

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

REPORT SUMMARISING CONSULTATION UNDERTAKEN

1.0 Introduction

- 1.1 The rules applicable to TWA Order applications - The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (**“the Application Rules”**)¹ – require the applicant to submit with the draft Order *“a report summarising the consultations that have been undertaken, including confirmation that the applicant has consulted all those named in Schedules 5 and 6 to these Rules ..., or if not, an explanation of why not”*.²
- 1.2 This document comprises the report by Network Rail Infrastructure Limited (**“Network Rail”**) in compliance with the Application Rules.
- 1.3 The report includes consultations undertaken up to 23 September 2009.

2.0 Brief description of the scheme

- 2.1 Network Rail is applying for an Order - The Network Rail (Hitchin (Cambridge Junction)) Order (**“the Order”**) - under the Transport and Works Act 1992 to build a new section of railway off the East Coast Main Line (**“ECML”**) at Hitchin. The Hitchin scheme will relieve congestion at the existing junction with the Cambridge branch line. The new railway is a single electrified track which will allow Cambridge bound trains from London to pass over the ECML. This will increase reliability and improve capacity on the ECML.

3.0 The need for Consultation

- 3.1 Network Rail has undertaken consultation about the Order to ensure that all those who have a view on the proposal are able to have their say. Potential stakeholders were contacted at an early stage and every effort has been made to continue to build and maintain dialogue throughout the development of the scheme.
- 3.2 The principal objectives of consultation with stakeholders were that

¹ The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (SI 2006 No.1466)

² Rule No.10(2)(d).

- it should share information with those who might be affected by or interested in the proposals;
- it should give stakeholders the opportunity to have their say;
- it should lead to improvements of the scheme;
- there should be 'no surprises' for people and organisations affected by the scheme;
- the Order should be finalised in a collaborative rather than confrontational manner.

4.0 Consultation prior to January 2007

- 4.1 The concept that the railway at Hitchin should be modified by means of an improved Cambridge Junction at Hitchin to benefit train operating performance on the London to Peterborough (East Coast Main Line) and Hitchin to Cambridge routes was first developed by Network Rail during the 1990s as part of an overall East Coast Main Line upgrade project.
- 4.2 Careful consideration was given between 1999 and 2003 about the means by which this improvement was to be made.³ Consultation took place at this time between Network Rail and a Joint Member Group consisting of officers and elected members of North Hertfordshire District Council, Hertfordshire County Council and Ickleford Parish Council.
- 4.3 Public consultation was also carried out at this time including a public meeting at Ickleford.

5.0 Consultation subsequent to January 2007

- 5.1 Development of the Hitchin Cambridge Junction improvements resumed in 2006 building on the results of the work that had been carried out prior to 2003. Detailed planning of the works for submission of a Transport and Works Act Order began in January 2007.
- 5.2 As part of the detailed planning work, Network Rail formulated a Consultation Strategy for the Order to comply with the requirements of the Application Rules: this Consultation Strategy relates to the period up to the submission of the draft Order. The Consultation Strategy was first drafted in February 2007 and an amended version was produced in May 2009.
- 5.3 The Consultation Strategy identified categories of persons and organisations to be consulted individually and explained Network Rail's plans to communicate and consult with each of these categories of stakeholder including when and how it intended to do

³ See Environmental Statement Alternatives Report.

this. A table identifying the categories of consultee and the nature of the consultation is set out below:

