

# Cambridgeshire County Council and Fenland District Council Relevant Representations

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# 1 Introduction

- 1.1 Throughout the pre-submission period Cambridgeshire County Council (CCC) has worked closely with the other host local authorities: Norfolk County Council, Fenland District Council and the Borough Council of King's Lynn and West Norfolk. The four local authorities have to date submitted separate responses to the applicant's non-statutory and statutory consultations. To simplify matters for the Planning Inspectorate (PINS) (the examining body) and all parties, the four local authorities are in discussions around, if possible, submitting a joint Local Impact Report (LIR) at Deadline 1.
- 1.2 We will also endeavour, where possible, to pool resources during the examination, with local authorities taking the lead on topics which relate to their functions or to expertise in their geographical area. These arrangements are for practical purposes to avoid undue duplication, and all local authorities reserve the right to express their views individually if they consider it necessary.
- 1.3 Notwithstanding the above, Norfolk County Council and the Borough Council of King's Lynn and West Norfolk are submitting their relevant representations on an individual basis to ensure that PINS is fully informed of the matters of concern to those authorities and the communities and interests that they represent. Cambridgeshire County Council and Fenland District Council have produced this document as a joint representation for this relevant representation.

# 2 Summary

- 2.1 Cambridgeshire County Council (CCC) and Fenland District Council (FDC) officers have engaged in pre-application discussions with Medworth CHP Limited to ensure that the final submission takes account of early concerns around the information and methodologies required to be able to fully assess their proposals. In the main this advice has been followed. However, as highlighted in the sections below, there are still some queries that need to be addressed to allow CCC and FDC to fully understand the impacts of the scheme and to form a view as to whether the mitigation measures proposed are sufficient.
- 2.2 CCC and FDC seek these matters to be resolved ahead of any consent being given to the scheme.
- 2.3 The technical comments set out below sit in the context of a motion approved by elected Members of CCC on Tuesday 21<sup>st</sup> July 2020 to oppose this development, which included a letter being sent to the then Secretary of State to make clear the Council's opposition to these plans (see Appendix 1 for a copy of this CCC correspondence). The strength of local feeling and concerns were further endorsed by FDC (as set out in paragraph 2.4 below) and the two Norfolk host authorities, where similar motions were approved. Members of the CCC Environment and Green Investment (E&GI) Committee felt strongly that it was essential for PINS to understand this background context when considering the technical concerns and key issues outlined below.
- 2.4 A motion was approved by elected members of FDC on 20<sup>th</sup> February 2020 to oppose this development, which included a letter being sent to the then Secretary of State to make clear

the Council's opposition to these plans (see Appendix 2 for a copy of this FDC correspondence). This further emphasises the strength of local feelings and concerns, across the whole of Cambridgeshire and Norfolk.

## Key concerns

2.5 The following chapters provide the key concerns identified by technical officers on behalf of CCC and FDC.

- 3 Traffic and Transport
- 4 Noise and Vibration
- 5 Air Quality
- 6 Landscape and Visual
- 7 Historic Environment
- 8 Biodiversity
- 9 Hydrology
- 10 Climate Change
- 11 Socio-Economics
- 12 Health
- 13 Major Accidents and Disasters
- 14 Waste Policy including Waste Availability and Composition
- 15 Cumulative Impacts

2.6 The remainder of this document gives further details of comments and key concerns raised on behalf of CCC and FDC. Additional detail will follow in the LIR.

2.7 The headings below align with the Environmental Statement (ES) chapter headings. However, the comments under these headings may make reference to other relevant parts of the application.

2.8 Whilst there is not a specific chapter in the applicant's ES to address potential impacts on Education, noting that Thomas Clarkson Academy is located nearby, officer's felt it was important to capture concerns from Education colleagues. Comments from colleagues in Education and wider concerns flagged up by FDC colleagues have therefore been included throughout these chapters, specifically in Sections 3 (Traffic and Transport), 4 (Noise and Vibration), 5 (Air Quality), 6 (Landscape and Visual) and 15 (Cumulative Impacts).

## 3 Traffic and Transport (ES Chapter 6)

### Cambridgeshire County Council Highway Development Management

3.1 Matters relating to the crossing and use of the former railway line have been considered by the Transport Strategy Team in relation to the aspirations of the Wisbech Area Transport Strategy and the Wisbech Railway project being funded by the Cambridgeshire and Peterborough Combined Authority. These comments can be found in paragraphs 3.44-3.47. These comments are also made without prejudice to the response provided by the Transport Assessment Team in respect of trip generation and distribution, which may impact upon off-site junction layout/ geometry. In relation to Operational Access Figures 6.18i & 6.18ii, the comments below relate to proposed access infrastructure.

### New Bridge Lane Access

- 3.2 The principle of widening/ extension of New Bridge Lane is acceptable. However, there is an iteration of the access drawings available which are overlaid with topographic data, and these should be submitted as part of the DCO for consideration. For roads required for DCO works, highway boundary information should be sought from the Local Highway Authority (LHA), if it has not already been obtained. Highway boundaries should be marked on Access and Rights of Way (ROW) sheets and clearly included in the legend.
- 3.3 Access arrangements to the site/ access to affected premises and properties does not take into account the potential need to turn east from accesses towards the A47, when the aspirations of the South Wisbech Broad Concept Plans are realised and a link is formed to a new roundabout on the A47 (See FDC [Broad Concept Plans - Fenland District Council](#)).
- 3.4 Visibility splays should be shown for all properties/ accesses affected by the widening proposals.
- 3.5 Proposals only show provision of tactile paving at the junction New Bridge Lane/ Cromwell Road junction, and it is unclear (i) if any greater junction improvements are necessitated as part of the Transport Assessment process, or (ii) whether the existing junction is geometrically adequate to cater for the increased HCV usage.
- 3.6 Tactile paving is shown north of the Salters Way junction crossing south-west to north-east, but not across the Salters Way junction itself.
- 3.7 Street lighting is proposed (in principle), but only shown between the site access and the Salters Way junction. The final requirements for street lighting must be approved by Cambridgeshire County Council's street lighting team, and the detail of this will need to be agreed with the County Council during the detailed design stage of the project. Discussions are currently being held with the applicant to ensure the lighting arrangements (street lighting columns, illuminated traffic signs and illuminated solar bollards) are given full consideration and must comply with all requirements detailed in Cambridgeshire County Council's street lighting specification (CCC Street lighting Development Specification, Revision 03 - dated January 2016). Any approvals greater than 2 years old would need to be checked against the current streetlighting standards. This will be covered further in the Local Impact Report, where details of the additional street lighting provision will take account of a number of factors, including CCC's aspirations for climate change/Net Zero and environmental and ecological issues.
- 3.8 Officers have been unable to locate access drawings showing AutoTrack of accesses and junctions.
- 3.9 The existing carriageway of New Bridge Lane is highly unlikely to be of suitable construction for retention and will need to be removed in its entirety or completely reconstructed to the County Council Distributor road specification, particularly beyond the unit adjacent Salters Way.
- 3.10 The proximity of the New Bridge Lane widening to adjacent drains and culverts will require greater clarity and detail in the fullness of time in relation to their proximity to the highway in terms of construction and safety.

- 3.11 A reduction in the speed limit to 30mph is appropriate, particularly given the future context of the link through to the A47 as part of the Wisbech Broad Concept Plan (BCP). This will require a separate Traffic Regulation Order and will necessitate the implementation of the comprehensive street lighting system linking to Cromwell Road.

#### Algores Way Access

- 3.12 The Algores Way linking to the site is not a public highway beyond Britannia Way and, to the best knowledge of the LHA, is owned by FDC. The County Council therefore has no statutory function as in relation to these streets, and any streets created by the DCO therein cannot legally be created as public highway.

#### Volume 3.1 Draft DCO

- 3.13 The proposed DCO will require review by County Council Managers and legal representatives. However, Article 12 does not provide for certification by the LHA that any alterations to means of access are acceptable. The proposed DCO establishes no timeline or process for the inspection and approval of works affecting or joining the highway, nor does it address the requirement to engage with the LHA during the design process. This is unacceptable to CCC who will, after completion of works, resume its statutory maintenance responsibilities for the affected highways. The LHA request engagement in respect of this matter. Protective provisions requested and could be expanded to include a sub-clause relating to any new or altered means of access that are proposed to connect to the public highway as mentioned in Article 12, covering the right of the LHA to review the design, construction and completion of such works, prior to certification that such works are acceptable and the institution of a maintenance period, broadly in the sequence below.
- (i) Right of the LHA to review and comment upon detailed design of works affecting the road network,
  - (ii) the right to observe and make representation to the undertaker regarding ongoing works that affect the highway,
  - (iii) the ability of the LHA to inspect and approve the completed works within the highway,
  - (iv) the requirement of the undertaker to obtain certification from the LHA that works are satisfactory and can be adopted,
  - (v) the provision of a 'maintenance period' of a minimum of 12 months to follow adoption, during which time the LHA can require the undertaker to resolve any defects in the construction of newly completed works.

Further, the payment of reasonable fees, commitment to any commuted sums, commitment to undertake condition/ dilapidation surveys of highways, and any necessary mitigation requirements, such as a bridge to avoid prejudicing the reopening of Wisbech rail discussed further in paragraphs 3.44-3.47 are to be discussed and agreed.

- 3.14 Consents and approvals (S278 works and highway dedications), payment of reasonable fees, commitment to commuted sums, commitment to undertake condition/ dilapidation surveys of highways, are to be discussed and agreed. Detailed discussions with the County's Street Works and Permitting Team will also need to take place to understand the status of the statutory undertaker following the discharge of the DCO and who would own the longitudinal apparatus. Where apparatus is placed in the public highway that will not be adopted by a statutory undertaker (private apparatus), agreement on how the apparatus is made identifiable to other third party works promoters and where it is registered will be

required. Notwithstanding that the cable connection along the A47 verge will be commented on by National Highways (NH), longitudinal non-passive private apparatus in the highway would be an unacceptable risk to the LHA.

- 3.15 CCC agree with Norfolk colleagues that the existence of private longitudinal apparatus in the public highway represents a safety risk to operatives working in the public highway as there is no effective mechanism for those opening the road to be notified of its existence. Statutory Undertakers and others with powers to open the road cannot know either by visual inspection or by administrative search that such apparatus exists and may damage it, which for power cables is clearly dangerous. Accordingly, the underground cable and apparatus will need to be adopted by a statutory undertaker. The applicants' position is they are seeking to be classed as a Statutory undertaker as part of their DCO. However, if the Department for Transport (DfT) do not recognise the applicant as a statutory undertaker and/or refuse to grant "state codes", the applicant will not be able to connect their EfW facility to the power grid at the Walsoken Substation. Accordingly, the applicants progress at their own risk as there is no right of appeal.

#### Appendix 6A Outline Construction Traffic Management Plan

- 3.16 Comments on the Outline Construction Management Plan will be included in the relevant representation once the Transport Assessment Team has confirmed their acceptance of trip generation and distribution.
- 3.17 Detailed Combined Heat and Power (CHP) accesses/ connection points to CHP1, CHP2 to Weasenham Lane are required.

#### Volume 7.15 Outline Operational Traffic Management Plan

- 3.18 Further comment on the above will be included once the Transport Assessment Team confirm acceptance of trip generation and distribution.

