

Medworth Energy from Waste Combined Heat and Power Facility



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Environmental Statement Chapter 5: Legislation and Policy

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5. Legislation and Policy

- 5.1.1 This chapter presents a summary of the legislative and policy context relevant to the Proposed Development.
- 5.1.2 Under the Planning Act 2008 ('2008 Act'), projects will be defined as Nationally Significant Infrastructure Projects (NSIPs) if they meet certain criteria. With respect to the Proposed Development, it is classified as an a NSIP as it comprises an onshore generating station with a generating capacity of more than 50MW¹. Accordingly, a Development Consent Order (DCO) is required to authorise the Proposed Development². The Proposed Development also includes "associated development" for the purposes of the 2008 Act³, being development associated with the EfW CHP Facility, including the Access Improvements, Grid Connection, Combined Heat and Power (CHP) Connection, Water Connections, and Temporary Construction Compound (TCC).
- 5.1.3 The 2008 Act requires that DCO applications must be determined in accordance with the relevant National Policy Statements (NPSs), subject to limited exceptions⁴. The NPSs provide the overarching principles relevant to major energy infrastructure and the policies against which applications for NSIPs should be determined.
- 5.1.4 An assessment of the Proposed Development in terms of the extent to which it is in accordance with the relevant NPSs, as well as other important and relevant considerations which may be relevant to the Secretary of State's (SoS) decision on the scheme, is presented in the Planning Statement accompanying the DCO application.
- 5.1.5 Terms and abbreviations used within this chapter are defined in **Appendix 1F: Terms and Abbreviations (Volume 6.4)**.

5.2 Consultation and stakeholder engagement

- 5.2.1 The legislation and policy review presented in this chapter has been informed by consultation responses and ongoing stakeholder engagement. An overview of the approach to consultation is provided in **Chapter 4: Approach to the EIA (Volume 6.2)**.
- 5.2.2 A summary of the relevant responses received in the EIA Scoping Opinion in relation to the legislation and policy context and confirmation of how these have been considered within the review is presented in **Table 5.1 Summary of EIA Scoping Opinion responses in relation to legislation and policy**.

¹ 2008 Act s 15 (2)

² 2008 Act s 31

³ 2008 Act s 115 (2)

⁴ 2008 Act s 104



Table 5.1 Summary of EIA Scoping Opinion responses in relation to legislation and policy

Consultee	Issue raised	Response
Planning Inspectorate	The Inspectorate advises that applicants make effort to ensure that relevant consultation documents provide a clear description of the applicable legal position and any known changes likely to arise as a result of the exit process. Similarly, the Applicant should make effort(s) to ensure that assessments undertaken for the ES are prepared on the basis of known or likely changes in legal requirements prior to submission of any DCO application.	<p>The implications of the United Kingdom’s exit from the European Union are described in Section 5.3</p> <p>Likely changes in legal requirements include the Environment Act 2021 which came into force in November 2021. This establishes the Office for Environmental Protection and actions to improve the natural environment, focussing upon air, biodiversity, waste and resources. Under waste and resource efficiency, it includes for powers to restrict the import and export of waste. Schedule 15 makes provision for biodiversity net gain in relation to development consent for nationally significant infrastructure projects. The Environment Act will be dependent upon secondary legislation and regulations before it is fully implemented. This requirement includes for the provision of net gain.</p>
Planning Inspectorate	The relevant NPSs may include environmental requirements for NSIPs, which applicants should address within their ES.	A summary of the relevant NPS topics and confirmation of how these are addressed in the DCO application is set out in Table 5.3 . Additional draft NPS topics that are not included in the extant, designated NPSs are considered in Table 5.4 .
Cambridgeshire County Council	In the event that not all planning policy matters are fully addressed in the EIA/ES, then a separate Planning Statement should also be produced.	<p>An overarching summary of the relevant legislative and policy context is provided in this chapter and in the individual environmental topic chapters (Chapters 6 to 18 (Volume 6.2)).</p> <p>An assessment of the Proposed Development in terms of the extent to which it is in accordance with the relevant NPSs, as well as other material considerations which may be relevant to the SoS’s decision on the scheme, is presented in the Planning Statement (Volume 7.1) accompanying the DCO application.</p>
Cambridgeshire County Council	It is stated in the Scoping Report at paragraph 2.1.13 that a statement on the need for the proposed development would be provided as part of the DCO application. This should take	The need for the Proposed Development is detailed in the Planning Statement, supported by a Waste Fuel Availability Assessment (Volume 7.3) . Both documents have been submitted with the DCO application and take account of (as appropriate) the Cambridgeshire and Peterborough Minerals



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Consultee	Issue raised	Response
	account of the existing and emerging planning policy, and in the case of the emerging Minerals and Waste Local Plan, the Council's Waste Needs Assessment November 2019.	and Waste Local Plan (adopted July 2021) as well as the Council's Waste Needs Assessment (November 2019).
Cambridgeshire County Council	In addition to the site being allocated under Policy SSP W1C for Waste Recycling and Recovery, it is also safeguarded through a Waste Consultation Area designated under Policy SSP W8D, and the overarching Core Strategy Policy CS30 Waste Consultation Areas. This is not mentioned in the Scoping Report.	<p>The policies of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy and Site Specific Proposals Development Plan Document have been replaced by the Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021).</p> <p>The Local Plan policies applicable to the Proposed Development, including any safeguarding policies, have been described in Section 5.5.</p>
Cambridgeshire County Council	Para 3.3.2 is incorrect, as the allocated site Algores Way, Wisbech is not allocated through the Core Strategy, but the Site-Specific Proposals Plan, under Policy SSPW1C, not Policy WC1.	<p>The policies of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy and Site Specific Proposals Development Plan Document have been replaced by the Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021).</p> <p>The planning policies and proposals contained in the Cambridgeshire and Peterborough Minerals and Waste Local Plan applicable to the Proposed Development have been described in Section 5.5.</p>
Cambridgeshire County Council	As the Scoping Report approaches planning policy on a subject basis, it does not necessarily capture all the policies which are relevant to this proposal. One such policy is Core Strategy Policy CS29: The Need for Waste Management Development and the Movement of Waste. Another policy omitted is the overarching Policy CS2 Strategic Vision and Objectives for Sustainable Waste Management, which also needs to be taken into account in the EIA/ES or in a Planning Statement	<p>The policies of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy have been replaced by the Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021).</p> <p>The need for the Proposed Development is detailed in the Planning Statement (Volume 7.1), supported by a Waste Fuel Availability Assessment (Volume 7.3). Both documents have been submitted with the DCO application and take account of (as appropriate) the relevant policies of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.</p>



Consultee	Issue raised	Response
Cambridgeshire County Council	The Algores Way, Wisbech site is safeguarded through the above Plan as a Waste Management Area, under Policy 10: Waste Management Areas. Policy 16: Consultation Areas addresses the Consultation Area around the site, which is not mentioned in the scoping report. The Waste Management Area and the associated Consultation Area is shown on the Proposed Submission Policies Map.	The planning policies and proposals applicable to the Site are described in Section 5.5 .
Cambridgeshire County Council	The ES should fully consider how the proposal sits within the policies of both the current local Plan and the Emerging Local Plan	The Planning Statement (Volume 7.1) submitted with the DCO application sets how the Proposed Development sits in the context of the current and emerging Local Plans for all the host authorities. This includes the Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021).
Cambridgeshire County Council	The ES needs to fully consider all parts of Policy 1 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan.	The Planning Statement (Volume 7.1) provided with the DCO application assesses the extent to which the Proposed Development is in accordance with all relevant planning policies including Policy 1 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021).
Cambridgeshire County Council	The EIA/ES (or a Planning Statement) should ensure that all relevant policies are taken into account, including Policy 3 Waste Management Needs and Policy 4: Providing for Waste Management. Consideration should be given as to how the proposal sits against these policies, and other relevant evidence documents supporting the Local Plan, including the Waste Needs Assessment, November 2019 and Developing a Spatial Strategy for Waste Management Provision, November 2019.	The Planning Statement (Volume 7.1) submitted with the DCO application sets how the Proposed Development sits in the context of the current and emerging Local Plans for all the host authorities. This includes Policies 3 and 4 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021) and the supporting evidence (as appropriate).



