

Cambridge Waste Water Treatment Plant Relocation Project
Anglian Water Services Limited

Applicant's Post Hearing Submission (CAH1 & ISH3)

Application Document Reference: 8.21
PINS Project Reference: WW010003
APFP Regulation No. n/a

Revision No. 01
22nd January 2024

The Applicant's case for CA and TP

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
1. Welcome, introductions and purpose of hearing	1.1	The Examining Authority opened the hearing, introduced themselves, invited those parties present to introduce themselves and explained the purpose of the Hearing.	1.1.1	<p>For the Applicant:</p> <ul style="list-style-type: none"> • Michelle Moss, Eversheds Sutherland • Ian Cutts, Savills • Kirk Macdiarmid, Savills • John Bowles, Savills • Kate Radford, Eversheds Sutherland • Andrew Prior, Aeos Consulting • John Cormie, Anglian Water Services Limited
2. The Applicant's case for Compulsory Acquisition ("CA") and Temporary Possession ("TP"),	1.2	<p>Identification of the powers sought and their purposes and how the proposals address the tests under the Planning Act 2008 and Guidance on Procedures for Compulsory Acquisition of Land ("DCLG Guidance")</p> <p>Relevant draft Development Consent Order provisions.</p>	1.2.1	<p>The Applicant presented its general case for compulsory acquisition, taking the first two agenda items together.</p> <p>The Applicant stressed that its land assembly strategy has been, and continues to be, to agree voluntary arrangements and to seek to limit and reduce the extent of compulsory acquisition and temporary possession powers required. In the absence of having acquired all rights by agreement, it is necessary to promote the inclusion of CA powers.</p> <p>All of the land and rights sought, including the powers to temporarily possess land, are necessary for the construction, operation, protection and maintenance of the proposed development. This includes land and rights which are necessary to mitigate the effects of the proposed development.</p> <p>The Applicant has taken a proportionate approach to the identification of the land and rights required, and this strategy is evident from the varying categories of powers sought over the Order Land.</p> <p>The approach to the powers sought is explained in Section 6 of the Statement of Reasons [REP1-009], and the Introduction to the Book of Reference [REP3-009]</p>

				<p>further explains the relationship between the powers sought and how this is reflected on the Land Plans [REP1-016] and in the Book of Reference. In summary:</p> <p>Pink Land:</p> <ul style="list-style-type: none">• The land over which compulsory acquisition powers are sought pursuant to Article 26 of the draft DCO [REP3-003] in respect of freehold land ownership (and all other interests in that land) is shown edged blue and shaded pink on the Land Plans. The Applicant has limited its proposed acquisition of freehold land to those parcels where it requires exclusive possession and control of the land for the proposed development.• The land shaded pink includes land required for the waste water transfer tunnel (Work Number 27) for which only the freehold acquisition of subsoil may be required at a depth greater than seven metres beneath the surface. This land is identified in Schedule 11 to the draft DCO and described in the description of the parcel in the Book of Reference as "Acquisition of Subsoil of" the relevant land. Article 30 to the draft DCO does not permit the acquisition of the entire freehold ownership of this land, but it does entitle the Applicant to acquire new rights in or impose restrictive covenants over the surface of this land for the purposes that are specified in column 3 of the table in Schedule 11 to the draft DCO.• All other land shown shaded pink on the Land Plans is described in the description of the parcel in the Book of Reference as "All interests and rights in". The Applicant seeks the power to acquire all interests in this relevant land. This includes land required for the proposed new CWWTP; the Waste Transfer Tunnel Shafts (Work Number 27); the Outfall (Work Number
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				<p>32); the new bridleway (Work Number 38); and for ecological mitigation (Work Number 39). This can include new rights and the imposition of restrictive covenants.</p> <p>Blue Land and Brown Land:</p> <ul style="list-style-type: none"> • The land over which only new rights (including the imposition of restrictive covenants) are being sought compulsorily pursuant to Article 28 of the draft DCO is shown edged blue and shaded blue or brown on the Land Plans. This land is identified in Schedule 10 to the draft DCO and Article 28 does not permit the Applicant to acquire all interests in this land. • The descriptions of the proposed rights and/or restrictive covenants to be acquired have been grouped into named 'packages' which are found in Schedule 10 to the draft DCO, as well as in the Introduction to the Book of Reference. More than one package of rights may be sought over the same land parcel, for example where land is required both for the Waste Transfer Tunnel and the Waterbeach Pipeline. • The land shaded brown is required for access rights only, and is described in the Book of Reference as "New rights in". The land shaded blue is described in the Book of Reference as "New rights in" and/or "Restrictive Covenants over" depending on the particular 'packages' sought over that land. <p>Green Land:</p> <ul style="list-style-type: none"> • The land over which only temporary use is sought is shown edged blue and shaded green on the Land Plans. This land is identified in Schedule 12 to the draft DCO, to which Article 35 of the draft DCO applies, and the purposes for which temporary possession may be taken of the relevant land are described in column 3 to
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				<p>Schedule 12. The land is described in the Book of Reference as "Temporary Possession of".</p> <ul style="list-style-type: none">• The compulsory acquisition of the freehold of this land is not permitted, nor can the Applicant acquire new rights or restrictive covenants over the green land (as clarified by the Applicant in its updated draft DCO submitted on 20th November 2023 [REP1-003]). <p>The Applicant also noted that Article 35 contains the ability for the Applicant to take temporary possession of the any of the remainder of the Order Land (shown coloured pink, blue or brown on the Land Plans). As is a common approach, the Applicant intends to make use of this power to take possession of land for construction purposes then acquire permanent land or rights over a smaller area once the final land requirements are known. This contributes towards the Applicant's proportionate approach to the use of compulsory acquisition and temporary possession powers.</p> <p>Yellow Land:</p> <ul style="list-style-type: none">• The land edged in blue and shaded yellow on the Land Plans (App Doc Ref 4.4) is not proposed to be compulsorily acquired but will be subject to the powers to interfere with private rights in Articles 31 and 32 of the draft DCO. The land is described in the Book of Reference as "Interference with private rights in". <p>The Applicant drew express attention to Article 41 (Statutory Undertakers) of the dDCO which confirms that the powers in the dDCO to acquire land and new rights in land belonging to statutory undertakers are subject to the protective provisions set out in Schedule 15 to the Draft DCO. The powers for the extinguishment of rights and the removal or relocation of apparatus belonging to statutory undertakers over or within the</p>
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				Order Land are also subject to those protective provisions.
	1.3	How the relevant statutory and policy tests under the Planning Act 2008 (PA2008) (including s122, s123, s127 and s138) and Department for Communities and Local Government ("DCLG") Guidance relating to compulsory acquisition would be met.	1.3.1	<p>The Applicant noted that the principal tests for justification of the CA powers are contained in s.122 of the Planning Act 2008. These require:</p> <ul style="list-style-type: none"> • The land: <ul style="list-style-type: none"> ○ To be required for the development; ○ To be required to facilitate or be incidental to that development; or ○ to be replacement land to be given in exchange for the order land (but this does not feature in the current application); and • There to be a compelling case in the public interest for the land to be acquired compulsorily. <p>All of the Order Land which is subject to the powers of compulsory acquisition is required for, or is required to facilitate, or is incidental to the development for which development consent is sought. Appendix 3 to the Statement of Reasons [REP1-009] provides a plot by plot explanation of the works for which the land is required.</p> <p>As is standard practice, the Applicant seeks flexibility through the assessment of parameters and the adoption of limits of deviation. Consequently, it may not be necessary to acquire interests in or rights over all of the land within the Order Limits, but such land remains necessary for the proposed development due to the need to provide sufficient flexibility to ensure that the project can be delivered. Article 26 of the dDCO permits the acquisition of <u>'so much of the Order Land</u> as is required for the authorised development, or to facilitate it or is incidental to it' (emphasis added).</p>

				<p>Proportionality is a key aspect of the tests. The proportionality of any interference is ensured by the Applicant's approach to the powers sought, which minimise the extent of freehold acquisition and intend to use temporary possession powers followed by permanent powers over a lesser area wherever practicable. The scale and location of the project is such that compulsory acquisition cannot be avoided, although the Applicant has minimised the interference through its routing and siting. The Applicant will always look to avoid compulsory acquisition by pursuing voluntary agreement with the landowner.</p> <p>The Statement of Reasons sets out the Applicant's case in relation to the powers sought including how the statutory tests and the DCLG Guidance with regards to the factors that inform the compelling case in the public interest are considered to be met. In summary:</p> <ul style="list-style-type: none">• In the Site Selection Reports [AS-075 to AS-078] reasonable alternatives to compulsory acquisition have been explored (paragraph 8 of the DCLG Guidance).• The proposed interference with private rights is for a legitimate purpose, is the subject of a section 35 Direction by the Secretary of State which recognised the national and regional significance of the project, and accords with relevant national and local planning policy, as explained in the Planning Statement [REP1-049] (paragraph 8 of the DCLG Guidance).• The Applicant has a clear idea of how it intends to use the land (paragraph 9 of the DCLG Guidance).• Section 2 of the Planning Statement [REP1-049] provides details of the need for the proposed development and of the overwhelming positive benefits that will be generated both by
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				<p>the enabling of the North East Cambridge development and the delivery of the proposed development, including providing additional capacity to meet the needs of development in Waterbeach Newtown (Paragraphs 13-14 of the DCLG Guidance);</p> <ul style="list-style-type: none">• In the Funding Statement [AS-013] an explanation has been provided as to how it is expected that the construction of the Proposed Development and the acquisition of the land or rights over the land will be funded, as well as compensation arising from the exercise of powers of compulsory acquisition (as required by paragraphs 17 and 18 of the CA Guidance). Further detail on the proposed funding for the construction of the Proposed Development was provided by the Applicant and Homes England during ISH2, in post-hearing submissions [REP1084-REP1-120] and in response to ExA's ExQ1 [REP1-079].• Subject to the making of the dDCO, there are no known impediments to the delivery of the Proposed Development (as required by paragraph 19 of the Compulsory Acquisition Guidance). The HIF Agreement is in place [REP1-121], and significant public sector funding and support has been secured [AS-013]. The Master Development Agreement is also in place [REP1-122] for the onward development which is clear evidence of the momentum behind the Proposed Development and likelihood of its delivery. <p>With regards to meaningful attempts to acquire land by agreement, Savills have been appointed by the Applicant as experts. The Applicant has, and will continue to, negotiate with relevant landowners to acquire the land and rights in land necessary for the proposed development, as explained in the Statement of Reasons and the Compulsory Acquisition Schedule [REP3-013]</p>
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				<p>(in compliance with paragraphs 24-26 of the DCLG Guidance).</p> <p>The Applicant is engaging with statutory undertakers and continue to make progress.</p> <p>The position with negotiations is a very positive one. With the exception of a small number of parties whom The Applicant anticipates needing to utilise its CA powers, the Applicant is confident it will be able to reach an agreement with the majority of land owners to deliver the proposed development.</p> <p>The Applicant considers there to be a compelling case in the public interest for the compulsory acquisition of land and that the relevant tests have been met.</p>
	1.4	draft DCO Article 31(4) (private rights) - whether provision should be made for this power to be subject to 'in so far as their continuance would be inconsistent with the purpose for which temporary possession is taken'	1.4.1	<p>The Applicant stated that it does not consider this to be an appropriate amendment. When the Applicant is in lawful possession of the land it is in exclusive possession unless it has given a notice beforehand to direct that certain rights shall not be affected by the proposed exercise of temporary possession powers.</p> <p>Given that temporary possession powers are often used to establish construction compounds with risk and health and safety considerations, the direction process is the proper means for ascertaining on a case by case basis, having regard to appropriate method statements by the relevant contractor, and whether private rights are capable of being safely exercised in common with the purpose for which temporary possession has been taken, rather than risk disputes as to whether rights are inconsistent or can still be exercised.</p> <p>There is a mechanism in Article 31(4) for the Applicant to direct that certain rights may continue.</p>

				<p>The Applicant notes that this position has been accepted in many orders, including recent orders such as:</p> <ul style="list-style-type: none"> - The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (Article 23) - The Manston Airport Development Consent Order 2022 (Article 22) <p>In response to a follow up question from the ExA as to why the position should differ between the temporary possession and the powers to suspend private rights when new rights are compulsorily acquired, the Applicant explained that where new rights are acquired, ownership of the land remains with the landowner and the Applicant has a right akin to an easement. It does not have exclusive possession of the land and therefore there is co-operation needed because the Applicant's newly acquired rights are to be exercised in common with the land owner's existing rights, save where there is an express inconsistency. That is different to the position where temporary possession of the land has been taken.</p>
	1.5	Article 26 and colours of land – the Applicant was asked to explain how the CA of the yellow land will be restricted through the DCO, noting that the yellow land does not have a schedule.	1.5.1	<p>In response, the Applicant explained that the Land Plans expressly identify the land which may be subject to those private rights articles in Article 30 and 31. That is in relation to all of the land but it also expressly identifies in relation to the yellow land. There are no powers of CA sought in the yellow land. That is also made clear in the Book of Reference.</p> <p>The definition of Order Land in the draft DCO confirms it is the land shown on the land plans within the Order Limits. The Applicant has explained it has not seen a schedule for these Articles in other DCOs as it would apply to all land. It is a combination of the definitions, the Land Plans and the description of what is proposed to be required in the Book of Reference. The Applicant confirmed it would take this point away and consider whether it is necessary to include anything further but that those are the mechanisms which do not create any additional powers for the yellow land. [Post-hearing</p>

				<p>note – the Applicant has proposed a drafting amendment to the dDCO to reinforce the inability to compulsorily acquire the Yellow Land].</p> <p>The ExA referred to Plot 048 and asked how private rights would be interfered with. The Applicant explained that that particular parcel is adopted highway and the Applicant proposes to drive down it in the normal function of an adopted highway but it is possible that persons have their own private rights in relation to land which is adopted highway and therefore there may be some interference during the Applicant’s use of that road. For example, there may be a private right of way on foot which could require lawful authority if anyone were to drive over it.</p> <p>The ExA asked how the Starkie family’s private rights may be affected and whether the Applicant proposed to block off their access. The Applicant explained that this was not proposed. The Applicant further explained that the nature of such private rights is that they are very rarely registered on the title and the Applicant has to preserve the ability to interfere with private rights should such rights be asserted.</p>
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Agenda Item 2 –

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant’s Submission
2. Applicant’s case for CA / TP (Annex A)	2.1	Clarification around Biodiversity Net Gain, relevant policy which supports this and the provisions of s122 of PA2008 (for example, in relation to Plot 021b).	2.1.1	<p>The Applicant explained that the policy position on BNG is as follows:</p> <ul style="list-style-type: none"> The Environment Act 2021 Schedule 15 Part 1 Schedule 2A 3(2) <i>‘The percentage specified under sub paragraph (1) must be at least 10%’</i>. That provision within the Act is not yet in force

				<p>and in relation to NSIPs, it is proposed to be in force from November 2025.</p> <ul style="list-style-type: none"> • The Government has committed to BNG applying to NSIPs from November 2025. <i>"To support their readiness, we will consult on the biodiversity gain statement in March 2024 and publish a final version, alongside further NSIP guidance, in September 2024"</i> • There is no net gain requirement in the adopted local plans. • The Greater Cambridge Biodiversity SPD was adopted on 7 Feb 2022 by SCDC – 1.1.2 – ‘including the desire to realise Biodiversity Net Gain (BNG) at 20% for all development types within the Arc’. • The Greater Cambridge Biodiversity SPD also refers to the SCDC Doubling Nature Strategy. The Doubling Nature Strategy 2021 sets out at page 12 - <i>We aspire to achieve 20% net gain through development.</i> • Greater Cambridge Local Plan – First Proposals – Policy BG/BG – Policy will require development to achieve a minimum 20% biodiversity net gain. • The NPPF (as updated in December 2023) refers to BNG as follows: <ul style="list-style-type: none"> – Para 180 (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; – Para 185 (b) promote the conservation, restoration and enhancement of priority
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				<p>habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity;</p> <ul style="list-style-type: none">- Para 186 (d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. <p>The above is covered in the BNG report included as Appendix 8.13 to the Biodiversity Chapter 8 of the ES [REP2-020].</p> <p>The recent High Court decision <i>NRS Saredon Aggregates Ltd v SoS & Anor [2023] EWHC 2795 (Admin)</i> considered the weight to be accorded to BNG in planning decisions. In the Applicant's opinion in relation to planning matters, the provision of BNG is a relevant matter in the overall case for the proposed development. It is therefore capable of being part of the compelling case in the public interest for the land required for it to be acquired compulsorily.</p>
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			2.1.2	<p>The ExA asked if Plot 021b falls under S122(2)(b) as in the land is required to facilitate or incidental to the development.</p> <p>The Applicant confirmed that the land required for the ecological mitigation works in Plot 021b falls under S122(2)(b), i.e. the land is required to facilitate the proposed development or is incidental to the proposed development.</p> <p>The Applicant acknowledges that there is no statutory requirement in force to provide BNG but considers that this does not preclude the authorisation of compulsory acquisition powers to deliver BNG where it is not possible to reach an agreement with the relevant landowner. The principle of delivering BNG is firmly aligned with existing and emerging policy, and aligns with the Applicant's own commitments.</p>
	2.2	Clarification around why interference with private rights for 'the local highway authority' does not engage s127 of PA2008 (as mentioned in the Statutory Undertakers Progress Schedule), whereas it would for, for example, UK Power Networks Limited.	2.2.1	<p>The ExA referred to the Statutory Undertakers ("SU") Schedule and the local highways authority ("LHA") note which states that the two parcels the LHA owns are subject to potential interference with private rights only.</p> <p>The Applicant explained that section 127(1) of the PA2008, in relation to SU land, deals with a scenario whereby land has been acquired by an SU for the purposes of their undertaking, a representation has been made, and as a result of the representation the Secretary of State is satisfied that—</p> <ol style="list-style-type: none"> (1) the land is used for the purposes of carrying on the statutory undertakers' undertaking, or (2) an interest in the land is held for those purposes. <p>S127(2) of the PA 2008 provides that such land may be purchased and replaced without detriment. The</p>

				<p>Applicant is not seeking to purchase any land from the LHA which would engage that provision.</p> <p>Nor in the context of s127(5) and s127(6) of the PA2008, is the Applicant seeking to acquire a new right or restrictive covenant over such land owned by the LHA. Those provisions are only engaged where new rights/restrictions are proposed to be acquired over land belonging to an SU. So in the context of the dDCO, it would be in relation to land owned by an SU which is shown as blue land or brown land on the Land Plans.</p> <p>Those provisions are not dealing with existing rights that a SU may have but with the creation of something new for the benefit of the Applicant pursuant to the powers in the dDCO. The Applicant explained that to the extent the LHA does have rights which would need to be interfered with, it goes to the private rights overriding articles which are subject to Article 41 and therefore the protective provisions in Schedule 15. There may be a possible interference with those rights but it does not engage s127 PA2008.</p> <p>In contrast, UKPN/Eastern Power Networks is the registered owner of Plot 014a over which new rights are proposed to be acquired pursuant to Article 28 (Access rights – Brown land), therefore this engages section 127(6) of the PA2008.</p>
	2.3	General consideration of whether there is a compelling case in the public interest, having regard to s122 of PA2008, if there is no demonstrable need for a new	2.3.1	The Applicant explained that satisfaction of the compelling case in the public interest test for the purposes of the DCLG Guidance is not dependent upon whether there would have been a need to relocate the existing Waste Water Treatment Plant 'in its own right'.

