



# Department for Environment, Food & Rural Affairs

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8 April 2025

Dear Sir/Madam

## **PLANNING ACT 2008**

### **APPLICATION FOR THE PROPOSED CAMBRIDGE WASTEWATER TREATMENT PLANT RELOCATION DEVELOPMENT CONSENT ORDER**

#### **1. Introduction**

1.1. I advise you that consideration has been given to:

- the Report of the Examining Authority (“the ExA”) dated 12 July 2024. The ExA consisted of three examining inspectors, Alex Hutson, Paul Burley and Helena Obremski. The ExA conducted an examination (“the Examination”) into the application made by Anglian Water Services Limited (“the Applicant”) for a Development Consent Order (“DCO”) (“the Order”) under section 37 of the Planning Act 2008 (“PA2008”) for the Cambridge Wastewater Treatment Plant Relocation Project and associated development (“the Proposed Development”);
- late representations received by the Secretary of State following the close of the Examination; and
- the consultation responses received in response to the further consultations / requests for further information of 13 August 2024, 15 October 2024, 16 October 2024, 20 January 2025, and 6 February 2025.

1.2. The Order, as applied for, would grant development consent for a new wastewater treatment plant (“proposed WWTP”), including associated infrastructure, and decommissioning works to the existing Cambridge Waste Water Treatment Plant (“existing WWTP”). The proposed WWTP would be sited on a field within the

Green Belt approximately 2 kilometres (km) to the east of the existing WWTP, which is located within north-east Cambridge.

1.3. On 18 January 2021, in response to a request from the Applicant, the Secretary of State made a direction under section 35 of the Planning Act 2008 that the Proposed Development should be treated as development for which development consent is required.

1.4. The Application was accepted for Examination on 24 May 2023. The Examination began on 17 October 2023 and closed on 17 April 2024. The Examination was conducted on the basis of written and oral submissions submitted to the ExA and by a series of hearings. The ExA also undertook two unaccompanied site inspections and a single accompanied site inspection. The Secretary of State received the ExA's Report of Findings and Conclusions and Recommendation to the Secretary of State ("the ER") on 12 July 2024.

1.5. The Secretary of State notes that 309 Relevant Representations ("RRs") were made to and considered by the ExA. Following the close of the examination, a further nine late RRs were submitted to the Secretary of State. The late RRs, and the Secretary of State's responses where relevant, are summarised in **Appendix A**.

1.6. In addition, the Secretary of State sought and received further representations on five matters:

- On 13 August 2024, the Secretary of State sought representations from all parties on the Applicant's updated cumulative impact assessment dated 19 July 2024. The representations received, and the Secretary of State's responses where relevant, are summarised in **Appendix B**.
- On 16 October 2024, the Secretary of State sought representations from all parties on a package of emerging national planning policy and government statements of intent, including:
  - i. The Deputy Prime Minister's statement to the House of Commons of 30<sup>th</sup> July 2024 entitled 'Building the Homes We Need';
  - ii. The Deputy Prime Minister's letter to all local authorities in England dated 30<sup>th</sup> July 2024 entitled 'Playing your part in building the homes we need';
  - iii. The publication on 30<sup>th</sup> July 2024 of a revised draft of the National Planning Policy Framework ("NPPF"); and
  - iv. The launch on 30<sup>th</sup> July 2024 of a consultation entitled 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system'.

The representations received, and the Secretary of State's responses where relevant, are summarised in **Appendix C**.

On 15<sup>th</sup> October 2024, the Secretary of State sought representations from the

Applicant in response to further representations received from Margaret Starkie on behalf of the Save Honey Hill Group (“SHHG”) dated 23<sup>rd</sup> August 2024, Teversham Parish Council dated 10<sup>th</sup> September 2024, and Fen Ditton Parish Council dated 10<sup>th</sup> September 2024. The representation received, and the Secretary of State’s response, is summarised in **Appendix D**.

- On 20 January 2025, the Secretary of State sought representations from all parties on the updated NPPF as published on 12 December 2024. The representations received, and the Secretary of State’s responses where relevant, are summarised in **Appendix E**.
- On 6 February 2025, the Secretary of State sought representations from Cambridge City Council (“CCC”) and South Cambridgeshire District Council (“SCDC”) in respect of certain matters relating to local housing need, arising out of the representations of SHHG dated 29 January 2025. The representations received by the Councils and the subsequent unsolicited representation from SHHG are summarised in **Appendix F**.

1.7. To accommodate the necessary consultations, and consideration of consultation responses, the decision deadline was extended from 12 October 2024 to 14 April 2025.

1.8. In coming to this decision, the Secretary of State has considered the ER and all other material considerations, including all representations received after the close of the Examination.

1.9. Published alongside this letter on the Planning Inspectorate’s National Infrastructure Planning website is a copy of ER. This letter refers to paragraphs in the ExA’s Report in the form [ERXX.XX.XX].

## **2. Summary of the ER and Recommendation**

2.1. The principal issues considered during the Examination on which the ExA has reached conclusions on the case for development consent are set out in the ER under the following headings:

- the need for and principle of the proposed development;
- alternatives;
- agriculture land and soils;
- air quality;
- biodiversity;
- climate change mitigation and adaptation and greenhouse gas emissions;
- community;
- green belt;
- health;
- historic environment;

- landscape and visual;
- land quality;
- major accidents and disasters;
- material resources and waste;
- noise and vibration;
- odour;
- traffic and transport;
- water resources;
- cumulative issues;
- the Habitats Regulations Assessment (“HRA”);
- land rights and related matters;
- the draft Development Consent Order (“dDCO”).

2.2. For the reasons set out in the ER, the ExA recommends that the Secretary of State should withhold consent for the Proposed Development.

### **3. Summary of the Secretary of State’s Decision**

3.1. The Secretary of State has carefully considered the ER, the Local Impact Reports (“LIRs”) submitted by CCC, SCDC, and Cambridgeshire County Council (“CCoC”), and all other material considerations and has decided, contrary to the ExA’s recommendation, to grant development consent. This letter is the statement of reasons for the Secretary of State’s decision for the purposes of section 116 of the Planning Act 2008 and regulation 31(2) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (“EIA Regulations”).

### **4. The Secretary of State’s Consideration of the Application**

4.1. This letter is intended to be read alongside the ER. Unless stated otherwise, the Secretary of State agrees with the findings and conclusions of the ExA, and the weight the ExA ascribed to identified matters in the overall planning balance. As explained below, the Secretary of State disagrees with the ExA on one central issue, namely whether the need for, and principle of, the Proposed Development has been justified and the consequent weight to be attached to the benefits arising from meeting that need.

4.2. The Secretary of State considers that the relocation of the existing WWTP will unlock a long-held ambition to redevelop North East Cambridge (“NEC”) and enable the delivery of thousands of new homes and new jobs in a highly sustainable location where development has been frustrated for decades by the presence of the existing WWTP. Approval of development consent is consistent with the Government’s objective of significantly boosting the supply of homes and consistent with the achievement of sustainable development.

## **5. Legal and Policy Context**

5.1. The Secretary of State agrees with the ExA's summary of the legal and policy context for this decision as set out in section 2.2 of the ER and [ER.3.2.2 – 3.2.7]. In particular, the Secretary of State agrees that this decision is to be determined under section 105 of the Planning Act 2008, rather than section 104, because the National Policy Statement on Waste Water ("NPSWW") does not apply to the Proposed Development. Paragraph 1.1 of the NPSWW provides that the NPS sets out Government policy for the provision of major waste water infrastructure defined in section 1.2 and that it is to be used as the primary basis for deciding development consent applications for waste water developments that fall within the definition of Nationally Significant Infrastructure Projects ("NSIP") as defined in the Planning Act 2008. The Secretary of State agrees with the ExA that the Proposed Development does not meet the threshold for NSIPs in the Planning Act 2008 and does not fall within the definition of major waste water infrastructure defined in section 1.2 of the NPSWW. Consequently, the NPSWW does not have effect in relation to the Proposed Development. Nonetheless, the Secretary of State agrees with the ExA that the NPSWW remains important and some aspects of the NPSWW are relevant in the determination of the application.

5.2. In deciding the application, the Secretary of State has had regard to Government policy / guidance set out at [ER.2.2.20], and local policy set out at [ER.2.2.22 – 2.2.30], including emerging local planning policy. He has also had regard to the significant policy statements referenced at paragraph 3.2.7 of the ER, and further policy statements post-dating the end of the Examination, including:

- the statement made by, and letter sent by, the Secretary of State for Housing Communities and Local Government on 31 July 2024, both of which are referred to in the second bullet point in paragraph 1.6 above;
- The updated NPPF published on 12 December 2024;
- The representations made by interested parties on those significant policy statements: see **Appendices C, E and F**;
- The updated planning practice guidance ("PPG") on Green Belt published on 27 February 2025.

5.3. In this decision letter, where the Secretary of State agrees with passages in the ER that make reference to paragraphs of the previous version of the NPPF, the Secretary of State has determined that the amendments to the NPPF that post-date the ER make no material difference to the ExA's conclusion. Where material amendments have been made to the NPPF that require a reconsideration of the ExA's judgement, the Secretary of State has addressed those matters explicitly in this decision letter.

## **6. Overview of planning judgements**

6.1. The Secretary of State agrees with the ExA's findings and conclusions in

respect of the following matters, including the weight to be attached to each matter in the planning balance. The Secretary of State adopts, and does not add to, the ExA's analysis of these matters:

- agricultural land and soils, including impacts on farm businesses – a little negative weight: section 3.4 of the ER and [ER.5.2.8-5.2.13];
- air quality – neutral: section 3.5 of the ER and [ER.5.2.14-5.2.19];
- biodiversity – moderate positive weight: section 3.6 of the ER and [ER.5.2.20-5.2.23];
- climate change mitigation and adaptation – neutral: [ER 3.7.1-3.7.31], [ER.3.7.54-3.7.58], [ER.3.7.111-3.7.113]; [ER.5.2.24-5.2.26];
- community – a little positive weight: section 3.8 of the ER and [ER.5.2.32-5.2.39];
- health – neutral: section 3.10 of the ER and [ER.5.2.43-5.2.46];
- landscape and visual – moderate negative weight, with good design as a neutral element: section 3.12 of the ER and [ER.5.2.58-5.2.68];
- major accidents and disasters – neutral: section 3.14 of the ER and [ER.5.2.73-5.2.77];
- material resources and waste – neutral: section 3.15 of the ER and [ER.5.2.78-5.2.82];
- noise and vibration – neutral: section 3.16 of the ER and [ER.5.2.83-5.2.88];
- odour – neutral: section 3.17 of the ER and [ER.5.2.89-5.2.94];
- traffic and transport – a little negative weight: section 3.18 of the ER and [ER. 5.2.95-5.2.101].

6.2. The Secretary of State also agrees generally with the ExA's findings and conclusions in respect of the following matters. However, the Secretary of State addresses each of these matters further in the discussion below:

- Alternatives;
- Green Belt;
- Heritage Assets;
- Water resources;
- Land quality;
- Greenhouse gas emissions;
- Cumulative assessment of effects.

6.3. The Secretary of State does not agree with the ExA's findings and conclusions in respect of: the need for and principle of the Proposed Development; the Green Belt balance; or the overall planning balance. He addresses each of those matters further in the discussion below.

## **7. The need for and principle of the Proposed Development**

7.1. The Applicant's case for the Proposed Development, as summarised at [ER.3.2.8 – 3.2.17] is unusual. As the ExA notes at [ER.3.2.8], there is no operational need for the relocation of the existing WWTP or any environmental reasons which would result in a need for its relocation. Instead, the application is

justified by reference to a need to “free up the site of the existing WWTP... to enable its development and provision of a new city district” [ER.3.2.9].

7.2. Notwithstanding its unusual nature, the Secretary of State considers the rationale for the application to be clear. In making the direction under section 35(1) of the Planning Act 2008 that the Proposed Development was to be treated as development of national significance for which development consent is required, the former Secretary of State acknowledged the *prima facie* need for the relocation of the WWTP. In his direction of 18 January 2021, the Secretary of State explained his opinion that the Proposed Development was of national significance because it would (inter alia):

- be for a complex and substantial relocation scheme, involving extensive infrastructure works and requiring multiple consents involving various statutory undertakers;
- provide a key contribution to the development of Cambridge, particularly to the North East of the city, and to the investment in waste water infrastructure;
- enable the relocation of the existing Cambridge Waste Water Treatment Plant, the development of that brownfield site, and the development of provision of waste water services to a proposed development at Waterbeach New Town;
- benefit from the application being determined in a timely and consistent manner by the Secretary of State and through removing the uncertainty of applying for numerous separate approvals across multiple local authority areas.

7.3. The former Secretary of State also noted that the proposed project is likely to: support growth in the economy through its contribution to the development of North East Cambridge; will have an impact across several local authority areas; has been granted Homes Infrastructure Funding (“HIF”) to ensure its delivery by 31 March 2028; will be important to meet government housing objectives; and will be of a substantial physical size. The reasons given by the former Secretary of State for treating the Proposed Development as having national significance recognised that the relocation of the existing WWTP would “enable” rather than “deliver” the consequential housing and economic benefits.

7.4. Since the section 35 direction, a number of Government policy statements have underscored the significance of Cambridge to national growth ambitions. Written Ministerial Statements (“WMS”) of 24 July 2023 and 19 December 2023 set out the Government’s “vision for Cambridge 2040” and its determination to tackle the constraints on growth in Cambridge, in particular lack of space for research labs and lack of new housing. With this in mind, they identify in principle support for the relocation of the existing WWTP to unlock the redevelopment of a new city quarter in NEC. The March 2024 *Case for Cambridge* underscores that support, identifying NEC as an early opportunity to help realise Cambridge’s long term potential. On 29 January 2025, the Chancellor of the Exchequer reinforced the policy support for growth in Cambridge, with an announcement of plans to deliver the Oxford-Cambridge Growth Corridor, prioritising growth in an area with potential to be

“Europe’s Silicon Valley”. While those documents and statements do not set specific planning policy requirements, the Secretary of State considers them to be important and relevant documents in the determination of this application. Collectively, they underscore the importance of Cambridge as a nationally important centre for science and research, emphasise the need to boost the supply of housing in Cambridge to supercharge growth, and demonstrate the Government’s in-principle support for the relocation of the existing WWTP to unlock a new city quarter to that end.

7.5. The Government has identified economic growth as its central mission and has identified improved infrastructure and increased housebuilding as critical elements of its plan to deliver growth. It has set a demanding target of building 1.5 million homes by 2030 and national planning policy has been aligned with this mission. The updated NPPF published on 12 December 2024 supports the delivery of these objectives. In particular, paragraphs 61 and 62 of the NPPF require local planning authorities to meet local housing needs, as assessed using the standard method, and paragraph 69 of the NPPF permits local planning authorities to set a higher housing requirement than that resulting from the standard method if, for example, that reflects growth ambitions linked to economic development. The updated NPPF also sets out detailed provisions for affordable housing and additional points such as supporting the reuse of land. Paragraph 125(c) strengthens the presumption in favour of granting planning permission for homes on brownfield land.