#### Cambridgeshire County Council Highway Asset Information

- 3.19 The Draft DCO, Article 11 (Power to alter layout, etc., of streets) does not make provision for certification by the LHA that any alterations to the highway are acceptable, despite the extensive proposed alterations included in Schedule 4 of the draft DCO. The draft DCO establishes no timeline or process for the inspection and approval of works affecting the highway, nor does it address the requirement to engage with the LHA during the design process. This is unacceptable to CCC who will, after completion of works, resume its statutory maintenance responsibilities for the affected highways.
- 3.20 The draft DCO should be amended to include protective provisions for the LHA at various points in the delivery of works that affect the public highway network. Indicatively, the LHA would require protections of the nature outlined below (although engagement with the LHA should be undertaken to define a comprehensive list). (i) Right of the LHA to review and comment upon detailed design of works affecting the road network, (ii) the right to observe and make representation to the undertaker regarding ongoing works that affect the highway, (iii) the ability of the LHA to inspect the completed works within the highway, (iv) the requirement of the undertaker to obtain certification from the LHA that works are satisfactory and can be adopted; (v) the provision of a 'maintenance period' of a minimum of 12 months to follow adoption, during which time the LHA can require the undertaker to

resolve any defects in the construction of newly completed works.

- 3.21 Article 12 Construction and maintenance of new or altered means of access, does not make provision for certification by the LHA that any alterations to means of access are acceptable. It establishes no timeline or process for the inspection and approval of works affecting or joining the highway, nor does it address the requirement to engage with the LHA during the design process. This is unacceptable to CCC who will, after completion of works, resume its statutory maintenance responsibilities for the affected highways. CCC would request engagement from the applicant in respect of this matter. Protective provisions requested as part of paragraph 3.20 above could be expanded to include a sub-clause relating to any new or altered means of access that are proposed to connect to the public highway as mentioned in article 12, covering the right of the LHA to review the design, construction and completion of such works, prior to certification that such works are acceptable and the institution of a maintenance period, broadly in the sequence requested to help resolve the concerns raised at paragraph 3.19 above.
- 3.22 Article 13 - Temporary prohibition or restriction of use of streets and public rights of way, does not impose any requirement on the undertaker to consult with the LHA, or gain its approval, prior to temporarily closing or diverting any highways. Such works could impact the adjoining public highway network for which CCC is both the local highway authority and the street authority. It would be reasonable for the undertaker to consider this impact in collaboration with CCC. CCC would request amendment of Article 13 to include a requirement on the undertaker to consult with the LHA prior to enacting any temporary closures of highways, and to observe any reasonable requests made by the LHA in respect of the timing of such closures.
- 3.23 Schedule 6, Part 1, Those parts of the access to be maintained at the public expense, specifies that new accesses A3, A4 and A5 (as labelled on the Access and Rights of Way Plan sheet number 1 of 4), are to be maintained at public expense. This is unacceptable to CCC as these accesses are not connected to any publicly maintainable highways. Case law following the decision in *Kotegaonkar v Secretary of State for the Environment, Food and Rural Affairs (2012)* is clear that “a way that can only be accessed by crossing private land... cannot be created as, or continue to exist as, a highway”<sup>1</sup>. Therefore, it cannot be considered that highway rights exist in those areas, and they cannot be adopted by the LHA as highway maintainable at public expense.
- 3.24 It is unclear whether parcel A3 is connected to the publicly maintainable section of Algores Way, but parcels A4 and A5 are, according to CCC’s legal highway records, remote from any other public highway. This serves to emphasise the importance of showing the extent of the public highway on the Access and Rights of Way plans, as raised below.

The draft Access and Rights of Way Plans

- 3.25 Highway boundaries. A number of highways that are affected by the draft Order have been identified in the Access and Rights of Way sheets, but the highway boundaries are not shown on the plans. It is important for this to be shown so that the highway authority can understand the extent of the highway that will be affected by the proposed works. As an example, only part of Algores Way forms part of the highway maintainable at public

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<sup>1</sup> S Sauvain, R Stockley, N Westaway, *Highway Law*, Sixth Edition (2022), Sweet & Maxwell, London, p.5.

expense, but no indication of this is given on the Access and Rights of Way Sheets.

- 3.26 It is recommended that, if not already done, the applicant seeks to obtain highway boundary information from the LHA, for the roads affected by the proposed works. Highway boundaries then to be marked on a new iteration of the Access and Rights of Way plans, and clearly detailed in the associated legends.

Highway status.

- 3.27 The Access and Rights of Way plans use a number of different colours to indicate different named roads within the Wisbech urban area. While the use of different colours is helpful in identifying different named roads, it is a distraction from the more important details shown on the plan. The name of a highway has no bearing on its status and so it is considered unnecessary to have multiple different coloured roads on the same plan.
- 3.28 Furthermore, it is inadequate to refer to roads by name only. Their legal status (i.e. whether or not they form part of the public highway) also needs to be indicated on the Access and Right of Way plans. This is vital to define the assets for which the LHA is responsible and thus where it may or may not need to make representations to the applicant/undertaker or at a possible public inquiry. For this reason, the plans should also make distinction between highways that are maintained by the LHA, and those that are the responsibility of NH (i.e. trunk roads). CCC would request that colours for different named roads are removed from the Access and Rights of Way plans, unless the colours are strictly necessary for reference to the draft DCO schedules or other wording. Failing this, the colours of the roads should be muted so as not to distract from the other information shown on the map sheets, and if the colours are to remain, clarity should be provided that the colour of a given road does not give any indication as to its legal status as a public highway. As noted above, the provision of highway boundaries on the plans would clarify this matter by clearly showing areas that fall within the highway maintainable at public expense.

Environmental Statement, Chapter 6, Traffic and Transport, Appendix 6A.

- 3.29 CCC requires confirmation that Wisbech Byway 21 and Elm Byway 6 will not be used as a haul road, as was originally proposed.

Design and Access Statement

- 3.30 The Design & Access Statement makes no reference to the byways 266/21 and 72/6 at all. This is a problem; the applicant needs to demonstrate that impact on the byway and the byway users has been fully considered, since the A47 provides the connectivity between the two byways. e.g. closure during construction, or provision of safe crossing points, (noting that an Equality Impact Assessment has been prepared by the Council). However, if this has not been considered by the applicant, then they will need to reassess, and provide details of the impact to the LHA for consideration. If it has been considered, CCC requests sight of the assessment of the impact of the works on the aforementioned byways.

Cambridgeshire County Council Transport Assessment Team

- 3.31 The following is a summary of the Transport modelling related comments.
- 3.32 The baseline surveys were undertaken in October 2021 which was agreed by both Cambridgeshire County Council (CCC) and National Highways (NH). Whilst certain restrictions/advisory working practices were still in place due to the Covid 19 pandemic this



would not have affected traffic patterns in this part of the County to a large extent. Wisbech and surrounding areas have a predominantly manufacturing/agricultural economy and working from home would not have been practical.

3.33 The base traffic surveys have been used to model two junctions, these being:

- A47/Cromwell Road / Redmoor Lane roundabout and,
- Cromwell Road / New Bridge Lane crossroads

The extent of this junction modelling had been previously agreed with CCC and NH and accords with both National and Local Authority (CCC) Requirements.

3.34 The base models have been validated against Queue length surveys as required by both CCC and NH. The models validate well against the observed situation and are considered acceptable.

3.35 Future year modelling has been carried out, again in accordance with the requirements of CCC and NH. Local growth factors (from TEMPro) have been used to give a future year traffic flow baseline. In addition, committed developments in the vicinity of the site have been added to give a robust forecast of the future year base.

3.36 The forecast flows in the Transport Assessment have been agreed by both CCC and NH as being a robust case. The HGV traffic will enter and exit the site via New Bridge Lane only. Some light vehicles (cars and vans) may also use this route with some coming into the site via Algores Way.

3.37 Future year modelling has been undertaken to compare the 'base' future year traffic situation with the addition of the proposal's traffic.

3.38 The modelling shows that the addition of the proposal's traffic will not cause any issues in terms of capacity at the A47 / Cromwell Road / Redmoor Lane roundabout. All arms of the roundabout will operate below effective capacity i.e. a ratio of flow to capacity (RFC) of less than 0.85. It should be noted that as this junction is on the A47 trunk road network, NH would need to agree the results of the modelling and their conclusions in respect of this roundabout.

3.39 The modelling results show that the addition of the proposal's traffic will not cause any issues in terms of capacity at the Cromwell Road / New Bridge Lane roundabout, the Highway Authority do not agree with this. The Transport Assessment Team are of the view that the increase in slow moving Right Turning HGV vehicles could potentially cause a more localised capacity and safety issue at the junction, and one which standard junction modelling (such as has been used) cannot accurately predict.

3.40 Cambridgeshire County Council have previously worked with FDC on the Wisbech Area Transport Strategy (WATS) which set out the interventions required to cater for the growth of Wisbech. One of the identified interventions or 'Schemes' was the signalisation of the Cromwell Road / New Bridge Lane junction.

3.41 The Transport Assessment Team are of the view that as well as the proposed enhancements to New Bridge Lane, the applicant should be required to signalise the Cromwell Road / New Bridge Lane junction as per the proposed WATS scheme. This would

reduce the risk of any localised issues including queuing back through the Tesco access junction to the north. Signals at the Cromwell Road/ New Bridge Road junction would need to be linked to the Tesco's signals and possibly other signals along Cromwell Road, this would be subject to further modelling. Technical discussions on the junction design will need to involve the Signals Team within the County Council, and further information will be supplied as part of the Local Impact Report. Any signalised junction provided would be subject to a commuted sum.

3.42 No assessment has been made of the proposed temporary access via Algores Way, full details on distribution, trips and capacity need to be provided. The following junctions need to be assessed:

- Algores Way with Weasenham Lane
- Weasenham Lane with Cromwell Road (B198)
- Cromwell Road with Sandown Road
- Cromwell Road with Cromwell Park (Tesco access)

Without any capacity assessment being undertaken it is not known what impact the proposed development will have on the above junctions.

3.43 Summary - The Transport Assessment Team would have no concerns over the impact of the applicant's development subject to the (already proposed) enhancements to New Bridge Lane and also the signalisation of the Cromwell Road / New Bridge Lane junction.

Cambridgeshire County Council Transport Strategy Team (including Wisbech Area Strategy and Wisbech Rail)

3.44 Strategic Road schemes along the A47 (considered as part of the Wisbech Area Strategy) and future rail opportunities linked to the Wisbech area (with options being developed by the Cambridgeshire and Peterborough Combined Authority (CPCA) to deliver this future rail priority as part of the original Devolution Deal) will need to be considered by PINS when assessing this DCO application. Both CCC and the CPCA will be seeking the necessary reassurance and appropriate mitigation as part of the Examination process to ensure that these proposals wouldn't be prejudiced moving forward if consent is granted.

3.45 Whilst we acknowledge that paragraph 6.6.133 in Chapter 6 of the ES states the following, if consent is to be granted, both CCC and the CPCA would require the applicant to not only provide funding to deliver this infrastructure, but also provide commuted sums for the ongoing maintenance that would fall to the County Council, in addition to the land that is referenced in paragraph 6.6.134:

*'The construction of a railway bridge does not form part of the Proposed Development. This alternative to the crossing of the disused March to Wisbech Railway by a reopened New Bridge Lane has been accommodated to provide key Stakeholders with the confidence that the Proposed Development will not compromise their proposals and that sufficient land within the site of the Proposed Development has been set aside to enable the construction of a new railway bridge should a bridge be considered by Network Rail to be the most appropriate means of crossing the reopened railway'*

- 3.46 The details of the March to Wisbech link are not yet finalised, and the nature of the solution for the New Bridge Lane Crossing is not currently known. The commitments in 6.6.133 in relation to a bridge will therefore also need to provide sufficient flexibility to apply to any crossing form identified by either Network Rail, and / or by the CPCA and CCC in the event that the final solution changes. Without this guarantee, we cannot be reassured that the proposals would not prejudice the reopening of the disused Wisbech Rail for sustainable travel.
- 3.47 Discussions on the design detail and legal obligations to deliver this strategic infrastructure in line with the Design Manual for Roads and Bridges (DMRB) will need to be undertaken with the applicant, to ensure that further information can be provided in the Local Impact Report.

