

Cambridge Waste Water Treatment Plant Relocation Project
Anglian Water Services Limited

Applicant's Closing Submissions

Application Document Reference: 8.33
PINS Project Reference: WW010003
APFP Regulation No. 5(2)(q)

Revision No. 1
12 April 2023

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1. Executive Summary

Purpose of document

- 1.1 This document has been prepared by the Applicant as a summary of the substantive points raised throughout the Examination as well as a summation of matters agreed with Interested Parties and outstanding issues.
- 1.2 The document is intended to assist the Examining Authority ("ExA") and the Secretary of State ("SoS") in their reporting and decision-making on the application for a Development Consent Order ("DCO") for the Cambridge WWTP, as described in full in ES Chapter 2 Project Description ("the Proposed Development"). The Applicant's full case has been set out in the application documents, the Issue Specific Hearings and other evidence submitted during the course of the Examination.

The Proposed Development

- 1.3 The Proposed Development, the subject of a direction under Section 35 Planning Act 2008, is described at **Section 3** below, and in detail in Chapter 2 of the Environmental Statement.
- 1.4 The Proposed Development will deliver all of the functions of the existing waste water treatment plant, treating all waste water from the Cambridge catchment and wet sludge from the wider region. In addition to this, it will have an increased capacity in order to treat the waste water from the Waterbeach catchment and anticipated housing growth in the combined Cambridge and Waterbeach catchment area.
- 1.5 The Proposed Development incorporates Associated Development, associated with the proposed waste water treatment plant as envisaged by the Planning Act 2008 and supporting guidance.

Site location and administrative boundaries

- 1.6 The site of the Proposed Development is located to the north-east of Cambridge and 2km to the east of the existing Cambridge WWTP, within the administrative boundaries of Cambridge City Council ("CCC"), South Cambridgeshire District Council ("SCDC") and Cambridgeshire County Council ("CCoC").

The need for the Proposed Development

- 1.7 The planning need for the Proposed Development is summarised at **Section 5** and further described in Planning Statement (REP1-049) and in the Applicant's additional comments in response to Save Honey Hill's Relevant Representation at 4.1.- 4.4 of **REP1-078**, and in its response to ExQ1-2.19 (REP1-079).
- 1.8 The need for the Proposed Development arises from the requirement to deliver a vacated site in accordance with the terms of the Housing Infrastructure Fund award and a strategic development need for redevelopment to deliver a new low carbon city district ("North East Cambridge"), making a key contribution to the development of Cambridge, supporting growth in the economy and making an important contribution to meeting government housing objectives.
- 1.9 The regional and national significance of this opportunity has been recognised in the Secretary of State for Environment's Section 35 direction (18 January 2021) and in a number of statements made by the Prime Minister, Secretary of State for Levelling Up, Housing and Communities and by the Chancellor of the Exchequer which emphasise Government's ambitions for the Cambridge area and which specifically reference North East Cambridge.
- 1.10 The release of the existing WWTP site will enable regeneration and the creation of a highly sustainable new city district delivering 8,350 homes (40% affordable), 15,000 new jobs and a wide range of community, cultural and open space facilities (including a community garden and food growing spaces, indoor and outdoor sports facilities) on a brownfield site

within the urban area of Cambridge which is recognised by the local authorities as “*the most sustainable location for strategic scale development available within Greater Cambridge*”.

Benefits of the Proposed Development

- 1.11 The benefits of the Proposed Development are summarised at **Section 5** below.
- 1.12 The principal benefit of the Proposed Development is the enabling of housing, jobs and community facilities.
- 1.13 On the site of the Existing Cambridge WWTP this would comprise:
 - 1.13.1 5,500 new homes
 - 1.13.2 23,500 m² new business space
 - 1.13.3 13,600 m² new shops local services, community, indoor sports and cultural facilities
 - 1.13.4 2 primary schools and early years centres and land safeguarded for 1 additional primary school if needed (and space set aside for a secondary school if needed)
- 1.14 In the surrounding North East Cambridge area further development would be unlocked by the vacating of the existing WWTP site, comprising:
 - 1.14.1 2,850 new homes
 - 1.14.2 105,000 m² new business space
 - 1.14.3 5,000 m² re-provided business floorspace
 - 1.14.4 23,200 m² re-provided industrial, storage and distribution space (B2 and B8)
 - 1.14.5 Partial retention of existing commercial floorspace
 - 1.14.6 6,100 m² new shops, community and cultural facilities (including community centre and indoor hall, health facility and visual and performing arts hub)
- 1.15 Additional environmental, social and economic benefits would be provided by the Proposed Development, including:
 - 1.15.1 significantly reducing carbon emissions through an operationally net zero and energy neutral plant
 - 1.15.2 improving storm resilience
 - 1.15.3 improving the quality of recycled water returned to the River Cam
 - 1.15.4 restoring and enhancing the surrounding environment (by increasing biodiversity by a minimum 20% complementing local initiatives such as the Cambridge Nature Network and Wicken Fen Vision)
 - 1.15.5 substantially reducing the number of homes and properties within the area which may potentially experience odour
 - 1.15.6 improving access to the countryside (by the delivery of new paths and accessible open spaces)
 - 1.15.7 enhancing education (through the facilities provided in the Discovery Centre and increased access to the WWTP)

- 1.15.8 enhancing recreational opportunities (formalising recreational access and providing wider connectivity through new and enhanced public rights of way)
- 1.15.9 investment in construction and related employment for its duration
- 1.15.10 increasing operational employment
- 1.15.11 supporting planned population growth and urbanisation in Waterbeach (in water treatment terms)
- 1.15.12 increasing operational resilience and flexibility to accommodate population growth projections plus an allowance for climate change into the 2080s

Statutory and Policy Framework

- 1.16 **Section 6** below outlines the statutory framework behind the application.
- 1.17 The Section 35 Direction is described, and information is set out in support of the Applicant's position that Section 104 of the PA 2008 is the relevant Section of the PA 2008 to apply in the determination of the application.
- 1.18 **Section 7** sets out how the application for the Proposed Development is fully aligned with the factors for the examination and determination of applications set out in Section 3 of the National Policy Statement for Waste Water ("NPSWW").
- 1.19 **Section 8** sets out the weight which the Applicant considers should be given to the emerging Greater Cambridge Local Plan. The Applicant notes that the Examining Authority and Secretary of State should give due regard, and significant weight, to the Councils' joint working formalised in the draft GCLP and the demonstrated need therein for the strategic planning opportunity offered by the Proposed Development. Any reasonable GCLP strategy will require the Application Site in order to deliver housing and other planning needs.
- 1.20 The Proposed Development's compliance with Section 4 of the NPSWW ("Generic Impacts") is set out in **Section 11 to 28**, "Environmental topics".
- 1.21 **Section 31** explains how the Proposed Development is aligned with local planning policy, including the adopted South Cambridgeshire Local Plan (SCLP) 2018 and Cambridgeshire and Peterborough Minerals and Waste Local Plan (MWLP) 2021.

Outstanding issues and objections

- 1.22 Throughout the consultation process, and during the course of the examination, the Applicant has sought to resolve issues raised by Interested Parties. The limited number of outstanding issues are summarised at **Section 9** below, other than those relating to compulsory acquisition issues, which are summarised at **Section 32**, and Protective Provisions, **Section 33**.

Environmental effects

- 1.23 As discussed in **Section 7 (National Policy Statement)**, the Proposed Development has undergone Environmental Impact Assessment (EIA) in compliance with Section 3 of the NPSWW, as recorded in the Environmental Statement supporting the application. A summary of the environmental topics covered by the Environmental Statement is provided at **Sections 11-28** below. A comprehensive mitigation package has been developed, in consultation with stakeholders, as part of the EIA process. Mitigation is summarised in the Mitigation Tracker (App Doc Ref 5.4.2.6)
- 1.24 The Proposed Development will give rise to significant environmental impacts, both adverse and beneficial.
- 1.25 Beneficial effects will include:

- 1.25.1 moderate beneficial (significant) effect on habitats as a result of implementing the landscape masterplan that significantly contributes to achieving over 20% biodiversity net gain;
 - 1.25.2 moderate beneficial (significant) effect on water quality of the River Cam as a result of the reduction of storm events and improved final effluent quality;
 - 1.25.3 The net zero carbon operation of the Proposed Development under the gas to grid option is a significant beneficial effect.¹
 - 1.25.4 other minor beneficial (not significant) effects include new recreational opportunities provided by new paths and cycleways delivered as part of the landscape masterplan and the slight beneficial (not significant) effect related to education and community provision arising from the provision of the Discovery Centre
- 1.26 Significant adverse effects will be primarily restricted to the construction phase and are therefore temporary in nature. Significant adverse effects include:
- 1.26.1 permanent large and moderate adverse effects on visual receptors, such as users of Horningsea Road and Footpath 85/6, as well as residential properties including but not limited to Poplar Hall, Poplar Hall Farmhouse and Biggin Abbey.
 - 1.26.2 permanent moderate adverse effect from the partial or complete removal of archaeological remains,
 - 1.26.3 permanent moderate adverse effect from the change in the setting of Biggin Abbey (less than substantial harm)
 - 1.26.4 permanent moderate adverse effect from the loss of BMV agricultural land and the acquisition of land from farm businesses.
 - 1.26.5 temporary moderate adverse effects on water quality and flood risk due to installation of a cofferdam to facilitate construction of the outfall on the River Cam
 - 1.26.6 a temporary moderate adverse effect on groundwater and surface water flows due to dewatering required during construction of the TPS shaft.
 - 1.26.7 temporary moderate adverse effects on agricultural land and soils as a result of the need for temporary construction working areas, including land for temporary construction access CA2, construction of the Waterbeach pipeline and on farm holding Y041.
 - 1.26.8 moderate adverse effect on pedestrian delay due to the temporary closure of public rights of way (PRoW), namely Footpath 85/6.
- 1.27 The Proposed Development will have a moderate adverse (significant) effect in respect of capital (construction) carbon. However, the project has been developed to deliver significant construction carbon savings from a baseline established in accordance with ambitious sector standards. Carbon performance of the Proposed Development has been optimised through detailed design, and further improvement will be sought through the Design Code (App Doc Ref 7.17);
- 1.28 Other environmental effects during construction (including air quality, noise and health) are considered not significant and are managed via mitigation measures included within documents that the Applicant has prepared and are secured by requirements within the

¹ Although the Combined Heat and Power (CHP) option would also be operationally Net Zero by operation of Requirement 21 of the draft DCO [REP5-003], in EIA terms where that status has been achieved through mitigation such as offsetting it cannot be accorded a beneficial status. The Carbon chapter of the Environmental Statement [REP6-019] refers further to this issue.

draft DCO. These include the Code of Construction Practice, the Construction Traffic Management Plan, the Outfall Management and Monitoring Plan and the Landscape, Ecological and Recreational Management Plan.

Planning Balance

- 1.29 The planning balance and weighting to be accorded to the various benefits and harms, is summarised at **Section 29** below. The Green Belt and other harm in this instance would, in the Applicant's opinion, be clearly outweighed by the need for the Proposed Development and the substantial cumulative public benefits it will deliver sufficient for the Secretary of State to conclude that the very special circumstances needed to justify a grant of development consent have been demonstrated.

Compulsory Acquisition

- 1.30 Whilst significant progress has been made by the Applicant in reaching voluntary agreement for the land and rights required for the Proposed Development (as reported in **Section 32** below) it remains necessary for the Applicant to seek the authorisation of compulsory acquisition powers to ensure that the Proposed Development can proceed within a reasonable timescale. There are outstanding objections to compulsory acquisition, including from statutory undertakers (National Highways, Network Rail and the Cam Conservators), in respect of which the Applicant submits that the tests in Section 127 of the Planning Act 2008 are met.
- 1.31 All of the Order Land, including the proposed new rights and restrictive covenants over the Order Land, is required for the purposes of the Proposed Development, to facilitate the Proposed Development, or is incidental to, the Proposed Development. The extent of land within the Order Limits is reasonable and proportionate, and is no more than is reasonably necessary.
- 1.32 There is a compelling case in the public interest for the land and rights/restrictions over the land to be acquired given the positive benefits that the development will generate.
- 1.33 In addition:
- 1.33.1 reasonable alternatives to compulsory acquisition have been explored;
 - 1.33.2 it has been demonstrated that the interference with rights is for a legitimate purpose, is necessary and is proportionate;
 - 1.33.3 the Applicant has demonstrated it has a clear idea how it intends to use the land (or rights/restrictions over land);
 - 1.33.4 an explanation has been provided as to how it is expected that the construction of the Proposed Development and the acquisition of the land or rights over the land will be funded, as well as compensation arising from the exercise of powers of compulsory acquisition, which demonstrates that there is a reasonable prospect of the requisite funds being available;
 - 1.33.5 subject to the making of the Order, there are no known impediments to the delivery of the Proposed Development;
 - 1.33.6 Article 1 of the First Protocol to the ECHR and Articles 6 and 8 of the ECHR have been considered, and the outputs and benefits which will be realised by the CWWTPR will outweigh the private loss that would be suffered by those whose land and/or interests are to be subject to compulsory acquisition.
- 1.34 The Applicant submits that the tests in sections 122 and 123 of the Planning Act 2008 are met and that there is a compelling case in the public interest for the authorisation of the compulsory acquisition powers and powers of temporary possession sought in the Order.

2. **Introduction**

- 2.1 This document has been prepared by the Applicant as a summary of the substantive points raised throughout the Examination as well as a summation of matters agreed with Interested Parties and outstanding issues. Signposting to the Examination Library references is included throughout, directing the reader to where the relevant submission material can be found.
- 2.2 The document is intended to assist the Examining Authority ("ExA") and the Secretary of State ("SoS") in their reporting and decision-making on the application for a Development Consent Order ("DCO") for the Proposed Development. The Applicant's full case has been set out in the application documents, the Issue Specific Hearings and other evidence submitted during the course of the Examination.
- 2.3 In order to assist the ExA and the SoS, these submissions reflect the final position of the Applicant on matters raised by Interested or Affected Parties and in relation to issues raised by the ExA throughout the examination.

3. **Project Description**

- 3.1 The Proposed Development is described in detail at ES Chapter 2 Project Description [REP6-009]. The principal elements of the Proposed Development can be summarised as follows:
 - 3.1.1 an integrated waste water and sludge treatment plant
 - 3.1.2 a shaft to intercept waste water at the existing Cambridge WWTP on Cowley Road and a tunnel/ pipeline to transfer it to the proposed WWTP and terminal pumping station. Temporary intermediate shafts to launch and recover the micro-tunnel boring machine;
 - 3.1.3 a gravity pipeline transferring treated waste water from the proposed WWTP to a discharge point on the River Cam and a pipeline for storm water overflows;
 - 3.1.4 a twin pipeline transferring waste water from Waterbeach to the existing Cambridge WWTP, with the option of a connection direct in to the proposed WWTP when the existing works is decommissioned;
 - 3.1.5 on-site buildings, including - a Gateway Building with incorporated Discovery Centre, substation building, workshop, vehicle parking including electrical vehicle charging points, fencing and lighting.
 - 3.1.6 environmental mitigation and enhancements including substantial biodiversity net gain, improved habitats for wildlife, extensive landscaping, a landscaped earth bank enclosing the proposed WWTP, climate resilient drainage system and improved recreational access and connectivity.
 - 3.1.7 renewable energy generation via anaerobic digestion which is part of the sludge treatment process that produces biogas designed to be able to feed directly into the local gas network to heat homes, or as an alternative potential future option burnt in combined heat and power engines.
 - 3.1.8 renewable energy generation via solar photovoltaic and associated battery energy storage system.
 - 3.1.9 other ancillary development such as internal site access, utilities, including gas, electricity and communications and connection to the site drainage system.
 - 3.1.10 a new vehicle access from Horningsea Road including for Heavy Goods Vehicles bringing sludge onto the site for treatment and other site traffic;

- 3.1.11 temporary construction works including compounds, temporary highway controls, accesses and signage, fencing and gates, security and safety measures, lighting, welfare facilities, communication control and telemetry infrastructure;
- 3.1.12 decommissioning works to the existing Cambridge WWTP to cease its existing operational function and to facilitate the surrender of its operational permits including removal of pumps, isolation of plant, electrical connections and pipework, filling and capping of pipework, cleaning of tanks, pipes, screens and other structures, plant and machinery, works to decommission the potable water supply and works to restrict access to walkways, plant and machinery.
- 3.2 As set out at paragraph 1.3 of the Project Description, the new WWTP will deliver all of the functions of the existing WWTW, treating all waste water from the Cambridge catchment and wet sludge from the wider region. In addition to this, it will have an increased capacity in order to treat the waste water from the Waterbeach catchment and anticipated housing growth in the combined Cambridge and Waterbeach catchment area.
- 3.3 The Section 35 direction dated 18 July 2021 (Appendix 3 of the Planning Statement [**REP1-049**]) (“the Section 35 Direction”), addressed in **Section 6** below, specifically refers to “tunnels or pipes conveying waste water from Waterbeach New Town”. The ExA queried how this would operate at ISH4.
- 3.4 Flows from the Waterbeach catchment will be transferred to the new WWTP via two new pipelines which will connect to waste water infrastructure to be provided as part of the Waterbeach New Town development. Dependent upon the rate of housing delivery on the Waterbeach New Town development versus the ability of the existing Waterbeach facility to treat the resulting flows, and the operational date of the new WWTP, these flows may initially need to be taken to the existing WWTP for treatment via Waterbeach Pipeline North (Work No. 33 in the draft DCO) and Waterbeach Pipeline South (Work No. 36 in the draft DCO) before being diverted to the new WWTP via the construction of a spur (Work No. 35 in the draft DCO). As confirmed at ISH4 and in the Applicant’s response to the resulting action points [**REP6-116**], Action Point 1, in the event that Work No. 36 is constructed flows from Waterbeach would then be transferred from the existing WWTP to the new WWTP via the transfer tunnel (Work No. 27 in the draft DCO) during the commissioning period of the new work and until such time as the spur is constructed and becomes operational following which the Waterbeach Pipeline South would be decommissioned. If the new WWTP is fully operational prior to the construction of the Waterbeach Pipeline South then the Applicant would not expect to construct that Work and instead would transfer flows direct from Waterbeach to the new WWTP via Waterbeach Pipeline North and the spur. The Applicant clearly requires certainty and some extent of flexibility in order to enable it to effectively operate the waste water treatment network in this regard in the DCO. The flexibility sought is addressed in **Section 33** below.
- 3.5 The ExA asked how certain elements of the Proposed Development (namely the Gateway Building (Work No. 19), the visitor parking to the front of the Gateway Building (Work No. 3) and the workshop (Work No. 7)) fall within the definition of “associated development” under the Planning Act 2008 (“PA 2008”).
- 3.6 Section 115(1)(b) PA 2008 confirms that development consent may be granted for “associated development” which is defined by Section 115(2) as “development which is associated with the development within subsection (1)(a) (or any part of it)”². Subsection (1)(a) refers to the development for which development consent is required and in these circumstances, that comprises the development described in the Section 35 Direction. The ExA and SoS therefore need to be satisfied that the Gateway Building, Parking and Workshop building are associated with the principal development (or any part of it) which is the subject of the Section 35 Direction (Appendix 3 of the Planning Statement [**REP1-049**]). The Applicant has had regard to *Guidance on associated development for major*

² There is an exclusion in section 115(2)(b) which does not apply. The development falls within section 115(3) since it is in England, and therefore section 115(2)(c) is satisfied.

*infrastructure projects*³ and specifically the core principles set out in paragraph 5 of that guidance in formulating the whole of its Application. The Applicant considers that the Gateway Building, the Visitor Parking and the Workshop all align with each of these principles and meet the 'tests' for associated development.

- 3.7 The purposes of these three Works are explained in the Project Description Chapter of the Environmental Statement [**REP6-009**] and briefly addressed here.
- 3.7.1 The Gateway Building has been designed as an integral part of the Proposed Development in accordance with the principles of Good Design set out in the National Policy Statement for Waste Water (Section 3.5), and the National Infrastructure Commission's Design Principles. It provides a variety of functions for the Proposed Development, all of which are associated with the waste water treatment plant including office space, welfare facilities and educational facilities. The uses are explained in detail in the Applicant's Response to ISH4 Actions [**REP6-116** – Action Point 6] and have been part of the existing waste water treatment plant for over two decades. The Applicant considers these cannot be severed from the rest of the Proposed Development and that the building as a whole has a direct relationship with the principal development.
- 3.7.2 The Visitor Parking in front of the Gateway Building is required to serve visitors of the facilities both within the Gateway Building and the Waste Water Treatment Plant. This parking is not severable from the Gateway Building and is clearly associated with the Proposed Development since visitors to the Waste Water Treatment Plant will need to use it. The Applicant requires that visitors park in this location rather than inside the earth bank in order that they are separate from the operational plant before they undertake the required safety induction process.
- 3.7.3 The Workshop supports the ongoing operation of the development and its facilities are described in paragraph 9.19 of the Design and Access Statement ("DAS") [**AS-168**]. The Applicant is clear that this is firmly associated development.
- 3.8 The Applicant notes the judgment in *R. (on the application of Innovia Cellophane Ltd) v Infrastructure Planning Commission*⁴ which discusses the purposive intent of Parliament in enacting Section 115(2), stating that *"...As already explained the 2008 Act aimed to create a streamlined, efficient and predictable planning system for nationally significant infrastructure projects. One way it did this was by rationalising the development consent regimes to create, as far as possible, a single consent regime with a harmonised set of requirements and procedures. That key purpose is given effect to in section 115(1) by permitting applications for development consent to cover not just the nationally significant infrastructure project itself but also associated development, such as, in this case, specially built, temporary campus type accommodation for the large number of workers needed for its construction. To allow the local planning authority to determine the issue of this accommodation would lead to the piecemeal consent system which the 2008 Act was intended to overcome."*
- 3.9 The Applicant therefore considers that the Gateway Building, Visitor Parking and Workshop meet the requirements for associated development under the PA 2008 and their inclusion in the Development Consent Order negates the need for piecemeal consents that would otherwise be required to deliver these necessary elements of the development.

³ DCLG, April 2013.

⁴ [2011] EWHC 2883 (Admin), see paragraph 29.

4. **Site location**

- 4.1 The site is located to the north-east of Cambridge and 2km to the east of the existing Cambridge WWTP. This can be seen on Sheet 1 of the Works Plans [**REP6-004**]. It is situated on arable farmland immediately north of the A14 and east of the B1047 Horningsea Road in the green belt between the villages of Horningsea to the north, Stow cum Quy to the east and Fen Ditton to the south west. Two overhead lines of pylons cross the northern and eastern edges of the main development site and come together with a third line at the north eastern corner of the site. The topography is fairly flat with an approximately 4m fall across the site south west to north east.

5. Need

Need and Ministerial Statements

- 5.1 There is a compelling case in favour of the project and why the DCO should be granted by the SoS. Looked at on its own, the Proposed Development will deliver a modern, low carbon waste water treatment facility capable of meeting population growth projections for Greater Cambridge plus an allowance for climate change into the 2080s with the capability for expansion by modification, enhancement and optimisation of the design to accommodate anticipated flows into the early 2100s, improving storm resilience and the quality of the recycled water returned to the River Cam, restoring and enhancing the surrounding environment, improving access to the countryside with new paths and accessible open spaces and enhancing recreational and educational opportunities (paragraphs 2.2.14 – 2.2.17 Planning Statement [**REP1-049**]). On this basis alone the SoS DEFRA Section 35 Direction of 18 January 2021 recognises this project as “nationally significant” (Appendix 3, 7.5 Planning Statement [**REP1-049**]).
- 5.2 However, the rationale for the Proposed Development, and specifically for relocation of the WWTP from its existing location (made possible by the HIF award) relates to a much greater purpose and intended benefit – the enablement of the creation of a new urban quarter for Cambridge to support Cambridge’s continued growth as ‘Europe’s science capital’. This importance is specifically referred to in the ‘Vision for Cambridge 2020’ announcement by the Prime Minister and the Secretary of State for Levelling Up, Housing and Communities and written ministerial statement on 24 July 2023 [Appendix C, **REP5-111**]. It has been reinforced during this DCO Examination by further ministerial statements by the Secretary of State for Levelling Up, Housing and Communities on 19 December 2023 [Appendix C, **REP5-111**] and by the Chancellor alongside the Spring Budget Statement 2024 including the ‘Case for Cambridge’ (see SCDC Responses to ExQ3, **REP6-122**, page 3 and Appendix 4) which emphasise Government’s ambitions for the Cambridge area and which specifically reference North East Cambridge as one of three key strategic sites that the Cambridge Delivery Group is actively supporting to unlock and accelerate planned growth).

Need for and Benefits of the Proposed Development

- 5.3 The need for the Proposed Development is set out in detail in the Planning Statement [**REP1-049**] and in the Applicant’s additional comments in response to Save Honey Hill’s Relevant Representation at 4.1.- 4.4 [**REP1-078**], and in its response to ExQ1-2.19 [**REP1-079**]. The need for WWTP relocation is best described as a need to deliver a vacated site in accordance with the terms of the HIF award and a strategic development need for the site to be redeveloped to deliver a new low carbon city district making a key contribution to the development of Cambridge, supporting growth in the economy and making an important contribution to meeting government housing objectives (consistent with the objectives at sections 6 and 11 of the NPPF).
- 5.4 The relationship between the Proposed Development and the redevelopment of the existing Cambridge WWTP site is set out in the Applicant’s response to ExQ1-1.18, ExQ1-2.15 and ExQ2.31 [**REP1-079**] and duplicated in a number of the application documents including Figure 1.1. of the Guide to the Application [**AS-138** - page 5], the Planning Statement [**REP1-049**], the Environmental Statement Project Description [**APP-034**] and the Design and Access Statement [**AS-168**]. Delivery of this housing/urban regeneration on the vacated site (if the DCO is approved) is secured through the contractual arrangements around the HIF award, and considerable confidence can be placed therefore on this delivery. This was affirmed by Peter Denton, Chief Executive of Homes England in ISH1 and in Homes England’s submissions at REP1-159 and REP1-160. The weight that should be afforded to enabling housing delivery / urban regeneration as a benefit of the Proposed Development is on that basis very substantial (overriding) (see paragraph 10.4.1 Applicant’s Post Hearing Submission (CAH1 & ISH3)[**REP4-088**]).
- 5.5 The regional and national significance of this opportunity has been recognised in the SoS (DEFRA) Section 35 Direction [(Appendix 3 of the Planning Statement [**REP1-049**]), and its importance elevated by the announcement by the Prime Minister and the Secretary of State for Levelling Up, Housing and Communities on 24 July 2023 of the Government’s objective to ‘supercharge’ Cambridge. That announcement, reinforced by further

statements made by the Secretary of State for Levelling Up, Housing and Communities on 19 December 2023 (both submitted by the Applicant at Appendix C of **REP5-111**). and by the Chancellor of the Exchequer alongside the Spring Budget Statement 2024 (supported by the publication on the same day of a number of statements relating to Cambridge [submitted to the ExA by SCDC in the Appendices to ISH4 Response to Action Points [**REP6-123**] including the 'Case for Cambridge' which emphasises Government's ambitions for the Cambridge area and which specifically references North East Cambridge ("NEC") as one of three key strategic sites that the Cambridge Delivery Group is actively supporting to unlock and accelerate planned growth) are material to the decision making process and relate to a matter which is both important and relevant to the Secretary of State's decision.