7.6. As affirmed in the LIRs of CCC and SCDC (“the Councils”), it has been the shared long-term ambition of both authorities to regenerate NEC. As part of that ambition, the Councils have explored the viability and feasibility of relocating the existing WWTP which occupies 42 hectares of land and imposes ‘odour zone’ constraints on a further 35 hectares beyond it, limiting development in that zone to non-housing uses. The 2006 Cambridge Local Plan allocated the site of the existing WWTP for housing but viability constraints, primarily due to the cost of relocating the WWTP, prevented delivery. The 2018 Cambridge Local Plan (“CLP 2018”) maintained the long-term ambition to regenerate NEC through the allocation of the existing WWTP site and surrounding area as part of *Policy 15: Cambridge Northern Fringe East and New Railway Station Area of Major Change*. The allocation does not require the relocation of the existing WWTP (because to have included such a requirement at the time of adoption would have been unsound given the available evidence on viability), but it identified NEC as an area for major change, primarily for employment uses, as well as a range of supporting commercial, retail, leisure and residential uses. Pursuant to the policy, the amount of development, site capacity, viability, timescales and phasing of development was to be established through the preparation of an Area Action Plan (“AAP”) for the site and – as part of that process – the supporting text noted that the viability and feasibility of releasing all or part of the existing WWTP site would be explored with the possible delivery of residential development on that site.

7.7. The draft AAP that emerged from Policy 15 is the NECAAP. As explained in the LIRs of CCC and SCDC, the NECAAP responded to the “game changing” funding

award made to the Applicant by Homes England's Housing Infrastructure Fund ("HIF"). That award of £227m, since increased to £277m, helps meet the cost of relocating the existing WWTP and preparing the vacated site for redevelopment and therefore helps resolve the viability constraint that has previously meant relocation of the existing WWTP could not be delivered (or required). The award was initially granted in 2019 and is conditional on the Applicant securing this DCO or planning permission. While some Interested Parties have questioned the adequacy of funding, the Secretary of State is satisfied that there will be sufficient funds available to deliver the Proposed Development in full, having regard to the Applicant's Funding Statement and to the fact that the funding arrangements include a mechanism for additional engagement by the parties to allow additional funding to be secured if necessary.

7.8. In light of HIF funding, the NECAAP proceeds on the basis that relocation is feasible and viable and that residential-led development is the preferred option for the vacated site. It allocates the NEC area for 8,350 homes (of which 40% are to be affordable homes and 5500 are on the site of the existing WWTP), employment use generating 15,000 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). The emerging Greater Cambridge Local Plan ("GCLP") incorporates the proposals contained in the NECAAP through the proposed allocation of North East Cambridge within the spatial strategy for Greater Cambridge (proposed Policy S/NEC). The LIRs of CCC and SCDC note that, as the NECAAP and GCLP are contingent on the relocation of the existing WWTP, the plan-making process has been paused until the outcome of the DCO application is known. The Councils explained in closing submissions that it was not possible for CCC or SCDC unilaterally to include proposals for the relocation of the existing WWTP in the NECAAP or GCLP because, as a waste facility, relocation of the WWTP was a matter engaging CCoC's functions. As such, CCC and SCDC's position is that the GCLP and NECAAP can only progress so far until there is evidence that the NEC site is deliverable, and that will only be clear if and when the DCO is approved.

7.9. While the Secretary of State considers that only limited weight can be afforded to the NECAAP and GCLP as statements of planning policy, he does not consider they are irrelevant to the determination of the Application because they demonstrate an evolution, in light of the "game changing" HIF funding, of the long-held policy ambition of redeveloping NEC including (if viable) through the relocation of the existing WWTP. The Secretary of State also considers the evidence underpinning the preparation of the NECAAP and GCLP to be both important and relevant, including in particular the Councils' evidence that:

- the site of the existing WWTP is the last remaining strategic scale brownfield site in the Cambridge urban area.
- the site of the existing WWTP is judged by CCC and SCDC to be the most sustainable location for strategic scale development available within Greater Cambridge.

- the relocation of the existing WWTP will not only unlock development of up to 5500 homes on the site itself but will also enable development beyond the existing WWTP site, where an additional 1425 homes could be provided on land currently constrained by the 'odour zone' around the site.
- the site of the existing WWTP is suitable for housing development, as evidenced by technical studies prepared for the NECAAP.

7.10. CCC and SCDC's most up-to-date assessment of needs for jobs and homes is set out in the GCLP Development Strategy Update (Regulation 18 Preferred Options) ("the Development Strategy Update") of January 2023. It identified a total need in Greater Cambridge for 2020-2041 of 66,600 jobs and 51,723 homes. The Councils' evidence was that, in the absence of the relocation of the existing WWTP, the long-sought regeneration of NEC would remain undeliverable and the local plans would be further delayed as the Councils seek to identify alternative strategic scale sites to meet the area's need for housing and employment. These sites would necessarily be in less sustainable locations and would likely include Green Belt sites (which would have a significant impact on the Green Belt) and/or new settlements (that would likely take a significant time to deliver).

7.11. As noted at [ER.3.2.41], some Interested Parties have argued that sustainable alternative sites exist to accommodate the housing proposed for NEC without the need for a new strategic site in the Green Belt or in a new settlement. During the examination, CCC and SCDC rejected that argument on the basis that the Interested Parties were relying on unrealistic housing delivery rates, and the Secretary of State agrees. SHHG and others have subsequently provided representations in response to consultations on the draft and updated NPPF to argue that the new standard method for assessing local housing need reduces the housing need assessed in the Development Strategy Update. The Secretary of State invited the Councils to respond to these representations to clarify the extent to which the vacated site of the existing WWTP is required, in light of the revised NPPF, to meet local housing needs: see **Appendix F**.

7.12. The Secretary of State acknowledges that the housing requirement for the GCLP plan period is yet to be definitively determined. The Councils have commissioned a refresh of forecast jobs and their relationship with housing, having regard to the latest standard method to understand the appropriate requirement for the next stage of the GCLP. The starting point under the adopted NPPF is the standard method. Applying a 10% flexibility buffer (which the Secretary of State agrees is justified even if not mandated by the NPPF), the Councils' evidence is that the standard method results in a housing requirement of 53,338 homes over the plan period. However, in the context of national ambitions to supercharge growth in Cambridge, paragraph 69 of the NPPF permits a higher housing requirement than that resulting from the standard method, if it reflects growth ambitions linked to economic development. The housing requirement identified in the Development Strategy Update reflected such growth ambitions and, with a 10% buffer, results in a figure of 56,895 homes. SHHG disagrees with the Councils' approach to assessing

housing need and setting a housing requirement and suggests a lower figure is appropriate. The Secretary of State has decided to proceed on the basis of the Council's figures, which he considers to be based on a reasonable approach.

7.13. Whether the standard method +10% buffer requirement of 53,338 homes is used, or a 'growth' requirement of around 56,895 homes is used, the Councils are clear that, if the WWTP relocation is not approved, they will need to identify and allocate other strategic scale sites within Greater Cambridge to meet the area's need for housing and employment. They strongly disagree with SHHG's claim that there are ample sites with planning permission or allocated in adopted Local Plans to sustain house building at or above the assessed requirements. Having considered the representations of SHHG and other objectors, received in January and February 2025 and the representations of the Councils dated 20 February 2025, the Secretary of State accepts the Councils' evidence on this issue both because: i) he prefers the Councils' assessment of housing need and considers their approach to identifying likely housing requirements to be reasonable; and ii) he considers the objectors continue to rely on unrealistic housing delivery rates on smaller sites. Consequently, he accepts that if the existing WWTP is not relocated (either by way of DCO or otherwise) the Councils will likely need to identify alternative strategic scale sites to meet housing needs. That will delay the progress of the emerging local plans and is likely to require the allocation of sites in the Green Belt or in new settlements in less sustainable locations than the site of the existing WWTP.

7.14. In any case, the Secretary of State notes that the standard method of assessing housing needs sets a floor not a ceiling on housing delivery. Even if the Councils could meet their housing needs, assessed on the standard method, without the relocation of the existing WWTP or allocation of an alternative strategic site in the Green Belt or in a new settlement, that would not undermine the need for and principle of this development as a project of national significance, given the strategic benefits it would deliver, noting:

- There is a national policy to accelerate housebuilding and deliver 1.5 million homes by 2030;
- There is a Government policy ambition to supercharge growth in Cambridge, including by boosting the supply of housing;
- It has been a long-held ambition of CCC and SCDC to redevelop NEC, including through the relocation of the existing WWTP;
- The site of the existing WWTP is the last remaining strategic scale brownfield site in the Cambridge urban area and the most sustainable location for strategic scale development available within Greater Cambridge;
- Releasing the site of the existing WWTP for housing will also unlock the surrounding 'odour zone' and enable the delivery of up to 6925 homes.

7.15. In light of the above, the Secretary of State turns to the ExA's reasoning and conclusions on this matter. The ExA considered that the need for and principle of the Proposed Development had not been adequately demonstrated because the

Proposed Development would not directly deliver the benefits to which the Applicant attaches significant weight [ER.3.2.63] and it was unclear whether the proposed relocation of the existing WWTP would achieve objectives to significantly boost the supply of homes or to realise the vision for NEC [ER.3.2.64]. For the reasons explained below, the Secretary of State disagrees with both parts of the ExA's conclusions.

7.16. First, the Secretary of State considers that the Proposed Development would directly deliver some benefits claimed by the Applicant. In particular, the Proposed Development will vacate the existing WWTP site, delivering a 42 hectare brownfield site for redevelopment and releasing a further 35 hectares of land currently constrained by odour restrictions. In this context, the Secretary of State notes that the Applicant does not claim that the Proposed Development will directly deliver housing and employment benefits and that is not, in the Secretary of State's view, necessary to establish the need for and principle of development. As noted at [ER.3.2.13], the Applicant's justification for the relocation is based primarily on "*making the site of the existing WWTP available for development*". In the context of the long history of the frustrated policy ambition to redevelop NEC, that is, in itself, a benefit to which substantial weight can be attached because it removes the single biggest barrier to comprehensive redevelopment.

7.17. Second, while the Secretary of State agrees that the consequential housing and economic benefits of the Proposed Development are not guaranteed by the DCO, he considers them to be a highly likely consequence of development consent. He considers the decision of Homes England to make an initial grant of £227m to the relocation project, and its recent decision to increase that grant to £277m, reflects a strong endorsement of the likelihood that housing will be delivered on the vacant WWTP site. In determining the Applicant's application for funding, Homes England considered the application was value for money, of high strategic importance, highly deliverable, and would achieve the necessary step-change in housing supply required by the HIF programme objectives. In its view, the redevelopment of NEC will release economic growth and productivity not just in Cambridge but much further afield and will help reduce the high levels of unaffordability in the Cambridge housing market. Consequently, the HIF funding award was one of the highest granted through the programme. While it does not mandate delivery of housing, the Master Development Agreement provides confidence that there is a realistic and workable mechanism in place to facilitate disposal of plots for development.

7.18. Further, the Secretary of State sees no reason why, in principle, an application for planning permission for a high quality and carefully designed residential-led development on the vacated site of the existing WWTP would not be approved. That is clearly the case if Policy S/NEC of the GCLP and the NECAAP are adopted in a form similar to their current form. The Secretary of State acknowledges that some amendments will be required to the NECAAP on account of consented development that is inconsistent with it, but he agrees with the Councils that this does not undermine the broad principle of residential development on the site of the existing

WWTP and the surrounding area and considers that “trip budget” constraints are capable of being resolved through conditions or planning obligations. The Secretary of State also notes that the early adoption of the GCLP and NECAAP in a form similar to their current form is significantly more likely if this DCO is granted.

7.19. Moreover, prior to the adoption of Policy S/NEC of the GCLP and the NECAAP, the Secretary of State also sees no reason why, in principle, an application for planning permission for a high quality and carefully designed residential-led development on the vacated site of the existing WWTP would not be approved. The site is the last remaining strategic scale brownfield site in the Cambridge urban area and is in a highly sustainable location. Technical studies prepared for the NECAAP show that the site is suitable for housing development and Homes England consider that housing would be financially viable on a vacated site (even accounting for potential contamination). Under the adopted development plan, the site is allocated as part of the Cambridge Northern Fringe East Area of Major Change. Although that allocation is primarily for employment use, the supporting text contemplates residential development on the vacated site of the existing WWTP. In principle, a planning application for high quality residential-led development on the vacated site could, therefore, be in accordance with the development plan. Even if not, it would receive strong support from national planning policy, including in particular NPPF paragraph 125(c) (which provides that proposals for using suitable brownfield land within settlements for homes and other identified needs should be approved unless substantial harm would be caused) considered with paragraphs 77 (which promotes the delivery of large numbers of homes through planning for larger scale development including sustainable urban extensions), and 110 (which promotes development in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes). The application would also receive in-principle support from the suite of Government policy statements in support of growth in Cambridge cited at paragraph 7.4 above, and by emerging development plan policies, such that material considerations would provide considerable support to the grant of planning permission to weigh against any minor conflict with the development plan.

7.20. Accordingly, the Secretary of State does not consider that the realisation of the consequential housing and economic benefits of the Proposed Development are contingent on the adoption of Policy S/NEC of the GCLP and the NECAAP. That said, the grant of this DCO would enable their timely progression through the development plan process, and the adoption of those plans would provide further support and certainty to the delivery of the consequential benefits of the Proposed Development.

7.21. The Secretary of State notes the ExA’s suggestion at [ER.3.2.51] that, if development consent is refused, CCC and SCDC could – as part of the development plan preparation process – identify and consult on a site allocation for the relocation of the existing WWTP, having regard to the reasons for the decision on the DCO application. While the Secretary of State acknowledges that possibility, he does not

see that as a reason to refuse to grant this DCO, if he is satisfied that there is a proper basis to do so. Through the section 35 direction, the former Secretary of State decided that the Proposed Development was to be treated as development of national significance, and it was therefore appropriate to consider and determine it through the DCO examination process. One of the reasons was because the application would benefit from being determined in a timely and consistent manner by the Secretary of State and through removing the uncertainty of applying for numerous separate approvals across multiple local authority areas. The site of the proposed WWTP has been subject to detailed examination through the DCO process. The Applicant has considered alternative sites through the DCO process, and the ExA has concluded (and the Secretary of State agrees) that the alternatives assessment meets the requirements of the NPSWW and the EIA Regulations. The Secretary of State considers there is no basis to refuse the DCO simply because the Councils could reach the same outcome, in slower time, through the development plan process.

7.22. In concluding that the delivery of housing on the site would be a highly likely consequential benefit of the DCO, the Secretary of State has taken into account the current difficulties with water supply across the region. The Secretary of State agrees with the ExA at [ER3.19.72] that, on account of action being taken by the Greater Cambridge Partnership together with support from Government through the Water Scarcity Group, current water scarcity issues should not result in prejudice to the redevelopment of the existing WWTP. In this context, he notes that the Environment Agency has recently withdrawn its objection to large-scale residential development in Waterbeach and the Beehive Centre in reliance on progress made to address water scarcity in Greater Cambridge.

7.23. For those reasons, the Secretary of State considers that the Applicant, supported by the LIRs of CCC and SCDC, has clearly established the need for and principle of the Proposed Development. Further, the Applicant has established that the Proposed Development will enable consequential benefits that support Government policies to boost the supply of homes and 'supercharge' Cambridge as Europe's science capital through (amongst other things) housing delivery. Whether the consequential benefits enabled by the Proposed Development are in fact delivered is not within the control of the Applicant but the Secretary of State considers it sufficiently likely that those consequential benefits will flow from the vacation of the site of the existing WWTP that he affords very great positive weight to the need for and principle of the Proposed Development.

7.24. The Secretary of State notes that the Proposed Development offers a range of other environmental, social and economic benefits, and also meets a need for new wastewater treatment capacity to serve Waterbeach new town. However, acknowledging that these benefits could largely be delivered on the site of the existing WWTP, he does not attach significant weight to these matters in establishing the need for or principle of the development.

