to acquiring the new rights in land. In such cases a lesser notice period is appropriate where the notice of entry is limited to only enabling the exercise of an easement or right acquired over land. This approach has precedent in the Huddersfield Order, at article 27(5). This article also clarifies, by applying an amendment for the purposes of the Order to Schedule 2A of the Compulsory Purchase Act 1965, that the counter-notice provisions in that schedule that are available to landowners where part only of land is acquired compulsorily do not apply where the land has only been taken possession of under the temporary possession powers set out in article 28 or article 29(paragraph 8). Paragraphs (6) and (7) make further amendment of the 1965 Act in respect of notices of entry and in in respect of omitted interests. Paragraph (8) is precedented in a number of Orders such as the Cambridge South Station Order at Article 20(8). It disapplies the provisions relating to counter notices for material detriment claims where the powers of article 34 (Power to

	acquire subsoil or airspace only) of this Order are exercised. It also clarifies that exercising temporary powers under this Order would not constitute taking possession of land for the purposes of Schedule 2A of the 1965 Act.
Article 25 Application of the Compulsory Purchase (Vesting Declarations) Act 1981	This article provides for the Order to apply as if it were a compulsory purchase order for the purposes of the Compulsory Purchase (Vesting Declarations) Act 1981 (c.66) and provides for that Act to have effect subject to certain modifications. It gives the Undertaker the option to acquire land by this method rather than through the notice to treat procedure. This article is based on the Model Clauses and has been updated to reflect the changes brought about by the Housing and Planning Act 2016 (c.22) including the amendments to the Compulsory Purchase (Vesting Declarations) Act 1981. It provides that where the making of the Order is subject to a statutory challenge, the deadline for the exercise of compulsory acquisition powers under the Compulsory Purchase (Vesting Declarations) Act 1981is increased by a period equivalent to the period beginning with the day the application is made, and ending on the day it is withdrawn or finally determined (or if shorter, one year). The drafting reflects the provisions of Article 28 of the Huddersfield Order but is amended to remove provisions not relevant to this Order.

Article 26 Power to acquire new rights and imposition of restrictive covenants	The article enables the Undertaker to acquire rights over land, including new rights and existing rights if applicable. The article is drafted so as to allow the Undertaker flexibility to acquire new rights in the Order land if appropriate rather than outright acquisition under Article 23 (Compulsory acquisition of land). This flexibility allows the Undertaker, if it is possible so to do, to reduce the areas required for freehold acquisition and rely on new, permanent rights instead if this is appropriate. It broadly follows the Model Clauses and is a provision that is usual in Transport and Works Act Orders and hybrid bills. Provision is, in addition, also made for the imposition of restrictive covenants on relevant Order land if required for protecting the authorised works, such as covenants preventing the reduction of cover, or the building over, of drains installed in land where the undertaker has sought new rights rather than freehold acquisition. The drafting is largely based on article 29 of the Huddersfield Order, which contains powers to impose restrictive covenants. The drafting in the Order is simplified to reflect the more limited nature or rights being sought under this Order. The article makes reference to Schedule 7 (Land in which only new rights etc. may be acquired), and states that in the case of land specified in Schedule 7, the new rights that may be acquired are limited to the new rights (and restrictive covenants where relevant) set out in the Schedule (paragraph 2). Reference is also made to Schedule 8 (Modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants) in which the modifications of compulsory purchase legislation to apply appropriate provisions regarding material detriment etc. to the acquisition of new rights (paragraphs (4) and (5)). Paragraphs (6) and (7) deal with the situation where the power to acquire or rely on new rights is transferred to a statutory undertaker, in circumstances where the relevant interest in land is required for the provision, diversion or relocation of their apparatus. The provision, which is subject to the consent of the Secretary of State (paragraph 5), is appropriate as the land benefiting from the rights to be secured is likely to be the estate of the relevant statutory undertaker, which may make it more appropriate for the undertaker to secure the relevant rights over land. The transferred power will remain subject to the provisions of this article. The drafting reflects article 29(10) and (11) of the Huddersfield Order. The Undertaker considers the power to secure restrictive covenants in land is justified to protect installed apparatus forming part of the authorised works, where new rights are sought for the installation, operation and maintenance of those works. The drafting in Schedule 8 indicates where it is anticipated restrictive covenants will be sought, principally to protect apparatus installed underground. The Undertaker believes this approach to installing and protecting apparatus is an appropriate compromise between allowing the existing owner to retain the principal beneficial interest in their land, but also allowing the Scheme to proceed. If restrictive covenants were not available to be imposed then the undertaker would have to secure the freehold of the relevant land. Precedent showing the principle for the power to provide for restrictive covenants can be found in Article 24(2) of the Network Rail (Ordsall Chord) Order 2015 (2015 No. 780) as well as the powers to impose restrictive covenants contained in Article 29 of, and Schedule 10 to, the Huddersfield Order.
Article 27 Rights under or over streets	This article provides that the Undertaker may use the subsoil of, or air space over, any street within Order limits for the purposes of the authorised works without being required to acquire any part of the street or any easement or right in the street. paragraphs (1) and (2)). This power does not extend, however, to subways, underground buildings, or cellars and vaults in or under a street forming part of a building fronting onto the street (paragraph (4)). Provision is made for the payment

	of compensation (paragraphs (3) and (5). Precedent can be found in the Cambridge South Order.

