

## Fens Reservoir and Lincs Reservoir NSIP Proposals

To: Environment and Green Investment Committee

Meeting Date: 16 January 2025

From: Executive Director of Place and Sustainability

Electoral division(s): Fens Res Main Site: Chatteris.

Associated Infrastructure: Whittlesey North; Whittlesey South; March North & Waldersley; March South & Rural; Somersham & Earith; St. Ives South & Needingworth; Longstanton, Northstowe & Over; Papworth & Swavesey; Bar Hill; and Hardwick.

Lincs Res Associated Infrastructure: Sawtry & Stilton.

Key decision: No

Forward Plan ref: N/A

Executive Summary: This report provides a summary of Anglian Water's Nationally Significant Infrastructure Project (NSIP) proposals for Development Consent Order (DCO) applications for the Fens Reservoir and the Lincs Reservoir.

Cambridgeshire County Council (the Council) is a Host Authority for both applications, and the proposals are being managed by Anglian Water. Most of the proposal for the Fens Reservoir falls within the county's boundary, except for some of the associated infrastructure which leads to the Bexwell connection point near Downham Market in Norfolk. The associated infrastructure for the Lincs Reservoir enters the Sawtry & Stilton ward of Cambridgeshire only. The report provides further information on the background of both proposals and their geography.

The NSIP process will also be considered in this report to demonstrate the risks this process and its associated timescales present for the Council. The committee is recommended to delegate powers to officers where there is not enough time to take items to the Environment and Green Investment Committee. This is in line with other NSIP schemes put before Committee previously, to ensure deadlines can be met, allowing the Council's submissions to be given their full weight by the Planning Inspectorate (PINS) during the determination process.

Anglian Water and Cambridge Water are the joint applicants for the Fens Reservoir, while Anglian Water is the sole applicant for the Lincs

Reservoir. In this report, we will refer only to Anglian Water as shorthand in naming the applicant.

Recommendation: The Committee is recommended to:

- (a) Delegate authority to the Executive Director of Place and Sustainability and the Service Director for Environment, Planning, and Economy to submit Nationally Significant Infrastructure Project (NSIP) related responses as part of the NSIP process on behalf of Cambridgeshire County Council and its regulatory functions, in consultation with the Chair and Vice Chair of the Environment and Green Investment Committee, on occasions where there is not enough time for a report to be delivered to the Environment and Green Investment Committee.
- (b) Note that where delegated powers are used, draft responses will be sent to Local Members and the members of the Environment and Green Investment Committee ahead of submission to the Planning Inspectorate.

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# 1. Creating a greener, fairer and more caring Cambridgeshire

- 1.1 **Net zero carbon emissions for Cambridgeshire by 2045, and our communities and natural environment are supported to adapt and thrive as the climate changes:** Both reservoir proposals by Anglian Water aim to build resilience in the regional water supply and address water scarcity issues. The need is particularly acute in the Greater Cambridge area, where the Environment Agency has raised planning objections to housing developments, citing that the water supply for these projects would pose a significant risk to the local water environment. Anglian Water's design for the Fens Reservoir also seeks to restore wetland habitats and enhance local biodiversity in Fenland. Anglian Water aims to decarbonise its electricity supply by 2030, and the designs for both reservoirs feature floating and land-based solar panels. Anglian Water is currently scoping the option to incorporate a small number of wind turbines into its designs.
- 1.2 **Places and communities prosper because they have a resilient and inclusive economy, access to good quality public services and social justice is prioritised:** The proposed developments will not only provide job opportunities in the short-term but will also help ensure that development across Cambridgeshire is sustainable and enhances the surrounding environment. Both reservoirs aim to improve regional water security and ensure a reliable water supply for residents. In addition to restoring wetland habitats in Fenland, the reservoir will also provide facilities for outdoor recreation and active travel for residents and visitors.