Consultee	Issue raised	Response
Cambridgeshire County Council	The statement on the need for the development should take account of the existing and emerging planning policy, and in the case of the emerging Minerals and Waste Local Plan the Council's Waste Needs Assessment November 2019.	The need for the Proposed Development is detailed in the Planning Statement (Volume 7.1) , supported by a Waste Fuel Availability Assessment (Volume 7.3) . Both documents have been submitted with the DCO application and take account of (as appropriate) the relevant policies of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021) as well as the Council's Waste Needs Assessment November 2019.
Cambridgeshire County Council	The EIA/ES should address whether there is a need for an Energy from Waste facility when other existing and developing technologies for reducing waste and generating energy more sustainably are accounted for and show that this demonstrated need outweighs any negative implications in terms of emissions (and the climate emergency) and identify how these implications would be addressed.	The need for the Proposed Development is detailed in the Planning Statement (Volume 7.1) , supported by a Waste Fuel Availability Assessment (Volume 7.3) . Both documents have been submitted with the DCO application.

5.2.3 A summary of the relevant responses received from S42 consultees to the PEIR and confirmation of how these have been considered within the review is presented in **Table 5.2 Summary of PEIR responses in relation to legislation and policy**.

Table 5.2 Summary of PEIR responses in relation to legislation and policy

Consultee	Issue raised	Response
Cambridgeshire County Council	All relevant policies within the Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021) should be given appropriate consideration.	The Planning Statement (Volume 7.1) submitted with the DCO application sets how the Proposed Development sits in the context of the current national and local planning policy including Local Plans for all the host authorities. This includes all relevant policies of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021). The role of this chapter is to identify policy relevant to the identification of environmental effects.
Cambridgeshire County Council	The Applicant should note the adoption of the Cambridgeshire and Peterborough Minerals and	The Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021) is described in Section 5.5 .



Consultee	Issue raised	Response
	Waste Local Plan (adopted July 2021), which supersedes the Site Specific Proposals Development Plan Document and the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.	
Cambridgeshire County Council	The study area in the draft Waste Fuel Availability Assessment, and the policy consideration under Chapter 5 of the PEIR, do not match; the draft Waste Fuel Availability Assessment considers policy from a much wider area, whilst the PEIR only concerns itself with the immediate area. Consistency in this respect is requested.	The WFAA (Volume 7.3) identification of policy is undertaken in order to inform the Study Area for the potential importation of waste it therefore differs from ES Chapter 5: Legislation and Policy (Volume 6.2) which considers policy relevant to the consideration of the Proposed Development i.e., National Policy and the planning policy of the host local planning authorities.
Cambridgeshire County Council	The proposal should take into account the aims and objectives of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2036, such that the strategic objectives are met.	The Minerals and Waste Local Plan is considered within the Planning Statement (Volume 7.1) . The role of this chapter is to identify policy relevant to the identification of environmental effects.
Cambridgeshire County Council	It should be demonstrated that Policy 18 of the Cambridgeshire and Peterborough Mineral and Waste Local Plan which requires developments to be integrated with neighbouring development and must not result in adverse impacts on amenity of existing occupiers will be met.	Information in the form of the environmental assessments necessary to understand amenity considerations is reported within the ES. The Planning Statement (Volume 7.1) sets out how the Proposed Development performs against this amenity where this is identified in relevant policy. ES Chapter 15: Socio economic, Tourism, Recreation and Land Use (Volume 6.2) considers the potential for effects upon nearby land uses and concludes that there would be no potentially significant effect. Other ES Chapters such as Chapter 9 Landscape and Visual and Chapter 7 Noise and Vibration (both Volume 6.2) consider other aspects of amenity. Chapter 9 concludes that there would be significant visual amenity effects upon a small number of residential properties whilst Chapter 7 identifies additional mitigation measures to ensure that residual effects arising from noise would not be significant.



Consultee	Issue raised	Response
Peterborough City Council (included within CCC response)	The aims and objectives of the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2036 (adopted July 2021) should be considered to ensure that the strategic policies of the plan are met.	The Planning Statement (Volume 7.1) submitted with the DCO application sets how the Proposed Development sits in the context of the current and emerging Local Plans for all the host authorities. This includes the Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021).
Norfolk County Council	No specific references were made to planning policy other than that it confirmed that the Proposed Development is not within a Mineral Safeguarding Area or Mineral Consultation Area nor is it within a safeguarding or consultation area for a waste management facility, waste recycling centre, mineral extraction site or mineral infrastructure as indicated by Core Strategy Policy CS16.	Noted.
Borough Council of King's Lynn and West Norfolk	Provided a review of the status of relevant local plans commenting that the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021 forms the principal source of local policy. Specific Reference is made to Policy 4 and notes that the key element in regard to the proposal is its location in Wisbech.	The Planning Statement (Volume 7.1) submitted with the DCO application sets how the Proposed Development sits in the context of the current and emerging Local Plans for all the Host Authorities. This includes the Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021) which does not apply to the Borough Council area.
Wisbech Town Council	That as Hertfordshire's new Draft Local Plan includes a commitment to net self-sufficiency by 2036 and a move towards zero avoidable waste, less waste will be exported from Hertfordshire, therefore negating the need for this waste facility.	The WFAA (Volume 7.3) focuses on the availability of residual waste i.e., that part of the waste stream that is left over after reuse and recycling and other forms of recovery have taken place. The Proposed Development designed to respond to the fraction of the household and commercial waste stream that is 'residual' and is not able to be managed in any other way apart from incineration (with or without energy recovery) or landfill. The way in which the waste will be processed is described in Chapter 3: Description of the Proposed Development (Volume 6.2) .



Consultee	Issue raised	Response
Wisbech Town Council	Concern that as there is no justification for the need of the proposal, the development has the potential to prejudice local waste management targets which would be contrary to the National Policy Statement EN-3.	The WFAA (Volume 7.3) has considered future residual waste management needs both locally and nationally and has concluded that there is a need for additional residual waste management capacity - and especially capacity that offers an alternative to landfill (which is at the very bottom of the waste management hierarchy). The ES is focused upon the environmental effects arising from the Proposed Development.
Bedford Borough Council and Central Bedfordshire Council	Suggestion that it is unlikely that the Bedfordshire Minerals and Waste Local Plan area will have the shortfall of waste treatment options anticipated in the Draft Waste Fuel Availability Report due to the Rookery South ERF serving the Bedford Borough and Central Bedfordshire Councils.	The WFAA (Volume 7.3) has been amended accordingly and it is that document which considers the availability of residual waste with the ES focused upon the environmental effects arising from the Proposed Development.

5.3 Legislative context

Planning Legislation

- 5.3.1 The 2008 Act establishes the nature and scale of development that is, or forms part of, an NSIP and for which development consent is required. The Proposed Development is an NSIP under Part 3, Section 14 of the 2008 Act by virtue of the fact that it comprises a generating station located in England and has a generating capacity of over 50 megawatts (see section 15(2) of the 2008 Act). It, therefore, requires an application to be submitted for a DCO.
- 5.3.2 The 2008 Act was amended through the adoption of the Localism Act 2011, which transferred decision-making responsibilities to the relevant SoS which for the Proposed Development is the SoS for Business, Energy and Industrial Strategy (BEIS). Under the Localism Act 2011, the Planning Inspectorate (PINS) is responsible for the NSIP planning process and will examine the application for the Proposed Development and make a recommendation to the SoS to grant or refuse consent. On receipt of the report and recommendation from PINS, the SoS will then make the final decision on whether to grant the Medworth EfW CHP Facility DCO.

