

Adequacy of Consultation Response 21 July 2022

1. Under section 55 of the Planning Act 2008, certain local authorities must be consulted about whether an applicant has complied with their duties under sections 42, 47 and 48 of the Act.
2. The Planning Inspectorate's letter of 8 July 2022 notified Cambridgeshire County Council (the Council) of the submission of the application for a Development Consent Order (DCO) by Medworth CHP Limited for the Medworth Energy from Waste Combined Heat and Power Facility. The letter invites the council to submit a representation relating to the adequacy of the Applicant's pre-application consultation.
3. For the avoidance of doubt this response constitutes the representation from Cambridgeshire County Council only.

Applicant's informal consultation

4. The Applicant held an informal public consultation which began on 16 March 2020 and ran until 4 May 2020. A series of public exhibitions were planned in the weeks beginning 30 March and 20 April 2020 with the aim of providing an overview of the project and to invite comments on the scheme. However, in line with National guidance on measures necessary to prevent the spread of COVID-19, the public exhibitions were initially postponed. Exhibition materials were made available on MVV's website and feedback was invited. A newsletter was delivered to 14,000 addresses and a secondary non-statutory consultation period ran from 18 September to 29 October 2020. The secondary non-statutory consultation incorporated seven public exhibitions and an online interactive exhibition.

Statutory consultation undertaken by the Applicant

5. The statutory consultation period required for the DCO application process ran from 28 June to 13 August 2021, during which time eight public exhibitions were held at the Queen Mary Centre; Oasis Community Centre; Wisbech St Mary Sports &

Community Centre; Rosmini Centre; Walton Highway Village Club; Marshland Hall; Walpole Community Centre; and Tower Hall. COVID-19 restrictions were in place for all these events e.g. social distancing and use of masks. The Applicant's project website included an interactive exhibition webpage and the Applicant made consultation documents available in large copy print, audio, or Braille, and other languages on request. The exhibition locations used were Disability Discrimination Act (DDA) compliant, and members of the Applicant's project team were in attendance to facilitate access and assist the project. To take account of the feedback received as part of this statutory consultation exercise the Applicant has produced a Consultation Feedback report that sets out the points raised and their response to them.

6. So far as is relevant to this application, the Applicant must consult the following:

- Certain prescribed persons
- Each local authority under section 43, and
- Each person within one or more of the categories set out in section 44.

7. The Applicant has had regard to the prescribed consultees as listed in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, as amended by The Infrastructure Planning (Prescribed Consultees and Interested Parties etc.) (Amendment) Regulations 2013¹, and a list of those consulted has been provided.

For the avoidance of doubt, the Council acknowledges that the Applicant did not consult the following prescribed consultees as set out in the original Schedule 1 of the 2009 Regulations, as they are no longer required to do so based on the 2013 amendments:

- Design Council (previously The Commission for Architecture and the Built Environment);
- The Equality and Human Rights Commission;
- The Commission for Sustainable Development;
- The Gas and Electricity Markets Authority; and
- The Local Resilience Forum.

¹ <https://www.legislation.gov.uk/uksi/2013/522/regulation/3/made>

8. The Applicant has provided a list of the local authorities consulted on the project as identified in section 43 of the Planning Act 2008. All four host authorities were included in the consultation process.

9. The Applicant has set out the process by which persons under section 44 have been identified and consulted. Such persons include owners, lessee, tenants or occupiers of land included within the boundary of the order limits or those with an interest in the land or with a power to sell or convey the land. The Consultation Report details three categories of persons with an interest in the land, together with the methods of consultation used.

10. The Council considers that the Applicant, has met the legislative requirements to identify persons required to be consulted under section 42.

Timetable for consultation under section 42 – section 45

11. This section requires the Applicant to notify the consultee of the deadline of receipt of comments in relation to the consultation which must not be earlier than 28 days after the consultation documents are received.

12. The Applicant ran the statutory consultation from 28 June 2021 until 13 August 2021 (a period of 46 days), which exceeded the statutory minimum of 28 days for statutory consultation under the Planning Act 2008 and therefore the Council can confirm that this provision has been met.

Duty to consult the local community - section 47

13. This section requires the Applicant to prepare and publish a statement setting out how it proposes to consult local people about the proposed application.

14. The Applicant consulted the Council on the draft Statement of Community Consultation (SoCC), which they also referred to as a draft Statement of Community Involvement, on 21 February 2021.

15. The Council responded to the Applicant's draft SoCC on 26 March 2021, noting that it was considered to be in line with the Council's adopted Statement of Community Involvement (SCI). The Council also noted that the draft SoCC went further than the minimum publicity requirements introduced by the Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020, to take account of the COVID-19 pandemic. The Council advised the Applicant that in order to ensure that their SoCC was as robust as possible, there were some matters of detail which were either not included in the draft SoCC or where it was considered that further amendments were necessary. The changes requested are set out in Appendix E of the Applicant's Consultation Report, together with the Applicant's response.

16. The Applicant's final version of the SoCC was made public on 24 June 2021 and it detailed three stages of their pre-application consultation process, the results of which would contribute to the design of the project. Stage 1 of the consultation was non-statutory, with Stage 1b being additional non-statutory consultation and Stage 2 was the statutory consultation required by the Planning Act 2008.

17. Provision was made in the SoCC for consultation with the consultees prescribed under sections 42, 44 and 47 of the Planning Act 2008, as well as a number of individuals and organisations that were deemed to be stakeholders that MVV intended to consult voluntarily.

18. The SoCC provided details of the consultation with the local community. The Applicant identified a list of local community consultees and stated that the consultation process and associated communications (including the MVV website) would be accessible and inclusive to enable the consultation to reach all sections of the community.

19. The Applicant also set out in their SoCC, two zoned consultation areas that they identified may be directly or indirectly affected by the proposal. Consultation Zone A included all properties within a two-kilometre radius of the main site boundary and grid connection, as well as all residential areas in Wisbech and Elm. Zone B covering a five-kilometre radius of the main site boundary and grid connection. A flyer was sent to all those in Zone A, notifying consultees about the consultation and properties in Zone B were notified of the consultation through a combination of online and printed advertising.

20. The Applicant stated that they intended their consultation to be inclusive and open to all and created a number of communication channels for consultees including: a dedicated project website; a dedicated email address, a community contact point (using a local rate telephone number), a Freepost address, public exhibitions and document inspection locations. The Preliminary Environmental Information Report (PEIR) was available on the Applicant's website for the duration of the consultation and a series of webinars were held.

21. The Applicant has sought to carry out the consultation in accordance with the SoCC and the measures outlined above were carried out to the standard that would be expected of a consultation of this size and importance.

22. As detailed in the appendices below, a number of representations have been received from the local community, including parish councils and the community action group, regarding the quality of the consultation process and materials produced.

