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Your ref TWA/24/APP/03'

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Dear Inspectors

TRANSPORT AND WORKS ACT 1992

APPLICATION FOR THE PROPOSED CAMBOURNE TO CAMBRIDGE ORDER (TWA/24/APP/03)

- 1 This is a written submission on behalf of East West Railway Company Limited (EWR Co) (OBJ-247) in relation to the application for the above order.
- 2 As set out in EWR Co's statement of case (CD23-09), the proposed Cambourne to Cambridge (CtoC) busway crosses the planned route of EWR on land that the Secretary of State has safeguarded for the new railway. EWR Co therefore submitted a holding objection to the CtoC application to allow suitable arrangements to be put in place to manage the interface between the two projects.
- 3 EWR Co is in constructive discussions with the applicant over the terms of an agreement which will address the issues raised in EWR Co's statement of case regarding the interface between the two projects. EWR Co expects the agreement to complete before the scheduled close of the inquiry. However, unless and until the agreement concludes, it is essential that sufficient protection is put in place to ensure the works authorised by the proposed order would not prejudice the delivery of EWR.
- 4 This protection can be achieved through a condition attached to any planning permission deemed to be granted for the development authorised by the order. We have set out below the terms of the condition which we request be included in any direction given by the Secretary of State in respect of such a deemed planning permission. The condition requires details of any authorised works on the safeguarded land to be approved by the Secretary of State, in consultation with EWR Co, before they commence.

Details of interface / plots within safeguarded land

- 5 The details of the interface between EWR and the CtoC are set out in EWR's statement of case (CD23-09).

For what comes next

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- 6 The interface between occurs in the section where EWR crosses through the Bourn Airfield site. In this area, EWR is proposed to be in tunnel. At this stage in the design development of EWR it is assumed this tunnel would be constructed from the surface using a cut and cover technique. If the cut and cover technique is used, it would necessitate a temporary diversion/re-alignment of the A428, St Neots Road and the CtoC busway. There would also be a requirement for a temporary localised diversion of Wellington Way and Highfields Road. The main compound to support construction of EWR would be sited at the northern portal of the tunnel, with land along the extent of the whole tunnel required temporarily during construction, including within the proposed CtoC order limits.
- 7 EWR's proposals are not yet fixed and remain the subject of ongoing design development work. It remains possible that alternative designs and construction methods for the tunnel will be selected. Until the designs are finalised the nature of the interface between the EWR and CtoC, cannot be confirmed.
- 8 The table appended to this letter sets out details of the land included within the proposed CtoC order limits which fall within the land safeguarded for EWR. The plots are identified according to the numbers used in the book of reference (CD1-13). The works proposed on each plot are identified by reference to the numbers works in Schedule 1 to the draft order (CD1-02a) together with the scope of powers in respect of the acquisition and use of land.

Planning condition requested by EWR Co

- 9 As part of the application, the applicant has requested that the Secretary of State gives a direction deeming planning permission to be granted for the development authorised by the order (CD1-14). The request includes a number of draft conditions.
- 10 If the proposed order is made, EWR Co requests that the following condition be included in any associated planning direction given by the Secretary of State:
- 11 Add the following definition:

“Safeguarded Land” means the land which is the subject of safeguarding directions given by the Secretary of State for Transport on 14 November 2024 in respect of the proposed East West Rail project under the powers conferred by Town and Country Planning (Development Management Procedure) (England) Order 2015 including any revised or replacement directions given by the Secretary of State for Transport in respect of East West Rail.”

- 12 Add the following condition:

“East West Rail

No development shall commence on any part of the Safeguarded Land until details of the proposed works have been submitted to and approved in writing by the Secretary of State for Transport in consultation with East West Railway Company Limited. The development on the Safeguarded Land shall be implemented in accordance with the details approved by the Secretary of State for Transport.

Reason: To ensure the development hereby permitted does not conflict with or prejudice the delivery of East West Rail.”

- 13 Add the following Informative:

“Informative: A section of the development authorised by the Order falls within Safeguarded Land The details required to be submitted by Condition [x] should



demonstrate the development to be carried out within any part of the land subject to the safeguarding directions) will not impede, delay, or otherwise cause harm to the works to construct East West Rail."

