

TRANSPORT AND WORKS (INQUIRIES PROCEDURE)

**IN THE MATTER OF THE CAMBOURNE TO CAMBRIDGE TRANSPORT AND WORKS ACT ORDER
APPLICATION MADE BY CAMBRIDGESHIRE COUNTY COUNCIL (AND GREATER CAMBRIDGESHIRE
PARTNERSHP)**

(TWA/24/APP/03)

SUMMARY PROOF OF EVIDENCE ON MATTERS OF TOWN PLANNING

**ON BEHALF OF
CLARE HALL, UNIVERSITY OF CAMBRIDGE
(OBJ213)**

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1 Introduction

- 1.1 My name is Jessica Wilson. I am employed by Newsteer Real Estate Advisers as a Director in the Planning Team.

2 Scope of Evidence

- 2.1 My Proof will specifically address the planning policy framework, compliance of the proposals with the relevant planning policies and the overall planning balance for the Order and the Request for Deemed Planning Permission insofar as this is relevant to the impacts on Clare Hall which is a Grade II* listed building as well as its immediate surrounds and associated buildings.

3 The Proposed Development

- 3.1 Alongside the Application for the Order, the Applicant seeks a direction from the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990 that planning permission shall be deemed to be approved for the proposed works included in the Application. The development for which deemed planning permission is sought is detailed in Section 3 of my Proof and is set out in the Description of Development provided to the Inspector.

- 3.2 With specific reference to Clare Hall, the description states for the 'final section' of the busway:

The final section of the scheme comprises a 1,601- metre busway extending southward through the West Cambridge Campus and across agricultural land. It crosses Bin Brook via a new bridge and terminates at Grange Road, Cambridge. This section includes highway improvements to Grange Road, as well as new means of access to adjoining premises.

- 3.3 The Request proposes a total of 34no. draft conditions and includes reference to drawings and plans which include the red line delineating the extent of the proposed land to be covered by the Order and the land take required to deliver the proposals. In respect of Clare Hall, the red line traverses the Clare Hall southern boundary and extends along Rifle Range Road (RRR) west to Bin Brook and east to the proposed new junction at Grange Road. Notably the red line includes the linear moat-canal detail of Clare Hall as well as the existing pathways which connect to RRR and the existing trees.

- 3.4 The proposed works adjacent to Clare Hall are as follows:

- i) Two way guided busway with associated drainage tanks and adjacent emergency and maintenance track;
- ii) Removal of existing trees on the Clare Hall boundary and 'indicative' replacement landscaping in the form of hedgerow planting;
- iii) A new bridge crossing over Bin Brook (including earthworks and landscaping to be determined at a later stage);

- iv) A construction compound and vehicle turning facility opposite the Brian Pippard Building; and
 - v) New junction at Grange Road including new footways and traffic signals.
- 3.5 The existing pathways leading to RRR form part of the original Erskine designed and constructed scheme at Clare Hall and are deemed to be included in the listing. Listed building consent would therefore be required for their alteration or removal which is not included in the Application.
- 3.6 The draft conditions cover a series of works for later design and assessment. These include tree removal, landscaping and potential noise mitigation through the use of either earth mounds, landscaping or physical acoustic fence/ barrier structures or a combination. These potentially intrusive mitigation methods have not been considered in the EIA which supports the Application.

4 Planning Policy Assessment

Principle of Development

- 4.1 Although there is general support from Clare Hall for the proposal as a whole in terms of its contribution to sustainable transport improvements, there are conflicts with the Development Plan which would incur a degree of harm which when assessed against the reasonable alternative at Adams Road, would make the part of the proposals from Bin Brook to Grange Road unacceptable.