- 5.6 Vacating the existing WWTP site will enable the opportunity for other sustainable development which is of regional and national significance and which best contributes to Greater Cambridge's sustained economic growth utilising the locational benefits of NEC and the opportunities for sustainable travel that have been created by the opening of the Cambridge North Station and the interchange with the Cambridgeshire Busway and the Chisholm Trail cycle route as well as further proposed public transport and active transport routes to link to the Waterbeach New Town to the north.
- 5.7 The release of the existing WWTP site will enable regeneration and the creation of a highly sustainable new city district delivering 8,350 homes (40% affordable), 15,000 new jobs and a wide range of community, cultural and open space facilities (including a community garden and food growing spaces, indoor and outdoor sports facilities) on a brownfield site within the urban area of Cambridge which is recognised by the local authorities as "*the most sustainable location for strategic scale development available within Greater Cambridge*" " (para 2.3.24, 7.5 Planning Statement [**REP1-049**]). This opportunity is fully described in the NECAAP, a document which is predicated on the relocation of the existing WWTP and which has been prepared in accordance with adopted SCLP Policy SS/4 and Figure 6 and adopted Cambridge LP Policy 15 and Figure 3.3 and to which 'significant' weight should be given as confirmed by the two local authorities in the respective agreed Statements of Common Ground and their respective responses to ExQ1-2.11 [**REP2-046** and **REP2-054**].
- 5.8 Specifically, relocation will deliver a 42 hectare brownfield site for redevelopment and release a further 35 hectares of land currently constrained to general industrial and office use on an area of land forming the gateway between Cambridge North station and the Cambridge Science Park which is identified in the Regulation 19 version of the NEC Area Action Plan (NECAAP) as having the potential to provide:
- 5.9 On the existing WWTP site
 - 5.9.1 5,500 new homes
 - 5.9.2 23,500 m² new business space
 - 5.9.3 13,600 m² new shops local services, community, indoor sports and cultural facilities
 - 5.9.4 2 primary schools and early years centres and land safeguarded for 1 additional primary school if needed (and space set aside for a secondary school if needed)
- 5.10 On the surrounding area
 - 5.10.1 2,850 new homes
 - 5.10.2 105,000 m² new business space
 - 5.10.3 5,000 m² re-provided business floorspace
 - 5.10.4 23,200 m² re-provided industrial, storage and distribution space (B2 and B8)
 - 5.10.5 Partial retention of existing commercial floorspace

- 5.10.6 6,100 m² new shops, community and cultural facilities (including community centre and indoor hall, health facility and visual and performing arts hub)
- 5.11 Other benefits arising as a consequence of the Proposed Development are described at paragraphs 1.4.1 – 1.6.1, 2.2.1 – 2.2.17 and 6.2.13 of the Planning Statement [**REP1-049**]. These can be summarised as:
 - 5.11.1 Environmental benefits through the delivery of a new modern, low carbon waste water treatment facility:
 - 5.11.1.1 significantly reducing carbon emissions (from being operationally net zero and energy neutral)
 - 5.11.1.2 improving storm resilience (by making storm overflows and CSOs less likely to occur)
 - 5.11.1.3 improving the quality of recycled water returned to the River Cam (by reducing concentration in final treated effluent discharges of phosphorus, ammonia, total suspended solids and BOD)
 - 5.11.1.4 maximising public value and supporting the circular economy (by more efficiently and effectively recycling and re-using waste water in the interests of public health)
 - 5.11.1.5 restoring and enhancing the surrounding environment (by increasing biodiversity by a minimum 20% complementing local initiatives such as the Cambridge Nature Network and Wicken Fen Vision)
 - 5.11.1.6 substantially reducing the number of homes and properties within the area which may potentially experience odour (when compared to the equivalent area for the Proposed Development)
 - 5.11.2 The commitment to higher energy efficiency, on-site renewable energy provision, high standards of design and sustainable transport measures are clear environmental benefits, representing a move towards a low carbon economy and promoting more sustainable means of travel.
 - 5.11.3 Social benefits through:
 - 5.11.3.1 improving access to the countryside (by the delivery of new paths and accessible open spaces)
 - 5.11.3.2 enhancing education (through the facilities provided in the Discovery Centre and increased access to the WWTP)
 - 5.11.3.3 enhancing recreational opportunities (formalising recreational access and providing wider connectivity through new and enhanced public rights of way)
 - 5.11.3.4 The provision towards new recreational space and enhanced public rights of way, while necessary to mitigate the impact of the development, would also be available to everyone in the local area.
 - 5.11.4 Economic benefits through:
 - 5.11.4.1 investment in construction and related employment for its duration
 - 5.11.4.2 increasing operational employment

- 5.11.4.3 supporting planned population growth and urbanisation in Waterbeach (in water treatment terms)
- 5.11.4.4 increasing operational resilience and flexibility to accommodate population growth projections plus an allowance for climate change into the 2080s in accordance with Anglian Water's statutory duties and with capability to efficiently and economically expand within the WWTP site to accommodate anticipated flows into the early 2100s in support of the spatial development strategy for homes and jobs set out in the emerging GCLP and the ambitions set out in the Prime Minister and the Secretary of State for Levelling Up, Housing and Communities on 24 July 2023 announcement to 'supercharge' Cambridge as Europe's science capital.
- 5.12 The consequences of not delivering relocation of the existing WWTP in the manner proposed in this application are addressed in the agreed Statement of Common Grounds with SCDC and CCC. Development around the existing WWTP would largely be restricted to employment and commercial use. Few if any of the wider regeneration benefits would likely be realised, including the achievement of the NECAAP aim to rebalance an employment-dominated part of Cambridge in order to achieve a sustainable mix of housing, work, retail and leisure and reducing the need to travel. The consequences on meeting housing needs if the DCO is not consented, elaborated by SCDC at paragraphs 6.78-6.82 of their LIR [**REP5-120**] is that "the long-sought regeneration of North East Cambridge would remain undeliverable and the local plans would be further delayed. The Councils would therefore necessarily have to go back through the rigorous process [described at LIR paragraphs 6.52-6.63] of considering the available broad locations for development that performed next best against the guiding principles". The District Council further states that "on the basis of the evidence available ... at this time, the alternative locations to North East Cambridge that could be available to meet the Councils development needs are all less sustainable in transport terms and the carbon emissions arising. In addition, it is clear that the Edge of Cambridge Green Belt sites would have a significant impact on the Green Belt, and the New Settlement options would be likely to take a significant time to deliver" (LIR paragraph 6.81). This is an outcome which will significantly delay and frustrate the realisation of the Government's 'Vision for Cambridge 2040'.
- 5.13 Looked at simply as a proposal for the construction of a new WWTP, whilst ignoring the wider sustainability benefits (in NPPF paragraph 8 economic, social and environmental terms), makes the judgement of whether the relative benefits of the Proposed Development '*clearly outweigh*' (NPSWW paragraph 4.8.14) the harm to Green Belt and other harms identified in the environmental impact assessment a fine balance [see the Applicant's response to ExQ1-2.23b [**REP1-079**]]. However, the rationale for the Proposed Development, and specifically for relocation of the WWTP from its existing location (made possible by the HIF award) relates to a much greater purpose and intended benefit – the enablement of the creation of a new urban quarter for Cambridge to support Cambridge's continued growth as 'Europe's science capital'. This importance is specifically referred to in the 'Vision for Cambridge 2040' announcement by the Prime Minister and the Secretary of State for Levelling Up, Housing and Communities and written ministerial statement on 24 July 2023 [Appendix C, REP5-111]. It has been reinforced during this DCO Examination by further ministerial statements by the Secretary of State for Levelling Up, Housing and Communities on 19 December 2023 [Appendix C, **REP5-111**] and by the Chancellor alongside the Spring Budget Statement 2024 (supported by the publication on the same day of a number of statements relating to Cambridge [submitted to the ExA by SCDC in the Appendices to ISH4 Response to Action Points [**REP6-123** including the 'Case for Cambridge' which emphasise Government's ambitions for the Cambridge area and which specifically reference North East Cambridge as one of three key strategic sites that the Cambridge Delivery Group is actively supporting to unlock and accelerate planned growth]). The weight that should be afforded to enabling housing delivery / urban regeneration as a benefit of the Proposed Development is on that basis very substantial (overriding) (see paragraph 10.4.1 Applicant's Post Hearing Submission (CAH1 & ISH3)[**REP4-088**]).
- 5.14 In that context, the compatibility of the Proposed Development with, for example, the objectives of NPPF paragraph 109 to focus significant development on locations which are

or can be made sustainable and the requirements of local policy SCLP Policy TI/2 to locate and design development to reduce the need to travel and promote sustainable travel can be measured in its relevant context (as discussed in ISH5). Taking that wider view of the Proposed Development and full range of benefits it will directly deliver and indirectly enable, the Applicant considers that it is clear that the proposed development is highly sustainable.

- 5.15 The results of the analysis (Cambridge Waste Water Treatment Plant: Strategic Whole-Life Carbon Assessment, January 2023 [**REPS-085**]) show that, on the assumptions used in the analysis, proceeding with the proposed development by relocating the Waste Water Treatment works and developing the NEC brownfield site will emit significantly fewer carbon emissions than expanding and modernising the existing WWTP in situ and building the equivalent additional 8,350 houses elsewhere in Greater Cambridge (the counterfactual emits ~40% more carbon than the proposed development). This result is consistent across all three policy scenarios tested. It is also consistent across both the optimistic and conservative housing delivery timescale scenarios.

6. Statutory Framework

- 6.1 On 18 January 2021, the Secretary of State for Environment Food and Rural Affairs directed, pursuant to Section 35 PA 2008, that the Proposed Development be treated as development of national significance for which development consent is required. Prior to this, the Applicant had made a request for a direction pursuant to Section 35. As a result of the direction, the Proposed Development has been treated as an application for which a development consent order is required under the PA 2008.
- 6.2 The Section 35 Direction is appended to the Planning Statement (Appendix 3 of the Planning Statement [**REP1-049**]) and states:
- THE SECRETARY OF STATE HEREBY DIRECTS that the proposed development, namely, the Cambridge Waste Water Treatment Plant Relocation Project, is to be treated as development for which development consent is required. Any development consent order application for the proposed development may also include any matters that may properly be included in a development consent order (within the meaning of Section 120 of the Planning Act) including ancillary matters (Section 120(3)) and associated development (within the meaning of Section 115(2) of the Planning Act).⁵
- 6.3 The consequences of the Section 35 Direction for the decision making framework under the PA 2008, and in particular whether the application fall to be determined under s104 or s105 of the PA 2008, was a matter raised by Save Honey Hill in its Relevant Representation and on which the ExA sought further clarity from the Applicant. The Applicant's position is set out in its legal submission in response [**AS-126**].
- 6.4 As a starting point, the Applicant has not, during the Examination, sought to take the point that the Proposed Development meets the threshold in Section 29(1) of the PA 2008 and submits that the SoS does not need to reach a finding on this point.
- 6.5 The Applicant submits that the question of whether Section 104 or Section 105 of the 2008 applies turns on the terms of the Waste Water NPS as was held by Dove J in *EFW Group Ltd v Secretary of State for Business, Energy and Industrial Strategy*⁶ and not simply by whether the threshold in Section 29(1) is exceeded. A copy of this judgment is appended to the legal submission and the Applicant's legal analysis is set out in paragraphs 1.10 to 1.14. The Applicant made subsequent submissions on the applicability of Sections 104 and 105 during the course of the examination, namely:
- 6.5.1 in response to RR-151 from Ian Gilder that the application should be determined under Section 105 and not Section 104V [**REP1-078**];
- 6.5.2 in response to Save Honey Hill's written representations and paragraph 3 of those representations in particular, where the Applicant set out a detailed explanation of why it is its position that Section 104 applies [**REP2-038**];
- 6.5.3 in response to ExQ1 2.3 [**REP1-079**];
- 6.5.4 the Applicant's ISH1 Post-Hearing Note [**REP1-082**] where the Applicant explained that whether or not Section 104 applies turns on the terms of the relevant NPS.
- 6.6 The relevant National Policy Statement for the Proposed Development is the 'National Policy Statement for Waste Water' ("NPSWW"), although the Proposed Development is not one of the two projects expressly named within the NPSWW. However, as detailed in the Applicant's legal submission [**AS-126**] and paragraph 3.1.8 of the Planning Statement

⁵ The Applicant has addressed 'associated development' at Section 3 of these submissions.

⁶ [2021] EWHC 2697 (Admin)

[**REP1-049**], the Applicant's position is that the NPSWW nevertheless does have effect by virtue of the operation of footnote 6 which expressly refers to Section 35 PA 2008:

It is the Applicant's opinion that the NPSWW has effect in this instance because of the terms of the s35 Direction dated 14 May 2021 stating that the project is "nationally significant" (noting footnote 6 in NPSWW paragraph 1.2.1). In this case, the NPSWW is the primary basis for making the decision on the Proposed Development and the Secretary of State must, therefore, decide the Application in accordance with that NPSWW unless one of the conditions set out at subsections (4) to (8) s104 PA 2008 apply.

- 6.7 Notwithstanding the Applicant's position that Section 104 of the PA 2008 is the relevant Section of the PA 2008 to apply in the determination of the application, the Applicant would still urge both the ExA and the Secretary of State to indicate what their decision would have been had they decided the application under Section 105, and the Applicant has considered this in the Planning Statement [**REP1-049**]. The Applicant considers that adopting this approach would reduce the risk of any delay to delivery of the project and the associated benefits which it enables arising from legal challenge on the point.

Section 104

- 6.8 Section 104 of the PA 2008 applies in relation to an application for an order granting development consent if a national policy statement "has effect" in relation to a development of the description to which the application relates. Section 104(2) sets out what the Secretary of State must have regard to in deciding the application:

(a) any national policy statement which has effect in relation to development of the description to which the application relates (a "relevant national policy statement"),

[our emphasis]

(aa) the appropriate marine policy documents (if any), determined in accordance with section 59 of the Marine and Coastal Access Act 2009;⁷

(b) any local impact report (within the meaning given by section 60(3)) submitted to the Secretary of State before the deadline specified in a notice under section 60(2),

(c) any matters prescribed in relation to development of the description to which the application relates, and

(d) any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.

- 6.9 Section 104 (4) to (8) of the PA 2008 confirms that, where a NPS has effect, the Secretary of State must decide an application for a NSIP in accordance with the NPS, except to the extent one or more of the specified circumstances would apply:

6.9.1 lead to the UK being in breach of its international obligations;

6.9.2 be unlawful;

6.9.3 lead to the Secretary of State being in breach of any duty imposed by or under any legislation;

6.9.4 result in adverse impacts of the development outweighing its benefits;

6.9.5 be contrary to legislation about how the decisions are to be taken.

⁷ There are no marine policy documents relevant to the Application.

- 6.10 Section 3.5 of the Planning Statement [**REP1-049**] confirms that there are no grounds for concluding that the circumstances above apply.
- 6.11 Section 104(9) confirms that the fact that any relevant national policy statement identifies a location as suitable (or potentially suitable) for a particular description of development does not prevent one or more of subsections (4) to (8) from applying.
- 6.12 Overall, the effect of Section 104 is to impose a statutory duty on the Secretary of State to determine applications for development consent in accordance with that section where a national policy statement *has effect*. Whilst the Secretary of State must 'have regard' to the matters in Section 104(2), ultimately Section 104(2) provides that a relevant application must be decided in accordance with the NPSWW. The operation of Section 104 was considered in *EFW Group Ltd* at paragraphs 37 and 38 of the judgment.
- 6.13 It is the Applicant's case that:
- 6.13.1 the NPSWW has effect; and
 - 6.13.2 that none of the exceptions in Sections 104(4) to (8) apply; and therefore
 - 6.13.3 the SoS *must* (as per the wording in Section 104(3)), decide the Application in accordance with the NPSWW.

Section 105

- 6.14 Conversely, Section 105 applies in relation to an application for an order granting development consent where Section 104 does not apply (i.e. where there is no national policy statement which "has effect"). Section 105(2) goes on to state what the Secretary of State must have regard to in deciding the application in such circumstances:
- (2) In deciding the application, the Secretary of State must have regard to—
 - (a) any local impact report (within the meaning given by section 60(3)) submitted to the Secretary of State before the deadline specified in a notice under section 60(2),
 - (b) any matters prescribed in relation to development of the description to which the application relates, and
 - (c) any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.
- 6.15 It is the Applicant's position that irrespective of whether it "has effect", the NPSWW is still a policy document which is both important and relevant to the SoS's decision. Full submissions on this are set out in section 6.4 of the Planning Statement [**REP1-049**].

7. National Policy Statement for Waste Water

- 7.1 The Planning Statement [**REP1-074**] considers the consistency of the Proposed Development with relevant policy, in particular against the policy contained in the National Policy Statement for Waste Water (March 2012) (NPSWW) and the weighing of potential benefits and potential adverse impacts against the considerations set out in the NPSWW.
- 7.2 Factors for the examination and determination of applications are set out in Section 3 of the NPSWW. The Applicant's compliance with Section 3 is set out in the following paragraphs (6.2 - 6.14). Section 4 of the NPSWW ("Generic Impacts") sets out potential impacts relevant to any waste water infrastructure project. Compliance with the NPSWW in this respect is set out in the "Environmental topics" at **Sections 11-28** below.

Environmental Impact Assessment

- 7.3 The Applicant has produced an Environmental Statement (revised over the course of the examination) in compliance with Section 3.2 of the NPSWW, including information on employment, equality, community cohesion and well-being (paragraph 3.2.2) and cumulative effects (paragraph 3.2.3). These environmental effects are discussed further at **Section 11-28** of these closing submissions, below.
- 7.4 The flexibility referred to at paragraph 3.2.6 of the NPSWW is sought in the project proposals as described and justified further in the Project Description and assessed in the Environmental Statement. This flexibility is reflected in the Requirements of the draft Development Consent Order, as discussed further at **Section 33** below.

Habitats Regulations Assessment

- 7.5 In respect of Habitats Regulation Assessment (section 3.3 of the NPSWW), the Applicant has sought the advice of Natural England and provided the examining authority with the information required to determine whether an appropriate assessment is required. The information, which is provided in ES Appendix 8.16 Habitat Regulations Assessment Report [**REP2-024**], following an appropriate assessment concluded that, with adherence to the proposed mitigation, including regulatory requirements, the construction works associated with the Proposed Development and the operational activity associated with the Proposed WWTP will not have any adverse effects on integrity of the designated sites and their features either alone or in-combination with other plans, policies or projects. This conclusion was agreed with Natural England as part of the SoCG provided at Deadline 3 [**REP3-046**].

Alternatives

- 7.6 In respect of alternatives (section 3.4 of NPSWW), the Environmental Statement (ES) includes an outline of the main alternatives studied by the Applicant [**AS-018**] and an indication of the main reasons for the Applicant's choice, taking into account the environmental, social and economic effects.

Good Design

- 7.7 The Applicant has applied the principles of Good Design to meet all the requirements of section 3.5 of NPSWW. As described in the DAS [**AS-168**] the Applicant has followed the National Infrastructure Commission's guidance on Design Principles, incorporating independent design review (recommended at paragraph 3.5.2 of the NPSWW - see section 1.5 and 1.6 of the DAS) to deliver a high quality, sustainable design.
- 7.8 In respect of paragraph 3.5.3 of the NPSWW, the Applicant has ensured, through the use of good architecture and appropriate landscaping, that the proposed WWTP is as visually attractive as possible. The Landscape, Ecological and Recreational Management Plan ("LERMP") [**REP6-065**] delivers an innovative landscaping design, developed by award winning landscape architects, unlocking additional significant ecological and recreational benefits on what is currently privately owned intensively farmed, low biodiversity land with no lawful public recreational access.

- 7.9 As acknowledged by the NPSWW, there is little or no choice in the physical appearance of some waste water infrastructure, but the Applicant has maximised the opportunities to demonstrate good design through approaches to siting (see Chapters 4 and 6 of the DAS) and landscaping (as secured in the LERMP). Associated development (in the form of the Gateway Building and Workshop Building - see paragraphs 9.14 - 9.20 of the DAS) has incorporated good design and the sensitive use of materials, contributing to the overall quality of the development in accordance with paragraph 3.5.3 of the NPSWW.
- 7.10 Many elements of the design will be subject to approval under Requirement 7 of the draft DCO following grant of consent. The principles of Good Design set out in the DAS are secured in the Design Code (App Doc Ref 7.17, updated at Deadline 7), with which, under Requirement 7(3) any details submitted for approval must accord.

Climate change adaptation

- 7.11 The project will be resilient to climate change impacts, including extreme weather events, in accordance with section 3.6 of the NPSWW. Climate resilience is discussed as an environmental impact assessment (EIA) topic at **Section 15** below. As discussed in that section, relevant climate change predictions used in the assessment have been agreed with the Environment Agency, complying with paragraphs 3.6.10 and 3.6.11 of the NPSWW.

Pollution control and other environmental consenting regimes

- 7.12 The Consents and Other Licences Register [**REP6-092**] summarises the additional consents and permits required for the construction and operation of the proposed development.
- 7.13 The position in respect of these consents and licences has been agreed with the appropriate regulatory authorities (primarily the Environment Agency and Natural England) as summarised in the relevant Statements of Common Ground. In particular, in respect, of paragraph 3.7.8 of the NPS, the relevant pollution control authority (the Environment Agency) is satisfied that potential releases can be adequately regulated under the pollution control framework.
- 7.14 The Examining Authority can therefore reasonably conclude that any relevant necessary operational pollution control permits or licences or other consents will subsequently be granted (paragraph 3.7.9 of NPSWW).
- 7.15 This issue is also discussed in the context of individual environmental impacts at sections 13 (Air Quality in respect of the environmental permit), 14 (Biodiversity, in respect of species licences), 22 (Material Resources and Waste, in respect of environmental permitting), 24 (Odour, in respect of environmental permitting) and 26 (Water resources, in respect of environmental permitting)

Safety and Hazardous Substances

- 7.16 In respect of sections 3.8 and 3.9 of the NPSWW, the Applicant has consulted with HSE. No significant concerns in respect of the development have been raised. Hazardous Substances consent may be required in respect of the development (see Consents and Other Licences Register [**REP6-092**]). The Applicant is not seeking to incorporate this consent within the DCO (paragraph 3.9.1 of NPSWW).

Health

- 7.17 Health issues are discussed at **Section 18** below with information provided in the relevant ES Chapter [**REP6-023**] to satisfy the requirements of paragraphs 3.10.4 and 3.10.5 of the NPSWW. No significant effects on health have been identified.

Common law nuisance and statutory nuisance

- 7.18 In compliance with NPSWW paragraphs 3.11.2 and 4.12.1 to 4.12.10, the Applicant has identified possible sources of nuisance under Section 79(1) of the 1990 Act in the Environmental Statement, primarily in respect of odour (App Doc Ref 5.2.18, updated at

Deadline 7), light (see the landscape and visual chapter (App Doc Ref 5.2.15, updated at Deadline 7)) and noise (App Doc Ref 5.2.17, updated at Deadline 7), setting out how such potential nuisances may be mitigated or limited. This is supplemented by the Statutory Nuisance Statement [**APP-212**]. Mitigation is secured through Requirements in the draft DCO, primarily through the Code of Construction Practice ("CoCP") Part A (App Doc Ref 5.4.2.1, updated at Deadline 7), Odour Management Plan [**AS-107**] and Lighting Design Strategy [**REP6-055**].

Security Considerations

- 7.19 The Applicant is in regular dialogue with DEFRA concerning the security of all its waste water and treated water assets. In accordance with Section 3.12 of the NPSW, proportionate protective security measures were designed into the proposed development at an early stage in the development process.
- 7.20 DEFRA has not raised any project specific implications in respect of national security to which NPSWW paragraph 3.12.3 would apply.

8. **Weight to be given to the emerging Greater Cambridge Local Plan**

8.1 The Applicant addressed the weight to be given to the development plan in the Planning Statement (document reference) and the evidence given by the Applicant during the issue specific hearings. The position is set out in the 'Applicant's Responses to D4 Submissions' [**REP5-111**] at page 48 and can be summarised as follows:

- 8.1.1 the weight assigned to emerging development plans is a matter of planning judgment for decision makers and reporting ExA.
- 8.1.2 national planning policy provides that the decision maker must have regard to factors such as the draft document's stage, objections, and evidence base.
- 8.1.3 objections to the draft Greater Cambridge Local Plan ("GCLP") strategy are relevant to determining its weight in this Examination but this does not mean that the Examining Authority, in advising the SoS, should disregard the results of the Councils' joint working as formalised in the draft GCLP and its evidence base, including its SA;
- 8.1.4 resolutions of CCC and SCDC dated 6 February 2023 and the supporting report which sets out the strategic options are weighty evidence demonstrating the need for the strategic planning opportunity offered by the Proposed Development, having regard to limited alternatives; in short, any reasonable GCLP strategy will require the Application Site in order to meet the needs for which the document must plan.
- 8.1.5 the availability of funding, including the recent additions to it from Homes England (see Appendix 4 to the Funding Statement, **REP6-002**) in support of the Proposed Development and future development of the existing WWTW site as part of the wider NEC development is an important material consideration in support of the Proposed Development.

9. **Applicant's Position with respect to issues raised by Interested Parties that have not been resolved**

9.1 The Applicant has engaged with the local authorities, Interested Parties and the public during the course of the examination and as a result, the majority of objections to the application have been overcome. In some cases this is attributable to the ongoing engagement and discussion but in other cases, through more specific measures such as changes to the relevant application documents including the Design Code (App Doc Ref 7.17, updated at Deadline 7) and various management plans, amending and adding new Requirements to the draft DCO (App Doc Ref 2.1, updated at Deadline 7) and amendments to the parameters in Schedule 14.

Agreed Protective Provisions

9.2 The Protective Provisions sought by Cambridge Water, Eastern Power Networks Plc, the Lead Local Flood Authority and Cadent Gas are now agreed between the parties.

Outstanding issues

9.3 There are limited issues where agreement could not be reached and these are set out as follows:

9.3.1 **The Environment Agency ("EA")** The Applicant has reached agreement with the Environment Agency on all matters save for the Flood Risk Assessment ("FRA"). The EA has advised that it has concerns that the initial modelling undertaken by the Applicant (as requested by the EA post the submission of the DCO Application) and FRA indicate there will be an increase in flood risk to third party land and properties downstream of the proposed WWTP site when future planned growth in the catchment up to the year 2041 is included. The EA has advised that a mitigation strategy must be included in the FRA to ensure there is no increase in flood risk downstream of the site in the future;

9.3.2 The Applicant's position remains that relocating the waste water treatment plant will not significantly increase flood risk. The modelling supporting the FRA shows, through the "*Existing with Growth*" model runs, any additional flooding arising in the 2040s would occur regardless of the relocation of the WWTP;

9.3.3 A mitigation strategy was considered following a meeting with the EA on 13th March 2024 and the mitigation pathway that the Applicant is proposing is set out in the Applicants Position Statement submitted at Deadline 6 [**REP6 -084** – Appendix C].

9.3.4 The Applicant believes that the EA's 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.

9.3.5 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.

9.3.6 The Applicant believes that future flood risk arising from increased waste water flows in combination with comparatively rare storm events cannot be the sole responsibility of sewage undertakers; this approach would inflict significant additional expense on customers through the development of disproportionately sized infrastructure. It is preferable to manage flood risk upstream, rather than downstream at the "last line of defence". The future levels of waste water flows are best managed at source, through the planning system and in accordance with planning policy; for example, through the application of *Grampian* type conditions in respect of drainage schemes for new developments, through

appropriate separation of surface water drainage and/or through policies for FRA policy point; enhanced maximum per capita consumption levels for dwellings in local plans, which are then implemented through development management. SCDC and CCC have informally confirmed that they share the Applicant's view that where waste water capacity is an issue a Grampian condition can be imposed on new development which prevents development from commencing until it can be shown that there is capacity in the waste water system for that development and this could also include provision for proof of avoidance of flood risk arising.

- 9.3.7 **Cambridgeshire County Council** - CCoC originally sought that all works within the adopted public highway be agreed with the Applicant using Section 278 of the Highways Act 1980. The Applicant sought that all works are agreed within the body of the protective provisions. The parties worked together and as a compromise, the Applicant incorporated CCoC's template Section 278 into the protective provisions, so far as was possible. Further negotiation took place following this and substantive agreement has been achieved with only one point outstanding which concerns the timing of the deeming provisions, as per paragraph 103 of Schedule 15. This is explained in detail in the Explanatory Memorandum (App Doc Ref 2.2, updated at Deadline 7).
- 9.3.8 **Save Honey Hill** - Save Honey Hill are a community group formed to object to the proposal to relocate the Cambridge WWTP. The Applicant engaged with the group during the pre-application phase and during the examination to reduce the potential effects of the Proposed Development on the community, including through the adoption of a comprehensive scheme for managing construction traffic and through the reduction of building heights. The Applicant has given Save Honey Hill the opportunity to provide final comments following ISH5. A signed version (5) of the Statement of Common Ground will be submitted at Deadline 7 and ongoing areas of disagreement are provided in the Principal Areas of Disagreement document, also submitted at Deadline 7;
- 9.3.9 **Network Rail** - the parties have been unable to agree protective provisions in full. This is explained in detail in the Explanatory Memorandum (App Doc Ref 2.2, updated at Deadline 7); and
- 9.3.10 **National Highways** - the parties have been unable to agree protective provisions in full. This is explained in detail in the Explanatory Memorandum (App Doc Ref 2.2, updated at Deadline 7).

Objections to Compulsory Acquisition

- 9.4 Outstanding objections in relation to compulsory acquisition are addressed in **Section 32** below of these submissions below.

10. The scope of the project

- 10.1 The application which is the subject of the DCO does not include the redevelopment of the existing WWTP. However, the potential for redevelopment has been considered throughout the examination as it is the Applicant's case that it should properly be considered as a benefit of the Proposed Development. Without the Proposed Development, the land at the existing WWTP cannot be released for the regeneration of that land to provide for 8,350 homes, 15,000 new jobs as well as community, cultural and open space facilities and a whole range of other benefits, as set out in paragraph 6.2.13 of the Planning Statement [REP1-049]. The application does not and cannot seek consent for that redevelopment and it is separate and distinguishable to the Proposed Development which is the subject of the application.
- 10.2 The Applicant's position in this regard has been disputed by Save Honey Hill. At paragraph 3.4.2 to 3.4.7 of Save Honey Hill's 'Response to the Applicant's Responses to Written Representations' [REP4-107], Save Honey Hill has questioned the 'scope of the project' with reference to the Court of Appeal decision in R (Ashchurch Rural Parish Council) v Tewkesbury Borough Council [2023] EWCA 101 ("*Ashchurch*") otherwise known as the 'Bridge to Nowhere' case. The case concerned a challenge to a decision to grant planning permission for a bridge. The bridge itself did not serve any existing development but would facilitate and ultimately unlock future development. The future development was not considered as part of the determination of the application for permission. Save Honey Hill also reference the High Court case of R(Wingfield) v Canterbury City Council and another [2019] EWHC 1975 (Admin) ("*Wingfield*"). This was applied as part of the judgment in *Ashchurch*.
- 10.3 In summary, Save Honey Hill has disputed that the Proposed Development and the future redevelopment of the existing WWTP are separate and distinguishable projects and state that the application is 'not a standalone project but is rather an integral part of a wider scheme' (as per paragraph 3.4.2 to 3.4.7 referenced above).
- 10.4 The Applicant's position with regards to the scope of the project was explained at ISH1 and is documented at paragraph 2.35.1 of the Post Hearing Submission Note [REP1-082]. The Applicant further elucidated its position in:
- 10.4.1 response to ExQ1 1.8 [REP1-079];
 - 10.4.2 in its response to Save Honey Hill's 'Response to the Applicant's Responses to Written Representations' which is documented in 'Applicant's Comments on Deadline 4 Submissions' [REP2-038]; and
 - 10.4.3 during ISH3, see paragraph 2.3.1 of the Post Hearing Submission Note [REP4-088].
- 10.5 It is the Applicant's case that the application is for a free-standing project and *Ashchurch* is distinguishable on its facts as the future redevelopment of the existing WWTP has been assessed as part of the DCO application and because the Proposed Development is capable of freestanding operation, bringing the environmental benefits enumerated above.

The case law

- 10.6 The *Ashchurch* decision along with decisions of the High Court establish the principles for the determination of the 'scope of the project' as set out below.⁸ These are set out in Appendix D of [REP2-038] but are reiterated here for ease of reference:

⁸ Other cases are *Wingfield*, R (Larkfleet) v South Kesteven District Council [2015] EWCA Civ 887, [2016] Env LR 4 ("*Larkfleet*"); *Bowen-West v Secretary of State for Communities and Local Government* [2012] EWCA Civ 321; *Burridge v Breckland District Council* [2013] EWCA Civ 228, ("*Burridge*")

- 10.6.1 (1) For the purposes of correctly applying the EIA Regulations and in relation to the lawful exercise of powers/duties of determination (and therefore, by extension, reporting), the decision maker must properly identify the 'Project'.
- 10.6.2 (2) To comply with the duty in (1), the decision maker must ask whether the development the subject of an application forms 'an integral part of a wider project' (*Ashchurch* [83]).
- 10.6.3 (3) The question is one of fact and answering it involves the exercise of planning judgment (*Wingfield* [63]; *Ashchurch* [80]: '... the identification of the "project" is based on a fact-specific inquiry. That means other cases, decided on different facts, are only relevant to the limited extent that they indicate the type of factors which might assist in determining whether or not the proposed development is an integral part of a wider project.'
- 10.6.4 (4) Relevant factors may include the following (*Wingfield* [64]):
- i) Common ownership - where two sites are owned or promoted by the same person, this may indicate that they constitute a single project (*Larkfleet* at [60]);
 - ii) Simultaneous determinations - where two applications are considered and determined by the same committee on the same day and subject to reports which cross refer to one another, this may indicate that they constitute a single project (*Burridge* at [41] and [79]);
 - iii) Functional interdependence - where one part of a development could not function without another, this may indicate that they constitute a single project (*Burridge* at [32], [42] and [78]);
 - iv) Stand-alone projects - where a development is justified on its own merits and would be pursued independently of another development, this may indicate that it constitutes a single individual project that is not an integral part of a more substantial scheme (*Bowen-West* at [24 - 25])

10.7 The crux of this is that assessing the extent of the 'project' is one of fact-based planning judgment. Further, in the *Ashchurch* case, the local planning authority were directed to leave out any assessment of the harms of the redevelopment. That cannot happen here. The redevelopment has been considered throughout the examination, as addressed below.