Stakeholder	Consultation Proposed
Principal Local Authorities	
North Hertfordshire District Council	Regarding principles and details of the scheme with particular reference to Environmental Mitigation taking account of NHDC's role as local planning authority and landowner
Hertfordshire County Council	Regarding principles and details of the scheme with particular reference to Environmental Mitigation taking account of HCC's role as Highway Authority ⁴ and in matters concerning public rights of way, archaeology and ecology.
Other Statutory agencies	
Environment Agency	Regarding principles of the scheme with particular reference to drainage matters and Environmental Mitigation and Protective Provisions to be included in the Order.
Natural England	Regarding principles of the scheme with particular reference to Environmental Mitigation
English Heritage	Regarding principles of the scheme with particular reference to Environmental Mitigation
Statutory undertakers (principally)	
Anglian Water Services Ltd	Regarding principles of the scheme, acquisition of land, diversions of apparatus and Protective Provisions to be included in the Order.
National Grid PLC	Regarding principles of the scheme, diversions of apparatus and Protective Provisions to be included in the Order.
EDF Energy Networks	Regarding principles of the scheme, diversions of apparatus and Protective Provisions to be included in the Order.
British Telecommunications PLC	Regarding principles of the scheme, diversions of apparatus and Protective Provisions to be included in the Order.
Virgin Media Communications Networks Ltd	Regarding principles of the scheme, diversions of apparatus and Protective Provisions to be included in the Order.
Owners/occupiers of land affected by the scheme	
Cadwell Farm (Wallace Farms Ltd)	Regarding principles of the scheme, land acquisition, severance, access etc

⁴ During discussions in 2009 with Hertfordshire County Council highways authority when detailed consideration of access routes for construction materials was undertaken, it was identified that Bedfordshire County Council may also need to be included in discussions about access routes.

Highover Farm Patrick Wilshere Accumulation & Maintenance Trust as (owner) Mr R.J Chennells (occupier)	Regarding principles of the scheme, land acquisition, severance, access etc
Centre 3, Wilbury Industrial Estate (Prime Estates Ltd)	Regarding principles of the scheme, land acquisition, severance, access etc
National Grid Property Holdings Ltd	Regarding principles of the scheme, land acquisition, severance, access etc
Anglian Water Services Ltd	Regarding principles of the scheme, land acquisition, severance, access etc
Land west of East Coast Main Line (Mrs Dorothy Parker)	Regarding principles of the scheme, land acquisition, severance, access etc
SITA MR (occupiers of a scrap metal yard at Cadwell Lane)	Regarding principles of the scheme, land acquisition, severance, access etc
North Herts District Council	Regarding principles of the scheme, land acquisition, severance, access etc
Town and Parish Councils	
Letchworth Town Council	Regarding principles of the scheme with particular reference to Environmental Mitigation
Ickleford Parish Council	Regarding principles of the scheme with particular reference to Environmental Mitigation
Relevant Bodies	
Schedule 5 of the Application Rules (Required by clause 13(3) of the Application Rules 2006 to be served copies of the application and relevant documents)	
5(5) Secretary of State for Environment, Food and Rural Affairs	Regarding principles of the scheme, TWA Order, EIA and programme
5(10) The Auto Cycle Union	Regarding principles of the scheme, TWA Order, EIA and programme
5(10) The British Horse Society	Regarding principles of the scheme, TWA Order, EIA and programme
5(10) The Byways and Bridleways Trust	Regarding principles of the scheme, TWA Order, EIA and programme
5(10) The Open Spaces Society	Regarding principles of the scheme, TWA Order, EIA and programme
5(10) The Ramblers Association	Regarding principles of the scheme, TWA Order, EIA and programme
5(10) The British Driving Society	Regarding principles of the scheme, TWA Order, EIA and programme
5(10) The Cyclists' Touring Club	Regarding principles of the scheme, TWA Order, EIA and programme
5(10) The Chiltern Society	Regarding principles of the scheme, TWA Order, EIA and programme
5(15) The Historic Buildings and Monuments Commission for England and Royal Commission on the Historical Monuments of England (English Heritage)	Regarding principles of the scheme, TWA Order, EIA and programme
5(23) The Rail Passengers' Council (Passenger Focus)	Regarding principles of the scheme, TWA Order, EIA and programme
5 (23) London Travelwatch	Regarding principles of the scheme, TWA Order, EIA and programme

