

SHH Responses to Examining Authority's Second Written Questions (ExQ2)

SHH 51

CWWTPR DCO Examination

SHH 51

Submission by Save Honey Hill Group

SHH Responses to Examining Authority's Second Written Questions (ExQ2)

19 February 2024

These are SHH's responses to the Examining Authority's Second Written Questions (ExQ2). Where relevant, ExQs are also referred to in other SHH submissions at D5.

ExQ2 Reference	SHH Response	References to SHH or Other Submissions
1.2 Implications of Revised NPPF, December 2023	<p>The NPPF, December 2023, has incorporated a number of changes from the extant September 2023 version, summarised in the Chief Planner's Planning Newsletter, 21 December 2023, and the Secretary of State's Written Statement of 19 December 2023. These include subtle changes to policies on housing need and delivery, protection of Green Belt and agricultural land.</p> <p>Para 61 now substantially downgrades the requirement to apply the 'standard method for assessing housing need', stating that the 'outcome of the standard method is an advisory starting point...for establishing a housing requirement for an area' allowing the particular demographic circumstances of an area or other matters to justify an alternative robust approach. The requirement, previously in para 74, for local plans to allow for an additional 10% buffer of identified sites above the assessed need no longer appears in the NPPF. Other changes to housing delivery requirements in the NPPF give local planning authorities greater autonomy in determining the need to review Green Belt boundaries (as now set out in para 145).</p> <p>SHH has submitted in REP1-171 that there is sufficient capacity amongst new and existing strategic sites in the GCLP FP to accommodate the number of homes allocated for build out at North East Cambridge (NEC) beyond the GCLP period post 2041, without the requirement for any new strategic site or development in the Green Belt above that already proposed or planned, a position which is not disputed by SCDC as the plan making authority.</p>	REP1-171

	<p>What has been disputed by SCDC and the Applicant is the number of homes that could be reallocated from NEC for build out within the GCLP plan period to 2041 amongst existing proposed or planned sites; SCDC, REP3-060, has cited build out rates as the principal limiting factor.</p> <p>The removal of the requirement for LPAs to include a 10% buffer in the identification of housing need in the preparation of a local plan reduces the housing requirement of the GCLP First Proposals by 4,440 homes (GCLP pg 30). This, in effect, removes the need to find any alternative sites in the GCLP for the 3,900 homes allocated to NEC in the GCLP First Proposals. This change in the NPPF, taking into account the 1,425 homes identified as being deliverable at NEC without relocation of the WWTP (REP4-092), would still leave a surplus of 1,965 homes currently provided for in the First Proposals to contribute, if necessary, towards meeting any other amended housing need, which may arise following the Development Strategy Update, January 2023.</p> <p>The NPPF now gives greater protection from significant development to agricultural land. Para 181, footnote 62 expands previous footnote 58. Alongside the use of agricultural land of poorer quality, there is now a requirement to consider ‘the availability of agricultural land used for food production.... when deciding which sites are most appropriate for development’. Almost all of the permanent and temporary land take for the proposed development is ‘best and most versatile’ land in active arable production.</p> <p>These changes to the NPPF are all matters which the ExA must consider in deciding any weight to give to the emerging local plans, given that they were prepared before the NPPF was amended.</p>	
<p>1.8 Dimensions of Gateway Building</p>	<p>It is for the Applicant to provide accurate measured areas. However, based on the layouts provided in the Design and Access Statement, measured off screen and taking the width dimension as quoted to apply to the ground floor, that part of the building devoted to offices, including a portion of the ancillary and communal space, such as lobbies, meeting rooms and toilets extends to c1,000 sq m gross floorspace. A normal, indeed generous, rule of thumb for office provision, used by the property industry, is 10 sq m gross per employee, so this is extremely generous for the number of employees that the Applicant says will be based there. The Gateway building should be scaled back.</p>	