Part 6: Temporary Possession of Land

4.8 Part 6 of the Order provides for temporary powers to use land required for the construction and initial maintenance of the Scheme.

Article 28 Temporary use of land for construction of works	This article permits the Undertaker to take temporary possession of the land included in Schedule 9 (Land of which temporary possession may be taken). The article also provides for other land within Order limits in respect of which notice of entry has not yet been served under s.11 of the Compulsory Purchase Act 1965 (c.56) and no vesting declaration has been made under the Compulsory Purchase (Vesting Declarations) Act 1981 (c.66) to be used temporarily. This broadly follows the Model Clauses (article 30) but has been modified in line with a number of more recent Orders, principally the East West Rail Order. As works may be constructed prior to permanent acquisition of land, permanent land interests can be acquired for the Scheme "as built", with no need to account for uncertainties in as-built construction in terms of land acquired. The availability of temporary powers allows greater flexibility in the event that following detailed design of the works it is decided that only temporary occupation rather than permanent acquisition of land is required. The article provides that powers to take possession of land temporarily, if land is specified in Schedule 9 (Land of which temporary possession may be taken), may be used only for the specific purposes set out in column 3 of that schedule (paragraph 1). The provisions depart from the Model Clauses in respect of paragraph (4) by allowing works constructed on land taken temporarily in specified circumstances, such as providing access to neighbouring land, works for the benefit of statutory undertakers or for ground strengthening. Similar provision is within a number of made Orders such as article 25(4) of the Cambridge South Station Order In all cases where powers of temporary possession are exercised, compensation must be paid to the landowner and any occupiers for loss or damage arising from their exercise where claimed (paragraph 1).
Article 29 Temporary use of land for maintenance of works	This article provides that the Undertaker may take temporary possession of land within the Order limits required for the purpose of maintaining the authorised works, and to construct such temporary works as may be reasonably necessary for that purpose for a period of five years from the date on which that part of the authorised development is first used. Provision is made for notice (paragraph 3) and compensation(paragraph 6). This power does not apply with respect to houses, gardens or any other buildings for the time being occupied. This is based on, but modifies, the Model Clauses (article 31) by including more details on the content of any notice to be served under article 29(3).
Article 30 Temporary use of land for access	This article authorises the Undertaker to take temporary access over land specified in schedule 10 for the purpose of temporary access, rather than taking possession, for constructing the authorised works. It requires 7 days' prior notice to be given to those interested in the land unless access is urgently required. The purpose is to allow a more limited impact on the use of land where the acquisition of new rights on a permanent basis, or temporary possession of the land is not required. It is based on article 30 of the East West Rail Order.

Part 7: Compensation

4.9 Part 7 deals with specific issues regarding the payment of compensation to affected parties in particular circumstances.

Article 31 Disregard of certain interests and improvements	This article reflects section 4 (Assessment of compensation) of the Acquisition of Land Act 1981 (c.67) and is included to apply the effects of that section to compulsory acquisition under the Order. The effect of the article, as with section 4 of the 1981 Act, is to allow the Tribunal to disregard certain interests in and enhancements to the value of land when assessing compensation if the interest or enhancement was designed with a view to obtaining compensation or increased compensation. The wording can be found in article 32 of the Model Clauses, subject to minor modification to update the article in respect of modern drafting convention.
Article 32 Set off for enhancement in value of retained land	This article provides that, in assessing the compensation payable to any person in respect of the acquisition of any land, or new rights and restrictive covenants over land, the Tribunal shall set off against the value of the land any increase in value of any contiguous or adjacent land belonging to that person arising out of construction of the authorised works. The Undertaker believes this provision is necessary because the Scheme will in part be constructed within or in close proximity to land that is anticipated to be benefited by the provision of the new sustainable transport opportunities providing access to the centre of Cambridge. It is believed appropriate that, if such benefits lead to an increase in the market value of land in proximity to the authorised works, those persons seeking compensation following their land being taken for the Scheme should have the benefit they will receive in respect of their retained land, arising from the Scheme, reflected in the level of compensation paid to them. This article is to be found in a number of made development consent orders and is drawn from Article 33 of the Model Clauses.

Part 8: Supplementary

4.10 This part deals with particular interests in land and types of land that may be subject to powers of compulsory acquisition. It gives the Undertaker the power to extinguish rights in land and also to acquire subsoil or airspace only. It also deals with open space land.