5(24) Her Majesty's Railway Inspectorate	Regarding principles of the scheme, TWA Order, EIA and programme
5(25) The Office of Rail Regulation	Regarding principles of the scheme, TWA Order, EIA and programme
Schedule 6 of the Application Rules (Required by clause 14(4) of the Application Rules 2006 to be served copies of the application and relevant documents)	
6(2) The Crown Estate Commissioners	Regarding principles of the scheme, TWA Order, EIA and programme
6(15) The Commission for Architecture and the Built Environment	Regarding principles of the scheme, TWA Order, EIA and programme
Members of Parliament	
Rt Hon Peter Lilley MP (Hitchin & Harpenden)	Regarding principles of the scheme to allow MPs to respond to matters raised by constituents
Oliver Heald MP (North East Hertfordshire)	Regarding principles of the scheme to allow MPs to respond to matters raised by constituents
Other stakeholders	
Hitchin Residents Alliance	Regarding principles of the scheme with particular reference to matters of HRA concern
Hitchin Rail Users Group	Regarding principles of the scheme with particular reference to matters of HRUG concern
Herts and Middlesex Wildlife Trust	Regarding environmental aspects of the scheme with particular reference to Environmental Mitigation

5.4 The Consultation Strategy also identified the need for general consultation with elected members of county, district and parish councils and with local residents and businesses. An exhibition about the entirety of the scheme took place at The Priory, Hitchin between 2nd and 5th April 2009 including an opening presentation to elected council members, and a further presentation to elected council members and members of the public with specific reference to matters affecting access routes for construction materials took place at Letchworth on 22nd July 2009.

6.0 Implementation of the Consultation Strategy

6.1 Consultation during the period 2007 to 2009 with

- individual stakeholders identified as having a specific interest in the scheme, and
- more general consultation with local residents, businesses and elected representatives

is described as two separate parts of this section of the report.

Consultation with Individual Stakeholders (People and Organisations) Affected by the Scheme

- 6.2 Details of consultations carried out with individual stakeholders in the various categories described in clause 5.3 of this report are set out in the tables contained in clauses 6.8 to 6.15 below. These tables do not attempt to describe all the contacts that have taken place between Network Rail and the particular stakeholders but only to include important letters from Network Rail to the stakeholders (sometimes general letters to several stakeholders and sometimes specific letters to individual stakeholders) and meetings. Neither do the tables set out to do more than record that meetings or correspondence took place, they do not describe in any detail the content of meetings and letters.
- 6.3 In keeping with the consultation objectives set out in paragraph 3.2, Network Rail has made modifications to its proposals as a result of comments received from people and organisations consulted. For example Work No. 4 (drainage outfall and detention basin) has been introduced following consultation with the Environment Agency and Work No. 9 (farm access at the northern end of Wilbury Way) arose out of a discussion with Wallace Farms Ltd regarding their wish to maintain access to their farmland for agricultural purposes.
- 6.4 During the development of the scheme, Network Rail has sought views from stakeholders about specific matters. Two such matters were
- the extent to which the new railway should be carried on embankment or on viaducts;
 - the scope of and methodology to be used in the Environmental Impact Assessment.
- 6.5 On 7 April 2008 Network Rail wrote to local authorities, statutory agencies, owners and occupiers of affected land and local interest groups seeking views on whether all or part of the new railway should be supported on viaduct structures rather than on embankments.⁵ Several responses were received as a result of which Network Rail introduced into the proposals a section of viaduct on the section of the new railway immediately east of the ECML to improve permeability through the site of the new line. Subsequently, using information and views received during this consultation, Network Rail has introduced an additional section of viaduct on the new line to the west of the ECML: this has the additional benefit of reducing significantly the number of road vehicle movements required to convey construction materials which was known to be a matter of major concern to local people.
- 6.6 On 10 September 2008, Network Rail again wrote to stakeholders seeking comments on a draft Scoping and Methodology report for the Environmental Impact Assessment. Once again several responses

⁵ See sample letter at Appendix A

were received to this letter. Changes were made as a result of these responses to the Scope of and Methodology for the Environmental Impact Assessment and these are described in the Environmental Statement.