Environmental Legislation

- 5.3.3 A summary of relevant environmental legislation is provided below. This summary is not exhaustive, and each individual environmental topic chapter describes the legislation, policy and guidance relevant to its assessment (**Chapters 6 to 18 (Volume 6.2)**).



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Applicable EU Directives given effect in UK domestic legislation

5.3.4 UK environmental legislation is derived from a range of sources (including European Union (EU) directives, regulations and agreements) which are outlined in this chapter.

5.3.5 On 31 December 2020, the UK exited the EU following the expiry of the “transition period”, as provided for by the European Union (Withdrawal) Act 2018⁵ (Withdrawal Act 2018). Sections 2-3 of the Withdrawal Act 2018, as amended, provide that direct EU legislation, and EU-derived domestic legislation, continue to have effect in UK domestic law after that date. In summary, the interpretation of any retained EU law is to be the same as it was before that date, insofar as the retained EU law remains unmodified in UK law and regulations have not been made providing otherwise (s. 6(3) of the Withdrawal Act 2018).

5.3.6 The following Directives, as they have been given effect in UK domestic legislation, are therefore relevant to the Proposed Development and are referred to where required in **Chapters 6 to 18 (Volume 6.2)**:

- Environmental Impact Assessment (EIA) Directive (2011/92/EU)⁶ (as amended by EIA Directive 2014/52/EU)⁷;
- Habitats Directive (92/43/EEC)⁸;
- Landfill Directive (1999/31/EC)⁹;
- Waste Framework Directive (2008/98/EC)¹⁰;
- The Industrial Emissions Directive (2010/75/EU)¹¹;
- The Waste Incineration Directive (2000/76/EC)¹²
- Energy Efficiency Directive (2012/27/EU)¹³;
- Air Quality Directive (2008/50/EC)¹⁴;

⁵ European Union Withdrawal Act 2018. C 16.

⁶ European Union (2011). Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.

⁷ European Union (2014). Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

⁸ European Union (1992). Directive 92/43/EEC of the European Parliament and of the Council of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora aims to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements.

⁹ European Union (1999). Directive 1999/31/EC of the European Parliament and of the Council of 26 April 1999 on the landfill of waste.

¹⁰ European Union (2008). Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.

¹¹ European Union (2010). Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emission.

¹² European Union (2000). Directive 2000/76/EU of the European Parliament and of the Council of 4 December 2000 on waste incineration

¹³ European Union (2012). Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC.

¹⁴ European Union (2008). Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe.



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- Industrial Emissions Directive (2010/75/EU)¹⁵;
- Birds Directive (2009/147/EC)¹⁶;
- Medium Combustion Plant Directive (2015/2193/EU)¹⁷; and
- Environmental Liability Directive (2004/35/EC)¹⁸.

5.3.7 The purpose of the EIA Directive is to ensure that when an authority giving consent for a particular project makes its decision, it does so in the knowledge of any likely significant effects of the project on the environment. The EIA Directive and national EIA Regulations (see below) set out a procedure that must be followed for certain types of project before they can be consented. An EIA provides for the systematic assessment of a project's likely significant environmental effects for consideration by both the public and the relevant competent authority before a decision is made. Further information regarding the process of EIA is provided in **Chapter 4: Approach to the EIA, Section 4.2 (Volume 6.2)**.

National legislation

5.3.8 The following legislation is relevant to the Proposed Development and is referred to where required in **Chapters 6 to 18 (Volume 6.2)**:

- The 2008 Act;
- The Infrastructure Planning (Applications Prescribed Forms and Procedure (APFP)) Regulations 2009¹⁹;
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended)²⁰;
- Air Quality (England) Regulations 2000²¹;
- Climate Change Act 2008 (as amended)²²
- Control of Pollution Act 1974 (COPA) (as amended)²³;
- Environmental Protection Act 1990 (as amended)²⁴;
- Conservation of Habitats and Species Regulations 2017²⁵;
- Wildlife and Countryside Act 1981 (as amended)²⁶;

¹⁵ European Union (2010). Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions.

¹⁶ European Union (2009). Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds.

¹⁷ European Union (2015). Directive 2015/2193/EU of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants.

¹⁸ European Parliament (2004). Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage.

¹⁹ The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. SI 2009 No. 2264.

²⁰ The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. SI 2017 No. 572.

²¹ The Air Quality (England) Regulations 2000. SI 2000 No. 928.

²² The Climate Change Act 2008. c27.

²³ The Control of Pollution Act (CoPA) 1974. SI 1974 c.40.

²⁴ The Environmental Protection Act 1990. SI 1990 c.43.

²⁵ The Conservation of Habitats and Species Regulations 2017. SI 2017 No. 1012.

²⁶ The Wildlife and Countryside Act 1981. SI 1981 c.69.



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- The Natural Environment and Rural Communities Act 2006 ('NERC') (as amended)²⁷;
- Environment Act 2021²⁸;
- Flood and Water Management Act 2010²⁹;
- Water Environment (Water Framework Directive) (England and Wales) Regulations 2017³⁰;
- The Environmental Permitting (England and Wales) Regulations 2016 (as amended)³¹;
- The Planning (Listed Buildings and Conservation Areas) Act 1990³²
- The Water Resources Act 1991³³;
- The Land Drainage Act 1991³⁴; and
- The Water Act 2003³⁵.

5.4 National planning policy context

National Policy Statements

5.4.1 Section 104 of the 2008 Act applies in cases where a NPS has effect and is, therefore, applicable to the Proposed Development as NPS EN-1 and NPS EN-3 (see below) apply to energy from waste schemes, and NPS EN-5 is relevant to the Grid Connection. The SoS's decision on the DCO application for the Proposed Development must therefore be made in accordance with the relevant designated NPSs, unless one or more of the exceptions set out in Section 104 (subsections 4 to 8) of the 2008 Act applies. In addition to the NPSs, the SoS is required to have regard to factors such as any local impact report provided by a relevant local authority, the matters prescribed in the Infrastructure Planning (Decisions) Regulations 2010 (where relevant), and any other matters which the SoS considers to be both important and relevant to his decision.

5.4.2 The NPSs relevant to the Proposed Development are:

- Overarching National Policy Statement for Energy³⁶ (EN-1);
- National Policy Statement for Renewable Energy Infrastructure³⁷ (EN-3); and

²⁷ The Natural Environment and Communities Act 2006. SI 2006 c.16.

²⁸ The Environment Act 2021. C.30.

²⁹ The Flood and Water Management Act 2010. SI 2010 c.29.

³⁰ The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. SI 2017 No. 407

³¹ The Environmental Permitting (England and Wales) Regulations 2016. SI 2016 No. 1154.

³² The Planning (Listed Buildings and Conservation Areas) Act 1990 SI 1990 c.17.

³³ The Water Resource Act 1991. SI 1997 c.57.

³⁴ The Land Drainage Act 1991. SI 1991 c.59.

³⁵ The Water Act 2003. SI 2003 c.37.

³⁶ Department of Energy and Climate Change (2011). Overarching National Policy Statement for Energy (EN-1).

³⁷ Department of Energy and Climate Change (2011). National Policy Statement for Renewable Energy Infrastructure (EN-3).



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- National Policy Statement for Electricity Networks Infrastructure³⁸ (EN-5).

5.4.3 The NPSs relevant to the Proposed Development were produced by the former Department of Energy and Climate Change (DECC), now BEIS, and designated in July 2011.

5.4.4 NPS EN-1 sets out the Government's policy for the delivery of major energy infrastructure in England and Wales. Under the sub-heading of the urgency of the need for new electricity capacity, it states at paragraph 3.3.23 that to minimise risks to energy security and resilience there is a requirement to provide new energy infrastructure to meet the need for 59GW of new electricity capacity across the UK by 2025.