The Applicant's assessment of the redevelopment

- 10.8 The Applicant's assessment of the redevelopment is evidenced in ES Chapter 22 Cumulative Effects (App Doc Ref 5.2.22, updated at Deadline 7) and in particular, pages 52 to 53. The planning balance is assessed in the Planning Statement [**REP1-069**] and this considers the benefits of the proposed redevelopment throughout. The Applicant was questioned on the benefits of the redevelopment during ISH3 and the Applicant's response can be seen at paragraph 2.3.1 of the Post Hearing Submission Note [**REP1-082**].
- 10.9 Paragraph 3.4.2 of the Advice Note provides that for development falling into Tier 3, the Applicant should 'aim to undertake an assessment where possible, although this may be qualitative and at a very high level.'

The distinction between the redevelopment and the Proposed Development

- 10.10 The Applicant addressed the distinction between the above in paragraph 4 of Appendix D of [**REP2-038**] which reference to Lang J's findings in *Ashchurch* but in summary:

- 10.10.1 at no stage will the Applicant be in a position to dictate the form of development on the existing WWTP; its only role in the planning of that site will be as statutory consultee on any relevant planning applications;
 - 10.10.2 consenting of new development at the existing WWTP will not occur simultaneously with the determination of this DCO Application
 - 10.10.3 the new WWTP Project (the DCO Project) will never be functionally dependent on development at the NEC Site; development at the NEC Site will only be dependent on the new WWTP in the same way that other urban developments within its catchment will be;
 - 10.10.4 there is not an operational need for the new WWTP and the application is clear on this. To that extent, the application would not be pursued in the absence of the particular set of planning needs which have called for the planning opportunity at NEC to be realised. This does not mean, however, that the new WWTP would be unable to function without development at the NEC Site or that the new WWTP is devoid of operational benefits and advantages (see, in summary, Planning Statement [REP1-049 para 6.2.13, bullets 2-7]). In this regard, it is wholly different from the 'bridge to nowhere' in Ashchurch, where a bridge was proposed 'in a field' whose sole function would be to link Area A to Area B, although neither Area A nor Area B had yet come into existence. The Proposed Development proposes a fully functioning WWTP to meet the existing and future needs of its catchment area, comprising existing, committed, planned, allocated and future development. (Compare Ashchurch [22], [97], [98]).
- 10.11 Finally, it should be noted that Lang J's fourth relevant factor is not expressed as a legal requirement; she said: 'where a development is justified on its own merits and would be pursued independently of another development, this *may* indicate that it constitutes a single individual project that is not an integral part of a more substantial scheme' (emphasis added).

11. **Environmental topics**

11.1 Sections 12-28 below summarise the topics which have been the subject of Environmental Impact Assessment.

12. **Agricultural land and soils**

12.1 The likely impact of the Proposed Development on agricultural land, soil resources and farm businesses operating within the Proposed Development is assessed in ES Chapter 6 Agricultural Land and Soils [**REP6-011**]. The assessment concludes as follows:

12.1.1 agricultural land: the effects of the Proposed Development on best and most versatile (BMV) agricultural land during construction would vary from minor to moderate adverse prior to mitigation, which would be significant in the case of moderate adverse effects. With mitigation measures, the construction effects would be minor adverse (not significant) in areas of temporary land acquisition due to implementation of measures within the CoCP (App Doc Ref 5.4.2.1 and 5.4.2.2), updated at Deadline 7, and Outline Soil Management Plan [**REP6-061**] and would remain moderate adverse (significant) where there is permanent land acquisition. There is no effect during operation;

12.1.2 soil resources: the effects of the Proposed Development on soil resources during construction due to soil compaction, run-off, water logging and contamination are assessed as major/moderate adverse prior to mitigation, which would be significant. With the application of mitigation measures included in the CoCP (App Doc Ref 5.4.2.1 and 5.4.2.2) updated at Deadline 7, and Outline Soil Management Plan [**REP6-061**], the likely significance of effects would be negligible to minor adverse (not significant). During operation, the effect is assessed as moderate/major adverse prior to mitigation, which would be significant, but negligible and not significant with the implementation of mitigation covering soil management measures included in the LERMP (App Doc Ref 5.4.8.14, updated at Deadline 7);

12.1.3 farm businesses: the effects of the Proposed Development on farm businesses during construction would vary from negligible (not significant) to major/moderate adverse (significant) prior to mitigation. With mitigation included in the CoCP (App Doc Ref 5.4.2.1 and 5.4.2.2 updated at Deadline 7) and Construction Traffic Management Plan ("CTMP") (App Doc Ref 5.4.19.7, updated at Deadline 7), effects are assessed as negligible to major/moderate adverse. During operation, effects are assessed as minor adverse prior to mitigation, which is not significant, and remaining as minor adverse with the implementation of mitigation.

Soil Management Plan

12.2 Pursuant to Requirement 9, no phase of the Proposed Development may commence until a Construction Environmental Management Plan has been submitted to and approved by CCoC. This must contain a detailed Soil Management Plan, which must accord with the measures in the Outline Soil Management Plan [**REP6-061**].

12.3 The Outline Soil Management Plan was updated at Deadline 6 to address comments from Natural England in its pre-ISH4 update for the ExA. The Statement of Common Ground (App Doc Ref 7.14.8, updated at Deadline 7) reflects that the Applicant and Natural England agree as to all matters of soil management. CCoC are also in agreement with the Outline Soil Management Plan as recorded in Table 3.1 of their Statement of Common Ground (App Doc Ref 7.14.5, updated at Deadline 7).

Poplar Hall Farm

12.4 During examination, the Applicant provided additional clarity around the effect on Poplar Hall Farm (G040). Table 5-1 and Table 5-2 of ES Chapter 6 were updated and provided at Deadline 6 to reflect that the significant effect on G040 will arise from temporary impacts. The temporary acquisition of land during construction would have a significant adverse effect based on the disruption to the farm holding and not due to the proportion of land acquired. The permanent acquisition of land from G040 is assessed as having a negligible impact and the effect not significant.

NPSWW Compliance

- 12.5 In terms of compliance with the NPSWW, the Applicant confirms assessment of BMV agricultural land was completed, including desktop study of the site and the surrounding 2km to identify opportunities to minimise impact on BMV agricultural land, and an agricultural land classification ("ALC") survey of the proposed WWTP with the commitment in the Outline Soil Management Plan [**REP6-061**] to undertake a further ALC survey along the Waterbeach pipeline prior to construction (in accordance with paragraph 4.8.8); for decision-making, the Applicant confirms that, due to the prevalence of BMV agricultural land in the area, there was no alternative location for the proposed WWTP as concluded in paragraph 2.11.4 of ES Appendix 3.3 Stage 2 Site Selection Report – Coarse Screening [**APP-077**] (in accordance with paragraph 4.8.16); and for mitigation, the Applicant has proposed mitigation measures to manage the impact of dust generation during construction in the CoCP (App Doc Ref 5.4.2.1 and 5.4.2.2 updated at Deadline 7, promote the re-use of soils within landscaping for the proposed WWTP in the LERMP (App Doc Ref 5.4.8.14, updated at Deadline 7) and assessed the impacts of the Proposed Development on farm businesses in ES Chapter 6 (App Doc Ref 5.2.6, updated at Deadline 7) (in accordance with paragraphs 4.12.7, 4.14.3 and 14.15.12).

13. **Air quality**

- 13.1 ES Chapter 7 Air Quality (App Doc Ref 5.2.7, updated at Deadline 7), of the ES assesses the impacts of the construction, operation and maintenance of the Proposed Development and the decommissioning of the existing Cambridge WWTP on air quality.
- 13.2 The assessment finds that impacts during the construction phase of the Proposed Development will be associated with dust generation: the effects of the Proposed Development on air quality in terms of dust generation during construction are negligible to medium, but are reduced to negligible with the implementation of mitigation measures included in the CoCP (App Doc Ref 5.4.2.1 and 5.4.2.2, updated at Deadline 7) emissions from construction plant and vehicle movements: the effects of the Proposed Development on air quality in terms of emissions from construction related plant and traffic are negligible and not significant.
- 13.3 Once operational, the assessment concludes that predicted effects from combined operation of energy plant and road vehicle emissions are negligible at individual receptor locations and not significant. Abnormal/emergency scenarios are also assessed as negligible and not significant.
- 13.4 During the course of the examination the Traffic and transport aspects of the application have been discussed extensively and undergone several revisions in particular in relation to construction and operational vehicle movements. Since the air quality assessment also refers to vehicle movements review has been completed to determine if these changes require changes to the assessment of air quality. This review is presented in Review Note of Chapter 19 Updates Implications for other ES Chapters (App Doc Ref 5.4.19.14). Updates have been made to ES Chapter 7 Air Quality (App Doc Ref 5.2.7) for Deadline 7 to explain why the changes to traffic flows on some of the assessed road links do not result in new or different residual effects.

Mitigation, permitting and licensing

- 13.5 Section 5.2 of the ES Chapter 7 Air Quality (App Doc Ref 5.2.7), updated at Deadline 7, summarises all mitigation in relation to air quality and how these measures are secured. The Applicant are applying to the Environment Agency for a new Environmental Permit which would include emission limit values for energy plant that cause emissions to air. These energy plant effects have been assessed within the Chapter 7 Air Quality (App Doc Ref 5.2.7), updated at Deadline 7, and effects are negligible and not significant.

NPSWW Compliance

- 13.6 In terms of compliance with the NPSWW, the Applicant confirms assessment of air emissions, their mitigation and any residual effects, including from road traffic generated by the Proposed Development, has been undertaken and effects described within ES Chapter 7 (in accordance with paragraph 4.11.3); for decision-making, the Applicant confirms that ES Chapter 7 has not identified any breach of relevant statutory air quality limits or effects leading to substantial changes in air quality (in accordance with paragraph 4.11.5); and for mitigation, the Applicant has proposed mitigation measures for air quality within the CoCP and which are secured by Requirement 8 and 9 of the draft DCO (in accordance with paragraphs 4.11.6).
- 13.7 In relation to the new Environmental Permit which would include emission limit values for items of energy plant that cause emissions to air the Applicant refers to the paragraph 3.7.9 of the NPSWW which is relevant in this regard:

The decision maker should not refuse consent on the basis of regulated impacts unless it has good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted.

14. Ecology and biodiversity

- 14.1 ES Chapter 8 Biodiversity (App Doc Ref 5.2.8, updated at Deadline 7) considers the effects of the construction, operation and maintenance, and decommissioning (of the existing Cambridge WWTP) of the Proposed Development on biodiversity.
- 14.2 The Proposed Development has been developed to includes a range of design measures to avoid or minimise impacts to biodiversity. These include:
- 14.2.1 the landscape masterplan within the LERMP (App Doc Ref 5.4.8.14, updated at Deadline 7) which has a multifunctional purpose including mitigation measures for habitat loss in the form of retained and replacement habitats as part of mosaic of habitats within intended to link to existing habitat features of value (such as existing hedgerows and habitats as part of the CWS) as well as enhancement features (such as bee banks, bird and bat boxes);
 - 14.2.2 the design of the outfall to minimise direct habitat loss and to integrate into the bank, to operate within the maximum volume limits which are to be similar to those from the existing outfall, to incorporate bank and bed protection to protect the banks as shown in the Design Plans – Outfall [**APP-027**];
 - 14.2.3 the minimisation of ditch crossing width and the inclusion of compensatory water vole habitat within Works No 32 and 39 and referenced the Water Vole Natural England Ghost Licence Method Statement [**APP-107**];
 - 14.2.4 construction design to where possible to use trenchless techniques to avoid habitat and protected species; and
 - 14.2.5 wildlife sensitive lighting design, exclusion of lighting on the access roads, and uses of directional lighting with maximum height limits in the proposed WWTP with the detailed design to accord with the detailed within the Lighting Design Strategy [**REP6-055**]
- 14.3 The assessment concludes that the effects of the Proposed Development on biodiversity during construction would vary from negligible/minor to moderate/major adverse prior to mitigation, which would be significant in the case of moderate and major adverse effects. However, the mitigation measures that will be implemented through the management plans specified in CoCP Parts A and B (App Doc Ref 5.4.2.1 and 5.4.2.2) updated at Deadline 7, These include Emergency Preparedness Plan, Pollution Incident Control Plan, Wildlife Hazard Plan, Soil Management Plan, Decommissioning Plan, Commissioning Plan, Construction Water Quality Monitoring Plan, CTMP (App Doc Ref 5.4.19.7, updated at Deadline 7), Construction Workers Travel Plan [**APP-150**], Noise and Vibration Management Plan, Air Quality Management Plan, and Site Waste Management Plan. Compliance with the CoCP and the various management plans is secured through Requirements 8 and 9.
- 14.4 In addition to the mitigation through the DCO, mitigation measures will be achieved through the Outline Outfall Management and Monitoring Plan (App Doc Ref 5.4.8.24, updated at Deadline 7), Lighting Design Strategy [**REP6-055**] and permits and licences, including protected species licences, discussed below at **paragraph 14.20**. With mitigation measures in place, the effects will be reduced and be not significant.
- 14.5 The effects of the Proposed Development on biodiversity during decommissioning are found to be not significant.
- 14.6 The effects of the Proposed Development on biodiversity during operation would vary from negligible/minor to moderate/major adverse prior to mitigation, which would be significant in the case of moderate and major adverse effects. Operational impacts are significant for scour impacts on the River Cam as a result of discharged treated effluent. However, the assessment concludes that this would be reduced to non-significant levels (as discussed below).

- 14.7 There is a significant beneficial effect to habitats as a result of the Proposed Development, as reported in ES Chapter 8 Biodiversity (App Doc Ref 5.2.8), updated at Deadline 7. Habitats within the area of land required for the proposed WWTP will be improved through the features of the landscape masterplan which includes the creation of more diverse grassland, woodland, scrub habitats and seasonal ponds along with enhancement features identified in 12.2.1 above. The design of the landscape masterplan has been contrived to support the local Nature Recovery Network as explained within Figure 3.8 of the LERMP (App Doc Ref 5.4.8.14, updated at Deadline 7).
- 14.8 of The ES Chapter 8 Biodiversity (App Doc Ref 5.2.8, updated at Deadline 7), includes a summary of potential environmental effects, mitigation and monitoring in Table 5-1 and sets out in Table 5.2 how mitigation would be secured.

Biodiversity net gain ("BNG")

- 14.9 Offsite biodiversity net gain was addressed at several points during the examination. Requirement 25 of the draft DCO provides that no phase of the authorised development is to be commenced until an updated biodiversity net gain report has been submitted to and approved by the relevant planning authority. Paragraph 25(2) then provides that the updated biodiversity net gain report submitted for approval must include:
- (a) how the measures contained within it deliver and secure twenty percent biodiversity net gain for the whole of the authorised development excluding any biodiversity net gain to be provided as river units;
 - (b) details of measures to deliver and secure twenty percent biodiversity net gain comprising river units within or outside of the Order limits;
 - (c) (details of the habitat management and monitoring of the biodiversity net gain for the whole of the authorised development; and
 - (d) an updated biodiversity metric calculation or an explanation of why a biodiversity metric calculation is not necessary
- 14.10 During ISH3, the ExA questioned how any need for a financial obligation under this Requirement would satisfy paragraph 3.1.6 of NPSWW and associated PPG requirements. The Applicant responded to this at Hearing Action Point 61 in the Applicant's Response to ISH3 Actions [**REP4-087**] but in summary, it is the Applicant's position that Requirement 25 secures the provision of a report that confirms how biodiversity net gain will be secured and delivered. The wording does not secure a particular mechanism for the delivery of biodiversity net gain, be that a financial contribution, the purchase of offsetting credits or any other method. If the relevant planning authority does not approve the biodiversity net gain report, the development would not be able to proceed lawfully, unless the Applicant successfully appealed the planning authority's decision. The Applicant also prepared a 'Biodiversity Gain Requirement 25 Briefing Note' which was appended to the Applicant's Response to ISH3 Actions [**REP4-087**]. The Section 106 Agreement secures a contribution to fund CCoC's review of the reports submitted under Requirement 25.
- 14.11 The issue arose again at ISH4 and as part of ExQ3, the Examining Authority asked the Applicant to provide examples of other DCOs that have had requirements relating to offsite BNG, which would or may necessitate a Section 106 agreement (Action Point 14) and for examples from made DCOs of requirements similar to Requirement 25(2)(b) ("details of measures to deliver and secure twenty percent biodiversity net gain comprising river units within or outside of the Order limits") (Action Point 28). The Applicant provided examples in the Applicant's Response to ISH4 Actions [**REP6-116**].
- 14.12 The Applicant has engaged with CoCC. CCoC is satisfied with the biodiversity methodology and net gain assessment as set out in the ES Volume 4 Chapter 8 Appendix 8.13 BNG Assessment Report [**REP5-028**]. This agreement is recorded in the Statement of Common Ground (App Doc Ref 7.14.4, updated at Deadline 7) at Table 3.2.

- 14.13 The Applicant has also reached agreement with SCDC who are satisfied with the biodiversity methodology as set out in the Biodiversity Chapter of the ES [REP-007] and with the biodiversity net gain assessment as set out in the ES Chapter 8 Appendix 8.13 BNG Assessment Report [REP2-020]. This agreement is recorded in table 4.4 of the Statement of Common Ground (App Doc Ref 7.14.11, updated at Deadline 7).

River units

- 14.14 As set out above, Requirement 25(2)(b) provides for the updated biodiversity net gain report to include details of any measures to deliver and secure river units. If the twenty percent river units cannot be demonstrated, the Applicant will not be compliance with the Requirement and the Proposed Development will be unable to commence.
- 14.15 It was discussed at several points during examination how the river units will be secured. Statutory credits are not available to the Applicant as the provision in the DCO does not fall under mandatory BNG. The Applicant provided examples of providers/schemes which could deliver river units in response to Action Point 62 in the Applicant's Response to ISH3 Actions [REP4-087].
- 14.16 The Applicant has discussed the provision and security of the delivery of river units with CoCC and SCDC. It is now agreed that the full discharge of Requirement 25 is appropriate to secure the delivery of the offsite high distinctiveness River Biodiversity units. This agreement is recorded in the Statement of Common Ground (App Doc Ref 7.14.4, updated at Deadline 7) at Table 3.2 for CoCC and in the Statement of Common Ground for SCDC (App Doc Rep 7.14.11, updated at Deadline 7) at Table 4.4. Further, as stated above, the completed Section 106 Agreement provides for a payment to CCoC for its costs of reviewing each submission of the biodiversity net gain report pursuant to Requirement 25.

River Cam

- 14.17 ES Chapter 8 concludes that there will be a significant effect to the River Cam from scour impacts through discharged treated effluent. However, this will be reduced to non-significant as a result of final outfall design, which will incorporate additional CFD modelling results and recommended measures to mitigate any impacts, alongside continued monitoring of the river and outfall area. Requirement 10 of the draft DCO requires the submission and approval of:
- 14.17.1 a detailed construction outfall management and monitoring plan prior to the commencement of any part of the Proposed Development comprising works within the area of Work No. 32; and
- 14.17.2 a detailed operational outfall management and monitoring plan prior to the outfall being brought into operational use.
- 14.18 Both plans must be approved by CCoC following consultation with the Environment Agency and Natural England to reflect the requirements of any environmental permit, protected species licence or land drainage consent. Any identified scour will be remedied as appropriate and as agreed with the Environment Agency. The Applicant has agreed the methodology, assessment and identification and design of the discharge point with The Environment Agency and the need for the scour assessment set out in the Outfall CFD Report [APP-157]. This is recorded in the Statement of Common Ground (App Doc Ref 7.14.14, updated at Deadline 7) headed Discharge Point.

Mitigation, permitting and licensing

- 14.19 Section 2.9 of ES Chapter sets out the mitigation measures adopted as part of the Proposed Development. There are several mitigation measures which are secured through the protected species licences with Natural England. The Applicant refers to the paragraph 3.7.9 of the NPSWW which is relevant in this regard:

The decision maker should not refuse consent on the basis of regulated impacts unless it has good reason to believe that any relevant necessary operational

pollution control permits or licences or other consents will not subsequently be granted

- 14.20 The Applicant has discussed protected species licence requirements with Natural England, which has included submitting draft ("ghost") licence applications for bats, badgers and water vole. These have all been agreed with Natural England, who see no impediment to protected species licence being issued should the DCO be granted. This is recorded in the Statement of Common Ground (App Doc Ref 7.14.8, updated at Deadline 7) where the letters of no impediment are annexed as Appendix 1 table 6.1 Bats, table 6.2 Water Voles and table 6.3 Badgers. The Applicant has set out the relevant licences required in the Consents and Permits Register [**REP6-092**].
- 14.21 Table 2-10 of Chapter 8 sets out the primary and tertiary mitigation measures relating to biodiversity.

NPSWW compliance

- 14.22 In terms of compliance with the NPSWW, the Applicant confirms the potential for any significant effect on a European site has been considered in the HRA Report [**REP2-024**], which have been developed in consultation with Natural England (in accordance with paragraph 3.3.1). ES Chapter 8 includes an assessment of effects on designated sites, protected species and habitats of principal importance (in accordance with paragraph 4.5.3); for decision-making, the Applicant has set out the design mitigation measures to conserve and enhance biodiversity, including achieving 20% biodiversity net gain (in accordance with paragraphs 4.5.4 to 4.5.14); and for mitigation, the Applicant has proposed mitigation measures for biodiversity within the CoCP, which have been agreed with relevant stakeholders and which are secured by Requirement 8 and 9 of the draft DCO (in accordance with paragraphs 4.5.17 to 4.5.19).
- 14.23 The record of the agreement with Natural England to the final HRA and the record of earlier submissions shared with Natural England is set out in Table 4.1 headed Habitats Regulations Assessment in the Statement of Common Ground (App Doc Ref 7.14.8, updated at Deadline 7).

15. **Climate resilience**

- 15.1 The potential impacts of climate change on the operation of the Proposed Development are assessed in ES Chapter 9 Climate Resilience [**REP6-017**].
- 15.2 The assessment does not consider the effects of climate change on the construction of the Proposed Development as the effects of future climate change are only relevant to the operation and maintenance of the plant.
- 15.3 The FRA [**REP6-084**] and Chapter 20 Water resources (App Doc Ref 5.2.20, updated at Deadline 7) report on matters relating to flood risk including during construction.
- 15.4 The impacts of the effects off future climate change on effluent volumes, including stormflows, drought (low-flow) conditions, flooding and spills are considered within the assessment. The assessment has taken into account features integral to the development location and design as well as measures within the Design Code (App Doc Ref 7.17), updated at Deadline 7, LERMP (App Doc Ref 5.4.8.14, updated at Deadline 7), Asset Management Plan [**AS-074**], and Drainage Strategy [**REP6-090**]. In addition, the assessment accounts for regulatory considerations of the environmental permits that the proposed WWTP will be operated in accordance with.
- 15.5 Resilience by virtue of the design and location of the Proposed Development is achieved by locating the proposed WWTP outside of the River Cam floodplain, and development of a design that incorporates flexibility for change within the treatment process to deal future influent flow rates under future heavy rainfall and drought conditions. The flexibility also includes capacity for adaptation and change within the Proposed Development, allowing the design to be modified in the future to provide additional climate resilience in response to higher temperatures, changing storm flows or drought conditions that require additional treatment to meet the Environmental Permit.
- 15.6 The assessment concludes that the effects of climate change on the Proposed Development during operation would vary from negligible to moderate adverse prior to mitigation, which would be significant in the case of moderate adverse effects. However, following the application of all mitigation measures, which include additional design mitigation measures secured by Requirement 7 and the implementation of additional mitigation included in management plans such as the LERMP (App Doc Ref 5.4.8.14, updated at Deadline 7) and the Asset Management Plan [**AS-074**], the significance of effects of climate change would be negligible / minor adverse for the operation of the Proposed Development and are not significant.

Mitigation, permitting and licensing

- 15.7 In addition to embedded measures as design features the mitigation measures are contained within the:
- 15.7.1 Asset Management Plan [**AS-074**] setting out inspection and maintenance regimes secured by Requirement 18 of the draft DCO.
- 15.7.2 Design Code (App Doc Ref 7.17, updated at Deadline 7), secured by Requirement 7 of the draft DCO whereby details submitted for approval must accord with the design code. Design requirements specific to Chapter 9 are set out in Section 3.3. Materials, 3.4 Building Performance, and 3.8 Landscape and ecology of the Design Code.
- 15.7.3 The Drainage Strategy [**REP6-090**] requires all surface water drainage design is to be based on a 1:100-year storm event +40% allowance for climate change. This climate change allowance is in line with Environment Agency guidance. The Drainage Strategy is secured by Requirement 15 of the draft DCO.
- 15.8 Once operational the proposed WWTP would operate in accordance with the environmental permits. These are indicated in Other Consents and Permits Register [**REP6-092**]. The environmental permit for the Proposed Development will require the operator to have a

written management system, which includes a set of plans and procedures these specify the management measures the operator will implement in order to prevent or minimise both the environmental effects associated with the Proposed Development and this includes the impacts of climate change upon the Proposed Development, including guidance outlined by the Environment Agency on 'Climate change: risk assessment and adaptation planning in your management system' (Environment Agency, 2023).

NPSWW compliance

- 15.9 In terms of compliance with the NPSWW, the Applicant confirms the assessment of climate change mitigation and adaptation is detailed within the ES Chapter 9 (in accordance with paragraph 2.2.3), which has included consideration of anticipated greater pressure on public sewer systems (in accordance with paragraphs 2.3.5 to 2.3.7). ES Chapter 9 has used the latest UK climate projections (UKCP18), considering RCP8.5 highest emissions scenario for the East of England (in accordance with paragraphs 3.6.7 and 3.6.8). Mitigation measures have been identified and are embedded into the design of the Proposed Development (in accordance with paragraph 3.6.6).

16. Carbon

- 16.1 ES Chapter 10 Carbon [**REP6-019**] addresses the potential impacts of carbon emissions from the Proposed Development. Carbon was discussed during ISH2, 3 and 4 as well as being the subject of ExQs. As a result of this, several key issues have emerged which are addressed below.
- 16.2 In relation to timescales for analysis the Applicant clarified at ExQ3 6.4 [**REP6-117**] that the term 'whole life' refers to the timescale used for the analysis and not to the scope (i.e. components included or excluded within the assessment). The whole life carbon estimate includes all capital and operational carbon emissions associated with the Proposed Development up to 2090. The year 2090 was selected based on the designed operational life of the Proposed Development, recognising that this period would be expected to include at least one replacement of mechanical and electrical equipment that would have reached the end of its expected asset life.

Baseline scenario

- 16.3 During ISH3, the baseline used in the carbon assessment was discussed and as a result, Chapter 10 Carbon [**REP6-019**] was updated to present a "do-nothing" scenario for both the construction and operational carbon baselines. The DMO design is now presented as an alternative design scenario to showcase the Applicant's efforts in reducing construction carbon emissions for the Proposed Development and will demonstrate how mitigation efforts made by the Applicant have reduced carbon emissions from the Proposed Development.

Capital carbon reduction

- 16.4 Capital carbon reductions are secured through the Design Code (App Doc Ref 7.17, updated at Deadline 7). All details submitted for approval pursuant to Requirement 7 of the draft DCO must accord with the Design Code. Design requirements specific to carbon are set out in Section 3.7 of the Design Code. CAR.02 address capital reduction. Section 5 of Chapter 10 was updated at Deadline 4 to include reference to the new Design Code, aiming to ensure the capital carbon reductions proposed in the Chapter 10 Carbon [**REP6-019**] are secured through the Design Code. This is in addition to the Outline Carbon Management Plan [**REP6-069**], which commits to operational net zero carbon emissions.

Operational net zero

- 16.5 The Applicant has committed to operational net zero. This is secured through Requirement 21(2) which requires the detailed Carbon Management Plan submitted for approval to accord with the measures set out in the Outline Carbon Management Plan [**REP6-069**] and must detail how the operation of the authorised development achieves carbon net zero.
- 16.6 During examination, the possibility of going beyond net zero was discussed. The Applicant has considered this, but due to the uncertainties surrounding the use of solar PV given the grid network capacity and the technical constraints on what can be delivered, it does not necessarily follow that more solar will mean that it will all be utilised. The worst-case assessment for carbon assumes that a CHP option with no solar would be built, potentially resulting in net positive carbon emissions from the operation of the Proposed Development. However, in order to ensure that operational net zero is maintained under all build scenarios, the DCO includes the requirement for a detailed Carbon Management Plan to be agreed prior to the operation of the plant (Requirement 21).
- 16.7 Paragraph 3.4 of the Design Code (App Doc Ref 7.17, updated at Deadline 7) confirms that "the Gateway Building and Workshop Building will be operationally net zero".

Whole life carbon

- 16.8 The likely carbon emissions over the assessment lifetime from construction through to operation in 2090 have been assessed. The Applicant clarified during the course of the

examination that this includes decommissioning of the existing Cambridge WWTP. This is set out at Section 4.6 of Chapter 10 Carbon [**REP6-019**].