- 6.7 Network Rail has identified those of the parties named in Schedules 5 and 6 of the Application Rules to whom the Order is relevant. All of these parties were contacted at least once prior to the submission of the draft Order giving them advance notice of Network Rail's intention to submit the Order and (with the exception of those parties in category 16 of Schedule 6 who are considered likely to be entitled to make a claim for compensation under section 10 of the Compulsory Purchase Act 1965) providing them with copies of the draft Order, Explanatory Memorandum and Order Plans. Details of these contacts are shown in clauses 6.8 to 6.12 below. All such parties will be sent copies of the application and of the relevant documents on the date of submission in compliance with the requirements of the Application Rules.

6.8 Principal Local Authorities

In the following tables, dates of letters are shown as follows: 1 Jan 09 for letters sent by Network Rail, (1 Jan 09) for letters received by Network Rail

This section summarises only the major, formal contacts that have been made with the local authorities. There have been many other telephone discussions, meetings, emails etc with officers from these local authorities about particular matters connected with the development of the scheme and its engineering and environmental implications. References to these contacts are not included in this section.

	Initial presentation to members and officers	Introductory letter	Initial general scheme meeting	General scheme meeting	Ground Investigation Survey	Option selection consultation (Response)	ES Scoping Report (Response)	Meeting about land acquisition	Presentation to NHDC members
North Herts District Council	21 Mar 07	26 Apr 07	9 Aug 07	29 Jan 08	6 Mar 08 1 Apr 08 23 Jun 08 Report Oct 08	7 Apr 08 (6 May 08)	10 Sep 08 (30 Oct 08)	10 Nov 08	16 Dec 08
Herts County Council	21 Mar 07	26 Apr 07	9 Aug 07	29 Jan 08		7 Apr 08 (2 May 08)	10 Sep 08 (31 Oct 08)		

	Meeting re viaduct west of ECML	Presentation to members and officers (The Priory)	Meeting re Highways issues	Environmental Mitigation Meeting	Pre-application letter with copies of draft Order and Order Plans	General scheme meeting (Response)
North Herts District Council	9 Mar 09	2 Apr 09	23 Apr 09		28 Aug 09	14 Sep 09 (18 Sep 09)
Herts County Council		2 Apr 09	23 Apr 09	16 Jul 09	28 Aug 09	14 Sep 09

6.9 Other Statutory Agencies

	Initial advice of Hitchin scheme		Option selection consultation (Response)		ES Scoping Report (Response)	Environmental Mitigation Meetings	Pre-application letter with copies of draft Order and Order Plans
Environment Agency	3 Aug 07	Flood risk Letter 20 Mar 08 (Response) (16 Apr 08)	7 Apr 08 (15 May 08)	Flood risk Meeting 23 Jun 08	10 Sep 08 (14 Oct 08)	30 Jun 09	28 Aug 09
Natural England	3 Aug 07		7 Apr 08 (28 Apr 08)		10 Sep 08 (14 Oct 08)	23 Jun 09	28 Aug 09
English Heritage (The Historic Buildings and Monuments Commission for England and Royal Commission on the Historical Monuments of England)	3 Aug 07		7 Apr 08		10 Sep 08 (30 Sep 08)		28 Aug 09

6.10 Town and Parish Councils

	Initial advice of Hitchin scheme	ES Scoping Report (Response)	Re Priory Event	Project update	Pre-application letter with copies of draft Order and Order Plans
Letchworth Town Council		10 Sep 08	17 Mar 09		28 Aug 09
Ickleford Parish Council	Letter 7 Mar 08	10 Sep 08	17 Mar 09	3 July 09	28 Aug 09

6.11 Statutory Undertakers⁶

In addition to the contacts with statutory undertakers shown below, extensive contacts have taken place between Network Rail's engineering consultant and statutory undertakers in relation to requirements for the Hitchin scheme in regard to known apparatus belonging to statutory undertakers