Article 33 Extinguishment or suspension of private rights	This article deals with extinguishing or suspending private rights, such as existing easements in existence within Order limits. It is based on the Model Clauses (article 35) and the Huddersfield Order (Article 39), save that it is further adapted to apply to all private rights rather than being limited to just rights of way. Given the complex nature of the titles of some of the plots comprising the Order land it is necessary to allow for the provisions in this article to apply to all relevant interests in the Order land to enable the Undertaker to proceed with the works and to convert the relevant interests in land in to rights to compensation. Article 33(1) provides for the extinguishment of relevant rights where the undertaker acquires the land, whether compulsorily of by agreement. Where land is acquired, private rights are extinguished on the date of acquisition on the date of entry on to land if acquired compulsorily.

	Article 33(2) provides for the extinguishment of private rights on Order land already owned by the Undertaker, when any activity authorised by the Order interferes with or breaches those rights. Paragraph (3) provides for similar effect in the situation where new rights are secured over land, where there already exist rights over the land that are incompatible with the new rights sought. Those existing rights are extinguished in so far as their continuance would be inconsistent with the new rights sought. Paragraph (4) suspends incompatible rights during periods when temporary possession powers are exercised by the Undertaker, for as long as the Undertaker remains in lawful possession of the land. This suspension may be required for instance to prevent a beneficiary of a right of access seeking to exercise such right during construction activities where the Undertaker has taken temporary possession of the relevant land. Compensation is provided for in paragraph (5). Compensation is payable under this article in accordance with the principles for the payment of compensation for injurious affection to land that would ordinarily apply to schemes where statutory authority is relied upon and a claim under section 10 of the Compulsory Purchase Act 1965 (c.56) arises. Paragraph (6) prevents the application of the article to certain rights held by statutory undertakers. Paragraph (7) allows the Undertaker to provide notice to the contrary to the provisions of the article, allowing the undertaker to confirm to the relevant owner of a dominant tenement that the rights that would by operation of this Article be suspended and unenforceable are not so suspended or unenforceable. Paragraph (8) deals with the benefit of the provisions of an agreement made pursuant to paragraph(7)(b) also benefiting persons deriving title from the party reaching agreement with the Undertaker. Paragraph (9) is a departure from precedented drafting and is included to make it clear that the provisions of this article apply to lands the Undertaker may acquire by way of lease, with the agreement of the relevant freehold owner. There are several landowners willing to provide the Undertaker with a long lease of their interest in land but are unwilling to dispose of their freehold interest in land. Whilst the Undertaker is content to secure the required land by way of long lease, it needs to be able to suspend or extinguish any other interest in land to enable the authorised works to be constructed, maintained and operated.
Article 34 Power to acquire subsoil or airspace only	This article authorises the Undertaker to acquire the subsoil in any Order land without acquiring the whole of that land. In certain cases, it may be necessary only to acquire a stratum of land below the surface and in the absence of this article the Undertaker would be obliged to acquire the whole interest in the land. The article is based on article 27 of the Model Clauses, adapted to reflect the provisions of Schedule 2A of the Compulsory Purchase Act 1965 (c.56), as inserted by s.199 of and Schedule 17 to the Housing and Planning Act 2016 (c.22). Precedent can be found in article 26 of the East West Rail Order. Paragraphs (3) and (4) are taken from article 32(4) and (5) of the Huddersfield Order.
Article 35 Time limit for exercise of acquisition	This article compulsorily imposes a time limit of five years from the coming into force of the Order for the exercise of powers of compulsory acquisition of land. This follows the approach in article 36 of the Model Clauses.
Article 36 Open Space Land	Under s.12 of the 1992 Act (c.42) an order is subject to special parliamentary procedure if it authorises the compulsory acquisition of land to which the section applies (i.e. a common, open space or fuel or field garden allotment), unless the

	Secretary of State is satisfied that certain tests under s.19 of the Acquisition of Land Act 1981 (c.67) are met. Section 19 of the Acquisition of Land Act 1981 provides that, in so far as a compulsory purchase order authorises the purchase of any land forming part of a common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Secretary of State is satisfied that exchange land has been or will be given in exchange for the order land, and the exchange land has been or will be vested in the prospective seller and subject to the same rights, trusts and incidents as attach to the order land. This article deals with the replacement of open space special category land, the acquisition of which is required for the Scheme. Open space land is defined in section 19(4) of Acquisition of Land Act 1981 being land that is laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground. It is to be noted that this statutory definition is narrower than the use of the phrase "open space" in the local planning policy documentation adopted by the relevant host local planning authorities. The local planning policy definitions include land that is not used by the public for recreation (or formally laid out as open space). This article therefore makes provision for the existing open space land to vest in the Undertaker only if it has taken possession of the exchange land which will be used to replace the open space special category land. On the east side of the M11 motorway construction of Work No. 9 will require the acquisition of land that is publicly accessible by way of bridleway 39/30 and is designated as open space by the Cambridge City Council Local Plan 2018 Policy 67. It applies to two plots shown in the book of reference and land plans, 14-153 and 14-154. (Neighbouring land held by the University of Cambridge also forming part of the open space is expressly excluded from compulsory acquisition, so is not subject to the need for a certificate or special parliamentary procedure under Section 19 of the Acquisition of Land Act 1981). Paragraph (1) prohibits possession of plot 14-153 under the powers in the Order unless the undertaker has also taken possession of the relevant exchange land. Paragraph (2) discharges the open space special category land from all existing rights trusts and incidents to which it is subject. Paragraph (3) requires the exchange land to be paid out as replacement open space withing one year of the authorised works being brought into public use. Plot 14-154 is also Crown Land. The relevant Crown interest cannot itself be subject to compulsory acquisition. However, it dealt with in the draft article (and will be included in the application for a certificate under section 19 of the Acquisition of Land Act 1981) as the Undertaker anticipates powers may be required to remove other interests that may still exist in this land. Paragraphs (3) and (4) therefore repeat paragraphs (1) and (2) in relation not the DfT Open Space ant the land to be provided in replacement for it. Paragraph (5) sets the timetable for the provision of replacement open space before the end of the period of one year beginning with the date the authorised works are first brought into public use. On the date on which the exchange land is laid out and provided in accordance with the scheme, the replacement land will vest in the person in whom the special category land was previously vested and will be subject to the same rights, trusts and incidents as attached to the special category land (paragraphs (6) and (7). The article is based on article 44 of the Huddersfield Order but modified to reflect the circumstances of the Scheme.

