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8 December 2005

Dear Sirs,

**TRANSPORT AND WORKS ACT 1992
TOWN AND COUNTRY PLANNING ACT 1990
APPLICATIONS FOR THE PROPOSED CAMBRIDGESHIRE GUIDED BUSWAY
ORDER AND DEEMED PLANNING PERMISSION**

1. I am directed by the Secretary of State for Transport to say that consideration has been given to the report of the Inspector, Dr Chris Gossop BSc MA PhD MRTPI, who held a public inquiry between 28 September and 2 December 2004 into the applications made by your clients, Cambridgeshire County Council ("CCC"), for:

- a. the Cambridgeshire Guided Busway Order ("the Order") to be made under sections 1 and 5 of the Transport and Works Act 1992 ("the TWA"); and
- b. a direction as to deemed planning permission to be issued under section 90(2A) of the Town and Country Planning Act 1990.

2. The Order, if made, would give powers to construct, maintain and operate a guided busway between Trumpington and Cambridge City Centre, with provision for a link to Addenbrooke's Hospital, and between Cambridge City Centre and St Ives. The Order would also authorise (among other things) the provision of ancillary works, including associated park and ride facilities at Trumpington and St Ives, and the acquisition of land and rights in land for the purposes of the scheme. For most of its length, the proposed guideway would run along disused railway formations, between St Ives and the northern edge of Cambridge, and between Cambridge Railway Station and Trumpington.

3. Within the City of Cambridge, and between Huntingdon and St Ives, CCC propose that the buses would travel in unguided mode, with highway improvements and bus priority measures to be put in place. These 'on road' elements of the overall project are outside the scope of the Order. The Inspector nevertheless accepts in his report (paragraphs 3.1-3.4) that they are of key relevance to assessing the case for the Cambridgeshire Guided Busway ("CGB") scheme, as the ease or difficulty that the buses would experience in passing along them could have a significant bearing upon the effectiveness, patronage and financial viability of the CGB as a transport system. He has therefore confirmed in his report that he took full account of evidence presented regarding the on road sections.

4. A copy of the Inspector's report of the inquiry is enclosed. His conclusions are set out in section 8 of his report.

Summary of the Inspector's recommendations

5. The Inspector recommended in section 9 of his report that the Order be made, with the modifications submitted to the inquiry by your clients (Inquiry Document CCC.B270), and that deemed planning permission be granted, subject to the conditions set out at paragraph 8.294 of his report.

Summary of the Secretary of State's decisions

6. For the reasons given in this letter, **the Secretary of State has decided to make the Order, with modifications, and to direct that planning permission be deemed to be granted, subject to the conditions set out in Annex 1 to this letter.**

Secretary of State's consideration

7. Careful consideration has been given to all the arguments put forward by or on behalf of the parties. The Secretary of State's consideration of the Inspector's report is set out in the following paragraphs, with the relevant paragraph numbers of the report given in brackets for ease of cross-reference.

Aims and objectives of the Cambridgeshire Guided Busway (CGB) scheme

8. CCC described the broad aims of the CGB scheme (4.18) as being to integrate land use and transport priorities in accordance with national and regional policy. They said that it was consistent with, and sought to implement the findings of, the Cambridge to Huntingdon Multi-Modal Study (CHUMMS). At local level, the scheme had the following broad objectives:-

- i) to extend the choice of transport modes for all, in particular for private car drivers to encourage a shift to public transport;
- ii) to promote sustainable development by providing high quality public transport links;
- iii) to improve access to public transport in areas that currently have poor provision;
- iv) to improve the integration of the public transport network;
- v) to promote social inclusion by improving access to employment, retail, community, leisure and educational facilities; and
- vi) to improve safety along the corridor by providing a high-quality public transport alternative to the private car.

9. The Inspector concluded that the scheme would fully accord with the aim of integrating land use and transport planning. He considered that it would also accord with the recommendations of CHUMMS as one part of a threefold strategy to address the transport needs of the Cambridge to Huntingdon corridor that also embraced the re-routeing and

widening of the A14 and the continuation of a strategy for demand management in Cambridge (8.12; 8.295).

10. Furthermore, the Inspector was satisfied that it would accord with the broad objectives set for it by CCC (8.297). On objective i), he concluded that it would extend transport choice within the corridor, providing for journey times that would be competitive in many instances with those of a journey by car. On ii), he considered that it would directly serve a number of major existing and planned developments. By being well integrated with those developments, in particular at Northstowe and Addenbrooke's Hospital, it would be likely to well used. By reducing dependence on the car it would contribute to the aims of sustainable development (8.15-21; 8.297).

11. The Inspector considered that objective iii) was particularly applicable to journeys to and from Cambridgeshire's northern fringe which are poorly connected to Huntingdon and St Ives and to other settlements in that corridor (8.298). On iv), he considered that the CGB would provide effective, frequent connections to the main railway system at both Cambridge and Huntingdon. There would be significant scope too for integration with conventional bus services, while the Park and Ride sites would encourage combined journeys by car and bus. While many people would be within walking distance of a CGB stop, there would be significant opportunities to encourage cycling (8.22-8.32; 8.298).