23. The Council have concluded that the consultation was carried out in the manner set out in the Applicant's SoCC, and Consultation Document. The Council considers that the Applicant has met the legislative requirements to consult the local community under section 47 of the legislation.

Duty to publicise – section 48

24. This section provides that the applicant must publicise the proposed application in the prescribed manner.

25. The Applicant's Consultation Report contains details of the section 48 notices that were published for two successive weeks, commencing 14 June 2021, in the following sources: The Fenland Citizen; The Wisbech Standard; The Eastern Daily Press; The Lynn News; and Your Local Paper. In addition, the section 48 notice was also published in the London Gazette, Daily Mail and Metro on 21 June 2021 and press releases were sent out to local press publications and organisations.

26. The Applicant met the legislative requirements necessary to satisfy their section 48 duties including the deadline given for responses to the consultation.

Summary

27. With regard to the formal elements of this response on the Adequacy of Consultation, and the compliance with sections 42, 47 and 48 of the Planning Act, the Council takes the view that the Applicant has met the legislative requirements to fulfil its duties under the Act with regard to the Statutory Consultation.

General comments

28. The duration of the consultation periods has exceeded statutory minimums and has been in accordance with the SoCC. In addition, the consultation period was extended in response to the reintroduction of restrictions as a result of the COVID-19 pandemic in November 2020.

29. In accordance with the SoCC, contact details for the Applicant's project team were made available within the distributed printed material and on MVV's website. A virtual exhibition was available on MVV's website, as well as a Consultation Booklet, Consultation Events Poster, Invitation to the Statutory Consultation Flyer and the Statutory Consultation Flyer Feedback Form.

30. There appears to be wide awareness of the project within the community and the local area. The Consultation Report indicates that 706 representations were made to the Applicant during the statutory consultation period and the Applicant has summarised the feedback received and how it influenced the DCO application in Chapters 8 to 19 of the report.

Wider consultation issues

31. Notwithstanding the above, the Council has received a number of representations from local Parish Councils on behalf of their communities, via WisWIN, the Wisbech Without Incineration Community Action Group. It has been noted that some parish councils have canvassed the opinion of their residents as to the quality of the statutory consultation. A number of the points and community concerns raised are summarised in the list below. Please note that the headings have been reproduced directly from WisWIN's report, and as such the wording and views expressed do not reflect the views of the Council.

- Lack of opportunity for public, two-way discussion during the consultation period;
- Exclusion of Eastern European population from the consultation process;
- The consultation zones did not encompass all the communities that would be severely affected; and
- Communities within the agreed consultation zones were ignored.

The full report from WisWIN can be found in Appendix 1.

32. In addition to the above, the Rt Hon Steve Barclay MP contacted the Council with concerns regarding a report produced by Lucent regarding the Medworth consultation material which concluded that the consultation was premature and not of an appropriate quality. The statement from Steve Barclay and the Lucent report can be found in Appendices 2 and 3 respectively.

Conclusion

33. To confirm, the Council considers that the Applicant has met the legislative requirements under sections 42, 47 and 48 of the Planning Act 2008 when taking into account the COVID-19 restrictions.

Appendices

Appendix 1 – Representation from WisWIN – the Wisbech Without Incineration community action group

Appendix 2 – MP Steve Barclay statement

Appendix 3 – MP Steve Barclay Lucent Report

Appendix 1 – Representation from WisWIN – the Wisbech Without Incineration Community Action Group:

To the Planning Inspectorate:

Wisbech Without Incineration (Wiswin) is a local community action group, with volunteers from in and around Wisbech, Cambridgeshire, affected by the proposal for an Energy from Waste CHP Incinerator facility that is being applied for by MVV Energie AG.

The Energy from Waste incinerator proposed for Wisbech is so large, with a capacity to burn 650,000 tonnes of waste per year, that it has been awarded National Significant Infrastructure Project status.

The effect of having such a large construction built within the small market town of Wisbech (population just 35,000 people) and the surrounding villages would be considerable. Its impact will be exacerbated further with 380 lorry movements per day, delivering waste from 9 surrounding counties up to 150 miles away, from 7 in the morning until 8 at night, travelling into Wisbech along a totally inadequate road network.

It is for these reasons that it was important for MVV to engage in an open and honest consultation process to demonstrate ways to mitigate the serious negative effects that this enormous construction would have on this small market town and the surrounding villages and their occupants.

With this in mind WisWIN monitored the statutory consultation process carried out by MVV between 28th June and 13th August 2021 to make sure that it was carried out in a comprehensive and fair manner.

We found that the statutory consultation carried out by MVV was seriously lacking and totally inadequate for what is to be a Nationally Significant Infrastructure Project of this size. Our report below outlines the reasons for reaching this conclusion.

Our claims are by no means isolated but are echoed by a further eight surrounding Parish councils, including Sutton Bridge, West Winch, Clenchwarton, Parson Drove, Leverington, Upwell, Wisbech St Mary, and Walsoken, West Walton and Walpole that

statutory consultation was lacking, and in some cases totally absent (statements supporting this claim can be found in the appendix). Furthermore, two major named Stakeholders, namely Fenland District Council and Cambridgeshire County Council have also found that the statutory consultation carried out by MVV was not befitting what is a Nationally Significant Infrastructure Project.

Finally, even Stephen Barclay, the MP in whose constituency of North-east Cambridgeshire, this project is to be built, after attending a consultation event and reading the consultation documents, felt so strongly that the consultation was not to the appropriate quality for a Nationally Significant Infrastructure Project, that as a result, in his official capacity as a Member of Parliament, commissioned an independent report into the consultation process that found multiple inconsistencies and inaccuracies in the consultation process, reaching the conclusion that the project was not consentable as currently formulated.

We hope that the enclosed report will assist the Planning Inspectorate in assessing if the applicant's consultation has been adequate further to Section 47 of the Planning Act 2008.

Yours sincerely

Alan Wheeldon (WisWIN)

WisWIN's Report on MVV's Consultation

WisWIN – who are we and what are our views on MVV Consultation Process for Medworth Incinerator.

Wisbech Without Incineration is a local community action group (WisWIN), with volunteers from in and around Wisbech, Cambridgeshire, affected by the proposal for an Energy from Waste CHP Incinerator facility that is being applied for by MVV Energie AG. This report is not a representation about the MVV proposal; it focuses solely on the adequacy of the consultation process. The report has been written to assist the Planning Inspectorate and Local Authorities with assessing if the applicant's consultation has been adequate further to Section 47 of the Planning Act 2008. With

respect to the applicant's duties under Section 49 of the Act these will form part of our written representations when invited.

Following confirmation from residents of Wisbech and the surrounding villages our position is that the Consultation carried out by MVV was totally inadequate for what is a Nationally Significant Infrastructure Project. Below are the reasons.

Lack of opportunity for public, two-way discussion during the consultation period.

