

**Cambridge Waste Water Treatment Plant Relocation Project**  
Anglian Water Services Limited

# Explanatory Memorandum

Application Document Reference: 2.2  
PINS Project Reference: WW010003  
APFP Regulation No. 5(2)(c)

**Revision No.3**  
November 2023

**Anglian Water Services Limited**

**The Cambridge Waste Water Treatment Plant Relocation Order 202X**

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**EXPLANATORY MEMORANDUM**

**THE PLANNING ACT 2008**

**THE INFRASTRUCTURE PLANNING (APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE)  
REGULATIONS 2009**

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**REGULATION 5(2)(c)**

**Document Control**

<b>Document title</b>	Explanatory Memorandum (Application Reference 2.2)
<b>Version No.</b>	01 (Application Submission)
<b>Date</b>	January 2023
<b>Version No.</b>	02 (Application Re-Submission)
<b>Date</b>	April 2023
<b>Version No.</b>	03 (Deadline 1 Update)
<b>Date</b>	November 2023

## 1. Introduction

- 1.1 This Explanatory Memorandum has been prepared on behalf of Anglian Water Services Limited (“the Applicant”) to explain the purpose and effect of each Article of and Schedule to the draft The Cambridge Waste Water Treatment Plant Relocation Order (“Order”). It forms part of the application (“Application”) for a Development Consent Order (“DCO”), that has been submitted to the Secretary of State (the “SoS”) for Environment, Food and Rural Affairs under section 37 of the Planning Act 2008 (the “2008 Act”).
- 1.2 This memorandum has been updated for Deadline 1 of the Examination of the DCO and explains the purpose and the effect of provisions in the updated draft DCO submitted at the same deadline (document reference: 2.1 (revision 05)), as required by Regulation 5(2)(c) Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (“the 2009 Regulations”).
- 1.3 The Applicant sought a direction from the SoS for Environment, Food and Rural Affairs under section 35 of the 2008 Act as to whether its proposed development would be treated as nationally significant infrastructure and which should be treated as requiring development consent. A direction was given by the Secretary of State on 18 January 2021 confirming that the proposed development is to be treated as development of national significance for which development consent is required (“the Section 35 Direction”). The Section 35 Direction is appended to the Planning Statement (Application document reference 7.5, Examination Library reference AS-130) and states:

*THE SECRETARY OF STATE HEREBY DIRECTS that the proposed development, namely, the Cambridge Waste Water Treatment Plant Relocation Project, is to be treated as development for which development consent is required. Any development consent order application for the proposed development may also include any matters that may properly be included in a development consent order (within the meaning of section 120 of the Planning Act) including ancillary matters (section 120(3)) and associated development (within the meaning of section 115(2) of the Planning Act).*

- 1.4 The Section 35 Direction refers to the “project” as explained and defined in the request for the direction. This states:

*The Secretary of State notes that the applicant describes the proposed project as encompassing the following:*

- *a waste water treatment plant and sludge treatment centre, described as ‘integrated’;*
- *connecting tunnels to convey the waste water and the materials it contains from the existing Cambridge Waste Water Treatment Plant inlet works to the proposed project, including complex construction of new deep and large scale tunnels to be constructed under the A14 and other intervening infrastructure and the interception of existing sewerage systems to divert flows to the new works;*

- *connecting tunnels or pipes intercepting waste water from Waterbeach New Town to convey it to the proposed project;*
  - *tunnels or pipes taking treated effluent from the proposed project to a discharge point on the River Cam;*
  - *the production of bio-gas through anaerobic digestion for conversion into renewable energies for use on site and/or storage and export,*
- as set out under the “The Project” in the email<sup>1</sup>. This includes the delivery of any “associated development” (within the meaning of section 115(1)(b) of the Planning Act) and ancillary matters.*

- 1.5 As stated, the Section 35 Direction refers to the “Project” which includes the principal elements of the development but also other elements as associated development and ancillary matters, examples of which are discussed at paragraphs 1.13 and 1.14 below. The scope of what is ‘directed in’ by the Section 35 Direction therefore encompasses more than what would constitute a nationally significant infrastructure project pursuant to the terms of section 29 of the 2008 Act.
- 1.6 The Application therefore seeks development consent for the relocation of the Applicant’s existing Cambridge Waste Water Treatment Plant (“Cambridge WWTP”) from its current location on land adjoining the north eastern side of the city of Cambridge to land immediately north of the A14 and east of Horningsea Road. The authorised development (as defined in Schedule 1 to the Order) (Application document reference 2.1) will deal with the process of waste water treatment for the local catchment areas as well as completing the waste water treatment process for the wet sludge tankered in from local satellite facilities.
- 1.7 A detailed description of the authorised development is set out in the project description within the Environmental Statement submitted with the Application (Chapter 2 - Application document reference 5.2.2, Examination Library reference APP-034).
- 1.8 It is anticipated that subject to the Order having been made by the SoS, construction work on the authorised development would commence in 2024 at the earliest with permanent operation anticipated to commence in 2028.

### **Associated Development**

- 1.9 As noted above, the proposed development is the subject of the Section 35 Direction from the SoS. The draft DCO (Application document reference 2.1) does not seek to identify or separate the constituent parts of the proposed development as forming part of the development requiring development consent pursuant to the Section 35 Direction and associated development pursuant to the 2008 Act, rather, the “authorised development” is listed in Schedule 1 as being subject to the Section 35 Direction and including “associated development” within the meaning of the 2008 Act. The Section 35 Direction includes within the list of items noted as “the project” examples of what might be

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<sup>1</sup> Reference to “the email” in the Section 35 Direction is a reference to the Applicant’s letter, sent by email, requesting a direction pursuant to section 35 of the 2008 Act.

considered to constitute “associated development” and which are included as examples of such in the Guidance<sup>2</sup> published by the Department for Communities and Local Government (as it was then) (“the Guidance”) for waste water treatment plants. The Section 35 Direction then goes on to state that the Order may include associated development.

1.10 This approach to the holistic inclusion of the whole of the development as the “project” rather than separately identifying associated development is consistent to the drafting of other DCO which have been the subject of section 35 directions such as the Silvertown Tunnel Order 2018<sup>3</sup> and the Aquind Interconnector DCO<sup>4</sup>. However, the Applicant is aware that the Planning Inspectorate would consider it helpful for the Applicant to identify which elements of the authorised development would typically be “associated development” within the meaning of the 2008 Act and therefore lists these below for information. It is not proposed that the Order should separately define these, for the reasons explained above.

1.11 Section 115(1) of the 2008 Act provides that development consent may be granted for:

1.11.1 Development for which development consent is required; and

1.11.2 Associated development.

1.12 Associated development is defined in section 115(2) as:

1.12.1 development which is associated with the development for which development consent is required – this is addressed in the Guidance discussed below;

1.12.2 does not consist of or include the construction or extension of one or more dwellings (which the authorised development does not); and

1.12.3 which is carried out in one or more area as set out in section 115(3), (4), (4A). For the purposes of the authorised development, the associated development is located in England (section 115(3)(1))

1.13 The Guidance sets out the principles for the Secretary of State to take into account when determining whether or not development should be treated as associated development. In particular, it states:

*5...The definition of associated development.....requires a direct relationship between associated development and the principal development. Associated development should therefore either support the construction or operation of the principal development or help address its impacts....*

*Associated development should not be an aim in itself but should be subordinate to the principal development.*

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<sup>2</sup> Guidance on associated development applications for major infrastructure projects (April 2013)

<sup>3</sup> S. I. 2019 No. 574.

<sup>4</sup> Application under re-determination

*6. It is expected that associated development will, in most cases, be typical of development brought forward alongside the relevant type of principal development or of a kind that is usually necessary to support a particular type of project, for example (where consistent with the core principles above), a grid connection for a commercial power station.*

1.14 The Guidance goes on to give examples of general types of associated development, such as access arrangements, landscaping, noise barriers and working sites and examples of associated development specific to individual types of major infrastructure projects. For waste water treatment plants, the following examples are listed:

- Water transfer system, e.g., pumping station, water transfer tunnels, pipelines
- Waste water transfer systems
- Storage facilities (such as for sludge, grit, etc.)
- Sludge handling facilities, including incineration
- Power generation/distribution plant

1.15 As explained above, several of the above examples are noted in the Section 35 Direction as part of the “Project” and indeed are intrinsically part of the waste water treatment plant relocation which is the subject of the direction, such as the integrated sludge treatment centre and the transfer systems. As such, the Applicant does not consider these “associated development” for the purposes of the Order. However, as noted above, the Applicant has sought to identify in this Explanatory Memorandum the elements of the authorised development which could be categorised as associated development, to assist the Planning Inspectorate following pre-submission discussions. These are:

1.15.1 Access arrangements and highway works;

1.15.2 Parking;

1.15.3 The gateway building;

1.15.4 The workshop;

1.15.5 Public rights of way works including the new bridleway;

1.15.6 The various further works such as lighting, welfare facilities, drainage etc.

1.16 In light of the above and pursuant to the Section 35 Direction, the entirety of the authorised development may be properly included in the Order pursuant to section 115(1).

1.17 The commentary to the Articles, where appropriate, identifies the provisions in the 2008 Act which authorise the inclusion of such powers within a DCO.

## **2. The Applicant**

2.1 The Applicant is Anglian Water Services Limited.

## **3. The Purpose of the Order**

3.1 The purpose of the Order is to grant the Applicant development consent for a Nationally Significant Infrastructure Project. In summary the authorised development will comprise:

- an integrated waste water and sludge treatment plant.
- a shaft to intercept waste water at the existing Cambridge WWTP on Cowley Road and a tunnel/ pipeline to transfer it to the proposed WWTP and terminal pumping station. Temporary intermediate shafts to launch and recover the micro-tunnel boring machine.
- a gravity pipeline transferring treated waste water from the proposed WWTP to a discharge point on the River Cam and a pipeline for storm water overflows.
- a twin pipeline transferring waste water from Waterbeach to the existing Cambridge WWTP, with the option of a connection direct in to the proposed WWTP when the existing works is decommissioned.
- on-site buildings, including - a Gateway Building with incorporated Discovery Centre, substation building, workshop, vehicle parking including electrical vehicle charging points, fencing and lighting.
- environmental mitigation and enhancements including substantial biodiversity net gain, improved habitats for wildlife, extensive landscaping, a landscaped earth bank enclosing the proposed WWTP, climate resilient drainage system and improved recreational access and connectivity.
- renewable energy generation via anaerobic digestion which is part of the sludge treatment process that produces biogas designed to be able to feed directly into the local gas network to heat homes, or as an alternative potential future option burnt in combined heat and power engines.
- renewable energy generation via solar photovoltaic and associated battery energy storage system.
- other ancillary development such as internal site access, utilities, including gas, electricity and communications and connection to the site drainage system.
- a new vehicle access from Horningsea Road including for Heavy Goods Vehicles (HGV's) bringing sludge onto the site for treatment and other site traffic.
- temporary construction works including compounds, temporary highway controls, accesses and signage, fencing and gates, security and safety measures, lighting, welfare facilities, communication control and telemetry infrastructure.

- decommissioning works to the existing Cambridge WWTP to cease its existing operational function and to facilitate the surrender of its operational permits including removal of pumps, isolation of plant, electrical connections and pipework, filling and capping of pipework, cleaning of tanks, pipes, screens and other structures, plant and machinery, works to decommission the potable water supply and works to restrict access to walkways, plant and machinery.
- 3.2 In addition to providing for the construction and operation of the authorised development, the Order will, in accordance with section 120(3) and Schedule 5, and section 122 of the 2008 Act, authorise the acquisition of land and rights over land, and the extinguishment of, or interference with, interests in or rights over land. The Book of Reference (Application document reference 3.3, Examination Library reference AS-015) sets out a description of the land and interests included in the Order, and this is shown on the land plans (Application document reference 4.4, Examination Library reference AS-151). The Order provides for the areas which can be compulsorily acquired and what rights can be acquired, and other rights and interests that will be affected. The Order and the Book of Reference should be read together with the Statement of Reasons (Application document reference 3.1, Examination Library reference AS-013) which accompanies the Application and sets out the justification for the acquisition or interference with the Order land.
- 3.3 The areas of land to be used temporarily will comprise, broadly, land required for construction compounds, temporary working areas, and temporary construction accesses. The details for the restoration will be approved in writing by the relevant authority pursuant to the requirements in the Order.
- 3.4 The main components of the authorised development are summarised above. A more detailed description of the authorised development is provided at Schedule 1 'Authorised development' of the draft DCO and Chapter 2 of the Environmental Statement Volume 1 (Application document reference 5.2.2, Examination Library reference APP-034) and the areas within which each of the main components of the authorised development are to be built is identified on the Works Plans (Application document reference 4.3, AS-150).
- 3.5 The Order also provides for the provision of new public rights of way and temporary diversions as well as various powers relating to street works and traffic regulation orders. It also includes consent to remove certain identified hedgerows.

