

**APPEAL BY CAMBRIDGE UNIVERSITY  
IN RELATION TO A  
PROPOSED UNIVERSITY RESEARCH FACILITY  
307 HUNTINGDON ROAD**

**CLOSING SUBMISSIONS ON BEHALF OF ANIMAL AID, NAVS, NATUREWATCH,  
PeTA, UNCAGED & X-CAPE (“THE COALITION”)**

Introduction

1. This inquiry arises out of the refusal by South Cambridge district Council (“SCDC”) to grant planning permission to Cambridge University (“CU”) for “a huge new facility”<sup>1</sup> for neurology research on primates.
2. Crucially, the proposed development is sited within the Green Belt (“GB”).
3. As a result of this siting, it falls to CU, quite apart from overcoming SCDC’s concerns about public disorder (which case the coalition adopts and supports), to complete two essential tasks if permission is to be granted.
4. First it must demonstrate very special circumstances (“VSC”) such as to outweigh the assumed harm that this development causes to Cambridge’s GB. Secondly, it must show that the selection of this GB site came only after a genuine and thorough attempt to find an alternative, preferably non-GB, site for the development.
5. Both of these issues are included in the list of material considerations set out by the Inspector at the Pre-Inquiry Meeting (see paragraph 12 of minutes of this meeting).

CU as party to these proceedings

6. The importance of CU in the local area is undisputed. Much of the city is in the University’s ownership. The histories of the local area, the city and the university are

closely intertwined. However – once permission is refused and a public inquiry is called, CU, by virtue of the Town and Country Planning Act 1990 and the Inquiry Procedure Rules<sup>2</sup>, adopts the position and role of any other party to such proceedings. This means that it is not enough for CU to rely on University- or Government-endorsed assertions. It must *demonstrate* its case, be it in relation to national importance and therefore the scientific worth of what is proposed, or to the selection of a site for the centre.

7. Despite 2 weeks of Inquiry both of these demonstrations remain incomplete. In matters scientific, CU has maintained throughout that it is not required to demonstrate, through evidence which can be tested, that the proposal is indeed of national importance. In relation to planning, the correspondence between CU and SCDC as well as the evidence heard orally at this inquiry, confirms that the university failed to consider non-CU owned sites and, bizarrely, awaited suggestions of alternatives from SCDC rather than finding them itself. One is forced to conclude as did Professor Greenwood who gave evidence to this inquiry, that when it came to site selection “*CU has ruled out other sites on the basis of their own priorities*”.
8. The burden of proof of these issues, science and planning, falls squarely on CU. The standard of proof, given the controversial nature of the research proposed and the GB siting, is high. Both Sir Keith and Mr Sillery accepted that a higher than normal standard of proof applied to demonstration of need (due to the controversial nature of the research) and lack of alternative sites (due to harm to the GB), respectively.
9. It is submitted that CU’s documentary and oral evidence fail to discharge the burden of proof in relation to either of these matter, and certainly not to the standard required and that in these circumstances permission for the proposal should be refused.

Very special circumstances

10. CU asserts that the proposed development is of such national importance as to constitute VSC so as to rebut the presumption against development in the GB and justify the

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<sup>1</sup> So described by Jeremy Vine on Newsnight that day before this inquiry opened

<sup>2</sup> DETR Circular 05/00, Planning Appeals: Procedures (Including Inquiries into Called-in Planning Applications)

proposal. To support this assertion CU places very considerable emphasis on various pronouncements of support for the proposed centre, and in particular a letter from Lord Sainsbury, Secretary of State for Science and Innovation<sup>3</sup>. Whilst it is accepted that such pronouncements are capable of being material considerations for the Secretary of State through his Inspector, they are no more than that and *cannot*, it is submitted, be considered to be government policy, such as to remove the need to demonstrate national importance.