Flood Risk

- 4.2 In terms of flood risk, there is a clear local and national policy mandate to consider sites for development sequentially, with the aim being to steer new development to areas with the lowest risk of flooding from any source. The NPPF states at paragraph 174 that development should not be permitted if there are reasonably alternative sites appropriate for the proposed development in areas at lower risk of flooding.
- 4.3 The proposed development along RRR and around Bin Brook are located in Floods Zones 2 and 3. The vast majority of Adams Road (aside from small areas of the junction with Grange Road) are located in Flood Zone 1.
- 4.4 With the absence of key documentation detailing why the Adams Road preferred option was changed to RRR, along with the inaccurate optioneering process which underpins the assessment of alternatives in the Application, it cannot be said that the proposals are in compliance with the sequential test and are therefore in conflict with flood risk policy.
- 4.5 Furthermore, the NPPG states that the exception test should only be applied if the sequential test has shown that there are no reasonably available, lower risk sites, suitable for the proposed development to which the development could be steered – the proposals are not in compliance with this as the alternative at Adams Road is; reasonably available, at a lower

flood risk, and suitable for the proposed development (as evidenced by it being the preferred option in the years preceding submission of the Application).

- 4.6 The Applicant has by admittance in the Application acknowledged that the two options at Adams Road and RRR are 'finely balanced' so the lack of close examination and provision of the relevant documents demonstrating the discounting of Adams Road in the Application is of concern so that I can only conclude that the Adams Road option is sequentially preferable and therefore the sequential test is not passed.
- 4.7 Notwithstanding this, in respect of the exception test required by the NPPF and the Proof provided by Mr Sinclair concludes that the Application does not demonstrate how the development will be safe for its lifetime, taking into account the vulnerability of its users, without increasing flood risk elsewhere and where possible reducing flood risk overall. The modelling used is out of date and there is an outstanding objection from the EA in this respect.
- 4.8 The independent modelling undertaken on behalf of Clare Hall demonstrates that there are increased flood levels which extend beyond the boundary of the land take included in the draft Order and the increase in channel velocities and increase in flood risk downstream from the new proposed bridge at Bin Brook present a clear erosion risk to Clare Hall land. There is also a net loss of floodplain storage in Flood Zone 3b.
- 4.9 Mr Sinclair further provides evidence that the mitigation solutions available for these more significant impacts would require realignment of the proposed busway or additional flood storage which hasn't been considered in the EIA and which extend beyond the land take included in the draft Order.
- 4.10 The proposals are therefore contrary to policy in relation to flood risk.

Noise

- 4.11 Clare Hall is a particularly sensitive receptor to noise given its world renowned use as a research and study facility which was specifically designed and laid out by the original architect to make the most of its tranquil setting on the edge of Cambridge.
- 4.12 Both local and national planning policy require noise impacts from development to be robustly assessed to ensure that development is only permitted where it would not lead to significant adverse effects and impacts. These impacts include those from construction and vibration and those on quality of life and amenity. The NPPF specifically requires development to avoid impacts on areas which are particularly sensitive to noise changes. And if impacts cannot be avoided, then mitigation should be used to minimise as far as possible.
- 4.13 The Application is not compliant with policy on either of these points. The noise impact assessment is not robust – Clare Hall was not included as a sensitive receptor, the noise impacts from construction of the new bridge at Bin Brook have not been included and the plant used as the basis for assessing noise impacts from construction is not considered realistic or comprehensive both in terms of noise and vibration impacts. Mr Blacklock concludes in his evidence that some of the noise and vibration levels possible during construction would be

'intolerable' for Clare Hall to the extent of making it unusable for its function as study space during these periods.

- 4.14 Mr Blacklock also concludes that noise levels during operation of the busway would result in significant adverse impact on the users of Clare Hall through the changing of the acoustic character of the area as well as exceedance of the accepted standard for office, study and meeting rooms, as well as external amenity spaces – which form an important part of the Clare Hall design and character.
- 4.15 In relation to mitigation, there are no proposals for this in the Application and Mr Blacklock is of the view that it would not be possible to provide adequate mitigation for the operational phase without dramatically altering the building structure of Clare Hall. This is of notable concern given the building is Grade II* listed and listed building consent has not been included in the Application.
- 4.16 The proposals are therefore contrary to policy in terms of noise.