# 2. Background: Anglian Water's DCO Applications

- 2.1 Anglian Water are proposing two reservoir NSIPs which interact with Cambridgeshire. The Fens Reservoir main site will be located to the north of Chatteris and east of Doddington, and its associated infrastructure will be located in Peterborough, Huntingdonshire, and South Cambridgeshire. Anglian Water's proposal for the Fens Reservoir falls almost entirely within the county boundary, except for the upstream associated infrastructure that leads to the Bexwell connection point near Downham Market, Norfolk. The Lincs Reservoir will be located southeast of Sleaford, approximately halfway between Grantham and Boston, with associated infrastructure extending downstream to the Chesterton connection point, west of Peterborough. The Chesterton connection point is situated in the Sawtry & Stilton ward of Cambridgeshire. Maps outlining this can be found in Appendices 1 and 2.
- 2.2 Both reservoirs qualify for the NSIP process as the volume of water stored will exceed the 30 million cubic meters threshold defined in the Planning Act 2008 (see Section 27(1)(c) of the 2008 Act). For both reservoirs, Anglian Water undertook non-statutory consultation in August 2024. The Fens Reservoir Environmental Impact Assessment (EIA) scoping took place in November 2024.
- 2.3 For Fens Reservoir, statutory consultation is currently set to take place in Summer 2025, with further, targeted informal consultation potentially taking place before then. Application submission is aimed for the end of 2026. For Lincs Reservoir, statutory consultation will likely take place in 2026, with the application submission aimed for Autumn 2028.
- 2.3 As the Secretary of State for the Department for Environment, Food, & Rural Affairs (Defra) is the decision-making body for both of the DCO applications, with the Planning

Inspectorate (PINS) serving as the Examining Authority, neither Fenland District Council nor Cambridgeshire County Council has the authority to determine the outcome of Anglian Water's application. Instead, PINS will perform certain planning functions related to the DCO application on behalf of the Secretary of State. Cambridgeshire County Council, as a 'host' authority for both applications, is a statutory consultee in the NSIP process. As such, the County Council is expected to submit timely consultation responses on Anglian Water's proposals throughout the NSIP process.

### 3. Main Issues: The Role of the Council During the NSIP Process

- 3.1 The County Council will play the role of a host authority during the NSIP process for both of Anglian Water's DCO applications. For the Fens Reservoir, Cambridgeshire County Council is one of seven host authorities involved in this NSIP project. The other host authorities are Fenland District Council, Huntingdonshire District Council, South Cambridgeshire District Council, Peterborough City Council, Norfolk County Council, and the Borough Council of King's Lynn and West Norfolk. For the Lincs Reservoir, Cambridgeshire is one of eight host authorities involved in this project. The host authorities for the main site are Lincolnshire County Council, and North Kesteven District Council. For the associated infrastructure, the host authorities are Boston Borough Council, West Lindsey District Council, South Kesteven District Council, Cambridgeshire County Council, Huntingdonshire District Council, and Peterborough City Council.
- 3.2 Our technical officers will collaborate with specialists from the other host authorities to submit consultation responses. As the Local Highways Authority and the Lead Local Flood Authority, our technical officers will lead on submissions related to these areas during consultations.
- 3.3 If an NSIP application falls within the boundary of a local authority, they have the right to act as a statutory consultee throughout the DCO process. Cambridgeshire County Council is a host authority for the two reservoir proposals submitted by Anglian Water. The County Council will work with the other host authorities to respond to Anglian Water's proposals during the pre-application period.
- 3.4 The legislation governing DCO applications does not distinguish between the different kinds of local planning authorities which may act as a host authority during the NSIP process. However, it is customary that if planning permission is granted by the Secretary of State, the planning requirements in the DCO will be discharged, monitored, and enforced by the council(s) that would typically be the determining authority. For this scheme, Fenland District Council would be the authority responsible for the discharge of requirements, monitoring, and enforcement.
- 3.5 Both reservoir schemes are currently in the pre-application stage of the NSIP process. As part of this stage, Anglian Water will host public consultations in the local area and organise a series of technical working groups with the host authorities. The feedback received during the pre-application stage through the various forums will help shape the design of their proposals before submission to PINS.
- 3.6 Appendix 3 sets out the six stages of the NSIP process. More information about the role local authorities play at each stage of the process, can be found on the PINS [Advice for Local Authorities](#) webpage. The guidance issued by PINS clearly states that local

authorities and communities should be represented separately as consultees. Although local authorities should consider the thoughts and concerns raised by the local community, this does not necessarily mean they must adopt all the views put to them by residents. Local authorities are obligated to conduct themselves in line with National Policy Statements and the relevant guidance from PINS.