11. Neither Lord Sainsbury's letter, nor other expressions of support, have been the subject of any statutory consultation process. None has been made available for comment by members of the coalition or any other interested party. In the case of Lord Sainsbury or the Prime Minister, the expressions of support come from nonscientists who have not examined the relevant issues in full, and no such expression purports to remove the need for CU to make its case. (cf the processes which apply to a PPG coming into force).

12. Reliance also seems to be placed by CU upon the case of *Bushell v Environment Secretary* [1981] AC 75. This House of Lords case held that:

*“what was fair, including whether cross-examination of a witness should be allowed, would depend on the subject matter of the particular inquiry and was to be judged in the light of the practical realities as to the way in which administrative decisions involving judgments based on technical considerations were reached.”*

And further

*“that the assessment of need by a particular method of a particular stretch of the national motorway network was a matter of government policy in the sense that it was a topic unsuitable for investigation by individual inspectors at individual local inquiries.”*

Headnote, p 76.

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<sup>3</sup> In fact two versions were submitted to the Inquiry. The first of 22 November 2002, the second of

The circumstances of this inquiry and in particular the requirement to demonstrate national need as identified by the inspector at the Pre-inquiry Meeting, are wholly different to those of *Bushell*.

## **Science**

### National Importance - what would need to be demonstrated

13. In the normal course of events a developer seeking to rely upon national importance as the necessary VSC to outweigh harm to the green belt would demonstrate through evidence that the proposal was, firstly, important at all and then that it was important in the interests of the United Kingdom.
14. CU has done neither.

### CU's "Scientific" Evidence

15. Whilst no one could doubt the eminence of the academic witness produced by the university, Sir Keith Peters is not a neurologist, has almost no experience of animal experimentation, and was unable to answer specific questions put to him which go to the heart of the scientific issues which would determine whether the proposed research is of importance at all.
16. Sir Keith insisted that he spoke on behalf of his colleagues and of the scientific community, that the work proposed had been peer-reviewed, and that CU is a centre of acknowledged scientific excellence. None of this is disputed.
17. However in order to demonstrate importance it is submitted that CU, through a relevant expert, would need to go beyond its own conviction of the centre's importance and show that this sort of work has yielded concrete and specific advances in the past and is likely to do so in the future (cf Flemming and Penicillin). This was one of the questions posed to Sir Keith Peters and Sir Alec Broers when they addressed the House of Commons

Select Committee on Science and Technology on 1 February 1999<sup>4</sup>. It was one of the questions I put to Sir Keith in XX.

18. One of Sir Keith's frequent responses to such questions was that the proposed research had been peer reviewed. It is submitted that peer review, albeit *a* method of evaluating proposed research, is not the only method and risks a lack of objectivity since it involves the evaluation of proposals by like-minded scientific colleagues likely to have a stake in the perpetuation of the types of research that they evaluate<sup>5</sup>.
  
19. When concrete examples of advances in primate brain research were sought from Sir Keith, he referred the question to others within the "academic team" (we were never informed who exactly) who supplied written answers. Dr Greek's oral evidence showed clearly that these answers did not support the case that primate brain research had been essential in the past (see below). On the contrary most examples cited originated in non-primate work. Certainly we are offered no examples of medical advances which could only have been made through primate work, which must, it is submitted, be the test in work of such controversial nature as that proposed.
  
20. Sir Keith accepted that the highly controversial nature of the proposed research meant that if it was to go ahead it was to be justified in the clearest terms (Sir Keith XX). However, the coalition, the public, and it is submitted, the Inspector have been left guessing as to the true authors of scientific evidence submitted by the university, the justifications offered in securing government grants for the proposal and the issues considered in the course of peer-review. Despite numerous requests none of this material has been made available to the inquiry.

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<sup>4</sup> see Minutes of Evidence para 1113: Question to Sir Alec: "May I ask you whether you can give us some examples of innovation successes which have come out from Cambridge..." and para 1116 "Sir Keith, can you think of any from your discipline".

