



# The Planning Inspectorate

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By email only

Our Ref: WW010003

Date: 10 August 2023

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Dear Ms Barclay,

## Planning Act 2008 (as amended)

### Application by Anglian Water for an Order Granting Development Consent for the Cambridge Waste Water Treatment Plant Relocation project

#### Planning Act 2008 – Section 89(3)

#### The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 9

#### Procedural Decision

Following my recent appointment as the lead member of the Examining Authority (ExA), I have reviewed the submitted application documents received on 2 May 2023 and I have concluded that there are matters which require resolution during the pre-examination period. I have therefore made a Procedural Decision to request additional and updated evidence.

The ExA requests the following evidence to be submitted to the Planning Inspectorate by **23:59 on Friday 29 September 2023**.

#### 1. Transport Assessment (TA) [APP-143]

Given the number and nature of issues with this document, as set out below, the ExA requests that a thorough review of the entire TA be undertaken by the Applicant and a revised version issued.

- a. Paragraph 10.1.7 states that “A TA scoping response from CCC can be found at Appendix B”. CCC’s scoping response appears to be missing – only the author’s Scoping Note is at Appendix B.
- b. The Walking, Cycling, Horse-Riding Assessment Report (WCHAR) makes multiple references to “Appendix B, Figure “0 but no such figure appears to exist.
- c. It is unclear whether all of the figures have been included in the WCHAR. For example, reference is made to the proposed improvements for NMUs at “Figure 0 of Appendix B” but such a figure does not appear to have been provided in Appendix B.

- d. Appendix H TRICS data (from PDF page 444/545) – there are a number of ‘orphaned’ columns and pages are not labelled to enable the reader to determine which table the data belong to. All tables should be on a single page, provided at A3 size if necessary.
- e. Appendix K: TEMPro Growth Factor Technical Note (page 499/545) appears to be missing – a User Count Survey has been provided instead.
- f. There is missing text in the main text of the TA which prevents a full understanding of the narrative, for example, paragraph 9.3.6 states “*It is unlikely that these activities would be able to be carried out simultaneously at the Proposed Development and*”
- g. There appears to be a formatting issue with Table 9-3 which affects the clarity of the information presented.
- h. Multiple pages are labelled as page ‘2’.
- i. There are multiple broken cross-references, for example “3.11.15 *The proposed Greenway projects are illustrated in **Error! Reference source not found.***”
- j. PDF page 314/545 shows public rights of way. The label for 85/6 appears to be on the wrong PRoW. Please correct and check all others.
- k. PDF page 365/545 is a drawing of ATC Speed Count Surveys which does not correspond with the Appendix (swept path analyses).
- l. Please label the swept path analysis drawings to correspond with the key diagram at PDF page 364/545 – different numbering systems have been used.
- m. Whilst the TA (eg 2.5.20 and 9.1.7) refer to an “OTMP”, the ES refers to an “OLTP”. Are these the same documents? If so, please use consistent terminology. If not, please explain the difference.
- n. Given that the TA comprises a number of separate documents each with their own numbering and appendices, the ExA also requests that a single numbering system be added for the whole PDF file when re-issuing this document, for example ‘Page X of Y’. If this is added there is no need to change or remove the numbering from the component documents.

## **2. ES Chapter 19: Traffic and Transport [APP-051]**

An “Operational Logistics Traffic Plan” is mentioned in paragraph 2.8.27. However, this plan does not appear to be referred to in the draft Development Consent Order (dDCO) or anywhere else that the ExA can see. Please address.

## **3. Construction Traffic Management Plan (CTMP) [APP-148]**

Paragraph 4.1.1 refers to “Figure 3.1” regarding vehicle routing. However, this does not appear to have been included in the CTMP document. Please address this.

## **4. Road Safety Audit (RSA)**

The need for an RSA has been referred to by National Highways and the Local Highways Authority during the pre-application and relevant representation stages. Please provide one which covers the permanent site access and the changes to the A14 overbridge.