		waste water treatment plant in its own right.	<p>Paragraph 13 of the DCLG Guidance requires there to be compelling evidence that the public benefits that would be derived from the CA will outweigh the private loss that would be suffered. It brings in the public benefits which will be enabled by the relocation of the existing WWTW; the public benefits and operational benefits and efficiencies which will be enabled by the delivery of the new modern plant; and by being able to meet increased growth from Waterbeach New Town.</p> <p>The Applicant explained that Section 2 of the Planning Statement [REP1-049] provides details of the need for the proposed development and of the overwhelming positive benefits that will be generated both by the enabling of the North East Cambridge development and the delivery of the Proposed Development. (Further detail on the public benefits were provided by the Applicant in response to a question from Liz Cotton, as summarised at paragraph 2.3.2 below). The Applicant submits that these public benefits will outweigh the impact on private rights and that the compelling case in the public interest test is met.</p> <p>The ExA asked whether the Applicant was aware of any DCOs where it was an alternative enabling reason which provided the reason for the compelling case in the public interest. The Applicant confirmed that it will take this point away and respond at Deadline 4.</p> <p>The ExA asked how the compelling case is justified if the redevelopment does not form part of this application as it is not a tangible benefit and when plans and proposals form part of an emerging Local Plan. It is not yet a certainty as far as Local Plans are concerned.</p> <p>The Applicant explained that the Proposed Development, and the CA of land for that purpose, is a direct enabler of the North East Cambridge Area Action Plan proposed redevelopment (promoted through the emerging</p>
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				<p>Greater Cambridge Local Plan). There is a direct link between the Proposed Development and the public benefits which will flow and this is something on which the ExA can place significant weight. The Applicant stated that this goes back to the planning need case which has been separately examined.</p>
			2.3.2	<p>Liz Cotton asked the Applicant to reiterate what the public benefits are. The Applicant referred to Section 2 of the Planning Statement again. The ExA asked for a brief response as this has already been addressed earlier in the Examination.</p> <p>The Applicant referred to paragraph 2.1.3 of the Planning Statement which refers to the urban regeneration benefits. The Applicant then turned to paragraph 2.2.17 which lists a number of benefits including: improvement of storm resilience, improvement to the quality of the recycled water returned to the River Cam, the restoration of the surrounding environment, maximising public value and supporting the circular economy, operational and capital costs efficiencies and carbon cost reduction, enhancing education and enhancing recreational opportunities. These are also addressed in Section 6 of the Planning Statement.</p>

			2.3.3	<p>Save Honey Hill stated that paragraph 8 of the DCLG Guidance must be met also and this goes to whether the SoS is satisfied that the Applicant has considered all reasonable alternatives, including modifications to the scheme.</p> <p>The Applicant confirmed that they had drawn reference to the Site Selection report earlier in the hearing and there are also examples where the Applicant has, having selected a particular site, engaged with key stakeholders and affected parties and has modified aspects of the scheme to take account of their concerns. The Applicant gave the example of Shaft 4 where the Applicant had an original location for that shaft but following consultation responses, it was moved to reduce the impact on residents.</p> <p>In relation to any alternatives looked at, the Applicant confirmed that the alternatives would still have required CA and TP.</p>
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Agenda Item 3 - Site specific issues

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
3. The ExA will ask the Applicant to provide an update on the progress of negotiations with APs and the timetable for their conclusion.	3.1	The ExA asked for a brief update on the progress of negotiations and securing agreements.	3.1.1	<p>The Applicant confirmed it has been engaging with affected parties for some time now and the desire is to reach agreement prior to the end of Examination.</p> <p>Completed agreements have been reached with two parties and five are in solicitor's hands. Those agreements will constitute approximately 95% of the freehold land needed for the scheme.</p> <p>With regards to other parties, the Applicant is confident that it is at an advanced stage. However, one party is in probate which may make things difficult but the Applicant is in</p>

				discussions with the executors. It cannot be concluded due to the circumstances and the use of CA powers is envisaged there.
	3.2	Plot 021b – clarification around need for extent of CA freehold and matters relating to current land use as the ExA understands it is not currently used as agricultural land.	3.2.1	<p>The Applicant explained the field is not cultivated at present and it is believed that it has not been for several years. It forms part of the demise of the tenancy relating to the farm but is not in active farming use.</p> <p>As to the freehold for Parcel 021b there will be several different activities happening at different times, but some at the same time.</p> <ul style="list-style-type: none"> • Construction activities for the Outfall – Work No. 32 (App Doc Ref 4.3) [AS-150] • Construction compound for the Outfall – Work No. 32 (App Doc Ref 4.3) [AS-150] • Construction activities for the Final Effluent and Storm Pipelines – Work No. 31 (App Doc Ref 4.3) [AS-150] • Ecological Mitigation Area – Work No. 39 (App Doc Ref 4.3) [AS-150] • Diversion of Public Footpath 85/6 (App Doc Ref 4.6 Rights of Way Plans Sheet 2) [REP1-018] <p>The exact route of the public footpath diversion will require space to ensure the safety of its users.</p> <p>The location of the activities and different rights which may be required is not known at the moment. This is because detail is needed on ground conditions and a topographical survey is required. This will not be known until closer to the start of construction. As a result, it was not possible to allocate a precise area for temporary</p>

				<p>possession only and so the whole of 021b had to be categorised as being required permanently to provide flexibility to the Applicant in this area within the Order Limits.</p> <p>The ExA referred to the BNG Report (App Doc Ref 5.4.8.13 [REP2-020]) and the plan 'Indicative Alignment of Proposed Ditches' which it stated was not particularly clear as to what was being done on that Parcel. The ExA asked what the Pink Land was as it does not appear in the key. The Applicant explained that this was the length of land required for the ditches.</p> <p>The ExA asked what will be going on the Ecological Mitigation Area shown shaded blue. The Applicant explained that this would include the construction of the outfall, the final effluent pipelines and a construction compound.</p> <p>The Applicant was asked if the reason for CA is for the biodiversity net gain, rather than construction activities. The Applicant explained that the location of the various construction activities is not known yet and therefore the Applicant needs CA powers. It will use proportionality in the exercise of powers and will use TP when appropriate.</p> <p>The Applicant explained that not all of 021b is required for BNG. The ExA asked when the Applicant will know whether all of 021b is needed for CA. The Applicant explained that this will be after the DCO is made because it needs to carry out further investigations.</p> <p>The Applicant explained the inclusion of 021b as Pink Land was part of the flexible and parameters approach. It is not expected that all of that land will need to be acquired. It is expected that the</p>
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				<p>final effluent pipeline can be delivered through new rights and restrictive covenants. The plan shows an indicative alignment and therefore there remains a need for the Applicant to have the power under Article 26 of the dDCO to CA so much of the Parcel as is required but it is not the intention to CA the whole field. It is not possible to give the landowners the certainty over the final permanent land requirements that they are seeking at this stage.</p> <p>The Applicant explained that surveys are carried out pre-construction and would not ordinarily be done at this stage but when the time comes, it would do these in liaison with the landowners.</p> <p>The ExA asked if the blue hatched land on the Indicative Alignment of Proposed Ditches would be used for BNG. The Applicant explained the plan showed an indicative location of where the BNG will be. Surveys may require this location to change.</p> <p>The ExA asked if CA was required because of the need to manage the BNG for 30 years.</p> <p>The Applicant clarified that it is not all for BNG and the fundamental requirement for ecological mitigation in this area comes through the need to create ecological mitigation for replacement water vole habitat and reed beds and is therefore not solely BNG.</p> <p>It is necessary to envisage the BNG Report plan overlaid with the Works Plan, which shows the significant construction works needed in that area and goes to why it is not possible yet to precisely divide Parcel 021b up into land required for freehold acquisition or otherwise.</p>
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				The Applicant confirmed it will minimise the land required permanently and reinstate the land occupied temporarily.
	3.3	Plots 021s and 021r – clarification around need for freehold CA, whether the shafts would be temporary and whether the land would be reinstated	3.3.1	<p>The Applicant explained that in relation to the Waterbeach Pipelines, their nature and location are such that only a new right in the form of an easement is required for the protection of that apparatus.</p> <p>This differs to the strategic nature of the Waste Water Transfer Tunnel. The physical structures will remain in perpetuity and therefore the freehold acquisition is required to protect them from future development activity.</p> <p>For the purposes of these Parcels, Shafts 4 and 5 are relevant. Whilst their use may be temporary, the structures of Shafts 4 and 5 will remain in place. The Applicant will also require rights of access to them. These rights relate to parcels 022i, 021a and 021o for Shaft 4 (021s) and to 022i, 021v, 021w for Shaft 5 (021r) (see Land Plans (App Doc Ref 4.4 for Parcels 021r and 021s).</p> <p>The ExA asked whether, if the land was backfilled and reinstated, the land could be used for farming. The Applicant confirmed the land will be accessible and the intention is to reduce the height of Shafts 4 and 5 to around 4 metres below ground level. This will allow existing farming operations to continue over the top of the shaft structures.</p> <p>The Applicant was asked if it would need to enter the land in future. The Applicant said quite possibly as there will be structures which are part of the Transfer Tunnel and their structural integrity is as important as the integrity of the</p>

			<p>Transfer Tunnel itself. This includes Shafts 4 and 5.</p> <p>The ExA asked the Applicant how it would control access to the land if it was the freeholder. The Applicant explained that once the structures had been reduced in height, one option would be to grant a lease, commonly known as a pie crust lease for the area over the Shafts. CA powers do not allow this to happen and therefore it would need to be put in place by agreement.</p> <p>As a result of the structural design of Shafts 4 and 5 and the Waste Water Transfer Tunnel, once constructed, Shafts 4 and 5 will be an integral part of the Waste Water Transfer Tunnel. Therefore, the Applicant requires control of area in which the shafts are located, and so the freehold of those areas (Parcels 021s and 021r) will be transferred to the Applicant.</p>
		3.3.2	<p>Gonville and Caius College stated that a right in the form of an easement would be sufficient for the shafts and that it would be happy for the subsoil to be acquired. Gonville also stated that there were discrepancies as to what would be at above ground level, namely the HRA Screening Report.</p> <p>The Applicant explained that the 8m vent reference had been superseded and it was considering whether an errata would be appropriate to address that.</p> <p>As to an easement, the Applicant stated that easements would allow use in common of land, which is not appropriate for the permanent physical structure of the transfer tunnel and its shafts. The Applicant is willing to look at a bilateral agreement which would allow for a suitable mechanism once the top part of the</p>

				<p>shafts have been top filled, subject to the landowner giving commitments for the protection of the structure. A bilateral solution could address this but it is not something which can be imposed using CA powers.</p> <p>As to whether an agreement could be reached with Gonville, the Applicant has provided heads of terms to them for consideration and is confident that an agreement can be reached by the end of Examination.</p>
	3.4	021d – why are restrictions needed in perpetuity for this Parcel and could they be removed in future?	3.4.1	<p>The Applicant explained that at present, it is expected that particular part of the Waterbeach Pipeline will be needed.</p> <p>Upon decommissioning, the infrastructure will still remain in the ground and the Applicant will address at that stage with the landowners as to whether it is appropriate to vary the rights. The Applicant confirmed that there was nothing in the draft DCO in that respect but it is entirely the sort of matter that could be agreed by a deed of easement.</p> <p>Liz Cotton asked if in relation to the two parcels of CA, whether this would interfere with walking across the land. The Applicant explained that there would be nothing physically stopping someone from walking across the land if they have the right to do so.</p>
	3.5	Plots 022i and 021a – extent of use during construction and operation and effects on residents using the access.	3.5.1	<p>The Applicant explained that with regards to the use of track down to Poplar Hall Farm itself, there will be a limited number of times when it would be used to provide access to Parcel 021g. The Applicant’s intention is that the use of the parcel would be limited and would be in consultation with residents of the area. The use is needed to get plant and machinery into the area to what will become the access off Horningsea Road at</p>

				<p>021j. Once that access has been created, 022i and 021a will not be needed. It is anticipated to be infrequent use for a short period of time and on the proviso that access to properties will need to be maintained.</p> <p>Liz Cotton explained that there were families with young children living at the end of the drive. She asked how emergency access would be maintained.</p> <p>The Applicant referred to the Construction Traffic Management Plan, confirmed that measures of this nature will need to be put in place and will be put in place following consultation with the residents. The ExA asked the Applicant to direct Ms Cotton to where in the Construction Traffic Management Plan these issues are addressed and that if concerns remain, suggested that Ms Cotton raise these so they may be dealt with as part of the Examination.</p> <p>As to permanent use, after the completion and commissioning of the proposed development, the Applicant will require very limited access over parcels 022i and 021a in order to access the Final Effluent Outfall Structure (Work No. 32) located in Parcels 019a and 021b. This will involve use on a very occasional basis, perhaps once a year. This is described in paragraph 2.8.7 of the Project Description (App Doc Ref 5.2.2) [REP3-017].</p>
	3.6	Clarification of need for TP and CA of rights along the Cambridge to King's Lynn railway line, e.g. 005 and 008 plots	3.61	The Applicant confirmed that monitoring of the railway line is required for monitoring for safety reasons. This will be a safety requirement of Network Rail.

	3.7	Clarification of works in Plot 038c – whether there will be open trenching or direct drilling.	3.7.1	<p>The Applicant explained that there is a need to temporarily divert Footpath 85/8 for a limited period of time. The trench will not be opened up all at once so there will be an area of land which the Footpath will be diverted over. The Applicant confirmed it will look at this in detail but there is a large area for the diversion and that it will set this out in a document accompanied by a plan.</p> <p>The ExA asked if there could be a period of time when neither the Footpath nor the diversion could be used. The Applicant confirmed that was not its intention.</p> <p>The ExA noted that there will be trenching and that the diversion runs parallel with the existing right of way and therefore, during the trenching period, how will that diversion work? If it is an open trench how would that impact on the footpath and the crossing of Horningsea Road.</p> <p>The Applicant reiterated that it would come back with a plan on this point as well as Horningsea Road.</p>
.	3.8	Update on matters around plots associated with Waterbeach Development Company LLP and overlapping land requirements	3.8.1	<p>The Applicant explained that it has a good working relationship with the Waterbeach Development Company LLP and discussions continue on a regular basis. The Applicant does not foresee an issue with the overlapping of activities of both projects.</p> <p>The ExA asked if this may result in a further Change Request, for example, if Waterbeach Development Company LLP do not agree with some of the acquisition. The Applicant confirmed it did not anticipate that based on its discussions to date.</p>

				<p>In terms of negotiations, there are a number of different discussions ongoing on the various topics but there is a meeting scheduled for 29 January 2024 to discuss the Heads of Term. This includes SLC Rail, the contractor appointed by Greater Cambridge Partnership to deliver the new Waterbeach Station. SLC Rail do not hold a land interest.</p> <p>The Applicant referred the ExA to the Statement of Common Ground. The ExA said this was unsigned and therefore it was hopeful for more certainty at Deadline 4.</p> <p>For the sake of completeness, the relevant Statements of Common Ground are as follows:</p> <ul style="list-style-type: none"> • Statement of Common Ground: SLC Rail Limited (Application Document Reference: 7.14.10) [REP3-048] • Statement of Common Ground: Waterbeach Development Company LLP [REP3-050]
-	3.9	Justification for Waterbeach pipeline southern element.	3.9.1	<p>The Applicant explained that there is a need for the Waterbeach South pipelines and that nothing has changed between the update to Environmental Statement Chapter 2 (App Doc Ref 5.2.2) [REP3-017] and the day of the hearing.</p> <p>Save Honey Hill said that there were two alternative timescales for the delivery Waterbeach Pipeline South – the first is as early on in the process and the second is as close to completion of the development as possible.</p>

				<p>The Applicant said that the Proposed Development necessarily includes the southern part of the pipeline. It is acknowledged within the Application for the Proposed Development there is an alternative way forward which may be required depending upon a number of factors, but there remains a need to provide for the land rights for that part of the Proposed Development to come forward.</p> <p>For the sake of completeness, section 2.3 of the Project Description (App Doc Ref 5.2.2) [REP3-017] contains details of the background to the Waterbeach Pipelines North and South.</p>
	3.10	Clarification around the matters relating to the proposed permissive bridleway (Plots 033a, 035a, 037c and 037d) and footpath (Plot 037b) and justification for CA freehold if not intended to be public rights of way in perpetuity.	3.10.1	<p>The Applicant confirmed it has not been established definitively that the bridleway will be permissive as discussions with stakeholders are ongoing. This is principally the County Council and the landowner. However, from a CA perspective, the position is unaltered. [Post-Hearing Note: the Applicant notes that provision may need to be made in the DCO for the alternative provision of a public bridleway or permissive path, however, the Applicant is engaging further with the County Council as if agreement is reached, this may not be required].</p> <p>An easement or new right is not sufficient as new rights acquired by the Applicant under the dDCO cannot be passed on to undefined members of the public, hence why freehold acquisition is necessary. The Applicant is hopeful it will reach an agreement with the landowner which will only provide for CA if the agreement with the landowner is breached in some way but the Applicant cannot achieve that end if it only acquires new rights for itself.</p>

				<p>Permissive rights are currently being proposed to be in place for 30 years. These are being discussed as an alternative to a permanent right of way because this is driven by the landowner who has a desire to control the use of the land. The reason behind this request was the result of experiencing anti-social behaviour historically in the area. The landowner was concerned that a dedicated public access route would not provide the control required to deal with the risk of anti-social behaviour in the future. What happens after 30 years will depend upon what the landowner wants and, if land has been compulsorily acquired, whether it wants the land back under the Crichel Down rules.</p> <p>If the Applicant does take freehold acquisition, in principle, it would have the power to create a public right of way.</p> <p>The ExA asked what anti-social behaviour could influence whether the land is CA. The Applicant stated that it does not alter the CA or the form of acquisition but it goes to the PRoW strategy and the proposals for achieving its benefits. It is incumbent on the Applicant to attempt to acquire land/land rights through negotiation and consider alternatives to compulsory acquisition as part of its CA case. The landowner is presenting this as a barrier to acquiring the land by agreement and therefore if this alternative is to be discounted, there has to be clear reasons as to why. However, for a CA strategy, this provides for both a permissive route and a public right of way.</p> <p>The Applicant stated that whether it is permissive or public does not alter the benefits that will be delivered but there remains a disagreement with the County Council which the Applicant is hoping</p>
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				to resolve. The Applicant explained that in its view a 30 year right is broadly comparable in terms of planning gain as a permanent right. However, the Applicant must negotiate with the landowner in preference to imposing CA powers.
	3.11	CA Schedule / Book of Reference matters for clarification including: <ul style="list-style-type: none"> Ordering of plot numbers in the CA Schedule. 	3.11.1	The Applicant explained that it has grouped the plot numbers within the CA Schedule to mirror the list of acquisition categories for each party. At Deadline 4, the Applicant will provide an updated CA Schedule and, as part of that update, will provide a clear list of which parcel falls under each acquisition category.
	3.12	Clarification of who is included in the CA Schedule and why. The ExA referred to entry CA-004 which refers to a party who has not made an objection or any representation, therefore why are they included in the CA Schedule.	3.12.1	The Applicant confirmed it was seeking to acquire rights from those named in CA-004 (U and I (Development and Trading) Limited).
	3.13	Reason why e.g. tenants / occupiers are not included in the CA Schedule.	3.13.1	The Applicant explained that tenants and occupiers have only been included on the CA Schedule if they have made a Relevant Representation. PX Farms Limited, for example, made a relevant representation [RR-032]. In some instances, the Applicant has not been able to have discussions as the tenants and occupiers do not have a suitable land interest which they can convey in future. In relation to PX Farms Limited, its landlord asked the Applicant not to engage with them directly.

				The ExA asked for an explanation to be added to the beginning of the CA Schedule as to who and who has not been included.
	3.14	The Starkie Family are identified in the CA Schedule as having Part 2 (Category 3) interests only. However, the Book of Reference indicates this AP has Part 1 (owner) interests in Plot 048a.	3.14.1	<p>The Applicant believes the Starkie Family may have a moiety i.e. half width presumption interest in parcel 048a. The Applicant will not need to acquire an interest in parcel 048a, but it will need the power to interfere with private rights (hence the categorisation of this parcel as Yellow Land on the Land Plans). The Starkie Family have, however, made a Relevant Representation (RR-280). This, together with the fact they are an assumed owner of an interest in land within the Order limits, means they have been included in the CA Schedule.</p> <p>The Applicant confirmed that the CA Schedule will be updated to make these details clear, noting that there are differing approaches from one project to the next. The Applicant also confirmed it would look into two points raised by Mrs Starkie regarding the reference to 'Riverside Cottage(s)' and the access.</p>
	3.15	The CA Schedule shows Julian Woolstan Francis as having interests in Plot 035b. However, no such plot is listed in the Book of Reference or on the Land Plans.	3.15.1	The Applicant confirmed there is not a parcel numbered 035b, and so this has inadvertently been included on the CA Schedule. It does not appear on the Land Plans nor is it listed in the Book of Reference. It will be removed on the Schedule submitted at Deadline 4.
	3.16	The Book of Reference identifies Ellen Francis as having interests in Plots 028a, 028b, 029a, 032c, 032d, 032e and 032f. However, this is not reflected in the CA Schedule.	3.16.1	The Applicant confirmed that it would set out that the vast majority of what is set out in the agenda following the general principles which have been discussed. However, the Applicant will prepare a note on this for Deadline 4.