	<p>The Applicant has also claimed that the car parking provision was based on the South Cambridgeshire DC vehicle parking standards, in Figure 11 of the adopted Local Plan. As B1 floorspace, the requirement for the office component would have been for 40 spaces. Given the Green Belt location and the Applicant’s knowledge of the specific workforce and functions to transfer to this site, a lower figure could legitimately have been proposed. In Rev 07 of the dDCO, the total number of spaces proposed is 68, although as the ExA has noted, different figures for visitor parking have been quoted elsewhere. The extent of the parking to be provided for office based staff should be scaled back.</p>	
<p>2.1 Compliance with MWLP Policy 11</p>	<p>It is notable that Cambridgeshire County Council as Minerals and Waste Planning Authority, has not thought it relevant, thus far, to even discuss whether the Proposed Development complies with all aspects of Policy 11.</p> <p>It is questionable whether the relocation of WRCs where not required for operational reasons should correctly be described as ‘essential infrastructure’.</p> <p>The rather verbose second paragraph of the policy, in effect, defines almost any conceivable form of ‘water recycling development’ as being acceptable and ‘will be supported in principle’ at any location, subject to the stated criteria being met. It is difficult to understand the purpose or intended effect of the additional words ‘particularly where it is required to meet wider growth proposals in the Development Plan’. The adopted local plans contain proposed housing development within most and certainly all of the larger WRC catchments. Is this statement intended somehow to weigh in the balance against the need to fully meet the four development criteria that form the substance of the policy? In any case, little weight can be given, in this instance, to the aspiration to relocate the Cambridge WRC, since the relocation is not required as part of the adopted local plans i.e. the Development Plan. Our position on the weight that attaches to the untested emerging local plans has already been set out in evidence.</p> <p>The substance of the policy is therefore in the four development requirements or criteria. SHH’s position on compliance with the four criteria is that:</p>	

	<p>(i) Criterion (a) has not yet been met, because the Applicant has yet to demonstrate through an agreed FRA that the proposal does not give rise to an unacceptable risk of flooding to others;</p> <p>(ii) Criteria (b) and (c) can be met;</p> <p>(iii) The proposed development does not fully comply with criterion (d) in that the development is unable to provide adequate mitigation to deal with 'all unacceptable adverse environmental and amenity issues', notably harm to historic assets and Green Belt, as well as other significant adverse effects.</p> <p>As such, the proposed development does not comply with Policy 11 in the MWLP.</p>	
5.5 to 5.7 Recreational pressure on Quy Fen	The position of SHH on these issues remains unchanged. SHH awaits responses to ISH3 submissions made at D4, the Applicant's and IPs' responses to the ExQ2s and minutes of the first Recreational Pressure Advisory Group held on 24 January 2024.	
5.9 LERMP Advisory Group	See SHH 57 Response to the LERMP Rev 03.	
6.1 to 6.13 Carbon Emissions	See SHH 52 Review of ES Chapter 10 Carbon and Conclusions on Carbon Emissions and Mitigation. See also SHH 53 Response to draft Design Code.	
7.10 Compliance with MWLP Policy 16(f)	<p>The proposed development will clearly have a 400m Consultation Area designated in due course and the policy explicitly will apply to a Consultation Area designated after the MWLP came into force.</p> <p>Policy 16 (f) states that: 'within a CA...there is a presumption against allowing development which would....be land which is set aside for regular community use (such as open space facilities designed to attract recreational users...'</p> <p>The Applicant has designed a substantial area of landscaped publicly accessible space, which is to be delivered and will be managed, in part, for recreational use, including the provision of paths on site and new public paths off-site. Although affected by potential odour and visual impacts from the works, the Applicant cannot sensibly argue that this space will not potentially attract</p>	REP1-171 para 6.3.5

	recreational users in considerable numbers. Indeed, the Applicant claims the public recreational provision and improved countryside access as planning benefits of the project. This means that the proposed development, on the face of it, falls foul of Policy 16 (f), although we accept that the recreational provision has to be considered in the round as part of the overall development.	
7.13 Commitment to public access to land and 'permissive' paths	As SHH has made clear in numerous submissions, the Applicant must make a commitment to allow public access to the land it will own around the new works for the operational life of the works, not just for an arbitrary 30 years. Any paths provided within that area can reasonably be considered 'permissive'. However, the new bridleway along the former railway and the linking path to be provided to the works boundary from the former railway must be dedicated as permanent elements of the public rights of way network.	REP2-063 para 7.24
7.14 Recreational provision and parking	<p>SHH's view about the likely attractiveness of this 70 ha area of woodland, paths and open meadows for informal recreation, a substantial proportion of which will arrive by car, is informed by knowledge both of our own members' recreational behaviour, but also from the use that is made of other open access land within about 5 miles of Cambridge. There are, effectively, only 3 or 4 locations where reasonably extensive public access is available around the eastern half of the City within a radius of 5 or so miles. These are: Wandlebury Rings/Gog Magog Hills to south of the City; Milton country park and the grounds of Anglesey Abbey, which are all open throughout the year. For completeness, there is public access onto Ditton Meadows at Fen Ditton, which are part of the Cambridge riverside commons which extend into the city at Jesus Green. All attract substantial numbers of car users for informal recreation at all times of year and all provide car parking, although this is limited at Ditton Meadows.</p> <p>7.14 a) The Applicant has not been clear whether it will allow public recreational users to use the car parking it is providing for the works. It has now been established that the 68 (56 excluding visitors) spaces being provided are well in excess of the requirement for staff and operational parking, probably by a factor of two, except on rare occasions. In the LERMP, the Applicant makes much of the provision of public disabled parking for access to the recreational area. It is in our view essential that the Applicant makes a firm commitment to make the reduced visitor and other surplus staff parking available for public recreational users at all reasonable times.</p>	REP2-063 para 7.25c REP3-044