Cambridgeshire County Council Education Capital comments and wider educational concerns raised in relation to the Cambian Education Foundation Learning Centre (CEFLC) and the Riverside Meadows Academy (RMA) by Fenland District Council (FDC)

- 3.48 Thomas Clarkson Academy (TCA) provides secondary education to around 1,200 pupils aged 11-16 and a further 270 pupils aged 17-18. The TCA is situated off Corporation Road, Wisbech approximately 750 metres from the northern boundary of the application site. The application site is approximately 1km from the nearest school building on the TCA site and the southern boundary of school is defined by a row of trees. There is an aspiration, by the Department for Education, to build a new Free School for 600 pupils on part of TCA campus, to the southwest of the main school buildings.
- 3.49 The application site is proposed to be serviced by five key routes – all five routes would be via New Bridge Lane. Table 6.16 on 6-53 contains a schedule of the type of vehicles that will be used and the percentage that will use each route. Route 1 (New Bridge Lane – B198 Cromwell Road (South), A47 (West), A1 (M)) will accommodate most of the vehicle's movements (60%) particularly from HGVs. The Outline Construction Traffic Management Plan (CTMP) contains strategies and measures to mitigate the impact from associated traffic movements on the local network during construction and during operational phases of the development. The proposal is anticipated to generate 362 number vehicle movements per day during the operational phase (78 staff and light vehicles, and 284 HGVs). This is a significant amount of additional traffic for the local road network to accommodate. There is no reference or acknowledgement in Chapter 6 of the Environmental Statement of The TCA which is located on the main road into the commercial estate where the application site is located.
- 3.50 Whilst the proposal is to create a new access from New Bridge Lane, a significant amount of the non-HGV traffic will be using the existing road network passing the TCA site and also in close proximity to the Cambian Education Foundation Learning Centre (CEFLC) and the Riverside Meadows Academy (RMA) school locations. Therefore this will potentially have an impact on all these schools, particularly during peak times (drop off and pick up times) and to not acknowledge the location of these schools is of concern.
- 3.51 Whilst the HGVs movements during the construction and operation stages of the proposed development will be routed via New Bridge Lane, this does not include the contractor, staff,

visitor, and other associated traffic that would approach the site from the north via Algores Way. There are therefore concerns that need to be considered further in respect of traffic movement associated with the construction and operational stages. The potential direct and indirect effects of traffic movement, including noise and air quality is proposed to be dealt with by mitigation measures. It is of concern that there is a significant amount of reliance of the mitigation measures being robustly and properly installed and followed.

## 4 Noise and Vibration (ES Chapter 7)

### Fenland District Council (FDC) Environmental Health Officers

- 4.1 FDC's Environmental Health Officers (EHOs) have reviewed the following documentation in addition to the more general documentation submitted to support this application:
- *EN010110-000472-MVV Volume 6.2 ES Chapter 7 Noise and Vibration*
  - *EN010110-000496-MVV Volume 6.4 ES Chapter 7 Noise and Vibration Appendix 7A - 7C AC*
  - *EN010110-000497-MVV Volume 6.4 ES Chapter 7 Noise and Vibration Appendix 7D Outline Operational Noise Management Plan*
  - *EN010110-000486-MVV Volume 6.3 ES Chapter 7 Noise and Vibration Figures*
  - *EN010110-000526-MVV Volume 7.12 Outline Construction Environmental Management Plan*
  - *EN010110-000530-MVV Volume 5.2 Statement of Statutory Nuisance*
- 4.2 Annexes B, C, E and F were omitted from the original application submission. This was highlighted to the applicant during the technical officer meetings – resulting in these Annexes subsequently being provided for review.
- 4.3 Whilst the Council is still waiting for some minor additional data / clarifications to be shared, the outcome of the assessment and conclusions drawn in this documentation (including Annexes B, C, E and F) are accepted – and Officers are satisfied that this work has been undertaken by suitably competent personnel, in accordance with all relevant legislation and technical guidance.
- 4.4 It is recommended however, that the matters identified in sections 4.5 to 4.11 below are taken into consideration by the Inspectorate, before a recommendation is made to the Secretary of State and a final decision reached:
- 4.5 It is noted that the assessment is necessarily complex – but, as a result, it would benefit from the addition of a further table which easily identifies - at a relatively high summary level and in relation to each receptor:
- type of noise assessed (operational or construction noise /vibration)
  - determined significance of noise / vibration impact
  - what type of mitigation is proposed – if any
- 4.6 Whilst signposting has been requested from the applicant (to clarify the location - within the application – of the information identified in section 4.5), in the future, this (and similar)

information, should still be presented more clearly – to enable non-expert readers of the assessment to be able to easily identify the outcomes of this technical assessment.

- 4.7 The reviewed documentation contains several references to the Outline Construction Environmental Management Plan (Outline CEMP) and the Outline Noise Management Plan (Outline NMP) which have been submitted to support the planning application.
- 4.8 These references make it clear that the actual detail of site-specific measures which are to be implemented to mitigate any identified environmental impacts (including noise) – are intended to be specified further in the Outline CEMP and Outline NMP.
- 4.9 It is understood – following discussions with the applicant - that provision for securing this documentation is made within relevant Planning Legislation as it relates to this specific type of Development Consent Order application. However, this needs to be clarified and expressly confirmed as part of the Examination process to ensure that the detail and relevant mitigation can be secured if permission is to be granted.
- 4.10 Considering the high level of public interest in applications of this nature, and the integral role which these documents have in relation to minimising all potential environmental impacts in relation to all aspects of this application - it is considered essential that the following is secured via the planning process:
- An updated CEMP to be submitted for approval by all relevant consultees (including but not necessarily limited to FDC) prior to the commencement of any site clearance, ground preparations, demolition and construction associated with the site – which:
    - Is drawn up in accordance with the relevant legislation and technical guidance – and contains all associated content
    - Is presented in a logical format, to enable ease of interpretation
    - Includes a table which provides a high summary level of the determined significance of construction noise and vibration impact at each receptor
    - Includes detailed explanation of the measures which will be implemented to address each identified impact as necessary for each measure, a statement and/or other evidence/calculations as necessary - to verify the predicated impact outcome of the implementation of each mitigation measure at each receptor
  - An updated NMP to be submitted for approval by the relevant consultees (including but not necessarily limited to FDC) prior to the operation of the installation on the site – which:
    - Is drawn up in accordance with the relevant legislation and technical guidance – and contains all associated content
    - Is presented in a logical format, to enable ease of interpretation
    - Includes a table which provides a high summary level of the determined significance of operational noise impact at each receptor
    - Includes detailed explanation of the measures which will be implemented to address each identified impact as necessary for each measure, a statement and / or other evidence / calculations to verify the predicated impact outcome of the implementation of each mitigation measure at each receptor

- 4.11 Care should be taken to ensure that all future submissions of technical documentation in relation to the noise impacts of this development - shall:
- contain all appendices / annexes as referenced within the relevant reports - to enable a complete review to be undertaken.
  - contain sufficient data / content to support all assumptions and professional judgements made – to ensure as high a degree of traceability and transparency as possible is provided.
- 4.12 Notwithstanding the content of the “EN010110-000530-MVV Volume 5.2 Statement of Statutory Nuisance”, legal advice received confirms that should FDC receive allegations of any type of statutory nuisance (not just noise), it would still have a duty to investigate - and take enforcement action if any such allegation is substantiated.

Cambridgeshire County Council Education Capital comments and wider educational concerns raised in relation to the Cambian Education Foundation Learning Centre (CEFLC) and the Riverside Meadows Academy (RMA) by Fenland District Council (FDC)

- 4.13 The Noise and Vibration Chapter (7) of the Environmental Statement does not identify the Thomas Clarkson Academy (TCA) as a noise sensitive receptor even though it is within 750 metres of the site and closer to the CHP Connection works. Whilst it is standard practice for a study area to be up to 300 metres, this is not a maximum and is only “normally sufficient” according to the relevant British Standard. The study area section does not acknowledge sensitive receptors such as the TCA and especially the external areas associated with the Academy’s play areas and sports pitches.
- 4.14 The TCA and Free School site falls within the study area for the EfW CHP as identified on figure 7.5 (Operational Noise Study Area). However, no long term or short-term monitoring is proposed to assess the impact of the proposed development on the school even though the southern boundary of the TCA site where the existing MUGA (Multi-Use Games Area) is located is identified as a ‘Noise Sensitive Receptor’. Whilst the noise modelling results suggest that noise levels will be between 35-40Db, given that the TCA should be regarded as a sensitive receptor, some acknowledgement and further consideration, along with monitoring to mitigate any real-time impact should be provided. Furthermore, on the basis that only short-term monitoring is proposed for the CEFLC and RMA school sites this also needs to be given further consideration and longer-term mitigation.
- 4.15 The baseline assessment has used noise monitoring data from November 2021 which is within the Covid-19 lockdown period and therefore should not be considered a true representation of the baseline noise levels.
- 4.16 The concern is that the proposed development will lead to increased noise levels and exhaust emissions from additional HGVs and associated vehicle movements from the proposed development along the local road network used by the TCA and potentially the Free School. The Outline Construction and Environmental Management Plan (Outline CEMP) also proposes measures to reduce construction noise including using quieter plant, programming activities to avoid overlapping with other intensive works. Therefore, the implementation of mitigation measures in the Outline CEMP and their performance will be

key to ensuring the noise and exhaust emission levels do not further impact air quality in and around the TCA and Free School site.

## 5 Air Quality (ES Chapter 8)

### Cambridgeshire County Council Air Quality Consultant

- 5.1 Cambridgeshire County Council employed an Air Quality Consultant to provide specialist comments on the Medworth CHP Limited DCO application and their comments have been summarised in paragraphs 5.2 to 5.24 below to just highlight the major issues, with further detail of a number of other issues to follow in the Local Impact Report (LIR). A critical review was carried out on behalf of Cambridgeshire County Council (CCC) to ensure that the conclusions to be presented in the Local Impact Report are robust, the review covers: whether the scope of the assessment submitted by the applicant is sufficient; whether the air quality chapter of the ES and supporting documents are based on an appropriate methodology (i.e. is it 'fit for purpose'); the identification of any errors or omissions; whether the assessment of the overall significance of the proposed development is appropriate, and whether appropriate criteria have been adopted; and whether the mitigation measures proposed are appropriate.
- 5.2 Where errors or omissions were identified, they were categorised as either a Minor, Moderate or Major Issue. The Minor issues, which in isolation would be unlikely to affect the conclusions of the assessment will be included in the LIR because there is the potential for multiple minor issues to combine to invalidate the reported conclusions. The Moderate issues are weaknesses that have been identified which, individually, may or may not affect the conclusions, and therefore details of these will be included in the LIR. The Major issues are set out in full in the following paragraphs because any one individual failing would be highly likely to invalidate the reported conclusions.
- Major Issues
- 5.3 In Paragraph 8.4.14 and Annex 8B of the ES it states: "A four-month co-location study was undertaken with a triplicate diffusion tube location (site 14) installed alongside the automatic monitor from August to November 2021. This co-location study was used to determine a diffusion tube adjustment factor of 0.69." Many of the factors which cause diffusion tube bias vary by season (and so the bias in one part of the year will be different from that for the annual mean). In these circumstances, where monitoring was carried out for an 11 month period in a calendar year (January to November 2021), it would have been more appropriate to have applied a bias adjustment factor derived from monitoring carried out throughout 2021 rather than a short 4-month period. The National Diffusion Tube Bias adjustment spreadsheet v 06/22 contains 34 studies using diffusion tubes prepared using 20% TEA in water and 16 studies using 50% TEA in acetone. The factors derived using these studies are 0.84 and 0.82. Applying these factors would have resulted in higher measured concentrations presented in Table 8.8 and model verification factors, which would have resulted in higher modelled annual mean NO<sub>2</sub> concentrations and greater impacts as a result of the development. This has therefore led to an underrepresentation of the impacts of the Proposed Development.
- 5.4 In Table 8.26 and 8.27 and Appendix 8B, no consideration has been given to the new benzene 24-hr Environmental Assessment Level of 30 µg/m<sup>3</sup>.

