

Cambridge City Council

Responses to the Examining Authority's second written questions and requests for information (ExQ2)

Application by Anglian Water Limited for an Order Granting Development Consent for the Cambridge Waste Water Treatment Plant Relocation project (CWWTPR) (ref: WW010003)

Deadline 5

19 February 2024



Response to ExA's Second Written Questions (ExQ2)

This document sets out the response to the Examining Authority (ExA)'s Second Written Questions and requests for information (ExQ2) by Cambridge City Council (CCC). The table below sets out the topic, question number and CCC's response.

Q.no	Directed to	Question	CCC Response
1. GENERAL AND CROSS-TOPIC QUESTIONS			
1.2	Applicant, IPs	<p>Policy The National Planning Policy Framework was revised on 19 December 2023. Do you consider this to have any implications for the application?</p>	<p>The revised NPPF at paragraph 145 amends the approach to Green Belt review through plan making. The previous NPPF required consideration of whether exceptional circumstances existed that justified revising boundaries when preparing a local plan. The revised NPPF in this paragraph states now that there is <i>'no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated'</i> (our underlining). The earlier NPPF by contrast stated at para 142 that <i>"strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green</i></p>

			<p><i>Belt or towards locations beyond the outer Green Belt boundary”. However, the updated 2023 NPPF also confirms that ‘Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process’.</i></p> <p>SCDC and CCC will have to consider any implications of this change to the NPPF for the GCLP as it moves forward. However, it is not apparent that the changes (i.e. that there is no requirement to review or change Green Belt but leaving this as an option) would objectively alter the Councils’ position. It would be difficult to envisage, given the constraints around Cambridge, circumstances where consideration of options for a sustainable development strategy for Greater Cambridge would not involve consideration of the merits of an option involving release of Green Belt land on the edge of Cambridge, and whether justification for such release by way of any exceptional circumstances exist. This would, in particular, need to involve taking full account of the high level of the assessed need for jobs and homes. As such the Councils’ approach as presented to ISH3 and set</p>
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			<p>out in the post hearing written submissions still remains appropriate and relevant.</p> <p>SCDC and CCC also note that Government published Strengthening Planning Policy for Brownfield Development on 13 February 2024 for consultation (Strengthening planning policy for brownfield development - GOV.UK (www.gov.uk)). The document sets out how planning support for brownfield development can be supported and incentivised through changes to national planning policy. Changes to the NPPF are proposed “to make clear that when considering planning applications, local planning authorities should give significant weight to the benefits of delivering as many homes as possible, especially where this involves land which is previously developed”. This would strengthen the existing emphasis on making as “much use as possible of previously-developed or ‘brownfield’ land” (NPPF para 123) and gives even greater national planning policy support to enabling and bringing forward the regeneration of the NEC area through the relocation of the CWWTP.</p>
1.7	Cambridge City Council (CCC)	<p>Local Impact Report (LIR) Please clarify whether the number ‘325’ presented in para 6.99 of your LIR [REP2-043]</p>	<p>This question raises implications for both the SCDC and CCC LIRs.</p>