Gas to grid

- 16.9 The outline description of the Proposed Development, set out in Section 1.4 of Chapter 2 Project Description [**REP6-009**], includes description of energy generation as “renewable energy generation via anaerobic digestion which is part of the sludge treatment process that produces biogas has been designed into the Proposed WWTP to be able to feed directly into the local gas network to heat homes, or as an alternative potential future option, to be burnt in CHP”. During ISH3, it was questioned whether the draft DCO allows for alternatives to exporting to gas to grid. The Applicant responded to Action Point 50 in the Applicant’s Response to IHS3 Actions [**REP4-087**] where it stated that alternatives to gas to grid (other than CHP) would likely require additional infrastructure beyond that described in Work No.9 (although the infrastructure described in Work No 9 would still be relevant to those alternatives). This additional infrastructure will only fall within the scope of Further Works described in the draft DCO if it falls within the scope of work considered by the ES and if not, separate consent for that infrastructure would be needed.
- 16.10 The Applicant reiterates that its preference is to develop a gas to grid facility, but CHP has been retained as an option in order to generate electricity for use on-site. Pursuant to Requirement 3, when submitting its written scheme setting out the phase or phases of construction and the works forming part of that, the Applicant must confirm whether it intends to construct either a CHP or gas to grid facility as part of Work No. 9.
- 16.11 During ISH4, the Applicant was asked about compliance with South Cambridgeshire Local Plan 2018 Policy CC/3, namely how the Applicant will source its energy requirements. The Applicant confirmed it had assessed how it will achieve a 10% reduction in carbon emissions as policy requires and that it will achieve the policy requirement under both the CHP and the gas to grid scenario. The Applicant provided a technical note at Deadline 6 as part of the Applicant’s Response to ISH4 Actions [**REP6-116**] which addresses how the policy will be met, including the use of biomethane from the activities on the site.
- 16.12 The Applicant has engaged with both SCDC and CoCC throughout the pre- application and examination process in relation to all aspects of Carbon. CoCC has confirmed that Chapter 10 Carbon [**REP4-026**], the Outline Carbon Management [**REP6-069**], and provision of the Design Code (App Doc Ref 7.17, updated at Deadline 7) along with the updated GHG Calculations [**REP4-062**], adequately assess the estimated impacts from carbon emissions and sufficiently capture the proposed mitigation measures, including monitoring and reporting. This is recorded in the Statement of Common Ground (App Doc Ref 7.14.4, updated at Deadline 7) in Table 3.3 along with the agreed position on Carbon Off setting, Construction emissions, design code calculations, Gross operational emissions, Net operational emissions, Whole life Carbon and Significant effects.
- 16.13 SCDC have confirmed that it is broadly satisfied with the approach to assessing carbon emissions. SCDC defer to CoCC as discharging authority on the final agreement on the whole life carbon assessment. The District Council has reviewed the updated Carbon Chapter 10 as well as Strategic Carbon Assessment [**REP5-085**] and now considers them acceptable. This is recorded in the Statement of Common Ground (App Doc Ref 7.14.11, updated at Deadline 7) in Table 4.6
- 16.14 CCC is satisfied with the approach to assessing carbon emissions as set out in the Chapter 10 Carbon [**REP6-019**] and the mitigation proposed to ensure future carbon reductions through later design stages and onsite construction activities is sought as recorded in the Statement of Common Ground (App Doc Ref 7.14.2, updated at Deadline 7).

Carbon sequestration

- 16.15 As confirmed by paragraph 5.2.1 of the Outline Carbon Management Plan [**REP6-069**], land use change will be monitored in accordance with the LERP (App Doc Ref 5.4.8.14, updated at Deadline 7) for a thirty year period. Once the monitoring ends, the sequestration benefits are no longer claimed, the Outline Carbon Management Plan and ES Chapter 10 were amended at Deadline 6 to clarify this point.

NPSWW compliance

- 16.16 In terms of compliance with the NPSWW, the Applicant confirms that ES Chapter 10 includes assessment of GHG emissions from operation and construction, with mitigation measures to reduce emissions identified, and comparison against the UK's carbon budgets (in accordance with paragraph 2.2.3 of the NPSWW).

17. **Community**

- 17.1 The assessment of the impact of the Proposed Development on the community from the construction, operation and maintenance of the proposed Development and the decommissioning of the existing Cambridge WWTP is set out in ES Chapter 11 Community [REP6-021].
- 17.2 Since the assessment of Community effects is inform by other ES chapters, namely Air quality, Noise and vibration, Odour, Landscape and visual amenity, and Traffic and transport it accounts for a range of measures incorporated into the design to avoid or minimise impacts. These in include:
- 17.2.1 measure to avoid or minimise air, odour and noise impacts of which further details are provided in sections 11, 22 and 21 respectively.
 - 17.2.2 the landscape masterplan within the LERMP (App Doc Ref 5.4.8.14, updated at Deadline 7) has a multifunctional purpose including recreation and access function through the provision of formal access routes in the form of footpaths and leisure cycling routes. The LERMP being secured by Requirement 11 of the draft DCO.
 - 17.2.3 the inclusion of the Discovery Centre as a multi-use space to promote awareness and educational opportunities on the topics such as the circular economy, the water life cycle and wider environment and sustainability. Available for educational visits by local schools.
 - 17.2.4 a new pedestrian crossing island to the north of the Horningsea Road junction to connect pedestrians and cyclist to the Proposed Development site and a new footway section on the eastern side of Horningsea Road to connect the proposed development to Low Fen Drove Way (described further in 23.4). Secured by Requirement 7 of the draft DCO.
 - 17.2.5 measures to minimise impacts of operational lighting as required within the Lighting Design Strategy [REP6-055] and secured by Requirement 7 of the draft DCO.
 - 17.2.6 measures to minimise impacts of construction lighting as required within the Lighting Design Strategy and secured by Requirement 14 of the draft DCO.
 - 17.2.7 the design of temporary river works to maintain a navigable width within the river Cam during construction of the outfall. River works being subject to environmental permits (flood risk activities) from the Environment Agency.
- 17.3 In addition to the integrated measures the assessment has taken into measures within the Community Liaison Plan ("CLP") [REP6-096], the CoCP Part A and B (App Doc Ref 5.4.2.1 and 5.4.2.2, updated at Deadline 7), Outline Decommissioning Plan [REP6-053], and the CTMP (App Doc Ref 5.4.19.7, updated at Deadline 7). The CLP being essential in that it sets out the ongoing communication during construction and decommissioning with residents, the community, and businesses, including but not limited to communication in relation to traffic and transport matters and activities that may require works outside of standing working hours.
- 17.4 The assessment concluded as follows:
- 17.4.1 the construction of the Proposed Development would have a beneficial impact on the local economy through the provision of employment opportunities via both new and existing construction contracts. The effect on employment is assessed to be minor beneficial, which is not significant
 - 17.4.2 through the application of primary and tertiary mitigation measures, the adverse effects of the Proposed Development on community receptors during

construction would vary from neutral to moderate effects prior to mitigation, which would be significant in the case of moderate effects.

- 17.4.3 with the implementation of secondary mitigation measures, the construction effects on all identified receptors would be negligible / minor adverse (not significant) – with the exception of effects on the River Cam. Construction activity will temporarily reduce the width of the navigation for River Cam users resulting in a temporary, moderate adverse effect which is significant.
- 17.4.4 the effects of the Proposed Development on community receptors during operation and maintenance of the proposed WWTP are slight beneficial, as a result of the effect of formalising recreational opportunities provided as part of the Proposed Development (as set out in Section 3 of the LERMP (App Doc Ref 5.4.8.14, updated at Deadline 7) and through the provision of the Discovery Centre.
- 17.5 No significant effects on community receptors during decommissioning were identified.
- 17.6 A summary of potential environmental effects, mitigation and monitoring is provided in Table 5-1 of Chapter 11 [REP6-021]. Table 5.2 of Chapter 11 [REP6-021] sets out how mitigation would be secured.

Permissive paths and PROWs

- 17.7 There are no PROWs to be stopped up in order to facilitate the Proposed Development. However, the draft DCO does provide powers for the Applicant to temporarily close public rights of way. Requirement 26 provides that no phase of the authorised development which includes a temporary closure to a public right of way is to commence until the Applicant has provided CCoC, in its capacity as highway authority, with a programme of closures.
- 17.8 The provision of PROW and permissive paths was discussed and considered at some length during the Examination. In order to assist the ExA, the Applicant has revised the figures in the LERMP to clearly distinguish between PROWs, and permissive paths. The proposed permissive paths can be secured under the LERMP for a period of thirty years, after which their management will be regulated by the Applicant's statutory duties under the Water Industry Act 1991 and the Code of Practice on Access. The LERMP was updated at Deadline 6 to reflect this.
- 17.9 Lengthy discussions took place with the landowner and CCoC regarding the provision of a path (Work No. 38) and whether this should be a bridleway or permissive. The landowner expressed a preference for this path to be permissive in order to manage the risk of perceived anti-social behaviour, while CCoC sought a full PRoW. Ultimately it was not possible to negotiate a permissive agreement and the default DCO position of delivering a bridleway with PRoW status has therefore been progressed. This is secured in the draft DCO at Requirement 27. The confirmation of this agreement is recorded in the Statement of Common Ground in table 3.5 (App Doc Ref 7.14.4, updated at Deadline 7). The benefits of the creation of the new bridleway are addressed in the Applicant's submissions at para 4.8.19 – 4.8.25 of the Planning Statement [REP1-049] and Chapter 11 Community of the ES.

Advisory Group for Landscape Masterplan

- 17.10 The LERMP (as secured through Requirement 11 of the draft DCO (App Doc Ref 5.4.8.14, updated at Deadline 7) was updated at Deadline 6 to give additional detail as to the proposed operation of an Advisory Group and to set out a framework for detailed approval of that operation. The LERMP includes a requirement to complete user surveys at least twice a year to understand how people are interacting with the recreational space and accessing the wider network of PRoW and permissive paths and provides for a post-construction monitoring programme and adaptive landscape management approach for the LERMP area through the establishment of an Advisory Group as addressed in the Applicant's response to ExQ1-5.12 and 7.24f) [REP1-079] and comments at Table 3-13 [REP1-078] on Natural England's comments at paragraph 1.1.6 of their relevant representations [RR-015].

Footpath 85/6

- 17.11 Footpath 85/6 is subject to a diversion, which is assessed as resulting in pedestrian delay and temporary disruption to the role of the footpath as a recreational resource. The impact on footpath 85/6 was raised during examination, particularly effects to the quality of the path and the visual impact of the outfall. This was addressed by the Applicant in ExQ2 7.11. The DAS [**AS-168**] illustrates that the proposed outfall, as seen from the adjacent public right of way (FP 162/1), and the current WWTP, as viewed from FP 85/6, will largely be obscured from view. The visible parts of the structure from FP 85/6 will be similar to the existing Cambridge WWTP, with only the cap and manholes in sight. The new outfall structure will be further camouflaged with a layer of topsoil that will be seeded on top. Additionally, the pipe protection indicated in the design plans is an underground feature and will not be visible.
- 17.12 The impact to footpath 85/6 was also raised by Save Honey Hill in its written submissions [**REP4-033**]. The Applicant responded in Applicant's Comments on Deadline 5 Submissions [**REP6-115**] to state that the outfall structure will be a maximum of 0.5m above existing ground levels. The outfall chamber has been designed to be covered with a layer of topsoil, around 350mm deep, which will be sown with a grassland seed mix in line with the specification in the Habitat Management and Monitoring Plan (which will be produced as part of the final Biodiversity Net Gain report as referenced within Requirement 25 of the draft DCO). It is considered that this is sufficiently deep to allow the grass to develop a good root system.
- 17.13 For a visual representation of the outfall chamber design, the Applicant refers to Design Plans – Outfall [**APP-027**]. This shows that the top of the topsoil layer will be flush with the highest part of the outfall structure and will not therefore result in the land in this location being raised above the stated maximum of 0.5m above existing ground level. This is also set out in the response to Save Honey Hill comments within the Applicants Comments to Deadline 5 submissions [**REP6-115**]

Equestrian use

- 17.14 Equestrian use will be facilitated by the provision of the new bridleway (Work No. 38) and the financial contribution of £15,000 secured via the Section 106 agreement (addressed in **Section 34** below). The Applicant has explained the rationale for this contribution in response to ISH5 Action Points (App Doc Ref 8.31, submitted at Deadline 7).
- 17.15 The Applicant has also committed to provide an increased parapet height on the A14 overbridge in order to allow for equestrian usage. Work No. 1 provides for "replacement of the parapet on the A14 overbridge on the B1047 Horningsea Road and associated highway layout alterations" and Part 24 of Schedule 14 provides for the height of the parapet at 1.8m.
- 17.16 This has been agreed with CoCC and the record of the Agreement made in the Statement of Common Ground (App Doc Ref 7.14.4, updated at Deadline 7) in Table 3.5. The Applicant has also discussed and agreed this provision with SCDC and this is recorded in the Statement of Common Ground (App Doc Ref 7.14.11, updated at Deadline 7) in Table 4.7

NPSWW compliance

- 17.17 In terms of compliance with the NPSWW, the Applicant confirms assessment of effects on the community, their mitigation and any residual effects has been described within ES Chapter 11 (in accordance with paragraphs 4.15.3 and 4.15.4); for decision-making, the Applicant confirms that ES Chapter 11 has provided an evidence-based assessment of effects and that an Equalities Impact Assessment [**REP6-100**] has also been prepared (in accordance with paragraph 4.15.10); and for mitigation, the Applicant has proposed mitigation measures for community impacts within the CoCP and the CLP and which are secured by Requirements 8 and 9 of the draft DCO (in accordance with paragraph 4.15.12).

18. Health

- 18.1 The effects of the Proposed Development on Health are assessed in ES Chapter 12 Health [REP6-023]. The assessment concludes that the effects of the Proposed Development on health, taking into account primary and tertiary mitigation, during construction would vary from neutral to slight adverse, which is not significant. The slight adverse effects, which are not significant, are assessed to result from changes in the opportunity for active lifestyles from restrictions to access to the River Cam, changes to environmental conditions impacting health and wellbeing on Fen Road; and temporary changes in access to local services (namely, Fen Ditton School).
- 18.2 During construction, the Applicant must comply with the CoCP Parts A and B (App Doc Ref 5.4.2.1 and 5.4.2.2), updated at Deadline 7, and the CEMP [REP6-057], as secured by Requirements 8 and 9. These documents contain measures requiring site personnel to undertake training regarding behaviours and conduct, requiring the management of hazardous waste and controls on traffic to be applied.
- 18.3 The Applicant has engaged with the relevant Environmental Health Officers at the local authorities.
- 18.3.1 CCC agrees with the approach taken by the Applicant to the assessment and the methodology of health impacts associated with the proposed development as outlined in Chapter 12 of the ES [REP6-023]. This agreement is recorded in table 4.9 of the Statement of Common Ground (App Doc Ref 7.14.2, updated at Deadline 7).
- 18.3.2 In respect of the Mental Health Wellbeing Impact Assessment [REP5-066] CCC is satisfied that baseline measurements have been taken.
- 18.3.3 CCoC support the approach taken to assess the impacts on human health. The finalisation of how this assessment is reviewed throughout the construction phase will be agreed with CCoC at the discharge of requirements stage for the CoCP Part A (App Doc Ref 5.4.2.1, updated at Deadline 7). This is recorded in the Statement of Common Ground in Table 3.4 (App Doc Ref 7.14.4, updated at Deadline 7).
- 18.3.4 SCDC agrees with the approach taken by the Applicant to the assessment and the methodology of health impacts associated with the proposed development as outlined in ES Chapter 12.
- 18.3.5 The Applicant has discussed and agreed with CCC, SCDC and CoCC earlier concerns relating to the future engagement with the Gypsy, Roma, Traveller community. Agreed wording was added at Deadline 6 to CLP [REP6-096] to add reference to the use of other agencies in contact with the traveller population, for example, the Ormiston Trust (or similar) as well as with the GRT Liaison Officer to support engagement with this group.
- 18.3.6 In addition, the Applicant has confirmed that it will update section 4.2 of the CLP to acknowledge that engagement with the community organisation to be contacted will be facilitated by use of suitable material such as use of imagery, leaflets and diagrams.
- 18.4 The Applicant has updated Table 6-1 within the CLP to include hard to reach groups and indicate engagement for a mechanism with specific reference to continued engagement through established relationship with the SCDC Traveller Liaison Officer.

NPSWW compliance

- 18.5 In terms of compliance with the NPSWW, the Applicant confirms assessment of effects on the health, their mitigation and any residual effects has been described within ES Chapter 12 (in accordance with paragraphs 3.10.1 to 3.10.5); for decision-making, the Applicant confirms that ES Chapter 12 has provided considered the cumulative impact on health (in

accordance with paragraph 3.10.4); and for mitigation, the Applicant has proposed mitigation measures related to health impacts within the CoCP Parts A and B (App Doc Ref 5.4.2.1 and 5.4.2.2 updated at Deadline 7) and which are secured by Requirements 8 and 9 of the draft DCO (in accordance with paragraph 3.10.5).

19. **Historic Environment**

- 19.1 The assessment on the historic environment is reported in ES Chapter 13 Historic Environment [**REP6-025**]. All impacts on the historic environment are given in Historic Environment Impact Assessment Tables [**REP5-068**].
- 19.2 During construction, the assessment concludes that, with the implementation of mitigation measures, the temporary construction effects would mostly be neutral to slight adverse and not significant. The exceptions to this are Baits Bite Lock Conservation Area (HE095), Biggin Abbey (HE011) and Poplar Hall (HE040) where a temporary moderate adverse effect, which would be significant, is predicted as a result of change within their settings. These effects are reversible.
- 19.3 The assessment concludes that with the implementation of mitigation measures, the majority of effects are reduced to not significant with the exception of the following:
- 19.4 A significant effect is predicted from the permanent removal of archaeological remains within the scheme footprint, this will be offset by a programme of archaeological investigation, but the effect remains significant.
- 19.5 A permanent moderate adverse significant, but less than substantial, effect on Biggin Abbey is also predicted as a result of change within its setting. A permanent moderate adverse significant effect is also predicted on Historic Landscape Character Area 22 (HLCA22), a non-designated area, as a result of change to its character.
- 19.6 During operation, the significance of effects is assessed as negligible/slight adverse. Neutral to slight adverse effects, which are not significant, would be experienced by assets within the study area due to changes within their settings.
- 19.7 All impacts and effects reported in the ES Chapter 13 Historic Environment [**REP6-025**] have been assessed as resulting in less than substantial harm, the matter of harm is discussed further at **paragraph 18.9 to 18.12**.

Archaeological investigation mitigation strategy ("AIMS")

- 19.8 Requirement 13 requires the submission of a detailed archaeological investigation mitigation strategy ("AIMS") and written schemes of investigation (where required from the framework AIMS) prior to the commencement of each phase of the development. The AIMS and Written Schemes of Investigation (WSIs) will be approved by CCoC and complied with thereafter. Flexibility has been built in the Framework AIMS [**AS-088**], from which the detailed AIMS will be produced, to ensure that appropriate changes to the mitigation areas can be made during the mitigation works. This has been agreed with CoCC and is recorded in the Statement of Common Ground (App Doc Ref 7.14.4, updated at Deadline 7) in Table 3.3.

Effects and harm to designated assets

- 19.9 The Applicant has assessed the permanent effects of the Proposed Development on built heritage and historic landscape assets from construction would vary from slight to moderate adverse prior to mitigation. With the implementation of mitigation measures, the permanent effects would be negligible/slight adverse (not significant) for all receptors except Biggin Abbey (HE011) where a permanent moderate adverse effect is predicted.
- 19.10 The Applicant has explained how EIA impact and effect terminology relates to harm in paragraphs 2.2.16 and 2.2.17 of ES Chapter 13. The Applicant has assessed the degree of harm for all impacted heritage assets and has identified that this is less than substantial harm in all instances. A summary table of all impacted designated assets can be found in Tables 4.1, 4.2, 4.3 and 4.4 in ES Chapter 13, which includes the degree of harm reported. The Applicant has engaged with SCDC on the assessment of impact of the Proposed Development on the historic environment. It is agreed that the collation of available heritage data archaeology and built heritage surveys, setting assessments and geophysical

surveys are adequate as set out in ES Chapter 13 and that the methodology that has been used for the assessment of heritage assets is appropriate.

- 19.11 The Classification determined by the Applicant of less than substantial harm is agreed in respect of Biggin Abbey and Baits Bite Lock, including the level of harm after mitigation. The degree of less than substantial harm is not agreed. The Applicant places this at the lower end of the spectrum for all of the affected designated assets, with the exception of Biggin Abbey, which has been reported in the middle of the spectrum (towards the lower end) of less than substantial harm following mitigation. SCDC have placed the level of harm at the higher end of less than substantial for Biggin Abbey. This is recorded in Table 4.9 of their Statement of Common Ground (App Doc Ref 7.14.11, updated at Deadline 7).
- 19.12 The Applicant has also engaged with CoCC on the assessment approach undertaken to support the findings of the ES Chapter 13 and CoCC is in agreement with the assessment and conclusions. This is recorded in Table 3.3 in their Statement of Common Ground (App Doc Ref 7.14.4, updated at Deadline 7).

NPSWW compliance

- 19.13 The Applicant confirms a proportionate understanding of the significance of heritage assets affected by the proposals has been provided in ES Chapter 13 and its appendices (in accordance with paragraph 4.10.7). An assessment of the potential for the site to contain assets of archaeological interest, including a field evaluation, has been undertaken and the results are presented in ES Chapter 13 and its appendices (in accordance with paragraph 4.10.8). Relevant visualisations have also been included within ES Chapter 15 Landscape and Visual Amenity and its appendices (in accordance with paragraph 4.10.8). The Applicant has described the extent of impact of the proposed development on the significance of heritage assets within ES Chapter 13 and its appendices, and has provided additional clarifications include tables 4.1, 4.2 and 4.3 to ensure impacts can be adequately understood from the application (in accordance with paragraph 4.10.9).
- 19.14 The Applicant has not identified substantial harm, (referred to at paragraphs 4.10.13 and 4.10.14 of the NPSWW), to any asset. Where less than substantial harm, including significant effects, has been identified as a result of change in setting, mitigation measures have been proposed to reduce this change. These measures, and how they are secured, are described in sections 2.9 and 5.8 of ES Chapter 13. In accordance with paragraph 4.10.17, adverse change in setting must be weighed by the decision maker against the wider benefits of the application, proportionally to the loss of significance experienced by these assets. The Applicant has proposed archaeological mitigation and recording measures in accordance with paragraphs 4.10.18 - 21. This is secured by Requirement 13, as described above under "AIMS".

20. **Land quality**

- 20.1 ES Chapter 14 Land quality [**REP6-027**] assesses the potential impacts of the construction and operation and maintenance of the Proposed Development and decommissioning of the existing Cambridge WWTP in respect of land quality.
- 20.2 ES Chapter 14 Land quality concludes that the likely effects in relation to land quality during the construction phase would be negligible. Potential impacts that could occur during operation are expected to be localised and intermittent and when taking into account design measures, regulatory controls (such as environmental permitting) and environmental management procedures, the effects would be negligible. The effect from decommissioning at the existing Cambridge WWTP was also assessed as negligible and not significant.
- 20.3 ES Chapter 14 Land quality also assessed the impact to mineral safeguarding areas and concluded that no significant effects to such areas have been identified. CCoC, as the minerals planning authority, has confirmed that it considers the Proposed Development to be compliant with Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 Policy 5 as reflected in Table 3.12 of their Statement of Common Ground (App Doc Ref 7.14.4, updated at Deadline 7).
- 20.4 In response to suggestions from CCC regarding how to address land contamination, the Applicant submitted a Generic Quantitative Risk Assessment [REP5-070] at Deadline 5. This presents existing ground investigation data in the format of a Generic Quantitative Risk Assessment ("GQRA") as set out in the Environment Agency's Land Contamination Risk Management (LCRM) guidance. This includes an update of the preliminary conceptual site model and assessment of risk to human health from soils and ground gas together with risks to controlled waters from on-site contamination. The report provides conclusions as to whether there are any unacceptable contamination risks, the need for further investigation, or remediation works in accordance with the Environment Agency's guidance. The conclusions of the GQRA do not affect the conclusions of ES Chapter 14 Land quality (App Doc Ref 5.2.14, updated at Deadline 7).
- 20.5 The Applicant has engaged with CCC in relation to ES Chapter 14 Land quality. CCC confirm they consider the contamination and land quality assessment to be acceptable, that there are no further comments on Generic Quantitative Risk Assessment [**REP5-070**] and that decommissioning works at the existing Cambridge WWTP to be completed in full and fully in accordance with the Outline Decommissioning Plan [**REP6-053**]. This is recorded in Table 4.11 of their Statement of Common Ground (App Doc Ref 7.14.11, updated at Deadline 7).

NPSWW Compliance

- 20.6 In terms of compliance with the NPSWW, the Applicant confirms an assessment of land use has been included within ES Chapter 14 Land quality which includes an assessment of the risks posed by contamination and on mineral safeguarding areas (in accordance with paragraph 4.8.8 and 4.8.9 of the NPS).

21. **Landscape and visual amenity**

- 21.1 ES Chapter 15 Landscape and Visual Amenity (App Doc Ref 5.2.15, updated at Deadline 7) assesses the potential impacts of the Proposed Development on landscape and visual amenity during the construction and operation of the new WWTP and Waterbeach pipeline and the decommissioning of the existing Cambridge WWTP.
- 21.2 ES Chapter 15 reports that during construction of the proposed WWTP, outfall and associated pipelines, there would be significant temporary adverse effects on the Eastern Fen Edge Landscape Character Area ("LCA"), in which the proposed WWTP would be situated. There would also be significant temporary adverse effects on views from residential properties on the northern edge of Fen Ditton, at Northern Bridge Farm, on Low Fen Drove Way and at Biggin Abbey (and associated cottages) and on recreational receptors' views within approximately 500m of the works on Horningsea Road, the River Cam and nearby PRoW. ES Chapter 15 reports temporary significant adverse effects due to the construction of the Waterbeach pipeline on views from residential properties on Clayhithe Road, Bannold Road and Burgess Drove, from the Cambridge Motorboat Club and the Cam Sailing Club and from PRoW close to or crossing the works. There would be no significant effects from the decommissioning of the existing Cambridge WWTP. ES Chapter 15 reports that during the first year of operation of the proposed WWTP, there would be significant adverse effects on the Eastern Fen Edge Chalklands LCA and views from residential properties on the northern edge of Fen Ditton, on Low Fen Drove Way, at Biggin Abbey (and associated cottages) and on recreational receptors' views within approximately 400m of the proposed WWTP from Horningsea Road, the River Cam and nearby PRoW on Low Fen Drove Way (Byway Fen Ditton 85/14). There would be no significant effects from the operation of the Waterbeach pipeline or the decommissioning of the existing Cambridge WWTP (either in year 1 or year 15 operation).
- 21.3 ES Chapter 15 reports that by year 15 of operation of the proposed WWTP, when mitigation planting will have screened or largely screened the Proposed Development, significant adverse effects would remain on the Eastern Fen Edge Chalklands LCA and views from a residential property on Low Fen Drove Way (Parsonage Farm), and from Horningsea Road and the PRoW on Low Fen Drove Way (Byway Fen Ditton 85/14).

Evolution of design

- 21.4 The Applicant was questioned on the evolution of the design at ISH3 and in particular, the rotunda design concept. This is addressed at paragraph 8.1.1 of the Applicant's Post-Hearing Submission [**REP4-088**]. The context for the design is set out in Chapter 3 of the ES Chapter 3 Site Selection and Alternatives [**AS-018**] and the evolution of the design in Chapter 5 and Chapter 6 of the Design and Access Statement [**AS-168**].
- 21.5 As described in the DAS, Design Vision and Environmental Objectives were developed for the Proposed Development, drawing on the National Infrastructure Commission's Design Principles for National Infrastructure. Building on these guiding principles, three design concepts were developed for Anglian Water by its architectural and landscape architectural advisors. a functional initial concept, a "rotunda" design, and a design utilising linear "green fingers" (see pages 28-30 of **AS-018**).
- 21.6 Following further advice from the Design Council, including a formal design panel review from independent built environmental experts of the three design concepts, the "rotunda" concept design was selected for further consideration. The functional design with its supporting linear landscape plan resulted in a triangular layout which was not suited to the process flows within a WWTP and was considered to offer a lower level of screening compared with the other two designs.
- 21.7 The "green fingers" design was considered to be too expensive and operationally challenging, particularly because of its fragmented, partial sunken design, would inhibit long-term adaptation and present a less pleasant working environment. The additional earthworks and ground engineering operations would give rise to a larger carbon footprint compared with the other two options. It also presented a more alien form in the landscape compared with the "rotunda" design which offered more naturalistic screening.

Taller structures

- 21.8 During examination, the justification for the height of some of the taller structures that form part of the Proposed Development (such as the digesters, gas holder, heating, pasteurisation and hydrolysis plant) was requested. The Applicant detailed the design configurations and means of visual impact reductions considered during design development in its response to Action Points 91 and 92 in the Applicant's Response to ISH3 Actions [**REP4-087**]. This explains that the height of structures is informed by a range of factors, including impacts to efficiency, the overall footprint, the carbon impact, the capital and operational cost as well as safety considerations and other environmental considerations such as biodiversity and flooding.

Landscape planting

- 21.9 As part of the proposals to mitigate the effects on landscape character and visual amenity, the design of the Proposed Development will include extensive planting. Sections 3.1, 3.2 and 3.3 of the LERMP (App Doc Ref 5.4.8.14, updated at Deadline 7) provide details on the landscape masterplan, its phasing and planting maintenance. Trees and a hedgerow will be planted on the top of the earth bank that will surround the proposed WWTP. The earth bank will be a minimum of 5m above existing ground levels. Once established, the trees and hedgerow here, along with the woodland planting at ground level shown on the landscape masterplan, will screen the majority of the structures in the proposed WWTP in views from Fen Ditton, Horningsea Road, the River Cam, Biggin Abbey and the PRow to the north and west. Elevations on Figure 3.5 of the LERMP give an indication of the appearance of the planting in years one, five and 15 of operation.
- 21.10 The Applicant addressed in detail during ISH3 the appropriateness and adequacy of measures relating to the earth bank planting and how the planting will be established. This is set out in paragraph 8.2.1 of the Applicant's Post-Hearing Submission [**REP4-088**].
- 21.11 The assessment presented in ES Chapter 15 including the data gathering methodology, baseline, scope of the assessment and the assessment methodology set out is considered appropriate by SCDC. The Applicant has provided further information relating to the establishment of the earth bank Appendix H [**REP 4-087**] and updated the LERMP at Deadline 4 (now App Doc Ref 5.4.8.14, updated at Deadline 7), the Design Code (App Doc Ref 7.17, updated at Deadline 7) and the associated dDCO Requirements and these are now also agreed. This agreement is recorded in Table 4.10 (App Doc Ref 7.14.11, updated at Deadline 7).
- 21.12 SCDC has confirmed that the applicant has provided as much consideration as possible to the planting atop the bund to try to ensure the long-term survival of the plants. Whilst it is impossible to be sure that any combination of maintenance and climate will assure longevity and thriving of the plants, there is little more that can be done. It is accepted that the proposals allow for replacement planting in the event of failure, and it is possible to reconsider planting in the case of those events. This is reflected in the updated Statement of Common Ground [**REPS-101**].

