

Cambridge Waste Water Treatment Plant Relocation Project
Anglian Water Services Limited

Applicant's Response to Rule 17 RFI [PD-014]

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1 Introduction

1.1 Introduction

This document provides Anglian Water Services Limited (the Applicant) responses to the Examining Authority's (ExA) request for further information from the Applicant, Cambridgeshire County Council and the Environment Agency, under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended), following its observations and considerations of submissions made at Deadline (D) 6 for the Cambridge Waste Water Treatment Plant Relocation Project (CWWTPRP).

Applicant's response to request for further information from the Applicant and Cambridgeshire County Council

1.2 Question 1

The submitted final draft section (s) 106 agreement [REP6-098] requires that the Applicant makes a contribution of £500 to Cambridgeshire County Council (CCoC) prior to, or upon submission of any updated Biodiversity Net Gain (BNG) Report. Please clarify whether this contribution would also cover CCoC's monitoring of biodiversity net gain over a period of 30 years (as Requirement 25(1) of the draft Development Consent Order (dDCO) [REP5-003] only requires the submission of an updated BNG Report prior to each phase of the Proposed Development). If so, please ensure, for clarity, that the completed s106 includes such a provision.

The Applicant has agreed a late increase to the contribution amount at the request of CCoC and the contribution is now £1,200 per updated BNG Report. This is reflected in the completed S106 Agreement submitted at Deadline 7. Requirement 25(4) of the dDCO ensures that the Applicant is required to construct and operate the authorised development in accordance with any approved plans and the Applicant therefore considers that ongoing monitoring of BNG is secured through this requirement, which is agreed with CCoC. The County Council will be entitled to exercise its enforcement powers in terms of this ongoing requirement should it consider necessary.

2 Request for further information from the Applicant

2.1 Question 2

The ExA is unclear whether you consider the Proposed Development in isolation would result in an increase in flood risk on third party land, so please clarify your position. For example, the Flood Risk Assessment (FRA) [REP6-084] states Relocating the waste water treatment plant will not significantly increase flood risk, which suggests there could be an increase in flood risk, but not significantly. The summary in the FRA suggests that a comparison between the existing and proposed Waste Water Treatment Plant would have a negligible impact on fluvial flood risk – does this mean there would be no impact, or that there still would be an increase in flood risk? However, your response to D5 submissions [REP6-115] states the modelling shows that flood impacts will not arise from the Proposed Development on pages 19 and 35, suggesting no increase in flood risk.

ES Appendix 20.1 Flood Risk Assessment (FRA) (App Doc Ref 5.4.20.1) [REP6-084] paragraphs 4.1.18 to 4.1.21 considers flood risk impacts resulting from the Proposed Development 'in isolation'. This compares flood risk for the existing and proposed WWTP, when the same (year 2041) population assumption is applied to both scenarios. The FRA references these scenarios as 'Future baseline – existing' and 'Future baseline – proposed'. In this comparison, paragraph 4.1.19 discusses very small (centimetres) increases in flood depths in two agricultural fields, at Areas O and L, which occur in the 1 in 100 year plus 9% climate change event only. Both locations flood to depths of greater than 20cm in the 'Future baseline – existing' scenario, and therefore small changes of a few centimetres in flood depths in the 'Future baseline – proposed' would not significantly increase flood risk.

No detrimental impacts were observed at these two locations in any event, including higher order events, other than the 1 in 100 year plus climate change event. Furthermore, there were no detrimental impacts observed elsewhere for any modelled event when comparing these two scenarios. Therefore, overall, it is considered that the location and discharge infrastructure of the proposed WWTP would have a negligible impact on fluvial flood risk compared to the existing WWTP, when the same (2041) population assumption is applied to both models.

2.2 Question 3

Notwithstanding the aforementioned question, the Environment Agency (EA) states that the Proposed Development in isolation would result in an increase in flood risk on third party land [REP6-128], which appears to differ from your stance taken in the FRA [REP6-084]. Please provide a response to

the EA's comments and your view as to why the EA has taken the view that the Proposed Development would result in an increase in flood risk.

The EA statement [REP6-128] notes "a small increase in flood risk in a few small areas of agricultural land downstream of Upware as a result of the proposed relocation of the WWTP in isolation".

The basis of the EA statement in [REP6-128] is paragraph 4.1.19 of the Flood Risk Assessment (FRA) (App Doc Ref 5.4.20.1) [REP6-084], as described in response to Question 2 above.