	3.17	Whether Cadent Gas Limited, Sky Telecommunications Services Limited and City Fibre Limited should be included in the CA Schedule given representations made.	3.17.1	<p>The Applicant explained that these are Category 2 interests which have made written representations. However, the Applicant is not seeking to acquire interests from those parties.</p> <p>Cadent are noted in the CA Schedule. The Applicant will confirm whether Sky and City Fibre need to be included.</p>
	3.18	Horningsea Village Hall and Green Trust, Ian Harvey, Jenny Langley and Robert King are identified at Category 3 persons in the CA Schedule. However, these specific names do not appear in Part 2 of the Book of Reference.	3.18.1	The Applicant confirmed that it has obtained confirmation from the relevant parties as to the list of current trustees and these details will be updated in the Book of Reference and the CA Schedule to be submitted at Deadline 4.

Item 4 Site-specific representations by APs

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
4. Site specific representations by Affected Parties	4.1	The ExA will ask APs to briefly set out any outstanding concerns in relation to CA / TP for the land in which they have an interest that have not been addressed by the Applicant. The ExA may ask questions of APs about matters arising from written and oral submissions.	4.1.1	<p>In response to Liz Cotton's comments in relation to the potential impact on the growing season, the Applicant is unable to confirm whether it would be one or two seasons but it has assessed the situation on the basis of a worst case scenario and would compensate for not being able to farm as a result of the proposed development.</p> <p>The Applicant also reiterated that in relation to Poplar Hall and Poplar Hall Farm, these are aspects on which it will consult with the residents in the area.</p>

Item 5: Statutory Undertakers

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
5. The ExA will ask the Applicant to summarise any outstanding matters arising from representations by Statutory Undertakers.	5.1	Update on negotiations with Statutory Undertakers, timeline for completions and implications if agreements are not completed before the end of the Examination.	5.1.1	<p>The Applicant provided the following update:</p> <ul style="list-style-type: none"> - protective provisions are agreed with Cadent; - amended protective provisions to the Local Highway Authority ("LHA") on 10 November which we understand are under review. These effectively transpose the LHA's precedent section 278 into the form of protective provisions. The Applicant confirmed that no land belonging to the LHA is being sought; - the Applicant is in discussion with National Highways and they are reviewing the Applicant's amended protective provisions. It was agreed the parties would try to work towards having updated provisions for inclusion in the DCO by deadline 5. With regards to discussions on land, these are in the early stages but the Applicant is hopeful of reaching agreement; - the Applicant recently received amended drafting from Network Rail which it is reviewing. Progress has been made since the last hearings and whilst there are some points between us, the Applicant remains confident that these can be resolved. With regards to land agreements, the Applicant explained that they are engaging with Network Rail.
	5.2	With regards to Arqiva, whether s138(4) is engaged	5.2.1	<p>The Applicant explained that the interest for Arqiva is against Plot 003e which is a mast on the existing Waste Water Treatment Works and which will be retained in situ with access maintained to it.</p> <p>The Applicant confirmed that it had received a comment on the protective provisions for the benefit of</p>

				the electronic communication code network providers which it disagreed with and to which it had responded at Deadline 3.
	5.3	Cambridgeshire County Council was asked to provide its view on use of a section 278 Highways Act agreement in place of protective provisions in the draft DCO	5.3.1	<p>In response to the County Council's comments, the Applicant explained that the comments illustrated the Applicant's concern regarding leaving matters to a separate agreement. A DCO is supposed to be 'one stop shop'. The use of protective provisions is an established way of doing things and it is currently not clear as to why the County Council considers the protective provisions do not give equivalent protections. If the County Council provides an explanation, the Applicant will consider it.</p> <p>The Applicant pointed out that the use of a separate agreement raises risks of disputes as well as delay and that it is very much the normal order of things to be done through protective provisions.</p>
	5.4	National Highways	5.4.1	<p>In response to National Highways comment that it is not prepared to consent to freehold acquisition of NH land, the Applicant explained that the freehold land sought from NH is solely subsoil ownership for the transfer tunnel, at a depth, possibly 20m down. The Applicant will be surprised if NH is not able to do whatever it needs do within the subsoil above/subsurface. The Applicant is willing to look at any further reasonable safeguards sought by National Highways but at present National Highways appear to be suggesting that the Applicant should not have the benefit of any land rights for its infrastructure. This isn't a New Roads and Street Works Act 1991 scenario and Applicant must have land rights in relation to that transfer tunnel. It is not reasonable for National Highways to proceed on a blanket refusal of CA in the absence of agreement.</p>
	5.5	Conservators of the River Cam	5.5.1	<p>In response to the Conservator's comments, the Applicant said it was not clear as to extent to which the amended protective provisions and Article 44 did or did</p>

				not address the Conservator's previous concerns. However, the meeting planned for week commencing 15 January should help clarify and narrow the issues.
	5.6	Consideration of Sky Telecommunications Services Limited's representation, including any necessary updates to the Book of Reference / CA Schedule	5.6.1	City Fibre – The Applicant's understanding is that it has apparatus in Cowley Road which may be affected by 'business as usual' utilities work. For the avoidance of doubt, the Applicant is not acquiring any interest from Sky UK Limited.
	5.7	Whether the Statutory Undertakers Progress Schedule is consistent with the CA Schedule	5.7.1	The Applicant will review and update as appropriate, and submit a revised version at Deadline 4.
		Formatting of Statutory Undertakers Progress Schedule – the includes the status objection column not being complete (for example, in COA32, CA48). The ExA also noted it is difficult to read as it appears to be A4 format.	5.7.2	The Applicant confirmed it will ensure the relevant column is completed and submit a revised version at Deadline 4. The Applicant explained that formatting is a challenge due to the number of columns but that the Applicant will try and remedy this, and submit a revised version at Deadline 4.

Item 6: Crown Land

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
Crown land	6.1	Update on s135 of PA2008 consents.	6.1.1	In relation to the Ministry of Defence (plot numbers 071c, 072b, 073a), its solicitor wrote to the Applicant's solicitors, Eversheds Sutherland, on 22 November 2023 asking for clarification on a number of matters, to which Eversheds Sutherland responded on 27 November 2023.

				<p>The Ministry of Defence’s solicitor responded on 5 January 2024 to seek clarification of a final point to which Eversheds Sutherland responded that day. There is, therefore, active engagement between the parties.</p> <p>It should be noted that the Ministry of Defence has indicated that they agree that section 135(1) is not engaged by the proposed compulsory acquisition powers therefore their consideration is confined to section 135(2).</p> <p>In relation to the Department of Transport (plot numbers 019f, 019l, 019m, 021p, 021q, 022b, 022f, 022h), it has engaged solicitors and the Applicant hopes to hear from them soon. No concerns have been raised by them to date.</p>
	6.2	Implications for the proposed development should the relevant Crown authority consents not be forthcoming by the close of the Examination.	6.2.1	<p>The Applicant explained that there is no Crown Land in the Order Land but there are Crown interests. Section 135(1) of the Planning Act is not therefore engaged and no consent is required from the Crown bodies to the authorisation of CA powers in the draft DCO.</p> <p>The Applicant explained that nor is the Applicant seeking to acquire, override, suspend or extinguish any Crown interests in land, therefore it is the Applicant’s view that any failure to obtain consent under section 135(2) by the close of the examination would not prevent the making of the draft DCO.</p> <p>The Applicant’s firm preference is to secure the relevant consents before the close of the examination, however Article 50 (Crown Rights) of the draft DCO may need to be relied upon if consent is not forthcoming.</p>
	6.3	Whether it would be possible to distinguish the different Crown authority interests in respect of the plots shown on the Crown land plans for	6.3.1	<p>The Applicant will produce an updated set of Crown Plans at Deadline 4 showing the detail requested by the ExA.</p>

		ease of reference (e.g. within the legend).		
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Item 7 Funding

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
	7.1	The ExA will ask the Applicant to briefly summarise, and advise of any updates to, the Funding Statement.	7.1.1	<p>The Applicant confirmed that there are no changes to the Funding Statement.</p> <p>The Applicant notes that paragraph 3.3.1 of the Statement of Reasons [REP1-009] does however provide an update on the Applicant's most recent consolidated accounts for the year ending 31 March 202. The Funding Statement appends the previous version of accounts. If the ExA would like most recent version of accounts, the Applicant can update the Funding Statement. [Post hearing note: the Funding Statement has been updated at Deadline 4 to include the latest accounts.]</p>
	7.2	Summary of where funding will be coming from	7.2.1	<p>The Applicant explained that in accordance with DCLG Guidance, there are two aspects of funding on which the decision-maker must be satisfied: the resource implications of both acquiring the land and of implementing the project.</p> <p>In terms of funding to implement the proposed development, the Applicant explained that there are two distinct routes: – (1) funding for the relocation aspect of the Proposed Development is through the HIF; (2) and funding for the part of the scheme required to address the increased growth from Waterbeach New Town is through the Applicant's business as usual regulatory price review funding.</p>

				Funding for the acquisition of land will come from the Applicant's own funds.
	7.3	Consideration of Applicant's response to ExQ1.8.25 (and ExQ1.8.26) which indicates that anticipated costs have risen but that the information should remain confidential, noting paragraph 17 of DCLG Guidance on matters relating to funding. The Applicant asked why this should be confidential.	7.3.1	<p>The Applicant referred to paragraph 17 of the DCLG Guidance which requires the Applicant to provide as much information as possible about the resource implications of both acquiring the land and implementing the authorised development.</p> <p>The Applicant has complied with this guidance and explained the position in the Funding Statement [AS-013]. Further extensive detail on the proposed funding for the construction of the Proposed Development was provided by the Applicant, Cambridge City Council and Homes England during ISH1, in post-hearing submissions [REP1-084 and REP1-120] and in response to ExA's ExQ1 [REP1-079].</p> <p>The DCLG Guidance does not require the Applicant to demonstrate that the Proposed Development is funded fully at this stage.</p> <p>Furthermore it would be highly unusual for a major infrastructure project of this nature to have secured all the requisite funding on an unconditional basis before the project is consented. For example, energy schemes promoted by private developers will often be dependent upon a Contract for Difference market bidding exercise that would not take place until after all consents have been granted.</p> <p>With regards to cost inflation, the Applicant explained that it is not immune from cost increases like any other business. In the process of achieving best value for the Applicant, Cambridge City Council and Homes England the Applicant is engaging with the supply chain and is in commercial discussions. It is confident that the partners can meet the quantum of those increased costs. There is still a detailed design process and value engineering process to go through and monitor as per</p>

				<p>any other major infrastructure project. Whilst the Applicant is in advanced contract negotiations, the contract is unlikely to be granted until after DCO is made.</p> <p>The Applicant explained that it may need to maintain flexibility, for example, split contracts, different suppliers. It is incumbent on the Applicant to achieve best value and respect confidentiality.</p> <p>As to the cost of delivering the project, the Applicant does not have those final figures and in terms of its procurement strategy, it is important that it does not give suppliers a figure to aim for. It must maximise competitive tension.</p> <p>The ExA explained that it needs to be comfortable that the Applicant has sufficient funds. There is a concern that the budget might be overshot because of cost inflation. It asked the Applicant where the £227m sits on range and whether there is any headroom.</p> <p>The Applicant explained that there is little headroom and that it is working with the relevant partners, Homes England and the City Council. The proposed mechanism is to use value uplift from development. Homes England's evidence at ISH2 reinforced their commitment to project.</p> <p>The ExA asked that if the Applicant is relying on land value uplift to fund, then why was the HIF fund needed to start with? The Applicant explained that this was to correct a market failure and that sufficient contingency is being made available.</p> <p>The ExA asked if it was reasonable to assume that the project is funded by HIF and the Waterbeach element. The Applicant confirmed that the maximum £227m available will be utilised. The Applicant also confirmed that the £22.5m growth element remains committed.</p>
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	7.4	Having regard to the Applicant's response to ExQ1.8.29, how any blight claims would be funded and the potential for these to arise.	7.4.1	The Applicant explained that it has assessed the eligibility of a party to make a blight claim and what it thinks that compensation might look like. Its view is that there are no parties who could serve a statutory blight notice. However, it has included a contingency of £1.2m in the Funding Statement. This comes from the Applicant's own funds, as per paragraph 4.1.1. of the Funding Statement.
	7.5	Save Honey Hill raised a concern that Homes England has never stated that £227m will be available and that there is no commitment regarding cost overruns.	7.5.1	<p>In response, the ExA pointed out that the Applicant had confirmed it would provide this detail before the end of Examination.</p> <p>The Applicant confirmed that the HIF contract makes clear that funding is available and overrides the business case. The business case was a feasibility study which resulted in a contract and that took a year's worth of negotiation with Homes England and the City Council. The contract overrides the feasibility study.</p> <p>The ExA asked what would happen if the receipts did not match the cost. The Applicant said it was confident that there was sufficient value.</p> <p>The Applicant explained that it is not coming up with a scenario where it is going to pay the contractor for developing with future receipts. The Applicant is not utilising customer money to fund the relocation. The profit is recycled through Homes England back to the Combined Authority for reinvestment in affordable housing elsewhere in the region. The quid pro quo for the funding of the relocation is that the majority of the profit of the disposal for the existing WWTW goes back to the public sector.</p> <p>The Applicant confirmed that there are active but confidential discussions ongoing and that there is a clear intention to update the ExA as soon as possible.</p>

				The Applicant has a clear contractual framework for the provision of funding and to meet cost overruns.
	7.6	Whether there have been any changes which may affect the estimated compensation costs of c.£5m.	7.6.1	The ExA asked if there were any estimated changes to the compensation estimate. The Applicant confirmed it had maintained an estimate since the start of the project and in short no, it is not anticipating any changes.
	7.7	Comments from Liz Cotton	7.7.1	In response to comments from Liz Cotton, the Applicant confirmed that all of the funding under the HIF Agreement will be available and is expected to be used in its entirety for the relocation part of the proposed development. The Applicant explained that it will not claim for any monies under HIF that are not in fact required.
	7.8	Comments from Save Honey Hill	7.8.1	In response to SHH's questions about the land value assumptions in the Applicant's compensation estimate, the Applicant confirmed that the hearing had heard from an expert valuer on behalf of the Applicant on this issue. The value was calculated in accordance with established statutory valuation principles in accordance with the Compensation Code. The Applicant is not aware that SHH is holding itself out as being a valuation expert and it echoes the ExA's comment on SHH not having standing in this regard as it does not own land which is subject to the CA powers.
	7.9	Further questions from the ExA on funding	7.9.1	The ExA pointed out that the HIF documents have been partially redacted and that it refers to a range of costs. The Applicant explained that there is little headroom in the £227m. There is considerable value in the

				<p>development of the core site and that future land value is the area that the contract allows for cost overruns.</p> <p>The ExA asked how certain the Applicant could be about that when there is no planning permission. The Applicant stated that looking at forward sales was an option and there may be other funds available.</p> <p>The ExA asked if there was a mechanism for other funding and whether this will be come forward during the course of the Examination. The Applicant confirmed that discussions with relevant parties are ongoing and hoped it could provide an update sooner than the end of the Examination.</p> <p>The ExA asked if the Applicant could give an indication of the level of the uplift. The Applicant stated that it was a sufficient contingency.</p> <p>The ExA asked if it was reasonable to assume if the Applicant needed the whole HIF. The Applicant confirmed it did. The maximum the Applicant can obtain from HIF is £227m but the parties are working in good faith to secure extra funding.</p> <p>The Applicant confirmed that the board has approved the ring fencing of £22.5m. The ExA asked if the Funding Statement could be updated to reflect this? The Applicant confirmed it will look at this wording.</p> <p>With reference ExQ1 8.30, the ExA asked when determination is likely to be made by OFWAT. The Applicant explained that the cost of the land acquisition is not part of the regulatory funding. The £5m needed comes out of the Applicant's balance sheet.</p> <p>As to the £22.5m, the way the regulatory funding works is that the Applicant has an allowance for growth and the Waterbeach Pipeline is part of that. The Applicant is under a statutory obligation to provide that capacity.</p>
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				The ExA asked if it is a problem if the Applicant goes ahead with CA but then funding doesn't come forward. The Applicant said it was certain it would.
Agenda Item 2 (ISH3)		The ExA confirmed that in the interests of time, it wanted to address Agenda Item 2 for ISH3 as part of CAH1.		The ExA detailed various inconsistencies and apparent missing documents from the application. The Applicant confirmed it would look into this.

Agenda Items 1 & 2

Agenda Item 1 – Application Documents

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
1. Welcome, introductions and arrangements for the hearing	1.1	The ExA introduced the hearing and asked those speaking to introduce themselves.	1.1	Speaking for the Applicant: <ul style="list-style-type: none"> - Ms Morag Ellis KC - Mr Paul Maile, Eversheds Sutherland - Mr Michael Dexter, Anglian Water, - Mrs Claire Squires, Mott MacDonald - Mr Andrew Prior, Aesos Consulting - Mr John Bowles, Savills

Agenda Item 2 – Application Documents

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
2. Application documents	2.1	<p>Matters around inconsistencies in updated documents, such as Environmental Statement (ES) Chapter 2 [APP-034, REP1-021 and REP1-022].</p> <p>Matters around errata list and updated documents.</p> <p>Matters around any potential missing documents</p> <p>Whether Cambridge City Council (CCC) / South Cambridgeshire District Council (SCDC) intend(ed) to submit written summaries of oral submissions.</p> <p>Applicant's post hearing submission Appendix C – Working Timetable commissioning / remediation dates clarification</p>	2.1.1.	This item was not addressed in full as it was addressed at the end of CAH1. The Applicant confirmed that it had considered the issues raised and was addressing them. The Applicant said it was prepared to answer any detailed questions on the documents during the hearing if that would assist.

Agenda Item 3 – Traffic & Transport

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
Agenda Item 3 – Traffic and Transport	3.1	Whether National Highways Limited is satisfied with the Road Safety Audit for the A14 J34 overbridge	3.1.1	This issue was directed at National Highways, however, with regards to equestrian measures, the Applicant confirmed that there needed to be an agreed position between the County Council, the Applicant and National Highways.
	3.2	Major Accidents and Disasters	3.2.1	The ExA pointed out that the Major Accidents and Disasters Chapter 21 (Application Document 5.2..21 [REP3-024]) needed to be updated to reflect the maximum crane height of 10m, rather than 15m. The ExA asked for a consistency check, which the Applicant confirmed it would carry out.
	3.3	National Highways Limited's position.	3.3.1	In response to comments from National Highways, the Applicant confirmed it endorses the idea of speaking about matters with National Highways before National Highways' submission is made at Deadline 4 stage if possible. The Applicant explained that it did have information on the strength of the overbridge and that it would share this with National Highways.
	3.4	Kerb over-runs and whether Cambridgeshire County Council (CCoC) is satisfied with the means of securing mitigation as proposed	3.4.1	<p>The ExA referred to a restriction at Cowley Road which is being sought by Cambridgeshire County Council ("the County Council") regarding peak hours traffic. The ExA pointed out that that the County Council had sought a restriction on peak time traffic. The County Council confirmed it was still seeking this restriction. It was asked for evidence to support those limited hours. However, the Applicant confirmed it is content with those revised hours and therefore further evidence is not required from the County Council in that regard.</p> <p>With regards to Low Fen Drove Way, the ExA noted that the County Council was also seeking restrictions on hours. Again, the Applicant confirmed it was happy with that. The Applicant confirmed it will update the Construction Traffic Management Plan [(Application Document 5.4.19.7 [REP1-044]) ("CTMP") for Deadline 4.</p>

Agenda Item 3 – Traffic & Transport

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
				<p>The ExA asked whether the restricted hours would increase the time period needed for the works. The Applicant confirmed it would not because there are no time critical activities involved.</p> <p>Turning to limited hours around Bannold Drove and Burgess' Drove at Waterbeach Primary School, the Applicant confirmed it agreed to the restricted hours proposed by the County Council.</p> <p>These will need to be addressed in the next version of the Construction Traffic Management Plan [(Application Document 5.4.19.7 [REP1-044]) ("CTMP").</p> <p>ExA asked if the WBNT haul road would be able to be used if available. The Applicant confirmed that the difficulty is not knowing as it is not in charge of other developers' timetables and that position will not change. It therefore needs to have two plans in place.</p>
			3.4.2	<p>The ExA asked if the emergency services had been asked to comment on the construction traffic routes. The Applicant confirmed it had liaised with the emergency services and that it was broadly happy with the routes. The ExA asked how the emergency services could be completely happy and that it was confirmed that this point would be taken away.</p>
			3.4.3	<p>With regards to the point raised by Jane Williams (Waterbeach Parish Council) and access, the ExA pointed out that the CTMP shows COA18 and COA17. The ExA asked what these were for. The Applicant explained that these are construction points for the Waterbeach Pipeline and Burgess Drove is needed but it will still remain open whilst construction traffic uses that access.</p> <p>Jane Williams asked for confirmation as to whether it is an emergency access and that there are ditches either side. The ExA queried whether the question was on emergency access was generally or during construction as the Applicant had already confirmed it would be used during construction. Jane Williams</p>

Agenda Item 3 – Traffic & Transport

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
				asked if there would be an alternative route for residents of the Parish in an emergency. The Applicant reiterated that Burgess Drove will remain open and that Burgess Drove and Bannold Road can be accessed via two level crossings.
			3.4.3	The Applicant reiterated its desire to liaise with National Highways and that to help move things on, the information regarding the weight strength of the overbridge accords with the Applicant's technical information.
	3.5	<p>Mitigation plans (ExQ1.20.9), including:</p> <ul style="list-style-type: none"> Whether these include measures which are satisfactory to the approving authority: pre-commencement / pre-operation agreement with the relevant authority; specification of consultees; monitoring; and mechanism(s) to respond to issues revealed by monitoring. <p>Whether the above are all secured in the draft DCO.</p>	3.5.1	In ExQ1 20.9, the ExA asked for an accurate list of mitigation plans and noted that three were listed in the response to that ExQ. The ExA commented that it was keen to see a definitive schedule so that it can check for things such as pre-commencement and pre-occupation triggers, confirmation that consultees are happy and that monitoring proposals are acceptable to the relevant authorities. The ExA said it would send out a blank schedule with the information it would like in relation to each mitigation plan which may well be appended to a Statement of Common Ground eventually. The Applicant confirmed that would be acceptable but that it does need the speedy cooperation of the authorities.
	3.6	Time-critical activities	3.6.1	The ExA asked to see the Applicant's Comments on the Local Impact Reports ((Application Document 8.11) [REP2-036]) and PDF page 23. The ExA referred to the Applicant's definition of 'time critical' operations. The ExA commented that this seemed like everything would be time critical and questioned whether that was correct. The ExA referred to ES Chapter 19 Traffic and Transport ((Application Document 5.2.19 [REP3-021]) which referred to a much more limited note of time critical activities.

