

## Planning Act 2008 – section 91

### Application by Anglian Water Services Limited for an Order Granting Development Consent for the Cambridge Waste Water Treatment Plant Relocation project (Ref WW010003)

### Agenda for Issue Specific Hearing 2 (ISH2) dealing with the principle of the Proposed Development: Wednesday 18 October 2023 at 2:00pm.

Notification of the date, time and attendance instructions for ISH2 was provided in the Examining Authority's (ExA) [Rule 6 letter](#) dated 19 September 2023. The purpose of ISH2 is also explained in that letter, in **Annex G**.

<b>Date:</b>	<b>Wednesday 18 October 2023</b>
<b>Seating available/ Arrangements Conference from:</b>	<b>1:30pm</b>
<b>Meeting start time:</b>	<b>2:00pm</b>
<b>Venue:</b>	<b>Hilton Cambridge City Centre, 20 Downing Street, Cambridge CB2 3DT and Virtual event (Microsoft Teams<sup>1</sup>)</b>
<b>Access and parking:</b>	<b>Please contact the venue for information</b>

### Arrangements Conference (if attending virtually)

Please join at 1:30pm. The Case Team will admit you from the virtual lobby and register your attendance. The lobby is silent, so please be patient and we will admit you as soon as possible.

Where necessary breaks will be provided during the ISH in recognition of the fatigue associated with on-screen communication during virtual events.

### Agenda

- 1. Welcome, introductions and arrangements for the hearing**
- 2. The principle of the Proposed Development**

The ExA will ask questions around the principle of the Proposed

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<sup>1</sup> Full instructions on how to join online or by phone will be provided in advance of the meeting to those who register to participate  
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Development, including matters around policy and legislative context, need, scope of development, alternatives and site selection. Further details are provided within **Annex A** of this Agenda.

The ExA expects responses to questions to be concise and to the point.

### **3. Review of issues and actions arising**

- The ExA will address how any actions placed on the Applicant are to be met

### **4. Any other matters**

### **5. Closure of the hearing**

## **Notes on participation, conduct and management of the hearing**

All IPs are invited to attend issue specific hearings. The event will also be livestreamed and a link for watching the livestream will be posted on the project page of the National Infrastructure Planning website closer to the event date.

Each IP is entitled to make oral representations at the Hearing. However, this is subject to the Examining Authority's (ExA) power to control the Hearing. In addition, IPs may wish to co-ordinate oral representations in the interests of efficiency and to avoid repetition.

The ExA would find it helpful for the following attendees to participate in ISH2:

- **Anglian Water Services Limited (the Applicant)** - including representatives of the Applicant who are in a position to discuss the matters on the agenda;
- **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 the matters on the agenda.

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.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. The hearing will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing, it may be necessary to prioritise matters and defer others to written questions.

The agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

All Examination documents are provided with a unique identification number for referencing purposes shown in square brackets [].

The evidence presented orally at ISH2 should be included in post-hearing submissions and submitted by **Monday 20 November 2023 (Deadline 1)**.

### *Contingencies*

The ExA will endeavour to hear all participants. If the ISH, or parts of it, is 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.

### **Microsoft Teams**

The ISH 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:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>

Further information, including a short video regarding taking part in a Planning Inspectorate virtual event, can be found on the Planning Inspectorate's website:

<https://www.gov.uk/government/publications/planning-inspectorate-virtual-events-guide-to-participating>

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](mailto:cambridgewwtpr@planninginspectorate.gov.uk)

0303 444 5000

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## **Annex A**

### **Whether the Proposed Development is a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 (PA2008)**

- Secretary of State's (SoS) direction under s35 of PA2008 to treat the Proposed Development as a 'project of national significance' for which development consent is required and whether an NSIP
- Main differences between the consideration of a NSIP and of a 'project of national significance' for which development consent is required
- Clarification of the national significance of the Proposed Development

### **SoS s35 Direction, the Proposed Development and its elements**

- Whether all elements of the application fall within that specified within the SoS s35 direction, including the Gateway building / Discovery Centre, office floorspace, amount of parking and workshop
- Whether these fall within the definition of associated or ancillary development
- Justification / need for these elements
- Whether the SoS was made aware that the site for the proposed Waste Water Treatment Plant (WWTP) would occupy a Green Belt location

### **Whether the application falls to be determined under s104 or s105 PA2008**

- National Policy Statement for Waste Water (NPSWW) and whether it has effect in relation to the Proposed Development
- Projects which NPSWW covers and whether this includes the Proposed Development
- Whether any parts of NPSWW might be considered to be out of date given designation in 2012 and any implications for decision-making (and if so how should these parts be dealt with)
- Whether there are any additional considerations arising from Government policy since the designation of NPSWW that should be taken into account
- Differences for the reporting on and consideration of an application under s104 and s105