		<p>should instead reflect the number '1,425' presented in para 6.35?</p>	<p>The ExA is correct in that the figures referred to in this section relating to the number of homes that could come forward if the CWWTP remains in situ in both the SCDC and CCC LIRs should be the same at 1,425 homes. On further consideration of the text at paragraph 6.99 however both SCDC and CCC agree that other text is in fact unclear and potentially misleading in its reference to “ c. 1,100 dwellings proposed by the NECAAP for the sites surrounding the CWWTP” not being “deliverable because of the odour impacts” and the paragraph should be simplified. It is proposed to delete unnecessary text in paragraph 6.99 and add new text at para 6.34 where the NEC proposals are initially addressed, to explain the distribution of homes more clearly with the addition of a new map.</p> <p>SCDC and CCC therefore confirm that para 6.99 of both the amended CCC LIR the amended SCDC LIR, should be amended as follows (note that the SCDC LIR already includes the updated figure of 1,425):</p> <p>“6.99 As detailed previously, the existing CWWTP constrains the types of development that would be considered acceptable in the surrounding area due to the odour impact emanating from the operation of the plant. Should the CWWTP remain in situ, this would limit development on the surrounding land affected by the odour extents to</p>
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			<p>less sensitive uses such as industrial and, where a higher amenity can be achieved, office and other commercial uses. As a result, c. 1,100 dwellings proposed by the NECAAP for the sites surrounding the CWWTP would not be deliverable because of the odour impacts. Only sites located outside of the odour extents would be capable of supporting new residential development – this would amount to some 325 <u>1,425</u> dwellings across NEC at most (see Map 1 above). However, in the absence of the regeneration of the wider NEC area and the provision of a higher quality environment, it is uncertain whether the landowners would continue to support residential development in favour of other more suitable uses such as office and lab space.”</p> <p>SCDC and CCC also propose that further text be included at paragraph 6.34 of both LIRs where the issue of dwelling numbers is first addressed, to explain the distribution and breakdown of the 8,350 homes allocated in the NECAAP, and in particular to clarify how many homes are assumed on the CWWTP site itself and the adjoining City Council owned land. It also clarifies the number of homes that are enabled by the relocation of the CWWTP. A new Map 0 is proposed to illustrate the distribution of homes. The changes proposed are as follows:</p>
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		<p>“6.34 The vast majority of the proposed allocation of 8,350 dwellings in the NECAAP are constrained by the presence of the CWWTP. <u>There are a total of 6,925 homes within the odour contours that would be enabled by the relocation of the CWWTP.</u> The areas identified for residential development are shown on the land use plan in the NECAAP as Figure 11 [Appendix 1 GCSP-7]. <u>The NEC Typologies Study and Development Capacity Assessment (December 2021) [Appendix 1, GCSP- 19] includes Appendix A: Site Assessment Table that sets out the land parcels proposed for new homes. The distribution of housing is also shown on Map 0 below for completeness. The CWWTP site itself would accommodate 3,700 homes, whilst the adjoining land owned by the City Council would accommodate 1,800 homes, such that land being brought forward jointly by the Applicant and the City Council would deliver a total of 5,500 homes.</u> The latest information on the area constrained by the odour contours as it affects the CWWTP is the Odour impact assessment for Cambridge Water Recycling Centre October 2018 [Appendix 1, GCSP-20] together with the December 2020 Addendum Report – Updated odour dispersion modelling for Cambridge Water Recycling Centre [Appendix 1, GCSP-20a], which is evidence prepared to support the NECAAP and refines the 400m consultation area in the Minerals and Waste Local Plan 2021, Policy 16 [Appendix 1 no.41].</p>
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			<p>Odour contours C98, 1-hour = 3, 5 and 6 ouE/m³ are identified as areas where residential development would be at risk of odour impact. The odour contours as they were in 2016 are shown in Fig 10 of the 2018 report [Appendix 1, GCSP-20]. The contours in Figure 1 of the Addendum Report – Updated odour dispersion modelling for Cambridge Water Recycling Centre [Appendix 1, GCSP-20a] are for 2013 and were a worst-case scenario and cover a slightly smaller area in the updated modelling. Under either scenario, the majority of the NEC area where residential development is envisaged in the NECAAP lies within the odour contours. <u>A further 1,425 homes are allocated on land lying within the odour contours that would be enabled by the relocation of the CWWTP (Cowley Road Industrial Estate - 450; Chesterton Sidings (part) – 350; Cambridge Business Park – 500; and Merlin Place – 125 homes (noting that planning permission was granted for Merlin Place, subject to a S106 agreement, at the Joint Development Control Committee on the 24th January 2024 for employment development rather than residential)).</u></p> <p>A new Map, “Map 0”, appended to this document is proposed to be included below, which shows the distribution of all the allocated homes more explicitly.</p>
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			For completeness SCDC and CCC request that a further amended version of their LIRs be allowed to be submitted that incorporates these changes.
2. PRINCIPLE (INCLUDING POLICY AND LEGISLATIVE CONTEXT, NEED AND ALTERNATIVES) 3. AGRICULTURAL LAND AND SOILS 4. AIR QUALITY 5. BIODIVERSITY			
N/A			
6. CARBON EMISSIONS AND CLIMATE CHANGE MITIGATION AND ADAPTATION			
6.4	CCoC, SCDC, CCC	D4 updates Do you consider that the updates to ES Chapter 10 [REP4-026], the outline Carbon Management Plan (oCMP) [REP4-064] and provision of the Design Code [REP4-085] adequately assess the impacts from carbon emissions and sufficiently capture the proposed mitigation measures, including monitoring and reporting? Please set out clearly any outstanding concerns or comments regarding the aforementioned documents, with justification for this and suggested solutions.	CCC consider there still to be some gaps in the carbon emissions and mitigating measures set out in the outline Carbon Management Plan but recognises that this is due to the difficulty in quantifying carbon emissions and appropriate mitigating measures when there are still a number of assumptions and possible outcomes for the project. Section 3.7 of the Design Code [REP4-085] addresses these issues and although this is light on detail, the code commits to transparent engagement with various stakeholders at key milestones. As such SCDC and CCC's concerns are met although it will be important that the additional 15% 'aspirational' carbon reduction becomes an achievable target as the project progresses through the various milestones set out in the Design Code.