- 14 This planning condition does not prevent the CtoC works being carried out on the Safeguarded Land and provides a reasonable and proportionate way for the Secretary of State for Transport to have oversight over the details of that development before it is carried out. The Secretary of State would consult EWR Co on the details submitted before deciding whether to approve them.
- 15 The proposed condition therefore replicates the protection given by the EWR safeguarding direction in relation to applications for planning permission submitted to local authorities under the Town and Country Planning Act 1990. Local planning authorities have to consult EWR Co on any such planning applications. If the planning authority proposes to grant permission on terms which are contrary to any recommendation made by EWR Co, they must notify the Secretary of State who can then either allow the permission to be granted or give a direction restricting the grant of permission.
- 16 The condition therefore provides an effective mechanism to ensure that, if the Secretary of State decides to grant authorisation (including deemed planning permission) for the CtoC scheme, she does so on terms which will not conflict with or prejudice the delivery of EWR.

Further updates and assistance to the inquiry

- 17 EWR Co is in constructive discussions with the applicant and is negotiating a legal agreement intended to manage the potential for conflicts between the two projects.
- 18 EWR Co will provide further updates to the inquiry on progress with the legal agreement, including on whether the agreement removes the need for the proposed planning condition. Legal representatives for EWR Co would be happy to attend the inquiry to provide any additional information you require on the proposed condition or the status of negotiations between the parties.
- 19 As indicated at the pre-inquiry meeting on 24 June 2025, no witnesses for EWR Co propose to appear at the inquiry as we consider the issues raised by EWR Co are capable of being addressed through the proposed planning condition. However, we would be happy to arrange for a suitable witness to appear should you wish to hear more details about EWR and its interface with the CtoC proposals.

Yours sincerely

Duncan O'Connor
Partner
TLT LLP



APPENDIX

Details of overlap between CtoC draft order limits and EWR safeguarded land

Plot no	CtoC Works and Land Plan ref	Work No.	Land powers	EWR safeguarding plan ref
2-031	Sheet 2	Work No.2	Acquisition of land	SG-83
1-015	Sheet 2	Work No.2	Acquisition of land	SG-83
2-031	Sheet 3	Work No.2	Acquisition of land	SG-83/84
1-015	Sheet 3	Work No.2	Acquisition of land	SG-83/84
3-032a	Sheet 3	Construction compound and access to Works No. 2 & 3	Temporary use	SG-84
3-032b	Sheet 3	Replacement access road from Bourn Quarter to the roundabout at the junction of St Neots Road and Highfield Road, Childerley, and known as Wellington Way.	Acquisition of land	SG-84
3-033	Works and Land Plans, Sheet 3	Construction compound, working space access to works for Work No 2.	Temporary use	SG-84
3-034	Works and Land Plans, Sheets 3 & 4	Working space and access to works, Work No.2	Temporary use	SG-84
3-035	Works and Land Plans, Sheet 4	Work No.2	Acquisition of land	SG-84
3-036	Works and Land Plans, Sheet 4	Work No.2	Acquisition of land	SG-84
3-037	Works and Land Plans, Sheets 3 & 4	Working space, street works and access to Works No. 2 & 3	Temporary use	SG-84
3-039	Works and Land Plans, Sheet 4	Work No.2	Acquisition of land	SG-84
4-039	Works and Land Plans, Sheet 4	Working space, street works and access to Works No. 2	Temporary use	SG-84
4-040	Works and Land Plans, Sheet 4	Working space, street works and access to Works No. 2 & 3	Temporary use	SG-84
4-041a	Works and Land Plans, Sheet 4	Working space, street works and access to Works No. 2 & 3	Temporary use	SG-84
4-041b	Works and Land Plans, Sheet 4	Landscaping, works to St Neots Road and environmental mitigation	Acquisition of land	SG-84
4-042	Works and Land Plans, Sheet 4	Working space, street works and access to Works No. 2 & 3	Temporary use	SG-84



4-043	Works and Land Plans, Sheet 4	Work No.2	Acquisition of land	SG-84
4-044	Works and Land Plans, Sheet 4	Landscaping and works to St Neots Road	Acquisition of land	SG-84
4-045	Works and Land Plans, Sheet 4	Working space, street works and access to Works No. 2 & 3	Temporary use	SG-84
4-046	Works and Land Plans, Sheet 4	Working space, street works and access to Works No. 2 & 3	Temporary use	SG-84
4-047	Works and Land Plans, Sheet 4	Work No.2	Acquisition of land	SG-84
4-048	Works and Land Plans, Sheet 4	Work No.2	Acquisition of land	SG-84
4-049	Works and Land Plans, Sheet 4	Construction compound, working space and access to works- all works	Temporary use	SG-84
4-050	Works and Land Plans, Sheet 4	Construction compound, working space and access to works- all works	Temporary use	SG-84
4-051	Works and Land Plans, Sheet 4	Work No.2	Acquisition of land	SG-84
4-052	Works and Land Plans, Sheet 4	Work No.2	Acquisition of land	SG-84
4-053	Works and Land Plans, Sheet 4	Working space and access to work No 3	Temporary use	SG-84