Statutory consultation events were held on only 8 separate days between 13th and 22nd July 2021, during considerable restrictions imposed by the government, to limit the spread of an escalating Covid pandemic. People were reluctant to go out, numbers were limited that were allowed to enter each venue and prebooking necessary, which resulted in severely limiting the number of people could engage in the consultation on each of the eight venues. This issue was raised with MVV who refused to extend the consultation events to when restrictions had been lifted, resulting in a lack of opportunity for public, two-way discussion during the consultation period.

Eastern European population were excluded from the consultation process.

Wisbech has unique demographics with over one quarter of the population being of Eastern European origin where English is not their first language. This amounts to over 8000 people. No meaningful steps were taken during the consultation to facilitate communication with this group. A short note deep within the consultation document stated that translators would be made available. However, it was written in English. Furthermore, during a local event, "Wisbech Rock Festival", held during August 2021, and attended by a large proportion of E. Europeans, many came to our stall to enquire about the Incinerator, as they knew very little about it and to sign our petition.

The consultation zones did not encompass all the communities that would be severely affected.

Consultation zones of 2km and 5km had been agreed with the host authorities, however once the impact of the increased lorry movement delivering waste to the site had been appreciated (380 lorry movements per day), it was apparent that residents just outside these zones, but sitting on major routes into Wisbech, would be severely affected and needed to be consulted to identify ways to mitigate damage

to their communities. To this end Outwell and Upwell on the A1101 route into Wisbech and Guyhirn on the A47 into Wisbech were not consulted.

Communities within the agreed consultation zones were ignored.

Emneth, a village 2km from the proposed site, with a population of over 2000 occupants, was ignored and not given the opportunity to engage in the consultation process. Similarly, Leverington, a village of over 3000 residents, within the agreed consultation zone, and lying on the A1101, a major lorry route into Wisbech, was also ignored and not consulted.

The consultation failed to explain in adequate detail how MVV would mitigate the damaging impact, this Nationally significant Infrastructure Project, would have on the local community.

- a) Roads and infrastructure within and around Wisbech are totally inadequate for a Nationally Significant Infrastructure project of this size and the 380 lorry movements per day that come with it and yet no proposals for the construction phase or the operation phase, were included in the consultation to address this significant issue.
- b) The incinerator buildings and chimneys are too large and too proximal to such a small historic town as Wisbech. The main building at 50 metres high would be 30 metres higher than the current highest building in Wisbech, and with two additional 90 metre chimneys, will carry with it a significant negative visual impact on the area. No plans to mitigate this negative impact were included in the consultation.
- c) The location of the incinerator will have a negative effect on jobs in the area. Firms proximal to the site, and who are involved with food processing, have been advised by their customer base, that their business will be threatened by the Incinerator. Firms would have to move away to continue trading. A net loss of jobs was not considered during the consultation nor ways to alleviate this.
- d) The project would generate a significant amount of CO₂ in its lifetime (25 million tonnes of CO₂) which is in contradiction of Local (County) and National targets to be net carbon neutral by 2050 and yet no detail was given describing what measures would be put in place to capture this carbon or what its efficiency would be in doing this.

Parish Responses

The following responses have been collected from local Parish Councils, and these testimonials are taken from emails to Virginia Bucknor of WisWIN.

Sutton Bridge

Email from Robert Smith, Clerk to Sutton Bridge Parish Council, 12/05/2022 to Virginia Bucknor:

“Regarding a lack of consultancy about the mega incinerator development in Wisbech, Sutton Bridge Parish Council (SBPC) was sent a ‘courtesy email’ 30/06/2021 informing the Council about consultation events taking place in the immediate Wisbech area between 13 July and 22 July 2021.

As it was believed that that the residents of Sutton Bridge would be affected by the development, the Parish Council requested that a consultation event take place in Sutton Bridge and/or that the Parish Council was provided with a presentation about the project.

The Medworth Team replied that they would not hold any more exhibitions than those advertised but would be prepared to make a presentation to SBPC members at a suitable date and time. The Parish Council then offered two nearby dates. if the dates were not convenient the Parish Council stated that it would be willing to accept a video or PowerPoint presentation that could be circulated to members. No proper reply to these suggestions was received from the Medworth Team, only an automatic response relating to the statutory consultation period.

Given that both the request for a consultation event in Sutton Bridge was rejected and that the request for a presentation to councillors (physical or otherwise) was ignored, Sutton Bridge Parish Council believes that there was insufficient consultancy provided to the Parish.”

Parson Drove

Email from David Boyce, Parson Drove Parish Council Clerk, 14/04/2022 to Virginia Bucknor:

“Please see below draft minute extract for you.

92/22. To agree planning comments and inadequacy regarding the Mega Incinerator planned for Wisbech

The Council deliberated what had been received from MVV or the planning inspectorate, which councillors felt was little to no contact. It was agreed that the consultation for the incinerator in Wisbech was not adequate and the Councillors felt they were not properly consulted.”

Walsoken, West Walton and Walpole

Email from Cllr Richard Blunt, Walsoken, West Walton, and Walpole Ward, to Virginia Bucknor 07/04/2022:

“The Planning Inspectorate is required to notify all Host Authorities that the application for the MVV EfW CHP Facility has been submitted and gives 14 days for the Host Authorities to comment on whether they consider the community consultation undertaken is adequate. To date, no such consultation has been received. However, once received, the Council will make a thorough assessment of the statement of community consultation which will be presented to and considered by Planning Committee and final comments will be submitted to the Planning Inspectorate within the 14-day period. Notwithstanding this, I draw your attention to the Council’s Notice of Motion of 25th February 2021 which clearly states:

1. This Council recognises the democratic mandate given to it by the people of West Norfolk in their overwhelming opposition to the King’s Lynn incinerator proposal. In keeping with this position and in recognition of this Council’s principled opposition to that scheme, this Council does not support the construction of a waste incinerator in Wisbech.
2. This Council supports Wisbech Town Council, Fenland District Council and Cambridgeshire County Council in their stated opposition to the Wisbech waste incinerator.
3. That in doing so we do not negate the need for a technical or planning response, that we will make to the Secretary of state as part of the formal consultation process.

I attach the link to the minutes for ease:

[\(Public Pack\)Minutes Document for Council, 25/02/2021 16:30 \(west-norfolk.gov.uk\)](#)

<https://democracy.west-norfolk.gov.uk/documents/g4435/Public%20minutes%2025th-Feb-2021%2016.30%20Council.pdf?T=11>

Clenchwarton

Email from Judith Taylor, Acting Clerk to Clenchwarton Parish Council, to Virginia Bucknor, 31/03/2022:

“Clenchwarton Parish Council is happy to confirm that the village was not adequately consulted by MVV regarding the incinerator at Wisbech. Parish councillors, reflecting the view of their electorate, are strongly opposed to the incinerator, and believe that the whole village should have been given a much greater chance to put forward their views and ask questions of MVV representatives, given the exceptionally severe health, and other, consequences likely to affect residents.”

