

## **The Network Rail (Cambridgeshire Level Crossing Reduction) Order**

### **Request for Amendment to the Cambridgeshire County Council's Full Response**

Cambridgeshire County Council's full response to Network Rail's proposed Transport & Works Act Order was approved by full Council on the 18<sup>th</sup> July 2017. <https://cmis.cambridgeshire.gov.uk/ccclive/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/564/Committee/7/Default.aspx>

Council also agreed that officers should continue negotiations with Network Rail, and that any changes to the Council's position prior to the Public Inquiry should be delegated to the Executive Director ETE in consultation with the Chair or Vice Chair of the County Council's Highway & Community Infrastructure Service & Policy Committee ('HCI Committee').

Two requests were received on the 24<sup>th</sup> and 26<sup>th</sup> July 2017 from the County Ecologist and the Senior Archaeologist respectively concerning the planning conditions in the draft Order (these officers are unfortunately constrained in resources). They requested additional planning conditions to protect archaeological features and ecological habitats during the works in line with government guidance. The proposed conditions are listed at Appendix 1.

These conditions were considered by the Councillor Shuter and Councillor Hunt, Chair and Vice-Chair of the HCI Committee respectively, and Graham Hughes, the Executive Director, ETE, on the 27<sup>th</sup> July 2017. It was agreed that the additional conditions were reasonable and necessary, and the wording at Appendix 1 was approved to be inserted after paragraph 3.25 of the County Council's proposed full response, in line with the delegation approved by full Council on 18<sup>th</sup> July 2017.

Camilla Rhodes, Asset Manager – Information

28<sup>th</sup> July 2017

## APPENDIX 1

### Proposed planning conditions to be added to the County Council's Full Response

#### *Archaeology*

- 3.26 CCC wrote to the Department for Transport ('DfT') on the 13<sup>th</sup> January 2017 setting out its position with regard to archaeology, ecology and flood mitigation in relation to the applicant's Environmental Screening Request (Document C).
- 3.27 In the CCC's response of 13<sup>th</sup> January 2017 to the applicant's Environmental Screening Request (Document C), CCC said that on archaeological grounds it did not recommend an EIA, nor alterations to the locations of proposed scheme features. However, it said that mitigation was required to ensure that the significance of historic environment assets is conserved, in line with government guidance. The measures required were shown on a spreadsheet provided with the response. This request does not appear to have been addressed, and so CCC now requests that a planning condition be included in the Order as follows:
- **CONDITION: Written Scheme of Investigation for Archaeology Works**  
No development shall take place until a written scheme of investigation (WSI) for an archaeological programme of works has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI which shall include:
    - The statement of significance and research objectives;
    - The programme and methodology of site investigation and recording
    - The nomination of a competent person(s) or organisation to undertake the agreed works
    - The programme for post-excavation assessment and subsequent analysis, reporting, publication & dissemination, and deposition of the resulting archive.  
***This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.***
  - Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.
  - **Reason:** To ensure that the significance of historic environment assets is conserved in line with NPPF section 12.

#### *Ecology*

- 3.28 CCC previously advised Mott MacDonald, working on behalf of Network Rail, on 18<sup>th</sup> January 2017 that "*Appropriate mitigation will need to be included within the design of the scheme address potential impact on River Lark and Associated Habitats County Wildlife Site (C16/C17), River Great Ouse County Wildlife Site (C22) and protected species (particularly Otters, Water Vole and breeding birds)*"......
- 3.29 CCC welcomes the two ecological conditions that have been included within the proposed conditions, but is disappointed that these only relate to impact to (i) breeding birds and (ii) unexpected discovery of a protected species during the works. They do not

consider sites, habitats or species that will be affected by the proposals, for which mitigation strategy must be developed and agreed prior to commencement of works.

3.30 An additional condition is therefore requested to be included to secure the production and implementation of an Ecological Design Strategy (in accordance with British Standard BS42020:2013) to ensure an adequate mitigation scheme for all protected species, priority species/habitats and wildlife sites impacted by the proposal will be agreed prior to commencement of works. This should include additional surveys (as required) and long-term monitoring of the scheme and action for remedial works (if required).

3.31 CCC would suggest the following wording for the condition:

- **CONDITION: Ecological design strategy (protection, mitigation, compensation & enhancement)**  
No development shall take place until an ecological design strategy (EDS) addressing mitigation, compensation, enhancements and restoration for wildlife sites (including River Lark and Associated Habitats County Wildlife Site & River Great Ouse County Wildlife Site) , protected species (including Otters, Water Vole and breeding birds) and priority species / habitats and has been submitted to and approved in writing.
- The EDS shall include the following.
  - a) Purpose and conservation objectives for the proposed works.
  - b) Review of site potential and constraints.
  - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
  - d) Extent and location/area of proposed works on appropriate scale maps and plans.
  - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance
  - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development
  - g) Persons responsible for implementing the works, such as Ecological Clerk of Works
  - h) Details of initial aftercare and long-term maintenance (for the duration of the operation of the station).
  - i) Details for monitoring and remedial measures.
  - j) Details for disposal of any wastes arising from works.
- The EDS may include off-site compensation measures.
- The EDS shall be implemented in accordance with the approved details and all features shall be retained in the manner thereafter.