12. On v), the Inspector considered that the CGB would encourage social inclusion by opening up high speed travel opportunities to a range of destinations, although its full effectiveness here would depend upon the success in encouraging appropriate feeder services (8.58; 8.299). On vi), he believed that the CGB would in itself be a particularly safe form of transport. Furthermore, by forming an alternative to the car for many people, it would be likely to reduce significantly the number of deaths and injuries in the corridor (8.258; 8,299).

13. The Secretary of State agrees with the Inspector, for the reasons given in the Inspector's conclusions, that the CGB scheme as a whole would meet the broad aims and objectives that CCC have set for it.

Consistency with national, regional and local planning and transport policies

14. The Inspector concluded that the CGB proposals were consistent with policies applying at the national, regional and local levels (8.4; 8.295). At national level, it would accord with transport policy generally, including the Transport White Papers of 1998 and 2004, planning policy guidance and the overarching concept of sustainability. It would be consistent with the principles of relating new development and transport infrastructure more effectively, integrating transport systems so as to provide for seamless journeys and providing car drivers with a genuine alternative mode of transport (8.4-5; 8.296).

15. At the regional level, the Inspector considered that policies for major new development in the Cambridgeshire sub-region, including a new settlement close to Cambridge, gave added force to the need for major new public transport infrastructure such as the guided busway (8.6-7). He also considered that the CGB scheme was consistent with the policies of the Cambridgeshire and Peterborough Structure Plan 2003, the South Cambridgeshire District Local Plan 2004 and the latest draft of the replacement Cambridge Local Plan (8.8-11). The CHUMMS study from which the Order proposals derived was itself consistent with the Structure Plan (8.12). The Cambridgeshire Local Transport Plan 2004 to 2011 contained the funding bid for the CGB (8.13).

16. The Secretary of State agrees with the Inspector, for the reasons the Inspector gives in his conclusions, that the CGB scheme is consistent with planning and transport policies at the national, regional and local levels.

Transportation and socio-economic benefits of the scheme

17. Developments to be served: The Inspector noted that the CGB would result in a strategic public transport route serving settlements within the A14 corridor and running through Cambridge from north to south. It would connect the towns of Huntingdon and St Ives and other settlements to Cambridge and would serve a number of existing and planned developments, with its reach extended by the Park and Ride facilities. In particular, it would serve the proposed new settlement of Northstowe, housing at Arbury Park and development at Clay Farm and it had been an integral part of the planning of these three developments (8.15-17). Other specific developments to be served would be Addenbrooke's Hospital, which would be likely to be a major generator of CGB passengers, Hinchinbrooke Hospital, Cambridge Science Park and Cambridge Regional College (8.18-21).

18. Integrated transport: The Inspector considered that the CGB would be an integrated transport system that would provide for a range of connections with other modes of transport, including the car at the proposed 'Park and Ride' sites and 'Kiss and Ride' site and rail at Cambridge and Huntingdon Stations, although there was scope for better integration at Cambridge Railway Station (8.22-25). The planned new station at Chesterton would provide a third bus/rail interchange (8.26).

19. There would also be numerous opportunities for interchange with conventional bus services, although the Inspector emphasised the need to ensure satisfactory services for the area's dispersed villages, whether by a CGB bus departing from the guideway or some other form of connecting service (8.27-8.30). He also considered that more thought should be given to the provision and quality of pedestrian and cycle links between individual settlements and the CGB stops (8.31-32).

20. Scale of transport benefits: The Inspector concluded that CCC's predictions for the CGB to attract over 20,000 trips per day by 2016 was a realistic one (8.54). Indeed, he thought that the estimate may be a conservative one and that there was the potential for it to do even better (8.56-57; 8.296).

21. The Inspector had no doubt that the guideway sections would provide frequent, speedy travel between St Ives and Cambridge Science Park in the north and between Trumpington and Cambridge Railway Station in the south, particularly when compared to existing services (8.37-38). The busway sections would also give a smooth, comfortable ride (8.39). With regard to the on-road sections he was satisfied that, with the planned bus priority measures in place, CCC's estimates of overall journey times were realistic and that significant time savings and improved service reliability could be achieved (8.40-8.48).

22. The Inspector noted that, because of limited bridge clearances, only single deck buses could use the southern section of the guideway, which would be a constraint on through services between the northern and southern sections of the route. Passengers wishing to travel through Cambridge would either have to change buses in the City Centre or take a through service on a single deck bus, which would be at a lower frequency than

the northern section services going no further than the City Centre. However, even with this disadvantage he considered that the scheme as a whole would be viable (8.51).

23. The Inspector considered that, with the City Centre bus priority measures in place, the CGB scheme as a whole would be able to offer an attractive service in terms of frequency and reliability (8.48; 8.296). He considered that it would come to be perceived as an attractive, distinctive transport system meeting needs for a wide range of journeys, and that it was in the interests of CCC and operators for it to continue to operate as a premier service (8.52-53).

24. Socio-economic benefits: The Inspector concluded that the CGB would improve accessibility and thereby promote social inclusion (8.58), although he was concerned about the adverse impact on services to Fenstanton (8.59). He considered that the scheme would bring considerable economic benefits, by broadening the employment pool for business through enabling more people to access work, by helping to reduce congestion on the A14 with consequent cost savings for firms, and by being the strategic public transport link for Northstowe which would be an important provider of housing, including affordable housing (8.60).