West Winch

Email from Sarah Watts, Clerk to West Winch Parish Council, to Virginia Bucknor, 31/03/2022:

“West Winch PC is very surprised to suddenly find that there are plans for an incinerator in Wisbech. We have not heard anything from your planning department.

We would like to be formally consulted as we are not many miles away from the proposed site and we do have strong views regarding this matter. Not giving parish council's the opportunity to reply to formal consultations would be ridiculous.

We look forward to our formal consultation letter or written reasons as to why we will not be consulted.”

Wisbech St Mary

Email from Sarah Bligh, Parish Clerk and RFO for Wisbech St Mary Parish Council, to Virginia Bucknor, 29/03/2022:

“The Councillors of Wisbech St Mary Parish Council are very concerned about the prospect of this incinerator being built in the heart of the Fens, namely in the idyllic town of Wisbech.

They feel that there has NOT been sufficient consultation, although there has been a public consultation undertaken in the Wisbech St Mary Community Centre, this was not well advertised and therefore not well attended.

There has been no attempt to consult with the Parish Councils and nobody has attended a Parish Council to explain what is happening nor to take into consideration their views.

Can I point out that Wisbech St Mary Parish Council covers the villages of Wisbech St Mary, Guyhirn, Murrow and Thorney Toll. All these villages will suffer from increased traffic on the A47 as commuters and travellers look for alternative routes, which is just one of many concerns.”

Upwell

Email from Paul Williams, Chair Upwell Parish Council, to Virginia Bucknor, 24/03/2022:

“Thank you for enquiring about the level of consultation Upwell Parish Council had about the proposed incinerator in Wisbech. The company did not consult us at all. The only consultation has been from groups opposed to the proposal and our local county councillor.”

Leverington

Email from James Downes, Chair Leverington Parish Council, to Virginia Bucknor, 02/06/2022:

“I can Categorically Assure you that Leverington Parish Council have never been approached or consulted by MVV the Company behind the proposed Mega Incinerator. I believe that this is in contravention of the Planning Process.

Our other comments are as follows:-

- 1) Close proximity to numerous local schools ranging from primary to secondary, I believe the total number is 7. This could subject them to smell from refuse being delivered, and fumes from the resulting incineration of said refuse.
- 2) We as a Village are approximately 2 miles as the crow flies from the proposed site and as such in a prevailing wind could be subject to smell and fumes.
- 3) I know the chimney is apparently going to be 93 metres high in order that it will be dispelling the fumes into the atmosphere, however that will be in an ideal situation but if one takes into account weather conditions such as rain fog or other damp climatic conditions these fumes which will no doubt contain particles which will be held low and as such washed out of air and we will see an accumulation of residue similar to Saharan Dust that our properties have been subject to compare the distance that has travelled, as such this could happen with the outfall from this incinerator. The chimney will also be a blot on the landscape as it will be seen from miles around.
- 4) Leverington Village is dissected by the A1101 which is the link from the A17 to Wisbech, as such what volume of extra traffic will be entering via the Village and when you add in the increase in traffic flow from the development of 221 dwellings that has just been commenced on the old Delamores Nursery Site on Sutton Road and has only one exit onto said road. An estimated minimum of 500 extra vehicle movements a day a large amount of which will have to pass Peckover School (Highly Dangerous for pupils)
- 5) More delays getting into and out of Wisbech which at peak times is a lengthy procedure. my own experience now is 45 minutes from Leverington Common to West Walton (4.75 miles). It is easier to get to Peterborough and no doubt numerous people may do this, thus having an adverse effect on local business establishments.”

South and West Lynn, as part of King’s Lynn

Email from Alexandra Kemp, County Councillor for Clenchwarton and King’s Lynn South, to Virginia Bucknor, 10/07/2022:

“South and West Lynn ward has no Parish Council, it is unparished and is part of King’s Lynn. I can confirm it had no consultation from MVV. I asked MVV to hold consultation events in the Community Centre in South Lynn and West Lynn but they refused.”

MP for North-East Cambridgeshire, Steve Barclay's Response:

Stephen Barclay is a Member of Parliament representing North-east Cambridgeshire, the constituency in which the MVV Medworth incinerator is proposed to be built. He visited one of the statutory consultation events organised by MVV and held at the Rosmini centre in Wisbech on 17th July 2021. Following this visit, and later speaking with many of his constituents, he concluded that the consultation process was not to the appropriate quality required of a nationally significant infrastructure project. Subsequently Stephen Barclay commissioned an independent report into the consultation carried out by MVV, which concluded that the consultation contained multiple inconsistencies and inaccuracies and was also not of an appropriate standard for a nationally significant infrastructure project. (Report attached as an appendix).

WisWIN's Recommendation

We feel that the application cannot be accepted at this stage as the requirement for adequate consultation has not been met.



HOUSE OF COMMONS

LONDON SW1A 0AA

Mr Paul Carey
Managing Director, UK
MVV Environment Ltd c/o
Devonport EfW CHP Facility
Creek Road
Plymouth
PL5 1FL

Via email: [REDACTED]

13 August 2021

Dear Mr Paul Carey

Please find enclosed an independent report commissioned in my capacity as Member of Parliament for North East Cambridgeshire, in response to your consultation on an Energy from Waste Incinerator in Wisbech. The report identifies multiple inconsistencies, inaccuracies and outstanding questions with your consultation which need to be addressed. In particular the report identifies that:

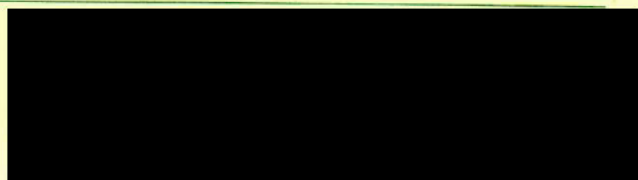
(i) **the Consultation Process is flawed**, premature and not to the appropriate quality for a national infrastructure project.

(ii) **the proposal is non compliant with national policy**, including the National Policy Statements for Energy, the National Planning Policy Framework for waste and the UK's adopted Sixth Carbon Budget recommendations.

(iii) **the limited benefits of the project do not outweigh its adverse effects**. There are multiple areas where the consultation falls short, including the lack of detail on:

- (a) the proposed substations,
- (b) grid connections,
- (c) highways improvements,
- (d) alternative sites considered,
- (e) residential amenity assessment,
- (f) ash waste including parts entering landfill as hazardous waste,
- (g) modelling on air quality.

The report addresses each of these flaws specifically. For example, on the selection of this site and the failure to consider alternative locations, within a waste collection area involving 9 county councils and 3 unitary authorities, the only site considered is a market town, away from the motorway network, in close proximity to a large secondary school. It notes:



“It is not credible that the developer considered only one location for the project”.

