

REPORT OF: Head of Planning Services
TO: Planning Committee
WARD Trumpington

6/08/2014

PROPOSED DIVERSION OF PUBLIC FOOTPATH No 47 CAMBRIDGE BIOMEDICAL CAMPUS, CAMBRIDGE

1.0 INTRODUCTION

- 1.1 A Public Footpath Diversion Order had been received in respect of Public Footpath 47 Cambridge in association with the development of the Cambridge Biomedical Campus (planning references 06/0796/OUT and 11/0780/REM). The original line of the footpath which crosses part of the site was subject to an order in 2012 to enable a temporary diversion to allow the development of 11/0780/REM, the multi-storey car park, to be implemented.
- 1.2 In 2013 a further footpath diversion was proposed to accommodate the longer term planning needs for the site and this is the subject of this Committee Report. In accordance with the Memorandum of Understanding dated 22/07/2011 Cambridgeshire County Council acts, on an agency basis, for Cambridge City Council to process public footpath orders under S157 of the Town and Country Planning act 1990.
- 1.3 Local Plan Policy 8/5 'Pedestrian and Cycle Routes' seeks to retain and improve pedestrian and cycle routes within new developments and emerging Policy 56(a) 'creating successful places' confirms that developments should take a comprehensive design approach which integrates "...buildings , the routes and spaces between buildings, topography and landscape:" Whilst this policy has yet to be adopted there have been no principle objections received to it, although objections have been received to specific elements. The emerging policy is therefore considered to have increased weight in relation to this proposal.
- 1.4 The County Council's Asset Information Definitive Map Officer has prepared the report which is attached as Appendix 1. His recommendation is to approve the Diversion Order, which is considered justified under part 257 of the Town and County Planning Act 1990.

2.0 RECOMMENDATION

- 2.1 That Planning Committee approve the order to divert part of Public Footpath No 47 Cambridge as set out in the accompanying report by the Asset Information Definitive Map Officer.
- 2.2 To confirm to the County Council Highways Authority the decision of the Planning Committee.

Date: 12th June 2014

To: Simon Pugh, Head of Legal Cambridge City Council

From: Robert Kemp, Asset Information Definitive Map Officer CC1305

Ref: 119/47

Report on the proposed diversion of part of Public Footpath No.47 Cambridge

1 Purpose

- 1.1 This report is prepared for Cambridge City Council by Cambridgeshire County Council in the role as agent for Cambridge City Council in processing public path orders under s157 of the Town and Country Planning Act 1990, under Memorandum dated 22/07/2011.
- 1.2 To report on the proposed diversion of part of Public Footpath No.47 Cambridge, which is required to enable development of the Cambridge Biomedical Campus at Addenbrooke's Hospital Cambridge.
- 1.3 **Contents**
 - Appendix A: A copy of the diversion application.
 - Appendix B: A map showing the effect of the proposals.
 - Appendix C: The Planning Application and Decision notices.
 - Appendix D: Consultation Responses.
 - Appendix E: Site Visit Photographs.
 - Appendix F: Proposed Path Cross-section.
 - Appendix G: An Aerial Photograph of the site
 - Appendix H: Memorandum of Agreement with Cambridge City Council.
 - Appendix I: An Email from Mike Rant, agent for Countryside PLC, Re: maintenance of the diverted footpath.
 - Appendix J: Memo from Cambridgeshire County Council Service Director Infrastructure Management and Operations giving approval for this diversion.

2 Background

- 2.1 The land is owned by The Pemberton Family Trust. The land is leased by Cambridge Medipark Limited. The applicant for this diversion is Cambridge Medipark Limited.
- 2.2 This diversion order is required to implement the planning application 06/0796/OUT for the development of the Cambridge Biomedical Campus 2020 masterplan. The route of this path would be obstructed under planning application number 11/0780/REM *Reserved matters application (access, appearance, landscaping, layout and scale details) for a 1,228 space multi-storey car park (33,141sqm gross external floor area) and perimeter access road at the south west corner of Addenbrooke's campus, to serve Addenbrooke's as it expands and the new Papworth Hospital (pursuant to outline*

(Point E, Photo 13). Robinson Way, Francis Crick Avenue and Dame Mary Archer Way are private roads, maintainable by Countryside PLC.

- 3.4 The route between Points A and I is dedicated as a public cycletrack with equal pedestrian and cycle rights (this was recently upgraded from public footpath as part of the Guided Busway development) (see Photos 6 and 7). The western end of the proposed diversion route will therefore terminate on a connected highway.
- 3.5 There are pedestrian access points to the proposed diverted footpath at Point J (Guided Busway Cycle Path), Point F (Permissive Cycletrack to Great Shelford), Point H (Private Road Francis Crick Avenue) and at Point C (Private Road Robinson Avenue). There is a pedestrian crossing at points J - I and H.
- 3.6 The diverted route would have a total width of 3.5 metres, comprising a central strip 1.5 metres wide of concrete paving slabs with an adjacent grassed 'services strip' of one metre on either side. This will allow for protection of the entire 3.5 metres for the future. Please see the attached cross section (Appendix F) for more details.
- 3.7 The new route (A - I - H - G - F - C) is 899 metres longer than the original route (A - B - C)

4 Legal Framework

4.1 Section 257 of the Town and Country Planning Act 1990 allows that:

(1) Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath or bridleway if they are satisfied that it is necessary to do so in order to enable development to be carried out—

- (a) in accordance with planning permission granted under Part III, or
- (b) by a government department.

(2) An order under this section may, if the competent authority are satisfied that it should do so, provide—

- (a) for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;
- (b) for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement provision is made by the order;
- (c) for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway;
- (d) for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.'

- 5.2 Where there is a desire line on the ground that is not on the definitive route because that is obstructed we will consider that to be evidence of a desire to get from points A-B, and will require the definitive route to be opened up or diverted onto the desire line or another mutually agreed route.

