

Date: 19 February 2024
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Your ref: WW010003
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BY EMAIL ONLY

Dear Sir / Madam

NSIP Reference Name / Code: WW010003 Cambridge Waste Water Treatment Plant Relocation Project
User Code: 20041036

Title: Response to the Examining Authority's second written questions

Examining Authority's submission deadline 5 (D5) with a date of 19 February 2024

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

For any further advice on this consultation please contact the case officer Catherine Duerden via email at [REDACTED]@naturalengland.org.uk and copy to consultations@naturalengland.org.uk.

Yours faithfully

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Natural England’s response to the Examining Authority’s (ExA’s) second written questions (ExQ2) with a deadline of 19 February 2024

Natural England’s ExQ2 Responses, Table 1

Table 1: Natural England’s response to Examiner’s second questions			
ExA question ref	Question addressed to	Question	Answer
ExQ2.3.1	Natural England (NE)	<p>Soil management</p> <p>Further to your concerns regarding the outline Soil Management Plan (oSMP), including around the management of peat soils, are you satisfied that the revised version [REP1-033] has addressed your concerns? If not, please explain the reasons why.</p>	<p>Natural England has engaged with the applicant about the oSMP and agreed some clarifications and changes that should be made to this document. We are hopeful that a new revised version will be submitted at Deadline 5, although we have not yet seen this revised version.</p> <p>A key request was to outline the process going forward relating to Agricultural Land Classification and peat distribution surveys of the full scheme area. It was stated in the response to our Relevant Representations that these surveys would take place, but the oSMP itself [REP1-033] did not make this clear. If the changes we recently agreed with the Applicant have been submitted, this issue will be resolved. We will provide an update following Deadline 5 to confirm.</p>
ExQ2.5.1	NE, CCoC	<p>Monitoring and mitigation</p> <p>Are you satisfied that the application documents, (including the Construction Environmental Management Plan (CEMP) [AS-057], Commitments Register [REP1-057], Lighting Design Strategy [REP4-048] and Outline Water Quality Monitoring Plan [REP2-028]) would secure adequate ecological mitigation measures? If not, please explain the reasons for this and any changes you would wish to see.</p>	<p>Draft CEMP [AS-057] We accept the Applicant’s Response [REP2-037] to our ExQ1 answer about the Draft CEMP (Table 2-2, Ref 5.14). As this is a blank template, we have nothing more to say about this document.</p> <p>Commitments Register [REP1-057] Natural England is generally satisfied with the Commitments Register but defer to CCoC and SCDC for comment on protected species mitigation and monitoring.</p> <p>Lighting Design Strategy [REP4-048] Natural England defers to CCoC and SCDC ecologists for comment on this strategy.</p> <p>Outline Water Quality Monitoring Plan (oWQMP) [REP2-028] Natural England have been engaging with the Applicant about the oWQMP and expect to see an updated version submitted at Deadline 5. See ExQ2.21.6 for more information.</p>