Part 9: Operation Of The Guided Busway System

4.11 Part 9 of the Order contains provisions on operational matters for the guided busway system.

Article 37 Power to operate and use the guided busway system	This article authorises the Undertaker to operate and use the guided busway for the carriage of passengers and goods. It also grants to the Undertaker exclusive rights in relation to the operation of the guided busway. A saving is provided in paragraph (3) in respect of the exercise of public rights of way. This provision is based on article 34 of the Cambridgeshire Order.
Article 38 Power to charge fares	This article contains powers for the Undertaker to charge fares for travelling on the guided busway. It is based on the Model Clauses but is expanded to follow article 37 of the AVTM Order in providing for the entry into agreements for ticketing arrangements.
Article 39 Removal of obstructions	This article provides for the person in charge of a vehicle obstructing any vehicle using the guided busway system, from which a load has fallen obstructing the system, to be responsible for its immediate removal. In default, provision is made to enable the Undertaker to take reasonable steps to remove the obstruction and to recover its expenses from the person in charge of the vehicle at the time or, in certain circumstances, the vehicle's owner. Further, an offence is created in relation to the wilful interference with or the obstruction of the operation of the guided busway system. It is adapted from the AVTM Order, article 38. The power is required to enable the Undertaker to act if an obstruction is caused to the guided busway system, so as to reduce perturbation to the system.
Article 40 Traffic signs	This article enables the Undertaker to place and maintain traffic signs for the purposes of the authorised guided busway system. Paragraph (2) requires the undertaker to consult with and to enter into arrangements with the traffic authority for this purpose. This is made subject to the traffic authority not being the Undertaker, to reflect the role of the undertaker as traffic authority. Paragraph (3) makes it clear that directions that may be given to a traffic authority would apply to the Undertaker. Paragraph (4) requires that a traffic authority intending to place signs on any street where the guided busway system is to operate must consult with the Undertaker. This is required to allow the Undertaker to provide its views on the likely impact of such signage on the operation of the guided busway system. Paragraph (5) makes it clear that guided transport vehicles will be taken to be public service vehicles for the purposes of the Road Traffic Regulation Act 1984 (c.27), section 122. The article is adapted from the AVTM Order, article 38. The power is required to allow for the proper signage and regulation of the guided busway system, particularly at interfaces with the public and with traffic.
Article 41 Restrictions on waiting	This article is included to allow the Undertaker to impose no waiting restrictions on existing streets, in particular St Neots Road in Hardwick. The power is sought to enable the passage of buses on the street where street running is required between parts of the guided busway, without hindrance from parked vehicles. The drafting is taken from the A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024 No. 60), article 22, but adapted to reflect that clearways and other prohibitions required for that scheme are not relevant for this Order, as well as to reflect the practices and drafting of the traffic authority.