Two small areas of agricultural land show slight increases in flood depth in one modelled event only, as described in Question 2) above and paragraph 4.1.19 of the FRA [REP6-084]. No detrimental flood risk impacts were observed elsewhere for any modelled event for the Proposed Development in isolation (i.e. when comparing the proposed WWTP with the existing WWTP, when the same (2041) population assumption is applied to both models) and the impact is considered negligible.

There is therefore no difference in stance between the FRA and [REP6-128].

2.3 Question 4

The EA suggests that a solution to its concerns regarding an increase in flood risk would be to contact the relevant landowners informing them of the increase in flood risk to their land and provide evidence that the landowners accept this increase [REP6- 128]. Do you intend to do this, and if not, please clarify how you intend to resolve the EA's concerns?

The Applicant considers that the Environment Agency's (EA) suggestion for Anglian Water to contact landowners is not appropriate (given the modelled evidence demonstrates that the proposed WWTP would have a negligible impact on fluvial flood risk compared to the existing WWTP), and is not supported by policy or practice so would serve no useful purpose. The Applicant therefore does not intend to contact landowners.

The Applicant has sought to resolve the EA's concerns by providing a detailed note and has presented to the EA team on the modelling findings and the relevant policies (21st March 2024). The EA has confirmed it does not accept the applicant's position but has not yet responded to the detailed policy points set out in that note (see response to Question 6 below) or to the updated FRA (sent to the EA on 25th March). The Applicant has taken all the reasonable steps available to it to resolve the EA's concerns and has provided additional information as requested.

2.4 Question 5

Please explain the 2041 population assumption referred to under the heading Fluvial Impact due to relocation of WWTP within the summary of the

FRA (page v) [REP6-084] – if the model is taken to 2041, why does this not take account of population growth which is referred to separately under the heading Fluvial Impact due to population growth. What assumptions does the 2041 model make?

Population growth predictions are discussed in paragraph 4.1.3 of ES Appendix 20.1 Flood Risk Assessment (FRA) (App Doc Ref 5.4.20.1) [REP6-084], and in paragraph 2.15.1 and 2.15.2 of ES Chapter 2 Project Description (App Doc Ref 5.2.2) [REP6-009]. Phase 2 of the proposed WWTP assumes a population equivalent of 300,000, which is consistent with the Greater Cambridge Local Development growth forecast to 2041.

Section 5.3 of ES Appendix 20.5 Fluvial Model Report (App Doc Ref 5.4.20.5) [REP6-088] provides detail on the sewer models which are incorporated within the fluvial modelling. The sewer models are based on existing (2019) and predicted (2041) population assumptions.

Paragraph 4.1.6 of the FRA explains the methodology for assessing the impact of the proposed WWTP in isolation i.e. decoupled from population growth impacts. “Any change in flood risk solely due to the proposed WWTP, can be determined by comparing future baseline scenarios i.e. ‘Future baseline – proposed WWTP’ and ‘Future baseline – existing Cambridge WWTP’. Both scenarios are based on a population assumption for the year 2041”.

Paragraph 4.1.7 of the FRA explains the methodology for assessing the impact of the population growth in isolation i.e. decoupled from relocation impacts. “Any change in flood risk solely due to predicted population growth from the current population to the year 2041, is determined by comparing scenarios ‘Future baseline – existing Cambridge WWTP’ and ‘Baseline - existing Cambridge WWTP’. These scenarios compare the impact of population growth on treated effluent discharges for the existing Cambridge WWTP”.

These comparisons have been made in accordance with the Environment Agency suggested approach in [AS-175].

2.5 Question 6

If the EA still has concerns and maintains an objection to the Proposed Development when the Examination closes, please set out how you consider that the application conforms with paragraph 4.4.12 of the National Policy Statement for Waste Water (NPSWW).

The Applicant believes that Environment Agency's (EA) position on flood risk is without justification, fails to take account of the main driver behind increased flood risk (which is population growth, not the construction and operation of the proposed WWTP) and is not aligned with planning policy.