<sup>5</sup> See *Animal Research: Reliability of Protocol Reviews for Animal Research* by Scott Plous and Harold Herzog (Document 8 of Dr Greek's X in Chief documents and in particular the conclusions reached that 1. "only 43% of protocols were seen as having fairly or completely convincing justification for the type or number of animals used, 2. that 61% of protocols were judged as either "not very understandable" or "not understandable at all," as having "poor" research designs and procedures, or as justifying the type and number of animals in a way that was deemed "not very convincing" or "not convincing at all." See also Article *Something Rotten at the Core of Science?* By David Horrobin.

21. Doubtless in CU's closing we will hear of why its case has been presented as it has. To date the sole explanation for this refusal to supply any real justification for the proposed research came towards the end of the inquiry, in response to numerous questions put to the university about the scientific validity of the research and in relation to the details of the proposed centre. CU finally submitted a brief document to explain this refusal (app 18 of CU's supplementary bundle). The document states that:

*“the decision by the university not to call a neuroscientist directly involved in research on animals was in the first place because it did not consider it justifiable or necessary to expose such person to the risk of identification and possible intimidation...”*

22. Apart from the fact that such security concerns fly in the face of Dr Matfield's evidence on the likelihood of this type of research attracting militant animal rights activists, it fails to explain why a neuroscientist *without* an animal experimentation license was not produced to deal with the essential questions of the validity of the proposed research. Someone, say, who might have been able to declare that *“I do not experiment on animals but the neuroscience work I do would not have been possible had it not been for such and such primate experimentation research carried out in the 60's”*. Instead, silence.

23. Linked to this refusal to supply relevant experts to the inquiry was an extraordinary approach to the issue of authorship adopted by the university. Great play was made by Cambridge of Dr Greek's standing. No matter which view is taken of this matter, and it is submitted that Dr Greek possesses all the scientific standing as well as practical experience to be able to speak intelligently to the issues and more, it cannot be disputed that the evidence he supplied both oral and written was his own.

24. This cannot be said of the material produced by Sir Keith. His proof consists of 11 pages of text which he stated in XX he had authored, a speech by Lord Hunt (*BA in Political Sciences*) which he adopts, an article entitled *Rationale for Nonhuman Primate Research in Neuroscience* which appeared in the October 2002 edition of the RDS Newsletter under Dr Matfield's name (see tab 20 of CU's supplemental bundle) albeit that it was (curiously) not in fact written by Dr Matfield (accepted in Matfield XX), a letter from Lord Sainsbury who is not a scientist and another from Professor King who is, albeit not a medical one.

25. Specific questions put to Sir Keith on the utility of the proposed research were generally referred to “the academic team”. Dr Matfield whose evidence was supposed to be limited to public order issues was nonetheless reinvented as a scientific witness (notwithstanding that he is a biochemist who has not done bench research since 1985 (see Matfield XX) rather late in the day but declined to speak to any of the scientific assertions contained within the article which bears his name. The effect of this merry-go-round of pen names and false authorship of evidence was that there was no one at all from CU available to be cross-examined on the central scientific issues at the inquiry.
26. When one considers that the names of authors of academic publications which CU suggests would flow from the proposed centre would necessarily be in the public domain and in many cases already are, together with the fact that a neurologist with no involvement with animal experimentation could have appeared to give evidence without fear of harassment one is left with the impression that the CU's refusal to make its scientific case derives not from security concerns but rather from a reluctance to engage in the debate that this inquiry through early acceptance of the scientific issue as material, demanded.
27. As to this debate, Dr Matfield denies that any such existed within the scientific community. This statement, made in the course of his XX is extraordinary when one considers the very many representations on scientific matters, including by respected scientists (see e.g. the evidence of Dr Hansen, Dr Reiss, as well as various medical organizations (e.g. the 5000 Dr members of PCRM) which made representations to this Inquiry. More so when one considers the plethora of articles in newspapers and articles (including scientific ones such as *Science* and the *New Scientist*<sup>6</sup>) penned about this inquiry.
28. By contrast with the approach adopted by the university to the scientific issues that this inquiry, the coalition, through the evidence of Dr Greek presented, I submit, a clear case

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<sup>6</sup> See Editorial in 23 November 2002 edition (introduced to the Inquiry) entitled *Only as a last resort* which argues that “to avoid charges of spin and hype, scientists need to far more explicit about which monkey experiments relate directly to patients and which do not.”

that animal experimentation in general and the primate brain research proposed in particular, would not reap the benefits so confidently promised by the university<sup>7</sup>.

