

Cambridge Waste Water Treatment Plant Relocation Project
Anglian Water Services Limited

Applicant's comments on Deadline 3 submissions

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1 Introduction

1.1 Introduction

- 1.1.1 This document provides Anglian Water Services Limited (the Applicant) comments on the submissions received at Deadline 3 for the Cambridge Waste Water Treatment Plant Relocation Project (CWWTPRP).
- 1.1.2 This document does not seek to respond to every submission made at Deadline 3 (18th December 2023) or to repeat matters which are already set out in documents available to the examination – rather its purpose is to address any new concerns which may have arisen, correct any omissions or provide signposting of clarification were deemed necessary.
- 1.1.3 The Applicant has reviewed the submissions from the Save Honey Hill Group [REP3-065 to REP3-068] and Fen Ditton Parish Council [REP3-063] and believes that it has already addressed the points raised in previous deadline submissions and through Applicant responses in the most recent examination hearings carried out 9th - 11th of January.

2 Applicant's responses to Cambridgeshire County Council's Comments on Deadline 2 Submissions [REP3-057]

2.1 5.2.8 Environmental Statement Volume 2 Chapter 8 Biodiversity [REP2-007]/[REP2-008]

Ancient woodland and veteran trees

- 2.1.1 Veteran trees had been considered within the broader assessment of effects on habitats within ES Chapter 8: Biodiversity, however, this had been made more explicit in the version of ES Chapter 8: Biodiversity (App Doc Ref 5.2.8) submitted at Deadline 4.

Priority Habitats (Hedgerows)

- 2.1.2 During Issue Specific Hearing 3 – Environmental Matters the Applicant confirmed that an important hedgerow (ID H23-H24 as shown on Hedgerow Regulations and Tree Preservation Plans (App Doc Ref 4.8)) will be retained. The aforementioned plans and Code of Construction Practice Part B (App Doc Ref 5.4.2.2) will be updated to reflect this.

2.2 5.3.8 Environmental Statement Volume 3 Chapter 8 Book of Figures – Biodiversity [REP2-019]

- 2.2.1 The Guide to the Application (App Doc Ref 1.3) is submitted at every deadline setting out the application documents which have either been updated or included as part of the relevant deadline submission. The Applicant can confirm that Figures 8.1 and 8.3 were updated at Deadline 2 to reflect the Applicants responses to ExQ1 [REP1-079].

2.3 5.4.8.13 Environmental Statement Volume 4 Chapter 8 Appendix 8.13 BNG Assessment Report [REP2-020]/[REP2-021]

- 2.3.1 The Applicant has updated ES Appendix 8.13 BNG Assessment Report (App Doc Ref 5.4.8.13) and provided at Deadline 4. The Applicant believes that this addresses the comments raised by Cambridgeshire County Council.

2.4 8.12 Applicant's Comments on responses to ExQ1 [REP2-037]

- 2.4.1 The Applicant has reviewed the revised 2023 lighting guidance and has provided some updates and clarifications to align with the revised guidance. Beyond this the

Applicant believes it has included sufficient measures at this stage of the project in the Lighting Design Strategy (App Doc Ref 5.4.2.5) and Code of Construction Practice (App Doc Ref 5.4.2.1) to secure the protection of wildlife. The Applicant has sought suitable dates for a meeting with the Councils to discuss what further measures they believe are required in order to sufficiently address their concerns both on this matter and other environmental mitigation measures they have raised.

2.4.2 The Applicant will seek to include any additional appropriate measures the Councils wish to propose in the relevant Statement of Common Ground.

2.5 5.4.8.24 Environmental Statement Volume 4 Chapter 8 Appendix 8.24 Outline Outfall Management & Monitoring Plan [REP2-026]/[REP2-027]

2.5.1 The Applicant believes that Cambridgeshire County Council's concerns regarding the delivery of 20% Biodiversity Net Gain in relation to the outfall have been addressed in the creation of Requirement 25 in the dDCO (App Doc Ref 2.1) [REP3-003] which was submitted at Deadline 3 and the wording of which has been updated in the dDCO (App Doc Ref 2.1) submitted at Deadline 4.

