National Infrastructure Planning Temple Quay House 2 The Square Bristol BS1 6PN Customer

Services: 0303 444 5000

e-mail: <u>CambridgeWWTPR@planninginspectorate.gov.uk</u>

All Interested Parties, Statutory Parties and any other person invited to the Preliminary Meeting

Your Ref:

Our Ref: WW010003

Date: 19 September 2023

Dear Sir / Madam

Planning Act 2008 – Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 4, Rule 6, Rule 9, Rule 13

Application by Anglian Water Services Limited for an Order Granting Development Consent for the Cambridge Waste Water Treatment Plan Relocation project

Appointment of the Examining Authority, Invitation to the Preliminary Meeting, draft Examination Timetable, Procedural Decisions and Notification of Hearings

I write to you following my appointment by the Secretary of State as the lead member of a Panel who will be the Examining Authority (ExA) to carry out an examination of the above application. My name is Alex Hutson, and the other members of the Panel are Paul Burley and Helena Obremski. A copy of the <u>appointment notice</u> can be viewed under the Documents tab on the project webpage on the National Infrastructure Planning website.

The ExA would like to thank those of you who submitted Relevant Representations. These representations have assisted us when preparing our proposals regarding how to examine this application.

This letter is an invitation to the Preliminary Meeting (PM) to discuss the procedure for the Examination of the proposed Cambridge Waste Water Treatment Plan Relocation project. It contains a number of important supporting annexes, including **Annex A** (the Agenda). **Annex B** introduces the PM, explains how it will be conducted and how you can participate.

The PM will be held both in-person and online.

Date:

17 October 2023

Time

9:30am (seating and online registration from 9am)

Venue: Hilton Cambridge City Centre, 20 Downing St, Cambridge CB2

3DT and online using Microsoft Teams.

Access and parking: Please contact the venue for information, 01223 464491.

Online access: Details will be emailed to registered attendees ahead of the

event. If you have not registered you will be able to watch a livestream, the link will be published on our website shortly

before the event starts.

You must register to attend the PM. Please complete the **Event Participation Form** by 10 October 2023.

You will be asked to provide your contact details and tell us whether you wish to speak at each meeting, which agenda items you would like to speak under and summarise the points you wish to make. Please also notify us of any special requirements you may have (eg disabled access, hearing loop etc).

If you do not wish to speak you can opt to observe:

- **1.** watch a livestream of the event a link will be made available on the <u>project webpage</u> shortly before the event is scheduled to begin
- **2.** watch the recording of the event which will be published on the <u>project webpage</u> shortly after the event has finished

Please contact the Case Team using the contact details at the top of this letter if you require any support or assistance to attend any of the hearings, either virtually or in person.

Please note that it may not be possible to participate on the day if you have not registered your wish to speak.

Purpose of the Preliminary Meeting

The purpose of the PM is to enable views to be put to the ExA about the way in which the application is to be examined. At this stage the Panel is looking at the Examination procedure and not at the merits of, or concerns about, the application. The merits of, or concerns about, the application will only be considered once the Examination starts, which is after the PM has closed. See **Annex B** and the <u>Planning Inspectorate's Advice Note 8.3:</u> the Preliminary Meeting for more information.

The agenda for the meeting is at **Annex A**. This has been set following our Initial Assessment of Principal Issues, arising from our reading of the application documents and the Relevant Representations received. That assessment is set out in **Annex C**. Following on from this assessment we have made detailed proposals in a draft Examination Timetable set out in **Annex D** and we would wish to hear from you if you consider changes need to be made to this timetable.

The PM will be held as a blended event. This means that it will take place as a virtual event using Microsoft Teams as well as a physical 'in-person' event. For future hearings forming part of the examination of this project the ExA may consider whether they should

be held as physical, blended or virtual events, and we would welcome Interested Parties (IP) views on this matter at the PM.

The PM provides a useful introduction to the Examination process. We will use it to make Procedural Decisions that will affect everyone participating in the Examination. The meeting provides you with an opportunity to have your say about procedural issues before these decisions are finalised. If you intend to play an active part in the Examinations or you have questions about procedure, it is useful to attend the meeting.

We wish to run a fair, efficient and effective meeting so that all relevant views can be heard. However, please note that **you are not required to attend the PM in order to participate in the Examination**. If you are an IP, you will still be able to make a Written Representation and comment on the Written Representations made by other IPs. You will also be able to participate in any hearings that are arranged. Should you no longer wish to be an IP and do not wish to be involved in the Examination process, you can notify the Case Team of this in writing. We also strongly encourage groups of individuals who have similar views on procedure to choose one representative to speak for their group.

The PM will be livestreamed and recorded. An audio recording and a note of the meeting will also be published on the <u>project page</u> of the National Infrastructure Planning website.

After the Preliminary Meeting

After the PM you will be sent a letter setting out the finalised Examination Timetable (known as the Rule 8 letter).

The Examination will primarily be a written process (see <u>Advice Note 8.4: The Examination</u>) supplemented only where necessary by various types of hearings (see <u>Advice Note 8.5: Hearings and site inspections</u> and <u>Advice Note 8.6: Virtual Examination events</u>). The finalised Examination Timetable will set out arrangements and timings for the submission of Written Representations and for our publication of and submission of responses to our Written Examination Questions.

The Planning Act 2008 establishes a principally written process for the examination of applications for Development Consent Orders and **representations made in writing carry equal weight to oral representations** at all stages of the process.

IPs have the right to request an Open Floor Hearing. Those persons affected by any request for Compulsory Acquisition or Temporary Possession of their land or rights may request a Compulsory Acquisition Hearing. Issue Specific Hearings are held at the discretion of the Panel and are arranged where we feel that consideration of oral representations would ensure an issue is adequately examined.

All relevant and important matters will be taken into account when we make a recommendation to the Secretary of State for Environment, Food and Rural Affairs, who will take the final decision in this case.

Notifications of early hearings

As notified in **Annex E** to this letter, we have made Procedural Decisions to hold the following hearings in the first week of the Examination:

- An Open Floor Hearing (OFH1) on 17 October 2023 to start at 2:00pm. Further information can be found in Annex F.
- An Issue Specific Hearing (ISH1) on the draft Development Consent Order (dDCO) on **18 October 2023** to start at 9:30am. Further information is provided at **Annex G**; and
- An Issue Specific Hearing on the principle of the Proposed Development on
 18 October 2023 to start at 2:00pm. Further information is provided at Annex G.

You will need to register to attend by Procedural Deadline A, 10 October 2023.

As with the PM, it will help the management of these hearings and benefit everyone if you could let us know whether you wish to speak at one or both hearings, on which agenda items you intend to speak (for ISH1), listing points you wish to make; and notify us of any special requirements you may have (e.g. disabled access, hearing loop etc).

Additional notifications of hearings proposed to be held later in the Examination will be provided as the Examination proceeds.

Other Procedural Decisions made by the Examining Authority

In addition to the hearings notified above, we have made some further Procedural Decisions which are set out in full at **Annex H**.

They are summarised as follows:

- The setting of deadlines for the submission of Statements of Common Ground
- Requests for regular updated documents throughout the Examination including an updated Guide to the Application and track changed versions of all revised documents to be submitted
- Reguests for Local Impact Reports by Deadline 1
- Requests for closing submissions by Deadline 7
- Additional Submissions
- Accompanied Site Inspections
- Request for Further Information

Changes to land interests

When the Applicant becomes aware that there has been a change in ownership, or a new interest, in relevant land the Applicant is requested to make the relevant person aware that they can make a request to the ExA to become an Interested Party under section 102A of the PA2008. The Examination Timetable includes various Deadlines for the submission of an updated Book of Reference and schedule of changes to the Book of Reference, which should include confirmation that relevant persons have been informed of their rights under section 102A. If you have a legal interest in land affected by this application for Development Consent and:

- · you have not been identified by the Applicant; and
- did not register to become an Interested Party;

then you can <u>make a request to the Examining Authority to become an Interested Party</u> under s102A of the Planning Act 2008.

Managing Examination correspondence

Given the volume and frequency of letters the Planning Inspectorate needs to send to IPs during an Examination, we aim to communicate with people by email wherever possible, as electronic communication is more environmentally friendly and cost effective for the taxpayer. If you have received a letter but are able to receive communications directly by email, please inform the Case Team using the contact details at the top of this letter as soon as possible.

As the Examination process makes substantial use of electronic documents, you may wish to become familiar with the <u>project webpage</u>.

A Make a Submission tab is available on the website which provides a portal through which parties should make written submissions at relevant deadlines during the Examination. Further information about the 'Make a submission' portal is provided at **Annex I** to this letter.

Further information about submitting at examination deadlines can found at Annex I.

There is a function on the right-hand side of the project webpage called 'E-mail updates'. This provides you with an opportunity to register to receive automatic e-mail updates at key stages during the Examination.