	The lengths of street to be subject to the no waiting restrictions are described in Part 1 of Schedule 10 and the prohibition is imposed by paragraph (1). Paragraphs (2) and (3) list exceptions to the prohibition that is created by paragraph (1), when it would be lawful for a vehicle to stop and not contravene the prohibition. Paragraph (4) allows for dispensations from the prohibition to be issued by the traffic authority upon application. Paragraph (6) provides definitions and clarification relevant to the prohibition . Paragraph (7) allows for the variation and revocation of the measures contained in this article by an order under the 1984 Act (c.27) and without the need for an amendment to this Order.
Article 42 Vehicle Movements	This article prohibits entry by vehicles from and to roads which are specified in Schedule 10, Part 2, column (2), except upon the direction of or with a permission of a police officer. The relevant movements are specified in parts 2 and 3 of Schedule 11. The drafting is adapted from the A12 Chelmsford to A120 Widening Development Consent Order 2024 (S.I. 2024 No. 60), the wording of article 22 being adapted to reflect the particular circumstances of the Scheme. Paragraph (3) provides for exceptions to the prohibition for the maintenance and repair of the relevant road and for works to apparatus. Dispensations to the prohibitions are provided for in paragraphs (4) and (5). Paragraph (7) allows for the variation and revocation of the measures contained in this article by an order under the 1984 Act and without the need for an amendment to this Order.
Article 43 Traffic regulation	This article allows the Undertaker, in respect of roads in which it is not the traffic authority, to: - revoke, amend or suspend in whole or in part any order made under the Road Traffic Regulation Act 1984 (c.27); - permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road; - authorise the use as a parking place of any road; - make provision as to the direction or priority of vehicular traffic; or - permit or prohibit vehicular access to any road. The power may not be exercised after 12 months after the opening of the guided busway (Paragraph (3). The Undertaker is required by paragraph (4) to notify the chief officer of police and the relevant traffic authority in advance of the exercise of the powers under paragraph (2) of the article. The process for notices is set out in paragraph (5). The provisions made under this article are given effect as if an Order under the 1984 Act had been made by the traffic authority (Paragraph (6)). The article includes at paragraph (7) a specific power to vary or revoke provisions made under it. The wording is based on article 40 of the AVTM Order, save for adaptions to reflect the separate provisions contained in articles 42 and 43 and to also better reflect that the Undertaker is also the traffic authority for many of the roads withing Order limits. In addition a deeming provision is contained in paragraph (11) to ensure that the decision of a traffic authority, where sought, is not unduly delayed.
Article 44	This article is included to enable the Undertaker to fell or lop any tree or shrub near the guided busway system, or cut back its roots, where it believes that it is necessary to prevent the tree or shrub from interfering with the guided busway,

Power to lop trees overhanging the guided busway system	subject to some exceptions. The power is required for the safe operation of the guided busway system. The article makes provision for compensation to be payable for any loss or damage arising from the lopping or felling of trees, shrubs or hedgerows. The wording is based on article 41 of the AVTM Order.
Article 45 Trespass on the guided busway system	This article makes trespass in relation to the proposed areas of the guided busway system that are not a street, or that are in dangerous proximity to the guided busway system a criminal offence. Requirements are included in relation to the display of notices. The provision is included to protect the security of the guided busway system and the safety of those using it or working on it. The wording is based on article 42 of the AVTM Order.
Article 46 Power to make byelaws	This article provided the power for the Undertaker to make byelaws in relation to the guided busway system. Article 47(1) lists the purposes for which the power may be exercised and paragraph (2) lists the nature of provision that may be made. In addition, byelaws relating to the Undertaker's premises would extend to premises used for or in connection with the operation or maintenance of the guided busway system including any depot, building, parking area and park & ride site. Paragraph (3) provides that byelaws made can include criminal sanction for their breach whilst paragraph (4) provides that the Undertaker may take action to obviate or remove any danger, annoyance or hindrance arising from a breach. These powers, including criminal sanction are required to enable the Undertaker to regulate the use of its premises and to protect the safe and efficient operation of the guided busway system. Paragraph (5) provides that the making of byelaws is subject to confirmation by the Secretary of State. The process for making bylaws is set out in paragraphs (6) to (12). The wording is based on article 43 of the AVTM Order.
Article 47 Power to contract for police services	This article enables agreements between the Undertaker and police authorities for the provision of police services for the guided busway system and associated premises. It follows article 46 of the Cambridgeshire Order and article 44 of the AVTM order, with appropriate minor amendments.
Article 48 Powers of disposal, agreements for operation, etc.	This article allows the Undertaker, with the consent of the Secretary of State, to enter into agreements for the transfer, charge or lease of interests in the authorised works or rights to construct, maintain, use or operate the authorised works. It also provides for the entry into agreements, with the consent of the Secretary of State, which are connected with or consequential on any agreements for such transfer, charge or lease. The agreements may provide for any connected or consequential matters, for financing for the construction, maintenance or operation of the authorised works to be provided by the undertaker or any other person, and for the transferee, lessee or any other person to exercise, enjoy or be responsible for any related functions of the undertaker, exclusively or concurrently with the undertaker or another person. The powers would be subject to the same restrictions, liabilities and obligations as would apply to the Undertaker. The Undertaker is also empowered to provide to any person in connection with such an agreement, or with the design, construction, financing, maintenance, use

	or operation of the authorised works such guarantees, indemnities or other forms of security as it considers necessary or appropriate. These provisions are substantially different from the Model Clauses. The changes are required to modernise the Model Clauses and allow the Undertaker to enter more complex contractual arrangements. The article has precedent in Article 45 of the AVTM Order.
Article 49 Application of landlord and tenant law	This article provides that landlord and tenant law will be overridden so as not to prejudice the operation of any agreement entered into under the powers in the Order.
Article 50 Registration of guided busway services and substitute road services	This article allows the Undertaker to provide or secure the provision of replacement services by road where the guided busway system is temporarily interrupted, curtailed or discontinued. Paragraph (3) disapplies section 6 of the Transport Act 1985 (c.67) in relation to such substitute services to the effect that they need not be registered in advance with the traffic commissioner. It also provides that the guided busway system is to be treated as a road for the purposes of the registration of bus services under the Transport Act 1985. This provision is not in the Model Clauses but has precedent in the Cambridgeshire Order (articles 36 and 37) and article 47 of the AVTM Order.