2.5.2 Requirement 25(2)(a) and (b) make clear that 20% BNG is required across the whole of the authorised development, including river units. Requirement 25(2)(c) confirms that details of the habitat management and monitoring to maintain the 20% BNG is also required.

2.6 Responses to comments on Local Impact Report (LIR) – 8.11 Applicant's comments on Local Impact Reports [REP2-036]

2.6.1 *3. Biodiversity Response to Paragraph 5.20 Page 29* – The Applicant has updated Appendix C of the Biodiversity Net Gain Report (App Doc Ref 5.4.8.13) with a revised figure to more clearly demonstrate its intentions with regards to Biodiversity Net Gain. The Applicant has also provided a figure within Section 3.1 of the Code of Construction Part B to show the area of reinstatement. Wording in Part A of the Code of Construction Practice has also been strengthened with regard to the reinstatement of Habitats.

2.6.2 *3. Biodiversity – Response to paragraphs 5.23, 5.33, 5.39, 5.55 & 5.60 Page 29-31* – The Applicant believes that Cambridgeshire County Council's concerns regarding the delivery of 20% Biodiversity Net Gain have been addressed in the creation of Requirement 25 in the dDCO (App Doc Ref 2.1) [REP3-003] which was submitted at Deadline 3.

2.6.3 *3. Biodiversity – Response to paragraphs 5.24-5.26 & 5.34 Page 29* – The Applicant has updated the Code of Construction Parts A & B (App Doc Ref 5.4.2.1 & 5.4.2.2) to pull the measures captured in the Arboricultural report (Appendix 8.17 & 8.19, App Doc Ref 5.4.8.17 & 5.4.8.19) into the Code of Construction Practice. The omitted reference to the Arboricultural Impact Assessment for the Waterbeach Pipeline (Appendix 8.17, App Doc Ref 5.4.8.17) has been added onto the Code of

- Construction Practice Parts A & B. Please see paragraph 2.1.1 regarding how veteran trees are considered in the assessment.
- 2.6.4 *3. Biodiversity – Response to paragraphs 5.28 Page 30* – The Applicant has addressed the councils' concerns regarding the Reptile Mitigation Strategy in the Applicant's responses to ExA Hearing Actions (App Doc Ref 8.20).
- 2.6.5 *3. Biodiversity – Response to paragraph 5.30 Page 30* - The delivery of biodiversity net gain is secured by Requirement 25 in Schedule 2, Part 1 of the draft DCO. This provides for an updated biodiversity net gain report to be submitted to and approved by the relevant planning authority prior to commencement of any phase. Once approved, the construction and operation of the development must be carried out in accordance with that report (as per Requirement 25(4)). Biodiversity net gain was discussed in detail at ISH3, and the Applicant took away two action points which it considers address the points raised by the County Council. The first was to prepare a note on the how Requirement 25 secures biodiversity net gain and the second is to address how any need for a financial obligation for biodiversity net gain under Requirement 25 would satisfy paragraph 3.1.6 of the National Policy Statement of Waste Water and associated Planning Practice Guidance. The Applicant has prepared notes on these points which are submitted at Deadline 4.
- 2.6.6 For the avoidance of doubt, it is proposed that biodiversity net gain is provided within the Order Limits, save for River Units which may need to be compensated for offsite. This is reflected in the wording of Requirement 25 as follows:
- (2) The updated biodiversity net gain report submitted for approval must detail— (a) how the measures contained within it deliver and secure twenty percent biodiversity net gain for the whole of the authorised development excluding any biodiversity net gain to be provided as river units;
 - (b) details of measures to deliver and secure twenty percent biodiversity net gain comprising river units within or outside of the Order limits; and
 - (c) details of the habitat management and monitoring of the biodiversity net gain for the whole of the authorised development.
- (Applicant's emphasis)
- 2.6.7 *3. Biodiversity – Response to paragraphs 5.45 & 5.58 Page 31* – This has been addressed in the Applicants Responses to ExA Hearing Actions, Action Point 67 (App Doc Ref 8.20).
- 2.6.8 *12 Water Resources Page 39* – Please can the County Council be clearer on which of the Water Resources areas it does not believe to be resolved as the Applicant has responded in detail to multiple points raised by the County Council.
- 2.6.9 *11 Transport and Traffic – Page 38* – the Applicant does not propose to include the highway status of a way in the Schedules to the draft DCO as this detail is not relevant to the operation nor the interpretation of the Articles. Further, as local highway authority, it is the County Council's responsibility to maintain an up-to-date and accurate record of the status of highways. Should the Applicant include the status in the draft DCO, the status would only be accurate as at the date the

