

**CWWTPR DCO Examination**

SHH 62

**Submission by Save Honey Hill Group****ISH4 – Draft DCO and Environmental Matters, 13 and 14 March 2024: Written Summary of Oral Submissions****2 April 2024****Introduction**

This note summarises oral submissions made by Ian Gilder for SHH at the ISH4 Hearing on 13 and 14 March 2024.

**Agenda Item 2: Draft DCO****2.1 Article 6(g)(i) and scope of outfall limits of deviation**

‘Relevant sections’ in APP-027, 4.13.4 and 4.13.5 show top of outfall structure at 4.3m AOD. Article 6(g)(i) allows 0.5m upward deviation from this. SHH still considers this to be excessive and maximum height should be set at no more than 4.5m AOD, ie upward deviation of 0.2m. This should be same as in Schedule 14 Part 21.

**2.2 Waterbeach Pipeline South**

SHH believes the Waterbeach Pipeline South is not ‘conveyance to the project’ as referred to in the s35 letter. ISH4 is to our knowledge the first occasion on which the Applicant has suggested it might, for a few weeks, be connected to the inlet to the transfer tunnel with treatment taking place at the new works.

**2.3 Schedule 1 Work No 3 Parking, Work 19 Gateway Building and Workshop.**

Note that Applicant will relabel this as ‘visitor parking’. The overall provision of parking for staff is set at a higher standard than is required by SCDC Local Plan, which would allow only 21 spaces for an office of 530m<sup>2</sup>. SHH takes the view that the non-operational office space could be provided elsewhere. The Gateway building is too large for the numbers of staff who will use it even if all are based on this site. Non-operational office space and the education provision are not essential as part of proposed development.

The workshop that is being provided has substantially larger footprint and is higher than workshop on existing WRC, which is c8 metres to eaves. The Applicant has not justified this, particularly, the 10m eaves height, since it will be used for the same range of maintenance activities as the existing workshop.

**2.4 Schedule 14**

As above, SHH considers footprints and heights of Gateway building and Workshop as defined to be unnecessarily large.

Noted that Applicant will add Works Nos to the items as listed in Schedule 14, as far as possible, as requested by SHH.

**2.5 Schedule 16 and Hedgerow Plans**

Outside the hearing, Applicant has agreed to amend Hedgerow Plans to show in green all hedges to be retained within or on boundaries of Order land limits, as requested by SHH. The CEMP will also be

amended to refer to detailed pre-construction surveys to show hedges, groups of trees and scrub and trees to be retained.

#### 2.6 Parameters for Work 15 Bund

Applicant has agreed to provide more detailed maximum/minimum dimensions for the earth bund to include in Design Code, including a minimum height AOD for top of bund, width of top and side slope angles. SHH wants minimum height to equate with 5m above existing ground level at east side of bund (where existing ground level is highest). In our view the top of the bund should be level not following shallow ground slope. This should have been the assumptions used for visual impact assessment and photomontages.

#### 2.7 Other Consents

The Environment Agency must be required to provide 'no impediment' statements in relation to the FRA and for the Interim and Final Effluent Discharge Licences and copies of those licences, prior to the end of the Examination.

#### 2.8 Action Point 16 Funding Requirement

SHH does not consider that such a Requirement, deferring demonstrating that adequate funding is available until sometime after the DCO is made, conforms to the intentions of the Compulsory Acquisition Guidelines or CPO precedent, which are that there should be certainty for landowners about their continued exercise of private property rights from the date on which the DCO is made.

### **Agenda Item 4: Biodiversity**

#### 4.1 Quy Fen

Applicant has agreed to include funding for setting up and operation of Combined Recreational Group, baseline surveys and data collection and potentially for early mitigation measures arising from recreational pressure on Stow cum Quy Fen SSSI as part of the s106 obligation. The scope for these to be agreed by CRG. Applicant to propose a suitable cash sum for this.

#### 4.2 LERMP Advisory Group

Applicant has, as requested by SHH, agreed to make scope/membership of that group clearly set out in update to LERMP.