## 5. ES Chapter 3: Site Selection and Alternatives [APP-035]

Access Option 3 as shown in Figure 6.4 does not appear to correlate with the description in paragraph 6.1.8 or with Option 3 shown in consultation material (i.e. page 27 of [APP-081]). Please address this.

## 6. ES Chapter 11: Community [APP-043]

In this Chapter and other documents, some references to Public Rights of Way (PRoW) appear to be incorrect / inconsistent. For example:

- a. Under the heading 'Milton', at paragraph 3.1.44, it is stated that "*There are two formal footpaths in the community south of Milton Country Park that form part of the PRoW network. One footpath (39/13) runs along the River Cam to the north. PRoW 162/7 (a bridleway) runs from east to west along Wilton Road, just south of Cambridge Science Park*". The ExA notes that these locations are to the south of the A14 whereas the ExA understands that Milton is to the north of the A14. Please correct any such issues.
- b. At paragraph 3.1.48 it is stated that "*PRoW 162/1 runs along the west of the River Cam. This route provides a connection from Horningsea to Fen Road.*" However, the ExA has been unable to identify a link across the River Cam from Horningsea to PRoW 162/1. It is therefore unclear how people would walk from Horningsea to Fen Road via PRoW 162/1.
- c. At paragraph 3.1.50 it is stated that "*There is a layby on Clayhithe Road which is used for parking by walkers accessing PRoW 130/5 (a bridleway) which provides a route to Stow-cum-Quy Fen Site of Special Scientific Interest (SSSI).*" However, PRoW 130/5 runs in a north-westerly direction from Clayhithe Road whereas the SSSI is to the south-east. Furthermore, the reference to 130/5 does not appear to accord with the draft DCO.
- d. Paragraph 3.1.57 states that "*On the eastern side of the River Cam, PRoW 130/17 (a formal footpath) provides a connection between Clayhithe and communities in the north including Upware, Wicken Fen and Padney.*" The ExA has been unable to locate PRoW 130/17 on any of the submitted PRoW drawings.
- e. The presentation of PRoW on Figure 11.11 [APP-058] is unclear, for example it is not clear whether PRoW 162/1 is on the eastern or the western side of the River Cam. The routes of some PRoW are obscured by the overlaid Order limits and construction traffic routes (i.e. around the A14).
- f. The routes on Figure 19.1 [APP-066] are much clearer but this drawing has not been labelled with PRoW identification numbers which limits its usefulness.
- g. The map on PDF page 314/545 of the TA is also clearer but uses a different colour scheme (which could lead to confusion amongst those preparing submissions) and appears to have labelling errors, for example Footpath 162/1 has been labelled as 85/6.

## 7. ES Appendix 12.3: Mental Wellbeing Impact Assessment [APP-113]

Paragraph 2.1.1 states that "*A template of the MWIA form to be used as part of a toolkit has been followed for the Proposed Development, with the results provided in Annex A, concluding that no further appraisal is needed*". The form has been provided but the results appear to be missing – please provide them.

## 8. Planning Statement [APP-204]

- a. Paragraph 6.1.5 states that the Applicant's opinion relating to NPSWW and s104 of PA2008 will be supported by legal submissions in due course. Please provide these legal submissions.
- b. Paragraphs 1.7.17 and 6.1.2 refer to the project as a "*Nationally Significant Infrastructure Project*" but elsewhere, for example in paragraph 3.7.2, it is described as "*development for which development consent is required*". Please correct any inconsistent language as necessary.
- c. Paragraphs 2.1.6 and 6.2.4 (vi) state that the £227 million of HIF funding would be used to relocate the existing WWTP and for remediation works to bring the site to a fully developable state. However, the Funding Statement [APP-013] suggests the £227 million would be for the relocation of the existing WWTP only. Please ensure consistency between these two documents in this regard to avoid confusion.
- d. Paragraph 3.6.8 appears to suggest that the Proposed Development is one of the two specific schemes considered in the development of NPSWW. However, the ExA understands that the two specific schemes relate to Deephams and the Thames Tideway Tunnel. Please make any necessary amendments to the Planning Statement or provide further clarification of the assertion.
- e. Paragraph 6.1.7 sets out a number of harms identified in the ES. Please review this list to check whether it sufficiently captures all harms identified (i.e. less than substantial harm to designated heritage assets other than Biggin Abbey, harm to non-designated heritage assets and harm to farm businesses, to name a few).