DCO is made as unlike the County Council's records, the DCO will not be updated to reflect any changes. It would therefore still be necessary to check the status using the County Council's records.

- 2.6.10 Regarding the potential for agreement that any damage to the highway will be repaired at the cost of the Applicant pursuant to Section 59 of the Highways Act 1980, the Applicant notes that this was discussed during ISH3 and that the County Council took away an action to confirm whether such costs are already claimed from the Applicant as a result of the existing WWTP. The Applicant has reviewed the County Council's template section 278 agreement (provided to the Applicant in order to re-draft the protective provisions) and cannot see any reference to Section 59 in there. As such, the Applicant is not clear on why the County Council is seeking such costs now.
- 2.6.11 Finally, turning to the potential for protective provisions for the creation of the proposed new bridleway, no works are to be carried out, save for gating and signage, as the bridleway will use the existing hard surface of the private access track. This is detailed in paragraph 3.5.17 of the LERMP which states:
- 'The proposed new bridleway to the north-east of the LERMP area will utilise the existing hard surface of the private access track. Additional work on the surface will not therefore be required, however access will need to be regulated through appropriate gating and signage.'*
- 2.6.12 This was also addressed in Applicant's comments on Cambridgeshire County Council's Deadline 2 submissions (Application Document Reference: 8.17).
- 2.6.13 *8 Landscape and Visual Amenity Page 34* – The Applicant has provided its position to the County Councils' concerns regarding the permissive paths and equestrian provisions at previous deadlines, in Section 12 – Public Health and as part of the Issue Specific Hearings and there has followed the approach as set out in Paragraph 1.1.5 to not repeat matters.
- 2.6.14 *4 Carbon – Page 32* – The Applicant has updated ES Chapter 10: Carbon (App Doc Ref 5.2.10) and provided at Deadline 4. This includes the comparison to a 'without development' scenario as requested by Cambridgeshire County Council.

3 Applicant's responses to South Cambridgeshire District Council's Deadline 3 submissions

3.1 Comments on Anglian Water's Response to the Local Impact Report [REP2-036]

- 3.1.1 *10 Carbon – The Applicant clarifies that it will continue to report updates to its carbon model through to the finalisation of its design and a final as-built carbon model will be provided at the conclusion of construction works. This includes an update to the carbon model design at: 1) 6 weeks prior to enabling works commencing, 2) commencement of the main construction works, 3) finalisation of the Detailed Design and 4) at any stage where decisions are made which impact Capital Carbon emissions of the Proposed Development by more than 5%. These updates are secured through the Design Code (App Doc Ref 7.17). In addition, the Applicant can confirm, in relation to clarity requested on the inclusion of capital replacement in the carbon figures, that they are included in Table 2-20 and 2-21 in of ES Appendix 10.1 GHG Calculations (App Doc Ref 5.4.10.1) [REP3-032] submitted at Deadline 3.*
- 3.1.2 *11. Ecology and Biodiversity – Biodiversity net gain was discussed in detail at ISH3, and the Applicant took away two action points which it considers address the points raised by the District Council. The first was to prepare a note on the how Requirement 25 secures biodiversity net gain and the second is to address how any need for a financial obligation for biodiversity net gain under Requirement 25 would satisfy paragraph 3.1.6 of the National Policy Statement of Waste Water and associated Planning Practice Guidance. The Applicant has prepared notes on these points which are submitted at Deadline 4*
- 3.1.3 *17. Public Health – The Applicant has provided reference to Wisbech College as this is, where Anglian Water, in partnership with the College of West Anglia, offers a level two construction and level three engineering course to offer students an opportunity to work alongside experienced employees from Anglian Water and its partner companies.*

4 Applicant's responses to Cambridge City Council's Deadline 3 submissions

4.1 Comments on responses to Local Impact Report – Anglian Water [Applicant] – [REP2-36]

- 4.1.1 *7. Carbon* - The Applicant refers to paragraph 3.1.1 of this document that responds to the same comment from South Cambridgeshire District Council.
- 4.1.2 *12. Public Health* - Please the Applicants response to South Cambridgeshire District Council at paragraph 3.1.3 above.

