

23 October 2009

Ref: Planning 2.11.09
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To: Councillors: Jane Gray (Chairman), Mrs F.R. Hill (Vice-Chairman),
D.J. Barnard, David Billing, Clare Body, Paul Clark, J.M. Cunningham,
Gary Grindal, A.F. Hunter, David Levett, Alan Millard, M.R.M. Muir,
Michael Paterson, R.L. Shakespeare-Smith and M.E. Weeks.

(Substitutes: Councillors: Liz Beardwell, Simon Bloxham, John Booth,
S.K. Jarvis, Paul Marment, Deepak Sangha and Martin Stears-
Handscomb).

You are invited to attend a

MEETING OF THE PLANNING CONTROL COMMITTEE
to be held in the

**COUNCIL CHAMBER, COUNCIL OFFICES, GERONON
ROAD, LETCHWORTH GARDEN CITY**

on

MONDAY, 2 NOVEMBER 2009, at 7.30p.m.

Yours sincerely,



David Miley
Democratic Services Manager

AGENDA
PART I

ITEM	PAGE
1. APOLOGIES FOR ABSENCE	-
2. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business that they wish to be discussed by the Committee at the end of either Part I or Part II business set out in the agenda. They must state the circumstances that they consider justify the business being considered as a matter of urgency. The Chairman will decide whether the item(s) raised will be considered.	-
3. CHAIRMAN'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a prejudicial or personal interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a prejudicial interest can speak on the item, but must leave the room before the debate and vote.	-
4. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public. At the time of preparing the agenda no requests to speak had been received. Any public participation received within the agreed time scale will be notified to Members as soon as practicable.	-
5. 09/01840/1SU - LAND NORTH AND EAST OF CADWELL LANE AND WILBURY WAY AND WEST OF STOTFOLD ROAD, HITCHIN (HITCHIN RAILWAY CURVE)	1

For the remainder of the Civic Year 2009-2010, the Planning Control Committee will meet on the following dates:

Thursday, 12 November 2009
Thursday, 17 December 2009
Monday, 18 January 2010
Thursday, 11 February 2010
Thursday, 11 March 2010
Thursday, 15 April 2010

ITEM NO: 5	<u>Location:</u>	Land north and east of Cadwell Lane and Wilbury Way and west of Stotfold Road, Hitchin (Hitchin Railway Curve)
	<u>Applicant:</u>	Ms H Walker Network Rail Infrastructure Limited
	<u>Proposal:</u>	Statutory Undertaker: Transport and Works Act 1992 - The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 : The Network Rail (Hitchin (Cambridge Junction)) Order NHDC IS CONSULTEE ONLY
	<u>Ref.No:</u>	09/01840/ 1SU
	<u>Officer:</u>	Tom Rea

Date of expiry of statutory period : 11 November 2009

1.0 Purpose of Report

- 1.1 To inform the Committee of a Consultation received by Network Rail on a Transport and Works Act 1992 Order for the Hitchin (Cambridge Junction)) Order – New Railway and Ancillary Works and to respond to that consultation.

2.0 Proposal and Documents

2.1 The Proposal

Network Rail proposes to construct a new 2.26km length railway off the East Coast Main Line (ECML) at Hitchin to relieve congestion at the existing junction with the Cambridge branch line.

2.2 Documents

The following documents have been submitted by the applicants as part of the Network Rail (Hitchin (Cambridge Junction)) Order:

- Letter of Application
- Draft Order
- Explanatory Memorandum explaining the purpose and effect of each article and Schedule in the draft Order
- Concise statement of the aims of the proposals
- Report summarising the consultations that have been undertaken
- List of all consents, permissions or licences required
- Funding statement
- Estimate of costs of carrying out the works authorised by the Order
- Request for Planning Permission
- Environmental Statement comprising of Volumes 1 and 7 including non-technical summary
- Book of reference

2.3 The following plans have been submitted:

- Deemed planning application drawings
- Order Plans

- 2.4 A notice of application to acquire land and rights in land compulsorily, to use land, to extinguish rights over land and to impose restrictive covenants over land has been served on North Hertfordshire District Council.
- 2.5 Application documentation received on 29th September 2009.

3.0 Summary

- 3.1 A Transport and Works Act Order has been submitted to the Secretary of State for Transport on 30 September 2009 for a new railway link north of Hitchin station across the ECML to join the existing Cambridge branch line at Stotfold Road. North Hertfordshire District Council is not the determining authority for this application, but is a statutory consultee. The District Council must respond to the Draft Order by 11 November 2009 and the Council will be able to take part in a subsequent Public Inquiry if the Secretary of State decides that an Inquiry should be held.
- 3.2 The Draft Order is intended to authorise the construction and maintenance of a new railway and associated works and the acquisition of land and rights in land for the proposed works and ancillary purposes. The Order can cover other powers required to carry out the works such as stopping up of highways, executing street works, works relating to the provision and redirection of utilities and other miscellaneous powers.
- 3.3 All of the works that are proposed in connection with the Draft Order will be within Hitchin Bearton Ward however the Environmental Statement submitted with the application assumes the construction traffic route to be via junction 10 of the A1(M), the A507, Hitchin Road, Stotfold Road and Wilbury Hills Road. Central Bedfordshire have indicated informally to this Council that they do not have any concerns with the proposed construction traffic route.

4.0 Transport and Works Act (TWA) Order

- 4.1 Network Rail has applied to the Secretary of State for a Transport and Works Act Order. Orders under the Transport and Works Act 1992 authorise transport schemes and are determined by the Secretary of State for Transport. A wide range of matters can be authorised by a TWA Order, including powers to construct, alter, maintain and operate a tram system, compulsory powers to acquire land; the closure of roads and footpaths and provision of temporary alternative routes and powers for making bylaws.
- 4.2 A TWA Order does not in itself grant planning permission but the applying organisation can ask the Secretary of State under section 90 (2A) of the Town and Country Planning Act 1990 (Rule 10 (6)) to grant planning permission for development described in the Order. Network Rail Infrastructure Limited have formally applied for this consent.
- 4.3 Once submitted there is a 42 day period allocated for making comments or objections to a TWA Order. In this case, the period runs from 30 September until 11 November 2009.
- 4.4 The Department of Transport (Dft) guidance indicates that it is not uncommon for a responder to support a scheme generally but to object to a part of it which affects their own interests.

- 4.5 At the end of the objection period, if there are objections, the Secretary of State has 28 days to decide how the matter will proceed. In a similar manner to planning appeals he can decide whether the matter should proceed on the basis of written representations, a hearing or a public inquiry. It is expected that the Network Rail (Hitchin (Cambridge Junction)) Order will be examined at Public Inquiry in either late spring or early summer 2010. The Dft encourages applicants to make every effort to removing or limiting objections before an inquiry opens. Even where objectors are unlikely to withdraw their objections, the Dft advises that if the matters in dispute can be narrowed down before the inquiry, and agreed statements of common ground produced, this is likely to lead to a more efficient (and hence less costly) public inquiry.
- 4.6 At the end of the Inquiry, the Inspector reports to the Secretary of State who then determines the TWA Order application. The only rights of appeal against decisions are to the High Court on a point of law or failure to follow correct procedure.