## 9. Book of Figures – Agricultural Land and Soils [APP-055]

Incorrect information is presented in ES Figures 6.5, 6.6, 6.8 and 6.9, given that potassium ranges are displayed rather than magnesium and phosphorus ranges to which the figures relate. Please address.

## 10. Historic Environment

- a. The ES Chapter 13 summary on page iv [APP-045] refers to "*Fen Ditton Conservation Area (HE097)*". Elsewhere in the chapter, Fen Ditton Conservation Area and Horningsea Conservation Area are interchangeably referred to as HE097 or HE096. Please address this inconsistency.
- b. The ES Chapter 13 summary on page iv [APP-045] reports moderate adverse (significant) temporary effects on Baits Bite Lock Conservation Area and Fen Ditton Conservation Area during construction, whereas paragraphs 4.2.19 to 4.2.21 suggest non-significant effects in this regard. Please amend as appropriate.
- c. The ES Chapter 13 summary on page v [APP-045] 'Summary of operation and decommissioning effects' refers only to operation and not decommissioning.
- d. ES Chapter 13 paragraph 4.2.21 [APP-045] reports negligible adverse effects on Fen Ditton Conservation Area after mitigation as a result of the construction of the proposed WWTP and associated works. However, paragraphs 4.2.19 and 4.2.20 reports slight adverse effects on Fen Ditton Conservation Area. Please address this inconsistency.
- e. Poplar Hall is identified as HE040 in ES Chapter 13 [APP-045], ES Figures (Historic Environment) [APP-060] and Historic Environment Impact Assessment Tables [APP-

117] but interchangeably as HE033 and HE040 in the Gazetteer of Assets [APP-115]. Please rectify as necessary.

- f. ES Chapter 13 paragraph 4.2.60 [APP-045] includes a referencing error. Please address.
- g. ES Chapter 13 makes references throughout to 'minor' effects when addressing significance of effects (i.e. paragraph 2.2.14, Table 5.1, section 5, amongst others). However, the term 'minor' does not appear within Table 2-3 for 'significance' – instead, the term 'slight' appears to be the correct term. Please address for clarity and to avoid confusion and check other ES chapters for similar inconsistencies.
- h. ES Figure 13.1 [APP-060] has a different key for listed buildings than other figures in the document and does not appear to correlate with information shown on the plan. Please rectify.
- i. ES Figure 13.9 [APP-060] does not show the Order limits. Please rectify.
- j. The tables in Gazetteer of Assets (from section 3.1 onwards) [APP-115] and in the Historic Environment Impact Assessment Tables [APP-117] document are difficult to read given their constrained layout. Can the documents please be provided with a more legible layout.