- 5.5 In Table 8.31, it states the maximum daily HF concentration occurs at E1. Table 8B.H27 indicates that a higher concentration is modelled at E8. The impacts have therefore been underrepresented in Table 8.31.
- 5.6 In Table 8B4.3 Odour concentration 3,000 OUE/m<sup>3</sup>, the source of this assumption should be provided.
- 5.7 With reference to Table 8B4.3 Odour release rate 133,333 OUE/m<sup>3</sup>, based on the other parameters stated in this table, the odour release rate appears to be incorrect.
- 5.8 In Paragraph 4.2.21 Diesel generator emissions, no consideration is given to the impact of generator testing, which is required regularly throughout the year in accordance with manufacturer's instructions.
- 5.9 Paragraph 4.3.5 identifies that NWP data for the period 2015-2019 has been used in the chimney model. The roads model is verified against monitoring data from 2021 and therefore the meteorological data should also be taken from the same year. The met data year used for the traffic model does not appear to be stated anywhere in the documentation.
- 5.10 In Paragraph 4.10.2, it states "As emissions of relevant pollutants associated with chimney discharges from the EfW CHP Facility are below reporting thresholds for other Part A(1) installations in the local area, it is not proposed to specifically include their emissions in the dispersion model. However, as all Part A(1) installations are included in Defra's national mapped estimates of background concentrations which were used as part of the assessment, such emissions were considered indirectly." Depending on the dispersion characteristics and location of nearby sensitive receptors, point sources can have a locally significant impact when emissions are below the EA reporting thresholds. For example, the specific source associated with the nearby AQMA designation for SO<sub>2</sub> and PM<sub>10</sub> is not identified. Figures 8.5 and 8.6 indicate that the impacts of the proposed development could overlap with the AQMA and therefore the potential for combined impacts with this and any other point sources should be considered further.
- 5.11 In Graphic 8B5.1 Modelled Road Links, there is no justification for the area included/not included in the modelled road links. Therefore, it is not possible to determine whether a suitable study area has been selected.
- 5.12 In Graphic 8B5.1 Modelled Road Links, the modelled road links do not extend to roads adjacent to the SACs and therefore the combined influence upon designated ecological sites of emissions from additional traffic generated by the development and the stack does not appear to have been adequately taken into consideration in the assessment. Additional traffic on roads such as the A47 and A141 directly adjacent to Nene Washes, and the A1122 adjacent to Ouse Washes have not been considered.
- 5.13 With reference to Graphic 8B5.1 Modelled Road Links, as mentioned in the review of the PEIR, all roads within 200m of receptors should be included in the road traffic model to ensure that total predicted environmental concentrations are representative of actual conditions. The road network shown does not include all road links within 200m of receptors and therefore the Predicted Environmental Concentrations will have been underestimated at these locations.



- 5.14 In Table 8B5.4 % (Modelled-Monitored)/Monitored, there appear to be some errors in this table as the percentages presented do not correspond with the modelled and monitored values in the table.
- 5.15 In Table 8B6.1 PM10 24-hr max PC as % of AQAL = 0%, based on the values presented, this value is incorrect .
- 5.16 In Table 8B6.1 PEC, the lack of baseline concentrations in these tables makes it impossible to determine whether the PECs have been calculated correctly.
- 5.17 In Table 8B6.1 and others, Concentrations of metals, PAH and PCB. The concentrations are presented at an insufficient number of significant figures to allow meaningful comparison with the EAL. For example the Chromium VI EAL is 0.0002 µg/m<sup>3</sup> but the PC is stated as <0.01 µg/m<sup>3</sup>, which is 5,000% of the EAL.
- 5.18 In Table 8B6.2 Annual mean PC (traffic) at R96 PM10 = <0.01 µg/m<sup>3</sup>, PM2.5 = 0.05 µg/m<sup>3</sup>, there appear to be some errors in this table because the PM10 PC from traffic should be greater than the PM2.5 PC.
- 5.19 In Table 8B6.2 Annual mean PC (traffic) ammonia annual = 0.01 µg/m<sup>3</sup> and 1-hr = 0.01 µg/m<sup>3</sup>, there appear to be some errors in this table because the annual mean and 1-hr contributions should be different values.
- 5.20 In Table 8B6.5 Annual NO<sub>x</sub> PC 0.34 µg/m<sup>3</sup> = 1.0% of the Critical Level, this is incorrect, 0.34 µg/m<sup>3</sup> is actually 1.1% of the Critical Level.
- 5.21 In Table 8B6.10 Maximum predicted odour concentration at human receptors during abnormal operation, a figure should be provided showing concentration contours to determine whether there are any locations where short-term exposure could occur at higher concentrations.

#### Conclusion

- 5.22 The methodology outlined in the ES is generally acceptable, although a number of clarifications and errors are identified in this review that need to be addressed before any conclusions on the likely significance of air quality effects can be determined. The apparent errors in the reporting of the results highlights the need for rigorous Quality Assurance and checking of all model inputs and results presented in the ES. There may be additional errors that have not been highlighted in this review and therefore a full review of all inputs and results should be completed by the applicant prior to submission of updated documentation.
- 5.23 The issues identified above have been discussed with the applicant and their consultants. They have agreed to provide an updated version of the Air Quality Technical Report (Appendix 8B of the Environmental Statement), which will aim to address these issues. Based on the discussions to date, it is not anticipated that any of the changes are likely to alter the conclusions of the assessment.
- 5.24 Some of the issues highlighted should lead to alterations in the calculated concentrations and deposition fluxes of pollutants at designated ecological sites. Therefore once the updated Air Quality Technical Report has been produced, the Ecology chapter may need to

be updated and any changes reviewed. More information will be included in the Local Impact Report if these amendments are received in time.

## Fenland District Council (FDC) Environmental Health Officers (EHOs)

- 5.25 FDC's EHOs agree with the points and conclusion raised above by the Air Quality Consultant's (AQC) review of Chapter 8 of the ES and the associated figures and appendices.
- 5.26 In addition to the observations made in the AQC report, FDC's EHOs make the following comments on behalf of FDC.
- 5.27 Table 8.6 references the 2020 Annual Screening Review. The 2021 Air Quality Screening Review was published online at [www.fenland.gov.uk/airquality](http://www.fenland.gov.uk/airquality).
- 5.28 In the 2021 Annual Screen Review for this location, a bias adjustment of 0.76 was made to diffusion tube results. This assessment has used a level of 0.69. The monitoring used to derive this bias adjustment does not have a representative monitoring period for there to be confidence that this bias should be used over the DEFRA published bias adjustment factor. It is considered that the bias adjustment used will underrepresent the annual NO<sub>2</sub> levels.
- 5.29 Within paragraph 8.5.5 of the ES it states that Fenland operate two continuous monitors. This is incorrect. Two continuous monitors are operated by Forterra Brick Works as part of the Environment Agency (EA) Environmental Permit to demonstrate compliance with the AQMA. FDC do not control or have continuous access to this data or monitoring. FDC would like the report to note the AQMA in Whittlesey.
- 5.30 To note the report mentions Whittlesea, this has been taken to be the town of Whittlesey.
- 5.31 Paragraph 8.5.25 of the ES advises that that the long-term objectives for No<sub>2</sub> and No<sub>x</sub> will not be exceeded. For FDC to consider if they agree with this statement the objectives should be referenced to avoid ambiguity.
- 5.32 It is deemed that short term exceedance may occur in emergency situations. Paragraph 8.6.31 of the ES refers to Island Mode Operation (Operating independently from the national grid). In further development of the Air Quality Management Plan it should be clearly detailed how these occasions will be monitored and what control measures will be put in place to ensure these incidents do not occur regularly enough to create an exceedance of the national air quality objectives.
- 5.33 Paragraph 8.6.40 and 8.6.51 of the ES refers to the odour management during periods of abnormal operation. It is noted that a system of odour abatement has not been confirmed and the odour management plan is still in the outline stage.
- 5.34 Paragraph 8.6.48 of the ES discusses non-road mobile machinery (NRMM), although it is agreed that it is not in scope of the air quality impact assessment and would appropriately be part of the Construction Environmental Management Plan, it is currently absent from the Outline Construction Environmental Management Plan (Outline CEMP), and therefore further revisions of the CEMP should include this and be agreed with the LA pre-commencement of any use of NRMM on site.

- 5.35 Paragraph 8.6.50 of the ES in addition to all handling and storage of incinerator bottom ash (IBA) and air pollution control residues (APCr) being within an enclosed building, the transportation of IBA and APCr should also be enclosed or transported in a state to mitigate releases of particulates. Dust mitigation measures should be in place to prevent the escape of airborne IBA from all storage and handling buildings and this should be included in the sites Air Quality Environmental Management Plan in line with their Environmental Permit.
- 5.36 Paragraph 8.8.10 of the ES states the transport aspect of this development is a substantial part of its operation. It should not be assumed that the short-term impacts to emissions be zero, but quantify what they are, to demonstrate their impact against current levels measured against a representative period.
- 5.37 Outline Odour Management Plan (OMP)  
This report is currently in its outline stages. The document identified that there will be controls in place although due to ambiguity of what these controls will be at this stage it is requested an updated OMP to be submitted for approval by the relevant consultees (including but not necessarily limited to FDC) prior to the operation of the installation on the site if granted permission – which:
- Is drawn up with the relevant legislation and technical guidance, and contains all associated content
  - Is presented in a logical format, to enable ease of interpretation
  - Includes a table which provides a high-level summary of the determined significance of odour sources at each receptor including the impact when the site is operational, anormal operational, and emergency operational
  - Includes detailed explanation of the measures which will be implemented to address each identified impact as necessary for each measure, a statement and/or other evidence/calculations as necessary – to verify the eradicated impact outcome of the implementation of each mitigation measure at each receptor.

Cambridgeshire County Council Education Capital comments and wider educational concerns raised in relation to the Cambian Education Foundation Learning Centre (CEFLC) and the Riverside Meadows Academy (RMA) by Fenland District Council (FDC)

- 5.38 In terms of odour and dust, specific reference has been made to an automatic monitoring station being installed at the TCA. However, it is unclear from the submission who will monitor this and how the result of monitoring will be reported to the TCA. Based upon the information provided, without the proposed mitigation measures, the proposed development could cause unacceptable adverse effects in respect of odour and dust on the TCA and the proposed Free School site, in addition to the CEFLC and RMA school sites. While enhanced mitigation and monitoring should be a requirement, the implementation of any proposed mitigation measures and monitoring of their performance will be essential for all the school sites.