	Ground Investigation Survey	Pre-application letter with copies of draft Order and Order Plans
Anglian Water Services Ltd (as statutory undertaker)	3 Apr 08 23 Jun 08 Report Oct 08	28 Aug 09 (22 Sep 09)
National Grid plc National Grid Holdings Ltd (as statutory undertaker)	3 Apr 08 23 Jun 08 Report Oct 08	28 Aug 09
EDF Energy Networks	6 Mar 08 3 Apr 08 23 Jun 08 Report Oct 08	28 Aug 09
British Telecommunications plc		28 Aug 09
Virgin Media Communications Networks Ltd		28 Aug 09
Cable & Wireless UK Services Ltd		28 Aug 09
Veolia Water Three Valleys		28 Aug 09
Global Crossings UK Telecommunications Ltd		28 Aug 09
COLT/KPN Eurorings/TATA Communications		28 Aug 09
Thames Water Utilities Ltd		28 Aug 09
Gas Transportation Company		28 Aug 09
Thus PLC		28 Aug 09
Vtesse Networks Ltd		28 Aug 09
Southern Electric PLC		28 Aug 09
Orange Plant Protection		28 Aug 09

⁶ Two of the statutory undertakers consulted (Anglian Water Services Ltd and National Grid Holdings Ltd) are also affected by the scheme in terms of their land ownership in the Hitchin area. Consultation with these bodies in regard to their land ownership is recorded elsewhere in this section of the report.

6.12 **Relevant Bodies (those referred to in Schedules 5 and 6 of the Application Rules)**

	Initial advice of scheme (Response)	Pre-application letter with copies of draft Order and Order Plans (Response)
Secretary of State for Environment, Food and Rural Affairs	6 May 09	
The Auto Cycle Union	6 May 09	28 Aug 09
The British Horse Society	6 May 09	28 Aug 09
The Byways and Bridleways Trust	6 May 09	28 Aug 09
The Open Spaces Society	6 May 09	28 Aug 09
The Ramblers Association	6 May 09 (17 Jul 09)	28 Aug 09 (18 Sep 09)
The British Driving Society	6 May 09	28 Aug 09 (19 Sep 09)
The Cyclists' Touring Club	6 May 09	28 Aug 09 (20 Sep 09)
The Chiltern Society	6 May 09	28 Aug 09
The Secretary of State for Environment, Food and Rural Affairs	6 May 09	28 Aug 09
Passenger Focus	6 May 09 (16 Jun 09)	28 Aug 09
London Travelwatch		28 Aug 09
Her Majesty's Railway Inspectorate	6 May 09	28 Aug 09
The Office of Rail Regulation	6 May 09	28 Aug 09 (19 Sep 09)
The Crown Estate Commissioners	6 May 09	28 Aug 09
The Commission for Architecture and the Built Environment	6 May 09 (28 May 09)	28 Aug 09
Parties under Schedule 6 (16) of the Application Rules	Initial advice and clarification of land interest 3 Sep 09	