## 11. Landscape and visual

- a. ES Chapter 15 Table 4-5 [APP-047] mentions magnitude of change to the River Cam Corridor LCA within the Waterbeach Lode Fen LCA Year 15 section. Please rectify.
- b. ES Chapter 15 paragraph 2.9.10 [APP-047] appears to have text missing. Please rectify.
- c. ES Chapter 15 paragraph 4.2.6 [APP-047] contains an error notification. Please rectify.
- d. Photographs for Viewpoint (VP) 2, VP16 and VP41 [APP-062] (repeated in [APP-128]) do not show a site location arrow. For clarity, please add this for each of these photographs or explain why they have been omitted.
- e. At LERMP Table 4.2, page 62, [APP-099], the aims, objectives and activities appear to be missing from the 'Proposed screen planting' entry. Please amend as necessary.
- f. Some figures in the LERMP [APP-099] are not particularly legible, such as Figure 3.7 where some legend elements are not discernible on the plan and Figure 3.13 where the legend includes formatting errors. Please amend as necessary.
- g. The NPSWW Accordance Table [APP-205] does not appear to address paragraphs 4.7.16, 4.7.17 and 4.7.18 (identified as para 4.6.18 in NPSWW) which relate to landscape and visual impact mitigation. Please update the document accordingly, setting out clearly how you have given consideration to these paragraphs as part of the Proposed Development.

## 12. dDCO [APP-009]

There are a number of typographical errors / omissions / inconsistencies in the dDCO. Please fully review the dDCO for these, including the following:

- a. The terms "*King's Lynne railway line*" and "*railway line*" are used several times in the dDCO. If these are the same railway line, please ensure terms are consistent.
- b. "*HGV*" is referred to several times in the dDCO but has not been defined.
- c. Schedule tables should include row and column lines for ease of reading.

- d. Inconsistent definition of 'business day' in Part 1, Article 2 and Schedule 2, Part 2, Article 4.
- e. Article 44(4) - add a space between '1985(d)' and 'are'.
- f. Article 8 - does 'CWRP Relocation Limited' need defining?
- g. Schedule 1, Work No. 18(o) has a comma between 'Work No' and '27' instead of a dot.
- h. Requirement 1 - 'WWTW' should be defined or set out in full.
- i. Requirements 10(2) and 10(5) relate to the revision of outfall management and monitoring plans but cross reference with requirement 7 which relates to design and does not mention the outfall.
- j. Requirement 20(3) incorrectly refers to requirement 21(1).
- k. Requirements 21(2) and 21(3) incorrectly refer to R22(1).
- l. Schedules 3 and 7 refer to 'Footpath 130/8'. However, elsewhere (i.e. ES Figure 11.11 [APP-058]) it is identified as a 'bridleway'.
- m. Schedule 3 refers to "*Footpath 130/16 east of Grange Farm*". However, this footpath does not appear to be east of this farm on the rights of way plans [APP-020].
- n. Schedule 3 is titled "*Streets subject to street works*" but includes a number of 'footpaths' – clarify whether these footpaths are correctly classed as streets.
- o. Schedule 6 Part 1 and Part 2 refer to the "*rights of way plans*" followed by various document reference numbers. Please check this is correct given that the rights of way plans [APP-020] has a document reference of 4.6.
- p. Various schedules refer to the "*access and traffic regulation order plans*" followed by various document reference numbers. Please check this is correct given that the access and traffic regulation order plans [APP-021] has a document reference of 4.7.
- q. Schedule 14 Part 18 refers to "*LGVs*" but this is not defined.
- r. Schedule 15 - Planning Inspectorate Advice Note 15 states that "*If Protective Provisions for more than one protected party are included in a single Schedule, SI drafting requires the numbering of the paragraphs to follow sequentially throughout the Schedule and not re-start at '1' with each part (as with all textual Schedules in several parts)*". Please adopt this approach in the draft DCO.
- s. Schedule 15, Part 1, paragraph 1 - delete "*and Cadent Gas Limited which is protected by Part 2 of this Schedule*" (leaving and Cadent Gas Limited which is protected by Part 3 of this Schedule).
- t. Schedule 18 – 'design plans – waterbeach pipeline long sections' sheet numbers and document references do not fully align.
- u. Schedule 18 – this does not identify the relevant main document reference number (i.e. the access and traffic regulation order plans as being document reference 4.7).