## 6 Landscape and Visual (ES Chapter 9)

### Cambridgeshire County Council Landscape Architects

- 6.1 Cambridgeshire County employed Landscape Architects to provide specialist comments on the Medworth CHP Limited DCO application and their comments are contained in paragraphs 6.2 to 6.11 below.
- 6.2 The Proposed Development would recover useful energy in the form of electricity and steam from over half a million tonnes of non-recyclable (residual), non-hazardous municipal, commercial, and industrial waste each year. The Proposed Development has a generating capacity of over 50 megawatts and the electricity would be exported to the grid. The Proposed Development would also have the capability to export steam and electricity to users on the surrounding industrial estate. The maximum parameters of the main building are 52m in height, 177m in length and 102m in width. The maximum parameters of the 2 chimneys are 90m in height with a maximum width of 3.2m. The external elevations of the buildings would be clad in flat panels of contrasting bands and will adopt a palette of grey tones with lighter grey cladding used for the highest parts of the EfW CHP Facility. The Finished Floor Level (FFL) across the development Site would be set at 3.0m above ordnance datum (AOD).

### Submitted Information

- 6.3 Chapter 9 of the Environmental Statement includes a Landscape and Visual Impact Assessment which presents the Environmental Assessment of the likely significant effects of the Proposed Development with respect to landscape and visual impacts, including impacts upon townscape. The methodology (appendix 9B) used to prepare the LVIA contained within Chapter 9 is based on the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) (Landscape Institute (LI) & Institute of Environmental Management & Assessment (IEMA), 2013). Included additionally within Chapter 9 is a Residential Visual Amenity Assessment (RVAA). The RVAA examined eight individual or small groups of properties identified within 500m of the boundary of the main building at the EfW CHP Facility. The methodology for the Residential Visual Amenity Assessment is presented separately from the LVIA Methodology within Appendix 9K: Residential Visual Amenity. Chapter 9 is supported by 12 appendices that contain the extensive volume of baseline information and the detailed assessments with summaries included within the main body of Chapter 9 at sections 9.5 and 9.9 and the information is supported by 46 Figures.

### Viewpoints and Photomontage

- 6.4 30 representative viewpoints were used to aid assessment of the effects. Photomontage or wireframes of the proposed development were generated for a selection of these viewpoints. The LVIA States that photomontages have been produced in accordance with Landscape Institute Technical Guidance Note 06/19.

### Summary of LVIA Assessment Findings

- 6.5 The landscape and visual assessment considered the potential effects of the Proposed Development on: the character of the landscape, the character of the town of Wisbech; and, views from numerous different locations within the Study Area. The views include: residential areas, groups of dwellings or individual properties; Footpaths, cycleways and visitor attractions; and, roads (including different sections of the same road). Table 9.10 of the LVIA sets out the Landscape and Visual Receptors that were 'Scoped in' for

assessment within the LVIA. Significant effects during construction, operation and decommissioning were identified for the following receptors:

- Residents of 9 and 10 New Bridge Lane;
- Residents of No. 25 Cromwell Road would see the construction and final form of the middle and upper sections of the EfW CHP Facility above existing commercial buildings;
- A small number of properties on the northern edge of Begdale;
- People walking along a section of the Nene Way – south of Wisbech;
- Cyclists using a stretch of the Sustrans National Cycle Route 63 heading into Wisbech approximately 1.3km from the EfW CHP Facility;
- People walking along Halfpenny Lane towards Wisbech would experience short-lived close distance views;
- Bank/Narrow Drove/Broad Drove at a distance of 1-2.9km would see upper parts of the main building and chimneys once the EfW CHP Facility had been constructed;
- Vehicular users of the A47 eastbound (to Wisbech) which would be short-lived and when operational, seen in the context of the existing cold store and other buildings; and
- Vehicular users of the B198 Cromwell Road (southwest of Wisbech town centre) although during both construction and operation the Proposed Development would be seen in the context of existing buildings and would be often screened by them in close-up views.

6.6 Significant effects were identified during the operation period for Recreational users of the Public Right of Way 'The Still', south of Leverington for the operational phase only and at a distance of 1.8km to 2.8km where users would see the EfW CHP Facility as a low focal point above a short section of the south-eastern horizon above the intervening vegetation.

#### Conclusions

6.7 The Consultant's assessment has concluded that there would be no significant landscape or townscape effects apart from locally significant effects within the landscape character area closest to the Proposed Development, which is the Wisbech Settled Fen landscape character area. As set out above, there would be many significant visual effects during construction and operation. Significant effects have also been identified to arise from the decommissioning phase.

6.8 Technical discussions with the applicant are ongoing. However, the Consultant has identified serious concerns regarding the applicant's assessment as to the extent in which potential significant effects to landscape character and to the surrounding townscape character would extend as a consequence of development of the proposals.

6.9 Based on advice provided by the Consultant, both CCC and FDC have serious concerns regarding the applicant's assessment of the extent of potential significant visual effects as a consequence of development of the proposals.

6.10 The ZTV splash demonstrated on ZTV Figures 1 – 4 (refined October 2022) is substantial, essentially covering all of the study area including large areas of the urban area of Wisbech and surrounding settlements. The accompanying photomontage visualisations demonstrate the vertical prominence of both the chimneys and the mass of the buildings.

- 6.11 Given the Consultant's conclusions, both CCC and FDC have serious concerns regarding the visual effects to residential properties within proximity to the proposal site, particularly in regard to 10 New Bridge Lane where there is a concern that there is potential for the operation of the EFW CHP Facility to breach the Residential Visual Amenity Threshold (RVAT).

### Cambridgeshire County Council Education Capital

- 6.12 In the Landscape and Visual Assessment (Chapter 9) of the Environmental Statement, it states that the pupils and staff at the TCA would experience a 'Very Low' and 'Low' magnitude of change at both construction and operational phases. The only elements of the proposal that would be visible from the TCA would be the 90 metre chimney columns and upper section of the building. Even though no viewpoints have been prepared from TCA or Weasenham Lane, there will be a change to the skyline when looking south from the TCA and Free School site, although they would be of low level of magnitude.

### Fenland District Council (FDC) Heritage comments

- 6.13 Officers at FDC have reviewed the documents from a Heritage perspective. It is considered that the analysis of the significance of the various heritage assets identified in the submitted reports is insufficient. Associated to this is the fact there appears to have been no significant attempt to identify how the various assets (and their associated settings) are appreciated by those visiting/viewing them. Consequently, the potential impact of the proposed development has not been fully assessed.
- 6.14 The planning assessment has not been presented in a form that accords with the requirements of Paragraphs 5.8.14 to 5.8.18 of the Overarching National Policy Statement for Energy (EN-1).
- 6.15 Clearly the scale of the structures of the new facility will impact the setting of both designated and undesignated built heritage assets within the historic town and in the broader landscape. Consideration should therefore be given to the impact that the scale of the building has in the context of the scale and built form of buildings in the town of Wisbech as a whole and whether this impacts on the qualitative appreciation of the characteristics of the town to the detriment of visitors and the local population. Historic England, in their capacity as advisors on statutory designation, will also be providing comments on the impacts and proposed mitigation with regard to designated heritage assets, and both CCC and FDC would request considerable weight is afforded to their advice.

### Fenland District Council (FDC) Environmental Health Officers (EHOs) comments on Light

- 6.16 FDC's EHOs have produced the following comments regarding the impact the outline Lighting Strategy may have on the immediate locality and landscape. This should be viewed as a separate matter to the wider Landscape and Visual comments as addressed by CCC's Landscape Architects above.
- 6.17 The following documentation has been reviewed by FDC's EHOs:

*“EN010110-000514-MVV Volume 6.4 ES Chapter 3 Description of the Proposed Development Appendix 3B Outline Lighting Strategy”*

- 6.18 It is recognised that the Strategy makes suitable reference to recognised lighting industry guidance.
- 6.19 Notwithstanding the above, consideration must also be given by the applicant to ensure that light overspill and/or glare does not adversely impact on any other premises (including, but not limited to isolated residencies on New Bridge Lane) - despite the proposed development site being a considerable distance from any built-up residential areas.
- 6.20 The Environmental Health service reserves the right to investigate any complaints(s) of lighting that are alleged to be impacting on the amenity of those living and working nearby and take relevant action if it is considered to constitute a statutory nuisance.

## 7 Historic Environment (ES Chapter 10)

- 7.1 A series of documents pertinent to the archaeology of the scheme has been reviewed, including: Volume 6.2 ES Chapter 10 Historic Environment; Volume 6.3 ES Chapter 10 Historic Environment Figures; and, Volume 6.4 ES Chapter 10 Historic Environment Appendices including Appendix 10B1 Baseline Desk Study Report. A comprehensive, although repetitious account of the small amount of archaeological data set out in these volumes concludes that impacts to known and potential archaeological evidence has already occurred within the Combined Heat & Power site and is unlikely to occur in the Grid Connection route as this has now largely moved to being in the verge of the A47 where archaeological work has already taken place. We agree with this conclusion and are pleased to see that new land take for the cable will be limited thereby eliminating the need for archaeological evaluation and mitigation schemes.
- 7.2 There are key areas to focus archaeological intervention on, firstly including the purported site of the Elm and Wisbech Leper Hospital (Cambridgeshire Historic Environment Record reference MCB4765), founded in 1378 at the parish boundary. Here, the applicant considers that there will be a medium likelihood of the presence of contemporary and related remains (Volume 6.4 ES Chapter 10 Historic Environment Appendices - Appendix 10B1 Baseline Desk Study Report, 5.2.3). Secondly, the sequence of varied environments evident in geotechnical cores/ borehole data for the EfW CHP Facility Site indicate the interplay between freshwater and marine environments in this historic intertidal zone (see Volume 6.2 ES Chapter 10 Historic Environment Table 10.2). The prehistoric to Roman sequence remains relatively unknown apart from in connection with roddonised palaeoriver channels, that afforded dryland conditions once infilled. It is these roddon surfaces that will require archaeological focus in the cable trench or within the site.
- 7.3 Embedded Environmental Measures Table 10.13 (Volume 6.2 ES Chapter 10, 10.7) shows how Listed Buildings along the Grid Connection route will no longer be affected as the cable will now be underground and along the A47 verge. As above, this also ameliorates the impact on buried deposits and archaeological heritage assets as the impacts have previously been caused by road and service works. There is provision for a Written Scheme of Investigation (WSI) for monitoring and recording work included in the Outline

CEMP (vol 7.12). This is welcome and acceptable; however we advise that any WSI is led by a brief prepared by CCC's Historic Environment Team to ensure that the county's archaeological priorities and requirements are met, which should be responded to by the appointed archaeological contractor.

- 7.4 Sections 10.9.5 to 10.9.9 estimate the impact to potential archaeological assets and paleoenvironmental contexts assuming the assets will be of low heritage significance and the impacts as not significant. In this context and due to the extant impacts of the current site's development and use impacts, we agree with this statement and approve the provision at 10.9.8 for monitoring and recording of the mixed freshwater and marine deposit sequence with the objective of seeking incipient soils indicative of drier land conditions able to host human activity and by researching the surfaces of roddonised prehistoric river channels, in accordance with the East of England Research Framework agenda: "Question: Multi 08 - How can we better realise the archaeological potential of the fenland?" An earlier recommendation was to align the deposit sequence in the boreholes with the quaternary deposits recorded for this part of the fenland region, which would need geoarchaeological or specialist geological input. This small area of work will remain a requirement, along with acquiring absolute dates for peat horizon contacts and any incipient soils identified in the cores and/or during ground works. We have agreed that geoarchaeological boreholes will be conducted post consent, should this be awarded, and included in a mitigation strategy that will be shown in the Construction Environmental Management Plan for this particular development.
- 7.5 FDC Officers and Historic England will provide comment on the impact to Conservation Areas and Listed Buildings as we do not comment on these matters in relation to infrastructure schemes. We are awaiting this information which will be included in the Local Impact Report. There are no scheduled monuments in Cambridgeshire that will be directly or negatively affected by the scheme.
- 7.6 The Outline Construction Environmental Management Plan (Volume 7.12) contains a section for the Historic Environment at 5.9. For this scheme, it is satisfactory but requires an additional note to ground crews in the event of discovering human remains as the treatment of human remains is protected by law, specifically the Burial Act of 1857 and the disused Burial Grounds Act of 1884 (amended 1981).

