



Planning Inspectorate

East West Rail – Bedford to Cambridge and Western improvements – TR040012

East West Railway Company Limited

Section 51 Advice Log

Version: 26/03/2026

There is a statutory duty under [section 51 \(s51\) of the Planning Act 2008](#) for the Planning Inspectorate to record the advice that it gives in relation to an application or potential application, and to make this publicly available.

This document comprises a record of the advice that has been provided by the Inspectorate to the applicant (East West Railway Company Limited) and their consultants during the pre-application stage. It will be updated by the Inspectorate after every interaction with the applicant during which s51 has been provided. The applicant will always be given the opportunity to comment on the Inspectorate's draft record of advice before it is published.

The applicant will use this Advice Log as the basis for demonstrating regard to section 51 advice within the application.

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| <u>6 November 2024</u> | <ul style="list-style-type: none"> Project Update Development Consent Order Submission Non-Statutory Consultation Environmental Scoping Report New PINS pre-application process |
| <u>5 February 2025 (email)</u> | <ul style="list-style-type: none"> Programme Document Feedback |
| <u>7 March 2025</u> | <ul style="list-style-type: none"> Examination Documents Scoping Opinion Programme Document Project update meetings Environment Agency update |
| <u>18 June 2025</u> | <ul style="list-style-type: none"> Universal UK project Construction Disruption Crown Estate Land Consents and Licenses Main Issues Tracker Engagement with Local Authority's Service Tier Programme Document Project Update Meetings |
| <u>29 September 2025</u> | <ul style="list-style-type: none"> Section 35 Direction Environmental surveys Impact on utilities Planning and Infrastructure Reform Bill Ministry of Housing, Communities, and Local Government consultation response Future project update meetings |

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| <u>23 October 2025</u> | Pre-application Prospectus Update |
| <u>13 November 2025</u> | Statutory Consultation Ecological Surveys Habitats Regulations Assessment (HRA) Biodiversity Net Gain (BNG) Planning Infrastructure Bill (PIB) Design Update Sessions Pre-application service Future Project Update Meetings |

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| 04 February 2026 | <p>Programme Considerations</p> <p>Pre-application Inspector</p> <p>Engagement</p> <p>Structure of Application</p> <p>Documents</p> <p>Draft Documents Review</p> <p>Service</p> <p>Multiparty Meetings and</p> <p>Evidence Management</p> <p>Programme Development</p> <p>and Next Steps</p> |
| 23 February 2026 | <p>Enhanced Tier Meetings and Programme Structure</p> <p>Scope, Third-Party Funding and Clarity of the NSIP Application</p> <p>Red Line Boundary and Project Definition</p> |

East West Rail – Bedford to Cambridge and Western Improvements - s51 Advice Library

| Topic | Meeting date: 6 November 2024 |
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| Development Consent Order (DCO) submission | The Inspectorate advised the Applicant to consider the most appropriate date for DCO submission to avoid periods of the year when the 28 day acceptance period is affected by bank holidays (such as over the Christmas period) as this can cause difficulties in obtaining input from local authorities. |
| Non-Statutory Consultation | The Inspectorate advised that it would be beneficial for the Applicant to provide non-technical summaries of reports to ensure that these are accessible to the general public. |
| Environmental Scoping Report | The Inspectorate normally advise Applicants to seek their Scoping Opinion via the Planning Inspectorate separately to any statutory or non-statutory consultations to avoid responses from statutory bodies and other stakeholders being sent to the Inspectorate and not the Applicant about consultation rather than scoping or vice versa. |
| Environmental Scoping Report | The Inspectorate explained to the Applicant the difficulties which could be caused by submitting the Scoping Opinion request over the Christmas period. The availability of local authority and statutory body staff during these periods can affect the ability of these organisations to be able to respond or to provide detailed responses to the Inspectorate within 28 days. |
| Programme Document | <p>The Inspectorate noted that it is now usual practice to receive the Programme Document ahead of the project update meeting so that feedback can be provided on this further to the guidance - Nationally Significant Infrastructure Projects: 2024 Pre-application Prospectus - GOV.UK</p> <p>The Inspectorate advised that the Programme Document will need to be provided to them as soon as possible as it is a key component of the pre-application process. Once received the Inspectorate will provide feedback. The Applicant will then be required to publish the document on its website.</p> |
| Pre-Application fees | The Inspectorate explained that it will not provide a breakdown of hours spent on the project and that the pre-application fee is a fixed fee per year of service and will be invoiced twice per year in October and April. The standard tier of service allows for up to six meetings per year of service. |
| Draft Documents review | The Inspectorate explained that it is important for the Applicant to provide well developed documents when requesting a draft document review to enable the Inspectorate to provide detailed feedback to the Applicant. |

