

## CWWTPR DCO Examination

## Submission by Save Honey Hill Group

## SHH Response to the Applicant's Responses to Written Representations 8.13 [REP2-038]

Date 22 January 2024

SHH's response refers to paragraph numbers in the SHH WR as used in REP2-038. This response was made before publication of the HIF Business Case [REP1-083] since published on 8<sup>th</sup> January 2024.

Written Representation Para Ref	Topic	SHH Response	References to SHH or Other Submissions
11.1	Introduction – Paragraph 1	As demonstrated by the SHH documents provided, the Applicant's submissions referenced [APP-013, AS-128, AS-139] are clearly inadequate. The funding arrangements fail to demonstrate that they are sufficiently robust to satisfy the DCLG Compulsory Acquisition Guidelines or satisfy an appropriate level of due diligence for the public purse.	RR-035, Chapter 11 SHH04 [REP1-171] Chapter 11 SHH22 [REP2-067]
11.1	Paragraph 2	<p>The Applicant has referenced in [2-038] 11.01, Paragraph 17 of the Compulsory Acquisition Guidelines:</p> <p><i>'Guidance Related to Procedures for the Compulsory Acquisition of Land requires the Applicant to explain how the project will be funded, both in terms of acquiring the land and implementing the project and including the degree to which other bodies have agreed to make financial contributions and the basis on which such contributions are to be made.'</i></p> <p>SHH notes that beyond the 5% cost overruns stated in ExAQ1 response [1-079] para 8.26, the Applicant acknowledges in paras 8.25 and 8.26 that it doesn't yet have a mechanism in place to meet any greater cost increases, compounding further the estimating and project costing issues raised by SHH.</p>	

11.1	Paragraph 3	<p>The Homes England responses [REP1-159] and [REP1-160] are general and do not address the substantial inconsistencies in the project estimating and funding arrangements raised by SHH.</p> <p>This, combined with the information set out by SHH in section 11 of its RR [RR-035] and WR [REP1-171], clearly demonstrates the inconsistencies in the Applicant's estimated costs and corresponding project arrangements and therefore that the requirements of the Compulsory Acquisition Guidelines have not been met.</p>	
	Editorial note:	SHH acknowledges the typographical error in document numbering of SHH04 [REP1-171] Chapter 11 and has provided responses in line with the order of the original document and the Applicant's responses.	
11.2	Funding Agreements	<p>As noted by the Applicant, the following documents submitted were redacted:</p> <p>REP1-121 Anglian Water Services Limited 8.8. Housing Infrastructure Fund Grant Determination Agreement (redacted)  REP1-122 Anglian Water Services Limited 8.9 Master Development Agreement (redacted)</p> <p>SHH welcomes the entry of the HIF Business Case AW document 8.7 [REP1-083] into the Examination Library on 8<sup>th</sup> January 2024 to support the matters raised by SHH.</p> <p>SHH trusts that now the HIF Business Case has been published, the documents removed from public domain by Homes England and Cambridge City Council can now be re-published on their respective FOI registers, the details of which are referenced at the end of this submission.</p> <p>As set out in SHH22 [REP2-067], Sections 1.0 and 2.0, the following observations are made regarding documents that have not yet been provided:</p> <ul style="list-style-type: none"> <li>- The summary committed in Action point ISH2.7 / AW 8.6 [REP1-082] has not been provided</li> </ul>	SHH22 [REP2-067]

		<ul style="list-style-type: none"> <li>- REP1-123 Anglian Water Services Limited 8.10 HE Assessment of Cambridge HIF Bid Redacted, is missing pages 4-8</li> <li>- The HIF Business Case Appendices listed in SHH [REP2-067], 2.1 have not been provided (Including Appendices J, M, N, R/S, T, U, AC, AD)</li> </ul> <p>Regarding responses to the specific questions asked: SHH notes 11.2 (i), (iii), (iv), (vi), (vii), pending responses from the Applicant to other documents and questions raised.</p> <p>11.2(ii) This is incorrect. As noted in [REP2-067], section 4.1, 2.27g) the higher sum was not included to cover contingencies, the HIF Business Case [REP1-083] is clear that it was included to permit consideration of a longer tunnel option.</p> <p>11.2(v) Reference to REP1-121 Anglian Water Services Limited 8.8. Housing Infrastructure Fund Grant Determination Agreement (redacted) is unhelpful as the information relating to 11.2 v) is redacted. SHH has provided additional information regarding enabling costs in 11.3 below.</p> <p>11.2 (viii) SHH does not consider the responses provided at ExQ1.8.25-8.26 at Deadline 01 [REP1-79] to specifically answer these questions.</p> <p>11.2 (ix) The Funding Statement does not address this question as confirmed by ExAQ1 response [1-079] para 8.26.</p> <p>11.2 (x) SHH does not consider the responses to be explicit in responding to the question raised.</p>	
11.2	Missing Appendices	SHH notes that the appendices for the Site Selection Reports (App Doc Ref 5.4.3.1 to 5.4.3.5) [APP-074 to 078] have now been published into the Examination Library to assist in further consideration of the estimated costs for respective sites.	