Your status in the Examination

You have received this letter because you fall within one of the groups described in the Planning Inspectorate's Frequently Asked Questions (FAQ) document 'What is My Status in the Examination?'

If your reference number begins with '2003', '2004', 'CWWT-AFP', 'CWWT-S57', 'CWWT-APL' you are in Group A.

If your reference number begins with 'CWWT-SP' you are in Group B.

If your reference number begins with 'CWWT-OP' you are in Group C.

The meaning and purpose of those groups are explained in the FAQ document published at the link above. If having read the FAQ document you are still unsure about your status, please contact the Case Team using the details at the top of this letter.

Awards of costs

All parties will normally be expected to meet their own costs. Costs can be awarded against a party who has acted unreasonably and has caused the party applying for the award of costs to incur unnecessary or wasted expense during the Examination. You should be aware of the relevant costs guidance: Awards of costs: examinations of applications for development consent orders.

Management of information and deadlines

Information, including representations, submitted in respect of this Examination (if accepted by the ExA) and a record of any advice which has been provided by the Planning Inspectorate is published on the project webpage of the National Infrastructure Planning

website. Please note that unless otherwise specified, all deadlines in the draft Examination Timetable (**Annex D**) and as referred to in this letter are at 23:59 on the deadline day.

Examination documents can also be viewed electronically at the locations listed in **Annex J** to this letter.

Please note that in the interest of facilitating an effective and fair Examination, it is necessary to publish some personal information. To find out how we handle your personal information, please view our Privacy Notice.

We look forward to working with all parties in the Examination of this application.

Yours faithfully

Alex Hutson

Lead Member of the Examining Authority

Annexes

- A Agenda for the Preliminary Meeting
- **B** Introduction to the Preliminary Meeting
- C Initial Assessment of Principal Issues
- **D** Draft Examination Timetable
- E Notification of Hearings
- F Agenda and further information on the Open Floor Hearing
- G Agenda and further information on Issue Specific Hearing 1 (ISH1) into the draft Development Consent Order and Issue Specific Hearing 2 (ISH2) on the principle of the Proposed Development
- **H** Other Procedural Decisions made by the Examining Authority
- I Information about submitting at Examination deadlines
- J Availability of Examination Documents

This communication does not constitute legal advice.

Please view our <u>Privacy Notice</u> before sending information to the Planning Inspectorate.

Agenda for the Preliminary Meeting (PM)

Date: 17 October 2023

Time 9:30am (seating and online registration from 9am)

Venue: Hilton Cambridge City Centre, 20 Downing St, Cambridge

CB2 3DT and online using Microsoft Teams.

Access and parking: Please contact the venue for information, 01223 464491.

Online access: Details will be emailed to registered attendees ahead of

the event. If you have not registered you will be able to watch a livestream, the link will be published on our

website shortly before the event starts.

A public livestream of the meeting will be made available on the <u>project webpage</u> shortly before the meeting is due to open. The livestream is available to anybody who wishes to observe the meeting.

9:00am	Registration and seating available at venue for in-person attendees	
9:00am	Online Registration Please arrive from 9:00am to enter the virtual lobby. From here you will be admitted to the meeting by the Case Team, greeted and given further instructions. The Registration Process will commence at 9:20am. This will be hosted by the Case Team and cover the housekeeping arrangements for the Preliminary Meeting and allow for any questions to be asked about how to take part.	
9:30am Item 1	Welcome and introductions. The PM will formally open at 9:30am. The Examining Authority (ExA) will welcome participants and lead introductions.	
Item 2	The ExA's remarks about the Examination process including reference, where appropriate, to any procedural requests to this item that have been submitted to the Planning Inspectorate in writing by Procedural Deadline A, 10 October 2023 – Annex B	
Item 3	Initial Assessment of Principal Issues – Annex C	
Item 4	Procedural Decisions taken by the ExA – Annex H	
Item 5	Draft Examination Timetable – Annex D	
Item 6	Hearings and Site Inspections – Annexes E, F, and G	
Item 7	Any other matters	
Close of the Preliminary Meeting		

Please be available from the start and throughout the meeting. The agenda for the PM is subject to change at the discretion of the ExA, although in making changes the

ExA will be mindful of the need to provide opportunities for fair involvement to all Interested Parties. The ExA will conclude the meeting as soon as all relevant contributions have been made.

If there are any additional matters to be dealt with or submissions take a considerable amount of time the ExA may change the order of the agenda items and may introduce breaks in the proceedings.

Please make sure that you read the <u>Planning Inspectorate Privacy Notice</u> before attending the PM

You must register to attend the PM. Please submit the **Event Participation** Form by 10 October 2023.

You will be asked to provide your contact details and tell us whether you wish to speak at each meeting, which agenda items you would like to speak under and summarise the points you wish to make. Please also notify us of any special requirements you may have (e.g. disabled access, hearing loop etc).

If you do not wish to speak you can observe:

- **1.** watch a livestream of the event a link will be made available on the <u>project</u> webpage shortly before the event is scheduled to begin
- **2.** watch the recording of the event which will be published on the <u>project webpage</u> shortly after the event has finished

Please contact the Case Team using the contact details at the top of this letter if you require any support or assistance to attend any of the hearings, either virtually or in person.

Please note that it may not be possible to participate on the day if you have not registered your wish to speak.

If you are participating online please join early in order to register and receive information regarding how to participate in the Hearing. The event will start at **9:30am** irrespective of any late arrivals, for whom access may not be possible.

It may take some time to admit participants from the virtual lobby, the lobby is silent while you are waiting, your understanding and patience is appreciated.

Introduction to the Preliminary Meeting

Background

The Preliminary Meeting (PM) for the Cambridge Waste Water Treatment Plant Relocation project will take place as a blended event comprising a physical, face-to-face PM as well as an online event using Microsoft Teams.

The Examining Authority (ExA) is conscious of videoconferencing fatigue and will aim to keep the proceedings focussed and as efficient as possible. This annex provides advance access to information that would usually be included in the ExA's introductory remarks following the opening of the PM. Please read this carefully. The ExA will only present a summary of the key points set out here at the PM, in order to ensure that the time available for participants to speak is maximised.

The Examining Authority

The members of the ExA, Alex Hutson, Helena Obremski and Paul Burley, who are appointed by the Secretary of State, will introduce themselves at the start of the PM. The ExA's appointment letter can be found in the Examination Library under reference [PD-003].

The Case Team

The ExA will be supported by the Planning Inspectorate Case Team. Members of the Case Team will be available to answer questions by email before and after the PM and in person at the PM. The contact email address is:

CambridgeWWTPR@planninginspectorate.gov.uk

The purpose of the PM

The PM is being held to discuss the arrangements for the Examination of the application for a Development Consent Order (DCO) for the Cambridge Waste Water Treatment Plant Relocation project, which the Secretary of State has determined under section 35 of the Planning Act 2008 (PA2008), to be a project for which development consent is required, and which will generally be referred to in the PM and Examination as the 'Proposed Development'. The application has been made by Anglian Water Services Limited, which will be referred to as 'the Applicant'.

The PM will establish the procedures and timetable for the Examination of the Proposed Development. It will set a framework for the ExA to enable the SoS to consider and decide the application, by identifying relevant policy and examining the application in the light of it.

You will find information about the application, and, in due course, documents produced for the Examination on the <u>project webpage</u> of the Planning Inspectorate's National Infrastructure Planning website (NI website).

You are encouraged to explore the project page of the NI Planning website if you have not already done so, because it will be used to communicate with you and to provide access to documents throughout the Examination. You may want to register

to <u>receive updates</u> so that you will receive an email notification at key stages during the Examination.

The main purpose of the PM is to discuss how the application should be examined. It focuses on the process only, and it will not be looking at the substance of the proposals: questions, discussions and representations about the merits or concerns about the Proposed Development are for the Examination itself which will begin after the close of the PM.

The PM will be your opportunity to influence the process that we intend to follow, and you should read this Rule 6 letter and all accompanying annexes thoroughly beforehand. The agenda for the PM is attached to this Rule 6 letter at **Annex A**. It is important to have the letter and the agenda in front of you and to refer to them during the PM.

PM invitees

The Applicant is invited to the PM and is generally given the opportunity to reply to any representations made at the PM, either orally at the time or in writing following the closure of the meeting.

Everyone who has made a Relevant Representation has been registered as an IP and has been sent a copy of this Rule 6 letter. Each IP is entitled to participate at this meeting and in the Examination.

Each person or organisation with an interest in land or rights that are affected by a Compulsory Acquisition and/or Temporary Possession request in this application is an Affected Person (AP). In addition to a general entitlement to involvement in the Examination, APs have a right to be heard in relation to any objection about the effects of Compulsory Acquisition / Temporary Possession on their interests in land, and a right to request and be heard at a Compulsory Acquisition Hearing. APs are IPs, whether or not they have made a Relevant Representation.

