

Submission by Save Honey Hill (IP No. 20041423)**ISH 1: dDCO - Summary of Oral Submissions****6 November 2023****1. Introduction**

- 1.1. This note summarises the oral submissions made on behalf of Save Honey Hill (SHH), an interested party to the examination of the application by Anglian Water Services Limited for an Order granting Development Consent for the Cambridge Waste Water Treatment Plant Relocation project (ref WW010003), at Issue Specific Hearing 1 (ISH 1) dealing with matters relating to the draft Development Consent Order (dDCO). ISH 1 took place on 18 October 2023 at the Hilton Hotel Cambridge City Centre.
- 1.2. Present on behalf of SHH were Ian Gilder and Esther Drabkin-Reiter, of Counsel. Ian Gilder made the submissions on behalf of SHH. The submissions are summarised in the order in which they were made during the hearing.

2. Agenda Item 2: Articles and Schedules (including Requirements) of the dDCO

- 2.1. SHH made the following submissions under Agenda Item 2 concerning the Articles and Schedules of the dDCO.

Article 13 dDCO – Low Fen Drove Way

- 2.2. A concern was raised in SHH's relevant representation (RR-035) at Section 13.2(ii) on p.46, with regard to the scope of Article 13 and Schedule 6 dDCO, dealing with the creation, temporary closure and diversion of public rights of way and in particular the failure to provide for the restriction of unfettered public use by vehicles of Low Fen Drove Way adjacent to the relocated works. It is highway/BOAT but is mainly unsurfaced. It is used for agricultural access and for access to one or two residential properties. SHH concerns are that with much increased recreational use of the new WWTP and the new path and bridleway, much larger numbers of users will be attracted to using Low Fen Drove Way. This will introduce vehicles into an area of open fields and paths diminishing its amenity. In our view this justifies requiring the Applicant to devise and implement suitable measures through the Order to restrict/prevent excessive incursions by unnecessary traffic. Such measures are legitimately related to the development and are a justified mitigation. LFDW is subject to anti-social and criminal behaviour, including trespassing, fly tipping and hare coursing, which the Applicant is aware of. SHH recognise that there are difficulties with regulating general vehicular use given it is needed for access to properties. Neither the Applicant nor the County Council have been willing to deal with this road in the provisions of the order. If a permanent closure of Low Fen Drove Way for vehicular use is necessary, this requires amendment to Article 13 and Schedule 6 of the dDCO.

- 2.3. Consideration should also be given to the circumstances in which Low Fen Drove Way might be brought up to a standard of a reasonable surfaced highway. It is a highway maintainable at public expense and an application could be made under s.56 of the Highways Act 1980 for an order requiring the local authority to put it in proper repair. Of note, there is now a planning permission for a dwelling replacing a derelict barn at Snout Corner and any developer/prospective occupier may well seek to have this section surfaced. That would encourage a greater volume of traffic along the road with concomitant environmental harm.

Requirement 1 – definition of enabling works

- 2.4. The Applicant should explain the reason for why the installation of part of the Waterbeach pipeline beneath the railway at Waterbeach had to form part of the definition of enabling works in para.1 of Schedule 2 at point (j). It was noted that this work is very different in nature from other enabling works on the list, which involve routine investigative or normal preliminary works. The drilling of the pipeline will involve a very substantial tunnel. The reason advanced is to avoid clashes with construction of new Waterbeach station. The delivery of the station being a moveable feast, it would be helpful to have confirmation of the expected construction dates of the station and how that might fit in with the enabling phase of the proposed development.

Article 6 – limits of deviation

- 2.5. Article 6(d) proposes a general 2m deviation upwards for certain works. This is neither practicable nor acceptable in relation to the Waterbeach pipeline (Work Nos. 33, 35 and 36) and outfall (Work No.32) as it could permit the pipeline to be constructed above ground level given how close the pipeline is to existing ground level as shown on the design plans and sections. This is clearly unacceptable in relation to future use of restored land for agriculture and visual impact. With regard to the outfall, the structure has been designed as a low-rise structure no more than 800mm above river level, which is necessary to minimise visual and historic environment impact. No or very small upward deviation should be allowed.

