

South Cambridgeshire District Council

Responses to the Examining Authority's third written questions and requests for information (ExQ3)

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

Deadline 6

2nd April 2024



Response to ExA's Third Written Questions (ExQ3)

This document sets out the response to the Examining Authority (ExA)'s third written questions and requests for information (ExQ3) by South Cambridgeshire District Council (SCDC). The table below sets out the topic, question number and SCDC's response.

Q.no	Directed to	Question	SCDC Response
1. GENERAL AND CROSS-TOPIC QUESTIONS			
1.5	Applicant, CCoC, SCDC, CCC	<p>Ministerial Statements</p> <p>The Applicant provided two Ministerial Statements at Appendix C of, and in response to ExQ2.1.4 [REP5-111]. Please provide your view on the status of these statements.</p>	<p>The two Ministerial Statements referred to in the ExA's question and which are at Appendix C of the Applicant's response to ExQ2.1.4 [REP5-111] are in SCDC/CCC's opinion clearly Government policy statements and as they involve matters relevant to planning, they also therefore amount to national planning policy.</p> <p>In terms of their legal status as national policy which relates to planning, the ExA is referred to the recent judgment of Mr Justice Holgate in <u>Mead Realisations v SSLUHC [2024] EWHC 279 (Admin)</u> at [55-61] and [68] albeit in the context of the Town and Country Planning Act 1990 planning regimes and decisions made under that Act and the Planning and Compulsory Purchase Act 2004. They are in short, material considerations under that regime which are to be taken into account when making a decision whether to grant planning permission.</p>

			<p>In terms of decision making in accordance with the Planning Act 2008 such policy statements would fall within the category of “matters which...are both important and relevant to the Secretary of State's decision” and to which the ExA must have regard when considering a DCO and thereafter the SoS must have regard when deciding whether to grant an application for a DCO (see S103; 104 and 105). The weight to accord to policy as part of that decision making is a matter for the SofS as is any support from or conflict with it.</p> <p>A further example of such policy statements which will also be “important and relevant” to the SofS’s decision in respect of this application is the more recent Government publication with a foreword by the SofS and the Chair of the Cambridge Delivery Group (CDG) is the “Case for Cambridge” [Appendix 1] dated March 2024, which builds upon the Government’s ambition for positive growth of Cambridge into the future already referred to in previous Ministerial Statements. The Case for Cambridge sets out that <i>“the CDG is actively supporting the local area to unlock and accelerate the delivery of planned growth at key strategic sites, including the Cambridge Biomedical Campus, Cambridge East (Marshall’s Airport) and North East Cambridge”</i> (page 34).</p>
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5. BIODIVERSITY			
5.1	Natural England, WTBCN, National Trust, CCoC, SCDC	<p>Recreational pressure on Stow-cum-Quy Fen SSSI</p> <p>The Applicant proposed during ISH4 that changes to ES Chapter 22: Cumulative Effects [REP2-009] to recognise potential recreational pressure on the SSSI as a result of the Proposed Development and a s106 agreement to secure a financial contribution towards measures to mitigate recreational effects on the SSSI will be provided by D6. Would these amendments adequately address your concerns regarding potential recreational impacts on the SSSI? If not, why not?</p>	The District Council has discussed these changes with the Applicant and is satisfied that the proposed changes to ES Chapter 22: Cumulative Effects [REP2-099] is sufficient to address our concerns.
5.5	SCDC	<p>Bats</p> <p>Do you consider that your comments [REP5-122] regarding the potential for a single retained tree with bat roost potential which could be affected by the Proposed Development were addressed sufficiently at ISH4? If not, please explain why and what amendments could be made to the submitted documents to address this concern.</p>	The District Council can confirm that the comments made in [REP5-122] regarding the potential for a single retained tree with bat roost potential which could be affected by the Proposed Development have been sufficiently addressed at ISH4.
18. NOISE AND VIBRATION			
18.1	SCDC	<p>Complaints procedure</p> <p>At ISH4 you stated that you do not have concerns regarding complaints procedures for</p>	The District Council can confirm that the complaints procedures for noise and vibration is satisfactory and has been resolved with the Applicant.

		noise and vibration. However, paragraph 15.11 of your Local Impact Report (LIR) [REP5-120] makes a recommendation for an amendment to the dDCO to ensure that updates on any complaints received throughout construction are reported to the Council's Environmental Health department. Please clarify whether this matter is resolved? If it is not, please liaise with the Applicant to ensure that it is aware of your concerns and outline any potential changes to the submitted documents you seek to the Applicant and ExA.	
19. ODOUR			
19.3	SCDC	Conclusion on odour Do you consider all matters concerning odour to now be resolved, such as regarding concentrated influent and impacts from climate change raised in your LIR [REP5-120]?	The District Council can confirm that all matters concerning odour have now been resolved.

Appendix

Appendix 1. The Case for Cambridge (publishing.service.gov.uk)

LINK: https://assets.publishing.service.gov.uk/media/65f1d8edff11704896615973/The_Case_for_Cambridge_March_2024.pdf