

Response to Comments on Cambridgeshire County Council's LIR at Deadline 2

This document sets out Cambridgeshire County Council's (**CCC**) response to comments on Cambridgeshire County Council LIR submitted at Deadline 2 (D2). The table below references the relevant paragraph and page number.

Except where expressly stated otherwise below, the Council reiterates and relies on the comments submitted to the ExA at previous deadlines.

Deadline 2 (D2) Submission - 8.11 Applicant's Comments on Local Impact Reports [REP2-036]

Topic	Paragraph Number	Councils' Comment
3. Biodiversity – Response to paragraphs 5.16-5.18 & 5.32	Page 28-29	Resolved. The Council welcomes the Applicant's response and is satisfied there will be adequate protection / monitoring of water quality of Stow-cum-Quy Fen SSSI & Allicky Farm Ponds County Wildlife Site.
3. Biodiversity – Response to paragraphs 5.20	Page 29	Resolved in principle. The Council welcomes the Applicant's response and is satisfied that the proposed ditch and reedbed habitat to be created at Work Area 39, as set out in the Biodiversity Net Gain Assessment [REP2-022] provides adequate compensatory habitat for impacts to River Cam CWS. However, the Council seeks further clarification on habitats proposed for Work Area 39 within Annex C of Biodiversity Net Gain Assessment [REP2-020], see comments above.
3. Biodiversity – Response to paragraphs 5.22	Page 29	Resolved. The Council welcomes the update of ES Chapter 8 [REP2-008] assessment of impact to River Cam to magnitude is minor (rather than as moderate as previously stated), which results in a slight adverse effect.
3. Biodiversity – Response to paragraphs 5.23, 5.33, 5.39, 5.55 & 5.60	Page 29-31	The Council welcomes the submission of the Outline Outfall Management and Monitoring Plan [REP2-027], which largely addresses concerns regarding the impact on River Cam CWS, particularly issues regarding scouring. However, the Council seeks further clarification on the proposed habitat creation, management and monitoring of reinstated habitats and mitigation / compensation habitats within Work Areas 32 and 39 – please refer to the Council's comments on the Biodiversity Net Gain Assessment [REP2-020] and Outline Outfall Monitoring and Management Plan [REP2-027].

		In addition, as set out in the Council's LIR [REP1-133] and the Council's response to ExQ1 5.39 [REP1-134], rewording of requirement 10 & planning obligations should be utilised to provide greater assurance that 20% BNG will be delivered.
3. Biodiversity – Response to paragraphs 5.24-5.26 & 5.34	Page 29	<p>Unresolved. The Applicant's response to ExQ1 5.51 and 14.11 [REP1-079] does not adequately address the Council's concerns regarding impact to veteran trees.</p> <p>The Council is still unclear why Code of Construction Practice Parts A / B does not specifically refer to protection of veteran trees.</p> <p>It is also unclear why paragraph 7.2.64 of the Code of Construction Practice Part A [REP1-026] only refers to tree/hedgerow protection measures shown on the Tree Protection Plans within the "Arboricultural Report (Appendix 8.17, App Doc Ref 5.4.8.17)". This Arboricultural Impact Report [APP-102] does not cover the Waterbeach pipeline (where the veteran trees have been identified).</p> <p>The Councils seek paragraph 7.2.64 of the Code of Construction Practice Part A [REP1-026] be expanded to refer to the Arboricultural Impact Assessment for the Waterbeach Pipeline [REP1-036], which covers the veteran tree [Tree 105], including prescribing the Root Protection Area and shows the RPA on Tree Protection Plan at Appendix 2.</p> <p>In addition, given the proposed mitigation measures for the veteran tree, the Council is unclear why the veteran trees have been omitted from the ecological impact assessment within Section 4.2 – Construction Phase, ES Chapter 8 [REP2-008]</p>
3. Biodiversity – Response to paragraph 5.27 & 5.57	Page 29	Resolved. The Council welcomes the Applicant's response and is satisfied there will be adequate protection of Water Vole.
3. Biodiversity – Response to paragraph 5.28	Page 30	Unresolved. Please refer to the Council's response to ExQ1 5.41 [REP1-134] regarding outline Reptile Mitigation Strategy.
3. Biodiversity – Response to paragraph 5.30	Page 30	<p>The Council awaits further update of draft DCO to clarify BNG deliver (at deadline 3). A legal agreement will be required where the land used to provide the BNG offset is outside the order limits of the DCO either through (a) a S106 will be between the Landowner and the local planning authority, or (b) a Conservation Covenant with a responsible body.</p> <p>BNG can only be secured through condition / requirement where it is provided within the order limits of the DCO, or where the applicant is purchasing BNG credits from a third party provider. However, the Council recommends that the S106 / conservation covenant with that third party provider should secure a 30 year management and monitoring plan.</p>