Part 10: Miscellaneous and general

4.7 Part 10 of the Order contains miscellaneous provisions relating to specific interests and general provisions as to service, certification of documents and resolution of disputes regarding the terms of the Order.

Article 51 Defence to proceedings in respect of statutory nuisance	This article provides that no-one shall be able to bring statutory nuisance proceedings under the Environmental Protection Act 1990 (c.43) in respect of noise pollution, if it is created in the course of carrying out or maintenance of the Scheme. It is not considered that any properties will be affected beyond statutory nuisance thresholds, as mitigation measures will be used to control emissions. However, the Undertaker considers that this article should be included in the event that proceedings are brought under s.82 of the Environmental Protection Act 1990. This approach follows the model provisions.
Article 52 Statutory undertakers etc	This article introduces Schedule 11 (provisions relating to statutory undertakers, etc.) to the Order, which contains specific safeguards for statutory undertakers.
Article 53 Protection of Interests	This article gives effect to the protective provisions which are in Schedule 12.
Article 54 Minerals	This article provides that the rights of persons entitled to mines and minerals under streets are not affected by the Order. Liability for damage to the guided busway system is unaffected. The provision can be found in the Cambridgeshire Order (article 52) and the AVTM Order (article 57).
Article 55 Removal of Human Remains	This article requires the Undertaker, before it carries out any development or works which will or may disturb any human remains, to remove those remains. Before removing any human remains, the Undertaker is required to publish notice of its intention to do so. Notice is also required to be displayed near the site and a copy of the notice sent to the relevant local planning authority. Any relative or personal representative of any deceased person whose remains are

	proposed to be removed may undertake the removal of the remains themselves and arrange for those remains to be re-interred or cremated, the Undertaker being responsible for the reasonable costs in doing so. In the event that such relative or personal representative does not remove the remains, the Undertaker must comply with any reasonable request the relative or personal representative may make for re-interment or cremation of the remains. Any dispute as to whether a person is the relative or personal representative of the person whose remains are proposed to be removed or the identity of the remains is to be determined in the county court. The Undertaker must certify to the Registrar General the date of re-interment or cremation, the place from which the remains were removed and the place where the remains were re-interred or cremated. A copy of the certificate is required to be sent to the relevant local planning authority. The removal of any remains is required to be carried out in accordance with any directions which may be given by the Secretary of State. This article also disapplies section 25 of the Burial Act 1857 (which requires a licence to remove human remains) and the Town and Country Planning (Churches, Places of Religious Worship and Burial Ground) Regulations 1950 (S.I. 1950 No. 792) ("the 1950 Regulations") (which contains provisions restricting the use of burial grounds by acquiring authorities until certain actions have been taken) as it is considered the provisions of the article provide adequate alternative protection. There are numerous precedents for this article, including article 27 of The Midland Metro (Birmingham Eastside Extension) Order 2020 (S.I. 2020 no. 141).
Article 56 Certification of plans, etc.	This article requires certain plans and documents referred to in the Order to be submitted, as soon as practicable following the making of the Order, to the decision maker to be certified as a true copy. This is a frequently used provision in a number of recent made Orders.
Article 57 Service of notices	This article is included to ensure certainty regarding the procedure for service of any notice required by the Order, for example, under article 20 (Power to survey and investigate the land). It allows for service by first class post, by hand and by email with the consent of the recipient. The content follows similar provision in recently made Orders, including the East West Rail Order, article 21.
Article 58 No double recovery	This article provides that compensation is not payable both under this Order and other compensation regimes for the same loss or damage. It also provides that there is not to be double recovery under two or more different provisions of this Order. The wording can be found in article 66 of the AVTM Order.
Article 59 Arbitration	This article provides for arbitration in cases of dispute under the Order.
Article 60 Crown Rights	This article provides saving provisions for the Crown and is based on a number of made orders. This article prevents the Undertaker from acquiring any Crown land, or from otherwise interfering with it, without the written consent of the relevant Crown authority. The Crown's consent may be given unconditionally or subject to terms and conditions. The acquisition of other interests in land held by a Crown body is permitted with the consent of the relevant Crown body.