7. COMMUNITY			
7.8	Applicant, CCC, SCDC	<p>To CCC and SCDC: a) SCDC's comment at point 17 of [REP3-060] (CCC has made the same comment) questions links with Wisbech College rather than other more local / sustainable institutions, such as the Cambridge Regional College. The Applicant has provided an explanation for this at [REP4-086]. Are you happy with these arrangements in light of this explanation?</p>	<p>SCDC and CCC considers there still to be some gaps in the carbon emissions and mitigating measures set out in the outline Carbon Management Plan but recognises that this is due to the difficulty in quantifying carbon emissions and appropriate mitigating measures when there are still a number of assumptions and possible outcomes for the project. Section 3.7 of the Design Code [REP4-085] addresses these issues and although this is light on detail, the code commits to transparent engagement with various stakeholders at key milestones. As such SCDC and CCC's concerns are met although it will be important that the additional 15% 'aspirational' carbon reduction becomes an achievable target as the project progresses through the various milestones set out in the Design Code.</p>
8. COMPULSORY ACQUISITION (CA) AND TEMPORARY POSSESSION (TP)			
8.13	Applicant, CCC,	Funding	

	SCDC	Please provide an update regarding how the identified shortfall in funding for the proposed WWTP would be met, and if not yet determined, the likelihood of this happening before the close of the Examination.	The City Council in its landowner capacity has separate legal representation to its other statutory capacities. The City Council as landowner will respond to this matter separately through the Applicant.
9. DESIGN			
9.1	CCoC, SCDC, CCC, any other IPs	Design Code Please confirm whether you are satisfied with the submitted Design Code [REP4-085], and if not, set out the reasons for this.	CCC is generally satisfied with the Design Code. However CCC question the limits of LAN.04 requiring ONLY UK native species. Considering the changing climate and requirements of BNG, diversification may be necessary, straying from strictly native species to naturalised or naturalising species.
10. DRAFT DEVELOPMENT CONSENT ORDER (dDCO)			
11. GREEN BELT			
N/A			
12. HEALTH			
12.2	Applicant, CCC, SCDC	Mental Wellbeing Impact Assessment The Applicant has prepared a Mental Wellbeing Impact Assessment (MWIA) [AS-	CCC are satisfied with the mitigations in respect of mental health impacts being secured by way of

