

Cambridge Waste Water Treatment Plant Relocation Project
Anglian Water Services Limited

Schedule of Amendments to the DCO Application

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1 Introduction

- 1.1.1 The main purpose of this schedule is to identify the amendments that have been made to the original Cambridge Waste Water Treatment Plant Relocation Project (CWWTPRP) application submitted to the Planning Inspectorate on the 31st of January 2023.
- 1.1.2 Following the formal withdrawal of the application on the 22 February 2023, a Section 51 Advice letter was issued to the Applicant on 3 March 2023 by the Planning Inspectorate (PINS). The points raised within the Section 51 Advice letter dated 3 March 2023 have been considered and, where required, addressed as appropriate.
- 1.1.3 Further to a meeting with PINS on 09 March, a draft meeting note was sent to the Applicant on 22 March, containing further “Post-meeting notes”.
- 1.1.4 The table in Section 2 below sets out Section 51 Advice, how it has been addressed (where appropriate) and signposted to the documents and sections amended as a result of those actions.

2 Schedule of amendments

Table 2-1: Schedule of amendments

| PINs Reference | Section 51 Advice | Applicant Response and Document Reference(s) |
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| Definition of the 'project' and cumulative effects | <p>The stated need for the proposed development (PD) (in, for example, the Statement of Reasons) is to deliver new housing for the continued growth of Cambridge. To achieve this, the WWTP will be relocated to release the existing plant area for housing development.</p> <p>The application does not include the total demolition and remediation of the existing site, and states that this, and the redevelopment, would require separate consents and EIA.</p> <p>None of these elements is considered as part of a cumulative assessment.</p> | <p>Principal areas of concern</p> <p>The applicant has set out the decommissioning activities which form part of the authorised development for which development consent is sought at section 6 Decommissioning, in Chapter 2 of the Environmental Statement (ES) and in particular at table 6-1 . These activities are then expanded upon in the Outline decommissioning plan (Appendix 2, Application Document Reference (App Doc Ref) 5.4.2.3). Alignment with these activities is secured via requirements 9(1)(b)(xiv) and 18 of Schedule 2 to the DCO. Total demolition, remediation of the existing site and its redevelopment for housing fall outside of these activities and therefore do not form part of the project for which development consent is sought and would require separate consents at a later date. The applicant does not consider that it is reasonably foreseeable that any demolition and/or remediation etc. would occur otherwise than as part of a consent for the comprehensive redevelopment of the existing site. It will not be undertaken by the applicant.</p> <p>In accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 Schedule 4 Para 5 an ES must include a description of the likely significant effects of the development on the environment resulting from, inter alia:</p> <p>(e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;</p> <p>PINS Advice Note 17 para 1.4 explains PINS' view of the definition of "other existing and/or approved projects" and then sets out a four-staged approach to the assessment. The applicant agrees that the redevelopment of the existing site falls within Tier 3 as described in Table 2 of AN17 and accordingly indicated at para 1.5.3 of Chapter 2 of the ES (in the original document that was submitted) that it would consider those works as part of the cumulative impact assessment chapter of the ES. This is now indicated again in the resubmitted Chapter 2 of the ES at paragraph 2.2.5 (App Doc Ref 5.2.2). The approach taken in Chapter 22, Cumulative Impact Assessment (App Doc Ref 5.2.22) (see figure 2.1) aligns with the four-stage approach in AN17.</p> <p>Table 26 in Chapter 22 (App Doc Ref 5.2.22) sets out the long list of developments that were considered for CEA and includes at references 18, 19 and 21 the redevelopment proposals for the existing site in the emerging North East Cambridge AAP (18), the redevelopment proposals for the site in the emerging Greater Cambridge Local Plan (19) and the demolition of the existing works (21) with para 2.7.6 outlining related assumptions and paras 3.1.3 and 3.1.4 expressly confirming that these activities have been considered as part of the CEA. Sections 3.7 and 3.9 then give more detail on those activities and the potential impacts. Para 4.1.30 then explains that there will be no likely cumulative effects during the construction phase of the proposed development due to the absence of temporal overlap between its construction and any demolition/redevelopment of the existing site. Finally, table 44 considers the cumulative effects that may occur during the operational phase of the proposed development. It is clear that the redevelopment proposals in the NECAAP and the demolition of the existing works are projects that have been considered as part of that cumulative assessment, albeit that they are at a very early stage.</p> <p>In undertaking that assessment, the applicant noted the advice in para 3.4.3 on AN17 that: <i>For 'other existing development and/or approved development' falling into Tier 3, the applicant should aim to undertake an assessment where possible, although this may be qualitative and at a very high level.</i></p> <p>It is therefore entirely incorrect to state that these elements have not been considered.</p> <p>For clarity, the Applicant has added a new Work No. 40 to Schedule 1 of the DCO (App Doc Ref 2.1) and Works Plans (App Doc Ref 4.3.1) which specifically cover works involved in the decommissioning of the existing WWTP which are covered by the DCO. The Applicant has also updated the summary text in various of the key DCO documents including Chapter 2 of the ES, Project Description (App Doc Ref 5.2.2), to aid the understanding of the definition of the project.</p> |

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| Definition of the 'project' and cumulative effects | The stated need for the proposed development (PD) (in, for example, the Statement of Reasons) is to deliver new housing for the continued growth of Cambridge. To achieve this, the WWTP will be relocated to release the existing plant area for housing development. The application does not include the total demolition and remediation of the existing site, and states that this, and the redevelopment, would require separate consents and EIA. None of these elements is considered as part of a cumulative assessment. | See above comments. |
| Description of construction and operation | The description of the PD does not include information on construction access or the provision of compounds. | As described in the Applicant's preliminary responses to PINs, the PD as submitted did include this information including: 2.1.4 described construction compounds; Construction access and compounds were described in section 3 and under enabling works at 3.1.7. The Applicant has since reconfigured Chapter 2 PD (App Doc Ref 5.2.2) considering PINS feedback to aid understanding of the project and for ease of navigation. References where this information can be found include: 2.9.3; 2.9.4; 3.1.8; 3.4.1; section 3.5 Construction compounds; Table 3-1 section 3.8 Construction access; Table 3-3; 3.8.20 – 3.8.30. |
| Description of construction and operation | The description of the PD does not include any operational matters, other than the use of a new vehicle access from Horningsea Road for Heavy Goods Vehicles during the operational phase. | As described in our preliminary responses to PINs, the description of the PD did include various operational matters: ES Chapter 2: Project Description (App Doc Ref 5.2.2), section 1.6 provides an overview of how the WWTP works in operation. Section 1.6.1 expands on this explanation and describes differences in processes or technologies of the existing facility compared to the proposed. Sections 1.7 – 1.9 then further describes how the WWTP and Sludge Treatment Centre will work in operation. Section 4 describes the Operation and Maintenance of the new facility. Management of operational matters are also described in various of the outline plans e.g. Appendix 18.4 (App Doc Ref 5.4.18.4) Preliminary Odour Management Plan; Appendix 19.8 (App Doc Ref 5.4.19.8) Operational Workers Travel Plan; Appendix 2.5 (App Doc Ref 5.4.2.5) Lighting Design Strategy; Appendix 8.14 (App Doc Ref 5.4.8.14) Landscape, Ecological and Recreational Management Plan (LERMP). For ease of reference, in the PD in Chapter 2 as resubmitted (App Doc Ref 5.2.2), the Applicant has provided a new section 5, Operation and Maintenance. There also remains various locations within the Chapter 2 PD where information on how the existing and proposed WWTP operates including: section 1.8; section 2.3 and 2.4. |
| DCO | The dDCO is ambiguous in its description of the Works for which development consent is sought, and it is not clear which Works comprise the NSIP and which is associated development. | The project is subject to a direction under section 35 Planning Act 2008 that it is to be treated as project for which development consent is required, and as such the applicant does not seek to argue that the project is a nationally significant infrastructure project within the meaning of section 14(1) Planning Act 2008. Furthermore, the applicant notes that PINS did not raise this issue in its s51 advice dated 22 September 2022 when it undertook a review of the draft DCO prior to submission and so is surprised that this was raised as an acceptance issue. Following further discussion with PINS on 9 March 2023 it is understood that PINS accept that the project is not characterised as a NSIP. In their meeting note PINS explained: "The Inspectorate advised that efforts should be made to distinguish between the project of national significance (rather than a NSIP) in the direction and any associated development included within the application, with careful regard to the content of the s35 and the works for which it as the applicant seeks consent". In the applicant's view this requires careful interpretation of the operative element of the direction which states: THE SECRETARY OF STATE HEREBY DIRECTS that the proposed development, namely, the Cambridge Waste Water Treatment Plant Relocation Project, is to be treated as development for which development consent is required. Any development consent order application for the proposed development may also include any matters that may properly be included in a development consent order (within the meaning of section 120 of the Planning Act) including ancillary matters (section 120(3)) and associated development (within the meaning of section 115(2) of the Planning Act). |

| PINs Reference | Section 51 Advice | Applicant Response and Document Reference(s) |
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| | | <p>In characterising the project prior to the operative wording, the Secretary of State referred to “The Project” as described in the Applicant’s request for the section 35 direction and noted that it “includes the delivery of any associated development...”. The s35 request is now attached as an appendix to the Planning Statement. The Project as described in the request was “As outlined above, the CWWTPR will comprise the relocation of the existing CWWTP. The replacement plant will involve the construction and operation of a new integrated waste water treatment plant and sludge treatment centre, transfer tunnels, terminal and intermediate pumping stations, access, utilities connections, renewable energy generation, ancillary buildings and landscaping sufficient to meet the needs of an expanded Cambridge and Waterbeach New Town.” The five principal elements of the project, which are then replicated in the s35 direction are then listed. It is the applicant’s position that the Project which was subject to the direction (and therefore for which development consent is required) is not therefore strictly limited to the five elements expressly set out in the direction, but also includes at least the other elements described in the s35 request and potentially any other associated development (or at the very least that is a matter open to interpretation). Indeed, the Applicant notes that some of the items listed as examples of what might constitute “associated development” in the DLG Guidance on Associated Development in respect of waste water treatment plants are included within the principal elements of the “project” listed in the direction, which reinforces the Applicant’s approach that the various constituent elements of the authorised development in combination comprise the “Project” which requires development consent and that associated development should not be separately identified distinct from the projected “directed in”.</p> <p>It is noted that a similar question of interpretation was faced by the applicants for both the Silvertown Tunnel and the Aquind Interconnector which were both the subject of s35 directions. The Applicant’s approach in the dDCO is similar to the drafting of Schedule 1 as was adopted in those Orders.</p> <p>However, to provide clarity, the Applicant has included further explanation in the Explanatory Memorandum (see paragraphs 1.2 – 1.15) (App Doc Ref 2.2) to explain its approach and which elements constitute associated development. This again aligns with Explanatory Memorandums for the Silvertown Tunnel and the Aquind Interconnector.</p> <p>In any event, the Applicant would highlight that all works fall within s115(1) Planning Act 2008 and so can be properly authorised by the Order.</p> |
| DCO | There are several discrepancies between parameters in the dDCO and the project description in the Environmental Statement (ES), including dimensions of proposed plant, tanks and depth of pumping station(s). | The Applicant has undertaken a complete review and both the Schedule in the dDCO and the tables in the ES Project Description chapter (chapter 2) (App Doc Ref 5.2.2) have been updated and clarified where necessary. This includes the clear provision of levels at AOD and FGL (not only by reference to the header in the table but also in brackets after each level) for completeness. Please also see comments on the dDCO tab for more detailed responses. |
| DCO | It is not clear how the dDCO would secure and deliver the closure and decommissioning of the existing works, the rescinding of existing operational consents, or the transfer of the released land to facilitate the housing development that represents the principal need for the PD. | <p>The Applicant has set out the decommissioning activities which form part of the authorised development for which development consent is sought at section 3.4 in Chapter 2 of the ES and alignment with these activities is secured via requirements 9(2)(b)(xiv) and 17 of Schedule 2 to the DCO which require the submission of a detailed decommissioning plan in accordance with the outline decommissioning plan submitted as part of the application. Requirement 17 requires the applicant to commence decommissioning with 3 months of commissioning the new WWTP.</p> <p>As part of this process, the Applicant will be required to submit an Application to the Environment Agency for the surrender of the waste element of the EPR permit setting out the decommissioning activities and supported by a Site Condition Report (SCR) which describes the condition of the land and ground water at the time of surrender. The permit surrender is related to ensuring that any pollution risk has been removed. The Environment Agency must be satisfied that the land and ground water are of a required standard before the permit can be surrendered. The waste element of the permit extends to the entire curtilage of the existing STC site. If any remediation work is required by the Environment Agency to meet permit surrender standards this must be undertaken before surrender can take place.</p> <p>The transfer of the land for redevelopment is addressed by the commercial agreement securing HIF as referred to in the Planning Statement. Further information has been added at paragraph 1.1.3 in the Planning Statement (App Doc Ref 7.5).</p> |
| Habitats Regulations | The HRA screening report identifies the potential for likely significant effects during construction and operation of | The incorrect version of the screening report had been submitted to the Applicant and the correct version is now included in the resubmitted application (App Doc Ref 5.4.8.15). Through iterative updates these sites were screened out. Within App Doc Ref 5.4.8.15 at paragraph 3.6.3 |

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| Assessment (HRA) | the PD on the Wicken Fen Ramsar site and Fenland Special Area of Conservation (SAC). However, these two sites have not been assessed in the submitted HRA Report. | the following is stated: Given the distance separating the zone of influence and the habitats site and considering the absence of hydrological connectivity, Fenland SAC, Wicken Fen Ramsar site and Eversden and Wimpole Woods SAC are not considered further in subsequent chapters of this screening assessment, but Devil's Dyke SAC, The Wash and North Norfolk Coast SAC, Wash SPA, Wash Ramsar site, Ouse Washes SAC, Ouse Washes SPA and Ouse Washes Ramsar site are subjected to further assessment due to air emissions and hydrological impacts. Table 4.2 provides a justification in respect of whether there are impact pathways. Furthermore screening matrices within the Appendix B of App Doc Ref 5.4.8.15 includes note a) for Wicken Fen which stated the following. The Cambridge Water Cycle Strategy 2011 (Stantec, 2021) states that analysis of hydrology indicates that Wicken Fen, in which Fenland SAC is located, is topographically higher than the Cam and drains via Wicken Lode then Burwell Lode towards it. As the Cam does not feed it, there are no associated risks, which could arise from additional sewage effluent discharge at Cambridge irrespective of any changes in effluent flow or quality from that site and no LSE is expected to occur. Therefore, Wicken Fen Ramsar site will not be progressed to Stage 2: Appropriate Assessment. |
| Major Accidents and Disasters | The Major Accidents and Disasters appraisal in Table 5.1 of ES Chapter 2 does not assess the potential inherent risks from (inter alia) storage of Liquefied Natural Gas (LNG) fuel (listed in dDCO, Schedule 1 Work No. 7), nor the resulting vulnerability of the PD to natural or man-made disasters and potential consequent likely significant environmental effects. Whilst a general comment relating to potential fire and explosion risk of 'stored gas' is made in Table 5.1, no description of risks or potential effects associated with the storage of LNG is provided, nor are any relevant mitigation or reactive measures explored. | To provide clarity, a separate Major Accidents and Disasters chapter has been produced (Chapter 21) within the ES (App Doc Ref 5.2.21) providing an improved focus on the issues previously addressed in Table 5.1 of Chapter 2: Project Description. The new Chapter 21: Major Accidents and Disasters (App Doc Ref 5.2.21) includes an appraisal of the risks associated with the storage of LNG and how those risks have been mitigated through design. |
| Commitments Register | ES Chapter 5, paragraph 3.7.6 refers to the Commitments Register for details of mitigation measures and how they will be secured. This document is missing but is required to cross check the measures used to avoid, reduce or offset significant environmental effects. | As described when the Applicant discussed preliminary responses with PINS, Document 1.3 Guide to the Application submitted stated: 7.10 Commitments Register – Presents the mitigation measures outlined in the EIA process and how they will be secured as part of the DCO. These will be submitted post submission. The Guide to the Application has since been updated further to ensure it is clear what documents form part of the initial submission and what documents are to be submitted during the examination period. An incorrect reference was provided in Chapter 5 of the Environmental Statement signposting to the Commitments Register rather than the Mitigation Tracker (Appendix 2.6, App Doc Ref 5.4.26). Section 3.7 of Chapter 5 of the Environmental Statement has now been updated to provide correct reference to the Mitigation Tracker. The rest of the DCO application has been checked to ensure all documents correctly signpost to the Mitigation Tracker, no other incorrect references were found. |
| Works Plans | The Works Plans do not identify any specific Works relating to the decommissioning of the existing WWTP. The only references to such works in the dDCO Schedule 1 (the Authorised Development) are in the final list of site wide works. | Please note the responses more generally on the extent to which decommissioning of the existing site is covered by the dDCO. The Applicant has added a new Work No. 40 to cover specifically the decommissioning works related to the existing Cambridge WWTP. This is now shown on the Works Plans sheet 1 (App Doc Ref 4.3.1) and included in Schedule 1 of the dDCO and explained in the Explanatory Memorandum. Decommissioning works are still retained in the site wide list of works to ensure that any other such works which are not within the area of Work No. 40 are authorised by the DCO (such as the closing off of the existing outfall). |
| Works Plans | It is unclear why several of the 'site wide Works' are referred to as such, as many will be confined by their function to specific locations. As they stand there is uncertainty as to where they will be located, and thus how the relevant assessments were undertaken. | The scope of the site wide works set out within Schedule 1 of the dDCO has been reviewed to identify any relevant parts of the authorised development which due to location or function could either be encompassed within a works package or where works package exclusions could be added into the existing scope of site wide works. The drafting has been refined to reflect this and the reference has been changed to "Further Works" rather than "Site Wide". This is consistent with other DCO. Having undertaken this review, the Applicant is content that the works under this "Further Works" header should remain as drafted because they are not fixed to a particular work package but relate to several or generally are ancillary type works related to the detailed descriptions. Where possible, however, the Applicant has sought to narrow down where appropriate – for example a number of these works can be excluded from Work No. 38 and works to suspend river moorings have been limited to works within a particular distance from the river as opposed to any work within the Order limits. The Applicant would also highlight that the works are clearly limited to those within the scope of the environmental statement and therefore are not as wide ranging as might have been thought to be the case. |