The National Policy Statement for Waste Water (NPSWW) does not require the Proposed Development to address flood risk unrelated to the construction and operation of the proposed WWTP. It is clear from sections 4.4.18 - 4.4.24 of the NPSWW that the mitigation envisaged for potential flood risks relates to impacts arising directly from development and primarily related to the application of the sequential test and the design of drainage systems. Nor does the National Planning Policy Framework (NPPF) require mitigation for cumulative flood risk not arising from the Proposed Development, which has been sited away from areas at highest risk and the tests set out at paragraph 173 of the NPPF have all been met by the Proposed Development. In this context the development-proposal specific provisions of the Planning Practice Guidance "Flood risk and coastal change" (PPG) are not relevant. However, notwithstanding that point, in any event none of the impacts highlighted in paragraph 049 of the PPG will arise; these relate to loss of floodplain storage, deflection or constriction of flood flow routes or inadequate management of surface water.

The Applicant has provided a detailed note to the EA (21st March 2024) outlining the policy position which, to date, the EA has not responded to. This is included as Appendix C (Position Statement on Mitigation) to the FRA (Document reference 5.4.20.1, REP6-085).

In the context of paragraph 4.4.12 of the NPS, the EA's concerns and objections to the grant of development consent arise from a failure to recognise the source of the impact and to correctly apply relevant policy tests. The Applicant has clearly set out the appropriate tests and has sought engagement with the EA on them. The Applicant has taken all the reasonable steps available to it to resolve the EA's concerns.

2.6 Question 7

PER.03 of the Design Code [REP6-113] only refers to the Gateway Building - should it also refer to the Workshop building to ensure compliance with Cambridge Local Plan 2018 Policy 28, noting that you previously indicated that the Workshop building would also achieve this standard (see your response to ExQ2.21.3 [REP5-111])?

The Applicant can confirm that PER.03 should also refer to the Workshop Building as well as the Gateway Building, this has been added to the Design Code (App Doc Ref 7.17) submitted at Deadline 07.

2.7 Question 8

Part of the Design Code [REP6-113] is illegible (see page iv blue text box – The purpose of these Design Codes, therefore, is to...). Please correct this and check the rest of the document for any formatting issues and ensure that they are resolved.

The Applicant has resolved the formatting issue with the table on page iv and hidden text on page 26 of the Design Code (App Doc Ref 7.17). The Applicant has also expanded the

character spacing in the figure titles to make them easier to read. These changes are reflected in version submitted at Deadline 07.

2.8 Question 9

There are a number of instances where the ExA has identified that updates to documents referenced within the Statement of Common Ground (SoCG) with CCoC [REP6-104 (clean) / REP6-105 (tracked)] have not been actioned within the associated documents. Please either update the SoCG or the relevant documents to ensure consistency between all of the submitted information (the Applicant may wish to do a general check of all SoCG in this regard). The discrepancies include the following (page numbers relate to the track changed version):

The Applicant has reviewed the SoCG with CCoC and can confirm updates have been made to relevant documents to ensure consistency with agreements reached. These are reflected in the updated documents submitted at Deadline 07.

a) Page 44 suggests that ES Chapter 17 [REP6-033] should have been updated to include the briefing note sent to CCoC regarding the scoping out of emergency generators, but it was not. However, the ExA notes that it has been updated to scope in emergency generators to the noise and vibration assessment, resulting in the SoCG being incorrect.

The Applicant acknowledges the point and clarifies that, where Table 3.9 of the SoCG states the briefing note agreed note with CCoC would be included in ES Chapter 17 Noise and Vibration submitted at Deadline 6, this referred to the results of the briefing note being included rather than the briefing note itself being attached. The Applicant confirms that ES Chapter 17 Noise and Vibration (App Doc Ref 5.2.17) [REP6-033] has been updated to include the emergency generators within the assessment. This matter has been agreed with CCoC.

b) The wording in green on page 47 regarding the ventilation shaft has not been included within the design code VST.02 [REP6-113].

The Applicant has updated the wording with VST.02 of the Design Code (App Doc Ref 7.17) to ensure it reflects the wording agreed with the Councils. This updated wording has been provided in the version of the Design Code submitted at Deadline 7.

c) The amendment in red on page 14 regarding "other arable flora of interest" is not contained within the Code of Construction Practice (CoCP) Part A [REP6-049], which refers to "other species identified as notable". NOTE: the changes in red on page 15 contradict that contained on page 14 and accord with the CoCP Part A – please clarify which is correct?

The Applicant notes the comment and can see how the confusion has arisen. The Applicant has reviewed the final wording in the SoCG on page 14. The updated wording is correctly set out on page 46 of the updated CoCP Part A and the correct change is that reflected on page 15.

d) Page 19 suggests that the header title of the outline Outfall Management and Monitoring Plan (oOMMP) [REP6-067] should be amended from 'Operation' to 'Feature, activity or area' – this has not been amended.

