



Meeting note

Project name	East West Rail Bedford- Cambridge DCO
File reference	TR040012
Status	Final
Author	The Planning Inspectorate
Date	13 January 2021
Meeting with	East West Rail
Venue	Microsoft Teams
Meeting objectives	Inception Meeting
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Project Background

East West Rail Ltd (The Applicant) provided the Planning Inspectorate (The Inspectorate) with general background information for the project. The Applicant explained that the scheme was split into four parts; one of which had been completed under a Transport and Works Act Order (TWAo) made in 2012, the second of which was authorised by a TWAo made in February 2020 and a further two sections intended to be delivered under a single Development Consent Order (DCO).

The Applicant explained that works on the first section under the proposed DCO (Bletchley to Bedford) would comprise alterations and upgrades to the existing railway alignment, signalling, level crossing arrangements and stations to allow for between 1-4 trains per hour (tph). The second section, referred to as Bedford to Cambridge, has been directed into the Planning Act 2008 regime under a s35 direction and comprises new track between Bedford and Cambridge. The Inspectorate queried the Applicant's approach to mitigation for new track sections referencing new projects such as HS2 as exemplars. The Applicant stated that this was currently under development. Noting that the proposal had been directed into the Nationally Significant Infrastructure Project (NSIP) process via a section 35 Direction, the Inspectorate raised paragraph 1.3 of the National Networks National Policy Statement with the Applicant. Paragraph 1.3 states:

"Where a development does not meet the current requirements for a nationally significant infrastructure project set out in the Planning Act (as amended by the Threshold Order), but is considered to be nationally



significant, there is a power in the Planning Act for the Secretary of State, on application, to direct that a development should be treated as a nationally significant infrastructure project.⁵ In these circumstances any application for development consent would need to be considered in accordance with this NPS. The relevant development plan is also likely to be an important and relevant matter especially in respect of establishing the need for the development.⁶

The Inspectorate drew particular attention to the final sentence of the above paragraph, in regard to the development plan.

Consultation and Timescales

The Applicant informed The Inspectorate that a non-statutory consultation had been held in early 2019 to select a preferred route option. The Secretary of State announced the preferred route option 'option E' on the 29 January 2020. Information events were held to inform the public.

The Applicant explained that the future consultation would explain the process for selecting route alignment options. Information would be provided through the press. Potential statutory consultees had been identified, they would be consulted, with other organisations and anyone else who wanted to be informed. Notification through a post card would be sent to those who are within 2km of the route.

A non-statutory consultation on the preferred alignment option is due to start in the first quarter of 2021. The Applicant confirmed that a preferred alignment option is expected in 2021/2022. The statutory consultation would be due to be carried out in 2022. The Development Consent Order application is expected to be submitted in 2022.

The likely timescales for the Pre-examination stage of the process, if the application was to be accepted, were discussed. It was explained that the average length of pre-examination is 3-4 months however, the Applicant was advised that it could be longer due to numerous factors. Factors such as, the notification periods, response to any advice issued following an Acceptance decision, Relevant Representation (RR) period and any proposed changes to the application and given the COVID-related restrictions whether PINS issues questionnaires regarding consultees' ability to participate. The Inspectorate confirmed that some Applicants have given extended periods for the submission of Relevant Representations due to the COVID-19 pandemic.

EIA and Scoping

The Applicant informed The Inspectorate it intended to seek a Scoping Opinion in 2021.

The Applicant explained that it had already engaged with consultation bodies such as Natural England and it was already drafting Statements of Common Ground (SoCG), to capture agreements/disagreements. The Inspectorate queried whether the Applicant proposed to use an evidence plan approach. The Applicant stated that at present it did



not intend to use this approach but also emphasised that initial, extensive Geographical Information Systems (GIS) constraints mapping exercises had enabled the most sensitive environments to be avoided. The Inspectorate queried whether there were any constraints relating to European designated sites. The Applicant stated that Eversden and Wimpole SAC had been identified and bat surveys were being undertaken.

The Applicant and The Inspectorate discussed various matters relating to the environment.

The Inspectorate queried the Applicant's approach to net gain. The Applicant indicated that this was in development and suggested that a 10% net gain figure was being applied, although this was subject to confirmation.

Section 53 application

The Applicant informed The Inspectorate that the licence fee structure was developed to provide an incentive to landowners to enter into land access agreements. The majority of landowners had been contacted. The Applicant indicated that to complete certain surveys it intended to submit application for s53 rights of entry for access to land in March-April 2021. The Inspectorate and the Applicant discussed the timescales relating to such authorisation requests and requested a further meeting to discuss the likely scope and content of an application to enable rapid processing.

The Inspectorate noted that its current approach is set out in Advice Note 5: s53 Rights of Entry. The duration of an authorisation was discussed, The Inspectorate noted that the standard length of an authorisation is 12 months, however, this is not set in statute and extensions may be offered where appropriate justification is provided. The Applicant requested examples of standard conditions and was directed towards previous authorisations for projects such as Expansion of Heathrow, Third Runway (<https://infrastructure.planninginspectorate.gov.uk/projects/london/expansion-of-heathrow-airport-third-runway/?ipcsection=docs>).

Specific decisions/ follow-up required?

The following actions were agreed:

- Scoping discussion
- Schedule regular meeting every, one – two months and around key parts of the process