Alignment of Waterbeach pipeline – Work 36

- 2.6. There is also a concern regarding the lateral separation between alignment of the Transfer Tunnel and Waterbeach pipeline to the west of Horningsea Road, Fen Ditton (Sheet 3 of AW 4.3 APP-017). It is desirable to move the Waterbeach pipeline to the north close to alignment of the TT avoiding unnecessary land take, risks to hedgerows and trees and visual impact. The Applicant should explain why the Waterbeach pipeline cannot follow the route of the transfer tunnel. The Applicant points out that TT is underground at this point and there is no merit in bringing the alignments together. SHH disagrees.

Articles 23-25 and Schedule 16 – trees and hedgerows

- 2.7. The words “near any part of the authorised development” in Article 23(1) are ambiguous and the power to cut down trees should also be limited to land within the Order limits. There should no power for the undertaker to fell trees on land outside Order limits.
- 2.8. It should be ensured through drafting amendments to Article 23 (4) to the effect that the Applicant is **only** permitted to remove hedges specified in Sch.16. The Applicant should not be permitted to fell trees on land outside Order limits.

- 2.9. There are mature trees within limits which do not need to be removed for the works, particularly pipeline installation and these should be protected in the Order, maybe with an approval procedure that allows for specific applications for removal. These should be protected by an addition to Article 23 and a corresponding Schedule as part of Schedule 16.

Article 35 – temporary possession and reinstatement

- 2.10. Article 35(1): A 14-day notice period for temporary possession is very short and is often impracticable for people occupying and using land to be acquired temporarily. This has long been a problem with CPOs/DCOs and TWAOs, and leads to much ill-will and detriment to legitimate interests of affected landowners.
- 2.11. There are other desirable changes to provisions in Article 35(5) to regulate reinstatement. If the Applicant not prepared to amend the DCO, where these clauses are based on model or standard clauses, we propose a separate landscape, soil and tree protection/restoration/reinstatement set of commitments to be prepared and then become a certified plan, committed by a Requirement.

Further drafting points and additional provisions in the dDCO

- 2.12. It was agreed that SHH would present further points on the drafting of the dDCO, in particular Schedules 1, 2 and 14, directly to the Applicant seeking agreement to these. This has taken place in advance of Deadline 1, with differences to be reported to the ExA.

3. Agenda Item 4: Consents, licences and other agreements

- 3.1. SHH made the following submissions under Agenda Item 4: Consents, licences and other agreements.
- 3.2. Effluent Discharge Permits and Standards: There is uncertainty around the sizing of the proposed new waste water treatment plant which was raised as a concern in SHH's RR (RR-035) at (for example) pp.3, 25-26, 38-39. SHH also has concerns that the proposed water quality standards for effluent being proposed in discussion with the Environment Agency (EA) are insufficiently stringent to avoid detriment to the River Cam and consequential impacts on nature conservation interests, including nationally protected sites. The Water Quality Assessment included in the application (AW 5.4.20.11 APP-161) acknowledges deficiencies and limitations in modelling those effects and the assessment available is deficient. The report appended to the Environmental Statement is an incomplete assessment as it does not resolve the question of potential post-discharge concentrations for biological oxygen demand, dissolved oxygen and suspended sediments.
- 3.3. The Applicant and the EA should be asked to provide justification and an updated assessment of those matters to the Examination, and to release information on the technical responses from the EA. This applies to both the Interim Revised and Final Permit applications. These should not be being negotiated behind closed doors, given the legitimate requirement for the Examining Authority to be satisfied that there are no likely significant environmental impacts on nationally protected and other nature conservation sites and species.

- 3.4. There is a similar concern regarding the Flood Risk Assessment, which the EA has already insisted should be updated. There are no measures in the DCO as it stands to require flood compensation storage or other mitigation.
- 3.5. The matters in paras 3.2 to 3.4 above will be further addressed in SHH's WR.