6 Consultations

- 6.1 Cambridge City Council (in their role as the local district council), local County and District Members, the prescribed user groups and the utility companies were all consulted about the proposals. The following replies have been received (copies are attached as Appendix D):
- 6.2 Paul Cutmore on behalf of the local City Ramblers' Association was aware of the proposal and had agreed the proposed route in February 2013, having objected to the planning application in August 2011. Paul Cutmore had been reassured that the diverted route would not be opened until it had been inspected by County Council officers and certified to be satisfactory to pedestrians. This objection was subsequently withdrawn following work by the applicant to mitigate the RA's concerns.
- 6.3 Anglian Water confirmed that it has no easements in the vicinity of the proposed path.
- 6.4 BT OpenReach confirmed that they had no objections to the proposals.
- 6.5 National Grid confirmed that they had apparatus in the vicinity of the proposed path and therefore objected to the diversion. Cambridge Medipark Ltd have since confirmed that the plant drawings supplied by National Grid were out of date and the gas network in question had already been diverted to make way for the new Access Road between Points F and G. As a result, the objection has since been resolved and no longer stands. Communications regarding this plant diversion can be seen with National Grid's original objection in Appendix D.
- 6.8 No other responses were received.

7 Grounds for stopping up and provision of alternative route: Town & Country Planning Act 1990 and Equality Act 2010

- 7.1 The re-routing of part of this public footpath from its existing route to the proposed new route is required in order to implement a planning permission granted under Part III of the Town and Country Planning Act 1990. Section 1 (a) of the Act is therefore satisfied.
- 7.2 The new route will provide an alternative off-road path from Point I to Point C. Access between Point A and I is possible via the existing guided busway shared cycle track. The new footpath will be provided in accordance with the Highway Authority's policy for public footpaths. On both Francis Crick Avenue between Points I - H and Dame Mary Archer Way between Points H - C pedestrians enjoy a path segregated from both cyclists and traffic. In addition access from Points A – B – C is still possible via the private footway of Robinson Way, which provides a route to the same start and finish points at almost the same distance.

- 10.3 That Countryside PLC shall ensure that future occupiers of the new route are responsible for the maintenance of the path with a formal letter of undertaking to Cambridgeshire County Council before the Order is made.

LIST OF DOCUMENTS

A	Copy of the application to divert part of the public footpath No.47 Cambridge
B	Map showing proposed diversion
C	Copy of planning application 11/0780/REM
D	Consultation responses
E	Site photographs
F	Path cross section diagram
G	Aerial Photo of site
H	Memorandum agreement with Cambridge City Council
I	Email from Mike Rant, agent for Countryside PLC undertaking the maintenance of the path
J	Memo from Cambridgeshire County Council Service Director Infrastructure Management and Operations giving approval for this diversion.

Appendix A: A copy of the diversion application.

To: Cambridgeshire County Council acting as agent for the Local Planning Authority

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR AN ORDER TO PERMANENTLY DIVERT
A PUBLIC RIGHT OF WAY**

Name of applicant: *Cambridge Medipark Limited, contact Andrew Carrington
Strategic Land Director*
Address *Countryside House, The Drive, Great Warley, Brentwood, Essex, CM13 3AT*
Tel. (work): *01277 260000 or 07753 915 842*

I hereby apply for the diversion of the footpath known as
Cambridge City Council Footpath 47 under s.257 of the Town and Country Planning
Act 1990 and undertake, if an order for the diversion of the path is made, to carry out
such work on the diverted route of the path as may be required to bring the path into
a fit condition for public use to the satisfaction of the County Council (the Highway
Authority), prior to the confirmation of the order.

Signed  Date *25/10/13*

Consent of other landowner/s and other requirements

Written consent of any other landowner/s affected by your proposed diversion (for
both the existing line and proposed new line) must be obtained prior to submission.

A copy of the County Council's requirements for making diversion orders can be
found at the end of this application form. The County Council will require all of these
to be met. Please note in particular:

The requirement for pre-application consultations: The applicant must consult with
the relevant Parish Council and local user groups, and must append copies of any
correspondence to this application

The path to be diverted

Parish *Cambridge City Council No 47*

From *Robinson Way at its junction with the new Addenbrooke's Southern Access
Road (currently under construction)* OS grid ref. 546530, 254965

To *The junction of Keith Day Road with Robinson Way* OS grid ref. 546215, 255028

General description of path *Within the Cambridge Biomedical Campus at
Addenbrooke's hospital in the fields alongside Robinson Way and along the line of
the cycle track between Keith Day Road and Francis Crick Avenue which is part of a
separate public highway over which pedestrian traffic is permitted.*

Landowner – please provide a map showing landownership/other interests

Name *Pemberton Family Trust*

Address Contact: *John Sommerville at Creative Places, 3 Kings Parade, Cambridge,
CB2 1SJ.*

Lessee/tenant

Name *Cambridge Medipark Limited*

Address *Countryside House, The Drive, Great Warley, Brentwood, Essex, CM13 3AT*

Updated June 2012

Cambridge University Hospitals Trust have easements over the roads in question giving rights of access.

Has the written consent of all such persons been obtained?

Yes

The consents must accompany this application, together with a map showing all ownership and legal interests.

Pre-application consultations

Please append copies of all correspondence with user groups and the relevant Parish/Town/City Councils. Have any objections been raised?

See attached schedule of consultees and responses received. No objections have been received. Details of the pre-application consultation and responses are attached here too, including the land owner consents from the Pemberton Trust and the CUH Trust.

Works

Following receipt of this application, if not already undertaken, the County Council's rights of way officer will contact you to arrange to meet you to inspect the proposed new route and to agree the works that will be needed to bring it into a fit condition for use as a public path. These works will be confirmed in writing following the site inspection. Please note that the Council will require a minimum width of 2m to be provided for the new route of a public footpath, and a minimum of 4m for the new route of a public bridleway. The new path will be signposted and/or waymarked to the extent deemed necessary by the Council.

