

CWWTPR DCO Examination**Submission by Save Honey Hill Group****SHH 34 Response to the Applicant's Responses to Written Representations AW 8.13 [REP2-038]****22 January 2024**

This is an expanded version of SHH34 submitted on 18 December 2023, with responses from Melissa Murphy KC and Esther Drabkin-Reiter, of counsel. The intention to submit this was noted in SHH-037. It is submitted in clean and track change versions. SHH's response refers to Table 2-11 and quotes the paragraph numbers in the SHH WR as used in REP2-038

Written Representation Para Ref	Topic	SHH Response	References to SHH or Other Submissions
3.1 – 3.4.9	Principle of the development	SHH notes also the answers given by the Applicant to ExQ1. SHH considers that parts of the Applicant's Response are inaccurate or may mis-represent evidence given by SHH in writing and at ISH 2. A further submission that deals with legal interpretation, scope and policy compliance will be made as soon as practicable to assist the ExA. This will, where appropriate, also refer to the Local Impact Reports submitted by the local authorities.	
3.2.1	Application of s104/s105	For the reasons given at paras.3.2.4-3.2.9 of SHH's Written Representation, SHH 04 [REP1-171] and at para.2.9 of SHH's Summary of Oral Submissions at IS2, SHH 13 [REP1-170], the submission that the NPSWW has effect (and therefore s.104 PA 2008 applies) in reliance on the terms of the s.35 direction, noting footnote 6 in NPSWW para.1.2, is wrong. The Applicant has not engaged with or made any response to the arguments made by SHH at ISH2 and in its Written Representation in response to the Applicant's Legal Submission [AS-126]. In particular, the Applicant's reliance on the terms of the s.35 direction is in clear breach of the binding ratio of the <i>EFW</i> case, as set out at para.60, quoted at para.1.11 of AS-126, where Mr Justice Dove stated that: " <i>I am unable to accept the submission that the terms of section 35(1) have the effect of turning a project or development which does not fall within the definition of NSIPs provided within sections 14 and 15 of the 2008 Act into a project which has such a designation.</i> " The Applicant's reliance on footnote 6 is also misplaced, for the reasons already given by SHH.	REP1-171 AS-126

		<p>With regard to the relevance of policy under s.105 of the PA 2008, again, the Applicant has failed to grapple with SHH’s submission that, <i>as a matter of policy</i>, the adopted development plan should be the primary consideration when determining whether development consent should be granted. This was the approach taken in <i>EFW</i>, on the basis that absent the s.35 direction the proposed development would have been tested against the adopted development plan. The Applicant has not provided any justification for departing from this approach. In any event, it is clear that where s.105 applies the NPSWW is not the primary decision-making tool, as it does not have effect (<i>EFW</i> at para.64).</p>	
<p>3.3.1</p>	<p>Extent of office accommodation</p>	<p>SHH has noted the detailed responses given in answer to the ExQ1 questions 1.17 and 1.25 and the resulting numerical and other corrections to the ES and other documents. The Applicant confirms that no staff at present based outside Cambridge are to be relocated.</p> <p>The Applicant restates that the proposed office etc is ‘associated development’ for the purposes of the Planning Act. That is, in principle, correct and office provision for some staff with direct roles at the works would be expected. The issue is whether all of the staff for whom office and parking etc provision is being made have a sufficiently direct role in the operation of the works including support activities or could reasonably be accommodated elsewhere.</p> <p>SHH notes the descriptions given for the RES support personnel as ‘<i>not essential to the operation of the WWTP but do work in area that supports complementary operation on site regarding tankers and LGVs</i>’, in the response to ExQ1 1.25 on employee figures. The relevance of ‘complementary’ operation to being physically based on the site is left unexplained. This does nothing to contradict the point that staff in the current RES office are understood to have company-wide responsibilities.</p> <p>The response does not confirm that the RES staff need to be relocated to the proposed site. Of the c55 RES staff listed, c47 are described as visiting between 1 and 2 to 4 days a week. These staff are the largest component of the non-operational staff which the Applicant is seeking to relocate.</p>	<p>REP1-79 at 1.17 and 1.25</p> <p>REP1-080 Appendix F</p>

		<p>SHH suggests that this supports the conclusion that the Applicant is seeking to relocate some non-operational staff to new office premises in the Green Belt, a proposal that would be unlikely to be approved in other circumstances.</p> <p>SHH consider the proposed office provision should be scaled back to avoid relocation of non-operational staff.</p> <p>If the Applicant were to demonstrate to the ExA that non-operational staff must be relocated, SHH considers that the main office space should be provided within the earth bund. This would reduce the environmental impacts, in terms of visual impact and lighting, and be more consistent with planning policy.</p> <p>As the Applicant also accepts, car parking provision of 51 spaces is generous for the identified staff working in the temporal and geographical patterns that they do. The parking provision should be scaled back accordingly, while of course avoiding the risk of ‘delinquent parking’.</p>	
<p>3.4.2 – 3.4.7</p>	<p>Scope of the ‘project’</p>	<p><u>The Applicant’s submission that the proposed development is not part of a wider project encompassing the redevelopment of the existing site for housing, ignores both the basis on which the case for the proposed development was made by the Applicant in the Application documents and at ISH2 and the case law which governs the determination of the scope of the project.</u></p> <p><u>The Applicant cannot have it both ways. Either the redevelopment of the existing waste water site is “inextricably bound in” [EV-005c, 0:39:13]; [EV-005d, 0:42:04] with the relocation of the CWWTP and as such falls to be assessed as part of this proposal, or it is a “clearly separate and distinguishable project” (see [REP2-038] p.14) in which case it does not fall to be assessed as part of the project. But it cannot be both. Yet, at various times, this is what the Applicant claims, seeking to claim the benefit of the redevelopment of the existing site but also to avoid the need to assess the consequences of it.</u></p> <p><u>In its response to SHH’s Written Representations SHH 04 [REP1-171] the Applicant states that the two are “two clearly separate and distinguishable projects”. This disregards the submission made on behalf of the Applicant at ISH2 that the redevelopment of the existing site is</u></p>	<p>EV-005c EV-005d REP2-038 REP1-171 REP1-079</p>