NPSWW compliance

- 21.13 In terms of compliance with the NPSWW, the Applicant confirms that a landscape and visual impact assessment ("LVIA") has been carried out and is reported in ES Chapter 15 and it refers to and takes into account the Greater Cambridge Landscape Character Assessment (2021) and relevant local planning policies (in accordance with paragraph 4.7.2 -4.7.4); for decision-making, the Applicant confirms that a site selection process (outlined in ES Chapter 3 [**AS-018**]) was followed to identify the location of the Proposed Development and preliminary design focussed on reducing landscape impacts to ensure the Proposed Development, which is outside any Area of Outstanding Natural Beauty or National Park, could be adequately mitigated, with the proposed landscape mitigation illustrated within the LERMP (App Doc Ref 5.4.8.14, updated at Deadline 7) (in accordance with paragraphs 4.7.6 to 4.7.11).

22. **Material Resources and Waste**

- 22.1 ES Chapter 16 Material Resources and Waste [**REP6-031**] assesses the impacts to material resource use and the generation and management of waste for the Proposed Development during construction, operation and decommissioning (of the existing Cambridge WWTP).
- 22.2 The assessment concludes as follows:
- 22.2.1 Material resource use: ES Chapter 16 provides an assessment of the construction, operation and decommissioning of the existing Cambridge WWTP in relation to impacts on material resources. This assessment takes into account mitigation which includes approaches integral to the design of the Proposed Development in particular the reuse of excavated material for landscape earthworks and the re-use of topsoil within the landscape masterplan proposals. There are no significant effects in relation to material resources.
- 22.2.2 Hazardous and contaminated waste sources and management: The potential for land contamination was raised during the examination. ES Chapter 16 was updated following ExQ2 16.1 to clarify that limited sources of land contamination exist within and adjacent to the Order Limits. These include previous on-site agricultural (crop and grazing) uses at the proposed WWTP, existing highways, and railway lines crossed by proposed infrastructure. Adjacent potential source sites are further highways, dismantled rail infrastructure, and the existing Cambridge WWTP. In short, no known potential sources of hazardous waste exist. However, on a precautionary basis, considering the long-standing use of the existing Cambridge WWTP, it is considered a potential contaminant source to account for any unidentified contaminated sources and inform a reasonable worst case assessment of material resources and waste.
- 22.2.3 As to other sources of hazardous waste, ES Chapter 16 finds that these may occur in construction as a result of pollution incidents such as spills and leaks whereby the response and clean up and or remediation could result in small quantities of hazardous waste, which would be required to be landfilled. All of the material excavated from the River Cam for the construction of the outfall is assumed to be potentially contaminated. The baseline has identified that the waste infrastructure in the East of England does not have capacity to accommodate hazardous waste, if disposal of hazardous waste to landfill is required. Any hazardous waste would therefore need to be transported to neighbouring regional landfills. These are set out in Table 3-2 of ES Chapter 16. There are no significant effects in relation to hazardous waste.
- 22.2.4 Waste generation and management: ES Chapter 16 provides an assessment of the construction, operation and decommissioning of the existing Cambridge WWTP in relation to impacts on waste including impacts to waste management capacity. This assessment takes into account mitigation which includes approaches integral to the design of the Proposed Development in particular the conversion of sewage sludge to produce an 'Enhanced Treated Biosolids' product reuse instead of landfill. There are no significant effects in relation to waste management.
- 22.3 The assessment has accounted for the policies within the adopted Minerals and Waste Local Plan 2021. The Applicant has engaged with CoCC and it is agreed that the Proposed Development is in general compliant with the policies of the adopted Minerals and Waste Local Plan 2021. The record of this agreement, and reference to specific policies is set out in table 3.8 and table 3.12 of the Statement of Common Ground (App Doc Ref 7.14.4, updated at Deadline 7).

Mitigation, permitting and licensing

- 22.4 The CoCP Part A (App Doc Ref 5.2.2.1, updated at Deadline 7) and Outline Decommissioning Plan [**REP6-053**], collectively set out the requirements for the management of waste during construction and decommissioning. These are secured by Requirement 9 of the DCO. In relation to decommissioning all sludge would be removed from the tanks and sent to the

Sludge Treatment Centre ("STC") and there would appropriate disposal/recovery of any unused process chemicals such as ferric chloride.

- 22.5 Once operational the proposed WWTP would be operating in accordance with the environmental permits. These are indicated in Other Consents and Permits Register [REP6-092]. Under the environmental permit the associated written management system would include plans and procedures to appropriately manage wastes generated during the treatment process within the proposed WWTP. Under the environmental permit the imports of waste, including sludge and waste water imports would be considered as Directly Associated Activities ("DAA") and the movements to the proposed WWTP would be subject to risk assessment as part of the permit application.

NPSWW Compliance

- 22.6 In reference to NPSWW (paragraph 4.14.2 sustainable waste management through the waste hierarchy and paragraph 4.14.3 Disposal of waste should only be considered where other waste management options are not available and 14.4.5 site waste management plans) the Applicant considers it is compliant through:
- 22.6.1 developing a design that reuses excavated material for the purpose of landscaping and the development of landscape screening earth bank;
 - 22.6.2 the reuse of surplus topsoil within the landscape masterplan;
 - 22.6.3 the requirement in the CoCP Part A (App Doc Ref 5.4.2.1, updated at Deadline 7), that a Site Waste Management Plan to be developed (secured by Requirements 8 and 9 of the draft DCO);
 - 22.6.4 the diversion of sludge from landfill to produced an enhanced biofertilizer for agricultural use; and
 - 22.6.5 operational phase plans and procedures secured through the written management system in support of the environmental permit. The written system will be prepared to be cognisant of relevant laws, regulations, environmental permit conditions obligating the implementation of the waste hierarchy through site waste management plan in accordance with the written management system and associated regulations including actions to comply with the Waste (England and Wales) Regulations 2011 (as amended).
- 22.7 In reference to paragraph 14.4.4 and the generation of hazardous and non-hazardous waste and controls through the environmental permitting regime the Applicant would be compliant through:
- 22.7.1 the implementation of an approved Decommissioning Plan pursuant to Requirement 8 and 9 of the draft DCO which requires that an approved Decommissioning Plan is prepared to accord with the Outline Decommissioning Plan [**REP6-053**];
 - 22.7.2 the operational site waste management plans and procedures as part of the written management system referenced above.

23. **Noise and vibration**

- 23.1 ES Chapter 17 Noise and Vibration (App Doc Ref 5.2.17, updated at Deadline 7), assesses the effects of the Proposed Development on noise and vibration. The assessment in the ES considered noise and vibration for the Proposed Development during construction, and operation and maintenance and decommissioning (of the existing Cambridge WWTP).
- 23.2 The assessment concludes that the potential impacts arising during construction and decommissioning are expected to be localised and short term and with mitigation measures, the significance of effects would be negligible to minor adverse.
- 23.3 The assessment concludes that the significance of effects during operation of the Proposed Development would be negligible and that effects are not significant. The Proposed Development has been designed to include noise and vibration mitigation measures, such as the use of low noise generating plant and equipment, acoustic enclosures for plant, siting and orientation of plant and equipment to maximise distances from receptors and the acoustic attenuation of the earth bank integrated into the landscape masterplan.
- 23.4 During ISH3 it was raised that the noise from emergency generators had been scoped out of the noise assessment. This followed comments from CCoC raising concerns about this. The Applicant's basis for scoping this out is set out at paragraph 2.8.17 of ES Chapter 17, namely that emergency power generators would not be used during typical plant operation and would only be used in an emergency scenario during a power cut, except for testing that would occur during daytime periods (assumed weekly). However, in order to address CCoC concerns, the Applicant prepared an assessment of the use of emergency generators within a briefing note and this was incorporated into the version of ES Chapter 17, submitted at Deadline 6.
- 23.5 CCoC has confirmed it is satisfied with the briefing note provided on how the impact of the emergency generators has been considered and why it has been scoped out of Chapter 17 of the ES. This agreement is recorded in Table 3.9 of the Statement of Common Ground (App Doc Ref 7.14.4, updated at Deadline 7).
- 23.6 The Applicant has discussed with SCDC the concerns raised by CoCC on the sensitivity of receptors selected within the noise and vibration assessment Chapter 17 Noise and Vibration and the assessment of the emergency generators. SCDC are in agreement that the emergency generators have now been assessed and whilst scoped out of the noise assessment ES Chapter 17 the reason for this is explained in the briefing note that was integrated into the updated Chapter 17 at Deadline 6. This agreement is recorded in the Statement of Common Ground in table 4.14 (App Doc Ref 7.14.11, updated at Deadline 7).
- 23.7 CCC is satisfied with the scope, methodology and conclusions derived as set out in Chapter 17 of the ES (App Doc Ref, 5.2.17, updated at Deadline 7). CCC agrees that, with the implementation of construction and decommissioning noise mitigation measures as proposed, moderate adverse noise and vibration impacts would be avoided or reduced, and the resulting effects would not be significant.
- 23.8 During the course of the examination the Traffic and transport aspects of the application have been discussed extensively and undergone several revisions in particular in relation to construction and operational vehicle movements. Since the Construction Noise Assessment (App Doc Ref 5.4.17.3, updated at Deadline 7) also refers to vehicle movements a review has been completed to determine if these changes require changes to the assessment of noise impacts. This review is presented in Review Note of Chapter 19 Updates Implications for other ES Chapters (App Doc Ref 5.4.19.14, provided at Deadline 7) to explain why the changes to traffic flows on some of the assessed road links do not result in new or different residual effects for noise. Updates have been made to ES Chapter 17 Noise and vibration for Deadline 7 to incorporate the updated vehicle movement values.

Mitigation, permitting and licensing

- 23.9 In addition to embedded measures as design features the mitigation measures are contained within the:

- 23.9.1 CoCP Parts A and B (App Doc Ref 5.4.4.1 and 5.4.2.2 updated at Deadline 7), which includes the requirement for a noise and vibration management plan for each phase of the development as part of the detailed CEMP;
 - 23.9.2 CTMP (App Doc Ref 5.4.19.7, updated at Deadline7);
 - 23.9.3 the Outline Decommissioning Plan [**REP6-053**]; and
 - 23.9.4 the Community Liaison Plan [**REP6-096**]
- 23.10 Mitigation includes restricting working hours during sensitive times of the day, prohibiting construction traffic through Horningsea and Fen Ditton, relocation of Shaft 4 to increase the distance to works site from nearest sensitive receptors and use of Best Practicable Means (BPM). Specific measures also include the use of temporary acoustic barriers during construction at Shaft 4, the Waterside Pipeline construction compound and continuous trenchless construction works. As for monitoring and complaints, as part of the submission of the CEMP, the Applicant must provide a noise and vibration management plan which shall cover community liaison in accordance with the approved Community Liaison Plan. The content of this is summarised in paragraph 7.7 of CoCP Part A (App Doc Ref 5.4.2.1, updated at Deadline 7).

NPSWW Compliance

- 23.11 In terms of compliance with the NPSWW, the Applicant confirms assessment of noise and vibration impacts in accordance with the relevant British Standards and other guidance has been undertaken in ES Chapter 17 (in accordance with paragraph 4.9.1-4.9.6); for decision-making, the Proposed Development has incorporated good acoustic design (in accordance with paragraph 4.9.8) and meets the aims to avoid significant adverse impacts on health and quality of life from noise, mitigate and minimise adverse impacts on health and quality of life from noise and where possible contribute to improvements to health and quality of life through the effective management and control of noise (in accordance NPSWW paragraph 4.9.9 and aims of the NPSE); and for mitigation, appropriate measures have been proposed and secured, accordingly the Applicant concludes that as there are no residual significant effects arising from the construction or operation of the Proposed Development, therefore, there is no requirement for the additional mitigation measures mentioned in the NPSWW such as sound insulation to dwellings or compulsory purchase (in accordance with paragraphs 4.9.11 to 4.9.13).

24. **Odour**
- 24.1 ES Chapter 18 Odour [REP6-035], assesses the effects of odour from construction, and operation and maintenance and decommissioning (of the existing Cambridge WWTP). Odour impacts are assessed at properties including places of residence, recreation and education and recreational spaces including footpaths. The odour risks identified from the construction activities are negligible and not significant.
- 24.2 Odour impacts during the decommissioning of the existing Cambridge WWTP, specifically the draining and cleaning of tanks, are expected to be of short duration and taking into account secondary mitigation measures identified in the CoCP Parts A and B (App Doc Ref 5.4.4.1 and 5.4.2.2, updated at Deadline 7), and the Outline Decommissioning Plan [**REP6-053**], the odour risks identified from the decommissioning activities are negligible and not significant.
- 24.3 The design of the proposed WWTP has been carefully to considered to reduce odour. Design features are described in Sections 2.3 Waste water treatment plant, 2.4 Sludge treatment centre, and 2.5 Odour control of the ES Chapter 2 Project Description [REP6-009] and include:
- 24.3.1 Covered reception areas at the terminal pumping station;
- 24.3.2 The use of low turbulence processes at the inlet works and sludge tanks;
- 24.3.3 The inclusion of a covered reception areas receiving waste water and sludge deliveries;
- 24.3.4 Venting of air from Terminal Pumping Station (TPS), inlet works, and sludge tanks through the odour control units; and
- 24.4 Recognising that odour control facilities are critical equipment and to operate continuously in all conditions and supplied with an uninterruptible power supply (UPS).
- 24.5 In addition to design features the proposed WWTP would be subject to management of impacts through:
- 24.5.1 measures within an approved Odour Management Plan prepared to accord with the preliminary OMP [AS-106]. Odour mitigation is discussed further at 22.7;
- 24.5.2 measures within an approved CEMP to accord with the CoCP Part A and B (App Doc Ref 5.4.2.1 and 5.4.2.2), updated at Deadline 7;
- 24.5.3 measures within the Outline Decommissioning Plan [**REP6-053**]; and
- 24.5.4 measures within an approved Community Liaison Plan prepared to accord with the Community Liaison Plan [**REP6-096**]
- 24.6 The assessment concludes that the odour impacts from the normal operation of the Proposed Development are not significant. As to odour impacts during unlikely periods of abnormal operation of the Proposed Development, deliveries of waste water and sludge by vehicles, accidental spills and leaks and the operation of the outfall, these have been assessed qualitatively. The results of the assessment of residual effects take into account the secondary mitigation measures, including measures within the preliminary Odour Management Plan (App Doc Ref 5.4.18.4) [AS-106] to reduce and manage odour emissions for both normal and abnormal operations. Overall, the residual effect from operational activities discussed above is assessed as negligible and not significant. The provision of and compliance with the odour management plan is secured by Requirement 20 of the draft DCO.

Mitigation permitting and licensing

- 24.7 During examination, the issue of mitigation of odour impacts has arisen, particularly a process for complaints and to ensure corrective actions. The Applicant addressed this at ExQ2 19.5 and confirmed that the process flow diagram set out at Figure 4.1 of the Preliminary Odour Management Plan [AS-106] commits the Applicant to carrying out immediate on-site actions and to escalate to the relevant parties where required during operation; these parties include the Environmental Health Officers for the Council and the Environment Agency. The detailed Odour Management Plan, to be approved pursuant to Requirement 20 within the draft DCO, will include specific escalation points based on Table 6-1 within the Preliminary Odour Management Plan [AS-106].
- 24.8 In addition to the Odour Management Plan, the Community Liaison Plan [REP6-096] will deal with complaints which arise from construction activities associated with the Proposed Development, albeit construction activities are not anticipated to give rise to odour.
- 24.9 Once operational the proposed WWTP would operate in accordance with the environmental permits. These are indicated in Other Consents and Permits Register [REP6-092]. The environmental permit for the Proposed Development will require the operator to have a written management system, which includes a set of plans and procedures describing measures to avoid, reduce and eliminate potential environmental impacts associated with the activities covered by the permit. This includes an OMP, which details how site operations are to be managed to minimise odour impacts.
- 24.10 The Applicant has been in discussions with CCC and the assessment presented in the ES Chapter 18, the Preliminary Odour Management Plan [AS-106], and the record of this agreement is set out in Table 4.12 of the Statement of Common Ground (App Doc Ref 7.14.2, updated at Deadline 7).

NPSWW Compliance

- 24.11 In terms of compliance with the NPSWW, the Applicant confirms an assessment of odour emissions, including a source-receptor-pathway risk assessment and consideration of ancillary activities and abnormal operations, has been undertaken in line with guidance published by the Institute of Air Quality Management ("IAQM") and this assessment is provided within in ES Chapter 18 (in accordance with paragraph 4.3.6 to 4.3.10); for mitigation, the means by which the Applicant has mitigation odour impacts through design and management are described in ES Chapter 18 (in accordance with paragraph 4.3.16).

25. **Traffic and transport**

- 25.1 ES Chapter 19 Traffic and transport (App Doc Ref 5.2.19, updated at Deadline 7), and the ES Appendix 19.3 Transport Assessment (App Doc Ref 5.4.19.3, updated at Deadline 7) assess the impact of the Proposed Development on traffic and transport.
- 25.2 The Chapter and Transport Assessment consider the effects of the Proposed Development on the local transport infrastructure in Year 3 of construction (currently assumed to be 2026) which is the expected peak year of vehicle movements, in Year 4 (assumed to be 2028) for decommissioning of the existing Cambridge WWTP and operation of proposed WWTP in the expected Year 1 of operation and then for Year 1 plus five and ten years (expected to be 2028, 2033 and 2038 respectively). The assessment also considers what would happen in the event that the programme was to be delayed and the assessment years become altered.
- 25.3 The permanent access to the proposed WWTP be via a connection to the existing 3 arm junction on Horningsea Road. The proposed changes are indicated in the Design Plans - Highways and Site Access (App Doc Ref 4.11, updated at Deadline 7). The construction of the permanent access has been sequenced so that it can be used for construction phase in order to limit the temporary use of a section of Horningsea Road and Low Fen Drove during the enabling phase of the construction.
- 25.4 The Proposed Development includes primary mitigation at the Horningsea Road junction, which comprises:
- 25.4.1 Incorporation of a segregated pedestrian and cyclist access to the proposed WWTP;
 - 25.4.2 Pedestrian island crossing on Horningsea Road;
 - 25.4.3 Widening of the shared pedestrian / cycle path on the west side of Horningsea Road;
 - 25.4.4 New footway section on the east side of Horningsea Road south of the junction with Low Fen Drove Way; and
 - 25.4.5 Speed control of the Horningsea Road between Fen Ditton and Horningsea.
- 25.5 Changes to the existing A14 road bridge in relation to cyclists and pedestrian users are discussed in **Section 17**.
- 25.6 In order to construct the proposed WWTP and decommission the existing Cambridge WWTP there will be a need for construction vehicles to access various parts of the overall project area. These work sites will be accessed via dedicated construction routes which are shown in Figure A.2 of the Transport Assessment Part 1 (App Doc Ref 5.4.19.3, updated at Deadline 7), and described in Appendix A of the CTMP (App Doc Ref 5.4.19.7, updated at Deadline 7).
- 25.7 The assessment has considered the effect of the temporary and permanent accesses to the proposed WWTP and the construction access routes on users of the local and strategic road network and the effect of construction on users of existing footways and public rights of way.
- 25.8 The assessment takes account of mitigation measures which are described in Section 2.8 of the ES Chapter 19 (App Doc Ref 5.2.19, updated at Deadline 7).
- 25.9 The Applicant has engaged throughout the pre-application, application and examination process with the Local Highway Authority and with National Highways. All matters including design plans and management plans are now agreed with National Highways save for final agreement in the protective provisions regarding the land rights and ownership of subsoil. This agreement is recorded in the Statement of Common Ground (App Doc Ref 7.14.7, updated at Deadline 7).

- 25.10 The Applicant has agreed with CoCC in its role as Highway Authority the works plans, design plans and all management plans. Discussions are continuing between the Applicant and CoCC to agree the final relevant Protective Provisions and related Articles.
- 25.11 During the course of the DCO examination for the Proposed Development, there have been updates to the construction and operational vehicle movements as stated in ES Chapter 2 Project Description [**REP6-009**] and ES Chapter 19 (App Doc Ref 5.2.19, updated at Deadline 7), as well as updates to transport modelling and analysis completed for the purpose of the Transport Assessment (App Doc Ref 5.4.19.3, updated at Deadline 7).

Construction and operational vehicle movements

- 25.12 During the course of the DCO examination for the Proposed Development, there have been updates to the construction and operational vehicle movements as stated in ES Chapter 2 Project Description [**REP6-009**] and ES Chapter 19 (App Doc Ref 5.2.19), as well as updates to transport modelling and analysis completed for the purpose of the Transport Assessment (App Doc Ref 5.4.19.3).
- 25.13 Details of the peak daily two-way vehicle movements during construction and operation of the Proposed Development are set out in ES Chapter 19 Traffic and Transport (App Doc Ref 5.2.19) and in the Transport Assessment Part 1 (App Doc Ref 5.4.19.3). The changes to peak daily two-way vehicle movements during construction and operation of the Proposed Development are summarised in the Review of Chapter 19 updates against other ES Chapters (new document App Doc Ref 5.4.19.14, submitted at Deadline 7).
- 25.14 The revisions to Chapter 19 (App Doc Ref 5.2.19, updated at Deadline 7), and the Transport Assessment (App Doc Ref 5.4.19.3, updated at Deadline 7), have not resulted in new residual significant effects since the versions provided within the initial application in March 2023.

Parking provision

- 25.15 The Applicant has refined the level of parking sought for the proposed WWTP during the course of the examination. The number of parking spaces required for the Proposed Development is set out in Part 18 of Schedule 14 of the draft DCO and at Table 2-23 in the ES Chapter 2 Project Description [**REP6-009**]. The Applicant considers that the proposed level of parking at the Proposed WWTP (68 car parking spaces) is in accordance with SCDC Local Plan Policy TI/3 which allows for up to 76 car parking spaces for a development of this size. [**REP6-116** – response to Action Point 4]. CCoC confirmed in response to a question from the ExA at ISH5 that it was satisfied that the parking provision proposed did not raise any concerns having regard to Policy TI/3.
- 25.16 At Deadline 7, the word 'operational' was omitted from Part 18 of Schedule 14 in order to avoid any confusion as to the type of staff which may use the 56 parking spaces for staff.
- 25.17 In addition, the Applicant has included Appendix A to the OWTP (App Doc Ref 5.4.19.8, updated at Deadline 7) to include the proposed 'heads of terms' that will form the basis of the detailed plan to be approved by CCoC under Requirement 12 of the draft DCO. This includes commitments relating to the management of car parking at the proposed WWTP to ensure that this supports the targets and objectives of the OWTP [**REP6-116** – response to Action Point 4]. The County Council's agreement on the Applicant's proposals complying with Policy TI/3 was confirmed by Mr Tuttle at ISH5.

Assessment of driver delay at junction 34 of the A14

- 25.18 The Applicant has assessed the impacts of the additional construction and operational vehicle movements on junction 34 of the A14 during construction, decommissioning and operation of the Proposed Development. These assessments are set out in the Transport Assessment Part 1 (App Doc Ref 5.4.19.3) and form the basis of the assessment of driver delay in Chapter 19 Traffic and transport (App Doc Ref 5.2.19).

- 25.19 In Revision 04 of the Chapter 19 Traffic and transport (App Doc Ref 5.2.19), a major effect on driver delay, which is significant, was reported on the B1047 Horningsea Road during construction and operation of the Proposed Development before mitigation. With the mitigation included in the various management plans, this effect was reduced to a slight effect, which is not significant.
- 25.20 However, a review of the traffic modelling and its reporting was carried out after ISH3, which uncovered an error that resulted in an over-estimation of background traffic flows, leading to an over-assessment of the level of congestion on junction 34 of the A14. This error was corrected in Revision 06 of the Chapter 19 (App Doc Ref 5.2.19), submitted at Deadline 6, and as a result the assessment indicated that junction 34 of the A14 would operate well within capacity during construction, decommissioning and operation of the Proposed Development. Consequently, the unmitigated major effect on driver delay at junction 34 of the A14 has been removed.
- 25.21 During the course of the examination, assessments have also been carried out to understand the potential impacts on junction 34 of the A14 during the shoulder peak hours. These assessments demonstrate that total traffic flows in the shoulder hours at junction 34 are the same as or lower than those in the network peak hours assessed in ES Chapter 19. Traffic flows on Horningsea Road to the north of junction 34 of the A14 are slightly higher between 07:00-08:00 and 16:00-17:00. However, the junction modelling indicates that junction 34 of the A14 would continue to operate within capacity with sufficient headroom to accommodate additional traffic if required.

Mitigation plans

- 25.22 The Applicant has made amendments to the CTMP (App Doc Ref 5.4.19.7, updated at Deadline 7) to clarify that construction vehicles over 3.5 tonnes (including site won material) will be scheduled outside of the agreed peak hours (08:00-09:00, 15:00-16:00, and 17:00-18:00 from Monday to Friday), unless it is a time critical delivery or it is determined to be essential that the delivery is to be completed during peak hours or specific alternative restrictions are agreed with the local highway authority.
- 25.23 The Applicant has agreed specific alternative restrictions with CCoC in respect of Fen Road, Cowley Road, Bannold Road, Bannold Drove, Burgess's Drove, Station Road and Clayhithe Road. For Fen Road and Cowley Road this ensures that construction deliveries vehicles over 3.5 tonnes (including vehicles transporting site won material) will only travel along these construction routes between 09:30 and 15:30 from Monday to Friday. For Bannold Road, Bannold Drove, Burgess's Drove, Station Road and Clayhithe Road, construction deliveries vehicles over 3.5 tonnes (including vehicles transporting site won material) will only travel along these construction routes between 09:30 and 15:00 from Monday to Friday during school term time. In addition, it has been agreed that Abnormal Indivisible Loads will not use junction 34 of the A14 and Horningsea Road between 11:00 and 15:00 on Saturdays and Sundays.
- 25.24 The Applicant has also made amendments to the Outline Operational Logistics Traffic Plan (App Doc Ref 5.4.19.10, updated at Deadline 7) to include further detail about how and when the mechanism for monitoring the performance of junction 34 of the A14 and an appropriate trigger for the introduction of peak hour restrictions on operational vehicle movements associated with the proposed WWTP will be agreed with CCoC.
- 25.25 The Applicant has also made amendments to the Operational Workers Travel Plan (App Doc Ref 5.4.19.8, updated at Deadline 7) to include proposed 'heads of terms' that will form the basis of the detailed plan to be approved by CCoC under Requirement 12 of the draft DCO.

Mitigation permitting and licensing

- 25.26 In addition to embedded measures as design features the mitigation measures are contained within the:
- 25.26.1 CoCP Parts A and B (App Doc Ref 5.4.4.1 and 5.4.2.2, updated at Deadline 7), which includes the requirement for a CTMP for each phase of the development as part of the detailed CEMP;

- 25.26.2 CTMP (App Doc Ref 5.4.19.7, updated at Deadline 7);
- 25.26.3 the Construction Works Travel Plan [**APP-150**] and Operational Workers Travel Plan (App Doc Ref 5.4.19.8, updated at Deadline 7);
- 25.26.4 the Outline Operational Logistics Traffic Plan (App Doc Ref 5.4.19.10, updated at Deadline 7); and
- 25.26.5 the Community Liaison Plan [**REP6-096**]

NPSWW Compliance

- 25.27 In relation to compliance with the NPSWW the Applicant confirms that an assessment of Traffic and transport impacts, including a Transport Assessment, completed to align with relevant local guidance, the Department for Transport's Assessment Guidance and the Department for Transport's Transport Analysis Guidance ("TAG"); this assessment is provided in Chapter 19 and the Transport Assessment (App Doc Ref 5.4.19.3) (in accordance with paragraph 4.13.3. of the NPSWW). In reference to paragraph 4.13.3, the Applicant also confirms that assessment approaches have been completed with reference to Cambridgeshire County Council Transport Assessment Guidance (Cambridgeshire County Council, 2019), with the scope of the Transport Assessment agreed with CCoC and National Highways.
- 25.28 For mitigation in the form of a Travel Plan as referred to in NPSWW Paragraph 4.13.4, the Applicant includes a Construction Workers Travel Plan [**APP-150**] and an Operational Workers Travel Plan (App Doc Ref 5.4.19.8, updated at Deadline 7) which include demand management measures to mitigate transport impacts and reduce the need for parking.

26. **Water resources**

- 26.1 The impacts of the Proposed Development on water resources matters are assessed in ES Chapter 20 Water Resources [REP6-039]. The main water resource matters under consideration in the Chapter comprise impacts to surface water features (including the River Cam), impacts to groundwater features, and flood risk (fluvial and surface water drainage).
- 26.2 The Proposed Development has been designed to include embedded mitigation measures which have been considered during the completion of the assessment. These include:
- 26.2.1 design to incorporate storm storage volumes agreed with the Environment Agency. Storage in part through the design of the transfer tunnel discussed in more detail in 24.9 below;
 - 26.2.2 design of structures to industry best practice to prevent leakage;
 - 26.2.3 design of the surface water drainage system to include segregation of areas that present a contamination risk whereby potentially contaminated surface water is returned to the inlet works for treatment. This is set out within the Drainage Strategy [REP6-090];
 - 26.2.4 inclusion of sustainable drainage systems (SuDs) to manage surface water drainage including the integration of a drainage attenuation basin for the management of run-off from uncontaminated areas (see Figure 8.3 within the Drainage Strategy [REP6-090]);
 - 26.2.5 design of the outfall to minimise physical change to the bank and to integrate erosion control structures. See Design Plans – Outfall [APP-027]; and
 - 26.2.6 design of the proposed WWTP to allow future adaption in response to higher temperatures, changing storm flows or drought conditions and or regulatory needs that require additional treatment to meet the Environmental Permit.
- 26.3 During construction controls on some activities would be under permits and licences such as abstraction licenses and flood risk activities permits. Details are shown within Consents and Other Permits Register [REP6-092] for which the Environment Agency as regulator have indicated are appropriate and cover the temporary permits that will be necessary.
- 26.4 The assessment concludes that impacts to water resources during construction would be temporary and in many cases, would be mitigated by surface water and groundwater protection measures included in CoCP Part A (App Doc Ref 5.4.2.1) updated at Deadline 7, the Outline Commissioning Plan [REP4-046] and Outline Outfall Management and Monitoring Plan (App Doc Ref 5.4.8.24, updated at Deadline 7) resulting in no significant residual effects. Exceptions for which temporary adverse significant effects during construction may occur relate to:
- 26.4.1 disturbance of river sediments and disruption of flow in the River Cam by the cofferdam during outfall construction; and,
 - 26.4.2 impacts on groundwater levels during dewatering for the Terminal Pumping Shaft and below-ground structures within the proposed WWTP.
- 26.5 During operation controls on some activities would subject to Environmental Permits as shown within Consents and Other Permits Register [REP6-092]. In relation to water discharge activities relating to effluent quality and storm flow regulation this is covered further at **paragraph** 26.21.
- 26.6 The operational impacts were generally found to give rise non- significant residual effects. The exception for which an adverse significant effect during operation may occur relates to the potential for intermittent riverbed scour during infrequent stormwater discharge conditions.