11.3	Adequacy of HIF Budget	<p>The response provided by the Applicant does not respond to, or specifically address, the points raised in 11.3 – Adequacy of HIF Budget, rather directs to the general responses to ExAQ1.</p> <p>As set out in SHH22 [REP2-067], 4.1, the Applicants responses at ExQ1.2.27 (8.3 Response to ExA's ExQ1) [REP1-079] are misleading.</p> <p>SHH is surprised that the Applicant has not properly addressed the content of section 11.3 of SHH04 [REP1-171], including figure 5 and Table 6 especially as these are based on information provided within the HIF Business Case and the Applicant's own site assessment analysis.</p>	
11.3	Enabling costs	<p>SHH notes that the Applicant has not provided any breakdown of costs. The information provided by SHH in its WR, SHH04 [REP1-171] Chapter 11, is from referenced published sources for Cambridge City Council and Homes England. SHH has since been informed that the Enabling Spend to date at end October 2023 is as follows:</p> <p>Total defrayed to end October 2023 - £28.8m Total paid to the Applicant to October 2023 - £27.7m</p> <p>When considered alongside Table 6 – Comparison of Anglian Water Estimates on page 123 of SHH 04 [REP1-171], based on the 14% enabling cost cap provided by Homes England<sup>1</sup> the estimates set out for the 'short tunnel' option of £167m estimated in the HIF Business Case and adjusted for the Honey Hill Site as per the Applicants Economic Assessment Table E.87, set out at Figure 5, show the enabling costs to equate to £20.86m and on that basis is already substantially overspent.</p>	
11.3.1	Integrity of Cost Estimates	SHH notes that the Applicant has not responded to any of the points raised in section 11.3.1 of WR SHH-04 [REP1-171] despite SHH having clearly evidenced significant	SHH-04 REP1-171

<sup>1</sup> [https://assets.publishing.service.gov.uk/media/64f875259ee0f2000fb7bfa3/RFI4275 - Housing Infrastructure Fund Cambridge Waste Water Relocation.pdf](https://assets.publishing.service.gov.uk/media/64f875259ee0f2000fb7bfa3/RFI4275_-_Housing_Infrastructure_Fund_Cambridge_Waste_Water_Relocation.pdf)

		<p>discrepancies in the funding arrangements, the corresponding estimates referenced in the Housing Infrastructure Fund Business Case and the Applicant's site selection documents.</p> <p>The Applicant has instead referred to its original Funding Statement submission [AS-013] which, as demonstrated by SHH, contains limited information and does not provide the surety required.</p>	
11.3.2	Conclusion	<p>SHH has clearly demonstrated substantial concerns with the Applicant's funding arrangements, estimate integrity and due diligence, as set out in documents RR-035, Chapter 11, SHH04 [REP1-171] Chapter 11 and SHH22 [REP2-067].</p> <p>SHH notes that the Applicant has not provided proper responses to the questions submitted, instead reverting to documents previously before the Examination, notably the Funding Statement, which the ExA has questioned and to which the Applicant and Homes England have not submitted clear unequivocal answers.</p>	
Additional Note	Housing Infrastructure Fund Business Case – Public domain Documents	<p>SHH notes that the HIF Business Case, albeit heavily redacted and missing key Appendices, was available in public domain from the disclosure logs at both Homes England and Cambridge City Council websites, as set out below, yet these are no longer available in public domain:</p> <p>1) Homes England response letter dated 21<sup>st</sup> December 2022 to Freedom of Information request RFI4113<sup>2</sup> clearly references that the HIF Business Case was published as Annex A. Until recently, Annex A, published on 9<sup>th</sup> January 2023, was available in the Homes England disclosure log under December 2022 disclosures. Despite being referenced in the FOI response, Annex A appears to have been withdrawn from the Homes England disclosure Log on 3<sup>rd</sup> November 2023. At time of responding, the RFI response letter and Appendices remained published but Annex A, the HIF Business Case, was still absent.</p> <p>2) Until recently, Cambridge City Council Freedom of Information disclosure log for July 2022 displayed FOI11447<sup>3</sup>, entitled 'Environmental Health', containing the Response letter</p>	