#### **4. Flexibility in the Order**

- 4.1 Article 6 of the Order provides that the authorised development may be carried out within identified limits of deviation with reference to the Works Plans and sections. The Order also includes a requirement to ensure that the development is confined to the parameters assessed in the Environmental Statement (Application document reference 5.2). This flexibility is in line with the Planning Inspectorate Advice Note Nine: Rochdale Envelope<sup>5</sup>. The maximum parameters are set out in Schedule 14 (parameters)

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<sup>5</sup> Version 3: July 2018.



of the Order and secured by requirement in Schedule 2, by reference to that parameters schedule.

## 5. Provisions of the Order

5.1 Part 1 of the Order confirms how it should be referred to, when it comes into force and defines terms used.

5.1.1 *Article 1 (Citation and commencement)* sets out what the Order may be cited as and when it comes into force.

5.1.2 *Article 2 (Interpretation)* sets out the meaning of various terms used in the Order.

5.1.3 The following terms have been included in the Order which do not appear in the Model Provisions and which are considered to require further explanation:

5.1.3.1 “completion of construction” means completion of the construction of the authorised development so that the same is complete and has been commissioned pursuant to the relevant construction contract or contracts;

5.1.3.2 “maintain” includes inspect, repair, adjust, alter, remove, clear, refurbish, reconstruct, re-lay, demolish, replace or improve the authorised development including undertaking any associated earthworks, or drainage work and maintenance under the LERMP, unless that activity would result in a significant environmental effect not assessed in the Environmental Statement. This provides the undertaker with the flexibility required to carry out a range of different activities, all of which may be needed for the purposes of maintenance.

5.1.4 With regard to the LERMP in particular, this is the Landscape, Ecological and Recreational Management Plan (Application Document reference 5.4.8.14, Examination Library reference AS-066). This details the landscape design and recreational connectivity of the authorised development and will therefore include an element of maintenance, for example, following the removal of a temporary construction compound, the site may be restored or improved in line with the LERMP. This will require an element of maintenance to ensure that the improvement is achieved.

5.2 Part 2 provides the principal powers for the Proposed Development

5.2.1 *Article 3 (Development consent granted by the Order)* provides the development consent for the ‘authorised development’ to be carried out within the Order limits.

5.2.2 Schedule 1 details the authorised development which is broken into ‘work numbers’ by reference to the Works Plans (Application document reference 4.3, Examination Library reference AS-150).

5.2.3 *Article 4 (Authorisation of use)* makes provision for the use of the authorised development. Article 4 reflects the terms of the model provisions. The Article includes the reference to “use” because, although section 157 of the 2008 Act authorises the use of buildings in respect of which development consent is granted, there is no similar provision related to land.

5.2.4 *Article 5 (maintenance of authorised development)* provides for the maintenance of the authorised development by the undertaker at any time. This is subject to any limitations in the Order. Its inclusion is permitted by section 120(3) of the 2008 Act which states:

*An order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted.*

Maintenance of the authorised development is clearly related to the development to be consented.

5.2.5 The Article confirms that the maintenance of highway works and protective provisions are not covered by Article 5.

5.2.6 *Article 6 (limits of deviation)* identifies the limits of deviation within which the authorised development must be constructed and maintained both laterally and vertically by reference to various plans/sections which identify those limits of deviation.

5.2.6.1 The lateral limits of deviation for the Works are as follows:

- (a) for work numbers 4, 6 and 16, a lateral deviation to the extent from the lines, situations or position shown on the Works Plans (Application document reference 4.3, Examination Library reference AS-150) for those works. ; and
- (b) for Work numbers 5, 7, 8, 9, 10, 11, 12, 13, 14, 16, 20, a lateral deviation of 50 metres in any direction but only up to the inner boundary of Work number 15.

5.2.6.2 The vertical limits of deviation for the Works are as follows:

- (a) for Work number 27, 2 metres upwards or downwards from the levels shown on the Design Plan – Sewer Tunnel and Longitudinal Section (Application document reference 4.12, Examination Library reference APP-026);
- (b) for Work numbers 31, 33 and 35: not exceeding 2 metres upwards but not less than 1 metre below finished ground level excluding air valves, chambers and manholes which will be at finished ground level as shown on the relevant sections (Application document reference 4.12 and document series 4.13, Examination Library references APP-026 and APP-027 (respectively)), or downwards as may be necessary or convenient;

- (c) for Work number 32: not exceeding 0.5 metres upwards, or downwards as may be found to be necessary or convenient;
- (d) for Work number 36 outside of the boundary of the existing Cambridge Waste Water Treatment Works: not exceeding 2 metres upwards but not less than 1 metre below finished ground level excluding air valves, chambers and manholes which will be at finished ground level, or downwards as may be found to be necessary or convenient; and
- (e) for Work number 36 inside of the boundary of the existing Cambridge Waste Water Treatment Works: not exceeding 2 metres upwards, or downwards as may be found to be necessary or convenient.

5.2.7 The Applicant requires the flexibility at Article 6(d) in order to accommodate, for example, existing services or ground conditions which may become apparent in future. Limits of deviation are addressed generally in Chapter 2 of the Environmental Statement (Project Description) (Application document reference 5.2.2, Examination Library reference AP-034). In particular, paragraph 1.7.3 confirms that realistic worst-case scenarios within the limits of deviation have been assessed in accordance with the Rochdale Envelope principle. Therefore, materially different environmental effects from those set out in the Environmental Statement will not arise by reason of potentially adjusted locations of project elements within the limits of deviation.

5.2.8 This approach is in accordance with the guidance set out in the Planning Inspectorate's Advice Notes 9 and 15 and is accepted as an appropriate way to provide for flexibility and address uncertainty, for example, ground conditions and to allow refinement through detailed design. It would not be practical for a development of this size to fully fix its design at this stage. The design will be refined following the grant of the Order and the limits of deviation provide the necessary flexibility alongside the maximum parameters which are fixed through requirement 4 and Schedule 14.

5.2.9 *Article 7 (benefit of the Order)* overrides section 156(1) of the 2008 Act (which is permitted by section 156(2)) and provides that the benefit of the Order is for the undertaker, rather than anyone with an interest in the land. Given the nature of the authorised development and the fact that powers of compulsory acquisition are sought it would be impracticable and inappropriate for the Order to be 'open' as to who may implement it, as might occur without this provision. The Article confirms that the Order shall have effect solely for the benefit of Anglian Water Services Limited, subject to the transfer of benefit provisions in Article 8.

5.2.10 *Article 8 (transfer of benefit of Order)* provides for the transfer of the whole or part of the benefit of the Order with the consent of the SoS, subject to certain exceptions. Consent is not required for transfer to CWRP Relocation Limited who is the appointed provider for the construction of the authorised

development. Further details about this arrangement are set out in the Funding Statement (Application document reference 3.2, Examination Library reference APP-013).

- 5.2.11 Certain powers of compulsory acquisition may not be transferred to CWRP Relocation Limited without the consent of the SoS. These are the powers in Articles 26 (compulsory acquisition of land), 28 (compulsory acquisition of rights and imposition of restrictive covenants), 29 (acquisition of subsoil only), 30 (acquisition of land limited to subsoil lying more than 7 metres beneath surface). As Anglian Water Services Limited will be the ultimate owner and operator of the authorised development, it is envisaged that any powers of permanent acquisition will remain exercisable by them.
- 5.2.12 Article 8(4) provides that where the undertaker has transferred the benefit of the Order then:
  - 5.2.12.1 the transferee will be subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by Anglian Water Services Limited; and
  - 5.2.12.2 the transfer will not prevent Anglian Water Services Limited benefitting from those provisions of this Order notwithstanding that those provisions may also benefit CWRP Relocation Limited, the transferee or the lessee.
- 5.2.13 Article 8(5) and (6) include a procedure to be adopted when making an application to the SoS for consent. It is considered necessary to provide certainty in the absence of any other statutory procedure for obtaining consent. The essential elements of this procedure are as follows:
  - 5.2.13.1 before any application is made to the SoS the undertaker shall consult with the SoS;
  - 5.2.13.2 the undertaker must give notice to the SoS and if such transfer relates to the exercise of powers in their area, the relevant planning authority;
  - 5.2.13.3 the notice must include contract details, the date on which the transfer will take effect, the provisions to be transferred/granted and the restrictions, liabilities and obligations that will apply to the transferee; and
  - 5.2.13.4 where the provisions to be transferred or granted include any or all of the benefit of the powers of compulsory acquisition in Articles 26 (compulsory acquisition of land), 28 (compulsory acquisition of rights and imposition of restrictive covenants), 29 (acquisition of subsoil only), 30 (acquisition of land limited to subsoil lying more than 7 metres beneath surface), the notice must state confirmation of the availability and adequacy of funds

for compensation associated with the compulsory acquisition of the Order land.

- 5.2.14 These provisions have been included in a number of DCOs, including the Thames Tideway Tunnel Development Consent Order<sup>6</sup> and are intended to provide that the benefit is only transferred to an undertaker which is considered by the SoS to be able to benefit from the provisions whilst fulfilling the liabilities and obligations under the Order.
- 5.2.15 *Article 9 (Defence to proceedings in respect of statutory nuisance)* provides a statutory defence to any nuisance proceedings under the Environmental Protection Act 1990 in respect of any nuisance specified in Section 79(1) of that Act if:
- 5.2.15.1 in the course of carrying out construction or maintenance of the authorised development, and for which notice has been given under section 60 or consent obtained under section 61 of the Control of Pollution Act 1974 or which cannot be reasonably avoided as a consequence of the authorised development;
  - 5.2.15.2 is a consequence of complying with a requirement of the Order and it cannot be reasonably avoided;
  - 5.2.15.3 is a consequence of the construction of the authorised development before completion of construction and it cannot be reasonably avoided;
  - 5.2.15.4 relates to premises used by the undertaker for the purpose of or in connection with the operation or use of the authorised development and that nuisance is attributable to the operation and use of the authorised development which is being operated or used in compliance with a requirement of the Order.
- 5.2.16 The Article is included as authorised by section 158 of the 2008 Act. The Statutory Nuisance Statement (Application document reference 7.13, Examination Library reference APP-212) explains the Applicant's conclusions on the likelihood of any such nuisance arising.

## 6. Part 3 (Streets)

- 6.1.1 *Article 10 (Street works)* authorises the undertaker to carry out various works within the streets specified in Schedule 3 of the Order, which are within the Order limits for the purposes of the authorised development (subject to the provisions of Parts 5 and 6 of Schedule 15 of the Order (protective provisions for National Highways and local highways authorities, respectively). The right given by the Article is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1) (prohibition of unauthorised street works) of the New Roads and Street Works Act 1991 and

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S.I. 2014 No. 2384

means that the undertaker will not need to obtain a separate licence from the street authority, thereby ensuring that the delivery of the authorised development is not stalled or delayed.

6.1.2 The Article lists the various works which may be undertaken provided they are for the purposes of carrying out the authorised development. Works to streets will be required for the delivery of the permanent site access and its connection to the existing local road network.

6.1.3 This Article provides a statutory right to carry out street works and its inclusion is therefore permitted by section 120(5)(a) of the 2008 Act which states that an order granting development consent may:

*(a) apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the order...*

6.1.4 *Article 11 (Power to alter layout etc. of streets)* allows for the alteration of the layout of any street for the purposes of carrying out the authorised development, subject to obtaining the consent of the relevant highway authority. The deemed consent approach is increasingly incorporated in many DCOs, for example, see article 12(5) of the National Grid (Hinkley Point C Connection Project) Order<sup>7</sup>. This power is required to ensure that delivery of the authorised development is not hindered by interference with existing streets. The deemed consent only applies in circumstances where the highway authority has received an application, that application contains all relevant information and it has not made a decision within the period of 42 days. The power to prevent the deemed consent from applying is therefore in the hands of the highway authority who may refuse the application in order to ensure the deemed consent does not apply. However, this is caveated by the requirement not to unreasonably withhold consent.

6.1.5 The Order includes several provisions for deemed consents/approvals. These are required in order to ensure a swift and clear mechanism to delivering the development. There are safeguarding provisions to ensure the provision of sufficient information for the giving of the relevant consent or otherwise, and where this has been done, approval is deemed so that the development may continue, and is not stalled due to the need to negotiate with third parties. This deemed approval route is appropriate for the authorised development due to its national significance and the timeframe in which the undertaker is required to deliver the development.

6.1.6 This Article is permitted by section 120(3) of the 2008 Act as the works are related to the authorised development.

6.1.7 *Article 12 (Temporary closure of streets)* provides for the temporary closure, alteration or diversion of streets to the extent specified in Schedule 5 for the purposes of carrying out the authorised development and also, with the

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S.I. 2016 No. 49

consent of the relevant street authority, other streets which are not specified for a reasonable time. The Article also provides for the use of any streets temporarily stopped up as a temporary working site. The undertaker must provide reasonable access for pedestrians affected by the temporary closure, alteration or diversion. It provides for compensation for the loss suffered by the suspension of any public right of way.

