

Cambridge Waste Water Treatment Plant Relocation Project



Guide to Compulsory Purchase
and Compensation
August 2022

Summary

Anglian Water is proposing to relocate its Cambridge Waste Water Treatment Plant ('CWWTPRP') on Cowley Road and build a new, net zero carbon waste water treatment plant that will continue to provide vital services for the community and the environment, recycling water and nutrients, producing green energy, and helping Cambridge to grow sustainably.

Anglian Water intends to make an application to the Secretary of State for a Development Consent Order ("DCO") for the Cambridge Waste Water Treatment Plant Relocation project ("CWWTPR"). Anglian Water sought and obtained a direction from the Secretary of State under section 35 of the Planning Act 2008 ("the 2008 Act") which confirms that the project will be treated as a Nationally Significant Infrastructure Project ("NSIP") when the application is submitted.

This guide will provide you with information about the process we would follow, should the development consent be granted, to purchase land, property and new rights needed for the CWWTPRP, using powers of compulsory acquisition. It also describes the compensation which may be available to people with an interest in that property.

This guide also aims to provide information to landowners and occupiers who may potentially be affected by the CWWTPRP. This includes situations where land may be directly required for the project or where there may be impacts on the value of land in the event the project is constructed and comes into operation.

About the project

Anglian Water's vision goes beyond just building a new plant. It isn't simply about moving an old facility to a new location. We will build a facility to better serve the community and environment for years to come, one where waste water becomes a valuable resource.

The relocation will enable South Cambridgeshire District Council and Cambridge City Council's long held ambition to develop a new low-carbon city district on Cambridge's last major brownfield site, known as North East Cambridge. The site is an important component of the First Proposals (preferred options) for the new Greater Cambridge Local Plan that were subject to public consultation late last year and the North East Cambridge Area Action Plan that has recently been agreed by the Councils in its Proposed Submission form and will be subject to public consultation prior to submission, once the Development Consent Order is determined. The relocation of the existing waste water treatment facility will enable this new district to come forward and deliver 8,350 homes, 15,000 new jobs and a wide range of community, cultural and open space facilities in North East Cambridge.

The new facility, as well as being operationally net zero carbon, will be energy neutral. It is designed to adapt to changing social and environmental priorities, increasing resilience to storm flows and flooding and provide a long-term solution to how we best treat waste water for a growing Cambridge population.

Key information

Anglian Water would prefer to acquire the land and rights needed for CWWTPRP by agreement, and we will be contacting affected parties to seek to agree terms for the acquisition of the land and rights required. However, in order to ensure that CWWTPRP can be delivered, it is likely that we will need to apply for compulsory acquisition powers as part of the Development Consent Order (DCO) process and to progress that application whilst negotiations continue in parallel. More information about the DCO process can be found on the Planning Inspectorate's website: www.infrastructure.planninginspectorate.gov.uk

We know the possibility that we may need to purchase your land or rights over your land may concern you. We will follow these six principles to seek to minimise the impact on you if you are potentially affected by the project.

- **Keeping you updated:** We will keep you updated throughout the project and keep you informed as our proposals develop.
- **Act with respect:** We will treat you, your land, property and personal data, and third parties acting for you with respect. We will work collaboratively with you and any third parties acting for you.
- **No unnecessary land:** We will discuss our proposals with you, so we understand and manage the potential impacts upon you. We aim to minimise the impact our proposals may have on your land and property and to mitigate any impacts we cannot avoid.
- **Fair compensation:** Where we need to acquire your land for the project, we will compensate you fairly in accordance with the statutory compensation code and we will seek agreements with you.
- **Commitment to negotiations:** we remain committed to progressing private treaty negotiations throughout the process
- **Dedicated contacts:** our dedicated, specialist land team is in place to ensure you have consistent and well-briefed contacts with the project.

We recommend that you should consider taking independent professional advice if your land or property is potentially affected by the CWWTPRP.

Compulsory Acquisition

CWWTPRP is a Nationally Significant Infrastructure Project (NSIP). This means that instead of applying for planning permission from a local authority, permission would be sought at a national level by Government, via a Development Consent Order (DCO). If granted, the DCO will provide planning consent for the development and the ability to compulsorily acquire land, property and rights needed for the project.

The Secretary of State for the Environment, Farming and Rural Affairs will make the final decision on whether the DCO should be authorised.

If the DCO is granted, we will send a 'notice of authorisation of compulsory acquisition' to all those who have an interest in the land and property for which compulsory acquisition powers have been included in the DCO. This notice will explain that the compulsory acquisition powers in the DCO may be exercised in due course in relation to specified land and property but it will not entitle us to immediately acquire land or rights or to enter land.

Further notice will need to be served before we can actually exercise the compulsory acquisition powers in the DCO. This will confirm the plot(s) of land that will be acquired, or over which rights will be acquired; will enable us to enter onto and take possession (and in certain circumstances, ownership) of the land after a specified period; and will invite you to make a claim for compensation. There are various processes we will be able to use when taking possession and ownership of the land, these include a General Vesting Declaration (GVD) or a notice to treat and notice of entry.