Agenda Item 3 – Traffic & Transport

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
				<p>The Applicant explained that what is shown in the Applicant's Comments on the Local Impact Report is a more comprehensive list. However, ES Chapter 19 concerns construction activities and therefore the two are not necessarily speaking to the same thing.</p> <p>The ExA said that it wanted to question the practical implications of this. The Applicant explained that it has assessed all traffic arriving so that is office workers and operational vehicles and that led to the mitigation works in the Operational Workers Travel Plan (ES Volume 4 Chapter 19 Appendix 19.8 Operational Workers Travel Plan (Application Document 5.4.19.8 [APP-149])) and Logistics Plans (ES Chapter 19 Appendix 19.10 Outline Operational Logistics Traffic Plan (Application Document 5.4.19.10 [AS-111])). The Plans set out the sets of measures to get staff moving. The Applicant has addressed how it moves this away from peak hours.</p> <p>The ExA said that it had understood this related to non-time critical activities and that if all of these activities need to take place in the peak, then does that not mean that the mitigation will not be effective? The Applicant confirmed that it would take this point away.</p>
	3.7	Junction modelling	3.7.1	<p>In response to ExQ 20.54, the Applicant refers to the maximum flows being added together. The ExA referred to Chapter 19 of the ES and paragraph 4.1.3 where it states that the maximum daily flows are based on an eight hour working day. The ExA then turned to Table 4-7 and the second line from the bottom and the figure of 519 and then to table 4-29 and the 17.00 – 18.00 figure which is 474. The ExA asked that given that there is no traffic proposed to come in any direction other than junction 34, why are the figures not the same? The Applicant confirmed it would check this point.</p>

Agenda Item 3 – Traffic & Transport

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
	3.8	<p>Abnormal Indivisible Loads (AIL), including:</p> <ul style="list-style-type: none"> • Evidence around whether the A14 J34 / overbridge is suitable in terms of geometry and weight. • Controls on AIL routing sought by CCoC (ExQ1.20.19). 	3.8.1	<p>The ExA referred to the County's position on AIL which is that "given the traffic sensitive nature of the B1049 and its junctions with the A14 all abnormal loads should be delivered outside peak times. The County Council will seek this control on abnormal loads through a requirement in the DCO."</p> <p>The ExA referred to Save Honey Hill's Comments on Responses to ExQ1s - 4 [REP2-063] and stated that Save Honey Hill had challenged the Applicant's position on where abnormal loads will be needed. It had also noted that HDD rigs will be needed and that the County Council and Applicant need to agree that this route is feasible. The ExA asked if this was suitable to be reserved for a later date. The Applicant explained that in terms of AILs, it will just be AILs accessing Junction 34. HGVs will be needed to service the Waterbeach Pipeline. However, the contractor has confirmed that all HGVs are a safe height to use the level crossings. The Applicant stated that its understanding is that all other deliveries will be standard HGVs but that it will confirm.</p> <p>The Applicant took away an action point to provide evidence that the contractor was satisfied with the use by HGVs.</p>
			3.8.2	<p>The Applicant confirmed that the AILs will only need to access the main site compound and these use the strategic road network and the on and off slips of Horningsea Road and A14 Horningsea Road overbridge. This can be controlled through via the Construction Traffic Management Plan ((Application Document 5.4.19.7) [REP1-044]) which is secured by Requirement 9 of the draft DCO (Application Document 2.1) [REP3-003]). The ExA was asked if a map solely for AILs would be helpful and the ExA confirmed it would be. The Applicant confirmed it would produce this.</p> <p>In response to Save Honey Hill's comments, the ExA asked that this is also addressed as part of the evidence regarding the contractor.</p>

Agenda Item 3 – Traffic & Transport

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
	3.9	<p>Waterbeach and Fen Ditton construction routes, including:</p> <ul style="list-style-type: none"> • Response sought to ExQ1.20.56 c). • Routes during disruption on A14 or A10. • Potential use of a haul road as an alternative to residential roads in Waterbeach. 	3.9.1	<p>Paragraph 4.2.2.4 of ES Chapter 19 makes reference to a temporary parking restriction on Car Dyke Lane. The ExA confirmed that it had been unable to find this. The Applicant explained that the junction with Denny End Road and Car Dyke Lane was along the high street. As to whether there was a junction with Bannold Road and Car Dyke Lane, the Applicant explained that the key junction is the t-junction, however the Applicant confirmed it will take this point away.</p> <p>The ExA noted that there are various mentions of routing traffic through Horningsea and referred to CC's response in ExQ1 20.39. The ExA said that there seems to be a lot going on in Waterbeach and asked why an undertaking was given that nothing would go through the village. For the sake of completeness, a commitment was made in Phase 2 Consultation (CON2) to prohibit the movement of HGV traffic through Horningsea and Fen Ditton. This is recognised in the CTMP (Application Document 5.4.19.7)[REP1-044] Section 4 (Access and route strategy) and Section 6.3 (Adherence to designated routes).</p> <p>The Applicant explained that from an assessment point of view, it has looked at the busiest traffic routes and tested the busiest times and has set out CTMP measures to mitigate that. It has also looked at construction of Waterbeach New Town and the Railway Station. The undertaking was given at statutory consultation two. The Applicant will confirm the date.</p> <p>As to why the commitment was made, the Applicant explained that it was made early on and the main driver was that most of the impacts at traffic at Waterbeach would occur regardless of whether you accessed via junction 10 or the A14 as it is a very congested village. The Applicant looked at the balance when it considered the consultation responses. It felt that there was little benefit in routing traffic up north along Horningsea Road. To clarify, the pipeline work is relatively light compared to the rest of the development.</p> <p>The ExA asked if it was correct to say it was a response to objections. The Applicant said it would not class it as objections but</p>

Agenda Item 3 – Traffic & Transport

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
				<p>as reasonable concerns. The ExA asked if Waterbeach Parish Council were similarly engaged at that time. The Applicant explained that the level of engagement was not as high as Horningsea Parish Council and that it did not receive a request to that effect.</p>
			3.9.2	<p>The Applicant was asked if it had a view on the impacts on construction traffic for the people of Waterbeach. The Applicant explained it had looked at the concentrated volume of traffic of three developments and if these took place at the same time, there would be a significant effect. The CTMP should mitigate those effects.</p> <p>The ExA wanted to understand why other routes had been ruled out noting that the Applicant has not tested the routing of construction traffic through Horningsea. The Applicant confirmed it would take this point away.</p>
			3.9.3	<p>The ExA referred to Save Honey Hill's Comments on Responses to ExQ1s – 4 and asked for the Applicant's position. The Applicant explained that the CTMP sets out dedicated construction traffics but that construction vehicles would not need to use local routes in the event of an emergency. If there was a road closure for a few days, the Applicant confirmed that it will still stick to the construction routes.</p> <p>SHH stated that it was making a point about significant roadworks which could lead to delay and where HGV make their own decisions and re-route. SHH asked what controls there would be in such circumstances. The Applicant confirmed that this would be covered by the CTMP. ANPR will monitor the vehicles and that this will be reported through the Construction Forum and Traffic Working Groups detailed in the CTMP, Section 3 and ultimately to the local highway authority. The ExA pointed out that the local community could also report any transgressions and this is secured by the CTMP</p>

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Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
				<p>in Requirement 9 and the Community Liaison Plan (Application Document 7.8 [AS-132]).</p> <p>SHH said it was not acceptable for the fallback position to be local residents reporting breaches and that if there is any reliance on this, this is not satisfactory. The ExA asked if SHH was satisfied with the monitoring mechanism and whether this is sufficient to remedy breaches. SHH said these tend to be after the event remedies. The Applicant was asked if it had any comments. The Applicant pointed out that the CTMP is an outline document as referred to in Requirement 9 as one of the documents to be referred to in the Construction Environmental Management Plan (Application Document 5.4.2.7 [AS-057]) ("CEMP"), therefore some of the precise measures can be picked up in those detailed plans as and when they come forward. The consequences of non-compliance would be a breach of the Order and a breach of the Order is a criminal offence. There is therefore an incentive on the Applicant to ensure that its contractors comply.</p> <p>The Applicant stated that it wanted to refute the suggestion of connivance from Save Honey Hill. It is a company but it carries out public functions. If there were major problems, these would be brought to the attention of the local authorities who would bring this to the attention of the Applicant. There are plenty of routes for discussing problems which may creep in.</p> <p>The Applicant confirmed that the obligations on the contractors would flow down to sub-contractors and that the legal position is as set out by the Applicant earlier. The ExA asked that the point regarding sub-contractors be made clearer in the documents.</p>

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Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
			3.9.4	<p>The Applicant was asked if it felt that consultation with Waterbeach Parish Council had been satisfactory. The Applicant explained that Waterbeach Parish Council has had the opportunity to consult on traffic as with all other issues. It has been invited to the community working groups. There are proposals to develop the CTMP to include a working group and the Applicant would welcome Waterbeach Parish Council to be a part of that. The Applicant offered to make a member of the team available to assist Waterbeach Parish Council with locating relevant documents if that would help but it cannot take on responsibility for the Parish Council. However, it is happy to answer questions and to help the Parish Council navigate the Examination Library.</p> <p>The Applicant referred to the Consultation Report (page 22) (Application Document 6.1 [AS-155]) and pointed out that Waterbeach Parish Council attend the first two working groups but no further.</p> <p>The Applicant reiterated that it had indicated its willingness to talk and assist and that one of the team would be available during the lunchbreak in the hearing.</p>
				<p>Save Honey Hill referred to Table 7.7 of [] and typical large vehicle/HGV movements and stated there will be occasions when significant numbers of vehicles will be using the road and therefore there will be disruption. Save Honey Hill asked for a commitment that there will be no more than ten vehicles moving during the peak period. The Applicant confirmed that it would respond at written submissions stage as it cannot commit to something further without having had chance to consider.</p>

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Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
			3.9.5	<p>The ExA asked why the potential use of the haul road was taking time to get clarity on an asked whether this would be resolved during the examination. The Applicant explained that this was not under its control. The time frame for these developments is not clear and because of the uncertainties, it cannot secure anything via the DCO.</p> <p>The ExA asked how this use would be brought forward if it could be used. The Applicant said it expected this would be through the CTMP but as that does not have a public engagement, it could consider the Community Liaison Plan. The Applicant said it could look to these plans to make clear that this could be considered that it is an option.</p>

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Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
	3.10	Traffic impacts.	3.10.1	<p>The ExA stated that Chapter 19 concludes that driver delay is likely to occur at the Horningsea Road southbound/A14 on-slip junction. Chapter 19 defines the peak hours. The Applicant explained that there is a distinction between traffic peak and the school peak, which is 3.00pm to 4.00pm.</p> <p>The ExA asked for the difference between school peak and traffic peak. The Applicant explained that it would need to check but it is in the region of 20% to 30% normally.</p> <p>As to the hour between the school peak and the traffic peak, the ExA noted that it was referred to in ExQ1 to Table 9-14 in the Traffic Assessment (Application Document 5.4.19.3) [REP3-034]. However, in ExQs the Applicant referred to this table for non-peak hours yet it shows peak hours. The Applicant confirmed that the reference to the table should be Table 9-16.</p> <p>The ExA referred to Table 9-15 and the A14 off-slip. The ExA stated that it makes the difference between 690 and 649 to be 41. The Applicant confirmed that was correct and that it would be picked up in the next version. The Applicant confirmed that the document was still reliable and that it was a substantial document but that these are minor typographical errors and it would ensure these are addressed.</p> <p>The ExA confirmed it wanted to look at Tables 9-14 and Table 9-15. It referred to the PCU figure of 526 for the A14 off-slip at Table 9-15 then referred back to Table 9-14 and 15.9 PCU. The ExA then turned to Table 9-16 and the PM pre-peak in 2038 and the queue of 10.4 PCU with a degree of saturation of 61.5%. The ExA asked why the queue was significantly less. The Applicant confirmed it would need to check but that it thought this was due to the way the traffic is dispersed around the other arms of the junction. The Applicant explained that there's not always the same amount for green time given in the peak period. The Applicant confirmed it would check this point in the Traffic Assessment.</p>

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Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
				<p>The ExA said it would be useful for a full explanation on Table 9-15. The Applicant explained that this is traffic queuing at traffic lights to get onto the A14 on-slip. Turning to Table 9-14, the ExA noted that there were 29.3 PCUs and Table 9-16 is 7.2 PCU which is just under a quarter of the peak period. The ExA wanted to understand the differences when the relative traffic is not of a similar magnitude. The Applicant said that this is due to the difference in traffic flow at that point and the change in green time but that this would be appropriate for a written response.</p> <p>ExA referred to ExQ1, question 20.81] where the response concluded that no further assessment was proposed to be undertaken. The ExA asked this question because Cambridge does not experience a single peak hour in the morning but three hours from 7.00am to 10.00am. The ExA would like to see modelling for that period as well as further commentary.</p> <p>Turning back to Table 9-15 and then to paragraph 9.5.54, the ExA asked if this held good for all parts of the junction. The Applicant confirmed that taking overall junction performance, it still considered it to be significantly lower. The Applicant explained it looked at it from a testing point of view and it has to look arm by arm. The baseline assessment for the junction is generally at capacity. The assessment is based on if all of the workforce arrives by car so it is looking at a reasonable worst case without mitigation.</p>

Agenda Item 3 – Traffic & Transport

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
			3.10.2	<p>Turning to Chapter 19 of the ES, page XVIII, the ExA said that the Applicant had looked at individual parts of the junction. It reiterated its question as to whether 1% positive and 6% negative was accurate. The Applicant confirmed that it still held true. The ExA reiterated whether the difference between the peak and the pre-peak was significant. The Applicant confirmed that arm by arm it would not be significantly lower.</p> <p>The County Council confirmed it had not raised issues about this junction and was involved in the TA.</p> <p>The Applicant reiterated that it would like to respond in writing and the agenda was general in terms and when one thinks about traffic modelling and it is a complex and quirky exercise. There is a highly technical appendix which needs considering. The ExA said it will be taking the document as the definitive position.</p> <p>The ExA asked if the Applicant would agree that if any mitigation is required, that this is required for the worst case scenario. The Applicant explained that this is something it talked to the County Council and agreed the approach.</p>

Agenda Item 3 – Traffic & Transport

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
			3.10.3	<p>The ExA turned to ES Volume 4 Chapter 19 Appendix 19.1 Baseline Traffic surveys (Application Document [APP-141]) (PDF page 228). This shows the junction flow profiles. Relating to the pre-peak periods and the County's note that it does not have a single peak period, it can be seen that at 4.30 the amount of traffic is more or less the same than the peak. The ExA asked for a response on whether for the individual arms the impact has been identified on an individual arm and that the impact has given rise to mitigation and whether mitigation needs to cover a broader period than that assessed in the original application. ExQ1 20.81 – during those time periods will there be a need for mitigation at the junction to the arms of the junction 34? The Applicant confirmed it can look at the mitigation.</p> <p>The ExA asked whether during other periods that same threshold would be crossed where some type of mitigation would need to be considered. The Applicant confirmed it understood.</p> <p>The Applicant asked if it could allude to a context point to remind everyone that all of the caveats and worst cases which are built into this in terms of wider policy aspirations of the County to reduce traffic on the road and that these figures look far ahead to the future. The Applicant explained that it has looked at forecast figures and agreed with the County Council that these are the figures it would use.</p>

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Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
	3.11	Mitigation proposals.	3.11.1	<p>The ExA referred to Cambridgeshire County Council's submission view on the effectiveness and enforceability of the proposed mitigation. Save Honey Hill's Comments on Responses to ExQ1s - 4 and in response to ExQ1 20.79 has also raised concerns about enforceability. The Applicant discussed the movements around the new four arm junction and confirmed that within the DCO there are traffic regulation orders that prohibit certain movements at that junction.</p> <p>The ExA asked that if someone was coming from Horningsea, that they would not be able to turn left and how that would be enforced. The Application explained that this would be contrary to a traffic regulation order. The Applicant explained that turning right from Fen Ditton is also prohibited.</p> <p>The ExA asked if someone could go round the Milton interchange and the Applicant confirmed they could. The ExA questioned if this added additional mileage. The Applicant said it made it an impractical choice. The ExA asked if the big issue was in the on-slip at the junction and whether the Applicant was risking exacerbating that. The Applicant said it would be surprised if many people would do that manoeuvre.</p>

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Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
			3.11.2	<p>The ExA asked what the point was of the measures described in the ES Chapter 19 Appendix 19.10 Outline Operational Logistics Traffic Plan (Application Document 5.4.19.10 [AS-111]) (such as ANPR and monitoring measures) if the Applicant has tried to physically mitigate issues out. The Applicant said that designing out and enforcement is strong but having ANPR gives another level of monitoring but it is difficult to design out a private manoeuvre by a private vehicle.</p> <p>The ExA set an action for the County and the Applicant on whether the suite of proposed mitigation is necessary.</p>
			3.11.3	<p>SHH referred to Schedule 9 of the draft DCO which specifies three prohibited movements. The Applicant confirmed that it would need to amend the final entry in Part 2 to say southbound.</p>
			3.11.4	<p>In the County's Councils Response to ExQ1s [REP1-134] it has put in a request for EURO VI vehicles to correspond with air quality. The Applicant confirmed it cannot make a commitment due to the complexity across the supply chain and due to some of the materials, there may be no choice in supplier. The Applicant has a blended fleet and measures that the Government will be taking are likely to bite everyone and the CTMP secured by Requirement 19 will be a live document so it can keep pace with improving standards.</p> <p>The Applicant explained that the development of the vacated site is not part of the DCO and therefore impacts should be disregarded. Impacts will be taken into account as part of the Town and Country Planning Act 1990 process. This does not mean that benefits should be disregarded as the creation of the opportunity of the cleared site is part of the DCO.</p>