- 6.1.8 This power is included to temporarily reduce any conflict between the works needed to carry out the authorised development and the streets on which works may be carried out. An example of this is the delivery of the temporary construction access which interferes with a public right of way. This power enables that public right of way to be temporarily diverted.
- 6.1.9 The street authority is deemed to have provided consent to a request for temporary closure, alteration, diversion or use of a street as a temporary working site in circumstances where it does not notify the undertaker of its decision within 28 days. In making an application for consent, the undertaker must remind the street authority of the deemed consent provisions in this Article.
- 6.1.10 The Article is permitted by section 120(3) of the 2008 Act because maintenance of the highway works is related to the authorised development for which consent is sought.
- 6.1.11 The Article enables the temporary closure of some stretches of highway which are not within the Order limits (see the Access and Traffic Regulation Order Plans (Application document reference 4.7, Examination Library reference AS-154)). This is because the operation of these powers does not require physical development and therefore those stretches of highway do not need to be within the Order limits. This approach is consistent with that taken in other made DCO, for example, The Northampton Gateway Rail Freight Interchange Order 2019<sup>8</sup>.
- 6.1.12 *Article 13 (public rights of way - creation, temporary closure and diversion)* is included to provide the necessary powers to interfere with and create public rights of way in connection with carrying out the authorised development. The powers include temporarily closing a public right of way in circumstances where there is diversion/substitution proposed as specified in Schedule 6. This will be required in order to deliver the temporary site access which crosses a public right of way. The Article also provides for the provision of new public rights of way.
- 6.1.13 There is also a general power to allow for the provision of temporary closure for rights of way which are not detailed in the Schedule upon the Applicant providing no less than 14 days' written notice to the relevant highway authority. In this scenario, the detail will be agreed with the relevant highway authority in advance of the stopping up. The undertaker

must also provide a substitute temporary right of way prior to the temporary closure of the public right of way concerned.

- 6.1.14 This Article is permitted by section 120(3), section 120(4) and paragraph 17 of Part 1 to Schedule 5 of the 2008 Act ("*The stopping up or diversion of highways.*").
- 6.1.15 *Article 14 (Access to works)* permits the undertaker to form new or to improve existing means of access in the locations specified in Schedule 7 of the Order for the purposes of carrying out and maintaining the authorised development. In order to construct the main site access to the authorised development, the undertake requires a temporary access. Other temporary accesses are required for the purposes of constructing and maintaining the authorised development. The proposed accesses are shown on the Access and Traffic Regulation Order Plans (Application document reference 4.7, Examination Library reference AS-154).
- 6.1.16 Other means of access can also be provided and existing accesses improved in other locations reasonably required for the authorised development with the approval of the relevant planning authority, in consultation with the relevant highway authority. A request for a new access or to improve an existing access will be deemed approved in the absence of a notification from the relevant planning authority within 28 days. As with the other Articles in Part 3, deemed approval only applies where the planning authority has not notified the undertaker of its decision. In its request for approval, the undertaker must notify the planning authority of the deeming provisions.
- 6.1.17 Works to create a permanent access which joins highway maintainable at the public expense are to be completed in accordance with the provisions of Part 6 of Schedule 15 (protective provisions).
- 6.1.18 The Article is permitted by section 120(3) of the 2008 Act because it concerns access for the purposes of carrying out and using the authorised development and is therefore related to the authorised development.
- 6.1.19 *Article 15 (Maintenance of highway works)* provides for the maintenance of the highway works and refers to the relevant paragraphs of the protective provisions with the relevant highway authorities (Part 5 in respect of National Highways and Part 6 in respect of local highway authorities in Schedule 15). The Article refers to the final and provisional certificates to be issued in respect of the highway works which are the triggers for which dedication of public highway and maintenance of public highway are engaged.
- 6.1.20 *Article 16 (Speed limits)* This Article is based upon articles in other Development Consent Orders, for example, the M1 Junction 10(a) Order,<sup>9</sup>



Houghton Regis Order<sup>10</sup> and The West Midlands Rail Freight Interchange Order 2020<sup>11</sup>. It allows the undertaker to impose temporary speed limits and one permanent, new speed limit as part of the authorised development without the need to obtain a separate order, making use of the ‘one stop shop’ approach to consenting.

- 6.1.21 With regards to temporary speed limits, the Article allows the length of the highways identified in Part 1 of Schedule 8 to be subject to new temporary speed limits as set out in that schedule during the relevant part of the authorised development, as if such restrictions were imposed by an order under the Road Traffic Regulation Act 1984.
- 6.1.22 The Article also allows for the imposition of temporary speed limits which are not specified in Part 1 of Schedule 8, if expedient or necessary for the construction operation, use or maintenance of the authorised development and subject to the consent of the relevant traffic authority.
- 6.1.23 The Article allows for one new permanent speed limit as described in Part 2 of Schedule 8. This is the reduction in the maximum speed limit on Horningsea Road from 60 mph to 40 mph between the villages of Horningsea and Fen Ditton as explained in the Transport Assessment (paragraphs 2.7.21 – 2.7.23, Application document reference 5.4.19.3, Examination Library reference AS-135).
- 6.1.24 This Article is permitted by section 120(3) of the 2008 Act as the regulation of speed limits is related to the provision of the highway works which form part of the authorised development.
- 6.1.25 *Article 17 (Traffic regulation)* is included within the Order to allow the undertaker to make provision for temporary traffic regulation in connection with the authorised development as detailed in Schedule 9. The Article also provides that the undertaker may:
  - 6.1.25.1 revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
  - 6.1.25.2 permit, prohibit or restrict the stopping, parking, waiting, loading or unloading of vehicles on any road;
  - 6.1.25.3 authorise the use as a parking place of any road;
  - 6.1.25.4 make provision as to the direction or priority of vehicular traffic on any road; and
  - 6.1.25.5 permit or prohibit vehicular access to any road,

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<sup>10</sup> The Central Bedfordshire Council (Woodside Link Houghton Regis) Development Consent Order 2014 S.I. 2014 No. 2637

<sup>11</sup> S.I. 2020 No. 511

either at all times or at times, on days or during such periods as may be specified by the undertaker. However, the consent of the traffic authority is required. Deemed approval applies only where the traffic authority has not notified the undertaker of its decision within 28 days. As with the other Articles in Part 3, the undertaker must inform the traffic authority of the deemed approval provisions when requesting consent. The undertaker must also have consulted with the police and relevant traffic authority before requesting consent. The traffic authority will therefore be on notice that the undertaker seeks to exercise its powers under the Article before a formal request is made.

- 6.1.26 The Article requires the provision of notice in writing to the chief officer of police and relevant traffic authority prior to exercising its powers under this Article.
- 6.1.27 This Article is necessary to enable the authorised development to be carried out safely, for example but also without unnecessary delay. In particular, it is proposed to use this power when delivering the satellite compounds in circumstances where there are no alternative routes for pedestrians and cyclists. Interference with the footways and cycle tracks will need to be controlled. This power will also be required when laying the effluent pipeline across Horningsea Row due to the need for signal control and lane narrowing.
- 6.1.28 These powers are similar to those contained in the Thames Tideway Order<sup>12</sup> and has more recently been authorised in The Southampton to London Pipeline Development Consent Order 2020<sup>13</sup>. Its inclusion is permitted pursuant to section 120(3) of the 2008 Act as the regulation of traffic is required in order that the authorised development may be carried out and therefore it is related to the authorised development.
- 6.1.29 As with Article 12, this Article includes powers over stretches of highway which are not within the Order limits. This is because the operation of these powers does not require physical development and therefore those stretches of highway do not need to be within the Order limits.
- 6.1.30 *Article 18 (Agreements with highways authorities)* allows the relevant highway authority and the undertaker to enter into agreements relating to highway powers in connection with the authorised development. The agreements may also make provision for the relevant highway authority to carry out a function under the Order which relates to the street in question. This is included as in some cases it may be deemed more appropriate or expedient for the highway authority to carry out the works itself, for example, improvement works were already planned.

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<sup>12</sup> The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014 No. 2384) (article 18).

<sup>13</sup> S.I. 2020 No 1099

- 6.1.31 This Article is permitted by section 120(3) of the 2008 Act as it permits agreements with concern the authorised development or matters ancillary to the authorised development.

## 7. Part 4 (Supplemental Powers)

- 7.1.1 *Article 19 (Discharge of water)* is based on a former model provision and enables the undertaker to discharge water into any watercourse, public sewer or drain in connection with the construction, operation, use and maintenance of the authorised development with the approval of the owner of the watercourse, public sewer or drain (such approval not to be unreasonably withheld) and subject to certain other conditions. A deemed approval applies if notification is not received within 28 days, subject to the application for approval notifying the relevant person of the possibility of deemed approval.
- 7.1.2 The Order provides for protective provisions to Cambridgeshire County Council (as lead local flood authority), Cambridge Water and any relevant navigation authority and this Article should be read in conjunction with those provisions.
- 7.1.3 This Article is permitted by section 120(3), section 120(4) and paragraph 26 of Part 1 to Schedule 5 of the 2008 Act ("*The discharge of water into inland waters or underground strata*").
- 7.1.4 The Applicant is mindful of Section 146 of the Planning Act 2008 and has not sought powers to take water pursuant to the Order.
- 7.1.5 *Article 20 (Protective work to buildings and structures)* is based on a former model provision that allows the undertaker, at its own expense, to carry out protective works to any building or structure where it is considered necessary or expedient. Such protective works can be undertaken at any time before or during the carrying out in the vicinity of the relevant building works forming part of the authorised development. Protective works can also be undertaken after the carrying out the of works forming part of the authorised development for a period of five years from the day on which that part of the authorised development first becomes operational.
- 7.1.6 In addition to the powers to undertake protective works the Article includes powers to enter any building and structure to which the power applies and any land within Order limits within its curtilage to survey to determine whether protective works are needed and there are powers to enter adjacent land to carry out any protective works. However there is a requirement, before utilising the powers in the Article, to serve notice on owners and occupiers with at least 14 days' notice of the said works. In respect of some of the powers included in the Article there is an ability for a counter notice to be served by the land owner/occupier within a period of 14 days from the day on which the notice was served.

- 7.1.7 The Article includes compensation provisions in relation to the consequences of the protective works being undertaken.
- 7.1.8 The model provision has been modified to provide that section 13 (refusal to give possession to acquiring authority) of the Compulsory Purchase Act 1965 applies to the entry onto, or possession of land under this Article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (*application of compulsory acquisition provisions*) of the 2008 Act.
- 7.1.9 This Article is permitted by section 120(3), 120(4) and paragraph 10 (“*The protection of the property or interests of any person*”) of Part 1 to Schedule 5 of the 2008 Act.
- 7.1.10 *Article 21 (Authority to survey and investigate the land)* is based on a former model provision and allows the undertaker to survey and investigate land, including bringing equipment onto the land and making trial pits. The power is subject to a number of conditions including a requirement for 14 days' notice to be given and is subject to the payment of compensation.
- 7.1.11 It may be necessary at times to survey land outside of the Order limits in order to assess its effects and therefore the power allows the undertaker to enter onto land within the Order limits and on any land which may be affected by the authorised development. This is common place and can be seen in the A428 Black Cat to Caxton Gibbet DCO<sup>14</sup> and the A57 Link Roads DCO<sup>15</sup>, by way of example.
- 7.1.12 This Article provides for surveys to be carried out by drone which could reduce the need to enter onto land.
- 7.1.13 Sub paragraph (4) provides that no trial holes may be made in land forming part of a railway or land held by or in right of the Crown without the consent of Network Rail or the Crown respectively, and trial holes may not be made in a highway or private street without the consent of the highway or street works authority.
- 7.1.14 Section 13 (*refusal to give possession to acquiring authority*) of the Compulsory Purchase Act 1965 will apply in respect of entry onto, or possession of land under the Article.
- 7.1.15 This Article is permitted by section 120(3), section 120(4) and paragraph 12 of Part 1 to Schedule 5 of the 2008 Act (“*Carrying out surveys or taking soil samples*”).
- 7.1.16 *Article 22 (Removal of human remains)* enables the undertaker to remove human remains from the Order limits and provides a process for notification and identification of the human remains as well as their re-internment or

<sup>14</sup>

The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (SI 2022 No. 934) (article 22)

<sup>15</sup>

The A57 Link Roads Development Consent Order 2022 (SI 2022 No. 1206) (article 21)

cremation. The undertaker would be required to pay the reasonable expenses associated with this process. Whilst it is not anticipated that any human remains will be encountered during construction works, it is possible that human remains could be found within the Order limits. Without this Article, the undertaker would require the express consent of the SoS for Justice which would risk delay to the construction programme.