### **Relevant national and local planning policy**

- Compliance or otherwise with the policies of NPSWW
- Compliance or otherwise with other relevant planning policy, including development plans
- Whether the development plans require the relocation of the existing WWTP in policies relating to North East Cambridge
- Weight afforded to emerging development plan policy and associated documents (i.e. North East Cambridge Area Action Plan (NECAAP))

## **The definition of the Proposed Development, its scope and whether this has been sufficiently addressed and assessed**

- Adequacy of cumulative assessments given reported link between the Proposed Development and the demolition, remediation and potential future redevelopment of the existing WWTP site
- The reasons these matters are not secured through the dDCO

## **Whether there is a demonstrable need for the Proposed Development**

- Whether NPSWW sets out a presumption in favour of development in relation to only those projects specified within it or within the Environment Agency's National Environment Plan (NEP)
- Whether need should be demonstrated for projects which are not named in NPSWW or the NEP
- Whether there is a need for a new or relocated WWTP in its own right
- Whether the Environment Agency intends to include the Proposed Development within any future NEP
- Whether NPSWW makes provision for waste water development to satisfy an alternative need / desire, such as housing delivery
- Whether the adopted development plans for the area identify a need for the Proposed Development in the form applied for
- Whether any other DCO applications reliant on housing delivery / urban regeneration to justify relocation of infrastructure or any other development to be facilitated by a DCO but not included in it
- How the SoS s35 direction should be considered in the principle and need context
- Clarification around any recent upgrades to the existing WWTP
- Whether there is sufficient capacity or whether additional capacity could be created at the existing WWTP and Waterbeach Recycling Centre for growth in the relevant catchment area during the forthcoming Local Plan period(s) and to meet any relevant environmental standards

## **Consideration of direct benefits and wider benefits of the Proposed Development and weight to be afforded to these / Whether any benefits could be achieved without the relocation of the existing WWTP**

- Identification of the main (direct and wider) benefits put forward by the Applicant (and noting paragraph 3.13 of NPSWW)
- Whether any of these could be achieved at the existing WWTP
- Consideration of weight to afford to housing delivery / urban regeneration as a benefit (noting the unallocated status of the existing WWTP site for housing, demolition / remediation / housing delivery not secured through the dDCO, no specific policies within the current development plans for relocating the existing WWTP to the site proposed and draft policies and associated documents in the emerging Local Plan not yet formally examined)
- Whether any benefits associated with the proposed WWTP, excluding any relating to housing delivery / urban regeneration, would be sufficient

on their own to meet the relevant tests relating to, for example, Green Belt and heritage harm (and any other reported harms)

**Degree of certainty for redevelopment of the existing WWTP site / Contingencies for housing and infrastructure should development consent not be granted**

- Consideration of the Applicant's reported obligation within its s35 application to enable housing development to start on the existing CWWTP site by 31 March 2028 and likelihood of meeting this target
- Matters around any development agreement between the Applicant and Homes England and any other parties
- Degree of certainty that the existing WWTP site would be suitable for housing development (for example, in terms of contamination)
- Degree of certainty that the NECAAP would be found sound and adopted and timescales for this (and for the emerging Local Plan)
- Whether the development trajectory within the NECAAP requires any amendments
- Extent that the relevant authorities could meet any housing targets without the relocation of the existing WWTP
- Contingencies for the Waterbeach pipeline
- If the DCO application is not consented, whether development of other parts of NEC could still be progressed in the absence of an adopted NECAAP, and what the approximate timescale for preparing and adopting a revised AAP would be

**The implications of any relevant National Infrastructure decisions or legal judgments**

- Relevance of Court of Appeal's recent judgement in R. (oao Ashchurch Rural Parish Council) v Tewkesbury Borough Council [2023] EWCA Civ 101 to the application and any implications for it

**Adequacy of consideration of alternatives, including remaining on / upgrading / consolidating the existing WWTP site / Adequacy of and justification for site selection**

- Whether consolidating the existing WWTP on its current site and potential for housing delivery has been adequately considered
- Whether leaving the existing WWTP in its current configuration has been considered
- Whether in the case of the existing WWTP being reconfigured or not, measures have been explored to mitigate odours and facilitate sensitive development within 400m of the WWTP
- Whether all non-Green Belt sites have been adequately considered and justifiably discounted
- Noting some relevant representations, whether the reasons given to discount other potential sites for the proposed WWTP have been adequately justified, including 'Site 2'