		<p><u>“inextricably bound in” with the relocation of the CWWTP. There is no dispute that the relocation would not occur were it not for the desire to redevelop the existing site for housing. In the words used in the case of <i>Wingfield</i> at para.64(iv), the relocation would not be pursued independently of the redevelopment of the existing site for housing. This clearly demonstrates, in line with the findings of the High Court and Court of Appeal in <i>Wingfield</i> and <i>Ashchurch</i>, that the proposed relocation is not a standalone project but is rather an integral part of a wider scheme. The Applicant’s failure to recognise that this conflicts with established case law principles.</u></p> <p><u>The submissions made in response to ExQ1 1.18(a) to (f) [REP1-079] do not assist the Applicant. The scope of what is applied for in the DCO application itself does not determine the scope of the project for the purposes of environmental impact assessment: as stated in <i>Ashchurch</i> at para.78, “the objectives of the Directive and the Regulations cannot be circumvented (deliberately or otherwise) by dividing what is in reality a single project into separate parts and treating each of them as a ‘project’”. Similarly, the fact that relocation and redevelopment may be “clear and distinct activities”, subject to separate development consent processes and/or carried out by different parties does not prevent them from forming part of the same project if one or both are not standalone projects.</u></p> <p><u>Contrary to what is submitted in response to ExQ1 1.18(d), the judgment of the Court of Appeal in <i>Ashchurch</i> and the line of case law it follows, including <i>Wingfield</i>, are relevant to determining the scope of the project in the present case and whether the Environmental Statement is adequate. The principles in <i>Ashchurch</i> derive from (among other cases) <i>Wingfield</i> and <i>R (Larkfleet) v South Kesteven DC</i> [2015] EWCA Civ 887, which were both cases involving challenges to the scoping of environmental assessment (i.e. what should be assessed in the Environmental Statement) rather than screening for environmental assessment (i.e. whether environmental assessment is necessary at all). <i>Wingfield</i> and <i>Larkfleet</i> make clear that the same principles apply when determining what is the project for the purposes of scoping as they do for screening.</u></p> <p><u>It is no answer to say that cumulative assessment of the impacts of the relocation of the CWWTP and the redevelopment of the existing site has been undertaken in any event. Even if the cumulative assessment were adequate, which SHH disputes, the decision of the Court of</u></p>	
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3.4.8	Cumulative assessment	<p>The guidance given by the Planning Inspectorate on cumulative assessment is just that and each case needs to be dealt with on its merits. SHH remains of the view that the demolition and remediation of the existing works should have been considered as an integral part of the project for EIA purposes. Given that the express purpose of the application for the DCO is to enable the redevelopment of the ‘core site’ and more generally to enable the delivery of the wider NECAAP, and that there is considerable information available in, for example, the NECAAP documentation, this should have been dealt with more fully as part of the cumulative assessment in the ES.</p>	

3.4.9	Rochdale envelope	SHH notes these comments and will review the changes that the Applicant makes to the dDCO at Deadline 3 and to any responses received from the Applicant. A further submission will then be made.	
4.2	Need for relocation	The Applicant's Response re-iterates its position. SHH does not agree with this, as already presented in the SHH WR and elsewhere.	
4.3.1	Weight to be given to development plan	<p><u>The Applicant's response to SHH's Written Representation SHH 04 [REP1-171] on this point fails to recognise that the emerging plans are predicated or contingent on the DCO being approved, do not require the approval of the DCO application and recognise that the plans will need to be amended if the DCO is not approved. To rely on the emerging plans as providing policy support for the DCO is essentially putting the cart before the horse – emerging policy depends on and will be finalised subsequent to any DCO approval. This is further evident from a number of the points made in the Cambridge City Council and South Cambridgeshire District Council ("the Councils") LIRs [REP2-043]; [REP2-052], for example at para.6.73, where the Councils note that it is not possible to give a definitive housing figure for the GCLP as it would be premature to take account of any sites included in the First Proposals, that may not be able to come forward, including North-East Cambridge were the DCO not to be approved, and para.6.91, that acknowledges that objections to the principle of NECAAP (in relation to the proposal to relocate the CWWTP) would effectively be neutralised were the DCO to be granted. These points further confirm that the grant or refusal of the DCO involves an important strategic policy decision on which the spatial strategies and site allocations proposed in the emerging plans depend.</u></p> <p><u>The grant of the HIF award does not change this: while it may provide the funding for the relocation, it does not establish that the relocation is acceptable or necessary in policy terms. This is supported by, for example, Cambridge City Council's Local Impact Report REP2-043 which indicates, e.g. at paras.6.24 and 6.36 only that the HIF fund provides evidence of the viability of relocation (albeit that is disputed by SHH, as explained at CAH1 and set out in SHH 45), but only the grant of the DCO would provide evidence that the CWWTP can relocate.</u></p> <p><u>The Applicant's response also, importantly, fails to grapple with the fact that there are a large number of substantive objections to emerging policy, including on the principle of relocation,</u></p>	SHH 45

