

**Planning Act 2008 – section 92****Application by Anglian Water Services Limited for an Order Granting Development Consent for the Cambridge Waste Water Treatment Plant Relocation project (Ref WW010003)****Agenda for Compulsory Acquisition Hearing 1 (CAH1) dealing with matters relating to Compulsory Acquisition (CA) and Temporary Possession (TP):  
Tuesday 9 January 2024 at 11:00am.**

Notification of the date, time, location and attendance instructions for the CAH was provided in the Examining Authority's (ExA) [letter](#) dated 12 December 2023.

<b>Date:</b>	<b>Tuesday 9 January 2024</b>
<b>Seating and registration from</b>	<b>10:30am</b>
<b>Hearing start time:</b>	<b>11:00am</b>
<b>Venue:</b>	<b>Hilton Cambridge City Centre, 20 Downing Street, Cambridge CB2 3DT and Virtual event (Microsoft Teams<sup>1</sup>)</b>
<b>Access and parking:</b>	<b>Please contact the venue for information</b>

**Arrangements Conference (if attending virtually)**

Please join at 10:30am. The Case Team will admit you from the virtual lobby and register your attendance. The lobby is silent, so please be patient and we will admit you as soon as possible. Where necessary breaks will be provided during the hearing.

**Agenda**

- 1. Welcome, introductions and arrangements for the hearing**
- 2. The Applicant's case for CA and TP**

The ExA will ask the Applicant to briefly present and justify its case for CA and TP, including addressing the following matters:

- Identification of the powers sought and their purposes.

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<sup>1</sup> Full instructions on how to join online or by phone will be provided in advance of the meeting to those who register to participate.

- Relevant draft Development Consent Order provisions.
- How the relevant statutory and policy tests under the Planning Act 2008 (PA2008) (including s122, s123, s127 and s138) and Department for Communities and Local Government guidance related to compulsory acquisition would be met.
- The Applicant's strategy / criteria for determining whether to seek powers for CA of land, CA of rights or TP of land.
- Consideration of alternatives to CA / TP.
- Human rights considerations.

The ExA will ask questions in relation to the Applicant's case for CA and TP (see **Annex A**).

The ExA will invite submissions from Affected Persons (APs) who wish to raise general matters in relation to the Applicant's case for CA and TP. However, site-specific submissions will be reserved to agenda items 3 and 4.

The Applicant will be provided with a right of reply.

### **3. Site-specific issues for the Applicant**

The ExA will ask the Applicant to provide an update on the progress of negotiations with APs and the timetable for their conclusion.

The ExA will ask questions of the Applicant about negotiations and matters arising from written and oral submissions (see **Annex A**).

### **4. Site-specific representations by APs**

The ExA will ask APs to briefly set out any outstanding concerns in relation to CA / TP for the land in which they have an interest that have not been addressed by the Applicant.

The ExA may ask questions of APs about matters arising from written and oral submissions.

The Applicant will be provided with a right of reply.

### **5. Statutory Undertakers**

The ExA will ask the Applicant to summarise any outstanding matters arising from representations by Statutory Undertakers.

Any Statutory Undertaker or other relevant body in attendance and wishing to speak in relation to an objection or issue raised that is relevant to the effects of the Proposed Development on its undertaking, apparatus or land will be invited to put oral submissions to the ExA.

The ExA will ask questions of the Statutory Undertaker or other relevant body, and the Applicant, about matters arising from written and oral submissions (see **Annex A**).

The Applicant will be provided with a right of reply.

## **6. Crown land**

The ExA will ask the Applicant (and any Crown authorities present) to provide an update on matters relating to Crown land and s135 of PA2008.

The ExA will ask questions in relation to Crown land matters (see **Annex A**).

## **7. Funding**

The ExA will ask the Applicant to briefly summarise, and advise of any updates to, the Funding Statement.

The ExA will ask questions of the Applicant around funding matters (see **Annex A**).

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

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

## **9. Any other matters**

## **10. Closure of the hearing**

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

All APs are invited to attend the CAH. The event will also be livestreamed and a link for watching the livestream will be posted on the [project page](#) of the National Infrastructure Planning website closer to the event date.

Each AP is entitled to make oral representations at the CAH. However, this is subject to the ExA's power to control the hearing.