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| Works Plans | It is unclear in several 'site wide Works' entries which relate to the existing plant, and which relate to proposed new plant. | Except where stated as being restricted to existing plant the Site Wide Works could be undertaken in relation to both existing and new plant. One of the purposes of the Site Wide Works is to enable the Applicant to undertake works to the existing and new networks to ensure its effective and efficient operation. |
| Works Plans | It is not clear from these plans if any of the proposed decommissioning activities require development consent, though the Land Plans show that CA rights are sought for this purpose. It would be expected that this is included in the dDCO and Works Plans. | It is not the function of the Works Plans to identify all elements of the Authorised Development which require development consent. The description of the authorised development, including decommissioning activities are described in Schedule 1 (including the Further Works) and are consequently granted development consent pursuant to Article 3 of the dDCO to be undertaken anywhere within the Order limits. However, following further discussions with PINS, for clarity, the Applicant has added a new Work No. 40 which deals specifically with decommissioning activities on the area of the existing WWPT. Decommissioning is retained in the list of "Further works" to ensure that any such works which are not within the area of Work No. 40 remain part of the development authorised by the DCO (such as the closure of the existing outfall). The Applicant considers this response needs to also be read in conjunction with its response to PINS' comment on the interpretation of the s35 direction. |
| Works Plans | A 'blank' area immediately east of Work No. 5 is shown as 'Future Works' without a Work No. It is unclear how activities for the surrounding Works could be achieved without ground levelling. If such preparatory engineering works are indeed necessary on this plot, then it is not clear why they would not need a Works No. and explicit consent through the dDCO. | The 'blank' area in question falls within the boundary of Work No. 23 (landscaping and ecological works) as shown on Sheet 3 of the Works Plans which includes earthworks and ground re-profiling. |
| Works Plans | <p>The project description makes reference to the potential need for a 5,000m² lagoon of 1m depth to supply water for the water tests, which could be retained beyond the testing stage.</p> <p>It also makes reference to the diversion of the Fen Ditton rising main. However, it is not clear where the dDCO and Works Plans make provision for these, or where their environmental effects are assessed.</p> | <p>The Fen Ditton rising main is one of the diversions included within Work No. 17 which will be diverted into the interception shaft (Work No. 18), the locations of these works numbers can be found on Sheet 1 of the Works Plans (App Doc Ref 4.3.1). Reference to the Fen Ditton rising main has been added to Work No. 17 in the updated dDCO. Works associated with the Fen Ditton rising main can be found in the Environmental Statement at Sections 2.11 and 3.4 of Chapter 2: Project Description.</p> <p>The Applicant notes the comments regarding the potential need for a 5,000 m2 lagoon to supply water for the water tests during the construction phase. The exact location of the lagoon is yet to be determined however it will be located within the area covered by Work No 21 – Temporary Site Establishment as shown on Sheet 3 of the Works Plans (App Doc Ref 4.3.3). Reference to the lagoon has been added to the description of Work No. 21 in the dDCO. The lagoon will be a temporary feature and will be lined and used only for the storage of water used for testing during the commissioning phase. Following completion of the commissioning phase the temporary lined lagoon will be drained of any remaining water, the lining cleaned and removed and the area redeveloped in accordance with the LERMP (Appendix 8.14, App Doc Ref 5.4.8.14).</p> <p>The Applicant has updated the Section 4 in Chapter 2 Project Description, to reflect the above as well as including a figure (4-1) of the area where the lagoon will be situated. The Section has also been updated to reflect how the outline Commissioning Plan (Appendix 2.4, App Doc Ref 5.4.2.4) will be secured and updated. The effects of the construction and use of the lagoon are assessed in Chapter 20: Water Resources, Chapter 6: Agricultural Land and Soils and Chapter 14: Land Quality of the ES.</p> |
| All documents | Several documents, appendices and figures are missing, and some text is omitted or obscured, contributing to the overall unsatisfactory standard of this application. The missing documents apparently include, for example, the photomontage visualisations of the PD (5.4.15.1). The missing documents add to the evidence that the ES is not compliant with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. | The Applicant does not agree with much of PINS assessment of missing, incomplete or obscured documents. Many of the main documents listed as missing were clearly signposted in Document 1.3 Guide to the Application, which stated that various documents were 'live documents' which could be submitted post submission and during Examination if called upon. The Guide to the Application has been updated to ensure it is clear what documents form part of the initial submission and what documents are to be submitted, if required, during the examination period. We had also discussed this approach with PINS over the course of the pre-submission period. The Applicant has also sought to recreate the Sharepoint environment to recover the documents submitted before they were deleted by PINS. Several of the documents listed as missing were present on the Applicant's Sharepoint. There were some figures not provided to the Applicant in Chapter 8, Biodiversity, ES (Doc 5.2), these have now been provided and resubmitted in the application. The Applicant will carry out detailed checks of documents listed in the application for resubmission. In the event that PINS perceive that documents are missing from the re-submitted application the Applicant would appreciate notification from them to enable us to investigate and engage with them on it. |

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| General principles | | |
| 1: Planning Statement (Doc 7.5) | <p>It is not clear why the Applicant believes that this should be a s104 application/ determination. From the NPSWW: '2.5.3 The Government therefore considers that the need for new waste water treatment infrastructure will have been demonstrated if the Environment Agency has concluded that the project is necessary for environmental reasons and included it in its National Environment Programme. 2.5.4 The projects which have been identified through the Environment Agency's NEP, and for which need should be considered to have been demonstrated, are discussed below. Should other, unforeseen projects come forward, they should similarly be considered as being needed if they satisfy the criteria in paragraph 2.5.3 above.'</p> | <p>This is a point of policy interpretation and legal argument that should properly be dealt with during examination to the extent that the Examining Authority wish to explore it further and is not a point for acceptance. Essentially, the question relates to whether the NPS "has effect" for the purposes of the proposed development. The Applicant does not believe that "need" in the context of the NPS is constrained only to schemes included in the NEP.</p> |
| | <p>It is understood that the PD is not in the Environment Agency's NEP.</p> | <p>Correct</p> |
| | <p>The 'need case' would therefore have to be explicitly demonstrated through the application and Examination, and the benefits would have to be demonstrated to outweigh the adverse impacts. As the PA2008 regime relates to NI projects, the Applicant should consider if the 'need case' should relate to the NI project for which development consent is sought.</p> | <p>The applicant agrees that this may be an issue which the Examining Authority may wish to explore further during examination. The applicant considers that there may be many factors which can legitimately contribute to the need for the project. Indeed, this is reflected in the Secretary of State's reasons for making the s35 Direction</p> |
| | <p>In terms of the scope of the PD, definition of 'the project', and its EIA, the Applicant is recommended to consider the potential relevance of the Court of Appeal's recent judgement in R. (oao Ashchurch Rural Parish Council) v Tewkesbury Borough Council [2023] EWCA Civ 101.</p> | <p>The Applicant notes that the Court of Appeal's decision post-dates the original submission date for the application, and so PINS comment cannot be relevant to the question of whether that application as submitted meets the criteria for acceptance since it would be manifestly unreasonable to expect applicants to address legal issues that had not arisen at that point at which it submitted as application.</p> <p>Nevertheless, the Court of Appeal in <i>Ashchurch</i> were considering (inter alia) the question of what constitutes "the project" in connection with EIA screening and whether there had been a breach of the EIA Regulations in concluding that EIA was not required. The question was whether a bridge which served no other purpose than to provide access to a future residential development had legitimately been considered as a separate project from the wider residential project which it would serve. In deciding that EIA was not required for the bridge application, the LPA did not consider whether the bridge formed part of a wider project and in doing fell into legal error in breach of the EIA Regulations.</p> <p>The facts of the case can be clearly be distinguished from the current application because (a) the new works are not an integral part of a wider project and will fulfil a standalone function of providing waste water treatment facilities serving the Cambridge catchment and the growing settlement at Waterbeach, (b) the Applicant, having voluntarily accepted that EIA would be required, scoped the current application under the EIA Regulations fully explaining the context in which it was coming forward and the Secretary of State acknowledged the Applicant's intention that the future potential redevelopment of the existing works would be considered as part of the cumulative assessment, and (c) the applicant has duly provided an ES and considered the future development as part of its cumulative assessment.</p> <p>The applicant notes that PINS were previously satisfied with this proposed approach as part of the scoping exercise, and this comment seems at odds with the PINS principal issue that the applicant did not address future redevelopment activity as part of its cumulative assessment.</p> |
| 2: Statement of Requirement (Doc 7.2) | <p>Apparently inconsistent with some other documents in terms of the Population Equivalent that the PD would serve – the threshold for NSIP is 500,000 and it is assumed that the s35 request was made because the PD</p> | <p>The applicant does not believe that there is any inconsistency in the application documentation. The capacity of the integrated works equates to an overall PE of 548,000. However, the capacity of the WWTP excluding sludge treatment equates to a waste water PE of 300,000 with the initial Phase 1 as described in the application having a waste water PE of 275,000. See section 2.15 of ES Chapter 2 Project Description. The overall waste water and sludge PE calculation for the purposes of section 29 of the Planning Act 2008 is complex, is</p> |

| PINs Reference | Section 51 Advice | Applicant Response and Document Reference(s) |
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| | <p>failed to reach that. It is unclear how the figure for the sludge treatment aspect is reached, and whether this can be additive to the waste water element:</p> <ul style="list-style-type: none"> • ‘The capacity to deal with the waste water from the Cambridge catchment (together with an element of growth) and the capacity for the integrated STC, equates to a PE of 548,000. The requirement is, therefore, for a waste water treatment plant with a total overall PE in excess of 500,000.’ • The Consents and Other Permits Register states: ‘Application for Phase 1 (275,000 Population equivalent) submitted to The Environment Agency August 2022 following engagement to discuss standards and conditions and use of pre-application service. Anticipated duly made status December 2023. Variation to permit extending to Phase 2 300,000 Population Equivalent anticipated between 2039 and 2050.’ • The Planning Statement at 2.2.11 states: ‘The capacity to deal with the waste water from the combined Cambridge and Waterbeach catchment (together with an element of growth) equates to a population equivalent (“PE”) of 300,000 and the capacity for the integrated STC is 16,000 tonnes of sludge per year which equates to a population equivalent of 548,000.’ | <p>seemingly without legal precedent, and it is not clear the extent to which sludge treatment capacity may be included. To avoid the potential for protracted argument at acceptance and during examination as to whether the project met the criteria in section 29 the applicant sought a s35 direction to clarify that its proposals constitute a development for which development consent is required. This was granted.</p> |
| <p>3: General</p> | <p>The PD includes compulsory acquisition proposals for Works that represent beneficial enhancements (as opposed to mitigation), for example to public access and to biodiversity. The Applicant is advised to consider whether these proposals will satisfy the tests in s122 of the Planning Act 2008.</p> | <p>The Applicant considers that this is a matter for Examination and will be prepared to respond to questions on this point. The applicant has been mindful of the s122 tests in formulating its proposals. The land identified in the LERMP is multi-functional, delivering landscape and visual, recreational, ecological and other mitigation as identified through the EIA process and summarised in the relevant topic chapters.</p> |
| <p>4: Para 3.4, Chapter 2, Project Description, ES (Doc 5.2.2)</p> | <p>Scope of the PD and EIA: 3.4 describes the decommissioning activities at the existing Cambridge WWTP and how the assessment took account of them. This leaves a clean, disconnected works. The Applicant is advised to consider whether total remediation and demolition should be considered as part of the PD assessment, or at least as part of a cumulative assessment, up to making the site suitable for redevelopment.</p> <p>It is noted that the cumulative effects chapter of the ES (Ch 21) simply states: ‘<i>Redevelopment of the existing Cambridge WWTP would be subject to separate consents and supported by an assessment of environmental impacts including the development of mitigation measures. These measures would cover demolition activities and be controlled via a CEMP/CTMP.</i>’</p> | <p>Please see the response above. The applicant does not consider that the demolition and remediation form part of the project. They will not be undertaken otherwise than as part of the comprehensive redevelopment of the existing site, and therefore form part of that project. For the reasons set out above, the applicant confirms that that redevelopment has been considered as part of its cumulative assessment. See further explanatory text added to ES Chapter 2 section 1 and figure 1.1</p> <p>Please see the response above.</p> |
| <p>5: General</p> | <p>Decommissioning of the new works is not covered in the draft DCO or application, as it is not envisaged. Consider whether there a need for a Requirement to ensure that a suitable decommissioning plan is produced and approved</p> | <p>The Applicant considers this is a matter for Examination. There are no current plans to decommission any part of the proposed WWTP, which is designed to accommodate future flows until the end of the current local plan period (2041) and to accommodate anticipated flows into the 2080s and 2090s by expansion, modification, enhancement and optimisation of the design within the earth bank. It is considered that the only circumstances where the proposed WWTP might need to be decommissioned would be if Cambridge were expanded into the Green Belt</p> |