### Dr Greek's Evidence

29. Whilst the burden of proof in this case is such that it falls to CU to prove the importance of the proposed work, and not for the coalition to disprove it, Dr Greek nonetheless went through this exercise. His evidence, both written and oral, can be summarised thus:

- (i) Findings in primates are not **predictive** for humans, in terms of responses to drugs or diseases. There is considerable empirical evidence in support of this statement, e.g. the list of drugs cited in Dr Greek's proof of evidence that have killed or maimed thousands of people after being tested for safety in monkeys. Conversely, other drugs cause birth defects or other adverse effects in primates but not humans – e.g. aspirin, which may not have been released had it been tested on monkeys (or cats or dogs). Most recently, hormone replacement therapy's long-touted benefits for women, based entirely on monkey data, have been shown to be flawed. Even worse - HRT actually appears to do more harm than good (Chief of Dr Greek). With respect to predicting our response to disease - chimpanzees, our closest primate relative, would predict that both hepatitis B and HIV infection should be benign, whereas in reality both diseases are very serious for humans.
- (ii) The reason for this, in a nutshell, is that monkeys and humans are both examples of **complex living systems** and, as evolutionary theory explains, are related to each other in a **non-linear** manner. It may be tempting to assume that close genetic similarity means one primate species will react much like another but this assumption misunderstands the way genes operate. Small differences between our genes can lead to very large differences between species. This is because the way genes are **regulated** (turned on or

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<sup>7</sup> see paragraph 5.1 of CU's rebuttal statement to Dr Greek's which boldly (unscientifically ?) asserts that "It [the centre] will be successful in its aims to contribute to medical research and our understanding of brain function if it is not unduly obstructed by unwarranted actions and campaigns."

off) is what separates us from each other - so even when we share the same genes, they interact with each other in very different and complex ways - thus frustrating extrapolation from one species to another. This is borne out constantly by experience, with numerous examples of unexpected and contradictory findings between different species. Even extrapolation **within** species is problematic - of ten drugs recently withdrawn from the market, eight of them had severe side effects in women which were not predicted by clinical trials in men. Clearly, if men cannot be relied upon to predict with accuracy for women, relying on monkeys to predict human response is hazardous.

- (iii) Primates do not make good models of human neurological disorders, as is explained in some detail in Dr Greek's proof of evidence. Alzheimer's disease, for example, is characterised by declining clarity of thought and language - how can such abilities be measured in a monkey? Symptoms of Parkinson's disease are induced in monkeys by killing brain cells - but the **cause** of cell death is the root of the problem, so such experiments are irrelevant to discovering why the cells die. Primate research has an abysmal record in predicting useful treatments for stroke patients; contributing no clinical advances from many decades of research. CU cited nimodipine as a useful treatment for stroke patients, seemingly unaware that a recent systematic review of 22 clinical trials of nimodipine showed it actually has no beneficial effect (see document 18 in Dr Greek's supplementary bundle).
- (iv) Future advances in our understanding and treatment of neurodegenerative diseases will come from where they always have - human-based observation and ethical clinical research. Dr Greek's evidence documents, with many examples, how progress has been made by careful clinical studies of patients, their tissues and their families. Constant technological improvements in brain-scanners, brain tissue culture techniques and knowledge of the human genome are enabling this progress. World-class facilities such as the Wolfson Brain Imaging Centre make an important contribution to progress. The Director of the WBIC was quoted (on BBC Radio Cambridge - see Q&A to

members of public, at Tab 10 of CU's Supplementary bundle p4, Qu of S Hughes] as saying that:

*"Alzheimer's, Parkinson's and other neurodegenerative diseases occur in humans and it is in human tissue that we will find the answers to these diseases."*

It is surprising that he should be contradicted in writing by CU in their questions and answers from members of the public - particularly as the WBIC is cited by the university as an important collaborator with the proposed new centre.