Likewise, where mitigations are claimed in the consultation documentation, the work has yet to be done. As the report notes:

“Key elements of the project required to mitigate impacts, including highways improvements, CHP (Combined Heat & Power) connections and CCS (Carbon Capture and Storage) facilities have not been described. An informed view of the likely significant effects of the project cannot be ascertained if the scale and efficacy of the mitigation is not clearly presented.”

A further flaw in the consultation is the **insufficiently accessible style used to present information**, which appears designed to disguise negative impacts and is not compliant with Government guidance. As the report identifies:

“There has been no attempt to present the modelling in an easily accessible and understandable form, instead the developer has presented over 270 pages of tables. Modelling could have been easily presented in graphical form (for example by showing plumes overlaid on OS Maps) - it could be assumed that this is because the developer does not wish to show potential effects on the developed areas of Wisbech, which are largely downwind from the proposed location”.

The consultation contains **inaccurate and misleading information**. For example, the scheme is presented as reducing greenhouse gas emissions, yet there is a high likelihood that the predictions claimed in the consultation are inaccurate. This includes the claimed reliability of power export, parasitic load (energy consumed), and the impact of changes from forthcoming Government policy which will result in more waste being processed at earlier stages, thereby reducing the benefits claimed for this incinerator from waste transported for larger distances. As the report says:

“Applying more realistic calculations...would reduce available power from the plant by a significant level, to the point where full lifecycle emissions benefits become negligible. Consultation should take place on these revised figures, not the misleading and inaccurate contents of Chapter 14”. And further:

“It is difficult to understand how sourcing waste from 12 authorities can satisfy the requirement to treat wastes as locally as possible.”

This inaccuracy in the consultation document even extends to the travel time claimed for waste being brought to the site, as:

“the use of the 2-hour travel time metric (even if appropriate under the proximity principle) has not been consistently applied – many of the towns listed in table 14.26 as sources of waste fuel, are at distances which would be impossible to travel from, by HGV in 2 hours”.

Taking waste from an area 160 miles north to south and 150 miles east to west is not consistent with government policy, which says waste should be dealt with as locally as possible. More

than half of the waste could be dealt with through recycling or less harmful treatment such as food waste in anaerobic digesters. This undermines the benefits of transporting this waste for long distances to an incinerator.

Other areas of national policy appear to have been disregarded, such as that of good design. As the report notes:

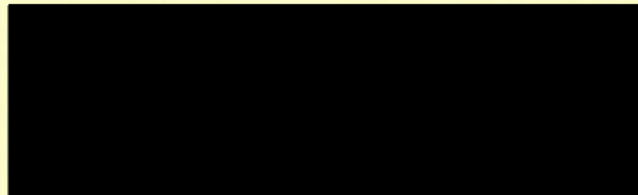
“There is no indication in the consultation document that this requirement has been taken seriously, despite recent DCO decisions and recommendations that design issues constitute important factors when considering whether to grant consent”.

The decision taken on a similar scheme in Kent, the North Kelsey decision, creates a clear and comparable precedent for this consultation, with the report stating:

“There is simply no need for the project, something evidenced by the Secretary of State’s decision in respect of the North Kemsley DCO proposals. The Medworth project is being promoted as a nationally significant infrastructure project at a time when the Secretary of State has determined that there is no longer a national need for large new incinerators”.

In light of the extensive flaws identified with this consultation, and the concern this proposal is creating for my constituents, it is important as the scheme developer that you address the questions set out in this expert report as a matter of urgency.

Yours sincerely

A large black rectangular redaction box covering the signature area of the letter.

Rt Hon Stephen Barclay MP

Appendix 3 - MP Steve Barclay Lucent Report

Medworth incinerator proposals

High level review of consultation material

1. Background

This paper summarises the findings of a high-level review of the consultation material produced by MVV Environment in respect of the Medworth Incinerator proposals.

2. Executive summary

A review of the Medworth consultation material has concluded that:

- The consultation is premature and not of an appropriate quality

MVV is not following good consultation practice for a Nationally Significant Infrastructure Project (NSIP). The single stage of formal consultation is premature and does not meet the legislative requirements, particularly in respect of the Preliminary Environmental Information Report (PEIR), which is incomplete.

A further round of formal consultation will be required to ensure that all stakeholders are fully informed, and that information previously requested by them can be fully considered and responded to.

- The project does not comply with key elements of policy, including the National Policy Statements for Energy, the National Planning Policy Framework for waste and the UK's adopted Sixth Carbon Budget recommendations.
- The limited benefits of the project, coupled with its non-compliance with planning and climate change policies, are such that the project is unlikely to obtain consent.

This view is supported by the Secretary of State's recent decision to refuse consent for the Kemsley North Waste-to-Energy Development Consent Order (DCO), in concurrence with the Planning Inspectorate's recommendation. The examining authority for the DCO application comprehensively considered the policy framework, the need for that incinerator project and alternatives to the proposal and found an absence of robust arguments to support the new plant, together with an absence of need for its location.

3. Introduction

MVV Environment (“MVV” or “the developer”) is proposing to develop a new Energy from Waste (EFW) Combined Heat and Power (CHP) facility generating electricity and steam on land at Algores Way, Wisbech (“the Project”).

By virtue of its notional electrical capacity the developer believes that the project constitutes a nationally significant infrastructure project (NSIP) for which a Development Consent Order (DCO) is required under the Planning Act 2008.

Part of the requirement of the DCO process is comprehensive front-loaded consultation. Lucent Energy has carried out a review of the consultation material produced by MVV in respect of its single statutory consultation exercise, carried out between 28th June and 13th August 2021.

4. Scope of review

Lucent’s high-level review has included the 19 chapters of the Preliminary Environmental Information Report (PEIR) provided by MVV as part of the consultation process together with associated consultation documents, including the Draft Waste Fuel Availability Assessment. These documents have been reviewed in the context of the relevant national planning and waste policies, with a focus on the key areas of waste management, carbon emissions, good design, traffic and transport and air quality.

5. Findings of high-level review

The findings of the high-level review fall under three main categories, namely:

- That the current formal consultation process is both inadequate and premature, failing to meet key requirements of the Development Consent Order process
- That the project proposals are contrary to the National Policy Statements and the national policy framework for waste
- The limited benefits of the project do not outweigh its adverse effects and therefore, given non-compliance with policy, the project is unlikely to be consentable in its current form at the proposed location.

These three categories are discussed in more detail in sections 6-8 below.

6. Premature and inadequate consultation

The current consultation is both inadequate and premature. Many important elements of the project remain unclear or undecided. The consultation does not meet good practice or the requirements of the

relevant legislation and the PINS guidance. The developer has not met the undertakings made in its Statement of Community Consultation (SOCC).