## **8. Alternatives**

8.1. The Secretary of State notes that CCC and SCDC were content with the Applicant's general approach to site selection and that CCoC raised no concerns in this regard. The Secretary of State agrees with the ExA that the Applicant has provided sufficient details of the alternatives, including the 'do nothing' and 'consolidation' scenarios, the approach to site selection, design and layout, access and technologies, for the purposes of the application, and to meet the requirements of NPSWW and the EIA Regulations.

8.2. Save for the ExA's repetition of its finding in respect of the need for and principle of development, the Secretary of State agrees with section 3.3 of the ER and the ExA's conclusions at [ER.5.2.6-5.2.7]. In particular, the Secretary of State agrees with the ExA's conclusions at 3.3.40 that the Applicant has had adequate regard to non-Green Belt sites, and has provided adequate reasoning for discounting them in its site selection process.

## **9. Green Belt**

9.1. The Secretary of State notes the ExA's consideration of this matter at section 3.9 of the ER and the ExA's conclusion that the Proposed Development constitutes inappropriate development in the Green Belt. Having received representations on the Applicant's Green Belt Assessment, the ExA was satisfied that the proposed WWTP would cause only moderate harm to Green Belt purposes, taking into account the measures adopted by the Applicant to minimise that harm as set out at [ER 3.9.37].

9.2. The Secretary of State agrees with the ExA's analysis of Green Belt issues as set out in section 3.9 of the ER and agrees with the ExA's conclusions at [ER.5.2.40-5.2.42]. In particular, the Secretary of State agrees that, notwithstanding that the proposed WWTP will cause only moderate harm to Green Belt purposes, very great negative weight should be afforded to the impact of the Proposed Development on the Green Belt by reason of its inappropriateness. The Secretary of State recognises that inappropriate development in the Green Belt should not be approved except in very special circumstances and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

9.3. The Secretary of State does not consider that the changes to the NPPF published on 12 December 2024 or the changes to the PPG on Green Belt published on 27 February 2025 have any impact on the conclusions reached by the ExA on Green Belt matters.

## **10. Greenhouse Gas Emissions**

10.1. The Secretary of State notes the ExA's consideration of this matter at [ER.3.7.2, 3.7.7, 3.7.12 – 3.7.13, 3.7.32 – 3.7.53, 3.7.59 – 3.7.110, 3.7.114 –

3.7.118]. The Secretary of State agrees with the ExA’s assessment of greenhouse gas (“GHG”) emissions from construction, land use change and decommissioning. He broadly agrees with the ExA’s findings and reasoning as regards the assessment of GHG emissions from the operation of the proposed WWTP, but notes some points of difference below. To the extent the Secretary of State does not explicitly identify a difference in reasoning in this section, he agrees with the ExA’s assessment and reasons.

10.2. As noted at [ER.3.7.38], the Applicant’s GHG assessment in Chapter 10 of its Environmental Statement assessed two options for the operation of the proposed WWTP: i) the gas to grid option (involving the export of biomethane captured in the proposed WWTP to the UK gas grid for combustion); and ii) the combined heat and power (“CHP”) option which would involve the on-site combustion of biogas captured in the proposed WWTP to generate heat and electricity for use in the proposed WWTP.

10.3. For the gas-to-grid option, the Applicant’s GHG assessment treats the biomethane exported to the UK gas grid as “avoided emissions” because it would displace the use of fossil gas. The Applicant treats those avoided emissions (using the published emissions factor for the fossil gas displaced) as GHG emissions savings which are offset in the GHG assessment against the other GHG emissions attributable to the Proposed Development for each year to 2050.

10.4. In its Environmental Statement, the Applicant did not quantify the downstream emissions from the combustion of biomethane produced. Subsequent to the judgment of the Supreme Court in *R (Finch) v Surrey County Council* [2024] UKSC 20, the Applicant provided further information on these emissions in its representation of 12 November 2024. The Applicant notes that in accordance with Government guidance on Gas Conversion Factors for Company Reporting,<sup>1</sup> the combustion of biomethane is to be treated as net carbon zero or carbon neutral and therefore the assumptions of emissions savings in the GHG Assessment remain valid.

10.5. It is current Government policy to support biomethane production for injection into the gas grid through e.g. the Green Gas Support Scheme because biomethane is considered to support delivery of net zero targets. However, the Applicant’s GHG Assessment acknowledges there is uncertainty around whether the biomethane exported to the grid would displace fossil gas to 2050. CCoC, among others, raised questions about this at the Examination see ER 3.7.91 – 3.7.93. The Secretary of State does not consider it reasonable to assume that all biomethane exported from the proposed WWTP would displace fossil gas to 2050, given the Government’s intention to decrease reliance on the gas grid as the UK transitions to alternative sources of domestic heat. Consequently, while the Secretary of State considers the gas-to-grid option would deliver significant emissions savings through avoided

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<sup>1</sup> [DESNZ ‘2024 Government greenhouse gas conversion factors for company reporting: Methodology paper’](#)

emissions and would support the energy transition, he considers the Applicant's GHG assessment overstates the emissions savings that would be delivered.

10.6. In any case, and as identified by the ExA, the DCO does not require the Applicant to implement the gas-to-grid option. The ExA therefore reached its conclusions on the basis of the worst-case GHG emission scenario which is the CHP option. In relation to this scenario, the ExA attached weight to the carbon net zero commitment made by the Applicant in the Outline Carbon Management Plan and secured by requirement 21 of the draft DCO. The Secretary of State agrees that weight should be attached to that commitment, though notes that the carbon net zero commitment does not necessarily secure net zero operations for the purposes of UK carbon budgets as it may involve the purchase of international carbon offset credits that do not count towards those budgets. Nonetheless, the Secretary of State agrees with the ExA that, absent any offsetting, the GHG emissions of both options for the Proposed Development align with the Climate Change Committee's indicative pathways as set out in its report on the Sixth Carbon Budget.

10.7. Having regard to the ER and to the additional matters discussed above, the Secretary of State agrees with the ExA's conclusion that moderate negative weight should be afforded to matters relating to GHG emissions in the planning balance.

## **11. Historic Environment**

11.1. The Secretary of State notes the ExA's consideration of this matter at section 3.11 of the ER. The Secretary of State agrees that section 4.10 of the NPSWW and now paragraphs 207-218 of the NPPF are important and relevant to the consideration of the impact of the Proposed Development on heritage assets. The Secretary of State has also had regard to the LIRs of CCoC, CCC and SCDC and his duties under regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010 in respect of heritage assets.

11.2. The Secretary of State notes that the Proposed Development will not lead to substantial harm, or total loss of significance, to any designated heritage asset but will cause harm to the significance of a number of designated heritage assets. That harm arises from temporary construction effects, permanent construction effects and permanent effects from the operation of the proposed WWTP. The Secretary of State notes that some mitigation of permanent effects would be secured under the DCO, but that significant residual effects would remain including as set out below.

11.3. First, the proposed WWTP would be situated in a field which contributes to the rural setting of Biggin Abbey, Grade II\* listed building. The parties agree that the permanent changes to the setting of Biggin Abbey, from both the construction and operation of the proposed WWTP, would cause "less than substantial harm" to the significance of the heritage asset. The Secretary of State has no reason to disagree with the ExA's conclusion that the degree of harm from permanent construction effects would fall around the middle to upper end of the "less than substantial harm"

scale and the degree of harm from the effects of operation would fall in the lower end of that scale.

11.4. Second, the proposed WWTP would be situated in a field within the rural setting of five other Grade II or II\* listed buildings, namely 15 and 17 Ditch Road (GII listed), Home Farmhouse (GII\*), Dovecote and Granary to Home Farm (GII), Lode Cottage (GII), and Mulberry House (GII). The permanent changes to the setting of those listed buildings from the construction of the proposed WWTP (and – in relation to Poplar Hall – the operation of the proposed WWTP) would cause harm to their significance. The Secretary of State has no reason to disagree with the ExA's conclusion that the harm would fall towards the lower end of the scale of "less than substantial harm".

11.5. Third, the proposed WWTP would be situated in a field within the rural setting of three Conservation Areas, namely Bates Bite Lock Conservation Area ("BBLCA"), Horningsea Conservation Area ("HCA") and Fen Ditton Conservation Area ("FDCA"). The permanent changes to the setting of those conservation areas from the construction and operation of the proposed WWTP would cause harm to their significance. The Secretary of State has no reason to disagree with the ExA's conclusion that the harm would fall towards the lower end of the scale of "less than substantial harm".

11.6. In addition to the harm to designated heritage assets, there would also be permanent harmful effects on some non-designated heritage assets from construction. The Secretary of State has no reason to disagree with the ExA's conclusion that this would include a large adverse (significant) effect on some archaeological remains and a moderate adverse (significant) effect on historic landscape character area HLCA22.

11.7. When considering a proposal that causes harm to the significance of designated heritage assets, the Secretary of State affords great weight to the conservation of those assets including their settings.

11.8. Having considered the ER, the Secretary of State agrees with the conclusions reached at [ER.5.2.47 – 5.2.57]. In summary, the grant of a DCO in this case would result in less than substantial harm to the significance of designated heritage assets, including listed buildings and conservation areas. That harm is mostly in the lower end of the "less than substantial harm" range but – in relation to the impact on Biggin Abbey – is in the middle to upper end of that range. In addition, there would also be permanent harmful effects on non-designated heritage assets. The Secretary of State agrees with the ExA that, overall, moderate negative weight should be attached to the impact of the Proposed Development on heritage assets and that this should be weighed in the planning balance against the public benefits of the proposal.

## **12. Land Quality**

12.1. The Secretary of State agrees with the ExA's assessment of this matter in section 3.13 of the ER. However, given his conclusion that the need for and principle of the Proposed Development has been clearly established, he disagrees with the ExA's conclusion at [ER 3.13.31] that there is a conflict with Cambridgeshire and Peterborough Minerals and Waste Local Plan ("MWLP") Policy 5(i). The Secretary of State considers that an overriding need for the Proposed Development has been demonstrated and therefore affords neutral weight to this matter in the planning balance. Save for that difference, the Secretary of State agrees with the ExA's conclusions at [ER.5.2.69 – 5.2.72].

## **13. Water resources**

13.1. The Secretary of State notes and agrees with the ExA's consideration of this matter at section 3.19 of the ExA Report, and the conclusions summarised at [ER.5.2.102 – 5.2.107] including the weight attributed to construction effects (a little negative weight), permanent effects of the scour (a little negative weight), and water quality of the River Cam (moderate positive weight) in the overall planning balance. On account of the Environment Agency's objection on flood risk grounds, the Secretary of State specifically addresses that issue in this decision letter.

13.2. The Secretary of State notes the Environment Agency's objection, as recorded in its two letters of 12 April 2024 responding to the ExA's request for information. The Environment Agency considers the Applicant's final Flood Risk Assessment ("FRA") is unacceptable and shows there would be an overall increase in flood risk to third party land for the proposed development considered in isolation. The Environment Agency considers the absence of adequate mitigation to prevent this should lead to the refusal of the application.

13.3. In considering this issue, the Secretary of State agrees with the approach in the Applicant's Flood Risk Assessment of disaggregating the increase in flood risk attributable to: i) the relocation of the WWTP; and ii) increases in waste water flows consequent on population growth. While the Applicant is required to address cumulative flood risk arising from the Proposed Development in combination with increases in waste water flows, the Secretary of State does not consider the Applicant alone is responsible for or must seek to mitigate flood risks that would arise independently and irrespective of the Proposed Development.

13.4. The Flood Risk Assessment models three scenarios: i) the existing baseline of current effluent discharge volume through the existing WWTP; ii) a future 'no-development' scenario of predicted 2041 effluent discharge volume through the existing WWTP; and iii) a future 'development' scenario of predicted 2041 effluent discharge volume through the proposed WWTP. The flood effects of the Proposed Development in isolation are identified in the FRA by comparing the future 'development' scenario with the future 'no development' scenario.

13.5. The FRA records that there would be negligible increases in flood depth to third party land in 10 of 11 modelled events. In 1 of 11 modelled events (the 1 in 100 year flood plus 9% climate change), there would be a small increase in flood depth of between 1cm-4cm in two areas of agricultural land that are expected to flood, in any case, in the future baseline scenario. The Environment Agency considers this increase in depth to be significant and considers that relevant landowners should be informed of any increase in flood risk and the Applicant should have provided evidence that those landowners accepted the increase in flood risk. The Secretary of State agrees with the ExA that the increase in flood risk/flood depth is not significant, having regard to the marginal increases in a limited number of non-sensitive locations in only 1 of 11 modelled scenarios where the land at issue is expected to flood in any case. The Secretary of State does not consider there is any requirement in policy to notify the affected landowners beyond the general notification and consultation requirements applicable to the Applicant's Environmental Statement (incorporating the Flood Risk Assessment). It is not clear that the explicit acceptance of the affected landowners to the increase in flood risk would be material to the Secretary of State's decision.

13.6. As for the increase in wastewater flows consequent on predicted population growth, the FRA shows some increased risk/levels of flooding (ranging between 1 and 10cm) on agricultural land near the railway track between Milton and Waterbeach, at the Cambridge Motor Boat Club, and around the Cam Washes SSSI. The Environment Agency noted particular concern that in a 1 in 100 year event, a total of 9 residential properties to the east of Waterbeach, in the vicinity of Bannold Road, are likely to be impacted, with flood depth increases up to 9cm predicted for two of these properties. In addition, an in-progress residential development of 6 properties is shown to be impacted by an increase in flood depths up to 2cm. While these increases in risk/depth are more significant, the Environment Agency acknowledges that they are based on conservative modelling. The Secretary of State also notes that they appear in the 'no development' scenario as well as the 'development' scenario.

13.7. It is a policy objective reflected in NPPF para 181 and NPSWW para 4.4.5 (bullet 2) that development should not increase the risk of flooding elsewhere. The Secretary of State acknowledges that an assessment of whether a proposed development does increase the risk of flooding elsewhere must consider cumulative effects. In this case, the FRA includes a cumulative assessment (the 'development' scenario) and compares it to the 'no development' scenario to demonstrate that the significant increases in flood risk/levels at 2041 are substantially attributable to population growth in the region and not primarily to the Proposed Development. The Secretary of State agrees with the Applicant that future flood risk arising from increased wastewater flows due to population increase, in combination with comparatively rare storm events, cannot be the sole responsibility of sewage undertakers to manage. He agrees that these are matters to be resolved at the strategic planning level in line with NPPF paragraph 171 and agrees with the ExA that the matters discussed at [ER.3.19.120] provide confidence that a strategic level

solution can be achieved.

13.8. The Secretary of State agrees with the ExA that, having regard to flood risk, the Proposed Development does not conflict with the MWLP Policy 11(a) or CLP 2018 Policy 32. However, he accepts that there is minor conflict with paragraph 1(d) of Policy CC/9 of the South Cambridgeshire Local Plan 2018 and paragraph 181 of the NPPF. However, given his conclusions above, and the likely mitigation of the cumulative effects through a strategic level solution, he agrees with the ExA's conclusion that only a little negative weight should be afforded to this aspect in the planning balance.

#### **14. Cumulative effects**

14.1. The ExA considered that the Applicant carried out an appropriate cumulative assessment and was satisfied with the findings of the cumulative assessment: section 3.20 of the ExA's report. In light of this, the ExA concluded that cumulative effects are a neutral consideration in the planning balance.

14.2. Following the receipt of an updated cumulative impact assessment, the Secretary of State sought representations from all interested parties on the updated information: see **Appendix B**. The Secretary of State then requested the applicant respond to three of the responses received: see **Appendix D**.