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| | by the relevant authority prior to any future decommissioning. | surrounding the proposed WWTP. In that scenario, decommissioning would be covered by a separate planning process. Please see section 6.3 of Chapter 2 Project Description (App Doc Ref: 5.2.2). |
| 6: Decommissioning Strategy (section 2 of the Outline Decommissioning Plan. Doc 5.4.2.3) | The strategy appears to be to wash down and isolate but leave structures such as the terminal pumping station and various pipes and tanks in situ, albeit with drainage holes made where necessary to prevent rainwater collection. It is unclear how these activities have been accounted for in the EIA. | All ES chapters have a section to decommissioning the existing WWTP in section 4 of each chapter. Where relevant assessment has been completed in relation to the risks associated with decommissioning activities. The statements in the Water Resources Chapter 20 (Application Document Reference 5.2.20) have been updated to clarify consideration of these activities and risk to water/ groundwater. This notes: "No further assessment is included in this section relating to the decommissioning of the existing tanks and pipework at the existing Cambridge WWTP. Tank contents would be tankered away for treatment and disposal offsite. The redundant cleaned tanks will be punctured to prevent rainfall accumulation. Any percolating rainwater from the redundant tanks is expected to have no additional impact on water resources." |
| 7: Para 6.5.13 Outline Decommissioning Plan Doc 5.4.2.3. | An explanation is required of how the Biosolids Compliance Action Plan and the Process Change Plan would be drawn up, approved and secured prior to the works to which they relate. There is no outline of these for the Secretary of State to consider in the Decommissioning Strategy. | The text (now at paragraph 6.15.1) has been amended to make it clear that the relevant of these internal policies will be incorporated into the final agreed decommissioning plan. |
| 8: Outline Decommissioning Plan (Doc 5.4.2.3) | Many of the decommissioning activities listed appear to involve the removal of solids and liquids (eg sludges, effluent from spray cleaning, sand from redundant sand filter beds). The Applicant should clarify: · if these would be removed from the site, and, if so, to where, | The Applicant had covered this in the Materials Resources and Waste Chapter of the ES. The following paragraph within Chapter 16 notes: 4.4.7 All sludge would be removed from the tanks and sent to the Sludge Treatment Centre (STC) within the Proposed WWTP for treatment which is estimated to be approximately 5000m3. The residual sludge volume from the STC tanks may either be treated on-site (in the form of temporary liming) before taken off-site or would require to be taken off-site as raw sludge for treatment at another Advanced Anaerobic Digestion (AAD) facility (waste treatment facility) or liming plant (third party). 4.4.8 After the removal of sludge from the STC tanks, rags, screenings and grit would require to be removed off-site, along with liquors tankered off-site for treatment or disposal. Rags, screenings and grits would be sent to a non-hazardous landfill for disposal. 4.4.9 Unused chemicals, including ferric chloride, would be removed from the tank and taken to a treatment facility for recovery. 4.4.10 The generation of waste that cannot be reused on-site will require transport off-site these vehicle movements are considered with in Chapter 19: Traffic and Transport. 4.4.11 The waste generated by decommissioning would be liquids, sludges and grit (see Table 4-1, in 'Materials resources and waste estimates' (Application Document Ref 5.4.16.1). For the impact assessment of waste, a worst-case scenario is assumed, where all solid waste identified for disposal are landfilled, leading to a reduction in the East of England void capacity. 4.4.12 In the absence of information, professional judgement has been used to determine the percentage decrease in the non-hazardous landfill void space if waste arisings from the decommissioning phase is landfilled. East of England has 22,268,303m3 of available non-hazardous landfill void space. Therefore, it is unlikely that non-hazardous waste arising from the decommissioning phase requiring landfilling will amount to 222,683m3. Consequently, the reduction in the East of England non-hazardous landfill void capacity given in Table 3 9 and paragraph 3.1.25 will be <1%. 4.4.13 No hazardous or inert waste is anticipated to be generated during the draining and cleaning of tanks. If hazardous waste is generated and requires to be landfilled, it would require disposal in neighbouring regional landfills, given in Table 3 12. It should also be noted that Para 5.1.14 of the Outline Decommissioning Plan requires that 'decommissioning will be undertaken in accordance with the Code of Construction Practice Parts A and B (Application Document References 5.4.2.1 and 5.4.2.2) to manage risks to the environment'. |
| | · how disposal is controlled, | The Applicant had covered in the Materials Resources and Waste Chapter of the ES. It should also be noted that Para 5.1.14 of the Outline Decommissioning Plan requires that 'decommissioning will be undertaken in accordance with the Code of Construction Practice Parts A and B (Application Document References 5.4.2.1 and 5.4.2.2) to manage risks to the environment'. Section 7.9 of the CoCP Part A covers waste management and resource use. |
| | · how the EIA has taken account of these activities, including traffic movements. | The Applicant confirms that traffic numbers tested in the assessment include vehicle movements associated with decommissioning activities. Decommissioning vehicle movements have been assessed. Paragraph 4.4.10 in Chapter 16 states ' <i>The generation of waste that cannot be reused on-site will require transport off-site these vehicle movements are considered with in Chapter 19: Traffic and Transport</i> '. |

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| | | <p>Section 4.4 paragraph 4.4.3 of Chapter 19 states 'For the duration of this phase, decommissioning traffic flows will be accessing and egressing the existing Cambridge WWTP site (access point COA1 Cowley Road) on a daily basis and will be limited to the existing Cambridge WWTP site. Table 4.80 provides a summary of the peak total flow (sum of all decommissioning activities), assuming an 8-hour work day and that all decommissioning activities occur at the same time, which is unlikely to happen in practice.'</p> |
| <p>9: Outline Decommissioning Plan (Doc 5.4.2.3)</p> | <p>Appendix B, the Existing Cambridge WWTP Ground Contamination Investigation, seems to suggest that ground contamination surveys at the existing works have not yet taken place. The Applicant should include in the application if (and how) the surveys and any necessary remedial and disposal activities would be controlled by the dDCO, and how the EIA took any such activities into account in the absence of ground surveys, including any associated traffic movements. If the control of any such activities would be subject to permit control by the Environment Agency, the Applicant should clarify how this would work in detail. In general, whilst the statement at 8.1.3 is noted, ('All these activities comply with the Applicant's normal operational procedures to decommission the plant without creating any likely significant effects on nearby sensitive receptors'), greater clarity and more detailed information about remediation and site preparation for its new use is required.</p> | <p>The applicant has set out the decommissioning activities which form part of the authorised development for which development consent is sought at section 6 Decommissioning, in Chapter 2 of the Environmental Statement (ES) and in particular at table 6-1 . These activities are then expanded upon in the Outline decommissioning plan (Appendix 2, Application Document Reference (App Doc Ref) 5.4.2.3). Alignment with these activities is secured via requirements 9(1)(b)(xiv) and 18 of Schedule 2 to the DCO.</p> <p>As above and as discussed with PINS the total demolition, remediation of the existing site and its redevelopment for housing fall outside of these activities and therefore do not form part of the project for which development consent is sought and would require separate consents at a later date.</p> <p>Decommissioning works at the Existing Cambridge WWTP now form part of Work No 40 in the revised dDCO and associated works at paragraph (5) of Further Works in Schedule 1 of the dDCO. The undertaking of survey work within the order limits is also empowered by Article 21.</p> <p>No demolition, remediation or disposal will be undertaken as part of decommissioning activity. Any such activity which forms part of the future redevelopment of the Existing WWTP site is considered in the ES as part of the cumulative assessment.</p> |
| <p>10: Para 1.1.3, Planning Statement (Doc 7.5)</p> | <p>The application should set out how the draft DCO delivers closure, decommissioning, rescinding of operational consents, and transfer of the land to facilitate the housing development. Schedule 1(p) includes 'works associated with decommissioning the existing Cambridge Waste Water Treatment Works and assets in Cowley Road' only.</p> | <p>The applicant has set out the decommissioning activities which form part of the authorised development for which development consent is sought at section 3.4 in Chapter 2 of the ES. The Applicant has also added a new Work No. 40 covering decommissioning works within the existing WWTP area (with the retention of site wide decommissioning works for such elements which are not within that Work area) and alignment with these activities is secured via requirements 9(b)(xiv) and 18 of Schedule 2 to the DCO which require the submission of a detailed decommissioning plan in accordance with the outline plan submitted as part of the application. Requirement 18 requires the applicant to commence decommissioning with 3 months of commissioning the new WWTP.</p> <p>As part of this process, the Applicant will be required to submit an Application to the Environment Agency for the rescission of the waste element of the EPR permit setting out the decommissioning activities and supported by a Site Condition Report (SCR) which describes the condition of the land and ground water at the time of surrender. The Environment Agency must be satisfied that the land and ground water are of a required standard before the permit can be surrendered. If any remediation work is required by the Environment Agency to meet permit rescission standard this must be undertaken before surrender can take place. The outline decommissioning strategy (Application document reference 5.2.4.3) has been amended at paragraph 5.1.16 to include details of how this process will be undertaken.</p> <p>The transfer of the land for redevelopment is addressed by the commercial agreement securing HIF as referred to in the Planning Statement. Paragraph 1.1.3 Section 1 of the Planning Statement has been amended to refer to this.</p> |
| <p>11: Schedule 14, dDCO (Doc 2.1)</p> | <p>Describe why finished ground level in each Part shown as +/- 0.5m. Given the parameter in each case is intended to be a maximum, consider whether this could be omitted and the maximum parameter changed from, for example '9.5m +/- 0.5m AOD' to '10m AOD'.</p> | <p>The Applicant notes various comments regarding minor errors or inconsistencies in the Parameters Schedule which have been addressed in the updated draft of the DCO. The Applicant considers that the detail and analysis of the Schedule is a matter for Examination. Where queries were raised on the detail of what is or isn't included in the Parameters Schedule, the Applicant has reviewed these and included those where needed in the draft DCO. With regard specifically to the + or - 0.5m, this is required because the levels cannot be confirmed and all parameters are assessed with this flexibility.</p> |
| | <p>Typo in entry 2 of Part 1 – 'if'.</p> | <p>This has been corrected</p> |
| | <p>Some footprint areas are indicated as square metres followed by the two dimensions in brackets (eg Part 5,</p> | <p>The dDCO has been updated so that only the dimensions are stated.</p> |

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| | <p>‘overall footprint of activated sludge process area, 15,525m² (115m x 135m)’. It is not clear if it is the intention that the parameter applies only to the overall area, or that the two dimensions quoted are also maxima.</p> <p>Part 6 – there are no parameters for the return activated sludge/ surplus activated sludge pumping stations.</p> <p>Part 11 - clarify how the dDCO controls the maximum depth of the sludge tanks. The parameter table refers to building height but not to the depth of the lagoon itself.</p> <p>Part 20 –the entry for Shaft 1 includes the word ‘maximum’ 9m which provides clarification. Other entries do not state whether they are maxima.</p> <p>Part 20: typo ‘12,5m’.</p> <p>Part 23 – the parameter for maximum ground level is imprecise: ‘Varies across the works packages but no greater than 10.0m AOD’. It should simply read ‘10m AOD’.</p> | <p>The number of return activated sludge/ surplus activated sludge pumps has been added as parameter in the updated dDCO. The footprint of the overall area was already included in the Schedule.</p> <p>The tanks are at ground level. The foundation depths have been added as parameters to the Schedule.</p> <p>The Applicant notes this drafting query and this has been clarified in the updated draft DCO.</p> <p>This has been corrected</p> <p>The Applicant notes this drafting query and this has been clarified in the updated draft DCO.</p> |
| <p>12: dDCO Articles (Doc 2.1)</p> | <ul style="list-style-type: none"> · There appears to be no service of notice Article. · Article 10 relates to the proposed outfall, with 10(4) referring to an Operational Outfall Management and Monitoring Plan. The application documents note that access may be required from the river on an ongoing basis for outfall maintenance. Please clarify how free access to the outfall can be maintained for this purpose, and where and how this is facilitated through the dDCO and CA proposals. · Article 13(4): ‘The undertaker must in connection with the carrying out of the authorised development provide the new public right of way specified in column (2) of Part 2 of Schedule 6 (new public right of way to be created) to the extent specified in column (3) of that Part of that Schedule at the stage of the authorised development in column (4) of that Part of that Schedule.’ There does not appear to be a mechanism for complying with this. The Applicant should note that s26 of the Highways Act 1980 provides compulsory powers for the creation of footpaths and bridleways and that the power to make an order in the 1980 Act applies to local authorities. The dDCO should allow for its addition to the definitive map. · Article 19 – the Applicant should consider whether this should explicitly make reference to the exceptions noted in the protective provisions, as detailed at EM 7.1.2. | <p>The Applicant has added a service of notices article as a new article 53</p> <p>It is understood that this comment is referring to Requirement 10 (Part 1 of Sch 2) and not article 10 which relates to Street Works. This detailed question about the Requirement and how access will be maintained is a matter the Applicant would expect to deal with at Examination. The DCO, through the relevant works package (32), navigation rights (article 44), land rights (articles 26, 31, 32, 35, 36) and the protective provisions with the Cam Conservancy (Part 7 of Sch 15), including the disapplication of relevant statutory provisions and byelaws, allows the access for maintenance. The Applicant has added wording at paragraph 4.4 of the Statement of Reasons to explain further.</p> <p>The Applicant notes this comment was not raised as part of the pre-submission draft documentation review. The "mechanism for compliance" is the article itself, which through use of the word "must" requires the PROW to be provided as part of the authorised development. The drafting approach is consistent with many made DCO. The reference to s26 Highways Act 1980 (or its relevance) is not understood. S120(3) of the Planning Act 2008 authorises the inclusion of the proposed provision in the DCO because the purpose for the creation of the public right of way is to facilitate the development to be consented by the DCO, and therefore the Applicant considers its creation is clearly related to the authorised development. Again, this is consistent with other DCO. The Applicant is not aware of other DCO expressly requiring any new PROW being added to the definitive map but notes that the dDCO as drafted does not prevent this.</p> <p>The Applicant would be content to consider/discuss the proposed suggested alteration to this article as part of Examination, and, importantly, if and when the detail of the protective provisions has been agreed with the relevant parties.</p> |
| <p>13: Schedule 1, dDCO (Doc 2.1)</p> | <ul style="list-style-type: none"> · The Applicant is advised to review the Works for which development consent is sought set out in Schedule 1 of the draft DCO, and to explicitly identify which Works comprise the Nationally Significant Infrastructure Project (as defined in sections 14 and 29(1A) of the Planning Act 2008) and which is associated development (within the | <p>"The project is subject to a direction under section 35 Planning Act 2008 that it is to be treated as project for which development consent is required, and as such the applicant does not seek to argue that the project is a nationally significant infrastructure project within the meaning of section 14(1) Planning Act 2008. Furthermore, the Applicant notes that PINS did not raise this issue in its s51 advice dated 22 September 2022 when it undertook a review of the draft DCO prior to submission and so is surprised that this was raised as an acceptance issue.</p> |