		<p><u>which is not established by the adopted development plan. That is a matter which must be taken into account in attributing weight to emerging policy.</u></p> <p><u>The weight to be given to the emerging plans cannot logically be anything like “considerable” or substantial. Even if emerging policy is given material, rather than very limited weight, that does not in any event provide policy support for relocation, as those plans are predicated on the relocation but do not require it. It is accepted by the local planning authorities that the emerging plans will need to be amended if consent for the DCO is not granted. Importantly, while in the process of developing the GCLP a number of spatial strategies and particular sites for development have been considered, the release or loss of Cambridge Green Belt to enable the relocation of the WWTP has not, nor have the harmful impacts of development of the site at Honey Hill been taken into account in assessing the sustainability of housing development on the existing site.</u></p> <p><u>The statement in the Councils’ responses to ExQ1 2.14(b) [REP2-046]; [REP2-054] that the proposed new WWTP is taken into account as part of the cumulative impact assessment in the draft Sustainability Appraisal of the emerging GCLP is factually incorrect. The non-technical summary (“NTS”) of the Sustainability Appraisal appended to the Councils’ LIRs (Appendix 1 – GCSP-27) states at para.1.34 that “<i>consideration of cumulative effects...will be undertaken at future stages of SA, once full, draft policies have been prepared by the Councils</i>”. There is no cumulative assessment in the full Sustainability Appraisal of September 2021 which the NTS summarises. The assessment of the sustainability of draft policy S/NEC North-East Cambridge at pp.195-202 does not involve any consideration of the sustainability of relocating the CWWTP or the impact of building a new WWTP at Honey Hill.</u></p> <p><u>Contrary to what has been asserted by the local planning authorities in the course of the examination, it is not unlawful for the district planning authorities to include policies/proposals or safeguard land relating to a new WWTP in their emerging plans. Under the Planning and Compulsory Purchase Act 2004 Act their local plans can cover any form of development where it is relevant to have a policy. They often do include all sorts of development, for example highways/railway stations/aggregates terminals/schools/hospitals, as part of mixed use or linked proposals, where the application for development consent itself will be determined by another body. It is only the County Council whose plan-making powers are limited, solely to</u></p>	<p>REP2-046 REP2-054</p>
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4.3.2	Water supply	No further comment at this stage, noting that the relevant Water Resources Management Plans remain to be approved.	
4.4.4	NPSWW and 'enabling development'	While there may be nothing explicit in the NPSWW which states that need cannot be demonstrated on a different basis to the need effectively specified by inclusion in the NEP, it is relevant that all types of need referenced in the NPSWW are operational need, i.e. a need for new or expanded infrastructure in itself, rather than a need for the land on which existing infrastructure is sited to be released. Therefore, no support can be drawn from NPSWW for a development which satisfies a different, non-operational need (see, for example, SHH's RR [RR-035] section 4.2 p.6 and SHH's WR [REP1-171] at para.6.5.2).	RR-035 REP1-171
4.5.1 – 4.5.9	Retention of works on existing site	<p>SHH disagrees with the Applicant's dismissal of the relevance of this section of the WR to the DCO Examination. The purpose of the section of the WR was to provide additional evidence that remaining on site was likely to be feasible and should have been thoroughly explored. They demonstrate that the Applicant's response to ExQ1 2.32(g) [REP1-079], that "it would not be 'good planning' to introduce housing adjacent to even an upgraded WWTP" is wrong. In particular, the examples demonstrate not only the upgrading of WWTPs adjacent to existing housing, but also the consenting of new housing development as close as 150m to upgraded WWTPs.</p> <p>SHH's position remains that neither the Applicant, nor the relevant local planning authorities, carried out an adequate assessment of the obvious strategic alternative which would have been to consolidate and upgrade the existing works on part of the existing site. This argument is set out fully in the SHH RR and amplified in the WR.</p> <p>This section of the WR sets out clearly real examples of where large urban WWTPs have recently been expanded and upgraded on site, allowing residential development to take place in close proximity. These examples are all comparable to or larger than the Cambridge WRC.</p>	REP1-079

		<p>As far as SHH is aware, all of these projects were funded by the waste water undertakers themselves as part of their normal investment programmes. None are in locations where housing and business development values are anywhere near as high as in Cambridge.</p> <p>a) The Applicant's comment is noted. SHH's evidence elsewhere makes it clear that the option of remaining on site and other non-Green Belt options should have been fully explored as alternatives and then fully reported in the ES.</p> <p>SHH remains concerned regarding the extent to which the options for retention on site have been considered and those studies are available to the DCO Examination. In particular:</p> <p>HIF Business case page 29, exploration of retention on site – unpublished. Adopted 2018 Local Plans, feasibility studies not conducted. Chronology of Feasibility Investigations, published after the draft NECAAP had already been published for consultation. It does provide a detailed assessment of retention on site. Applicant Site Selection and Alternatives 5.2.3 [AS018] – Paragraphs 1.2.2-1.2.6 Assessments not published.</p> <p>The Applicant states that <i>'Consolidation on site, such as those outlined by SHH in these paragraphs, did not form part of the formulation of the project taken forward for the HIF process.'</i> This appears to be a misstatement. Page 29 of the HIF business case [REP1-083] refers to the exploration of rationalising the CWRC on site, suggesting to the Government that it had been considered and rejected, but this is not evidenced. Further, the HIF business case states <i>'This would still be at a considerable cost, whilst not allowing the release of any land for residential development on the core site.'</i> What weight was given to these statements in considering whether to approve the HIF grant is not known, although the implication given is that these studies were thorough and could be relied upon.</p> <p>The Applicant's Planning Statement Appendix 2, page 135, Applicant letter to SoS providing additional information, para iii, sets out the 2018 Adopted Local Plans' requirement for feasibility studies. This requirement is also reflected in PS Appendix 2, Letter Appendix 1 Savills DP Policy Note para 3.</p>	
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4.6.1 – 4.6.8	Choice of technology	SHH accepts that the Applicant has applied for a 'low carbon water recycling centre' which by definition will be 'modern'. The Applicant does not address the wider question as to whether a 'state of the art' plant is to be provided, which has a reasonable design life. As proposed, the new plant will require continual future upgrading to meet wholly predictable growth in demand and the changing requirements of environmental regulation and public acceptance as early as the late 2030s.	
4.6.13	Technology and design: odour	The Applicant's response is noted, and the publication of the reduced odour footprint as assessed in 2020 in the City and SCDC LIRs clearly reflects to some degree those improvements. The Applicant does not say what more could or should have been done to further reduce the odour footprint and nuisance to local residents.	
4.7.1 – 4.7.14	Encroachment policy	<p>SHH notes the reference to the Applicant's Response to ExQ1 questions and makes the following comments:</p> <p>2.9) Is understood to refer to the investigation that took place in 2006 and is not relevant to the matters raised by SHH in 4.7.1-4.7.14</p> <p>2.29) Is understood to refer to the 400m buffer used in PD site selection and again is not relevant to the questions raised by SHH.</p> <p>2.32) d) and g) are of relevance to this section but do not directly address the matters raised in WR sections 4.7.1 to 4.7.14. With regards to g) SHH has provided extensive examples of other sites in close proximity to WRCs in WR section 4.5. The remaining responses under 2.32 do not directly address the matters raised by SHH.</p> <p>The further responses provided by the Applicant are considered below:</p> <p>(1) Provides helpful additional commentary on the Environmental Agency Guidance and National Planning Policy. This appears to be in relation to the proposed development. While SHH</p>	