5.4.5 Paragraph 4.1.2 states that, given the level and urgency of need for infrastructure covered by Part 3 of NPS-EN1, the decision maker should start with a presumption in favour of granting consent to applications for energy NSIPs. The presumption applies unless any more specific and relevant policies set out in relevant NPSs clearly indicate that consent should be refused, subject to the provisions of the 2008 Act.

5.4.6 NPS EN-3 is relevant to the Proposed Development since it applies to nationally significant energy from waste infrastructure in England and Wales with over 50MW electrical generating capacity.

5.4.7 NPS EN-5 is relevant to the Proposed Development since it applies to electricity networks in England with a voltage of 132 kilovolt (kV) or higher which are carried on towers/poles or buried underground, as well as associated infrastructure including substations.

5.4.8 A summary of the relevant NPS topics and confirmation of how these have been addressed in the ES and in the DCO application is set out in **Table 5.3 Relevant NPS topics** below.

³⁸ Department of Energy and Climate Change (2011). National Policy Statement for Electricity Networks (EN-5).



Table 5.3 Relevant NPS topics

Topic	How this is addressed in the ES and where relevant the DCO application.
Overarching National Policy Statement for Energy (EN-1)	
4.2 Environmental Statement – cumulative effects	The assessment of cumulative effects (Chapter 18: Cumulative Effects Assessment (Volume 6.2)) considers inter-projects effects (i.e., effects resulting from the Proposed Development combining with the same topic-related effects generated by other developments to affect a common receptor) and additionally includes an assessment of inter-related effects (i.e., individual environmental topic effects resulting from the Proposed Development which are may not significant in their own right, but could combine with other environmental topic effects from the same development to create effects that are significant).
4.2 Environmental statement flexibility	The assessment presented in the ES has been carried out on the basis of maximum design parameters, known as Limits of Deviation (LoD). A description of the Proposed Development including these maximum parameters is available in Chapter 3: Description of the Proposed Development ; and discussed in Chapter 4: Approach to the EIA (both Volume 6.2) .
4.3 Habitats and Species Regulations	Habitats Regulations Assessment (HRA) Screening Report No Significant Effects Report (Volume 5.3) . A record of engagement with Natural England is provided in the report.
4.4 Alternatives	Chapter 2: Alternatives (Volume 6.2) of the ES includes a description of the main alternatives relevant to the Proposed Development considered by the Developer and Applicant including the site selection process and the main reasons for the selection of chosen of options. A separate Grid Connection Report has been submitted as Appendix 2A (Volume 6.4) to that chapter.
4.5 Good design	Chapter 3: Description of the Proposed Development (Volume 6.3) of the ES describes the design of the Proposed Development. A separate Design and Access Statement (Volume 7.5) has also been provided as part of the DCO application.
4.6 Consideration of Combined Heat and Power	The ES describes the proposals for a CHP Connection and includes an assessment of the effects which could arise from its construction and operation in Chapter 3: Description of the Proposed Development (Volume 6.2) with the environmental effects, including any potential cumulative effects, considered within Chapters 6-18. It explains in Chapter 2: Alternatives (Volume 6.2) how the design of the connection has evolved to minimise environmental effects.



Topic	How this is addressed in the ES and where relevant the DCO application.
4.8 Climate Change adaptation	The ES includes an assessment of the projected impacts of climate change and details the design measures built into the Proposed Development to ensure climate resilience in Chapter 3: Description of the Proposed Development; Chapter 12: Hydrology; and Chapter 14: Climate (all Volume 6.2) .
4.9 Grid Connection	Chapter 2: Alternatives (Volume 6.2) explains how the design of the Grid Connection evolved as a result of environmental, cost and technical considerations and as a result of consultation feedback. Chapter 3: Description of the Proposed Development (Volume 6.3) describes the connection. Other ES chapters assess the environmental effects.
4.12 Hazardous substances	HSE were consulted on the Proposed Development during Statutory Consultation. Further detail is provided Chapter 17: Major Accidents and Hazards (Volume 6.2) of the ES. The chapter confirms that the Proposed Development does not fall under the Control of Major Accident Hazards (COMAH) Regulations 2015 and, further, that it will not require Hazardous Substances Consent due to the low inventories any hazardous substances which may be stored or used at the EfW CHP Facility.
4.13 Health	Chapter 16: Health (Volume 6.2) of the ES provides an assessment of the health impacts of the Proposed Development and proposed mitigation measures to avoid and reduce these impacts.
5.2 Air quality and emissions	Chapter 8: Air Quality (Volume 6.2) of the ES includes a description of baseline air quality levels, assesses the anticipated changes to these levels as a result of the Proposed Development and outlines proposed measures to avoid/reduce any adverse impacts.
5.3 Biodiversity and geological conservation	The ES includes an assessment of the effects of the Proposed Development on designated and non-designated sites of ecological and geological importance, and habitats and species in Chapter 11: Biodiversity and Chapter 13: Geology, Hydrogeology and Contaminated Land (Volume 6.2) . Measures to mitigate adverse effects and deliver biodiversity enhancements are identified. Separately, a NSER (Volume 5.3) has been submitted as part of the DCO application.
5.4 Civil and military aviation and defence interests	Consultation with the Defence Infrastructure Organisation, the Civil Aviation Authority, NATS and any aerodrome potentially affected by the Proposed Development has been undertaken as part of the statutory consultation.



Topic	How this is addressed in the ES and where relevant the DCO application.
	<p>Chapter 3: Description of the Proposed Development (Volume 6.2) references the intention to install aviation lighting to a standard agreed with the Defence Infrastructure Organisation in response to the comments raised during statutory consultation.</p>
5.6 Dust, odour, artificial light, smoke, steam and insect infestation	<p>An assessment of dust emissions arising from the Proposed Development is contained in the assessment of air quality in Chapter 8: Air Quality (Volume 6.2) of the ES. The impacts of artificial light are identified in ES Chapter 9: Landscape and Visual (Volume 6.2).</p> <p>Separately, a Statement of Statutory Nuisance (Volume 5.2) has been provided as part of the DCO application.</p>
5.7 Flood risk	<p>A Flood Risk Assessment has been provided as Appendix 12A (Volume 6.4) in the ES.</p> <p>Engagement undertaken with the Environment Agency in relation to the Flood Risk Assessment is presented within Appendix 12A (Volume 6.4).</p>
5.8 Historic environment	<p>An assessment of the effects of the Proposed Development on the historic environment including a description of the heritage assets, a desk based archaeological assessment, and an assessment of the significance of impact on heritage assets, is provided in Chapter 10: Historic Environment (Volume 6.2) of the ES.</p>
5.9 Landscape and visual	<p>Chapter 9: Landscape and Visual (Volume 6.2) of the ES presents an assessment of the impacts of the Proposed Development on landscape character, in accordance with relevant guidance, and views and visual amenity.</p>
5.10 Land use including open space, green infrastructure and Green Belt	<p>Chapter 13: Geology, Hydrogeology and Contaminated Land (Volume 6.2) of the ES includes a description of the anticipated impact of the Proposed Development on existing and proposed land uses. It also includes an assessment of the impact of the Proposed Development on agricultural land and soil resources. Consideration is also given in Chapter 15: Socio economics, Tourism, Recreation and Land Use (Volume 6.2)</p> <p>Separately, the compliance of the Proposed Development with relevant land use planning policies is assessed in the Planning Statement (Volume 7.1) submitted with the DCO application.</p> <p>The Proposed Development is not within the Green Belt.</p>