- 26.7 The operational Outfall Management and Monitoring Plan prepared to accord with the Outline Outfall Management and Management Monitoring Plan (App Doc Ref 5.4.8.24, updated at Deadline 7) includes provision for monitoring and remedying instances of scour should this occur. Furthermore the Design Code (App Doc Ref 7.17, updated at Deadline 7) at measure OFT.06 requires detailed design to be supported by further modelling to support detailed design such that impacts of flows do not create a significant effect to either the riverbed or riverbank.
- 26.8 Beneficial significant effects during operation may occur in respect of River Cam water quality (further discussed below). Changes in final effluent and stormwater discharges are expected to have moderate (significant) beneficial effects on water quality in the River Cam.
- 26.9 The assessment finds that potential impacts on water resources resulting from decommissioning activities at the existing Cambridge WWTP will not give rise to any effects which are significant, following adoption of mitigation secured in CoCP Part A (App Doc Ref 5.4.2.1, updated at Deadline 7) in respect of diversion works for rising mains and gravity sewers.
- 26.10 During examination, the flood risk, storm water, effluent quality and monitoring were considered in some detail. These are discussed further below:

River Cam – storm water discharge

- 26.11 With regards to stormwater discharge, this was discussed during ISH3 and followed up in Action Point 70 in the Applicant's Response to ISH3 Actions [REP4-087]. The Applicant explained during ISH3 that ES Chapter 20 [REP6-039] references the Storm Model Report [APP-160]. ES Chapter 20 indicates that, in a ten-year simulation, increased treated flows would result in fewer stormwater discharge incidents to the River Cam; no stormwater discharge incidents were predicted based on analysis that considered a ten year period of modelled stormwater flows.
- 26.12 There will not be a new combined sewer overflow ("CSO") as part of the Proposed Development and the existing CSO (the 'Riverside CSO') will remain in place. However, the resilience provided as part of the proposed WWTP will result in fewer CSO spills occurring (if any). Decreased frequency of stormwater discharge to the River Cam will benefit water quality in some conditions when these stormwater discharges currently occur.

Flood risk

- 26.13 Flood risk impacts resulting from the Proposed Development were considered within the FRA [REP6-084], and significance of effects considered in ES Chapter 20 Water Resources [REP6-040]. Fluvial modelling has been undertaken based on the River Cam Urban model (JBA, 2023), which is the most recent model available including up to date hydrological and topographical data. The use of this model for the purposes of assessing flood risk arising to and from the proposed development is an industry standard approach and is agreed as the most suitable tool.
- 26.14 Fluvial flood modelling of the River Cam water levels has been undertaken to determine the impact of treated effluent (final effluent and stormwater discharges) upon flood levels and third-party receptors. Modelling decouples flood risk related solely to the location and discharge infrastructure of the proposed WWTP, from flood risk related to predicted population growth to the year 2041.
- 26.15 The relocation of the WWTP would have a negligible impact on fluvial flood risk compared to the existing Cambridge WWTP, when the same (2041) population assumption is applied to both models, resulting in an effect which is not significant.
- 26.16 As population increases from the present day to the year 2041, there may be slightly increased flood depths (centimetres), to third party receptors located in Flood Zone 3 which are currently at risk of flooding. It is assumed that any future flood risk, arising from increased waste water flows as a result of population growth to the year 2041, will be managed at source through the planning system, in accordance with NPPF guidance.

Management at source would, for example, limit surface water runoff from new developments entering the waste water network. Effective source management through the planning system is expected to reduce the magnitude of impact of fluvial flood risk to third party receptors to negligible, resulting in an effect which is not significant.

- 26.17 However, the modelling assumptions are highly conservative, including adding all discharges from the various WWTP scenarios without removing the existing Cambridge WWTP discharge which forms an integral part of the River Cam Urban model (JBA,2023). This inflates the depth results when considering individual scenario results but equalises when comparing scenarios with one another
- 26.18 The Applicant has commented on the outstanding issues with the Environment Agency on the conclusions of the FRA and the Applicant's position in response at **Section 9** above

River Cam-effluent discharge

- 26.19 The water quality impact of final effluent discharge to the River Cam was assessed and described within Section 4 of Chapter 20. Discharge from the proposed WWTP, based on indicative consent limits, will reduce effluent load in the River Cam for total phosphorous and ammoniacal nitrogen when compared to the discharge based on current consent limits. The overall assessment of effluent loads assumes, however, that the Environment Agency environmental permitting conditions for final effluent quality and quantity could change over time and would not allow deterioration in River Cam water quality for any of the consented water quality determinants.
- 26.20 It was raised during ISH3 that improvements in water quality would primarily be controlled through permitting and the Water Framework Directive, rather than through the DCO, and that therefore it is uncertain what weight should be afforded to this improvement. This was responded to at Action Point 71 in the Applicant's Response to ISH3 Actions [**REP4-087**]. Improvements in water quality would primarily be controlled through regulatory permitting, aligned with Water Framework Directive "no deterioration" objectives. The water quality assessment in ES Chapter 20 indicates, however, that indicative effluent loads for total phosphorous and ammoniacal nitrogen for the proposed WWTP should give rise to some improvement in river water quality, when compared to existing consent conditions, thereby providing a beneficial impact to River Cam water quality.
- 26.21 The Applicant submitted the Water Quality permit to the Environment Agency in September 2022. The Applicant provided in March 2024, additional information to support the application, requested by the Environment Agency in February 2024. On the basis that these submissions provide the information sought by the Environment Agency, the Applicant expects that the Water Quality Permit will be deemed duly made by the end of April 2024. Details of the Water Quality Permit are set out in the Other Consents and Permits Register [**REP6-093**].

Mitigation permitting and licensing

- 26.22 In addition to embedded measures the mitigation measures are contained within the:
- 26.22.1 CoCP Parts A and B (App Doc Ref 5.4.4.1 and 5.4.2.2, updated at Deadline 7), which includes the requirement for a Water Quality Management Plan(s), Pollution Incident Control Plan, and risk assessments before works commence on site as part of the detailed CEMP. This is secured by Requirements 8 and 9 of the draft DCO;
- 26.22.2 the Outline Decommissioning Plan [**REP6-053**] for which the detailed plan must be submitted pursuant to Requirement 9; and
- 26.22.3 the Outline Outfall Management and Monitoring Plan (App Doc Ref 5.4.8.24, updated at Deadline 7) to be prepared for construction and operation and cover control measures related to the construction and operation of the outfall. This plan does not duplicate operational effluent and storm management related to

the Environmental Permit for water discharge activities. This plan is secured by DCO Requirement 10 and must be approved by the by CCoC.

- 26.22.4 Outline water quality monitoring plan: The Outline Water Quality Monitoring Plan [**REP6-086**] secured by DCO Requirement 22, sets out the scope and duration of monitoring of groundwater and some related surface water features in connection with the construction, operation and maintenance of the Cambridge Waste Water Treatment Plant Relocation Project. Requirement 22 requires that prior to the operation of the Proposed Development, a detailed operational water quality monitoring plan must be submitted to and approved by CCoC. This plan must accord with measures in the Outline Water Quality Monitoring Plan and must incorporate measures to monitor water quality. Monitoring during construction is addressed in the detailed construction water quality management plan, which must be submitted pursuant to Requirement 9. The Outline Water Quality Monitoring Plan incorporates groundwater level monitoring at two private water supplies, which might be impacted during construction dewatering. If affected, no-derogation agreements with the property owners will be offered ensure that a water supply is maintained. The Outline Water Quality Monitoring Plan has been agreed with The Environment Agency, Natural England and The National Trust.
- 26.23 The Environmental Permit for the proposed WWTP requires a written management system to be in place. The written management system specific to the proposed WWTP would be used in support of environmental permit applications and once operation commences the operator must implement the management system or they will be in breach of the permit. Operation and maintenance activities would be subject the control plans and procedures within the written management system covering general management of the proposed WWTP, equipment maintenance, contingency plans, accident prevention and emergency response (including pollution response) as well as defining monitoring activities. These documents will identify the environmental risks and legal obligations associated with the operations of the Proposed Development once construction has been completed. The documents will specify the management measures the operator will implement in order to prevent or minimise the environmental effects associated with the Proposed Development.

NPSWW compliance

- 26.24 In terms of compliance with the NPSWW, the Applicant confirms that assessment of water quality, water resources and physical characteristics of the water environment, have been described within ES Chapter 20 (in accordance with paragraph 4.2.3); for decision-making, the Applicant confirms that ES Chapter 20 [**REP6-039**] has not identified any adverse effects on the achievement of environmental objectives established under the Water Framework Directive (in accordance with paragraph 4.2.8), nor has the Applicant identified long-term adverse effects on the water environment resulting from the Proposed Development (in accordance with paragraph 4.2.9); and for mitigation, the Applicant has proposed mitigation measures for water resources within the CoCP Part A (App Doc Ref 5.4.2.1, updated at Deadline 7) and which are secured by Requirements 8 and 9 of the draft DCO (in accordance with paragraph 4.2.10). In operation the Applicant would manage the facility through a written management system prepared for the proposed WWTP with the various operational plans and procedures to satisfy existing laws/regulations as well as specific environmental permit requirements.

27. **Major accidents and disasters**

- 27.1 Major accidents and disasters are assessed in ES Chapter 21 Major Accidents and Disasters [REP6-041]. This concludes that that with provisions in existing regulatory frameworks and mitigation there are no expected significant effects arising from the vulnerability of the Proposed Development to major accidents or disasters.
- 27.2 The assessment of the impact of flooding in relation to the Proposed Development is addressed in the ES Chapter 20 Water resources [REP6-039] and within the FRA [REP6-084].
- 27.3 The impact of the Proposed Development to landscape (including lighting and glint and glare in relation to the airport) is addressed in the ES Chapter 14 Landscape and visual Amenity [REP6-029] and the glint and glare study as a technical appendix to the ES; Glint and Glare Study [APP-130].
- 27.4 The assessment of the impact of the Proposed Development in relation to traffic accidents (including those involving hazardous loads) is in the ES Chapter 19: Traffic and transport (App Doc Ref 5.2.19, updated at Deadline 7).
- 27.5 During examination, the issues below were considered in some detail.

Emergency services

- 27.6 The Applicant has engaged with the Ambulance Service Trust and the Fire and Rescue Service, and all matters are agreed. This includes agreement as to emergency access which will be via the main entrance to the proposed WWTP and via the internal roads. This agreement is recorded in the Statement of Common Ground (App Doc Ref 7.14.5, updated at Deadline 7).

Abnormal Loads

- 27.7 The CTMP (App Doc Ref 5.4.19.7, updated at Deadline 7) was updated at Deadline 6 to show a distinction between abnormal loads by weight and abnormal loads by dimension. A detailed CTMP must be submitted alongside the Construction Environmental Management Plan for each phase, as required by Requirement 9. The CTMP will detail the measures to be adopted for the management of traffic movements affecting the local highway and the strategic road network, including abnormal loads.
- 27.8 The revisions to Chapter 19 during the course of the examination have not altered the residual effects in relation to abnormal or hazardous loads and therefore not associated amendments or updates were required to ES Chapter 21 [REP6-041].
- 27.9 The CTMP (App Doc Ref 5.4.19.7, updated at Deadline 7) and the management of traffic movements affecting the local and strategic highway network including abnormal loads are agreed with National Highways and the agreement is recorded in the table. It is also agreed with CoCC and the agreement recorded in Appendix 2 of the Statement of Common Ground (App Doc Ref 7.14.4, updated at Deadline 7).

Hazardous waste

- 27.10 There are two potential issues which were considered during the examination: the use of vehicles to move hazardous loads and unknown contamination which could generate hazardous waste and therefore movements of hazardous loads. This topic crosses transport issues, material resources and major accidents and disasters.
- 27.11 In relation to the first point, Chapter 19 Traffic and transport (App Doc Ref 5.2.19, updated at Deadline 7), confirms that "Given the low number of HGVs required, the number of HGVs delivering hazardous loads is not significant and the magnitude of impact is considered to be negligible. A detailed environmental assessment of the effect based on IEMA guidance on hazardous loads is not required for the construction phase."

- 27.12 As to the second point, a worst case consideration of unknown contamination that could generate hazardous waste and therefore movements of 'hazardous' loads has been considered within Chapter 16 Material resources and waste [REP6-031] which provides a worst case estimate in relation to the potential generation of hazardous waste. There is an existing regulatory framework in place for the management of risks associated with the movement of potentially dangerous and hazardous loads and this is addressed in ExQ2 16.1. However, there are no known sources of contamination that would lead to hazardous waste and therefore there are no hazardous loads expected in respect of hazardous waste movements.

NPSWW compliance

- 27.13 In relation to compliance with the NPSWW the Applicant confirms that the Health and Safety Executive (HSE) has been consulted in relation to safety issues (paragraph 3.8.1). In relation to the Control of Major Accident Hazards (COMAH) Regulations 1999 as referred to in paragraph 3.8.2. In accordance with the NPSWW the Applicant has completed a preliminary COMAH assessment [APP-163]. The Proposed Development does not fall within the scope of EU legislation 2012/18/EU (control of major accident hazards involving dangerous substances). Similarly, in reference to paragraph 3.9.1 and hazardous substances consent the Applicant confirms that the hazardous substances volumes required for the Proposed Development are below threshold levels, should this position alter the Consents and Other Permits Register [REP6-092] acknowledges that the Applicant will engage with the HSE if consent is required.
- 27.14 The NPSWW paragraph 3.12.3 requires the Applicant to engage with DEFRA. The Applicant confirms that this engagement has been completed, and that no specific concerns have been raised in relation to security requirements to be incorporated into the Proposed Development.

28. Cumulative effects

- 28.1 An assessment of the potential inter-related and cumulative effects of the Proposed Development is contained within ES Chapter 22 Cumulative Effects Assessment [**REP6-043**].

Interrelated effects

- 28.2 ES Chapter 22 [**REP6-043**] assesses the potential for inter-related effects. This is when one receptor experiences multiple environmental effects, which individually may be considered not significant, but when combined could be considered significant.
- 28.3 In relation to receptors that may experience interrelated effects those in proximity to Shaft 4 were identified as potentially experiencing combined visual, noise traffic and dust effects. The ES Chapter 22 Cumulative Effects Assessment [REP6-043] considers whether receptors in close proximity to Shaft 4 would experience combined visual, noise traffic and dust effects and whether users of PRow would experience combined odour and visual effects. In all cases, the combined effects on receptors are not considered more significant than when assessed individually and are all controlled by mitigation measures included in the CoCP Part A and B (App Doc Ref 5.4.4.1 and 5.4.4.2, updated at Deadline 7), which will be implemented through the approved Construction Environmental Management Plan and associated management plans secured by Requirement 9 of the draft DCO.

Cumulative effects

- 28.4 In accordance with paragraph 3.2.3 of the NPSWW, ES Chapter 22 [**REP6-043**] assesses the potential for cumulative effects. This is when the effects of the Proposed Development may combine with the effects of other nearby developments.
- 28.5 The assessment of cumulative effects has considered the potential for cumulative effects from other developments within 2km of the Proposed Development. The assessment refers to project tiers as described within Planning Inspectorate's Advice Note Seventeen ("AN17"): "Cumulative effects assessment relevant to nationally significant infrastructure projects" (The Planning Inspectorate, 2019). AN17 recognises the varying levels of certainty of information available for projects and plans scrutinised for the purpose of assessing cumulative impacts.
- 28.6 Taking into account AN17 the Applicant has determined that the proposals as part of NECAAP, inclusive of the future redevelopment of the existing Cambridge WWTP, are Tier 3. With the level of available information referred to for cumulative assessment being that which was available to the Applicant at the time of the assessment meaning that assessments may be qualitative and at a very high level.
- 28.7 Through consideration of the available information for each of the identified developments, and taking into account mitigation, no adverse residual significant cumulative effects have been identified
- 28.8 The ES Chapter 22 Cumulative Effects Assessment [**REP6-043**] Section 4 has focussed on interfaces in Waterbeach in particular in relation to construction vehicle movements in combination with the Proposed Development and planned development in this location:
- 28.8.1 Construction traffic Waterbeach: It is recognised that the Proposed Development overlaps with the approved proposal for the relocation of Waterbeach station and Waterbeach New Town, and the proposals related to Waterbeach New Town East, could give rise to cumulative effects there is a requirement to develop and agreed control measures through engagement with the developers. The CoCP Part B (App Doc Ref 5.4.2.2, updated at Deadline 7) requires that detailed management plans coordinate with parties responsible for schemes overlapping with the construction of the Proposed Development so that these plans include coordinated effective control measures.

- 28.9 During the course of the examination the Applicant updated ES Chapter 22 Cumulative Effects Assessment [**REP6-043**] to consider the potential for recreational impacts of future developments in combination with the proposed bridleway:
- 28.9.1 Just prior to ISH4, Natural England submitted a letter to the ExA in which it stated that it welcomed the Applicant's proposal to contribute to the cost of a recreation group and management and surveying of the wider area in order to address potential recreational pressure on the Stow-cum-Quy SSSI ("the SSSI"). The Section 106 Agreement (App Doc Ref 7.9, completed at Deadline 7) was updated at Deadline 6 to provide for this. The Section 106 agreement provides for a contribution to the establishment of a 'Combined Recreational Group' ("CRG") for the purpose of surveying and monitoring the SSSI. This CRG would be entirely independent of the Applicant and the Proposed Development and the LERMP Advisory Group.
- 28.9.2 Whilst the Applicant agrees that there is a need to set a baseline and collect data, there are a considerable number of developers who are bringing forward other developments within the area who have different requirements and therefore, in recognition of the potential uncertainty of the impacts that would arise both from wider countryside access and connectivity in the area arising from various developments, the Applicant has proposed a financial contribution towards the full establishment and subsequent operation of the CRG through the Section 106 Agreement. This has been agreed with CCoC and a completed Section 106 was submitted at Deadline 7. This contribution is intended to support the establishment of the CRG, its terms of reference and membership and enabling activities to establish a baseline from which future cumulative impacts and management measures can be considered leading, ultimately, to the adoption if necessary of a suitable monitoring, management and mitigation strategy funded through developer contributions and other sources. Whilst the Section 106 contribution could be used towards a potential early stage exercise on the baseline, apportionment amongst other developers would need be worked out as part of the CRG.
- 28.9.3 It remains the Applicant's position that adverse effects of increased recreational pressure will not arise in respect of Stow-cum-Quy Fen SSSI, as set out in Chapter 11 at paragraphs 4.3.12 - 4.3.16. The Applicant is providing a significant area of recreational green space at a location where lawful access to recreational land is currently highly limited at distance from the SSSI. There will be no parking provision. Whilst the Applicant considers that, overall, its proposals are likely to reduce impact on the SSSI, rather than increase it, it does acknowledge 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. As the bridleway proposals would not give rise to such potential impacts on implementation, nor would the Proposed Development, the Applicant considers the proposal of the CRG to be the most appropriate way of addressing future pressures.
- 28.9.4 For the avoidance of doubt, the CRG is separate to and in addition to the Advisory Group to be established under the LERMP (App Doc Ref 5.4.8.14, updated at Deadline 7).
- 28.9.5 The Applicant has engaged with Natural England, SCDC and CoCC and The National Trust to consider the concerns raised and confirms agreement to the establishment of the CRG to address concerns and the provisions of financial support to the establishment of the CRG within the Section 106 Agreement. The record of this agreement is set out in the Statements of Common Ground as follows; Natural England (App Doc Ref 7.14.8) table 4.1 headed Visitor Pressure, SCDC (App Doc Ref 7.14.11, updated at Deadline 7), Table 4.7 and the National Trust (App Doc Ref 7.14.16, updated at Deadline 7) headed Recreation and Public Rights of Way.
- 28.10 During the course of the examination the Applicant the Applicant has updated the FRA to incorporate modelling completed with the most recent model released by the Environment

Agency. The updated ES Chapter 22 Cumulative Effects Assessment [**REP6-043**] recognises that there is a cumulative effect on future flood risk associated with planned development within the catchment.

- 28.11 The ES Chapter 22 Cumulative Effects Assessment [**REP6-043**], includes a summary of potential cumulative environmental effects within Table 4-2 and Table 4-3 and sets out in Table 5.1 how mitigation would be secured.

Mitigation, permitting and licensing

- 28.12 Mitigation measures are contained within the:

28.12.1 CoCP Part B (5.4.2.2, updated at Deadline 7), in which Section 3 requires the detailed CEMP (and associated plans including the CTMP) to include any site specific measures required as a result any overlapping construction activities associated with developments that could give rise to cumulative effects will be included within a detailed CEMP.

28.12.2 the CLP [**REP6-096**] which would be used to communicate any specific measures agreed for the management of overlapping construction activities as agreed with third parties.

- 28.13 The Section 106 Agreement provides contributions to establish the CRG and to, commence the planning of wider area studies on recreational users.

NPSWW Compliance

- 28.14 In relation to NPSWW paragraph 3.2.3 (regarding provision of information on how the proposals combine and interact with the effects of other development) the Applicant refers to Table 2-6 within 22 Cumulative Effects Assessment [**REP6-043**] which was updated during the course of the examination and section 3 (Other Developments Considered in Cumulative Assessment) regarding developments, plans and programmes considered in the assessment of cumulative effects. The long list of developments consider has been discussed and agreed with GCSP.

- 28.15 In relation to compliance with paragraph 3.2.4 the Applicant refers to 22 Cumulative Effects Assessment [**REP6-043**] which considers interrelated effects.

- 28.16 In relation to paragraph 3.7.8 relating to whether other consents and permits would be granted including a consideration of cumulative polluting activities the Applicant refers to the Other Consents and Permits Register [**REP6-092**] and also notes the responses by the Environment Agency to:

28.16.1 ExQ1 15.2 [**REP1-152**] which states that 'based on the information provided, we have no reason to believe that any operational pollution control permits, flood risk activity permit, licences, or other relevant consents would not subsequently be approved if the development was consented';

28.16.2 The response to ExQ2 [**REP5-124**] which indicates that abstraction license requirements shown within 7.1 Consents and Other Permits Register are regarded as appropriate and cover the temporary permits that will be necessary; and

28.16.3 the response by the Environment Agency to ExQ3 [**REP6-161**] indicates that the installation permit is expected to be duly made in April 2024.

29. **The Planning Balance**

29.1 The tables below identify the harms and the benefits of the Proposed Development (paragraph numbers in brackets refer to relevant summary in the Planning Statement) and consider the weight that should be given to each in the exercise necessary to determine whether the benefits (and 'other considerations') "clearly outweigh" the harms sufficient for very special circumstances to exist.

29.2 The harms after mitigation arising from the Proposed Development (and the weight we consider should be given to them) are:

Harms	Comment	Applicant's Weight
Water Quality, Resources and Flood Risk	<ul style="list-style-type: none"> Temporary harm to water resources from the potential short-term increase in sediment content and localised increase in fluvial flood risk in the River Cam, and from the lowering of groundwater levels (4.2.22) 	Minor
Biodiversity	<ul style="list-style-type: none"> Temporary harm on habitats (4.6.16) 	Moderate
Landscape and Visual Amenity	<ul style="list-style-type: none"> Temporary and permanent landscape harm to the Eastern Fen Edge Chalklands LCA (4.7.17 and 4.7.20-4.7.21) and to a lesser degree to the River Cam Corridor LCA and Waterbeach-Lode Fen LCA diminishing over time Temporary and permanent harm to the visual amenity of local residents, users of local roads and users of public rights of way and other recreational routes (4.7.18 and 4.7.22 – 4.7.24) 	Moderate
Land Use	<ul style="list-style-type: none"> Harm to farm businesses (4.8.8) Loss of BMV agricultural land (4.8.8) 	Minor
Green Belt (consistent with NPSWW para 4.8.18 and NPPF para 148)	<ul style="list-style-type: none"> The Proposal Development is inappropriate development in the Green Belt, which is harmful by definition (4.8.38). In addition, there would be: Harm to the openness of the Green Belt - Moderate (4.8.41) Harm to the purposes of including land in the Green Belt - Moderate (4.8.41) 	Substantial
Designated Heritage Assets	<ul style="list-style-type: none"> Indirect harm to the setting of Biggin Abbey (Grade II* listed) (4.10.13-4.10.14) Indirect harm to Baits Bite Lock Conservation Area and Poplar Hall (4.10.20) Harm from the partial or complete removal of archaeological remains 	Less than Substantial
Non-designated Heritage Assets (4.10.20)	<ul style="list-style-type: none"> Indirect harm to non-designated heritage assets (4.10.20) 	Less than Substantial
Socio Economic	<ul style="list-style-type: none"> Harm to navigation on the River Cam (4.13.7) 	Minor

29.3 The benefits arising from the Proposed Development (and the weight the Applicant considers should be given to them) are:

Benefits	Comment	Applicant's Weight
Water Quality, Resources and Flood Risk	Environmental benefits of improving storm resilience and improving water quality (2.2.17)	Substantial
Odour	Reducing the number of homes and properties within an area potentially affected by odour (6.2.13)	Moderate
Biodiversity	Restoring and enhancing the surrounding environment (BNG) including creation of habitat to support the local Nature Recovery Network (2.2.17 and 4.6.19)	Substantial
Public Health and Environmental Improvement (including Climate Change adaptation) (NPSWW paras 2.2.1-2.3.11, NIDP 1.20 and 9.1)	Delivering new waste water infrastructure and improving resilience and flexibility to support population and economic growth projections plus an allowance for climate change into the 2080s (2.2.15) and improving quality of life (3.8.9). Delivering the UK's obligations to reduce greenhouse gas emissions and climate change adaptation	Moderate
Land Use	<p>Assisting urban regeneration by removing a constraint to the most effective use of existing urban land and encouraging the recycling of urban land (4.8.44(e)) for housing (including affordable housing), economic and community uses on both the vacated site and constrained surrounding land.</p> <p>Direct provision of new recreational space, enhanced public rights of way, improving access to the countryside and non-vehicle improvements to Horningsea Road (4.8.23, 4.11.10 and 4.13.9)</p> <p>Supporting forms of sustainable development</p>	Substantial
Socio Economic	<p>Direct economic benefits of the CWWTTPR development supporting a prosperous economy (4.13.7)</p> <p>Maximising public value and supporting the circular economy (2.2.17), including encouraging the optimum use of public transport and green travel infrastructure.</p> <p>Enhancing education (2.2.17 and 4.13.13).</p> <p>Indirect economic benefits of delivering a vacant brownfield site for significant sustainable regeneration to support of economic growth in and around Cambridge (2.3.36)</p> <p>Indirect social benefits from the delivery of new schools, jobs, local services, community and other facilities and increased access to green spaces</p>	Substantial
Carbon	Environmental benefits of significantly reducing carbon emissions (2.2.17 and 4.14.5)	Moderate

- 29.4 Both the SCDC and CCC recognise at paragraph 2.8 of their Written Representations (**REP1-141** and **REP1-130** respectively) that “there is clear evidence through the emerging plan making processes of the significant benefits that would be enabled by the relocation of the Cambridge Waste Water Treatment Plant (the CWWTP site) and the extensive area of surrounding, underutilised, previously developed land, where regeneration potential has been effectively sterilised”. They also consider that ‘considerable weight’ should be given to the significant contribution the existing WWTP site could make towards meeting future strategic housing requirements for the Greater Cambridge area (SCDC response to ExQ1-2.15 [**REP2-054**]).
- 29.5 The NPSWW requires that substantial weight should be given to any harm to the Green Belt and that other elements of harm should also attract significant weight. However, the Green Belt and other harm in this instance would, in the Applicant’s opinion, be clearly outweighed by the need for the Proposed Development and the substantial cumulative public benefits it will deliver sufficient for the Secretary of State to conclude that the very special circumstances needed to justify a grant of development consent have been demonstrated.

30. **Land use including open space, green infrastructure and Green Belt**

- 30.1 Whilst favouring the re-use of previously-developed land for new development the NPSWW recognises that it may not always be possible to locate some forms of infrastructure on previously-developed land (paragraph 4.8.3). The location of the new WWTP has been determined following a comprehensive site selection process (fully described in ES Chapter 3: Site Selection and Alternatives [**AS-018**] which demonstrates that there were no opportunities to deliver the proposed WWTP on land that was not almost entirely agricultural in nature. The use of agricultural land is unavoidable to successfully deliver the Proposed Development, in line with paragraph 4.8.16 of the NPSWW. The impacts of the Proposed Development on this existing land use (in respect of loss of BMV and on soil resources) is covered in the agricultural land and soils and land quality sections (see **Section 12**).

Open space and green infrastructure

- 30.2 This project does not propose building on existing open space, sports or recreational buildings and land (NPSWW paragraph 4.8.21). Cambridgeshire has one of the lowest levels of natural green space available for public access in the UK. Two new connections to the existing PRoW are proposed. It is considered that the Proposed Development is in accordance with NPSWW at paragraph 4.8.13.