- 7.1.17 *Article 23 (Felling or lopping of trees and removal of hedgerows)* provides that the undertaker may fell or lop or cut back the roots of any tree which is not subject to a tree preservation order or shrub to prevent it obstructing or interfering with the construction, maintenance, use and operation of the authorised development. Compensation is provided for if loss or damage is caused.
- 7.1.18 The Article also provides the power to remove the hedgerows and important hedgerows specified in Schedule 16 which refers to the Hedgerow Regulations and Tree Preservation Plans (Application document reference 4.8, Examination Library reference AS-155). Again, compensation is provided if loss or damage is caused.
- 7.1.19 Chapter 15 (Landscape and Visual Impact) of the Environmental Statement addresses the removal of trees and hedgerows in conjunction with Arboricultural Impact Assessments (Application Document reference 5.4.8.17 and 5.4.8.19, Examination Library references APP-102 and APP-104 (respectively)). The Landscape, Ecological and Recreational Management Plan (“LERMP”) (Application Document reference 5.4.8.14, Examination Library reference APP-099) also deals with the existing trees and hedgerows to be retained. Compliance with the LERMP is secured by DCO requirement 13.
- 7.1.20 This Article is permitted by section 120(3), section 120(4) and paragraph 13 of Part 1 to Schedule 5 of the 2008 Act (“*Cutting down, uprooting, topping or lopping trees or shrubs or cutting back their roots.*”).
- 7.1.21 *Article 24 (Trees subject to tree preservation orders)* provides that the undertaker may fell or lop or cut back the roots of any tree which is subject to a tree preservation order or shrub to prevent it from obstructing or interfering with the construction, maintenance, operation or use of the authorised development. This applies to a tree subject to a tree preservation order made before or after the date of the Order. Chapter 15 (Landscape and Visual Impact) (Application document reference 5.2.15, Examination Library reference AS-035) of the Environmental Statement addresses the impact on trees, however, there are no trees subject to a tree preservation order at the time of submitting the application.
- 7.1.22 The effect of this Article is to ensure that the undertaker is not delayed from carrying out the authorised development by having to obtain consent. It also removes the risk of consent being refused which could frustrate the delivery of the authorised development.

- 7.1.23 This Article is permitted by section 120(3), section 120(4) and paragraph 13 of Part 1 to Schedule 5 of the 2008 Act (*"Cutting down, uprooting, topping or lopping trees or shrubs or cutting back their roots."*).
- 7.1.24 *Article 25 (Trees in conservation areas)* provides that the undertaker may fell or lop any tree or shrub which is in a conservation area or cut back its roots if it reasonably believes it to be necessary to do so prevent obstruction or interference with the authorised development. Compensation is payable for loss or damage.
- 7.1.25 There are several trees within the Fen Ditton and Baits Bite Lock Milton Conservation Areas. The Arboricultural Impact Assessments (Application document reference 5.4.8.17 and 5.4.8.19, Examination Library references APP-102 and APP-104 (respectively)) detail measures required to protect trees to be retained during construction. The Assessments conclude that four of these trees might need to be felled, but this cannot be confirmed until the construction stage.
- 7.1.26 This Article is permitted by section 120(3), section 120(4) and paragraph 13 of Part 1 to Schedule 5 of the 2008 Act (*"Cutting down, uprooting, topping or lopping trees or shrubs or cutting back their roots."*).

## 8. Part 5 (Acquisition and Possession of Land)

- 8.1.1 *Article 26 (Compulsory acquisition of land)* provides for the compulsory acquisition of such land as is required for the authorised development (or to facilitate the authorised development or is incidental to the authorised development).
- 8.1.2 The Article makes clear that it is subject to the powers and restrictions in Article 27 (time limit for exercise of authority to acquire land compulsorily), Article 28 (compulsory acquisition of rights and imposition of restrictive covenants), Article 29 (acquisition of subsoil only), Article 30 (acquisition of land limited to subsoil lying more than 7 metres beneath surface) and Article 35 (temporary use of land for carrying out the authorised development).
- 8.1.3 *Article 27 (Time limit for exercise of authority to acquire land compulsorily)* is a model provision which imposes a time limit of five years for the exercise of powers of compulsory acquisition, beginning with the day on which the Order is made.
- 8.1.4 *Article 28 (Compulsory acquisition of rights and imposition of restrictive covenants)* entitles the undertaker to acquire rights over land and impose restrictive covenants, including rights already in existence, or to create new rights. The Article provides that in respect of the Order land specified in Schedule 10 of the Order the undertaker's powers of acquisition are limited to the acquisition of rights or imposition of restrictive covenants for the purposes specified in that same Schedule. The ability to acquire new rights ensures that the undertaker is able to seek a lesser interference with land

where this is appropriate (whether in the context of new or existing rights) as the authorised development is implemented.

- 8.1.5 Sub paragraphs (5) and (6) provide, where the acquisition of new rights or the imposition of a restriction under the Order is required for a statutory undertaker, the undertaker may, with the consent of the SoS transfer the powers to the statutory undertaker.
- 8.1.6 *Article 29 (Acquisition of subsoil only)* permits the undertaker to acquire only the subsoil of land which is to be compulsorily acquired (either pursuant to Article 26 or Article 28) and gives the undertaker the ability to minimise the extent of interests acquired from owners. This Article is appropriate where acquisition of the 'entire' freehold may not be required. This is based on a former model provision.
- 8.1.7 *Article 30 (Acquisition of land limited to subsoil lying more than 7 metres beneath surface)* applies to land specified in Schedule 11 only. It limits the powers of freehold compulsory acquisition in respect of the land specified in Schedule 11 to subterranean land at a depth of more than 7 metres beneath the surface. The Article has been modified from the model form to still permit the undertaker to acquire new rights or impose restrictive covenants in respect of the land above, including the surface of the land, for the purposes specified in Schedule 11, and to permit temporary possession to be taken of the surface land. As with Article 29, it gives the undertaker the ability to minimise the extent of interests acquired from owners. This Article is appropriate where acquisition of the 'entire' freehold is not required, but where restrictions or rights may be needed for the surface land, such as for the purposes of the transfer tunnel.
- 8.1.8 *Article 31 (Private rights)* is based on a former model provision and has the effect of extinguishing private rights over land where: (1) land is subject to compulsory acquisition; or (2) the date of entry on the land by the undertaker under section 11(1) of the 1965 Act (whichever is the earlier). Sub paragraph (2) permits the extinguishment of private rights in land over which new rights are acquired or restrictive covenants imposed, insofar as their continuance would be inconsistent with the exercise of the new right or compliance with the restrictive covenant. The Article also suspends private rights and restrictive covenants over land for as long as the undertaker is in temporary possession of land under the Order.
- 8.1.9 Sub-paragraph (5) provides for compensation to any person who suffers loss by the extinguishment or suspension of a private right.
- 8.1.10 *Article 32 (Power to override easements and other rights)* this Article provides that, by virtue of section 158 of the 2008 Act, in carrying out or using the development authorised by the Order and doing anything else authorised by the Order, the undertaker (or any person deriving title from the undertaker or any contractor, servant or agent of the undertaker) may interfere with any

interest or right to which the Article applies or breach any restriction as to the use of land arising by virtue of a contract.

- 8.1.11 The Article also provides that, by virtue of section 152 of the 2008 Act, compensation may be payable under section 10 of the 1965 Act for any such interference or breach.
- 8.1.12 *Article 33 (Modification and application of the 1981 Act)* applies the vesting procedures in the Compulsory Purchase (Vesting Declarations) Act 1981 to the exercise of powers of compulsory acquisition pursuant to the Order. It gives the undertaker the option to acquire land via the process set out under the 1981 Act, rather than the notice to treat procedure. This Article has been updated to incorporate and reflect the changes brought about by the Housing and Planning Act 2016. It has also been adapted to reflect the ability of a third party to make a general vesting declaration where consent has been given by the SoS pursuant to Article 28(5) of the Order.
- 8.1.13 *Article 34 (Modification of Part 1 of the Compulsory Purchase Act 1965)* modifies the provisions Part 1 of the Compulsory Purchase Act 1965 as applied to the Order by section 125 of the 2008 Act. This provision reflects the changes introduced by the Housing and Planning Act 2016. Paragraphs (1) to (4) amend the provisions of the Compulsory Purchase Act 1965 so they are consistent with the terms of the Order and paragraph (5) makes it clear that the notice periods introduced by the Housing and Planning Act 2016 do not apply to the temporary possession or use of land under Articles 35 (temporary use of land for carrying out the authorised development) and 36 (temporary use of land for maintaining the authorised development) of the Order.
- 8.1.14 *Article 35 (Temporary use of land for carrying out the authorised development)* allows two categories of land to be temporarily used for the carrying out of the authorised development. These are:
  - 8.1.14.1 the land specified in Schedule 12 of the Order for the purposes specified in that Schedule (in which case the undertaker is limited to remain in possession of the land after the end of the period of one year beginning with the date of the end of construction work for that part of the authorised development unless the owner or lessee agrees otherwise);
  - 8.1.14.2 any other land within the Order limits land where no notice of entry or general vesting declaration has been served (in which case the undertaker is limited to remain in possession of the land after the end of the period of one year beginning with the date of the end of construction work for which temporary possession of this land was taken unless the undertaker has already served a notice to treat or general vesting declaration).



- 8.1.15 In addition to the ability to enter on and take temporary possession of the Order land, Article 35(1)(b)-(h) stipulates various activities that can be undertaken pursuant to the Article.
- 8.1.16 Sub-paragraph 9 provides that the undertaker may not compulsorily acquire any of the land specified in Schedule 12 (Land of which temporary possession may be taken), except that the undertaker may carry out protective works under Article 20 (protective works to buildings and structures); or carry out a survey of that land under Article 21 (authority to survey and investigate the land).
- 8.1.17 Sub-paragraph 9 has been updated to remove references to: (a) the acquisition of new rights or the imposition of restrictive covenants over any part of the land specified in Schedule 12 under Article 28; and (b) the acquisition of any part of the subsoil of (or rights in the subsoil of) the land specified in Schedule 12 under Articles 29 or 30. As specified at Issue Specific Hearing 1, these rights are no longer required because no such permanent acquisition powers are sought by the Applicant.
- 8.1.18 In addition, the Article includes several other components, including:
- 8.1.18.1 the undertaker must provide at least 14 days' notice to the relevant owner/occupiers' before entering the land;
  - 8.1.18.2 before giving up occupation of land the undertaker must remove the temporary works and restore the land to the reasonable satisfaction of the owner save that certain operations are not required to be removed; and
  - 8.1.18.3 compensation provisions are included to compensate owner/occupiers affected by their land being temporarily used for carrying out the authorised development.
- 8.1.19 *Article 36 (Temporary use of land for maintaining the authorised development)* provides for the temporary use of land for maintenance of the authorised development. The Article is a former model provision and allows an undertaker to take temporary possession of land within the Order limits if it is reasonably required to maintain the authorised development, and also allows temporary works and buildings to be constructed if reasonably necessary. The power is limited and cannot be exercised in respect of a house, garden or any other building where it is occupied.
- 8.1.20 The Article requires the undertaker to provide at least 28 days' notice to the relevant owner/occupiers' before taking temporary possession, and it may only retain possession for as long as is reasonably necessary to carry out the maintenance. When returning the land after the temporary possession the undertaker must remove temporary works and restore the land to the reasonable satisfaction of the owners. Compensation provisions are included.

- 8.1.21 *Article 37 (Disregard of certain interests and improvements)* this reflects section 4 (*assessment of compensation*) of the Acquisition of Land Act 1981 and provides for the Upper Tribunal (Lands Chamber) to disregard certain interests in and enhancements to the value of land for the purposes of assessing the compensation payable for the exercise of compulsory acquisition powers where the creation of the interest or the making of the improvements was designed to obtain compensation or increase compensation. Sections 120(3) and 120(5)(a) and Schedule 5 of the 2008 Act allow the application in a DCO of statutory provisions which relate to the payment of compensation.
- 8.1.22 *Article 38 (Set-off for enhancement in value of retained land)* this reflects the principles in sections 6B to 6E of the Land Compensation Act 1961 and provides that in assessing the compensation payable to any person in respect of the acquisition of land, the Upper Tribunal (Lands Chamber) shall set off against the value of the land any increase in value of the retained land belonging to that person arising out of the construction of the authorised development. Sections 120(3) and 120(5)(a) and Schedule 5 of the 2008 Act allow the application in a DCO of statutory provisions which relate to the payment of compensation.
- 8.1.23 *Article 39 (No double recovery)* this secures the established principle that a claimant in compulsory purchase is to be compensated for no more and no less than his loss. It ensures that compensation is not payable in respect of the same loss or damage under both the Order and other compensation regimes. It is a supplementary provision and its inclusion is authorised by section 120(5)(d) of the 2008 Act as well as sections 120(3) and 120(4) and paragraph 36 of Part 1 to Schedule 5 of the 2008 Act.
- 8.1.24 *Article 40 (Compulsory acquisition of land – incorporation of the mineral code)* provides for the incorporation of Parts 2 and 3 of Schedule 2 to the Acquisition of Land Act 1981 to be incorporated in to the Order to exclude its application to mines and minerals under the Order limits.
- 8.1.25 *Article 41 (Statutory undertakers)* provides for the acquisition of land belonging to statutory undertakers that is identified in the land plans. This includes a power to move the apparatus of those statutory undertakers and to extinguish their rights. This Article is subject to the protective provisions included at Schedule 15 of the Order.
- 8.1.26 *Article 42 (Recovery of costs of new connections)* provides that persons who have to create a new connection following the exercise of powers under Article 41 may recover the costs of new connections from the undertaker.
- 8.1.27 *Article 43 (Rights under or over streets)* is a former model provision which allows the undertaker to enter on and appropriate interests within streets where required for the purpose of the authorised development without being required to acquire that land. Provision is made for the payment of compensation in certain circumstances.