Table 1: Natural England's response to Examiner's second questions			
ExA question ref	Question addressed to	Question	Answer
ExQ2.5.5	NE	<p>Recreational impacts on Stow-cum-Quy Fen SSSI</p> <p>Please confirm your position regarding the potential for increased recreational pressure on Stow-cum-Quy Fen SSSI and reasons for this, noting that the Initial Principal Areas of Disagreement Document [REP4-076] indicates your satisfaction with the matter on page 12.</p>	<p>Please note that the words referred to in the 'Comment' column on page 12 of the Initial Principal Areas of Disagreement Document [REP4-076] are not Natural England's words, and are in contrast to the view expressed in the Statement of Common Ground [REP3-046] on Visitor Pressure which begins 'It is not yet agreed that...'. We still do not agree with the statement that 'Proposed measures for mitigation including signage/interpretation and alternative walking routes will effectively mitigate all the effects of additional development and make a significant contribution to existing pressures.' We do however generally agree with the 'Applicant's view' column on the same matter [REP4-076], that 'this can be monitored and managed with the use of an Advisory Group that includes other stakeholders and developers for the area.'</p> <p>Reasons for concern about recreational pressure are because the designated features of Stow-cum-Quy SSSI are vulnerable 'floristically rich grassland' (both 'lowland calcareous' and 'lowland neutral') and 'pools supporting a range of aquatic plants'. Recreational disturbance is listed as a pressure for all three features, with threats including trampling and compacting areas of most floristic diversity, dog fouling causing eutrophication, and erosion of pond banks (from people and animal access) causing more sediment burden in the water which could increase turbidity and affect plant growth. These notes cannot act as a baseline, hence the need for a proper scientifically-designed evidence gathering exercise by experts in that topic.</p> <p>Since our SoCG was last submitted the situation has progressed positively. We thank the Applicant for convening the first meeting of the 'Combined Recreational Group' (which is separate from the LERMP 'Advisory Group') on 24 January 2024. The group can now work on this matter in the longer-term, outside of the DCO, to address the potential impacts in collaboration with developers. We see the initial focus of the group being to establish a baseline from which to monitor future impacts and that this requires a specialist to conduct a study to approved methodology and best practice. The group should therefore agree a brief and send out to tender for an expert in recreational pressure. Once quotes are</p>

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			<p>received, it can then be agreed how to divide costs between AW and developers, and how this can be secured, potentially through s.106 agreement(s).</p> <p>Natural England's remaining outstanding issue regarding Recreational Pressure within the DCO is that we still disagree with the conclusion of the Environmental Statement (paragraph 4.3.12 onwards of 5.2.8 ES Chapter 8 Biodiversity) and require wording to be added to resolve this.</p> <p>Our position is that, based on the limited ES baseline data and assessment, a precautionary approach should be adopted and the ES and/or the LERMP should be amended to finally acknowledge that there could be off-site impacts to the SSSI and local wildlife sites – albeit in combination with significant level of new housing development. Our advice is that the ES / LERMP should broadly set out a commitment to addressing this in combination matter through a partnership approach with the housing developers, in liaison with The National Trust, Natural England, Quy Fen Trustees, The Wildlife Trust, CCoC and the SCDC.</p> <p>See our answer to ExQ2.5.10 for more on this.</p>
ExQ2.5.10	Applicant, NE, SCDC	<p>LERMP and wider connectivity Please provide an update on any progression regarding the wording and scope of the LERMP [REP4-056] in respect of wider connectivity concerns and on-going management measures for protected species.</p>	<p>Now that the 'Combined Recreational Group' (CRG) has been established, we have asked that this new group is referred to in the LERMP and/or the Environmental Statement, to acknowledge it exists and its broad purpose to address the uncertainties around this issue.</p> <p>We initially suggested that wording could be along the lines of 'A Combined Recreational Group (CRG) was established in January 2024 which is committed to addressing potential off-site impacts to the SSSI and local wildlife sites from the project, and significant new housing development, through a partnership approach with the housing developers, in liaison with NE, NT, WT and others'. We would urge the Applicant to consider taking this approach to help resolve this outstanding matter.</p> <p>The Applicant has instead indicated that the CRG is independent of the Applicant and the proposed development, so they believe there is a problem with including</p>