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| New Advice Page | The Inspectorate made the Applicant aware of its new advice page on Good Design and further advice on linear projects will be available in due course - Nationally Significant Infrastructure Projects: Advice on Good Design - GOV.UK |
| Topic | Email date: 5 February 2025 |
| Programme Document Feedback | <p>The applicant supplied the Inspectorate with its initial Programme Document in line with the Expression of Interest process, after the publication of the 2024 Pre-application Prospectus. Having reviewed the document, the Inspectorate notes that it follows the expected content structure as set out in the government's pre-application guidance at paragraph 10. However, in updating its Programme Document, the applicant should:</p> <ul style="list-style-type: none"> • include whether the local authorities, statutory consultees and others are content with the proposed programme • indicate how they will seek input from the Local Authorities on the Adequacy of Consultation Milestone statement. • include clear dates or defined timescales (month rather than quarters) in its programme timetable for the Adequacy of Consultation Milestone (expected to be scheduled three months before the submission of the application), consultation period with local authorities on the draft Statement of Community Consultation (SoCC), publishing the SoCC, any expected project update meetings with the Planning Inspectorate, and any timescales for obtaining other consents or permissions (if required). <p>It would also be helpful if the Programme Document explained how the design approach will be managed and communicated during pre-application as well as any relevant information about the development of the draft Development Consent Order (DCO) and Explanatory Memorandum. The applicant will need to publish its updated Programme Document on its website as soon as practicable.</p> |
| Topic | Meeting date: 7 March 2025 |
| Examination documents | The Inspectorate advised the applicant to ensure documents submitted include version numbers to assist in the examination. |
| Scoping Opinion | It was noted that due to an internal error, Natural England (NE) did not respond to the scoping opinion. NE stated it will be continuing communication direct with the applicant. |

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| | The Inspectorate advised that although NE did not respond, it is important for the applicant to engage with them as a statutory consultee to attempt to identify and resolve issues prior to examination. |
| Programme Document | The Inspectorate explained the importance of providing it with an updated programme document. It further noted that the document helps to outline when meetings are required and draft documents are to be reviewed etc. This is for the applicant to take the lead on when they meetings will be best suited to take place. |
| Project update meetings | The Inspectorate noted that project update meetings should cover non-statutory consultation feedback and how the applicant is engaging with the Local Authorities together with Statutory Parties communication. The Inspectorate also explained that the applicant can communicate any highlights and updates on the project via email/telephone to the case manager at anytime and the project update meetings are here so it and the applicant can come together for a discussion and for the applicant to seek any advice required. |
| Environment Agency update | The Inspectorate noted that the Environment Agency has published flood and coastal erosion risk data in 2025 following the release of its "National assessment of flood and coastal erosion risk in England 2024". Further updates are also expected to follow. The applicant should ensure that assessments take account of updated data sets as these become available through Defra's Data Services Platform. |
| Topic | Meeting date: 18 June 2025 |
| Universal UK Project | The Inspectorate noted that the potential impact of the Universal UK project should be continually assessed. |
| Construction Disruption | The Inspectorate noted that Examining Authorities are frequently challenging time periods for construction work. The applicant should demonstrate its consideration for alternative time periods and justify its proposals. The Inspectorate also emphasised the importance of respite periods for local communities and interested parties. |
| Crown Estate Land | The Inspectorate explained the importance of reaching agreements with the Crown Estate during the pre-application stage to prevent future delays to the project. |
| Consents and Licenses | The Inspectorate advised the applicant to create a tailored list of consents and licenses in preparation for the examination period. |
| Main Issues Tracker | The Inspectorate highlighted the importance of having a key on the applicant's issues tracker that explains the RAG rating system. |
| Engagement with Local Authority's | The Inspectorate does not have specific advice on applicants' approach to engaging with local authorities and cannot advise local authorities how to engage with projects. |