5 Applicant's responses to other Deadline 3 submissions

5.1 Cadent Gas Limited

5.1.1 The Applicant notes the submission of 'Deadline 3 Submission on behalf of Cadent Gas Limited' [REP3-061] in which Cadent Gas Limited raised various points concerning the drafting of the protective provisions in Schedule 15 to the draft DCO which are 'for the protection of Cadent Gas Limited'. The Applicant can now confirm those protective provisions are agreed in full with Cadent Gas Limited and the new version of the protective provisions will be included in the next draft of the DCO to be submitted at Deadline 5.

5.2 City Fibre

5.2.1 City Fibre has confirmed it has an installation within Cowley Road (parcels 001a, 001b and 005c shown on the Land Plans (App Doc Ref 4.4) [REP1-016]. If the Applicant needs to carry out works within these parcels, those activities will be governed by the usual utilities arrangements and City Fibre will have the benefit of the Protective Provisions in Schedule 15 of the dDCO to protect its apparatus.

5.3 Gonville & Caius College Cambridge

5.3.1 The Applicant notes Gonville & Caius' (the College's) latest submission [REP3-064] largely repeats what is contained in its Written Representation [REP1-156]. The Applicant, therefore, refers to its response to that Written Representation [REP2-038] and does not seek to repeat the previous response. In relation to the additional matters raised, the Applicant responds as follows.

5.3.2 In relation to paragraph 1.1 of REP3-064, the HRA Screening Report (App Doc Ref 5.4.8.15) [REP2-022] makes reference to a now superseded design, and which is clarified within the Habitats Regulations Assessment report (App Doc Ref 5.4.8.16) [REP2-024] on page 3, paragraph 1.2.4, This provides design changes made since the initial screening was undertaken. The Applicant does not believe a further update of document is required. The Applicant confirms there will be no permanent air vent structures retained, post-construction, on the College's land at Poplar Hall Farm.

5.3.3 In relation to paragraph 2.1 of REP3-064, at Deadline 4 the Applicant has submitted a revised Appendix C of the ES Volume 4 Chapter 8 Appendix 8.13 Biodiversity Net Gain Assessment Report (App Doc Ref 5.4.8.13) [REP2-020]. In section 2 of that document, the Applicant sets out the need for reedbed habitat and identifies the best location for it, being in the northern section of Parcel 021b as shown on the Land Plans (App Doc Ref 4.4) [REP1-016]. This is also shown on Figure 2 of Appendix