25. Effect upon the A14: The Inspector was satisfied that the CBG would result in a worthwhile reduction in traffic on the A14. He accepted that, by 2016, the CBG was capable of securing a 24% increase in public transport use in the corridor and attracting almost 30% of its patronage from the car (8.61-63).

26. The Secretary of State agrees with the Inspector, for the reasons given in the Inspector's conclusions, that the CBG scheme would bring a wide range of transportation and socio-economic benefits for the Cambridge sub-region, as set out above.

Merits of safeguarding the railway corridor

27. The Inspector noted that supporters of the heavy rail option had put forward two main arguments. One was that it would provide a superior service to the CBG system (dealt with below under the main alternatives). The second concerns the potential benefits for the rail network. The Inspector recognised that whilst the construction of the CGB would at least preserve what remains of both former railway corridors for transport purposes, the likelihood was that any wholesale re-use for heavy rail would be ruled out for many decades, although the position would be different for light rail (8.65).

28. The Inspector's consideration of the arguments for a restored connection to Huntingdon, linking to the East Coast Main Line, is set out at 8.66-77 of his conclusions. In summary, he was not persuaded that the potential benefits advanced by objectors to the CGB would outweigh the likely substantial costs. He concluded that there was no obvious vital role for the St Ives line and any westward extension from it that would justify safeguarding the present alignment for some national rail purpose and refusing permission for the CGB.

29. The Inspector also considered whether any part of the St Ives line should be protected for other transport projects, including a possible link to the Cambridge to Ely main line at Chesterton junction (8.78-80). However, he concluded that were this distant possibility to materialise it would be likely to involve just the extreme eastern section of the St Ives line, and he did not consider that the existence of the CGB need prove an obstacle to it (8.81-82).

30. The Secretary of State agrees with the Inspector, for the reasons given in the Inspector's conclusions, that no compelling case has been established which would justify safeguarding the former railway corridor for future heavy rail purposes as part of the strategic rail network.

Main alternatives considered and reasons for selecting guided bus

31. The Inspector noted that over a period of at least 10 years CCC had explored a number of alternative transport modes for the A14 corridor, including heavy rail, light rail and guided bus. Nothing was resolved until the publication of CHUMMS in 2001, which came out firmly in favour of guided bus (8.83).

32. Heavy rail: The Inspector considered at paras 8.86 to 8.98 the merits of a (local) heavy rail service between Cambridge and St Ives, including a possible link to Trumpington, as an alternative to the guided bus. He was, however, left in considerable doubt about the realism and viability of these proposals, and about the ability of heavy rail to provide a truly effective service on this particular local route (8.88). He saw a fundamental problem for this option as being its inability to serve some key centres of patronage, either at all or as well as the CGB (8.89) and he did not consider that a heavy rail service would benefit cyclists to a significantly greater degree than the CGB (8.91-92). Overall, he concluded that rail would be a less suitable option than the CGB. In particular, it would carry significantly fewer passengers (8.98).

33. Light rail: The Inspector noted that no worked up scheme had been presented for this option, and that there was no substantial challenge to CCC's conclusions that it would be more expensive than the CGB, carry fewer passengers and have fewer transport benefits (8.99). There would be particular problems over successfully accommodating a tram system within the narrow streets of central Cambridge (8.100). He concluded that a light rail system would perform less well than the CGB (8.103).

34. Other bus solutions: The inquiry also considered the option for a bus only road following the proposed CGB route. Whilst the Inspector could see some advantages in this (8.105) and costs would be comparable, he concluded that, overall, the CGB would offer significant advantages over a bus only road (8.111). A wider bus only road would have implications for flood capacity and greater loss of vegetation. The guided bus would provide a smoother ride, and it would be perceived by many as an attractive and distinctive form of transport (8.107-111).

35. With regard to the possibility of bus lanes along the A14, the Inspector concluded that it would fail to attract significantly greater numbers to public transport and would not provide a direct connection to Cambridge's northern fringe (8.112). He was also not persuaded that the option of buses using the local access roads that, under the plans for the A14, would run parallel to the trunk road would provide an acceptable alternative to the CGB (8.113).

36. CamToo: The Inspector noted that this project would follow a similar route to the CGB but would pass through the Regional College site and the Science Park and, under Phase 2, would terminate at the Grafton Centre (8.114). Whilst the proposers had done some useful preliminary work, their proposals were in their early stages and were uncoded. In the Inspector's view they did not present a viable alternative to the CGB (8.116).

37. From his consideration of alternatives, the Inspector concluded that there was no obviously preferable alternative to the CGB system, which would embody sufficient flexibility to accommodate changed circumstances including new technologies (8.119). The Secretary of State agrees with the Inspector, for the reasons the Inspector gives in his conclusions, that no better alternative to the CGB has been put forward.

Reasons for selecting proposed route and locations of bus stops etc.

38. The Inspector noted that the backbone for the CGB route was formed by the two disused railway formations, which would be linked within Cambridge by the existing street network. The other on-road section would be between Huntingdon and St Ives; although this section of route differed from that on the Preferred Plan for CHUMMS, it was in the Inspector's view a direct and logical route (8.120-122).