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			<p>Natural England's suggested wording into the ES or LERMP. They state that a separate section 106 agreement would instead be sufficient.</p> <p>We agree that a s.106 agreement would be needed to secure the actual details, but we disagree that the issue is entirely independent of the Applicant and the proposed development. This was acknowledged by the Applicant in their proposed response to ExQ2 questions 5.3-5.7 and 5.9, which we have highlighted to them, 'that the provision of the proposed bridleway could have the potential to act as a conduit for additional recreational users', therefore the matter being addressed by the CRG is not entirely independent.</p> <p>A key issue for Natural England is that we still disagree with the conclusion of the ES (paragraph 4.3.12 onwards of 5.2.8 ES Chapter 8 Biodiversity) - there remains significant uncertainty with regard to the magnitude of adverse recreational pressure impacts based on the visitor survey evidence presented within the ES. It is this uncertainty that we need to see reflected in the ES and/or the LERMP, alongside a commitment to address this through a strategic partnership approach via the CRG.</p> <p>The Applicant's proposed response to ExQ2 questions 5.3-5.7 and 5.9, included wording which we informed them would be suitable to include in 5.2.8 ES Chapter 8 Biodiversity, after paragraph 4.3.18. The wording would sufficiently explain the situation without tying the Applicant into exact details, which the s.106 would be used for. We therefore believe this wording should not cause a problem for the Applicant and would resolve our dispute about the Recreational Pressure issue.</p> <p>As it appears we remain in disagreement on this matter, we leave it to the Examiner's discretion as to whether further action is needed.</p> <p>The wording, as taken directly from sections of the Applicant's proposed response to ExQ2 questions 5.3-5.7 and 5.9 was as follows, although may require alterations:</p>

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			<p><i>The Applicant acknowledges that the provision of the proposed bridleway could have the potential to act as a conduit for additional recreational users as new housing in North and East Cambridge is delivered in the future.</i></p> <p><i>The Applicant recognises that there is uncertainty in respect of these impacts, and proposes that they are best addressed at the strategic level, through engagement with all relevant stakeholders, including the promoters of potential housing developments being identified through the emerging local plan process. To that end it proposes that a Combined Recreational Group (CRG) should be formed to manage this risk. This CRG would be entirely independent of the Applicant and the Proposed Development. However, in recognition of the potential uncertainty, the Applicant considers that it would be appropriate to contribute towards the establishment and operation of this group.</i></p> <p><i>The Advisory Group referred to in the LERMP will not review potential recreational pressure impacts on Stow-cum Quy Fen SSSI. This is not the purpose of the LERMP Advisory Group.</i></p> <p><i>The Applicant convened the first meeting of a wider area group (known as the "Combined Recreational Group" on 24 January 2024. The operation of this group is not directly linked to the proposed development but recognises the wider regional pressures on sites such as Stow cum Quy SSSI, and that they may be subject to increased user pressure in the future as a result of strategic housing growth in the wider area. The members of the group are: The Applicant, The National Trust, Natural England, Quy Fen Trustees, Marshall Properties Group, The Wildlife Trust, and Cambridgeshire County Council. It has also been agreed to include Cambridge Past Present and Future (CPPF) and the Cambridge Local Access Forum in the future.</i></p> <p><i>The Applicant is in discussion on an appropriate level of contribution to make towards the establishment and governance structures of this group, which will be secured through s.106 agreement.</i></p>

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			----- Regarding protected species, the updated Outline Outfall Management and Monitoring Plan [REP4-060] and BNG Assessment Report [REP4-054] which were submitted at Deadline 4 now clarify matters in relation to the reedbed habitat creation, management and monitoring which we previously queried. We now consider this, along with the future water vole licence, to be sufficient, so we do not require further wording to be added to the LERMP regarding water voles. We defer to CCoC and SCDC for comment on this matter and in relation to other protected species.
ExQ2.5.12	NE	Outline water quality monitoring plan Has the updated outline water quality monitoring plan [REP2-028] addressed your concerns regarding the impacts on designated sites through increased flood levels and mitigating impacts on Wilbraham Fen SSSI?	Natural England does not have any unresolved concerns regarding the impacts on designated sites through increased flood levels and mitigating impacts on Wilbraham Fen SSSI. If there are concerns during post construction, we will comment and request further monitoring at that time, as invited by the Applicant.
ExQ2.5.16	EA, NE, CCoC, SCDC	Reedbed Please confirm whether you still consider the introduction of a reedbed system at the proposed outfall necessary (noting that it is the Applicant's stance that it would not be feasible owing to permanent changes to the existing public right of way and existing ditch, and that the sizing of a reedbed to offer meaningful energy dissipation and water treatment function for the size of the catchment area would	Natural England is disappointed that this opportunity has not been realised, but accepts the Applicant's reasoning as explained in REP1-078. The updated Outline Outfall Management and Monitoring Plan [REP4-060] and BNG Assessment Report [REP4-054] which were submitted at Deadline 4 also now clarify matters in relation to the reedbed habitat creation, management and monitoring which we previously queried. We defer to EA, CCoC and SCDC for any further comments and whether any additional BNG information relating to reedbeds is required.