Coming into operation of an alternative route

Please note that the existing route of the path to be stopped up will **not** be extinguished until an officer of the Rights of Way & Access Team acting on behalf of the highway authority (Cambridgeshire County Council) has certified that the new route of the alternative path has been provided on the ground to a suitable standard for use by the public. It is the applicant's responsibility to ensure that works to provide the new route of the path are completed.

Recovery of fees and costs

Under the 'Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 as amended by SI 1996 No 1978, the County Council may recover from the applicant the reasonable administrative costs of processing applications for, and making, public path orders. The County Council will invoice you for:

- the administrative costs of processing your application up to the making of a public path order, a charge of £1007.55
- staff travelling expenses @ 45p per mile.
- the cost of inserting one Public Notice in a local newspaper at the time of the making of the order, one Public Notice in a local newspaper at the time of the confirmation of the order and one Public Notice in a local newspaper at the time of the coming into operation of the order

The costs of taking an opposed order to a public inquiry will be met by the County Council or District Council, but the County Council will expect the applicant to provide

Statement

I hereby agree to put the new route(s) into a fit condition, as approved by the Council, for use by the public within 28 days of a request by the Council to do so.

I hereby undertake to defray any compensation which becomes payable in consequence of the coming into operation of the order, and to pay in full the County Council's administrative costs of making the order and the costs of the public notices.

I also undertake with Cambridgeshire County Council to meet in full the requirements of any statutory undertaker in respect of any apparatus which may be over, in or under the right of way in respect of which I am making this application. I understand that the consent of the statutory undertakers (i.e. gas, water, electricity, telecommunications, the Post Office and the Civil Aviation Authority) is required before the order can be confirmed by the council and that their consent may be conditional on my carrying out works to protect the statutory undertakers' apparatus and/or rerouting it. (The Council will consult with statutory undertakers on your behalf.)

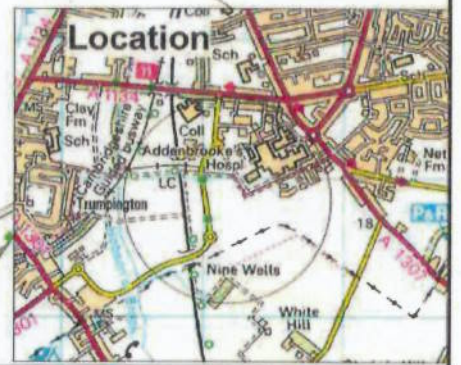
Data Protection

Applicants' names and addresses will be held by the County Council and will be published in its decision report, which will remain as part of the legal record in the public domain. They may also be published on the County Council's website if regulations so require, but if exemptions are possible applicants will be contacted at that point for their consent.

I have read and understand this application and make my application acknowledging the conditions specified in it.

Signed  Date 25/10/13

Appendix B: A map showing the effect of the proposals.



Scale: 1:7000
Date: 25/04/2013
By:

Key - Drawn from the Definitive Map	
Public Footpath to be stopped up	
New Route of Public Footpath	
Unaffected Public Footpath	
CGB Dedicated Cycle Path	

Appendix C: The Planning Application and Decision notices.

Postal address:

Application Support Team
Environment Department
PO Box 700
Cambridge
CB1 0JH

Customer enquiries:

Customer Service Centre
Mandela House, 4 Regent Street
Cambridge, CB2 1BY
T: (01223) 457200
e: planning@cambridge.gov.uk



Application for approval of reserved matters following outline approval.

Article 5, Town and Country Planning (Development Management Procedure) (England) Order 2010

You can complete and submit this form electronically via the Planning Portal by visiting www.planningportal.gov.uk/apply

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Applicant Name and Address		2. Agent Name and Address	
Title:	<input type="text"/> Last name: <input type="text"/>	Title:	<input type="text"/> First name: <input type="text"/>
Last name:	<input type="text"/>	Last name:	<input type="text"/>
Company (optional):	Cambridge University Hospitals NHS Foundation Trust	Company (optional):	<input type="text"/>
Unit:	<input type="text"/> House number: <input type="text"/> House suffix: <input type="text"/>	Unit:	<input type="text"/> House number: <input type="text"/> House suffix: <input type="text"/>
House name:	Addenbrooke's Hospital	House name:	<input type="text"/>
Address 1:	Box 129	Address 1:	<input type="text"/>
Address 2:	Estates & Facilities Department	Address 2:	<input type="text"/>
Address 3:	Hills Road	Address 3:	<input type="text"/>
Town:	Cambridge	Town:	<input type="text"/>
County:	<input type="text"/>	County:	<input type="text"/>
Country:	<input type="text"/>	Country:	<input type="text"/>
Postcode:	CB2 0QQ	Postcode:	<input type="text"/>

CPSF Uni-form no: 11 10780 / Rem

DC Manager
Case Officer

© Date: 2010-09-10 15:36 Rev: 01/2011

D&A required Y/N
EAP- -2011

-MN Acceptable Y/N

7. Supporting Information

Please provide the following information:

List of all relevant drawings, including reference numbers, that were approved as part of the original decision:

Drawing	Reference Number
Red Line Plan	4626M/PL/80001 E
PP1 Location of Land Uses	4626M/PL/80002 H
PP2 Maximum Building Heights & Maximum Building Envelope	4626M/PL/80003 L
PP3 Maximum Building Height Sections	4626M/PL/80004 K
PP4 Minimum Building Heights and Maximum Building Envelope	4626M/PL/80005 J
PP5 Minimum Building Height Sections	4626M/PL/80006 J
PP6 Landscape Provisions	4626M/PL/80011 S
PP7 Access - Roads	4626M/PL/80007 D
PP8 Access - Public Transport	4626M/PL/80010 F
PP9 Access - Pedestrian	4626M/PL/80009
PP10 Access - Cycle	4626M/PL/80008 E

List of drawing numbers submitted with this application for approval:

Drawing Number
See schedule from Devereux Architects

Reasons for any changes to the original drawings (if applicable):

N/A

8. Planning Application Requirements - Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The original and 3 copies of a completed and dated application form:

The correct fee:

The original and 3 copies of other plans and drawings or information necessary to describe the subject of the application:

The original and 3 copies of such plans and drawings as are necessary to deal with the matters reserved in the outline planning permission.

9. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

x 04/07/2011

(date cannot be pre-application)

Appendix 1

Description of Approved Development

Up to 215,000sqm floorspace (excluding plant areas) comprising 60,000sqm of clinical research and treatment (D1 and/or clinical in-patient treatment), 115,000sqm of biomedical and biotech research and development (B1(b)), 15,000sqm of biomedical and biotech research and development (B1(b)) or clinical research and treatment (D1 and/or clinical in-patient treatment), and 25,000sqm of either clinical research and treatment (D1 and/or clinical in-patient treatment) or higher education or sui generis medical research institute uses, and including related support activities within use classes A1, A3, B1, D1 (crèches/nurseries) or sui generis uses, with no individual premises used for support activities to exceed 500sqm; new areas of public realm; landscaping; parking areas; highway works; drainage works and all other associated infrastructure



CAMBRIDGE CITY COUNCIL

The Guildhall, Cambridge, CB2 3QJ

TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF RESERVED MATTERS

SUBJECT TO CONDITIONS

Ref: 11/0780/REM

Mrs Carin Charlton
Cambridge Univeresity Hospitals NHS Foundation Trust
Addenbrookes
Box 129
Estates & Facilities Department
Hills Road
Cambridge
Cambridgeshire
CB2 0QQ

The Council hereby grant approval of reserved matters for

Reserved matters application (access, appearance, landscaping, layout and scale details) for a 1,228 space multi-storey car park (33,141sqm gross external floor area) and perimeter access road at the south west corner of Addenbrooke's campus, to serve Addenbrooke's as it expands and the new Papworth Hospital (pursuant to outline approval 06/0796/OUT).

at

**Land Off Robinson Way Addenbrookes Campus Cambridge
Cambridgeshire**

in accordance with your application received 12th July 2011 and the plans, drawings and documents which form part of the application, subject to the conditions set out below:

1. Notwithstanding the submitted Below Ground Drainage Strategy, prior to commencement of development a revised Drainage Strategy shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the risk of flooding, to ensure adequate flood control, maintenance and efficient use and management of water within the site (Cambridge Local Plan Policies 3/1, 8/18)

Simon Payne, Director of Environment
Cambridge City Council, PO Box 700, Cambridge, CB1 0JH
Telephone 01223 457200



INVESTOR IN PEOPLE

7. No part of phase 2 as shown indicatively on drawings no d-111 (proposed phase 2 site plan) and d-902 (indicative phase 2 landscape) shall be implemented until details of the following have been submitted to and approved in writing by the LPA:

- a) Pedestrian access from the car park to Papworth hospital;
 - b) Pedestrian and cycle access west of the car park to Papworth hospital to the west of the Southern Access Road, including links to the site wide cycle and pedestrian network;
 - c) Hard surfacing and landscaping to the east of the car park, including the northern and southern links to Robinson Way
 - d) Details of the bus stop south of the car park.
- f) Development shall be carried out in accordance with the approved details.

Reason: In order to ensure appropriate pedestrian and cycle access from the car park to Papworth hospital and the Southern Access Road and appropriate hard and soft landscaping to the east of the car park and bus stop south of the car park. (Cambridge Local Plan Policies 3/11, 8/4, 8/5, 8/7).

8. Prior to commencement of development apart from agreed enabling works amended details of the planting trough showing an increased volume of soil and drainage details for the screen planting shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.

Reason: To ensure the detailed design of the trough is appropriate and of high quality. Cambridge Local Plan policies 3/2, 3/7, 3/11)

INFORMATIVE: Please note that prior to commencement of development conditions 12, 13, 23, 24, 35, 39, 40, 41, 45, 47, 49 & 60 attached to permission 06/0796/OUT will need to be addressed.

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

East of England plan 2008: SS1, T1, T2, T3, T4, T9 and T14

Cambridge Local Plan (2006): 3/1, 3/3, 3/4, 3/11, 3/12, 5/15, 8/16, 8/17, 8/18 and 9/5

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

PLANNING PERMISSION

1. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant permission subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town & Country Planning Act 1990.

If you want to appeal then you must do so within 6 months of the date of this notice or within 12 weeks of the date of the decision notice against a refusal of any householder planning application that was valid on or after 6th April 2009, using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from www.planningportal.gov.uk/pcs

The Secretary of State can allow for a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, he does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

2. Purchase Notices

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be permitted. In these circumstances, the owner may serve a purchase notice on the council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town & Country Planning Act 1990.

LISTED BUILDING CONSENT, CONSERVATION AREA CONSENT

3. Notification of Demolition

If listed building consent has been granted and any demolition is to take place, you must in accordance with Section 8(2)(b) of the Planning (Listed Building and Conservation Areas) Act 1990 complete a Final Notice of Demolition Form and send it to English Heritage at least one month before demolition occurs.

4. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse listed building or conservation area consent, or to grant either subject to conditions then you may appeal to the Secretary of State for the Environment in accordance with sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990. Appeals must be made within 6 months of the date of the decision (see notes under 1 above).