39. The Inspector considered the merits of the proposed route, the bus stops, the Park and Ride sites and site compounds at 8.123-128. He considered alternatives at 8.129-130. His conclusion was that the proposed route was a logical one that would serve the main area of passenger demand within the Huntingdon to Cambridge corridor as well as in the southern corridor. The proposed stops were appropriately located to serve that demand. The other permanent facilities as well as the construction compounds would also be appropriately located in his view (8.131).

40. The Secretary of State agrees with the Inspector, for the reasons the Inspector gives in his conclusions, that the proposed route is a logical one and that the proposed stops and other facilities are appropriately sited.

Whether the proposed compulsory purchase powers are justified

41. The Inspector noted that, following negotiations, 54 property based objections remained at the close of the inquiry. After considering the various objections at paragraphs 8.133-151, the Inspector concluded at 8.152 that, in accordance with ODPM Circular 02/2003, there was a compelling case in the public interest for giving CCC the proposed powers to acquire and use land for the CGB. He was satisfied that all the land to be acquired was necessary for implementation of the scheme, and that the proposed acquisitions would not be premature.

42. The Secretary of State agrees with the Inspector, for the reasons given in the Inspector's conclusions, that all the proposed compulsory acquisition powers in the Order have been shown to be necessary for the CGB scheme and that there is a compelling case for giving those powers in the public interest. He is satisfied that the relevant criteria for compulsory purchase as set out in ODPM Circular 06/2004 (which replaced Circular 02/2003) are met.

Effects on highway capacity, traffic flow, pedestrian movement and road safety

43. The Inspector noted that the CGB guideways would be segregated from the highway network and that any direct impacts upon the network would be confined to the relatively few crossing points. He did not consider that any of the new crossings would give rise to unacceptable additional congestion or delays (8.153-158).

44. In terms of safety, the Inspector noted that the junctions had been designed to highway standards and maximum permissible speeds had been set. He considered that pedestrians, cyclists and horse riders should have little difficulty in negotiating the crossings and was satisfied that safety concerns would be met through warning notices on approaches to crossings and detailed design. No private vehicular crossings of the guideway would be allowed (8.159-164).

45. The Secretary of State agrees with the Inspector, for the reasons given by the Inspector, that the CGB would have no unacceptable impacts on road capacity, traffic flows or on safety.

Effects of closing, diverting or downgrading paths, streets and byways

46. The Inspector noted that the paths and streets for which substitutes were to be provided were listed in Schedule 4 to the draft Order, with those to be temporarily stopped up listed in Schedule 5. Insofar as there would be temporary closures or diversions during construction, he was satisfied that these were justified (8.167). He also considered that the loss of vehicular rights in connection with parts of Byway 7/Byway 4 was justified as part of minimising breaks in the guideway (8.168).

47. The Secretary of State agrees with the Inspector that the proposals in Schedules 4 and 5 to the draft Order are justified for the purposes of implementing the CGB scheme. With regard to section 5(6) of the TWA, the Secretary of State is satisfied that where the Order authorises the extinguishment of a public right of way over land, either an alternative right of way is to be provided or the provision of an alternative is not required.

Effects of traffic regulation measures in Schedule 9 to the Order

48. The Inspector noted that the traffic regulation provisions in Schedule 9 fell into several main groups: those relating to stretches of highway at either end of the northern guideway section; those proposed for Histon in connection with the road crossing and the parking area; and those associated with the 'Park and Ride' and 'Kiss and Ride' sites (8.170). For the reasons given in 8.171-173, he concluded that each of these measures were necessary and justified. The Secretary of State agrees with this conclusion, for the reasons given by the Inspector.

Impacts of noise, vibration and dust

49. The Inspector noted that noise and vibration impacts during construction would be mitigated through the Code of Construction Practice ("CoCP") (8.176). He was satisfied that any significant increases in operational noise would be confined to some 45 properties in Histon, with about 10 properties suffering potentially major adverse impacts. The impacts on these properties would be mitigated by noise barriers (8.179-180). After considering these impacts in detail (8.181-8.194) the Inspector concluded that, with suitable noise barriers in place, which would be required by a planning condition, the noise could be attenuated to an acceptable level (8.195). He considered that vibration impacts from operation would be negligible (8.196). He was further satisfied that dust emissions from construction would be controlled through the CoCP and that dust from operation should be low (8.197).

50. The Secretary of State agrees with the Inspector's conclusions. He is satisfied that the CoCP will suitably control construction impacts from noise, vibration and dust; and that the proposed noise barriers will keep the levels of operational noise to an acceptable level.

Effects on the built environment

51. The Inspector noted that the scheme involved limited demolition, this being the replacement of Windmill Bridge to give clearance for double-deck buses and the demolition of Histon Station House, together with its canopy and its platforms, to make way for a car park and a guided bus platform. He accepted that retaining the old station in some form was not a viable option; but he considered that there should be suitable mitigation in terms of architectural salvage, storage and recording and paying close attention to the detailed layout, design and landscaping of this area (8.199-203).