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| | <p>The applicant should continue to engage and hold consultations with local authorities which it deems necessary. The Inspectorate would like to remain updated on this matter.</p> |
| Service Tier | <p>The Inspectorate explained that the supplementary pre-application components are only required for applicants subscribed to the enhanced service tier. The applicant can use these tools to aid the examination process, but this is optional.</p> |
| Programme Document | <p>The Inspectorate advised that the Programme Document should only be updated if changes have been made to the project. It also suggested it should contain links to the project website and consultation webpages to aid readers to locate relevant materials.</p> <p>The Inspectorate explained that the applicant was required to publish the Programme Document of the project website.</p> |
| Project Update Meetings | <p>The Inspectorate advised that slide packs and the applicant's questions should be received at least a week before project update meetings.</p> <p>The Inspectorate explained that the applicant can communicate with the case manager via email/ telephone at any time.</p> |
| Topic | Meeting date: 29 September 2025 |
| Section 35 direction | <p>The Inspectorate noted that the applicant had received its Section 35 direction in 2019 and queried whether the proposed development still aligned with it. The Inspectorate advised the applicant to engage with the Secretary of State for the Department for Transport on the matter.</p> |
| Environmental surveys | <p>The applicant explained that it had obtained access to approximately 50% of the land required for survey work, citing issues with landowner permissions. The Inspectorate queried how the applicant intended to assess worst-case scenarios, given the limited amount of survey work completed to date. The Inspectorate advised that the applicant should endeavour to complete as much survey work as possible to ensure the Environmental Statement is robust.</p> |
| Impact on utilities | <p>The applicant conveyed that the project's impact on existing utilities could result in multiple Nationally Significant Infrastructure Projects (NSIPs) being included in its Development Consent Order (DCO). The Inspectorate advised the applicant to consider how this could impact the current scheme.</p> |
| Planning and Infrastructure Reform Bill | <p>The applicant explained that it is considering its approach to engagement and consultation in relation to the project going forwards, on the assumption that the Planning and</p> |

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| | <p>Infrastructure Bill will become law. The applicant noted it is considering producing an informal Statement of Community Consultation (SoCC) that incorporates best practice and feedback from local authorities. The Inspectorate noted that the full implications of the Bill will remain unclear until its formal introduction. It advised that certain procedural requirements may still apply depending on when the project was first presented to the Inspectorate, referencing previous implementation of the pre-application service tier in October 2024, which prescribed when applicants were expected to pay the fee dependent on when their scoping submission was made. Consequently, the Inspectorate emphasised that the applicant may still be required to produce a formal SoCC and undertake a traditional statutory consultation.</p> |
| <p>Ministry of Housing, Communities, and Local Government (MHCLG) consultation response</p> | <p>The applicant advised the Inspectorate that it was preparing a response to the MHCLG consultation on streamlining infrastructure planning. The Inspectorate enquired if the applicant would be willing to share its response to the consultation and advised the applicant, should they wish to submit this, to do so at least two weeks prior to any scheduled project update meeting to allow sufficient time for internal review and to ensure it could provide comments during discussions.</p> |
| <p>Future project update meetings</p> | <p>The Inspectorate requested that the applicant provide additional background information on the proposed EWR DCO project at the next project update meeting due to changes in resourcing.</p> <p>The Inspectorate also asked for an update on the progress of the applicant's environmental survey work to ensure it remains informed of key developments.</p> |
| <p>Topic</p> | <p>Email (Advice): 23 October 2025</p> |
| <p>Pre-application prospectus</p> | <p>The Inspectorate has advised that, following a 6-month review of our services, our Pre-Application Prospectus has been updated: 2024 Pre-application Prospectus. The update log at the bottom of the page summarises the changes and clarifications that have been applied. Applicants with a live project at the pre-application stage of the process, please familiarise yourself with the update and consider how it might affect your pre-application programme and interaction with our services. Please note in particular:</p> <ul style="list-style-type: none"> • The establishment of land and rights negotiations tracking as a primary service feature – this means it is now expected for all applicants to develop and share a land and rights negotiations |