- C, the details of which have been revised in line with the ExA's comments during CAH1.
- 5.3.4 The introduction of the reedbed habitat does not make a material change to the Applicant's proposals for the area. It complements the creation of the replacement Water Vole habitat which is a mitigation of the impact in carrying out Work No 32 – Outfall (see App Doc Ref 4.3) [**AS-150**].
- 5.3.5 In relation to paragraph 2.2 of REP3-064, the Applicant will work with the College to provide any additional information reasonably required by them which is not contained in the Appendix C submitted at Deadline 4 (see above). The Applicant will take forward the discussions with the College with the aim of addressing the College's requests and, ultimately, incorporating agreement on the land requirements into the terms being negotiated.
- 5.3.6 In relation to paragraph 3.2 of REP3-064, specifically about the College's assertion that "There is no requirement for the river credits BNG uplift to be delivered specifically on the College's land at plot 021b...", the Applicant would make the following points. Within the Biodiversity Metric 3.0, Principle 7 says that compensation habitats should seek, where practical, to be local to the impact and, therefore, there is a preference for onsite BNG. This is also detailed in Table 4-1 The BNG good practice principles for development and their application on the Proposed Development in the BNG Report Environmental Statement - Volume 2 - Chapter 8 – (App Doc Ref 5.2.8 [**AS-026**]). Principle 6, achieving the best outcomes for biodiversity, also supports achieving net gain locally to the development. This is also in line with the mitigation hierarchy in providing compensation as close to the location of impact.
- 5.3.7 In relation to paragraph 3.3 of REP3-064, the substance of which is about "excessive" land take, Parcel 021b will have several different activities happening at different times, with some happening at the same time. The activities and the corresponding land rights required will be as follows.
- Construction activities for the Outfall – Work No. 32 (App Doc Ref 4.3) [**AS-150**] (Temporary possession followed by freehold acquisition for any part of the outfall structure that sits within Plot 021b)
 - Construction compound for the Outfall – Work No. 32 (App Doc Ref 4.3) [**AS-150**] (Temporary Possession only)
 - Construction activities for the Final Effluent and Storm Pipelines – Work No. 31 (App Doc Ref 4.3) [**AS-150**] (Temporary possession followed by the acquisition of permanent new rights and a restrictive covenant)
 - Ecological Mitigation Area – Work No. 39 (App Doc Ref 4.3) [**AS-150**] (Temporary possession followed by permanent freehold acquisition in the indicative location shown on Figure 1 of the revised Appendix C submitted at Deadline 4. See further paragraph 5.3.9 below)

- Right of access to the Ecological Mitigation Area – Work No. 39 (App Doc Ref 4.3) [**AS-150**] (Temporary possession followed by permanent access rights)
 - Diversion of Public Footpath 85/6 (App Doc Ref 4.6 Rights of Way Plans Sheet 2) [**REP1-018**] (Temporary possession)
- 5.3.8 The exact location of the activities, and of the different rights which may be required, is not known at the moment. This is because detail of ground conditions and the result of a topographical survey are required. This information will not be known until closer to the start of construction. As a result, it was not possible to allocate a precise area for temporary possession and/or new rights only and so the whole of 021b had to be categorised as being required permanently to provide flexibility to the Applicant in this area within the Order Limits.
- 5.3.9 In the revised Appendix C submitted at Deadline 4, Figure 1 shows an indicative layout in an area of approximately 1.09ha being used for the Water Vole mitigation habitat, replacement reedbed habitat and for the ditches to create BNG river units. In putting forward this indicative layout and area forward, the Applicant wishes to make it clear that the shape and final location of this area is not fixed, but it is the most likely location. This will be settled following surveys to be carried out after the DCO has been made to allow detailed designs to be finalised. The approximate 1.09ha is the maximum area, when its location and form is finalised, which would be acquired freehold by the Applicant within Plot 021b for Water Vole mitigation habitat, replacement reedbed habitat and ditches to create BNG river units, in the absence of any alternative arrangement agreed with the College.
- 5.3.10 It should be noted that freehold acquisition will also be required within Parcel 021b for the outfall, insofar as it straddles Parcels 019a and 021b in its final location.
- 5.3.11 In relation to paragraph 4.1 of REP3-064, whilst the Applicant disagrees with the points made by the College, it does not believe it is constructive to require the ExA to consider the information stated. In relation to the request for plans, however, the Applicant would comment that the College has made two separate requests for plans to be produced. The first request came during a meeting dated 18th July 2023 and, on the 26th of July 2023, plans were sent along with measurements that were also requested during the same meeting. The second request was made during a Teams meeting held on the 19th of October 2023. The College wanted to see individual parcels of land and rights split out on separate plans. On the 20th of October 2023 the Applicant confirmed to the College's agent by email that the requested plans were in production and would be provided as soon as possible. They were sent on the 8th of November 2023.
- 5.3.12 In relation to paragraph 4.2 of REP3-064, and in relation to the examination timetable, this is not set by the Applicant.

Get in touch

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You can view all our DCO application documents and updates on the application on The Planning Inspectorate website:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/cambridge-waste-water-treatment-plant-relocation/>