The ExA would find it helpful for the following attendees (including representatives who are in a position to discuss the matters on the agenda) to participate in the CAH:

- **The Applicant**
- **Any Affected Persons** - who wish to discuss CA / TP matters.
- **Statutory Undertakers** - including the Environment Agency, Cambridge County Council (as lead local flood and local highways authority), Cadent Gas Limited, National Highways Limited, Network Rail Infrastructure Limited and Conservators of the River Cam.
- **Any Crown authorities** - who wish to discuss matters relating to Crown land.

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required. Guidance under PA2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct

questioning of persons making oral representations at hearings. Questioning at the hearing will be led by the ExA.

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

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

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

The evidence presented orally at the CAH should be included in post-hearing submissions and submitted by **Monday 22 January 2024 (Deadline 4)**.

### *Contingencies*

The ExA will endeavour to hear all participants. If the CAH, or parts of it, is unable to proceed, for example for technical reasons, then the ExA may adjourn incomplete business to reserved hearings later in the Examination Timetable. Notice of any adjournments will be provided on the project page of the National Infrastructure Planning website.

### **Purpose of the CAH**

The main purpose of the CAH is:

- To enable the ExA to inquire into the Applicant's case for CA of land or rights over land and / or to take TP of land.
- To discharge the ExA's duty to hear any APs who request to be heard.
- To enable the ExA to consider whether relevant legal and policy test applicable to CA / TP proposals have been met.
- To address any related matters.

## Annex A

Questions to the Applicant will include, though will not necessarily be limited to, the following matters:

### Agenda Item 2 - Applicant's case for CA / TP

- dDCO Article 31(4) (private rights) - whether provision should be made for this power to be subject to 'in so far as their continuance would be inconsistent with the purpose for which temporary possession is taken'.
- Clarification around Biodiversity Net Gain, relevant policy which supports this and the provisions of s122 of PA2008 (for example, in relation to Plot 021b).
- Clarification around why interference with private rights for 'the local highway authority' does not engage s127 of PA2008 (as mentioned in the Statutory Undertakers Progress Schedule), whereas it would for, for example, UK Power Networks Limited.
- General consideration of whether there is a compelling case in the public interest, having regard to s122 of PA2008, if there is no demonstrable need for a new waste water treatment plant in its own right.

### Agenda Item 3 - Site specific issues

- Plots associated with Poplar Hall / Poplar Hall Farm:
  - Plot 021b – clarification around need for extent of CA freehold and matters relating to current land use.
  - Plots 021s and 021r – clarification around need for CA freehold if shafts would be temporary and land would be reinstated.
  - Plots 022i and 021a – extent of use during construction and operation and effects on residents using the access.
  - General need for CA / CA rights / TP powers and proposed works.
- Clarification of need for TP and CA of rights along the Cambridge to King's Lynn railway line, e.g. 005 and 008 plots.
- Clarification of works in Plot 038c.
- Update on matters around plots associated with Waterbeach Development Company LLP and overlapping land requirements.
- Justification for Waterbeach pipeline southern element.
- Clarification around the matters relating to the proposed permissive bridleway (Plots 033a, 035a, 037c and 037d) and footpath (Plot 037b) and justification for CA freehold if not intended to be public rights of way in perpetuity.
- CA Schedule / BoR matters for clarification:
  - Ordering of plot numbers in the CA Schedule.
  - Clarification of who is included in the CA Schedule and why.
  - Reason why e.g. tenants / occupiers are not included not in the CA Schedule.
  - The Starkie Family are identified in the CA Schedule as having Part 2 (Category 3) interests only. However, the BoR indicates this AP has Part 1 (owner) interests in Plot 048a.
  - The CA Schedule shows Julian Woolstan Francis as having interests in Plot 035b. However, no such plot is listed in the BoR or on the Land Plans. In addition, the BoR identifies this AP as having interests in Plots 019j, 030a, 031a, 031b, 031c, 031d and 040a. However, this is not reflected in the CA Schedule.