The Applicant agrees and an updated ES Appendix 8.24 Outline Outfall Management and Monitoring Plan (App Doc Ref 5.4.8.24) has been provided at Deadline 7, which aligns with the agreed wording in the SoCG with CCoC [REP6-104].

e) Page 19 suggests an amendment in red to row 2 page 40 of the oOMMP [REP6-067] – this has not been actioned.

The Applicant agrees and an updated ES Appendix 8.24 Outline Outfall Management and Monitoring Plan (App Doc Ref 5.4.8.24) has been provided at Deadline 7, which aligns with the agreed wording in the SoCG with CCoC [REP6-104].

f) Page 20 suggests amendments in red within the first line of the table - the word "success" has been erroneously deleted from the oOMMP [REP6-067] which is not in accordance with the SoCG.

The Applicant agrees and an updated ES Appendix 8.24 Outline Outfall Management and Monitoring Plan (App Doc Ref 5.4.8.24) has been provided at Deadline 7, which aligns with the agreed wording in the SoCG with CCoC [REP6-104].

g) Page 23 proposes wording to be replaced in the CoCP Part B [REP6-051] – this has not been amended.

The Applicant notes the comments and this additional agreed wording will be added to the CoCP Part B at Deadline 7. This additional wording also deals with the amendment required for question 10 below.

h) Page 27 proposes changes to the CoCP Part A [REP6-049] to include reference to a 'translocation programme' for reptiles and reference to HDD techniques and reptile populations – this has not been included in the CoCP Part A.

The applicant has updated Section 3.3 of the CoCP Part B with this text as this mitigation measure is specific to the proposed WWTP.

i) Page 28 proposes wording to be added to the CoCP Part A [REP6-049] regarding cumulative effects and a reptile mitigation strategy – this is not included in the CoCP Part A.

The applicant has updated Section 3.4 of the CoCP Part B with this mitigation measures is specific to the proposed Waterbeach pipeline.

2.9 Question 10

The SoCG with South Cambridgeshire District Council [REP6-109 (clean) / REP6-110 (tracked)] (e.g. page 27 of the track changed version) suggests that additional wording has been agreed to be added to the CoCP Part B [REP6-

051]. However, this wording is not contained in the updated CoCP Part B [REP6-051]. Please update the relevant document(s) to ensure that the agreed position is accurately reflected within all submitted documents.

The Applicant notes the comments and this additional wording as agreed will be added to the CoCP Part B at Deadline 7.

2.10 Question 11

An updated Book of Figures – Noise and Vibration [REP6-047] and Book of Figures – Biodiversity [REP6-046] were submitted at D6. Please clarify what changes were made to these documents and any implications of this as it is unclear to the ExA.

Figure 17.5 Operational Noise Results in ES Book of Figures for Noise and Vibration [REP6-047] was updated to account for the scoping in of noise from emergency generators and so that it was consistent with the updated operational noise figures presented in ES Chapter 17 Noise and Vibration [REP6-033].

Figure 8.16 Hedgerow Survey in ES Book of Figures Biodiversity [REP6-046] was updated to align with the updated Hedgerow Baseline Technical Appendix [REP6-063].

2.11 Question 12

An updated Hedgerow Regulations and Tree Preservation Plan [REP6-005] was submitted at D6. Some of the changes were explained in the D6 cover letter and other relevant documents were updated as a result. However, the change relating to the removal of the hedgerow between points H5 to H6, which went from a hedgerow (orange) to an important hedgerow (pink), does not appear to have been explained. Please address this point (noting that this is also identified as an important hedgerow on Figure 18.3 Sheet 6 the Book of Figures – Biodiversity [REP6-046]).

The Applicant apologises that the alteration of the hedgerow identified between points H5 and H6 from orange to pink was not explained in its Deadline 6 submissions. The Applicant confirms that this change on the updated Hedgerow Regulations and Tree Preservation Plans (REP6-005) is correct and this hedgerow is considered to be an important hedgerow. This is reflected in the changes to Schedule 16 in the Applicant's final dDCO submitted at Deadline 7 (App. Doc. Ref 2.1 Rev 09).

2.12 Question 13

The ExA notes that a final draft of the s106 relating to anti-social behaviour [REP3-052] was not submitted at D6. Please confirm whether a completed one is to be submitted at D7.