## 9. Part 6 (Miscellaneous and general)

- 9.1.1 *Article 44 (Rights on the river Cam)* enables the temporary suspension of rights of navigation and any other rights over the River Cam as identified on sheet 2 of the Rights of Way Plans (Application document reference 4.6, Examination Library references AS-017) and the permanent extinguishment of rights of navigation and any other rights on any part of the river Cam identified with the label 19a on sheet 2 of the land plans (Application document reference 4.4.2, Examination Library reference AS-151) acquired in connection with Work number 32. The Applicant must give at least 28 days' notice to the navigation authority before exercising the above rights, in addition to first advertising its intention to exercise the rights by way of notice within the locality and in a locally circulated newspaper.
- 9.1.2 The Article also permits the temporarily suspension of any rights of navigation on any other part of the River Cam with the written consent of the relevant navigation authority.
- 9.1.3 The Article specifically disapplies the following in so far their continuance is inconsistent with the construction, operation, use and maintenance of the authorised development.:
- 9.1.3.1 the River Cam Navigation Act 1851: amongst other powers, this provides for the continuance of the powers for the Cam Conservancy, as navigation authority, in respect of maintaining navigation on the River Cam within the Conservators limits of jurisdiction. In particular, it empowers the Conservators to remove impediments which may hinder the passage of navigation on the River Cam;
  - 9.1.3.2 the River Cam Conservancy Act 1922 – this empowers the Cam Conservancy to maintain and improve the River Cam which includes the power to remove impediments which may hinder navigation; and
  - 9.1.3.3 the Cambridge City Council Act 1985; and
  - 9.1.3.4 River Cam Byelaws 1966 – amongst other prohibitions, the byelaws prohibit the use of vehicles on towpaths and interference with navigation.
- 9.1.4 These powers are required in order to ensure the safe delivery of the works and to ensure that they are not inconsistent with any of those legislative provisions or bylaws. The permanent extinguishment of rights is limited to the area of land, if any, acquired permanently by the undertaker for the outfall (Work number 32).
- 9.1.5 This Article is permitted by:
- 9.1.5.1 section 120(3);

- 9.1.5.2 section 120(4) and paragraph 2 (*“The creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement”*) of Part 1 to Schedule 5; and
- 9.1.5.3 section 120(5)(b) (*“make such amendments, repeals or revocations of statutory provisions of local application as appear to the Secretary of State to be necessary or expedient in consequence of a provision of the order or in connection with the order”*),
- of the 2008 Act.
- 9.1.6 *Article 45 (Application of landlord and tenant law)* is based on a former model provision which would override landlord and tenant law so far as it would prejudice the operation of any agreement for leasing the whole of the authorised development or the right to operate the same or any agreement entered into by the undertaker for the construction, maintenance, use or operation of the authorised development.
- 9.1.7 This Article is permitted by section 120(5)(a) of the 2008 Act.
- 9.1.8 *Article 46 (Operational land for purposes of the 1990 Act)* is based on a former model provision which has the effect of ensuring that the land on which the authorised development is constructed will be “operational land” under section 263 of the Town and Country Planning Act 1990.
- 9.1.9 “Operational land” is land which is used by statutory undertakers for the purpose of carrying on their undertaking any land in which an interest is held for that purpose. Sections 264(3) and (4) of the 1990 Act provide that land is operational land if:
- 9.1.9.1 there is, or at some time has been, in force with respect to it a specific planning permission for its development; and
- 9.1.9.2 that development, if carried out, would involve or have involved its use for the purpose of the carrying on of the statutory undertakers’ undertaking.
- 9.1.10 The inclusion of this Article means that development will benefit from the appropriate permitted development rights afforded to statutory undertakers.
- 9.1.11 This Article is permitted by section 115 and section 120(3) of the 2008 Act.
- 9.1.12 *Article 47 (Protective provisions)* introduces Schedule 15 to the Order which protects the interests of certain statutory undertakers, to have effect.
- 9.1.13 *Article 48 (Discharge of requirements and other approvals etc.)* is included to ensure the application of Part 2 of Schedule 2 (requirements) to applications and appeals in respect of the requirements. The Article also ensures that any

consent, approval, agreement etc required from any party under the Order is given in a reasonable fashion. The inclusion of these provisions are necessary so that the authorised development and consents and approvals required to implement it can be delivered swiftly and more particularly, with regard to requirements, provide a route to the obtaining of the relevant approvals.

- 9.1.14 *Article 49 (application, disapplication and modification of legislative provisions)* gives effect to Schedule 17 which applies, modifies and excludes specific legislative provisions where those provisions would be inconsistent with the powers sought under the Order or require further consents, which are already within the Order or the need for which has been disappplied.
- 9.1.15 This Article is permitted by section 120(5) of the 2008 Act.
- 9.1.16 *Article 50 (Crown rights)* prevents the undertaker from acquiring any Crown land (as defined in the 2008 Act), or from otherwise interfering with such land without the written consent of the relevant Crown authority. This Article reflects the provisions of section 135 of the 2008 Act. Crown land within the Order limits is identified on the Crown Land Plans (Application document reference 4.5, Examination Library reference AS-152). The Crown Land Plans are not referenced in Schedule 18 (Certification of Plans and Documents) because they are not specifically referred to in the Order, nor do they need to be.
- 9.1.17 *Article 51 (Certification of plans, etc)* requires the submission of various documents referred to in Schedule 18 for certification as true copies.
- 9.1.18 *Article 52 (Arbitration)* provides a procedure for arbitration in respect of any differences arising under the Order. The process provides certainty to all parties. It applies Schedule 19 of the Order and provides for the process set out therein to be applied to differences under the Order unless another means of resolving a dispute is provided for in the Order. The arbitrator will be appointed by the parties within 14 days of receipt of a notice of arbitration or failing agreement within this time period then by the SoS following application by one of the parties.
- 9.1.19 This Article is permitted by sections 120(3), 120(4) and paragraph 37 (“*The submission of disputes to arbitration*”) of Part 1 to Schedule 5 of the 2008 Act.
- 9.1.20 *Article 53 (Service of notices)* sets out how a notice or other documents required or authorised to be served for the purposes of the Order may be served. The three methods are (a) by post (b) by delivering it to the person on whom it is to be served or (c) by electronic transmission (subject to the requirements of the article being fulfilled). The Article also addresses service on an unknown landowner.
- 9.1.21 This Article follows frequently adopted standard drafting as can be seen in other orders such as The Northampton Gateway Rail Freight Interchange Order

## 10. Schedules

10.1 *Schedule 1 (authorised development)* describes the authorised development in detail, split into 'work numbers' by reference to the Works Plans (Application document reference 4.3, Examination Library reference AS-150), each of which represents a different element of the authorised development.

Work No.	Development
<p><b>1 – Highway Works</b></p>	<p>Highway works the general arrangement of which is shown on sheet 1 of the highways plans including—</p> <ul style="list-style-type: none"> <li>(a) reconfiguration of the existing signalised junction of B1047 Horningsea Road and A14 Junction 34 eastbound slip road to provide a signalised four-arm junction facilitating access to Work No. 2;</li> <li>(b) widening of and improvements to the existing footway/cycleway on the western side of the B1047 Horningsea Road and Horningsea Road between the westbound on-slip at A14 Junction 34 and Low Fen Drove Way including the provision of a verge between the footway/cycleway and the main carriageway;</li> <li>(c) provision of a new central island on Horningsea Road to facilitate pedestrian and cyclist crossing to new footpaths and cycleways to be provided as part of Work No. 23 and the new footway/cycleway to be provided at (d);</li> <li>(d) a new footway/cycleway on the eastern side of Horningsea Road between Low Fen Drove Way and the new central island to be provided at (c) and connecting to new footpaths and cycleways to be provided as part of Work No. 23;</li> <li>(e) replacement of the parapet on the A14 overbridge on the B1047 Horningsea Road and associated highway layout alterations;</li> <li>(f) improvements to the existing pedestrian and cycle crossings at the junction of the A14 Junction 34 on and off slips on the B1047 Horningsea Road;</li> </ul>

Work No.	Development
	<ul style="list-style-type: none"> <li>(g) alterations to the B1047 Horningsea Road and Horningsea Road;</li> <li>(h) street lighting, signage and associated electrical equipment;</li> <li>(i) reconfiguration of kerb lines; and</li> <li>(j) connections to Work No. 2.</li> </ul>
<b>2 – Permanent access road</b>	<p>A new two-lane road access to the waste water treatment plant from the reconfigured A14 Junction 34/B1047 Horningsea Road junction the general arrangement of which is shown on sheet 1 of the highways plans including—</p> <ul style="list-style-type: none"> <li>(a) landscaping;</li> <li>(b) drainage;</li> <li>(c) a weighbridge;</li> <li>(d) automatic number plate recognition cameras;</li> <li>(e) signage;</li> <li>(f) street lighting at the junction with Work No. 1; and</li> <li>(g) connections to Work No. 1 and Work No. 3 and to the access and circulation roads to be constructed within the inner boundary of Work No. 15.</li> </ul>
<b>3 – Public/Visitor Parking</b>	<p>Visitor and public parking, cycle storage including landscaping, lighting, pathways and electric vehicle charging points and connections to Work No. 2.</p>
<b>4 – Inlet Works &amp; Preliminary Treatment</b>	<p>Inlet works structure to receive flows from Work No. 8, Work No. 16 and Work No. 35 and imported liquors including—</p> <ul style="list-style-type: none"> <li>(a) screenings handling plants;</li> <li>(b) screen channel;</li> <li>(c) grit removal chambers;</li> <li>(d) flow measurement channel;</li> <li>(e) grit handling plant;</li> </ul>

Work No.	Development
	<ul style="list-style-type: none"> <li>(f) odour control unit and exhaust stack;</li> <li>(g) skip storage area;</li> <li>(h) cess and septic discharge point; and</li> <li>(i) connections to Work No. 6, Work No. 8, Work No. 13, Work No. 16 and Work No. 35.</li> </ul>
<b>5 – Electrical Supply and Power Generation</b>	Electricity substations, ring main units, transformers, high-voltage kiosk, low voltage switch board, low voltage kiosk, stand-by generators and fuel storage.
<b>6 – Primary Treatment &amp; Chemical Dosing</b>	<p>Primary treatment works including—</p> <ul style="list-style-type: none"> <li>(a) chemical storage and ferric dosing plant;</li> <li>(b) up to 6 primary settlement tanks including sludge management system;</li> <li>(c) sludge return pumps;</li> <li>(d) sludge transfer pumping station;</li> <li>(e) distribution chamber; and</li> <li>(f) connections to Work No. 4, 8, 10, 11 and 13.</li> </ul>
<b>7 - Workshop &amp; Parking</b>	<p>A workshop building and parking including—</p> <ul style="list-style-type: none"> <li>(a) workshop building;</li> <li>(b) innovation area;</li> <li>(c) welfare facilities;</li> <li>(d) liquified natural gas (LNG) storage and filling point;</li> <li>(e) vehicle parking including HGV parking;</li> <li>(f) electric vehicle charging points; and</li> <li>(g) rooftop solar photovoltaic panels.</li> </ul>
<b>8 – Sludge Treatment Centre</b>	<p>A sludge treatment centre comprising—</p> <ul style="list-style-type: none"> <li>(a) sludge reception facilities for imported primary settled sludge and surplus activated sludge;</li> </ul>



Work No.	Development
	<ul style="list-style-type: none"> <li>(b) up to 2 imported and indigenous primary sludge tanks;</li> <li>(c) up to 3 unthickened sludge tanks;</li> <li>(d) screens;</li> <li>(e) up to 2 odour control units with exhaust stacks;</li> <li>(f) thickening building including a sludge blending tank;</li> <li>(g) up to two anaerobic sludge digesters;</li> <li>(h) up to 2 post digestion storage tanks and vacuum de-gassing units;</li> <li>(i) a heating, pasteurisation and hydrolysis process heating tank;</li> <li>(j) up to 2 heating, pasteurisation and hydrolysis process pasteurisation tanks;</li> <li>(k) a heating, pasteurisation and hydrolysis process hydrolysis tank;</li> <li>(l) up to 2 dewatering centrifuges/volutes;</li> <li>(m) cake storage barn and silo area;</li> <li>(n) either— <ul style="list-style-type: none"> <li>(i) a liquor treatment plant including a reactor, a stilling tank and a settlement tank; and/or</li> <li>(ii) a nutrient recovery plant including three stripping/scrubbing columns and a feed pumping station; or</li> <li>(iii) a hybrid liquor treatment plant and nutrient recovery plant;</li> </ul> </li> <li>(o) biogas handling equipment including up to 2 gas holders and waste gas burner;</li> <li>(p) boiler building and boiler stack;</li> <li>(q) final effluent heat recovery and treatment plant;</li> <li>(r) chemical storage and dosing plant;</li> </ul>