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| | <p>meaning of section 115(2) of the Planning Act 2008). The Applicant should satisfy itself that all of the proposed Works and elements of those Works for which development consent is sought falls within the legal definition of a Nationally Significant Infrastructure Project and associated development. In doing so, the Applicant's attention is drawn to the former DCLG publication, 'Planning Act 2008, Guidance on associated development for major infrastructure projects' (April 2013). This advice is particularly relevant, but not restricted to, the proposed discovery centre.</p> | <p>Following further discussion with PINS on 9 March 2023 it is understood that PINS accept that the project is not characterised as a NSIP. In their meeting note PINS explained: ""The Inspectorate advised that efforts should be made to distinguish between the project of national significance (rather than a NSIP) in the direction and any associated development included within the application, with careful regard to the content of the s35 and the works for which it as the applicant seeks consent"". In the Applicant's view this requires careful interpretation of the operative element of the direction which states:</p> <p>THE SECRETARY OF STATE HEREBY DIRECTS that the proposed development, namely, the Cambridge Waste Water Treatment Plant Relocation Project, is to be treated as development for which development consent is required. Any development consent order application for the proposed development may also include any matters that may properly be included in a development consent order (within the meaning of section 120 of the Planning Act) including ancillary matters (section 120(3)) and associated development (within the meaning of section 115(2) of the Planning Act).</p> <p>In characterising the project prior to the operative wording, the Secretary of State referred to ""The Project"" as described in the Applicant's request for the section 35 direction and noted that it ""includes the delivery of any associated development..."". The s35 request is now attached as an appendix to the Planning Statement. The Project as described in the request was ""As outlined above, the CWWTPR will comprise the relocation of the existing CWWTP. The replacement plant will involve the construction and operation of a new integrated waste water treatment plant and sludge treatment centre, transfer tunnels, terminal and intermediate pumping stations, access, utilities connections, renewable energy generation, ancillary buildings and landscaping sufficient to meet the needs of an expanded Cambridge and Waterbeach New Town."" The five principal elements of the project, which are then replicated in the s35 direction are then listed. It is the applicant's position that the Project which was subject to the direction (and therefore for which development consent is required) is not therefore strictly limited to the five elements expressly set out in the direction, but also includes at least the other elements described in the s35 request and potentially any other associated development (or at the very least that is a matter open to interpretation). Indeed, the Applicant notes that some of the items listed as examples of what might constitute ""associated development"" in the DCLG Guidance on Associated Development in respect of waste water treatment plants are included within the principal elements of the ""project"" listed in the direction, which reinforces the Applicant's approach that the various constituent elements of the authorised development in combination comprise the ""Project"" which requires development consent and that associated development should not be separately identified distinct from the projected ""directed in"".</p> <p>It is noted that a similar question of interpretation was faced by the applicants for both the Silvertown Tunnel and the Aquind Interconnector which were both the subject of s35 directions. The Applicant's approach in the dDCO is similar to the drafting of Schedule 1 as was adopted in those Orders.</p> <p>However, in order to provide clarity, the Applicant has included further explanation in the Explanatory Memorandum to explain its approach and which elements constitute associated development. This again aligns with Explanatory Memorandums for the Silvertown Tunnel and the Aquind Interconnector.</p> <p>In any event, the Applicant would highlight that all works fall within s115(1) Planning Act 2008 and so can be properly authorised by the Order."</p> |
| | <ul style="list-style-type: none"> There is a minimum parameter of 0.0ha for the solar installation. As such, it does not secure the provision of any solar power. The application should set out how is this assessed in the ES and in the need case/ benefits/ carbon calculations. | <p>This question on the detail of the DCO drafting/application is a matter for the Examination. The DCO notes a parameter of 0.0 hectares as a minimum for the solar PV because there is no requirement to provide it as part of the authorised development, rather, there is potential to provided UP TO 7.0 hectares, and so it is included as a maximum parameter on that basis. This approach is explained at paragraphs 2.6.2 - 2.6.4 of Chapter 2 of the Environmental Statement. The carbon assessment is explained in Carbon Chapter (Chapter 10) of the Environmental Statement. The assessment excludes operational solar power as explained in paragraph 2.10.7.</p> |
| | <ul style="list-style-type: none"> Work No. 39: clarification is required as to the identified ecological impacts that are to be mitigated by these works. | <p>The ecological impacts are set out in Chapter 8 of the Environmental Statement (see paragraphs 4.2.54 - 4.2.92). With regard specifically to the question raised, the Applicant considers that this is an Examination matter where the detail can be discussed including consideration of whether or not the DCO drafting ought to be altered if that is what is being sought.</p> |
| | <ul style="list-style-type: none"> Site wide works: clarify whether (r), (s), (t) and (z) relate to existing or proposed structures. (Also relevant to ES Ch2 section 3.5.). | <p>Except where stated as being restricted to existing plant the Site Wide Works could be undertaken in relation to both existing and new plant. One of the purposes of the Site Wide Works is to enable the Applicant to undertake works to the existing and new networks to ensure its effective and efficient operation.</p> |

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| 14: Part 1, Schedule 2, dDCO (Doc 2.1) | 1. A number of the definitions include a tailpiece ('... or any revision to it as may be agreed from time to time with the relevant planning authority') that may require further justification. Similarly, draft Requirement 18. The Applicant should clarify if the inclusion of draft Requirement 6 fully addresses the possibility that any change agreed by the local authority could lead to environmental effects that the Secretary of State could not have taken into account at determination. | The Applicant does not consider that the definitions in Requirement 1 include tailpieces which would allow for the relevant document to be revised outside of the process set out in requirement 6. The Applicant would also highlight the clear limitations which ensure that any changes must be in accordance with the principles assessed in the application which is specifically to ensure that any such changes could not result in materially new or different environmental effects that the Secretary of State could not have taken into account at determination. |
| | 1. Enabling works include some activities that have the potential to lead to significant environmental effects. The Applicant should detail the safeguards that would be in place to ensure this does not happen (eg access road construction, land drainage works, the installation of up to 50 metres of the Waterbeach pipeline under and extending from both sides of the Cambridge to King's Lynn railway line). | Requirement 9(2)(a) explicitly secures a number of management plans which must be in place before any of the enabling works may take place. |
| | 7. Confirm how this requirement for prior approval of detailed design relates to the enabling phase, and how the dDCO secures that prior approval for the enabling phase activities. | This is another matter which relates to detailed questions which the Applicant considers to be a matter for Examination. The requirement covers each "phase" which is defined in the schedule as clearly including the enabling phase. To the extent that any of the matters detailed in requirement 7 are applicable to the enabling phase, prior approval would be required. |
| | 11. The odour control unit can be delivered in either Work No. 4 or Work No. 16. The ES should set out how this was assessed in the ES (odour and visual – stack, especially). The Work descriptions may need to be amended to explicitly reflect this. | This requirement has now been removed from the dDCO. Whilst it might be possible to operate only one, the Applicant requires the flexibility of providing an odour control unit and exhaust stack in both the Inlet Works (Work No. 4) and the Terminal Pumping Station (Work No. 16). The environmental impacts of this were assessed as part of the proposed development Environmental Impact Assessment including Chapter 18 Odour (Application Document Reference 5.2.18) and Chapter 15 Landscape and Visual Amenity (Application Document Reference 5.2.15) |
| | 16/ 19/ 21. The Applicant should consider whether these requirements relating to the approval of final plans based on the preliminary plans should use the wording 'must accord with', as used in, for example, Requirement 12 (rather than 'the principles of' or similar). | The Applicant has amended the draft DCO requirements 16 [now 15] and 21 [now 20] accordingly. Requirement 19 [now 18] did not contain that wording. |
| | 18. Requires the undertaker to commence decommissioning of the existing Cambridge WWTP ('the process for decommissioning the existing Cambridge WWTP as described in the outline decommissioning plan' – Requirement 1) no later than 3 months following the completion of commissioning of the new WWTP (or such longer date as may be agreed with the relevant planning authority). There is no timescale for the completion of decommissioning, remediation and release of the land for redevelopment. As this is the driver for the PD and the Order that is sought a timescale would be expected. | Please refer to previous responses with regard to the detail of the redevelopment of the existing site to be covered by the DCO. It would be a matter for the LPA to determine whether a timetable for undertaking works needed to be included with the detailed decommissioning plan submitted under requirement 9(1)(b)(xiv). |
| | 20. There is no outline operational logistics travel plan on which the final plan must be based. | Noted. The Applicant will consider its position as to whether such a plan would assist in securing the related mitigation but does not consider such a plan is required for acceptance of the application. |
| | 22. 'The gas recovery plant forming Work No. 9 is not to be operated or come into use until a carbon management plan has been submitted to and agreed in writing by the relevant planning authority.' There is no explanation to what happens to the gas if the rest of the PD starts | Noted. The Applicant considers that this is an issue for Examination and an outline plan is not required. |

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| | operation. It is not clear if and how this is assessed in the ES. There is no justification provided for the absence of an outline carbon management plan on which the final plan must be based, and consideration should be given to inclusion of such a document in the application. | |
| 15: Part 1, Schedule 2, dDCO (Doc 2.1) | ‘Site wide works’, Associated Development: it is unclear why these are referred to as site wide as many will be confined by their function to specific locations. As they stand there is uncertainty as to where they will be located, and thus how the relevant assessments were undertaken. The Applicant is advised to allocate a Works No and provide a more precise description of the locations of those with potential environmental effects, cross-referenced to the Works Plans. This includes those elements currently listed in (aa) as being within the inner boundary of Work No. 15. This advice should be considered in particular in relation to buildings and large structures, the solar panel array, battery buildings and masts. (It is noted that a location for the solar panel array is defined on the LERMP masterplan – a certified document.) (Also relevant to ES Ch2 section 3.5.) | <p>The scope of the site wide works set out within Schedule 1 of the dDCO has been reviewed to identify any relevant parts of the authorised development which due to location or function could either be encompassed within a works package or where works package exclusions could be added into the existing scope of ""site wide"" works. The drafting has been refined to reflect this and the reference has been changed to ""Further Works"" rather than ""Site Wide"" since this more accurately reflects the position. This is consistent with other DCO. Having taken this review, the Applicant is content that the works under the ""Further Works"" header should remain as drafted because they are not fixed to a particular work package but relate to several or generally are ancillary type works related to the development overall. Where possible, however, the Applicant has sought to narrow down where appropriate - for example a number of these works can be excluded from Work No. 38 and works to suspend river moorings have been limited to works within a particular distance from the river as opposed to any work within the Order limits.</p> <p>The Applicant would also highlight that the works are clearly limited to those within the scope of the environmental statement and therefore are not as wide ranging as might have been thought to be the case.</p> |
| 16: Part 2, Schedule 2, dDCO (Doc 2.1) | Gives 42 days for a discharging authority to issue a response. Several recent made Orders use 8 weeks. The Applicant should consider providing a justification for the proposed time scale. | The time period of 42 days for the discharging authority response is in line with PINS Advice Note 15 Appendix 1 and whilst the Applicant notes PINS' reference to other recent made Orders, the dDCO is also consistent with other Orders. The Applicant is content to discuss possible alternative time periods for the discharge of consents/approvals with the relevant planning authorities but the swift and clear route to decisions and approvals under the DCO is critical to the delivery of the authorised development. |
| 17: Part 6, Schedule 14, dDCO (Doc 2.1) | <p>Please undertake a complete review of the parameters, providing the resubmitted information as AOD. Where changes are made to parameters, the project description and assessment within the ES should also be reviewed to ensure consistency.</p> <p>For example, the following discrepancies noted between parameters in dDCO and the Project Description in ES (Doc 5.2, Chapter 2.):</p> <p>Storm tanks –</p> <ul style="list-style-type: none"> · ES has a height above finished ground level of 14.5m Above Ordnance Datum (AOD). · DCO it is described as 5m above finished ground level. <p>Terminal Pumping Station –</p> <ul style="list-style-type: none"> · DCO - Formation level of terminal pumping station no deeper than 25.5m below AOD. · Table 1.4 ES – foundation level of TPS up to 35m below finished ground level. <p>Activated Sludge Plant –</p> <ul style="list-style-type: none"> · DCO – blower building height above AOD 14.5 · ES - blower building height above AGL 14m <p>Nutrient recovery plant –</p> <ul style="list-style-type: none"> · DCO – scrubbing column 27mAOD · ES – scrubbing column 25m AOD | <p>The Applicant has undertaken a complete review and both the Schedule in the DCO and the tables in the ES Project Description chapter (chapter 2) have been updated and clarified where necessary. This includes the clear provision of levels at AOD and FGL (not only by reference to the header in the table but also in brackets after each level) for completeness.</p> <p>It is noted that this item is noted as Part 6 of Sch 14 but some of the items listed are in different Parts of Sch 14.</p> <p>Part 2 Sch 14</p> <p>This is because AOD is 9.5m above finished ground level as noted on line 1 of Part 2 Sch 14</p> <p>This is because AOD is 9.5m above finished ground level as noted on line 1 of Part 2 Sch 14</p> <p>Part 1 Sch 14</p> <p>This is because finished ground level is 9.5m above AOD</p> <p>Note it is "formation level" not "foundation". This is because finished ground level is 9.5m above AOD</p> <p>Part 5 Sch 14</p> <p>The Applicant thinks there was a typing error - this has been corrected</p> <p>The Applicant thinks there was a typing error - this has been corrected</p> <p>Part 14 Sch 14</p> <p>The Applicant thinks there was a typing error - this has been corrected</p> <p>The Applicant thinks there was a typing error - this has been corrected</p> |

| PINs Reference | Section 51 Advice | Applicant Response and Document Reference(s) |
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| | Steam raising boiler capacity – | Part 16 Sch 14 |
| | · DCO – 3.4 MWth each (one operational, one standby) | The Applicant thinks there was a typing error - this has been corrected |
| | · ES – 2 MWth (total maximum 7 MWth) | The Applicant thinks there was a typing error - this has been corrected |
| | Workshop building height – | Part 18 Sch 14 |
| | · DCO – 18.5m AOD | This is because AOD is 9.5m above finished ground level and this has been clarified in the DCO and ES |
| | · ES - 10m above finished ground level | This is because AOD is 9.5m above finished ground level and this has been clarified in the DCO and ES |
| | District network operator enclosure – | Part 18 Sch 14 |
| | · DCO – 12.5m AOD | This is because AOD is 9.5m above finished ground level and this has been clarified in the DCO and ES |
| | · ES - 3m above finished ground level | This is because AOD is 9.5m above finished ground level and this has been clarified in the DCO and ES |
| 18: Page v, Chapter 18, Odour, ES (Doc 5.2.18) | Clarify the reference in the summary text to the need for a 10m vent stack at the existing Cambridge WWTP: this does not seem to be included in the dDCO. | The 10m vent at the interception shaft (shaft 1) is specifically mentioned in the description of Work No. 18 in Sch 1. The Applicant has also added to the parameters schedule. |
| Consents and Other Permits Register | | |
| 19: Para 1.1.1, Consents and Other Permits Register (Doc 7.1) | The Applicant should consider the inclusion of decommissioning and remediation of the existing WWTP. A full description of any other consents and permits that may be required for those decommissioning and remediation works that are included in the dDCO should be included in the application. | The decommissioning of the existing site which involves the surrender of the existing permits issued under the Environmental Permitting (England and Wales) Regulations 2016 as amended (specifically, the Waste water final effluent permit, Medium Combustion Permit and the Industrial Emissions Directive (IED) permit), is set out in the outline Decommissioning Plan (Applicant Document Reference number 5.4.2.3) which has been approved in principle with the Environment Agency. Further detail has been included in this plan to show the process steps that will be undertaken with the Environment Agency. All demolition and remediation work are not part of the project and will be undertaken by the site developer and subject to separate planning applications and permit requirements, as the above responses outline and describe. Please see additional explanatory text added to the ES Chapter 2 Project Description (App Doc Ref 5.2.2) section 1 and figure 1.1 |
| 20: Para 2.1.1, Consents and Other Permits Register (Doc 7.1) | Include an explanation of why the 'strategy' only looks at construction consents, not operational. | The Applicant considers that it is clear that the consenting strategy for the authorised development does consider operational use, indeed the DCO is drafted in so far as possible as a 'one stop shop' for these purposes, and the consents noted in the register deal with operation of the CWWTP as well as its construction. For clarity the Applicant has added text to include operational use para 2.1.1. (App Doc Ref 7.1) |
| 21: Para 3.1.5, Consents and Other Permits Register (Doc 7.1) | The consents, licences and agreements that may need to be sought separately, as identified in Appendix A, are said to depend on final detailed design and construction methodologies, and 'discussions with the consenting authorities from whom consents may be required'. They are said to be insufficiently developed to seek disapplication in any DCO. | In line with PINS Advice Note 11, the Applicant has already, or is seeking in parallel, the various consents as listed in the Appendix. The Applicant fully anticipates and expects to provide further updates, information and evidence as part of the Examination, again, in line with the Advice Note. It is not agreed that these should be in place before Examination nor is that anticipated by the Advice Note. No amendments to register made. |
| | The Applicant notes ongoing negotiations with the relevant consenting bodies, with an aim of reaching agreement for disapplication during Examination. For information, the Applicant should note that the ExA will expect all such agreements to be in place by the start of the Examination, and that any agreement that is delayed could lead to a requirement for changes to the draft DCO that cannot be accommodated later in the Examination. | |
| | Whilst the ExA will not seek to duplicate the detailed consideration of matters or processes associated with construction and operational permits that will not be disapplied by the DCO, it will require evidence to be submitted into Examination to provide adequate comfort that those permits are likely to be forthcoming from the relevant consenting authorities. At present, the table | As above, the Applicant expects that the updates from the relevant bodies during Examination is sufficient for the purposes of providing the necessary comfort. Indeed, the Applicant's response from the Environment Agency on this point also reflects that that is also their experience of involvement on DCOs. The EA has been engaged throughout the pre-application phase and continue to be engaged in discussions about the necessary permits for the project and the timing of their application. No amendments to Register made. |