6.13 Owners and Occupiers of land affected by the scheme

	Initial advice	Meetings & Letters	Ground Investigation Survey	Option selection consultation (Response)	ES Scoping Report (Response)	Archaeology surveys	Meetings & Letters	Invitation to Priory event (visit to the event)	Letters (Received) Response	Project update (Response)	Meetings & Letters
Wallace Farms Ltd	Meeting 22 Jan 08 Letter 6 Mar 08	Meeting 7 March 08 Letters (10 Mar 08) 3 Apr 08	3 Apr 08 23 Jun 08 Report sent 25 Sep 08	7 April 08 (4 May 08)	10 Sep 08 (16 Oct 08)	Meetings 24 Oct 08 28 Nov 08 Letters 30 Jan 09 (12 Mar 09)		17 Mar 09 (3 Apr 09)	(06 Apr 09) 28 Apr 09	3 July 09 (3 Aug 09) 12 Aug 09	(20 Aug 09) 11 Sep 09
Patrick Wilshere Accumulation & Maintenance Trust,	Letter 6 Mar 08	Meeting 7 March 08 (Letter) (10 Mar 08)	3 Apr 08 23 Jun 08	7 April 08	10 Sep 08 (16 Oct 08)			17 Mar 09		3 July 09 (3 Aug 09)	11 Sep 09
Mr R.J Chennells	Meeting 23 Dec 07 Letters 2 Jan 08 6 Mar 08		3 Apr 08 (8 May 08) 23 Jun 08 Report sent 25 Sep 08	7 April 08	10 Sep 08	Meetings 24 Oct 08 28 Nov 08 Letters (2 Dec 08) (8 Jan 09) 12 Jan 09 30 Jan 09 (5 Feb 09)		17 Mar 09		3 July 09 (24 Jul 09)	11 Sep 09
Prime Estates Ltd				7 April 08	10 Sep 08 (20 Oct 08)		Meeting 6 Jan 09	17 Mar 09 (3 Apr 09)		3 July 09	
National Grid Property Holdings Ltd (as landowner)	Letter 6 Mar 08	Letter 29 Apr 08 Meeting 22 May 08	Letters 6 Mar 08 3 Apr 08	7 April 08	10 Sep 08		Meeting 22 Jan 09 (Response) (23 Feb 09)	17 Mar 09		3 July 09	
Anglian Water Services Ltd (as landowner)	Meeting 11 Oct 07 Letter 6 Mar 08	Meeting 8 May 08 Emails 9 May 08 (Letter) (27 May 08)	6 Apr 08	7 April 08	10 Sep 08		Meeting 3 Nov 08	17 Mar 09		3 July 09	
Mrs Dorothy Parker	Meeting 3 Mar 08 Letter 7 Mar 08		3 Apr 08 23 Jun 08	7 April 08	10 Sep 08			17 Mar 09		3 July 09	

	Initial advice	Meetings & Letters	Ground Investigation Survey	Option selection consultation (Response)	ES Scoping Report (Response)	Archaeology surveys	Meetings & Letters	Invitation to Priory event (visit to the event)	Letters (Received) Response	Project update (Response)	Meetings & Letters
SITA MR	Letter 6 Mar 08		3 Apr 08 23 Jun 08 Report Oct 08	7 April 08	10 Sep 08		Meeting 20 Nov 08 Emails 21 Jan 09	17 Mar 09	Emails 19 May 09	3 July 09	Meeting 2 Sep 09 Letter 9 Sep 09

6.14 Members of Parliament

	Letter re HRA (Received) Response	Option Selection consultation	Formal advice re Hitchin scheme and intention to submit Order	Meeting at House of Commons	Other correspondence
Rt Hon Peter Lilley MP (Hitchin & Harpenden)	(8 Aug 07) 26 Sep 07	7 Apr 08	6 Mar 09		
Oliver Heald MP (North East Hertfordshire)			18 Mar 09	8 Jul 09	22 May 09 13 Jul 09 31 Jul 09

6.15 Other stakeholders

	Initial advice (Response)	Option selection consultation (Response)	ES Scoping Report (Response)	Invitation to Priory event (visit to the event)	Meeting at The Priory Hitchin	Meeting re Highways issues (with Herts Highways)	Meeting re Highways issues (with Herts Highways)
Hitchin Residents Alliance	Emails (5 Dec 07) 11 Jan 08	7 Apr 08 (3 May 08)		17 Mar 09 (2 Apr 09)			
Hitchin Rail Users Group	Jan 08 (7 Apr 08)	7 Apr 08 (30 Apr 08)	10 Sep 08 (14 Oct 08)	17 Mar 09	2 Apr 09		
Herts and Middlesex Wildlife Trust			10 Sep 08 (17 Oct 08)				
Hertfordshire Police						23 Apr 09	14 Sep 09

Consultation with local residents, businesses and elected representatives

- 6.16 A report on consultation carried out with local residents, businesses and elected representatives is set out in the “Hitchin Statement of Community Involvement – September 2009” which forms the second part of this report