- (v) Basic science from 'blue-skies' research may, possibly, be gained by studying the brains of monkeys. But knowledge for knowledge sake is not the same as knowledge to cure human disease. In CU's rebuttal to Dr Greek's evidence, CU admit:

*"it should be recognised that much of the research is more basic"* (para 1.5).

Yet the basis of CU's planning application rests on the 'national importance' they claim for their research, which it simultaneously claims is patient-oriented and far from basic. Basic research demands a higher level of justification for the resources it will consume - resources which could otherwise be spent on research of proven relevance for patients, such as epidemiology, clinical research, post-marketing drug surveillance, autopsies, human tissue research, genetic research, artificial neural networks, computer modelling, high-tech brain imaging scanners and so on. Basic research involving non-human primates clearly demands the highest level of justification possible - if indeed it can be justified at all. Certainly, at this public inquiry, CU have not made a convincing (or any) case that it can.

- (vi) CU did not produce sufficient peer-reviewed evidence to satisfy any objective criteria for granting planning permission for their research proposals. Bodies seeking public funding should be accountable to the public, particularly when the proposal is so controversial. The university

declined to produce their JIF award application and relied on unsubstantiated assertions as to the merits of primate research without proving their case. In contrast, the coalition has provided ample scientific data to support its case, as well as offering a sound theoretical basis for its position - which is predicted by evolutionary theory and confirmed by molecular biology as well as overwhelming empirical evidence. It is acknowledged that animal experimentation is the accepted norm, largely due to 'technology lock-in' (a term used by Professor Bateson in his address to the House of Lords Select Committee) and that change will inevitably be resisted. But CU was challenged to defend primate experimentation scientifically and it has not done so.

- (vii) CU's principle justification for the value of primate research was an uncritical reliance on the peer review process. It is acknowledged that peer review is an important method of assessment but that its practice is often deeply flawed and the process must be rigorously scrutinised if it is to maintain any credibility. (For an example of bias in the system, see recent review of the reliability and independence of Institutional Animal Care and Use Committees in the US, which showed that reviewers approve studies at their own institution which they would reject at any other. (Plous & Herzog)
- (viii) The letters of support for the proposed centre were solicited by Dr Matfield and comprised little more than a reiteration of the standard letter declaring primate research in general to be 'a good thing' - without any detailed scrutiny of specific proposals. Interestingly none came from the UK, which one would not expect to be the case of the proposal was truly of national importance. One of the supporters, Dr. Thomas Insel (see Doc 11 of Dr Greek's supplemental bundle), fervently supported AIDS research in primates when he was director of the Yerkes Regional Primate Centre. He now admits that 15 years of AIDS research in chimpanzees has produced little data relevant to humans.
- (ix) The examples brought up by CU in cross-examination of Dr. Greek overwhelmingly illustrate the point that published animal studies are merely

confirmatory to earlier human studies. CU listed a catalogue of assertions which turned out, upon closer examination, to be incorrect. For example, the claimed clomethiazole's benefits for stroke patients resulted from studies of the drug in marmosets - yet Dr Greek produced a paper showing that the clinical trials pre-dated the monkey experiments (document submitted in the course of Dr Greek's evidence). Yet another case of 'confirming' in animals what was already known from humans. Clearly, animal experiments are of no value if they are not **predictive** for humans. Such 'confirmation' is not only irrelevant - it is a waste of resources. (see also US Congressional quote at 32 of Dr Greek's supplemental bundle).