Topic	How this is addressed in the ES and where relevant the DCO application.
5.11 Noise and vibration	<p>A construction and operational (including traffic) noise assessment including the requirements set out in EN-1 has been provided in Chapter 7: Noise and Vibration (Volume 6.2) of the ES. The ES also demonstrates how noise mitigation has been embedded into the design of the Proposed Development.</p> <p>Chapter 11: Biodiversity (Volume 6.2) of ES contains an assessment of the noise impacts of the Proposed Development on protected species and other wildlife where scoped into the assessment.</p>
5.12 Socio-economic	<p>Chapter 15: Socio economics Tourism, Recreation and Land Use (Volume 6.2) of the ES includes an assessment of the socio-economic impacts of the Proposed Development, including the creation of jobs and training opportunities, the impacts on local services and tourism, and the impact of the influx of workers. The existing socio-economic conditions are described, and consideration given to relevant local planning policies. Measures to mitigate the adverse socio-economic impacts of the Proposed Development, and deliver enhancements, are identified.</p>
5.13 Traffic and transport	<p>Appendix 6B Transport Assessment (Volume 6.4) was undertaken in accordance with the requirements of EN-1. This includes an analysis of baseline conditions, an assessment of the impacts of the Proposed Development during construction and operation and the identification of mitigation measures. The Transport Assessment has informed the conclusions of the ES relating to the significant traffic and transport effects of the Proposed Development presented in Chapter 6: Traffic and Transport (Volume 6.2).</p> <p>An Outline Construction Traffic Management Plan (Appendix 6A, Volume 6.4) has been submitted with the DCO application which details measures to manage construction-related vehicle movements.</p>
5.14 Waste management	<p>Chapter 3: Description of the Proposed Development (Volume 6.2) of the ES includes a description of the measures proposed for managing waste, and the ability of waste management facilities to accommodate this waste.</p> <p>Waste minimisation measures are set out in the Outline Construction Environmental Management Plan (CEMP) (Volume 7.12) which accompanies the ES.</p>



Topic	How this is addressed in the ES and where relevant the DCO application.
5.15 Water quality and resources	<p>Chapter 12: Hydrology (Volume 6.2) of the ES includes an assessment of the impact of the Proposed Development on water quality, water resources and the physical characteristics of the water environment in accordance with the requirements set out in EN-1.</p> <p>A Water Management Plan is included as an appendix to the Outline CEMP (Volume 6.4).</p>
National Policy Statement for Renewable Energy (EN-3)	
2.3 Climate change adaptation	<p>The ES includes an assessment of the projected impacts of climate change and details the design measures built into the Proposed Development to ensure climate resilience in Chapter 12: Hydrology; Appendix 12A: Flood Risk Assessment; and Chapter 14 Climate (Volume 6.2).</p>
2.4 Good design	<p>Chapter 3: Description of the Proposed Development (Volume 6.2) of the ES describes the design of the Proposed Development. The ES sets out how good design has been considered in respect of landscape and visual amenity, and in the design of mitigation for noise and ecology. It also explains the alternative designs considered and the reasons for the selection of the preferred design in Chapter 2: Alternatives (Volume 6.2).</p> <p>A separate Design and Access Statement (Volume 7.5) has been provided as part of the DCO application. The Design and Access Statement establishes the design principals for the Proposed Development and how it has applied 'good design' criteria.</p>
2.5 Fuels	<p>The Waste Fuel Availability Assessment (Volume 7.3) submitted with the DCO application sets out the fuel types to be processed by the EfW CHP Facility and demonstrates conformity with the waste hierarchy.</p>
2.5 Combustion plant types and scale	<p>Chapter 3: Description of the Proposed Development (Volume 6.2) of the ES confirms the maximum throughput of the EfW CHP Facility. Chapters 6: Traffic and Transport and 8: Air Quality (Volume 6.2) of the ES, respectively, assess the traffic and transport and air quality impacts of the Facility's operation.</p>



Topic	How this is addressed in the ES and where relevant the DCO application.
2.5 Transport infrastructure	A description of the Access Improvement works proposed as part of the Proposed Development is provided in Chapter 3: Description of the Proposed Development (Volume 6.2) of ES. The impacts of these works have been assessed in all relevant chapters of the ES. Chapter 6: Traffic and Transport (Volume 6.2) of the ES assesses specifically the impacts of the Proposed Development on transport infrastructure.
2.5 Combined Heat and Power ('CHP')	A CHP Connection has been incorporated into the design of the Proposed Development, Chapter 3: Description of the Proposed Development (Volume 6.2) . This is described and assessed in the ES.
2.5 Flexibility in the project details	Design flexibility is sought in the DCO, as described in Chapter 3: Description of the Proposed Development (Volume 6.2) of the ES.
2.5 National designations	The ES contains an assessment of the impact of the Proposed Development on nationally designated sites within the relevant study areas (see Chapter 9: Landscape and Visual; and Chapter 11: Biodiversity, Volume 6.2).
2.5 Air quality and emissions	Chapter 8: Air Quality (Volume 6.2) of the ES includes an assessment of emissions to air and demonstrates compliance with the Waste Incineration Directive (as it applies in UK domestic legislation).
2.5 Landscape and visual	Chapter 3: Description of the Proposed Development (Volume 6.2) describes the Proposed Development whilst Chapter 9: Landscape and Visual (Volume 6.2) of the ES presents an assessment of the landscape and visual impacts of the Proposed Development. Consideration is also given to landscaping mitigation. 'Good design' has been employed, and the architectural treatment of the EfW CHP Facility is described in the Design and Access Statement (Volume 7.5) .
2.5 Noise and vibration	Chapter 7: Noise and Vibration (Volume 6.2) of the ES contains an assessment of sources of noise relevant to EfW CHP Facilities and considers the impact of the Proposed Development on amenity. Mitigation measures built into the design of the Proposed Development, together with additional measures to minimise the noise impacts of the scheme, are described.



Topic	How this is addressed in the ES and where relevant the DCO application.
2.5 Odour, insect and vermin infestation	<p>Chapter 3: Description of the Proposed Development (Volume 6.2) of the ES describes the measures embedded into the design of the Proposed Development to address odour and infestation. Chapter 8: Air Quality (Volume 6.2) considers the potential for environmental effects based upon the odour control measures proposed.</p> <p>Separately, a Statement of Statutory Nuisance (Volume 5.2) has been provided as part of the DCO application.</p>
2.5 Waste management	<p>The Waste Fuel Availability Assessment (Volume 7.3) submitted with the DCO application sets out the fuel types to be processed by the EfW CHP Facility, demonstrates conformity with the waste hierarchy and considers the effect of the Proposed Development on relevant waste plans.</p>
2.5 Residue management	<p>Chapter 3: Description of the Proposed Development (Volume 6.2) of the ES includes a description of the production of, and proposed disposal method for, residues.</p>
National Policy Statement for Electricity Networks (EN-5)	
2.4 Climate change adaptation	<p>Chapter 3: Description of the Proposed Development (Volume 6.2) provides a description of the measures taken to reduce climate effects whilst Chapter 12: Hydrology (Volume 6.2) considers the issue of flood risk. Chapter 14: Climate (Volume 6.2) describes whether the Proposed Development would be vulnerable to climate change, and measures are proposed to ensure resilience. The ES also considers the impact of flooding. The effects of wind and storms on overhead lines, the effect of higher average temperatures on potential transmission losses are not considered as overhead lines are not proposed. The impact of earth movement or subsidence caused by flooding or drought for underground cables is considered.</p>
2.5.2 Consideration of good design	<p>Chapter 3: Description of the Proposed Development (Volume 6.2) of the ES describes the design of the Proposed Development. The ES sets out how good design has been considered in respect of landscape and visual amenity, and in the design of mitigation for noise and ecology. It also explains the alternative designs considered and the reasons for the selection of the preferred design in Chapter 2: Alternatives (Volume 6.2).</p> <p>A separate Design and Access Statement (Volume 7.5) has been provided as part of the DCO application. The Design and Access Statement establishes the design principals for the Proposed Development and how it has applied 'good design' criteria.</p>