<sup>2</sup> <https://assets.publishing.service.gov.uk/media/63bc3b8d8fa8f55e37c5070f/RFI4113 - HIF Cambridge Waste Water Relocation.pdf>

<sup>3</sup> <https://www.cambridge.gov.uk/media/12649/foi-request-11447-environmental-health-foi.pdf>

		<p>from Cambridge City Council Director, Enterprise and Sustainable Development, the HIF Business Case and the corresponding Appendices. However, recent research shows the cover letter and documents (the HIF Business Case and corresponding Appendices) to have all been removed and the only reference remaining is the cover FOI response page.</p> <p>SHH is aware from the disclosure log that a subsequent request FOI13711 was submitted to Cambridge City Council requesting to see the supporting documents for FOI11447. The response to FOI13711<sup>4</sup> dated 25 August 2023 from Cambridge City Council confirms that the documents were all published against RFI11447.</p>	
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<sup>4</sup> <https://www.cambridge.gov.uk/media/12830/foi-13711-disclosures.pdf>

**SHH 39 Note on Inconsistencies and Errors in Chapter 2 of ES.**

**Referred to by Ian Gilder at ISH3 Hearings and provided to Applicants (M Dexter; K Barclay) after ISH3 Hearings 12 January 2024**

**2 Application Documents****Inconsistencies in updated docs eg Chapter 2 of ES**

The ES Chapter 2 REP3-017 is still full of inconsistencies and incorrect statements.

Examples:

1.6.6 and 1.6.7 300,000 PE not equivalent to GCLP forecasts for 2041. 1.6.7 says 275,000 equivalent of 'mid 2030s' forecast but not evidenced. Says Phase 2 '12 months between 2036 and 2050, likely before 2041' while Fig 3.3 and para 3.1.21 shows Phase 2 build as 2035 and operation from 2036.

1.6.8 'covered by LP period' just incorrect words. Only ref to 'footprint capacity' is in 1.6.10 which says 'well into 2090s'. There is no supporting information or explanation of this statement.

1.8.6 to 1.8.8 says nothing about provision of extra sludge treatment capacity beyond Phase 2/300,000PE, 16,000TDS' though additional capacity will clearly be required for sludge produced at the works and probably for growth in sludge produced at satellite works..

Table 1-17 not consistent with 16,000 TDS. Can the 22% and wet tonnages be reconciled with 16,000 TDS?

We have not checked all max design parameters in dDCO Rev 05, but some examples of errors below:

Table 1-23 gives incorrect dimensions for Gateway building and workshop as against dDCO. Former is then corrected in 1.9.11, but latter not corrected in 1.9.14. Now appears to be an error in dDCO and workshop is to be 55m x 16m.

1.9.22 Still not clear if solar panels on banks are to be inside security fence. Important to clarify if this security fence is to be 3m plus barbed wire which may have significant visual impact.

1.9.26 No reference to height of lighting columns. There is still inconsistency between dDCO and various application documents as to heights of light columns within the site and along Horningsea Road.

2.1.13 Transfer tunnel storm capacity of 5,000m<sup>3</sup> appears far too small incorrect. Rough calculation based on 2.7m tunn11,000?

Fig 3.11 and 3.1.5 Not clearly labelled when 'second/late stage WB pipeline' is programmed ie wording in text and on Figures doesn't match. Not confirmed if late stage, WB Pipeline south will not be built.

3.1.5/6 Para break typos

3.3.36 Text says Digesters are 4,262m<sup>3</sup>. dDCO says 4,900m<sup>3</sup>.

## CWWTPR DCO Examination

SHH 40

## Submission by Save Honey Hill Group

## SHH Outstanding Concerns about Drafting of dDCO and Relevant Plans

22 January 2024

SHH provided the Applicant with Requests for Amendments to dDCO as introduced at D1. This was SHH 11 provided on 30 October 2023. Subsequently, SHH provided SHH 25, a mark-up of changes requested to the Schedule 2 Requirements.

The Applicant has made various updates to documents and submitted a revised dDCO Rev 06 at D3 (AW 2.1, REP3-004). The Applicant also responded to some but not all of SHH Requests for Amendments in the Applicant's Comments on SHH D2 Submissions (AW 8.14, REP3-054).

This submission sets out an updated list of requested amendments, taking account of other recent submissions. In some cases, the Applicant has refused to make amendments that SHH believe would be helpful clarifications, on grounds that they are too difficult or inconvenient to apply. These are not repeated except where we believe that an amendment is essential.