52. The Secretary of State agrees with the Inspector, for the reasons the Inspector gives, that the limited demolition work proposed under the scheme is justified.

Effects on access to property

53. The Inspector was satisfied that CCC's proposals for maintaining access to property affected by construction works were adequate, and he was not aware that operation of the scheme would have any particular effects (8.204-206). The Secretary of State agrees with the Inspector's conclusions.

Visual impact of the scheme on the landscape

54. The Inspector considered that the scheme would have a major impact upon the local landscape through which it would pass. Whilst he did not think that the guideways themselves would necessarily be unattractive, the project would be locally damaging, in particular along the northern section of the route and at Trumpington Cutting, as it would involve the destruction of a great deal of vegetation and create a scar across the landscape (8.207-208). The two Park and Ride sites would also have a significant visual impact, and there would also be the visual impact of double-deck buses running close to some properties (8.212; 8.215). The Inspector was satisfied, however, that adequate mitigation could be achieved for all these adverse impacts by way of appropriate design and landscaping (8.211; 8.213; 8.215-221). The Secretary of State agrees with the Inspector, for the reasons given in the Inspector's conclusions, that the adverse visual impacts can be satisfactorily alleviated by way of appropriate mitigation measures.

Effects of the scheme on flora and fauna

55. The Inspector noted that the impact of the scheme on the ecology of the area was analysed in the Environmental Statement (ES) and in a series of supplementary reports, which addressed the likely effects on a range of species (8.222). His detailed consideration of the potential impacts is at 8.222-241 of his conclusions. These include his assessment of the potential impacts on birds (including bittern and smew) using the Fen Drayton Lakes area; on great crested newts in a pond directly affected by the works and nine others within 500 metres of the limits of deviation; on the butterfly population at Over Cutting, and on the landscape in locations including the Lakes and Trumpington Cutting.

56. In summary, the Inspector concluded that the works would lead to the removal of a great deal of vegetation from the former railway routes, resulting in a loss of biodiversity

and, in particular, a loss of nesting habitat for birds. The scheme would affect a number of City and County Wildlife Sites, although no nationally or internationally designated sites would be affected. The Inspector noted, however, that CCC had proposed a substantial package of mitigation that included 16 Landscape and Ecological Compensation Areas, resulting in a net gain in habitat, and which would be implemented through a detailed Ecological Management Plan (EMP). On the basis of the strong mitigation package, and the proposed EMP, he concluded that the works would be acceptable in ecological terms.

57. The Secretary of State agrees with the Inspector, for the reasons given by the Inspector in his conclusions, that the substantial package of mitigation measures proposed by CCC would ensure that the ecological impacts of the scheme would be acceptable. With regard to the impacts of the scheme on the habitat of the great crested newt, a European protected species, the Secretary of State is aware that the Secretary of State for Environment, Food and Rural Affairs has [today] decided to give the requisite protected species licence.

Effects on water resources, contaminated land and air quality

58. The Inspector noted that the former St Ives railway line crossed the flood plain of the River Great Ouse and a number of other watercourses and local drains. It was a drainage sensitive area that had a history of flooding, and a flood risk assessment had been carried out (8.244-245). The Inspector concluded that on the basis of present plans, allowing for designed-in mitigation, the CGB would have a neutral impact on the flooding regimes of the areas through which it would pass (8.249).

59. In terms of flood risk for the scheme, the Inspector expected that there would be times when the guideway would have to be closed and diversions put in place, generally affecting the section between Longstanton and St Ives, although the more heavily used section would usually remain in use. He was satisfied, however, that closure would remain a relatively rare event and the effects would be short term (8.250-254). He considered it would be prudent for CCC to investigate the scope to raise the height of the embankment over those areas at greatest risk (8.255).

60. The Inspector was satisfied that, with mitigation, any potential adverse effects from ground contamination would be negligible, and the scheme itself would have negligible impact upon the quality of ground resources (8.256).

61. In regard to air quality, the Inspector noted that the vehicles using the system would be significantly cleaner than earlier generations of buses, which should have benefits for human health (8.257).

62. The Secretary of State agrees with the Inspector's conclusions on the above matters.

Impact on public health and safety and security

63. The Inspector was satisfied that experience elsewhere demonstrated that the guided bus was an inherently safe system. Its introduction would significantly increase use of public transport which in itself would reduce accidents, and use of a dedicated highway could be expected to reduce accident rates further (8.258). The main safety features would include appropriate speed limits at junctions, warning notices at public right of way crossings and use of the maintenance track. The Inspector agreed with HMRI that the maintenance track should not be fenced off. Measures such as CCTV and passenger

information at stops would enhance personal security. Overall, the Inspector was satisfied that the CGB would be a safe and secure system (8.259-264).

64. The Secretary of State agrees with the Inspector, for the reasons given by the Inspector, that the CGB would be a safe and secure system which should help to reduce accidents by encouraging modal shift from the car.

Adverse environmental impacts remaining after mitigation

65. The Inspector recognised that, even with mitigation of the adverse impacts on the local landscape and ecology, the scale, quality and diversity of what would have been lost could not be replaced overnight and that it would be some years before the replacement landscapes and habitats could provide an effective substitute. Also, other parts of the development such as the two Park and Ride sites would look quite raw initially. A number of homes in Histon would suffer some loss of privacy, with the landscaping taking some time to become effective (8.272-274).