The guidance¹ on the DCO pre-application process states that consultation should be:

- *based on accurate information that gives consultees a clear view of what is proposed including any options;*
- *shared at an early enough stage so that the proposal can still be influenced, while being sufficiently developed to provide some detail on what is being proposed; and*
- *engaging and accessible in style, encouraging consultees to react and offer their views.*

None of these good practice criteria have been met by the developer's consultation documentation. As described below the documentation contains inaccurate information, is missing key details of what is being proposed and stylistically, is complex, dense and inaccessible.

Additionally, the developer has not complied with its own consultation requirements set out in the Statement of Community Consultation (SOCC), as agreed with the local authorities. The stated objectives of the SOCC, including to provide "*clear and concise technical and non-technical information*", have not been met.

Furthermore, the requirements of PINS Advice Note 7 and particularly Section 8 "*The Role of Preliminary Environmental Information*" have not been met. Preliminary Environmental Information (PEI) must include information which is "*reasonably required by consultation bodies to develop an informed view of the likely significant environmental effects of the development (and of any associated development)*", but this requirement has not been met.

These omissions and errors are described further below, as follows:

6.1 Incomplete project description

The project description is incomplete, providing only cursory detail in respect of the works at the proposed substation locations; no dimensions of substation work has been provided, there is no description of the apparatus, the substation construction / installation details are absent and, in the case of "TCC4", the location of a construction compound is yet to be decided. These are significant elements of the project and cannot be omitted from the Preliminary Environmental Information (PEI) and deferred until the publication of the environmental statement (the approach proposed at page 11 of the project description). This is particularly the case because the Environmental Impact Assessment (EIA) Regulations specifically require the PEI to include consideration of associated development and the need for all the above information was highlighted at paragraph 2.2.6 of the Scoping Opinion. It is unclear why it has been omitted from the PEI.

The developer's treatment of the grid connection is confusing, particularly given its commitment (Planning Inspectorate note of 6th July 2020) to include the electrical connection in the Development Consent Order application. The absence of a final decision on the grid connection reinforces the

¹ <https://www.gov.uk/government/publications/guidance-on-the-pre-application-process-for-major-infrastructure-projects>

prematurity of the consultation – the developer is simply not yet able to consult fully on the project. The decision on the grid connection has been awaited since at least October 2019 (see Planning Inspectorate’s note of meeting) and it is unclear why the developer is unable or unwilling to secure a connection.

Other associated development is similarly inadequately detailed. The requirement for highway improvements is acknowledged, however the PEI notes that these impacts, and required mitigations, have not yet been identified (paragraph 3.6.88), confirming that the developer has not met the PEI requirements.

6.2 Inadequate treatment of alternatives

The Preliminary Environmental Information’s treatment of alternatives is not aligned with the Scoping Opinion or the requirements of the Environmental Impact Assessment (EIA) legislation, under which the developer is required to set out the main alternatives considered, including those in respect of site selection. The position stated at 2.3.3 (that “*the consideration of specific alternatives was not considered to be necessary*”) is incorrect, Schedule 4 of the EIA Regulations require:

“A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.”
(underlining added for emphasis)

It is not credible that the developer considered only one location for the project, particularly given that site search criteria set out at paragraph 2.3.2 would give rise to many sites in the United Kingdom, many of them likely to be more suitable. This is another example of the poor quality of the consultation documentation.

The absence of information on consideration of alternatives would also prejudice the award of any compulsory acquisition powers sought by the applicant, further decreasing the likelihood of the project progressing. The developer cannot evidence an over-riding public interest in compulsorily acquiring property if it cannot appropriately explain its site selection.

Alternatives in respect of design and operation have similarly not been considered. Despite the advice of PINS (note of 15th January 2021 meeting) no attempt has been made to draw upon other Energy from Waste facilities when considering architecture and design. The National Policy Statement (NPS) requirements in respect of Good Design have been disregarded by the developer, a topic discussed further at Section 7 below.

6.3 Residential Amenity Assessment

In January 2021 the developer undertook to publish a Residential Amenity Assessment (PINS meeting note). The findings of this assessment have not been provided at the consultation stage, denying residents of Wisbech, and further afield, the opportunity to comment on the potential impacts on their homes and community.

6.4 Status of ash waste

The uncertainties around the status of Incinerator Bottom Ash (26.5% of the input waste, over 165,000t) and the potential for parts of that waste to enter landfill as hazardous waste rather than reclamation are not discussed in the Preliminary Environmental Information. The project description fails to inform consultees that the Air Pollution Control (APC) residues (a further 5% of input waste) are classified as hazardous waste. The developer has failed to provide information highlighting that the project is less sustainable than presented, creating hazardous waste where none existed in the feedstock and consigning significant proportion of waste to landfill. The transport of these wastes is not discussed in the PEI, either under traffic and transport (Chapter 6) or accidents and disasters (Chapter 17). The absence of a waste chapter to the PEI is particularly notable for a project which creates hazardous wastes. Advice Note 7 highlights the importance of providing clear information to consultees.

6.5 Air quality

Air quality is a key issue of concern for residents and yet full-time monitoring only commenced in June 2021. The lack of location specific weather data further adds to the uncertainty around the modelling (paragraph 8.6.27), relying instead on modelled data. These inadequacies again suggest the prematurity of the consultation exercise and poor quality of the PEI. Modelling of abnormal operations has not taken place at all, despite schools and a hospital being in close downwind proximity to the proposed site.

There has been no attempt to present the modelling in an easily accessible and understandable form, instead the developer has presented over 270 pages of tables (Appendix 8C). Modelling could have been easily presented in graphical form (for example by showing plumes overlaid on OS Maps) – it could be assumed that this is because the developer does not wish to show potential effects on the developed areas of Wisbech, which are largely downwind from the proposed location. The Plumeplotter website shows this to be the case for the developer's operational project in Plymouth. The poor location of the proposed project (exacerbated by the developer's failure to adequately consider alternatives, as discussed above) should not be used as a reason for not presenting PEI in a simple manner, consistent with the requirements of Advice Note 7.

6.6 Inaccurate and misleading information on greenhouse gas emissions

One of the main claims of the Energy from Waste (EfW) technology proponents, that these projects deliver greenhouse gas (GHG) emissions reductions as a renewable energy, is not evidenced in the PEI. The GHG emissions reductions set out in Chapter 14 show a net increase in greenhouse gas emissions from the "without proposed development" scenario of 32.9 ktCO₂e/yr during operation². There is a high likelihood that the increase in GHG emissions would, in fact, be greater than assessed. The PEI uses conservative assumptions as to the future efficacy of capture and re-use of landfill gas (for example, discounting export of biogas rather than generation by gas engines) and does not consider the requirement under the UK's 6th Carbon Budget for many of the more GHG intensive landfill wastes to be processed further up the waste hierarchy.