Transport

- 4.17 The proposed busway is as concept in accordance with planning policies which support the delivery of sustainable transport. However, the Application as it currently stands is not compliant with planning policy relating to transport, specifically for the part of the route along RRR to Grange Road.
- 4.18 The Application includes a Road Safety Audit (RSA) which identifies a series of highway safety issues with the RRR and Grange Road junction, this includes potential collision between vehicles and pedestrians and cyclists and substandard visibility – both of which the Applicant has acknowledged and yet simply states that these matters will be addressed at detailed design stages. The Applicant has also acknowledged that the junction will have to be substandard due to land constraints. Indeed it is confirmed in Mr Haider's evidence that the additional land take required to make the junction compliant and safe in highway terms, would fall outside the red line and land currently included in the draft Order.
- 4.19 The junction also includes conflict with the existing Clare Hall maintenance area which is critical to the function of the college and which requires regular entry and exit from skip lorries as other delivery vehicles. The constraints of the Clare Hall site itself means that this could not be easily located. The Applicant has not demonstrated how this could reasonably be addressed without rendering either the busway or the maintenance area unusable – due to highway safety concerns.
- 4.20 Further, Clare Hall has aspirations for future development (as set out in Mr Short's evidence) which would require construction access along RRR. The Application has agreed to this in principle but again without any detail on how this could safely be achieved. Mr Short sets out how this would detrimentally impact Clare Hall and its future.
- 4.21 An important part of the transport matters for consideration relate to the existence of a clear alternative which would not incur such a degree of harm. Mr Haider has demonstrated that there are several options for use of Adams Road for the busway. These have also been

assessed through an RSA which has not raised any significant highway safety concerns – something which the Application cannot do.

- 4.22 Furthermore Mr Haider has analysed the optioneering process in trying to understand how the decision to defer from Adams Road to RRR was reached given that in undertaking his own optioneering process, Adams Road would score higher. As set out in my Proof there is generally a lack of clarity on this point which is key to the planning balance in weighing up the harm incurred from the RRR route against the Adams Road route which would not incur the same degree of harm. I will discuss this further later.

Heritage

- 4.23 Clare Hall is a Grade II* listed building which are defined by Historic England as being 'particularly important buildings or more than special interest'. In both national and local planning policy, it is stated that great weight should be afforded to protecting historic buildings and heritage assets. This weight and the consideration to significant should be proportionate to their importance. Given Grade II* listed buildings only make up 5.8% of all listed buildings in England, it is clear that protecting Clare Hall is of great importance and should be afforded significant weight in any planning decisions.
- 4.24 My Proof alongside that of Ms Lamb and Mr Short provides the detail on what specifically makes Clare Hall so unique in terms of its history, design, character and function. These Proofs also conclude that the Application is lacking in its own assessment of Clare Hall as a heritage asset which is going to be impacted by the proposals. The statement of significance as required by the NPPF is lacking in any detail which is the basis for which any heritage impact assessment should be undertaken. The lack of understanding of Clare Hall and its heritage status is also demonstrated by the fact that the Applicant did not visit to ensure the basis for assessment of impact in this regard was fully understood.
- 4.25 There are physical impacts to the Clare Hall listed buildings through the proposed removal of the existing pathways to RRR. Ms Lamb details in her Proof how the pathways are considered to form part of the listing. These were included in the original design by Erskine and add to the permeability which forms part of the Clare Hall character and layout. The landscape buffer is also proposed to be removed taking away the design intention to respect the adjacent countryside setting and providing a degree of privacy to those studying and staying at Clare Hall.
- 4.26 As has been noted previously, there is no request for listed building consent in the Application which these works would require.
- 4.27 The impact of noise is also detailed in my Proof given the specific character of Clare Hall and its surrounds as a tranquil place on the edge of the countryside, which is a material contributor to its original layout and design but Erskine as well as its function as a world renowned research institution.
- 4.28 The planning balance required under paragraph 215 of the NPPF has also been inaccurately undertaken in the Application given that the Planning Statement references impact on setting only, which as we have demonstrated, is not the case. When done so correctly, it is

my view that for this part of the proposals, the harm to the function and unique historic and architectural significance of Clare Hall would outweigh the benefit of using RRR for the busway.

