

## Anglian Water Cambridge Waste Water Treatment Plant Relocation Project

To: Environment and Green Investment Committee

Meeting Date: 13<sup>th</sup> July 2023

From: Executive Director; Place and Sustainability

Electoral division(s): Waterbeach and Kings Hedges

Key decision: No

Forward Plan ref: N/a

Outcome: The Committee's endorsement of Cambridgeshire County Council's Relevant Representations produced by technical officers in response to the Anglian Water's proposals, to allow a submission to be made to the Planning Inspectorate (PINS) in line with the formal consultation deadline of 19<sup>th</sup> July 2023.

Recommendation: The Committee is being asked to:

a) To endorse the draft Relevant Representations in Appendix 3 for submission to the Planning Inspectorate; and

b) Delegate authority to the Executive Director of Place and Sustainability in consultation with the Chair and Vice Chair of the Committee to make minor changes to the Relevant Representations.

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### Member contacts:

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# 1. Background

- 1.1 Anglian Water are proposing to relocate the Cambridge Waste Water Treatment Plant currently on Cowley Road, to the north of the A14 near Junction 34. The two nearest communities are Fen Ditton to the south of the proposed site, and Horningsea to the north. The proposed development is considered by the Secretary of State (for Environment, Food and Rural Affairs) to be a project of national significance. In line with section 35 of the Planning Act 2008 (as amended); this requires an application to be submitted for a Development Consent Order (DCO).
- 1.2 In seeking a DCO for the relocation of the Waste Water Treatment Plant it will not be determined by the County Council as the Waste Planning Authority. Responsibility for accepting and examining the application rests with the Secretary of State (for Environment, Food and Rural Affairs). The Planning Inspectorate carries out certain functions related to national infrastructure planning on behalf of the Secretary of State.
- 1.3 The County Council has a distinct role in this process as a 'host' authority alongside Cambridge City Council and South Cambridgeshire District Council. The Local Authorities have a role in informing the process and providing local specialist knowledge. Officers have engaged in providing pre application advice from key specialist teams in the authorities, including from officers acting as the Council's Highway Authority and Lead Local Flood Authority.
- 1.4 The Cambridge Waste Water Treatment Plant Relocation project has already undertaken three pre-application consultations with the general public, alongside pre-application discussions with key specialisms within the 'host' authorities, to help inform their proposal prior to the submission of their application to PINS.
- 1.5 Appendix 1 sets out the six stages involved with a NSIP application and Appendix 2 clarifies the role of the local authority at each of the stages (excluding the decision). PINS guidance<sup>1</sup> is clear that a local authority and the local community are consultees in their own right. Whilst local authorities should have regard to what the community is saying, it is not intended that they necessarily adopt all of those views put to them. In this context, local authorities in particular must conduct themselves in line with the National Policy Statements and the relevant guidance.
- 1.6 The Environment and Green Investment Committee that took place on 16<sup>th</sup> September 2021 approved delegated authority for submitting documents to PINS where there is insufficient time to take them to Committee. This aligns with PINS guidance to local authorities. Some of the deadlines in the process can be as short as 14 days. It is noted that PINS as the Examining Authority may disregard late responses.
- 1.7 PINS accepted Anglian Water's application for examination on 24<sup>th</sup> May 2023. As part of the current pre-examination stage individuals and organisations can register as an interested party and submit relevant representations. This is the first time during which comments on an application can be submitted to PINS for consideration by the

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<sup>1</sup> Planning Inspectorate (PINS) National Significant Infrastructure Project (NSIP) Guidance and Advice Notes; <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

inspector/inspectors (referred to as the Examining Authority (ExA)). Relevant Representation should include a summary of what the local authority agrees and/or disagrees with in the application, what they consider the main issues to be, and their impact. The content of relevant representations is used by the Examining Authority to help inform their initial assessment of principal issues for examination.