As confirmed in ISH4 and explained at item 2.18 of the Applicant's Post Hearing Submissions (App. Doc. Ref 8.28 [REP6-118]), there is no longer a s106 agreement dealing with anti-social behaviour. For ease of reference, the Applicant explained in the Post Hearing Note that:

"The monitoring of potential anti-social behaviour is not considered to be required as the way forming Work No. 38 will now be a public bridleway and not a permissive path. It is proposed to install gates to reduce use by motorised vehicles. The Applicant has discussed this with the County Council and it confirmed it was satisfied that this was an appropriate measure. The draft DCO to be submitted at Deadline 7 will include a Requirement requiring the Applicant to submit details of the bridleway to be approved by the County Council."

The new requirement is included as Requirement 27 in the Applicant's final dDCO submitted at Deadline 7.

The Applicant raised at ISH5 that the landowner of the land on which Work No. 38 will be located was concerned about a public bridleway giving rise to incidents of anti-social behaviour and for this reason, the bridleway was initially proposed as a permissive path. As the way will now be a public bridleway, it can benefit from the powers of the local highway authority which can be used to reduce the occurrence of anti-social behaviour. As noted above, the way will also be gated in order to dissuade use by motorized vehicles.

The Applicant notes that the ExA queried at ISH5 why the agreement related to the existing WWTP. The Applicant responded at the hearing but for the avoidance of doubt, the agreement was drafted to bind the existing WWTP for the time being, as the Applicant does not own all of the land on which the new WWTP will be constructed. The draft included a covenant on the Applicant not to commence the proposed development until it had entered into a deed of covenant with the County Council which binds the new WWTP to the Section 106. This is agreed with the County Council and the same approach has been taken in the completed Section 106 agreement submitted at Deadline 7.

2.13 Question 14

Please provide evidence that the Secretary of State for Transport (appropriate Crown authority) consents to your proposed provisions for compulsory acquisition under s135 of PA2008. If you cannot provide this evidence, please explain how you intend to satisfy s135 of PA2008.

The Secretary of State for Transport's consent has been obtained. Please see the letter dated 12 April 2024 which is appended to this response.

2.14 Question 15

Please ensure that Schedule 18 of the dDCO is updated to reflect any revised documents (or any other relevant documents) submitted up to and at D7.

Schedule 18 in the Applicant's final dDCO submitted at Deadline 7 has been thoroughly reviewed and reflects the correct and updated versions of the relevant documentation to be

certified which have been submitted to the Examination. Changes to the Schedule are explained in the DCO Changes Tracker submitted at Deadline 7 (App. Doc. Ref. 2.4 Rev 07).

2.15 Question 16

Please confirm whether all entries in the Errata List [REP1-081] have been transposed into the relevant revised documents. If not, please provide a revised Errata List and include this in Schedule 18 of the dDCO, as necessary.

The Applicant confirms that, during the course of the DCO examination, all errata that were originally listed in the Environmental Statement Errata (App Doc Ref 8.4) [REP1-081] have been transposed into the relevant revised documents. There is therefore no need for the Environmental Statement Errata (App Doc Ref 8.4) [REP1-081] to be a certified document.

2.16 Question 17

The ExA would remind you of the provisions of s127 / s138 of PA2008 and notes that some objections from Statutory Undertakers (SU) remain, including in relation to reaching finalised agreement on Protective Provisions (PP) and / or related side agreements. In the absence of confirmation from relevant SUs with regard to:

- **withdrawal of outstanding objections;**
- **agreeing finalised PPs; and/or**
- **reaching agreement with regard to any side agreements required, the ExA would urge you to resolve these matters with SUs as a matter of urgency and would remind you that the ExA will be unable to consider any matters resolved after the close of the Examination.**

The Applicant is aware that despite ongoing engagement and attempts made by the Applicant to reach agreement, a small number of objections remain from the statutory undertakers outlined below. The Applicant has briefly commented on the status of discussions with those parties and further detail, including the Applicant's position on any s127 or s138 PA 2008 submission made by those parties, is contained in the Applicant's update on protective provisions in the Explanatory Memorandum submitted at Deadline 7 (App. Doc. Ref. 2.2 Rev 07) and in the Applicant's Closing Submissions (App. Doc. Ref. 8.33):