14.3. Following the review of the Applicant's response, the Secretary of State is satisfied – for the reasons set out in that response and in light of the additional information provided – that the updated cumulative impact assessment is adequate and that cumulative effects should continue to be assigned a neutral consideration in the planning balance.

#### **15. Habitats Regulations Assessment**

15.1. This section summarises the Secretary of State's Habitats Regulations Assessment ("HRA") of the Proposed Development. This section should be read alongside the Secretary of State's HRA titled: Habitats Regulations Assessment for an Application under the Planning Act 2008 – Cambridge Waste Water Treatment Plant Relocation Project.

15.2. Under regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 ("the Habitats Regulations"), the Secretary of State as the competent authority is required to consider whether the Proposed Development (which is a project for the purposes of the Habitats Regulations) would be likely, either alone or in combination with other plans and projects, to have a significant effect on a European site forming part of the National Site Network.

15.3. Where likely significant effects cannot be ruled out the Secretary of State must undertake an appropriate assessment ("AA") under regulation 63(1) of the Habitats

Regulations to address potential adverse effects on site integrity. Such an assessment must be made before any decision is made on undertaking the plan or project or any decision giving consent, permission or other authorisation to that plan or project. In light of any such assessment, the Secretary of State may grant development consent only if it has been ascertained that the project will not, either on its own or in combination with other plans and projects, adversely affect the integrity of such a site, unless there are no feasible alternatives and imperative reasons of overriding public interest apply (regulation 64).

15.4. The Secretary of State notes that the Proposed Development is not directly connected with or necessary to the management of a European site [ER 4.2.2].

#### Assessment of Likely Significant Effects (“LSE”)

15.5. The Applicant’s approach to identifying relevant European sites is explained in Section 3 of its HRA Screening Report. The first screening step identified sites within 10km, or 30km for Special Areas of Conservation (“SACs”) designated for bat species. Following this, sites potentially impacted through non-distance constrained pathways were identified. The following sites were screened in for assessment:

- Fenland SAC
- Wicken Fen Ramsar site
- Devil’s Dyke SAC
- Eversden and Wimpole Woods SAC
- The Wash and North Norfolk Coast SAC
- The Wash Special Protection Area (“SPA”)
- The Wash Ramsar site
- Ouse Washes SAC
- Ouse Washes SPA
- Ouse Washes Ramsar site

15.6. The Secretary of State notes that neither Natural England (“NE”) nor any other Interested Parties raised concerns around the European sites and qualifying features identified [ER 4.3.3 and 4.1.6], and he has no reason not to agree with their conclusions.

15.7. The following impact pathways associated with construction and operation were identified as having potential to give rise to LSE:

- Physical damage – habitat degradation as a result of water quality changes through pollution events;
- Biological disturbance – changes in habitat availability and potential for populations to be displaced from current areas, including functionally linked land;
- Toxic contamination – water pollution/changes to water quality (degradation) as a result of the discharge of treated effluent to the River Cam and through intermittent storm flow discharges and use of the Combined Sewer Overflow during more

- extreme rainfall events;
- Non-toxic contamination – changes in turbidity leading to changes in sediment loading and silt deposition which may lead to smothering of functionally linked habitats and impendence of flood water affecting qualifying species;
- Increase in water levels in the River Cam resulting from the discharge of treated effluent;
- Air quality changes through emissions which may affect Habitat Site(s);
- Introduction and spread of invasive non-native species; and
- In combination effects.

15.8. The Applicant initially concluded that the Proposed Development would not be likely to cause LSE, either alone or in combination, on all qualifying features of the following three sites [ER 4.3.12]:

- Wicken Fen Ramsar site;
- Fenland SAC;
- Eversden and Wimpole Woods SAC.

15.9. Following the ExA's request to explain a discrepancy between the Environmental Statement and the LSE assessment in relation to potential impacts on barbastelle bat, and its request to NE for comment, the Applicant updated its initial conclusion such that potential for LSE to arise on Eversden and Wimpole Woods and its resident barbastelle population was considered.

15.10. The HRA Screening process as reported in REP2-022 applied a precautionary approach in determining that LSE could not be excluded from occurring either alone, or in combination with other projects, for the following sites:

- Devil's Dyke SAC;
- The Wash and North Norfolk Coast SAC;
- The Wash SPA;
- The Wash Ramsar site;
- Ouse Washes SAC;
- Ouse Washes SPA;
- Ouse Washes Ramsar site; and
- Eversden and Wimpole Woods SAC.

15.11. In the final signed Statement of Common Ground ("SoCG") with the Applicant [REP7-080], NE confirmed that following review of the Applicant's revised HRA Screening Report [REP2-022] it agreed:

- The methodology for the assessment;
- The impact-pathways considered; and
- The alone and in-combination LSE identified by the Applicant.

15.12. The Secretary of State agrees with the ExA that the Proposed Development

would be likely to have a significant effect on the qualifying features of the European sites identified in paragraph 4.3.24 of the ER, and listed above in paragraph 5.10, when considered alone, or in combination with other plans or projects [ER 4.3.28].

#### Appropriate Assessment

15.13. The Applicant identified mitigation measures for both construction and operation phases of the Proposed Development, including the decommissioning of the existing WWTP. NE agreed in the final SoCG with the Applicant that appropriate mitigation measures were relied on in reaching conclusions of no adverse effects on integrity (“AEoI”) [ER 4.5.6].

15.14. No further matters were raised during the Examination in relation to mitigation measures for effects on European sites [ER 4.5.7], or since.

15.15. The conservation objectives relevant to the HRA are set out in Annex 2 of the Secretary of State’s HRA Report and in the Applicant’s HRA Screening Report [REP2-022]. No Interested Parties raised matters in relation to conservation objectives during the course of the Examination [ER 4.4.3].

15.16. The European sites, impact pathways and qualifying features identified were assessed by the Applicant to determine if they could be subject to AEoI from the Proposed Development, either alone or in-combination. The assessment of AEoI was made in light of the conservation objectives for each of the European sites [REP2-024] [ER 4.5.1].

15.17. The Applicant assessed that **air quality effects** arising during construction and operation would have no AEoI of Devil’s Dyke SAC, subject to implementation of control measures under the Code of Construction Practice Parts A and B as set out as requirements under the DCO. No significant in-combination effects were identified from either construction or operation phases. NE stated it was satisfied with these conclusions with regard to the Devil’s Dyke SAC. The Secretary of State has no reason not to agree with these conclusions.

15.18. The Applicant assessed that **water quality effects** arising during construction and operation would have no AEoI on any of the Wash and North Norfolk Coast SAC, Wash SPA, Wash Ramsar, Ouse Washes SAC, Ouse Washes SPA and Ouse Washes Ramsar sites, subject to implementation of a range of control measures including discharge permit conditions. No significant in-combination effects were identified from either construction or operation phases. NE stated in its relevant representation that it was satisfied with the no AEoI conclusions with regard to water quality effects on these sites, subject to implementation of mitigation measures. The Secretary of State has no reason not to agree with these conclusions.

15.19. The Applicant assessed that **water quantity effects** arising during operation would have no AEoI on any of the Wash and North Norfolk Coast SAC, Wash SPA,

Wash Ramsar, Ouse Washes SAC, Ouse Washes SPA and Ouse Washes Ramsar sites. No significant in-combination effects were identified. NE did not specifically reference this pathway in its relevant representation. However NE confirmed in its SoCG [REP7-080] that it agrees with the Applicant's conclusion of no AEoI as reported in the HRA Report [REP2-024]. The Secretary of State has no reason not to agree with these conclusions.

15.20. The Applicant assessed that **effects on foraging and commuting behaviour of barbastelle bats** arising during construction and operation would have no AEoI on the Eversden and Wimpole Woods SAC. No significant in-combination effects were identified. During the Examination, the extent of the Applicant's bat surveys was questioned by an Interested Party who considered that the surveys were inadequate to identify the location of barbastelle roosts and extent of foraging and commuting behaviour, and that as such extent of impact on the SAC from linkages to it cannot be demonstrated beyond reasonable scientific doubt [ER 4.5.19]. In response, NE confirmed that it considered information supplied in the Applicant's HRA Report to be sufficient for the assessment. Its position was confirmed in the final signed SoCG with the Applicant [REP7-080], stating that it agrees with the Applicant that the Proposed Development would not adversely affect the integrity of Eversden and Wimpole Woods SAC [ER 4.5.21]. The Secretary of State has no reason not to agree with these conclusions.

15.21. In its Written Representations SHHG asserted that the conclusions of the Applicant's HRA could not be considered robust until the Environment Agency ("EA") had validated and accepted the discharge modelling for the permits for the Proposed Development [REP1-171] [ER 4.5.23]. The EA subsequently confirmed that through the Water Framework Directive, the Proposed Development would as a minimum be required to meet a 'no deterioration' obligation on water quality. The EA also stated that 'we have no reason to believe that any operational pollution control permits, flood risk activity permit, licences, or other relevant consents would not be subsequently approved if the development was consented' [ER 4.5.25]. No further representations were received on this matter, and given the EA's role as competent authority in the environmental permitting process, the ExA was satisfied that the matter was resolved [ER 4.5.27]. The Secretary of State is content to agree with the position of the ExA.

### Conclusions of the Habitats Regulations Assessment

15.22. The full details of the Appropriate Assessment are set out in the Secretary of State's HRA Report, which is itself informed by the Applicant's HRA Report.

15.23. Given the consultations on the Applicant's HRA Report, the agreed position between NE and the Applicant as recorded in the SoCG, and the consultation on the Report on the Implications for European Sites, the Secretary of State is satisfied that appropriate consultations have been carried out in line with regulation 63 of the Habitats Regulations.

15.24. Having carried out the Appropriate Assessment, the Secretary of State is satisfied that given the relative scale and magnitude of the identified effects on the qualifying features of the European sites and where relevant, the measures in place to avoid and reduce the potential harmful effects, the Proposed Development would not adversely affect the integrity of the abovementioned European sites.

## **16. The overall planning balance: the benefits**

16.1. The ExA carries out a heritage balancing exercise at section 5.3 of the ER and a Green Belt balancing exercise at section 5.4 before making its recommendation on the overall planning balancing at section 5.5. All three of these balancing exercises are conducted by the ExA on the basis that the need for and principle of the Proposed Development has not been adequately justified and that the benefits of the development in meeting that need therefore carry only a little positive weight in the planning balance.

16.2. By contrast, for the reasons set out in section 7 above, the Secretary of State considers the need for and principle of the development to be clearly justified and affords very great weight to the benefits associated with the delivery of that need. In the Secretary of State's view, those benefits include:

- The certain benefit of unlocking the redevelopment of NEC in line with the long-held policy ambition to do so, by removing the single biggest constraint to comprehensive redevelopment, namely the presence of the existing WWTP, thereby releasing a 42 hectare brownfield site and a further 35 hectares of land currently constrained by odour restrictions, in what CCC and SCDC consider to be the most sustainable location in Cambridge.
- The uncertain but highly likely consequential benefit of enabling the delivery of thousands of homes, including a significant proportion of affordable homes, on the vacated site of the existing WWTP, as anticipated by the £277m HIF grant, to support the national planning policy objective of significantly boosting the supply of homes and the Cambridge-specific policy objective of supercharging Cambridge as the science capital of Europe, including by increasing the supply of homes. In the Secretary of State's view, the certain and uncertain but highly likely consequential benefits of the Proposed Development are game-changing for the future of Cambridge and render the Proposed Development of national significance.

16.3. Alongside those benefits to which the Secretary of State affords very great positive weight, he affords moderate positive weight to the delivery of 20% biodiversity net gain ("BNG") and the improvements that will be made to the water quality of the River Cam through increased attenuation that is likely to reduce storm surge events and combined sewage overflows. He also attaches a little positive weight to the community benefits of the proposal, including temporary employment, educational opportunities, new active travel opportunities and recreational resources, including the equestrian measures contribution.

## **17. Heritage balance**

17.1. The Secretary of State agrees with and adopts [ER.5.3.1 – 5.3.4]. In summary the Proposed Development will have both temporary and permanent adverse effects to designated and non-designated assets, resulting from the construction and operation of the proposed WWTP. It will have the greatest impact on the significance of Biggin Abbey, causing 'less than substantial' harm at the middle to higher end of that scale. It will also cause less than substantial harm, at the lower end of the scale, to the significance of Poplar Hall, BBLCA, HCA, FDCA, 15 and 17 High Ditch Road, Home Farmhouse, Dovecote and Granary to Home Farm, Lode Cottage and Mulberry House. The proposed WWTP will also have permanent harmful effects on some non-designated heritage assets, including a large adverse (significant) effect on some archaeological remains and a moderate adverse (significant) effect on historic landscape character area HLCA22.

17.2. The Secretary of State affords great weight to the conservation of designated heritage assets. However, weighing the less than substantial harm to designated heritage assets and the harm to non-designated heritage assets against the public benefits of the proposal listed at 16.2 and 16.3 above, the Secretary of State is satisfied that the public benefits of the Proposed Development substantially outweigh the harm identified. Consequently, the Proposed Development would accord with the historic environment policies in the NPSWW, the NPPF and the relevant development plans.

## **18. The Green Belt Balance**

18.1. The Secretary of State agrees with and adopts [ER.5.4.1 – 5.4.3], save for the conclusion that there is a conflict with MWLP Policy 5(i) (for the reasons addressed at 12.1 above). In summary, the proposed WWTP is inappropriate development in the Green Belt which is by definition harmful. Inappropriate development should not be approved except in very special circumstances (NPSWW paragraph 4.8.10, NPPF paragraph 153 and South Cambridgeshire Local Plan 2018 Policy S/4 [ER.3.9.43]). Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

18.2. The Secretary of State affords very great negative weight to the harm to the Green Belt in the planning balance. In addition, the Secretary of State affords moderate negative weight in the planning balance to the following:

- Effects from carbon emissions;
- Harm to designated heritage assets and non-designated heritage assets; and
- Permanent adverse effects on landscape and visual receptors.

18.3. The Secretary of State affords a little negative weight in the planning balance to:

- Temporary and permanent loss of best and most versatile agricultural land;
- Temporary and permanent effects on farm businesses;
- Traffic and transport in terms of sustainable transport options;
- Increase in flood risk;
- Temporary adverse effects on water resources during construction; and
- Permanent adverse effects on scour to the River Cam during abnormal operating conditions of the Proposed Development.

18.4. Applying the very special circumstances test, the Secretary of State weighs that harm against the benefits identified at paragraphs 16.2 and 16.3 above. Conducting that balancing exercise, the Secretary of State considers that the harm to the Green Belt and other harm the Secretary of State has identified is clearly outweighed by the benefits of the development. The Secretary of State therefore concludes that very special circumstances exist that outweigh the harm to the Green Belt and any other harm arising from the development.

### **19. The Overall Planning Balance**

19.1. At ER 5.5.3, the ExA noted that *“should the SoS consider that the need for and principle of the Proposed Development have been justified and affords very great positive weight to these matters, it would be reasonable for the SoS to conclude that the benefits would outweigh the harm, very special circumstances have been demonstrated, and accordingly, that the Proposed Development would be justified in heritage and Green Belt terms.”*

19.2 Given the Secretary of State’s conclusion on the need for and principle of the Proposed Development, the Secretary of State has concluded that the benefits of the Proposed Development clearly outweigh the harm, very special circumstances have been demonstrated, and the Proposed Development is justified in heritage and Green Belt terms.

19.3. Accordingly, the Secretary of State concludes the overall planning balance favours the grant of development consent.