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		be in the order of 90 hectares [REP1-078]).	
ExQ2.5.29	NE	<p>Bats</p> <p>Do you consider that the information supplied is sufficient to determine the effect of the Proposed Development on populations of barbastelle bat for the purposes of the Environmental Impact Assessment? If not, what additional information do you consider is required? Please refer to comments from Chris Smith [RR-083, REP2-071 and REP4-098] in answering these questions.</p>	<p>Natural England's Wildlife Licencing Team have issued a Letter of No Impediment (LONI) in relation to bat licencing. The LONI does request changes to the method statement prior to formal licence submission, however these are minor clarifications and do not relate to the matters raised in the comments from Mr Smith. We understand the points made in these submissions [RR-083, REP2-071 and REP4-098], but consider the information supplied to be sufficient regarding barbastelle bats, as covered in our response to ExQ1.5.60. The updated HRA [REP2-024] also addresses this.</p> <p>We defer to CCoC and SCDC for comment on this matter in relation to bats not associated with Eversden and Wimpole Woods SAC.</p>
ExQ2.15.3	NE	<p>Soil management</p> <p>Does the Applicant's response to your RR [RR-015] on p187/8 [REP1-078] regarding details of soil profiles and soil balance being contained within the LERMP satisfactorily address your concerns, including those contained within Appendix 1 of your RR? If not, please provide further justification.</p>	<p>Yes, we understand that the detailed LERMP will contain the information about soil profiles and soil balance that we have requested. The soil management plans which will be produced before each stage will also contain some of the details that are not yet available.</p> <p>We are just awaiting sight of an updated oSMP which should address any remaining concerns from Appendix 1 of our Relevant Representation. See our answer to ExQ2.3.1 for more on this.</p>
ExQ2.21.6	National Trust, NE, CCoC	<p>Outline water quality monitoring plan</p> <p>Do you consider that the outline water quality monitoring plan [REP2-028] sufficiently addresses your concerns regarding dewatering, contamination, monitoring and impacts on downstream</p>	<p>Natural England has been engaging with the Applicant about the oWQMP.</p> <p>We have recently agreed that post-construction water level monitoring at Black Ditch will be included in an updated oWQMP. The water level monitoring is to take place at the same time as the water quality monitoring - this will not require any extra resource and will give context to the water quality results.</p>

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		ecological receptors? If not, please set out clearly why you consider this to be the case and any suggested amendments to the document with justification.	<p>If there are concerns during post construction, we will comment and request further monitoring at that time, as invited by the Applicant.</p> <p>We also recently noticed a discrepancy between the timings specified in points 2.1.2 and 2.2.2 of the oWQMP. Our preference is for 2.1.2 to be correct. We have queried this with the Applicant, and we hope it will be corrected or clarified (if the statements relate to two different things) in an updated oWQMP.</p> <p>We hope the updated oWQMP will be submitted at Deadline 5, but have not yet seen the document so will provide further comment once it is available.</p>
ExQ2.21.7	NE	<p>Outline water quality monitoring plan [REP2-028]</p> <p>Do you still have concerns regarding groundwater protection and impacts on highly stressed water resources? If so, please set out clearly why this is, and if possible, provide solutions which would in your view address these concerns.</p>	Natural England does not have any unresolved concerns about this in relation to the CWWTPR DCO. The Applicant's response to ExQ1.21.58 [REP1-079] explains solutions regarding this matter and we have no comments to make.

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