Party	Applicant's Comments
Network Rail	<p>The protective provisions in the dDCO are largely agreed with Network Rail (NR), save that at the time of writing the parties have been unable to finalise the associated Framework Agreement which would deal with the agreement of the operation of certain provisions relating to NR land only with NR's consent including in relation to compulsory acquisition. In the absence of this agreement, the Applicant's final dDCO reflects the position the Applicant needs to protect which ensures the delivery of the development isn't prevented through the prohibition of the acquisition of the necessary interests.</p> <p>The Applicant notes that NR's Relevant Representation does confirm its objection to the Order unless its required provisions are included but does not consider that NR has presented a s127 case with evidence to support a position that the Order presents a serious detriment to its undertaking. The Applicant considers that the protective provisions included in the Applicant's final dDCO (which would require the Applicant to enter into an asset protection agreement with NR in a form which is to be based upon the form of basic asset protection agreement which has been agreed with Network Rail to apply to Anglian Water's assets which are installed near railway infrastructure owned by NR) sufficiently and adequately protects NR's undertaking.</p>
National Highways	<p>The protective provisions in the dDCO are agreed save for the provision relating to land interests (paragraph 73 of Schedule 15 in the dDCO and paragraph 20 of National Highways' standard protective provisions, as appended to the SoCG), which has been the subject of various submissions by the parties during Examination. The Applicant's final dDCO submitted at Deadline 7 reflects the Applicant's final position.</p>
The Conservators of the River Cam (known as the Cam Conservancy) as the relevant Navigation Authority	<p>The Applicant understands that there remain three outstanding matters between the parties in respect of the protective provisions. These are explained in further detail in the Applicant's update on protective provisions in the Explanatory Memorandum (App. Doc. Ref. 2.2 Rev 07). Briefly, these relate to expenses, indemnity and the extent to which, or the nature of comments made by the Conservancy on detailed design. The Applicant considers that its suggested wording on all three issues is</p>

	reasonable and appropriate and the Applicant's final dDCO submitted at Deadline 7 reflects the Applicant's final position.
Cadent	The protective provisions in the dDCO are agreed and the Applicant notes that Cadent withdrew its objection on 10 April 2024, ahead of Deadline 7.

2.17 Question 18

The ExA notes that a number of negotiations related to Affected Persons (as listed in the Compulsory Acquisition Schedule) remain outstanding. As such the ExA urges you to: resolve any outstanding matters where possible and prior to the close of the Examination, confirming where such agreements have been concluded; or provide a detail explanation as to why you have not been able to conclude agreement(s).

The Applicant has made considerable efforts to resolve any outstanding matters relating to land acquisition, wherever possible. It has not been possible to reach agreement with all parties because of, in some cases, unrealistic commercial positions being adopted by some Affected Parties.

The Applicant has, however, concluded a significant number of agreements with Affected Parties for options to acquire land to facilitate the Proposed Development. The following is a summary of the position with Affected Parties. Further details can be found in the Compulsory Acquisition Schedule (App Doc Ref 3.5) submitted by the Applicant at Deadline 7.

- 23 Affected Parties over which land and rights are required
- 2 options have been agreed and legally completed. One includes the land owned by St John's College at a total acreage of 48.40 (19.7% of the total freehold land required for the Proposed Development)
- 11 options are in solicitors' hands. The option with Julian Francis, which covers a total acreage of 187.97. (76.7% of the freehold land required) is ready for completion as at Deadline 7.
- 1 Affected Party is deceased and the estate is still in probate, meaning terms cannot be agreed, and the appointed agent has confirmed the use of compulsory acquisition powers is the most sensible way forward
- 1 Affected Party's agent has confirmed the use of compulsory acquisition powers is the most sensible way forward

- 2 Affected Parties have not engaged meaningfully with the Applicant to discuss an option to acquire land
- 6 remaining agreements are at advanced stages of negotiation, with minimal agreement of commercial terms needed to place them in solicitors' hands
- Overall, terms are agreed for the Applicant to acquire 96.5% of the total of the freehold land needed to deliver the Proposed Development

The following provides detailed reasons why options to acquire land and rights have not been agreed between the Applicant and each party.

Network Rail – CA-001

The Affected Party has not been willing to engage on the acquisition of the land and rights needed to deliver the scheme prior to the agreement of the protective provisions, despite repeated attempts by the Applicant to agree terms. As of 9 April, the Affected Party does not appear willing to engage on land matters and the Applicant is pursuing that with a view to coming to agreement on terms as soon as possible.

Conservators of the River Cam – CA-006

The Applicant and the Affected Party have reached an agreement in principle for the CA of land and rights to deliver the scheme. The Affected Party is reluctant to complete terms whilst the Protective Provisions are yet to be agreed.