- 1.8 Relevant representations have been able to be submitted to PINS since the 14<sup>th</sup> June 2023, with a closing date of 19<sup>th</sup> July 2022. Anglian Water publicised these dates (in a Section 56 notice) in local and national newspapers, and the London Gazette on 7<sup>th</sup> June 2023. A second Section 56 notice was published in local newspapers on the day the relevant representation period began i.e., 14<sup>th</sup> June 2023. The host authorities whilst continuing to co-ordinate together to best inform the process are submitting separate representations.
- 1.9 A draft of Cambridgeshire County Council's relevant representation produced by technical officers can be found in Appendix 3 of this report for the committee's consideration. If the recommendations within this paper are approved, it will allow officers to submit the Council's relevant representations to PINS to meet the deadline of 19<sup>th</sup> July 2023.

## 2. The Proposal

- 2.1 Anglian Water are proposing to relocate the Cambridge Waste Water Treatment Plant. The new low carbon facility will recycle water and nutrients, and produce green energy. In the summer of 2020 Anglian Water ran a public consultation on 3 shortlisted sites. In June 2021 Anglian Water held their second consultation which included their preferred site. A third consultation was held February 2022 with further details of the design and Preliminary Environmental Information Report. Cambridgeshire County Council responded to all these consultations.
- 2.2 The proposed relocation of the Waste Water Treatment Works from Cowley Road would enable the redevelopment of the wider area referred to as North East Cambridge delivering circa 8,000 homes and 20,000 jobs. The Greater Cambridge Planning Service have developed a draft Area Action Plan to guide development over the next 20 years. The Environment and Sustainability Committee approved the Cambridgeshire County Council response to the consultation on 17th September 2020.
- 2.3 The new facility is proposed to operate with net zero carbon emissions and Anglian Water are seeking to reduce "capital" or "embedded" carbon during the construction phase.
- 2.4 Anglian Water's proposals include establishing new habitats for wildlife, creating improved access to the Cambridgeshire countryside connecting to existing footpaths and access routes. There are extensive landscape proposals to mitigate the visual impact and a discovery centre offering education opportunities included as part of the facility.

## 3. Planning Policy

- 3.1 The policy framework for determining an NSIP application is proposed by Anglian Water to be as set out in Section 104 of the Planning Act 2008 (as amended), set out below:

In deciding the application the Secretary of State must have regard to:

- 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”);
- b) the appropriate marine policy documents (if any), determined in accordance with section 59 of the Marine and Coastal Access Act 2009;
- c) 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);
- d) any matters prescribed in relation to development of the description to which the application relates; and
- e) any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State’s decision.

3.2 As part of Section 51 advice, discussions between Anglian Water and PINS included if Section 105 of the Planning Act 2008 (as amended) would apply. Section 105 relates to if no national policy statement has effect. It was agreed this would be considered as part of the Examination.

3.3 The relevant documents in relation to this application from the Cambridgeshire perspective are the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021); the South Cambridgeshire District Council and Cambridge City Council Local Plans (2018); and any Local Impact Report submitted during the Examination. The National Planning Policy Framework (NPPF) 2019 is also a material consideration.

## 4. Main Issues

- 4.1 As the Waste Planning Authority, consideration should be given to the Cambridgeshire and Peterborough Minerals and Waste Local Plan policies. These have been highlighted in the Relevant Representations.
- 4.2 Sight of unredacted versions of relevant biodiversity and ecology related surveys are needed so that a full review by the local authorities can be provided. The Councils also ask for a copy of the Biodiversity Net Gain (BNG) spreadsheet, and associated maps, so that the Biodiversity Net Gain assessment can be fully reviewed.
- 4.3 The Council is concerned that the documentation submitted doesn’t demonstrate how adverse impacts for certain ecological receptors will be adequately mitigated / compensated as part of the scheme.
- 4.4 The Council is concerned that the proposed draft DCO requirements do not effectively secure conservation of biodiversity.
- 4.5 The Council supports the Applicant’s proposal to establish an Advisory Group prior to the landscape works commencing in order to advise on the detailed management and maintenance plan and review of the Landscape, Ecological and Recreation Management Plan. However, it is unclear how this will be delivered. The Council is seeking an outline terms of reference for the proposed group. Funding will also need to be secured to support effective participation by key stakeholders.