5.0 The Proposal

- 5.1 The proposed development involves the construction of approximately 2.26km of new electrified single track railway located 1.6 km north of Hitchin station. The route of the new railway link follows an alignment east of the ECML to the west of Burymead Road industrial area and north through Cadwell Marsh and Burymead Springs before crossing the ECML taking an easterly route across arable fields before tying into the existing Cambridge branch line immediately west of Stotfold Road. The general layout is shown on drawing no. CV-001 attached at the end of this report at Appendix A.
- 5.2 The new link ties into the existing north bound slow line on the eastern side of the ECML track necessitating a widening of the existing embankment before then passing onto a viaduct structure continuing northwards from Cadwell Lane before crossing over the ECML approximately 8 metres above the existing ECML tracks. The railway changes from viaduct to embankment as it passes through the existing Anglian Water treatment works and then follows a curve around the north eastern corner of the Hitchin Industrial Estate, across arable fields before connecting with the existing Cambridge branch line west of Stotfold Road. The railway would vary in gradient and height above ground level across the sections of structure and embankment.
- 5.3 A 5 metre wide farm access off Wilbury Way will be provided to achieve access to a field and at the eastern end of the route near to Stotfold Road a new underbridge is proposed under the embankment to provide vehicular access to the larger severed triangular area of land between the industrial area and the new railway. A new junction will be provided on Stotfold Road to allow permanent Network Rail maintenance operations. A construction haul road will follow the alignment of the railway from the Stotfold Road junction to Cadwell Lane. The new railway also includes overhead electrification structures and signalling.
- 5.4 The applicants state that construction traffic will use the A507 and Stotfold Road to access the site. No HGV access is proposed south of the new Stotfold Road junction. A construction site compound will be provided at the Stotfold Road junction. A right hand turn lane is proposed on Stotfold Road at the site junction and the Stotfold Road carriageway widened with new hedgeline and fenceline on the west side of Stotfold Road either side of the new access.

- 5.5 The construction programme envisages the establishment of the Stotfold Road access and compound at an early stage and the provision of the haul road. The construction of the viaduct and embankment will constitute the main engineering operations consisting of concrete piled foundations for the viaduct with its deck formed of steel beams and concrete. The applicants have stated that it is yet to be determined where the spoil to construct the embankment will be sourced and particularly whether the material will be excavated locally or imported (ES Vol 3, 4.4).
- 5.6 The scheme includes a range of mitigation works including planting of native trees and shrubs on the embankment. The planting blocks and their width will be subject to the clearance required from the planting blocks to the track and signalling equipment at the top of the embankment and the swales at the bottom of the embankment. The applicant advises that the general approach will be to use native species details of which will be included in the relevant planning conditions.
- 5.7 An indicative construction programme is set out in the ES starting with utilities diversionary works commencing in May 2011 to operation of the new railway by autumn 2013.

6.0 Reason for Proposal

- 6.1 The Hitchin Cambridge Junction where the Hitchin to Cambridge route joins the ECML is one of the key bottlenecks on the ECML. At this flat junction Cambridge bound trains have to cross three tracks to gain access to the branch line resulting in conflicting train movements that create operational and reliability problems.
- 6.2 The applicants advise that there has been a rapid growth in passenger and freight traffic on the ECML and Cambridge line and that the scheme will assist in delivering increased capacity particularly for long distance services on the ECML and across the network as part of an Intercity Express Programme (IEP) planned for 2015.
- 6.3 Network Rail have investigated a number of different options for easing congestion at Hitchin using an appraisal process that considered the engineering, operational, environmental and economic issues associated with each option. The studies concluded that a route to the north of Hitchin, passing over the ECML, was preferred on the basis that a grade separated junction would provide the most economic, safe and environmentally acceptable engineering option that delivers the required engineering and operational objectives. The submitted Environmental Statement (ES Vol: 4) sets out the options and studies undertaken and the evaluation process.

7.0 Consultations carried out

- 7.1 Network Rail has carried out a programme of consultation prior to submitting the Draft Order involving the public, statutory and non-statutory bodies and other stakeholders. The key documents supporting the consultation process are the Environmental scoping and methodology report (ES Vol:2) and Document A5 of the main application documents 'Report Summarising Consultation Undertaken'.
- 7.2 Although Network Rail carried out consultation prior to January 2007, in response to the commencement of detailed planning for the Hitchin Cambridge Junction works Network Rail formulated a Consultation Strategy (in preparation for the submission of a Transport and Works Order) in 2007. In addition to the principal local authorities, statutory agencies and bodies and landowners the Consultation Strategy identified the need for general consultation with elected members, district and parish councils and local residents and businesses. A public exhibition concerning the scheme was held at Hitchin Priory in April 2009 and a presentation

to the Letchworth Area Committee and local residents took place on 22 July 2009 following concerns raised with regard to proposed construction traffic routes. Network Rail have undertaken to consult directly with the recently formed residents group the Wilbury Hills Alliance during the objection period of the Draft Order. Network Rail have held meetings with the recently formed Wilbury Hills Alliance (on 7 October) and the Hillcrest Residents Association (on 13 October).

- 7.3 Prior to the submission of the formal Draft Order to the Dft, Network Rail submitted on 28 August and 1 September a pre-Draft Order of the Environmental Statement, Order Plans and Draft Planning conditions to North Hertfordshire District Council for comment. A copy of the Council's Development Team response to this information is attached at Appendix B and a copy of the response from Network Rail is also attached at Appendix B. It will be noted from the reply from Network Rail, that further negotiation and agreement on planning conditions will be required.
- 7.4 A copy of the Statement of Community Involvement (September 2009) is attached to document A5 ('Report Summarising Consultation Undertaken'). Network Rail commit in the Statement of Community Involvement to continue the process of dialogue with the community during the TWA Order process and over the life time of the project to ensure minimum disruption.
- 7.5 As a consultee there is no requirement for the District Council to carry out specific consultation on the Draft Order although a copy of the documents have been made available for public inspection in the District Council offices, Gernon Road, Letchworth and a press release issued advising Members of the Public of the timetable for comments to the Dft and giving details of the date of this Committee at which a formal response will be made.
- 7.6 The following comments have been received from various District and Hertfordshire County Council officers and others:

Transport, Planning & Policy (HCC):

Recommends conditions and Section 106 contributions

Hertfordshire Police:

Confirm that the Police will be the primary enforcement authority for road safety.

With regard to traffic regulation (Draft Order Part 6), since waiting restrictions may be required at other locations, for example on the section of Wilbury Hills Road north of the junction with Icknield Way and south of the junction with Arlesey New Road / Bedford Road it is suggested that NR may wish to consider extending the extent and number of roads subject to this section of the order to include the entire length of the anticipated "preferred" construction route, certainly within Hertfordshire and if agreeable to Beds, within their county as well, to enable the introduction of whatever new temporary restrictions may be deemed necessary to facilitate access along the route to and from the site.

Clarification required on Schedule 5 – part stopping up of Stotfold Road.

Advise that Police have no objection to the proposed order or suggested conditions for inclusion within an amended order.

Hertfordshire Biological Records Centre:

Considers that there will be significant impact on wildlife sites. Concerned at how the proposed ecological mitigation, compensation and enhancement features will be delivered.

Landscape Officer (NHDC)

Would request a landscaping condition that requires details of species, size at time of planting, ultimate height, density and location to be agreed to ensure that the optimum mitigation is achieved.

Environmental Health officer (Contaminated land, NHDC)

Requests a contaminated land condition to safeguard human health and the built and natural environment.

Environmental Protection Officer (NHDC)

Recommends alterations to several of the submitted conditions 5, 8 and 9. Recommends additional conditions with regard to dust monitoring and operational noise.

Comments received from interested third parties.Wilbury Residents Alliance

Strong objection on the following grounds:

- Failure of consultation/information cycles
- Failure to address highways management and highways safety issues
- Failure to produce construction impact assessment in the Environmental Statement
- Failure to decouple local planning issues from scheme design

The WRA include as part of their submissions a number of provisions which it feels should form part of the TWA Order i.e. improved construction provisions, Wilbury Hills Road Safety Provisions and Wilbury Residents Community Provisions. A copy of the WRA comments including executive summary and detailed objections report has previously been circulated to all members of the Committee and is also attached at Appendix C to this report.