Green Belt

- 30.3 A significant proportion of the project falls within Green Belt (as defined in the South Cambridgeshire Local Plan 2018). The proposed WWTP, surrounding earth bank and the visitors' car park do not fall within the exceptions set out at paragraphs 154-155 of the NPPF and the Proposed Development (so much as it sits within the Green Belt) must accordingly be considered to be inappropriate development and, consistent with NPSWW paragraph 4.8.10, is "by definition, harmful to the Green Belt and should not be approved except in very special circumstances". The proper approach to the consideration of Green Belt harm by virtue of inappropriateness and any other harm was considered in ISH3 and at paragraph 10.1 in the Applicant's Post Hearing Submission (CAH1 & ISH3) [**REP4-088**].
- 30.4 Harm to Green Belt should be accorded substantial weight (NPSWW paragraph 4.8.14) and "very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations". "Any other harm" includes (but is not limited to) harm to the purposes of Green Belt, which has been considered in the Green Belt Impact Assessment (Application Document Reference 7.5.3 [**APP-207**]), and any other residual harms identified in the ES after mitigation. Section 6 of the Planning Statement [**REP1-049**] identifies the 'other considerations', including Need which the Applicant accepted in response to ExQ1-2.3c) [**REP1-079**] must be demonstrated in this instance, which should inform the decision that the Secretary of State must make as to whether there are 'very special circumstances' sufficient in this instance to justify why the DCO should be granted.

31. Local Policies

- 31.1 Although neither the adopted South Cambridgeshire Local Plan (SCLP) 2018 nor the adopted Cambridgeshire and Peterborough Minerals and Waste Local Plan (MWLP) 2021 incorporate policies which specifically relate to the Proposed Development or allocate the site for the proposed WWTP, the three local authorities have long shared the aspiration to see the relocation of the Cambridge WWTP from its existing site to unlock the opportunity to create a new urban quarter in North East Cambridge immediately adjacent to the Cambridge Science Park. This is clearly recorded in development plan documents dating back to the late 1980s but, until now, its realisation (and the ability to make it a specific commitment in those documents) has been frustrated by market viability. Notwithstanding this, SCLP Policy SS/4 (and corresponding Policy 15 of the adopted Cambridge Local Plan 2018) identifies the existing WWTP and surrounding area as an Area of Major Change for high quality mixed-use development primarily for employment use as well as a range of supporting uses, commercial, retail, leisure and residential uses (subject to acceptable environmental conditions) and the MWLP incorporates a criteria-based policy (Policy 11) specifically to address the eventuality of a proposal being brought forward for the construction of a new WWTP of the nature proposed in this application.
- 31.2 The award in March 2019 by Homes England of Housing Infrastructure Funding specifically for the relocation of the WWTP and decommissioning of the existing site finally removes this viability constraint and, subject to consent for the construction of a new WWTP elsewhere (as proposed in this DCO application), enables the realisation of the local authorities' plans for North East Cambridge. The North East Cambridge Area Action Plan (NECAAP) Regulation 19 Proposed Submission Version 2022 (whose progression to adoption is held up only by the outcome of this DCO application but to which substantial weight should be given for the reasons given in the Applicant's response to ExQ1-2.11 [REP1-079] as supported by both SCDC [REP2-054] and CCC [REP2-046]) defines the extent of the new housing, employment, community, cultural and open space facilities which can be delivered utilising the locational benefits of NEC, notably its proximity to existing and planned employment space [paragraph 10.4.1 REP4-088] and opportunities for sustainable travel [REP2-046]. This makes NEC with the vacation of the existing WWTP the most sustainable location for strategic scale development available within Greater Cambridge, as accepted by CCC and SCDC in their respective responses at paragraph 6 to ISH2 Action Point 10 at REP1-131 and REP1-142 respectively. It is also the reason why the emerging Greater Cambridge Local Plan (under draft Policy S/NEC: North East Cambridge) is identified as one of three key strategic sites which will form "*central building blocks of any future strategy for development*" in the GCLP Draft Plan (Regulation 18) consultation (Development Strategy Update 6 February 2023 – Appendix 1 [REP5-120] to which weight should also be given (Applicant's response to ExQ1-2.11 [REP1-079]).
- 31.3 So significant is the opportunity presented by the relocation of the existing Cambridge WWTP both to provide an all new WWTP to serve the Greater Cambridge waste water drainage catchment to the end of this century and potentially beyond, but also to support the continued economic advancement of Cambridge as a global centre of excellence for research, development and business success, that the Secretary of State (DEFRA) s.35 Direction of 18 January 2021 recognises this project on its own as "*nationally significant*" (Appendix 3, 7.5 Planning Statement [REP1-049]).
- 31.4 The specific opportunity to create the new urban quarter at NEC to support Cambridge's continued growth as 'Europe's science capital', and the importance of its accelerated realisation by the relocation of the existing WWTP, is specifically referred to in the 'Vision for Cambridge 2020' announcement by the Prime Minister and the Secretary of State for Levelling Up, Housing and Communities and written ministerial statement on 24 July 2023 [Appendix C, REP5-111]. That importance has more recently been reinforced by further ministerial statements by the Secretary of State for Levelling Up, Housing and Communities on 19 December 2023 [Appendix C, REP5-111] and by the Chancellor alongside the Spring Budget Statement 2024 including the 'Case for Cambridge' which emphasise Government's ambitions for the Cambridge area and which specifically reference North East Cambridge as one of three key strategic sites that the Cambridge Delivery Group is actively supporting to unlock and accelerate planned growth). These are material to the decision making process and relate to a matter which is both important and relevant to the Secretary of State's decision (see Applicant's response to ExQ3-1.5 [REP6-117]).

- 31.5 Relevant local policies (adopted and emerging) are listed in 7.5.5 Planning Statement: Local Accordance Tables [**REP1-054**]. Agreement of this list is confirmed by the three host local authorities in the completed SOCGs being submitted at Deadline 7.
- 31.6 Compliance of the Proposed Development with local policies is addressed by the Applicant in 7.5.5 Planning Statement: Local Accordance Tables [**REP1-054**]. Discussion on Local Policies in the Examination has focussed on the degree of compliance of the Proposed Development with a number of particular policies – these being SCLP Policies CC/3 Renewable and Low Carbon Energy in New Developments, CC/4 Water Efficiency, NH/2 Protecting and Enhancing Landscape Character, NH/8 Green Belt, NH/14 Heritage Assets and TI/2 Planning for Sustainable Travel, and MWLP Policies 5 Mineral Safeguarding Areas and 11 Water Recycling Areas. The Applicant has not been able to agree the degree of compliance of the Proposed Development with the local authorities through the completed Statements of Common Ground. All three local authorities defer to the judgement of the ExA and ultimately the Secretary of State on the acceptance that there are very special circumstances to justify inappropriate development in the Green Belt and to accept the adequacy of mitigation measures to address any unacceptable adverse environmental and amenity issues raised by the Proposed Development.
- 31.7 The Applicant considers that the Proposed Development is consistent with the policies of the Development Plan read as a whole, but acknowledges that the Proposed Development is not strictly in compliance with policies which seek to respect, sustain and enhance local character and distinctiveness in landscape and historic environment terms (e.g. SCLP Policy NH/2 Protecting and Enhancing Landscape Character and SCLP Policy NH/14 Heritage Assets). This, though, needs to be weighed against the NPSWW requirement “*to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate*” (NPSWW paragraph 4.7.6) and recognition that “*the public benefits of the provision of new nationally significant waste water infrastructure, for which there is no alternative, could in some circumstances outweigh damage or loss to heritage assets or their setting*” (NPSWW paragraphs 1.4.4, 4.10.14 and 4.10.17). Compliance with a limited number of policies including SCLP Policy NH/8 Green Belt and SCLP Policy TI/2 Planning for Sustainable Travel depend on the acceptance by the ExA and ultimately the Secretary of State that the benefits of the Proposed Development clearly outweigh the harm to Green Belt and any other harm sufficient for there to be ‘very special circumstances’. Similarly, compliance with MWLP Policy 5 Mineral Safeguarding Areas and MWLP Policy 11 Water Recycling Areas depend on the acceptance by the ExA and Secretary of State of an overriding need for and benefits of the development and the adequacy of mitigation measures to address so far as possible any unacceptable adverse environmental and amenity issues raised by the Proposed Development.

32. **Compulsory acquisition and temporary possession**

- 32.1 As explained in the Statement of Reasons (App Doc Ref 3.1, submitted at Deadline 7), the Applicant's land assembly strategy has from the outset been, and continues to be, to progress voluntary arrangements and to seek to limit and reduce the extent of compulsory acquisition and temporary possession powers required.
- 32.2 All of the land and rights sought in the draft DCO, including the powers to temporarily possess land, are necessary for the construction, operation, protection and maintenance of the Proposed Development. This includes land and rights which are necessary to mitigate the effects of the Proposed Development. Appendix 2 to the Statement of Reasons provides a plot-by-plot explanation of the works for which the land is required. The Applicant seeks flexibility through the assessment of parameters and the adoption of limits of deviation. Consequently, it may not be necessary to acquire interests in or rights over all of the land within the Order Limits, but such land remains necessary for the Proposed Development due to the need to provide sufficient flexibility to ensure that the project can be delivered. The proportionality of any interference is ensured by the Applicant's approach to the powers sought, which minimise the extent of freehold acquisition, and the Applicant intends to use temporary possession powers for construction purposes followed by permanent powers over a lesser area wherever practicable.
- 32.3 The scale and location of the project is such that compulsory acquisition cannot be avoided, although the Applicant has minimised the interference through its routing and siting. The Applicant has, and will continue to, negotiate with relevant landowners to acquire the land and rights in land necessary for the Proposed Development, as explained in the Statement of Reasons and the Compulsory Acquisition Schedule submitted by the Applicant at Deadline 7 (in compliance with paragraphs 24-26 of the CA Guidance).
- 32.4 As a result of this engagement, the Applicant has made significant progress and has been able to agree terms and complete a number of agreements with landowners impacted by the Proposed Development. The detailed position is set out in the Deadline 7 version of the Compulsory Acquisition Schedule, with further information provided in the Applicant's response to Point 18 of the Rule 17 letter dated 8 April 2024. A summary of the position is as follows:
- 32.4.1 23 Affected Parties over which land and rights are required
 - 32.4.2 2 options have been agreed and legally documented. One includes the land owned by St Johns College at a total acreage of 48.40 (19.7% of the freehold land required)
 - 32.4.3 11 options are in solicitors' hands. One includes the land owned by Julian Francis at a total acreage of 187.97. (76.7% of the freehold land required)
 - 32.4.4 1 Affected Party is deceased and in probate meaning terms cannot be agreed and their agent has confirmed that compulsory acquisition is the most sensible way forward
 - 32.4.5 2 Affected Parties are not engaging on the substantive land rights required for the Proposed Development (National Highways and Network Rail - see further below)
 - 32.4.6 The remaining agreements are at advanced stages of negotiation, with minimal agreement of commercial terms needed to place in solicitors' hands
 - 32.4.7 Terms are agreed to deliver 96.5% of the freehold land needed to deliver the Proposed Development.
- 32.5 With the exception of a small number of parties for whom the Applicant anticipates needing to utilise its compulsory acquisition and/or temporary possession powers, the Applicant is therefore confident it will be able to reach an agreement with the majority of landowners prior to entry being required onto land in order to deliver the Proposed Development. If

agreement cannot be reached with landowners and it is necessary to exercise the powers in the Order, those with interests in land will be entitled to compensation for any land taken and for losses incurred, such compensation to be assessed pursuant to the Compensation Code.

- 32.6 The Funding Statement [**REP6-002**] sets out how the compensation for the acquisition of land and rights over land necessary to deliver the Proposed Development will be funded by the Applicant and demonstrates a very high prospect of the Applicant being able to meet its financial commitments in respect of land assembly, including in relation to the remote prospect of any successful blight claims being brought.

Outstanding Objections

- 32.7 The Applicant's successful land acquisition and engagement strategy is also reflected by the limited number of objections to the compulsory acquisition and temporary possession powers. There are few objections to the Applicant's proposed compulsory acquisition powers from persons with an interest in land:

Gonville & Caius College

- 32.8 The College maintains its objection to the proposed compulsory acquisition and temporary possession of land. The College's freehold land ownership within Order Limits is required for a number of elements of the Proposed Development, including: the Waste Water Transfer Tunnel, its shafts and proposed restrictive covenant; the Final Effluent and Storm Pipeline; the Waterbeach Pipeline; the Ecological Mitigation Works; the Final Effluent Outfall Structure; and rights of access and construction areas.
- 32.9 The Applicant notes that the College's objections relate primarily to the extent of the proposed powers sought over Plot 021b for the Ecological Mitigation Area; and the proposed freehold acquisition of the land for the Waste Water Transfer Tunnel Shafts in Plots 021r and 021s. No in-principle objection is raised by the College in relation to the need for the works for which these land parcels are required, or to the need to acquire land rights for them.
- 32.10 Insofar as the College objects to the extent of the freehold acquisition powers sought over Plot 021b, the Applicant has explained (see paragraph 2.5 of [**REP6-118**] and in response to Action Point 22 [**REP6-115**]) that approximately 1.1ha of freehold land will be required permanently for the Ecological Mitigation Area. A small area of freehold acquisition will also be required for the Outfall Structure. Plot 021b is also affected by the works for the Final Effluent and Storm Pipeline and a footpath diversion. The location and layout of the multiple elements of the works in Plot 021b are not yet fixed and will need to be settled following final design and surveys. The Applicant is therefore unable at this stage to delineate the land requirements in Plot 021b between freehold, new rights/restrictive covenants and temporary possession. Furthermore, to do so at this stage risks prejudicing the Applicant's ability to deliver the necessary components of the Proposed Development in this area.
- 32.11 With regards to the land requirements for the transfer tunnel shafts, the Applicant does not consider that an easement would provide the requisite control and protection of the land that is needed for this infrastructure. As explained in response to EXQ3.8.1 and EXQ3.8.2 [**REP6-119**], the shaft structures will be fixed immovable assets, physically connected to the transfer tunnel itself. If damage is caused to the shafts that in turn risks causing damage to the transfer tunnel itself. The Applicant remains willing to discuss alternative arrangements with the College for the continued agricultural use of the land above the shafts, such as by means of a 'pie crust' lease, but such a lease cannot be created by compulsory acquisition. In the absence of agreement with the College on the proposed terms of such an arrangement, the Applicant necessarily requires the power to compulsorily acquire the freehold to the land for the shafts.
- 32.12 The Applicant and the College have made progress on voluntary terms, and, as explained in the Applicant's latest response to the College's submissions [**REP6-115**], and the Applicant's response Point 18 of the Rule 17 letter dated 8 April 2024. It is the Applicant's understanding that the principal outstanding matter is to reach agreement on the financial consideration. A response is awaited from the College on this issue.

Poplar Hall Farm

- 32.13 The College owns Poplar Hall Farm, agricultural holding number G040, which is tenanted (see [RR-239] for Owen Phillips and [RR-128] for Gemma Phillips) and points have been raised in Examination a Hearing regarding the impact of the Proposed Development upon the agricultural use of that part of Poplar Hall Farm within Order Limits. The Applicant submitted an updated agricultural land and soils assessment [REP6-011] reflecting the fact that the impacts upon the agricultural use of the land are expected to arise during construction, for an estimated two growing seasons. Thereafter, the land will be reinstated and available for agricultural use. In the event that the tenant suffers losses, they may make a claim in accordance with the Compensation Code. Further explanation on the impacts on Poplar Hall Farm can be found in response to IS4 Actions 21 and 22 [REP6-115].

P.X. Farms Ltd

- 32.14 P.X. Farms Ltd.'s objection to compulsory acquisition remains outstanding, albeit the Applicant anticipates that this will be resolved when the Option Agreement with the freehold owner (Julian Francis) is concluded because that makes provision for dealings with P.X. Farm's tenancy. As explained in Table 4-24 of [REP1-078] the Applicant accepts that the proposed compulsory acquisition of land for the proposed WWTP will have an impact upon their farming enterprise, which, the Applicant understands, is a sizeable contract farming business that operates from a number locations that extend well beyond the Order Limits. P.X. Farms will be able to make a claim for any losses suffered in accordance with the Compensation Code, and the Applicant does not anticipate a significant impact upon its wider business.

Poplar Hall Access Track

- 32.15 A number of parties, including Elizabeth Cotton, raised concerns regarding the proposed use of the existing track from Horningsea Road that leads to Poplar Hall and Poplar Hall Farm. The track is owned by Gonville & Caius College and the occupants of Poplar Hall and Poplar Hall Farm are assumed to have the benefit of rights to use it to access their properties. The Applicant seeks the compulsory acquisition of rights of access over this track for both construction and operational purposes. Those rights of access will be exercised by the Applicant in common with other persons who have the right to use the access track. The only anticipated impact for existing users of the track will be during the construction of the Proposed Development, during which time the Applicant will implement appropriate measures to facilitate safe and continued access to their properties. Further information on construction impacts and how continued access will be managed can be found in response to IS4 Action 22 [REP6-115].

Trustees of the Waterbeach Trust, Waterbeach Development Company, Queens' College, Greater Cambridge Partnership and SLC Rail

- 32.16 Outstanding representations have been received from the landowners and development consortium seeking to deliver development including a new and relocated station at Waterbeach. Plots 069a, 070a and 070b are owned by the Trustees of the Waterbeach Trust, with Waterbeach Development Company LLP and Queens' College having an interest in the land pursuant to a Promotion and Option Agreement. The Greater Cambridge Partnership (GCP) (a local government organisation pursuant to the Local Government Act 1972 and the Local Government Act 2000) has the responsibility to deliver the new station. It has appointed SLC Rail as its contractor to deliver the new station. Neither GCP nor SLC Rail have a proprietary interest in land affected by the Order. The route of the Applicant's proposed Waterbeach Pipeline runs within the area of the proposed new station, and a temporary construction compound is also required to the north of the proposed new station area to facilitate the installation of the Waterbeach Pipeline. The Applicant therefore seeks new rights and a restrictive covenant for the pipeline, together with temporary possession powers for the compound.
- 32.17 Following consultation with the parties, the Applicant made a Change Request [AS-006] to the Works Plans and Land Plans for the Proposed Development in order to limit the impact upon the construction of the proposed new station at Waterbeach. There remains

an overlap in the land areas required temporarily by the Applicant during construction of the Proposed Development and the parties are liaising constructively on practical arrangements in the event that their construction programmes coincide. The latest position is set out in the Statements of Common Ground with GCP and WDC, both of which were submitted by the Applicant at Deadline 7.

- 32.18 As with WDC, terms have been agreed with the Waterbeach Trust in relation to the option to acquire rights for the Waterbeach Pipeline. Discussions are ongoing regarding the terms for the occupation of the work compound, but these are led by the WDC as it 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.

Other Outstanding Objections

- 32.19 There is an outstanding objection from Julian Francis, to which the Applicant responded in Table 4-23 of [REP1-078]. The Applicant has agreed terms to acquire this land which is required for the proposed WWTP and it is expected that the Option Agreement will conclude shortly.
- 32.20 There are a small number of objections from parties who have Category 2 interests in the Order Land which protect a financial interest (The Parochial Church Council of the Ecclesiastical Parish of Horningsea and Wendy Rose). As explained in the Applicant's responses to EXQ1.8.34 [REP1-079] and Table 4-26 [REP1-078] respectively, the Applicant does not anticipate that the Proposed Development or the exercise of compulsory acquisition powers will have any impact on the interests of The Parochial Church Council of the Ecclesiastical Parish of Horningsea or Wendy Rose, but in the unlikely event that there is any impact, those parties may make a claim to be assessed pursuant to the Compensation Code.
- 32.21 Vistry Group, who have an option over land within the Order Limits, submitted a representation at a late stage of the examination [REP5-139] in respect of an alleged conflict with their long-term development proposals. As explained in the Applicant's response [REP6-115], Vistry Group's development proposals do not have planning permission, nor do they benefit from any existing or emerging planning policy support. Furthermore, given the very limited overlap of the Order Limits with the land being promoted by Vistry, there is unlikely to be any material impact caused by the Proposed Development upon the ability of Vistry to bring forward a scheme in the future.
- 32.22 The Starkie Family raised an objection to the proposed interference with private rights in relation to the use of their access track, to which the Applicant responded at CAH1 [Point 1.5 of REP4-088] to confirm that their private access will not be blocked by the Proposed Development.
- 32.23 The Applicant also notes that there remain outstanding objections from parties who have an interest in land within Order Limits but whose representations do not expressly object to the proposed compulsory acquisition or temporary possession powers: CC, Ellen Francis, Environment Agency, SCDC. The latest position on discussions with these landowners is set out in the Compulsory Acquisition Schedule submitted by the Applicant at Deadline 7.

Land owned by Statutory Undertakers

- 32.24 There are outstanding objections relating to Compulsory Acquisition from National Highways, Network Rail Infrastructure Limited and The Conservators of the River Cam. The progress in relation to the negotiation of land rights required from Statutory Undertakers is set out in the Statutory Undertakers' Progress Schedule submitted by the Applicant at Deadline 7. The position regarding the Protective Provisions sought by the relevant parties is dealt with in **Section 33** below.

National Highways

- 32.25 National Highways maintain an in-principle objection to the acquisition of any freehold land belonging to it. It is said to be their 'policy' not to allow any acquisition of land below their

strategic road network (SRN) and it has adopted the same rigid approach on a number of recent DCOs, including the HyNet Carbon Dioxide Pipeline Order 2024 on which the Secretary of State rejected National Highways' submissions.

32.26 In parallel, National Highways has failed to engage in voluntary discussions for the land rights required by the Applicant and has proposed instead that the Applicant rely upon the New Road and Street Works Act 1991 (NRSWA) for the installation and protection of the infrastructure. The Applicant disputes that NRSWA applies to the Transfer Tunnel [**REP5-112**] and has also explained why NRSWA, even if it did apply to the Transfer Tunnel, would not provide the Applicant with a proprietary interest in land and would not therefore provide protection for the Applicant's infrastructure. The Applicant has explained why it requires ownership of a subsoil strata to construct, retain and protect the Tunnel and given examples of comparable situations [**REP4-88**, **REP5-112** and EXQ3.8.1- **REP6-119**]. National Highways themselves accept that other undertakers require land rights (easements) for infrastructure that is installed below the SRN [**REP4-096**] and they have not raised an objection to the Applicant's proposed acquisition of an easement below the SRN for the Waterbeach Pipeline. To suggest that the Applicant should rely on NRSWA and not have any land rights for the Transfer Tunnel demonstrates a significant misunderstanding as to the nature and importance of that infrastructure. Moreover, such an approach is inconsistent with the proposal to acquire new rights under the SRN for the Waterbeach Pipeline.

32.27 National Highways' representations do not raise objection to the new rights/restrictive covenant sought by the Applicant, nor to any powers of temporary possession. Their objection focusses upon the proposed subsoil acquisition powers for the Transfer Tunnel which will be at a depth of approximately 20m below ground where it crosses below the SRN. National Highways does not object to the proposed existence of or works for the Transfer Tunnel itself, nor do they suggest that the infrastructure is not required. No credible reason has been presented by National Highways as to why the acquisition of subsoil for these purposes will give rise to serious detriment to National Highways' undertaking for the purposes of Section 127 of the Planning Act 2008.

32.28 National Highways has recently shared a Technical Paper dated 3 April 2024 with the Applicant, which the Applicant assumes will be submitted to the ExA at Deadline 7 in response to Action 14 from ISH5. This Technical Paper explains that:

"Technical Approval procedures are a mandatory requirement for highway structures constructed within the highway boundary and therefore shall apply to a tunnel constructed below the SRN.

It is uncertain as to whether these procedures could be mandated in the case of a structure wholly within subsoil that has been subject to compulsory purchase by a third party. As such, allowing the subsoil to the Strategic Road Network to be compulsory purchased by a third party could limit our ability to control risks to our structures and the network generally (e.g. potential surface water flooding) and therefore represents a risk to the Strategic Road Network, highway users etc."

32.29 Insofar as National Highways does intend to rely upon the above matters in support of its objection to the proposed compulsory acquisition of a sub-substrata of land for the Transfer Tunnel, the Applicant notes that the Transfer Tunnel is a 'specified work' for the purposes of the Protective Provisions in Part 5 of Schedule 15 to the Order (see the definition in paragraph 56 of Part 5). Pursuant to paragraph 60, unless the parties agree that an item is not relevant to the particular work, the relevant part of the specified works must not commence until:

a stage 1 and stage 2 road safety audit has been carried out and all recommendations raised by them or any exceptions are approved by National Highways;

the programme of works has been approved by National Highways;

the detailed design of the specified works comprising of the following details, insofar as considered relevant by National Highways, has been submitted to and approved by National Highways—

the detailed design information, incorporating all recommendations and any exceptions approved by National Highways under sub-paragraph (a);

details of the proposed road space bookings;

the identity and qualification of the contractor and nominated persons;

a process for stakeholder liaison, with key stakeholders to be identified and agreed between National Highways and the undertaker; and

information demonstrating that the walking, cycling and horse riding assessment and review process undertaken by the undertaker in relation to the specified works has been adhered to in accordance with DMRB GG142 - Designing for walking, cycling and horse riding.

a scheme of traffic management has been submitted by the undertaker and approved by National Highways such scheme to be capable of amendment by agreement between the undertaker and National Highways from time to time;

stakeholder liaison has taken place in accordance with the process for such liaison agreed between the undertaker and National Highways under sub-paragraph (c)(iv) above;

National Highways has approved the audit brief and CVs for all road safety audits and exceptions to items raised in accordance with the road safety audit standard;

the undertaker has agreed the estimate of the commuted sum with National Highways;

the scope of all maintenance operations (routine inspections, incident management, reactive and third party damage) to be carried out by the undertaker during the construction of the specified works (which must include winter maintenance) has been agreed in writing by National Highways;

the undertaker has procured to National Highways warranties from the contractor and designer of the specified works in favour of National Highways to include covenants requiring the contractor and designer to exercise all reasonable skill, care and diligence in designing and constructing the specified works, including in the selection of materials, goods, equipment and plant; and

the condition survey and a reasonable regime of monitoring of any National Highways assets or structures that are the subject of the condition survey has been agreed in writing by National Highways.

32.30 'Detailed design information' is defined in the protective provisions and includes a wide range of technical information such as drawings, specifications, and calculations on (e) earthworks including supporting geotechnical assessments required by DMRB CD622 Managing geotechnical risk and any required strengthened earthworks appraisal form certification. Paragraph 61 goes on to require the works to be carried out in accordance with the DRMB (Design Manual for Roads and Bridges or any replacement or modification of it'. These technical design standards, including paragraphs 60 and 61 of the protective provisions, have been agreed with National Highways.

32.31 The approval requirements in the Protective Provisions are therefore 'mandated' (as referred to in the Technical Paper) and are secured on the face of the Order. The compulsory acquisition of land does not alter, remove or have any bearing on these approval requirements.

- 32.32 The Applicant submits that National Highway's interests and those of road users are protected by the protective provisions included in the Order and that the tests for compulsory acquisition of land in sections 122 and 123 of the 2008 Act are met.

Network Rail

- 32.33 Network Rail has objected to the need to compulsorily acquire land and rights for the Proposed Development which affect Network Rail's operational landholding. The Applicant requires new rights and restrictive covenants to install the Waterbeach Pipeline under the railway by trenchless construction methods where it crosses the railway in two locations. The Applicant also requires the acquisition of sub-soil land at a depth greater than 7 metres below the railway for the Transfer Tunnel, together with temporary possession powers for the installation and access to monitoring apparatus to protect the railway.
- 32.34 Whilst there has been some engagement between the parties in relation to Protective Provisions, despite the Applicant's repeated attempts to do so, Network Rail has yet to engage substantively on the land acquisition required by the Applicant. No case has been mounted by Network Rail that the proposed acquisition of sub-soil and rights would cause serious detriment to Network Rail's undertaking for the purposes of Section 127 of the PA 2008 and the Applicant submits that its proposed form of Protective Provisions provides the appropriate protection for Network Rail's undertaking such that there will not be any serious detriment caused by the proposed acquisition of land and rights from Network Rail.

Conservators of the River Cam

- 32.35 The Applicant requires the acquisition of a small area of freehold land comprising river bank and river bed for the Outfall Structure within Plot 019a, together with new rights and restrictive covenants over Plots 019k, 019l and 019n. These land parcels comprise unregistered land but it is assumed that the land is owned by the Conservators.
- 32.36 The Applicant clarified and reduced the extent of freehold acquisition following engagement with the Conservators. The Applicant understands the Conservators are broadly happy with the principle of the Applicant acquiring the necessary land and rights from them for the Proposed Development but they wish to settle the protective provisions before concluding terms.
- 32.37 In any event, the Conservators' objections do not expressly raise compulsory acquisition or Section 127 of the PA 2008 but have focussed upon the proposed protective provisions and the proposed mechanisms for interference with statutory navigation rights in Article 44 of the Order. The Applicant submits that the land and rights it requires over the river bank and river bed are necessary for the Proposed Development and that the protections in Article 44 and the Protective Provisions ensure that the land and rights can be acquired without causing serious detriment to the Conservators' undertaking for the purposes of Section 127 of the PA 2008.

Telecommunications operators

- 32.38 A number of representations were also made by telecoms operators (Arqiva Limited, Sky Telecommunications Systems Limited, City Fibre, Neos Network Limited and Vodafone) in relation to their apparatus. Whilst their representations have not been formally withdrawn, the Applicant understands that those parties are satisfied with the form of protective provisions included in Part 8 of Schedule 15 to the draft Order. The Applicant submits that those provisions provide the necessary protection pursuant to Section 138 of the PA 2008 for the relevant rights and/or relevant apparatus owned by the telecommunications operators.

Crown Interests

- 32.39 Section 8 of the Statement of Reasons submitted by the Applicant at Deadline 7 identifies the Crown interests in the Order Land and summarises the engagement with the relevant parties. Section 135(1) of the PA 2008 is not engaged by the Order as the Order does not

seek the compulsory acquisition of any interests in Crown land which are held otherwise than by or on behalf of the Crown.

- 32.40 There are Crown interests in the Order Land belonging to the Secretary of State for Defence and the Secretary of State for Transport. Those Crown interests cannot be extinguished by the Order but the Order does contain provisions which apply in relation to the land in which the Crown bodies have an interest. Section 135(2) consent has therefore been obtained from the Crown bodies. Article 50 (Crown Rights) provides further protection for the Crown interests. Whilst the Applicant does not consider that there is anything in the Order which prejudicially affects the rights benefitting the Crown authorities, Article 50 operates to require written consent from the relevant Crown authority should the Applicant's use of land prejudicially interfere with an interest belonging to the Crown.
- 32.41 Section 135(2) consent was received from the Secretary of State for Defence by letter dated 21 March 2024 [Appended to **REP6-119**] and from the Secretary of State for Transport by letter dated 12 April 2024 (appended to the Applicant's Response to Rule 17 Request for Further Information submitted at Deadline 7).