- The BoR identifies Ellen Francis as having interests in Plots 028a, 028b, 029a, 032c, 032d, 032e and 032f. However, this is not reflected in the CA Schedule.
- The BoR identifies Waterbeach Development Company LLP as having interests in Plots 060b and 060d. However, this is not reflected in the CA Schedule. In addition, the CA Schedule indicates that some of the Waterbeach Development Company LLP plots would be subject to freehold acquisition. However, this is not reflected in the BoR.
- The CA Schedule identifies The Waterbeach Trust (and trustees) as having interests in Plots 060b and 060d. However, this is not reflected in the BoR. The CA Schedule indicates that some of The Waterbeach Trust plots would be subject to freehold acquisition. However, this is not reflected in the BoR. In addition, the BoR identifies The Waterbeach Trust as having interests in Plots 071a, 071b, 071c and 071d. However, this is not reflected in the CA Schedule.
- The BoR identifies Gonville and Caius College as having interests in Plots 019a, 019b, 019c, 019f, 019g, 019i, 019j, 019k, 019l, 019m, 019n, 020a, 020b, 020c, 020d, 022a, 022b, 022c, 022d, 022e, 022f, 022g, 022h, 022i, 022j, 022k, 022l, 022m, 022n, 022o and 028a. However, this is not reflected in the CA Schedule.
- The BoR identifies the Conservators of the River Cam as having interests in Plots 017a, 017b, 017c, 017d, 017e, 018g, 018h, 019a, 019b, 019c, 019d, 019e, 019f, 019g, 019h, 019i, 019j, 019k, 019l, 019m, 019n, 045a and 047c. However, this is not reflected in the CA Schedule.
- The BoR identifies Network Rail Infrastructure Limited as having interests in Plots 011a and 014a. However, this is not reflected in the CA Schedule.
- The BoR identifies National Highways Limited as having interests in Plots 001c, 018h, 019a, 019f, 019g, 019l, 019m, 019n, 021q, 022f, 022g, 022j, 022k, 023a, 024d, 025a, 025b, 027f, 034f and 034h. However, this is not reflected in the CA Schedule.
- The BoR identifies the Environment Agency as having interests in numerous plots (including owner of Plot 051a). However, this is not fully reflected in the CA Schedule.
- The BoR identifies Cambridge City Council as having interests in numerous plots (including owner of Plots 009a, 010a, 011a, 013a, 013b, 013c, 013d, 013e, 013f, 013g, 013h, 013i, 013j, 013k and 013l). However, this is not fully reflected in the CA Schedule.
- The BoR identifies Cambridgeshire County Council as having interests in numerous plots (including owner of Plots 040a and 041a). However, this is not fully reflected in the CA Schedule.
- Whether Cadent Gas Limited, Sky Telecommunications Services Limited and City Fibre Limited should be included in the CA Schedule given representations made.
- Horningsea Village Hall and Green Trust, Ian Harvey, Jenny Langley and Robert King are identified at Category 3 persons in the CA Schedule. However, these specific names do not appear in Part 2 of the BoR.

### **Agenda Item 5 - Statutory Undertakers**

- Update on negotiations with Statutory Undertakers, timeline for completions and implications if agreements are not completed before the end of the Examination.
- Discussion around Cambridgeshire County Council s278 / protective provision matters and whether there are any examples of how this has been addressed in other DCOs.

- Consideration of National Highways Limited's concerns regarding protective provisions.
- Consideration of Cadent Gas Limited's concerns regarding protective provisions.
- Consideration of the Conservators of the River Cam's concerns regarding protective provisions.
- Consideration of Network Rail Infrastructure Limited's concerns regarding protective provisions
- Consideration of Sky Telecommunications Services Limited's representation, including any necessary updates to the BoR / CA Schedule / Statutory Undertakers Progress Schedule to reflect land / rights interests.
- Whether the Statutory Undertakers Progress Schedule is consistent with the CA Schedule.
- Formatting of Statutory Undertakers Progress Schedule.

#### **Agenda Item 6 - Crown land**

- Update on s135 of PA2008 consents.
- Implications for the Proposed Development should the relevant Crown authority consents not be forthcoming by the close of the Examination.
- Whether it would be possible to distinguish the different Crown authority interests in respect of the plots shown on the Crown land plans for ease of reference (e.g. within the legend).

#### **Agenda Item 7 - Funding**

- Consideration of Applicant's response to ExQ1.8.25 (and ExQ1.8.26) which indicates that anticipated costs have risen but that the information should remain confidential, noting paragraph 17 of DCLG CA guidance on matters relating to funding.
- Following on from this, the Applicant to explain how funding (including any necessary additional funding) for all elements of the Proposed Development would be secured.
- Clarification around HIF funding, the development as proposed and 'likely highest cost' matters.
- Whether there have been any changes which may affect the estimated compensation costs of c.£5m.
- Having regard to the Applicant's response to ExQ1.8.29, how any blight claims would be funded and the potential for these to arise.