Certain bodies are Statutory Parties and they have been invited to the PM. Statutory Parties can elect to become IPs without having made a Relevant Representation.

The ExA has the power to involve people who are not IPs in the Examination as though they are IPs, including by inviting them to the PM. However, this is only done in exceptional circumstances, for example if it were clear that the application would materially affect a person, they are not automatically eligible to elect to become an IP and they had been unable to take the necessary action to register as an IP.

Under Section 88(3) of the PA2008 and Rule 6(1) of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR), the ExA can invite other persons they consider to be appropriate to the Preliminary Meeting (PM). Any person who is invited to the PM in this way will also be sent, for information purposes, the Rule 8 letter which confirms the Examination timetable. They will also be sent any amendments to that timetable under Rule 8(3) of the EPR.

The ExA has used its discretion to invite the following other persons:

- Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire
- Homes England
- Eastern Power Networks
- Cambridge Water
- Swaffham Internal Drainage Board
- Waterbeach Level Internal Drainage Board
- Cambridgeshire Fire and Rescue Service
- National Grid

Invited parties will still need to register their attendance using the **Event Participation Form**.

Conduct of the PM

Past experience suggests that a PM for a project of this size and complexity could take a few hours to complete. However, in running the event partly virtually there are limitations on the number of people who can speak at any one time. During the PM participants may have to make allowances and be patient if there are delays associated with the technology used. In recognition of the fatigue associated with onscreen communication, the ExA will provide breaks during the PM as appropriate. For those who pre-register to be involved your joining instructions will provide more information about this.

A digital recording will be made available on the project page of the NI Planning website as soon as practicable following the PM. The digital recording allows any member of the public who is interested in the application and the Examination to find out what has been discussed at the PM, whether they are able to attend or observe the meeting or not. The making and publication of these recordings are a means by which we meet the legal requirement to hold these events in public. In this regard, anyone speaking at the PM will need to introduce themselves each time they speak, to ensure that someone listening to the recording after the event is clear who was speaking. A written note of the PM will be produced and published as soon as practicable following the closure of the PM.

As the digital recordings are retained and published, they form a public record that can contain personal information to which the UK General Data Protection Regulation (UK GDPR) applies. Participants must do their best to avoid making public any information which they would otherwise wish to be kept private and confidential. If there is a need to refer to such information, it should be in written form. Although this will also be published, personal and private content can be redacted or removed before it is made publicly available. Any person who is unclear on this point should ask the Case Team for guidance before they include personal and private information in any submissions.

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of five years from the SoS's decision on the DCO. If you actively participate in the PM, it is important that you understand that you will be recorded and that the recording will be made available in the public domain. Please see our <u>Privacy Notice</u> for more information about how we handle your data.

Following the ExA's introductions, each participant who has been registered to speak may be asked to introduce themselves, including any organisations or groups that they represent. The ExA will then conduct the meeting in accordance with the agenda. If you prefer not to have your image recorded, you can switch off your camera at any point.

Online participation

The OFH will take place in person and virtually using Microsoft Teams. Further information about virtual events can be found in the Planning Inspectorate's Advice Note 8.6: Virtual examination events. Further information, including a short video of how to take part in a virtual event is available on the website.

Please contact the Case Team if you have any questions about using Microsoft Teams or if you would like to test your access arrangements:

cambridgewwtpr@planninginspectorate.gov.uk

The Examination process

The starting point is that the relevant legislation, section 87 of the Planning Act 2008 (PA2008), states that "it is for the Examining Authority to decide how to examine the application".

Examining Inspectors are employed by the Planning Inspectorate. The Planning Inspectorate is an Executive Agency of the Department of Levelling Up, Housing and Communities. This is an application for Development Consent. For the examination of such applications, the ExA produces an independent and impartial report with a recommendation to the relevant Secretary of State. In the case of this project this is the Secretary of State for Environment, Food and Rural Affairs. It is the Secretary of State who will make the decision on the application, not the ExA.

The Examination of an application for Development Consent follows different processes to those, for example, of a Public Inquiry into a planning appeal following the refusal of planning permission. The main difference is that the Examination of an application for Development Consent is primarily a written process and hearings take on an inquisitorial approach as opposed to an adversarial one. This means that the ExA will probe, test and assess the evidence primarily using written questions. While some hearings are held to provide supplementary evidence, questions to the Applicant or to interested parties and witnesses will come from the ExA. Questioning or cross-examination of interested parties and witnesses by other parties will not generally be allowed.

In terms of opportunities to provide evidence in writing, the draft Examination Timetable makes provision for the following written processes:

- Local authorities can submit LIRs if they wish. Whilst these are voluntary,
 PA2008 provides that if they are provided, they must be considered by the SoS in
 reaching a decision. Consequently, LIRs are a very important method for local
 authorities to communicate issues of concern to the ExA, the SoS and their own
 residents.
- IPs can make Written Representations (WRs) and comment on WRs made by other parties.
- IPs can respond to the ExA's written questions (ExQs) and comment on responses to these written questions provided by others.
- IPs may be asked to contribute to the making of Statements of Common Ground (SoCG) if it appears that there are matters on which they and the Applicant agree, and if it would be useful for this to be clarified. SoCG most usefully extend to catalogue matters that are not agreed or are outstanding.

The draft Examination Timetable includes a series of numbered deadlines for the receipt of written submissions. Please note that unless otherwise specified, all deadlines in the draft Examination Timetable and as referred to in this letter are at 23:59 on the deadline day. Timely submissions received by the relevant deadline and that address its purpose will be accepted. Documents received after the relevant deadline are only accepted at the discretion of the ExA and may not be accepted to ensure fairness to all parties. Circumstances where documents are submitted late without good reason, causing inconvenience or delay to other parties can amount to unreasonable behaviour.

These written processes will be the principal means used by the ExA to gather information, evidence and views about the application. However, the Examination will only be effective if all parties resolve to give timely, full, frank, clear and evidenced answers to every question that is relevant to their interests and to engage fully with any other related processes such as the completion of WRs and SoCGs.

There is no merit in withholding or delaying information, or in failing to co-operate, and should it occur, any unreasonable behaviour that caused another party to incur wasted expenditure could lead to an award of costs against the offending party:

<u>Awards of costs: examinations of applications for development consent orders.</u>

The ExA has discretion to make amendments to the Examination Timetable for the wider benefit of the Examination. If possible, events will be arranged for times when all relevant parties are available, but the ExA is under a duty to complete the Examination by the end of the six-month period beginning the day after the close of the PM. This requirement is set by legislation, and while the ExA will try to rearrange event dates to accommodate all relevant parties, in practice there will be limited scope to alter dates set out in the draft Examination Timetable.

The statutory time limit for the Examination means that where there are matters that still need to be discussed and agreed between the Applicant and IPs, it will be very helpful to the ExA if these could be progressed as early as possible.

Hearings

The draft Examination Timetable includes provision for hearings, at which the ExA takes oral evidence from the various parties. Any registered IP may request an Open Floor Hearing (OFH) to make oral representations about the application if they believe this to be preferable to relying on their written representation, though both carry equal weight. Oral submissions should be based on representations previously made in writing, but they should not simply repeat matters previously covered in the written submission. Rather, they should focus on specific detail and explanation to help inform the ExA. There should be no new or unexpected material in oral representations. A written summary note with any supporting evidence or references will be requested of each speaker following the hearing.

As with all Examination events, OFHs are subject to the powers of control of the ExA, as set out in the PA2008 and supporting legislation. Participants must register in advance by the deadline shown in the Examination Timetable and in accordance with the instructions, an agenda may be circulated. It is common practice for the ExA to set a time limit for each speaker and speakers with common points are asked to come together to nominate a spokesperson or representative speakers to cover specific topics, to avoid repetition. Speakers representing public authorities, community and membership organisations or multiple IPs are normally provided with an additional time allowance, recognising their representative role.

The Applicant's draft Development Consent Order (dDCO) provides for the compulsory acquisition of land and rights, and the temporary possession of land. APs (ie those whose land or rights over land are affected) have a right to request and be heard at a Compulsory Acquisition Hearing (CAH). If one or more APs request to be heard, then a CAH must be held. The draft Examination Timetable includes a deadline for APs to make a request to be heard at a CAH.

The ExA has the discretion to hold Issue Specific Hearings (ISH) if it would aid in the Examination and there is a specific reason this would be more helpful than reliance on written evidence only. The lack of an ISH on one or more topics does not suggest that that topic is less important than others which are subject to a hearing. Rather, it is an indication that the ExA is satisfied that the issues can be fully considered through written submissions and responses to its written questions and that each party has had a fair opportunity to put its case.

The draft Examination Timetable includes a number of reservations for ISH and IPs may make suggestions for topics in their written or oral representations to the PM. It may be necessary for the ExA to hold more than one ISH on the dDCO. This is normal practice, and they are held on a without prejudice basis. Parties can suggest modifications and amendments to the dDCO provided with the Proposed Development application by the Applicant, without prejudicing their overall position on the application.