1. A General Vesting Declaration will automatically transfer ownership of the land to us. We will serve notice that we have made a General Vesting Declaration on all affected landowners. This will allow us to take possession and ownership of the land after the time period stated in the notice (which must not be less than three months) on what is known as the "Vesting Date". Unlike a notice to treat (which is explained below), compensation does not need to have been settled or paid before ownership of the land or right is transferred to us.

2. A notice to treat and notice of entry will not automatically transfer ownership of the land or rights to us; the process requires that you transfer the land or rights to us after compensation had been settled. When using this method a notice to treat is served confirming that we wish to negotiate to compulsorily acquire the land or rights specified in the notice to treat. This will be accompanied or followed by a notice of entry which will specify the date when we would intend to take possession of the land (which must not be less than three months). Please note that where a notice of entry is served, possession of the land can be taken and works can be started before ownership of the land or rights has been transferred to us.

Generally, we will use the GVD process so that possession and ownership of the land is taken at the same time. However, in some circumstances, we would serve a notice to treat and notice of entry. We will discuss our plans with you and will aim to give you as much advance notice as possible.

You can deal with, carry out works to and sell land that we will be intending to purchase, or acquire rights over, until the date the ownership transfers to us. However, the compensation you may be eligible to receive from us may be affected by such actions. We recommend seeking professional advice before selling land that we would be intending to acquire or acquire rights over.

Compensation for owners and occupiers

Freeholders, leaseholders, tenants and occupiers may be entitled to claim compensation when possession is taken of land which they own or occupy following the exercise of compulsory acquisition powers. The types of compensation which may be available will depend on your rights or interest in the affected property and could include:

The market value of the land. This is the value of the land which is being acquired, but ignoring any increase or decrease in value of the land which is caused by the CWWTPRP or the prospect of it.

Disturbance compensation. This may be payable for costs incurred by having to leave the property e.g. professional fees and removal costs, or for other losses which are not based on the value on the land.

Severance and injurious affection. If you have other retained land after the compulsory acquisition, you may be able to claim compensation if the value of that other land is reduced by its separation from the land acquired, or its division into separate parts. Compensation may be paid where the construction or use of CWWTPRP has reduced the value of your remaining land.

Statutory Loss Payments. These may, in certain circumstances, be payable if ownership and occupation criteria are met.

Compensation when no land is acquired. Compensation may be payable in limited circumstances where no land is taken but where there has been a reduction in the value of land caused by either the construction of the works (injurious affection) or the subsequent use of the works (Part 1 claim).

Professional Fees. We will seek to agree the reasonable professional fees relating to the negotiation and settlement of your compensation claim.

Important: the legislation and case law for compulsory acquisition and compensation is complex. We recommend that you seek independent professional advice if your property is potentially affected by the project.

How we will process your compensation claim

Upon receipt of a claim, we will ask our valuer to progress compensation negotiations with your appointed agent. If proof of ownership or other entitlement to claim has not been provided with the claim, we may instruct our solicitors to request and check this.

Once compensation has been agreed with our valuer we will prepare a short agreement for you to sign to confirm that you accept the amount in full and final settlement of all claims.

You may request an advance payment of compensation after the DCO has been made. If the amount of your claim has not been agreed then any advance payment of compensation made by us will be based upon 90% of our estimate of the compensation owed to you. Accepting an advance payment will not affect your negotiations or the final payment. In situations where the final amount of compensation agreed is higher than the advance payment paid, we will pay you the difference. However, if the amount paid in advance is higher than the final settlement then the difference will need to be paid back.

Who can you speak to if you have questions or any complaints?

If you have any questions please contact the Land Team at CWWTPRP. They are available to talk about our proposals and your potential entitlement to a claim, tell us your views and also to answer any questions that you may have. You will be able to contact our Land Team at any point during the project and you can contact us on the detail below and one of our landowner engagement team will respond:

Email us at: land@cwwtpr.com

Call us on: 0800 002 9212

If you have issues, concerns or wish to make a complaint please don't hesitate to get in touch so we can work with you to respond. You can contact us using the details the above.

Where can you find further information about the project?

Visit our website: www.cwwtpr.com.

In addition, the Department for Levelling Up, Housing and Communities (DLUHC) publishes the following series of technical booklets which you may also find useful:

The following link is for guidance on the National Infrastructure Planning process.

<https://infrastructure.planninginspectorate.gov.uk/application-process/the-process/>

The following link is for guidance on the compulsory purchase of land.

<https://www.gov.uk/government/publications/planning-act-2008-procedures-for-the-compulsory-acquisition-of-land>

Compulsory purchase and compensation: guide 1 – procedure

<https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-1-procedure>

Compulsory purchase and compensation: guide 2 - compensation to business owners and occupiers

<https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-2-compensation-to-business-owners-and-occupiers>

Compulsory purchase and compensation: guide 3 - compensation to agricultural owners and occupiers

<https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-3-compensation-to-agricultural-owners-and-occupiers>

Compulsory purchase and compensation: guide 4 - compensation to residential owners and occupiers

<https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-4-compensation-to-residential-owners-and-occupiers>



Contact us

Our dedicated project website, email address, Freephone information line and Freepost address all remain open if you have any questions.

You can contact us by:



Emailing at land@cwwtpr.com



Calling our Freephone information line on [0800 002 9212](tel:08000029212)



Writing to us at **FREEPOST: CWWTPR**



Visiting our website at www.cwwtpr.com



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