Work No.	Development
	<p>(s) aviation obstruction lighting; and</p> <p>(t) connections to Work Nos. 4, 6, 9, 10, 11 and 13.</p>
<b>9 – Gas to Grid or Combined Heat and Power (CHP)</b>	A gas-to-grid injection unit including propane storage or a combined heat and power engine including connections to Work No. 8 and connections to the gas and/or electricity networks.
<b>10 – Secondary Treatment Membrane Aerated Biofilm Reactor (MABR)</b>	<p>Secondary treatment works including—</p> <p>(a) up to 4 activated sludge process tanks;</p> <p>(b) mixing and conditioning tank;</p> <p>(c) building to house mechanical blower system;</p> <p>(d) submerged air distribution pipework;</p> <p>(e) mixing and conditioning chamber;</p> <p>(f) interstage pumping station; and</p> <p>(g) connections to Work No. 6 and Work No. 11.</p>
<b>11 – Secondary Treatment (Settlement)</b>	<p>Final settlement including—</p> <p>(a) up to 8 final settlement tanks including sludge management system;</p> <p>(b) return activated sludge pumps including chambers;</p> <p>(c) surplus activated sludge pumps including chambers;</p> <p>(d) pumping station;</p> <p>(e) chemical storage and ferric dosing plant;</p> <p>(f) distribution chamber; and</p> <p>(g) connections to Work Nos. 6, 8, 10 and 13.</p>
<b>12 – Treated Water Collection Chamber</b>	Treated water collection chamber and connections to Work No. 13, Work No. 14 and Work No. 31.
<b>13 – Tertiary Treatment</b>	<p>Tertiary treatment works including—</p> <p>(a) filtration plant;</p>

Work No.	Development
	<ul style="list-style-type: none"> <li>(b) wash-water pump sets;</li> <li>(c) airlift pumps;</li> <li>(d) sand washing system;</li> <li>(e) backwash pumps;</li> <li>(f) chemical storage and ferric dosing plant; and</li> <li>(g) connections to Work Nos. 4, 6, 8, 11, and 12.</li> </ul>
<b>14 – Stormwater Management</b>	<p>Storm management plant for stormwater storage and treatment including—</p> <ul style="list-style-type: none"> <li>(a) pumping station;</li> <li>(b) storm tanks;</li> <li>(c) stormwater storage facility;</li> <li>(d) discharge overflow pipework;</li> <li>(e) screens; and</li> <li>(f) connections to Work No. 16 and Work No. 12.</li> </ul>
<b>15 – Earth Bund and Solar Photovoltaic (PV)</b>	<p>Landscaping and earthworks including—</p> <ul style="list-style-type: none"> <li>(a) solar photovoltaic panels and associated mounting structures, inverters, transformers and cabling;</li> <li>(b) security fencing; and</li> <li>(c) closed circuit television cameras.</li> </ul>
<b>16 – Terminal Pumping Station</b>	<p>A terminal pumping station including a shaft and including the following—</p> <ul style="list-style-type: none"> <li>(a) dry weather flow pumps;</li> <li>(b) storm pumps;</li> <li>(c) valve chamber and control building;</li> <li>(d) an odour control unit and exhaust stack;</li> <li>(e) dewatering; and</li> </ul>

Work No.	Development
	(f) connections to Work Nos. 4, 14 and 27.
<b>17 – Existing Rising and Gravity Main Diversions</b>	<p>Works to divert existing rising and gravity mains to Work No.18 comprising—</p> <ul style="list-style-type: none"> <li>(a) cuttings into existing mains in under or adjacent to Cowley Road;</li> <li>(b) connections from existing mains to new 750mm gravity main;</li> <li>(c) provision of manholes;</li> <li>(d) installation of new 750mm gravity main;</li> <li>(e) associated diversion works for existing utilities including the Fen Ditton rising main; and</li> <li>(f) decommissioning works to redundant mains;</li> </ul>
<b>18 – Interception Shaft</b>	<p>Interception shaft to intercept incoming waste water flows from the existing Riverside tunnel and receive flows from a new 750mm gravity main within Work No. 17 with an internal diameter of up to 12.5 metres and with a depth of up to 20 metres including—</p> <ul style="list-style-type: none"> <li>(a) ventilation stack extending up to 10 metres above the proposed ground level;</li> <li>(b) vortex drop pipe;</li> <li>(c) odour control unit comprising small roadside boxes housing carbon filters and local panels;</li> <li>(d) welfare and laydown area, hard standing and storage area;</li> <li>(e) dewatering;</li> <li>(f) security fencing;</li> <li>(g) soil handling;</li> <li>(h) crane working space;</li> <li>(i) decommissioning works to redundant mains;</li> <li>(j) local control panels;</li> <li>(k) kiosks;</li> </ul>

Work No.	Development
	<ul style="list-style-type: none"> <li>(l) closed circuit television cameras and columns;</li> <li>(m) lightning protection infrastructure including masts, finials, earth mats and bonding;</li> <li>(n) chemical storage and dosing plant;</li> <li>(o) a temporary shaft associated with the construction of Work No, 27; and</li> <li>(p) connections to Work Nos. 17, 26 and 27.</li> </ul>
<b>19 – Gateway Building</b>	<p>Gateway building including -</p> <ul style="list-style-type: none"> <li>(a) office space;</li> <li>(b) welfare facilities;</li> <li>(c) discovery centre;</li> <li>(d) rooftop solar photovoltaic panels;</li> <li>(e) refuse bins;</li> <li>(f) associated plant; and</li> <li>(g) bicycle storage.</li> </ul>
<b>20 - Temporary Compound Area</b>	Temporary compound area including welfare facilities.
<b>21 - Temporary Site Establishment</b>	<p>Temporary site establishment and construction works to support construction of Work Nos. 1 to 16, 27, 31, 33, 35 and 36 including—</p> <ul style="list-style-type: none"> <li>(a) temporary site access works from Horningsea Road and to Low Fen Drove Way;</li> <li>(b) working area compound;</li> <li>(c) concrete batching plant;</li> <li>(d) temporary lined lagoon; and</li> <li>(e) hard standing, laydown and storage.</li> </ul>
<b>22 – Waste Water Treatment Plant Construction Works</b>	Construction and material storage area during construction of Work Nos. 1 to 16, 27, 31, 33, 35 and 36.

Work No.	Development
<b>23 - Landscaping and Ecological Works</b>	Permanent landscaping and ecological works, including— <ul style="list-style-type: none"> <li>(f) planting;</li> <li>(g) earthworks and ground re-profiling;</li> <li>(h) drainage works; and</li> <li>(i) creation of pathways.</li> </ul>
<b>24 - Landscaping and Ecological Works Temporary Work</b>	Temporary access and working area to support and facilitate the landscaping and ecological works in Work No. 23.
<b>25 - Temporary Working Area Compound</b>	Temporary working area compound including welfare facilities.
<b>26 – Diversion of Riverside Tunnel</b>	Works to divert the existing Riverside sewer to connect to Work No. 18 comprising— <ul style="list-style-type: none"> <li>(a) temporary diversion works including a temporary shaft/pit and temporary overground pipes, underground pipework to connect the Riverside sewer to Work No. 18;</li> <li>(b) installation of temporary pumps and power supply including generators and fuel storage;</li> <li>(c) removal of temporary works; and</li> <li>(d) decommissioning works to the redundant sewer.</li> </ul>
<b>27 – Transfer Tunnel</b>	An underground transfer tunnel between Work No. 18 and Work No. 16 installed using pipe jacking and including— <ul style="list-style-type: none"> <li>(a) a temporary construction shaft within each of the areas to which Work No. 27 overlaps with Work No. 28; and</li> <li>(b) connections to Work Nos. 16 and 18.</li> </ul>
<b>28 – Transfer Tunnel Construction Area Temporary Compounds</b>	Temporary working area compounds associated with Work No. 27, including— <ul style="list-style-type: none"> <li>(a) welfare and laydown areas;</li> <li>(b) crane working space;</li> </ul>

Work No.	Development
	<ul style="list-style-type: none"> <li>(c) hard standing;</li> <li>(d) dewatering;</li> <li>(e) security fencing;</li> <li>(f) mud and soil handling; and</li> <li>(g) storage area.</li> </ul>
<b>29 – Temporary Access Works to Works 28, 34 &amp; 36 (West of Horningsea Road)</b>	Temporary access works from Horningsea Road to Work Nos. 28, 34 and 36 between Green End and Horningsea Road, with provision for early works access off Poplar Hall private access to facilitate creation, from the field to the west, of the new haul route access off the West side of B1047 Horningsea Road.
<b>30 – Network Rail Monitoring Works</b>	Temporary access and monitoring of ground movement at varying depths to railway tracks on Network Rail land and other monitoring due to pipeline and tunnel crossings under the Cambridge to King’s Lynn railway line.
<b>31 – Final Effluent &amp; Storm Pipeline</b>	Two outfall pipes to be laid below ground for final effluent and storm water connecting Work No. 12 to Work No. 32 together with associated access and venting manholes and access works from Horningsea Road.
<b>32 - Outfall</b>	<p>Outfall works in connection with the discharge of final effluent and storm water to the river Cam comprising—</p> <ul style="list-style-type: none"> <li>(a) two outfall pipes to be laid below ground for final effluent and storm water connecting to Work No. 31;</li> <li>(b) ditch crossing, diversion and associated protection works;</li> <li>(c) temporary access track;</li> <li>(d) temporary working area compound;</li> <li>(e) temporary cofferdam;</li> <li>(f) outfall structure and associated fittings;</li> <li>(g) river bed and embankment reinforcement works including dredging and scour protection measures; and</li> <li>(h) temporary public right of way diversion and restoration works.</li> </ul>

Work No.	Development
<b>33 – Waterbeach Pipeline North</b>	<p>Up to two waste water pipelines laid underground between a point of connection with waste water infrastructure to be provided as part of the Waterbeach New Town development and Work No. 35 and Work No. 36, including—</p> <ul style="list-style-type: none"> <li>(a) crossings of the river Cam, King’s Lynn railway line and Low Fen Drove Way using horizontal directional drilling technique in accordance with the code of construction practice, but otherwise laid using either open cut trenching or horizontal directional drilling technique;</li> <li>(b) new accesses and access improvements;</li> <li>(c) temporary shafts;</li> <li>(d) horizontal directional drilling launch and exit pits;</li> <li>(e) welfare, storage and laydown areas;</li> <li>(f) temporary haul roads;</li> <li>(g) dewatering, drainage works and restoration of existing land drainage;</li> <li>(h) ditch crossing, diversion and associated protection works;</li> <li>(i) mud and soil handling;</li> <li>(j) associated infrastructure including air valves and other pipework fittings and fixtures;</li> <li>(k) permanent accesses for future maintenance and replacement of the pipelines; and</li> <li>(l) connections to Work No. 35 and Work No. 36.</li> </ul>
<b>34 – Waterbeach Pipeline Construction Area and Compounds</b>	<p>Temporary construction compounds, welfare, storage and laydown areas and temporary haul roads in connection with Work Nos. 33, 35 and 36.</p>
<b>35 – Waterbeach Pipeline Spur to Terminal Pumping Station</b>	<p>Up to two waste water pipelines laid underground between Work No. 33 or 36 and Work No. 16 to facilitate a connection between the waste water infrastructure to be provided as part of the Waterbeach New Town development and Work No. 16 including—</p>



Work No.	Development
	<ul style="list-style-type: none"> <li>(a) crossings using either pipe-jacking or horizontal directional drilling technique but otherwise laid using either open cut trenching or horizontal drilling technique;</li> <li>(b) new accesses and access improvements;</li> <li>(c) temporary shafts;</li> <li>(d) horizontal directional drilling launch and exit pits;</li> <li>(e) welfare, storage and laydown areas;</li> <li>(f) temporary haul roads;</li> <li>(g) construction compounds;</li> <li>(h) dewatering, drainage works and restoration of existing land drainage;</li> <li>(i) ditch crossing, diversion and associated protection works;</li> <li>(j) mud and soil handling;</li> <li>(k) associated infrastructure including air valves and other pipework fittings and fixtures;</li> <li>(l) permanent accesses for future maintenance and replacement of the pipelines; and</li> <li>(m) connections to Work No. 16 and Work Nos. 33 and/or 36.</li> </ul>
<b>36 – Waterbeach Pipeline South</b>	<p>The provision of the Waterbeach pipeline south works as follows:</p> <ul style="list-style-type: none"> <li>(a) up to two waste water pipelines laid between Work No. 33 and the boundary of the existing Cambridge Waste Water Treatment Works, including crossings of the river Cam, the A14, Horningsea Road, Fen Road and King’s Lynn railway line using horizontal directional drilling technique in accordance with the code of construction practice, but otherwise laid using either open cut tracking or horizontal directional drilling technique;</li> <li>(b) up to two waste water pipelines laid underground and above ground within the existing Cambridge Waste Water Treatment Works;</li> <li>(c) new accesses and access improvements;</li> </ul>