Smith and Stenner – CA-007

The Applicant tabled terms to the Affected Party in December 2023, in which key principles around the mechanism to assess compensation had been agreed. The Applicant has chased and is awaiting a response from the Affected Party's agent. The Applicant remains eager to reach agreement with the Affected Party but requires engagement.

Gonville & Caius – CA-008

The Applicant has worked with the Affected Party to mitigate the impacts of the scheme on their land. The parties have reached agreement in principle except for the option price to be paid. It has been two months since the parties met, where the Applicant tabled an offer, and the Applicant awaits a response. It should be noted that the Applicant has repeatedly asked the Affected Party to indicate the level of consideration it is prepared to accept for the option agreement. The Applicant has not received a response. Despite the assurances given to ExA by the Affected Party during the CA Hearing, because of the time taken to reach this stage and the reluctance of the Affected Party to enter into discussions around the consideration, the Applicant is no longer confident that terms will be agreed before the end of the Examination.

National Highways – CA-009

The Affected Party has failed to engage meaningfully at any stage during the Examination for the acquisition of the land and rights needed to deliver the scheme. The Applicant has

made many attempts prior to, during the CA Hearing, and following to seek terms that would be acceptable to the Affected Party and has not yet received a response. The Applicant is no longer confident that terms will be agreed before the end of the Examination.

Ellen Francis – CA-010 and 011

The Applicant and the Affected Party are at advanced stages of negotiation, with heads of terms now updated to include the requirements of the developer who holds an option over the land. The Applicant is reviewing these terms and hopes to be able to provide a substantive response before the end of the Examination.

Environment Agency – CA-017

The Applicant and the Affected Party are at advanced stage of negotiation. The key outstanding point relates to the inclusion of statutory restrictions in the land agreement that are not relevant. The agents are in the process of considering these points and whether they can be removed to reach agreement.

Sikyta – CA-020 and 021

The Affected Parties have confirmed that due to the complexities of probate it will not be possible to enter into a voluntary agreement with the Applicant, instead the Affected Party has said that its preference would be the CA of the land and rights needed to deliver the scheme.

Waterbeach Trust – CA-024 and Waterbeach Development Company – CA-33

The Applicant has engaged extensively with the freeholder (Waterbeach Trust) and option holder (Waterbeach Development Company), together with other parties involved with the delivery of the proposed new Waterbeach railway station. The Applicant has reached agreement with both of these parties in relation to the terms of options to acquire the necessary rights for the Waterbeach Pipelines. Discussions are still ongoing between the parties in relation to the Applicant's temporary occupation of parcel 070a as a works compound. Those discussions are ongoing with WDC who will be the developer of the area in question. As can be seen from the Statement of Common Ground between the Applicant and WDC, submitted by the Applicant at Deadline 7, the parties will continue to work together to reach agreement on this point.

2.18 Question 19

Please submit all outstanding final and completed (signed and dated) SoCG. In the absence of any final and completed SoCG, the ExA requests that you provide a detailed written explanation as to why it has not been possible to submit these.

The following table summarises the status of SoCGs and provides an explanation where it is not been possible to close the Statements with one party and the reasons why.

Finalised (signed) already submitted	Submitted	Comments
Internal Drainage Board Ely	Deadline 5	
Internal Drainage Board Swaffham	Deadline 5	
Historic England	Deadline 6	
The National Trust	Deadline 6	
The Wildlife Trust	Deadline 4	
The Emergency Services	Deadline 6	
Finalised (signed) and submitted at Deadline 7		
Natural England	Deadline 7	
Cambridge Water	Deadline 7	
National Highways	Deadline 7	
Cambridgeshire County Council	Deadline 7	
Cambridgeshire City Council	Deadline 7	
South Cambridgeshire District Council	Deadline 7	
Save Honey Hill	Deadline 7	
The Environment Agency	Deadline 7	
GCP/SLC Rail	Deadline 7	The cleaned version of this SoCG is signed by the parties. It has not been possible for the signature of the tracked version which has been sent to them subsequently. The legal representatives acting for GCP have advised there is insufficient time and resource to sign and they are content with the signature of the final clean copy.