Hillcrest Park Residents Association

Object to the NR proposals on the following grounds:

- Total disruption of residents lives – noise, danger and pollution
- Hillcrest Park is built on a landfill site – unstable ground
- Concern from Road and rail vibration movements
- Danger from new traffic to existing motorists and pedestrians
- Detrimental impact on sewage pumping works
- Speed reductions required
- Detrimental to emergency services and other service traffic
- Contrary to Ebenezer Howard visions
- Inadequate consultation.

Hills Park Homes wardens

Raise objections. Concern at impact on foundations/infrastructure of the Park. Concern at impact on residents amenity and traffic safety. Concern at damage to property.

Hitchin Forum

Project will have long term benefits for local rail travellers. Bound to cause noise and inconvenience. Should be possible for contractors to share the load between rail and road. An alternative link road into Hitchin Employment Area could be planned at an early stage alongside the Network rail work with economic benefits all round. Ask that this opportunity to improve access to the Hitchin Employment Area is not missed.

Letchworth Garden City Heritage Foundation

A copy of a letter from Letchworth Garden City Heritage Foundation to Network Rail has been received. Concern is raised that NR have not formally consulted the Foundation. The Heritage Foundation acknowledges the objectives of the scheme

but raises concern in respect of the physical impact of the structure and the impact of construction traffic both alongside and through part of the Garden City Estate. Particular concern over traffic passing Hillcrest Park which records show possibly stands on fill/made ground. Concern at views from the Garden City Greenway and would like to be aware of alternatives for the scheme. Require further information on the level of construction traffic to be created. Concerns are also raised over the potential for the temporary access road accessing the Hitchin Industrial estate becoming a permanent road.

Individual residents

Letter received from the occupiers of 49 Wilbury Hills Road. Objections raised on the grounds of lack of consultation with local residents from both NR and the District Council. Concern at potential for the temporary access road to become a permanent relief road from Hitchin Industrial estate to Stotfold Road. Rail locked land forms part of an allocation in the LDF without consultation with Letchworth residents. Access to relevant documentation regarding the discussions has been denied. Requests that all of the above issues and the processes handled by NHDC are examined at a Public Inquiry. Notes the lack of an Environmental Impact Statement. Concerns of local residents could have been accommodated. Not fundamentally opposed to the rail link or to accept a share of construction traffic.

Letter received from the occupier of 31 Cadwell Lane, Hitchin. The occupier considers that the rail link is in the best interests of North Herts residents. Concern that Hitchin which already has large quantities of HGV movements should share the burden of construction traffic with other areas.

Letter of objection from occupiers of 39 Norton Road, Letchworth on grounds of displaced traffic using local roads.

Letter received from occupier of 54 Romany Close, Letchworth objecting on the grounds of lack of consultation by NR and that the routing of all construction traffic along Wilbury Hills Road is unreasonable and unacceptable. Concerned at width and foundations of road, restricted access including for emergency vehicles, congestion elsewhere in Letchworth.

Letter received from occupier of 62 Romany Close, Letchworth objecting on the grounds of construction traffic route and climate change. Materials should be brought in by rail.

Letter received from the occupier of The Poplars, Stotfold Road objecting to the method of transporting materials to the site. Main benefits are reduction in cost, reduction in bulk material transport period by 5.3 months and environmental benefits resulting in less objection to the scheme. Urges the Council to impose conditions to require rail freight transport of materials to the site.

Letter of objection from occupier of 56 Romany Close, Letchworth on grounds of disruption, noise and air pollution. Query why material cannot be brought in by rail. Concern at permanent HGV traffic from Hitchin Industrial estate.

Letter received from occupiers of 26 Romany Close, Letchworth raising strong objection to proposed construction route. Concerned at narrow footpath and impact on pedestrians. Insufficient passing room for HGV vehicles on Wilbury Hills Road. Congestion from parked cars. Access difficulties from local roads would be compounded. Query construction site access. Concerned at noise and environmental impact.

Letter received from the occupier of 57 Wilbury Hills Road raising strong objections on the grounds of the construction impacts on Letchworth residents, lack of consultation and failure of NR to address health and safety and environmental

risks. Recommends a number of provisions relating to construction, Wilbury Hills Road safety and community issues.

Letter received from Walsworth resident concerned at the alternative construction traffic route options (through Letchworth Gate/A505 or through Hitchin) which would cause further congestion on the A505. Hitchin already has unacceptable high levels of lorries delivering scrap metal. Rail should be used to bring in construction material.

Letter received from 96 Grove Road, Hitchin concerned that the proposals do not propose an alternative access from the Hitchin Industrial estate to Stotfold Road. Urge the Council to object and that NR be instructed to amend the scheme to either allow a better road bridge under the line or provide more viaduct to allow maximum flexibility for a possible new road route.

The Committee are asked to note that the above third party comments have been included in this report as they have been sent to the Council and members may wish to be aware of the comments made. It should also be noted by the Committee that there will be other comments on this proposal that have been sent directly to the Secretary of State but which have not been received by the District Council given that the Council is a statutory consultee and not the determining authority.

8.0 Planning Policy Framework

- 8.1 The proposal is of national significance therefore national planning policy is particularly relevant. All of the relevant National Planning Policy documents, in addition to Regional Planning Policies, Sub-Regional Planning Policies and Local Planning Policies are set out in Volume 3 of the ES and therefore there is no need to fully repeat these documents in this report.
- 8.2 Planning Policy Statement (PPS) 1 (2005) 'Delivering Sustainable Development' has 4 aims:
- Maintenance of high and stable levels of economic growth and employment
 - Social progress which recognises the needs of everyone
 - Effective protection of the environment
 - Prudent use of resources
- 8.3 Paragraph 27 of PPS 1 has a general principle i.e.' to reduce the need to travel and encourage accessible public transport provision to secure more sustainable patterns of transport development'
- 8.4 PPS 1 (Supplement : Planning and Climate Change) (2007) requires Local Planning Authorities to promote and encourage renewable and low carbon energy generation. The applicants state that the Dft consider that for all transport rail accounts for only 3.6% of total transport carbon emissions.
- 8.5 Planning Policy Guidance (PPG) 13 on Transport has the following objectives:
- To achieve a safe, efficient and integrated transport system to support a strong and prosperous economy
 - Seeks to protect sites and routes which could be critical in developing infrastructure to widen transport choices for both passenger and freight movements
- 8.6 Other national Planning Policy Statements and Planning Policy Guidance that are particularly relevant to the Network Rail proposals are as follows:
- PPG 2: Green Belts
 - PPS 9: Biodiversity and Geographical Conservation
 - PPG 16: Archaeology and Planning

- PPS 23: Planning and Pollution Control
- PPG 24: Noise and Pollution Control
- PPS 25: Development and Flood Risk

- 8.7 The East of England Plan (2008) contains a number of transport related policies to which the Network Rail scheme contributes notably SS2 (Overall Strategy), T1 (Transport Strategy Objectives and Outcomes), T4 (Urban Transport), T5 (Inter Urban Transport) and T13 (Public Transport Accessibility). In strategic terms it is considered that the NR proposals will be consistent with the above policies in seeking to improve public transport and the strategic transport network.
- 8.8 The Hertfordshire Local Transport Plan 2006/7 – 2010/11 is relevant in that at County level there is clear support in principle for the scheme with the document assessing that the Hitchin junction proposals could generate additional capacity for North Hertfordshire stations.
- 8.9 North Hertfordshire District Local Plan No. 2 with Alterations contains several saved policies which are relevant to this proposal the most fundamental being Policy 2 'Green Belt' which states that '*...planning permission will only be granted for new buildings, extensions and changes of use of buildings and of land which are appropriate in the Green Belt and which would not result in significant visual intrusion*'. It is clear that Network Rail will be advancing the case for the proposal to the Secretary of State on the grounds that there are very special circumstances which warrant an exception to both national, regional and local plan policy.
- 8.10 The North Hertfordshire District Council Local Development Framework (LDF) will shortly replace the Local Plan and is presently at the stage where, following consultation on its Core Strategy and Preferred Options, the document will be submitted to the Secretary of State for Communities and Local Government in late 2009. Several of the Development Policies set out in the Preferred Options Paper are relevant although as yet will not carry any material weight in determining planning applications at least until the LDF has been examined in public (EIP) which is scheduled for Spring 2010.
- 8.11 The LDF Land Allocations Issues and Options Paper sets out potential new employment land at the former Transco Site, Cadwell lane and land north east of Wilbury Way. If these sites are adopted for employment purposes the application proposals would encroach on part of these sites.