5. SCHEDULES

Schedule 1: Scheduled Works	Describes the scheduled works to be carried out relying on the powers in the Order.
Schedule 2: Acquisition of certain lands for ancillary works	Describes the land required for ancillary works.
Schedule 3: Streets subject to alteration of layout	This schedule lists the streets which are to be subject to the provisions of article 7 - streets subject to alteration of layout. The Schedule deals with streets (which include a footpath, a shared cycle track and a footway) that are to be subject to alterations and improvements.
Schedule 4: Streets and means of access to be stopped up and the provision of new and improved streets and substitutes	This schedule lists the streets which are to be permanently stopped up pursuant to article 11 (Construction of new and stopping up of existing streets, etc). Part 1 lists the footpath, bridleways and streets to be created and improved by the Order. Part 2 lists highway, bridleway and footpaths to be stopped up for which an improved substitute is to be provided. Part 3 lists streets to be stopped up for which no substitute is to be provided. Part 4 means of access to be closed for which a substitute is to be provided. Part 5 lists means of access to be closed for which no substitute is to be provided. The locations are shown on the rights of way plans. Part 6 lists new means of access.
Schedule 5: Highways to be crossed on the level	This schedule lists those highways which the guided busway will cross on the level pursuant to article 16.
Schedule 6: Land not to be acquired compulsorily	This schedule lists land included within the Order limits not to be compulsorily acquired, as specified in article 23.
Schedule 7: Land in which only new rights, etc., may be acquired	This schedule lists those plots shown on the works and land plan for which powers to acquire new rights and restrictive covenants are sought, pursuant to article 26.
Schedule 8: Modification of compensation and compulsory purchase enactments for creation of new rights and imposition of restrictive covenants	This schedule makes consequential amendments to the Compulsory Purchase legislation to modify its application for the acquisition of new rights and restrictive covenants under the Order.
Schedule 9: Land of which temporary possession may be taken	This Schedule sets out the land of which temporary possession may be taken pursuant to article 28 (temporary use of land for construction of works).
Schedule 10: Traffic Regulation	This Schedule details the traffic regulation provisions sought pursuant to articles 42, 43 and 44. Part 1 deals with no waiting, Part 2 provides for straight ahead only measures, Part 3 prescribes turns and Part 4 prescribes no left turn, each at the specified locations.

Schedule 11: Provisions relating to statutory undertakers, etc.	This Schedule includes provisions to regulate the application of the Order in relation to the apparatus of statutory undertakers.
Schedule 12: Protective provisions	This Schedule includes provisions to protect the interests of various bodies whose assets may be affected by the Scheme.

APPENDIX 1

Separation of Functions Document

Cambourne to Cambridge – Transport and Works Act Order Application

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

1. Introduction

1.1 GCP is the local delivery body for the Greater Cambridge City Deal with Central Government, being a partnership of councils, business and academia working together, and with partners and local communities, to grow and share prosperity and improve quality of life for the people of Greater Cambridge. The four partners are the City Council, CCC, SCDC and the University of Cambridge (**UoC**). One of a number of 'City Deals' agreed by central Government in 2013, it is worth up to £500 million in funding to 2030 for transport infrastructure to boost economic growth.

1.2 The GCP's four corridor projects are providing better public transport offering better connectivity and alternatives to car use for growing communities to the north, southeast, east and west of the city. New routes will be served by modern vehicles to limit air pollution and noise and complemented by travel hubs to encourage park and ride journeys and end-to-end space for active travel options such as walking or cycling.

1.3 The GCP Executive Board was established as a joint committee of the three Cambridgeshire authorities by CCC pursuant to section 102(1)(b) of the Local Government Act 1972 and by the City Council and SCDC pursuant to section 9EB of the Local Government Act 2000. The authorities exercise full voting rights and the Business Board and UoC have the status of being co-opted members (without voting rights). Moreover, transport policy is now determined by the Cambridgeshire and Peterborough Combined Authority (**CPCA**) who prepare the Local Transport Plan (**LTP**). The Scheme contributes to delivery of the LTP and the Elected Mayor attends Executive Board meetings by invitation to represent CPCA.

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

2. Separation of Functions

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

2.1.1 CCC in regard to all its relevant statutory functions;

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

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

2.2 The Undertaker will continue to be mindful of the separate functions involved in promoting and commenting on the provisions of the Order. This protocol has been prepared to clearly set out the administrative arrangements made by CCC, SCDC and the City Council to describe the separation of functions between those persons acting for or assisting each of them in their different capacities in dealing with the Scheme. It also deals with the requirements on members of the councils to consider the function within which they are operating.

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

3.1 The Scheme is one of a number of transport projects that is being promoted by the GCP. The GCP and CCC have agreed to work together on the promotion of the GCP's transport projects.

3.2 In summary, the GCP is responsible for the funding, appointment and management of the project team and preparation of the relevant documents, plans and reports, required for submission under the Order. This includes preparation and completion of all the Application documents.

4. Regulatory Role of the Cambridgeshire Authorities

4.1 In addition to an application for an Order to the Secretary of State, it is also the intention to request that the Secretary of State to deem the grant of planning permission by way of direction under section 90(2A) of the Town and Country Planning Act (1990).

4.2 Since CCC will be the formal applicant, it will be invited by the Inspector (appointed by the Planning Inspectorate on behalf of the Secretary of State who will consider the Application for the Order) to submit and provide submissions on the Order and supporting documentation. Supported by GCP, CCC will be invited to give evidence as required during the Public Inquiry, to inform the Inspector recommendations and the Secretary of State's decision on the Order.