Item no	Draft DCO and/or Plans Reference	Amendment or Clarification Requested and Reason
1	Article 2, Requirement 1 and Schedule 2 Part 2 in relation to 'relevant planning authority'	This definition is incorrect. It should say 'waste planning authority...for the area'. To be clear this is the Cambridgeshire County Council. The District Councils are only 'waste collection authorities' under the Public Health Act. In our view, it should be made clear in Requirement 1 that the relevant planning authority shall consult with one or both of the district councils, as appropriate, before approving any plan or document submitted in accordance with these requirements. We accept that the RPA has the discretion to do this, but since these submissions are not planning applications there is no obligation in law to consult. The District Councils should be named and treated as 'requirement consultees' under the terms of Part 2 of Schedule 2.
2	Article 6, Schedule 14, Works Plans and Design Plans	SHH made a number of sensible requests in items 2 to 4 of SHH11, for clarifications and corrections to be made to these, most of which were refused by the Applicant, mainly on grounds of convenience or precedent. This is not satisfactory. If we, as experienced users of DCO documents, find it difficult to understand which elements of the works are intended to be in certain locations with certain parameters,



		<p>this will present great difficulty for the Applicant, the Local Planning Authority and others during implementation.</p> <p>As the ExA noted in questions regarding one example in ISH3, this not only makes it difficult to find specific items of plant on the Design Plans and match these to the parameters, it has also led to a series of errors and inconsistencies across the documents.</p> <p>Our requests are not unduly onerous and are as follows:</p> <ul style="list-style-type: none"> <li>(i) Schedule 14 should be ordered in Works number order and labelling/descriptions of elements/structures in Schedule 1 and 14 kept consistent. This labelling should carry through to the Works Plans and, to the extent, necessary to the Design Plans. It is important for users to be able to identify which elements of work are permitted within each of the corresponding shaded areas on the Works Plans and the limits of deviation that apply to these.</li> <li>(ii) In Article 6, it should be stated within what limits laterally each defined work is to be located. This could be achieved by opening wording to the effect that 'any work shall be sited within the corresponding coloured shaded land area for that work shown on the Works Plans, subject to the provisions to deviate set out in the remainder of this Article'. This is relevant to all works whether or not the DCO sets specific parameters and powers to deviate. The Applicant asserts that the Order is clear and only allows for works not itemised in Article 6 to be deviated within the relevant shaded area on the Works Plan and that this is made clear in General Note 3 on those Plans. That note states 'The limits of deviation are the full extent of the works <b>areas</b> shown....' What those works <b>areas</b> are is entirely unclear, since the rest of the legend does not use the term works area, merely using the term 'Works Nos', to identify different coloured shaded areas. If Article 6 is amended, the wording of General Note 3 can be simply amended.</li> <li>(iii) SHH does not accept that the power in Article 6(b) to deviate the majority of works located within the boundaries of Work 15, laterally by up to 50 metres is either reasonable or necessary. It is difficult to check manually the extent of errors, but we have found examples where an element of works shown on the Design Plans is shown already to be sited outside the corresponding shaded area on the Works Plans. An example of this is the Digesters. The parameters for these are in Part 11 of Schedule 14. They are to be up to 30.4m AOD in height</li> </ul>
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		<p>and are substantial structures. They are listed as Work 8(g) in Schedule 1. As positioned on the Design Plans at least one of these is sited not within the corresponding blue cross hatched area for Work 8, but within the yellow cross hatched area for Work 9. This makes it difficult to assess how extensive the power to laterally resite these digesters is under the Order as drafted, but it would appear that the Order allows not only for a digester to be sited anywhere in the blue hatched area, an irregular area which is 300m east west and up to 150m north south, but also to be sited outside the boundary for Work 8 by up to 50m. This could allow it to be up to 50m westwards into the area designated for the Work 7, the Workshop, or up to 50m northwards into the area designated for Work 10, the MABR. This gives an extraordinary scope for repositioning within an area some 350 m east west and 200m north south. Although the Applicant asserts to the contrary, there has been no assessment or evidence reported in the ES of the ‘reasonable worst case’ visual impacts of repositioning such a large and visually intrusive structure anywhere within that vast limit of deviation. It also makes a mockery of the Applicant’s assertion that the tallest structures have generally been sited close to the middle of the circular footprint to reduce visual impacts. While this is only one example, we believe there are other errors of this sort, involving the position of plant on the Design Plans, the shaded areas designated and in the potential adoption of a further 50m limit of deviation. This in our view makes it most unlikely that the ‘reasonable worst case’ including the powers to deviate have been properly assessed in the ES. In our view, any power to deviate taller works outside the designated shaded area for that work should be strictly limited or excluded.</p>
4	<p>Article 23, Schedule 16, Hedgerow Removal and Tree Preservation Plans</p>	<p>In Item 8 of SHH11, SHH raised concerns about the protection of trees and hedgerows in Article 23, Schedule 16 and the corresponding hedgerow plans. The Applicant has responded dismissing those concerns.</p> <p>Article 23 (1) is widely drawn to give the Applicant discretion to fell etc trees and shrubs ‘near any part of the authorised development, or cut back its roots, if it <b>reasonably believes</b> it to be necessary to do so...’ This is an extremely weak and unenforceable control, which would, for example, allow the Applicant’s contractors to mistakenly remove trees and shrubs even beyond limits and then claim that this was their</p>