- (x) A new primate laboratory would be a retrograde step in many ways (see evidence on sustainability from NAVS). Medicine, stated Dr Greek is advancing in the direction of personalised treatments based on individual genetic profiles - not on approximations based on entirely different species.

30. It is hoped that the above constitutes a useful summary of some of the salient points of the oral and written scientific evidence adduced on the part of the coalition. Whether or not you agree with it, sir, is plainly a matter for you. However, it is hoped that the argument is clear and accessible. It is certainly not accepted that "*science is not for barristers and not for the inspector*" (Mr Purchas in XX of Dr Greek). On the contrary, an explanation of the scientific basis is central to the democratic rationale of the inquiry process. And inspectors and barristers, are (or should be) no strangers to explaining and understanding science. Indeed it is their job. (Consider e.g. complex medical causation evidence in personal injury law or the scientific evidence which was debated at e.g. Sizewell, T5 or almost any small inquiry in which noise is an issue).

31. As I have indicated, sir, you will have to form a view of the scientific arguments based on the facts put before you. It is my submission that the lack of factual detail and relevant expert (e.g. Colin Blakemore) make this exercise impossible to perform in relation to CU's scientific argument. This sentiment has been expressed by others too<sup>8</sup>.

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<sup>8</sup> See e.g. Jeremy Vine to Lord Sainsbury on Newsnight 25.11.02 "*you cannot take public support for granted if the public do not know what is going on*". Also "*Likewise the Inspector and the SoS. Lieven*

National importance

32. In addition to CU's requirement to demonstrate the importance of the proposed work, it must, if it is to win this appeal show that it is of *national* importance or that it is of particular value to the United Kingdom. One way of considering this question is to consider the likely effect on the UK of the development not going ahead.
33. In relation to this there is once again a dearth of evidence from CU. CU's acknowledged excellence in science has, in the past, been achieved without such a centre. In addition it is accepted that the research is high cost and it necessarily follows that funding to this sort of medical research will mean less availability of funds to other forms of medical research, such as clinical research which has formed the focus of much of Sir Keith's own work.
34. The reality is that UK funding is better allocated to more tried and tested areas of research rather than the highly speculative blue skies research proposed here. Sir Keith's endorsement of Lord Hunt's sweeping statement that research using animals contributed to almost every single one of the medical advances of the last century is simply untenable. One only has to look at the breakthroughs boasted by the MRC in their letter of support for the proposal of 31 October 2002 to see that in fact very few, if any, are.
35. Even if it is accepted that the work to be undertaken is of importance, it cannot be assumed that it is of *national* importance. Again, evidence of such must be put forward by CU so that the national importance is demonstrated. Again this has not been done.
36. In sum, it is submitted that there is insufficient evidence before this inquiry to demonstrate the importance, let alone the national importance, of the proposal.

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*“cannot rely on an assertion of national need but must satisfy the SoS of it”* (BUAV Opening Statement) and . New Scientist 23.11.02 *“Primate Experiments are justified – if scientists can tell us what they’re for”*. See also Question from Lisa Bensing and others in Q&A from the Public at tab 10 of CU’s supplementary bundle.