4.3 Whilst SCDC and the City Council have a role as joint committee members responsible for promoting the Project, their officers have historically had no role in the promotion of the Project. Their role is therefore confined to the exercise of functions as local planning authorities.

4.4 However, CCC, in addition to its role as joint committee member of the GCP Executive Board and applicant for the Order, has roles as:

4.1.1 County Planning Authority (on the basis that the planning permission for the Scheme could be promoted as a Regulation 3 development);

4.1.2 Highway, Traffic and Street Authority; and

4.1.3 Lead Local Flood Authority

all of which must be kept separate from its role as applicant for the Order and as a partner of the GCP as promoter.

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

5. CCC – Summary of Roles – Promoting the Order

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

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

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

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

5.3.2 Environmental Impact Assessment (EIA) – GCP staff will provide instructions, attend meetings and integrate the EIA consultants' work with the other workstreams. GCP staff will attend key meetings and decide on what mitigation measures can be offered in the Environmental Statement.

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

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

5.3.5 Land – the promoting team will provide instructions on negotiations with landowners and decide the terms for acquisition. Important in this respect are the major development sites of West Cambourne, West Cambridge and Bourn Airfield, related to delivery of the eastern section of the Scheme (the Development Sites) and development agreements with interested parties.

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

5.3.7 Highway, Public Right of Way and Traffic issues – the promoting team will commission the design of new highways and accesses and decide on the proposed impacts on public rights of way to be sought in the Order.

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

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

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

5.4.3 *Approval of major land transactions/resolution of compensation*: Depending on the nature of the transaction, and the quantum to be paid, members may have to approve specific early land acquisitions, if agreement is to be reached with landowners in advance of the Order being made but generally this function is delegated to the Council's section 151 Officer.

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

The Order

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

Environmental Impact Assessment

6.2 The EIA process is iterative and Council officers have been and will continue to be consulted by the GCP team on the impacts of the Scheme on the environment. At the Public Inquiry officers responsible for the EIA consultation responses may be asked to inform the Inspector on their views of the findings in the Environmental Statement. In this respect, it should be noted that Regulation 64(2) of the Town and County Planning (Environmental Impact Assessment) Regulations 2017 requires functional separation where a proposal is being brought forward and determined by an authority. Whilst CCC is not the determining authority its responses to the Environmental Statement will be taken into account in the determination by the Secretary of State.

6.3 The Councils' specialist staff on particular issues will be called on/consulted by the promoting team and if necessary, the Inspector(s). If external consultants are used, they should also be separate from the promoting team.

Consideration of Ecology issues

6.4 The role of the Councils will be to provide advice to both the applicant and the Secretary of State in considering any Habitats Regulation assessment required as a result of matters being included in the Application.

Consultation obligations

6.5 It is essential that any consultation response on the Scheme and any evidence given at Public Inquiry related to that response is prepared and given by officers at CCC, SCDC and the City Council who have not been involved in the promotion of the Order.

Highways, Street and Traffic

6.6 The Order will seek power for highway works. CCC as the highway, street and traffic authority as appropriate needs to consider any application proposals and their impacts on the highway as if the plans were being submitted by a developer. The Council's highway and public rights of way officers may also be asked to provide evidence at the inquiry.

6.7 Whilst GCP has been delegated highway authority powers by CCC it is the intention that officers from CCC as highway authority, who are not associated with the promotion of the Scheme, will provide an independent technical review of the Application.

6.8 The relevant case officer for CCC Highway Development Management responsible for reviewing the Application and planning submission is the Highways Development Manager.

6.9 The relevant case officer for CCC Transport Assessment Team responsible for reviewing the Application and planning submission is the Transport Assessment Manager.

Planning

6.10 The City Council and SCDC amalgamated to form the Greater Cambridge Shared Planning Service in 2018. The administrative areas for the two authorities remains unchanged, however only one planning team now operates across the two administrative areas.

6.11 The Greater Cambridge Shared Planning Service as the local planning authority will be responsible for the discharge of planning conditions, should deemed planning permission be granted. It is intended that the scope of the proposed planning conditions with officers at the Greater Cambridge Shared Planning Service prior to the submission of the Application.

6.12 CCC will be a consultee on the discharge of planning conditions.

6.13 The Greater Cambridge Shared Planning Services case officer and CCC's case officer have met with and continue to meet with the Application team to discuss the scope of the Application and deemed planning request.

6.14 The lead Officer for the Greater Cambridge Shared Planning Service is the Strategic Sites Manager.

6.15 The lead Officer for CCC is the Head of Service: Planning and Sustainable Growth.

Flooding

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

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

6.17 The Greater Cambridge Shared Planning Service and CCC may be required to attend public inquiry hearing sessions to provide evidence and must be separately represented.

6.18 The setting out of Statements of Common Ground (**SoCG**) with the Applicant is also a key process for the Greater Cambridge Shared Planning Service and CCC to consider when carrying out their statutory functions. Designating the relevant officers and considering if member approval may be needed for the SoCG will need to be considered. Officers agreeing SoCG for the Councils in their regulatory role must be entirely separate from those officers involved in the promotion of the project.