Work No.	Development
	<ul style="list-style-type: none"> <li>(d) temporary shafts;</li> <li>(e) horizontal directional drilling launch and exit pits;</li> <li>(f) welfare, storage and laydown areas;</li> <li>(g) temporary haul roads;</li> <li>(h) dewatering, drainage works and restoration of existing land drainage;</li> <li>(i) ditch crossing, diversion and associated protection works;</li> <li>(j) mud and soil handling;</li> <li>(k) associated infrastructure including air valves and other pipework fittings and fixtures;</li> <li>(l) permanent accesses for future maintenance and replacement of the pipelines;</li> <li>(m) connections to Work Nos. 33 and 35 and at the existing Cambridge Waste Water Treatment Works; and</li> <li>(n) decommissioning of all or part of this Work.</li> </ul>
<b>37 – Temporary Access Works for Work Nos. 33 &amp; 34</b>	Temporary access works associated with Work Nos. 33 and 34 including temporary construction and commissioning dewatering and drainage works and works to facilitate discharge into the watercourses adjacent to Bannold Drove, Burgess’s Road and Bannold Road.
<b>38 – New Bridleway</b>	Works relating to the provision of a new bridleway including street apparatus, gates and signage.
<b>39 – Ecological Mitigation Area</b>	<p>Ecological mitigation works, including—</p> <ul style="list-style-type: none"> <li>(a) earthworks and ground re-profiling;</li> <li>(b) creation of natural drainage ditches, wetland habitat and ponds;</li> <li>(c) creation of connections to or culverts/bridges over existing drainage ditches;</li> <li>(d) creation of maintenance access routes; and</li> </ul>

Work No.	Development
	(e) temporary welfare and laydown areas and haul roads.
<b>40 – Decommissioning of the existing Cambridge Waste Water Treatment Plant</b>	<p>Works to the existing Cambridge Waste Water Treatment Works to cease its existing operational function and to facilitate the surrender of its operational permits including:</p> <ul style="list-style-type: none"> <li>(a) removal of pumps;</li> <li>(b) isolation of plant;</li> <li>(c) isolation of electrical connections;</li> <li>(d) isolation, filling and capping of pipework;</li> <li>(e) cleaning of tanks, pipes, screens and other structures, plant and machinery;</li> <li>(f) works to decommission the potable water supply; and</li> <li>(g) works to restrict access to walkways, plant and machinery</li> </ul>
<b>Further Works</b>	<p>In connection with Work Nos 1 - 40 above and to the extent that they do not form any part of such work, further associated development within the Order limits comprising such other works as may be necessary or expedient for the purpose of or in connection with the relevant part of the authorised development and which fall within the scope of work assessed by the environmental statement including-</p> <ul style="list-style-type: none"> <li>(1) In connection with Work Nos. 1 - 37, 39 and 40- <ul style="list-style-type: none"> <li>(a) highways works, including diversions, kerb alterations, white lining, road markings, re-surfacing, laybys, traffic calming, vegetation clearance, traffic management and turning areas;</li> <li>(b) road and traffic signage;</li> <li>(c) footpaths;</li> <li>(d) fencing, security and safety measures including closed-circuit television (CCTV) cameras and columns;</li> <li>(e) access gates;</li> <li>(f) drainage including attenuation tanks, manholes, highway drainage and internal road drainage, land drainage restoration and diversion, ground and</li> </ul> </li> </ul>

Work No.	Development
	<p>surface water treatment facilities, soakaways and swales and other sustainable drainage systems;</p> <p>(g) chemical dosing pipework;</p> <p>(h) operational and maintenance task lighting;</p> <p>(i) communication and control infrastructure;</p> <p>(j) telemetry infrastructure including outstations;</p> <p>(k) hard and soft landscaping;</p> <p>(l) vehicle restraint systems;</p> <p>(m) works within the existing sewers, chambers and culverts and other structures that comprise the existing sewerage network for the purposes of enabling the authorised development, including reconfiguring, modifying, altering, repairing, strengthening or reinstating the existing network;</p> <p>(n) works within new and existing pumping stations including structural alterations to the interior fabric of the pumping station(s), works to reconfigure existing pipework, provision of new pipework, new penstock valves and associated equipment, modification of existing electrical, mechanical and control equipment, and installation or provision of new electrical, mechanical and control equipment;</p> <p>(o) installation of electrical, mechanical and control equipment in other buildings and kiosks and modification to existing electrical, mechanical and control equipment in such buildings and kiosks;</p> <p>(p) installation of pumps in chambers and buildings;</p> <p>(q) works to trees and landscaping works not comprising development;</p> <p>(r) works associated with monitoring of buildings and structures;</p> <p>(s) works required for the strengthening, improvement, maintenance or reconstruction of any street;</p>

Work No.	Development
	<p>(t) works to place, alter, remove or maintain street furniture or apparatus in a street, or apparatus in other land, including mains, sewers, drains, soakaways, pipes, cables and ducts; and</p> <p>(u) works to install, divert, repair, replace, maintain and decommission gas, potable water, waste water, electricity and telecommunications services and apparatus;</p> <p>(2) In connection with Work Nos. 1 - 40, temporary works relating to construction including-</p> <p>(a) lighting;</p> <p>(b) ramps, accesses, non-motorised links, and crossing facilities;</p> <p>(c) welfare facilities including generators; and</p> <p>(d) security measures including fencing and CCTV.</p> <p>(3) Within the area of such works which are 30 metres in any direction from the river Cam, works relating to the suspension of existing moorings and the relocation of boats/vessels including works to attach mooring structures and equipment to the boats/vessels.</p> <p>(4) Within the inner boundary of Work No. 15-</p> <p>(a) internal access and circulation roads, turning areas, hardstanding, and parking;</p> <p>(b) air, steam and hot water distribution infrastructure;</p> <p>(c) motor control centres (MCC);</p> <p>(d) local control panels (LCP);</p> <p>(e) programmable logic controllers (PLC);</p> <p>(f) HV Switchgears and transformers;</p> <p>(g) solar photovoltaic panels;</p> <p>(h) switchgear buildings, battery storage buildings and associated connections to the solar PV panels installed in connection with Work Nos. 7, 15 and 19;</p>

Work No.	Development
	<ul style="list-style-type: none"> <li>(i) kiosks;</li> <li>(j) gas infrastructure;</li> <li>(k) closed-circuit television cameras and columns;</li> <li>(l) odour ducting and treatment; and</li> <li>(m) lightning protection infrastructure including masts, finials, earth mats and bonding.</li> </ul> <p>(5) Works associated with decommissioning the existing Cambridge Waste Water Treatment Works including the existing outfall north of the A14 and assets in Cowley Road, and the existing Waterbeach Wastewater Treatment Works and diversions of existing utilities and services.</p>

- 10.2 With regard to the “Further Works” listed within Schedule 1, the Applicant has specified where appropriate and reasonable the relevant works listed might be carried out, or in connection with which particular Work package. This is consistent with many other made Orders such as The Sizewell C (Nuclear Generating Station) Order 2022 and The Portishead Branch Line (MetroWest Phase 1) Order 2022. The Further Works are not fixed to a particular work package but relate to several or generally are ancillary type works related to the detailed descriptions of the Works. Where possible, however, the Applicant has sought to draft the works as narrow as is reasonable and appropriate, for example a number of these works can be excluded from Work No. 38 and works to suspend river moorings have been limited to works within a particular distance from the river as opposed to any work within the Order limits.
- 10.3 The Applicant would also highlight that the works are clearly limited to those within the scope of the environmental statement
- 10.4 *Schedule 2 (Requirements)* sets out the requirements which apply to the carrying out of and operation of the authorised development under the Order. The requirements closely relate to the mitigation set out in the Environmental Statement (Application document reference 5.2) and other relevant Application documentation. Where a requirement provides details to be submitted for approval, the requirement also requires the Applicant to carry out the authorised development in accordance with the approved details.
- 10.5 Part 2 of Schedule 2 is based on Planning Inspectorate Advice Note 15 which sets out the procedure in relation to the discharge of requirements.
- 10.6 A summary of each requirement and the reasoning for its inclusion is set out in the table below:

Requirement (Number and topic)	Explanation
2 - Time limit	This requires that the authorised development must not commence after the expiry of five years from the date on which the Order comes into force. This is based on the model provisions as per requirement 2.
3 - Phasing	<p>This requirement provides that save for the enabling phase, the authorised development must not be commenced until a written scheme setting out the phases of construction has been approved by the relevant planning authority.</p> <p>This is based on the model provisions, save that it does not apply to the enabling phase which is defined in paragraph 1 of Schedule 2.</p>
4 - Parameters	This requirement provides that the elements of the authorised development listed in Schedule 14 (parameters) must not exceed the maximum dimensions and heights set out in that same schedule. This ensures that the development will be brought forward within the environmental parameters of assessment.
5 - Requirement for written approval	This requirement manages how approval by a planning authority or any other person is to be provided. It must be given in writing and where approval relates to more than one phase, the Applicant is not required to seek multiple approvals for the same details. This requirement is needed in order to give certainty as to what has been agreed and in order to minimise the risk of delay for the Applicant.
6 - Approved details and amendments to them	Where any requirement requires details to be submitted in accordance with a document, the relevant planning authority may approve an amendment or variation. However, any amendments or variations must be in accordance with the principles and assessment set out in the Environmental Statement. This ensures that the authorised development remains within the assessed parameters.
7 - Detailed design	This requirement provides that no phase of the authorised development is to commence until specified details have been approved. In order to

Requirement (Number and topic)	Explanation
	<p>assist the relevant planning authority in its approval, the details submitted must be accompanied by an explanation of how they accord with the design objectives in section 11 of the design and access statement or an explanation of why this is not reasonably practicable. The following examples are given in the design and access statement as instances where according with the design objectives would not be reasonably practicable: new regulatory requirements, abnormal ground conditions, and change to permitting requirements</p> <p>This drafting is required as due to the scale of the authorised development, detailed design will not be settled at the time the Order is made.</p> <p>In respect of operational lighting, paragraph 3 of this requirement provides that the details submitted must accord with the details in the lighting design strategy.</p>
8 - Code of Construction Practice	Pursuant to this requirement, each phase of the authorised development must be carried out in accordance with the code of construction practice.
9 - Construction Environmental Management Plan	<p>This requirement provides that no phase of the authorised development is to commence until a construction environmental management plan for that phase has been submitted to and approved by the relevant planning authority.</p> <p>Any such plan submitted for approval must incorporate the measures in the code of construction practice (where relevant).</p> <p>The requirement provides for specified details to be submitted, depending upon whether the plan relates to an enabling phase or any other phase.</p> <p>The plan for each phase is to be kept under review and updated if necessary as construction proceeds. Any updates must be approved pursuant to requirement 6.</p>



Requirement (Number and topic)	Explanation
10 - Outfall	<p>This requirement ensures that that no construction of that part of the authorised development comprising works within the area of Work No. 32 is to commence until a detailed construction outfall management and monitoring plan has been approved by the relevant planning authority in consultation with Natural England and the Environment Agency. The detailed construction outfall management and monitoring plan must accord with the measures in the outline outfall management and monitoring plan relating to construction.</p> <p>Requirement 10(4) ensure that the outfall forming part of Work No. 32 must be carried out in accordance with the approved detailed construction and outfall management and monitoring plan.</p> <p>Requirement 10(5) also ensures that the outfall forming part of Work No.32 must not be brought into operational use until a detailed operational outfall management and monitoring plan has been submitted to and approved by the relevant planning authority in consultation with Natural England and the Environment Agency. The detailed operational outfall management and monitoring plan must accord with the measures set out in the outline outfall management and monitoring plan relating to the operation of the outfall.</p> <p>Requirement 10(6) specifies that the detailed operational outfall management and monitoring plan must include details of measures for the achievement of 20% biodiversity net gain comprising river units within or outside of the Order limits.</p>
11 - Landscape, Ecological and Recreational Management Plan	<p>No phase of the authorised development is to commence until a detailed landscape, ecological and recreational management plan (“detailed LERMP”) has been approved by the relevant planning authority in consultation with Natural England and the Environment Agency.</p>

Requirement (Number and topic)	Explanation
	<p>The detailed LERMP must set out how the measures contained within it contributed towards the achievement of twenty percent biodiversity net gain for the whole of the authorised development (excluding any biodiversity net gain to be provided as river units under the operational outfall management and monitoring plan).</p>
<p>12 - Operational Workers Travel Plan</p>	<p>In accordance with this requirement, the Applicant must submit for approval a detailed operational workers travel plan prior to the operation of the authorised development.</p> <p>The details must accord with the operational workers travel plan which is a certified document for the purposes of Schedule 18.</p> <p>The plan may be revised from time to time in accordance with requirement 6.</p>
<p>13 - Archaeological Investigation Mitigation Strategy</p>	<p>This requirement provides that no phase of the authorised development is to commence until a detailed archaeological investigation mitigation strategy for that phase has been submitted to and approved in writing by the relevant planning authority.</p> <p>Each detailed archaeological investigation mitigation strategy must accord with the measures set out in the framework archaeological investigation mitigation strategy</p>
<p>14 - Construction lighting</p>	<p>In accordance with this requirement, no phase of the authorised development is to be commenced until a detailed construction lighting design strategy has been submitted and approved by the relevant planning authority.</p>
<p>15 - Drainage</p>	<p>Pursuant to this requirement, no phase (save for the enabling phase) is to be commenced until a detailed drainage strategy for that phase setting out the permanent drainage measures to be provided as part of that phase has been submitted to and approved in writing by the relevant planning authority. Each detailed</p>

Requirement (Number and topic)	Explanation
	drainage strategy must accord with the measures in the drainage strategy insofar as they apply to the works in the relevant phase.
16 - Contamination risk	<p>This requirement addresses how contamination which is discovered during construction should be dealt with. In summary, construction must cease and the contamination must be reported to the relevant planning authority. Prior to recommencing construction, a suitable investigation and risk based land contamination assessment must be approved by the relevant planning authority in consultation with the Environment Agency. Any remedial measures must also be approved.</p> <p>This is based on model requirement 15 and aligns with the commitment in the code of construction practice.</p>
17 - Decommissioning	This requirement deals with the decommissioning of the existing WWTP and ensures that it must commence no later than 3 months following the completion of commissioning of the new WWTP or such longer date as may be agreed with the relevant planning authority.
18 - Asset Management Plan	<p>This requirement requires the Applicant, as mentioned in chapter 6 (climate resilience) of the environmental statement, to submit and agree an operational asset management plan before the authorised development is operational.</p> <p>That plan must incorporate the measures set out in the asset management plan.</p>
19 - Operational Logistics Travel Plan	This requirement provides that prior to the operation of the authorised development an operational logistics traffic plan must be submitted to and approved in writing by the relevant planning authority. The operational logistics traffic plan must set out details of HGV delivery times and HGV routing and monitoring proposals.