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| | <p>tracker in 1 of 2 available templates, irrespective of the service tier they have subscribed to</p> <ul style="list-style-type: none"> • Clarified expectations of the applicants when preparing to interact with the Inspectorate at meetings – including clarified rights for the Inspectorate to delay or refuse service where pre-meeting expectations are not upheld e.g. an update programme document or issues tracker is not provided, on time, to inform meeting agenda. |
| Topic | Meeting Date: 13 November 2025 |
| Statutory Consultation | <p>The applicant confirmed that the 'You Said We Did' Autumn update report will be published soon. The main goal of this is to maintain the dialogue with the public and keep them updated on the progress of the project.</p> <p>[Post meeting update: The You Said We Did report was published on 19 November 2025 and is available at East West Rail You Said We Did]</p> |
| Ecological Surveys | <p>In response to the Inspectorate's feedback at the previous meeting, the applicant's ecologist presented a detailed update on the project's approach to surveys and collection of baseline data. It stated that the survey approach was reviewed on an annual basis with NE. It explained that the approach to survey was not to gain access to every land parcel but to target areas where baseline data were critical for design. It is also using data collected from previous phases of the project and other NSIPs in the area. The applicant stated that the percentage of access for bird surveys was therefore much higher than for example bats.</p> <p>The Inspectorate asked if there are any land parcels that were considered critical to survey, for which the applicant had not been able to gain access. The applicant confirmed that there were no issues in this regard. It stated that the focus for access is woodland and it is using s172 of the Housing and Planning Act 2016 where needed to obtain access. For bats, the applicant was confident that its habitat suitability modelling, together with other collected data, would provide a robust baseline for assessment. It confirmed that circa 68% of crossing points for bats had been surveyed and it would make precautionary assumptions where access was not available to identify flightlines.</p> <p>The Inspectorate advised that any limitations encountered or assumptions made should be clearly described in the ES. The applicant confirmed this would be done.</p> |
| Habitats Regulations Assessment (HRA) | <p>The applicant provided an update on its engagement with NE in respect of HRA. It holds workshop sessions with NE every 6 weeks with 10 completed to date and workshop 11 planned in early December 2025. The applicant stated that outputs are being agreed through a written log with NE. The applicant stated that the spatial extent of assessment was agreed and at present there are no significant disagreements. The applicant confirmed that the main area of consideration for HRA is impacts to the Eversden and Wimpole Wood Special Area of Conservation (SAC) and bat qualifying features.</p> |

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| Biodiversity Net Gain (BNG) | The applicant stated that it is developing a bespoke method for BNG calculation in the absence of specific guidance for NSIPs. It is seeking to coordinate BNG with the scheme design and mitigation to achieve no landscape scale barrier. The applicant is engaging with Defra regarding BNG. It stated that it has also established a BNG forum. The Inspectorate asked about participants in the BNG forum. The applicant stated that a range of stakeholders are involved, including local authorities, other developers and statutory bodies. |
| Planning Infrastructure Bill (PIB) | The applicant presented an update on its approach to pre-application consultation in light of the PIB. It stated that the PIB removes the requirement for a SoCC, however the applicant will still work with local authorities to identify the best way to engage with local communities. The applicant stated that it would not produce a full preliminary environmental information (PEI) report (PEIR) as part of the consultation but will present further information about environmental impacts of the proposed development and proposed mitigation. The Inspectorate advises that there are obligations on the applicant under the Aarhus Convention in respect of public participation in decision-making on environmental matters. In the absence of a PEIR, the Inspectorate asked the applicant how it intends to progress pre-application consultation with relevant statutory environmental bodies and if this would continue through established lines of communication. The applicant stated it was working on a forward plan, and it would be sharing assessment outcomes for discussion when Available. It was in discussion with the local authorities about possible use of a tracker as a basis for regular reporting to cabinet meetings. |
| Design Update Sessions | The applicant confirmed that they will run a series of design update sessions before consultation takes place in 2026. The Inspectorate requested more information about how and where the sessions would be hosted and how they would be promoted. The applicant explained that the focus of these sessions will be on the new or materially different aspects of the project and in locations best suited to the need for targeted local engagement. |
| Pre-application service | The applicant provided information in respect of their response to the MHCLG consultation on streamlining infrastructure planning. The Inspectorate advised that, if there are aspects of the pre-application service for the current project that the applicant considers are not working well, they are welcome to raise these with the case manager. The applicant noted that they would do that. |
| Future Project Update Meetings | The next Project Update Meetings (PUM) will take place in January 2026, and the applicant requested the Inspectorate's views on matters to be discussed. The Inspectorate advised that this could be considered ahead of the next meeting. |
| Topic | Meeting: 04 February 2026 |
| Programme Considerations | The Planning Inspectorate advised the applicant it would be appropriate to review and update the pre-application programme including updating the programme |

