

The document uploaded covers the updated representation comments from Gonville and Caius College, which remain largely the same as in July 2023. Alongside the DCO process, the College's agents continue to negotiate with Anglian Water's agent and draft heads of terms for AW to acquire various land rights have been drawn up, subject to further review. In particular, the College continues to object to the excessive acquisition of the plot 021d for Biodiversity Net Gain purposes and we note the various queries which have also been raised by the Inspectorate in respect of this area.

Subject: CWWTPR – Gonville and Caius -
From: Bidwells
Date: 20 November 2023
To: Planning Inspectorate
CC: Anglian Water



CWWTPR – GONVILLE & CAIUS FURTHER REPRESENTATIONS

November 2023 Update

As agent on behalf of Gonville & Caius, Cambridge ('the College') Bidwells continues to engage with Anglian Water's agent, Savills in respect of its interest as landowner of Poplar Hall Farm, Fen Ditton.

Revised draft heads of terms for an option agreement (confidential at AW's request) have been drawn up reflecting the various transactions for acquiring the College's freehold land and other permanent rights which the Project would give rise to.

Should the DCO be granted, the parties would be expected to follow these agreed terms, rather than following the larger and more onerous transfers of land and rights as set out in the DCO application.

The terms, which are subject to further review and approval from both the College and Anglian Water, cover the following transactions:

1. Easement for the Effluent and Storm Pipeline
2. Freehold sale of area for Outfall Structure
3. Subterranean freehold sale for the Sewerage Tunnel
4. Easement for the Sewerage Tunnel (i.e., restrictions on the College at surface level)
5. Easement for the Waterbeach Rising Main pipeline
6. Ecological Mitigation Works area

The heads of terms discussed intend to deal with acquisition of land and rights in respect of the Project only and do not preclude the College or its tenants from making additional claims in respect of disturbance, accommodation works, fees, other costs or other losses incurred as a result of the Project. The parties are expected to make separate arrangements regarding temporary working areas as and when more detail is known on timing for each element of the works.

The College made its initial representations in July and this updated representation reflects the further discussions with Anglian Water's agents.

The following comments are most relevant to questions 5.24-5.30 raised to the Application within the ExQ1 document.

Rep 1 – Scheme design

The College remains concerned by the design of the scheme and lack of detailed rationale for elements of its design. We believe the proposed acquisition of the College's freehold land is excessive under the DCO, and in particular for the ecological mitigation works, as described at Appendix 8.13 of the application (Biodiversity Net Gain (BNG) Report). In further discussions with Savills, it is evident that the full extent of the College's field north of the A14 is not required for the Project and terms have been discussed on a much smaller area.

As previously commented, the plans submitted for the proposed DCO do not match what was previously represented to the College as the current plan and do not incorporate the numerous comments which were previously made by

Bidwells to Savills as part of the negotiation and consultation. Notably, the College's field to the north of the A14 (021b) has been included for freehold acquisition in its entirety (see comments above).

Bidwells, as agent, note that this approach to DCO by developers seems to be becoming commonplace, with compulsory purchase powers being sought before sufficiently detailed design work is completed.

The inconsistency of information provided, and lack of reliable plans has made negotiations difficult. New plans were issued 08/11/2023 following Bidwells' request and terms for an option agreement have been re-drafted for consideration by all parties.

The College upholds its previous comments made and reserves the right to make further representations based on the Land Plans submitted as part of the DCO application.

Rep 2 – Scope of rights proposed for acquisition

The design and proposed areas of freehold ground-level acquisition are ill designed and inappropriate for a working farm, which the property is.

The College is extremely concerned by the excessive proposal to acquire the entirety of the field to the north of the A14 (021b) for Biodiversity Net Gain (BNG) purposes. This is addressed in detail below.

The plans also propose freehold acquisition of two tunnel shafts, both in the middle of working arable fields (021r and 021s) whereas the rest of the tunnel involves just the acquisition of the subsoil. There is no sense in AW owning the surface level of two tiny parcels in the middle of a field, which will have no use after the shafts are decommissioned and no access. These should be covered by temporary access reverting to the College on completion of the scheme and so eliminate the need for ongoing tenancies between the parties.

This alternative arrangement forms the basis of the terms set out in the draft heads of terms between the parties.

Whilst Savills have stated that the DCO does not have provision for these areas to be acquired in any other way bar freehold acquisition, this is not convincing and does not provide a solution to the long-term integrity of Poplar Hall Farm's title, with various areas of third-party freehold acquired in the middle of working fields.

Development over the rising main (area 021d) is heavily restricted under the proposed DCO. AW previously suggested only temporary restrictions on development were needed, but this is not in the proposed DCO.

There is minimal detail in the proposed DCO as to why some areas are required. This includes the BNG land, the rising shafts, and the very general right of access across the farm track at Poplar Hall Farm. All of these matters have previously been discussed with Savills and have been considered as part of the draft heads of terms for an option agreement but are not reflected in the proposed DCO.

Rep 3 – Biodiversity Net Gain

The College notes again that AW has imposed a target of a net 20% gain in biodiversity across the scheme. This is not a regulatory requirement but is AW's self-imposed target.

AW has decided to deliver the bulk of this 20% BNG via the freehold acquisition of a large parcel of Poplar Hall Farm (021d), without responding to the College's reasonable objections. Bidwells, the College, and AW's agents have discussed this point and the College has been clear that unless AW is able to conclusively demonstrate the 20% uplift is absolutely required and can only be delivered in that specific parcel, its acquisition will be objected to.

Since the last round of representations, new plans have been issued which restrict the land for BNG purposes to a smaller area within 021d for the construction of ditches for water voles, along the northern portion of the field. Following receipt of these plans, as the College's agent we have been able to re-consider the heads of terms and the implications of works to this particular area.

We understand the desire to deliver the scheme in an environmentally positive way, however, it cannot be reasonably judged that AW's proposal to acquire this northern field (021d) for a self-imposed BNG target meets the three requirements for compulsory acquisition under DCO and we strongly object on this basis.

As part of the negotiation discussions, we requested a copy of the environmental report which suggested that the land at Poplar Hall was required to deliver their BNG uplift. The College eventually had to resort to Environmental Information Regulations to obtain it in late May 2023.

The report, referenced as Appendix 8.13 in the DCO application, measures BNG using the Biodiversity Net Gain Metric 3.0, which identified Poplar Hall for creation of River Units. The report concludes that the River Units can only be supplied in certain areas i.e., where land is connected to the river. The report suggests that AW can either provide this within the scheme area (obviously preferable to them) or look to procure these on the market, albeit river credits are not currently available. Our view on this is that whilst the River Units may not be readily available, AW could procure these elsewhere from a third party. Bidwells has arranged this for other clients, so it is known to be possible.

The report very briefly describes that there are no suggestions for other surface water features within the scheme area but this does not explain why the River Units cannot be achieved on the other side of the river i.e., within the scheme area and within the land already owned by Anglian Water.

In short, we still strongly reject to any College land being acquired solely for the purpose of delivering BNG for the scheme, because it is excessive, there is a market for obtaining it elsewhere and AW can provide it on land it owns.

Rep 4 – General comments and further points to address

Whilst we are expecting to deal with most of the acquisition rights via the option agreement for which draft terms have been discussed, the College will expect to address a number of matters in further discussions with Anglian Water or via the further representations, including but not limited to:

- Field drainage
- Reservation of rights across the rising mains
- Access rights to the outflow structure and during works
- Seeking confirmation on above ground structures with the College's ownership
- Vibration to the house and buildings during construction
- Other disturbance to the farm during construction and post construction
- Construction of the outflow structure and on-going security