9.0 Environmental Statement

- 9.1 Under the Transport and Works Act 1992 applications for a TWA Order are required to provide an Environmental Impact Assessment. The scoping for this work includes a wide range of subject areas and the impacts are included within a comprehensive Environmental Statement submitted with the Draft Order.
- 9.2 The conclusions reached in the ES with regard to the various topic areas are summarised briefly as follows:
- 9.3 Noise and Vibration
This assessment takes account of temporary impact (construction phase) and permanent impact (operational stage). During the construction period (2011 – 2013) the assessment considers that noise will be temporary and short term. No information is available on construction methods however operations will have to comply with BS 5228 (Noise and Vibration Control on Construction sites and the Control of Pollution Act. Construction hours are assumed to be 0800 – 1800 Monday to Friday in addition to some weekend and night time working. In terms of construction traffic noise the highest levels will be along Stotfold Road however the assessment concludes that the scheme will not result in significant impact at

properties located close to existing roads (ES 3.6.3). In terms of permanent operational noise impact the assessment concludes that only one location will be adversely affected (Centre 3 office building on Wilbury Way) by rail 'squeal' noise which can be mitigated by 'top of rail friction modification'. Some indirect daytime noise increases will affect properties in Bury Mead Road. Overall the assessment concludes that there will be no direct impact from operational noise and no impact from vibration.

9.4 Landscape and Visual Impact

The assessment acknowledges the varying landscape, topography and landscape components (e.g. Icknield Way, Scheduled Monuments, Hitchin Employment area etc) both within and in proximity to the application site. Due recognition is given to the three landscape character areas identified by North Hertfordshire District Council in its Landscape Character Assessment document. The ES also identifies that rail infrastructure is already a well established feature in the existing landscape. The mitigation proposals include planting of native trees and shrubs on the proposed embankment and after 15 years from commissioning it is expected that the affects of the scheme would be low and locally moderate.

9.5 Ecology and Nature Conservation Impact

There are no statutory wildlife sites affected but several locally designated sites are within the works area. Habitat and field surveys have been undertaken to inform the ES of protected or otherwise notable species in the vicinity of the works area. The ES advise that protected species licences will be obtained and mitigation implemented prior to works commencing where possible. The ES concludes that as part of the scheme a number of ecological compensation measures and mitigation measures will be beneficial to wildlife including the creation of calcareous grassland, reed beds and pond within the proposed water detention basin at Cadwell Marsh and Burymead Springs, beetle banks and nesting bird planting along the engineered embankment.

9.6 Cultural Heritage and Archaeology

The works area is close to the two Schedule Ancient Monument sites at Wilbury Hills and directly affects an area containing buried archaeological remains. Nearby listed buildings at Ickleford are outside a 500 metre corridor of the railway route and the impact on the Ickleford Conservation Area is stated to be slight if not negligible. The mitigation strategy will involve a combination of strip-map sample assessment and an archaeological watching brief in areas where remains may survive. In summary the assessment concludes that the impact on archaeological remains will be moderately adverse, impact on historic buildings will be slight adverse and impact on the historic landscape will be negligible.

9.7 Water Resources and Hydrology

There are two aspects to this section – flood risk and water quality. The scheme is within an area that has potential to flood (based on the Strategic Flood Risk Assessment, NHDC) and uncontrolled surface water run off could cause localised flooding and pollution. A surface water management strategy has been developed which will include treatment of surface water west of the ECML via a detention basin and reed bed filtration system before discharge into the River Hiz. To the east of the ECML surface water will run into grassed bio swales containing plant barriers to remove polluting water. The ES concludes that the surface water management strategies will result in no residual effect on the water environment.

9.8 Air Quality

There are two main issues i.e impact from the construction phase and from the operation of the railway. During construction there will be impact from exhaust emissions from plant, equipment and vehicles and dust from demolition and construction activities. A Planning and Environmental Management Strategy (PEMS) is proposed to control site planning, construction traffic and site activities.

HGV movements along the preferred construction route of Hitchin Road/Stotfold Road will increase by a predicted 250 movements per day. Data set out in the ES indicates that predicted concentrations of nitrogen dioxide and fine particulate matter will be well below national air quality objectives. The ES anticipates that the scheme will result in only a slight and temporary adverse impact from the construction phase (mitigated by the PEMS) and negligible impact on air quality due to the permanent works.

9.9 Community Effects

A permanent diversion of two footpaths is proposed. The scheme includes two access points to address severance of agricultural land and the provision of the viaduct minimises the effects of permanent severance of National Grid and Anglian Water land. Network Rail will use compulsory purchase powers to acquire public open space on the west side of the ECML to be replaced with 'exchange land' planted and landscaped to public open space standard. The existing Sita Metal recycling works will be required (owned by NHDC) and negotiations are continuing between the relevant parties to resolve this impact including the loss of employment. In terms of employment generally the ES predicts that there will be some economic benefits arising from jobs associated with the construction scheme, operating and managing the development and jobs arising from improved travel conditions both locally and within the region from more efficient running of services. A significant omission from the ES in respect on community effects is the impact of the construction route on Wilbury Hills Road residents and in particular the severance impact of construction traffic on pedestrians and motorists using Wilbury Hills Road and Stotfold Road, potential loss of street parking etc.

9.10 Traffic Effects

The ES sets out the reasons for all construction traffic being required to access the works site east of the ECML from Stotfold Road. Three potential construction traffic routes to the Stotfold Road access are considered with the junction 10/A1(M) and A507 route preferred on the grounds of residential amenity and the need to avoid the major Hitchin/Letchworth traffic flow route. Network Rail advise that until a contractor has been appointed and a construction programme established, the potential construction traffic and HGV flows cannot be accurately predicted. The ES recognises that measures will be required to mitigation against the temporary effects of construction traffic e.g speed and working hour restrictions, provision of safe crossings. Much of this detail however is to be agreed in detailed planning and design work and is not included in the ES. Overall, during the construction period the ES states that the number of HGV flows on Wilbury Hills Road could increase by 156% with an abnormal peak of 200% but in terms of total traffic on this road it will represent an increase of only 7%. The main impact year for all construction traffic (including HGV) is given as 2012. The assessment concludes that the scheme will not have any significant permanent effects.

9.11 Geology, Soils and Contamination

The ES states that best practice will be applied through a Planning & Environmental Management Strategy (PEMS) during the construction phase to minimise the risks imposed by contaminants and to avoid significant effects. Further ground investigation will be required to assess the extent of areas of contamination and further consultation with the Environment Agency is necessary. The ES concludes that provided all the necessary mitigation measures are successfully implemented and monitored the residual impact of the scheme on human health is negligible and negligible to minor on controlled waters.

9.12 Cumulative effects

The ES advises there are no other significant development proposals within the study area that requires consideration in association with the rail scheme. The main cumulative impact receptors are the existing Cambridge line footpath, the effect on the Green Belt, built and natural environment and the loss of National Grid land.