- 4.29 Furthermore, there is case law which states that *the possibility of the development being undertaken on an alternative site on which that harm can be avoided altogether will add force to the statutory presumption in favour of preservation. Indeed, the presumption itself implies the need for a suitably rigorous assessment of potential alternatives.*'
- 4.30 Adams Road does not contain Grade II* listed buildings, it does not contain any listed buildings thereby using this route would not incur any such harm. It is within the West Cambridge Conservation Area, as is Clare Hall. In fact the Options Appraisal Report Part 1 included in the Application suggests that there could be a positive impact on the character of the Conservation Area through the removal of on street parking. Conversely, the Report states that there would be a negative impact on RRR in terms of impact on the Conservation Area.
- 4.31 The Application is considered inadequate in its assessment of the significance of Clare Hall and its unique historic status as a Grade II* listed building (including inaccuracy on window placements and obscurity as well as connectivity of the pathways to RRR) and has therefore inaccurately assessed the heritage impacts of the proposals on this part of the busway. The Application is therefore not compliant with heritage planning policies.

Design

- 4.32 There is a general principle required in both national and local policy in respect of good design. The failings in the Application relating to flood risk, noise, heritage and transport all culminate in the conclusion as set out in my Proof that the Application cannot be considered to demonstrate principles of good design. The proposals have not demonstrated how they are sympathetic to their surroundings at Clare Hall nor the open countryside which lies to the south. The disbenefit associated with this is also apparent in not pursuing an available alternative which would not incur such a degree of harm and therefore constitute 'better' design.

Sustainability

- 4.33 The proposals to bring the busway along RRR is a less sustainable option. The use of undeveloped greenfield land does not align with either local or national policy and associated sustainability principles. This conflict with policy is heightened in the context of an available alternative which would be more sustainable being within the built up area and on previously developed land.

Green Belt

- 4.34 The proposed use of Green Belt land leading up to and including RRR constitutes inappropriate development in the Green Belt as defined by the NPPF. The Application is therefore supported by a very special circumstances case, part of which is the 'lack of alternative which would not harm the Green Belt. The evidence provided in my Proof and that of Mr Haider demonstrates that this is not the case given the alternative route available

via Adams Road which would not constitute inappropriate development in the Green Belt. The very special circumstances case supporting the application is therefore called into question.

5 Available Alternative

- 5.1 There is a requirement under various planning policies to consider whether the proposed location for development is acceptable – this includes considering alternatives where harm may not be incurred or where impacts would be less.
- 5.2 My Proof has detailed the extent of the harm incurred from the RRR route and when this is assessed against the use of Adams Road, the result is a much reduced degree of harm – in terms of flood risk, heritage, transport, noise, Green Belt and general principles of design and sustainability.
- 5.3 Furthermore, Mr Haider has demonstrated that an alternative route at Adams Road would be not only technically feasible but would not incur any significant highway concerns which cannot be said for the proposed RRR route.
- 5.4 My Proof has set out the increased level of compliance with planning policy which could be achieved in using Adams Road and highlights that this has to be considered in the overall planning balance.
- 5.5 I acknowledge that in refusing the current Application, there would be a delay in the public benefits associated with the busway in principle being achieved, however the time delay is not considered to outweigh the harm which would be incurred by proceeding with a substandard and non-policy compliant scheme along RRR.

6 Planning Balance

- 6.1 In weighing up the multiple areas of non-compliance with planning policy and the less than substantial harm caused to a unique Grade II* listed building against the benefits of the proposals as a whole, the extent of the harm through multiple conflicts with both national and local planning policy, as well as the existence of the alternative route at Adams Road which would not incur the same degree of harm, leads me to conclude that the benefits of the proposals do not outweigh this harm and therefore planning permission should be refused.

7 Declaration

- 7.1 The evidence that has been prepared and set out in this Proof of Evidence has been prepared in accordance with the guidance of my professional institution, the Royal Town Planning Institute. The opinions expressed are true and my professional opinion.



Jessica Wilson
17th August 2025