Holding such hearings does not imply that the ExA has reached any judgements on the merits of the application. Whatever the ultimate recommendation is, the ExA must make sure that the dDCO is fit for purpose if the SoS decides to grant consent, as any consent will be subject to requirements (which are similar to planning conditions) set out in the DCO.

At hearings it will not normally be necessary for parties to make long and detailed submissions that require (for example) PowerPoint presentations. Any supporting detail / information can be provided in writing following the event by the relevant deadline.

Site inspections

As part of the Examination process the ExA undertakes site inspections. The purpose of these is for the ExA to see features of the proposals within the context of the evidence put forward. Site inspections can be either unaccompanied or accompanied.

Accompanied Site Inspections (ASI) will only be necessary to view land to which there is no public right of access, or with no clear view from nearby locations with open public access. The purpose of ASIs is familiarisation only and no discussion of the merits of the Proposed Development will be entertained during an ASI.

The draft Examination Timetable includes a deadline for IPs to make submissions suggesting sites and locations that the ExA should visit, in response to an itinerary suggested by the Applicant. These will be used to inform further USIs as well as possible ASIs. It is not considered generally necessary to revisit locations in ASIs that have already been visited in a USI.

Initial Assessment of Principal Issues

This is the Initial Assessment of Principal Issues (IAPI) prepared under s88(1) of the Planning Act 2008 (PA2008). It has been prepared by the Examining Authority (ExA) following its reading of:

- the application documents;
- the Relevant Representations received in respect of the application; and
- its consideration of any other important and relevant matters.

It is not a comprehensive or exclusive list of the issues that will be subject to examination and inevitably some issues will overlap or interrelate. The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the Secretary of State for Environment, Food and Rural Affairs after the Examination has concluded. All issues will be considered during proposed phases of construction, operation and decommissioning where relevant.

The order of the issues listed does not imply any order of prioritisation or importance. The bulleted items under each issue are indicative and do not preclude other subitems being considered.

The policy and consenting requirements and documents associated with PA2008 are an integral part of the Examination and are therefore not listed as main issues. It should also be noted that whilst the effects of the proposal in relation to human rights and equalities duties are not listed as main issues, the ExA will conduct all aspects of the Examination with these in mind.

The issues listed below relate to construction, operation and decommissioning activities associated with the Proposed Development, as necessary.

1. Principle of the Proposed Development

- Legislative and policy context
- Need for the Proposed Development
- Scope and description of the Proposed Development
- Consideration of benefits and their scope
- Adequacy of alternatives and site selection

2. Agricultural land and soils

- Adequacy of baseline data and approach to assessments
- Effects on agricultural land and farming operations
- Effects on soil quality
- Adequacy of mitigation measures and monitoring

3. Air quality

Adequacy of baseline data and approach to assessments

- Effects on human and ecological receptors
- Adequacy of mitigation measures and monitoring

4. Biodiversity

- Adequacy of baseline data and approach to assessments
- Effects on species and habitats
- Effects on designated sites, including European sites, nationally designated sites, regionally and locally designated sites and habitats of nature conservation importance, including Stow-cum-Quy Fen SSSI, Wilbraham Fen SSSI and the Cam Washes SSSI.
- Effects on veteran trees and hedgerows
- Implications for the integrity of designated sites
- Potential cumulative and in-combination effects
- Adequacy of mitigation measures and monitoring
- Biodiversity net gain

5. Carbon emissions and climate change mitigation and adaptation

- The adequacy of the baseline carbon scenario presented and whether it is a representative baseline
- The overall change in carbon (and other greenhouse gas) emissions which may arise from decommissioning, construction and operation
- Acceptability of the whole life carbon assessment
- The achievement of sustainable development including the mitigation of, and adaption to, climate change
- Consideration of carbon budgets
- Government policy for zero emissions target by 2050

6. Community

- Effects on community uses, including open spaces, public rights of way (PRoW)
 and other recreational or community facilities, and the associated effects on local
 communities.
- Effects on employment, businesses and the local economy
- Effects on the community relating to, amongst other things, noise, air quality, landscape and visual, odour, traffic, access and land requirement matters.

7. Compulsory Acquisition (CA) and Temporary Possession (TP)

- The need for land and rights to be subject to CA / TP
- Land, rights and powers sought
- Minimisation of the need for land and rights
- Effects on those impacted by CA / TP

- The position of and effects on Statutory Undertakers, protected provisions and whether the tests of s127 and s138 of PA2008 apply / would be satisfied
- The position in relation to Crown land
- The adequacy and security of funding for compensation
- Accuracy of the Book of Reference
- Statement of Reasons and justification for powers sought
- Whether reasonable alternatives to CA / TP have been explored sufficiently
- Human rights considerations
- Whether a compelling case in the public interest has been established
- Whether the proposals meet the requirements of PA2008 in all other respects

8. Development Consent Order (dDCO)

- Adequacy of the Explanatory Memorandum
- Relevant definitions and their clarity / consistency
- The structure of the dDCO
- Whether a suitable approach has been taken relating to the description of the development and associated development
- Design flexibility and justification
- The appropriateness and adequacy of proposed requirements and whether they would effectively secure mitigation, together with any monitoring provisions
- Whether any additional requirements are necessary
- The relationship with other consents / permits / licences (including regulatory approvals and environmental permits)
- The identification of other consents, permits, licences, obligations, or agreements (including relevant s106 agreements, environmental permits, protected species licences) required before the Proposed Development could become operational, progress in obtaining them, and comfort / impediments and timescales for them being granted
- Application and modification of legislative provisions
- Discharge arrangements for matters which detailed approval needs to be obtained, including consultation and arbitration
- The identification of all relevant statutory undertakers for which protective provisions are required and the adequacy and agreement of those provisions
- Other provisions in the dDCO, including for removal of consent requirements, CA
 / TP and documents to be certified
- The need for and adequacy of outline / draft mitigation and management strategies and plans
- Degree to which the dDCO secures any reported benefits

9. Design

- Whether the Proposed Development demonstrates good design
- Design aims and principles
- Design evolution

- The flexibility sought for the detailed design
- Adequacy of securing final good design for the Proposed Development

10. Green Belt

- Whether those parts of the Proposed Development which fall within the Green Belt would amount to inappropriate development, having regard to relevant national and local planning policy
- If parts of the Proposed Development amount to inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, and amount to the very special circumstances necessary to justify the Proposed Development
- The need for the Proposed Development to be located in the Green Belt and the adequacy of any assessment of alternative locations by both the Applicant (in the preparation of this application) and local authorities (in the preparation of local planning policy)
- Effect on the Green Belt

11. Health

- The effects on human health and well-being, including the effects on the living conditions of surrounding residents from construction and operational activities and changes to the natural environment
- Common law nuisance and statutory nuisance

12. Historic environment

- Effects on the historic environment, including archaeology and setting of designated assets (including but not limited to Biggin Abbey Grade II* and Poplar Hall Grade II listed buildings and Horningsea, Fen Ditton and Baits Bite Lock Conservation Areas)
- Adequacy of archaeological surveys undertaken (including interpretation of survey results)
- Future archaeological investigation, monitoring and supervision
- Adequacy of mitigation measures and monitoring

13. Landscape and visual

- The adequacy of assessment methodology and approach including the extent of study areas
- The approach to landscape and visual impact assessments
- Baseline information
- Adequacy of viewpoint locations
- Accuracy of photomontages
- The effects on landscape character and landscape designations

- Effect on landscape features, including trees and hedgerows
- Visual effects
- Effects of artificial lighting
- Design of the Proposed Development
- Adequacy of mitigation measures and monitoring
- Landscape management and maintenance and consideration of the Landscape,
 Ecology and Recreational Management Plan

14. Land quality

- Contaminated land and land quality pollution control
- Degree of contamination of the existing WWTP site and the extent of remedial works proposed
- Safeguarding mineral resources
- Adequacy of mitigation measures and monitoring

15. Major accidents and disasters

- Whether sufficient identification and assessment of potential risks
- Adequacy of mitigation measures and monitoring

16. Material resources and waste

- Effects on local and regional waste infrastructure
- Safeguarding mineral resources
- Materials management and re-use
- Adequacy of mitigation measures and monitoring

17. Noise and vibration

- The approach to the noise and vibration assessment
- Baseline conditions and surveys
- Noise and vibration effects on residential and non-residential receptors
- Compliance with statutory requirements and policy
- Adequacy of mitigation measures and monitoring

18. Odour

- The approach to the odour assessment
- Baseline conditions and surveys
- Operational odour effects on residential and non-residential receptors
- Compliance with statutory requirements and policy
- Adequacy of mitigation measures and monitoring

19. Traffic and Transport

- Traffic generation and traffic management
- Robustness of transport assessment assumptions, including in relation to modal split
- Choice of access to relocated WWTP
- Potential for use of non-road transport
- Effects on surrounding road networks, including B1047 / Horningsea Road and junctions with the A14 during the construction and operational phases
- Road and cyclist / pedestrian safety
- Effects on the PRoW network including temporary diversions and the creation of new PRoW
- Road layout and design, including junctions
- Adequacy and effectiveness of mitigation measures and monitoring

20. Water resources

- Baseline information
- Effects on groundwater features (including abstraction from domestic and licenced groundwater sources, and the Chalk aquifer), surface water features (including the River Cam and Black Ditch), water courses and water bodies and the adequacy of the assessment of these effects
- The adequacy of the Flood Risk Assessment
- Climate change allowances
- Surface water drainage proposals
- Compliance with the Water Framework Directive
- Adequacy of mitigation measures and monitoring

21. Cumulative

 Adequacy of cumulative assessments and identification of other plans and projects for consideration as part of the assessments

Draft Examination Timetable

The Examining Authority (ExA) is under a duty to complete the examination of the application by the end of the period of six months beginning with the day after the close of the PM. Please note that the ExA may close the Examination before the end of the six-month period if it is satisfied that all relevant matters have been addressed and discussed.

The examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Examination Timetable

The Examining Authority (ExA) is under a duty to complete the Examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at any hearings.

Documents only need to be submitted where they are new or updated.

All updated documents must be provided in two versions: one with tracked changes and the second clean, without tracks.

Please provide a cover letter to summarise which documents have been amended.

Item	Matters	Date
1	 Procedural Deadline A (PDA) Notification of wish to speak at the Preliminary Meeting Notification of wish to speak at the Open Floor Hearing Notification of wish to speak at Hearings on 18 October 2023 Applicant's proposed itinerary for an Accompanied Site Inspection (ASI)¹ 	Tuesday 10 October 2023
2	Preliminary Meeting (PM)	9:30am Tuesday 17 October 2023
3	Open Floor Hearing 1	2:00pm Tuesday 17 October 2023

_

¹ When suggesting locations, please have regard to the places already visited by the ExA on any Unaccompanied Site Inspections (USIs) it undertakes. Suggestions must explain why the location needs to be visited, information about whether the location can be accessed or seen using public rights of way or publicly accessible land, and what access arrangements would need to be made.

4	Issue Specific Hearing 1draft Development Consent Order (dDCO)	9:30am Wednesday 18 October 2023
5	 Issue Specific Hearing 2 The principle of the Proposed Development 	2:00pm Wednesday 18 October 2023
6	 Issue by the ExA of: Examination Timetable ExA's First Written Questions (ExQ1) 	As soon as practicable following the Preliminary Meeting
7	 Deadline 1 (D1) Deadline for receipt by the ExA of: Written Representations (WR) (including summaries of all WR exceeding 1500 words) Responses to ExA's ExQ1 Comments on Relevant Representations (RR) Written summaries of oral submissions made at any hearings Comments on the Applicant's proposed ASI itinerary received at PDA Notification of wish to attend an ASI Notification of wish to speak at an Open Floor Hearing Notification of wish to speak at a Compulsory Acquisition Hearing Notification by any Statutory Parties who have not submitted a RR of their wish to be considered as an Interested Party Comments on any updated application documents Responses to any further information requested by the ExA for this deadline From Local Authorities Local Impact Report (LIR) From the Applicant An updated dDCO A Schedule of Changes to the dDCO An application documents tracker Updated Book of Reference (BoR) Updated Schedule of Changes to the BoR 	Monday 20 November 2023

	T	
	The Compulsory Acquisition (CA) Schedule	
	Initial Statements of Common Ground (So CC) required by Fig. 2.2. Amount 1.	
	(SoCG) requested by ExA – see Annex H	
	Initial Statement of Commonality for	
	SoCG	
8	Deadline 2 (D2)	Wednesday 6
		December 2023
	Deadline for receipt by the ExA of:	
	Comments on WR	
	Responses to comments on RR	
	Comments on responses to ExA's ExQ1	
	Comments on LIR	
	Comments on any submissions received	
	at D1	
	Responses to any further information	
	requested by the ExA for this deadline	
	From the Applicant	
	Updated proposed ASI itinerary	
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
	 An updated Schedule of Changes to the dDCO 	
	An updated application documents	
	tracker	
	Updated BoR	
	Schedule of Changes to the BoR	
	An updated CA Schedule	
	Progressed SoCG	
	 Progressed Statement of Commonality for 	
	SoCG	
9	Deadline 3 (D3)	Monday 18
		December 2023
	Deadline for receipt by the ExA of:	
	Responses to comments on WR	
	Responses to comments on LIR	
	Comments on any submissions received	
	at D2	
	Responses to any further information	
	requested by the ExA for this deadline	
	From the Applicant	
	An updated dDCO	
	An updated Good An updated Schedule of Changes to the	
	dDCO	
	4200	

<u> </u>		T
	 An updated application documents tracker Updated BoR Schedule of Changes to the BoR An updated CA Schedule Progressed SoCG Progressed Statement of Commonality for SoCG 	
10	Week reserved for Hearings and ASI (if required)	w/c 8 January 2024
	 Further Issue Specific Hearing(s) Compulsory Acquisition Hearing(s) Further Open Floor Hearing(s) ASI 	
11	Deadline 4 (D4)	Sunday 21 January 2024
	Deadline for receipt by the ExA of:	
	 Written summaries of oral submissions made at any hearings Comments on any submissions received 	
	at D3 • Responses to any further information	
	requested by the ExA for this deadline	
	From the Applicant	
	 An updated dDCO An updated Schedule of Changes to the dDCO 	
	 An updated application documents tracker 	
	Updated BoRSchedule of Changes to the BoR	
	An updated CA Schedule	
	Progressed SoCGProgressed Statement of Commonality for SoCG	
12	Publication by the ExA of:	Wednesday 31 January 2024
	 ExA's Second Written Questions (ExQ2) (if required) 	January 2024
13	Deadline 5 (D5)	Sunday 18 February 2024
	Deadline for receipt by the ExA of:	2024

	 Responses to ExQ2 (if required) Comments on any submissions received at D4 Responses to any further information requested by the ExA for this deadline 	
	 From the Applicant An updated dDCO An updated Schedule of Changes to the dDCO An updated application documents tracker Updated BoR Schedule of Changes to the BoR An updated CA Schedule Progressed SoCG Progressed Statement of Commonality for SoCG 	
14	 Publication by the ExA of: The ExA's schedule of changes to the dDCO (if required) Report on Implications for European Sites (RIES) (if required) 	Tuesday 5 March 2024
15	Week reserved for hearings if required:	w/c 11 March 2024
	Further Issue Specific Hearing(s)Compulsory Acquisition Hearing(s)Further Open Floor Hearing(s)	
16	Publication by the ExA of:	Thursday 21 March
	 ExA's Third Written Questions (ExQ3) (if required) 	2024
17	Deadline 6 (D6)	Monday 1 April 2024
	Deadline for receipt by the ExA of:	
	 Responses to ExQ3 (if required) Comments on the ExA's proposed schedule of changes to the dDCO (if required) Comments on the RIES (if required) Written summaries of oral submissions made at any hearings 	

	 Comments on any submissions received at D5 Responses to any further information requested by the ExA for this deadline 	
18	Deadline 7 (D7)	Friday 12 April 2024
	Deadline for receipt by the ExA of:	
	 Closing submissions Comments on any submissions received at D6 Responses to any further information requested by the ExA for this deadline 	
	 From the Applicant A finalised and validated version of the dDCO A finalised Schedule of Changes to the dDCO A finalised application documents tracker Finalised BoR Final Schedule of Changes to the BoR Finalised CA Schedule Finalised SoCG Finalised Statement of Commonality for SoCG Finalised Statement of Reasons 	
19	The ExA must complete the Examination within six months.	Wednesday 17 April 2024

Submission times for Deadlines

The time for submission of documents at any Deadline in the timetable is 23:59 on the relevant Deadline date, unless instructed otherwise by the ExA. Documents received after the relevant deadline are only accepted at the discretion of the ExA and may not be accepted to ensure fairness to all parties.

In the event of more rounds of questions, hearing or deadlines being necessary, the ExA will amend the timetable by way of a letter under Rule 8(3) of The Infrastructure Planning (Examination Procedure) Rules 2010.

Publication dates

All information received will be published on the <u>project webpage</u> as soon as practicable after the deadlines for submissions.

Hearing agendas

For Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will provide high level information on the purpose of the hearings along with the notification of the hearing to help inform your decision about whether to register to participate. A detailed draft agenda will be made available on the project webpage on the National Infrastructure Planning website in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA. Agendas may not be published for Open Floor Hearings.

Report on the Implications for European Sites (RIES)

Where an applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State (SoS), as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the relevant SoS.