		<p>reasonable belief that this was necessary. This phrasing may appear in other DCOs, but does not make it sufficient.</p> <p>The ExA noted in ISH3 examples where, contrary to the Applicant’s assertions, mature trees along the Waterbeach pipeline route need to be felled. The Applicant generally asserts that it is their intention as set out in the ES to only remove the trees and hedgerows noted in Schedule 16 and shown on the hedgerow plans.</p> <p>As it stands neither the Order in Article 23(4) nor Schedule 16 offers any meaningful protection to trees or hedgerows within the Order limits for the pipeline. This is because Article 23 (1) and 23 (4) are worded permissively, stating that ‘the undertaker <b>may</b>...remove the hedgerows set out in Schedule 16’, but without stating that any other mature trees and hedgerows within limits are <b>not</b> to be removed.</p> <p>This problem is compounded by the fact that the Hedgerow Removal and Tree Preservation Plans do not show all of the existing hedgerows and none of the trees within or on the boundaries of the Order land. The ExA should look at AW 4.8.9 (AS-155) Hedgerow Removal and Tree Preservation Plans Sheet 9 to understand this point. There are hedgerows, with some trees, on one and then both sides of Hartridge’s Lane as far as Riverside Farm (all in or on the boundaries of land limits) and a double row of street trees along Hartridge’s Lane north from there. There is also, for example, a large mature oak tree just to the south of the first section of the lane, but within limits. None of these appear on the plans. The plan does bear the legend ‘No hedgerows affected here. Drawing included for completeness’, but this provides no protection unless either all trees and hedgerows within limits to be retained are shown on the HR and TP Plans or, more simply, Article 23 (4) is reworded to state that ‘The undertaker...may <b>only</b> remove hedgerows within order limits that are shown to be removed in Schedule 16 and on the Hedgerow Removal and Tree Preservation Plans’. It will require a separate sub-schedule of trees to be removed or which may be removed to be added to Schedule 16.</p>
5	Article 24 and 25	‘Reasonable belief’ is too weak for the same reasons as Article 23 (1)

6	Schedule 1	<p>Works Nos 5 and 9. Reference is made in Work 9 to ‘connections to gas and/or electricity networks’ without any indication of a corridor for these on the Works Plans, nor any statement as to whether any electricity connections are to be above or below ground. This is an omission that needs to be rectified.</p> <p>Work 15. Retitle Circular Earthwork and Solar Panels. Should describe this more fully eg a circular earthwork or bank comprising sub soil and topsoil encircling Works x to y. Solar panels only to be installed on inside slope of earthwork.</p> <p>Work 33(a). Wording is poor and confusing. HDD is to be used at other locations not listed, see Design Plans. CoCP will apply generally so should not be stated. Can be reworded to refer only once to HDD. Same problem with drafting for Work 36(a).</p> <p>Work 35. Should refer to ‘provided for Waterbeach, including the New Town development’ or ‘provided from the site of the existing Waterbeach WWTP’.</p>
7	Schedule 2	<p>Requirement 1. The definition of ‘outline carbon management plan’ should have the words ‘with the relevant planning authority’ reinstated.</p> <p>Requirement 3(b). The words ‘The scheme shall confirm that the undertaker will achieve a reduction in construction carbon emissions across the entire scheme of not less than 70% below that assessed for the baseline DMO scheme in Chapter 10 of the ES and the means by which that shall be achieved and monitored’ or otherwise include an exact amount of carbon emissions during construction not to be exceeded derived from that assessment’. This reflects SHH’s position in evidence to the Examination.</p> <p>Requirement 7(3). This should have the words ‘include an explanation of how they’ reinstated, since is equally relevant to a design code as to the previous ‘principles’.</p> <p>Requirement 21(2) needs to be more tightly worded, adding ‘from operations on site or conducted from the site’. This is to secure SHH’s position that offsetting of carbon emissions by for example purchasing carbon credits or offsetting by the acquisition of sequestration forestry planting is not included.</p>