66. The Secretary of State agrees with the Inspector that, even with the proposed mitigation measures in place, some adverse impacts on the environment would be bound to remain. However, for reasons given elsewhere in this letter, he is satisfied that with the proposed mitigation measures the adverse effects would be acceptable and would be outweighed by the benefits of the scheme. For the purposes of section 14(3AA) of the TWA, the Secretary of State considers that the main measures to avoid, reduce and, if possible, remedy any major adverse environmental effects are those set out in the ES, the draft CoCP and in the attached planning conditions, which require amongst other things agreement to a landscaping scheme, noise barriers and an ecological management and monitoring scheme.

The proposed planning conditions

67. The Inspector was satisfied that the ten planning conditions proposed by CCC, which had been discussed with the local planning authorities, met the requisite tests in DOE Circular 11/95. He proposed some small amendments to ensure that all rights of way users, including cyclists and equestrians, were covered (8.275-276). The Inspector did not consider that the three conditions suggested by the City Council (6.14) should be imposed as they would not meet the tests in the Circular (8.278).

68. Except in one regard, the Secretary of State is satisfied with the recommended planning conditions, and he agrees with the Inspector that the conditions proposed by the City Council should not be imposed as they do not meet the tests in DOE Circular 11/95. The aspect on which the Secretary of State is not content with the proposed conditions is that many of them require details of the scheme to be approved by Cambridgeshire County Council as county planning authority. The Secretary of State can see no good reason in this case to depart from the normal, well-established practice of requiring details to be approved by the local (district) planning authorities. This would help to ensure that there is effective input at the local level into consideration and approval of the details of the scheme, in accordance with normal local planning authority responsibilities.

Adequacy of the Environmental Statement and compliance with statutory requirements

69. Having regard to all the information provided in the original ES and in the supplementary reports, the Inspector was satisfied that that the ES was adequate and that

it complied with the statutory procedural requirements (3.8-14; 8.281-283). The Secretary of State sees no reason to disagree. He is satisfied that he has sufficient information before him in order to make an informed assessment on the significant environmental impacts of the scheme. He confirms that, in reaching his decision on the Order, he has complied with the requirements of paragraphs (a) to (c) of section 14(3A) of the TWA about consideration of the ES and of representations relating to it.

Arrangements for protecting the interests of statutory undertakers

70. The Inspector noted that there had been liaison with all the relevant statutory undertakers. All were content with the proposals and appropriate arrangements had been put in place (8.284). The Secretary of State agrees that the interests of statutory undertakers have been satisfactorily accommodated.

Whether the proposals are reasonably capable of attracting the necessary funding

71. The Inspector noted from the evidence submitted by CCC to the inquiry that the estimated costs of the scheme had risen by some £13m since Government funding of £65m was earmarked in December 2003, leaving an estimated funding gap of some £21m. He also noted that CCC expected to receive developer funding contributions in connection with at least four developments. From the evidence, it seemed to the Inspector that there were a number of potential sources of funding to cover the remainder of the capital costs involved, and in his view the proposals were reasonably capable of attracting the necessary funding (8.285-289).

72. The Secretary of State wishes to make clear that his decision to make a TWA Order is entirely without prejudice to any subsequent funding decision, which would be subject to a separate appraisal process. It should therefore not be taken to imply any commitment to provide public funding for the scheme. Nevertheless, in determining a TWA Order application, the Secretary of State wishes to establish that a scheme is reasonably capable of attracting sufficient funding, so that he can be satisfied that there is a reasonable prospect of the powers in the Order being implemented. With the above in mind, he is satisfied from the evidence that the CBG scheme is reasonably capable of attracting the funds required to implement it.

Other considerations

73. Although many objectors had criticised the extent and nature of the public consultation on the CGB proposals, the Inspector was satisfied that the proposals had been the subject of significant consultation and that, in any event, the public inquiry had provided a major opportunity for parties to have their objections heard (8.290-291).

74. The Inspector noted that certain parties regarded the section of the CGB to the west of Longstanton as the least beneficial part of the route in patronage terms but the most damaging in environmental terms, and had suggested that the CGB should stop at Northstowe. The Inspector considered, however, that St Ives and Huntingdon would be important origins and destinations and, in his view, there was no case to reduce the scheme (8.292). The Secretary of State agrees.

75. The Inspector also noted the CAST.IRON claim that the attractiveness of the CGB would diminish after five years with the opening of the upgraded A14. He considered,

though, that by then the system would have become well established and this would be likely to limit any substantial switch to the car (8.293). The Secretary of State agrees.

The Inspector's overall conclusions

76. The Inspector's overall conclusions are at paragraphs 8.295-303 of his report and have been referred to in relevant parts of this letter. In summary, the Inspector was satisfied that the scheme would meet its objectives and that the benefits it would bring to the Huntingdon to Cambridge Corridor would outweigh the disbenefits. He therefore recommended that the Order should be made, with the modifications proposed by your clients, and that planning permission should be granted, subject to conditions.