## **Planning**

### Alternative Sites

37. Whatever reliance CU places on Government support for the proposal, any such support does not extend to the siting of the centre. This is acknowledged in the Lord Sainsbury letter. Again CU is to be treated as any other developer which seeks to develop in the GB. This means thoroughly searching for non-GB alternatives first and not restricting such a search to CU-owned sites as a matter of convenience.
38. In fact the evidence points to a lack of such efforts. Mr Adamson, it is submitted, came to a fait accompli and slavishly follows the estates plan which (he freely accepted) is a creature of the university and can be changed.
39. Mr Keen remarked in chief that for a University which once counted Sir Isaac Newton amongst its members, it has shown remarkably little scientific method in its approach to alternative sites. He added that a particularly rigorous approach is required when development is in the Green Belt (see in particular Keen Proof para 5.3) to the effect that a sequential test was called for, starting with non-GB alternatives and exhausting all other practicable options for alternatives (whether CU owned or not) before resorting to a GB site.
40. Instead, the evidence shows that there was no assessment of non CU-owned sites before 307 was selected. CU's contention that non-university owners were unwilling to sell for the proposed use, like the national importance, must be demonstrated, rather than merely asserted. One would expect to find letters to owners and some attempt to persuade owners, as CU has sought to persuade this Inquiry, that their security concerns are exaggerated or unfounded. One would expect to see attempts by CU to purchase the freehold of more suitable land, but there is no evidence of this either. Professor Greenwood is right to be surprised that CU have made no attempt to contact the police with a view to establishing which other sites would generate fewer public disorder issues than 307 (Chief of Greenwood).

41. Mr Sillery's involvement with this appeal came fairly late on and he, it is submitted, similarly found himself in the position of justifying what had already been decided. As with National Importance, a scientific approach is called for. CU need to be able to demonstrate that it has gone to the trouble of exploring alternative not within its ownership and performed more than a hypothetical exercise in relation to the others (see para 4.4 of Bidwells report at App 1 of the evidence of Mr Sillery<sup>9</sup>).
42. The correspondence between CU and SCDC discloses a bizarre expectation on the part of CU that SCDC will do the job of supplying alternatives. This is not the practice of a normal party to such proceedings.

Is there harm to the openness of the Green Belt ?

43. Development in the green belt is necessarily harmful. This is an assumption made by planning law and accepted by CU. In the circumstances of this case the harm caused is real.
44. Para 3.5 of the statement of common ground says:

*“the proposal will not harm the openness of the green belt”.*

45. However the SCDC statement of case makes clear that its position is that:

*“the development of 8015sq m of new B1(b) floorspace in addition to the 1956sq m of floorspace which will be retained will be in conflict with policies in the Dev Plan which:*

*a) aim to maintain the integrity and openness of the Cambridge Green Belt within which the site is located...”*

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<sup>9</sup> “I have also considered and discussed with colleagues whether there might be a possible site on a business or industrial park in or around Cambridge. I and colleagues concluded that it was extremely unlikely.”

Is Mr Sillery right when he says the site is not prominent?

46. Mr Sillery says the site is not prominent (XX). Mr Keen disagreed in chief. Ultimately it is a matter of planning judgment for the Inspector but Sillery (Proof 2.3) notes that the site is on the side of a ridge sloping down to the South West and Mr Keen says the site is visible from the M11 and parts of the A1307. Furthermore the 7.9.00 refusal of planning permission states

*“the site is prominently sited within the Cambridge Green Belt”*

and Mr Keen’s evidence as to the prominence of the site was not challenged in XX.

What would the visual impact be?

47. Again, this is plainly a matter of planning judgment for the Inspector to reach in the course of viewing the site. Mr Keen’s evidence in chief was that the visual impact would be very considerable, due to the greater bulk of the building, the chimneys, the loss of trees, introduction of man-made embankments and the introduction of a substantial wall (590’ by 13’). In addition to these intrusions into the Green Belt, there are likely to be future developments at the site, should the proposal go ahead, by way of security measures. A view of HLS and the additions there (detailed in a letter requested by the Ins from Mr Keen of 18 Dec 2002) gives a hint of things to come so that comparisons made at this Inquiry between the likely appearance of 307 Huntingdon Road and Colditz (see Q&A from Members of the Public) are likely to be not far off.

The West Cambridge Site

48. This site does not appear to have been seriously considered despite SCDC having noted it as a possibility (see 4.17 of proof of Jones). It does however meet the site selection criteria set out in the proof of Mr Adamson (paras 2.1-2.3 of Adamson proof) i.e. there is space (it has outline planning permission for 30 x the required space), it is a self-contained site, it is near to Downing college and Addenbrokes as well as other related university departments within the site. As Mssrs Sillery and Adamson accepted in XX the

CU master plan could be altered to accommodate such a development and the unadopted road adjacent to the site could be adopted.