		<p>sections 4.7.1 to 4.7.14 do draw some comparison to the PD, where there is conflicts and discrepancies in the data used to assess both the PD and the CWRC, the main focus of SHH questions is on the CWRC and therefore response (1) is not directly relevant to the matters raised.</p> <p>(2 / 3) SHH understands that odour maps are not directly comparable but does draw comparison between general principles, such as processes that are covered in one plant and not in the other, or interpretation of odour emission values used, that have the potential to influence the ability for development to take place in the environs around the CWRC, recognising that there are also differences in the processes between CWRC and the PD.</p> <p>(4) Provides helpful confirmation of the general process but does not address the matters raised in 4.7.1 to 4.7.14</p> <p>(5) This is a general response and doesn't address the matters set out in 4.7.1 to 4.7.14</p> <p>In summary, the Applicant's responses do not fully address the matters raised by SHH in paras 4.7.1 to 4.7.14 of the WR.</p>	
5.2.3 -5.2.7, 5.3	Alternatives	<p>The answers provided by the Applicant to ExQ1 2.26 to 2.29 are noted.</p> <p>ExQ1 2.28. In relation to Site 2, the ES clearly states that consideration was given by the Applicant to the 'high risk (that) remains that CWWTPRP viability could be undermined by significant increases in land value associated with possible future promotion of the land for commercial development'. Land acquisition costs or values were not used during the earlier stages of site selection, nor reported for the other two short listed sites.</p> <p>The Applicant has confirmed that the construction of a new works on Site 2 was the 'highest' presumably only referring to the other 2 shortlisted sites. It was well within the much larger £227 million HIF grant, which allowed for a long tunnel option.</p> <p>As the ExA has been informed, site acquisition is being funded outside the HIF grant, directly by the Applicant and that a very modest budget of £5 million is being allowed for this.</p>	

		<p>The Applicant has not answered the substantive question, which is whether the advice from their property advisers on development potential and likely acquisition costs was given weight by the Applicant in the selection of Site 3 over Site 2. Otherwise, Sites 2 and 3 each scored well on some factors, and it was this fine decision on balance, which might easily have been affected by considerations of development value and land acquisition costs. It is also the case that most owners of agricultural land in the Green Belt on the edge of the Cambridge built-up area have aspirations to secure development value from it.</p> <p>ExQ1 2.29 The adoption of a blanket 400m buffer zone during site selection was unnecessarily precautionary, since it eliminated a large number of sites purely on the basis that a single or a small group of dwellings were within the 400m area. This potentially eliminated sites which should have been given more detailed consideration in subsequent stages of site selection. The Applicant would then have had to determine whether any proposed works could be designed to meet the requirements of MWLP Policy 11(b). This is clear that any application for a new works or extension within the 400m consultation zone needs to be subject to ‘an odour assessment demonstrating that the proposal is acceptable...together with appropriate mitigation measures’.</p> <p>As the Applicant is well aware, there are many instances where housing has been permitted within such consultation zones around existing works, operated by Anglian Water and other water undertakers. While it may suit the Applicant, it is clearly not good planning nor necessary to keep blanket 400m ‘no residential development’ zones around modern low odour plants, particularly when these are sited in or on the edge of urban areas.</p> <p>SHH’s examples of other major works with ongoing housing development in close proximity, notably Riverside in Rainham, go to that exact point.</p>	
6.1.1 -6.2.4	NPPF compliance	<p>SHH’s position on the failure of the proposed development to comply with relevant paragraphs of the NPPF is set out in SHH’s WR SHH 04 [REP1-171] at section 6.2 and is not repeated here. The following specific points are made in response to the Applicant’s NPPF Accordance Table [REP1-053].</p>	<p>REP1-171 REP1-053</p>

		<p><u>With regard to paras.20 and 23 NPPF, as SHH stated in its WR at para.6.2.4, these paragraphs demonstrate that planning for wastewater infrastructure is a strategic matter that should be undertaken through plan making and in particular through the production of strategic policies in development plan documents. There has been no real answer by the three Councils or the Applicant as to why the assessment of the principle of relocation of the CWWTP and the sites to which it could be relocated has not been undertaken through the plan-making process. By asking the Examining Authority and Secretary of State to determine these strategic planning issues through the DCO process, the principle of the plan-led system established in statute and supported by the NPPF, as emphasised in these paragraphs, is undermined. As noted below, the use of the DCO process to determine these matters also conflicts with adopted development plan policy for the North-East Cambridge site, which provided for exploration of the viability and feasibility of redevelopment or relocation of the CWWTP to be undertaken as part of the feasibility investigations in drawing up NECAAP (Policy SS/4 of the SCDC Local Plan, Policy 15 of the Cambridge Local Plan). This has never been done.</u></p> <p><u>With regard to chapter 12 NPPF on design, SHH refers to the comments in its WR [SHH-04] and the comments of the Councils' landscape officer at ISH3 on the shortcomings of the rotunda concept chosen by the Applicant.</u></p> <p><u>The Applicant's assessment of the proposed development against chapter 13 of the NPPF on Green Belt fails to acknowledge the fact that the Councils' agreed position is that there are no exceptional circumstances for release of Green Belt land on housing need alone. There is a fundamental tension between this position and the suggestion that very special circumstances (which on the Applicant's case are wholly based the release of the existing CWWTP site for housing) exist which justify a grant of planning permission. As a matter of law, very special circumstances require a more stringent test to be applied than exceptional circumstances (<i>R (Luton Borough Council) v Central Bedfordshire</i> [2015] EWCA Civ 537 per Sales LJ at paras.54 and 56). Notwithstanding the submissions made on behalf of the Councils at ISH3 which sought to reconcile the two positions, the Councils have a no point stated that exceptional circumstances <i>would</i> exist if the DCO were granted. Other factors suggest that such exceptional circumstances <i>would</i> not arise, including the fact that the Councils have not sought to alter the Green Belt boundary at Honey Hill in order to release the site for the proposed development from the Green Belt, and the fact that the Councils have indicated that exceptional circumstances would</u></p>	
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		<p><u>not justify alternative sites being released from the Green Belt in order to enable the CWWTP to remain in place (see, e.g. Cambridge City Council’s response to ExQ1 2.14(e) point 2 [REP2-046]. It is clearly the case, noting the ongoing pressures for development in Cambridge that substantial additional sites will need, in due course, to be released for housing development, just as, progressively through local plans, land at Cambridge Airport is being brought forward.</u></p> <p><u>With regard to landscape matters, there is no assessment in the Applicant’s NPPF Accordance Table [REP1-053] of whether the impacts of the development on landscape (as opposed to biodiversity) conflict with or accord with the relevant NPPF provisions, including para.174(b). SHH notes and agrees with the policy conflict identified in South Cambridgeshire’s LIR [REP2-052] at para.8.56 on this topic and considers that for similar reasons there is a conflict with para.180(b) NPPF.</u></p> <p><u>On heritage, it is clear that SHH disagrees with the Applicant regarding the weight to be given to public benefits. However, it was also apparent from the discussion at ISH3 that the approach taken by Mr Bowles to the balancing of harm to designated heritage assets against public benefits as required by NPPF para.208. When describing the balancing exercise undertaken in the Planning Statement, Mr Bowles explained that he had given limited weight to the harm to heritage assets other than Biggin Abbey, including those not discussed in ES Chapter 13 on the Historic Environment [REP1-023]. This conflicts with the policy requirement in para.205 NPPF to give great weight to the harm to the significance of any designated heritage asset and indicates that the planning balance undertaken in the Planning Statement is flawed.</u></p>	
<p>6.3.1 – 6.3.7, 6.4.1, 6.5.1 - 6.5.5</p>	<p>Compliance with local plans and NPSWW</p>	<p><u>Regarding non-compliance with the adopted development plan, SHH’s position is clear from its submissions at section 6.3 and is not repeated here. The following specific points are made in response to the Applicant’s assessment of local plan compliance [REP1-054].</u></p> <p><u>The assertion that the proposed development complies with Policy 15 of the Cambridge Local Plan and Policy SS/4 of the South Cambridgeshire Local Plan fails to recognise that seeking approval for the principle of relocation through a DCO means that the testing of options for redevelopment of the site (including retention of the CWWTP on site) has not occurred through</u></p>	