The ES refers to the mitigation measures outlined within each particular subject. Network Rail will assist NHDC to ensure that other developments incorporate appropriate mitigation measures to minimise any cumulative impacts identified.

10.0 Key issues for consideration

10.1 The following matters are considered relevant for the Committee to consider:

- The aims, objectives and need for the scheme
- Landscape and Visual impact
- Effects of noise and vibration
- Nature conservation/air quality/water resources/contaminated land issues
- Traffic Impact and impact on rights of way
- Adequacy of Environmental Statement
- Compulsory Purchase issues

10.2 The aims, objectives and need for the scheme

This is a significant proposal in terms of its scale and its importance to national objectives. The scheme aims to relieve a major bottleneck on the ECML and thus increase capacity and reliability on both the local and national network and is a key component of delivering the Intercity Express Programme (IEP). The scheme will thus contribute towards delivering the ambitions of the Rail White Paper and is consistent with other national, regional and local planning and transport policies. The scheme finds support at a strategic level in the Hertfordshire Local Transport Plan (Rail Strategy). There is the potential, through improved passenger and freight services, to divert more traffic from road to rail. This is clearly in line with national sustainable development objectives and provides extremely strong planning justification for the proposal.

10.3 The applicants have assessed seven options for increasing capacity at Hitchin junction through a lengthy evaluation process and have given reasons in the ES as to why the alternatives to the proposed scheme would not meet environmental and operational objectives.

10.4 In improving capacity and reliability and thereby influencing modal shift away from road transport the implementation of the scheme is likely to bring transportation, economic and social benefits.

10.5 Notwithstanding the above the proposal should be considered against the development plan which includes the East of England Plan and North Hertfordshire District Plan No. 2 with Alterations. Although the regional plan does support this type of improvement in the rail network local plan policies do provide some issues, notably Policy 2 Green Belts, Policy 14 Nature Conservation and Policy 16 Archaeology.

10.6 All of the application site lies within the Green Belt and therefore the scheme will be contrary to Policy 2 given its nature, scale and adverse impact on the open character and appearance of the area. There are however two mitigating factors, firstly that over time, with a comprehensive landscaping and maintenance plan, the line could be successfully integrated into the countryside and secondly the viaduct section will be seen against, at least in part, the existing ECML and its western embankment and seen against the backdrop of the Hitchin Industrial Estate and the alignment of the existing Cambridge branch line particularly at the Stotfold Road tie-in.

10.7 The applicants have demonstrated that there is no other suitable proposal with the majority of the options requiring a route through the Green Belt to connect with the branch line to the east. Given the compelling need for additional capacity, the lack of alternative schemes and sustainable and economic advantages in the national and local interest it would appear that there are very special circumstances that

outweigh Green Belt policy in this case.

10.8 There is some concern however, that a faster route between London and Cambridge may result in reduced 'stopping services' in North Hertfordshire towns. This proposal does not offer any future year timetables however this information would be outside the scope of the TWA Order and the ES.

10.9 Landscape and Visual Impact

In assessing this impact it could be argued that the provision of the viaduct section of the scheme, before it crosses over the ECML, would not have a particularly significant visual impact given the close proximity and screening afforded by the existing linear embankment feature of the ECML, the existing tracks and overhead power lines. Furthermore because of the curved shape of the viaduct section there will be angled views of it again limiting long-distance views. The more significant impact will be from within the vicinity of the viaduct itself where its scale and height will be imposing. As the line runs generally eastwards however across the open Anglian Water site and arable farmland to the north and east of Hitchin Industrial Estate the line would be visually intrusive and would not be sympathetic to the undulating open landscape. In mitigation however, and as mentioned above, from views from the north, the line will be seen against the backdrop of the Hitchin Industrial Estate. The introduction of a new line will not be completely alien to the landscape given the existing railway infrastructure (ECML and Cambridge line).

10.10 The scheme includes mitigation measures in terms of the landscape impact (Figure 4.10 Issue 05 (ES)) and a landscape condition is included in the draft planning conditions of the planning application. It is considered that the blocks of planting which allow views through parts of the embankment will, in the longer terms, assist in blending the structure into the landscape however there are some issues. Firstly, where the planting is located is crucial to gain maximum benefit without creating additional impact. Secondly, the applicant can only plant within the permanent fenceline which runs tightly along the base of the embankment leaving little room for planting and no opportunity for off site planting. Thirdly there is the issue of the timescale to allow planting to establish and mature into a reasonable size to provide suitable screening. Lastly, there is the issue of the type/species of vegetation which is important in terms of its height, spread, canopy, density and leaf type. The condition as drafted by Network Rail does however allow the Local Planning Authority to agree details and therefore the scope of the condition is considered to be appropriate.

10.11 The ES concludes that the landscape and visual impact of this project will be 'low to moderately adverse' taking into account mitigation planting assessed 15 years after scheme opening. Taking into account the planting and above mitigating factors such as the existing rail infrastructure officers would not disagree with this assessment.

10.12 Effects of Noise and Vibration

It is clear that there will be significant impact from noise and vibration during the construction period both from construction plant, equipment and vehicles and from construction traffic. In terms of temporary construction noise the ES predicts that there will be no increase in levels greater than of minor significance. For construction traffic noise the ES states that the increase in noise levels will be greatest along Stotfold Road where the perceptible change in noise levels will equal 1dB and consequently it is considered by the applicant that the impact on residents will not be significant. In terms of operational noise and vibration the ES accepts that some mitigation will be required in respect of rail 'squeal' noise but subject to these measures no residual impact from operational noise and vibration is predicted.

10.13 The ES assumptions and conclusions on noise and vibration are based on noise monitoring surveys and a professional qualitative assessment. The assessment uses the guidance in BS 5228 'Noise and Vibration Control on Construction and Open Sites'. The applicant suggests two conditions to deal with the impacts of construction (see conditions 5 and 8 of the planning application) and the applicant commits to fulfilling the requirements of the planning conditions and its obligations for environmental protection through the adoption of a Planning and Environmental Management Strategy (PEMS). The Local Authority has powers under the Control of Pollution Act 1974 to deal with any statutory nuisance. Given the legislative powers available to the Local Authority, the conclusions reached in the ES and the safeguards proposed in conditions it is concluded that the noise and vibration impact would not be unacceptable. However, as a safeguarding measure, the Environmental Health officers have requested some alterations to the submitted planning conditions suggested by NR in addition to some extra conditions. Members should be aware however, that Section 122 of the Railways Act 1993 prohibits nuisance actions under the Environmental Protection Act 1990 against railway operators in relation to operational rail noise.

10.14 Nature conservation/air quality/water resources/contaminated land issues

There are no European or National sites of nature conservation importance within 10 km of the proposed route and the two statutory nature conservation sites (Oughtonhead Common and Purwell nature reserve) are within 2 km of the proposed route. A phase 1 habitat survey has been carried out and recorded a variety of habitats and wildlife species. The route of the link will cross the Cadwell Marsh and Burymead Springs Wildlife site, Spitalbrook Green wildlife site and the disused sewage works potentially having an adverse impact on these sites. Hertfordshire Biological Records Centre (HBRC) recognise that although some habitat will be lost the scheme includes mitigation measures to deal with disruption and disturbances to habitats and species and that licences will be required by NR from Natural England. A variety of mitigation measures are proposed as follows:

- Creation of calcareous grassland on railway embankment
- New reed bed in the water attenuation basin at Cadwell Marsh
- Additional ponds at Cadwell Marsh and Burymead Springs
- Reptile habitat
- Beetle banks along railway embankment
- Planting of hawthorn and blackthorn nesting habitat

HBRC have recommended a financial contribution is made towards restoring and enhancing the existing reed beds at Cadwell Marsh/Burymead Springs. The applicants have confirmed that the request for a legal agreement could form part of the process by which e.g. ecological issues could be included. In respect of ecological issues the ES predicts that post mitigation the overall impact of the scheme will be either neutral or positive. The Council's ecological advisers do not raise an objection to the proposals on ecological grounds. In addition to the requirement for NR to obtain the necessary licences from English Nature it must be noted that other legislation is in place to protect the natural environment e.g. Wildlife and Countryside Act 1981 (as amended) and the Conservation Regulations 1994.