### **20. The Secretary of State’s Conclusion**

20.1. The Secretary of State has considered the ExA’s report and all relevant representations received after the examination. The Secretary of State has had regard to the three LIRs received from Cambridgeshire County Council, South Cambridgeshire District Council and Cambridge City Council, the matters prescribed in relation to development of the description to which the application relates, and to other matters that he considers to be important and relevant to his decision as required by section 105 of the Planning Act 2008.

20.2. The Secretary of State considers that the Applicant has clearly established the need for and principle of the Proposed Development and attaches very great positive

weight to both the certain benefits of vacating the site of the existing WWTP and the uncertain but highly likely consequential housing and economic benefits that may flow from it. The Secretary of State does not consider that the delivery of those consequential benefits is necessarily contingent on the progress and adoption of the emerging GCLP and NECAAP but recognises that the grant of this DCO will enable the timely progression of those plans through the development plan process.

20.3 As a result, the Secretary of State considers that the harm caused to the Green Belt by reason of the inappropriateness of the Proposed Development, and the other harm resulting from the proposal including to the historic environment, is clearly outweighed by other considerations and accordingly there are very special circumstances justifying approval of development consent.

## **21. LAND RIGHTS AND RELATED MATTERS, INCLUDING THE COMPULSORY PURCHASE ORDER (“CPO”) PROVISIONS AND PROTECTIVE PROVISIONS**

21.1. The Secretary of State notes that the Applicant is seeking compulsory acquisition powers in order to acquire land and rights considered necessary to construct and operate the Proposed Development and that in examining the request for compulsory acquisition the ExA has had full regard to all the legislative and regulatory requirements relating to the request. The ExA’s consideration of compulsory acquisition and related matters is set out in Chapter 6 with its conclusion at Chapter 6.6 of its report.

21.2. During the pre-examination stage, the Applicant sought to make a change to the application. The change request was accepted into the examination as non-material [PD-007]. The Secretary of State has considered this change request and is satisfied that the conclusions set out in the ER take those changes into account [ER 6.3.7].

21.3. The Secretary of State notes that the application includes proposals for the compulsory acquisition and temporary possession of land, interest in and rights over land, including Statutory Undertaker (“SU”) land, as well as interests in Crown land (other than the interests of the Crown) [ER 6.4.10]. In addition, powers are contained in the rDCO to enable the temporary possession and use of land to carry out and thereafter maintain the Proposed Development or required to facilitate it or is incidental to it, and that there is a compelling case in the public interest for the compulsory acquisition, temporary possession and rights acquisition.

21.4. The Secretary of State notes and appreciates the conclusion set out in the ER [6.1.3-6.1.4] that should the Secretary of State agree with the ExA on matters related to the establishment of need for the Proposed Development that the ExA recommends that the Order is not made. The Secretary of State has set out his reasoning for disagreeing with the ExA regarding the need for and principle of the Proposed Development in Section [7] of this decision letter. Having established the need for and principle of the Proposed Development, the following section considers the basis of compulsory acquisition and temporary possession proposed as part of the DCO on the

basis of the ER [ER 6.1.6].

### Legislative requirements

21.5. Section 122(2) of the PA2008 requires that the land must be required for the Proposed Development to which the development consent relates, or is required to facilitate or is incidental to the development or under section 122(2)(c) is for replacement land for the Order land under section 131 or section 132 (a common, open space, or fuel or field garden allotment). The DCLG Guidance Related to Procedures for the Compulsory Acquisition of Land (“CA Guidance”) sets out at paragraph 11 further guidance for the interpretation of section 122(2). In relation to whether the land is required for the Proposed Development to which the development consent relates, the CA Guidance states that the land must be no more than is reasonably required for the purposes of the development. In relation to whether the land is required to facilitate or is incidental to the Proposed Development, the CA Guidance states that the land to be taken should be no more than is reasonably necessary for that purpose and be proportionate. The CA Guidance applies the tests of “reasonably necessary” and “proportionate” to the third limb under section 122(2)(c) in the same way.

21.6. Section 122(3) requires that there be a compelling case in the public interest for the land to be acquired compulsorily. The CA Guidance states, from paragraph 12 onwards, that for this condition to be met, there must be compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. Paragraphs 14-16 of the CA Guidance demonstrate that whilst the need for the scheme is a relevant factor in deciding on the public benefits of the Proposed Development, that compulsory acquisition should be justified in its own right and that it remains possible for the Proposed Development to be granted development consent but be refused the grant of compulsory acquisition powers.

21.7. The CA Guidance contains further tests for consideration which may assist in the determination of the above statutory tests. These are:

- a. Whether all reasonable alternatives to compulsory acquisition have been explored
- b. Whether the applicant has a clear idea of how they intend to use the land which it is proposed to acquire
- c. Whether there is a reasonable prospect of the requisite funds for acquisition becoming available

21.8. Paragraph 25 of the CA Guidance states that applicants should seek to acquire land by negotiation where practicable.

21.9. Section 123 of the PA2008 requires that one of the three following conditions is met, namely that:

- a. The application for the Order included a request for compulsory acquisition of the land to be authorised;
- b. That all persons with an interest in the land consent to the inclusion of the provision; or
- c. That the prescribed procedure has been followed in relation to the land.

21.10. The ExA considered, and the Secretary of State agrees, that the first of the specified conditions has been met as the application for the Order included a request for compulsory acquisition of the land to be authorised [ER 6.2.5].

21.11. Section 131 of the PA2008 makes provision for a special parliamentary procedure (“SPP”) in respect of the acquisition of common, open space or fuel or garden allotments subject to the exceptions in sub-sections (3) to (5), where a SPP does not apply. Section 132, which has similar provisions to section 131, applies in respect of the compulsory acquisition of rights over land rather than compulsory acquisition of the land itself. The Secretary of State notes that there is no land within the Order land which is National Trust land, common land, open space or fuel or field garden allotments and therefore the Secretary of State agrees with the ExA that sections 130, 131 and 132 of the PA2008 are not applicable [ER 6.5.140].

21.12. Section 127 of the PA2008 has provisions in relation to the compulsory acquisition of land or rights of SU land. If a SU had made a representation about an application for an order granting development consent before the completion of the Examination and the Secretary of State is satisfied that the land is used for the purposes of carrying on the statutory undertakers’ undertaking or an interest in the land is held for those purposes then the Order may include provision of compulsory acquisition of the SU land only to the extent that it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or if purchased it can be replaced by other land belonging to or available for acquisition by the undertakers without serious detriment to the carrying on of the undertaking. Section 138 of the PA2008 provides for the extinguishment of a right or the removal of a SU’s apparatus if the Secretary of State is satisfied that it is necessary for the carrying out of the Proposed Development.

21.13. Section 135 of the PA2008 ensures that the Order may include provision authorising the compulsory acquisition of an interest in Crown land only if it is an interest which is for the time being held otherwise than by or on behalf of the Crown and the appropriate Crown authority consents to the acquisition. Secondly, section 135(2) ensures that the Order may include any other provision applying in relation to Crown land, or rights benefitting the Crown, only if the appropriate Crown authority consents to the inclusion of the provision. CA Guidance, paragraph 39-40, states that the aim should be to ensure that agreement is in place no later than the time that the application for the project is submitted to the Planning Inspectorate

emphasising that it may not be possible that the project as a whole will get development consent if a voluntary agreement with the Crown authority is not reached.

21.14. The Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. In particular, the Secretary of State notes that the ExA has drawn attention to Article 1 of the First Protocol, Article 6 and Article 8 of the ECHR.

21.15. The Secretary of State considers that the rDCO seeks to apply section 120(5)(a) of the PA2008 and since the rDCO is in the form of a Statutory Instrument it would comply with section 117(4) of the PA2008. In addition, the Secretary of State considers that no provision would contravene the provisions of section 126 of the PA2008 which relates to the modification or exclusion of a compensation provision.

#### Diligent Inquiry

21.16. An applicant must undertake diligent inquiry to identify the categories of persons set out in sections 44 and 57 of the PA2008. The Secretary of State has considered and agrees with the ExA's conclusions that the Applicant has undertaken and continues to undertake land enquiries in a diligent fashion and that the requirements under sections 44 and 57 have been satisfactorily applied [ER 6.5.12].

#### Scope and purpose for which compulsory acquisition is sought.

21.17. The Secretary of State has considered and agrees with the conclusion of the ExA that the rights sought for the compulsory acquisition of land, rights and temporary possession of land included in the revised Book of Reference and shown on the Land Plans and Special Category Land Plans would be required for, or to facilitate or incidental to, the Proposed Development to which the development consent relates and in this way that the requirements of section 122 of the PA2008 are met. [ER 6.6.1].

#### Consideration of alternatives

21.18. Paragraph 8 of the CA Guidance requires that the Applicant should be able to demonstrate that all reasonable alternatives to compulsory acquisition have been explored. The Secretary of State notes the Applicant's case that all reasonable alternatives to CA have been explored [REP7-010]. The Secretary of State notes that the ExA considered an alternative put forward by SHHG and agrees with the ExA that this alternative would not be reasonable to consider in the context of the application. The Secretary of State notes that the ExA has not advised the Secretary of State that it considers that this policy test has not been met, and concludes overall at ER 6.6.1 that the Secretary of State would be able to grant compulsory acquisition powers should he disagree with the ExA's conclusions in Chapter 5 of the ER. The Secretary of State has considered the Applicant's position set out in its Statement of

Reasons [REP7-010] and Site Selection and Alternatives report [AS-018] and concludes that this test has been met.

### Funding

21.19. Paragraph 9 of the CA Guidance states that applicants should be able to demonstrate that there is a reasonable prospect of the requisite funds for acquisition being made available. Paragraph 18 states that the applicant should demonstrate that adequate funding is likely to be able to enable the compulsory acquisition 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. Separately, paragraph 17 speaks to the resource implications of both acquiring the land and implementing the project for which the land is required. Paragraph 17 states that an application should be accompanied by a statement explaining how it will be funded providing an indication of how any potential shortfalls are intended to be met. The Funding Statement [REP6-002] indicates a total capital expenditure of between £370 and £400 million is anticipated [ER 6.5.165] with the property cost estimate being £5 million [ER 6.5.161]. The Secretary of State notes that blight has been considered within the Funding Statement (to the value of £1.2 million). The Secretary of State notes that the Applicant proposes to fund the Proposed Development through a combination of HIF Funding (£277 million), the Applicant's regulatory funding for treatment capacity at the proposed WWTP to treat wastewater flows from Waterbeach New Town (£22.5 million), and an assumed level of proceeds from the sale of land for an early phase of the Hartree development (£92.1 million) which totals £391.6 million. The Secretary of State has considered and agrees with the conclusions of the ExA that the information provided in the Funding Statement demonstrates that the Applicant has a reasonable prospect of the requisite funds for acquisition becoming available [ER 6.5.168]. The Secretary of State notes paragraph 18 of the CA Guidance and that a period of 5 years for compulsory acquisition is proposed and recommended. The Secretary of State considers that the Applicant has demonstrated that adequate funding is likely to be available to enable compulsory acquisition within this period. The Secretary of State has further considered and has no reason to disagree with the evidence provided by the Applicant and considered by the ExA to demonstrate that the Applicant is of sound financial standing and that it has the necessary funding agreements in hand and the necessary funds would become available to finance the Proposed Development [ER 6.5.167].

21.20. The Secretary of State has considered the late submissions of SHHG [AS-207], and the ExA's consideration that the Applicant did not have much of an opportunity to respond and that it may be appropriate to engage the Applicant for further input. The Secretary of State does not consider this necessary and is persuaded by the material provided in Examination that there is sufficient evidence to satisfy the tests set out in the CA Guidance. It is clear that there is sufficient funding to meet the compulsory acquisition costs, which would meet the test in paragraph 18. Separately, the evidence provided by the Applicant provides sufficient indication of how any potential shortfall is intended to be met.

## Consideration of individual compulsory acquisition requests and objections

21.21. Paragraph 25 of the CA Guidance states that applicants should seek to acquire land by negotiation wherever practicable and that as a general rule, authority to acquire land compulsorily should only be sought where attempts to acquire by agreement fail. The Secretary of State is aware that a number of individual objections and issues were raised by landowners and those with an interest in the Order. The ExA has provided its conclusion in relation to representations made by affected persons within the meaning of section 59 of the PA2008 [ER 6.5.16 -6.5.69] The Secretary of State has noted and considered the extant objections of affected persons.

21.22. The Secretary of State has considered and agrees with the ExA that the Applicant's approach, notwithstanding the representations made by the following affected persons, in relation to the compulsory acquisition powers sought is acceptable taking into account evidence of consultation and engagement:

- a. Cambridge City Council [ER 6.5.19]
- b. South Cambridgeshire District Council [ER 6.5.23]
- c. Gonville and Caius College [ER 6.5.26]
- d. P. X. Farms Limited [ER 6.5.29]
- e. The Parochial Church Council of the Ecclesiastical Parish of Horningsea [ER 6.5.31]
- f. The President and Fellows of the Queen's College [ER 6.5.33]
- g. Waterbeach Development Company LLP (and Joseph Martin, Keir Petherick, and Jonathan Sanders as trustees of the landowner – the Waterbeach Trust) [ER 6.5.39]
- h. Owen Phillips [ER 6.5.43]
- i. Elizabeth Cotton / Philip John Goodwin [ER 6.5.47]
- j. Gemma Phillips [ER 6.5.50]
- k. Ellen Francis [ER 6.5.53]
- l. Julian Wolstan France [ER 6.5.56]
- m. Sarah Ann Smart [ER 6.5.59]
- n. The Starkie Family [ER 6.5.62]
- o. Wendy Tina Rose [ER 6.5.64]

p. Category 3 parties [ER 6.5.66 – 68]

#### Compelling case in the public interest

21.23. The Secretary of State has considered the need for and benefit of the Proposed Development and has set out his position in Chapter [7] of this Decision Letter. The Secretary of State concludes that the Applicant has demonstrated a compelling case in the public interest for the Proposed Development and, as there is no alternative to compulsory acquisition there is a compelling case in the public interest for compulsory acquisition. Furthermore, the Secretary of State has had specific regard to the Applicant's approach to compulsory acquisition for the persons set out Chapter 6.5 of the ER and considers in each instance that the approach sought by the Applicant is a reasonable balance between public benefit and competing factors and private interests. Overall, the Secretary of State considers that the public benefits associated with the Proposed Development would strongly outweigh the private loss which would be suffered by those whose land would be affected by compulsory acquisition powers to enable the construction, operation and maintenance of the Proposed Development.

#### Human rights and the public sector equalities duty

21.24. The Secretary of State notes the ExA's consideration of the Human Rights Act 1998 and agrees that the Order engages a number of articles which are considered at ER 6.5.147-152. The Secretary of State agrees with the ExA's analysis of the extent to which the proposed Order would interfere with rights protected by Article 6 and 8 ECHR. For the reasons set out in [ER 6.1.148] he agrees that there would be no interference with Article 6 rights. He also concludes that any limited interference with Article 8 rights is justified and proportionate. As for rights protected by Article 1 of Protocol 1 ("**A1P1**"), the ExA concluded that the Order would not be lawful, having regard to the ExA's previous conclusion that the need for and principle of the development was not made out. As the Secretary of State has taken a different view on the need for and principle of development, he has considered for himself whether the interference with rights protected by A1P1 would be lawful. The Secretary of State considers that the Proposed Development will deliver very significant public benefits. He notes that A1P1 rights are qualified and that the powers sought would be no more than is required to secure the interests of the wider community and would not place an excessive burden on those whose human rights could be affected, particularly due to the fair compensation available within the Order. Therefore, the Secretary of State considers that the making of the Order would not constitute a violation of any A1P1 rights. Overall, the Secretary of State is satisfied that the benefit of the Proposed Development would clearly outweigh any interference with the human rights of those affected and that such interference would be for legitimate purposes, proportionate and justified in the public interest.