5. Purchase Notice

If listed building or conservation area consent is refused, or if either is granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council in which the land is situated a purchase notice requiring the council to purchase his interest in the land in accordance with section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

6. Compensation

In certain circumstances a claim may be made against the local planning authority for compensation as provided for under Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

CONSENT TO DISPLAY AN ADVERTISEMENT

7. Appeals to the Secretary of State

If you are aggrieved by the decision of the local planning authority to refuse consent to display an advertisement, or to grant consent subject to conditions then you may appeal to the Secretary of State for the Environment under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992. Appeals must be made within 8 weeks of the date of the decision (see notes under 1 above)



Appendix D: Consultation Responses.

Kemp Robert

From: Kemp Robert
Sent: 29 November 2013 09:08
To: [REDACTED]
Subject: RE: FP47 Diversion

Hello Paul,

Yes, the route is the same as was proposed last year.

Before we implement the diversion then we need to do the standard consultation, public adverts and time allowed for appeals. We do not have a date for the diversion yet, but we are treating this as a priority case so (all being well) we hope to get the diversion in place halfway through 2014.

Please rest assured that we would not allow the diversion to take place if the surfaces along the proposed route are not accessible to pedestrians.

Regards

Robert

-----Original Message-----

From: Paul Cutmore [REDACTED]
Sent: 28 November 2013 17:27
To: Kemp Robert
Cc: [REDACTED]
Subject: FP47 Diversion

Dear Mr Kemp

Thank you for your letter of 4th November regarding the above proposed footpath diversion.

I understand that the proposed diversion is on the same route that we agreed with Camilla Haggett in February 2013.

I note that there does not yet appear to be a proposed date to implement the diversion? Do you know when this would be? Am I correct in assuming that the diversion will not take place until the paved footways along the proposed route have been constructed and are accessible?

Yours sincerely
Paul Cutmore
Cambridge Group, Ramblers' Association



Plant Protection
National Grid
Block 1; Floor 1
Brick Kiln Street
Hinckley
LE10 0NA
E-mail: plantprotection@nationalgrid.com
Telephone: +44 (0)800 688588

Robert Kemp
Cambridgeshire County Council
Rights of Way & Access Team
Box No CC1305
Castle Court
Shire Hall
Cambridge
CB3 0AP

National Grid Electricity Emergency Number:
0800 40 40 90*

National Gas Emergency Number:
0800 111 999*

* Available 24 hours, 7 days/week.
Calls may be recorded and monitored.

www.nationalgrid.com

Date: 11/11/2013

Our Ref: EA_TE_Z6_3FW_012927

Your Ref: Footpath No. 47 (MB) DB

RE: Formal Enquiry, CB2 0QH, Frick Crick Avenue, Cambridge, Cambridgeshire

Thank you for your enquiry which was received on 05/11/2013.

Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of National Grid's network areas please see the National Grid website (<http://www.nationalgrid.com/uk/Gas/Safety/work/>) or the enclosed documentation.

Are My Works Affected?

National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified.

National Grid therefore formally objects to these activities pending further consultation.

National Grid objects to the Order on the grounds that the level of protection currently afforded to the apparatus it has in the subject land may be diminished notwithstanding Paragraph 4, Schedule 12, Part II of the Highways Act, 1980.

See Assessment section below for details of how to deal with National Grid's objection.

National Grid is a trading name for:
National Grid Electricity Transmission plc
Registered Office: 1-3 Strand, London WC2N 5EH
Registered in England and Wales, No 2366977

National Grid is a trading name for:
National Grid Gas plc
Registered Office: 1-3 Strand, London WC2N 5EH
Registered in England and Wales, No 2006000

ASSESSMENT

Affected Apparatus

The National Grid apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment

How to deal with National Grid's objection

There are two ways of removing this objection for Gas Apparatus:








1. By granting National Grid an easement over the affected main(s). To do this you must send a cheque for £1,000 + VAT to cover costs and inform us of your solicitor's contact details. Please make the cheque payable to National Grid plc and send to the address above. Upon receipt I will forward your Notice and a copy of this letter to our Easement Service Provider who will arrange for the easement to be processed. **The objection will only be lifted upon completion of the easement.**
2. Alternatively you can request that the affected main(s) are diverted or isolated. These works will be fully chargeable. Please send through your development plans so that we can send these off to our diversion team to issue you the budget estimate for any necessary works. **The objection will only be lifted upon completion of these works.**






Requirements

BEFORE carrying out any work you must:

- **Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.**
- Carefully read these requirements including the attached guidance documents and maps showing the location of National Grid apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 - 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.



ID: EA_TE_Z6_3FW_012927		View extent: 1010m, 1090m		National Grid objects to this application	
USER: Megann.Branlard		LP MAINS  MP MAINS  IP MAINS  LHP MAINS  NHP MAINS 		MAPS Plot Server Version 1.7.6	
DATE: 11/11/2013		 Approximate scale 1:5000 on A4 Colour Portrait			
DATA DATE: 10/11/2013					
REF: Footpath No. 47 (MB) DB		Requested by: Cambridgeshire County Council		Map 1 of 1 (GAS)	
MAP REF: TL4654					
CENTRE: 546045, 254819					

Valve 	Depth of Cover 	Syphon 	Diameter Change 	Material Change 	This plan is reproduced from or based on the OS map by National Grid Gas plc, with the sanction of the controller of HM Stationery Office. Crown Copyright Reserved Ordnance Survey Licence number 100024886
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This plan shows those pipes owned by National Grid Gas plc in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Gas plc or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.

Kemp Robert

From: [REDACTED]
Sent: 12 November 2013 14:16
To: Kemp Robert
Subject: RE: S257 of the Town & Country Planning Act 1990 Footpath No.47

Dear Mr Kemp,

Many thanks for your letter dated 4th November 2013 regarding the above enquiry.

Anglian Water have no record of any easements relating to the above footpaths

If you require copies of plans showing the location of Anglian Waters assets these can be produced using our online facility at www.digdat.co.uk.