The Secretary of State may rely on the RIES to meet its obligations under Regulation 63 of The Conservation of Habitats and Species Regulations 2017.

Notification of Hearings

The first Open Floor Hearing (OFH1), Issue Specific Hearing (ISH1) and Issue Specific Hearing (ISH2) will be held as follows:

Date	Hearing	Start Time	Venue
Tuesday 17 October 2023	Open Floor Hearing 1 (OFH1)	Hearing starts promptly at 2:00pm Registration and seating at the venue from	Hilton Cambridge City Centre, 20 Downing St., Cambridge CB2 3DT Online using
		1:30pm	Microsoft Teams
		Online registration from: 1:30pm	Full instructions on how to join online or by telephone will be provided in advance to those who have registered
Wednesday 18 October 2023	Issue Specific Hearing 1 into the draft Development Consent Order (dDCO) (ISH1)	Hearing starts promptly at 9:30am Registration and seating at the venue from 9:00am	Hilton Cambridge City Centre, 20 Downing St., Cambridge CB2 3DT Online using Microsoft Teams
		Online registration from: 9:00am	Full instructions on how to join online or by telephone will be provided in advance to those who have registered
Wednesday 18 October 2023	Issue Specific Hearing 2 into the Principle of the Proposed Development (ISH2)	Hearing starts promptly at 2:00pm	Hilton Cambridge City Centre, 20 Downing St., Cambridge CB2 3DT

Registration and seating at the venue from	Online using Microsoft Teams
1:30pm	Full instructions on how to join online or
Online registration from: 1:30pm	by telephone will be provided in advance to those who have registered

You must register to attend the Hearings. Please complete the **Event** Participation Form by 10 October 2023.

You will be asked to provide your contact details and tell us whether you wish to speak at each meeting, which agenda items you would like to speak under and summarise the points you wish to make. Please also notify us of any special requirements you may have (e.g. disabled access, hearing loop etc).

If you do not wish to speak you can opt to observe:

- **1.** watch a livestream of the event a link will be made available on the <u>project</u> webpage shortly before the event is scheduled to begin
- **2.** watch the recording of the event which will be published on the <u>project webpage</u> shortly after the event has finished

Please contact the Case Team using the contact details at the top of this letter if you require any support or assistance to attend any of the hearings, either virtually or in person.

Please note that it may not be possible to participate on the day if you have not registered your wish to speak

If you are participating online please join early in order to register and receive information regarding how to participate in the Hearing. The event will start at **9:30am** irrespective of any late arrivals, for whom access may not be possible.

It may take some time to admit participants from the virtual lobby, the lobby is silent while you are waiting, your understanding and patience is appreciated.

Information about hearings is included in the <u>Planning Inspectorate's 'Advice Note 8.5</u>: The examination: hearings and site inspections'.

The hearing will finish as soon as the Examining Authority (ExA) deems that all those present have had their say and all matters have been covered. Depending on the numbers wishing to speak at the hearing, it may be necessary for the ExA to limit the time allocated to each speaker. If any of the hearings are no longer required then notification will be published on the <u>project webpage</u>, providing reasonable notice to Interested Parties of the decision to cancel them.

Hearing agendas

Please note that generally for Issue Specific Hearings the ExA will aim to publish a detailed draft agenda on the project website in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA.

Further information on the Open Floor Hearing (OFH1), Issue Specific Hearing 1 into the draft Development Consent Order (ISH1) and Issue Specific Hearing 2 on the principle of the Proposed Development (ISH2) can be found in **Annexes F** and **G** respectively.

Procedure at hearings

The Examination will principally be a written process (see the Planning Inspectorate's <u>Advice Note 8.4: The Examination</u>), supplemented where necessary by various types of hearings. Please refer to the <u>Advice Note 8.5: Hearings and site inspections</u> and <u>Advice Note 8.6: Virtual Examination events</u> as these provide important information about hearing procedures.

The procedure to be followed at hearings is set out in Rule 14 of The Infrastructure Planning (Examination Procedure) Rules 2010. The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties.

Hearing livestream and recording

A link to a livestream for each hearing will be made available on the <u>project webpage</u> shortly before any hearing is due to open. The livestream is available to anybody who wishes to observe a hearing in real time.

All hearings are recorded, and the recordings will be made available on the <u>project</u> <u>webpage</u> as soon as practicable after the close of the hearing. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed.

Agenda for and further information on the Open Floor Hearing (OFH1)

This document provides the agenda for and further information on OFH1 as notified by the Examining Authority (ExA) in **Annex E.**

Date: Tuesday 17 October 2023

Time 2:00pm (seating and online registration from 1:30pm)

Venue: Hilton Cambridge City Centre, 20 Downing St, Cambridge

CB2 3DT and online using Microsoft Teams

Access and parking: Please contact the venue for information.

Online access: Details will be emailed to registered attendees ahead of

the event. If you have not registered you will be able to watch a livestream, the link will be published on our

website shortly before the event starts.

The following agenda is indicative and may be amended by the ExA at the start of the hearing session.

Agenda for OFH1

Item	Matters
1	Welcome, introductions and arrangements for the hearing
2	Purpose of the OFH
3	Confirmation of those who have notified the ExA of a wish to be heard at the OFH
4	Oral submissions from Interested Parties (IPs) Each IP who has indicated a wish to speak will be invited forward in turn to speak at a table set up in front of the ExA, or via Microsoft Teams if attending online. Following each submission, the ExA may wish to ask the speaker questions.
5	Responses by the Applicant The Applicant will be invited to respond to matters raised and to questions arising from the ExA either orally after all IPs have spoken, or in writing by 20 November 2023 (Deadline 1).
6	Close of the OFH

Participation, conduct and management of OFH

Participation by speakers

At an OFH, each Interested Party (IP) is entitled (subject to the ExA's powers of control over the conduct of the hearing) to make oral representations about the application. The ExA may request those who wish to speak on the same topic to select one person to put forward their views. If, on the day, there are other individuals present who wish to make submissions that have not already been made it will be open to the ExA to use its discretion to hear any relevant submissions from those present should time permit.

Oral submissions should be based on representations previously made in writing by the particular participant. However, representations made at the hearing should not simply repeat matters previously covered in a written submission, but rather provide further detail, explanation and evidential corroboration to help inform the ExA.

Once you have spoken at one OFH you do not normally have a right to speak again at another. It is important that you use your allotted time well to communicate your messages to the ExA.

It would also assist the ExA if copies of any written summaries of the cases put orally are submitted to the Planning Inspectorate by **Deadline 1**, **20 November 2023** of the draft Examination Timetable.

The Applicant

The ExA asks that the Applicant attend the OFH. The ExA will invite the Applicant to address questions raised by participants in summary form at the end of each hearing. The primary purpose of these hearings is not to enable the Applicant to make its own case beyond immediately necessary points of clarification. The Applicant's responses to participants oral cases should also be made in writing by **Deadline 1, 20 November 2023** of the draft Examination Timetable.

Contingencies

The ExA will endeavour to hear all participants. If the OFH, or parts of it, are unable to proceed, for example for technical reasons, then the ExA may adjourn incomplete business to reserved hearings later in the Examination Timetable. Notice of any adjournments will be provided on the project page of the National Infrastructure Planning website.

Online participation

The OFH will take place in person and virtually using Microsoft Teams. Further information about virtual events can be found in the Planning Inspectorate's Advice Note 8.6: Virtual examination events. Further information, including a short video of how to take part in a virtual event is available on the website.

Please contact the Case Team if you have any questions about using Microsoft Teams or if you would like to test your access arrangements.

<u>Further information on the Issue Specific Hearing into the draft Development Consent Order (ISH1)</u>

This document provides further information for the Issue Specific Hearing into the draft Development Consent Order (dDCO) as notified by the Examining Authority (ExA) in **Annex E**.

Date: Wednesday 18 October 2023

Time 9:30am (seating and online registration from 9am)

Venue: Hilton Cambridge City Centre, 20 Downing St, Cambridge

CB2 3DT and online using Microsoft Teams

Access and parking: Please contact the venue for information.

Online access: Details will be emailed to registered attendees ahead of

the event. If you have not registered you will be able to watch a livestream, the link will be published on our

website shortly before the event starts.

A public livestream of the meeting will be made available on the <u>project webpage</u> shortly before the meeting is due to open. The livestream is available to anybody who wishes to observe the meeting.

Background

This early hearing on the dDCO is being held to address matters, issues and questions identified by the ExA during the Initial Assessment of Principal Issues as listed in **Annex C**. The ExA will not examine matters arising from the content of individual Relevant Representations (RRs) at this hearing. These are matters that will be the subject of consideration as the Examination progresses, in writing or orally as required, following the submission of Written Representations (WRs).