21.25. The Secretary of State has had regard to the public sector equality duty ("**PSED**") in section 149 of the Equality Act 2010 and the need to eliminate

discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and those who do not. The Secretary of State notes the ExA's conclusion at ER 6.5.155 and considers that there is no evidence that implementation of the Proposed Development would disproportionately affect persons who have a protected characteristic, nor would there be any adverse effect on the relationship between such persons and persons who do not share a protected characteristic. Indeed, the Secretary of State considers there is a real prospect of beneficial effects for the disabled and elderly, in particular, from the vacation of the site of the existing WWTP and the enabling of future development of what CCC and SCDC consider to be the most sustainable brownfield site in Greater Cambridge, which enjoys excellent transport links.

### Statutory Undertakers

21.26. Section 127 of the PA2008 applies to land if the land has been acquired by an SU for the purpose of their undertaking, a representation has been made before completion of the examination and the representation has not been withdrawn and as a result of the representation the Secretary of State is satisfied that the land is used for the purposes of carrying on the SU undertaking or an interest in the land is held for those purposes. Section 138 applies in a similar way in relation to the extinguishment of a relevant right or the removal of relevant apparatus.

21.27. The Secretary of State notes that no objection has been received from the parties listed at ER 6.5.133 and therefore section 127 is not relevant. The Secretary of State acknowledges that the Applicant has proposed the inclusion of protective provision for Cambridge Water plc and Eastern Power plc in the dDCO regardless. Further, the Secretary of State notes that Cadent Gas Limited withdrew its objection [ER 6.5.120].

21.28. A number of SUs provided representations and whilst not formally withdrawing their objection, the ExA was satisfied that matters were agreed by reference to the Applicant's closing submissions [REP7-0104] and SU Progress Schedule [REP7-018]. The Secretary of State has considered and agrees with the ExA that the acquisition of land and rights proposed by the Applicant would be consistent with sections 127 and 138 of the PA2008, in respect of:

- a. Arqiva Limited [ER 6.5.122-123]
- b. STSL [ER 6.5.125-126]
- c. Neos Networks Limited [ER 6.5.127-128]
- d. City Fibre Limited [ER 6.5.129-130]
- e. Vodafone Limited [ER 6.5.131-132]

21.29. There are five parties whose objections remain and are relevant to sections 127 and 138 of the 2008 Act. These are Cambridgeshire County Council, National

Highways, Environment Agency, National Rail Infrastructure Limited, and the Conservators.

21.30. In relation to Cambridgeshire County Council, the Secretary of State notes there is only one point remaining regarding protective provisions which related to the payment of agreement fees. The Secretary of State agrees with the ExA that Schedule 15, Part 6, paragraph 103(4) of the rDCO makes adequate provision for the undertaker to make the necessary payment of any agreement fees to the County Council. The Secretary of State is satisfied that the protective provisions contained in Schedule 9, Part 7 of the rDCO ensure that the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking or if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking under section 127. In relation to section 138 the Secretary of State agrees with the ExA [ER 6.5.80] that the powers sought by the Applicant are necessary for the Proposed Development and consistent with section 138.

21.31. In relation to the Environment Agency, the Secretary of State notes that it does not appear that the EA's remaining issues relate to compulsory acquisition matters. Nevertheless, the Secretary of State has considered and agrees with the ExA's conclusions that the plots in which the EA has interest would be required for the Proposed Development and that the protective provisions would afford the EA an appropriate level of protection and would ensure that the Proposed Development would not result in serious detriment to the carrying on of its undertaking and would therefore be consistent with sections 127 and 138 of PA2008.

21.32. In relation to National Highways, the Secretary of State notes the ExA's consideration of this issue [ER 6.5.81 – 6.5.98]. -National Highways raised concerns that: i) compulsory acquisition of the subsoil under the strategic road network is not necessary, given the Applicant's statutory powers as a statutory undertaker; and ii) the acquisition of subsoil rights under the strategic road network would cause National Highways serious detriment.

- As for the first issue, the Secretary of State agrees that the form and depth of the proposed waste water transfer tunnel which result in a permanency, lack of flexibility, and lack of ability to move the structure contributes to the justification for the need for a freehold interest. Regardless of whether the Applicant was able to carry out the necessary works under statutory powers in the New Roads and Street Works Act 1991 ("NRSWA"), or if it were granted an easement by National Highways, that would not provide the Applicant with the legal interest required. The Secretary of State notes the precedent for such compulsory acquisition referenced at [ER 6.5.94] and is satisfied that there is a compelling case in the public interest for the acquisition of said interests.
- As for the second issue, National Highways' concerns appear to be that ownership of the subsoil beneath the highway enables it to grant easements and to properly authorise street works and that should a third party own that

land they could potentially benefit from a ransom position should other parties need to place apparatus over or under the highway [ER 6.5.82]. The Secretary of State has considered the position of the parties, and agrees with the ExA that acquisition of National Highways interests would not result in a serious detriment to National Highways' undertaking [ER 6.5.96], regardless of whether NRSWA applied, and that the ownership of the subsoil would be necessary, reasonable and proportionate [ER 6.5.97].

21.33. In relation to Network Rail Infrastructure Limited (NRIL), the Secretary of State notes that protective provisions were not agreed between the Applicant and NRIL. The Secretary of State notes that NRIL consider that NRIL's prior consent to the exercise of CA powers pursuant to a DCO is a longstanding principle [ER 6.5.106] which they wish to be reflected in the protective provisions. The Applicant has not agreed to this as voluntary terms were not agreed and therefore consider that acceptance of a provision which provides NRIL the ability to withhold consent to exercise of CA powers presents an unacceptable risk to certainty of the deliverability of the Proposed Development [ER 6.5.109]. NRIL have cited a number of other DCOs where their preferred wording was put in place [ER 6.5.108], however, the Secretary of State is mindful that the current practice of side agreements introducing separate approval processes means there is a limit to how much reliance can be placed on previous examples of protective provisions. The Secretary of State notes that there are also examples of recent DCOs where NRIL's preferred wording in this respect has not been included [ER 6.5.111]. In consideration of the current protective provisions which ensure that asset protection agreements are entered into prior to the carrying out of specific works [ER 6.5.110], and that proper and sufficient plans of specified works are provided for the reasonable approval of an NRIL engineer, and that specified works cannot be carried out except in accordance with such plans, the Secretary of State agrees with the ExA that the Applicant's protective provisions would afford NRIL an appropriate level of the protection in terms of its statutory undertaking, land and apparatus, and would ensure that the Proposed Development would not result in serious detriment to the carrying on of its undertaking consistent with sections 127 and 138 of the PA2008.

21.34. Regarding the Conservators, the Secretary of State has considered the closing submissions [REP7-124] provided, and agrees with the ExA that article 44; Schedule 2 paragraph 10; and Schedule 15, Part 7 (protective provisions for the protection of the relevant navigation authority) would adequately protect the carrying on of the Conservators' undertaking and therefore the Secretary of State agrees with the ExA that the plots in which the Conservators have interests would be required for the Proposed Development and that the protective provisions would afford the Conservators an appropriate level of protection in terms of its statutory undertaking and would ensure that the Proposed Development would not result in serious detriment to the carrying on of its undertaking and would therefore be consistent with section 127 [ER 6.5.119].

21.35. Regarding British Telecommunications plc, no relevant representation was received during the Examination. However, on 16 October 2024, the Secretary of

State received a late representation from Openreach on behalf of British Telecommunications plc. The Secretary of State is mindful that section 127 is not directly relevant as this section requires a representation to be made before completion of the examination and not withdrawn. Notwithstanding this, the Secretary of State has considered the protective provisions included in the correspondence received from Openreach against the provisions contained in Part 8 of Schedule 15 of the rDCO. In the most part, the two are aligned with differences being non-material in nature. The only material difference being that the provisions proposed by Openreach contain clause 7 which is stated only to be applicable to HVDC installations. No justification was included in the letter from Openreach for the inclusion of clause 7 in the context of this Scheme. Whilst the Secretary of State is mindful that the authorised development does include electrical cabling work, not least through Work No. 5, the Secretary of State is satisfied that Part 8 of Schedule 15 of the rDCO provides suitable and adequate protection for the benefit of electronic communications operators, not least due to the specific application of Part 10 (undertaker's works affecting electronic communications apparatus) of the electronic communications code, as applied through paragraph 117, Part 8 of Schedule 15, and therefore the tests set out in section 138 Planning Act 2008 are met.

### Crown land

21.36. The Secretary of State notes that Crown consent under section 135(1) and (2) of the PA2008 in relation to the Proposed Development has been granted by the Secretary of State for Transport and the Secretary of State for Defence. Therefore, the Secretary of State agrees with the ExA that the Order may be granted authorising the compulsory acquisition or temporary possession of those plots of land and/or interests which are Crown land.

### Overall conclusions on compulsory acquisition

21.37. The Secretary of State has considered and agrees with the conclusion of the ExA in ER 6.6.1 that on the basis that he does not agree with the ExA's conclusions in Chapter 5 of the ER, that the relevant legal and policy tests relating to the compulsory acquisition and temporary possession of land have been met and is therefore satisfied that these powers be included in the DCO.

## **22. General Considerations**

22.1. The PSED in section 149 Equality Act 2010 requires public authorities to have due regard in the exercise of their functions to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not in respect of the following "protected characteristics": age; gender; gender reassignment; disability; marriage and civil partnerships ; pregnancy and maternity; religion and belief; and

race.

22.2. In considering this matter, the Secretary of State (as decision-maker) must pay due regard to the aims of the PSED. This must include consideration of all potential equality impacts highlighted during the Examination. There can be detriment to affected parties but, if there is, it must be acknowledged and the impacts on equality must be considered.

22.3. The Secretary of State has had due regard to this duty and is confident that granting consent is not likely to result in a substantial impact on equality of opportunity or relations between those who share a protected characteristic and others or unlawfully discriminate against any particular protected characteristics. Indeed, the Secretary of State considers there is a real prospect of beneficial effects for the disabled and elderly, in particular, from the vacation of the site of the existing WWTP and the enabling of future development of what CCC and SCDC consider to be the most sustainable brownfield site in Greater Cambridge, which enjoys excellent transport links.

22.4. The Secretary of State has no reason to believe that making the Order would give rise to any unjustified interference with human rights so as to conflict with the provisions of the Human Rights Act 1998.

### **23. Modifications to the draft Order**

23.1 Following consideration of the draft Order provided by the ExA, the Secretary of State has made modifications to the draft Order as set out below and at [Appendix H] of this letter.

23.2 Article 9(1) has been amended to limit the defence to proceedings brought under section 82(1) of the Environmental Protection Act 1990 to nuisances falling within subparagraphs (d), (fa), (fb), (g) and (ga) of section 79(1) of the Environmental Protection Act 1990, rather than applying generally to all nuisances specified within section 79(1). The nuisances that have been included are those identified in the Applicant's Statutory Nuisance Statement [APP-212].

23.3 The phrase "unless otherwise authorised by this Order" in Article 19(5) has been deleted. It is not clear what provisions in the Order would override Article 19(5) and so the phrase is considered to be unnecessary.

23.4 The wording of Article 20(1) has been amended to limit the scope of protective works to the buildings or structures which may be affected by the authorised development.

23.5 The wording of Article 20(3) to (6) has been amended to align with the wording used in previous DCOs and with the Applicant's Explanatory Memorandum [REP7-005]. Article 20(3) has been updated to make it clear that it is subject to paragraph 5 and 6 of Article 20. An exception has also been added to remove the need to serve notice on

owners and occupiers of the building or structure in the case of emergency.

23.6 The phrase “including aerial surveys carried out by drone” has been deleted from Article 21(1)(a) on the basis that the Applicant has not adequately explained the reason for departing from the established precedent for similar clauses.

23.7 The wording of Article 23(4) has been amended to align with the DCOs referred to in the Applicant’s Explanatory Memorandum and to ensure that the power to remove hedgerows and important hedgerows is limited to within the Order limits. Additionally, the phrase “that may be required for the purposes of carrying out the authorised development” has been deleted in both sub-paragraph (a) and (b) since the qualification is already included in the first line of Article 23(4).

23.8 The words “within or overhanging land within the Order limits” have been added to Article 24(1) to make it clear that the power may only be exercised to fell, lop or cut back the roots of trees or shrubs within or overhanging land within the Order limits.

23.9 Article 27 has been amended with the provision of a new Article 27(3), which expressly declares that the “applicable period” for the purposes of section 4 of the Compulsory Purchase Act 1965 is 5 years, as permitted following the amendments made to section 4 by section 185 of the Levelling Up and Regeneration Act 2023. In order to ensure consistency with this modification, Article 33(7), Article 34(2)(b) and Article 34(4) have been deleted and Article 33(8) has been amended accordingly.

23.10 Article 44(6) has been amended so that the disapplication of the Cambridge City Council Act 1985 is limited specifically to Part IV (Conservators of the River Cam) of the Act.

23.11 The wording “[u]nless otherwise agreed by the undertaker” in Article 45(1) has been deleted as it does not appear in the DCOs referenced in the Applicant’s Explanatory Memorandum and is not justified.

23.12 Paragraph 7 of Schedule 19 has been amended to ensure that the default position is that arbitration hearings and related documents will be open and accessible by the public. The arbitrator shall have the discretion to direct that the whole or part of a hearing is to be private, or any documentation is to be confidential, where it is necessary in order to protect commercially sensitive information (subject to the exceptions in sub-paragraph 7(3) of Schedule 19).

23.13 The Secretary of State has made other modifications to the draft Order, which are detailed at [Appendix H] to this letter.

23.14 In addition to the modifications listed above and at [Appendix H] to this letter, the Secretary of State has made various other modifications to the draft Order which do not materially alter its effect, including changes to conform with the current practice for statutory instruments, changes made in the interests of clarity and consistency, changes made for the purposes of standardised grammar and spelling, and changes to ensure that the Order has its intended effect.

## **24. Challenge to decision**

24.1. The circumstances in which the Secretary of State's decision may be challenged are set out in Appendix G to this letter.

## **25. Publicity for decision**

25.1. The Secretary of State's decision on this Application is being publicised as required by section 116 of the Planning Act 2008 and regulation 31 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

Yours sincerely,



**THE RT HON STEVE REED OBE MP**

Secretary of State for Environment Food and Rural Affairs

## Appendix A: Representations received after the close of the Examination

### **Letitia Stuart-Bruges (12 June 2024)**

The Secretary of State noted the concern that the potable ground water supply of Long Drove, Waterbeach could be adversely impacted by the Proposed Development. Properties on Long Drove, Waterbeach were outside the scope of the survey for the Proposed Development. However, the Secretary of State is satisfied the scope of the survey was adequate and that the Water Quality Monitoring Plan required by the DCO will ensure regular monitoring of groundwater to provide an early indication of any adverse impacts on groundwater quality.