		<p><u>the plan-making process, as envisaged by those policies. Therefore the proposed development conflicts with these policies.</u></p> <p><u>SHH also notes the submissions made by South Cambridgeshire District Council in its LIR [REP2-052] with regard to the failure of the proposed development to comply with Policies NH/14 and NH/2 and agrees that the proposed development does not comply with those policies.</u></p> <p><u>The Applicant's assessment of compliance with Policy 11 of the Minerals and Waste Local Plan ("MWLP") fails to grapple with SHH's submissions on this policy, which explicitly only applies to proposals for new capacity or operational efficiency. The reference to "wider growth" is made in the context of such proposals, and does not support the relocation of water recycling centres on grounds of growth alone where there is no operational or capacity need for a new or relocated facility.</u></p> <p><u>The Applicant's assessment of compliance with Policy 16 of the MWLP fails to recognise the potential impact of the new WWTP at Honey Hill on recreational users using existing and new public rights of way which will be within the 400m buffer, to which this policy applies.</u></p> <p><u>Regarding non-compliance with NPSWW, SHH's position is clear from its submissions at section 6.5 of its WR SHH 04 [REP1-171] and is not repeated here. However, it is noted that – notwithstanding the submissions made at para.6.5.2 of SHH's WR – there is no assessment in the Applicant's NPSWW Accordance Table [REP1-051] of the compliance or otherwise of the proposal with the provisions of section 2 of the NPSWW on need for new infrastructure, apart from a short discrete point on climate change.</u></p>	<p>REP2-052</p> <p>REP1-171</p>
6.6.1 - 6.6.4	Alternative sites to NEC allocations	The Applicant's assertion that 'OAN (objectively assessed housing need) has to be met' is simplistic. It has and remains open to the GCLP to justify departing from what are very mechanistic formulaic assessments of housing need. The Secretary of State has already announced and recently confirmed that local planning authorities will much greater freedom to set housing requirements based on local circumstances, including avoiding the development of land in the Green Belt. A potentially substantial change is to be made to the NPPF and other relevant guidance in the near future.	<p>SCDC REP2-052</p> <p>GCLP DSU 2023</p>

		<p>SHH is advised by those with extensive experience of planning for housing, development economics and infrastructure provision.</p> <p>SHH has responded to the essence of the points made by the Applicant here as part of SHH’s Response to Comments made by SCDC and the City Council on Written Representations (SHH 33).</p>	
7.1 - 7.7	<p>Inappropriate development</p> <p>Very high level of harm on Green Belt instead of ‘moderate level’</p> <p>Excluded the designated Sites and other features.</p> <p>Harm to historic environment and landscape and visual amenity should be factored in.</p>	<p>SHH and SCDC both take the view that the whole of the built development, including the access road, access road ramp and the car park are all ‘inappropriate development’.</p> <p>The Applicant has not provided any new information in its response.</p> <p>It remains the case, as identified in SHH WR, (REP-171) that the Applicant’s Green Belt Assessment methodology at para. 1.2.7 (7.5.3; APP-207) references SCLP and the ‘factors that define the special character of Cambridge’ then limits these to those it considers ‘relevant to the Proposed Development’ and excludes ‘designated sites and other features contributing positively to the character of the landscape setting’.</p> <p>There is no reference in the supporting text paras. 4.2.5-4.2.16 (7.5.3; APP-207) to relevant designated features including Biggin Abbey II*; Conservation Areas of Baits Bite Lock, Horningsea, Fen Ditton; PROW’s. All of which are relevant to the purposes of the Cambridge Green Belt, an assessment of impact of the PD on adjacent Green Belt and, it could be argued, the WWTP parcel identified within the Applicant’s HE assessment as forming part of the historical agricultural setting of Biggin Abbey II*. See also SHH reference to Historic England’s WR REP1-158 at 10.4 below.</p> <p>The permanent adverse significant effect of the PD on these designated features identified in other parts of the Applicants EA should be factored into the assessment of impact and harm on the Cambridge Green Belt, but there is no evidence of this.</p>	<p>AW 7.5.3; APP-207 SCLP 2018</p> <p>SHH RR-035 SHH REP1-171 REP1-158</p>