The ExA considers that it is expedient to examine some matters, issues and questions orally at the outset of the Examination in order to ensure that technical and legal matters arising from the dDCO are identified and considered as early as possible. This hearing, and any subsequent hearings, will be held without prejudice to the ExA's consideration of the broader planning merits of the application.

All IPs are invited to attend the hearing and each IP is entitled to make oral representations at the hearing.

It would be useful to the ExA if the following parties could attend and participate in ISH1 into the dDCO:

- Anglian Water Services Limited (the Applicant)
- Cambridgeshire County Council
- Cambridge City Council
- South Cambridgeshire District Council
- East Cambridgeshire District Council
- Environment Agency

- Natural England
- Historic England
- Homes England
- Any statutory undertakers or other organisations with an interest in the drafting of the dDCO and its provisions (such as protective provisions), including but not limited to Cadent Gas Limited, National Highways, Network Rail Infrastructure Limited and Conservators of the River Cam
- Any other Interested Parties (IPs) with an interest in the drafting of the dDCO, the implementation or discharge of proposed articles, requirements or other provisions.

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. Guidance under the Planning Act 2008 (PA2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

A detailed agenda will be published on the project page before the hearing.

Purpose of ISH1

The main purpose of the first dDCO Hearing is to undertake an Examination of the dDCO Articles and Schedules.

In particular, to consider:

- Issues around how the dDCO is intended to work what would be consented, the extent of the powers and what requirements and agreements are proposed;
- Any possible issues of prevention, mitigation or compensation which are not covered by the dDCO as currently drafted;
- The justification for any changes from established practice;
- The need for changes to other legislative provisions;
- The need for protective provisions and their scope; and
- The initial views of other IPs as to the appropriateness, proportionality or efficacy of the proposals.

This hearing will not examine the detailed content of provisions relating to the Compulsory Acquisition of land or rights or Temporary Possession of land. The draft Examination timetable proposes separate Compulsory Acquisition Hearings on these topics and they may also be returned to in subsequent dDCO ISH.

All Examination documents are provided with a unique identification number for referencing purposes shown in square brackets []. The application version of the dDCO (Revision 2) has the reference [APP-009].

<u>Further information on the Issue Specific Hearing into the principle of the Proposed Development (ISH2)</u>

This document provides further information for the Issue Specific Hearing into the principle of the Proposed Development, as notified by the Examining Authority (ExA) in **Annex E.**

Date: Wednesday 18 October 2023

Time: 2:00pm (seating and online registration from 1:30pm)

Venue: Hilton Cambridge City Centre, 20 Downing St, Cambridge

CB2 3DT and online

Access and parking: Please contact the venue for information.

Online access: Details will be emailed to registered attendees ahead of

the event. If you have not registered you will be able to watch a livestream, the link will be published on our

website shortly before the event starts.

A public livestream of the meeting will be made available on the <u>project webpage</u> shortly before the meeting is due to open. The livestream is available to anybody who wishes to observe the meeting.

Background

This early hearing on the principle of the Prosed Development is being held to address matters, issues and questions identified by the ExA during the Initial Assessment of Principal Issues as listed in **Annex C**.

All IPs are invited to attend the hearing and each IP is entitled to make oral representations at the hearing.

It would be useful to the ExA if the following parties could attend and participate in ISH2 into the principle of the Proposed Development:

- Anglian Water Services Limited (the Applicant)
- Cambridgeshire County Council
- Cambridge City Council
- South Cambridgeshire District Council
- East Cambridgeshire District Council
- Environment Agency
- Natural England
- Historic England
- Homes England
- National Trust
- Save Honey Hill Group
- Any other Interested Parties (IPs) with an interest in matters relating to the principle of the Proposed Development.

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. Guidance under the Planning Act 2008 (PA2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

A detailed agenda will be published on the project page before the hearing.

Purpose of ISH2

The main purpose of the hearing is to undertake an Examination of the principle of the Proposed Development, and in particular, to consider:

- Whether the application falls to be determined under s104 or s105 of PA2008
- Whether the Proposed Development is a Nationally Significant Infrastructure Project for the purposes of PA2008
- Relevant national and local planning policy
- The definition of the Proposed Development, its scope and whether this has been sufficiently addressed / assessed
- Consideration of the SoS's s35 Direction, the Proposed Development and its elements (including the visitor centre, office floorspace and workshop)
- Whether there is a demonstrable need for the Proposed Development
- Consideration of direct benefits and wider benefits of the Proposed Development and degree of weight to be afforded to these
- To what degree any benefits could be achieved without the relocation of the existing WWTP
- Degree of certainty for redevelopment of the existing WWTP site
- Contingencies for housing and infrastructure should development consent not be granted
- The implications of any relevant National Infrastructure decisions or High Court / Court of Appeal judgments
- Adequacy of consideration of alternatives, including remaining on / upgrading / consolidating the existing WWTP site
- The adequacy of, and potential for, the existing WWTP to serve any future growth in its catchment area and to meet relevant environmental standards
- Adequacy of and justification for site selection

Procedural Decisions made by the Examining Authority

The Examining Authority (ExA) has made the following Procedural Decisions under Section 89(3) of the Planning Act 2008 (PA2008):

1. Statements of Common Ground (SoCG)

The aim of a SoCG is to provide focus and save Examination time by identifying matters which are not in dispute or need not be the subject of further evidence. In particular, the SoCG should identify where the differences between parties lie and the reasons for any disagreement or outstanding matters.

The SoCG need not include a verbatim list of discussions to date but rather a concise summary of the overall timescale and principal events which have led to the current position of agreement and / or disagreement.

The SoCG should be agreed between the Applicant and the other relevant Interested Parties (IP) as listed below and **submitted by the Applicant** at the deadlines as set out in the draft Examination Timetable at **Annex D**.

In relation to some of the Principal Issues identified in **Annex C**, the ExA would be assisted by the early preparation of SoCGs between the Applicant and certain IPs. The draft Examination Timetable at **Annex D** establishes **Deadline 1** for submissions of initial SoCG. The ExA expects the Applicant to continue working with the IPs, and to submit regular updates. The Applicant is to provide a final signed and agreed SoCG for each IP by **Deadline 7**, if not provided in a previous deadline.

For each of those areas that are in dispute, it would be beneficial if each party would put their estimation as to the likelihood that disagreement will remain by the end of the Examination. This should be done on a 'Low', 'Medium' and 'High' traffic light model. This will allow the ExA to assess those areas where oral discussions may be most beneficial. SoCG are requested to be prepared between the Applicant and the following named parties:

Party

Topics to include but not limited to:

- A. Cambridgeshire County Council
- B. Cambridge City Council
- C. South Cambridgeshire District Council
- D. Natural England
- E. Environment Agency
- F. Historic England
- G. National Highways
- H. Network Rail Infrastructure Limited
- Waterbeach Level Internal Drainage Board
- J. Swaffham Internal Drainage Board
- K. Conservators of the River Cam

- As applicable, for its area of responsibility, the matters listed under the relevant headings in the ExA's Initial Assessment of Principal Issues.
- Any matters raised in its Relevant Representation.
- The draft Development Consent Order and any relevant articles, requirements and provisions (including protective provisions as applicable).

- L. National Trust
- M. Wildlife Trust for Bedfordshire,Cambridgeshire andNorthamptonshire
- N. Cadent Gas Limited
- O. Cambridge Water
- P. Eastern Power Networks
- Q. Save Honey Hill Group
- R. Waterbeach Development Company LLP
- S. East of England Ambulance
 Service Trust (including on behalf
 of the Fire and Rescue Service)

- A summary of matters agreed; and a summary statement of matters not agreed or outstanding.
- Details of any supplementary agreements, such as for instance draft Section 106 Agreements.
- If a statutory undertaker, impacts on operations.
- Any other matters on which agreement might aid the running of the Examination and assist the ExA's recommendation to the Secretary of State.

The above list may be added to during the course of the Examination and should not be taken as precluding any IP not listed and the Applicant from drafting a SoCG.

The suggested content of the SoCG, listed above, is indicative and should not be taken to preclude the inclusion of any other matters that parties consider important and relevant.

Additionally, SoCGs should cover the following topics where relevant (this may be added to as the Examination progresses):

- Planning policy compliance
- Methodology for environmental impact assessment including assessment of cumulative effects
- Data collection methods
- Baseline data
- Data / statistical analysis, approach to modelling and presentation of results
- Full expression of expert judgements and assumptions
- Identification and sensitivity of relevant features and quantification of potential impact
- Likely effects, including construction, operational and decommissioning effects
- Feasible and deliverable mitigation and method for securing such mitigation within the DCO
- Outline environmental management plans

All of the SoCG listed above should cover relevant articles, requirements and other provisions in the draft Development Consent Order. Any IP seeking for an article, requirement or other provisions to be reworded should provide the form of words being sought in the SoCG.

Where a particular SoCG cannot be agreed between the parties by **Deadline 1**, or, in so far as any local authority position represents an officer level view only, draft versions of that SoCG are requested to be **submitted by the Applicant** at

Deadline 1. The position of the relevant IPs should then be confirmed in the course of the Examination.