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| | indicates that some may not be made until December 2023, which could be after the close of the Examination. | |
| 22: Table 1.1, Appendix A Consents and Other Permits Register (Doc 7.1) | The Applicant should clarify its intentions in relation to Crown land interests. (Appendix A, Table 1.1. Crown Land: Consent to acquire interests other than the Crown in Crown land (MoD and DfT) is not sought through DCO, and Article 50 requires such consent before exercising acquisition powers under the DCO.) | The Applicant has reviewed the position and, as a result, has amended section 8.3 of the Statement of Reasons (Application Document Reference 3.1). |
| | It is noted that Appendix A of the Other Consents and Permits application document at Table 1.1 suggests that consent to acquire interests other than those of the Crown in Crown land would not be sought through the DCO. Article 50 of the dDCO relates to this. The Book of Reference and Statement of Reasons (Table 7-1) list parcels that are said to include a Crown interest through the Secretaries of State for Transport and Defence. Clarify if any rights held by the Crown in the plots concerned would be extinguished by Article 31 (etc) of the dDCO. | Please see above response. No amendments to Register made. |
| 23: Table 1.1, Appendix A, Consents and Other Permits Register (Doc 7.1) | Appendix A, Table 1.1. Protected Species: errors in legislative references and licence type references. Badgers included twice (and incorrect references to protection in both). | The Applicant will review the licence references to the 1992 Act and delete the reference to Badgers as European Protected Species. "Badgers" deleted from list of Protected Species under Wildlife Act 1981 |
| | Appendix A, Table 1.1. Discharge Permit: text missing. | The Applicant is not clear where there is text missing. No amendments to register made here. Additional text was added to the Construction Water Discharge Activity Permit definition. |
| | Appendix A, Table 1.1. Minerals and Waste, Waste Exemptions for Operations: the text for this entry refers to construction not operations. Clarify. | The Minerals and Waste, Waste Exemptions consent is required for construction purposes only, not the operation of the plant. The Environment Agency has reviewed and approved the list of consents listed in Appendix A Table 1.1. No amendments to register made. |
| | Appendix A, Table 1.1. Noise: suggests that s61 consent may be needed in relation to noise during construction, and 'not seeking to disapply this consent within the DCO'. However, it goes on to say that 'the DCO does include a statutory defence and disapplies s61(9) COPA 1974'. Clarify. | As stated in the Appendix, the DCO does not disapply the requirement to obtain consent under s61 Control of Pollution Act 1974 and the Code of Construction Practice Part A states at paragraphs 7.7.10 and 7.7.11 that the Noise and Vibration Management Plan will also ensure that any such consents are dealt with. The inclusion of the statutory defence provision is a matter for Examination and means that where any nuisance or notice might ordinarily arise following the obtaining of such a consent, the DCO provides a statutory defence to proceedings. It does not mean that a consent will not be sought, and the Applicant has agreed with the local authority that it will still seek such a consent. The DCO only disapplies subsection (9) of section 61 because the defence is contained in the DCO. No amendments to register made |
| 24: Table 2.1, Appendix A, Consents and Other Permits Register (Doc 7.1) | Building Regulation Approval: clarify if and what the Applicant is seeking to disapply through the DCO – table says, 'operational buildings', but Requirement 3 in the dDCO refers to buildings, 'for the purposes of the authorised development before completion of construction'. Please clarify what is intended and what powers are sought. | It is understood that this is referring to paragraph 3 of Schedule 17 which proposes to disapply the need to obtain building regulation approvals if needed. This is so drafted to cover buildings used or intended for use as part of the authorised development and the drafting is similar to that used in other DCO such as Thames Tideway. No amendments to register made. |
| Planning Statement | | |
| 25: Para 1.2.3, Planning Statement (Doc 7.5) | The description of the PD does not include any operational matters, other than the use of a new vehicle access from Horningsea Road for Heavy Goods Vehicles bringing sludge onto the site for treatment – which is assumed to be during the operational phase. There is no reference to a construction access. (N.B. 1.4.1: 'The application is for the construction and operation of a WWTP...'). (Noted that ES Ch2 section 4 includes some | Para 1.2.2 make specific reference to the full Project Description included at Chapter 2 of the ES. The summary description at 1.2.3 is included to assist understanding if the Planning Statement is read alone. As described above, the ES Chapter 2 did include various information on the operation of the WWTP and this has, for clarity, been incorporated into a separate section: 5 Operation and Maintenance. |

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| | information about maintenance activities but nothing about operation. See earlier s51 advice.) | |
| 26: Para 1.2.3, Planning Statement (Doc 7.5) | The Applicant is advised to consider if it would be useful for this list to encompass all works that the draft DCO seeks consent for. Temporary construction elements, for example, are missing, as well as operational matters. | The Applicant suggests this detail is omitted from the Planning Statement and cross-reference instead made to the Project description at Chapter 2 of the ES (even though this may be unhelpful to non-technical readers of the Planning Statement). Section 1 of Planning Statement revised to incorporate Summary of Project Description and cross-reference to full project Description at Chapter 2 of the ES (App Doc Ref 5.2.2). |
| 27: Figure 1-1, Planning Statement (Doc 7.5) | The PD 'overlay' seems to have an oblique perspective laid onto a plan view map. | This is an illustrative plan for explanatory purposes. Relevance of comment not understood. Nevertheless, definition of image can be improved. Figure relabelled "Figure 1-1: Oblique perspective of site location and main components of the Proposed Development for the purposes of this Planning Statement" |
| 28: Para 3.3, Planning Statement (Doc 7.5) | The Applicant should clarify the relevance of the draft National Policy Statement for Water Resources Infrastructure to waste water treatment. | This point is addressed in Planning Statement paragraph 3.8, for the avoidance of doubt however we have strengthened this section. There is no reference to NPS's in paragraph 3.3. New section 3.7 added immediately below 3.6 (which deals with NSPWW) and text included to make clear that the National Policy Statement for Water Resources Infrastructure is not relevant to waste water treatment. |
| 29: Para 2.4.3, Planning Statement (Doc 7.5) | The Applicant is advised to make a thorough check for acronyms and abbreviations that are not defined eg DWMP. | The Applicant has checked all acronyms and abbreviations. |
| Design and Access Statement | | |
| 30: Para 11.2.5, DAS (Doc 7.6) | 'Any further detailed design to be carried out after DCO approval must be developed in general accordance with these objectives, subject to reasonable practicality.' (sic) Within the application explain or define 'reasonable practicality'. The Applicant should consider how this should be reflected in Requirement 7 in the dDCO. | The Applicant has amended requirement 7(2) to address this point so that it reads as follows: ""The details submitted must include an explanation of how they accord with the design objectives set out in section 11 of the design and access statement or an explanation of why this is not reasonably practicable."" The applicant does not believe that any amendments to requirement 7 or specific definitions are necessary in relation to ""reasonable practicality"" as it would risk imprecision in the wording of the condition. It would be for the relevant planning authority to decide whether to approve the details submitted under requirement 7 having regard to that explanation. In addition, further clarification has been added to para 11.2.5 of the DAS to indicate examples of circumstances in which it may not be reasonably practicable for the design to accord with the objectives for example if abnormal ground conditions are identified or if regulatory changes require different methodologies. |
| 31: General | Clarify what is secured by Requirement 7 of the dDCO in relation to the DAS. 7(2) reads: 'The details submitted must include an explanation of how they accord with the design principles set out in section 11 of the design and access statement.' However, the 'design principles' are set out in section 2 of the DAS, with 'design objectives' set out in section 11 of the DAS. | The Applicant has amended requirement 7(2) to address this point so that it reads as follows: "The details submitted must include an explanation of how they accord with the design objectives set out in section 11 of the design and access statement or an explanation of why this is not reasonably practicable." The requirement is intended to refer to section 11 and any anomaly will be corrected in the next draft DCO. Cross references to revised Requirement 7(2) included in the DAS, and wording checked/amended to refer to the Design 'Objectives'. |
| | Chapters 7 to 10 reflect the development of an indicative approach to detailed design, based on consultation and the design team's ideas. Whilst the need for some flexibility is recognised, detail how the benefits of the design principles established here are carried through to the final design, noting that the 'design objectives' are high level. | See answer provided above. Cross references to revised Requirement 7(2) included in the DAS Executive Summary and text, and wording checked/amended to refer to the Design 'Objectives'. Paragraph 1.2.2 amended. Paragraph 11.2.5 amended to provide examples of other consented NSIPs where this approach of using the DAS to inform later detailed design has been adopted. |
| 32: Page 109, DAS (Doc 7.6) | This visualisation does not seem to accord with the layout on other plans or the masterplan. Its function and relationship to these plans should be explained if included. | The Applicant notes the comment and has updated the image. |
| 33: Executive Summary, DAS (Doc 7.6) | 'The proposed WWTP should provide greater resilience and improved storm management, meaning storm overflows and Combined Sewer Overflows (CSOs) are far | The Applicant notes the comment and has included cross-reference to the storm model report (5.4.20.10 Storm Model Report), which evidences this improvement, in the Executive Summary and at paragraph 2.9.5. |

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| | less likely to occur.' The Applicant is advised to clarify where the evidence that demonstrates this can be seen. | |
| 34: Para 2.2.2, DAS (Doc 7.6) | 'Rather than being a mere like for like replacement of the existing plant, the design of the proposed WWTP must be improved: | These matters would be addressed through the IED and Final Effluent permitting process. Text added at paragraph 2.2.2. of the DAS. |
| | <ul style="list-style-type: none"> • To comply with legislative changes to the Industrial Emissions Directive (IED) permit, for example by utilising secondary containment on all sludge related pipework and assuring the digesters are easily inspected and not hidden in the ground | |
| | <ul style="list-style-type: none"> • To include the latest innovations in treatment technology, for example the Membrane Aerated Biofilm Reactor (MABR) technology for the secondary treatment process. | |
| | <ul style="list-style-type: none"> • To minimise odour emissions by reducing or removing odour from source, for example by covering the TPS and inlet works, reducing turbulence where possible.' | |
| | The Applicant should clarify where and how these three 'improvements' are secured. | |
| ES Chapter 2 Project Description | | |
| 35: Summary, Chapter 2, Project Description, ES (Doc 5.2.2) | Correct the language in the Summary, which describes the access road and gateway building (etc) as 'ancillary development'. These are Works in the draft Order. | The Executive Summary and Section 2.13 of Chapter 2: Project Description have been updated to remove the Gateway Building and permanent access road from the remit of 'ancillary development'. The Applicant has reviewed the use of 'ancillary' more broadly and updated Chapter 2 which now refers to 'Further associated development' (section 2.13) and Connecting Infrastructure and Supporting Development contained in section 3. |
| 36: Para 2.3, Chapter 2, Project Description, ES (Doc 5.2.2) | <p>No information (other than at one habitat feature 2.3.11) is given about how the Waterbeach pipeline would be installed, for example if and where trenchless techniques are committed to. The Applicant should consider expanding the description.</p> <p>In general – Horizontal Directional Drilling (HDD) etc: some sections of the pipelines are said to be installed through HDD. Others (eg the railway line) by pipejack micro-tunnelling. Clarify how these are secured in the DCO, and how they have been assessed. In general, for all pipeline installation works, the Applicant should consider whether sufficient explanation is given in the application documents about where and which type of trenchless techniques are committed to, how the dDCO secures the use of trenchless techniques where these are said to be used, and if the assessment has been undertaken with that assumption (e.g. see 3.3.82 where assessment of impacts on a PROW relies on HDD as mitigation).</p> | <p>The Applicant believes PINs was mistaken. There was information contained in the PD describing how the Waterbeach pipeline would be installed at section 2.9. and 3.3.45 - 3.3.55.</p> <p>Information on the Waterbeach pipeline and how it will be installed in the resubmitted application is contained in Chapter 2 PD in sections 2.8 and in section 3, 3.4.49 - 3.4.64.</p> <p>Where crossings are committed to as part of any Work they are included within the description of that Work within Schedule 1 of the dDCO</p> |
| 37: Section 2, Chapter 2, Project Description, ES (Doc 5.2.2) | Clarify why section 2 on 'Connecting Infrastructure and Ancillary Development' includes a summary section on operational traffic (but not construction traffic). More generally, the use of the word 'ancillary' in this context should be reviewed for clarity. | Chapter 2: Project Description has been reviewed in full to ensure that the context in which 'ancillary development' is used is correct and consistent throughout. For clarity, the Applicant now refers to 'Further associated development'. Chapter 2: Project Description has also been restructured to ensure that the descriptions of the Proposed Development such as construction and operational traffic, etc. are described in the consolidated sections to aid the reader. For clarity the aforementioned can be found in the following locations: |

| PINs Reference | Section 51 Advice | Applicant Response and Document Reference(s) |
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| | | <ul style="list-style-type: none"> - Construction traffic can be found in Section 3.9 of Chapter 2: Project Description; and - Operational traffic can be found in Section 5.1 of Chapter 2: Project Description. |
| 38: Section 2, Chapter 2, Project Description, ES (Doc 5.2.2) | <p>The Applicant is advised to review the structure and content of section 2 to provide greater clarity and precision. It is noted that it includes some partial, incomplete information on construction. Consideration should be given to deleting any reference to construction phasing, techniques and methodology that is repeated in section 3, Construction and Decommissioning, or to moving any such additional information on construction from section 2 to section 3 if that provides greater coherence.</p> | <p>The Applicant has carried out a full review of the structure of Chapter 2: Project Description and the chapter as a whole has been restructured, for ease of reference to reflect the progression of the project from design through to eventual construction, commissioning, decommissioning of the existing- Cambridge WWTP and operation of the Proposed Development. Any duplications have been removed as part of the restructuring process.</p> |
| 39: Para 3.3.16, Chapter 2, Project Description, ES (Doc 5.2.2) | <p>The project description makes reference to the potential need for a 5,000m² lagoon of 1m depth to supply water for the water tests. This could be retained beyond the testing stage. Please indicate where the dDCO and Works Plans make provision for this.</p> | <p>Chapter 2: Project Description, Section 4.1, has been updated to clarify that the temporary lagoon will not be used beyond the commissioning phase and will be reinstated once no longer required. The exact location of the temporary lined lagoon (if required) has not yet been determined but it will be located near to the site compound within Work No.21 and Sheet 3 of the Works Plans (Application Document Reference 4.3.3). Its inclusion has been assessed within the Water Sources Chapter (Application Document Reference 5.2.20, Paragraph 4.1.83. It will be outside but as close to the earth bank as possible. Once construction is complete it will be drained of any remaining testing water, the lining cleaned and removed, and the lagoon integrated in the LERMP to reflect the landscape design in that location.</p> |
| 40: 3.3.34, Chapter 2, Project Description, ES (Doc 5.2.2) | <p>Please indicate where the Works associated with the Fen Ditton rising main diversion are allowed for on the Works Plans and in the dDCO.</p> | <p>The Fen Ditton rising main is one of the diversions included within Work No. 17 which will be diverted into the interception shaft (Work No. 18), the locations of these works numbers can be found on Sheet 1 of the Works Plans (App Doc Ref 4.3.1). Works associated with the Fen Ditton rising main can be found in Sections 2.11 and 3.4 of Chapter 2: Project Description.</p> |
| 41: Para 5.1.3, Chapter 2, Project Description, ES (Doc 5.2.2) | <p>5.1.3. has missing text.</p> | <p>The Applicant reviewed and the sentence was missing the table reference that immediately followed the text at Table 5-1. This issue has been rectified as part of the review and update of Chapter 2: Project Description and the Major Accidents and Disasters information is included in a separate ES chapter.</p> |
| 42: Tables 1-5, 1-8, 1-9 and 1-10, Chapter 2, Project Description, ES (Doc 5.2.2) | <p>Some entries (eg ASP tanks) suggest that the parameter given is both AGL and AOD. Only one can be correct. The Applicant is advised to check all parameters and to ensure accurate and consistent cross-referencing with Schedule 14 of the dDCO.</p> | <p>The Applicant has reviewed the tables - to aid understanding reference is made to both AOD and Finished Ground Level (FGL) for each parameter. This has been consistency checked with the dDCO parameters schedule.</p> |
| 43: Para 2.6.6, Chapter 2, Project Description, ES (Doc 5.2.2) | <p>Notes that, 'Power frequency electric, magnetic and electromagnetic fields (EMFs) arise from the generation, transmission, distribution and use of electricity and occur around power lines and electric cables as well as around domestic, office or industrial equipment that uses electricity. For the Proposed Development, EMFs may arise close to the power cables supplying the proposed WWTP or within the solar array. The Department of Energy and Climate Change (DECC) provide guidance on public exposure guidelines and any solar array will be designed so that exposure guidelines are not exceeded</p> | <p>Please see paragraphs 2.9.1-2.9.7 in Chapter 12 (Health) of the ES which replaces the previous reference in Chapter 2 and explain how potential EMF is regulated by other legislation and related British Standards which justify it being scoped out of detailed assessment in the ES. The applicant does not consider that express reference to cables needing to comply with the relevant standards is required to be secured through the dDCO as a result.</p> |