## 8 Biodiversity (ES Chapter 11)

- 8.1 Overall, the ecological assessment is comprehensive and well presented. We agree with the applicant's assessment that there will be no significant impact on wildlife sites. However, we are concerned about the following:
- Net loss in biodiversity value;
  - incomplete protected species surveys (water vole and great crested newt);
  - lack of compensation and enhancement for protected species (water vole);
  - more details required for assessment of habitats (priority habitats & those of county importance);
  - lack of priority habitat within the scheme appropriate for the location or to off-set losses (open mosaic habitat / hedgerows); and



- wording of DCO requirement(s).

#### Net loss in biodiversity value

- 8.2 Our main concern is that the scheme will result in a net loss in biodiversity value, with a loss of approx. -10% area-based habitats, -22% linear based habitats (hedgerows) and -12% river-based habitats (hedgerows). This includes loss in biodiversity value for priority habitat (hedgerows), local BAP habitat (ditches) and scrub (see BNG assessment). This does not accord with the policy 20 of Minerals and Waste Local Plan which requires development to deliver biodiversity net gain in habitats / species that is proportionate to the scale of the development.
- 8.3 We are pleased that the scheme has committed to addressing this issue through off-site compensation, but no information is provided about how this will be delivered. The applicant has proposed a Biodiversity Net Gain requirement (6) within the draft DCO, but this only requires the production of a BNG strategy. We seek that this is reworded to capture the requirement for off-site compensation for loss of biodiversity value (particularly priority habitats and those of local importance), along with the implementation of the scheme and management/ monitoring until habitats have reached their target condition. The BNG requirement should also monitor whether or not the expected on-site BNG targets will be met, at both the detailed design stage, construction and operational stage.
- 8.4 We also believe it would be helpful if the applicant explored options for off-site compensation during the Examination period, so that we have more confidence that a scheme will be delivered. We would suggest a meeting with local authority ecologists and key NGOs (RSPB, Wildlife Trust) in the area that are involved within BNG or might know about potential sites.

#### Priority habitats

- 8.5 There will be a loss in value of priority habitats – hedgerow (as mentioned above) which needs to be compensated.
- 8.6 Clarification is sought as to why ephemeral habitats identified along the disused railway line are not identified as priority habitat - open mosaic habitat on previously developed land.

#### Habitat of county importance

- 8.7 The applicant should confirm whether or not the habitats within the scheme have been assessed against the County Wildlife Site criteria. For example, scrub (criteria 1b) or habitat mosaic along the disused railway.

#### Water Vole

- 8.8 Water Vole will be adversely affected by the scheme as a result of habitat loss due to culverting of D24 within the EfW and we are disappointed that the scheme fails to incorporate any compensatory measures to address this loss in habitat and isolation of potential water vole burrow. We therefore seek inclusion of enhancement to ditch D24 (affected to ditch) and ditch D26 and support of water vole as part of the Outline Landscape and Ecology Strategy. Both of these ditches are suboptimal due to maintenance and effluent. We would expect the scheme to address this issue, particularly any runoff etc., as part of the scheme design.

- 8.9 In addition, we are concerned that not all ditches have been surveyed. We are currently within the survey season for water vole and therefore, consider it reasonable to seek that the applicant undertake the outstanding WV surveys ASAP, so that the full impact of the scheme on Water Vole can be determined.
- 8.10 We have not been able to find a lighting plan for the scheme. The applicant should confirm whether or not dark corridors will be retained along the ditches that support water vole (e.g. D24 and D26 on the EfW site). It would be helpful to have a plan showing the dark corridors as part of the outline lighting strategy to confirm that there will be no illumination of these features.

#### Great Crested Newt

- 8.11 Some of the ditches that will be affected by the proposals have not been surveyed for the presence of Great Crested Newt (GCN) and therefore the full impact on this protected species cannot be determined. The applicant has proposed to undertake pre-commencement surveys, however, we are concerned about what will happen if GCN are found because it is unlikely that any impacts can be addressed within the habitat currently proposed within the red-line boundary. We are also concerned that off-site compensation through the Cambridgeshire GCN District Level Licensing (DLL) scheme is unlikely, given it only deals with loss of ponds and there is limited capacity within Fenland. We seek that the applicant undertake GCN surveys of these ditches, so that the full impact of the scheme on GCN can be determined. In addition, we seek clarification on how the current scheme will be able to mitigate loss of GCN habitat.

#### Bats

- 8.12 We have not been able to find a lighting plan for the scheme. The applicant needs to confirm whether or not dark corridors will be retained along the CHP corridor, as well as the ditches located within and at the boundaries to the EfW site. It would be helpful to have a plan showing the dark corridors as part of the outline lighting strategy, so that it can be confirmed these features will not be illuminated.

#### Outline Landscape and Ecology Strategy

- 8.13 We seek clarification as to why brownfield habitat has not been promoted for adjacent to the railway corridor because it could help to address the loss of ephemeral habitat, which include a number of interesting plants. In addition, the applicant has not included compensation for loss of water vole habitat and ditches identified to support / potentially support water vole have not been identified or been enhanced as part of the scheme which would provide opportunities to improve water quality and/or improve foraging opportunities / plant diversity.

## 9 Hydrology (ES Chapter 12)

- 9.1 The following comments are from the Local Lead Flood Authority (LLFA) and relate to flood risk and surface water drainage. The availability and use of water resources for the operation of the plant is not a matter for CCC to comment on but will be considered by the Environment Agency so far as it relates to water resource efficiency and through their permitting regime.

9.2 The LLFA expects that as much water is reused within the scheme as possible, in line with the drainage hierarchy. This could be through techniques such as rainwater harvesting for grey water within any part of the proposed facilities. It must be clearly demonstrated within the submissions that the rainwater reuse has been fully covered and utilised as widely as possible.

#### Climate Change Allowance

9.3 Climate change allowances have been applied to the 1% Annual Exceedance Probability (AEP) storm event. However, in accordance with the [latest climate change peak rainfall intensity allowances](#), a climate change allowance should be incorporated into the surface water management scheme for the 3.3% annual exceedance probability rainfall event. The allowance used should be based on the lifetime of the development.

#### Pumping of surface water

9.4 It is acknowledged that pumping may be required where levels do not permit a gravity outfall. However, justification must be provided for the reasoning for the use of pumps for surface water disposal. Surface water is proposed to be pumped from the Temporary Construction Compound (TCC). Pump failure modelling would be required for any pumped discharge, modelling full pump failure, with 50% capacity in attenuation during the critical duration 1% AEP storm.

#### Pumped groundwater

9.5 The additional volumes for the maximum volume of groundwater pumped from deep excavations must be available within the receiving body, be it a basin, tanks, or watercourse.

#### Half Drain Times

9.6 It is noted that some of the half drain times are exceeding 24 hours within the system. These should be retained as close to 24 hours as possible. Where this is not feasible, the LLFA would accept the available capacity within the system has suitable capacity to receive a follow up 1 in 10-year storm after 24 hours.

#### Hydraulic Calculations

9.7 Acknowledging the submitted calculations are calculating the volume attenuation required, performance calculations for the 100%, 3.3% and 1% AEP storms should be provided including a suitable allowance for climate change on the 3.3% and 1% AEP storm. There should be no surcharging in the 100% AEP storm and no water outside the system in the 3.3% AEP storm including climate change. Low levels of flooding may be acceptable during the 1% AEP storm including an allowance for climate change, however, this must be managed safely within the red line boundary, keeping the future users of the facility safe, and mitigating any risk of flooding of the development, or adjacent land and property.

9.8 Caution should be taken with the diameters of flow controls. Generally, the minimum acceptable diameter from open attenuation is 75mm, to reduce the risk of blockage from litter and debris. From completely closed systems, such as permeable paving or underdrained swales, this can be as low as 20mm in line with the CIRIA SuDS Manual.

#### Wider drainage proposals

- 9.9 Details for all parts of the scheme, such as drainage layout and calculations are required. It is noted that the Outline Drainage Strategy focusses on the main facility. However, there are temporary works to the highways that should be provided.

#### Consultation with the Internal Drainage Board

- 9.10 The proposed scheme is within the Hundreds of Wisbech Internal Drainage Board (IDB), which is within the jurisdiction of Middle Level Commissioners (MLC). Works around the watercourses and that may impact the watercourse network, such as discharge rates, water quality or consenting requirements must be discussed with the IDB and MLC. Correspondence must be undertaken with the IDB/MLC from an early stage to ensure consideration is given to their requirements.

#### Maintenance

- 9.11 Management and maintenance schedules have been provided for the scheme, setting out required assets for maintenance as well as the maintenance activity and frequency for each structure. At a preliminary stage this covers the detail for maintenance, however this is subject to change as the design progresses. It should also be noted that maintenance consideration to existing structures must be accommodated for within the design of the site, such as access to existing watercourse networks. Watercourses in an IDB area will be subject to bylaws, which should be discussed with the IDB/MLC.

#### Waldersey Internal Drainage Board and Hundred of Wisbech Internal Drainage Board

- 9.12 Whilst MLC will be submitting their own Relevant Representation for this proposal to PINS on behalf of the IDB, officers of both CCC and FDC are keen to ensure that their concerns are addressed, alongside the hydrological points raised on behalf of the Lead Local Flood Authority.
- 9.13 Following discussions with the MLC, their Planning Engineer has confirmed that the following points are of particular concern to them:
- A. Hydrology - Water level and flood risk management including climate change allowance.
  - B. Integrity of the Boards System and local water level management systems - Encroachment beside watercourses including acoustic fencing and street lighting, footpaths/cycleways etc.; Increased and more regular loading of old drainage structures leading to settlement and/or failure; The adverse impacts of widening and increasing the traffic along New Bridge Lane.
  - C. Piping and filling of open watercourses - Loss of storage volume and habits/species with no apparent mitigation.
  - D. Biodiversity - Loss of habitats and species, Absence of suitable mitigation, No apparent Biodiversity Net Gain (BNG).
  - E. Future maintenance of the onsite water level and flood risk management systems in perpetuity.

- F. Water Neutrality, water resource and harvesting - The increasing societal need to manage a decreasing resource in the driest area of the country, which is facing significant growth and other related challenges, Better on site use of water potentially reducing flood risk.
  - G. Water quality and pollution control - Airborne debris collecting within watercourses and creating a flood risk, Chemical spills during normal events and following incidents such as an explosion or fire.
  - H. The impacts following a major incident, accident or disaster i.e. Water source for fire suppression and subsequent pollution control including retardants used, "Fall over" distances of the flue, Breach and/or overtopping of the adjacent tidal defences etc.
- 9.14 Whilst concern D (on Biodiversity), concern G (on Water quality and pollution control) and concern H (on Major incident, accident, or disaster) will also be relevant to chapter 8 of this response for Biodiversity (ES Chapter 11) and chapter 13 for Major Accidents and Disasters, they have been retained here for completeness, and to show our support to the concerns being raised by the MLC that will need addressing as part of the Examination.