10.15 It is recognised that there is some potential for adverse air quality impacts from construction, especially from dust, but it is noted that methods for controlling dust emissions would be applied by the proposed PEMS. With regard to construction traffic emissions the ES predicts that these will be temporary and resulting in only a slight adverse impact. The Council's Environmental Health officer has requested that additional monitoring receptors are provided – condition 9 of the planning application agrees to the provision of monitoring at Cadwell Court. In terms of the permanent impact of the scheme the ES concludes that the impact would be

negligible. It is accepted that with the proposed additional capacity on both the ECML and Cambridge line the additional trains may have the potential for some limited additional adverse impact on air quality however this impact needs to be balanced against the very much higher impact of an equivalent movement of goods and passengers by road. Subject to the suggested additional conditions, the Council's Environmental Health officers do not raise an objection to the proposals.

10.16 With regard to the protection of controlled waters and land contamination issues it is noted that the scheme has been amended to take account of discussions with the Environment Agency, specifically the drainage outfall and detention basin (Document A5 Report on consultations) and the detail of these works is subject to further information required by conditions 3 and 4 of the planning application. With specific regard to the protection of human health and environment the majority of the potential adverse impacts have been identified as likely to arise during the construction phases and are proposed to be dealt with through application of good construction site practice defined by a health and safety plan and site specific environmental management plans. However, there are a number of contaminated land related issues identified as outstanding in the Environmental Statement that the Environmental Protection officer considers warrant the recommendation of a contaminated land planning condition. The reasons given for this are because:

- Part of the SITA scrap-yard site is to be provided as replacement public open space as an integral part of the planning application and at present it has not been subjected to any specific environmental risk assessment. This has the potential to represent a risk to human health that does not fit with the environmental mitigation schemes identified to deal with the construction phase.
- Ongoing requirement for groundwater and gas monitoring and risk assessment to inform final remediation/mitigation measures.

The recommended condition by the Council's Environmental Protection officer is not included in the planning application but is not unreasonable given the environmental risks associated with the development particularly taking into account the piling required for the construction of the viaduct and the potential for contaminants both within the Sita metal recycling site (proposed as public open space) and from construction materials, plant and vehicles. As with the assessment of noise and vibration issues above legislation exists under the Environmental Health Act for the local authority and other agencies e.g. Environment Agency to take action if necessary.

10.17 Traffic Impact and impact on rights of way

The traffic impact of this proposal, in particular construction traffic impact, is arguably the key area of concern for the local planning authority, the highway authority, the police, local residents (especially those residents along the construction traffic route) and for other landowners and interest groups such as Hillcrest Caravan Park and Letchworth Garden City Heritage Foundation.

10.18 The applicants propose only one access point to the works area, a new access off the west side of Stotfold Road just north of the existing underbridge taking the Cambridge line. All construction traffic is proposed to use this access for both exiting and accessing the site and the construction traffic route to the site is proposed via junction 10 of the A1(M), Hitchin Road, Stotfold Road and Wilbury Hills Road. Alternative access points to the site west of the ECML are discussed in the ES and the reasons for discounting the various options (e.g. high levels of existing congestion, environmental concerns and residential amenity) are understood however District Council officers have requested from Network Rail further information, including data, which can justify the chosen construction strategy including whether there is scope for bringing in material by rail or sourcing

locally to keep HGV movements down. In the response from NR dated 9th October (see Appendix B) some of this information has been provided however clarification is still sought on the following matters:

- 10.19 1. Clarification as to the potential to bring construction material in by rail.
2. Whether there is potential to source material, especially soil, locally to keep vehicle movements down.
3. Full details of a travel plan including construction staff promoting car sharing or possibly bus shuttles.
4. The Transport Assessment (TA) should assess the potential for the HGV access to be split so that inbound is from one direction along Stotfold Road and outbound is in the opposite direction. The assessment of the route to the A1 should therefore be split between Stotfold Road/A507 and Stotfold Road/A505/Letchworth Gate.
5. Regardless of what access routes are considered, the TA should include analysis of traffic speeds and information on safety. The TA should include information/data on the various construction traffic option routes relating to casualties, speeds etc.
6. Further details on the scope for consultation between the construction contractor and the Local Authorities.
7. Clarification for the arrangements for accommodating HGV's before the site's operational hours.
8. The District Council would like to be re-assured that the junctions on the routes assessed for HGV access are capable of accommodating HGV's or oversized vehicles without giving rise to excessive delay/congestion and/or causing physical damage. The Council would also like confirmation that construction traffic would not cause excessive re-routing of traffic within Letchworth in particular. This is also true for any other highway features that may constrain HGV access, such as islands on the Stotfold Road route between Letchworth and the A507.
9. Specific details as to how Cadwell Lane and the junction with Grove Road will operate.
10. More precise details of the mitigation measures on Wilbury Hills Road are required with specific reference to speed restriction and safety issues.
11. With regard to on-street parking on Wilbury Hills Road NR should consider how this impacts on their proposed access route and, if necessary, how this parking could be accommodated elsewhere without compromising the safety and convenience of residents when accessing parked vehicles.
12. The information presented in the TA on HGV movements and other construction traffic is often presented in percentages or total amounts in peak hours. For the purposes of clarification it would be useful to have an estimate of how many HGV's may be expected on average, say, per minute. Assuming a steady flow of HGV's in the 'steady state' outlined in 11.4.1 of the TA and that over a 10 hour site operation, 180 '20 tonne lorries' 2-way are anticipated this could equate to, on average, 1 every 3 minutes two-way. Clarification on the intensive period of HGV construction traffic movement would be required.

13. There is reference to the need for night working or construction access. Whilst it is appreciated that details of night working aren't available now it would be useful to have clarification as to when these details are likely to be known and, where possible, quantification as to what vehicle movements are likely.
14. NR are requested to document the result of consultations on the proposals with Central Bedfordshire.

Until the above information is available it is not reasonable to expect the Local Authorities, residents or other interested parties to be able to fully evaluate the impact of the scheme on the environment, residential amenity or the safe flow of traffic on the highway network. It is recommended therefore that an objection is raised to the scheme on traffic impact grounds.

- 10.20 In respect of the impact on the two footpaths to be permanently diverted the TWA Regulations state that where a public right of way is extinguished an alternative provision should be made. In this case alternative provision is made and in both cases the diversions are not significantly different from the current alignment. Network Rail have confirmed that they will continue to discuss this matter with Herts County Council Rights of Way unit.

10.21 Adequacy of Environmental Statement

It is considered that the submitted ES together with its Executive Summary appear to meet the statutory procedural requirements. In addition the appended Planning and Environmental Management Strategy which defines how Network Rails' policies, obligations and commitments in relation to planning and environmental management will be delivered appears to contain, with perhaps the exception of some highway matters, the elements necessary to minimise and mitigate the adverse impacts of the scheme to an acceptable degree.

10.22 Compulsory Purchase issues

The application is accompanied by an application to compulsory purchase and acquire land. North Hertfordshire District Council is one of the main landowners and discussions and negotiations are continuing between the relevant parties. It is a matter for the Secretary of State to be satisfied that the extent of land required is not excessive and is the minimum necessary for the works required and to decide whether there is sufficient and compelling reasons to confer on Network Rail the compulsory purchase powers that are sought. The matter of the CPO application, although included under Section 7 of the Draft Order ('Acquisition of Certain Lands') is not a planning issue however the potential removal of the scrap metal recycling facility and the creation of wildlife habitat are environmental factors to be considered.