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| | <p>document.</p> <p>The Inspectorate advised that it would be beneficial to maintain dialogue as the draft Development Consent Order (DCO) and control documents are worked up, and to understand the perspectives of the host authorities.</p> <p>It would also be timely to begin considering the approach to requirements in the Development Consent Order (DCO). While this does not require immediate decisions, it is an issue that should be factored into longer-term planning.</p> |
| Pre-application Inspector or Engagement | <p>The Inspectorate reflected positively on similar experiences from other projects, where the appointment of a pre-application Inspector helped to identify and facilitate resolution of issues in advance of an application being submitted. The Inspectorate explained the role of the pre-application Inspector including providing advice during the pre-application stage and providing a handover briefing to the examining authority (ExA) once appointed.</p> |
| Structure of Application Documents | <p>The applicant explained that the scale of the proposed development meant that there would be a large volume of application documentation. There was discussion about potential benefit in the applicant's EIA team and the Inspectorate meeting to talk about its approach to format and structure of the environmental statement (ES) and associated management plans. The Inspectorate has experience from previous projects that could assist the applicant to produce an ES that parties involved in any subsequent examination find easy to navigate and obtain information needed to support participation.</p> |
| Draft document review service | <p>The Inspectorate advised that the pre-application prospectus sets out its draft document review offer. This includes control documents such as management plans. Review would be undertaken by the case team with support from a pre-application inspector.</p> <p>The Inspectorate confirmed that review of the draft ES project description chapter and the habitats regulation assessment (HRA) would typically be carried out by the environmental services team (EST). EST will take ownership of reviewing draft ES descriptions and Habitats Regulations information, expanding into control documents and management plans under the enhanced tier.</p> <p>The Inspectorate confirmed that advice is normally issued 6 weeks after receipt of documents. The Inspectorate request that all documents for draft review are submitted as a package at the start of the review period.</p> <p>The Inspectorate advised that draft document review approximately 6 months prior to DCO application seemed</p> |

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| | <p>reasonable in terms of a balance between maturity of documentation and sufficient time to consider any advice issued.</p> |
| <p>Multiparty Meetings and Evidence Management</p> | <p>Multiparty meetings can be held prior to DCO submission and form part of the existing service offer. These are seen as valuable in maximising the prospects of an efficient examination. The Inspectorate encouraged the applicant to identify a list of potential bodies to engage through multiparty meetings in its next programme document iteration.</p> <p>The Inspectorate emphasised the importance of evidence-based engagement.</p> <p>The Inspectorate advised that an ExA will deal with all evidence submitted during the examination, including new issues that might not have been raised during the pre-application stage. A pre-application Inspector can seek to facilitate resolution of disputes with consultation bodies during the pre-application stage with a view to capturing the positions of interested parties.</p> |
| <p>Programme Development and Next Steps</p> | <p>The Inspectorate advised ongoing dialogue to refine the pre-application programme is welcome.</p> <p>The Inspectorate also requested visibility of the consultation materials once finalised, together with clarification of how the earlier project stages relate to the DCO application.</p> |
| <p>Topic</p> | <p>Meeting: 23 February 2026</p> |
| <p>Enhanced Tier Meetings and Programme Structure</p> | <p>The applicant enquired whether the enhanced tier service could accommodate a mix of 1-hour meetings and longer 'deep dive' meetings. The Planning Inspectorate advised that where it suited the programme to do so, it would be happy to consider longer meetings and that longer meetings could be a sensible way to enable more meaningful discussion of complex topics.</p> <p>The applicant also proposed a programme for pre-application meetings. The Inspectorate confirmed it would take away the suggested programme for consideration and respond to the applicant with further thoughts. Following this, the date of the next project update meeting can be arranged.</p> |
| <p>Scope, Third-Party Funding and Clarity of the NSIP Application</p> | <p>The Inspectorate emphasised the importance of including appropriate information in the funding statement about any third-party funding contributions to the project.</p> <p>It will also be important to be clear what is and is not included within the DCO application, particularly if there are any elements of the project that are intended to be delivered via other consenting mechanisms.</p> <p>The Inspectorate provided advice regarding the risk of</p> |

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| | <p>confusion during consultation where workstreams are running in parallel. There is a tendency for stakeholders to comment on “the NSIP” when issues actually relate to separate but parallel pieces of work. Minimising this confusion will be important for the applicant. Care will be needed to ensure consultees provide feedback on the correct elements of the scheme.</p> <p>The applicant also asked how such issues might play out during examination, particularly in terms of identifying gaps early and resolving or removing them from consideration ahead of examination. The Inspectorate reiterated their objective of smoothing the DCO process as much as possible through effective preapplication engagement and confirmed with the applicant that it would be difficult to pre-empt now any questions or concerns that may be discussed at the examination stage.</p> |
| <p>Red Line Boundary and Project Definition</p> | <p>The Inspectorate queried the current definition of the proposed development, noting that new elements are being presented and that the red line boundary appears to be evolving. The Inspectorate asked for clarification of how the current boundary relates to the boundary submitted with the scoping report.</p> <p>The applicant advised that only minor changes and extensions are anticipated, with no inclusion of new protected sites. Boundary refinements are expected as part of ongoing design development, however the scheme presented at consultation will have an order limits boundary that is as close as possible to the intended application boundary. The applicant confirmed that, once changes are finalised, they would talk the Inspectorate through them in detail. The Inspectorate noted that future clarity on this point would be extremely helpful.</p> |