## 10 Climate Change (ES Chapter 14)

### County Council Climate Change and Energy Services

- 10.1 Embodied carbon from construction of the proposed plant is a large source of greenhouse gas (GHG) emissions, estimated by the applicant at over 48,000 tonnes CO<sub>2e</sub>. Consideration should be given to minimising use of high-carbon materials such as concrete, steel etc, and use of low carbon construction methods and materials, such as more use of recycled/reclaimed materials, electrical plant/tools and locally sourced items.
- 10.2 GHG emissions from operation of the plant are very high, estimated by the applicant at over 280,000 tonnes CO<sub>2e</sub> per year, or over 11 million tonnes CO<sub>2e</sub> over the 40-year lifetime. The vast majority of these emissions are from burning the fossil carbon content of the waste (such as plastics). The actual emissions could vary a lot depending on the particular composition of the waste material.
- 10.3 The figure for avoided GHG emissions from energy generation stated by the applicant is incorrect, as the figures provided by the applicant use a single constant carbon intensity of UK electricity to be offset over the 40-year period. This ignores the forecast gradual decarbonisation of the UK electricity grid over time (which is published by BEIS).
- 10.4 The baseline scenario set out by the applicant assumes that, without the development, all of the annual 625,000 tonnes of waste would go to landfill every year for the 40 years of operation. However, this seems very unlikely.
- 10.5 The vast majority of emissions in the applicant's 'without development' scenario are stated to be from methane from landfill. The calculation of these emissions is imprecise and actual emissions from landfill could vary enormously depending on the biogenic carbon content of the waste composition, and how the particular landfill sites are managed. This total should therefore be treated with caution and regarded as uncertain.

- 10.6 The scale of emissions is huge, in both scenarios, with and without the proposal being built. The main source of emissions from either waste disposal method (landfill or incineration) are estimated by the applicant to be in the same ballpark of around 11 million tonnes CO<sub>2</sub>e over 40 years. The composition of the waste is the deciding factor as to which method is lower carbon. In general, fossil carbon waste (such as plastics) generate fewer emissions (actually none) if landfilled, but high emissions if burned. Whereas biogenic carbon waste (such as paper, food and garden waste) generate fewer emissions if burned (by converting methane to CO<sub>2</sub>) (although recycling/composting would be even better) but high emissions if landfilled. The assumptions made regarding the composition of the waste therefore can easily tip the balance as to which method is the lowest carbon. For that reason, it should be regarded as uncertain whether or not the proposed development will lead to lower carbon emissions than without the development.
- 10.7 The magnitude of changes in GHG emissions as a result of the proposed development have been assessed by the applicant with reference to national policy and national emissions reductions. However, this methodology means that almost no project ever would be regarded as 'significant', since no site on its own would ever be likely to emit a high percentage of the whole UK's GHG emissions. The applicant's Environmental Statement refers to the latest IEMA guidance, which states that:
- “GHG emissions have a combined environmental effect that is approaching a scientifically defined environmental limit, as such any GHG emissions or reductions from a project might be considered to be significant... The crux of significance therefore is not whether a project emits GHG emissions, nor even the magnitude of GHG emissions alone, but whether it contributes to reducing GHG emissions relative to a comparable baseline consistent with a trajectory towards net zero by 2050”.
- However, it is not clear how the proposed development could be consistent with a trajectory towards net zero by 2050 or a 1.5 degrees warming scenario.
- 10.8 Carbon Capture and Storage (CCS) has not been included in the proposal. CCS is probably necessary in order for the proposal to be compatible with a net zero pathway.
- 10.9 In any case, the significance of carbon emissions should not be decided by whether these are lower than an alternative landfill scenario, but by whether emissions align with a net zero trajectory. Council Officers do not agree with the conclusion that the Proposed Development will have a 'beneficial Significant effect'. The IEMA guidance states that “Only projects that actively reverse (rather than only reduce) the risk of severe climate change can be judged as having a beneficial effect.”

#### Environment consultants employed by Cambridgeshire County Council

- 10.10 With reference to paragraph 14.5.1, the change in GHG emissions between the proposed EfW CHP facility and the 'alternative baseline' of landfill should be contextualised against the UK carbon budgets, but that should not be it. No project on its own is large enough to appear 'significant' when compared to UK carbon budgets. This project should also be contextualised against local / regional carbon budgets, as well as the CCCs waste carbon trajectory which are more pertinent comparisons.
- 10.11 In paragraph 14.6.1, Medworth CHP Limited are saying that 'the magnitude of changes in GHG emissions' will essentially determine whether this project impact the UK's ability to meet its 2050 net zero target. IEMA states that it's not just the magnitude that matters in

determining significance, it is more about the trajectory of annual emissions from the proposed development, and whether these are in line with a 1.5-degree trajectory.

- 10.12 Paragraph 14.6.1 mentions the Waste Planning Authorities (WPA). Do the regional WPAs have GHG aspirations/targets/goals that are net zero aligned? If not, aligning to these WPAs is not good enough as they lock in more GHG than is compatible with a net zero trajectory and Policies and Strategies can simply lag behind.
- 10.13 There is no commitment to Carbon Capture and Storage (CCS) at this stage, apart from land set aside for such technology if the applicant's research concludes that CCS is feasible. CCS is probably necessary in order for the proposal to be compatible with a net zero pathway.
- 10.14 Our Environment consultants disagree with the two statements in paragraph 14.8.25. Adverse effects are not based on the Proposed Development emitting more emissions than the 'without Proposed Development' scenario, it is to do with whether these emissions over the lifetime of the project reduce and align with the net zero trajectory. A beneficial effect is defined by IEMA as a project that sequesters emissions from the atmosphere i.e. CCS. This is not the case right now, unless there is a commitment from the developer to install CCS.
- 10.15 In Table 14.23, construction transport emissions are reported in ktCO<sub>2e</sub> (carbon dioxide equivalents) however it is understood that the Defra Emissions Factors Toolkit used to estimate transport emissions only reports in carbon dioxide (CO<sub>2</sub>).
- 10.16 Paragraphs 14.9.37 to 39, this section compared the emissions of electricity generation between the proposed development and the UK Grid. Has the applicant considered if the UK Grid itself already incorporates EfW within the grid mix – hence the comparison might not be as black and white as suggested here.
- 10.17 With reference to Table 14.31, it is not clear whether, in the carbon calculations for the 'without Proposed Development' and 'with Proposed Development' the gradual decarbonisation of the grid been taken into consideration.
- 10.18 Paragraphs 14.9.49 & 14.12.2 conclude that the Proposed Development will have a 'beneficial Significant effect'. However, the 2022 IEMA guidance that is quoted clearly explains that the only projects that can be viewed as 'beneficial' are projects result in avoided or removed GHG emissions (see page 25 in the guidance). This project does not substantially exceed net zero requirements and avoided emissions and removed/sequestered emissions should not be confused. The applicant did contextualise the Proposed Scheme's carbon emissions with the CCC national budgets, but IEMA suggests further comparisons as very few projects are ever going to anything but a small fraction on national carbon budgets. For example, the Tyndall Centre for Climate Change Research (2022) presented carbon budgets at a local authority level  
[REDACTED]
- 10.19 With reference to the EIA scoping, Table 14.A.1, land use change should be scoped out as its unlikely that carbon emissions associated with excavation works and sequestration are likely to be very small / immaterial. However, the point made that land use change is usually

calculated on a national level needs explanation.

- 10.20 Appendix 14B Assumptions and limitations table (page 34) “offsetting of electricity generation from landfill gas and from the EfW CHP facility”: the assumption made here is that electricity from LFG would displace the UK of average grid electricity. Is this the case, is there a situation where the LFG generated electricity would instead be part of the grid electricity generation mix lowering the average (182g/kwh)?
- 10.21 In Appendix C Sensitivity Analysis, paragraph 1.1.4: footnote links to 65 and 56 are not correct and the source for the following is queried: CCGT 380tCO<sub>2</sub>/GWh; UK Grid 182tCO<sub>2</sub>/GWh; 2035 UK Grid 23tCO<sub>2</sub>/GWh; and 250 UK Grid 6tCO<sub>2</sub>/GWh.

## 11 Socio-Economics (ES Chapter 15)

### Fenland District Council (FDC)

- 11.1 Economic officers at FDC are concerned that no amount of S106 contributions, or commitments to involve apprentices and interns from the local area, would outweigh the economic harm perceived to exist from these proposals; particularly in relation to the local food factories in the surrounding area that employ vast numbers of Wisbech residents and who have confirmed to the Action Group that if permission is granted they would need to close, as they would not be able to meet their clients contract requirements. This local business concern is further compounded by the potential negative implications for inward investment in this growth area (which includes the aspirations for more housing to support the business growth) if this proposal is given consent.
- 11.2 Furthermore, with the potential closure of local food factories, and current reluctance from local businesses to receive the heat / electricity from such a facility, some of the benefits put forward by the applicant may not come to fruition. Indeed on the basis that the surrounding road infrastructure serving the existing industrial estate is not fit for this purpose (which has already been identified in the transport comments and the appropriate mitigation outlined) the significant disruption to existing businesses on the industrial estate should not be underestimated. This is without the implications of being able to attract new businesses to locate to this area as noted above.
- 11.3 From an economic perspective it is crucial that if permission is granted, then it must first be demonstrated in full that the re-opening of the Wisbech to March rail route is not prejudiced by these proposals and the appropriate mitigation and land sought to deliver this is confirmed at this stage. Without the Wisbech Rail proposals being able to come forward, this would significantly hold back the economic growth of the Wisbech economy, which both FDC and CCC would fundamentally object to.”

### Connecting Cambridgeshire

- 11.4 Cambridgeshire County Council’s Connecting Cambridgeshire Team<sup>2</sup> have reviewed the plans to place the Grid Connection route along the verge of the A47, and if permission is

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<sup>2</sup> Connecting Cambridgeshire is improving Cambridgeshire and Peterborough’s digital infrastructure – including broadband, mobile and public access Wifi coverage – to drive economic growth, help our businesses and communities to thrive and make it easier to access public services.



granted, request that, for all engineering works that go below ground, they are consulted well in advance of the work taking place. This will allow for fibre ducting placement to be scheduled to coincide with the applicant's digging, to maximise 'dig once' opportunities, and utilise the existing trench without causing further disruption to networks. More information will be provided in the Local Impact Report, and the Connecting Cambridgeshire Team will seek to discuss this with the applicant.

## 12 Health (ES Chapter 16)

- 12.1 The current advice on possible health effects from Energy from Waste Facilities as stated by the Health Protection Agency<sup>3</sup> (now UK Health Security Agency) conclude that "Modern, well managed incinerators make only a small contribution to local concentrations of air pollutants. It is possible that such small additions could have an impact on health but such effects, if they exist are likely to be very small and not detectable." As the UK Health Security Agency (formally the Health Protection Agency) are the technical experts on this type of facility we would seek confirmation that they have been formally consulted on this application.
- 12.2 As part of the response to the EIA/ES Scoping request Public Health recommended that as some of the environmental impacts to human health will be addressed as part of the EIA/ES, however, many of the wellbeing and mental health aspects of human health may not, therefore the applicant was requested to undertake and submit a Health Impact Assessment commensurate with the scale of the development as part of the application. The applicant has chosen not to do this but to incorporate the health impacts within a health assessment as part of the environmental statement and has cross referenced other technical chapters of the ES/EIA when necessary, whilst this is acceptable it makes Chapter 16 difficult to read as most of the technical findings on which the assessment is based are not included within this Chapter.
- Data
- 12.3 The Desktop Data Table (Table 16.5) lists the JSNA's as a data source but hasn't specified which JSNA's were used or if they are Cambridgeshire or Norfolk JSNA's. This was requested as part of the Scoping Request response and has not been addressed. In particular the Cambridgeshire JSNA core data set and the Cambridgeshire Transport and Health JSNA should have been explicitly used and referenced. The data contained in these JSNA should form part of the baseline evidence base on human health to supplement health data already proposed as part of the ES/EIA.
- 12.4 Officers query why Data used in the initial scoping request has not been included within the ES/EIA e.g. Child Health Data, economy and employment, Indices of Deprivation.
- 12.5 Section 16.5.31 mentions ONS Data. The ONS population Data has recently been updated following the latest release and therefore considerable population growth won't have been accounted for in the initial assessments.