Topic	How this is addressed in the ES and where relevant the DCO application.
2.7 Biodiversity and geological conservation	<p>The impact of the Proposed Development and any in-combination effect on biodiversity, including ornithology receptors, is considered in Chapter 11: Biodiversity (Volume 6.2) of the ES.</p> <p>A NSER (Volume 5.3) has been submitted as part of the DCO application.</p>
2.8 Landscape and visual	<p>Chapter 2: Alternatives (Volume 6.2) explains how the previously proposed overhead lines were intended to be routed and designed to minimise landscape and visual effects, including the consideration given to National Grid’s Guidelines for the Routeing of New High Voltage Overhead Transmission Lines (known as “the Holford Rules”). The Proposed Development does not include for overhead lines.</p> <p>Chapter 9: Landscape and Visual (Volume 6.2) of the ES presents an assessment of the landscape and visual impacts of the Grid Connection.</p>
2.9 Noise and vibration	<p>Chapter 7: Noise and Vibration (Volume 6.2) of the ES includes an assessment of noise resulting from the proposed substation.</p>
2.10 Electric and Magnetic Fields (EMFs)	<p>The EMF effects of the Grid Connection are assessed in Chapter 16: Health (Volume 6.2) of the ES.</p>

5.4.9 The UK Government announced a review of the energy NPSs within the Energy White Paper³⁹. In September 2021, BEIS consulted upon a review of energy NPSs with consultation closing on 29 November 2021. The energy NPSs were reviewed to reflect the policies and broader strategic approach set out in the Energy White Paper and ensure that a planning framework is in place to support the infrastructure requirement for the transition to net zero. The consultation sought views on the following draft NPSs which are relevant to the Proposed Development:

- Draft Overarching National Policy Statement for Energy (EN-1)⁴⁰;
- Draft National Policy Statement for Renewable Energy Infrastructure (EN-3)⁴¹; and
- Draft National Policy Statement for Electricity Networks Infrastructure (EN-5)⁴².

5.4.10 The transitional arrangements announced by BEIS set out that for any application accepted for examination before designation of the 2021 revised NPSs, the 2011

³⁹ HM Government (2020). Energy White Paper: Powering our Net Zero Future.

⁴⁰ Department for Business, Energy and Industrial Strategy (2021). Draft Overarching National Policy Statement for Energy (EN-1).

⁴¹ Department for Business, Energy and Industrial Strategy (2021). Draft National Policy Statement for Renewable Energy Infrastructure (EN-3).

⁴² Department for Business, Energy and Industrial Strategy (2021). Draft Overarching National Policy Statement for Electricity Networks Infrastructure (EN-5).



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suite of NPSs should have effect in accordance with the terms of those NPS. The revised NPSs will therefore have effect only in relation to those applications for development consent accepted for examination after the designation of those amendments.

5.4.11 Where the draft NPSs introduce proposed policy requirements for applicants (including assessment principles and policy concerning the consideration of generic impacts) that is substantively different to that contained in the extant, designated energy NPSs, these requirements are identified in **Table 5.4 Relevant additional Draft NPS topics** together with confirmation of how they have been addressed in the ES and in the DCO application.

Table 5.4 Relevant additional Draft NPS topics

Topic	Revised or additional policy requirements	Relevant Chapter/DCO application document	ES	How this is addressed in the ES and where relevant the DCO application.
Draft Overarching National Policy Statement for Energy (EN-1)				
4.2 Alternatives	Applicants should include in their ES, information about the reasonable alternatives they have studied. This should include an indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility.	Chapter 2: Alternatives		The reasonable alternatives studied to date are outlined in Chapter 2: Alternatives (Volume 6.2) of the ES, together with the reasons why the chosen options were selected.
4.3 Health	Opportunities should be taken to mitigate indirect impacts on health by promoting local improvements to encourage health and wellbeing including in respect of potential impacts on vulnerable groups within society.	Chapter 16: Health		Chapter 16: Health (Volume 6.2) of the ES provides an assessment of the health impacts of the Proposed Development, focusing on effects on the population, including vulnerable groups, rather than individuals.
4.5 Environmental and biodiversity net gain	Proposals should seek opportunities to contribute to, and enhance, the natural environment by providing net gains for biodiversity where possible.	Chapter Biodiversity	11:	The Proposed Development seeks to provide an overall biodiversity enhancement by delivering Biodiversity Net Gain. The approach to delivering Biodiversity Net



Topic	Revised or additional policy requirements	Relevant Chapter/DCO application document	ES How this is addressed in the ES and where relevant the DCO application.
	<p>In addition to delivering biodiversity net gain, developments may also deliver wider environmental gains relevant to the local area, and to national policy priorities.</p> <p>Applications for development consent should be accompanied by a statement demonstrating how opportunities for delivering wider environmental net gains have been considered, and, where appropriate, incorporated into the design of the proposed development.</p>		<p>Gain is outlined in Section 11.10 of ES Chapter 11: Biodiversity (Volume 6.2).</p>
<p>4.9 Climate change adaptation</p>	<p>In preparing measures to support climate change adaptation, applicants should consider whether nature-based solutions could provide a basis for such adaptation.</p>	<p>ES Chapter 14: Climate</p>	<p>ES Chapter 14: Climate (Volume 6.2) includes an assessment of the projected impacts of climate change on the Proposed Development during construction, operation and decommissioning.</p>
<p>5.3 Greenhouse gas emissions</p>	<p>Proposals for energy infrastructure projects should include a carbon assessment as part of the ES.</p> <p>Applicants should look for opportunities to embed nature-based or technological solutions to mitigate or offset the emissions of construction and decommissioning. Steps taken to minimise and offset emissions should be set out in a GHG Reduction Strategy.</p>	<p>Chapter 14: Climate</p>	<p>Chapter 14: Climate (Volume 6.2) of the ES presents an assessment of the greenhouse gas emissions that would arise from the Proposed Development during construction, operation and decommissioning. Embedded and additional measures to reduce emissions and enhance the beneficial impacts of the Proposed Development are considered.</p>



Topic	Revised or additional policy requirements	Relevant Chapter/DCO application document	ES	How this is addressed in the ES and where relevant the DCO application.
<p>5.4 Biodiversity and geological conservation</p>	<p>The design process should embed opportunities for nature inclusive design, taking into account wider ecosystem services and the benefits of natural capital. Applicants are encouraged to consider how their proposals can contribute towards</p> <p>Biodiversity Net Gain, in line with the 25 Year Environment Plan. Proposals should consider any opportunities to maximise the restoration, creation and enhancement of wider biodiversity. Applicants should consider producing and implementing a Biodiversity Management Strategy and, where appropriate, a Geodiversity Management Strategy.</p>	<p>Chapter Biodiversity</p>	<p>11:</p>	<p>The Proposed Development seeks to provide an overall biodiversity enhancement by delivering Biodiversity Net Gain. The approach to delivering Biodiversity Net Gain is outlined in Section 11.10 of ES Chapter 11: Biodiversity (Volume 6.2).</p>
<p>5.9 Historic environment</p>	<p>Applicants should undertake an assessment of any likely significant heritage impacts. The applicant is encouraged, where opportunities exist, to prepare proposals which can make a positive contribution to the historic environment, and to consider how their scheme takes account of the significance of heritage assets affected. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.</p>	<p>Chapter 10: Environment</p>	<p>Historic</p>	<p>An assessment of the effects of the Proposed Development on the historic environment including a description of the heritage assets, a desk based archaeological assessment, and an assessment of the significance of impact on heritage assets, is provided in Chapter 10: Historic Environment (Volume 6.2) of the ES.</p>