### 13. Noise and Vibration

The Baseline Noise Report [APP-134] appears to have some formatting errors (i.e. paragraphs 2.2.8, 2.2.11, 2.2.15, 2.2.18 and 2.2.21 have been split into new paragraphs half-way through) – please review the document and update accordingly.

### 14. Mitigation Register

- a. Table 2-1 in the Mitigation Register [APP-073] does not appear to be searchable by keyword. Please provide a version which is.

- b. ES Chapter 5: EIA Methodology paragraph 3.7.6 [APP-037] refers to a 'Commitments Register' (ref 7.10) to secure mitigation measures, as does the Guide to the Application (page 16) [APP-003]. This has not been provided. Please provide this document with an explanation of how it differs from the Mitigation Register [APP-073].

## 15. Statement of Reasons [APP-012]

- a. Figure 1.1 [APP-012] is not easily legible and the key does not appear to accurately correspond to the plan as a result. Please address.
- b. Paragraph 9.1.3 refers to the "*Conservation of Habitats and Species Regulations 2010*". This should be the Conservation of Habitats and Species Regulations 2017.

## 16. Biodiversity

- a. ES Chapter 8: Biodiversity paragraph 3.1.23 [APP-040] refers to 'Figure A.1' within the ES Book of Figures - Biodiversity [APP-057]. However, there is no such figure identified within [APP-057]. Please provide the figure or update the documents accordingly with the correct references.
- b. ES Chapter 8 [APP-040] at, for example, paragraphs 4.3.116 and 4.3.118, describe slight effects as 'moderately significant'. It is unclear to the ExA what this term means and how a slight effect can be described as significant given that paragraph 2.2.17 sets out that any effects with a significance level of slight or less is considered not significant. Please ensure effects are described correctly and consistently and that Table 2-3 reflects paragraph 2.2.17.
- c. Please provide the Preliminary Ecological Appraisal undertaken in 2020 and referenced within the ES appendices.
- d. Book of Figures - Biodiversity [APP-057] – Figures 8.1 to 8.39 and Figures 8.74 to 8.80 appear to be correctly labelled as such under the 'Drawing Number' title of the drawing. However, Figure 8.40 (?) drawing number is illegible, and Figures 8.40 – 8.73 are not labelled in line with the rest of the formatting to allow cross referencing with the rest of the ES. Please update the document accordingly for clarity.
- e. ES Chapter 8 Biodiversity paragraph 4.2.94 [APP-040] refers to the "*Bat Baseline Report (Book of Figures -Biodiversity, App Doc Ref 5.3.8)*". However, the text within the brackets appears to be incorrect as it is the ExA's understanding that the "Bat Baseline Report" is Appendix 8.7: Bat Technical Appendix [APP-092] as this was referred to in the previous paragraph (4.2.93). Please ensure that references are checked and updated throughout the documents.
- f. Regarding point 'e' above, paragraph 4.2.94 refers to "*Figure A.3*" – the ExA cannot locate this figure reference number within the document. Should this have referred to the ES Book of Figures - Biodiversity [APP-057], the ExA cannot locate figure A.3 in this document either. Please update the documents accordingly.

## 17. Water Resources

- a. ES Appendices 20.5 [APP-155] and 20.6 [APP-156] - text appears to have been mixed up. The submitted Flood Risk Assessment (FRA) [APP-151] refers to fluvial modelling presented in Appendix 20.5 (entitled Fluvial Model Report [APP-155]). However, the Fluvial Model Report provides details of the 3D velocity mixing model, while Appendix

20.6 (entitled 3D Velocity Mixing Model [APP-156]) provides details of the fluvial modelling undertaken to inform the FRA. Please rectify this issue.

- b. Preliminary Risk Assessment [APP-122] – not all the reports referred to in section 1.3.1 have been provided in the appendix. Please provide these.
- c. Geoenvironmental Results – proposed WWTP [APP-124] – this document is illegible. Please provide a legible version, which also includes accreditation information.