Agenda Item 3 – Traffic & Transport

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
			3.11.5	<p>The ExA noted that the County Council's Local Impact Report [REP1-133] comments on operational traffic. The County Council refers to the ability to recover expenses for damage caused to the highway caused by extraordinarily levels of traffic. The County Council took this point away. The ExA asked why if the County Council is not already asking for money from the Applicant and if this is a redistribution of traffic, why should the Applicant be paying for new damage? The ExA said it understands that there will be little traffic to the new WWTW. The Applicant confirmed it would check this point also but it was not aware of any charges.</p>
	3.12	Motorised vehicle and bicycle parking at the proposed Waste Water Treatment Plant (WWTP), including provision for electric vehicles.	3.12.1	<p>The ExA referred to ExQ1 20.89 and commented that the response did not differentiate between the types of vehicles parking. The ExA then referred to the draft DCO which refers to 71 parking spaces and 10 visitor parking spaces. The Applicant confirmed that 71 is the correct number of spaces and it would need to check with the DCO refers to an additional 10 spaces.</p> <p>The ExA confirmed it wanted to address staff numbers and referred to the response to ExQ1 20.89. The ExA then referred to ExQ1 20.87. The ExA said it understood that there would be no change to staffing numbers. The Applicant explained that there are operational and maintenance staff and the RES (now WROL Water Recycling Operational Logistics) staff and other employers that have related occupations but which does not operate the WWTW. The 30 identified in the table at 20.87 are additional to the 30 staff.</p> <p>The ExA referred to REP2-022, and paragraph 2.9.1 which identifies eight office staff. The Applicant explained that these are staff operating the WWTW. The 30 staff are RES staff. The Applicant explained that the workforce is not necessarily a static number as it has a large number of employers registered to the WWTW but</p>

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				<p>they work agilely and therefore will not all be there at the same time.</p> <p>The ExA referred to ES Volume 4 Chapter 19 Appendix 19.8 Operational Workers Travel Plan (Application Document 5.4.19.8 [APP-149]) and Table 8-2. The ExA asked if that 25% of the staff arrive on foot, should there not be 29 spaces at the outset? The Applicant referred to the Operational Works Travel Plan which is secured by DCO Requirement 12. Once numbers are agreed, that is what is secured. The office parking requirement is aligned with South Cambridgeshire District Council's parking standards.</p> <p>The Applicant confirmed it has tested the 92 vehicle movements identified in Table 5-2 which is the operational workers plus the HGVs. The ExA asked for clarification on why that number is needed</p>
	3.13	Vehicular access, including CCC's and SCDC's disagreement as indicated in the Principal Areas of Disagreement and Statements of Common Ground documents.	3.13.1	<p>The ExA referred to the Application's Response to ExA's ExQ1 [REP1-079] and ExQ 20.22 which states that the option to create a junction off the A14 was discounted and asked how can National Highways have ruled in option 3 if there was no evidence to base that on? The Applicant said that site selection was not solely on National Highways issues but was based on a scorecard. The Applicant referred to section 6 of ES Chapter 3 Site Selection and Alternatives (Application Document 5.2.3 [AS-018]) which shows alignment with National Highways policy was one consideration amongst others. This was pre-traffic survey but this does not preclude the finding of a viable alternative. The Applicant said there was nothing to indicate that the direct access of junction 34 is unviable and therefore a new access of the strategic road network would not be viable.</p> <p>The Applicant also stated that it engaged fully with National Highways and the advice from them was consistently not to take the access of the A14 directly.</p>

Agenda Item 4 - Carbon

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
4. Carbon	4.1	South Cambridgeshire Local Plan (SCLP) policy CC/3 compliance and BREEAM.	4.1.1	The Applicant was asked to confirm where BREEAM excellent is secured. The Applicant confirmed that at Deadline 4 it will be submitting a Design Code to address this. The Design Code will be secured by a Requirement.
	4.2	Baseline of the carbon assessment	4.2.1	<p>The Applicant was asked to turn to Tables 3-1 and 3-3 of ES Chapter 10 [(App Doc Ref 5.2.10) [REP3-019] and to explain the changes made at Deadline 3. The Applicant explained that there was an error when the entries were transposed.</p> <p>The Applicant was asked why it took different approaches in ES Chapter 10 for the baselines, with reference to the Scoping Report. The Applicant explained that for construction it has compared the Significance of Effects against a "do-nothing" baseline as per the Scoping Report. However, it has stated that the baseline within the narrative in ES Chapter 10 has referred to the Delivery Milestone Zero ("DM0") baseline. The Applicant used the baseline based on IEMA's 'Assessing Greenhouse Gas Emissions and Evaluating their Significance' guidance issued in February 2022. The Applicant explained that for redevelopment it was accepted that there would be emissions. Therefore, the DM0 baseline was used to demonstrate the focus on mitigation efforts to reduce the known emissions associated with the construction of the Proposed Development. The Applicant stated that the conclusions are still based on the same zero construction baseline as the Scoping Report and a narrative update to ES Chapter 10 will be provided at Deadline 4. [Post-Hearing Note – the Applicant has responded to this in '8.20 Applicant's responses to ExA Hearing Actions']</p> <p>The ExA asked what capacity the DM0 represented. The Applicant confirmed it was Phase 1 and Phase 2 for a like for like development. The ExA asked if the DM0 included the same extent of delivery including the access road and</p>

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Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
				<p>gateway building. The Applicant explained that it was like for like and what is required to deliver the new WWTW.</p> <p>The ExA said that the 2010 baseline could be considered somewhat arbitrary as these are out of date. The Applicant was asked to further justify the use of DM0. The Applicant explained that it has presented a DM0 baseline as per its long established corporate reporting approach to compare against a fixed baseline, this approach helps focus efforts on mitigating emissions. The Applicant said it was a well-established process to carbon management and has external verification. For the sake of completeness, the DM0 and 2010 baseline approach has been established by the Applicant for over a decade and has been refined and independently assured against PAS2080:2016 and recently the 2023 update.</p> <p>The ExA asked that if the corporate element is put aside, whether there is any other evidence that 2010 has relevance to today's standards? The Applicant said no, the baseline itself is not relevant to today's standards but the % reduction targeted against that baseline maintains the relevance to today's standards.</p>
			4.2.2	<p>The Applicant was asked if waste disposal was included in the assessment. The Applicant confirmed waste disposal was included.</p>
			4.2.3	<p>Save Honey Hill said that the tunnels could have been oversized to enhance carbon savings. The Applicant was asked to respond. The Applicant explained that the baseline was based on health and safety access and what was required at the time.</p>

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Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
				<p>The ExA asked how, without assessing the construction and operational impact of the Waterbeach pipeline, it can have confidence that the impacts will not cumulatively result in a significant effect. The Applicant reiterated that the Waterbeach pipeline and associated construction and pumping were not part of the existing DCO and confirmed that it would take the point on cumulative emissions impact away.</p> <p>[Post-Hearing Note – the Applicant has responded to this in '8.20 Applicant's responses to ExA Hearing Actions']</p>
			4.2.4	<p>The ExA asked how it could assess the difference between the Proposed Development carbon emissions and those of the existing site. The Applicant explained that this will be addressed at Deadline 4 through an update of ES Chapter 10.</p>
			4.2.5	<p>The Applicant was asked to explain why the CHP solution assumed DM0 operating emissions. The Applicant confirmed that the DM0 was based on what the current site CHP performance. The ExA asked for more clarification at Deadline 4.</p> <p>The Applicant explained that there is no quantitative figure which the Applicant is to work towards and what is it proposing is very much based on the Applicant's track record.</p>
			4.2.5	<p>The Applicant was asked to explain how the construction baseline and lack of operational baseline accords with the IEMA guidance. The Applicant explained that the Significance of effects across both construction and operational carbon were compared against a do nothing baseline as per the IEMA guidance, however, the Applicant acknowledged the reference to a DM0 baseline within the Chapter does confuse the narrative and will be providing an update at Deadline 4. Chapter 10 for capital carbon presents residual emissions of ~53ktCO₂e and assesses these as Significant and Moderate Adverse impacts, which would be no different to comparing against a "do-</p>

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Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
				<p>nothing/do-minimum" baseline. Gross operational emissions are also assessed as Significant and Moderate Adverse. The Applicant has begun work on a comparison of the Proposed Development against the existing operational emissions, and the DCO preferred option would provide lower operational emissions than the existing site. The Applicant confirmed it is trying to prepare for a worst case scenario. The ExA said that was not really demonstrated and it needed to be made clearer.</p>
			4.2.6	<p>The Applicant was asked why there would be a net production of 0.018 tonnes despite the offsetting commitments within the Outline Carbon Management Plan. The Applicant confirmed that the Chapter had assessed the impacts prior to the offsetting measures identified within the Outline Carbon Management Plan as a worst case position. The ExA highlighted that the Outline Carbon Management Plan is secured through the draft DCO and not accounting for its impact suggest doubts are being drawn in its effectiveness to achieve operational net zero. The Applicant confirmed that this is not the case and just that the Chapter has assessed operational emissions prior to the impacts of the Outline Carbon Management Plan.</p>
			4.2.7	<p>The Applicant was asked what year its current average emissions are taken from. The Applicant confirmed it would come back on that.</p> <p>[Post-Hearing Note – the Applicant has confirmed that this was based on the Applicants 2020 reported figures]</p>

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			4.2.8	The ExA asked the net carbon []. The Applicant confirmed they are reported across the asset base as part of the Applicant's regulatory requirements.
			4.2.9	The Applicant was asked if it had addressed the carbon associated with decommissioning of the new WWTW. The Applicant stated that the proposed development would continue to operate until the end of its life cycle and so whilst it could be decommissioned, there is nothing foreseeable which suggest this will occur.
			4.2.10	The ExA asked why GHG emissions from decommissioning and capital replacements had not been factored in the whole life carbon assessment. The Applicant confirmed that they had been and the introduction to the Whole Life Carbon section in ES Chapter 10 would be updated to clarify this.
	4.3	Consideration of sludge deliveries.	4.3.1	The Applicant said that Sludge deliveries from satellite sites are not expected to be any more carbon intensive than from the existing Cambridge WWTW site therefore there is no specific change in carbon emissions. The Sludge Transport included in the assessment is for Sludge Digestate (treated sludge) to be transported from the site for beneficial reuse. There are digester tanks included because there were options to choose technologies which could reduce sludge further. There was a decision made to choose a lower energy intensive process. The ExA said that the Deadline 4 response needed to make that clearer.
	4.4	Uncertainty of future emissions and scenarios	4.4.1	In response to the County Council's comments, the Applicant said that there has been a lot of work done in the industry and as part of UK energy strategy biomethane would continue to form part of the UK energy mix whether it was injected directly into the gas network or for other uses. The Applicant hasn't assessed but has understood alternatives in terms of the gas network. SHH said that there should be a commitment to go beyond operational net zero. The Applicant referred to the feasibility and established nature of gas to grid of which there is a significant amount in the water industry. With regards to maximising the solar element, this is a difficult balance given the

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				<p>grid network capacity. Increasing the scale of solar doesn't necessarily mean that it will be utilised. There are technical constraints on what can be delivered.</p> <p>The Applicant explained that being able to completely decarbonise the gas grid requires schemes to be delivered that produce green gas or alternative fuels such as Hydrogen. By challenging the future value of biomethane as a displacement of natural gas because the gas grid may decarbonise introduces a circular argument, as without projects such as this the gas grid cannot decarbonise. ...[] but it can incorporate that into the Carbon Management Plan. The Applicant also explained that projecting for decarbonisation is difficult.</p> <p>The Applicant was asked to explain why the construction emissions were amended at Deadline 3. The Applicant explained that this was in response to an update to the solar assessment. The Applicant explained that it did not have solar for the CHP option and that it was still making a decision between gas to grid and CHP.</p>
	4.5	New guidance published in 2023	4.5.1	The Applicant was asked if the 2023 guidance would affect the assessment. The Applicant confirmed it would not.
	4.6	Whole life carbon emissions	4.6.1	The Applicant was asked to explain the difference between whole life and design life. The Applicant explained that the design life could be considered in different ways, such as, the length of the longest service assets of the site. Whereas the whole life carbon assessment covers everything that is expected to happen across the life of the Proposed Development, in this case there is no future scenario planned where it will need to be commissioned and therefore the end of its life has been assessed as the capital replacements required to continue its operation.
	4.7	Demolition of the proposed new WWTW	4.7.1	The Applicant explained that carbon emissions would be significantly lower as it would expect it to be decarbonised at that time.

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				The demolition emissions in the Strategic Carbon Assessment only include the new WWTW. This is because demolition of the existing WWTW is not part of the DCO. This would be outside of the scope of what has been assessed.
	4.8	Potential for future expansions and upgrades	4.8.1	The ExA pointed out that future expansion has not been included in the Carbon Assessment but there is capacity for future expansion at the new site. The Applicant was asked if it had an idea of likely future expansion. The Applicant said it had an indication of future population but it is hard to know how much would need to be done on a like for like basis and is highly uncertain. It is therefore not reasonable to complete further estimates on unknown future expansion scenarios.
	4.9	Save Honey Hill's comments re 17,000 []	4.9.1	The Applicant confirmed this was a reasonable figure.
	4.10	Offsetting of decommissioning and construction greenhouse gas (GHG) emissions	4.10.1	<p>As to whether carbon emissions from construction and decommissioning of the existing WWTW would be monitored, the Applicant explained that the Applicant has not committed to offsetting construction or decommissioning emissions, however, has set an aspirational target to reduce these emissions by 70% against its DM0 design assessment, which it will continue to monitor and report as part of its detailed design. The Applicant is working on a Design Code for Deadline 4 which will set out an approach to set some minimum codes to secure some best practice approaches in terms of decision making through future design refinement. The Design Code follows the Design and Access Statement and therefore is not completely new information.</p> <p>The ExA referred to the monitoring in the PAS2080 Guidance and asked if this suggested that both construction and decommissioning should be monitored. The Applicant explained that if something is secured it wants to make sure it happens and it is very difficult to monitor on a live construction project. The Applicant explained that the plan is to use the Design Code aligned to a Requirement. The Applicant said it consider if there was any benefit in including something in the Commitments Register.</p> <p>The ExA pointed out that offsetting carbon credits are mentioned in the Carbon Management Plan. The Applicant confirmed that this related to operation.</p>

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Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's Submission
	4.11	Net zero and carbon offsetting	4.11.1	The ExA noted that Applicant committed at Deadline 1 to amend the DCO so that Requirement 21 would require submission of the plan before construction. The Applicant confirmed it would address this and clarified that the Carbon Management Plan deals with operational carbon only.
	4.12	CHP	4.12.1	The ExA asked if the CHP option and the assessment against the sixth carbon budget trajectory to net zero had been provided. The Applicant confirmed it had not but that it could provide this in the ES Chapter 10 update at Deadline 4.
	4.13	LERMP	4.13.1	The Ex asked to confirm if the LERMP actions would continue to be monitored after 30 years. The Applicant explained that carbon would not be monitored after the thirty year BNG process.
	4.14	Costs of offsetting	4.14.1	In response to questioning on the cost of offsetting carbon emissions, the Applicant explained that the regulator will not approve the expenditure unless it has a reason and Applicant does not have total freedom over how it spends its money. However, the Applicant confirmed that it is committed to net zero at a sector level but it cannot say that this will apply to every single site. This might require improvement works at the current site but it cannot say that it would get approval for this.
	4.15	Significance of effects	4.15.1	<p>The Applicant explained that it was trying to find a reasonable worst case and possibly it was trying to be too conservative.</p> <p>The ExA asked the Applicant whether it considered the residual effect to be not significant. The Applicant confirmed it should still be significant. The Applicant's interpretation is that the Carbon Management Plan will get it to a point of being not significant. The Carbon Management Plan has not been prepared in detail yet.</p> <p>The ExA pointed out that the draft DCO secures net zero. The Applicant confirmed it was not casting doubt on this. The ExA confirmed it would be helpful for this to be clarified further in Chapter 10. Regarding operational carbon emissions, the Applicant has secured this through its design objectives</p>

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				<p>and will be part of the Design code where Net Zero will be secured through the DCO in the Design Code.</p> <p>In response to questioning from the ExA, the Applicant quoted from the IEMA Guidance used to make its judgement on significant of effects. The ExA said that on the basis that construction emissions are not being monitored, there is a significant amount of carbon which is not mitigated through the draft DCO. The Applicant explained that the mitigation measures go beyond what is required in any emerging policy.</p>
	4.16	Design refinement	4.16.1	<p>The ExA said it had not seen how the detailed design will link to carbon efficiency through the draft DCO. The Applicant confirmed it will set best practice requirements and that these will secure the 55% of carbon savings. This has been assessed and is known to be achievable. The Applicant explained that the commitment to achieve the target is intended to be an overall target to be achieved across the whole development and that information would be reported at each phase of the development, save for the enabling phase. The Applicant it wanted to ensure it had sufficient time to coordinate with the Councils and this is why there was no reporting at the enabling phase. Most of the enabling phase pertains to ecological mitigation and road infrastructure delivery/highway access works and therefore is not really related to the main types of work which use carbon. The Applicant explained that its ability to change the effect of those works is not as great as the wider works.</p> <p>The Applicant explained further that design decisions might not happen before the enabling phase starts and therefore not every single phase will be 55%. It is an aim across the whole development. The ExA asked for a justification at Deadline 4.</p> <p>The ExA asked if materials will be controlled through the Design Code. The Applicant confirmed materials would be assessed and it would look at what alternatives are available.</p> <p>To clarify, the Applicant pointed out that the intention is to report on the carbon impact of enabling phase in the carbon model, and the design code</p>

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				proposes providing an updated carbon model before the start of the enabling phase to provide a design update, and then continuing to provide further updates during finalisation of the detailed design, which will continue during the enabling works..

Agenda Item 5 - Ecology

Agenda item	Paragraph number	Matter	Paragraph number	Applicant's submission
5. Ecology	5.1	<p>Landscape, Ecological and Recreational Management Plan (LERMP)</p> <p>Recreational impacts on Stow-cum-Quy Fen Site of Special Scientific Interest</p>	5.1.1	<p>With regards to the recreational impacts on the Stow-cum-Quy Fen Site of Special Scientific Interest, it was stated in response to ExQ1 that the ES Appendix 8.14 Landscape, Ecological and Recreational Management Plan (App Doc Ref 5.4.8.14) [AS-066] ("LERMP") should be strengthened with regards to the commitments. The Applicant was asked how this could be done, noting that there is not a baseline to be established.</p> <p>The Applicant stated that its basic contention is that the recreational pressures are not going to be increased as a result of the proposed development. It is producing an area of recreational facility which will be used primarily by local individuals. The opening up of the PROW/permissive path will increase footfall but those pressures are not going to be from the authorised development but will primarily come from future housing development. The Applicant therefore contends that it is not for it to prepare the baseline. It has, however, formed an advisory group to work on the broader management of that. National Trust, Natural England and the Wildlife Trust have all been invited to the group's first meeting which is proposed to take place in January 2024.</p> <p>The ExA said it was a significant issue in terms of what interested parties ("IPs") had raised and therefore why is the Applicant adverse to establishing a baseline?</p> <p>The Applicant referred to the impossibility of doing so as the impacts will arise from future housing development. The proposed development is not a destination in its own right. There is no provision of car parking. The Applicant does not, therefore, foresee visitors. The LERMP proposes measures to manage footfall away from defined paths by the inclusion of boundary treatment either side of paths and signage. The Applicant said it would be easy to distinguish between the impacts of housing and the proposed development as it is not making provision for visitors, compared to 9,000 people in a new housing development. For this reason, the Applicant considers an advisory group to be the best approach. s</p>

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Agenda item	Paragraph number	Matter	Paragraph number	Applicant's submission
				<p>The ExA noted that mitigation measures were being introduced. The Applicant confirmed that they were, but only in the LERMP. It was not proposing measures to reduce broader landscape impacts in the LERMP. The LERMP is not a mechanism for managing wider impacts and it would not be appropriate to do so in that document.</p>

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Agenda item	Paragraph number	Matter	Paragraph number	Applicant's submission
			5.1.2	<p>In response to comments from the County Council, the Applicant stated that it is not introducing new recreational users into the area and that it has been clear that this is not a new destination. The Applicant has been mitigating existing impacts. The issue raised by the County Council is a broader management issue over a wider area and it is unclear why the Applicant should prepare a baseline for impacts on the SSSI. The Applicant also noted that the SSSI is not within the Order Limits and therefore it is not within the Applicant's control to assess these impacts. There is a corporate commitment with regards to the advisory group and it considers that this is as far as it can go.</p> <p>The Applicant said it wanted to be clear that it was not enhancement of what was there already but it is mitigation. It noted that there is nothing in the Environmental Statement which suggests that this will lead to increased footfall. The Applicant's position is that this is a broader management issue for the wider area. The ExA asked what exactly the mitigation was for. The Applicant explained that this was for loss of recreational amenity by reason of visual impact and to some extent odour. The Applicant went on to say that the recreational mitigation provides significant benefits and reiterated that the Environment Statement did not find an impact.</p>
			5.1.3	<p>The ExA said the Applicant is creating an opportunity for other people to use a facility so questioned how this could be disregarded. The Applicant said it is, in effect, creating a Suitable Alternative Natural Greenspace or "SANG" which will reduce recreational pressures in the broader area. Any future housing developments will have access to that open green space. It will therefore remove pressure on existing open, green features. That is a significant recreational benefit in its own right.</p>
			5.1.4	<p>The ExA asked the County Council for the evidence it has for increasing the impacts on the SSSI. The County Council stated that many of the SSSIs are already under pressure and so it is very cautious with these sites. The County Council confirmed it will take the point away and will discuss with the Applicant. The Applicant stated that this confirms the point that these are existing pressures. The solution is not for the Applicant to pay for baseline surveys. The solution is for wider strategic interests to propose management</p>