		<p>077] which does not identify potential significant effects that require further MWIA.</p> <p>To CCC and SCDC: Are you satisfied with mitigation measures in relation to potential mental health impacts being secured by way of the CoCP Parts A and B [REP3-026 and REP3-028] and the Community Liaison Plan [AS-132]? If not, please suggest how the mitigation measures should be secured.</p>	<p>the CoCP Parts A and B [REP3-026 and REP3-028] and the Community Liaison Plan [AS-132].</p>
<p>12.3</p>	<p>CCC, SCDC</p>	<p>Equality – Gypsies, Roma, Travellers</p> <p>In its response to ExQ1.12.6 [REP1-079] the Applicant states that it was advised to communicate with the Gypsy, Roma and Traveller population via the Traveller Liaison Officer.</p> <p>a) Is the Traveller Liaison Officer (TLO) a Council employee? b) Could the TLO confirm that consultation has been undertaken on behalf of the Applicant and whether or not any feedback was given by the Gypsy, Roma and Traveller population? c) Should future consultation / liaison with the Gypsy, Roma and Traveller population be carried out via the TLO?</p>	<p>a) Yes b) Yes, consultation has been undertaken on behalf of the Applicant however feedback has been very low. c) Yes d) Additional leaflets or imagery should be distributed.</p>

		d) To address the comments at 12.27, 12.28 and 12.30 of CCC's LIR [REP2-043], what measures should be included in the CLP?	
13. HISTORIC ENVIRONMENT 14. LANDSCAPE AND VISUAL 15. LAND QUALITY 16. MAJOR ACCIDENTS AND DISASTERS 17. MATERIAL RESOURCES AND WASTE			
N/A			
18. NOISE AND VIBRATION			
18.1	Applicant, CCC, SCDC	Assessment - residential receptor sensitivity a) Given that the extent of impacts from noise are based on a comparison of the potential noise impact compared to the existing noise baseline, and the significance of impact also assessed in relation to the LOAEL and SOAEL (and given that the proposed mitigation measures respond to the assessment findings), to what extent would reclassifying residential receptors as 'high sensitivity' rather than 'medium sensitivity' have on the findings in the ES?	a) Cambridge City Council would expect to see residential receptors to be classified as "high sensitivity". However, in this case, and from a CCC perspective, there would be little change to any conclusions as a result of changing residential receptor sensitivity from medium to high. We are aware of a row of 3 cottages in the immediate vicinity (and as we understand, these are owned by the applicant) which are already exposed to moderately high levels of commercial and industrial noise due to their locality . Aside from this, the nearest residential receptors within the administrative