11.0 Conclusion

- 11.1 Taking into account the applicant's submissions, including the information relating to previous studies and alternative routes, the information concerning the increase in demand for freight and passenger services and the Governments commitment to promoting sustainable transport and development, it is concluded that there is pressing need for the scheme. As the scheme affects the operational efficiency of the East Coast Main Line it is seen to be of national importance. The project would bring clear economic, operational and safety benefits that would outweigh the harm to the openness of the Green Belt and the adverse visual impact identified. With appropriate mitigation measures and monitoring in place it is considered that the environmental impact on ecology, and of noise, vibration and construction could be controlled to an acceptable level. There is justifiable concern however as to the details of the construction strategy particularly with regard to a lack of information on whether material can be brought in by rail, lack of

assessment of traffic speed, safety issues and junction assessments, traffic management and alternative construction site access.

12.0 Recommendation

- 12.1 That Members agree that this report and recommendation, together with the formal minutes of this meeting, represents the Local Planning Authority's formal response to the Network Rail (Hitchin (Cambridge Junction)) Order submitted under section 1 of the Transport and Works Act 1992 and the request for a Direction under Section 90 (2A) of the Town and Country Planning Act 1990 (Rule 10 (6)).
- 12.2 That the Department of Transport and Network Rail is informed that the proposals are contrary to Policy 2 (Green Belt) of the North Hertfordshire District Local Plan No. 2 with Alterations in that the proposal will have an adverse impact on the open character and appearance of the locality. However, the Council accepts that there are strong material considerations including the national significance of the scheme to improve the operational efficiency and reliability of the East Coast Main Line which outweighs the identified breach of the development plan. The District Council also accepts that environmental landscaping and mitigation can be carried out to help integrate the scheme into the countryside and that it will adjoin and be in close proximity to existing rail infrastructure.
- 12.3 The District Council is concerned, however, over the significant amount of HGV traffic associated with the construction of the scheme on the local road network over a considerable period of time and the detrimental impact that this will have on highway safety and the amenity of local residents. The District Council is not satisfied at this stage that sufficient justification has been given for the proposed construction strategy to enable it to support this aspect of the scheme. Accordingly, the District Council raises an **objection** to the proposals
- 12.4 If, notwithstanding the above objection, the Secretary of State resolves to grant the Draft Order, with or without modifications, he is respectfully requested to consider the following conditions in addition to those set out in the application for planning permission and matters which, the District Council considers should be the subject of an agreement under Section 106 of the Town and Country Planning Act 1990:

13.0 Conditions

13.1 Contaminated land

- (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
- (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors¹, and;
 - (ii) The results from the application of an appropriate risk

assessment methodology

- (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.
- (d) This site shall not be occupied, or brought into use, until:
 - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c), above, have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
 - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

¹The definition of *receptor* shall be based on the definition contained within Table A, Annex 3 of the DEFRA Circular on Contaminated Land 1/2006 as well as controlled waters.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health and the built and natural environment.

13.2 Dust Monitoring

From a date at least 12 months before the start of construction of the development hereby permitted, the soiling rate shall be measured using the glass slide technique over consecutive periods of seven days at each Dust Monitoring Site and the results will be supplied in writing to the Local Planning Authority in which that site is located. A Dust Monitoring Site shall be agreed in writing with the Local Planning Authority. For each Dust Monitoring Site, there shall be a "Dust Response Threshold" which shall be:

- (a) where the Background Soiling Rate at any Dust Monitoring Site is less than or equal to 20su/week, the Dust Response Threshold for that site shall be twice the value of the Background Soiling Rate, or
- (b) where the Background Soiling Rate for any Dust Monitoring Site is greater than or equal to 20su/week, the Dust Response Threshold for that site shall be calculated as follows:

$40 \text{ su/week} + (\text{the Background Soiling Rate} - 20\text{su/week}/2)$, where "su" represents the soiling unit.

The "Background Soiling Rate" for each Dust Monitoring Site shall be the highest average weekly soiling rate measured over any 4 consecutive periods of seven days in the 12 months prior to the commencement of construction. During the construction of the development, the four week average soiling rate shall be measured at each Dust Monitoring Site unless otherwise agreed in writing by the

Local Planning Authority and the measurements for each week shall be supplied to the Local Planning Authority in which the Dust Monitoring Site is located:

- (a) by fax on the same working day that the said measurements become available or, where this is impracticable, the following working day, and
- (b) by post.

If the measurements show that the Dust Response Threshold for any Dust Monitoring Site has been exceeded:

- (a) the Local Planning Authority shall be informed that the Dust Response Threshold has been exceeded;
- (b) appropriate measures shall be taken to reduce the soiling rate at that Dust Monitoring Site so that the Dust Response Threshold is not exceeded, and
- (a) the Local Planning Authority shall be informed of any measures taken pursuant to para 2(b) above.

PM10 monitoring

A PM10 Monitoring Site shall be one of the 5 sites identified and agreed in writing with the Local Planning Authority. During the construction of the development, the hourly level of PM10 shall be measured at each PM10 Monitoring Site unless otherwise agreed in writing by the Local Planning Authority and the measurements for each week will be supplied in writing to the Local Planning Authority.

If the measurements show that either of the PM10 Response Thresholds has been exceeded at a PM10 Monitoring Site :

- (a) the Local Planning Authority in which the PM10 Monitoring Site is located shall be informed forthwith that the PM10 Response Threshold has been exceeded;
- (b) appropriate measures shall be taken to reduce the PM10 levels at that PM10 Monitoring Site so that the PM10 Response Threshold is not exceeded, and
- (c) the Local Planning Authority in which the PM10 Monitoring Site is located shall be informed of any measures taken pursuant to paragraph (b) above.

The PM10 Response Threshold for each PM10 Monitoring Site shall be:

- (a) twice the Hourly Background PM10 Concentration or 500 µg/m³ whichever is the greater, and
- (b) twice the 24-Hourly Background PM10 Concentration or 150 µg/m³ whichever is the greater;

The Hourly Background PM10 Concentration shall be the highest hourly average concentration of PM10 measured at either of the Background PM10 Monitoring Sites, in the 12 month period prior to the commencement of the development.

The 24-Hourly Background PM10 Concentration shall be the highest running 24-hour average concentration of PM10 measured at either of the Background PM10 Monitoring Sites in the 12 month period prior to the commencement of the development.

Meteorological monitoring

During the construction of the development, wind speed, wind direction and rainfall at two agreed sites shall be monitored and the results of the monitoring shall be supplied in writing to the Local Planning Authority.

Reason: In the interests of public health and amenity

13.3 Stotfold Road construction site access

Before the access is first brought into use vehicle to vehicle visibility splays of 4.5 metres by 145 metres in a southerly direction and 4.5 metres by 190 metres in a northerly direction, shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.4 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To provide adequate visibility for drivers entering and leaving the site.

13.4 Stotfold Road access

Any gates provided shall be set back a minimum of 12 metres from the edge of the carriageway while the gates are being opened.

Reason: To allow a vehicle to wait clear of the carriageway while the gates are being opened/closed

13.5 Stotfold Road access

The development shall not be brought into use until properly consolidated and surfaced turning areas for commercial vehicles has been provided within the curtilage of the site. The turning space should be free from obstruction and available for use at all times.

Reason: To allow vehicles to enter and leave the site in forward gear in the interests of highway safety.

13.6 Stotfold Road access

The access shall be constructed in a hard surfacing material for the first 12 metres from the edge of the carriageway.

Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

13.7 Stotfold Road access

The access shall be 7.3 metres wide and the kerb radii shall be 15 metres.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of highway users

13.8 Construction site

All areas for parking and storage and delivery of materials associated with the construction of this development shall be provided within the site on land which is not public highway and the use of such areas must not interfere with the use of the

public highway.

Reason: In the interest of highway safety and free and safe flow of traffic.

13.9 **Landscaping - amendment to submitted condition 6**

Details of the landscaping for the sites indicated on drawing no 123448-00 CV-001 issue 1 **and Fig. 4.10 Issue 05** shall be submitted to, and approved in writing by, the local planning authority. **The details shall include species, size at time of planting, ultimate height, density and location to ensure that the optimum mitigation is achieved.** The approved scheme shall be implemented in accordance with the approved details in the first planting season following the substantial completion of the works. Any tree or shrub included in the scheme that dies or is removed or becomes seriously diseased or is damaged within the first five years shall be replaced in the next planting season with another of similar size and species or as otherwise may be agreed in writing by the local planning authority.

Reason: In the interests of the visual amenity of the area

13.10 **Air quality and noise – amendment to submitted condition 5**

The development shall be constructed in accordance with Network Rail's "Planning and Environmental Management Strategy", as set out in the Environmental Statement Vol. 2 Scoping and Methodology Report, Appendix C. **Specific reference should be made within the PEMS to the Local Air Quality Management Technical Guidance, Defra (LAQM.TG (09)).** In particular a Traffic Management Plan and Noise and Vibration mitigation plan shall be prepared in consultation with the local planning authority.

Reason: To protect the amenity of the locality.

13.11 **Air quality and noise – amendment to submitted condition 9**

Network Rail shall monitor Nitrogen Dioxide **and PM10 with regard to Local Air Quality Management Technical Guidance 09, (Defra 2009), prior to, and during the construction phase at relevant locations with public exposure as agreed with the Local Authority. The findings shall be reported to the Local Planning Authority in accordance with the same guidance, on a monthly basis. Mitigation strategies shall be implemented as soon as practicably possible by Network Rail, in the event of the objectives for these pollutants being exceeded.**

Reason: In the interest of public health and amenity.

13.12 **Operational Noise**

Following the completion of construction, an extensive period of testing and commissioning of the rail line will be undertaken. During this period, the performance of the track in mitigating noise and vibration will be tested and evaluated against BS 8233 to confirm compliance. Noise and vibration monitoring locations will be established at a minimum of 5 locations (as agreed with the Local Planning Authority). Within 3 months of services operating on the line, a series of at least 20 monitoring tests will be undertaken at each of the 5 locations. Selected locations will then be used for monitoring periodically thereafter. There will be ongoing noise and vibration monitoring during the operation of the ECML.

In the event of a suspected non compliance with BS 8233, an investigation will be undertaken to confirm the noise of vibration levels at the specific location. If there is

non-compliance, the cause and extent will be determined. A detailed report of the circumstances with a proposed rectification solution will then be submitted to the Local Planning Authority.

Reason: To prevent noise nuisance.

13.13 Operational Noise

Following the completion of construction, best practicable measures shall be taken to ensure that no squeal noise will be heard at residential properties. In the event of any complaints to the Local Authority of Squeal noise, Network rail shall monitor the squeal noise and report the findings to the Local Authority, and prepare suitable mitigation (as agreed with the Local Authority) to eliminate squeal noise from being heard in residential properties.

Reason: To prevent noise nuisance.

13.14 Ecological Condition

Prior to the commencement of works details of the following ecological matters shall be submitted to and approved in writing by the Local Planning Authority:

- Details of the restoration of the existing reed bed in Cadwell Marsh
- Details of species protection during construction works
- Details of the creation and future management of the attenuation basin and reed bed
- Details of habitat creation and its future management.

Reason: To ensure proper consideration of the impact of the development on nature conservation interests.

14.0 Section 106 Agreement

- 14.1 To be consistent with approved County Council policies, and to mitigate the impact the development construction traffic has on the local highway network a financial contribution of £100,000 is requested from the applicant. The contribution will be used for highway improvements along the construction route of Willbury Hills Road residential area which may consist of pedestrian crossing facilities and lay-bys to be secured by a section106 agreement.

The exact triggers for payment will need to be agreed between the parties as part of the section 106 Agreement.

- 14.2 On the advice of Hertfordshire Biological Records Centre, NHDC requests that the applicant provides a financial contribution or an agreed package of restoration and enhancement of the county Wildlife Site known as Cadwell Marsh (WS11/023). The details of this will be negotiated; however, as an essential term of the agreement these should be sufficient to reinstate the wildlife value of the site.
- 14.3 NHDC requested that NR undertake to cover the Local Authorities professional fees including external valuers, property consultants and solicitors in relation to temporary or permanent acquisition of its land and property. The applicant has previously agreed to undertake these costs.

Hitchin Cambridge Junction Order – Addendum to Planning Control Committee Report, 2nd November 2009.

The following comments represent the views of North Herts District Council (NHDC) as landowner and the Countryside Management Service (CMS) as adviser to NHDC on conservation management.

Issues.

Cadwell Marsh (including NHDC owned Burymead Springs) is a Wildlife Site and as such the District Council's Planning Policies seek to protect this site from action that might harm its value. Burymead Springs is also a Public Open Space and a proposed Local Nature Reserve. The wildlife value of this site has accumulated over time.

The proposals from Network Rail (NR) recommend the incorporation of a flood attenuation scheme within the boundary of Burymead Springs. They also plan to permanently reduce the size of the publicly accessible site by annexing a strip of land parallel to the site's eastern boundary. NR proposes that once created, the flood attenuation scheme will be handed back to NHDC for long term maintenance. The annexing of land from Burymead Springs for NR purposes will reduce the area of the site accessible for public enjoyment and appropriate management for wildlife. The proposed exchange land is located within land already owned by NHDC and of considerably lower wildlife value.

In regard to the flood attenuation scheme, the proposed location is close to the boundary with the site currently occupied by Sita (Metal Recycling) and owned by NHDC. The possibility of contamination to soil in this area is higher than any where else in the Wildlife Site and as such the creation of a water body in this location should be resisted. The burden of long term maintenance of this feature should also be resisted by NHDC.

During the period of construction NR intend to close access to all traffic other than that involved in the construction. This will restrict the council's access to its land and consequently, its ability to properly manage Burymead Springs. It will also halt public enjoyment of this site for that period.

Finally, the CMS report that the proposals for restoration and enhancement of Burymead Springs will cost approximately £60,000 at 2009 prices and including a 10% contingency.

Additional Recommendations:

Objection to the Draft Order

That, in addition to the objection raised to the Draft Order in paragraph 12.3 of the Committee Report an additional objection be raised on environmental grounds with specific reference to the proposals for flood attenuation and exchange land in regard to the land owned by NHDC and known as Burymead Springs.

That NR be directed to present options for the provision of a flood attenuation scheme and exchange land on land to the north of Burymead Springs and in private ownership.

Conditions:

That the following additional planning conditions be recommended:

1) Prior to the commencement of the development details of maintenance access to the District Council's land at Burymead Springs shall be submitted to and agreed by the Local Planning Authority. The development to be carried out in accordance with the approved details.

Reason: To ensure the proper maintenance of the wildlife site in the interests of nature conservation

2) That upon completion of the works, Network Rail retain ownership and maintenance liability for their flood attenuation scheme.

Reason: To ensure the proper and continued maintenance of infrastructure connected to the rail scheme.

Section 106 Agreement:

Amendment to paragraph 14.2:

That the suggested financial contribution to restore and enhance the Council owned land at Cadwell Marsh/Burymead Springs be at least £60,000 indexed linked and to include a 10% contingency.