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Agenda item	Paragraph number	Matter	Paragraph number	Applicant's submission
				<p>measures and to confirm whether these are related to the Applicant and are linked to the proposed development.</p> <p>The Applicant confirmed it will have a meeting with the County Council, after Deadline 4.</p>
				<p>Quy Fen Trust said it did not subscribe to the Applicant's view that there would be a de minimis impact as it was opening up a route which has the potential to bring increased activity to Quy Fen. The Applicant confirmed it had already provided full submissions on this point and noted the forthcoming meeting in which issues could be addressed, to which the Trustees would be invited</p>
	5.2	<p>Landscape, Ecological and Recreational Management Plan (LERMP)</p> <p>Wider connectivity (Wicken Fen Vision Area and compliance with SCLP policy NH/6).</p>	5.2.1	<p>The ExA referred to policy NH/6 of the South Cambridgeshire Local Plan and asked the Applicant how the proposed development conforms with this policy.</p> <p>The Applicant referred to the Design and Access Statement (Application Document 7.6 [AS-168]) ("DAS") and the LERMP. Chapter 5 of the DAS discusses the context and relationship with three of the green infrastructure initiatives in the area. Page 26 of the LEMRP shows how the biodiversity and ecological provisions integrate with the Cambridge Nature Network. In terms of the Wicken Fen Vision, the relationship with that is discussed in the DAS. The Applicant explained that the proposed development sits within the drier, southern, areas of the Vision, which proposes more rough grassland and coppice belts. The alignment of the proposed development with the Vision area is with the grassland and the higher area to the south.</p> <p>The ExA noted that the policy references costs for ongoing management. The Applicant confirmed that those costs are secured through the LERMP.</p>

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				The Applicant pointed out that the Wicken Fen Vision is a Natural Trust initiative and not a formal Council policy. The proposed development does however fall within the Wicken Fen Vision Area and is aligned with that Vision.
	5.3	Landscape, Ecological and Recreational Management Plan (LERMP) Scope/species mitigation.	5.3.1	<p>The County Council stated that it wanted species mitigation in the LERMP so that there are no gaps and no constraints or errors across the documents. The ExA asked if there was anything in particular which the County Council considered had been missed. The County Council said that there were not specific species that had been missed but it was the management of them, for example, if a species is licensed by Natural England, it wants to know what happens after that period of the thirty-year term.</p> <p>The Applicant was asked by the ExA if there would be any conflict with this. The Applicant said that the County Council's position was not particularly coherent. Species management and licensing is a completely separate regime. Licences which have been agreed with Natural England are about construction. The LERMP deals with habitats which is treated differently and it gave the example of reptiles and turtle doves. There is a clear and deliberate difference. It does not make sense to roll construction impacts into the LERMP. The County Council said it was the ongoing monitoring beyond the construction period which it was concerned with and it had not seen this in the LERMP.</p> <p>In response to the County Council, the Applicant stated that the LERMP has to be agreed with Natural England so any long term issues would have to be agreed with them. The Applicant stated that there is specific provision for reptile mitigation in the LERMP. There is no management relevant to species other than that already provided through the LERMP.</p>
	5.4	Securing mitigation through the Code of Construction Practice (CoCP) Parts A and B	5.4.1	The ExA referred to ExQ1 5.24 which identifies a number of habitats which could be affected but which would be reinstated. However, the CoCP does not refer to all reinstatement, for example, there is no reference to woodland. The Applicant said it was not aware of any woodland which was affected but that it would confirm this point in

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		and the Construction and Environmental Management Plan		writing. The ExA asked that any habitats identified in 5.24 are checked against the CoCP to ensure that all habitats affected are addressed.
		Habitat reinstatement and species mitigation.	5.4.2	The ExA pointed to ExQ1 5.53 which refers to Environmental Statement Chapter 8 Biodiversity (Application Document 5.2.8 [REP2-007]) which states that habitats will be reinstated on a site-specific basis. The Applicant was asked to confirm if updated baseline surveys will be provided prior to construction. The Applicant confirmed that the ES Chapter 2 Appendix 2.7 Construction Environmental Management Plan (Application Document 5.4.2.7 [AS-057]) have to align with the Codes of Construction Practice (ES Volume 4 Chapter 2 Appendix 2.1 Code of Construction Practice Part A (Application Document 5.4.2.1 [REP3-026] ("CoCP Part A") and ES Volume 4 Chapter 2 Appendix 2.2 Code of Construction Practice Part B (Application Document 5.4.2.1 [REP3-028])). This includes surveys on habitats as well as protected species.
		Habitat reinstatement and species mitigation.	5.4.3	In response to comments from the County Council, the Applicant stated that Requirement 25 includes Biodiversity Net Gain ("BNG") and that requires details to be approved by the County Council prior to construction and therefore that will include habitats. The Applicant referred to 7.7.8 of the CoCP Part A which includes the heading 'General Mitigation Measures' and details the approach to surveys. From the Applicant's point of view, there is a clear process and a clear commitment. However, the Applicant will consider any further points from the County Council as to how that could be made clearer.

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			5.4.4	The ExA referred to 7.2.59 of the CoCP Part A regarding the spread of non-native invasive species. The County Council stated that this was too general and not specific enough to each species and gave the example of seeds in the river environment. The Applicant stated that paragraph 7.2.59 does have reference to best practice guidance and plans being prepared in line with those and it addresses the aquatic environment. If the County Council wants to put further wording to the Applicant, it will consider that but its view is that matters are comprehensively dealt with. The County Council confirmed it could provide some wording. The Applicant reiterated that it referred to best practice guidance as this dealt with matters raised by the County Council. The Applicant also pointed out that management plans are outline and the County Council will have the option of inputting into these at the time of discharging the Requirements. The Applicant stated that it is not seeking to agree detailed plans now.
	5.5	Securing mitigation through the Code of Construction Practice (CoCP) Parts A and B and the Construction and Environmental Management Plan Trees and hedgerows.	5.5.1	The Applicant was asked why the CoCP does not refer to the ES Volume 4 Chapter 8 Appendix 8.19 Arboricultural Impact Assessment Waterbeach Pipeline (Application Document 5.4.8.19 [REP1-035]) ("Arboricultural Report"). The Applicant confirmed it would update the CoCP to reflect this. The Applicant stated that there is only one veteran tree which is in the Arboricultural Report and that this was stated in response to ExQ1 and updated in the CoCP. With regards to hedgerows, the Applicant was asked why it cannot use alternative measures to avoid direct impacts. The Applicant confirmed that an impact to the hedgerow in question can be avoided through trenchless construction and it can update Chapter 8 to reflect that. The Applicant stated that the plans do not need updating. The ExA pointed out that some plans do show trenchless construction and therefore the Applicant will check this point and update anything necessary at the next deadline.
	5.6	Biodiversity Net Gain Scope (consideration of areas outside of the LERMP and outfall management and monitoring plan).	5.6.1	The Applicant confirmed that the updated BNG report to be submitted under Requirement 25 in the draft DCO (Application Document 2.1) will include an updated BNG assessment metric calculation. As to whether the drafting should include wording that states the updated BNG report will include an updated metric calculation, the Applicant stated that the report would include this but it could reference a calculation for certainty within the wording of the Requirement itself.

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				<p>Cambridgeshire County Council in theory are happy with the Requirement 25 provided it covers monitoring and audits. However, there are concerns that previously the BNG report details the delivery of BNG via three different mechanisms, the LERMP, OMMP, and CoCP and don't feel the documents have sufficient information in them at the moment to demonstrate that there will be adequate management for BNG. Cambridgeshire County Council wanted clarity whether the updated BNG report will conglomerate all information or disseminate out to the other documents.</p> <p>The Applicant explained that as part of Requirement 25(2)(c), that will include a new section within the updated BNG report to include details on the habitat management and monitoring. The point of this Requirement is to remove any confusion over the previous Requirements for the LERMP, the CoCP and the OMMP. The report prepared under Requirement 25(2)(c) will signpost to the relevant documents. The Applicant stressed that the management plans are not incomplete, they are outline. BNG Report under Requirement 25 secures all BNG in a single place.</p> <p>Cambridgeshire County Council, other documents such as the OMMP still incomplete, doesn't cover the breadth of habitats and management and monitoring, focusing on water vole habitat. Cambridgeshire County Council can discuss with the Applicant to clarify what they mean.</p> <p>The ExA stated that it would be helpful for the Applicant and County Council to have a discussion on this point. The Applicant confirmed it could do that.</p> <p>The Applicant confirmed they would update the BNG Report (App Doc Ref: 5.4.8.13 [REP2-020]) for Deadline 4 to include reference and clarification on Requirement 25 in the draft DCO.</p> <p>The Applicant offered to prepare a briefing note/user guide on Requirement 25 and how BNG is secured. The ExA confirmed this would assist.</p>

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			5.6.2	<p>Requirement 25(2)(b) requires details of measures to deliver and secure 20% BNG including river units outside the order limits. The Applicant was asked if a financial obligation would be possible to secure these.</p> <p>The Applicant said it would be possible but it does not think it is required as it is obliged under that Requirement to show it is secured, so that could be by private treaty with a landowner or purchasing units on the market. The certainty is that the Applicant has to show how it will be secured but it has kept that mechanism open.</p> <p>The Applicant was asked how any legal agreement would meet the test in paragraphs 3.1.6. and 3.1.7 of the National Policy Statement on Waste Water, regarding negatively worded requirements securing financial obligations. The Applicant explained that it was not securing a financial obligation. It is a negatively worded requirement securing an obligation (in part) to obtain off-site units if necessary. The Applicant highlighted that the wording in Requirement 25 has been informed by the new wording in the Town and Country Planning Act 1990, as amended by the Environment Act 2021 and so there is a synergy between what the Applicant has proposed and what the government is seeking to impose on planning permissions.</p> <p>The Applicant further explained that the Requirement does not in itself positively oblige a financial payment to be made. The Applicant confirmed it would address this point in writing and has done so in response to ISH3 Action Point 61 (Application Document 8.20).</p> <p>The Applicant was asked what sort of agreement it envisaged with a provider of river units. The Applicant said this would be consistent with the Environment Act and in accordance with relevant legislation for a 30 year period. The intention is that BNG units required would be secured for 30 years.</p>

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				The ExA asked the Applicant for examples or providers of schemes. The Applicant confirmed it would take this point away.
			5.6.3	<p>Greater Cambridge Shared Planning commented on monitoring and who is responsible for it. It stated that it knows of no providers in South Cambridgeshire or wider area that would be able to provide river habitat units and therefore what process is the Applicant going through to get those units and how will they be secured? It stated that a section 106 will be required if agreement is secured with a landowner and that would require the relevant planning authority to be a party.</p> <p>In response to comments from Cambridgeshire County Council, the Applicant stated that the protection for the County Council comes via the Requirement. If the 20% is not demonstrated, the proposed development does not go ahead. The Applicant pointed out that statutory credits are not available to it as this does not fall under mandatory BNG and that a record of the outcome of discussions with off-site opportunities will be set out in the Statement of Common Ground with the LPA. This was previously commented on in Response to Relevant Representations (Applicant Document 8.2 [REP1-078]) 36 and 37 to South Cambridgeshire District Council.</p>
.	5.7	Biodiversity Net Gain Reedbed habitat	5.7.1	Cambridgeshire County Council confirmed the matter on reedbed habitat loss has been resolved with the updated BNG report (App Doc Ref: 5.4.8.13 [REP2-020]).
	5.8	Biodiversity Net Gain Achieving the proposed 20% BNG	5.8.1	Cambridgeshire County Council raised concerns in their Local Impact Report regarding the ability to deliver 20% BNG in the LERMP. Cambridgeshire County Council confirmed this is no longer a concern and satisfied all other matters for terrestrial and linear habitats has been resolved due to the new Requirement 25 in the draft DCO. Cambridgeshire County Council will wait for more information on the off-site river units.
	5.9	Biodiversity Net Gain Funding for ecological monitoring	5.9.1	The Applicant was asked to what extent funding was being discussed with the County Council. The County Council suggested that this should be done through a Section 106 agreement. The Applicant said it anticipates this being a matter for discussion within the next couple of weeks. It is outside the scope of the development and therefore would not be secured in the way the County Council is seeking. The Applicant does not propose that

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		requested by SCDC / section (s) 106.		is secured through the LERMP which is site specific and does not deal with wider issues. However, as a good corporate neighbour, the Applicant will engage with stakeholders to manage pressures, noting the de minimis issues arising from the proposed development which will not increase pressures
	5.10	Operational Outfall Management Plan / design of the outfall	5.10.1	The ExA referred to the OMMP and Requirement 10(8) of the draft DCO and asked if this wording should be changed to 'prior to operation' rather than 'following commencement of operation of the outfall'. The Applicant confirmed that the intention is for the plan to be implemented upon commencement of the operation of the outfall but it will see if that wording can be improved.
			5.10.2	The Applicant was asked how it would secure the detailed design and construction method statement for all habitat creation and reinstatement of habitats in areas Work No. 32 and 39. The Applicant stated that this was a matter to discuss with the County Council. The ExA asked if the Outline Outfall Management & Monitoring Plan (App Doc Ref 5.4.8.24) [REP2-026] ("OMMP") should still refer to BNG. The Applicant stated that given the wording of Requirement 25 it didn't need to, and for clarity should remove this.
			5.10.3	The ExA asked how monitoring is controlled prior to the operation of the outfall area. The Applicant asked for clarity as to what would be monitored as the CoCP and the CEMP address monitoring. The Applicant referred to Requirement 10 which is effectively in two parts. Requirement 10(1) to 10(4) deal with construction and 10(5) and 10(8) deal with operation. Two separate plans will be required.
			5.10.4	At deadline 2, the Applicant stated that a further Requirement for CFD was not required. The Applicant was asked why it did not consider additional monitoring was required as this appeared contrary to the Environmental Statement. The Applicant confirmed it was content to carry out that monitoring.
	5.11	Impacts on Low Fen Drove Grasslands and Hedges CWS	5.11.1	The Applicant confirmed it would take this point away. The Applicant was asked to confirm how long the proposed planting would take to reduce light spill. The Applicant also confirmed it would take this point away.

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	5.12	Comments from Mr Smith	5.12.1	The Applicant confirmed it did not have a response today as its lead ecologist was unwell. However, it asked that if Mr Smith was willing to provide the document he had sent to PINS, the Applicant could begin to look at it.
	5.13	Comments from Save Honey Hill	5.13.1	Save Honey Hill said that there was disagreement as to whether recreational activity would be encouraged. In response, the Applicant stated that in relation to the attractiveness of the recreational facilities which are being provided, Save Honey Hill has raised issues during the consultation period with the apparent lack of attractiveness of the recreational facilities yet now it was stating this would attract users.
	5.14	Bridleway/permissive path	5.14.1	<p>The ExA asked what degree of certainty it can attach to the conclusions in the Environmental Statement that there will not be a significant impact from the bridleway/permissive path. The Applicant referred to the evidence base and said some reliance could be placed on that. Future use will partly depend upon the action of people and the housing development which is supported by both local authorities. The Applicant pointed out that the permissive path/bridleway came out of consultation with the local authorities and was not a unilateral decision by the Applicant. The Applicant accepted some increased usage.</p> <p>The ExA asked what would be the problem with a mechanism similar to the anti-social behaviour Section 106, as raised by Save Honey Hill. The Applicant said it would be willing to have this discussion and consider it but reiterated the difference between pressure and harm and stated that it had sought to exclude such users from the recreational area.</p>

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6. Water	6.1	Significance of effects	6.1.1	<p>The ExA referred to ES Chapter 20 (Application Document 5.2.20) [AS-040] which refers to stormwater discharge. The ExA then referred to ExQ1 19.23. The Applicant was asked to justify how this results in a moderate significant effect and is modelled as a one in ten year event. The Applicant explained that the assessment puts the storm modelling report which models stormwater flows with the improved storage in the proposed development and compares that to the existing conditions. The modelling indicates that without this additional storage there would be storm spills. With the proposed development, the spills would be less than one in ten years. That is a reduced incidence according to modelling which can only be a benefit to the River Cam. As to whether this is significant, the Applicant confirmed it was.</p> <p>The ExA said that associating a moderate significant impact which is beneficial seems quite a high level of weight to attract to an infrequent event. The Applicant explained that the reduction of stormwater discharge was a benefit in itself. The River Cam is considered on the basis of Q95 flows as being a highly sensitive receptor.</p> <p>The ExA asked if the same conclusion applies to combined sewer overflow. The Applicant explained that there will no combined sewer overflow ("CSO"). However, the existing one will remain in place and forms part of the same network. The Applicant explained that discharge from the proposed WWTP will reduce effluent load in the River Cam for total phosphorous and ammoniacal nitrogen compared to the existing WWTP.</p> <p>The ExA was asked that given the lack of modelling, what weight can the ExA give to this? The Applicant stated that with the conclusion being the same, no weight can be given to the CSO. The ExA stated that the application documents stated that there were benefits to the CSO and therefore was the Applicant asking if this should now be given no weight. The Applicant clarified that weight should be given to the improved storm management facilities. These afford a level of storm water attenuation and storm flows entering the Cam will be reduced. Within the plans, the Applicant shows</p>

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				<p>storm outfall pipes which enter the River Cam following treatment and therefore as not classed as CSO.</p> <p>The ExA said that if there has not been modelling of the CSO, then it is unclear on what weight it can give that element. The Applicant asked to take this point away. [Post-Hearing Note – the Applicant has responded to this in '8.20 Applicant's responses to ExA Hearing Actions']</p>

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Agenda item	Paragraph number	Matter	Paragraph number	Applicant's Submission
			6.1.2	<p>The ExA referred to ExQ1 21.61 regarding potential climate change impacts and asked whether on a precautionary basis that impact would be addressed. The Applicant explained that Chapter 20 discusses benefits to water quality in the River Cam and that it sees a benefit in phosphorus. In the future baseline section of Chapter 20, it discusses climate change implications for example peak river flows and rainfall but it also notes recent UKCEH research where they have performed modelling of future climate change and it has applied that to the River Cam. It notes that in most modelled scenarios, the River Cam is expected to have a 20% reduction in low flows. The issue is that in the future the water quality it is discharging into is not known. It could be within a range of extremes. It could be highly concentrated with phosphorus, for example. It is possible that in the future the River Cam will not be clean and there is potential that the cleaner discharge from the proposed development will dilute the river. On the other hand, the River Cam may be very clean, in which case, the benefits to the River from the final effluent will be different.</p> <p>The ExA pointed out that there is an unknown and lack of certainty on water quality. The Applicant stated that in its assessment it relies on the Environment Agency and assumes that consents for the new WWTW will be adapted in the future to deal with climate change and population growth impacts on the River Cam. If river water is pristine, then discharge may increase concentration of phosphorous in the river. However the Environment Agency would adaptively change discharge permitting conditions if that was the case.</p> <p>In ES Volume 4 Chapter 20 Appendix 20.11 Milton Water Recycling Centre Discharge Consent Water Quality and Ecological Assessment (Application Document 5.4.20.11) [APP-161] ("Water Quality Assessment"), there are limitations identified. The Applicant was asked to clarify the purpose of the Water Quality Assessment as it is not referenced in Chapter 20. The Applicant agreed that the Water Quality Assessment is not referenced in Chapter 20 as it is not a DCO document and it supports a permit application. However, it is referenced in the WFD report to supplement calculations on effluent flow.</p>