| PINs Reference | Section 51 Advice | Applicant Response and Document Reference(s) |
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| | (DECC, 2012).’ Advise where this is assessed in the ES, and how any required mitigation is secured through the dDCO. | |
| Other ES Chapters | | |
| 44: General point | Multiple instances of chapters and appendices missing paragraph numbers or contain errors in referring to supporting information such as figure numbers. Table references often replaced with ‘error’ references instead of links to correct tables or figures. | The Applicant acknowledges that the Environmental Statement and its appendices included some formatting errors. Following investigation these were due to the PDFing of the documents. All documents which form part of the DCO submission have been checked following conversion to PDF to ensure no residual formatting errors remain. |
| 45: General point | Numbering of figures and appendices using the long document reference numbers (which are very similar for both – 5.3.x.x for figures, 5.4.x.x for appendices) makes navigation confusing. Figures embedded within the text of some chapters also do not follow the same numbering convention as those presented in the separate figures volumes. More than one chapter contains a ‘Figure 4.1’ for example (embedded within the text) whilst also then referring to another set of figures numbered ‘5.3.x.x. The Applicant could consider whether a different method could be found to aid ease of reference. | <p>The Applicant has reviewed the document referencing system relating to Volumes 5.3 and 5.4 of the Environmental Statement. Changes include the way in which figures and appendices are referred to within the application and ensuring that the numbering of figures is consistent through internally produced documentation. An example of how the referencing has changed is that figures not embedded in the documents have been collated into ‘Books of Figures’ and the initial 5.3 numbering removed from the start of the reference.</p> <p>It should be noted that although every effort has been made to ensure consistency across the ES in terms of referencing some exemptions apply such as reports produced by suppliers external to main project team or documentation produced in the early stages of the project.</p> <p>Embedded figures follow a consistent reference across all of the DCO application, and the Applicant believes that this is a clear and acceptable approach and therefore no changes have been made to how these are presented.</p> |
| 46: Chapter 3, Site Selection and Alternatives, ES (Doc 5.2.3) | ES Figures 2.2 to 2.6 are unclear and hard to read. | The Applicant has reviewed the figures associated with Chapter 3: Site Selection and Alternatives and has replaced those identified as being hard to read. |
| 47: Para 1.2, Chapter 3, Site Selection and Alternatives, ES (Doc 5.2.3) | <p>This section provides a rationale behind the need to relocate the WWTP. A ‘do-nothing’ option was considered, but the only reasoning behind not choosing the option relates to housing delivery: ‘Such an approach would result in the failure to fully deliver on required housing numbers in Greater Cambridgeshire and/or necessitate the delivery of housing at less sustainable locations.’ No comparative environmental assessment is provided for this alternative. The Applicant is advised to consider whether this complies with the EIA Regulations.</p> <p>For example, given the focus in the application documents on providing a carbon efficient WWTP, consideration should be given to the inclusion of a comparative assessment for reasonable alternatives, including the ‘do-nothing’ option or the provision of the upgrades at the existing WWTP. Without these, the environmental benefits of the PD are unclear.</p> | <p>This is an examination rather than an acceptance issue; however, the Applicant disagrees with the analysis here which suggests that a comparative environmental assessment is required. As is clear from Section 1.2 of Chapter 3 of the ES (Site Selection and Alternatives, Application Document Reference 5.2.3) the ‘Do Nothing’ and the provision of the upgrades at the existing WWTP options were scenarios taken into account as part of the local plan process establishing the need for, and scope of, the Project. The ‘Do Nothing’ and the provision of the upgrades at the existing WWTP options were not alternatives studied by the Applicant because they would not deliver the Project and the rationale for it. There is no requirement to provide a comparative environmental assessment. Instead, the alternatives that are considered in the Environmental Statement relate to the choice of site, technologies and design options.</p> <p>The rationale for the Project is addressed at Section 2 of the Planning Statement (Application Document Reference 7.5) and is supported by a Cambridge Waste Water Treatment Plant: Strategic Whole-Life Carbon Assessment, January 2023 – Application Document Reference 7.5.2).</p> |
| 48: Chapter 6, Agricultural Land and Soils, ES (Doc 5.2.6) | Some acronyms are not defined in this chapter (or in the general glossary document). For example, the CCOP - this document is also missing from the reference list. | The Applicant has reviewed the Environmental Statement Chapters to ensure that acronyms are either defined in the chapter or the General Glossary. |
| 49: Chapter 6, Agricultural Land and Soils, ES (Doc 5.2.6) | The Applicant is recommended to review the summary tables (5-1 and 5-2) and to consider adding quantitative data, where available – for example the actual areas of | The Applicant has reviewed Chapter 6: Agricultural Land and Soils and relocated quantitative data from elsewhere in the chapter into Table 5-1 and 5-2 as recommended. |

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| | BMV lost for each component of the Proposed Development, and the total. | |
| 50: Chapter 6, Agricultural Land and Soils (Doc 5.2.6) | Blank pages 29 and 30. Missing table 2.14. | The Applicant has investigated, and these were due to the PDFing of the documents. These have now been addressed. |
| 51: Para 2.2.5, Chapter 8, Biodiversity, ES (Doc 5.2.8) | Paragraph references the Town and Country Planning Act EIA Regulations 2017. | The Applicant has reviewed and amended this reference. |
| 52: Para 2.6.1, Chapter 8, Biodiversity, ES (Doc 5.2.8) | Confirm if the survey and assessment does not cover all of the land within the Order limits. If so, justify how the limitations 'are not thought to have affected the robustness of this ecological assessment'. | Section 2.6, Assumptions and limitations, sets out gaps and refers to the application of the precautionary principle in completing the assessment. It notes the requirement for pre-construction surveys to verify survey information which would update the baseline prior to construction. The Applicant has updated section 2.6 to further clarify the above. |
| 53: Table 32, Chapter 8, Biodiversity, ES (Doc 5.2.8) | Table 3-2 lists 11 SSSIs and 14 LNRs. This seems to be inconsistent with 3.1.5: 'Thirty-two nationally designated statutory sites are present within the 10km study area. These include 19 SSSIs, one of which is also classified as a NNR (Wicken Fen) and 13 LNRs. Of these, nine SSSIs, including Wicken Fen NNR and all 13 LNRs are designated for biodiversity features, as shown in Table 3-2.' | Section 3.1 and Table 3-2 of Chapter 8: Biodiversity have been revised to ensure consistency throughout the chapter. |
| | Similarly, table 3-3 lists 17 non-statutory sites. This seems to be inconsistent with 3.1.9: '... The remaining 14 non-statutory sites are shown in Table 3-3.' Please amend. | Table 3-3 of Chapter 8: Biodiversity have been revised to ensure consistency throughout the chapter. |
| 54: Chapter 8, Biodiversity, ES (Doc 5.2.8) | Even taking into account the explanation provided in 4.1.2, construction effects do not seem to be assessed for the majority of non-statutory sites. (Only two appear to be assessed.) Similarly later in the Chapter, very few non-statutory sites are addressed in relation to operational impacts. Include an explanation within the documentation. | Section 4.1 of Chapter 8: Biodiversity has been updated to clarify the scope of the assessment and new tables (Table 4-1 and Table 4-2) have been added to provide an explanation of assessment in respect of statutory and non-statutory designated sites. |
| 55: Para 4.2.335, Chapter 8, Biodiversity, ES (Doc 5.2.8) | 'During the construction phase, monitoring will be in accordance with section(s) 7.8 of the CoCP Part A (Application Document Reference: 5.4.2.1). This requires the development of a reptile mitigation strategy which will specify monitoring.' It is not clear where and how the CoCP secures reptile measure monitoring or who would undertake this monitoring, noting that the CoCP suggests that contractors would be responsible for drawing up and implementing CEMPs. | <p>The Applicant has reviewed. As stated, the paragraph 4.2.336 indicates that section(s) 7.2 of the CoCP Part A (Appendix 2.1, App Doc Ref 5.4.2.1) requires the preparation of a Reptile Mitigation Strategy.</p> <p>Para 2.1.6 of the CoCP states that the CoCP is submitted for approval by the Secretary of State as part of the DCO application. Compliance with the measures set out within the CoCP will be secured by the requirements contained in the DCO (Application Document Reference 2.1). This will include a requirement for the preparation and approval of a Construction Environmental Management Plan(s) (CEMP) which will be supported by a series of topic-based management plans.</p> <p>The Reptile Mitigation Strategy falls under the CoCP requirement for the contractor.</p> <p>Section 7.2 'Reptiles' of the CoCP Part A (Appendix 2.1, App Doc Ref 5.4.2.1) has been updated to clarify the scope of the Reptile Mitigation Strategy and the responsible party for its drafting and implementation.</p> |
| 56: Para 4.4.3, Chapter 8, Biodiversity, ES (Doc 5.2.8) | During decommissioning of the existing works, 'Spills and contamination events would be planned for within a CEMP, with best practice guidance followed to prevent spills and leakages before they are able to occur, and should they occur, a plan for their immediate remediation and reporting.' It is not clear how this is secured through the dDCO. | <p>It is noted that Para 5.1.14 of the outline Decommissioning Plan requires that decommissioning will be undertaken in accordance with the Code of Construction Practice Parts A and B (Application Document References 5.4.2.1 and 5.4.2.2) to manage risks to the environment'.</p> <p>The draft DCO Schedule 2 item 9 (1) b) (xiv) requires a detailed decommissioning plan to be prepared.</p> <p>Chapter 8 Paragraph 4.4.4 amended to state:</p> <p>4.4.4 Paragraph 5.1.14 of the outline DMP requires that decommissioning will be undertaken in accordance with the Code of Construction Practice Parts A and B (Application Document References 5.4.2.1 and 5.4.2.2) to manage risks to the environment'. As required by the CoCP</p> |

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| | | Part A, Section 5.6, Emergency Procedures and Preparedness Plan, spills and contamination events would be planned for within a CEMP and the associated sub-plan. This will require, with best practice guidance to be followed to prevent spills and leakages before they are able to occur, and should they occur, a plan for their immediate remediation and reporting. |
| 57: Summary tables, Chapter 8, Biodiversity, ES (Doc 5.2.8) | The summary tables at the end of the Chapter note that Natural England mitigation licences will be required for water vole and bat species. In the application clarify if a mitigation licence would be required for otter and, if not, include a justification. | See Section 2.9 'Measures secured by protected species licences' which has been updated to clarify exactly which species require Natural England licences due to direct or indirect impacts. The assessment has concluded that there are no anticipated impacts upon otter holts and therefore a licence is not required. |
| 58: Chapter 10, Carbon, ES (Doc 5.2.10), page 51 | A figure appears in the text, but this is not labelled and is off the page. This appears to be a duplication of Figure 4.1 later on in the main text. | The figure has been repositioned and the label added. |
| 59: Table 2-5, Chapter 12, Health, ES (Doc 5.2.12) | Clarify if there is an error in the significance matrix table in relation to the significance of the effect when a high sensitivity receptor experiences a minor magnitude impact. | Applicant has reviewed. There isn't an error in the table, for clarity a caveat has been added to the bottom of Table 2-5 to state that the sensitivity/value of the receptor is dependent on the impact under consideration and the professional judgement of significance. |
| 60: Para 2.8.9, Chapter 12, Health, ES (Doc 5.2.12) | Missing reference. | Para 2.8.9 stated: 2.8.9 Table 2-9 sets out the mitigation measures that will be adopted during the construction, operation, maintenance and decommissioning of the Proposed Development. It is unclear what is deemed to be missing. |
| 61: Table 5-1, Chapter 12, Health, ES (Doc 5.2.12) | Table 5-1 concludes that there will be a moderate residual significant effect on health and wellbeing due to changes in the environment on Horningsea and users of Low Fen Drove way during construction. The significant effect is not discussed in Section 4 Assessment of Effects and the summary at the start and conclusion do not mention any significant effects being recorded for the health chapter. Clarify what is concluded and any measures taken to mitigate effects. | Table 5-1 has been updated to remove this reference remaining in error from an earlier version of the assessment. |
| 62: Chapter 13, Historic Environment, ES (Doc 5.4.13.4) | Table 1-1 formatting/ presentation makes it very difficult to read (multiple very narrow columns). Please amend. | Applicant has reviewed and cannot see an issue with Table 1-1 |
| 63: Chapter 13, Historic Environment, ES (Doc 5.2.13) | Ten figures (5.3.13.6 to 5.3.13.16) are provided in separate volume 5.3: These are not referred to in the text of the chapter. | The document has been updated to include cross referencing to all figures |
| 64: Chapter 17, Noise and vibration, ES (Doc 5.2.17) | This chapter has a different naming convention for figures – so Figures 4.1 and 4.2 are provided embedded in the text. Figures 5.3.17.1 to 5.3.17.5 are provided in a separate volume of figures. Figure 5.3.17.4 is labelled as operational noise locations but referred to in the chapter text as construction and decommissioning noise locations. Figure 5.3.17.1 is provided in the volume of figures but not referred to in the chapter text. | The Figure reference in relation to 5.3.17.4 (now referred to as Figure 17.4) has been updated. Reference to Figure 5.3.17.1 (now referred to as Figure 17.1) has been included in the Chapter. All figures associated with Noise and Vibration can be found in the Book of Figures – Noise & Vibration (App Doc Ref 5.3.17). |
| 65: Chapter 19, Traffic and Transport, ES (Doc 5.2.19) | References to figures in appendices are incorrect or documents are missing – 'Traffic survey locations' referenced as provided as Figure 11.37 in Document 5.4.19.3. | Applicant has reviewed. Chapter 19: Traffic and Transport has been updated to the correct reference - Survey locations are shown in Figure 'Traffic Count Locations-December 2021', Appendix A of the Transport Assessment (Appendix 19.3, Application Document Ref 5.4.19.3). |