		<p>The Applicant identifies the WWTP and adjacent Green Belt as forming part of the large land parcel identified in the LUC Green Belt Assessment OA2. The Applicant at 4.2.10(7.5.3; APP-207) identifies the WWTP parcel as occupying ‘a small proportion’ and at 4.2.13 the remaining adjacent land area of the OA2 parcel affected as a ‘small proportion’. However, collectively the land area permanently affected by the PD makes up the southern section of OA2 and is approximately 30% of the whole. The approach taken by the Applicant minimises the impact on this Land Parcel.</p> <p>The Applicant in its Response states that its Green Belt Assessment ‘is able to consider a finer level of granularity before reaching its conclusions’. SHH does not see evidence of this in the supporting text and considers that the latter would have identified and factored in the permanent adverse effect of the PD on designated features and, as in SHH RR-035 at 7.4, considered a bespoke set of land parcels defined around the application site, directly related to the spatial extent of the PD and of any likely visual impacts.</p> <p>SHH remains of the view that the Applicant’s Green Belt Assessment has under-estimated the adverse impact the PD would have overall on the Cambridge Green Belt and over-estimates the reduction in harm the mitigation measures will achieve.</p> <p>As referenced and agreed in the Applicants Response to 8.2 Topic, Limitations of Mitigation Planting below, Table 3 in SHH 04 (REP1-171) demonstrates there will be multiple industrial plant exposed above mitigation planting from any visual receptors that retain views across the PD (14 above the 3m hedge and up to 7 above the 8-10m tree line.) The impact on the Green Belt has to be based on the worst case winter visual impacts, considered over both the short and long term.</p> <p>SHH view remains that the PD as a whole will cause ‘substantial harm’ to the Green Belt and that this harm should be rated as ‘very high harm’, not as assessed by the Applicant as ‘medium’.</p>	
8.2.1 - 8.2.4	Landscape and Visual Amenity 4	SHH maintains the view that as stated in RR-035 and REP1-171 that there has been an under-estimation of the permanent adverse effects that the PD will have on visual amenity of a significant number of receptors within 1km of the WWTP.	RR-035 REP1-171

8.2	Limitations of mitigation planting	<p>The Applicant continues to attribute mitigation and a reduction of adverse effect on visual amenity at year 15 on screening and filtering attained by a 5m high bank, tree and hedge planting and the satisfactory implementation of the LERMP.</p> <p>The Applicant concurs with the analysis presented in SHH WR Table 3 that demonstrates there will be multiple industrial buildings extending above hedge and tree cluster planting on top of the earth bank (14 above the 3m hedge and up to 7 above the 8-10m tree line.) Some of that plant is of considerable diameter.</p> <p>The permanence of change in view, be that of new woodland planting and or exposed industrial plant above it, is not reflected in the degree of adverse effect awarded to multiple viewpoints that retain a view across the PD. As referenced in RR-035 and REP1-171, the exception to this is receptors in very close proximity to planting where views will be more completely screened by a substantial depth of planting, for example Low Fen Drove Way. Here the significance of change in view and permanence is captured in the Applicant's assessment of effect at year 15 and identified as permanent significant adverse effect.</p> <p>SHH maintains its position as stated in RR-035 and REP-171 that where impacts on visual amenity are reported as large adverse or moderate adverse at Year 1 in the LVA, that these will not diminish to slight adverse in most locations at Year 15. The Applicant treats effects at Year 15 as representing permanent adverse effects.</p>	SHH 04 REP1-171 SHH RR-035
8.2.8	Viewpoints	<p>SHH notes the Applicant's guidance about viewing photomontages and trusts that the ExA and other parties will be provided with prints at A1 size to enable this to happen.</p> <p>SHH notes the Applicant's comments on VP 23. In the case of Footpath 85/6, SHH raises concerns here about the sustainability of the mitigation proposed to cover the roof of the discharge outfall from view. The roof is specified as being at or around ground level. In reality, the dDCO has been amended to allow that structure to deviate to be up to 500mm higher than has been designed and assessed. In the context of the low riverbank, this is a potentially substantial upper deviation. Whether it remains practicable to cover the main structure away from the river bank with soil and grass remains to be demonstrated. This will have an adverse</p>	SHH REP-171 AW 5.3.15, (AS-048) AW 5.2.15, (AS-034)

		<p>significant impact on visual amenity along this stretch of vegetated river bank, particularly when viewed northwards towards the woodland area and Baist Bite Lock.</p> <p>VP25 SHH maintains the position that this viewpoint should be awarded a high sensitivity rating.</p> <p>VP5 The Applicant in its Response refers to Newmarket Road, however this viewpoint is intended and shown in Fig 15.1 (AS-048) as being on High Ditch Road looking NW towards the PD. The conclusions drawn in SHH 04 (REP-171) relating to VP5, VP7, and VP9 stand.</p> <p>VP 28 SHH notes and accepts the Applicant's comments.</p>	
9.2 to 9.4	Carbon assessment in the ES	The Applicant has not provided a response to these sections of the SHH WR, except to acknowledge the demolition carbon study provided by SHH in SHH 06. Given that the WR raises substantive points about the analysis in the ES Chapter 10 and the carbon reduction requirements which should be in the dDCO, SHH would have expected and would welcome a response.	
9.5.3 - 9.5.13	Strategic carbon assessment	The Applicant has provided a detailed rebuttal of the SHH analysis (and repeated it twice in this document). SHH will present a fuller response to this in a further submission.	
10.2	Biodiversity	<p>Bats – SHH thanks the Applicant for the clarification.</p> <p>Rare and Endangered Species – SHH notes the Applicant's recognition of this issue.</p> <p>Gas pipeline crossing of the CWS – SHH notes the Applicant's recognition of this issue and proposed solution.</p>	
10.3	Mental well-being	The Applicant's comments are noted. SHH stands by the results of the local surveys and concerns set out in SHH 04.	
10.4	Historic Environment	Inconsistency in Assessment Tables: SHH has not been able to identify up-dated changes to REP1-037 referenced by the Applicant. It remains the case that the HE Assessment Tables identify a permanent construction effect on Baits Bite Conservation Area (HE095) as of moderate adverse magnitude and permanent moderate adverse significant effect (AW 5.4.13.4;	<p>REP1-037</p> <p>REP1-023</p> <p>REP2-052</p> <p>REP1-158</p>