- 4.6 There is a significant visual impact for users of Low Fen Drove. The Council welcomes the dedicated bridleway to Stow-Cum-Quy, providing additional provision for users of the public rights of way (PROW) network and local communities.
- 4.7 The Pedestrian and Cycle provision on the B1047 (Horningsea Rd) should be expanded to accommodate equestrian users.
- 4.8 The closure of PROWs should be avoided. Access should be maintained, including provision for access to Fen Ditton School.
- 4.9 The DCO articles need to include provision for the Local Highway Authority to approve works on the Highway.
- 4.10 Construction traffic movements through residential areas, both in Waterbeach and Chesterton need to be minimised. It is essential unnecessary movements are avoided.
- 4.11 Further detail of the Surface Water Drainage Strategy, calculations and layout are needed for the Council to fully review the proposals.
- 4.12 Health impacts need to include the decommissioning of the existing site. Consideration should be given to the proposed ventilation stack and future housing.

## 5. NSIP Application Process

- 5.1 The DCO application has been accepted by PINS for examination which will be carried out in public. As part of this pre application stage the local authorities will be notified of the preliminary meeting to discuss procedural matters. After which an Examination timetable should be set, including deadlines for when information needs to be submitted to PINS. Agreement on any remaining issues should be sought and/or negotiations continued. There may also be the need to continue negotiation in respect of any compulsory acquisition affecting any local 'host' authority's land holdings or interests. Reaching agreement on as many issues as possible in advance of the examination is likely to lead to a more focused and expedient examination process for all participants.
- 5.2 During the Pre Examination and examination stages, the local authorities will:
  - Respond to the Examining Authority's (ExA's) written questions which are normally based on an initial assessment of the application, (including the principal issues of the proposed scheme), and the representations received from interested parties;
  - Prepare and submit to PINS a Local Impact Report (LIR), setting out the likely impacts of the proposed scheme on the County Authority's area, by using local knowledge and robust evidence, and set out the relevant local planning policy framework and guidance;
  - Prepare and submit to the Planning Inspectorate a Statement of Common Ground (SOCG), a joint written statement between the applicant and the County Council and/or other parties or 'host' authorities, setting out matters that they agree or are in disagreement on; and
  - Represent the County Council and make oral representation at the issue specific hearing(s) and if necessary the open floor hearing(s). The subject of the hearings is

based on specific elements / issues of the application that are raised during the NSIP process.

- 5.3 There is also provision in the Planning Act 2008 (as amended) for the applicant to apply for other consents, for example Compulsory Purchase Order (CPO) and drainage consents, deemed by a DCO.
- 5.4 To avoid any undue delay to the NSIP process and Examination it is important that the tight deadlines set out in the Examination Timetable are met. The delegated authority approved by Environment and Sustainability (E&S) Committee in March 2021 enables the County to meet tight deadlines. Irrespective of delegations passed to officers to meet the necessary timescales set by legislation, the following is proposed to be followed to ensure good practice and ensure an open and transparent decision making process:
- Key documentation and updates to be provided to members of the Environment and Green Investment (E&GI) Committee and local County Councillors by e-mail at the earliest opportunity to ensure that key deadlines are known in advance and any comments on the documentation provided as early as possible, particularly during the 14 and 28 day deadlines;
  - Responses to PINS to either be circulated to members of E&GI Committee and local County Councillors by e-mail for their records, or where time is permitting the draft response taken to E&GI Committee for endorsement; and
  - Where deemed necessary, member briefings or specific topic meetings will be set up to provide guidance on the NSIP process and technical responses provided.

## 6. Alignment with ambitions

- 6.1 Net zero carbon emissions for Cambridgeshire by 2045, and our communities and natural environment are supported to adapt and thrive as the climate changes.