² 252.4 ktCO₂e for LFG (table 14.23) plus 3.4 ktCO₂e for HGVs (table 14.24) vs 280.6 ktCO₂e (table 14.25) plus 8.1 ktCO₂e for vehicles (table 14.27)

Conversely, the emissions reductions predicted to arise by reason of power generated by the EfW plant (157.3 ktCO₂e/yr, from table 14.28) displacing other forms of generation are likely to be significantly lower than that presented in the PEI.

Firstly, the 91% availability of the EfW generation (8000 hours, table 14.28) is not realistic in the context of industry figures where power export reliability is poor, often as the result of turbine and generator failures. Parasitic load (of around 15%) also has not been considered. Industry analysis³ suggests an average power export of around 540 kWh/t input, with around 80% availability of turbines.

Second, the carbon intensity of the UK grid is rapidly decreasing, the assumptions based on displacement of gas fired generation only over the 40-year life span of the project (paragraph 14.9.34) are not credible, particularly as all new gas fired generation is likely to be required to incorporate carbon capture and storage.

Applying more realistic calculations based on these two points would reduce available power from the plant by a significant level, to the point where full lifecycle emissions benefits become negligible. Consultation should take place on these revised figures, not the misleading and inaccurate contents of Chapter 14.

The assessment's conclusion (paragraphs 14.9.40 – 14.9.48) that the project will contribute towards the aims of the 6th Climate Budget are misleading, given that the Budget assumes that Energy from Waste emissions should stay flat, with Carbon Capture and Storage (CCS) being adopted on all EfW projects and waste streams being diverted further up the waste hierarchy⁴. The reality is that, as currently, configured, the project would increase greenhouse gas emissions at a time when all industries must be rapidly decarbonising.

The Examining Authority for the North Kemsley Development Consent Order decision concluded that given the uncertainties surrounding carbon benefits in that case that emissions reductions should carry little weight in the planning balance and we believe that this is also likely to be the case for the Medworth proposals.

In the context of the rapid de-carbonisation of the UK electricity grid, and the relative inefficiency of Energy from Waste, this technology limited green credentials are decreasing annually. The potential carbon savings of the project are an important element of the environmental impact assessment process, but clarity and accuracy on this topic have been omitted from the Preliminary Environmental Information Report. Further statutory consultation is required to provide clarity on this issue and ensure that the information contained in the Development Consent Order application, if it occurs, is robust.

Further discussion on the carbon emissions from the Medworth development in the context of the UK's 6th Carbon Budget is set out below in respect of the project's non-compliance with planning and other policy. Unless carbon capture and storage (CCS) is adopted as an integral part of the project (rather than just a piece of land being allocated for future CCS) then the proposals would be incompatible with UK emissions targets. The PEI has not described the necessary CCS elements of the project or how they could operate in practice. This reinforces the need for a further round of consultation.

³ E.g Tolvik UK Energy from Waste Statistics

⁴ [REDACTED]

6.7 Flawed assumptions relating to waste fuel availability

The draft waste fuel availability assessment is incomplete, and significantly flawed. As discussed below in respect of waste, planning and climate change policies, the assessment fails to address the waste hierarchy and the extent to which wastes can be managed higher up in the waste hierarchy. The findings of the Planning Inspectorate in respect of the North Kemsley Incinerator and the likely adverse effect of those proposals on recycling rates is highly relevant here.

The assumptions in respect of source local authorities does not accord with the proximity principle. It is difficult to understand how sourcing waste from 12 authorities can satisfy the requirement to treat wastes as locally as possible. Furthermore, the use of the 2-hour travel time metric (even if appropriate under the proximity principle) has not been consistency applied – many of the towns listed in table 14.26 as sources of waste fuel are at distances which would be impossible to travel from by HGV in 2 hours, including Coventry, Basildon, Watford, Scunthorpe, Warwick and Mansfield.

The breakdown of waste composition used to assess the carbon intensity of the proposed project (table 14.22) appears to include a significant element of waste could be managed further up the waste hierarchy, including food waste (27%), garden and other organic waste (5%), paper (14.8%), card (6.3%) and textiles (5.5%) – this analysis undermines the assumptions of the fuel availability assessment. Under the 6th Carbon Budget nearly all this material must either be treated higher up the waste hierarchy or through EfW equipped with CCS. Card, paper and textiles can all be recycled, food, garden and other organic waste can be more benignly managed through anaerobic digestion.

Further consultation should take place when these key issues have been addressed in the next iteration of the assessment.

6.8 Traffic and transport

As previously advised by statutory consultees (see responses to Environmental Impact Assessment scoping on the PINS website) a rigorous assessment of traffic impacts is required, but this has not been delivered. Nor is the preliminary information clear or understandable to consultees. Most of the information presented presents assessment methodologies rather than a clear indication of likely effects or the mitigation (including the delivery of associated development) which will be required. The prematurity of the information provided is clearly indicated by the “further steps” which include traffic surveys, further assessment, technical consultation and design arrangements for A1101 Elm High Road and A47 Broadend crossings. Further statutory consultation should take place when this information is available.

Given the flawed nature of the draft waste fuel availability assessment (discussed above) and the uncertainties surrounding the location of waste sources and ash disposal facilities, it is questionable whether the HGV traffic distribution data set out in the PEI is accurate or reliable. Further information in respect of traffic movements in this respect is required.

6.9 Limited detail of proposed mitigation

The mitigation presented throughout the PEI is generally generic in nature, emphasising the premature nature of the consultation. Key elements of the project required to mitigate impacts, including highways improvements, Combined Heat and Power connections and Carbon Capture and Storage facilities have not been described. An informed view of the likely significant effects of the project

cannot be ascertained if the scale and efficacy of the mitigation is not clearly presented. Further consultation should take place when schemes of mitigation are more clearly understood.

7. Failure to comply with National Policy Statements, the National Planning Policy Framework for Waste and UK Climate Change policy

The developer's proposals significantly conflict with government policies in respect of waste management, planning, and climate change.

7.1 Waste policy

As discussed above the proposals are not consistent with the self-sufficiency or proximity principles. Figure 2 of the draft waste fuel availability assessment describes an area measuring some 160 miles from north to south and 150 miles from east to west, encompassing 12 waste authorities (9 county councils and 3 unitary authorities). The only reference to the proximity principle in the consultation is made in respect of exports of waste outside of the UK.

Similarly, the proposals do not accord with the waste hierarchy, with the over 50% of the waste fuels proposed being capable of being managed by recycling or less harmful recovery technologies such as anaerobic digestion which do not create toxic emissions or solid waste.

7.2 National Policy Statements

The project does not meet the requirements of the National Policy Statements EN-1 and EN-3, particularly in respect of principles of Good Design.

Section 2.4 of NPS EN-3, referencing Section 4.5 of NPS EN-1, reminds applicants of the requirement for energy infrastructure to demonstrate good design, both in respect of landscape and visual amenity and more widely. There is no indication in the consultation document that this requirement has been taken seriously, despite recent DCO decisions and recommendations that design issues constitute important factors when considering whether to grant consent.