		<p>b) How would a reclassification of residential receptors to high sensitivity affect the findings of the ES regarding vibration?</p>	<p>boundary of Cambridge City Council are >250m away from the decommissioning work. This is a significant distance and any residents at this distance are unlikely to be adversely impacted by noise from the decommissioning work with or without noise mitigation in place.</p> <p>With regard to the aforementioned cottages, these are located in an existing commercial / industrial area where the existing noise levels are moderately high. It is our view that the basic and secondary noise mitigation already proposed by the applicant is enough to adequately protect any residents within those cottages whether they are classified as high or medium sensitivity. That said, the City Council would anticipate that the Applicant would use of Best Practicable Means (BPM) at all times.</p> <p>b) Reclassifying residential receptors from medium to high sensitivity will have no impacts on the City Council's previous comments regarding vibration. We have no particular concerns about vibration impacts at residential premises as a result of decommissioning due to the nature of the works proposed (largely above ground) and the distances involved between the activities and the nearest residential receptors. In addition, the number of heavy-duty vehicle</p>
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			movements resulting from the decommissioning work is anticipated to be approximately equal to the existing scenario.
18.5	CCC	<p>Mitigation</p> <p>Within written summary of oral submissions made at ISH3 [REP4-090], you state on p12/13 that commitments made regarding noise and vibration need to be reproduced / expanded upon within the CEMP. Do consider that the draft CEMP [AS-057] needs to be updated prior to the close of the Examination, or would this information be sufficiently secured through R9 of the dDCO (provision of a detailed CEMP)? If you consider that the draft CEMP [AS-057] needs to be updated, please provide suggested wording for updates as appropriate.</p>	<p>CCC does not consider the draft CEMP needs to be updated prior to the close of the Examination. It is normal practice for the City Council to review and recommend approval of a CEMP prior to the commencement of development and this approach is reflected in the terms of the dDCO in that CCoC as the relevant planning authority would consult CCC.</p>
18.6	CCC	<p>Monitoring and mitigation</p> <p>Para 8.19 of your LIR [REP2-043] suggests that the CEMP or alternatively a separate requirement imposed through the dDCO should be included to ensure that any adverse construction and decommissioning noise impacts would be mitigated and minimised to an acceptable level. Do you still consider this to be necessary? If so, please identify where</p>	<p>CCC have no comment to make on the potential construction impacts. This will be more for our counterparts at South Cambridgeshire District Council to respond to.</p> <p>CCC acknowledge that various Chapters of the ES, the Code of Construction Practice and Outline Decommissioning Plan contain various details on</p>

		<p>the existing dDCO and supporting documents fail in your view to adequately mitigate construction and decommissioning noise impacts and provide further justification for this stance.</p>	<p>mitigation measures for the various environmental topics (including noise, vibration, odour, air quality / dust). In the round, CCC considers these are adequate in principle as generic mitigation proposals albeit they are spread over various chapters and documents and based on early design of the work. The CEMP should aim to bring all this together as one single, easy-to-reference document homing in on the finer details when the final design / work package for the decommissioning work is known. At present, CCC have no single robust Environmental Management Plan. These are usually provided at a later stage (but prior to commencement of works) and written / produced by the contractors when all site details have been finalised. A CEMP would usually include (but not be limited to) contractor details and contacts, site roles and responsibilities (personnel), general site management and environmental management, control, monitoring and mitigation for specific activities, work areas, site compounds, vehicle movements, site hours etc alongside details of neighbour liaison and complaints handling. In addition, the CEMP is not specific to noise and vibration, rather it is there to demonstrate best practice and management and control of all relevant environmental factors that may impact on neighbours.</p> <p>In this case, we have not suggested that a CEMP be required due to the commitment made by the</p>
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			<p>Applicant in the DCO submissions to provide one, but we consider that it is sensible, appropriate and best practice for one to be provided for approval prior to the commencement of the decommissioning work.</p> <p>Any CEMP should build on the detail provided within the ES and CoCP to provide a final / confirmed scheme of control, mitigation and management when the final design and requirements of the decommissioning work are known /confirmed. The CEMP then presents this in one single easy-to-reference document that will act as the primary “go-to” if complaints arise. We would usually expect to see a CEMP provided for any larger development irrespective of what detail has already been provided. If one is not submitted with an application for a larger development, we would usually ensure that one is secured through an appropriate planning condition.</p>
19. ODOUR			
19.3	CCC	Securing mitigation	
		<p>Within your written summary of oral submissions made at ISH3 [REP4-090], you state on page 15 that odour mitigation commitments should be reproduced and built upon where necessary and</p>	<p>CCC does not consider the draft CEMP needs to be updated prior to the close of the Examination. It is usual for CCC to review and recommend approval of a CEMP prior to the commencement of development.</p>

		<p>appropriate within the CEMP. Do you consider that the draft CEMP [AS-057] needs to be updated prior to the close of the Examination, or would this information be sufficiently secured through R9 of the dDCO (provision of a detailed CEMP)? If you consider that the draft CEMP [AS-057] needs to be updated, please provide suggested wording for updates as appropriate.</p>	
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Appendix 1: Map 0