Topic	Revised or additional policy requirements	Relevant Chapter/DCO application document	ES	How this is addressed in the ES and where relevant the DCO application.
5.10 Landscape and visual	Applicants should consider how landscapes can be enhanced using landscape management plans.	ES Chapter 9: Landscape and Visual	9:	A landscape strategy has been developed and is shown on the landscape mitigation plan in Figure 3.14: Outline Landscape and Ecology Strategy (Volume 6.3) .
5.11 Land use, including open space, Green Infrastructure, and Green Belt	Applicants are encouraged to develop and implement a Soil Management Plan.	Chapter 13: Geology, Hydrogeology and Contaminated Land		<p>Chapter 13: Geology, Hydrogeology and Contaminated Land (Volume 6.2) of the ES includes a description of the anticipated impact of the Proposed Development on soil resources. Embedded environmental measures for soil management, handling and storage during construction are also described in Table 13.15.</p> <p>A Soil Management Plan is included at Appendix C to the Outline CEMP (Volume 7.12).</p>
5.15 Resource and waste management	Where possible, applicants are encouraged to source materials from recycled or reused sources and use low carbon materials, sustainable sources and local suppliers. Construction best practices should be used to ensure that material is reused or recycled onsite where possible.	Chapter 3: Description of the Proposed Development		<p>Resource requirements associated with the Proposed Development are detailed in Chapter 3: Description of the Proposed Development (Volume 6.2) of the ES. The Administration building will be built to BREEAM Excellent and the rest of the EfW CHP Facility to Good. The Outline CEMP (Volume 7.12) identifies opportunities for the reuse and recovery of materials.</p> <p>Materials arising from demolition and excavation activities would be re-used on site as far as practicable including, for example, as backfill and for landscaping.</p>



Topic	Revised or additional policy requirements	Relevant Chapter/DCO application document	ES	How this is addressed in the ES and where relevant the DCO application.
5.16 Water quality and resources	<p>Where possible, applicants are encouraged to manage surface water during construction by treating surface water runoff from exposed topsoil prior to discharging and to limit the discharge of suspended solids.</p> <p>Applicants are encouraged to consider protective measures to control the risk of pollution to groundwater beyond those outlined in Water Resources Management Plans - this could include, for example, the use of protective barriers.</p>	Chapter 12: Hydrology		Chapter 12: Hydrology (Volume 6.2) of the ES includes an assessment of the impact of the Proposed Development on water quality, water resources and the physical characteristics of the water environment. Where appropriate, measures are proposed to manage flood risk and groundwater pollution.
National Policy Statement for Renewable Energy (EN-3)				
2.10 Waste treatment capacity	<p>Applicants must demonstrate that proposed energy from waste plants are in line with Defra's policy position on the role of energy from waste in treating municipal waste.</p> <p>The proposed plant must not result in over-capacity of energy from waste treatment at a national or local level</p>	Waste Fuel Availability Assessment		The Waste Fuel Availability Assessment (Volume 7.3) submitted with the DCO application demonstrates conformity with the waste hierarchy and Defra's policy on the role of energy from waste plants in treating municipal waste. The Assessment confirms that the Proposed Development will not result in an over-capacity of energy from waste treatment at a national or local level.
National Policy Statement for Electricity Networks (EN-5)				
2.8 Environmental and biodiversity net gain	<p>When planning and evaluating the proposed development's contribution to environmental and biodiversity net gain, it will be important for both the applicant and the SoS to supplement the generic guidance set out in NPS EN-1 (Section 4.5) with</p>	Chapter Biodiversity	11:	Biodiversity enhancements that will be delivered as part of the Proposed Development are described in Chapter 11: Biodiversity (Volume 6.2) .



Topic	Revised or additional policy requirements	Relevant Chapter/DCO application document	ES How this is addressed in the ES and where relevant the DCO application.
	<p>recognition that the linear nature of electricity networks infrastructure allows opportunities to: reconnect important habitats via green corridors, biodiversity stepping zones, and re-establishment of appropriate hedgerows; and/or connect people to the environment, for instance via footpaths and cycleways constructed in tandem with biodiversity enhancements.</p>		
<p>2.11 Landscape and Visual</p>	<p>The Horlock Rules should be embodied in applicants' proposals. A management plan, developed at least in outline at the conclusion of the examination, should secure the integrity and benefit of landscape schemes and uphold the landscape commitments made to achieve consent, alongside any pertinent commitments to environmental and biodiversity net gain.</p>	<p>ES Chapter 9: Landscape and Visual</p>	<p>A landscape strategy has been developed and is shown on the landscape mitigation plan in Figure 3.14: Outline Landscape and Ecology Strategy (Volume 6.4).</p>
<p>2.14 Sulphur Hexafluoride</p>	<p>Applicants should avoid the use of Sulphur Hexafluoride (SF6) in new developments.</p>	<p>Chapter 14: Climate</p>	<p>The reporting of greenhouse gas emissions from the Proposed Development in the form of tCO2e in Chapter 14: Climate (Volume 6.2) of the ES has allowed sulphur hexafluoride to be accounted for. Notwithstanding this, the proposed substation will use air cooled equipment and in consequence, there would be no sulphur hexafluoride emissions associated with the operation of the Proposed Development.</p>



National Planning Policy Framework

- 5.4.12 The National Planning Policy Framework⁴³ (NPPF) sets out the Government's economic, environmental and social planning policies for England and how these should be applied. It helps inform decision-making on planning applications as well as the production of local and neighbourhood plans. The NPPF is supported by The National Planning Practice Guidance⁴⁴ (NPPG). The NPPG is available as a web-based resource.
- 5.4.13 Whilst the NPPF does not contain specific policies for NSIPs, it may be considered by the SoS to be an "important and relevant" consideration to its decisions in accordance with S104 of the 2008 Act. In this context, the NPPF does include policies pertinent to generic development management considerations and some of its principles may be considered where relevant to the Proposed Development. These principles are concerned with (inter alia) protection and conservation of the natural and built and historic environments, climate change and flooding as well as sustainable growth, development and a strong, competitive economy.
- 5.4.14 The individual environmental topic chapters of the ES include a summary of the NPPF paragraphs relevant to them. An assessment of the compliance of the Proposed Development with the policies of the NPPF is presented in the Planning Statement submitted as part of the DCO.

National Planning Policy for Waste

- 5.4.15 The National Planning Policy for Waste⁴⁵ (NPPW), published in October 2014, sets out the Government's ambition to develop a more sustainable and efficient approach to resource use and management. It should be read in conjunction with the NPPF.
- 5.4.16 NPPW provides the planning framework to enable local authorities to put forward strategies that identify sites and areas suitable for new or enhanced facilities to meet the waste management needs of their areas. NPPW Paragraph 1 states that "*positive planning plays a pivotal role in delivering this country's waste ambitions*" through:
- delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy;
 - providing a framework in which communities and businesses are engaged with, and take more responsibility for, their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle;
 - ensuring that waste management is considered alongside other spatial planning concerns;
 - helping to secure the re-use, recovery and disposal of waste; and

⁴³ Ministry of Housing, Communities & Local Government (2021). National Planning Policy Framework.

⁴⁴ Ministry of Housing, Communities & Local Government (2021). Planning Practice Guidance.

⁴⁵ Department for Communities and Local Government (2014). National Planning Policy for Waste.



- ensuring the design and layout of new development and other infrastructure complements sustainable waste management.

5.5 Local planning policy context

- 5.5.1 In deciding applications, the SoS is required to have regard to any other matters which he or she thinks are both important and relevant to the decision. Paragraph 4.1.5 of NPS EN-1 clarifies that Development Plan Documents or other documents in Local Development Frameworks may be both important and relevant considerations to the SoS's decision making. However, as confirmed by NPS EN-1 (paragraph 4.1.5), any conflict between the NPSs and local policy is resolved by the principle that policy of the NPSs 'prevails'. Weight may also be given to emerging planning policy according to their stage of preparation, the level of objections and the degree of consistency with the relevant NPS.
- 5.5.2 A description of the relevant local plans and policies is provided below.