As this is not a County Council proposal there are no specific significant implications identified by officers for this project. However, Local Authorities are statutory consultees in their own right for any proposed NSIP within their area. Cambridgeshire County Council is a statutory consultee in the NSIP process. Any NSIP response provided by the County Council will (where applicable) ensure that the information produced is capable of assessing this ambition before a recommendation is provided by PINS and a decision reached by the Secretary of State.

- 6.2 Travel across the county is safer and more environmentally sustainable.

See wording under 3.1 above.

- 6.3 Health inequalities are reduced

See wording under 3.1 above.

6.4 People enjoy healthy, safe, and independent lives through timely support that is most suited to their needs

See wording under 3.1 above.

6.5 Helping people out of poverty and income inequality.

See wording under 3.1 above.

6.6 Places and communities prosper because they have a resilient and inclusive economy, access to good quality public services and social justice is prioritised.

See wording under 3.1 above.

6.7 Children and young people have opportunities to thrive.

See wording under 3.1 above.

## 7. Significant Implications

### 7.1 Resource Implications

The following bullet points set out details of significant implications identified by officers:

- Finance – The cost of processing the NSIP application will need to come from the existing revenue budget. As the application is handled by PINS no planning application fee is received from the applicant. A Planning Performance Agreement for the pre-application advice stage has been in place and is being revised to include the current Pre Examination stage, to try to resource the project and reduce the cost to the public purse. This is in addition to existing pressures from other NSIP projects in Cambridgeshire.
- Staff – As a statutory consultee in the initial NSIP process and post NSIP decision if granted, the resources to deal with the application are taken from the County Council statutory consultee staffing resources that are already stretched.

### 7.2 Procurement/Contractual/Council Contract Procedure Rules Implications

The following bullet points set out details of significant implications identified by officers:

- Procurement – Where specialist officer advice does not exist within the Council(s) relevant specialists may be procured to ensure that the Council(s) has guidance on the key specialist areas. This is to ensure the authorities have the relevant specialist advice to allow officer comments to be provided on technical matters. Procurement of specialist advice will follow the Council's Contract Procedure Rules and Consultant's Policy.

- Contractual / Council Contract Procedures – Any specialist advice required to inform this project will need to ensure it meets Council procedures, in addition to the financial implications discussed in paragraph 7.1 above.

### 7.3 Statutory, Legal and Risk Implications

There are no significant implications for this project, other than the financial and resource implications required to support this project, which has the potential to include significant legal advice.

### 7.4 Equality and Diversity Implications

There are no significant implications for this project that are not capable of being addressed through comment on the applicant's DCO application and the Examination process to follow. The draft Relevant Representations have included comments on the Equity Impact Assessment submitted by Anglian Water as part of their application. The Council broadly supports the findings of the Equalities Impact Assessment (EqIA), however there are concerns that consultation has not reached some stakeholder groups.

### 7.5 Engagement and Communications Implications

There are no significant implications for this project that were not addressed as part of the Council's response on the Adequacy of Consultation to the Planning Inspectorate.

### 7.6 Localism and Local Member Involvement

The following bullet points set out details of implications identified by officers:

- Localism – As this proposal is deemed to be a Nationally Infrastructure Project the decision will not be made by the County Council. It will be essential therefore that the Council as a statutory consultee provides the 'local' knowledge to help inform the Secretary of State's decision.
- Local Member Involvement – PINS guidance sets out the role of the local authority, and officers will ensure that local members are kept informed at key stages in the NSIP process.

### 7.7 Public Health Implications

There are no significant implications for this project that are not capable of being addressed through comment on the applicant's DCO submission. Nonetheless, the specialist officers within CCC are reviewing the application and will provide comments to ensure these areas are covered.

### 7.8 Climate Change and Environment Implications on Priority Areas:

There are no significant implications for this priority that are not capable of being addressed through comment on the applicant's DCO submission. The Secretary of State ultimately determines the application. The specialist officers within CCC have reviewed the application and provided comments to ensure this area is covered.