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| 66: Chapter 21, Cumulative assessment, ES (Doc 5.2.21) | Page numbering problem – restarts at section 2. | The Applicant has reviewed and rectified the issue. The Cumulative Effects Chapter is now App Doc Ref 5.2.22 |
| 67: Para 2.3.9, Chapter 21, Cumulative assessment, ES (Doc 5.2.21) | Text missing. | The Applicant has reviewed and rectified the issue. The Cumulative Effects chapter is now App Doc Ref 5.2.22 |
| 68: Page 11, Chapter 21, Cumulative assessment, ES (Doc 5.2.21) | Text, header and table overlapping and illegible (to 2.6.3). | Unable to identify the missing text. |
| 69: Para 2.7.4, Chapter 21, Cumulative assessment, ES (Doc 5.2.21) | <p>2.7.4: ‘... where plans are not yet adopted or relevant reasonably foreseeable activities are not yet scheduled, (i.e. demolition of the existing Waterbeach WRC and Cambridge WWTP), assumptions have been made to provide a reasonable basis for assessing the likely effects.’</p> <p>Section 3.9 covers the demolition of the existing Cambridge WWTP, but no detail of environmental effects is included.</p> <p>These two positions in this Chapter should be reconciled.</p> | <p>See earlier responses on the Applicant's approach to demolition of the existing Cambridge WWTP. The demolition of the existing Waterbeach WRC and the existing Cambridge WWTP are covered in Table 2-6 in Chapter 21 as Tier 3 projects.</p> <p>Please see Applicant’s response to PINS Principal areas of concern: Definition of the ‘project’ and cumulative effects.</p> <p>The Chapter concludes there are no significant cumulative effects. See table 2-6, reference 21 which states:</p> <p>“Decommissioning the existing Cambridge WWTP will lead to a reduction in local discharges to the River Cam. The existing Cambridge WWTP is a relatively large asset which will be demolished and removed over an extended period exceeding 12 months. Its removal can be done as part of the phasing of the redevelopment of the site with no cumulative traffic effect. Its removal is likely to be beneficial in terms of landscape and visual effects. Temporary noise, air quality, surface water and resources and biodiversity effects can be controlled in accordance with a CEMP. No odour impacts would be expected beyond the decommissioning and draining of tanks.”</p> <p>These two positions are correct.</p> <p>See also Table 4-3 which summarises potential cumulative effectiveness of various schemes once the proposed WWTP is operational. This includes the demolition of the existing WWTP and Waterbeach WRC and across all disciplines either concludes ‘No likely cumulative effects’ or ‘Potential for beneficial cumulative effects’.</p> |
| Habitats Regulations Assessment | | |
| 70: Habitats Regulations Assessment Report (Doc 5.4.8.16) | Missing Conservation Objectives for the Ouse Washes Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. | The Applicant was provided with an incorrect version of Screening Report now replaced with correct version containing the required details for the relevant sites. |
| 71: Habitats Regulations Assessment Screening Report (Doc 5.4.8.15) Habitats Regulations Assessment Report (Doc 5.4.8.16) | Doc Ref 5.4.8.15 identifies potential LSE on Wicken Fen Ramsar site and Fenland SAC. However, these two sites are not carried through and assessed in the HRA Report. Please amend where necessary. | <p>The Applicant was provided with an incorrect version of Screening Report. Through iterative updates these sites were screened out. Within application document 5.4.8.15 Para 3.6.3 the following is stated: Given the distance separating the zone of influence and the habitats site and considering the absence of hydrological connectivity, Fenland SAC, Wicken Fen Ramsar site and Eversden and Wimpole Woods SAC are not considered further in subsequent chapters of this screening assessment, but Devil’s Dyke SAC, The Wash and North Norfolk Coast SAC, Wash SPA, Wash Ramsar site, Ouse Washes SAC, Ouse Washes SPA and Ouse Washes Ramsar site are subjected to further assessment due to air emissions and hydrological impacts.</p> <p>Table 4.2 provides a justification in respect of whether there are impact pathways.</p> <p>Furthermore screening matrices within the Appendix B of document 5.4.8.15 include note a) for Wicken Fen which stated the following: a. The Cambridge Water Cycle Strategy 2011 (Stantec, 2021) states that analysis of hydrology indicates that Wicken Fen, in which Fenland SAC is located, is topographically higher than the Cam and drains via Wicken Lode then Burwell Lode towards it. As the Cam does not feed it,</p> |

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| | | there are no associated risks, which could arise from additional sewage effluent discharge at Cambridge irrespective of any changes in effluent flow or quality from that site and no LSE is expected to occur. Therefore, Wicken Fen Ramsar site will not be progressed to Stage 2: Appropriate Assessment. |
| 72: Habitats Regulations Assessment Screening Report (Doc 5.4.8.15) Habitats Regulations Assessment Report (Doc 5.4.8.16) | No hyperlinks in contents pages. | Applicant has reviewed and addressed. |
| Document or information covering major accidents or control of such risks | | |
| 73: Document covering major accidents or control of such risks | Covered in Chapter 2 of ES but does not include the approach to selecting the short list/ methodology which was requested in EIA Scoping Opinion. Possibly missing assessment of potential risks from storage of Liquefied Natural Gas fuel (listed in dDCO, Schedule 1 Work No. 7), assessment considers 'stored gas' generally rather than specific descriptions. | To provide clarity, a separate Major Accidents and Disasters chapter has been produced (Chapter 21) within the ES (App Doc Ref 5.2.21) providing an improved focus on the issues previously addressed in Table 5.1 of Chapter 2: Project Description. The new Chapter 21: Major Accidents and Disasters (App Doc Ref 5.2.21) includes an appraisal of the risks associated with the storage of LNG and how those risks have been mitigated through design. |
| 74: Tables 1.1 and 5.1, Chapter 2, Project Description, ES (Doc 5.2.2) | Accidents and disasters/ EIA Regs: the appraisal summarised in table 5.1 appears to be a risk assessment of each type of accident occurring, and the measures used to reduce that risk. The EIA Regulations require another stage, Schedule 4(8), to address vulnerabilities, effects and response measures should a low-probability event of this nature occur: 'A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned... Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.' The application should set out where this is addressed. | To provide clarity, a separate Major Accidents and Disasters chapter has been produced (Chapter 21) within the ES (App Doc Ref 5.2.21) providing an improved focus on the issues previously addressed in Table 5.1 of Chapter 2: Project Description. The chapter includes additional information and signposting to the relevant chapters where assessments have been made and mitigation measures are described. |
| | In addition to inherent risks associated with the LPG storage noted above, consider (inter alia) a fire and explosion risk associated with battery storage and vulnerabilities/ potential secondary impacts on other receptors associated with lightning strike, overflows, major spills, and drainage/ surface water flooding. | The new Chapter 21: Major Accidents and Disasters (App Doc Ref 5.2.21) includes an appraisal of the risks associated with the storage of LNG and how those risks have been mitigated through design measures. |
| Flood Risk Assessment | | |
| 75: Flood Risk Assessment (Doc 5.4.20.1) | No hyperlinks in contents pages. | Applicant has reviewed and addressed |
| 76: Para 6.4.6, Flood Risk | Para 6.4.6 of the FRA states that "construction compounds [are] to be located in Flood Zone 1 where | Applicant has reviewed Section 6.4, Construction flood risk mitigation, with the Flood Risk Assessment (Application Doc Ref 5.4.20.1) and has updated to further clarify how mitigation would be secured including in relation to the siting of compounds. |

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| Assessment (Doc 5.4.20.1) | possible". How does the dDCO secure the location of construction compounds in Flood Zone 1 with no fluvial flood risk to access. | |
| 77: Para 2.5.1, Flood Risk Assessment (Doc 5.4.20.1) | Missing reference. | Applicant has reviewed and addressed |
| 78: Para 3.2.3, Flood Risk Assessment (Doc 5.4.20.1) | Missing reference. | Applicant has reviewed and addressed |
| Statutory Nuisance Statement | | |
| 79: Para 2.3.9, Statutory Nuisance Statement (Doc 7.13) | It appears that text might be missing, please clarify within the document. | <p>The Applicant has made minor amendments to para 2.3.9 to address this point. It now reads:</p> <p>The embedded design features within the proposed WWTP include incorporation of low turbulence treatment processes, the siting of the treated effluent processes near to the inner boundary of the WWTP and the odorous processes nearer to the centre of facility layout, inclusion of odour control facilities (considered critical equipment) to operate continuously in all conditions, and the use of covered reception areas at the terminal pumping station, inlet works and sludge tanks within venting of air from these areas being through odour control plant with exhaust stacks.</p> |
| Land Plans and BoR | | |
| 80: Book of Reference and all sheets | <p>The legend descriptions within all sheets does not match with the Book of Reference table 2.1 or the plot descriptions. For example:</p> <p>Legend blue: "Permanent New Rights And/ Or Restrictive Covenants" BoR Table 2.1: This could refer to colours – pink, blue or brown Plot examples: 021a, 021q, 022h, 022i, 038d</p> <p>Legend pink: "freehold acquisition" BoR table 2.1: This term is not used in the table Plot examples: all plots coloured pink within the plans</p> <p>Legend brown: "Permanent access rights" BoR table 2.1: In first line of the 'brown' row, this is described as 'permanent new rights of access'. However, this colour also covers "temporary use of land..." and "...easements and other private rights" Plot examples: all plots coloured brown within the plans</p> <p>Legend green: "Temporary possession" BoR table 2.1: Temporary use is mentioned in rows for pink, blue, brown, green Plot examples: all plots coloured green within the plans</p> | <p>The Applicant has reviewed these points and made changes to paragraph 2.1.2, and the insertion of paragraph 2.1.3, to provide a clearer explanation of the use of a hierarchy of powers. In addition, the Applicant has also made changes to the text within Table 2.1.</p> <p>The explanation describes how each category shown by the different colours listed in Table 2.1 incorporates acquisition powers detailed in the categories listed beneath it in the Table. This is the hierarchy referred to above.</p> |
| 81: Book of Reference and all sheets | Plots that fit into more than one category are coloured using the "most onerous power sought over that land" (para 2.1.2 BoR). The Applicant should consider if this provides a sufficiently clear explanation for each Affected Person. | The Applicant has reviewed paragraph 2.1.2 of the Book of References and made changes to make the explanation clearer for affected persons. |
| 82: Para, 2.1.2, BoR (Doc 3.3) | References Table 7.1, there is no Table 7.1. | The Applicant has reviewed this reference and has amended it to be Table 2.1. |
| 83: General | There are some substantial areas subject to proposed CA freehold acquisition in addition to the main site, including | The Applicant has reviewed this point and has made changes to the following paragraphs within the Statement of Reasons (Application Document Reference 3.1). |

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| | strips along the transfer tunnel route (subsoil only) and the new rising main, the new bridleway, and an area around the proposed new outfall location. The Applicant is advised to provide a clearer reasoning for this in the documentation. | <p>The following explains the changes made:</p> <p>The area within which the Transfer Tunnel (Work No 27) may be constructed is 20 metres in width. This area provides some tolerance for the exact positioning of the Transfer Tunnel structure which will only be known when detailed ground condition surveys are carried out to inform the detailed design and positioning of the structure. A corresponding area of land is shown coloured pink on the Land Plans for freehold acquisition to enable the subsoil necessary for the Transfer Tunnel to be acquired within the Work No 27 area once those details are known. See paragraph 5.4.5 of the Statement of Reasons (Application Document Reference 3.1).</p> <p>""The new rising main "" area (from Waterbeach) is not shown as freehold acquisition (pink). It is shown in blue, with only permanent new rights and/or restrictive covenants being acquired. See section 5.8 of the Statement of Reasons (Application Document Reference 3.1).</p> <p>The land required for ""the new bridleway "" is shown in pink (for freehold acquisition) on the Land Plans to ensure that the Applicant has the requisite power to dedicate the land as a new bridleway.</p> <p>The land parcels coloured pink around the new outfall location are required for the outfall structure itself and an area required for ecological mitigation. The exact extent and location of the required areas is subject to detailed design and constraints that might become relevant during construction. In addition, part of this area will be required for a construction compound, the exact location of which will not be known until further ground investigations are carried out at the start of the construction process. See sections 5.6 and 5.7 of the Statement of Reasons (Application Document Reference 3.1) for further details.</p> |
| 84: Part 2, BoR (Doc 3.3) | There is an extensive list of Category 3 parties in Part 2 of the Book of Reference. Many are simply referenced as 'the owner'. Given the PA2008 requirement for 'diligent inquiry', the Applicant is advised to continue work to update these. | <p>The Applicant has reviewed the list of Category 3 parties in Part 2 of the Book of Reference.</p> <p>The reason for including references to ""the Owner"" is because the Land Registry title for the affected property provides a different address for the owner of that property compared with the relevant property. The Applicant is aware that property owners do not always update their address details held by the Land Registry and so a precautionary approach was taken by also sending a s44 notice to the relevant property addressed to ""the owner"", as well as to the address provided by the Land Registry address. In doing so, the Applicant has satisfied the requirement of diligent inquiry.</p> <p>See Appendix 1 of the Statement of Reasons (Application Document Reference 3.1).</p> |
| Works Plans | | |
| 85: Sheet 11, Work Plans (Doc 4.3.11) | Most of the Works within Work No. 15 (the bund) are shown to be subject to 50m limits of deviation. Clarify if the purpose of the brown line delineating 'limits of deviation of the Works... Work No. 15 excluding Work Nos. 4, 6 and 16', which is coincident with the outer edge of all such works (except Work No. 12), is to remove the ability to move Works past that line. | <p>The Applicant has made the following changes to address PINS' comments:</p> <ul style="list-style-type: none"> - the Works Plans legend notes have been amended to read: ""The limits of deviation are the full extent of the works areas shown save as permitted by Article 6 of the development consent order"" - the Work Plans legend for the limits of deviation shown as being the inner boundary of Work No 15 has been amended to read: ""Limits of deviation for all Works Nos within the inner boundary of Work No 15 with the exception of Work Nos 4, 6 and 16"" - Article 6(b) has been amended to read: ""in respect of any other work shown on the works plans within the inner boundary of Work No 15, and subject to the extent of the limits of deviation for those works shown on the works plans, deviate laterally by 50 metres in any direction from the lines, situations or positioning of those works shown or indicated on the works plans;"" - amended paragraph 5.2.6.1(a) of the Explanatory Memorandum to ensure consistency with the above. |
| 86: Sheet 11, Work Plans (Doc 4.3.11) | Clarify if the 50m limits of deviation apply to Work No. 12 such that it could be located immediately south-east of the bund. If so, the Applicant is advised to consider if this is sufficiently precise. | Work 12 cannot be located outside of the inner boundary of Work 15, but may move 50 m in any direction within that inner boundary. |
| 87: Sheet 11, Work Plans (Doc 4.3.11) | Explain how the EIA took account of the availability of these 50m limits of deviation (particularly odour | The limits of deviation were taken into account in compiling the statutory nuisance statement and the more restrictive limits of deviation applied to Works NOS 4, 6 and 16 reflect this process. |

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| | modelling and the LVIA), and describe the implications, in turn, for the Statutory Nuisance Statement. | |
| 88: Sheet 11, Work Plans (Doc 4.3.11) | A 'blank' area immediately east of Work No. 5 is shown as 'Future Works' without a Work No. If there will be ground levelling and preparatory works here it will need a Work No. and explicit consent through the dDCO. | This is already addressed by the dDCO and the Works Plans. The 'blank' area falls within the boundary of Work No. 23 (landscaping and ecological works) as shown on Sheet 3 of the Works Plans which includes earthworks and ground re-profiling. |
| 89: General | The Works Plans do not identify any specific Works relating to the decommissioning of the existing WWTP. The only references to such works in the dDCO Schedule 1 (the Authorised Development) are in the final list of side-wide works. It is unclear in several entries which relate to the existing plant and which relate to proposed new plant. It should be explained, and reasons provided, if none of the proposed decommissioning activities require development consent. Clarification is needed as to whether these activities require specific Work Nos., descriptions and Plan entries. | Please see earlier response on this point (principal issues tab and site wide responses on DCO tab). A new Work No. 40 has been added to deal with decommissioning works specifically on the existing WWTP, with the site wide (now "Further works") description also retained to ensure that any such works outside of that area are included in the DCO. |
| 90: Relation to Land Plans and BoR | CA rights are sought on the Land Plans and through the BoR to undertake decommissioning works at the existing WWTP (eg parcel 002c). It is not clear whether this interference related to decommissioning activities for which development consent is sought, or is it to clear the site to facilitate the proposed redevelopment. (It is noted that the Statement of Reasons (page xvi) states that, 'The powers in the Order are being sought by the Applicant to be able to construct, operate, protect and maintain the Proposed Development without impediment.') | The Applicant notes this matter was not raised as part of its substantial pre-submission draft documentation review. The areas of land within the Order limits which are not linked to a specific work no. are only those areas which are subject to the site wide works. Please see responses to previous questions on this point. The Applicant is aware of other DCO where particular work nos. are not identified within the Order limits. No rights are sought to clear the site as that is not part of the Proposed Development. A new land rights package has been created, named the "Decommissioning Works Rights", to provide for the rights required to undertake works pursuant to Work No. 40 on any land which is not solely within the landownership of the Applicant. This rights package replaces the previous "Site Wide Works Rights" package that was applied over that land to permit decommissioning activities. |
| 91: Relation to Land Plans and BoR | The Order limits shown on the Works Plans in the vicinity of the existing WWTP are set much wider than those that would be necessary to encompass the identified Works. It is noted that the Order limits should delineate the area within which the development and works may be carried out (including any limits of deviation provided for in the draft Order), as set out in The Infrastructure Planning (Applications) Prescribed Forms and Procedure Regulations 2009. That is, effectively, the land required for, or affected by, the authorised development. It should be clarified why CA rights are sought on the Land Plans and through the BoR to interfere with private rights across the existing WWTP (eg 005c, UK Power Networks substation, BT cables). It is not clear if this interference is to do with decommissioning activities for which development consent is sought, or to clear the site from rights to facilitate the proposed redevelopment. | The Applicant notes this matter was not raised as part of its substantial pre-submission draft documentation review. The areas of land within the Order limits which are not linked to a specific work no. are only those areas which are subject to the site wide/further works. Please see responses to previous questions on this point. The Applicant is aware of other DCO where particular work nos. are not identified within the Order limits. No rights are sought to clear the site as that is not part of the Proposed Development. As explained above, a new land rights package has been created, named the "Decommissioning Works Rights", to enable the works within the newly created Work No. 40 to be undertaken on land which is not solely within the Applicant's ownership. This replaces the previous "Site Wide Works Rights" package that applied over that land to permit decommissioning activities. |
| 92: Schedule 1, dDCO (Doc 2.1) | Schedule 1 does not provide sufficient description of the Work to be developed at that location. | It is understood that this comment refers to decommissioning works. The Applicant has added a new Work No. 40 which deals specifically with decommissioning works of the existing WWTP which will be carried out under the DCO on the existing plant area. Decommissioning must also still be retained in the list of "Further works" so that such works outside of work area 40 remain covered and authorised through the DCO (for example, should there be any works relating to the closure of the existing outfall). |