The content of SoCGs will help to inform the ExA about the need to hold any Issue Specific Hearings during the Examination, and to enable the ExA and the Applicant to give notice of such hearings at least 21 days in advance of them taking place. In addition, the ExA requests that at the relevant deadlines set out in the draft timetable, the Applicant provides a Statement of Commonality of Statements of Common Ground to provide an update on progress with SoCGs, an overview of where the areas of agreement and dispute between the IPs are, and a likely timescale for submission.

2. Updated Documents

The ExA requests that at each deadline, the Applicant provides an updated application document tracker (Guide to the Application [APP-003]) which provides a list of the most up-to-date documents before the Examination. A final version must be submitted at **Deadline 7** before the close of the Examination.

When documents are updated, as is standard in Examinations, the ExA requests that two copies are provided – a 'clean' copy and a 'track changed' version, showing alterations from the previous iteration. This helps assist the ExA and IPs keep track of changes from deadline to deadline.

3. Local Impact Reports (LIR)

The ExA requests a LIR from Cambridgeshire County Council, Cambridge City Council and South Cambridgeshire District Council, the host Local Authorities, and welcomes LIRs from any other relevant local authorities who may wish to submit one, particularly, but not limited to, East Cambridgeshire District Council.

All LIRs are requested to be submitted into the Examination no later than by **Deadline 1**.

4. Closing submissions

The ExA requests that the Applicant and all IPs submit their closing submissions at the final **Deadline 7**, detailing the respondent's closing positions at the close of the Examination on their principal issues.

5. Additional Submissions

The ExA exercised its discretion to accept Additional Submissions from the following:

- Canal and River Trust [AS-001]
- GTC Ltd [AS-002]
- Huntingdonshire District Council [AS-003]
- Dina Archer [AS-004]
- Alison Muhr [AS-005]

The ExA exercised its discretion not to accept Additional Submissions from the Applicant. The submitted documents, dated 18 July 2023 and received on 14 August

2023, will not be accepted into the Examination. The reasons for this include that they were not supported by a cover letter to explain any changes, track changed versions were not provided to make clear any changes, version numbers and dates appear incorrect on many of the documents and there were blank or incomplete documents (eg. 5.4.9.1 Asset Management Plan). A <u>Procedural Decision</u> was made on 10 August 2023 requesting information from the Applicant by **29 September 2023**. Please include all documents and information which the Applicant wishes the Examining Authority to consider accepting as part of the application by that date, in clean and track changed versions (as is standard practice for development consent applications), with correct version numbers / dates and with a cover letter explaining the changes.

6. Accompanied Site Inspection – suggested locations

The draft Examination Timetable at **Annex D** to this letter includes a date reserved for an Accompanied Site Inspection (ASI) in the week commencing **8 January 2024**.

The Applicant is requested to prepare a proposed itinerary for the ASI to be submitted by **PDA**. This could include:

- any relevant locations referred to in the Relevant Representations received;
- any other locations at which the Applicant has predicted likely significant environmental effects

The ExA requests that Interested Parties comment on the Applicant's proposed itinerary by **Deadline 1.** If a request is made for a location to be included then the following is required:

- sufficient information to identify the location;
- the issues to be observed at the location;
- information on whether the site can be accessed via public land; and
- the reason why the location has been suggested.

The ExA will consider each suggested site location, including those provided in the Applicant's proposed itinerary, to determine if it could be viewed from public land on an unaccompanied basis or if it is necessary to view it on an accompanied basis. The ExA will also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of an Unaccompanied Site Inspection on an access required basis.

When suggesting locations, please have regard to the places already visited by the ExA on any Unaccompanied Site Inspections (USIs) it undertakes. A note of any USI undertaken by the ExA will be published on the <u>project webpage</u> of the National Infrastructure Planning website.

The ExA intends to publish its final itinerary before the ASI.

ASIs are not an opportunity to make any comments to the ExA about the **Proposed Development**. Participants may be invited by the ExA to indicate specific features of interest.

7. Request for Further Information

In addition, the ExA issued a <u>procedural decision</u> on 10 August 2023 requesting further information from the Applicant by 29 September 2023. Further to that, we wish to highlight to the Applicant that any updated documents should be submitted in both clean and track changed versions and a cover letter to be provided to explain reasons for any changes and any new documents provided.

8. Request to become an Interested Party

The ExA confirms that the Cambridgeshire and Peterborough Police and Crime Commissioner has become under s102(ca) of the Planning Action 2008

Information about submitting documents at Examination deadlines

The Make a submission tab will be available on the <u>project webpage</u> in advance of each deadline.

You will need to enter your unique reference number ('Your ref' found at the top of your postcard or email from the Planning Inspectorate) beginning either '2002', 2003', '2004', 'CWWT-AFP', 'CWWT-S57', 'CWWT-APL', 'CWWT-SP', 'CWWT-OP'. If you are making a submission on behalf of another person or organisation, and do have not your own unique reference number, then you should enter the unique reference number of the person or organisation you are representing. If you are not a registered Interested Party, then it is at the discretion of the Examining Authority whether or not your submission is accepted.

Submissions will be published on the <u>project webpage</u> as soon as practicable following the close of the relevant Deadline. For further information about publishing submissions please view our <u>Privacy Notice</u>.

You will be able to submit a document (upload file), make a text representation or both. It is possible to upload multiple files for each individual submission item. Electronic attachments should be clearly labelled with the subject title and not exceed 50MB.

Submissions **must not include hyperlinks** to documents or evidence hosted on a third party website eg technical reports, media articles etc. See the Planning Inspectorate's <u>Advice Note 8.4: The Examination</u> for further information about making written submissions.

All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website.

Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

You should select the relevant Deadline for your submission and then, on the next webpage, select the appropriate Submission item as described in the Examination Timetable at **Annex D** to this letter. Please ensure you make a separate submission for each Submission item and **do not duplicate your submission**. If you consider that your submission does not fit the description of any of the Submission items then please select the Submission item 'Other' and ensure that it is titled appropriately.

If you experience any issues when using the Make a submission tab please contact the Case Team using the contact details at the top of this letter and they will assist.

Availability of Examination Documents

The application documents and Relevant Representations are available on the project webpage of the National Infrastructure Planning website.

All further documents submitted in the course of the Examination will also be published under the Documents tab at the above location.

The Examination Library

For ease of navigation, please refer to the Examination Library (EL) which is accessible by clicking the blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- Each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority (ExA).

Each document is given a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the project webpage is also provided. Please use the unique reference numbers applied in the EL when referring to any Examination Documents in any future submissions that you make.

Electronic deposit locations

Documents can be viewed electronically, free of charge, at the electronic deposit location listed in the table below.

The opening hours, and availability of equipment set out in the table below may be subject to changes. Please check with the relevant location before you attend.

Local authority	Venue and address	Opening hours	Printing costs
Cambridgeshire	Cambridge Central Library, Grand Arcade, 7 Lion Yard, Cambridge CB2 3QD	Monday, Tuesday, Thursday, and Friday: 9.30am to 6pm Wednesday 9.30am to 7pm Saturday: 10am to 6pm Sunday: 12pm to 4pm	Black and white A4: 20p A3: 40p Colour: A4 75p A3 1.25
Cambridgeshire	Barnwell Road Library 87 Barnwell Road, Cambridge CB5 8RQ	Monday Closed Tuesday 10am to 5pm Weds: 10am to 5pm Thursday: 2pm to 5pm Friday: 2pm to 5pm	Black and white A4: 20p A3: 40p Colour A4: 75p

		Saturday: 10am to 1pm Sunday Closed	
East Cambridgeshire	East Cambridgeshire District Council The Grange, Nutholt Lane, Ely, CB7 4EE	Monday to Thursday: 8.45am to 5pm Friday: 8.45am to 5.30am Bank holidays and weekends: Closed	Black and white Less than 10 A4 or A3 pages: free More than 10 A4 pages: £1.30 plus 10p per copy More than 10 A3 pages: £1.30 plus 20p per copy

The following locations can provide access to the documents online but do not have printing facilities.

Location	Opening times
Bottisham Library Access Point. Bottisham Village College, Lode Road, Cambridge, CB25 9DL	Tuesday: 6pm to 8pm Thursday: 3pm to 5pm Saturday: 10am to 12pm
Waterbeach Library Community Centre, High Street, Waterbeach, Cambridge CB25 9JU	Monday: 2.45pm to 5pm Tuesday: Closed Wednesday: 2.45pm to 5pm and 6pm to 8pm Friday: 2pm to 5.30pm Saturday: 10am to noon Sunday: Closed
St Peter's Church, St. John's Lane, Horningsea, Cambridge CB25 9JQ	Wednesday: 10am to 3pm Sunday: 10am to 3pm