Requirement (Number and topic)	Explanation
20 - Odour Management Plan	<p>This requirement ensures that no commissioning is to take place until a detailed odour management plan has been submitted and approved by the relevant planning authority. The detailed odour management plan must be in accordance with the measures in the preliminary odour management plan and the principles and assessments set out in the relevant part of the environmental statement.</p>
21 - Carbon Management Plan	<p>The Applicant is required to submit to and secure the agreement of the relevant planning authority to a detailed carbon management plan for the authorised development before the gas recovery plant forming Work No. 9 becomes operational.</p> <p>The detailed carbon management plan must accord with the measures set out in the outline carbon management plan and must detail how the operation of the authorised development achieves carbon net zero.</p>
22 – Operational water quality monitoring plan	<p>This requires the applicant to submit to and secure the approval of the relevant planning authority of a detailed operational water quality monitoring plan prior to the authorised development being brought into operation.</p> <p>The detailed operational water quality monitoring plan must accord with the measures set out in the outline water quality monitoring plan and must incorporate measures to monitor water quality.</p> <p>Requirement 22 has been added to correct an omission when considering mitigation that should have been included in the first draft DCO.</p>
23 – Discovery centre	<p>This requires the applicant to submit to and secure the approval of the relevant planning authority of a scheme for the operation of the discovery centre to be provided as part of the propose development prior to the discovery centre being brought into operation.</p>

Requirement (Number and topic)	Explanation
	<p>The scheme must incorporate measures for (a) attendance by appointment only; (b) an education programme; and (c) scheduled opportunities for local schools and groups.</p> <p>The discovery centre must be operated in accordance with the approved scheme.</p> <p>Requirement 23 has been added to limit the discovery centre to how it is intended to operate in accordance with the project description chapter in the Environmental Statement (document reference number 5.2.2, Examination Library reference APP-034)</p>
24 – Operational Wildlife Hazard Management Plan	A new Requirement 24 has been added which requires the submission and approval of a detailed operational wildlife hazard management plan. This must accord with the measures set out in the wildlife hazard management plan (document reference number 5.4.8.18, Examination Library reference APP-103) relating to the operation of the authorised development.

- 10.7 *Schedule 3 (Streets subject to street works)* sets out the streets that would be subject to street works (including reference to the location and the specific street).
- 10.8 *Schedule 4 (Streets subject to alteration of layout)* sets out the streets that would be subject to an alteration of layout (including a description of the alteration) as shown on the Highways Plans (Application document reference 4.11, Examination Library reference APP-025).
- 10.9 *Schedule 5 (Streets to be temporarily)* identifies streets which may be temporarily closed and the extent of the closure with reference to the Access and Traffic Regulation Order Plans (Application document reference 4.7, Examination Library reference AS-154).
- 10.10 *Schedule 6 (Public rights of way)* Part 1 identifies public rights of way that are to be temporarily closed and the extent of the closure, and specifies the stage of the authorised development at which the closure will occur with reference to the Rights of Way Plans (Application document reference 4.6, Examination Library reference AS-017). Part 2 details the new public rights of ways to be created as shown indicatively on the Rights of Way Plans.
- 10.11 *Schedule 7 (Access to works)* sets out those accesses that will be created in order to construct, operate and maintain the authorised development or in some instances,

created for construction, operation and maintenance. The accesses are identified on the Access and Traffic Regulation Order Plans (Application document reference 4.7, Examination Library reference AS-154) with a yellow label as follows:

- 10.11.1 CA refers to a construction access;
  - 10.11.2 COA refers to an access for construction and operational purposes; and
  - 10.11.3 OA refers to an operational access.
- 10.12 *Schedule 8 (Speed limits)* concerns new speed limits. Part 1 details those highways where temporary speed limit orders are to be imposed and the duration of the temporary speed limited.
- 10.13 Part 2 sets out a new permanent speed limit along Horningsea Road to commence on completion of the authorised development.
- 10.14 *Schedule 9 (Traffic regulation)* details the highways to which traffic regulation works are to be applied as identified on the Access and Traffic Regulation Order Plans (Application document reference 4.7, Examination Library reference AS-154). Part 2 details the prohibited movements. There are three prohibited movements, each of which commence from the date the new site access becomes operational and are required to deter vehicles from using either Fen Ditton or Horningsea villages, to keep construction vehicle movements to the agreed site access routes and to deter certain turning movements. The restrictions are:
- 10.14.1 No right turn from the proposed waste water treatment plant new site access onto the B1047 and Horningsea Road northbound;
  - 10.14.2 No left turn for HGVs into the proposed waste water treatment plant access from the B1047 and Horningsea Road southbound; and
  - 10.14.3 No right turn into the proposed waste water treatment plant access from the B1047 and Horningsea Road southbound.
- 10.15 *Schedule 10 (Land in which only new rights etc. may be acquired)* details the land where new rights may be acquired and the purpose for which those rights may be acquired, for example, rights for the purposes of construction, operational and maintenance access. The rights have been drafted in particular packages so that for any parcel of land, the appropriate rights can be sought and applied accordingly.
- 10.16 *Schedule 11 (Land in which only subsoil more than 7 metres beneath the surface may be acquired)* details the land where subsoil lying more than 7 metres beneath the surface may be acquired, pursuant to Article 30. Column (3) of the Schedule also identifies the purposes for which rights may be acquired or restrictive covenants imposed over that land in accordance with the powers in Article 30.
- 10.17 *Schedule 12 (Land of which temporary possession only may be taken)* sets out the land of which only temporary possession may be taken for the purposes of the construction of

the authorised development pursuant to Article 35 with reference to the appropriate purposes for which temporary possession may be taken.

- 10.18 *Schedule 13 (Modification of compensation and compulsory purchase enactments for creation of new rights)* modifies existing compensation legislation including the Land Compensation Act 1973 and the Compulsory Purchase Act 1965. This has been updated to reflect any necessary changes arising as a result of the Housing and Planning Act 2016.
- 10.19 *Schedule 14 (Parameters)* sets out the design envelope parameters for specific parts of infrastructure which will form the authorised development. They are secured through requirement 4 and fix the maximum parameters within which the relevant parts of the authorised development must be carried out. These parameters have been used as the basis of the environmental assessment in the Environmental Statement.
- 10.20 *Schedule 15 (Protective Provisions)* provides protection for statutory undertakers generally and for specific undertakers. These include:

Part	For the benefit of	Status at the time of deadline one
1	Electricity And Gas Undertakers	These are intended to cover apparatus which is not owned by Cadent Gas Limited or Eastern Power Networks Plc and therefore has not been negotiated with a specific statutory undertaker. This drafting has not changed since submission of the application.
2	Eastern Power Networks Plc as Electricity Undertaker	The draft provisions included in the draft DCO are, in the opinion of the Applicant, almost agreed with Eastern Power Networks. Negotiations are ongoing.
3	Cadent Gas Limited as Gas Undertaker	The draft provisions included in the draft DCO are, in the opinion of the Applicant, almost agreed with Cadent Gas Limited. Negotiations are ongoing.
4	Network Rail as Railway Undertaker	The Applicant has received draft provisions from Network Rail which it has amended and returned to Network Rail. The Applicant is liaising with Network Rail in respect of the few remaining provisions which are not yet agreed.
5	National Highways as Highways Authority	The authorised development requires works to land in which National Highways is the highway authority and

Part	For the benefit of	Status at the time of deadline one
		<p>in which Cambridgeshire County Council is the highway authority. These provisions govern the carrying out of the highway works and obviate the need for any agreements pursuant to the Highways Act 1980, although they still require details to be approved by the highways authorities before specified works may commence.</p> <p>The provisions included in the draft DCO at the time of submission had been the subject of discussion with National Highways over many months. The approach to the drafting was to cover the works on the highway including traffic regulation, and separately to govern the protection of NH infrastructure (the A14) during the installation and maintenance of the transfer tunnel and Waterbeach pipeline. At the time of submission, the provisions had almost been agreed, with only a few outstanding points between the parties, however National Highways has revised its approach to protective provisions and is seeking its new standard version to be included in the DCO. The Applicant continues to engage with National Highways to come to agreement but at this stage confirmed that it wants to retain matters which were previously agreed with National Highways.</p>
6	Local Highway Authorities	<p>As above, these provisions govern the carrying out of the highway works on the local highway network and obviate the need for any agreements pursuant to the Highways Act 1980, although they still require details to be approved by the highways authority before specified works may commence.</p> <p>The local highway authority submitted at Issue Specific Hearing 1 that its</p>



Part	For the benefit of	Status at the time of deadline one
		preference is to use standalone section 278 agreements rather than have the benefit of protective provisions. As a middle ground, the Applicant has reviewed the local highway authority precedent section 278 agreement and has put these in the format of protective provisions for review by the local highway authority.
7	Cam Conservancy	The Applicant has issued the draft protective provisions to the Cam Conservancy and awaits comment.
8	Operators Of Electronic Communications Code Networks	These are standard provisions to cover any and all such operators. They have not been negotiated with any particular party and have not changed since the application was submitted.
9	Cambridge Water	The protective provisions are agreed with Cambridge Water.
10	Lead local flood authority	The Applicant has been in discussions with Cambridgeshire County Council, as lead local flood authority, and the draft provisions have been refined as a result of that. The draft provisions have been agreed, save for the ability of the Applicant to elect to remove, alter or pull down any works that do not comply with the requirements of Part 10, as opposed to being required to do so if the lead local flood authority so directs]

- 10.21 *Schedule 16 (Hedgerows and important hedgerows)* sets out the hedgerows and the important hedgerow that may be removed pursuant to Article 23 (*Felling or lopping of trees and removal of hedgerows*), shown with reference to the hedgerow regulations and tree preservation plans (Application document reference 4.8, Examination Library reference AS-155).
- 10.22 *Schedule 17 (Miscellaneous controls)* applies, modifies and excludes statutory provisions which relate to matters for which provision has been made in the Order.

- 10.23 Schedule 17 of the draft DCO has been updated to remove the disapplication of the Building Act 1984 and to amend the disapplication on of the Community Infrastructure Levy Regulations 2010. As discussed at Issue Specific Hearing 1, the Applicant no longer seeks to disapply the Building Act 1984 and so it is not required to be included in Schedule 17.
- 10.24 In relation to the 2010 Regulations, the applicant explained at Issue Specific Hearing 1 that it was to propose a simpler approach to the disapplication of the community infrastructure levy. The draft DCO has therefore been amended so that rather than specifying that any building comprised in the authorised development shall be deemed to be either: (a) a building into which people do not normally go; or (b) a building into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery under regulation 6 of the 2010 Regulations, it now specifies that the Order shall not constitute a planning permission for the purpose of Part 11 of the 2008 Act notwithstanding the definition of planning permission contained in article 5 of the 2010 Regulations.
- 10.25 *Schedule 18 (Certification of plans and documents)* details the plans and documents which have been certified as part of this Order.
- 10.26 *Schedule 19 (Arbitration)* provides a process pursuant to which arbitration shall be conducted. As explained in relation to Article 52 a process for arbitration is secured through the Order. The intention is to achieve a fair, impartial and binding award on substantive differences between the parties (with the exception of costs) with a timely resolution.

Eversheds Sutherland (International) LLP

**One Wood Street**  
**London**  
**EC2V 7WS**  
**United Kingdom**  
Solicitors and Parliamentary Agents

## Get in touch

You can contact us by:



Emailing at [info@cwwtpr.com](mailto:info@cwwtpr.com)



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



Writing to us at **Freepost: CWWTPR**



Visiting our website at [www.cwwtpr.com](http://www.cwwtpr.com)

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