	<p>We are aware that as most recently amended, Schedule 9 Part 2 to the dDCO only allows private cars to approach the works via either the A14 off slip or from the Horningsea direction.</p> <p>The opening up of the works parking for managed public use would go a considerable way to helping to minimise nuisance parking on highway verges, which will otherwise certainly occur, as will the use of Low Fen Drove Way from Horningsea Road by car users, seeking to park and use the site and/or the public path network.</p> <p>7.14 b) REP3-044 7.9 Draft s106 Agreement (Parking) is, in our view, inadequate to deal with nuisance parking or unwanted car use of Low Fen Drove Way. It only provides for parking surveys, equestrian signage and for the making of TROs to be made if requested within 3 years of first operation. The provisions for surveys and TROs should extend to at least ten years after opening and include funding for any physical remedial measures needed which are within the powers of the County Council to provide, including bollards, fences and surfacing of any off-carriageway parking, where on highway land. This should be backed by a commitment by the Applicant to take remedial action where informal parking or other incursions occur on the land which it will control.</p> <p>7.14 c) In our view, any impacts likely to be caused from 'nuisance parking' or other damage should weigh negatively in the planning balance, unless the Applicant makes reasonable provision to deal with these through the DCO and or by the s106 agreements.</p>	
10.1 to 10.18 dDCO	SHH has noted the ExQs. We have not made a further submission at D5 in relation to changes brought forward in Rev 07 of the dDCO and will await the Applicant's response to ExQ10.18.	
13.1 to 13.7 Effects on Historic Environment	SHH has noted the ExQs. Many of these points are addressed in SHH 55 Response to ES Chapter 13 Historic Environment REP4-030 and Tables REP4-067.	
13.8 'Less than substantial harm' and the planning balance	Both SHH and SCDC agree that the effects on historical assets will be 'at the upper end of less than substantial harm'. All harm to historic assets has to be given considerable weight and insofar as this assessment places harm at the upper rather than lower end of less than substantial, that difference must be given due weight.	

<p>21.16 Water quality assessment</p>	<p>There is a further point not discussed at ISH 3. The Applicant needs to deal with water quality changes that will arise from the early implementation of the Waterbeach pipeline, which once connected to the existing works, will add immediately to the treated discharges from the existing WRC. To that extent, the water quality impacts should be addressed in the Interim Revised Effluent Permit, which makes the water quality assessment for both the Final Permit and the Interim Revised Permit, part of the consideration of the DCO.</p> <p>To put this issue into perspective, SHH presents some trial calculations in Appendix A to this submission. The calculations indicate that the Applicant may need an increase of the order of at least 20% in permitted Dry Weather Flow merely to meet the current loads on the existing WRC. The increase would reduce the dilution ratio at the current outfall because there will be less river flow in comparison with effluent. At Q95 (representing low flow in the River Cam), an increase in effluent discharge from 37,330 m³/d to 45,000 m³/d would increase the ratio of effluent to river flow from 0.91:1 to 1.09:1. The closure of Waterbeach WRC and transfer of all its effluent to the existing Cambridge WRC would increase the DWF into the River Cam by around a further 3%. If the Applicant is to hold to the commitment that there will be “..no deterioration of river water quality” (ES Chap 20, Water Resources Assessment paras 3.2.3 and 4.2.7, REP4-036), it follows that the concentrations under DWF conditions in the Interim case may have to be reduced to some value below an upper bound (i.e. maximum) of around 75-80% of the current permit limits given in Table 4-1 (REP4-36) i.e. 0.75-0.8 mg/l in the case of phosphorous.</p> <p>The Environment Agency will use its own methodology and criteria to determine the permit application and will have access to actual data on water quality and flows. The Applicant and the Environment Agency should be asked to confirm that whatever interim DWF case and permit limits are under consideration for the interim case, they are achievable at the existing WRC and if their conclusion is sensitive to the extra load from closure and transfer of the Waterbeach WRC.</p> <p>A second point is that the proposed closure of the Waterbeach WRC will increase the storm discharge from the existing Cambridge WRC. Although the Flood Risk Assessment (APP-161) has not been replaced (as ExQ notes), the ES Chap 20 and supporting Appendices do not contain any discussion of the potential impact of the extra flows or a justification of whether they can be ignored from more detailed analysis.</p>	
---------------------------------------	--	--