#### A Balancing Act

49. Even if National Importance can be shown, the Inspector and through him the Secretary of State must perform a balancing act, weighing any evidence of national importance against that of harm caused (see paragraph 3.2 of PPG 2). It will be for the Inspector to consider all the harm likely to be caused to the green belt and then to see whether there are, as CU claims, issues of national importance sufficiently clearly demonstrated as to outweigh such harm.
  
50. Let us consider first the harm. There is automatic harm since this is development in the green belt. There would be, if Mr Keen's evidence is to be accepted, actual loss of openness at the site, significant encroachment into the countryside and clear conflicts with various national and local policies (see paragraphs 5-8 of the Opening Statement on behalf of the Coalition). In addition, if SCDC's evidence on public order is to be accepted (and the coalition submits that it should) there would be road blockages and harm to public safety through demonstrations at the site. In addition there would plainly be some, and Mr Keen suggests some substantial impact on the visual amenity of the area.
  
51. To be balanced against these examples of harm (they are not exhaustive) are any potential benefits which may come from the centre. Plainly this would be in the form of the national interest if the centre can be demonstrated to be likely to improve human health and be beneficial overall to the UK. The coalition's strong submission is CU have failed to demonstrate this. In the event that the Inspector/Secretary of State is persuaded of the national importance of the proposed development, it is nonetheless submitted that its siting at 307 result in an unjustifiable amount of harm to the GB and to the local area and that the appeal should fail in any event.

## Summary and Conclusions

52. CU has failed to demonstrate with clarity or at all:

- (i) That the proposed centre would/would be likely to yield benefits to human health and to the UK and that it is therefore in the national interest;
- (ii) That the proposed centre should be sited at 307 Huntington Road, within the Green Belt and adjacent to a busy main road intersection;
- (iii) That there would not be disruption through demonstrations and protest at the site;
- (iv) Details of the proposed activities on the site or the underlying scientific merits of them such that a fully informed view can be reached about the proposed research.

52. The coalition has demonstrated through its documentary and oral evidence that:

- (i) the proposed research is not in the national interest; alternatively
- (ii) (if (i) is not accepted) that there is sufficient doubt as to (i) to cause less weight to be attached to it; alternatively
- (iii) even if the research is considered to be in the national interest it does not automatically follow that its benefits are sufficient to outweigh the substantial harm to national and local GB policy objections;

53. CU's failure to adduce relevant evidence in terms of details of the centre, a clear justification for the proposed research or a relevant expert witness, available for questioning in open inquiry together with its 'back-to-front' approach to site selection mean that it has failed to complete the 2 principle tasks, demonstrating national need and demonstrating an exhaustive and proper search for non-GB sites, identified at the beginning of this closing. In order for CU to win this appeal, both of these two elements would have to be accepted on trust, rather than on the basis of tested evidence. Such a finding would not, in my submission be the result of a public inquiry, properly so called, no matter how many members of public have attended and been accommodated over the 2 weeks this inquiry has sat, but rather of a decision reached one knows not how, behind closed doors.

54. Whatever the truth about Dr Matfield's bold assertion that there exists no debate about the merits of animal experimentation amongst respected scientists, this inquiry, like all public inquiries called for a debate or a public scrutiny into several key issues. Amongst these issues, are those of the need for the research establishment (and therefore the scientific utility of primate brain experimentation to human health) and alternative sites (bullet points 3 and 6 of the minutes of the pre-inquiry meeting).
55. CU has failed to make its case properly or at all in relation to either of these. It has made as little effort into finding alternatives to this research as it has into finding alternative sites for it. Accordingly, as would befall any other such party to these proceedings, its appeal should be refused.

RICHARD WALD

08 01 03

Richard Wald  
2 Mitre Court Buildings  
Temple EC4Y 7BX