The Secretary of State's overall conclusions and decisions

77. For the reasons given in this letter, the Secretary of State is satisfied that the CBG scheme would meet the objectives set for it and be consistent with planning and transport policies at the national, regional and local levels. He considers that it is capable of bringing a wide range of transportation and socio-economic benefits for the Cambridge sub-region, by offering an attractive and reliable public transport service that would significantly improve accessibility (both to existing and planned developments) and provide a genuine alternative to use of the car. Whilst he recognises that the scheme would have some environmental disbenefits, as referred to in this letter, he agrees with the Inspector that, with the proposed mitigation measures in place, the benefits of the scheme outweigh its disbenefits. He is satisfied that no better alternative has been put forward.

78. Since the close of the inquiry, the Highways Agency has been out to public consultation on proposals to improve the A14 between Ellington, west of Huntingdon, and Fen Ditton, to the north-east of Cambridge, with the intention of making a preferred route announcement next year. The Secretary of State does not consider, however, that the progressing of proposals to improve the A14 detracts in any way from the case for approving the CGB. In line with the CHUMMS recommendations, he considers that the upgrade of the A14 and the proposed guided busway should be viewed as complementary, not competing, measures to cater for the transport needs of the sub-region. Furthermore, he is satisfied that the Inspector took account of the planned improvements to the A14 in arriving at his conclusions and recommendations on the CGB scheme (paragraphs 9 and 75 above refer).

79. The Secretary of State has, in addition, considered the written representations he has received about the CGB proposals since the inquiry closed. He takes the view that these representations do not raise any material new evidence or issues that would cause him to take a different view on the matters before him than he would otherwise have taken based on the evidence before the inquiry. He has therefore concluded that it is unnecessary to refer those representations to other parties for comment before proceeding to a decision.

80. Accordingly, for the reasons given in this letter, **the Secretary of State has decided to make the Order, subject to the modifications referred to below, and to issue a planning direction, subject to the conditions set out in Annex 1.**

81. The Secretary of State is satisfied that, with some small drafting amendments, the particular powers sought by your clients in the Order (as modified in Document CCC.B270 submitted to the inquiry) are reasonable, appropriate and justified in the public interest.

The modifications which the Secretary of State intends to make to the Order are as follows:

- to insert a new paragraph (3) into draft article 37 to clarify that a substitute service provided under this article is not subject to section 6 of the Transport Act 1985; and
- to make certain minor drafting amendments which do not affect the substance of the Order.

82. The Secretary of State's letter directing the grant of planning permission, subject to the conditions set out in Annex 1, will be issued shortly, at the same time as the Order is made. This will follow publication of a notice of the determination in the London Gazette.

Notice under section 14 of the TWA

83. A notice of the Secretary of State's determination given pursuant to section 14(1)(a) of the TWA is enclosed.

Challenge to decision

84. The circumstances in which the validity of the Secretary of State's decision may be challenged are set out in Annex 2 to this letter.

Distribution

85. Copies of this letter, the section 14(1)(a) notice and the Inspector's conclusions and recommendations are being sent to all those who appeared at the inquiry.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'E. Harvey', written in a cursive style.

ELLIS HARVEY

Head of the TWA Orders Unit

CONDITIONS WHICH THE SECRETARY OF STATE INTENDS TO ATTACH TO THE DEEMED PLANNING PERMISSION

In these conditions:

“the busway system” has the meaning given in the Order;

“the development” means the works authorised by the Order;

“ the local planning authority” means Cambridge City Council in relation to any part of the development within its area, South Cambridgeshire District Council in relation to any part of the development within its area and Huntingdonshire District Council in relation to any part of the development within its area; and

“the Order” means the Cambridgeshire Guided Busway Order [2005].

1. Time Limits

The development shall begin within five years from the date when the Order comes into force.

Reason: to ensure that the development is commenced within a reasonable period of time.

2. Contaminated Land

(a) The development shall not begin until the applicant has secured the implementation of a programme to deal with contamination, including gaseous and non-gaseous contamination of soil and groundwater, in accordance with a written investigation report and monitoring scheme which has been submitted to and approved in writing by the **local planning authority**;

(b) The development shall be carried out in accordance with the scheme as approved or, if the **local planning authority** gives prior written approval to any amendment or alteration, subject to such amendment or alteration.

Reason: the ES identified several features along the route where potential contamination impacts might arise. Given the former use of this land, this condition is required to secure any necessary remedial action.

3. Design and external appearance

(a) Work shall not begin on each of the following items of development until in each case prior written approval of their design and external appearance has been obtained from the **local planning authority**:

(i) any building or bus stop;

(ii) bridges and associated structures;

(iii) the formation, laying out or alteration of any means of

access to any highway used by the vehicular traffic;

- (iv) the formation, laying out or alteration of any pedestrian, cycle or equestrian route (so far as provided for by the development);
 - (v) permanent fencing and any acoustic fencing associated with the busway system;
 - (vi) Park and Ride sites, including finished ground levels for sites located within the indicative floodplain.
- (b) The works shall be carried out in accordance with the approval given by the **local planning authority** or, if that authority gives prior written approval to any amendment or alteration, subject to such amendment or alteration.

Reason: to ensure the satisfactory appearance and functioning of the development, in the interests of highway safety and, in the case of (v), to enable noise attenuation.