Appendix A: SHH Trial Calculations on Water Quality under the Interim Permit Case

Table 4-1 of the ES Chapter 20 (REP4-036) gives values for permitted DWF in Phase 1 and Phase 2 as 53,862 m³/d and 57,280 m³/d respectively. The Phases relate to WRC capacities of 275,000PE and 300,000PE. Assuming these values are linearly related (in the absence of any information to the contrary) a simple graph can be prepared as shown in Figure A1.

By inspection:

- 1) Extrapolating to the current permitted DWF discharge as 37,330 m³/d as stated in para 3.1.21 (REP4-036) suggests that limit might be exceeded once the load exceeded 165,000PE; a value consonant with the consented DWF being exceeded in the years 2015 to 2020 as noted by the Environment Agency (more recent data has not been examined by SHH).
- 2) At the reported current load of around 216,000PE, the DWF required would be around 45,000 m³/d; a value similar to the current discharge volume of 44,851m³ /d given in 2020 as reported in para 2.2 of ES Volume 4 Chapter 20 Appendix 20.11 [APP-161].

45,000 m³/d equates to an increase of 20.5 % above the current permit value.

Waterbeach WRC is understood to be currently operating at around 6490 PE. This represents a value around 3% of the current load at Cambridge WRC (around 216,000 PE)

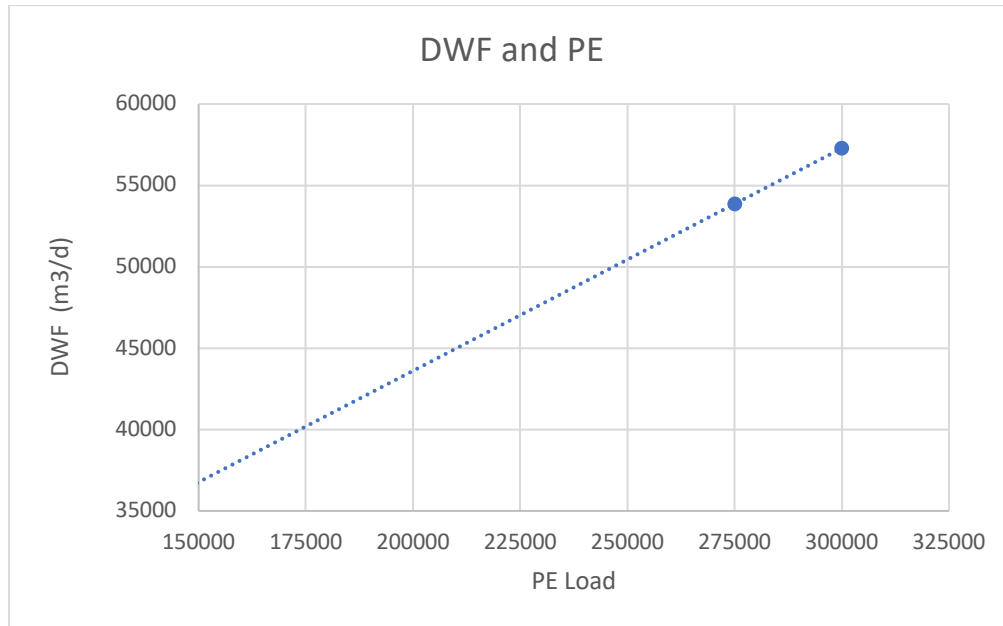


Figure A1 Dry Weather Flow (DWF) and Treatment Load (PE)