- 3.7 See the [government guidance](#) published by PINS for more information on the role local authorities play during the NSIP process: “The applicant should engage local authorities in the early stages of preparing their application and programme document. The local authority should participate in the applicant’s engagement activities, such as taking part in topic based working groups or technical briefings. The applicant should be aware however that this is not a statutory requirement for the local authority. The local authority should engage with the applicant even if they disagree with the project in principle. Early engagement with the applicant will not undermine any objections or submissions they may make during the next stages of the NSIP process.”
- 3.8 This report is being brought to the Environment and Green Investment Committee ahead of the further consultation (including Statutory Consultation), and the formal submission of Anglian Water’s NSIP applications to enable officers to submit their responses to both the Fens and Lincs reservoir proposals within the deadlines outlined by Anglian Water and later PINs in the examination timetables.
- 3.9 Host authorities are encouraged to use the pre-application period to start their evaluation on the proposal. This evaluation, which is conducted by the County Council’s technical officers, is later documented in the Local Impact Report (LIR). The host authorities are encouraged to begin compiling the LIR as soon as the DCO application has been accepted by the Secretary of State. The LIR must be submitted to PINS within the timescales outlined by legislation which governs the NSIP process. To meet these strict deadlines, PINS advises host authorities to seek delegation and ensure that internal authorisation processes are in place ahead of the examination stage of the consents process.
- 3.10 The host authorities, including Cambridgeshire County Council, will be required to assess the developer’s consultation and submit an Adequacy of Consultation response. The timescales in which officers are expected to assess the consultation and submit the relevant responses are constrained. For example, officers only have 14 days to submit a response to PINS confirming whether the developer’s consultation has met the requirements for the NSIP process and the County Council’s Statement of Community Involvement.

## 4. The NSIP Process: Timescales

- 4.1 Anglian Water is currently projected to submit their DCO application for Fens Reservoir at the end of 2026, with the Lincs Reservoir submission currently programmed for 2028. Once the DCO applications have been received by PINS, a decision will be made by the relevant Secretary of State (Defra) on whether the applications will be accepted for examination. The County Council will then be notified by PINS if the DCO applications have been accepted for examination, as well as informed about the Examining Authority appointed by PINS.

If accepted, Anglian Water’s DCO applications will proceed to examination, where the

principal issues will be considered proportionately and reasonably by the Examining Authority. Examination is open to the public.

- 4.2 Following acceptance, the local authorities will be notified about the preliminary meeting to discuss procedural matters that are related to the examination. This preliminary meeting triggers the calculation of the timetable for examining the application under section 98 of the Planning Act 2008 (see [government guidance](#) on the pre-examination stage for NSIPs). The timetable will include deadlines on when information needs to be submitted to PINS.
- 4.3 Local authorities are encouraged to continue engaging with the developer during the pre-examination period, and both parties should continue their negotiations on any outstanding issues or disagreements. Both parties may need to continue negotiations during the pre-examination period for other reasons, for example, compulsory acquisition in the developer's plans which may affect the host authority's land holdings or interests. Resolving as many issues as possible in advance of the examination is recommended as it produces a more focused, expedient examination process for all participants.
- 4.4 During examination, Cambridgeshire County Council will:
  - Respond to the Examining Authority's (ExA) written questions.
  - Prepare and submit a Local Impact Report (LIR) to PINS.
  - Prepare and submit to PINS a Statement of Common Ground (SOCG).
  - Prepare and submit a Written Representation to PINS.
  - Review and comment on the Applicant's submissions.
  - Represent the County Council and make spoken representations at issue specific hearings and, if necessary, the open floor hearings.

## 5. Conclusion

- 5.1 To conclude, it is essential that officers submit their technical responses to Anglian Water's DCO proposals by the deadlines set by the Applicant and PINS, in pre-application and through to examination. Meeting these tight deadlines is crucial to avoid undue delays in the NSIP process. PINS has the power to disregard late responses, which could reduce the County Council's ability to scrutinise and influence the developer's DCO application during the examination. To mitigate this risk, officers are seeking delegated authority during the NSIP process including the pre-application stage. This recommendation is in line with [advice](#) from PINS, which states that the "local authority should set up clear delegations early in the pre-application stage of the process." And that they "should arrange agreed powers at Cabinet as early as possible during the pre-application stage to enable officers to respond quickly and effectively."
- 5.2 The following proposal is being brought to committee to ensure that officers are following the advice issued by PINS, and open and transparent decision-making is upheld throughout the NSIPs process:
  - Key documentation and updates will be provided to members of the Environment and Green Investment Committee and County Councillors by email at the earliest opportunity to ensure that key submission dates are known to elected members in

advance of the deadlines. Comments on the documentation should be provided as early as possible, especially in regard to the 14- and 28-day deadlines.