The information provided will be the best available at the time and given in good faith, but no liability whatsoever can be accepted in respect thereof.

Please note that following the Private Sewer Transfer which took place on the 1st October 2011. All foul, surface and combined sewers that were publicly owned prior to 1 October 2011 will be displayed on the wastewater asset maps provided for the water companies. Service pipes, private sewers and drains, and former private sewers and drains transferred to the water companies on or after 1 October 2011 are generally not shown. For more information relating to the Private Sewer Transfer in the Anglian Water region please visit www.anglianwaterco.uk/sewerswitchover.

Kind Regards

Robert Chapman
digdat Support Team

Tel: 0845 026 7676


www.digdat.co.uk

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The information contained in this message is likely to be confidential and may be legally privileged.

The dissemination, distribution, copying or disclosure of this message, or its contents, is strictly prohibited unless authorised by Anglian Water t/a Geodesys. It is intended only for the person named as addressee.

Anglian Water t/a Geodesys cannot accept any responsibility for the accuracy or completeness of this message.

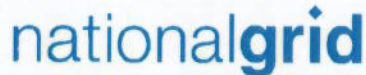
and does not authorise any contact to be made using the internet.

If you have received this message in error, please immediately return it to the sender at the above address and delete it from your computer.

Anglian Water Services Limited trading as Geodesys

Registered Office: Anglian House, Ambury Road, Huntingdon, Cambridgeshire, PE29 3NZ

Registered in England No 2366656



Plant Protection
National Grid
Block 1; Floor 1
Brick Kiln Street
Hinckley
LE10 0NA
E-mail: plantprotection@nationalgrid.com
Telephone: +44 (0)800 688588

Robert Kemp
Cambridgeshire County Council
Rights of Way & Access Team
Box No CC1305
Castle Court
Shire Hall
Cambridge
CB3 0AP

National Grid Electricity Emergency Number:
0800 40 40 90*

National Gas Emergency Number:
0800 111 999*

* Available 24 hours, 7 days/week.
Calls may be recorded and monitored.

www.nationalgrid.com

Date: 03/03/2014

Our Ref: EA_TE_Z6_3FW_012927

Your Ref: Footpath No. 47 (MB) DB

RE: Formal Enquiry, CB2 0QH, Frick Crick Avenue, Cambridge, Cambridgeshire

Thank you for your enquiry which was received on 05/11/2013.

Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of National Grid's network areas please see the National Grid website (<http://www.nationalgrid.com/uk/Gas/Safety/work/>) or the enclosed documentation.

Are My Works Affected?

Following further consultation, National Grid has withdrawn its objection to these activities.

National Grid has identified that it has no record of apparatus in the immediate vicinity of your enquiry.

National Grid therefore has no objection to these proposed activities.

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National Grid is a trading name for:
National Grid Gas plc
Registered Office: 1-3 Strand, London WC2N 5EH
Registered in England and Wales, No 2006000

ASSESSMENT

Affected Apparatus

The National Grid apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment

Requirements

BEFORE carrying out any work you must:

- Carefully read these requirements including the attached guidance documents and maps showing the location of National Grid apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.



ID: EA_TE_Z6_3FW_012927		View extent: 1010m, 1090m		National Grid has withdrawn its objection to this application	
USER: Megann.Branlard				MAPS Plot Server Version 1.7.6	
DATE: 03/03/2014					
DATA DATE: 02/03/2014					
REF: Footpath No. 47 (MB) DB				Requested by: Cambridgeshire County Council	
MAP REF: TL4654				Map 1 of 1 (GAS)	
CENTRE: 546045, 254819					

Valve		Depth of Cover		Syphon		Diameter Change		Material Change	
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This plan shows those pipes owned by National Grid Gas plc in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Gas plc or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.

Appendix E: Site Visit Photos.

Appendix E – Site Photos
EXISTING ROUTE

Photo 1: Looking South Along Robinson Way (East of Point A)



Photo 2: Looking South along Existing Route from Point A



Photo 5: Existing Route Between B and C. Footpath is not available, under a Temporary Closure.



GUIDED BUSWAY CYCLE PATH

Photo 6: Guided Busway cycle path, looking west from Point A



PROPOSED ROUTE

Photo 9: Looking South from Point I, new footway alongside Francis Crick Avenue



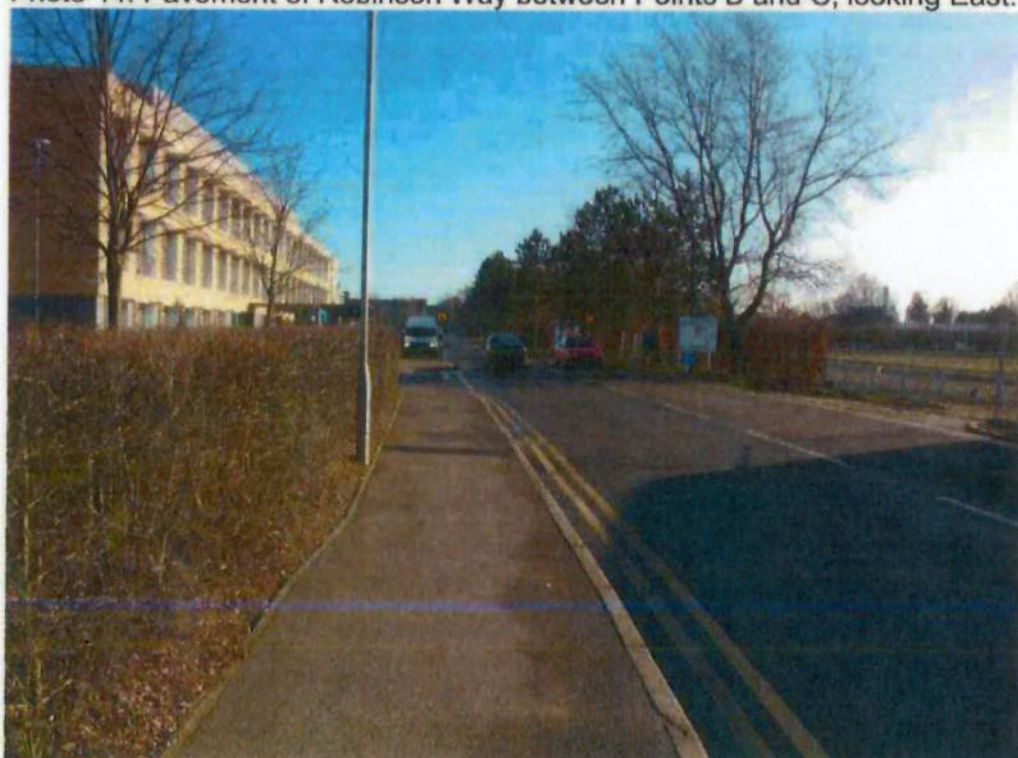
Photo 10: Looking North from Point H, new Footway alongside Francis Crick Avenue