4. Landscaping

- (a) No development shall begin on the site of any work until the following have been submitted to and approved in writing by the **local planning authority**:
- (i) a scheme for the landscaping of the site of that work, including the maintenance of such landscaping;
 - (ii) details of the specification and position of any fencing and any other measures to be taken to protect and maintain retained trees and landscaping from damage before or during the course of the works.
- (b) The landscaping scheme for any work shall be carried out before or not later than 12 months from the date of the works authorised by the Order being brought into operation;
- (c) Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged, or become seriously diseased within five years of planting shall be replaced within the next planting season. Replacements must be of a similar size and species to those originally required to be planted;
- (d) The works shall be carried out in accordance with the approval given by the **local planning authority** or, if that authority gives prior written approval to any amendment or alteration, subject to such amendment or alteration.

Reason: to secure the comprehensive and high quality landscaping of the development and to ensure that the landscaping is maintained.

5. Lighting

- (a) Details of the lighting system and switching arrangements proposed at all stops and along the off-highway sections of the route and to new and replacement footpaths, cycleways and bridleways shall be submitted to

and approved in writing by the **local planning authority** before that part of the development is brought into operation;

- (b) The works shall be carried out in accordance with the approval given by the **local planning authority** or, if that authority gives prior written approval to any amendment or alteration, subject to such amendment or alteration.

Reason: in the interests of safety of users and visual and residential amenity.

6. Archaeology

- (a) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the **local planning authority**;
- (b) The scheme shall provide for:
 - (i) archaeological investigation of all balancing ponds;
 - (ii) an archaeological report with recommendations on the protection, recording or preservation of items of archaeological interest;
 - (iii) an archaeological watching brief along sections of the route identified as having archaeological potential; and
 - (iv) the submission of the final report on the findings and conclusions of the studies.
- (c) The development shall be carried out in accordance with the scheme as approved or, if the **local planning authority** gives prior written approval to any amendment or alteration, subject to such amendment or alteration.

Reason: to safeguard the archaeological heritage.

7. Drainage

- (a) No development shall begin until the applicant has secured the implementation of arrangements for the disposal of foul and surface water during construction and operation in accordance with a scheme which has been submitted to and approved in writing by the **local planning authority**;
- (b) The development shall be carried out in accordance with the scheme as approved or, if the **local planning authority** gives prior written approval to any amendment or alteration, subject to such amendment or alteration.

Reason: to prevent flooding and pollution of the water environment in the interests of amenity.

8. Operational Noise

The scheduled works listed below shall be constructed to incorporate the following elements, each of which shall, in relation to the work in question, be completed before that work is brought into operation and then maintained thereafter whilst the work remains in operation:

Work No.8 A noise barrier along the north-eastern edge of the guideway from Girton Crossing to approximately chainage 16+000 at the rear of the properties in Pease Way, Melvin Way and St Audrey's Close;

Work No.8 A noise barrier along the southern edge of the guideway from approximately chainage 17+000 to chainage 17+500 at the rear of properties in Villa Way.

Reason: to mitigate potential for increased noise intrusion in the interests of residential amenity.

9. Ecological Management Plan

- (a) The development shall not begin until an ecological management and monitoring scheme has been submitted to and approved in writing by the local planning authority. That scheme shall generally accord with and give effect to the principles for such a plan proposed in the Environmental Statement submitted with the application for the Order;
- (b) The development shall be carried out in accordance with the scheme as approved or, if the local planning authority gives prior written approval to any amendments or alteration, subject to such amendment or alteration.

Reason: to mitigate the impact of the development on the ecology of the locality in the interests of nature conservation.

10. Code of construction practice

- (a) The development shall not begin until a code of construction practice has been submitted to and approved in writing by the local planning authority. That code shall generally accord with and give effect to the principles for such a plan proposed in the Environmental Statement submitted with the application for the Order;
- (b) The development shall be carried out in accordance with the code as approved or, if the local planning authority gives prior written approval to any amendment or alteration, subject to such amendment or alteration.

Reason: to help protect the environment and preserve local amenity.

END

RIGHT TO CHALLENGE ORDERS MADE UNDER THE TWA

Any person who is aggrieved by the making of the Order may challenge its validity, or the validity of any provision in it, on the ground that –

- it is not within the powers of the TWA, or
- any requirement imposed by or under the TWA or the Tribunals and Inquiries Act 1992 has not been complied with.

Any such challenge may be made, by application to the High Court, within the period of 42 days from the day on which notice of this determination is published in the London Gazette as required by section 14(1)(b) of the TWA. This notice is expected to be published within three working days of the date of this decision letter.

**CHALLENGES TO DEEMED PLANNING PERMISSION GIVEN IN CONNECTION WITH
A TWA ORDER**

There is no statutory right to challenge the validity of the Secretary of State's direction that planning permission shall be deemed to be granted for development for which provision is included in the Order. Any person who is aggrieved by the giving of the direction may, however, seek permission of the High Court to challenge the decision by judicial review.

A person who thinks they may have grounds for challenging the decision to make the Order or the decision to give the direction as to deemed planning permission is advised to seek legal advice before taking any action.