3. Biodiversity – Response to paragraph 5.45 & 5.58	Page 31	Unresolved - refer to the Council's response to the Applicant's response to ExQ1 5.6 [REP2-040] regarding Lighting impacts upon Low Fen Drove Way Grasslands and Hedgerows County Wildlife Site.
3. Biodiversity – Response to paragraphs 5.47 and 5.59	Page 31	Resolved. The Council welcomes clarification that the LERMP [AS-067] will seek to enhance and expand the Low Fen Drove Way Grasslands and Hedgerows County Wildlife Site. This resolves the Council's concerns regarding compensating / mitigating impact of recreational pressure on CWS. It will be important that both local authorities and Wildlife Trust are involved in detailed design discussion, to ensure habitats created on the site are potentially suitable for CWS designation (e.g. sown with locally sourced seed mix).
3. Biodiversity – Response to paragraphs 5.53 and 5.54	Page 31	Resolved. The Council welcomes confirmation that scouring of River Cam and impact on habitat quality will be monitored through the Outfall Management and Monitoring Plan.
12 – Water Resources	Page 39	The County Council concerns remain as outlined in the LIR and in our recent submission at Deadline 2 [REP2-041].
11 Transport and Traffic	Page 38	RE: Cambridgeshire County Council LIR para 13.36. The County Council does not see how the addition of highway status to the schedules in the DCO could lead to any confusion, as the Applicant contends. RE: CCoC LIR para 13.37. The County Council acknowledges that s59 HA1980 is not disapplied by the DCO. However, in the interests of cooperative working and with the intention of saving both the County Council and the Applicant costs in both time and resource in the future, it is felt that agreement should be reached now that any damage to the highway network that is attributable to the operation of the development will be repaired at cost to the Applicant. RE: CCoC LIR para 13.40. The County Council acknowledges that there is only one proposed new PROW. The creation of a new highway of any type results in new maintenance burdens and legal obligations being inherited by the LHA. Therefore, the Council does not think it is unreasonable to expect some form of protective provisions to apply to the creation of the proposed new bridleway.
8 Landscape and Visual Amenity	Page 34	RE: CCoC LIR paras 10.26 to 10.35. The County Council notes that the Applicant does not appear to have addressed these points from the LIR and anticipates future engagement on these matters from the Applicant.
4 Carbon	Page 32	The Applicant has stated that they have used an alternative project design as a baseline for carbon calculations, and that other baseline options such as upgrading the existing WWYP have not been used because they would not achieve the outcomes laid out in the Strategic carbon assessment. The Council's view is that whether the existing plant meets the strategic outcomes or not, is not relevant to the fact of it being the baseline position, from which a change (the proposed development)

		<p>is proposed. The change in carbon emissions as a result of the proposed development can only properly be measured by comparison to a 'without development' scenario. In this case, since the proposed works are a replacement for an existing plant, the baseline emissions scenario for carbon calculation purposes ought to be considered as zero for construction, and equal to those of the current plant for operations.</p> <p>In several places the Applicant describes the proposal as 'delivering a significant reduction in construction carbon'. The County Council's view is that this statement should not be made unless it is qualified with 'when compared to a different potential design' or similar, since there is no 'reduction' that can be made when compared to the proper baseline of zero construction taking place, which is the current starting situation.</p> <p>The Council thanks the Applicant for their other comments including the acknowledgements that gross emissions are higher for the preferred option, and of the uncertainty regarding carbon displaced from the gas grid.</p>
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