8	Schedule 9	As noted at ISH3, the reference in Part 2, third paragraph, has to be to 'no right turn from Horningsea Road <b>northbound</b> '. There are no vehicle movements which could ever be possible by turning <b>right</b> into the works from Horningsea Road southbound.
9	Schedule 14	<p>As noted in item 2, we asked that each Part be titled as per Schedule 1, the relevant works number added and reordered in Works number order. Despite the Applicant's assertions, this is a relatively simple administrative task. Where any parameters apply to several works or to further unspecified works these can be captured as is already done for 'further works' in Schedule 1.</p> <p>In SHH11 and elsewhere we have asked for specific design parameters to be included for the circular earthwork. The Applicant agreed orally at ISH 3 that this will be done. Our original request, which is still valid, is included in amended form below.</p> <p>'New part to cover Work 15. Circular Earthwork and Solar Panels. This needs to specify minimum height etc parameters to ensure screening is achieved. Parameters to be (i) single circular earthwork (ii) minimum height above highest adjacent existing ground level [state what that is in AOD] to be 5.0m (iii) top surface to be level and minimum width of 6.0m (iv) external slope to be 1:5 or shallower (v) internal slope to 1:25 or shallower. Note this means that as existing ground levels fall slightly towards the west, the bund height above finished ground level will be slightly greater than 5.0m. Specify max area of and location of solar panels to be on the earthwork'.</p> <p>Part 11. We note that there is a maximum design parameter for the footprint of the digestion plant area. It is unnecessary repetition to include maximum height which is copied from higher up the table. We question how this parameter sits with the commentary on limits of deviation in item 2 above.</p> <p>Part 13. Same point about maximum height as made in relation to Part 11.</p> <p>Part 14. Row now revised to give 'total height' is repetitious and can be deleted.</p>

		<p>Part 21. Column 4 should say 'maximum height' and references to + or – 0.5 m above FGL should not appear. This is then entirely clear that finished ground levels shall be made up, if necessary, no lower than the top of structures.</p> <p>Part 23 It is inappropriate to include a construction height restriction in permanent parameters and as expressed is probably incorrect. It should just say 'x m above existing ground levels' or similar. The right hand column is incorrect or unhelpful since it refers to a single FGL of 10.0m AOD only relevant within the bund not for example to the access road. There is confusion in other documents as to whether the maximum height of light columns, including the access road is to be limited to no more than 5m above FGL.</p>
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## CWWTPR DCO Examination

## Submission by Save Honey Hill Group

## SHH Response to the Applicant’s comments on Save Honey Hill’s Deadline 2 submissions 8.14 – Sections 2.9 and 2.5 - Funding [REP3-054]

22 January 2024

SHH’s response refers to paragraph numbers in the Applicants document 8.14 [REP3-054]. The response is ordered as it is to avoid repetition of points.

Applicants Representation Para Ref	Topic	SHH Response	References to SHH or Other Submissions
Section 2.9		Section 2.9 of the Applicant’s submission 8.14 [REP3-054] responds to SHH22 [REP2-067] Funding and Development Arrangements. As far as possible SHH has sought to avoid repeating points made in response to the Applicant’s other responses.	SHH22 [REP2-067]
2.9.1		<p>The Applicants belief is incorrect; as there is no confusion by SHH. The issues, a), b) and c), the Applicant has outlined, addressed further below, are of course all important matters in their own right, which SHH has addressed individually in its earlier submissions, to which a further issue d) may be added regarding the integrity of the HIF business Case, its formulation and the corresponding funding provision, which SHH has articulated in its Relevant Representation, Written Representation and in its D2 response.</p> <p>The Applicant has only provided limited responses to each of the above and has avoided addressing the matters raised by SHH, which are in direct response to the Applicants submissions and the corresponding funding documentation. The Applicant has not addressed many of the points raised in (SHH 22) [REP2-067] and appears intent on providing as little information as possible.</p>	RR-035, SHH04 [REP1-171], SHH22 [REP2-067]
2.9.2		SHH does not concur regarding the certainty of project funding. If the Applicant considers there to be sufficient certainty, SHH respectfully requests that it responds to the matters raised by SHH and provide the remainder of the corresponding additional information requested.	