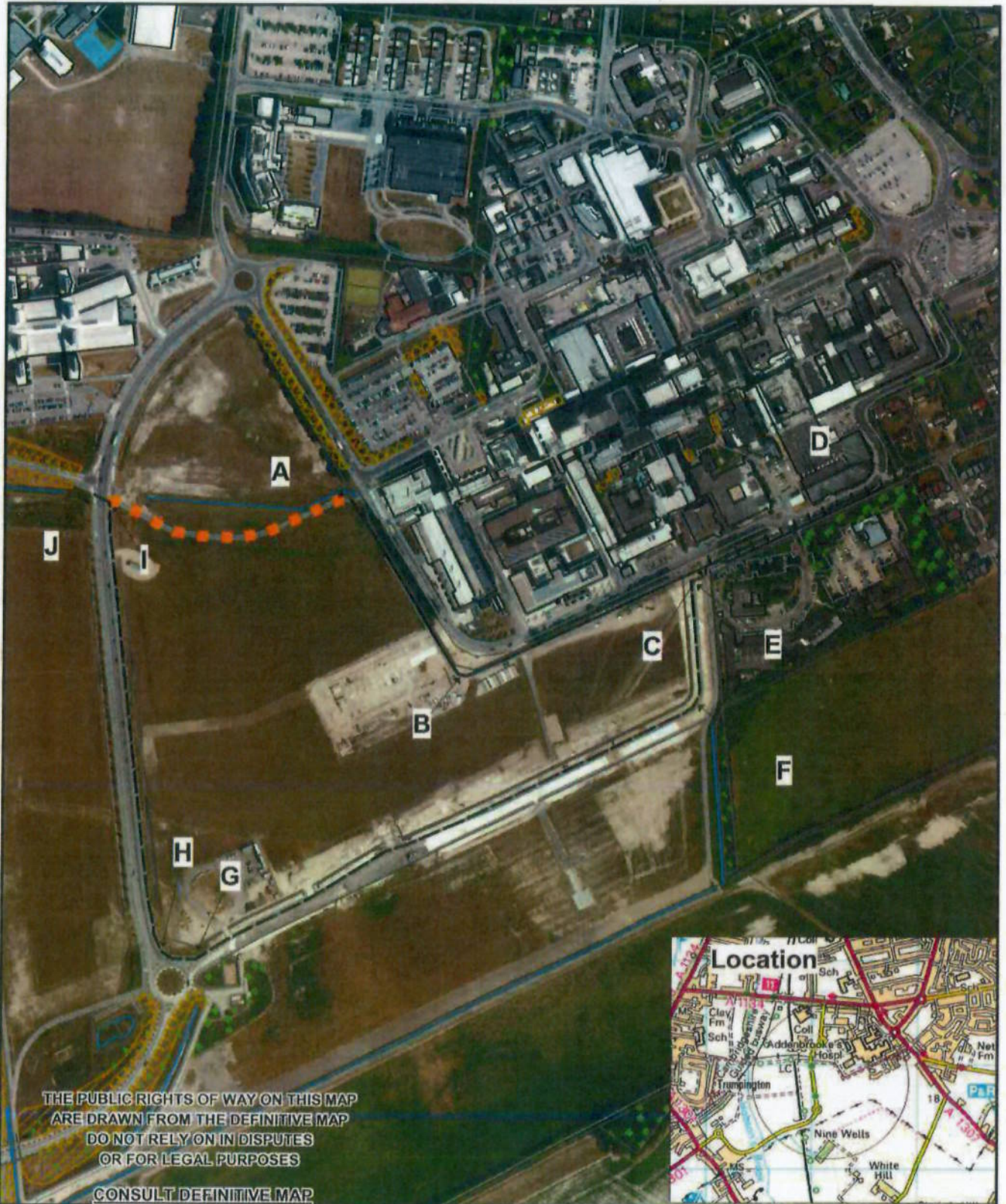
Photo 13: Looking South from Point E



Photo 14: Pavement of Robinson Way between Points B and C, looking East.



Appendix F: Proposed Path Cross Section.



THE PUBLIC RIGHTS OF WAY ON THIS MAP
 ARE DRAWN FROM THE DEFINITIVE MAP
 DO NOT RELY ON IN DISPUTES
 OR FOR LEGAL PURPOSES
 CONSULT DEFINITIVE MAP

Scale: 1:7000
 Date: 25/04/2013
 By:

Key - Drawn from the Definitive Map	
Public Footpath to be stopped up	-----
New Route of Public Footpath	-----
Unaffected Public Footpath	-----
CGB Dedicated Cycle Path	■ ■ ■ ■ ■ ■ ■ ■

**Memorandum of Agreement for the processing of Public Path Orders
between Cambridgeshire County Council and Cambridge City Council**

[The term 'Public Path Orders' refers to all orders that effectively divert, create or extinguish a public right of way.]