### **Agenda Item 5: Carbon**

#### 5.1 SHH Submissions

SHH 52 Review of ES Chapter 10 and SHH 53 Response to draft Design Code, both in REP5-135 have yet to be responded to by the Applicant. Have noted that Applicant to provide a further technical note at D6 setting out how operational 'net zero' can be met under different scenarios.

#### 5.2 Carbon counting and offsetting

SHH position is that construction carbon needs to be reduced to a more stringent target than so far agreed by the Applicant and properly monitored and reported. In our view, project needs to achieve 'operational net zero for operations on site or directly managed from the site', avoiding the need for carbon credits and other offsets. We believe that should include transport emissions of HGVs using this site rather than relying on the Applicant's wider corporate aspiration for net zero operations across all works. In our view (and that of County Council), it is 'extremely difficult to find credible offsets'

despite the certification schemes that are said to verify certain carbon sequestration and trading schemes.

### 5.3 Gas to Grid

SHH continues to take the view that this option is technically and commercially highly uncertain, given the uncertainty about future of the domestic gas grid, blending of inputs eg hydrogen etc and ExA should focus on the far more likely CHP Option.

### 5.4 Significance of Effects

Noted that Applicant now agrees, as set out in SHH52, that whole life significance of carbon emissions for CHP Option is confirmed as 'moderate adverse, significant'.

### 5.5 Carbon in Design Code

SHH made proposals in section 3.7 of SHH53 for tighter drafting and a tighter construction carbon target, to which Applicant has yet to respond.

Noted that ExA has asked that all references to 'should' in Design Code be changed to 'shall' and Applicant has agreed this. This may in practice raise difficulties and any redrafted Design Code will need to be carefully reviewed on this point.

## 6. Water Resources

### 6.1 Flood Risk Assessment

SHH notes that the FRA as updated and submitted to the EA still shows increased flood risk for certain properties east of Waterbeach. The Applicant is to produce a position statement with the EA and the LPAS at D6 to try to justify the view that it is only responsible for the flood risk arising from the physical relocation of the works not the 'cumulative' increased flows arising from future housing development. This is a difficult philosophical and analytical point, but the ExA needs to be aware that it is not normal practice for individual housing developers to be asked to produce FRAs just to consider the flood risk impacts of sewage flows from their schemes and nor would such a fragmented approach be a satisfactory approach to resolving this issue.

### 6.2 Irrigation of Planting on the Site

Noted the Applicant's response that using Treated Sewage Effluent (TSE) for this purpose during drought periods raises licensing issues, but it is clearly practicable, with necessary safeguards.

### 6.3 Effluent Standards

SHH noted the Applicant's response, but believes it essential that the ExA has a clear understanding of the likely standards to be set in the Final Effluent Discharge Licence, how those relate to the present standards being achieved at the works, especially in relation to Phosphorus, and whether the EA will impose higher standards than existing if the DCO is not approved and the existing works remains in operation. The unwillingness of the EA and the Applicant to be transparent about these ongoing discussions is extremely unhelpful to the ExA, who will have no choice than to make 'worst case' assumptions about water quality when reporting to the Secretary of State.

## 7. Land Quality

### 7.1 MWLP Policy 5 and Position of the LPAs re Compliance with Adopted Plan Policies

ExA questioned County Council about reluctance to state whether proposed development complies with Policy 5 including whether, in the LPA's opinion, there is an 'overriding need'. ExA noted that in the case of s78 and call-in inquiries, LPAs make 'minded to' or shadow decisions. SHH position is that the most important local plan policies where both County Council and SCDC have been unwilling to state their view on compliance is in relation to Green Belt.

Noted that County Council to provide a 'local impact position statement' at D6 and we assume this will extend to all three LPAs.

## **8. Noise**

### **9. Traffic and Transport**

#### 9.1 Errors in ES Chapter 19 and in TA Documents

The ExA, at several stages of the hearing, identified a large number of numerical errors and inconsistencies in the REP5 versions, which the Applicant was unable to address in questioning. These included an incorrect version of Junction Modelling report being uploaded at D5. Concluded that all of these need correction by Applicant and then review by all parties. Timetable for this was discussed at end of hearing.