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Agenda item	Paragraph number	Matter	Paragraph number	Applicant's Submission
			6.1.3	<p>The ExA how the conclusions regarding reduced concentrations in final treated effluent have been derived or concluded on in Chapter 20. The Applicant explained that APP-161 Water Quality Assessment supports an interim permit which is not part of the DCO application, so it is not referencing that whatsoever in Chapter 20. The Applicant stated that the emerging draft consultative permit only has that status and Chapter 20 has adopted its own framework which it believes to be internally consistent.</p> <p>The ExA asked where the evidence is to support the reduced concentrations can be found. The Applicant said this is in Chapter 20. This assesses this issue.</p>
			6.1.4	<p>In Save Honey Hill's Deadline 2 responses [REP2-063 and REP2-060] it states that some water quality impacts fail to be considered. The Applicant was asked to provide a response to these.</p>
			6.1.5	<p>Given that water quality is primarily controlled through permitting outside the DCO and that the Water Framework Directive requires 'no deterioration' rather than improvements to water quality, the ExA asked to what extent can the ExA offer weight to the suggested benefits? The Applicant stated that this was more of a question for its planning expert as the current witness was dealing with technical matters. The Applicant confirmed it will offer a written response at Deadline 4. [Post-Hearing Note – the Applicant has responded to this in '8.20 Applicant's responses to ExA Hearing Actions']</p>

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Agenda item	Paragraph number	Matter	Paragraph number	Applicant's Submission
			6.1.6	<p>In relation to Flood Risk, the ExA noted that the Codes of Construction Practice (ES Volume 4 Chapter 2 Appendix 2.1 Code of Construction Practice Part A (Application Document 5.4.2.1 [REP3-026] and ES Volume 4 Chapter 2 Appendix 2.2 Code of Construction Practice Part B (Application Document 5.4.2.1 [REP3-028])). require the provision of an emergency preparedness plan. The ExA asked how the plan would address suitable flood evacuation plans. The Applicant explained that the existing assessment does assess access and egress. There is nothing to indicate that access and egress would be impossible in a flood event but it would recommend safe refuge on site if this was not possible. The Applicant further stated that there is an environmental risk assessment for the site and that the Applicant has protocols to be carried out on all operational sites. The Applicant also explained that it is regulated by its environmental permit.</p>
			6.1.7	<p>The Applicant was asked to confirm why certain water processes were excluded from the water efficiency figures. The Applicant explained that the 200l/s comes from the final effluent and the effluent is put back into the treatment process. The quantities listed in the Project Description is the potable water supply so it is the only new water that is coming into the site.</p> <p>In relation to the water efficiency figures, the ExA noted that there seemed to be an increase. The ExA asked why this was. The Applicant explained that the increase was associated with an additional treatment process that is not at the existing WWTW. That is being added to achieve a greater level of cleaner water. The Applicant referred to its Statement of Common Ground with Cambridge Water in which this matter is referenced, however it hopes to put in an agreed position at Deadline 4. The Applicant further confirmed that all buildings will be designed to achieve BREEAM excellence performance levels and a 'water conservation strategy' will be submitted during detailed design.</p>

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Agenda item	Paragraph number	Matter	Paragraph number	Applicant's Submission
			6.1.8	The ExA asked if the Applicant and EA had agreed potential leakages for infrastructure for underground pollutants. The Applicant explained that it had submitted a number of documents which contribute to its updated contaminated transport model (ES Volume 4 Chapter 20 Appendix 20.8 Update to Contaminant Transport Model (Application Document 5.4.20.8)) [APP-158] The Environment Agency confirmed this was agreed to a large extent but there were discussions to be had on the Waterbeach Pipeline and monitoring that might detect any leaks. The Applicant confirmed it would respond to this point at Deadline 4 but confirmed it was carrying out pressure testing. [Post-Hearing Note – the Applicant has responded to this in '8.20 Applicant's responses to ExA Hearing Actions']
			6.1.9	The Applicant was asked to confirm why the findings of the Preliminary Risk Assessment are not taken forward through into the DCO, such as intrusive ground investigations. The Applicant asked that this is addressed during the land quality part of the agenda. The Applicant confirmed it would take this point away.
	6.2	River Basin Management Plan	6.2.1	There was an update to the River Basin Management Plan in 2022 and the Applicant was asked to explain how this impacts the findings of Chapter 20. The Applicant explained that River Basin Management Plan is organised in six year cycles so, for example, cycle two was from 2015 to 2021 and the baseline for that was 2015. The Applicant stated that we are currently in cycle three for which the formal baseline is 2019 data. At the time of writing the WFD in 2022, the cycle two data was still the formal baseline. The Applicant asked the Environment Agency which data to use and it stated the draft cycle three data, therefore the Applicant used this data. The Cycle 3 data was formalised December 2022.
	6.3	Dewatering licences	6.3.1	As to Dewatering Licences, the Applicant confirmed that these will be submitted by Deadline 5. There is a response timeline of circa two months. The Applicant was asked if the Consent and Other Permits Register needed updating to refer to a Dewatering Licence as noted by the Environment Agency. The Applicant confirmed it would

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Agenda item	Paragraph number	Matter	Paragraph number	Applicant's Submission
				respond at Deadline 4. [Post-Hearing Note – the Applicant has responded to this in '8.20 Applicant's responses to ExA Hearing Actions']
	6.4	Impact on private drinking sources	6.4.1	<p>The Applicant was asked if contamination could reach private drinking wells within 12 hours. The Applicant confirmed it had carried out modelling and that travel times were very slow but for none of the travel times are they talking about days and it would be years or centuries.</p> <p>The Applicant was asked to confirm where notification of contamination was secured in terms of both construction and operation. The Applicant confirmed it would respond in writing.</p>
	6.5	Surface water drainage	6.5.1	Regarding surface water drainage, the Applicant was asked if groundwater calculations could be provided to the County Council to aid its assessment. The Applicant stated that it did not have groundwater calculations. The ExA said it understood that an updated Drainage Strategy would be provided and the Applicant confirmed it would.
6.5.2			In response to comments from the County Council, the Applicant said it was not clear on what principles the County Council considers is required to address any concerns. The Applicant asked that if there is something definite and appropriate to this stage of the process, that it is clearly articulated.	
	6.6	Additional information from the Applicant	6.6.1	The Applicant was given the opportunity to add to its earlier submission. It explained that it wanted to highlight that the parameters of concern to the Environment Agency are phosphate and ammonia and this is why this was referred to earlier in the hearing.

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Agenda item	Paragraph number	Matter	Paragraph number	Applicant's Submission
	6.7	Outline water quality monitoring plan	6.7.1	<p>The Outline Water Quality Monitoring Plan (Application Document 5.4.20.13 [REP2-028]) is secured by Requirement 22. The ExA asked how monitoring is secured during construction. The Applicant confirmed that this was through Requirement 9.</p> <p>As to whether the Plan has been agreed with the Environment Agency, the Applicant confirmed that the EA had reviewed the plan and confirmed its satisfaction by email. The Environment Agency confirmed this as accurate.</p>
	6.8	Design and engineering of the outfall	6.8.1	<p>The ExA asked for an update on the design of the shafts and tunnel design. The Applicant proposes that detailed design will be confirmed post-consent. It has had discussions with the EA regarding groundwater testing and the tunnel itself and is not anticipating any amendments based on the feedback received to date.</p>
	6.9	Update on environmental permits	6.9.1	<p>The Applicant confirmed that the IED permit is in an advanced pre-application stage but it has no other updates.</p>
	6.10	Updated Flood Risk Assessment ("FRA")	6.10.1	<p>The ExA stated that it understands that the EA has concerns regarding the Flood Risk Assessment (Appendix 20.1, App Doc Ref 5.4.20) [APP-151] ("FRA"). The Applicant confirmed that the EA letter has advised modelling of an additional scenario. The Applicant confirms that it does plan to proceed with additional modelling but at this point in time, it cannot give an indication of how long this process will take.</p> <p>The Environment Agency said it had some concerns with the FRA regarding the lack of mitigation. The Applicant said it was unfortunate to receive a model at this stage and it would aim to submit a response at Deadline 5 but would try to do this before the Deadline, if possible. The Applicant added that the range of mitigation techniques available to the Applicant are different to those available to other operators.</p>

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Agenda item	Paragraph number	Matter	Paragraph number	Applicant's Submission
	6.11	Comments from Quay Fenn Trust	6.11.1	<p>In response to comments from the Trust, the Applicant stated that impacts to Quay Fen are covered in the contaminant transport model and Chapter 20 Water Resources. The Applicant said it proposes in the Outline Water Quality Monitoring Plan, comprehensive monitoring at boreholes which essentially provide an early warning of any potential contamination. With respect to nitrate leaching, the boreholes should pick up any ongoing, continuous leaching of that nature.</p> <p>The Applicant will also be monitoring the SuDS pond. It is a segregated system for areas that may be contaminated from those which are not contaminated. Only surface water which is uncontaminated will be directed to the SuDS pond which will be monitored.</p> <p>The ExA asked how the boreholes are monitored. The Applicant explained that monitoring is throughout construction and during the operational lifetime. Once operational, water samples will be taken yearly. The ExA said there was then potentially a whole year when contamination was missed. The Applicant explained that the contaminant transport model considered the continual impact of contaminants in the groundwater environment. In the model, it discusses how quickly these contaminants move through the groundwater environment and because of the geology, these contaminants do not move at great speed so it is not a case of having a slight spill on day one and then it ending up in the black ditch on day two as it would likely take decades.</p> <p>The Applicant commented that with regards to the drainage strategy, it is confident that with the way the site is segregated, it is being controlled in a way that such contaminants should not enter the system. The areas inside the earth bank that aren't hardened would be permeable.</p>
	6.12	Comments from Liz Cotton	6.12.1	<p>Ms Cotton raised that there does not seem to be any assessment on the impact of groundwater levels in the vicinity of the tunnel, upon septic tanks. The Applicant explained that it has not assessed explicitly the groundwater changes with respect to</p>

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				<p>sceptic tanks, but would consider this for Deadline 4. Ms Cotton confirmed it would offer relevant information to the Applicant.</p>
	6.13	Comments from Save Honey Hill	6.13.1	<p>Save Honey Hill said that the Applicant was unsure as to whether the Milton Water Quality Assessment was part of the Environmental Statement. It also said that there was heavy reliance on adaptive permitting.</p> <p>The Applicant drew attention to the NPS on Waste Water which states:</p> <p><i>The decision maker should not refuse consent on the basis of regulated impacts unless it has good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted</i></p> <p>With regards to low flows, the Applicant said that in the future river low flows will happen regardless of whether the existing or proposed WWTP is operational. If the existing WWTP remains it will be discharging into the same environment as the new WWTP. Phosphate and ammonia are key determinants for WFD status.</p>

Agenda Item 7 Historic Environment

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's submission
Historic Environment	7.1	Clarification around effects on designated heritage assets, including Baits Bite Lock Conservation Area and Biggin Abbey Grade II* listed building	7.1.1	<p>The ExA asked for clarification on the effect on designated heritage asset Baits Bite Lock. The Applicant will confirm if it is a temporary moderate effect and therefore whether page V and paragraph 4.2.20 of ES Volume 4 Chapter 13 Historic Environment (Application Document 5.2.13 [REP1-023] will be updated.</p> <p>The ExA turned to paragraph 5.3.5 of Chapter 13. The ExA noted an effect on Bates Bites Lock Conservation Area. The Applicant explained that the impacts assessment table only looked at effects before mitigation. The Applicant stated this will be made clearer in ES Chapter 13.</p>
	7.2	Designated heritage assets	7.2.1	<p>The ExA noted that ES Chapter 13 assesses all reported adverse effects on designated heritage assets at the lower end of less than substantial harm. The Applicant was asked to justify this. Where a non-significant effects are reported on designated assets in ES Appendix 13.4 Historic Environment Impact Assessment Tables, (Application Document 5.4.13.4) [REP1-037] (including effects which are negligible), in line with assessment of harm methodology, the effect is regarded as causing harm to the asset (Less Than Substantial Harm). The Applicant's position is that the level of harm is in the middle but leaning towards the lower end of spectrum so at the lower end of harm.</p> <p>The ExA asked for an example of harm at the higher end. The Applicant said this would be someone building a dual carriage by Biggin Abbey. The ExA noted that this was already present and asked about the new WWTW. The Applicant comments that there were intervening trees and it was being built many metres away from the Abbey. If it was closer and there was less landscaping it would be higher on the scale.</p>

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Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's submission
	7.3	Significance of harm to designated heritage assets not reported in Chapter 13	7.3.1	<p>The ExA referred to the Historic Environment Impact Assessment Tables [REP1-037] which reports a slight adverse construction effect on Lowes Cottage, on High Ditch Road, Mulberry House and a farm (all Grade II listed buildings). The Applicant explained that all impacts, even negligible, would amount to less than substantial harm. Only significant effects and effects on key heritage assets (designated assets that have been identified by stakeholders and through professional judgement due to their significance and/or potential for harm) are reported in ES Chapter 13.</p> <p>The ExA noted that these do not appear in the Planning Statement. The Applicant confirmed that the Planning Statement lists significant effect with a footnote which confirms that there may be others with less than significant effects which might still affect the balance. The purpose of the Planning Statement was not to address every impact as there are detailed impact tables in each Chapter of the Environmental Statement.</p> <p>The ExA said that there is an important policy test in terms of designated heritage assets and less than substantial harm attracts weight. The ExA questioned if this diluted the overall degree of harm which the Applicant gave. The Applicant explained that the assessment of harm in an environmental sense varies from that in a planning balance sense, for example, an assessment of heritage impacts will look at each asset and come to a view on that asset. In a planning sense, the Applicant looks at significant to single assets and also cumulatively to get to a weight overall. It takes the harm to a designated heritage asset differently to the way it is assessed in Chapter 13. The Planning Statement takes direction on designated heritage assets from the NPPF but with non-designated assets it attaches harm to the removal of archaeology. The</p>

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Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's submission
				Applicant did not consider these to be cumulative impact to the non-designated heritage assets. Each has a limited effect.

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				<p>The ExA asked what the NPSWW said in relation to designated heritage assets. The Applicant read out the following:</p> <p><i>4.10.17 When considering applications for development affecting the setting of a designated heritage asset, the decision maker should treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset. When considering applications that do not do this, the decision maker should weigh any negative effects against the wider benefits of the application. The greater the negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to justify approval.</i></p> <p>The Applicant then referred to NPPF 205 and the test there.</p> <p>The Applicant added that the assets in the impact table but not in the Chapter are at the bottom end of less than substantial harm, for example, those ones experiencing a temporary reversible harm.</p> <p>The ExA asked if there are any other designated heritage assets which will experience less than substantial harm but which are not reported in Chapter 13. The Applicant confirmed it would take that point away. [Post-Hearing Note – the Applicant has responded to this in '8.20 Applicant's responses to ExA Hearing Actions']</p>
	7.4	Adequacy of mitigation	7.4.1	<p>The ExA referred to Biggin Abbey and Poplar Hall and asked if the Applicant had considered mitigation to reduce construction effects. The Applicant referred to Chapter 13 and the Code of Construction</p>

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				<p>Practice which addresses mitigation. The ExA suggested that this is addressed as part of the Statement of Common Ground with SCDC.</p> <p>The Applicant added that the Codes of Construction Practice (ES Volume 4 Chapter 2 Appendix 2.1 Code of Construction Practice Part A (Application Document 5.4.2.1 [REP3-026] and ES Volume 4 Chapter 2 Appendix 2.2 Code of Construction Practice Part B (Application Document 5.4.2.1 [REP3-028]) are submitted as a draft and are to be subject to further discussion. There are well tried and practised means on which effects on heritage assets can be mitigated, for example, by the types of hoarding. However, this does not mean that there is not room for further discussion.</p>
	7.5	Comments from Liz Cotton	7.5.1	<p>Liz Cotton asked if the residents of the buildings discussed during he hearing would be consulted during construction.</p> <p>In response, the Applicant referred to Requirement 9 which contains commitments with regards to liaison and therefore there is a mechanism by which that engagement will happen. The Applicant would expect that the discharging authority will take into account consultation as part of that process.</p>
	7.6	Comments from David Yandell	7.6.1	<p>David Yandell asked if impacts to the Conservation Areas had been considered. The Applicant confirmed that the effects on the Conservation Areas had been considered.</p>

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	7.7	Comments from Save Honey Hill	7.7.1	<p>Save Honey Hill referred to paragraph 205 of the NPPF noting that great weight needs to be given even when there is less than substantial harm. The Applicant confirmed it accepted the point and that the overall planning case covers a number of impacts and therefore a recognition that there is a hurdle that has to be jumped to achieve consent. The Applicant stated that there was a hurdle in relation to historic environment and therefore the public benefits is something it wants to put to the ExA as part of the overall case.</p> <p>Save Honey Hill asked for a summary table on designated heritage assets that have any harm through construction or operation. The ExA confirmed that this would be helpful. The Applicant confirmed it would prepare this for Deadline 4. [Post-Hearing Note – the Applicant has responded to this in '8.20 Applicant's responses to ExA Hearing Actions']</p>
			7.7.2	<p>Save Honey Hill stated that the Applicant applied a slight adverse effect to Baits Lock but have concluded that the effect is higher. It stated that the District Council agreed with it. The District Council said it did agree and that there is a permanent moderate adverse effect to Baits Bite Lock and Biggin Abbey. The Applicant confirmed its position is as per the one set out in Chapter 13. SCDC said it is the setting which results in the moderate adverse effect and that there will be a permanent alteration of the view.</p> <p>The Applicant agreed that there will be an impact on the character but the topography, the planting and the A14 all restrict the view of the WWTW, all before the mitigation is put in place.</p>

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8 Landscape and Visual/Design	8.1	Consideration of the 'rotunda' design concept, associated landscaping and character of the area.	8.1.1	<p>The Applicant was asked to explain the evolution of the design for the waste water treatment plant. The Applicant explained that the context is set out in the Chapter 5 of the Design and Access Statement ("DAS") ((Application Document 7.6) [APP-168]). The Applicant explained that design evolved through consultation and through expert input to align with the NPS Paragraph 3.5 on good design. The design was developed by leading landscape architects Robert Myers Associates and local architects in order to provide a local context. Page 33 shows the consultation stages used to develop the design. There were four stages of design review from the Design Council and two from the Cambridge Quality Panel. There were initially three design proposals but the rotunda design responded to a number of community inputs, including one that shared the impacts broadly across the communities and drew on linear earthwork features in the local environment.</p> <p>The ExA was asked why other options were discounted. The Applicant confirmed that the subterranean design was considered to be very expensive due to the excavation but there were also health and safety concerns. The triangular design did not work well in landscape terms. With the circular design, the flow processes could be accommodated logically.</p> <p>The Applicant was asked how the Design Council process worked. The Applicant referred to page</p>

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				<p>33 of the DAS. The Design Council discussed and provided feedback on the preliminary design and the rotunda design as it evolved. The Applicant offered to provide the details of the panel members if the ExA were interested but this offer was declined.</p> <p>The Cambridge Quality Review Panel is a panel of a broad range of professionals who are appointed by the local authorities. It is coordinated by the County Council and it provides independent design review of major projects. The Applicant does not believe that the three options were presented to them as they only became involved at the public consultation stage.</p> <p>The Applicant pointed out that the landscape of the area is largely flat with some variation in topography. There are some nearby earthworks such as Fleam Dyke and Devil’s Dyke which were an inspiration for the Rotunda design. The rotunda is a very wide structure in relation to its height so while on plan it looks circular (and is circular), if you look at the photomontages, it doesn’t appear as a circle but appears more like a linear structure.</p>

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			8.1.2	Save Honey Hill referred to Peacehaven as an example design. The Applicant explained that the closest design to that was the green fingers design but that was discounted due to cost and health and safety issues. The sludge treatment process would not be technically the same as the Peacehaven design due to different loads and volumes. This is due crucially to the size of the digesters required to deliver the operation in an economic and feasible manner relating to the style of treatment at the Peacehaven WWTP.
			8.1.3	The ExA referred to the Save Honey Hill written representations (appendices) [REP1-172], page 14, paragraph 5.2. The ExA asked if this image represented what the development would look like and why Save Honey Hill was raising concerns when it is not the proposed development. The Applicant clarified that it is an earlier photomontage and that is out of date. It shows the WWTW with some structures which were omitted altogether from the design and some which were lowered in height. The Applicant also stressed that photomontages should be looked at using the correct scale and that this image appeared 'zoomed in'.
			8.1.4	The Applicant was asked if there was potential was given for the taller elements of the new WWTW to be reduced, for example, more digesters at a lower height. The Applicant explained that the smaller the digesters, the less efficient they are. It was a balancing exercise