### **Save Honey Hill Group (14 July 2024)**

The Secretary of State noted the representations from Save Honey Hill Group, and addresses the main points raised below:

- The change in administrative circumstances presented by the Labour Government's commitment to planning policy changes has been taken into account. In particular, the Secretary of State has consulted on statements of emerging planning policy and the amendments to the NPPF introduced in December 2024;
- The Secretary of State acknowledges the judgment of the Supreme Court in *R (Finch) v Surrey County Council*. The greenhouse gas emissions resulting from the downstream combustion of biomethane produced by the WWTP has been taken into account in this decision in relation to both the CHP option and the gas-to-grid option.
- SHHG's representations on the future growth of Cambridge do not appear to respond to any material change in circumstance since the close of the Examination. For the reasons set out in the decision letter, the Secretary of State considers that Government policy to supercharge Cambridge as the science capital of Europe, including by increasing the supply of housing, is relevant and important to this decision.
- SHHG's representations on the design and layout of the WWTP do not appear to respond to any material change in circumstance since the close of the Examination. The ExA addressed the design and layout of the proposed WWTP in the ER and the Secretary of State agrees with the ExA's assessment and conclusions.
- SHHG's representations on the adverse impact of the Proposed Development on the Cambridge Green Belt do not appear to respond to any material change in circumstance since the close of the Examination. The ExA addressed the adverse impact of the Proposed Development on the Cambridge Green Belt in the ER and the Secretary of State agrees with the ExA's assessment and conclusions.
- SHHG's representations on the adverse impact of the Proposed Development on the loss of High Quality Agricultural Land do not appear to respond to any material change in circumstance since the close of the Examination. The ExA addressed this matter in the ER and the Secretary of State agrees with the ExA's assessment and conclusions.

- The Secretary of State has taken into account the implications of the grant of planning permission for development at the Brookgate site. The Secretary of State notes that the proposal is not fully in accordance with emerging policy in the NECAAP. However, as set out in the decision letter, the Secretary of State does not consider that delivery of housing on the vacated WWTP site is contingent on the adoption of the NECAAP in its current form or at all. Moreover, the grant of planning permission on the Brookgate site does not substantially prejudice the ability of CCC and SCDC to progress the essential policy objective of policy S/NEC of the GCLP and the NECAAP to deliver residential-led regeneration of NEC on the vacated site of the WWTP and the surrounding area.
- In relation to SHHG's representations relating to scarce public funding, the Secretary of State has addressed the need for and principle of the Proposed Development in the decision letter.

#### **Applicant (19 July 2024)**

The Secretary of State noted the letter from Savills on behalf the Applicant, attaching Table 1-1 which updated the Applicant's cumulative impact assessment. The Secretary of State acknowledged that the additional information amended the Environmental Statement and therefore consulted all interested parties on the additional information.

#### **Applicant (29 July 2024)**

The Secretary of State noted the Applicant's update on protective provisions relating to National Highways and Network Rail. The Secretary of State has addressed in his decision letter his conclusion in relation to the outstanding matter of disagreement as between National Highways and Network Rail on the acquisition of subsoil of the strategic road network.

#### **Rachel King (4 September 2024)**

The Secretary of State notes the concerns raised in relation to the environmental impact of the proposed WWTP, noise, dust, air and light pollution and its carbon footprint. The Secretary of State considers these matters have been properly considered and are addressed in the ER and in this decision letter.

#### **Applicant (9 September 2024)**

The Secretary of State noted the Applicant's further representations regarding flood risk. The Secretary of State has addressed the Environment Agency's and Applicant's position as regards flood risk in the decision letter.

#### **National Highways (13 September 2024)**

The Secretary of State noted National Highways update on protective provisions and its response to the Applicant's late representation of 29 July 2024. The Secretary of State noted NH's confirmation that the only remaining issue in dispute between NH and the Applicant was the compulsory acquisition by the Applicant of the subsoil of the strategic road network. The Secretary of State has set out in this decision letter how he has considered and resolved that dispute.

**Ministry of Defence (24 September 2024)**

The Secretary of State noted that the Ministry of Defence does not object to the proposed development, and also noted that any recommendations made by Cambridge City Airport should be considered.

**Openreach (16 October 2024)**

Openreach wrote on behalf of British Telecommunications plc seeking certain protective provisions in the DCO. The Secretary of State is satisfied this has been addressed in the decision letter.

**Group of Landowners (4 April 2025)**

The Secretary of State noted the letter from a group of landowners in North-East Cambridge including Landsec, Brockton Everlast Inc, Kadans, Cambridge Science Park and St John's innovation Park. In that representation the landowners expressed their support for the DCO and emphasised the national importance of growth in Cambridge. The Secretary of State is satisfied that the matters raised in the representation have been taken into account in this decision.

## Appendix B : Consultation 1

On 13 August, the Secretary of State sought representations on the Applicant's updated cumulative impact assessment. The following representations were received.

### **Wendy Rose (13 August 2024)**

The Secretary of State did not consider this response to be relevant to the DCO decision as it relates to a private law matter.

### **Ryan Cooper Henniker (16 August 2024)**

The Secretary of State noted the representations made by Mr Henniker. Those representations did not substantially relate to the Applicant's updated cumulative assessment on which representations were sought. The Secretary of State considers that all of the relevant issues raised have been addressed within the ExA's and Secretary of State's analysis of the Application.

### **Save Honey Hill Group & Horningsea Parish Council (23 August 2024)**

The Secretary of State noted the issues highlighted by Save Honey Hill Group and its statement of support from Horningsea Parish Council. The Secretary of State invited the Applicant to comment on some of the points raised by Save Honey Hill Group and was satisfied, for the reasons contained in the Applicant's response and in light of the further information provided, that the cumulative impact assessment is adequate.

### **Julia Smitherman (8 September 2024)**

The Secretary of State noted the representations made by Ms Smitherman. Those representations do not substantially relate to the Applicant's updated cumulative assessment on which representations were sought. The Secretary of State considers that all of the relevant issues raised have been addressed within the ExA's and Secretary of State's analysis of the Application.

### **CPRE: Countryside Charity (10 September 2024)**

The Secretary of State noted the representations made by CPRE. Those representations did not substantially relate to the Applicant's updated cumulative assessment on which representations were sought. The Secretary of State considers that all of the relevant issues raised have been addressed within the ExA's and Secretary of State's analysis of the Application.

### **Fen Ditton Parish Council (10 September 2024)**

The Secretary of State noted the points raised, in particular the concern relating to an undetermined discharge consent application and on dry weather flows. The Secretary of State invited the Applicant to comment on the points raised and was satisfied with the answer received.

### **Historic England (10 September 2024)**

The Secretary of State noted the response received from Homes England and that no further comments were received.

**Lieran-Lynne Stubbings (10 September 2024)**

The Secretary of State noted the representations made by Ms Stubbings. Those representations did not substantially relate to the Applicant's updated cumulative assessment on which representations were sought. The Secretary of State considers that all of the relevant issues raised have been addressed within the ExA's and Secretary of State's analysis of the Application.

**Teversham Parish Council (10 September 2024)**

The Secretary of State noted the issues highlighted by Teversham Parish Council, in particular the failure to include the relocation of the Park and Ride on Newmarket Road and the building works for the new UK Power Networks substation on Newmarket Road in the cumulative impact assessment. The Secretary of State invited the Applicant to comment on these issues and was satisfied with the answer received.

## Appendix C: Consultation 2

On 16 October 2024, the Secretary of State sought representations the following statements of emerging planning policy, published on 30 July 2024:

- The Deputy Prime Minister's statement to the House of Commons entitled 'Building the Homes We Need'
- The Deputy Prime Minister's letter to all local authorities in England entitled 'Playing your part in building the homes we need'
- A revised draft of the National Planning Policy Framework ('NPPF')
- The launch of a consultation entitled 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system.'

The following representations were received:

### **Nigel Seamarks (16 October 2024)**

The Secretary of State noted Mr Seamarks' concerns around the uncertainty that the vacated existing WWTP site would necessarily be used to deliver a development of 40% affordable housing.

### **Save Honey Hill Group (6 November 2024)**

The Secretary of State noted Save Honey Hill Group's representations that the NPPF and local plans are central to the proposed development. Amongst SHHGs multiple points, the Secretary of State noted in particular SHHGs representations that the New Standard Method of calculating housing need would lead to a reduction in the assessed need in Cambridge and its contention that there are ample sites with planning permission or allocated in adopted local plans to meet that reduced need. The Secretary of State also noted the request to delay making a decision on whether to grant consent for the proposed development until after the NPPF has been finalised. The Secretary of State is satisfied that he has addressed the substantive issues raised in this representation in his decision letter.

### **Natural England (7 November 2024)**

The Secretary of State noted that Natural England did not have any comments to make.

### **The Applicant (12 November 2024)**

The Secretary of State noted Anglian Water's representations on the newly published policies in the consultation and its view that these statements of emerging policy weighed in support of the proposed project. The Secretary of State also noted the point that any weight attached to the draft NPPF should be increased and reconsidered should the policy be formalised. The Secretary of State is satisfied that he has addressed the substantive issues raised in this representation in his decision letter.

### **Friends of the Cam (12 November 2024)**

The Secretary of State noted the representations of the Friends of the Cam, including: that the proposed NPPF would lead to reduced housing numbers in Cambridge which can easily be met on sites allocated through the CLP 2018; that housing development is placing pressure on water resources; that the proposed WWTP site is not grey belt; that the Environment Agency's objection to the proposal should be taken into account; and that the revisions to the NPPF reinforce the illogicality of the proposed development. The Secretary of State is satisfied that he has addressed the substantive issues raised in this representation in his decision letter.

#### **Cambridgeshire County Council (13 November 2024)**

The Secretary of State noted that Cambridgeshire County Council does not wish to provide comment on the proposed changes to national planning policy.

#### **CPRE: the Countryside Charity (13 November 2024)**

The Secretary of State noted CPRE's representations on sustainable development, housing supply, housing need, clustering, green belt, and flood risk. In particular, the Secretary of State noted CPRE's view that: the existing WWTP is not a brownfield site and alternative brownfield sites around Cambridge should be used to deliver housing; the standard method calculation proposed in the draft NPPF would result in a reduction in housing need in Greater Cambridge that could be met from sites already designated in the 2018 Local Plan; the proposed changes to Green Belt policy in the NPPF do not support the proposed development; and housing numbers are constrained by water scarcity issues. The Secretary of State also noted CPRE's summary of the main points of its case as presented to the Examining Authority. The Secretary of State is satisfied that he has addressed the substantive issues raised in this representation in his decision letter.

#### **Federation of Cambridge Residents (13 November 2024)**

The Secretary of State acknowledged the Federation of Cambridge Residents response. He noted that the majority of this response was directed at the merits of the proposed changes to the NPPF and not to how those proposed changes might affect the application for the Proposed Development. Nonetheless, the Secretary of State has taken these representations into account.

#### **Fen Ditton Parish Council (13 November 2024)**

The Secretary of State noted the representations of Fen Ditton Parish Council, including its support for the representations of Save Honey Hill Group dated 6 November 2024, and its emphasis of the importance of protecting the Cambridge Green Belt. The Secretary of State noted FDPC's opinion that very limited weight should be applied to the increased housing demands within the consultation draft NPPF.

In the decision letter, the Secretary of State has addressed Green Belt issues and the need for and principle of the Proposed Development, including by addressing the competing evidence on the housing requirements for Greater Cambridge.

### **Homes England (13 November 2024)**

The Secretary of State noted Homes England's view that the Application is well aligned with Government ambitions around housebuilding and use of the Green Belt. Homes England highlighted specific statements within the Deputy Prime Minister's 30 July 2024 WMS and letter to local authorities which were said to support the Application. It also highlighted specific parts of the draft NPPF and consultation document that were said to weigh in support for the proposed project. Homes England reiterated its commitment to the Proposed Development which would enable the wider development of life sciences and new homes in the last large scale brownfield site within the urban area of Cambridge. The Secretary of State has addressed the need for and principle of the Proposed Development in the decision letter, including by addressing the support it receives from national and local policy.

### **Ray Smith (13 November 2024)**

The Secretary of State noted Mr Smith's opinion that should areas of the Cambridge Green Belt be reclassified, they could be used for housing development without moving the waste water treatment plant.

### **Horningsea Parish South Cambridgeshire District Council / Cambridge City Council (13 November 2024)**

The Secretary of State noted the Councils' shared view that the emerging statements of policy do not alter their support for the project. He further noted that the Councils consider that the draft NPPF's emphasis on development of brownfield land and the emphasis on sustainable housing delivery in the Deputy Prime Minister's 30 July 2024 letter to local authorities are both relevant to the Secretary of State's decision on the proposed development. The Secretary of State is satisfied that he has addressed the substantive issues raised in this representation in his decision letter.

### **Teversham Parish Council (13 November 2024)**

The Secretary of State acknowledged Teversham Parish Council's concerns that building on the Green Belt will influence the category of the land surrounding the development and potentially lead to more development in the area.

### **Vistry Group (13 November 2024)**

The Secretary of State noted Vistry Group's request for the relocation of pipes which cross land within Vistry Group's control. The Secretary of State noted that the ExA has addressed this point at ER 6.5.67 – 6.5.69 and the Secretary of State has no reason to disagree with the ExA's conclusion.

### **Horningsea Parish Council (15 November 2024)**

The Secretary of State noted Horningsea Parish Council's suggestion that the proposed changes to the NPPF favour the protection of the Cambridge Green Belt. This is addressed in the decision letter.

### Appendix D: Consultation 3

On 15 October 2024, the Secretary of State invited the Applicant to comment on the representations received in response to Consultation 1 from Margaret Starkie on behalf of the Save Honey Hill Group dated 23 August 2024; Teversham Parish Council dated 10 September 2024; Fen Ditton Parish Council dated 10 September 2024.

#### **Anglian Water responded on 12 November 2024**

The Secretary of State noted the Applicant's comments on the criticisms of its Cumulative Assessment as raised by Save Honey Hill Group, Teversham Parish Council and Fen Ditton Parish Council. The Secretary of State was satisfied, for the reasons given by the Applicant, and in light of the additional information provided, that the cumulative impact assessment is adequate.

The Secretary of State also noted the Applicant's response to Save Honey Hill Group's letter of 14 July 2024. He welcomed the further information provided on the GHG emissions resulting from the downstream combustion of the biomethane exported to the grid in the gas-to-grid option and has taken this information into account in his decision.

## Appendix E: Consultation 4

On 20 January 2025, the Secretary of State sought representations on the amended version of the NPPF published on 12 December 2024, in particular as regards the extent to which the adopted national policies relating to house building and green belt were relevant to the determination of the Application.

The following representations were received:

### **Huntingdonshire District Council (21 January 2025)**

The Secretary of State noted that Huntingdon District Council does not have any comments to make on the updated NPPF.

### **National Highways (21 January 2025)**

The Secretary of State noted that National Highways does not have any further comments to make on the updated NPPF.

### **Dina Archer (21 January 2025)**

The Secretary of State noted Mrs Archer's views on the project, in particular as regards its impact on the Green Belt and the historic environment. He also noted the concerns around the financial viability of the scheme, the need for the scheme, and the suggested alternative sites for development. The Secretary of State has addressed all of these matters in the decision letter, including by reference to the ER.

### **Uttlesford District Council (21 January 2025)**

The Secretary of State noted that Uttlesford District Council does not have any further comments to make on the updated NPPF.

### **Ryan Cooper Henniker on behalf of East Chesterton Residents (24 January 2025)**

The Secretary of State noted the views presented on the project and concerns surrounding traffic and pollution, local wildlife, the community and the environment. The Secretary of State has addressed all of these matters in the decision letter, including by reference to the ER.

### **Mike Kovacs (25 January 2025)**

The Secretary of State has noted Mr Kovacs view on the carbon impact of the project as a whole and his views on the content of the updated NPPF. The Secretary of State has addressed this matter in the decision letter, including by reference to the ER.