		<p>REP1-037). The effect in the up-dated HE (REP1-023) at 4.2.49 and 4.2.56 remains recorded as slight adverse.</p> <p>It remains the position of SHH that after mitigation measures proposed, a temporary moderate adverse effect is appropriate for Baits Bite Conservation Area (HE095) and that in addition to Biggin Abbey (HE011) and HCLA22, the permanent construction effects of the PD on Baits Bite Conservation Area (HE095) should be recorded as permanent adverse significant effect and maintained thus as a residual effect.</p> <p>SHH notes SCDC LIR (REP2-052) at 9.20, 9.25 and 9.37 agrees with the position of SHH on the assessment of temporary, permanent construction and permanent residual effects on Baits Bite Conservation Area as set out above.</p> <p>SHH notes that Historic England WR R1-158 at 2.12 identifies the PD WWTP site as forming part of the wider setting of Baits Bite Lock, Fen Ditton and Horningsea Conservation Areas (CAs) and that views out across the open landscape make a positive contribution to the essential rural character of these CA’s. At 2.14 Historic England draws attention to the limitations of mitigation planting and concerns that ‘the facility could end up having the appearance of a large-scale industrial site which is not characteristic of the area.’</p> <p>Historic England (R1-158) conclude at 4.3 that the PD would result in harm to Biggin Abbey and the three Conservation Areas and that in NPPF terms this would be less than substantial harm.</p> <p>SHH notes the Applicant’s comments on cumulative effects. SHH position in relation to the CAs of Fen Ditton, Horningsea and Baits Bite Lock remains.</p> <p>Further in relation to cumulative effect, SHH notes of particular relevance to Biggin Abbey II* (HE011), Historic England (HE Managing Significance in Decision Making 2015) at para. 28 specifies that the cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change. Where the significance of a heritage asset has been compromised in the past by unsympathetic development to the asset itself or its setting, consideration still needs to be given to whether additional change will further detract from the significance of the asset in order to accord with NPPF policies.</p>	<p>Historic England Managing Significance in Decision Taking 2015</p>
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		In this case, the existing intrusion of the A14 and pylons on Biggin Abbey and Poplar Hall, rather than reducing the significance of impact of the PD on these historical assets, as asserted by the Applicant, if anything, increases the significance of effect.	
10.5	Lighting	<p>The Applicant's response to SHH WR Section 10.5 is noted.</p> <p>In REP2-008, the most recent submission of the ES Chapter on Biodiversity, now states in one or two places (see page 53), but not all places, that lighting was assessed with a maximum height of 10m which is a change from 5m in the earlier version of this report. There do not appear to be any changes in the assessment in REP2-008 nor in the heights given in the Lighting Assessment Report (AS-100) from the previous APP-129 so the Applicant needs to clarify this, and whether lighting is to <u>be</u> installed above the 5m earthwork height, which is likely to be visible above the earthworks, particularly in winter.</p> <p>The Applicant also needs to confirm what the intended maximum lighting heights are across different parts of the site and include these in the parameters set out in Schedule 14 of the dDCO.</p>	REP2-008 p53 AS-100
10.6	Odour	Paragraphs 1 and 2 of the Applicant's response are noted.	
10.6.2	98 th percentile exceedances	<p>SHH notes the Applicant's concurrence with the SHH WR <i>'that the 98th percentile means that there could be 7 days (175 hours of a calendar year) where odour concentrations could be higher than presented in the Odour Impact Assessment'</i>, which is clearly of concern to SHH and the local community.</p> <p>SHH notes the Applicant's response; <i>'however the odour assessment is based on odour emissions at their maximum predicted summer rates all year, which is highly conservative'</i>. This analysis is only conservative in terms of likely frequencies across the year. As the Applicant further notes, the IAQM assessment is based on standard operation for moderately offensive odours. Circumstances outside of these conditions, such as septicity and non-standard operations, addressed by the qualitative approach, have the potential to impact and compound the predicted odour emissions and risk impact to sensitive receptors.</p>	

10.6.3 (i), (ii) and (iii) 10.6.4		<p>The H4 guidance set out on page 11 of the Odour Impact Assessment (OIA) (App Doc Ref 5.4.18.2) [AS-104], states the EA H4 benchmark targets at the site boundary (confirmed at 10.6.3 (ii) below to be the earth bank) to be as follows: Moderately offensive odours (well aerated composting, fat frying) = 3 OUE/m³</p> <p>SHH notes that the odour model, OIA Figure 4.5, already exceeds this EA baseline target, highlighting a conflict between aspects of the document. Please clarify this point.</p> <p>SHH thanks the Applicant for confirming, for the purpose of the Environmental Agency Guidance document H4, that <i>'the site boundary for the purposes of the odour assessment is the 'Earth bank'</i>.</p> <p>The Applicant notes that <i>'The Odour Impact Assessment (App Doc Ref 5.4.18.2) [APP-138] includes all sources to represent odour emission from the whole Proposed WWTP and does not distinguish between regulatory requirements.'</i> This response is helpful.</p> <p>No response has been provided to 10.6.4. SHH has the following observations: a) SHH understanding is that APP-138 has been superseded by AS-104. b) Please could the Applicant therefore explain OIA paragraph 2.2.17. As the Figure 1 Table from the EA H4 Guidance has been incorporated as Table 2-2 of the OIA 5.4.18.2 [AS-104] it is important to understand what the Applicant considers to be the baseline and what it considers to be pollution.</p>	
10.6.7 to 10.6.14	Amenity and Odour Reduction	The Applicant has in particular not addressed the points made in 10.6.14, concerning the extent of odour avoidance to be incorporated in the design and why the potentially worst sources are not being addressed by enclosure or other mitigation.	
10.8	Water	Monitoring (and the Black Ditch). SHH notes the Applicant's reference to the EA acceptance of the Water Quality Monitoring Plan [REP1-046]. However, SHH has suggested in our comments 21.4 and 21.25 in REP2-063 that it is both feasible and necessary to avoid contamination of surface water in the Black Ditch. This could occur because of abnormal or exceptional events. The Applicant should confirm how the design or management regime would change to address this issue.	REP1-046 REP2-063, 21.4