#### 9.2 CTMP Figure 4.1 and 4.2

As requested by SHH58, Applicant has agreed to update this and other relevant figures to construction accesses and to show AIL routes, by virtue of weight over 44 tonnes ie through Waterbeach Station Road and other AIL routes, by virtue of size, separately.

#### 9.3 Restrictions on Construction HGVs in Waterbeach

As requested by SHH58, Applicant has agreed that HGV hours for using Station Road/Clayhithe Road to be between 0930 and 1500. SHH also requested a daily HGV limit for Waterbeach of 75vpd. Applicant rejects this as unnecessary, suggesting that any concerns can be dealt with via CTMP. County Council supports that view.

#### 9.4 Use of Site by Network Technicians including Parking

Noted that Applicant to provide a legal response at D6 as to what can/should constitute 'associated development' taking account of Govt guidance regarding 'functional linkages' etc in relation to uses of Gateway building and in relation to network technicians use of buildings/parking.

## **10. Major Accidents and Natural Disasters**

### 10.1 AIL Movements

As per SHH requests in SHH58, Applicant has confirmed that movements of AIL through Waterbeach will be subject to pre-planning and advance notice, to enable parking and traffic management to be implemented. AIL will not be allowed to use J34 between 1100 to 1500 on Saturdays or Sundays. In the event of major congestion etc on intended AIL routes, vehicles will be held/parked up. AIL will not depart from approved routes.

### 10.2 Access by sludge/wet waste tankers in event of A14 closure westbound between J33 and J35

Tankers operated by AW are under direct control of Operations Team. Not sure this applies to 3<sup>rd</sup> party septic tank hauliers. Noted that Applicant to provide note at D6 on this.

## 11. Community

### 11.1 Permissive Paths and PROWs

Noted that Applicant will provide an up-to-date map showing legal status of paths within development/new bridleway etc. This to include whether permissive routes are to be for pedestrians/cyclists/equestrians. Bridleway on old railway is to be dedicated as PROW.

SHH request that permissive access be committed for the lifetime of plant not just for 30 years. Applicant's position is that under DCO access will be guaranteed for 30 years, under LERMP, but after that subject to Water Industry Act and Code of Practice, which means that the public access after that will only be discretionary. The Applicant has cited other parts of its estate at Grafham and Rutland Water as precedent, but has not detailed the access provisions at these locations. The County Council appears willing to accept the LERMP as providing security for delivery and continued availability of permissive paths within the site, although County Council often makes specific legal agreements with landowners which are published binding agreements.

### 11.2 Impacts on Paths 85/6 and 85/8

ExA has noted that the significance of impacts set out differently in transport assessment and in Chapter 11 of ES. Applicant to provide note at D6 explaining that these assessments look at different aspects, basically amenity loss versus diversion distances/periods.

## 12. Health

### 12.1 Adequacy of Assessment of Mental Health Wellbeing

County Council and SCDC are satisfied with these assessments. There was discussion about the scope of future engagement with Traveller Communities.

## 13. SoCG

SHH pointed out the difficulty in finalising SoCG by D6 or even D7, given that responses to SHH D5 submissions are yet to be made by Applicant and that revised transport assessment and further hearing are to be arranged. View of ExA is that progress on SoCG should be as far as possible and that ExA will consider outstanding differences when drafting their report.

### Amended Programme for Examination

Applicant made proposals in relation to resubmission of corrected transport documents, review of those by Local Authorities/National Highways and IPs, submission of questions and potential date for further hearing to enable Examination to complete on 17 April. SHH pointed out need for adequate time to review those documents and the difficulties caused by need for PINS to accept documents before release. Applicant will propose ways to send documents direct to IPs on date of submission intended to be 26 March.

**Post hearing:** Further Hearing has been arranged virtually for 9 April. Other dates and arrangements to be confirmed by ExA.