Have the resource implications been cleared by Finance? Yes  
Name of Financial Officer: Stephen Howarth

Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the Head of Procurement and Commercial? Yes  
Name of Officer: Clare Ellis

Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or Pathfinder Legal? Yes  
Name of Legal Officer: Ed Telepneff

Have the equality and diversity implications been cleared by your EqIA Super User? Yes  
Name of Officer: Emma Fitch

Have any engagement and communication implications been cleared by Communications? Yes  
Name of Officer: Kathryn Rogerson

Have any localism and Local Member involvement issues been cleared by your Service Contact? Yes  
Name of Officer: Emma Fitch

Have any Public Health implications been cleared by Public Health? Yes  
Name of Officer: Iain Green

If a Key decision, have any Climate Change and Environment implications been cleared by the Climate Change Officer? Yes  
Name of Officer: Emily Bolton

## 8. Source documents

### 8.1 Source documents

Planning Inspectorate (PINS) National Significant Infrastructure Project (NSIP) Guidance and Advice Notes;  
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

All DCO planning application documents for Cambridge Waste Water Treatment Plant Relocation are available to view from The Planning Inspectorate (PINS) Documents web site page; <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/WW010003/documents>

NSIP Waste Water Statement;  
<https://www.gov.uk/government/publications/national-policy-statement-for-waste-water>

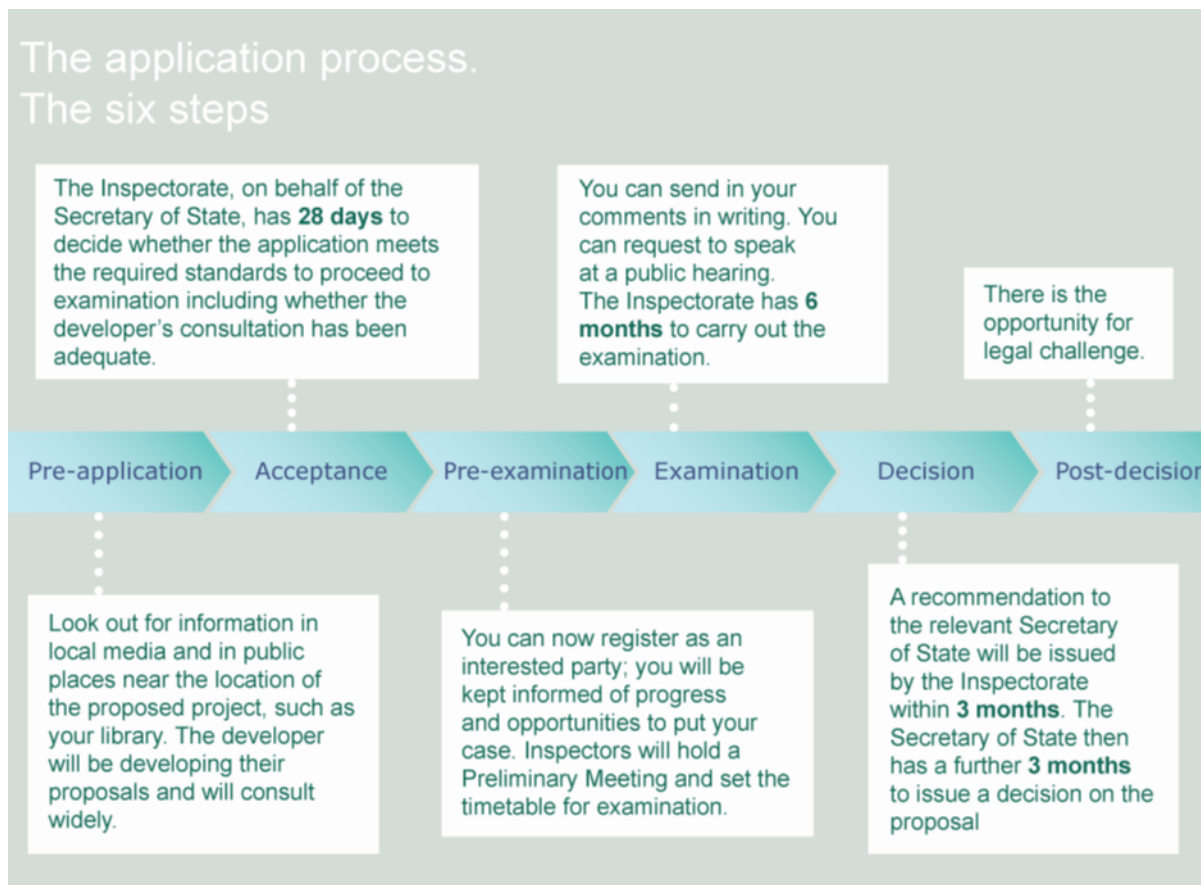
Planning Act 2008 (as amended);