Funding for the delivery of the Proposed Development

- 32.42 The Applicant submitted an updated Funding Statement [**REP6-002**] at Deadline 6. This appends a Joint Statement from the Applicant, Homes England and CCC and it updates on the significant progress that has been made by the parties in securing additional funds for the delivery of the proposed WWTP. The Applicant is, therefore, confident that all the funding for the costs of the Proposed Development will be available to enable the Proposed Development to proceed and that it will not be prevented due to difficulties in sourcing and securing the necessary funding. The Applicant submits that the tests in paragraphs 17 and 18 of the Compulsory Acquisition Guidance are met. It has:
- 32.42.1 provided as much information as possible about the resource implications of both acquiring the land and implementing the Proposed Development including in respect of the WWTP, the Waterbeach Pipeline and the additional treatment capacity required at the proposed WWTP associated with increased incoming flows from population growth in the catchment, including from Waterbeach New Town;
 - 32.42.2 confirmed that there are not any anticipated shortfalls in funding;
 - 32.42.3 explained the degree to which public and private sector bodies have agreed to make financial contributions to the delivery of the Proposed Development, and the basis upon which those contributions are made; and
 - 32.42.4 confirmed that the funding to enable the compulsory acquisition, which will be met by the Applicant from its own resources and/or regulatory funding, are likely to be available within the statutory period following the order being made, and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of.

Human Rights and Equality Considerations

- 32.43 Section 7.7 of the Applicant's Statement of Reasons submitted by the Applicant at Deadline 7 explains how the Applicant had regard in preparing the Order to the European Convention on Human Rights (the ECHR) and the Human Rights Act 1998. The Applicant has carefully considered the human rights of affected persons, including in relation to site selection, the consideration of alternatives and the proposed land and land rights sought. The Applicant has weighed the potential infringement of ECHR rights in consequence of the inclusion of compulsory acquisition powers within the Order as against the expected public benefits if the Order is made and has concluded that the significant public benefits of making the Order outweigh the effects of the proposed compulsory acquisition and temporary possession powers upon persons who own property within the Order limits such that there would not be a disproportionate interference with their Article 8 and Article 1 First Protocol rights.

- 32.44 In relation to Article 6 of the ECHR: affected persons have been able to make representations on the application for development consent prior to the application being made through non-statutory and statutory consultation; the 2008 Act provides for a detailed examination of any application for development consent by an independent Examining Authority and the Examination includes careful scrutiny of any powers of compulsory acquisition and temporary possession powers, to ensure that they are justified and proportionate. All affected persons have had the opportunity to make oral and written representations about the compulsory acquisition requests. Those whose interests are acquired under the Order will also be entitled to compensation which will be payable in accordance with the Compulsory Purchase Compensation Code. Any infringement of the ECHR rights of those whose interests are affected by the inclusion in the Order of powers of compulsory acquisition and temporary possession, is proportionate and legitimate and is in accordance with national and European law.
- 32.45 The Applicant has taken into account the duties that sit with the decision maker under Section 149 of the Equality Act 2010 and has had due regard to the need to (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by or under the Equality Act 2010; (ii) advance equality of opportunity between persons who share a protected characteristic and persons who do not share it; and (iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 32.46 The Applicant has conducted an EqIA Equalities Assessment [**REP6-100**] and is not aware of any persons with protected characteristics who may suffer an impact as a result of the construction or operation of the Proposed Development. The Applicant does not consider that the Proposed Development will give rise to any impacts or differential impacts on persons who share a relevant protected characteristic as defined in the Equality Act 2010, or upon persons who do not share such relevant protected characteristic.

33. **Draft development consent order**

Drafting of the DCO

33.1 The Applicant has drafted the DCO in accordance with PINS Advice Note 15: Drafting Development Consent Orders and with reference to other made DCOs, as explained in the Explanatory Memorandum (App Doc Ref 2.2, updated at Deadline 7). The Applicant is satisfied that the draft DCO is appropriate and contains the necessary powers and provisions as well as protections for third parties in order to construct, operate, maintain and use the Proposed Development.

33.2 As the Proposed Development concerns a WWTP, had the application been made under the Town and Country Planning Act 1990, CCoC would be the relevant waste planning authority and therefore the determining body for the application. For this reason, 'relevant planning authority', is defined in the draft DCO (App Doc Ref 2.1, updated at Deadline 7) as:

means the waste planning authority from time to time for the area within which the relevant part of the authorised development is to be constructed, used or maintained, or power under this Order is to be exercised;

33.3 The majority of the powers sought in the draft DCO can be seen in made DCOs, however, the Applicant considers the following to be suitable for further explanation, given their novel nature:

Article 44 Rights on the river Cam

33.4 The new outfall (Work No. 32) will be constructed in the river Cam. As a result of this, part of the river will be permanently obstructed due to part of the structure extending out into the river. For this reason, the Applicant has included a power within the draft DCO at Article 44(2) which provides for permanent extinguishment of any rights of navigation or other rights over that part of the river Cam which is shown and numbered 019a on the land plans permanently acquired by the undertaker in connection with Work No. 32. This power may only be exercised for the purpose of construction, operation, use and maintenance of the authorised development.

33.5 The Application has also sought temporary powers of suspension of rights of navigation and other rights over the parts of the river cam identified with blue hatching on the right of way plans [REP1-018]. As above, this power may only be exercised for the purpose of construction, operation, use and maintenance of the authorised development.

33.6 For the exercise of both of these powers, the Applicant does not seek the consent of the relevant navigation authority but is, in effect, seeking a pre-authorisation to the exercise through the DCO. This was explained at ISH4 [REP6-116]. The Applicant considers this to be appropriate given that the powers are confined to specific areas as shown on the plans and are necessary for the delivery of the Proposed Development. Prior to exercising these powers, the Applicant must:

33.6.1 give not less than 42 days' notice in writing to the relevant navigation authority;

33.6.2 publish notice in each of 2 successive weeks in a local newspaper published or circulating in the City of Cambridge;

33.6.3 displayed notice of the temporary suspension or extinguishment and the date from which it is to have effect in a conspicuous position adjacent to the River Cam from the date of the first newspaper notice until at least 7 days after the last newspaper notice.

33.7 In addition to the above, Article 44(3) provides a power to temporarily suspend rights of navigation or other rights over other parts of the River Cam not shown on the rights of way plans. However, pursuant to paragraph 110 of the protective provisions in Part 7, this power cannot be exercised without the relevant navigation authority's approval. As per paragraph 4(2), any approval given by the relevant navigation must not materially affect or delay the

efficient delivery of the river work and must be suggested only where it considers such amendment necessary (acting reasonably) in accordance with its functions and duties in its capacity as the relevant navigation authority.

- 33.8 Paragraphs (4) and (5) of Article 44 disapply the relevant statutes and byelaws which affect the River Cam, insofar as their continuance is inconsistent with the construction, operation, use or maintenance of the authorised development.

Schedule 14 (Parameters)

- 33.9 Pursuant to Requirement 4 in Schedule 2, the elements of the authorised development listed in column (1) of the tables in Schedule 14 (parameters) must not exceed the maximum dimensions and heights set out for those elements in columns (2), (3) and (4) of those tables, as applicable. This ensures that the authorised development cannot exceed the parameters assessed in the Environmental Statement and therefore that the Proposed Development (as built) will not result in significant affects beyond those assessed in the Environmental Statement. This is in accordance with Advice Note 9: Rochdale Envelope and particularly paragraph 2.4 which states:

"the DCO must not permit the Proposed Development to extend beyond the 'clearly defined parameters' which have been requested and assessed..."

Flexibility in the DCO

- 33.10 The Applicant has sought flexibility in the DCO through Article 6 (limits of deviation) and the Parameters in Schedule 14, discussed above. Article 6 sets the limits for the lateral or vertical deviation of the lines, situations or position of the works, whereas the parameters concern matters such as height, capacity, footprint and quantity.
- 33.11 Article 6 of the Order provides that the authorised development may be carried out within identified limits of deviation with reference to the Works Plans and Sections. All works must be constructed within the corresponding area for that Work No. shown on the Work Plans. The worst case of effects of the deviation has been assessed in the ES and the limits of the deviation align with the conclusions in the ES. This flexibility is in line with the Planning Inspectorate Advice Note 9: Rochdale Envelope.
- 33.12 The limits of deviation were reviewed in full in response to issues raised by Save Honey Hill at ISH1. The Applicant's response is set out in paragraph 2B.21.2 of the Post-Hearing Note [REP1-082]. Further comments from Save Honey Hill were raised at Deadline 3 in and the Applicant responded to this at Annex B of Applicant's comments on Save Honey Hill's Deadline 2 submissions [REP3-054]. The Applicant also further explained the vertical deviation required for the Outfall (Work No. 32) at ISH and in paragraph 2.1 of its Post Hearing Submissions in that regard [REP6-118].

Waterbeach Pipeline South

- 33.13 The Waterbeach Pipeline South forms Work No. 36. As stated at **Section 3** above, the Waterbeach Pipeline South may or may not be constructed. It forms a discrete work package in the DCO and the DCO does not obligate the Applicant to deliver this work. Notwithstanding this, in the event that the ExA was minded to recommend and/or the SoS decided that the Waterbeach Pipeline South should be removed from the DCO, the Applicant considers that the amendment would need to be made comprehensively throughout the relevant application documentation, including the DCO itself. The Applicant addressed this in response to Action Point 2 of the Applicant's Response to ISH4 Actions [REP6-116].

Schedule 1 and the Approach to defining the "authorised development"

- 33.14 As explained in the Explanatory Memorandum (paragraphs 1.5 – 1.17) [App Doc Ref 2.2 submitted at Deadline 7], the Applicant has taken a holistic approach to defining the authorised development, rather than separately identifying "associated development". The Applicant's approach is consistent with several made DCOs which have also been the subject of Section 35 directions and the Applicant considers that the grant of development

described and defined in the Order is appropriate. Several elements of the Proposed Development and whether they can be considered as “associated development” have been the subject of discussion at Examination and this is addressed in **Section 3** above.

Audit trail of changes

- 33.15 The DCO has undergone several changes since it was submitted as an application document and has been refined to address comments from the ExA and interested parties, in particular Save Honey Hill, who submitted tables of proposed changes to the DCO. The Applicant responded to these in full (see[**REP3-054**]).
- 33.16 The full suite of changes alongside an explanation for each change can be seen in the DCO Changes Tracker (App Doc Ref 2.4, updated at Deadline 7) which was updated at each relevant deadline. However, a summary of the changes to the draft DCO submitted during the course of the Examination are outlined below:
- 33.17 Deadline 1: the draft DCO was amended to address points raised by the ExA during ExQ1, such as adding a definition of HGV and LGV as both terms were used in the body of the DCO but were not defined and amending the definition of ‘relevant planning authority’ to reflect that the application for the Proposed Development would fall to be determined by a waste planning authority. Article 6 (*limits of deviation*) was also reviewed in full as a result of a discussion at ISH1 and the Article was refined to clarify that where works may deviate upwards, they will not be above ground (save in respect of part of Work No. 36 Waterbeach Pipeline South).
- 33.18 Deadline 3: several changes were made at Deadline 3 including the addition of a new Requirement 25 so that all references to biodiversity net gain are addressed through one requirement, an amendment to Requirement 13 to reflect that not all detailed archaeological investigation mitigation strategies will be accompanied by a written scheme of investigation and a further new Requirement at paragraph 26 concerned with providing details of temporary closures of public rights of way. Requirement 9 was also redrafted in part following consideration by the Applicant to securing a time limit to the decommissioning process. An obligation to include a timescale for completion for completion of decommissioning within the detailed decommissioning plan was added.
- 33.19 Deadline 4: Amendments were made to Articles 26 and 31 to address points raised during CAH1. Parts of the Schedules were amended to reflect matters agreed or taken away during ISH3, for example, to clarify that the Outline Outfall Management and Monitoring Plan (App Doc Ref 5.4.8.24, updated at Deadline 7) required pursuant to Requirement 10 would be implemented upon commencement of the operation of the outfall. The Applicant also carried out a review of the parameters in Schedule 14 and this resulted in several changes in order to ensure consistency with the relevant application documents.
- 33.20 Deadline 5: this added a Part 24 ‘Parapet over the A14’ to Schedule 14 (Parameters) to specify the height of the parapet which has been agreed with National Highways. Several revisions were made to address points raised during ExQ2, for example, ensuring consistency of use of terms.
- 33.21 A draft DCO was not submitted at Deadline 6. The final DCO was submitted at Deadline 7 (App Doc Ref 2.1) in accordance with the Examination Timetable alongside an updated Explanatory Memorandum. The amendments made at Deadline 7 can be seen in full in the DCO Changes Tracker (App Doc Ref 2.4) but in summary, the most significant changes are as follows:
- 33.21.1 The addition of the relevant navigation authority (as defined in the DCO) as a consultee to Requirement 10 (Outfall). This was agreed during the hearing of ISH4;
- 33.21.2 Requirement 7 was amended to provide that no phase incorporating Works No. 4 and 8 are to commence until details of the odour control unit locations and an updated odour assessment have been submitted demonstrating that the odour concentrations at the identified receptor locations will be less than be less than 1.5 of the modelled predicted odour exposure levels of C98 OUE/m3. The

previous iteration of the draft DCO included similar wording but the change at Deadline 7 provides for separate odour concentrations to be demonstrated for locations 1-6, 8 and 9 of Table 4.7 in the odour impact assessment and for location 7 (also shown in Table 4.7) and the footpaths to be created by Work No. 23(d).

- 33.21.3 Requirement 27 was added which concerns the provision of the public bridleway in accordance with Work No. 38. Pursuant to this Requirement, the Applicant must not commence Work no. 38 until a bridleway gates and signage scheme has been submitted and approved by the relevant planning authority;
- 33.21.4 Changing reference from 'waste gas burner' in Schedule 1 to 'flare stack'. Although both terms have the same meaning, it was discussed at ISH4 (see paragraph 2.6.1 of the Applicant's Post Hearing Submission' [**REP6-116**], that a single, consistent term should be used throughout the application documents and the DCO in order to reduce the risk of confusion that they may be distinct pieces of apparatus;
- 33.21.5 Changes were made to references to parking as follows:
 - 33.21.5.1 Schedule 1, Work No. 3 was amended to remove reference to 'public' from 'public parking'. This was also discussed at ISH4 where the Applicant clarified that by public it meant parking for visitors to the WWTP and it did not propose to provide parking for members of the public unrelated to the WWTP;
 - 33.21.5.2 Part 18 of Schedule 14 was amended to remove 'operational' from 'operational staff parking' in response to a comment from Fen Ditton Parish Council that the term conflated the identification of staff required to operate the WWTP and office based staff;
 - 33.21.5.3 as requested by Save Honey Hill and as agreed at ISH4 (see paragraph 2.7.1 of the Applicant's Post Hearing Submission' [**REP6-116**], the Applicant added reference to the relevant Work Nos. to Schedule 14 (Parameters), by way of example, Part 1 of Schedule 14 is the Terminal Pumping Station. This now states 'Work No. 16' beside it as that is the relevant Work No. for this parameter;
- 33.21.6 Article 23 and Schedule 16 were amended to refer to the removal of an important hedgerow, as there are "important hedgerows" to be removed as part of the Proposed Development, as explained in the Applicant's Comments on Deadline 5 Submissions submitted at Deadline 6 (App Doc Ref 8.24 [**REP6-115**] and the Applicant's Responses to the Rule 17 Request submitted at Deadline 7 (App Doc Ref. 8.33 – Question 12).

The Requirements

- 33.22 The Explanatory Memorandum (App Doc Ref 2.2, updated at Deadline 7) provides a summary of the purpose and operation of each Requirement. However, some of the Requirements were subject to discussion and refinement over the course of the Examination, as well as the addition of new Requirements and therefore the Applicant has detailed below the key changes and additions made to those particular Requirements.
- 33.23 Requirements 10, 13, 19, 21, 22 and 23 were amended at Deadline 1 (as explained in App Doc Ref 2.4) [**AS-012**] to require details to be submitted in accordance with an outline plan. This followed a request from the ExA in its Procedural Decision [**PD-004**].
- 33.24 The table below identifies the Requirements which have been specifically amended in response to a request or discussion during Examination:

Requirement	Commentary
7, Detailed design	<p>This requirement requires the Applicant to provide certain details before commencing a phase of the authorised development to which those details are relevant. This is because these details are not confirmed at the Application stage. Ultimately the decision on approval of the details is for CCoC, as the relevant planning authority. CCoC may consult with who it chooses in relation to the discharge of this requirement and the draft DCO does not seek to prescribe this.</p> <p>An addition was made at Deadline 3 to include sub-paragraph (2):</p> <p><i>No phase incorporating Work Nos. 4 and 8 is to commence until details of the odour control unit locations and an updated odour assessment have been submitted demonstrating that odour concentrations at all sensitive receptors shown on Figure 4.5 in the odour impact assessment will be less than 1.5 of the modelled predicted odour exposure levels of C98 OUE/m3</i></p> <p>The change to sub-paragraph 2 was made in order to secure compliance with the assessed odour concentrations at the nearest odour sensitive receptors as set out in the odour impact assessment [AS-203].</p> <p>Reference to the design and access statement in sub-paragraph (3) was changed to the design code and therefore all details submitted must accord with that design code. The Applicant considered that securing compliance with a design code prepared specifically for the requirement would be simpler for the Applicant to comply with and for CCoC to review details against.</p> <p>This Requirement was further updated at Deadline 7 in response to comments from CCoC and ExQ3 19.4 [REP6-113].</p>
10, Outfall	<p>Requirement 10 provides for the submission and approval of detailed outfall management and monitoring plans for the construction and operation of the outfall. The relevant navigation authority was added as a consultee to this requirement at Deadline 7.</p>
13, Archaeological investigation mitigation strategy	<p>Requirement 13 provides for the submission of a detailed archaeological mitigations strategy and, where required, a written scheme of investigation for approval by CCoC before each phase of the authorised development commences. This was amended at Deadline 3 to make clear that a WSI is not required with all submissions, as in some cases a WSI will not be necessary as per the framework AIMS [AS-088]</p>
23, Discovery Centre	<p>Requirement 23 was added at Deadline 1. This regulates the operation of the discovery centre by requiring certain matters such as attendance to be by appointment only, education programmes and scheduled opportunities for local schools and groups. It is limiting the facility to how it</p>

Requirement	Commentary
	is intended to work in accordance with the Project Description [REP1-049].
24, Operational Wildlife Hazard Management Plan	The requirement to submit an operational wildlife hazard management plan was added at Deadline 1 in order to address comments raised by Marshall Group Properties Limited and in response to ExQ1 16.21 [REP1-079].
25, Biodiversity Net Gain	<p>Requirement 25 provides that no phase of the authorised development is to be commenced until an updated biodiversity net gain report has been submitted to and approved by the relevant planning authority. Paragraph 25(2) sets out what that report must include. The ExA questioned as part of ISH3 whether the drafting of Requirement 25 was in accordance with the NPSWW paragraphs 3.1.6 and 3.1.7. The Applicant submitted a response to this as part of the Applicant’s Response to Action Points – ISH3 (document reference). The matter was raised again at ExQ2 5.13 [REPS-111] where the Applicant responded to state that:</p> <p><i>Requirement 25 requires the submission of an updated biodiversity net gain report at paragraph 25(2) and paragraph 25(4) then secures the construction and operation of the authorised development in accordance with that report. The report may or may not provide for the payment of a financial contribution, and if so, such a contribution would need to be secured by way of a separate agreement, namely a Section 106 agreement, and not pursuant to Requirement 25 itself.</i></p> <p>The Applicant took away an action at ISH4 to provide examples of made DCOs which have secured the provision of off-site biodiversity net gain. This note was provided at Deadline 6 (document reference). In summary, there are several made DCOs which secure this: Medworth Energy from Waste Combined Heat and Power Development Consent Order 2024 and The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022</p>
27, Bridleway	This Requirement provides that no phase of the authorised development which includes a temporary closure to a public right of way is to commence until the Applicant has provided the relevant highway authority with a programme of closures for the public rights of way to be temporarily closed. This was added in response to a request from CCoC via its comments on the Applicant’s Responses to the Examining Authority’s Questions [REP2-040].

DCO provisions not agreed (excluding protective provisions)

33.25 Parts of the DCO are not agreed as follows:

33.25.1 Article 44(2) is not agreed with the Conservators. The Applicant understands that the Conservators are concerned that this power would permit the Applicant not to construct the outfall, but then still permanently extinguish the rights of navigation and other rights at some point in the future. The Applicant does not agree with this concern as the permanent extinguish must be for the purposes

of 'the construction, operation, use and maintenance of the authorised development'. The reason for the permanent extinguishment must, therefore, related to the Proposed Development.

- 33.25.2 National Highways do not agree with the exercise of various powers contained within Part 5 of the draft DCO, save for the exercise of those powers with National Highways' consent. The Applicant has set out its response to the Explanatory Memorandum (App Doc Ref 2.2, updated at Deadline 7); and
- 33.25.3 Network Rail do not agree with the agree with the exercise of various powers contained within the draft DCO, a list of which is set out in the Explanatory Memorandum (App Doc Ref 2.2, updated at Deadline 7). The Applicant's response is also set out within the Explanatory Memorandum

Protective provisions

33.26 The table below summarises the status of the protective provisions with the relevant parties, listed in column 1:

Protective provisions for the benefit of	Status of protective provisions
Cadent Gas Limited	The Applicant and Cadent Gas Limited have agreed protective provisions which are included in the DCO submitted at Deadline 7.
Cambridge Water	The Applicant and Cambridge Water have agreed protective provisions which are included in the DCO submitted at Deadline 7.
Eastern Power Networks Plc	The Applicant and Eastern Power Networks Plc have agreed protective provisions which are included in the DCO submitted at Deadline 7.
Lead local flood authority	The Applicant and CCoC, in its capacity as lead local flood authority, have agreed protective provisions which are included in the DCO submitted at Deadline 7.
Local highway authority	<p>The Applicant and CCoC, in its capacity as local highway authority have agreed the protective provisions included in the DCO submitted at Deadline 7 with the exception of one paragraph.</p> <p>The details of the differences between the parties on this one provision are set out in the Explanatory Memorandum (App Doc Ref 2.2, updated at Deadline 7)</p>
National Highways	<p>As is reflected in the signed Statement of Common Ground between the Applicant and National Highways (App Doc Ref 7.14.7, submitted at Deadline 7), and confirmed by NH at ISH4, the protective provisions are agreed between the parties save in relation to one matter which relates to land acquisition.</p> <p>The point between National Highways and the Applicant concerns, firstly, a requirement from the Applicant to transfer land to National Highways if such land falls within the boundary of the strategic road network and has been acquired by the Applicant for the purposes of carrying out works to the strategic road network and secondly, the exercise of the Applicant's powers of compulsory acquisition and whether the Applicant should only exercise those with National Highways' consent.</p>

Protective provisions for the benefit of	Status of protective provisions
	<p>The Applicant is seeking freehold acquisition of the subsoil beneath the strategic road network in order to construct the waste transfer tunnel. The reasoning for this is set out in Section 32 of these submissions. In summary, it is the Applicant's position that the concerns of National Highways with regards to this work - subsidence, landslip, failure of parts of the tunnel under the road, emergency access to the subsoil - have no relationship with the nature of the land rights sought by the Applicant and are matters adequately protected by the protective provisions.</p> <p>The Applicant has previously set out its position on this matter in:</p> <ul style="list-style-type: none"> - paragraph 2 of 'Applicant's Comments on Deadline 4 Submission' [REP5-112]; - paragraph 3.5 of 'Applicant's comments on Deadline 5 Submissions' [REP6-115]; and - its response to ExQ3 8.1 and 8.4 (App Doc Ref 8.27) [REP6-117].
Network Rail	<p>The Applicant has not been able to agree protective provisions in full with Network Rail. However, the parties have agreed to continue to negotiate in an attempt to try and reach an agreed position.</p> <p>The details of the differences between the parties are set out in the Explanatory Memorandum (App Doc Ref 2.2, updated at Deadline 7)</p>
Operators of electronic communications code network	<p>The Applicant has not negotiated these protective provisions with any operator in particular, although comments were received from Sky Telecommunications Services Ltd ("Sky") in response to ExQ1 (see Responses to ExA's ExQ1) [REP1-177] and were incorporated by the Applicant in the draft DCO submitted at Deadline 3. Sky confirmed in a written representation [REP5-137] at Deadline 5 that it welcomed the amendments made to the protective provisions.</p>
Relevant navigation authority	<p>The protective provisions for the benefit of the relevant navigation authority (being the Conservators of the River Cam) have undergone several revisions as a result of negotiations between the parties. Whilst the parties have reached agreement on some points, there are some points of difference and these are set out in the Explanatory Memorandum (App Doc Ref 2.2, updated at Deadline 7).</p>

34. **Section 106 planning obligation**

34.1 A Section 106 agreement was entered into between the Applicant and CCoC dated 10 April 2024 ("the Section 106 Agreement"). The Section 106 Agreement was entered into in order to make the Proposed Development acceptable in planning terms as follows:

- 34.2 Schedule 1 provides for the submission of a scheme of parking management relating to the land shown on Plan 2. This is a section of Horningsea Road. This was drafted in response to a concern that the Proposed Development would attract visitors and therefore may result in 'nuisance' on-street parking. As it cannot be confirmed that this will occur, the Applicant proposed a period of monitoring of parking. If CCoC considers that parking restrictions are necessary to control on-street parking, the Applicant will make payment towards a Traffic Regulation Order.

- 34.3 Schedule 2 provides for the payment of a contribution towards supporting increased use by and safety of equestrian users within the vicinity of the Development. The Applicant is increasing the parapet height over the A14 in order to accommodate cyclist and equestrian users and the height of this is secured by Requirement 4 and Part 24 (Parapet height over the A14) of Schedule 14. For this reason, the sum in the Section 106 Agreement does not include the cost of these works. The Applicant confirmed this in the 'Applicant's Responses to ExA Hearing Actions (ISH3)' [REP4-087]. CCoC confirmed that measures for equestrians were necessary in response to ExQ2 1.1 [REP5-118].

- 34.4 Schedule 3 provides for the payment of a contribution towards mitigating impacts to the Stow-cum-Quy Fen Site of Special Scientific Interest and a further payment towards the establishment of a group to manage the risk of increased recreational pressures on the SSSI, as well as the preparation of the terms of referenced for that group and enabling activities to establish a baseline from which future cumulative impacts and management measure can be considered for adoption, if necessary, of a suitable monitoring, management and mitigation strategy for the SSSI. The rationale for this is explained in **Section 17** above; and

- 34.5 Schedule 4 provides for a payment to CCoC for reviewing the biodiversity net gain report to be submitted pursuant to Requirement 25(1) of the DCO.

- 34.6 As the Applicant does not currently own the land on which the new WWTP will be constructed (albeit it is the subject of option agreements and powers of compulsory acquisition for this land have been sought in the DCO), the land bound by the Section 106 Agreement is the existing WWTP, all of which is in the Applicant's ownership. The Applicant explained this at ISH1 and it is recorded in the Post Hearing Note [REP1-081] at paragraph 6.1.3.

- 34.7 The Applicant recognises that the land bound by the Section 106 Agreement and against which the obligations are enforceable must be that which is the subject of the obligations in the Section 106 Agreement and therefore paragraph 4 provides that the Applicant must not 'Commence the Development' until a deed of covenant has been entered into which binds the new WWTP to the Section 106 Agreement and which releases the existing WWTP. This ensures that, in the event of non-compliance by the Applicant or its successors, CCoC can use its powers under Section 106(5) of the Town and Country Planning Act 1990 to enforce the obligations, in addition to the remedies in private contract law. This is agreed with CCoC.

- 34.8 In summary, the Section 106 Agreement secures the following planning obligations. References to capitalised terms are as per the definitions in the Section 106 Agreement.

Section 106 Obligation	Detail and trigger
Schedule 1 To submit and secure the written approval of CCoC to the Parking Management Scheme (paragraphs 2.1 to 2.3)	Approval to the Parking Management Scheme must be secured prior to the First Operation of the New WWTW. The scheme will address how parking will be monitored within the Parking Monitoring Area, a process for submission of the Parking Reports and suggest how on-street parking may be addressed if needed. The New WWTW must not be First Operate until the Parking Management Scheme has been approved. Once approved, the Applicant must comply with the Parking Management Scheme.

Section 106 Obligation	Detail and trigger
<p>Schedule 1</p> <p>To submit a Parking Report to CCoC</p> <p>(paragraph 2.4)</p>	<p>Each Parking Monitoring Report must be submitted to the CCoC no later than 42 days after each occasion on which the Parking Monitoring has been carried out.</p>
<p>Schedule 1</p> <p>To pay the Parking Monitoring Contribution to CCoC</p> <p>(paragraphs 2.5 and 2.6)</p>	<p>The Parking Monitoring Contribution is due on submission of the first Parking Report and in any event prior to First Operation of the new WWTW. The Applicant must not First Operate the New WWTW unless and until the Parking Monitoring Contribution has been paid.</p>
<p>Schedule 1</p> <p>To pay the TRO Application Costs and the TRO Costs to CCoC</p>	<p>The TRO Application Costs and the TRO Costs are due within 42 days of a written request from CCoC.</p>
<p>Schedule 2</p> <p>To pay the Equestrian Measures Contribution to CCoC</p>	<p>The Equestrian Measures Contribution must be paid prior to the First Operation of the New WWTW.</p>
<p>Schedule 3</p> <p>To pay the SSSI Mitigation Contribution and the Recreation Group Contribution to CCoC</p>	<p>The SSSI Mitigation Contribution and Recreation Group Contribution are due prior to Commencement of the Development</p>
<p>Schedule 4</p> <p>To pay the BNG Report Contribution to CCoC</p>	<p>The BNG Report Contribution must be paid prior to or upon the submission of each BNG Report to CCoC.</p>

34.9 The Section 106 Agreement also contains reciprocal obligations on the CCoC to use any contributions for the purposes for which they were paid, to provide a breakdown of the use of an deployment of the contributions if requested by Anglian Water and to return any unspent contributions which five years (or ten years for the TRO Application Costs and TRO Costs).

Get in touch

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