2.9.3		<p>The focus of document SHH22 [REP2-067] is on funding.</p> <p>The Applicant's reference to the Planning Act 2008: Guidance related to Procedures for the Compulsory Acquisition of Land in its 8.14 [REP3-054] response is helpful. SHH notes that the Compulsory Acquisition Guidelines paragraph 8, clearly state 'The applicant should be able to demonstrate to the satisfaction of the Secretary of State that <b>all</b>' (emphasis added) 'reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored'.</p> <p>The latest SHH response to the matter of alternatives is addressed by 4.5.1 – 4.5.9 of SHH34 [D3-068], SHH Response to the Applicant's Responses to Written Representations 8.13 REP2-038, which clearly demonstrates in combination with its Relevant Representation and Written Representation that all reasonable alternatives have not been explored.</p>	RR035, SHH04 [REP1-171], SHH34 [D3-068]
2.9.4		<p>SHH suggests that the emphasis could be better placed here to '<b>as much information as possible</b>'. The Applicant has yet to respond to the matters raised by SHH22 [REP2-067], nor the preceding submissions referenced above which raise concerns regarding the business case and corresponding cost base.</p>	SHH22 [REP2-067]
2.9.5		<p>SHH notes the selective nature of the response. The DCLG Compulsory Acquisition Guidelines paragraph 17 requires of the funding statement, that 'This statement should provide as much information as possible'. Further, the primary context of where details cannot be finalised until a later stage is in relation to 'the assembly of the necessary land'.</p> <p>Paragraph 19 of DCLG Compulsory Acquisition Guidelines states; 'It would be helpful for applicants to be able to demonstrate that their application is <b>firmly rooted</b>' (emphasis added) 'in any relevant national policy statement. In addition, applicants will need to be able to demonstrate that:</p> <ul style="list-style-type: none"> <li>• any potential risks or impediments to implementation of the scheme have been properly managed'.</li> </ul> <p>SHH notes that the application is not firmly supported by the NPSWW for reasons set out in SHH legal submissions.</p>	



Section 2.5		For convenience SHH has also included responses to Section 2.5 of the Applicant's submission 8.14 [REP3-054] responding to SHH comments on Applicant's responses to ExA's ExQ1 (SHH28) [REP2-063] relevant to the Applicants section 2.9 Funding response.	
2.5.3	2.27f and 2.27g	The Applicant's response is surprising as the information provided in 2.5.3 is clearly incorrect and may be misleading the Examination. In section 11, Funding, of SHH04 Written Representation [REP1-171], SHH has articulated significant inconsistencies with the HIF Fund Business Case and corresponding estimating, providing all the relevant data sources and links. These clearly show that the PD site is far from consistent with the long tunnel option estimated in the HIF Business Case.	
2.5.4 / 2.5.5	2.28	<p>SHH notes the Applicant's confirmation that 'The Funding Statement [APP-013] is clear that the costs of acquiring the land will be met by the Applicant's own funds'.</p> <p>In general terms, SHH understands the reasoning for the Applicant acquiring the land to include:</p> <ul style="list-style-type: none"> <li>a) the Applicant's ability to operate the PD into the future</li> <li>b) the ability of the Applicant to realise funds from sale of the existing CWRC land holding, which if land purchase was HIF funded, would not be possible.</li> </ul> <p>SHH Notes Chapter 6.5 of Appendix 3.5 Final Site Selection 5.4.3.5 [APP078] which sets out the economic summary of site selection.</p> <p>Paragraph 6.5.1 stresses the importance of economics 'as CWWTPR is a publicly funded project with a fixed grant and savings must be made where possible.' Paragraph 6.5.2 raises concerns regarding the potential land acquisition costs for Site 2, stating that, 'The likely increase in land value would represent a significant increase in the cost of delivery, which could undermine the viability of the CWWTPR project. '</p> <p>Since the Applicant is to fund the acquisition of land from its own corporate resources and not from the HIF Grant, the reference to viability is curious. In any event, had the Applicant opted to acquire Site 2 it would have secured any development value which might have been realised at a later date.</p>	

2.5.8	8.15, 8.25 and 8.26	<p>The Applicant is incorrect. To avoid duplication SHH has adequately addressed these points under section 2.9 Funding and Development Arrangements above.</p> <p>SHH reinforces the DCLG Compulsory Acquisition Guidelines requirement to provide ‘as much information as possible’. The information provided within the funding statement represents a high level summary statement. The Applicant has not provided sufficient information to address the points raised during the examination.</p>	
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**CWWTPR Examination****SHH 43****Submission by Save Honey Hill Group****Note Regarding Quy Fen and Black Ditch: Water Pollution Control and Monitoring**