This Memorandum outlines agreement reached between Cambridgeshire County Council ('The County Council') and Cambridge City Council ('The City Council') concerning the processing of Public Path Orders in relation to Public Footpath No. 47 Cambridge and the Addenbrooke's Medipark development.

Legislative Framework

Whereas:

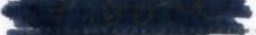
- Public Path Order Applications made under section 257 of the Town and Country Planning Act 1990 ('the TCPA Act') can only be processed and the relevant orders made by the appropriate planning authority.
- Under section 101 of the Local Government Act 1972 the planning authority may contract out the processing of such orders to suitably qualified contractors.
- The County Council has a statutory duty under the Wildlife and Countryside Act 1981 to modify the Definitive Map in order to show any changes to the route of a path effected by a public path order under the TCPA Act.

Reason for Agreement


It is now agreed that:

- The County Council employs officers specifically to undertake the statutory duties outlined above, and it is thus the most efficient option for both authorities that the County Council processes any application required in relation to FP 47 Cambridge and the Addenbrooke's Medipark development on behalf of the City Council.
- The County Council will receive any applications in relation to this site from the public/developer for public path orders which are required under the Town and Country Planning Act 1990 on behalf of the City Council.
- The County Council will process the order/s according to the procedure set out in the attached Appendix.
- Costs are agreed as set out in the Appendix

Signed on behalf of Cambridge City Council by:-

Name 
Job Title Head of Planning Services
Date 22/7/2011

Signed on behalf of Cambridgeshire County Council by:-

Name 
Job Title Head of Transport and Highways
Date 2/8/11

**Memorandum of Agreement
Cambridgeshire County Council and Cambridge City Council
Public Path Orders**

APPENDIX

Procedure for public path orders under the Town and Country Planning Act 1990
where Cambridgeshire County Council acts as agent for Cambridge City Council

- Application is made direct to Cambridgeshire County Council
- Cambridgeshire County Council formally notifies Cambridge City Council of application and timescale for processing application
- Cambridge City Council arranges slot on relevant committee agenda for consideration of decision report
- Cambridgeshire County Council carries out formal consultations on the proposed diversion, writes decision report and prepares a draft order and order map
- Relevant Cambridge City Council Committee considers the decision report and determines whether the order should or should not be made in accordance with the relevant legal tests
- Cambridge City Council seals the engrossed order and order map (if order is to be made)
- Cambridgeshire County Council processes the formal publication of the order
- If no objections, Cambridgeshire County Council prepares the necessary legal work for confirmation of the order
- Cambridge City Council confirms the order and Cambridgeshire County Council processes the publication of the confirmation
- If objections, Cambridge City Council and Cambridgeshire County Council jointly agree whether or not to submit order to Planning Inspectorate for determination

Costs

- Cambridgeshire County Council will recoup the costs of making the order direct from the applicant.
- The local authority is not legally permitted to recharge to the applicant the costs of sending an opposed order to the Planning Inspectorate. Therefore, if Cambridge City Council wishes to submit an order to the Planning Inspectorate, it will meet the Cambridgeshire County Council's costs in doing so, or submit the order itself and meet its own costs.
- The risk of having to meet these costs should mean that Cambridge City Council only resolves to make orders where it is reasonably confident that the order would not attract reasonably made objections. The onus lies with the applicant to provide a diverted route that is acceptable to all parties (including undertaking pre-application consultations, and reviewing the proposed diverted route if, after consultations, their original suggestion is not acceptable).

Appendix I: An Email from agent Mike Rant CPLC promising to undertake maintenance of the route.

Kemp Robert

From: Laughlin Evan
Sent: 24 April 2014 09:21
To: Kemp Robert
Subject: RE: Permanent Diversion FP 47 Addenbrooke's - CBC

Hello Robert

Yes that seems a good result. We would need of course sight of that agreement and plans, contact details etc. If I have one concern it would be how fast the response would be if an urgent or emergency situation arose.

Regards Evan.

Mr Evan Laughlin
District Highway Manager

Local Infrastructure and Streets Management
0345 045 5212

From: Kemp Robert
Sent: 23 April 2014 15:45
To: Laughlin Evan
Subject: FW: Permanent Diversion FP 47 Addenbrooke's - CBC

Hello Evan,

Is this acceptable to you – see below?

Thanks

Rob

From: Rant, Mike S [REDACTED]
Sent: 23 April 2014 15:42
To: Kemp Robert
Cc: Andrew Carrington
Subject: RE: Permanent Diversion FP 47 Addenbrooke's - CBC

Dear Robert

I have consulted with Countryside PLC who are the CBC developers and effective owners of the roads in question over which the new FP passes. The future maintenance of these will be the responsibility of CBC Management Ltd who will be providing better quality facilities than those required to satisfy the needs of a public footpath and who will recharge the future occupiers of the site for any costs arising. We, therefore, do not foresee any circumstances where the County Council are likely to be required to carry out any future maintenance of the footways over which the FP passes. In the circumstances CBC Management Ltd would be happy to provide an undertaking to this effect to the County Council in lieu of any commuted payment.

Perhaps you could put this offer to your footpaths team.

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M E M O R A N D U M

DATE: 27th May 2014

TO: Robert Kemp – Asset Information Definitive Map Officer

FROM: John Onslow, Service Director
Infrastructure Management & Operations

RE: Proposed Diversion of Cambridge Footpath 47 (part)

I confirm that the proposals for diversion of the above are satisfactory to the Highway Authority, and that a report should duly be submitted to Cambridge City Council for decisions to be made regarding an order to divert the path.

I confirm that responsibility for the maintenance of the new route should be secured through a letter of undertaking with Countryside PLC.