## **18. ES Chapter 14: Land Quality [APP-046]**

Please provide the following information, or signpost to where it can be found: details of sampling methodologies, logs for exploratory holes, laboratory certificates, details of groundwater level monitoring, contextual information relating to the locations of sampling points to specific sources identified with the preliminary qualitative risk assessment, and copies of previous investigation reports as referenced within the document.

## **19. Outline Management Plans**

The dDCO seeks to secure the following management plans for which outline versions have not been provided. ExA would find it helpful if draft / outline versions of these could be provided to better understand mitigation measures proposed:

- a. Construction environmental management plan (CEMP)
- b. Emergency preparedness plan (to be part of CEMP)
- c. Pollution incident control plan (to be part of CEMP)
- d. Construction water quality management plan (to be part of CEMP)
- e. Noise and vibration management plan (to be part of CEMP)
- f. Air quality management plan (to be part of CEMP)
- g. Site waste management plan (to be part of CEMP)
- h. Materials management plan (to be part of CEMP)
- i. Construction outfall management and monitoring plan
- j. Operational outfall management and monitoring plan
- k. Operational logistics travel plan
- l. Carbon management plan
- m. Archaeological Investigation Mitigation Strategy

The Applicant may wish to liaise with any relevant parties in the production of these documents and to provide detail to address any issues raised in relevant representations.

## **20. From s51 advice issued on 24 May 2023 and not yet addressed**

- a. Habitats Regulations Assessment (HRA) Report - A HRA Screening Report [APP-100] containing the information referred to in the Schedule of Amendments [APP-008] should be supplied.
- b. Environmental Statement (ES) - please check the following documents:
  - ES Chapter 3, Figures 3.1 and 6.1 to 6.4 (Doc 5.2.3) are embedded in the text and the background mapping and text is indistinct.
  - ES Chapter 5 [APP-037] refers to a “*Commitments Register*” (ref 7.10). The Schedule of Amendments [APP-008] indicates this should refer to the Mitigation Register [APP-073].



- c. General comments / errors and omissions - please check the documents carefully for errors in text, headings, document names, and correct use of terms in relation to legislation. For example, a few minor errors remain in the Consents and Other Permits Register [APP-200], such as, 'ecology protected species' rather than 'European protected species' (in several places), and 'The Wildlife Act 1981' rather than 'The Wildlife and Countryside Act 1981'. Appendix 6.1.5 of the Consultation Report [APP-169] is given the title Application Document Reference 6.1.4 on the first page of the document.
- d. Works Plan [APP-017] - Within Sheet 11 of the Works Plan [APP-017] west of Work No. 6, a plot is shown as 'Future Works' without a work number.
- e. Land Plan [APP-018] and Book of Reference [APP-014] - Descriptions of plots in the Book of Reference [APP-014] could be improved, for example:
- 003b (missing 'Cowley Road')
  - 071d (should be southeast instead of east)
  - 022n (should be B1047 Horningsea Road and A14 where they meet – not described overly well)
  - 025b (should include reference to junction 34)
- f. Previous Section 51 Advice - the Applicant is further advised to refer to Section 51 advice previously provided by the Planning Inspectorate on 22 September 2022 and 9 March 2023.

## 21. Legal agreement(s)

The Guide to the Application states "**7.9 Draft Section 106 Agreement - Agreement with the Local Planning Authority to secure certain mitigation measures that can't be secured through provisions of the Development Consent Order (e.g. payment of money, offsite mitigation). These will be submitted post submission**". Please provide drafts of the legal agreement(s).

Timely receipt of this updated evidence is essential to ensure all persons with an interest in the application will have the opportunity to make Written Representations based on evidence that comprehensively describes the Proposed Development.

Where the requested updates are not submitted by the deadline provided there may be implications for the date upon which the Preliminary Meeting can be held.

If you have any queries on these matters, please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

*Alex Hutson*

## Lead Panel Member for the Examining Authority

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