		<p>SHH raised the concern, in para 10.8.17, that the Environmental Statement has incorrectly concluded that the Interim Discharge Permit if granted would lead to water quality improvements in the River Cam. SHH pointed out in para 10.8.16 that the impacts between the existing Cambridge outfall and the IDB outfall would tend to be adverse due to increased loads; a point now verified in the case of phosphorus within the limitations of the modelling work. SHH also pointed out that these limitations had prevented satisfactory modelling of ammonia, BOD and DO.</p> <p>SHH has noted the timetable for the review and determination of the discharge permits.</p> <p>Design Capacity. The Applicant has provided the design capacity of the Waterbeach pumping station as 0.284 m³/s. The Applicant has not responded to the query about the capacity of the discharge pipelines connecting the proposed works to the outfall under highest tailwater levels; SHH look forward to the revised FRA expected to be submitted at Deadline 3 which should establish these highest levels and allow the Applicant to respond more accurately to the capacity query than using existing estimates of flood level.</p> <p>SHH notes that the 0.284 m³/s given as the maximum flow from Waterbeach will allow the Applicant to put a value to “small” as a percentage of the maximum flow at Cambridge WRC for consideration under SHH’s comment 10.8.19 in REP2-063 which otherwise has not been addressed by the Applicant.</p>	
11	Funding	SHH intends to make a further submission once the Applicant has produced the HIF Business Case and has responded to SHH 22. See SHH 37 for details.	
12.2.3	Planning balance and benefits	<p>SHH does not intend to comment further at this stage. The Applicant criticises the analysis of planning benefits included in SHH 04 at Table 7 para 12.2.2, but, with one exception makes no specific points in rebuttal.</p> <p>In relation to the provision of improved storm water storage/attenuation as part of the Proposed Development (in the transfer tunnel), SHH accepts that providing a similar volume of additional storage on or upstream of the existing site would be difficult and may not be</p>	

		achievable in its entirety. As such, some weight can be attached to this benefit.	
13	Draft DCO, plans and management plans	SHH has presented amendments to the dDCO, schedules and plans to the Applicant for negotiation. Further discussions are going to take place, once an updated dDCO has been submitted by the Applicant at Deadline 3.	

The Applicant provided a separate response to SHH 08 and SHH provides a separate response to the points made below.

Written Representation Para Ref	Topic	SHH Response	References to SHH or Other Submissions
SHH 08 intro	Design criticism validity	The Applicant says that because SHH were 'not in a position to test, cost, or consult with statutory consultees or review with formal design panels' our criticisms lack validity. How could SHH have had that access? The Applicant would appear to be saying that the only valid designs are theirs because they alone had that guidance. If these influences on the design were so important why weren't the deliberations shared during the pre-application consultations?	
SHH 08 1.2	Need for amenity space	The argument that it is unnecessary to design the area in any way as a recreational venue does not seem to have been addressed. SHH is concerned about food security as a reason for limiting the loss of farmland. That is not addressed either. SHH supports the increase in biodiversity and the Wicken Fen Vision.	
SHH 08 1.3	Design of plant apparatus	The Applicant refers to selecting 'appropriate technology' as being the only objective in the design of the plant. SHH argues that in order to contain odour and reduce visual impacts, more thought and attention should have been paid to grouping or enclosing taller structures into	

		single entities to simplify their profile as viewed from outside the bund.	
SHH 08. 2.2	Earthmoving	SHH's argument has not received an adequate response. The point made was that the amount of earthmoving represented by the present circular enclosure could have been better positioned to a greater height in a more optimal position, taking advantage of existing falls in the site and existing tree screens , to conceal the plant from the most frequently experienced viewpoints.	
SHH 08 Fig3	Blocked openness	To surround the WWTP with trees planted on the enclosing embankments and then to wrap that in further layers of planting seems excessive and would indicate that a visual dam will extend east-west for nearly a kilometre, blocking the views across this largely open landscape. Although it is acknowledged that the area is divided into blocks by the 'rides' that cut across it, this does not stop it being a continuous visual barrier from most directions.	
SHH 08 3.1a)	Access off A14. Unnecessary operational traffic	The Applicant was well aware of the Department of Transport policy regarding direct access to Trunk Roads, before consulting on this option. The relevant Department for Transport circular represents a strong policy preference, not an absolute block on such an access arrangement if it could be safely achieved. The Applicant chose not to pursue this further.	
SHH 08 3.1j	'Hidden world' concept	As a starting point for the design this concept has the strong backing of the host communities. The applicant's disregard for it cannot be based on a cost argument. For instance, the applicant could have placed the Discovery centre and its related car parking concealed within the banked enclosure with no likely effect on cost.	
SHH 08 4.2a	New paths	Contrary to what the Applicant says the alternative paths proposed by SHH would in the main be 'hard' surfaces following established routes currently taken by agricultural machinery. In any case, new rural footpaths don't necessarily have to be fully hardened or kerbed surfaces.	
SHH 08 3.1j	Strong visual identity	The Applicant states that SHH denies the need for a 'strong identity' whilst using illustrations of good design which show just that. The Applicant appears to miss the point. Where, such as is in the Tarn Gorges bridge, there is no point in trying to produce anything but an elegant and spectacular design, and no-one would not wish for an alternative. Where there is a case for reducing the visual impact on a landscape it helps if the design actively avoids a strong visual identity. One of the projects that SHH illustrates is the Waste Water Treatment Plant at Peacehaven in Sussex, where the designers have, among other things, used shape and disguised	

		roofs as parts of hillsides. This is a comparable structure designed not to draw attention to itself.	
SHH 08 5.1a)	Form of earthwork	SHH has argued that there is no strong case for a circular form to have been used, given the essentially rectilinear hedges, woodlands and roads in this landscape. A rectangular form could more sensibly have been adopted. The viewpoints affected are not symmetrically arrayed about 360 degrees. Some are already screened by established tree belts. We are pleased that there is no continued use of the 'hill fort' and 'rotunda' descriptors, both of which were spurious analogies, for different reasons.	