### **Jennie Conroy (28 January 2025)**

The Secretary of State noted the representations on why the development is inappropriate development and harmful to the Green Belt and why there are no exceptional circumstances justifying the use of Green Belt land. The Secretary of State also noted the representations on local housing need, the number of homes to be delivered by the proposed development and the rate of delivery. The Secretary of State has addressed these matters in the decision letter, including by reference to the ER.

#### **Ministry of Defence (28 January 2025)**

The Secretary of State noted that the Ministry of Defence does not have an objection to the proposed development.

#### **Cambridge City Council / South Cambridgeshire District Council (31 January 2025)**

The Secretary of State noted the Councils' revised annual housing target under the updated NPPF. He also noted the City Council's representation that the NPPF reinforces the prioritisation of previously developed land in sustainable locations.

In response to potentially conflicting evidence from Save Honey Hill Group on local housing need, the Secretary of State asked the Councils for further information on these matters.

#### **Cambridgeshire County Council (31 January 2025)**

The Secretary of State noted that Cambridge County Council does not have any direct comments on the adopted NPPF and its weighting in relation to the proposed development.

#### **East Cambridgeshire District Council (31 January 2025)**

The Secretary of State noted the Council's view that the updated NPPF, insofar as it relates to housebuilding and supporting infrastructure, and Green Belt, is a relevant and important matter to the assessment of the proposed development. He noted the representation that the long-term public benefits of the relocated facility in terms of delivery of housing and wider socio-economic infrastructure within the area are therefore recognised, particularly noting the Government's commitments to the Oxford-Cambridge Growth Corridor and national focus for Cambridge's growth in general. The Secretary of State has addressed all of these matters in the decision letter, including by reference to the ER.

#### **Anna Edge (02 February 2025)**

The Secretary of State has considered the comments that the revised NPPF does not alter the arguments for and against relocating the Cambridge Waste Water Treatment Plant to the Cambridge Green Belt. The Secretary of State also noted the representations on the importance of the Green Belt to the local population due to its

recreational uses. The Secretary of State has addressed these matters in the decision letter, including by reference to the ER.

**Julia Smitherman (02 February 2025)**

The Secretary of State acknowledged the opposition to the proposed development and notes the areas highlighted, including a) impacts on the chalk aquifer, b) impacts on the openness of the environment and c) accessible green space are considerations in the updated NPPF. The Secretary of State has addressed these matters in the decision letter, including by reference to the ER.

**Braintree District Council (03 February 2025)**

The Secretary of State noted that Braintree District Council does not have any comments to make.

**Homes England (03 February 2025)**

The Secretary of State noted Homes England's view that the adopted NPPF provides support to the proposed development. The Secretary of State also noted the reference to the Chancellor of the Exchequer's speech on economic growth (29 January 2025) in which she made significant announcements in relation to investment in the Oxford and Cambridge growth corridor to support housing and economic growth.

**Save Honey Hill (03 February 2025)**

The Secretary of State noted Save Honey Hill Group's analysis of the updated NPPF, in particular paragraphs 11, 24 to 28, 62 to 66, 69 to 71, 78, 87, 125(c), 131, 142 to 148, 153 to 155, 187(b), and 215, and their application to the proposed development.

As regards SHHG's representations on housing need, the Secretary of State asked Cambridge City Council and South Cambridgeshire District Council for their views to enable his further consideration of the points raised.

**Jennie Pratt (03 February 2025)**

The Secretary of State noted the view that the proposed development constitutes inappropriate development in the Green Belt and that the existing WWTP site should be adapted and retained. The Secretary of State has addressed these matters in the decision letter, including by reference to the ER.

**Jane Williams (03 February 2025)**

The Secretary of State noted the view that the proposed development is not needed and should not progress and that keeping the existing WWTP would be a preferential option. The Secretary of State has addressed these matters in the decision letter, including by reference to the ER.

### **Fen Ditton Parish Council (03 February 2025)**

The Secretary of State noted the Parish Council's view that the Development Consent Order should not be granted and noted the PC's support for the representations and responses sent by the Save Honey Hill Group.

### **Teversham Parish Council (03 February 2025)**

The Secretary of State noted the Parish Council's concerns that the relocation project is not necessary for operational reasons and that the identified land is arable Green Belt, rather than grey belt. The Secretary of State has addressed these matters in the decision letter, including by reference to the ER.

### **Liz Cotton (03 February 2025)**

The Secretary of State acknowledged Liz Cotton's concerns, specifically the failure of the proposal to balance economic, social and environmental priorities and that there would be benefits in upgrading the current WWTP in situ.

### **Anglian Water (03 February 2025)**

The Secretary of State noted Anglian Water's view that the proposed development responds positively to the objectives contained within the updated NPPF and also notes the Applicant's acceptance that the area of green belt on which the development would be constructed can not be considered as previously developed land or as grey belt.

The Secretary of State also noted the Applicant's representation that the updated NPPF does not suggest that greater weight should be given to green belt not included in the above definitions. The Secretary of State also acknowledged that the Applicant considered harms to the Green Belt as part of its DCO application.

## Appendix F: Consultation 5

On 6 February 2025, Cambridge City Council and South Cambridgeshire District Council were invited to make representations on the evidence advanced by SHHG in particular on the impact of the updated NPPF on housing need and housing requirements in Greater Cambridge.

### **Cambridge City Council / South Cambridgeshire District Council responded on 20 February 2025**

The Secretary of State noted the agreed and identical responses from Cambridge City Council and South Cambridgeshire District Council and noted the following summary points in particular:

- The Councils disagree with SHHG's calculations on the NPPF Adopted Standard Method ("ASM") 2024.
- The Councils disagree with SHHG's findings that the GCLP will only need to identify sites for 48,425 houses for the period 2020-2041. In fact, the Councils say that applying the ASM together with a 10% flexibility buffer produces a housing requirement of 53,338.
- The Councils consider that Greater Cambridge should make its proper contribution to housing to support economic growth rather than promote additional commuting by relying on surrounding areas to meet Cambridge's housing needs.
- The Councils agree that NPPF paragraph 78(c) does not apply to housing needs assessment in Greater Cambridge.
- The Councils' position that there is a substantive shortfall in housing supply that needs to be addressed in the draft GCLP and that a refusal of development consent would require the Councils to identify alternative strategic scale sites for development, which would likely be in the Green Belt or in new settlements. They consider it unrealistic to seek to rely on bringing forward the 3900 houses lost from the existing WWTP site through the allocations and permissions already granted on major sites around Cambridge to be delivered by 2041.
- The Councils agree the NECAAP will need to be reviewed before progressing Regulation 19 publication given the development that has been permitted during the CWWTP DCO process, but that the principle of residential-led development on the site of the existing WWTP as part of a revised NECAAP remains achievable.

The Secretary of State has taken these matters into account in the decision letter.

In response to the above consultation responses SHHG provided an unsolicited representation which the Secretary of State has taken into account.

## Save Honey Hill Group (27 February 2025)

The Secretary of State has considered the Save Honey Hill Group's further representation considering consultation responses from the Cambridge City Council and South Cambridgeshire District Council (The Councils).

The Secretary of State noted that:

- SHHG accepts the Councils' annual housing need figures under the Adopted Standard Method (ASM)
- SHHG's considered that it would be illogical for the Councils to apply the adopted standard method housing need derived from April 2024 data to previous years in the plan period, in which housing has already been delivered.
- SHHG thinks that a 5% buffer rather than the Council's proposed 10% buffer "would be entirely appropriate".
- SHHG considers that the Development Strategy numbers were based on a simplistic and incorrect approach. SHHG does not agree with the Councils' alternative calculation of additional housing site allocations required.
- SHHG disagrees fundamentally with the Councils' response to the question *'Do you agree with SHHG's assessment that some assessed housing need could be met during the plan period outside South Cambridgeshire? If not, please explain.'*
- SHHG agrees with the Councils that the NPPF paragraph 78(c) does not apply to housing needs assessment in Greater Cambridge.
- SHHG disagrees with the Councils' response that additional strategic sites are required to fulfil needs for the period to 2041.
- SHHG highlights that the vehicular trip budget is a substantial constraint to further development in North East Cambridge.

The Secretary of State has taken these matters into account in the decision letter.

## Appendix G: Legal challenges relating to applications for development consent orders

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of 6 weeks beginning with the day after the day on which the Order or decision is published. The decision documents are being published on the date of this letter on the Planning Inspectorate website at the following address:

[Cambridge Waste Water Treatment Plant Relocation - Project information \(planninginspectorate.gov.uk\)](#)

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655).

## Appendix H: Further modifications to the draft Order

In addition to the modifications listed at [section 23] of this letter, the Secretary of State has, following consideration of the draft Order provided by the ExA, made the following modifications to the draft Order as set out below:

- The preamble has been updated to include reference to the section 123 of, and paragraphs 8 and 20 of Schedule 5 to, the PA2008, which are considered to be relevant to the Order.
- A reference to column (2) of Schedule 18 has been added wherever a document number is referenced. This provides clarity as to where the various document numbers can be found.
- A definition for the acronym “CHP” has been added to Article 2, meaning “combined heat and power”. This is required as the phrase is used in the main body of the Order but is not defined.
- The definitions in Article 2 for “highways plans”, “sections plans” and “LERMP” have been updated to utilise the names of documents provided in column (1) of Schedule 18.
- The definition of “Network Rail” has been moved from Part 4 of Schedule 15 to Article 2 as the term is used in the main body of the Order.
- The definition of “traffic authority” in Article 2 has been amended to refer to “section 121A” of the Road Traffic Regulation Act 1984, rather than “section 121A(b)”, as there is no subsection (b) to section 121A of that Act.
- Article 2(3) has been amended to include a reference to Schedule 14 since the schedule sets out the maximum depths of certain elements of the authorised development.
- A reference to Schedule 2 has been included in Article 3 for clarity.
- The reference in Article 5 to “Parts 6 and 7 of Schedule 15” has been amended to “Parts 5 and 6 of Schedule 15” as it appears that the original cross-reference was incorrect.
- A caveat has been added to Article 6 to clarify that the Article is subject to Part 1 of Schedule 2 and Schedule 14, which each contain limits on certain parts of the authorised development.
- All references to the “existing Cambridge Waste Water Treatment Works” have been changed to lower case as the term is not defined in the Order.
- A new paragraph (2) has been added to Article 7 to clarify that paragraph (1)

does not apply where the Order will self-evidently benefit others.

- The reference to paragraph (4) in Article 8(3) has been deleted as paragraph (4) does not contain a reference to the undertaker.
- The caveat “(save insofar as disapplied through the operation of article 49 (application, disapplication and modification of legislative provisions) and Schedule 17 (miscellaneous controls) to this Order)” has been deleted as Article 49 and Schedule 17 do not refer to the New Roads and Street Works Act 1991.
- The references in Article 12 and elsewhere to “temporary closure” (or similar) of streets or public rights of way have been amended to “temporary stopping up” (or similar).
- The words “as if it were a dispute” has been added each time a reference is made to compensation to be determined, in case of dispute, under Part 1 of the Land Compensation Act 1961 for consistency with previous DCOs.
- Article 13(1)(b) and (2) have been amended to use the phrase “temporary substitute public right of way” consistently with Article 13(1)(a).
- The phrase “a provisional certificate of completion” has been added to Article 15(3) for consistency with paragraph 88 of Part 6 of Schedule 15.
- Article 16(5) has been reformatted for consistency with previous DCOs.
- The reference to “construction, operation, use and maintenance of the authorised development” in Article 19(1) has been replaced with “carrying out or maintenance of the authorised development” for consistency with wording used in previous DCOs.
- The wording of Article 19(4) has been amended to make it clear that it applies to works pursuant to paragraph (1). The phrase “carrying out of the works” has also been substituted with “making of the opening”. These changes have been made for consistency with the DCOs referenced in the Applicant’s Explanatory Memorandum.
- The phrase “that Act” in Article 19(8)(b) has been replaced with “those Regulations” given that the provision refers to the Environmental Permitting (England and Wales) Regulations 2016.
- The wording of Article 19(9) has been amended to make it clear that the application for consent must notify the recipient that the provisions of paragraph (9) apply to that application.
- The reference to “comes into use” in Article 20(2)(b) has been deleted to ensure clarity and avoid confusion as to when the time period in Article 20(2)(b) is to

start.

- Some cross-references in Article 22 appeared to be incorrect and have been updated.
- The reference to “specified land” in Article 22(8)(a) has been amended to “Order limits” to ensure consistency as “specified land” is not used elsewhere in the Article.
- A specific reference to the Secretary of State for Justice has been added to Article 22(11) for consistency with previous DCOs, including those referred to in the Applicant’s Explanatory Memorandum.
- The reference to “section 213(1)” of the Town and Country Planning Act 1990 in Article 25(2)(b) has been changed to “section 206(1)” as it appears that the original reference was incorrect.
- The reference to paragraph “(7)” in Article 30(9) has been changed to “(8)” as it appears that the original cross-reference was incorrect.
- The wording “[s]uch notice must include details of the proposed works” in Article 36(3) has been substituted with “explaining the purpose for which entry is to be taken” for clarity and to reflect the drafting used in other DCOs.
- The reference to the Highways Act 1980 when defining “public utility undertaker” in Article 42(4) has been removed as amendments made by the Electricity Act 1989 and Water Act 1989 would have the effect of limiting its meaning only to gas or hydraulic power undertakers, which is thought to be an unintended drafting error.
- A reference to section 227 of the Planning Act 2008 has been added to Article 50(2) for clarity.
- The word “or” in Article 50(3)(a) has been substituted with “and” for clarity.
- The wording of Article 51(1) has been updated for clarity and Article 51(2) has been updated for consistency with Article 51(1).
- The word “or” in Schedule 1, under the heading “Work No. 8 – SLUDGE TREATMENT CENTRE”, has been substituted with “and/or” for clarity.
- The reference to the “Cam Conservancy” in paragraph 10 of Part 1 of Schedule 1 has been replaced with the “relevant navigation authority” as this is considered to be more appropriate given the terms defined in the Order.
- Paragraph 1 of Part 2 of Schedule 2 has been amended so that where the discharging authority gives notice to the undertaker of its decision on an

application, such notice must be given in writing to provide certainty.

- Paragraph 4 of Part 1 of Schedule 2 has been amended to refer to maximum “parameters” rather than “dimensions and heights” for clarity and to include reference to column (5) of the tables in Schedule 14 (where applicable).
- References to “South Cambridgeshire District” in Schedules 3 to 8, 11 and 12 have been substituted with “South Cambridgeshire District Council” for clarity.
- The heading for column 3 of Schedule 11 has been amended to “Purpose for which new rights may be acquired and new restrictive covenants imposed” for clarity.
- The text to be substituted for Schedule 2A to the 1965 Act, at paragraph 10 of Schedule 13, has been re-numbered as paragraphs 14(2) and 14(3) rather than paragraph 15 and 16 (respectively) for consistency with previous DCOs.
- The reference to sub-paragraph “29(5)” at paragraph 33 of Part 3 of Schedule 15 has been amended to sub-paragraph “28(5)” as it appears that the original cross reference was incorrect.
- The list at paragraph 60(2) of Part 5 of Schedule 15 has been re-numbered so that the Articles referenced are in numerical order.
- Paragraph 77 of Part 6 of Schedule 15 has been re-formatted for clarity.
- The word “article” in paragraph 4 of Schedule 17 has been substituted with the word “regulation” to reflect that the provision is referring to the Community Infrastructure Levy Regulations 2010.