Waterbeach Development Company	Deadline 7	
Network Rail	Deadline 7	Signed clean version only received 12.04.24

Expecting to receive signed copy of SoCG although not received as of 16:00 on 12 April 2024.		
Cadent Gas	Tbc	A final copy of the SoCG is with Cadent's instructed solicitors for signature. The Applicant has no reason to believe this will not be signed given that the Protective Provisions are agreed. As soon as a signed copy is received, the Applicant will submit a copy. An unsigned final copy has been submitted at Deadline 7.
UKPN	Tbc	A final copy with UKPN's instructed solicitors for signature. The Applicant has no reason to believe this will not be signed given that the Protective Provisions are agreed. As soon as a signed copy is received, the Applicant will submit a copy. An unsigned final copy has been submitted at Deadline 7.
Not expected to be signed		
Cam Conservators		<p>The Applicant has engaged with the Conservators during the pre-application, application and examination stages of the DCO.</p> <p>It has reviewed in correspondence with the Conservators' instructed solicitors and discussed in meetings the wording of article 44 and the protective provisions included in the DCO for the benefit of the Conservators.</p> <p>The Applicant has included the protective provisions that the Applicant considers are reasonable and appropriate including provisions to indemnify in the event of damage and provision of expenses which might be incurred by the Conservators. The Applicant's provisions allow for submission of invoices for any expenses during construction and the submission of expenses incurred in managing or maintaining the river as result of the Applicant's works. The Applicant considers this final position is reasonable and in line with similar provisions for other statutory undertakers.</p> <p>The Cam Conservators' instructed solicitors have a copy of the Applicant's prepared SoCG. The Applicant understands that in the absence of final agreement on the Protective Provisions, the Conservators are not willing to progress this SoCG any further and the Conservators will be submitting the protective provisions they seek in final submissions to the ExA. The Applicant has not had sight of such provisions.</p>

		Further detail on the matters of disagreement is included in the Applicant's protective provisions update in the Explanatory Memorandum (App. Doc. Ref 2.2 Rev 07) and the Applicant's Closing Submissions (App. Doc. Ref. 8.33).
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3 Appendix 1: The Secretary of State for Transport's consent



Department for Transport

Department for Transport
DEPARTMENT FOR TRANSPORT
GREAT MINSTER HOUSE
33 HORSEFERRY ROAD
LONDON SW1P 4DR

Web Site: www.dft.gov.uk

12 April 2024

Eversheds Sutherland (International) LLP
Two New Bailey
6 Stanley Street
Salford M3 5GX

By email: [REDACTED]@eversheds-sutherland.com

Your ref: MOSSMJ/341656-00002

Dear Sirs

**Your client: Anglian Water Services Limited (“Anglian Water”)
Proposed Cambridge Waste Water Treatment Plant Relocation Development Consent
 (“DCO”)
Application for consent pursuant to section 135 of the Planning Act 2008 dated 1 February
2023 (“the Application”)**

I understand that you are instructed on behalf of Anglian Water, the applicant, in respect of the DCO.

I am instructed to respond on behalf of the Secretary of State for Transport (“SoST”) following consideration of the Application.

For clarity, this decision letter responds specifically to the request for consent made under section 135(2) of the Planning Act 2008 (“the Act”) only because the applicant has confirmed (and I am similarly advised) that section 135(1) is not engaged in this case.

For the avoidance of doubt, this decision letter extends to the crown interests of the SoST in the plots detailed in the Application only, which constitute Crown land as defined in section 227 of the Planning Act 2008. I confirm that the appropriate Crown authority (as defined in section 227 of the Act) is the SoST.

It is noted that some of the land contained in the Application is unregistered. It is understood that Anglian Water is not seeking powers of compulsory acquisition over these unregistered plots (specifically plot 019M). Anglian Water has also confirmed in the Application that *“there are no proposals to acquire or interfere with any Crown interest in the land pursuant to the Order, and, to the extent that the rights and restrictions still subsist for the benefit of the SoSfT, they will continue to exist and be exercisable by the SoSfT after the land and rights sought by the applicant in the Order have been acquired.”*

On the basis of the above confirmation and the provisions contained within Article 50 of the draft DCO, I am authorised to confirm that the SoST hereby gives consent pursuant to section 135(2) of the Act.

Yours sincerely,

Nick Lambert
Deputy Director, Head of Property Portfolio and Advisory
Department for Transport
[REDACTED]@dft.gov.uk

Authorised signatory for and on behalf of the Secretary of State for Transport

Get in touch

You can contact us by:



Emailing at info@cwwtpr.com



Calling our Freephone information line on **0808 196 1661**



Writing to us at **Freepost: CWWTPR**

You can view all our DCO application documents and updates on the application on The Planning Inspectorate website:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/cambridge-waste-water-treatment-plant-relocation/>