The project promoter should take account of good practice advice in respect of design (most notably that produced by the National Infrastructure Commission) and show how the project design has evolved. It should be noted that design extends beyond visual appearance to include issues such as site selection and alternatives, issues which, as discussed above, are not fully addressed in the consultation documentation, despite requests from consultees for more information in this respect, and the requirements of the Scoping Opinion. Paragraph 4.5.2 of NPS EN-1 emphasises this point, highlighting the importance of siting in mitigating adverse impacts, siting is also emphasised elsewhere in the NPS including at paragraph 5.9.17 in respect of visual harm.

Paragraph 2.5.2 of EN-3 acknowledges an important role for projects in meeting the UK's energy needs where in accordance with the waste hierarchy (emphasis added). As discussed above the project proposals are not currently in accordance with that hierarchy.

The project does not appear to be in conformity with the provisions of NPS EN-1 in respect of Combined Heat and Power (CHP). As currently presented the proposals for utilising excess heat amount to a pipeline across land not currently within the control of the applicant and, given the statutory

undertaker status of Network Rail, this position is unlikely to change within the foreseeable future. Furthermore, the project promoter has failed to evidence either demand for excess heat or the likelihood of entering commercial contracts for that heat. It is not sufficient the plant to be heat enabled, for benefits to be delivered it must deliver heat. The potential for CHP is one of the limited benefits of the proposals but on the current evidence cannot to be delivered. The proposals therefore do not currently satisfy paragraphs 4.6.6 – 4.6.8 of the NPS. As discussed below this is possibly because the project proposals are not currently sufficiently advanced to be suitable for public consultation.

7.3 Climate change policy

The UK needs to decarbonise its electricity network to meet 2050 Net Zero targets. In that context the greenhouse gas emissions which the proposed development would produce (a minimum additional level of 32.9 ktCO₂e/yr) would be unacceptable.

The 6th Carbon Budget (which was adopted by government in full in April 2021) makes significant and wide-ranging recommendations in respect of waste. The project proposals are incompatible with the assumptions set out the adopted budget in respect of Energy from Waste (EfW) and the future management of waste currently destined for landfill. To be compatible, the project's business case would need to acknowledge a far lower proportion of available waste fuel and that, without the adoption of carbon capture and storage (CCS) technology, more efficient and carbon friendly recovery technologies would be available as alternatives to EfW.

8. The project is not consentable as currently formulated

The existence of preferred technical solutions to manage the waste, including increased plastic recycling, and the presence of alternative sites and project configurations suggests that the project as proposed is unlikely to obtain consent.

The PEI, despite its flaws, acknowledges that the project will give rise to significant adverse effects on the environmental and local community without delivering local or national benefits.

There is simply no need for the project, something evidenced by the Secretary of State's decision in respect of the North Kemsley DCO proposals. The Medworth project is being promoted as a nationally significant infrastructure project at a time when the Secretary of State has determined that there is no longer a national need for large new incinerators.

For the project to progress to DCO application with a prospect of success, the following issues would need to be addressed:

- Delivery of a further round of consultation, with full Preliminary Environmental Information being provided to stakeholders. Additional information is required in respect of the project description, grid connection proposals, highways improvements, impacts on residential amenity, ash waste, air quality, traffic and greenhouse gas emissions
- Development of a business case which accords with the proximity principle and provides the Development Consent Order Examining Authority and Secretary of State with evidence that the

project is aligned with the waste hierarchy and does not divert waste from recycling or other more beneficial recovery methods

- Presentation of alternatives to the project, including the project location, in accordance with the Environmental Impact Assessment Regulations
- Further details on how Carbon Capture and Storage (CCS) and Combined Heat and Power (CHP) will be secured to ensure that the maximum level of energy efficiency and carbon savings can be secured, in accordance with the adopted 6th Carbon Budget.
- Design of the plant, including site selection, to be explained in the context of the Good Design requirements of the National Policy Statements.

Additionally, we believe that the questions set out in the appendix to this report should be addressed by the developer during the current consultation.

Questions for developer, to be addressed at a further stage of consultation

To what extent have the requirements for good design set out in the National Policy Statements been taken into account in selecting the site for the project and in evolving its appearance, layout and operation?

Has the developer taken independent professional advice or carried out design review, as recommended by paragraph 4.5.5 of NPS EN-1?

Will the developer take into account the National Infrastructure Commission's Design Guidance? How do the proposals take account of the principles of "Climate, People, Places and Value" described in that guidance?

What is the status of potential contracts for the sale of excess heat from the project?

When is it envisaged that agreement will be reached with Network Rail for the installation of the CHP infrastructure?

The PEIR suggests that no alternative sites were considered in respect of the project? Is this the case? If not then, in accordance with the EIA Regulations and the Scoping Opinion, could the developer provide details of other sites considered for the project?

If no alternatives were considered could the developer confirm how the site was selected? How did that site selection accord with the principles of Good Design mandated by the National Policy Statement?

Noting the legislative requirement to provide information on alternatives which have been considered, and recent decisions and judicial reviews in respect of alternatives, including for the Wheelabrator Kelmsley North Waste-to-Energy and A303 Stonehenge DCO projects, how does the developer intend to consult on this information?

How will the developer show a need for project, given that the draft Waste Fuel assessment has not evidenced compliance with either the waste hierarchy or the proximity principle? If no need for the project has been shown, and no alternatives have been considered, how does the developer intend to sustain a compulsory purchase case?

What are the implications of the adoption of the 6th Carbon Budget for the project? How are the greenhouse gas assumptions set out in Chapter 14 of the PEI aligned with the Budget?

When will the developer consult on accurate and realistic greenhouse case emission estimates for the proposed plant? Carbon assessment forms a key element in the environmental impact assessment process and therefore accurate information should have been included in the PEI.

The project proposals do not contain details of future carbon capture and storage (CCS) capabilities. However, government policy (as set out in the adopted Sixth Carbon Budget) envisages that all EfW plants will have to incorporate CCS to meet UK emissions targets. How does the developer intend to consult on the CCS elements of the project?

Will the developer provide graphical depictions of plume modelling? When will the results of modelling incorporating the ongoing air quality monitoring be made available for consultation? What are the weaknesses of using modelled meteorological data and why has the developer not deployed its own meteorological equipment to ensure that the modelling is underpinned by robust data (as has been the case for other waste projects)?

Noting that the Residential Amenity Assessment has not been provided as part of PEI, when does the developer intend to consult with residents on local impacts on homes and communities?

When will details of all associated development, including substation design and construction, and highways improvements, be made available for public consultation?

How does the developer intend to comply with the legal duty to respond to consultation and ensure alignment with all relevant DCO guidance?