- Responses to PINS will either (i) be circulated to members of Environment and Green Investment Committee and local County Councillors by e-mail for their records, or (ii) when time permits, a draft will be taken to E&GI Committee for endorsement. When it is deemed necessary, officers will host elected member briefings and specific topic meetings to provide guidance on the NSIP process and the County Council's technical responses.

5.3 If these recommendations are approved, officers will be able to respond quickly and effectively during the rest of the pre-application stage, and the examination stage of the NSIPs process. It is important that officers have delegated powers, allowing them to submit timely responses during pre-application and examination(s) when there is insufficient time to take the decision to committee.

## 6. Significant Implications

### 6.1 Finance Implications

The costs of processing NSIP applications comes from the existing revenue budget. The applicant is not charged a planning application fee by the County Council for NSIP proposals because DCO applications are managed by PINS. Instead, the County Council is negotiating a Planning Performance Agreement (PPA) with Anglian Water to recover the costs of the pre-application stage activities and fund specialists to consult on matters which cannot be addressed by our own technical officers. Whilst these negotiations take place, Anglian Water have issued the Council with a Letter of Intent, to enable cost recovery in the interim.

By entering into a PPA with Anglian Water, the County Council seeks to mitigate the financial burden which the proposed development may have on the public purse. Despite the Council's efforts to implement a comprehensive system for cost-recovery, a PPA with the developer does not guarantee the Council will be able to recover the full cost of the specialist resources which have been committed to assessing the DCO application. As the PPA only covers the pre-application stage, officers will either seek to extend the agreement with Anglian Water to cover the examination stage or work with the applicant to negotiate a new PPA to recover costs during this period.

There are already significant pressures on the specialist teams that contribute to the DCO process and play a critical role in scrutinising the developer's plans. Our technical officers are essential to ensuring that the Council can fulfil its obligations as a Statutory Consultee throughout the NSIPs process, and if consent granted, post-decision, and enforcement.

### 6.2 Legal Implications

There are no significant legal implications at this stage. Legal advice and representation including specialist advice on the application and DCO process, the legal elements of the Order, and any agreements will be utilised throughout the DCO process, and legal agreements may be entered into with the Applicant during this process. It is expected that

appropriate legal support and advice will need to be scoped and secured to support the Council in the run up to, and specifically through the examination.

### 6.3 Risk Implications

With recent planning reforms, we can expect the number of NSIP applications falling within the County boundary to increase. If multiple DCO applications are submitted within similar timescales, the Council's technical officers could be put under significant pressure if more than one DCO application is scheduled by PINS for examination at the same time, or if there are competing pre-application deadlines. Limited capacity may result in a failure to proactively engage in the 'frontloaded' NSIP process, which may lead to reactive decision-making and poor outcomes for the County Council post-decision. If the Council is unable to submit adequate and timely responses during examination, we risk unsatisfactory outcomes for our residents, which may significantly damage our reputation.

### 6.4 Equality and Diversity Implications

There are no significant equality and diversity implications that require officers to complete an EqIA. Anglian Water will be obligated to submit an Equality Impact Assessment alongside their DCO application to PINS which the Council will review.

## 7. Source Documents

7.1 [Fens Reservoir - Project information](#) – PINS webpage for Fens Reservoir

7.2 [Lincolnshire Reservoir - Project information](#) – PINS webpage for Lincs Reservoir

7.3 [A proposed new reservoir in the Fens - Anglian Water - Fens Reservoir](#) – Anglian Water's webpage for Fens Reservoir

7.4 [Welcome - Anglian Water - Lincolnshire Reservoir](#) – Anglian Water's webpage for Lincs Reservoir

7.5 [Nationally Significant Infrastructure Projects: Advice pages - GOV.UK](#) – PINS advice pages

7.6 <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/03/Application-process-diagram2.png> - The 6 stages of the NSIP process diagram

7.7 Appendices:

Appendix 1 – Fens Reservoir map

Appendix 2 – Lincs Reservoir map

Appendix 3 – The 6 Stages of the NSIP Process