<http://www.legislation.gov.uk/ukpga/2008/29/contents>

The National Planning Policy Framework (NPPF) (2019)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

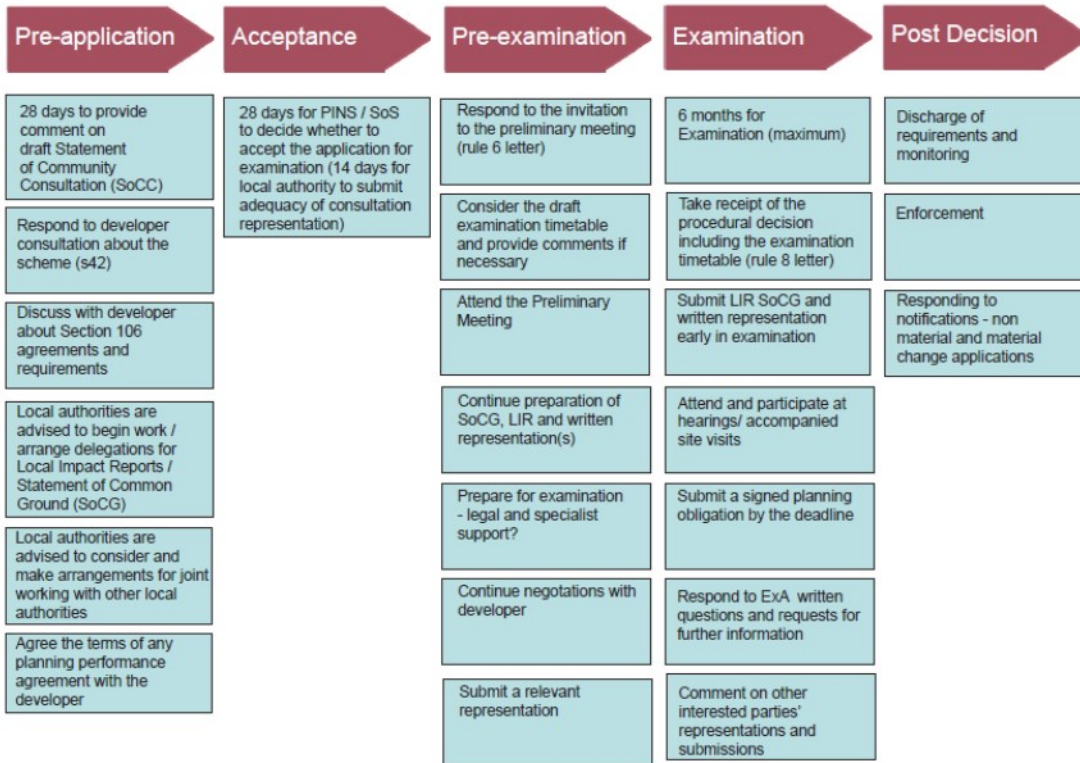
# Appendix 1 - The six steps of the NSIP DCO process under the 2008 Act



Source PINS website <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/03/Application-process-diagram2.png>

## Appendix 2 - The role of local authorities

# The role of local authorities



Source PINS Advice Note 2 [https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/03/Advice\\_note\\_2.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/03/Advice_note_2.pdf)