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				<p>between landscape impacts and efficiency. With regards to the gas holder, this was a detailed design decision and the Applicant confirmed it would respond on this point in writing. Other reasons why the tall structures cannot be submerged into the ground is groundwater levels and proximity to the aquifer.</p>
			8.1.5	<p>The ExA referred to Design Plan – Proposed Waste Water Treatment Plant (Application Document 4.9 [REP1-019]) and ES Volume 4 Chapter 15 Appendix 15.1 Photomontages (Application Document 5.4.15.1 [APP-127]). The Applicant explained that the nutrient recovery tower is an optional element which is part of the liquor treatment plant which is Works No. 8. The Applicant referred to the right hand of the Design Plan which is labelled liquor treatment plant area. The nutrient recovery tower is the stripping/scrubbing column which is Part 14 of Schedule 14 of the draft DCO (Application Document 2.1 [REP3-003]).</p>

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Agenda item	Paragraph number	Matter	Paragraph number	Applicant's Submission
	8.2	Appropriateness and adequacy of measures relating to bund planting.	8.2.1	<p>The ExA explained that concerns had been raised about the planting on the top of the bund. The ExA asked for assurances that planting could survive. The Applicant referred to ES Appendix 8.14: Landscape, Ecological and Recreational Management Plan ("LERMP") (Application Document 5.4.8.14) [AS-066] which sets out the elements needed for these trees and shrubs to establish and grow. ES Appendix 6.3 Outline Soil Management Plan ((Application Document 5.4.6.3) [AS-060]) explains how the soil on site will be stripped and stored to retain its fertility and structure. The LERMP includes a figure which shows the angle of the earth bank which is 6m wide and flat at the top with a gentle slope on the outside bank. The Applicant stated that what rain there is will fall on the bank and some will stay on the bank as it is not too steep. There will be sufficient soil and the soil will be of good enough quality to create a good growing medium on the bank. The LERMP sets out a lot of detail on the planting, with a shortened planting season from November to late February to take into account the earlier springs. The species selected are those which grow locally and will tolerate some drought. If you create a good growing medium and water the plants for the first five years the plants should develop a sufficiently good root system to withstand seasonal drought. All the planting on the Landscape Masterplan has been counted towards the BNG calculations, it has to be maintained for 30 years and there is an onus on the Applicant to make sure that the planting does work. If established after five years, that is long enough to establish a good root system. It</p>

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				<p>therefore will not need watering for the thirty year period of the LERMP.</p> <p>As to the suitability of the soils, they are being stripped off arable farmland. The ES Appendix 6.3 Outline Soil Management Plan ((Application Document 5.4.6.3) [AS-060]) identifies the different types of soil around the site so the best soil will be used for tree and woodland planting and the poorer sols for grassland.</p>
			8.2.2	<p>In response to comments from South Cambridgeshire District Council ("the District Council"), the Applicant explained that the situation, with the soil management plan, the ability to water and the profile of the bank, is different from that of a highways embankment where watering is not possible. There are examples of where planting has established on well-tended embankments. Further, the District Council has the opportunity to select appropriate plants as part of the LERMP. The Applicant confirmed that it will provide some examples of successful planting on slopes. [Post-Hearing Note – the Applicant has responded to this in `8.20 Applicant's responses to ExA Hearing Actions']</p> <p>The Applicant stated that there are examples of vegetation growing successfully on nearby embankments such as on Fleam Dyke and the</p>

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				<p>A14 bridge embankments. The Applicant commented on the examples given by the District Council of a belt of screen planting just south of Horningsea which has not grown. It is very difficult to know whether the planting was maintained – the fact that it was surrounded by thistles suggest not. Further, the Applicant explained that watering too much encourages shallow rooting rather than deep rooting.</p>
	8.3	Clarification of potential for effects from plumes / flares.	8.3.1	<p>The ExA referred to the response to ExQ14.19 which stated:</p> <p>a) Under normal operation, there would be no readily discernible plume from the WWTP boiler stack. The flare stack will be shielded and no flame will be visible unless viewed directly from above.</p> <p>b) As there would be no discernible plume under normal operation and the flame within the flare stack would only be visible from above, neither has been assessed in ES Chapter 15 Landscape and Visual Amenity (App Doc Ref 5.2.15) [AS-034]. The flare and flare stack were described in the ES Appendix 15.3 Lighting Assessment Report (App Doc Ref 5.4.15.3) [AS-100], however as no flame would be visible, it was considered that they would have no impact on obtrusive light.</p> <p>c) The Applicant considers that neither the plume nor the flame within the flare stack would be</p>

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				<p>visible under normal circumstances, they would therefore would not affect landscape, visual amenity or obtrusive light.</p> <p>The Applicant explained that there would not be a plume as the water will be used in the advanced anaerobic digestion process. The Applicant is not creating a power engine where the steam is a waste product. The flare stack is only there if there is a safety issue in the gas management system.</p> <p>As to the specifics of the flare stack, the Applicant will provide further detail. The Applicant can provide this detail through the Design Code which is to be submitted at Deadline 4.</p>
	8.4	Tree protection / replacement matters (including woodland)	8.4.1	<p>The ExA referred to ES Volume 4 Chapter 8 Appendix 8.19 Arboricultural Impact Assessment Waterbeach Pipeline (Application Document 5.4.8.19) [REP1-035] and PDF page 69. The ExA asked what the pink polygons were around the trees. TO73 appears to be protected by protective fencing but it is over the top of the open trench – how would this work in practice. TO76 seems to have protective fencing across an access road. The Applicant said it thought these were root protection zones but that it would need to confirm.</p>

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			8.4.2	The Applicant was asked where the provision is made for replacement of landscape features outside of the main WWTW as the LERMP only relates to the main WWTW. The Applicant referred to CoCP Part A, Section 7.2.68 which refers to hedgerows. There are reinstatement provisions in Sections 7.2.69 and 7.2.72 but these relate to habitat reinstatement rather than landscape features such as trees. Applicant noted that it does not refer to trees but its understanding is that is because no trees are to be removed. However, the Applicant confirmed it would take this point away.
	8.5	Consideration of potential / need for formal detailed design review	8.5.1	In response to comments from the District Council, the Applicant explained that for the majority of the works the DAS outlines the general approach to the design. In respect of two buildings of concern with the District Council (gateway building and the workshop), the Applicant would be happy to have further conversations but the design has already been heavily scrutinised. The Applicant said that a problem with an independent design panel is the time taken and therefore risk of delay to the proposed development. It reiterated that it was happy to agree to design review of the two identified buildings but not of the entire LERMP.
		Consideration of a 'Design Code' and what this would include		The Applicant was asked what the Design Code would include and to explain the recent changes to the draft DCO. The Applicant confirmed that the Design Code will not apply to temporary

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				<p>buildings as they will be covered by the Codes of Construction Practice (ES Volume 4 Chapter 2 Appendix 2.1 Code of Construction Practice Part A (Application Document 5.4.2.1 [REP3-026] and ES Volume 4 Chapter 2 Appendix 2.2 Code of Construction Practice Part B (Application Document 5.4.2.1 [REP3-028])) but it will cover:</p> <ul style="list-style-type: none"> • Site layout • Use of colour • Materials • Building performance • Gateway building design • Workshop building design • Lighting • Outfall • Above surface pipeline infrastructure • Vent stack (at the interception shaft) and odour control • Flare stack and shield <p>As to why the Design Code will not address landscaping, the Applicant explained that the LERMP provides sufficient detail in relation to landscaping. Landscaping is covered by Requirement 7 and Schedule 2, Part 2 sets out the procedures with discharging approvals. That provides the ability for the discharging authority to approve or not approve the details which will include landscaping</p>
	8.6	Schedule 14, Part 18 of the DCO	8.6.1	The ExA noted that this Part of the draft DCO identifies the parameters of the workshop building. This differs to the Design Plan. The

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				Applicant was asked to explain this. The Applicant confirmed that the parameters in Schedule 14 are not correct and the workshop building is 55 x 16 m. The Applicant confirmed this will be amended in the next draft of the DCO. [Post-Hearing Note – the Applicant has amended the DCO submitted at Deadline 4]
	8.7	Comments from Save Honey Hill	8.7.1	In response to comments from Save Honey Hill, the Applicant explained that it has gone through six stages of design review and therefore it considers it has accorded with the NPS. With regards to the specific comments on planting, if individual specimens fail, these can be replaced with agreement from the planning authority.
	8.8	Bund parameters	8.8.1	The ExA asked why there is not a minimum bund requirement in the draft DCO. The Applicant confirmed it could come back on this and it will check what it can commit to. [Post-Hearing Note – the Applicant has responded to this in '8.20 Applicant's responses to ExA Hearing Actions']
	8.9	Comments from Liz Cotton and Save Honey Hill	8.9.1	The Applicant explained that the design was a response to three stages of consultation.

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10. Green Belt	10.1	Clarification around which elements would be inappropriate development	10.1.1	<p>The ExA asked for clarification around which matters would be inappropriate development, for example, the access road which the Applicant had stated would not be inappropriate development. The Applicant was asked to refer to paragraph 155(c) of the NPPF in its response:</p> <p><i>"c) local transport infrastructure which can demonstrate a requirement for a Green Belt location".</i></p> <p>The Applicant accepts that, overall, the Project constitutes development which is 'inappropriate' in terms of NPPF Green Belt policy. Therefore the very special circumstances ("VSC") test needs to be applied.</p> <p>In applying this policy, however, and deciding whether or not the arguments in favour of the development clearly outweigh the harm by virtue of being inappropriate development in the Green Belt and any other harm, it is relevant to consider the physical characteristics of the whole development in the light of the NPPF, in particular, paragraphs 154 and 155. The degree of any 'other harm' must be properly assessed, including consideration against the purposes of the Green Belt designation and policy. Therefore any actual effect on openness needs to be identified and weighed in the planning balance.</p> <p>The Applicant does not suggest that disaggregating the Project and treating parts of it as not engaging the VSC test is the correct approach.</p> <p>However, if some elements of the Project are of a type of development which would, on its own, constitute development which is 'not inappropriate', under the exceptions in paragraphs 154 and 155, this is relevant to the overall assessment of planning balance (the "VSC" test) because there would be no</p>

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				<p>impact on openness, or no greater impact, viewed in the context of the current baseline. It is noteworthy that NPPF paragraph 156, talking about infrastructure (albeit of a different type) says:</p> <p>'When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed.' (emphasis added)</p> <p>This statement confirms the requirement to undertake the VSC test for inappropriate development, even when it is only 'elements' of a project which might constitute inappropriate development, but use of the term 'elements' does support an approach which has regard to the characteristics of different components ('elements') of a project when applying the VSC test overall. Clearly, the degree of actual harm to the preservation of openness, the defining characteristic and purpose of Green Belt policy, will be relevant. To take an 'element' which did not generate as much discussion at the ISH as others, the underground tunnels, at operational stage, will have no impact on the Green Belt because they would be entirely invisible and there would be no evidence of their existence within the Green Belt. It would be perverse to attribute harm to openness in the operational phase of the Project from those elements of it.</p> <p>Moreover, the fact that NPPF paragraph 155 (b) treats engineering operations as a form of development which is 'not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it' is a relevant indication of how national Green Belt policy treats such works.</p> <p>In the same way, it is relevant to note that NPPF paragraph 155(c) treats 'local transport infrastructure which can demonstrate a requirement for a Green Belt location' as not</p>

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				<p>inappropriate. Having said that, the access road is not 'transport infrastructure' in the sense that, eg. a new bus lane or tramway might be. It is necessitated by the development which is, as the Applicant has always accepted, 'inappropriate development' in the sense that this phrase is used in Green Belt policy, but it is of a form which can, in freestanding circumstances, be regarded by policy as 'not inappropriate'. Clearly, it is relevant to assess what the actual physical effects upon openness of this element of the proposal would be, noting its flat form and very limited proposed lighting treatment together with the traffic movements which it would carry. The Applicant recognises that there are decisions which support a conclusion that the movement of traffic results in an impact on openness and therefore stated that if the ExA were to conclude as a matter of judgement that the access road would have an effect on Green Belt openness, then the inclusion of the area of the access road would represent a small additional impact to what the Applicant has assessed as the area of inappropriate development and would need to be considered in the planning balance required to demonstrate very special circumstances.</p>
			10.1.2	<p>The Applicant was asked how many HGVs would be coming down the access road on a daily basis. The Applicant confirmed it would be 129 two-way movements over eighteen hours and rising to 146. The ExA asked if this level of activity would impact openness. The Applicant expressed the opinion that, in the context of traffic levels on the A14 and along Horningsea Road, this traffic would represent a low level of activity which would not greatly differ from movements of vehicles already accessing the site, Low Fen Drove Way and the surrounding area and would not therefore be out of character sufficient to be considered to affect openness.</p>

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			10.1.3	The Applicant confirmed that the gateway building is inappropriate development. The Applicant referred to its answer to ExQ1 11.1 which had considered this.
			10.1.4	The Applicant was asked that given the outfall to the proposed River Cam, to what extent would it have an effect an openness? The Applicant stated that it did not have an impact on openness. There are regular features of this nature along Cambridgeshire's waterways, including such features as mooring stations, and the outfall would be akin to these. The outfall structure would occupy an area of no more than 55m2 and would below ground level, predominantly covered by grass and landscaped and would only be visible at close proximity and at low level.
			10.1.5	In response to comments from South Cambridge District Council ("the District Council") The Applicant stated that urbanisation, as such, is the not the test to be applied to the assessment of openness.
			10.1.6	The Applicant was asked if there will be any above ground features in the Green Belt in respect of the pipeline infrastructure. The Applicant confirmed there would not be.
			10.1.7	The Applicant was asked if there would be any Green Belt affected within the district of Cambridge City Council. The Applicant confirmed it would take this point away. The City Council confirmed it would double-check this point also. A response on this point is provided in the Applicant's responses

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				to ExA Hearing (CAH1 and ISH3) Actions at Hearing Action Point 99.
			10.1.8	<p>The Applicant was asked where there is policy support of disaggregating inappropriate and not inappropriate elements in the Green Belt. The Applicant made clear that it was not suggesting that the VSC test did not apply, rather, that having regard to the nature of different elements was relevant in the assessment of impact on openness and the purposes of Green Belt and in the application of the VSC balance. The Applicant referred to paragraph 154 of the NPPF and pointed out that there have been lots of decisions on this point Applicant said, that it is conventional in these circumstances to look at the components of a multi-component scheme and assess the extents to which the component parts are appropriate or not appropriate. The ExA asked for relevant decisions to be provided which the Applicant confirmed it would do.</p> <p>Upon reflection, the Applicant has not included this material because it accepts that paragraph 154 is not engaged in this case; there are no existing buildings upon the site with which comparisons fall to be made in the application of the comparative tests under what is now paragraph 154 (c) and (g), which is what Counsel had in mind in the (somewhat limited) discussion of the point. To generalise from these cases will not assist.</p> <p>The submission under 10.1 above has, however, taken into account caselaw on the predecessors to current paragraph 155. In particular, <i>Kemnal Manor Memorial Gardens Ltd. v The First Secretary of State & Anor</i> [2005] EWCA Civ 835, [26-28] and [34-37] distinguishes between a wrong submission that, because parts of a composite development proposal might, on a standalone basis, be treated as 'not inappropriate development' in policy terms, they do not need to be brought</p>

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				<p>into the VSC balance, and a right analysis that such matters are relevant to the assessment of harm. The Court, naturally, did not enter into judgment on the inspector's findings on harm.</p> <p>There is a further case of Athlone House which was a high court case. This was a case on what is now paragraph 154 which, as stated above, is not in point.</p>
	10.2	Consideration of degree to which effects on the Green Belt have sought to be minimised	10.2.1	<p>The ExA referred to the Applicant's response on ExQ1 11.1 and sympathetic treatment of taller structures. The ExA asked how taller structures had been treated. The Applicant referred to the DAS and finishes and palettes which allowed those taller structures to merge more with the landscape as opposed to being a striking feature. This was achieved by choosing a sympathetic palette. The colours are muted and sensitive.</p> <p>The Applicant also clarified that heights were reduced where possible.</p> <p>The Applicant added that the heights are the minimum heights which are operationally necessary and the Applicant will provide evidence for that. The Applicant then clarified that they were the minimum balancing out operational concerns. As to impacts if they were made smaller, the Applicant will provide a written response on that.</p>
	10.3	Adequacy of consideration of non-Green Belt sites	10.3.1	<p>The Applicant was asked to explain why the study comprised the Cambridge Drainage Catchment Area only and whether there might be suitable non-Green Belt sites which were not considered.</p>

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				<p>The Applicant explained that the selection of the catchment was a natural response to managing flows and it would not be appropriate to manage flows outside of catchment due to gravity. The two catchments of north and south were considered. Within those, there were sites outside of Green Belt which were considered. At Stage 3, there were three sites carried forward outside of Green Belt.</p> <p>The Applicant referred to the Stage 1 Report (Appendix 3.2, App Doc Ref 5.4.3.2 - APP-075 and REP2-011) which explains the need to be within the catchment. It does not make sense to transport waste water large distances.</p> <p>The Applicant also referred to Figure 2.2 of ES Chapter 3: Site Selection and Alternatives (App Doc Ref 5.2.3 - AS018) which shows the areas which were considered.</p>
	10.4	Clarification around SCDC's view in its Local Impact Report that Green Belt release for housing need through the local plan process would not provide 'exceptional circumstances', whereas the relocation of a WWTP (for which no evident need has been demonstrated) to the Green Belt in order to enable housing development would	10.4.1	In response to comments from the County Council, the Applicant stated that the rationale for relocating the existing site is to deliver the opportunity for the substantial benefits in sustainability terms. There are benefits to the new WWTP in itself, such as an improvement in water quality, but the opportunity for the urban regeneration is the overriding benefit. The scope of strategic mixed-use development is in the adopted Local Plan and the NECAAP which helps define that opportunity. It is proposed to be continued in the Greater Cambridge Local Plan. There is no other location which offers the transport connections and access to the countryside. Within 1km of the WWTP there is presently just under 268,000 sqm of employment space in world-leading centres of excellence including Cambridge Science Park and in addition to that, some more general employment space. There is 35,000 sqm of

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		demonstrate 'very special circumstances		<p>floorspace consented and yet to be built. The NECAAP, in addition to that, proposes to deliver up to another 188,000 sqm in allocated employment space. No other location is able to offer anywhere near that level of existing and proposed employment space. The opportunity has been recognised by the Government as the Secretary of State called it 'Europe's science capital'. The proposed development is specifically named in the written ministerial statement.</p> <p>The Applicant proposes that the written ministerial statements of July 2023 and December 2023 are introduced to the Examination Library.</p> <p>The Applicant stated that the benefits of the proposed development are also addressed in the Local Impact Reports. The very special circumstances case which the Applicant says is necessary to support a positive decision on this DCO application is set out at Section 6 of the Planning Statement [REP-049] and it recognises that in the planning balance there are harms, ranging from significant in respect of Green Belt and heritage, and other harms which are less than that. There are benefits as referred to already. By far the most significant benefit is that urban regeneration opportunity benefit which in the opinion of the Applicant should be afforded very significant, indeed overwhelming, weight in this case.</p>
	10.5	Comments from Save Honey Hill	10.5.1	<p>In response to comments from Save Honey Hill, the Applicant stated that what had been stated on behalf of Save Honey Hill was not new. The characterisation of the evidence which was given was untenable and does not bear any relation to the extremely careful and detailed evidence which has been given. It is also a mischaracterisation of the evidence from the local</p>

Agenda Item 9 – Green Belt

Agenda Item	Paragraph number	Matter	Paragraph number	Applicant's submission
				<p>authorities, particularly with regards to the extent to which moving the WWTW frees up the extremely valuable area.</p> <p>As for comments on the outfall structure, the visualisation in the Design and Access Statement (Application Document 7.6 [AS-168]) ("DAS") provides a vision of how the outfall will look on completion. The Applicant does not accept that what is shown in the DAS has an urbanising effect.</p>

Agenda Item 11 – Land Quality

Agenda	Paragraph number	Matter	Paragraph number	Applicant's submission
11. Land Quality		Decommissioning and contamination		<p>The ExA turned to Requirement 9 of the DCO.</p> <p>The Council made suggestions regarding Requirements for land contamination. The Applicant was asked to confirm if it intends to update the draft DCO to update these requests. The Applicant confirmed it would submit an updated Contaminated Land Assessment at Deadline 5.</p>

Get in touch

You can contact us by:



Emailing at info@cwwtpr.com



Calling our Freephone information line on **0808 196 1661**



Writing to us at **Freepost: CWWTPR**

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

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