1. This note represents the position of SHH following questioning by the ExA at ISH3 on 11 January 2024. SHH remains concerned about the potential for contamination of Black Ditch arising from the surface water drainage proposals as referenced REP1-035 para 10.8. SHH has at this stage not been assured that monitoring or preventative measures proposed are sufficiently fail safe to exclude the risk of ecological harm to Quy Fen SSSI and or local watercourses.
2. As submitted by Quy Fen Trust in REP1-166, monitoring and notification of contamination after an incident has occurred however rare is not sufficient to protect Quy Fen SSSI ie 'after the horse has bolted'. The requirement is that preventative measures are sufficient and fail safe that incidents do not occur.
3. In response to the comments at ISH3 in relation to concerns of contamination risk by Quy Fen Trust, the Applicant relied mainly on the small likelihood of contamination of the ground water arising from within the WWTP area and low transport rates towards local water courses. This did not address the concerns expressed in relation to the proposed surface water drainage system.
4. APP-162 Fig 4.1 illustrates the proposed drainage layouts. Table 4-1 identifies the drainage requirements for each area. 36% are identified as potentially contaminated and 64% as uncontaminated. The proposal is for the former to be directed to the head of the works for treatment (described at the hearing by the Applicant as a closed system).
5. APP-162, at para 4.3.1 a range of surface areas are identified as 'not at risk of contamination' are listed including: surface water from roads, block paving in areas with a low risk of contamination and stone chippings in low risk areas specified as including areas around tanks. Further, under areas 'not at risk of contamination' at para 4.3.2 reference is made to the use of 'ponding areas' within the site to accommodate extreme weather events.
6. The Strategic Drainage Plan is illustrated APP-162 in Fig 8.3 and supported by text at 8.6.2 listing the drainage areas represented all of which are identified at 4.3.1 and 4.3.2 as areas 'not at risk of contamination'.
7. Fig 8.3 clearly shows the drainage including water from the 'open spaces for ponding' being directed to the attenuation pond and, via a controlled drainage pipe to the existing drainage ditch, believed to be Black Ditch. If not Black Ditch, the links of existing drainage ditches to Black Ditch and the sensitivity of this in the context of Quy Fen SSSI is well established eg APP-162 para 2.3.7; 2.3.8.
8. As referenced by Quy Fen Trust in REP1-166 and at ISH3, the Odour Management Plan identifies a number of procedures directed at managing spills both in the context of general maintenance of the site and in the event of unforeseen incidents. Though these are most likely to occur within the 36% of areas identified as at risk of contamination, these could of course occur anywhere on the site including road surfaces and around tanks identified above as 'not at risk of contamination' and thus, give rise to a risk of pollutants transferring to this drainage system.

9. Further, the open spaces for ponding appear to be set within some areas identified as 'at risk of contamination'. Any intended separation from these areas in the event of excess run off during maintenance cleaning, major incident cleaning and or extreme weather events such as flooding of the site is not clear. The presentation would suggest or at least not rule out there is a risk of pollutants entering this drainage system and thus Black Ditch via the attenuation pond.
10. Supplementary to the Applicants main response to Quy Fen Trust at ISH3, the Applicant referenced the up-dated Drainage Strategy, which SHH believes to be due for submission at D4, which will include oil interceptors and silt traps. Further, that any contamination of the ponds, presumably effluent etc., would be observed by the plant operators.
11. These preventative measures, whilst welcome do not provide sufficient assurance that the drainage strategy including use of the local water course for drainage of surface water originating from within the WWTP area is sufficiently fail safe to determine no harmful contaminants under any circumstances would be transferred to local water courses and, in turn Quy Fen SSSI.  
Clearly the fail-safe approach would be not to direct any drainage from within the WWTP area to the local ditches or water courses.
12. SHH REP1-171 para 10.8.25 had understood the Applicant at ISH2 stated that all drainage within the bunded area would be pumped into the works and not discharged into the balancing ponds or wetlands outside the bund. However, the Applicants responses at ISH3 did not indicate this is currently intended.
13. SHH REP2-069 in its response to Natural England's Written Representation at 2b is seeking the installation of pollution control measures to prevent the discharge of surface water from within the works into ditches and seeks Natural England's support for this.
14. SHH REP2-069 at 2b, under Ground Water monitoring, specifies that in addition to the need for a comprehensive programme of monitoring, as explored by the ExA at ISH3, an agreed approach to remediation if any adverse effects are identified or contaminated discharges occur should be established and seeks Natural England's support for this request.

SHH will review the anticipated up-dated Drainage Strategy at D4 and provide further comment accordingly.



Submission ID: 25733

'SHH 34 Expanded' Expands on information submitted at D3 and is presented with tracked changes and as clean copy.