Crown Land Plans

| PINs Reference | Section 51 Advice | Applicant Response and Document Reference(s) |
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| 93: Special Category and Crown Land Plans (Doc 4.5) | The dDCO doesn't specifically list any plots as Crown Land, nor is the Crown an owner in the BoR. Some documentation states that any consent for Works associated with Crown land will be pursued with TCE or the relevant Crown agent, outside the DCO process. It would be expected that the requirement for Crown Land should be known at this stage as part of due diligence. If Crown land is not required in the application, the documentation should make this clear | The Applicant has reviewed the position and, as a result, has amended section 8.3 of the Statement of Reasons (Application Document Reference 3.1). |
| Statement of Reasons | | |
| 94: General/summary | <p>'The need for the Proposed Development: The Proposed Development is designed to accommodate a growing population. It offers the opportunity for a joined-up solution for treating waste water from Cambridge and Greater Cambridge, including Waterbeach. The proposal is for both waste water from the existing Waterbeach waste water treatment plant and future flows from Waterbeach New Town, which proposes 11,000 new dwellings, to be treated at the proposed Cambridge waste water treatment plant.'</p> <p>The application does not consider whether an upgraded plant on the existing site could address waste water treatment needs. The Applicant is advised to consider whether this potential alternative approach should be considered in the application and EIA.</p> | The Applicant has considered the point made amended section 4.11 of the Statement of Reasons (Application Document Reference 3.1). This confirms that the alternatives of co-location of new housing and other forms of development next to the existing WWTP, or one consolidated on its current site, were both considered. The result of this consideration concluded these alternatives would not comply with planning policy. |
| 95: Map on page xv, Statement of Reasons (Doc 3.1) | The PD 'overlay' appears to have an oblique perspective laid onto a plan view map. If so, the scale bar will be inaccurate | This map has been replaced, see Figure 1-1 in section 1.5 of the Statement of Reasons (Application Document Reference 3.1). |
| 96: Para 2 on page xvi, Statement of Reasons (Doc 3.1) | References Figure 1-1. This is assumed to be the map, though it is not numbered. Nor does Figure 1-1 appear on the figure list. | The Applicant has reviewed the submitted document. The map is numbered as Figure 1-1 and is listed in the List of Figures. |
| 97: Page xvi, Statement of Reasons (Doc 3.1) | There is an inconsistency between the description of the powers sought here in terms of the edging of plots on the Land Plans. The description here suggests these are edged in red while the plots on the Land Plans seem to be edged in blue. This should be clarified within the application documents. | The Applicant has reviewed the submitted document and made changes to correct the references to land parcels edged in red. These have been changed to refer to land parcels edged in blue. These changes have been made in the following paragraphs: 1.6.5, 1.6.7, 1.6.8, 1.6.10. |
| 98: Table 13-1, Statement of Reasons (Doc 3.1) | Clarify why those plots shown on the Land Plans as being subject to interference with private rights only (coloured yellow) are shown as 'N/A' on Table 13-1, the list of land parcel numbers, type of acquisitions, Work Numbers and descriptor. | The Applicant has reviewed Table A3.1 (there is no Table 13.1). Where the Type of Acquisition for a land parcel was described as "N/A", these have been changed to "Interference with Private Rights only" and the relevant Work numbers(s) have been inserted into the column headed as Primary Part of the Proposed Development for which the Acquisition is Required (Work Number and descriptor). |
| Consultation Report | | |
| 99: Appendices 6.1.1 to 6.1.16, Consultation Report (Doc 6.1) | On page 275 (Consultee Consulted under Section 42 of the Planning Act 2008), it seems that Application Document Reference should be "6.1.5" instead of "6.1.4". | Applicant has reviewed and addressed |

| PINs Reference | Section 51 Advice | Applicant Response and Document Reference(s) |
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| Documents, appendices, figures, tables – missing, omitted, or obscured | | |
| 100 - 118 | Various documents listed | <p>As stated above under ‘Principal areas of concern’, the Applicant does not agree with much of PINS assessment of missing, incomplete or obscured documents. Many of the main documents listed as missing were clearly signposted in Document 1.3 Guide to the Application, which stated that various documents were ‘live documents’ which could be submitted post submission and during Examination if called upon. The Guide to the Application has been updated further to ensure it is clear what documents form part of the initial submission and what documents are to be submitted, if required, during the examination period. We had also discussed this approach with PINS over the course of the pre-submission period. The Applicant has also sought to recreate the Sharepoint environment to recover the documents submitted before they were extracted by PINS. Several of the documents listed as missing were present on the Applicant’s Sharepoint. There were some figures not provided to the Applicant in Chapter 8, Biodiversity, ES (Doc 5.2), these have now been provided and resubmitted in the application. The Applicant will carry out detailed checks of documents listed in the application for resubmission. In the event that PINS perceive that document are missing from the re-submitted application the Applicant would appreciate notification from them to enable us to investigate and engage with them on it.</p> |
| Additional feedback given by PINS in meeting note dated 09 March 2023 | | |
| <p>Draft meeting note of 09 March issued 22 March</p> | <p>DCO description of the Works and the Section 35 Direction</p> <p>In the meeting, discussion was held around the description of the Works in the dDCO and the section 35 Direction.</p> <p>It is noted that the s35 Direction, amongst other things, directs in any associated development (within the meaning of s115(s2) of the Planning Act 2008). Hence, as well as the project which the SoS considers to be of national significance under s35, the Direction also directed into the regime any associated development, any ancillary matters and any other matters which may properly be included in a DCO. Such matters can be included by virtue of s35ZE(5)(a).</p> <p>Whilst the Direction sets what the applicant considers to be the ‘project’ in five itemised descriptions of different elements of the proposed project, which the SoS directed in, it does not separately set out in terms what associated development and ancillary matters the applicant wished to be directed in, and which the SoS also directed in.</p> <p>While it can be broadly understood that the scope of any associated development to be any development in the dDCO not included in that itemised description of the ‘project’ in the Direction, it will be important for the dDCO to distinguish and include the details of the proposed project not specifically directed in by the SoS (especially considering the details of the project may have changed since the issuing of the s35 Direction).</p> <p>Addressing the reference to TTT, it is noted that in Schedule 1 of the TTT DCO the numbered works are split into those that require development consent and those that are associated development. These are separately</p> | <p>The project is subject to a direction under section 35 Planning Act 2008 that it is to be treated as project for which development consent is required, and as such the applicant does not seek to argue that the project is a nationally significant infrastructure project within the meaning of section 14(1) Planning Act 2008. Furthermore, the applicant notes that PINS did not raise this issue in its s51 advice dated 22 September 2022 when it undertook a review of the draft DCO prior to submission and so is surprised that this was raised as an acceptance issue.</p> <p>Following further discussion with PINS on 9 March 2023 it is understood that PINS accept that the project is not characterised as a NSIP. In their meeting note PINS explained: “The Inspectorate advised that efforts should be made to distinguish between the project of national significance (rather than a NSIP) in the direction and any associated development included within the application, with careful regard to the content of the s35 and the works for which it as the applicant seeks consent”. In the applicant’s view this requires careful interpretation of the operative element of the direction which states:</p> <p>THE SECRETARY OF STATE HEREBY DIRECTS that the proposed development, namely, the Cambridge Waste Water Treatment Plant Relocation Project, is to be treated as development for which development consent is required. Any development consent order application for the proposed development may also include any matters that may properly be included in a development consent order (within the meaning of section 120 of the Planning Act) including ancillary matters (section 120(3)) and associated development (within the meaning of section 115(2) of the Planning Act).</p> <p>In characterising the project prior to the operative wording, the Secretary of State referred to “The Project” as described in the Applicant’s request for the section 35 direction and noted that it “includes the delivery of any associated development...”. The s35 request is now attached as an appendix to the Planning Statement. The Project as described in the request was “As outlined above, the CWWTTPR will comprise the relocation of the existing CWWTTP. The replacement plant will involve the construction and operation of a new integrated waste water treatment plant and sludge treatment centre, transfer tunnels, terminal and intermediate pumping stations, access, utilities connections, renewable energy generation, ancillary buildings and landscaping sufficient to meet the needs of an expanded Cambridge and Waterbeach New Town.” The five principal elements of the project, which are then replicated in the s35 direction are then listed. It is the applicant’s position that the Project which was subject to the direction (and therefore for which development consent is required) is not therefore strictly limited to the five elements expressly set out in the direction, but also includes at least the other elements described in the s35 request and potentially any other associated development (or at the very least that is a matter open to interpretation). Indeed, the Applicant notes that some of the items listed as examples of what might constitute “associated development” in the DLG Guidance on Associated Development in respect of waste water treatment plants are included within the principal elements of the “project” listed in the direction, which reinforces the Applicant’s approach that the various constituent elements of the authorised development in combination comprise the “Project” which requires development consent and that associated development should not be separately identified distinct from the projected “directed in”.</p> |

| PINS Reference | Section 51 Advice | Applicant Response and Document Reference(s) |
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| | <p>listed at the top of Schedule 1 and then those works that require development consent are marked with an asterisk. Schedule 1 in the CWWTTPR Project draft DCO refers to development that requires development consent and associated development by reference to the relevant statutory provisions, but these are not then separately listed or otherwise distinguished in Schedule 1. In this regard the dDCO does not therefore reflect the approach in the TTT DCO or of the majority of other DCOs, which generally draw that distinction.</p> <p>The Inspectorate advises that the draft DCO should distinguish between those works that require development consent and those that are associated development. Otherwise, it is not possible to cross-reference the works in Schedule 1 with the SoS's direction letter where those works that require development consent were set out in terms, nor is one able to ascertain how (if at all) the associated development is associated with those works that require development consent.</p> <p>With reference to the DCLG associated development guidance (April 2013), it is for the SoS in each case to decide whether development should be treated as associated development, having regard to the core principles that are set out in the guidance. In paragraph 10 of the guidance it is advised that, "As far as practicable, applicants should explain in their explanatory memorandum which parts (if any) of their proposal are associated development and why".</p> <p>Paragraph 2.9 of PINS Advice Note 13 advises that a draft DCO should include a, "full, precise and complete description of each element of any necessary 'associated development' (See s115), which should be clearly identified in a Schedule to the draft DCO" and that development requiring development consent and associated development should be set out in a schedule to the DCO as separate numbered works by reference to the works plan.</p> <p>If the Applicant chooses not to apply this advice and guidance, the explanatory memorandum submitted with the application should explain why (e.g. why is it not practicable). It would also be advisable to explain why the approach taken differs to that taken in the TTT DCO and to set out which previous DCOs (if any) have taken this approach or whether it is actually a novel approach.</p> | <p>It is noted that a similar question of interpretation was faced by the applicants for both the Silvertown Tunnel and the Aquind Interconnector which were both the subject of s35 directions. The Applicant's approach in the dDCO is similar to the drafting of Schedule 1 as was adopted in those Orders.</p> <p>However, to provide clarity, the Applicant has included further explanation in the Explanatory Memorandum (see paragraphs 1.2 – 1.15) (App Doc Ref 2.2) to explain its approach and which elements constitute associated development. This again aligns with Explanatory Memorandums for the Silvertown Tunnel and the Aquind Interconnector.</p> <p>In any event, the Applicant would highlight that all works fall within s115(1) Planning Act 2008 and so can be properly authorised by the Order.</p> <p>The Applicant would further highlight that PINS reference to the Applicant's approach being reliant upon the precedent in Thames Tideway Tunnel (TTT) is incorrect. The Applicant referred to the approach in Silvertown Tunnel as referenced above and not to TTT.</p> |
| | <p>PINS issue 85</p> | <p>The Applicant has made the following changes to address PINS' comments:</p> |

| PINs Reference | Section 51 Advice | Applicant Response and Document Reference(s) |
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| | <p>PINS notes that the wording in Article 6 of the dDCO is not quite the same as the explanation set out in the EM at 5.2.6. and that there is a lack of clarity and possibly consistency between the dDCO, the EM and the Works Plan in respect of the various Works that lie within Work No. 15.</p> <p>It would seem that most of the Works within Work No. 15 effectively have two 'layers' of limits of deviation, firstly those set by the boundaries marked on the Works Plan plus a specified lateral allowance, and, secondly, the brown hatched line that follows the inner boundary of Work No. 15. The Applicant is advised to ensure that the documentation is clear and consistent in dealing with which takes precedence and how they work together to ensure that any consented works remain within the parameters of the assessment.</p> <p>The Applicant is recommended to consider whether any lack of clarity is compounded by:</p> <ul style="list-style-type: none"> the Works Plan legend notes that Works No. 4, 6 and 16 may move laterally in any direction by 5m; the EM suggests that these same Works may move by 'up to 5 metres in any direction save for the eastern boundary of Work number 16 which cannot deviate beyond the boundary with Work number 15'; the dDCO at Article 6a appears less precise, with neither a mention of a 5m maximum movement nor a restriction in relation to Works No. 15 and 16, stating only that they may, 'deviate laterally to any extent from the lines, situations or positioning shown or indicated on the works plans for those works to the extent of the limits of deviation for those works'. | <p>- the Works Plans legend notes have been amended to read: ""The limits of deviation are the full extent of the works areas shown save as permitted by Article 6 of the development consent order""</p> <p>- the Work Plans legend for the limits of deviation shown as being the inner boundary of Work No 15 has been amended to read: ""Limits of deviation for all Works Nos within the inner boundary of Work No 15 with the exception of Work Nos 4, 6 and 16""</p> <p>- Article 6(b) has been amended to read: ""in respect of any other work shown on the works plans within the inner boundary of Work No 15, and subject to the extent of the limits of deviation for those works shown on the works plans, deviate laterally by 50 metres in any direction from the lines, situations or positioning of those works shown or indicated on the works plans;""</p> <p>- amended paragraph 5.2.6.1(a) of the Explanatory Memorandum to ensure consistency with the above</p> |
| | <p>PINS issue 86 The Applicant's response is taken to mean that Work No. 12 could indeed be located immediately south-east of the bund (ie immediately inside it). Any implications of this would be a matter for the Examination.</p> | <p>Work 12 cannot be located outside of the inner boundary of Work 15, but may move 50 m in any direction within that inner boundary.</p> |
| | <p>PINS issue 88 Also, in relation to the clarification of the proposed Works inside Work No. 15, the Applicant's comment that the area identified for future works immediately east of Work No. 5 is covered by Work No. 23, which includes earthworks and ground re-profiling, is noted. The full extent of Work No. 23 on the Works Plan is also noted. As the dDCO would appear to allow 'earthworks and ground re-profiling' anywhere within Work No. 23, the Applicant may wish to be prepared for any examination of the maximum extent of such activities outside Work No. 15, how any lateral, depth and height parameters are</p> | <p>Noted</p> |

| PINs Reference | Section 51 Advice | Applicant Response and Document Reference(s) |
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| | <p>secured, and how any such works have been allowed for in the environmental impact assessment.</p> <p>The Applicant may also wish to consider whether the purple line delineating Work No. 23 on the Works Plan could be more clearly shown, as it coincides with, and is in part obscured by, the red line delineating the Order limits</p> | |

Get in touch

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Calling our Freephone information line on **0808 196 1661**



Writing to us at **Freepost: CWWTPR**



Visiting our website at 

You can view all our DCO application documents and updates on the application on The Planning Inspectorate website:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/cambridge-waste-water-treatment-plant-relocation/>