Cambridgeshire County Council

- 5.5.3 The EfW CHP Facility, CHP Connection, Access Improvements, Water Connections, TCC and part of the Grid Connection are located within Cambridgeshire County Council's administrative area. The Cambridgeshire and Peterborough Minerals and Waste Local Plan 2036⁴⁶ (adopted July 2021) is the current adopted development plan relevant to this area.
- 5.5.4 The Minerals and Waste Local Plan sets the framework for all minerals and waste developments in the plan area until 2036. It does not include any specific allocations for new waste sites; however, Policy 4 sets out a broad spatial strategy for the location of new waste management development with associated criteria intended to direct proposals. This strategy seeks to locate new or extended waste management facilities within the settlement boundaries of urban areas including Wisbech.
- 5.5.5 Policy 10 of the Minerals and Waste Local Plan identifies Waste Management Areas (WMAs). WMAs identify existing or committed waste management facilities that make a significant contribution to managing any waste stream; within a WMA, non-waste management proposals are (subject to some exceptions) not permitted. The EfW CHP Facility Site is designated as a WMA. It is also located in a Consultation Area pursuant to Policy 16.
- 5.5.6 The Minerals and Waste Local Plan includes a number of other policies of relevance to the Proposed Development. These policies relate to, inter alia, sustainable development and climate change (Section 3, Core Policies), design, amenity, biodiversity and geodiversity, the historic environment, water resources and transport (Section 6, Policies for Minerals and Waste Management Proposals). Appendix 3 of the Minerals and Waste Local Plan provides detailed guidance in respect of the location and design of waste management facilities. Compliance of

⁴⁶ Cambridgeshire County Council and Peterborough City Council (2021). Cambridgeshire and Peterborough Minerals and Waste Local Plan 2036.



the Proposed Development with these policies is assessed in the Planning Statement which sits outside of the ES.

- 5.5.7 The Cambridgeshire Flood and Water Supplementary Planning Document⁴⁷ (2016) is also relevant to the Proposed Development. This SPD provides guidance on the implementation of flood and water related policies in each Cambridgeshire authority's respective local plan. It includes advice on how to address flood risk in the planning process including specific guidance on the principles of managing flood risk with the emphasis that it should be considered at all stages of the planning process.

Fenland District Council

- 5.5.8 The EfW CHP Facility Site, CHP Connection, Access Improvements, Water Connections, TCC and part of the Grid Connection are located within Fenland District. The current adopted development plan relevant to this area is the Fenland Local Plan⁴⁸ (adopted May 2014).
- 5.5.9 A number of site allocations are included in the Local Plan and those close to the Proposed Development site such as West, South and East Wisbech have been reviewed to inform the cumulative effects assessment in **Chapter 18: Cumulative Effects Assessment (Volume 6.2)**. The Local Plan also includes a number of policies that are relevant to the Proposed Development in respect of topics relating to, for example, health and wellbeing, climate change, transport, design and historic and natural environments. The compliance of the Proposed Development with these policies is assessed in the Planning Statement.
- 5.5.10 The Fenland Local Plan is under review and consultation on Issues & Options⁴⁹ took place between 11 October 2019 to 21 November 2019. The Issues & Options consultation document asked a number of questions including in respect of the quantum and location of future development. It also sought to canvass opinion on the sort of policies that the new local plan should include, referring to topics such as health, renewable energy, energy efficiency, low carbon and greenhouse gas reduction along with policy topics concerned with good design, the environment, housing and employment.
- 5.5.11 Informed by consultation, Fenland District Council is due to prepare and undertake consultation on the draft Local Plan in June/July 2022. As the emerging Local Plan is in the early stages of preparation, it has not been considered further in this ES.

Supplementary Planning Documents

- 5.5.12 The following SPDs are relevant to the Proposed Development:
- Delivering and Protecting High Quality Environments in Fenland⁵⁰ (July 2014).
- 5.5.13 This SPD expands upon adopted Local Plan policies providing additional guidance on how development can secure good design. Local Plan policies expanded upon

⁴⁷ Cambridgeshire Local Planning Authorities (2016). Cambridgeshire Flood and Water Supplementary Planning Document.

⁴⁸ Fenland District Council (2014). Fenland Local Plan.

⁴⁹ Fenland District Council (2019). Fenland Local Plan 2019-2040 Issues and Options Consultation.

⁵⁰ Fenland District Council (2014). Delivering and Protecting High Quality Environments in Fenland



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include those concerned with biodiversity, landscaping, local distinctiveness and character. There is also guidance on how to provide for waste management facilities at developments and the importance of measures to avoid harmful effects.

Other relevant strategies

- 5.5.14 The Wisbech Access Strategy⁵¹ (WAS) is a package of individual transport schemes that aim to improve the transport network in Wisbech and support new housing and employment growth as identified within the Fenland Local Plan and the King's Lynn and West Norfolk Local Plan.
- 5.5.15 Transport schemes within the WAS relevant to the Proposed Development include:
- A47 Cromwell Road;
 - A47 Elm High Road;
 - A47 Broadend Road; and
 - Southern Access Road (including New Bridge Lane).
- 5.5.16 These schemes are taken into consideration within **Chapter 6: Traffic and Transport (Volume 6.2)**.

Norfolk County Council

- 5.5.17 The Grid Connection would be partially located within the boundary of Norfolk County Council. The current adopted Minerals and Waste Development Framework relevant to this area includes:
- Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010 – 2026⁵² (adopted 2011);
 - Waste Site Specific Allocations Development Plan Document⁵³ (adopted 2013); and
 - Revised PDF policies map⁵⁴ and the revised interactive policies map⁵⁵.
- 5.5.18 Collectively these documents provide the policy framework against which planning applications for waste (and minerals) development would be assessed. They include sites allocated for waste management facilities which have been reviewed to inform the cumulative effects assessment presented in **Chapter 18: Cumulative Effects Assessment (Volume 6.2)**.
- 5.5.19 This current Framework is under review and aims to consolidate the above documents, and the Minerals Site Specific Allocations Development Plan Document into a single Plan. A draft Preferred Options document⁵⁶ was subject to consultation between September to October 2019. At the time of publication of the ES, the

⁵¹ Fenland District Council (2018). Wisbech Access Strategy.

⁵² Norfolk County Council (2011). Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010 – 2026.

⁵³ Norfolk County Council (2013). Waste Site Specific Allocations Development Plan Document.

⁵⁴ Norfolk County Council (2017). Revised Policies Map (PDF).

⁵⁵ Norfolk County Council (2017). Adopted Revised Policies Map.

⁵⁶ Norfolk County Council (2019). Preferred Options Consultation Document.



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Minerals and Waste Development Scheme for preparation of the new Local Plan is under review although the Council anticipates consultation on the pre-submission draft Local Plan to occur in 2022. Where appropriate, the emerging policies and proposals contained in the draft Preferred Options document have been considered in the individual topic chapters of this ES.

King's Lynn and West Norfolk Borough Council

5.5.20 The Grid Connection would be partially located within the boundary of King's Lynn and West Norfolk Borough Council. The current adopted Local Plan comprises of:

- The Core Strategy⁵⁷ (adopted in 2011); and
- The Site Allocations and Development Management Policies Plan⁵⁸ (adopted 2016) which includes the site specific allocations such as Wisbech Fringe - Land east of Wisbech (west of Burrowgate Road), the identification of which has informed the selection of the preferred Grid Connection Option and is considered within the cumulative effects assessment presented in **Chapter 18: Cumulative Effects Assessment (Volume 6.2)**.

5.5.21 The adopted Core Strategy is currently under review. Consultation on the pre-submission Local Plan took place between 2 August and 27 September 2021. At the time of publication of the ES, submission of, and examination into, the Local Plan has not yet commenced. Where appropriate, the emerging policies and proposals contained in the pre-submission Local Plan have been considered in the individual topic chapters of this ES.

⁵⁷ King's Lynn and West Norfolk Borough Council (2011). Local Development Framework - Core Strategy.

⁵⁸ King's Lynn and West Norfolk Borough Council (2016). Site Allocations and Development Management Policies Plan.