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<sup>3</sup> "The Impact on Health of Emissions to Air from Municipal Waste Incinerators", Advice from the Health Protection Agency 2010

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/335090/RCE-13\\_for\\_web\\_with\\_security.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/335090/RCE-13_for_web_with_security.pdf)

12.6 Section 16.5.9 uses data captured during the Covid Pandemic to assess economic activity in Fenland, this data may not be representative of economic activity due to various government schemes to address employment during Covid. In addition, the data is given at District Council Level, if this data is not available at the study area level or below it should be stated as such.

12.7 Table 16.6 gives the local GP Practices and if they are accepting new patients, it would be helpful to include the Primary Care Network (PCN) these practices are in as GP capacity is also measured by PCN.

#### Policy

12.8 Reference to the Draft joint Health and Wellbeing Strategy 2020-2024 is out of date. This strategy was not progressed and has been replaced by a new joint ICS/Health and Wellbeing Strategy. One of the key themes of the new Strategy is Environment which should have been considered as part of the application

#### Health Assessment

12.9 As part of the formal response to the scoping request Public Health requested the status and use of the disused railway line be ascertained and scoped into the Health Assessment is it is used by local residents, even it is not a formally adopted PROW, this appears not to have been done.

12.10 Sections 16.6.4 and 16.9.72 have not adequately assessed the health impacts during decommissioning which will not be the same as construction impacts. There will be additional impacts due to decommissioning the combustion equipment which may or may not pose a risk to human health, more information is needed from the applicant to justify the position that there are no health impacts during decommissioning.

12.11 In Table 16.7, Screening exercise for the consideration of effects on physical and mental health and wellbeing, the following areas of the screening exercise have not been addressed or need improvement:

- Access to local public and key services, this should be scoped in and any potential increase in demand on local service should be assessed.
- Physical security, Public Health disagree that there will be "no anticipated impacts". Construction sites by their nature often become targets for theft and crime and therefore should be considered (impacts during construction phase only), therefore this should have been scoped into the assessment.
- The connection to grid is to take place at night therefore what are the potential; health impacts due to noise and what are the proposed mitigation measures, therefore this should have been scoped into the assessment.
- The assessment has not included the potential for impacts on mental health from perceived pollution from the operational plant, however this has been further addressed under embedded environmental issues.

12.12 Some of the health receptors identified in Table 16.8 have not been addressed in table 16.7 and should be, these include: the potential for health impacts associated with community perception and risk, which is wider than electro-magnetic etc. e.g. there is a local concern from emissions and pollutants; and, increase in demand for health services.

- 12.13 The proposed operational operating hours of the plant, once commissioned, of 07.00 to 20.00 is long and may generate Mental Health impacts on local residents. The hours of operation have not been assessed as a health impact and should be included.
- 12.14 Section 16.9.23 mentions the possible installation of a crossing, can the applicant confirm if this will be delivered or if it is an aspiration/proposal.
- 12.15 Table 16.13 should list the mitigation measures to understand exactly what mitigation is proposed, as the Health Assessment cross references other sections and documents it is difficult to ascertain exactly what mitigation measures are being proposed to address any adverse health impacts.
- 12.16 Public Health welcome the proposal to set up a liaison committee and employ a community liaison officer, the applicant is asked to confirm how long this community liaison officer post is for.
- 12.17 Public Health welcome inclusion of an employment and skills strategy, particularly if it can address some of the health impacts due to unemployment in the local area as employment status and well paid employment are key determinants of health outcomes and health inequality.
- 12.18 Public Health welcome the Outline Community Benefits Strategy and the proposed approach. Should consent be granted Public Health would welcome a discussion with the applicant on how health benefits can be included in the criteria for assessing application as part of the sponsorship proposals.

## 13 Major Accidents and Disasters (ES Chapter 17)

### Cambridgeshire County Council Emergency Planning Team

- 13.1 Statement in the draft DCO:  
Flood emergency management plan 13.
  - 1) Prior to the date of final commissioning, a flood emergency management plan must be submitted to the relevant planning authority for approval. The flood emergency management plan submitted for approval must be substantially in accordance with the outline flood emergency management plan.
  - 2) The flood emergency management plan submitted and approved under sub-paragraph (1) must be implemented as approved and remain in place throughout the operation of the authorised development unless otherwise agreed by the relevant planning authority.
- 13.2 Within the proposals there is an acknowledgement of the potential of a residual risk of flooding, during a breach of the raised tidal defences protecting the area, or a severe flood event that exceeds the flood management design standard.
- 13.3 The preparation and implementation of an Emergency Flood Response Plan is proposed for the operational phase of the facility to address the residual risk of tidal flooding.

- 13.4 Cambridgeshire County Council Emergency Planning Team endorses the proposal to develop an Operational Flood Emergency Management Plan for the site.
- 13.5 Cambridgeshire County Council Emergency Planning Team proposes that the site operator should engage with the Cambridgeshire and Peterborough Local Resilience Forum (CPLRF) to develop this plan.
- 13.6 On the completion of the plan, the operator, would in conjunction with the CPLRF undertake training, testing and validation of the plan to ensure that the arrangements are effective, and are appropriately shared and understood by all relevant parties.
- 13.7 This plan should consider the impact and response to any concurrent incidents that might occur on the site during a significant flooding incident that might impact the site.
- 13.8 When the plan is validated and in place, the operator would be expected to put in place and agree, an appropriate programme to review, amend and update the arrangements, including periodic liaison and validation with the CPLRF.
- 13.9 This approach would help to ensure that the flood risk arrangements for the site in its operational phase, were appropriate, up to date, and shared fully with responding agencies including the emergency services.

#### Cambridgeshire Fire and Rescue Service

- 13.10 Cambridgeshire Fire & Rescue Service (CFRS) acknowledges and endorses Cambridgeshire County Council Emergency Planning Team's submission with regards to Medworth CHP Limited's proposed Energy from Waste Facility and the need to engage with Cambridgeshire & Peterborough Local Resilience Forum (CPLRF).
- 13.11 CFRS note the inclusion of the outline Fire Protection Plan (FPP) following Environment Agency Guidance 'Fire Prevention Plans: Environmental Permits'.
- 13.12 CFRS propose that the local mains water supply be assessed for impact of construction and occupation phase water demands and implications this may have on firefighting flow rates should a fire incident occur either on site or locally.
- 13.13 The impact of compulsory acquisitions of interests in, and rights over land, will need to be assessed. In particular, where this includes access to existing premises and infrastructure, or impacts on access to mains water supplies and hydrant provision which would be expected for firefighting use during emergency response.
- 13.14 During detailed design stage, CFRS encourages early consultation under the Regulatory Reform (Fire Safety) Order 2005 and in line with Building Regulations and Fire Safety Procedural Guidance, July 2020, published by the National Fire Chiefs Council, Local Authority Building Control and the Association of Consultant Approved Inspectors, and stated good practice by MHCLG (now Department for Levelling Up Housing and Communities).
- 13.15 CFRS notes reference within FPP to the requirement for Fire Risk Assessment: A suitable and sufficient fire risk assessment of the premises must be carried out in accordance with article 9 of the Regulatory Reform (Fire Safety) Order 2005. The documentation and any

necessary safety measures must be in place on the first day that the premises are occupied.

- 13.16 Stated objectives of FPP aim for fire to be extinguished within 4 hours. CFRS consider this a conservative estimate and the impact of protracted incident where a controlled burn should be considered and planned for. In these instances, burn out times should be considered in days not hours.

## 14 Waste Policy matters, including Waste Availability and Composition

- 14.1 The proposal is for an Energy from Waste Facility which will be able to manage 625kt of non-hazardous combustible waste to be located at Algores Way, Wisbech. It will produce 60MW<sub>e</sub> (of which 6MW<sub>e</sub> will be consumed by the plant) of electrical power, and 55 MW<sub>th</sub> of available steam for export. The minimum amount of waste to produce that power does not appear to be stated within the documentation. The study area for the Waste Fuel Availability Assessment [APP-094] is based on two-hour drive time. This encompasses the entirety of Cambridgeshire, Peterborough, and Rutland. It partially covers Lincolnshire, Northamptonshire (as of 1 April 2021, North Northamptonshire and West Northamptonshire), Bedford, Central Bedford, Hertfordshire, Essex, Suffolk, and Norfolk. A map showing the extent can be found on page 22 of the APP-094.
- 14.2 Existing capacity for recovery in the Cambridgeshire and Peterborough Minerals and Waste Local Plan (MWLP) Area is currently limited. The MWLP (2016 to 2036) Waste Needs Assessment (2019) (WNA19) sets out that in 2017 537kt (kilo-tonnes) of waste was disposed to non-hazardous landfill (including stable non-reactive hazardous waste (SNRHW), and it is forecast that this will rise to 602ktpa (kilo-tonnes per annum) in 2021 before declining to 476ktpa by 2036. This is set out in Table ES1 of the WNA19 and expressed as a total need for non-hazardous landfill in the second table of Policy 3: Waste Management Needs of the MWLP. Of that waste, approximately 114ktpa is local authority collected waste, which is already subject to contract, an allowance between 79ktpa in 2015, declining to nil by 2026 has been made for London's waste, and the remainder is commercial and industrial waste. The Council acknowledge that is likely that a significant proportion of the waste identified above could be recovered using thermal treatment.
- 14.3 This response focuses on three areas of particular concern, these are: a query regarding the facility achieving R1 Status; compliance with Policies 3 and 4 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) (MWLP) / Waste Availability and effect on Minerals and Waste Local Plans; Compatibility with surrounding land uses (with particular reference to Use Class E). A fourth topic relating to the Draft Development Control Order text follows. These and other topics will be further developed within the Local Impact Report.

A query regarding the facility achieving R1 Status

- 14.4 Paragraph 2.2.5 of the Waste Fuel Availability Assessment [APP-094] states that for energy generation to be considered as waste treatment (rather than disposal) it must achieve a minimum level of energy recovery efficiency, as specified in the revised Waste Framework Directive (rWFD). There is a footnote to this paragraph stating that the Proposed Development will be designed to meet the relevant energy recovery co-efficient (i.e. R1 of 0.65). However, the Council has been unable to identify the documentation detailing how

this will be achieved and if it requires both heat and power recovery to be operating to achieve the required energy recovery co-efficient. If the Proposed Development cannot achieve the required level of energy recovery efficiency it will be regarded as a waste disposal operation under the rWFD, and not a recovery operation. The Council requests the applicant provide further detail so that there is clarity on this issue, and it may inform the Council's Local Impact Report.

#### Compliance with Policies 3 and 4 of the MWLP / Waste Availability and effect on Minerals and Waste Local Plans

- 14.5 As the proposal is for an energy facility, the framing of the waste need is as if there is an adequate feedstock of waste for the facility. To demonstrate this the applicant has submitted a Waste Fuel Availability Assessment (WFAA) [APP-094]. This document considers both waste arisings within the study area designated within the WFAA [APP-094], existing capacity of energy recovery facilities within the study area and within England. It does not appear to consider other forms of recovery capacity.
- 14.6 Paragraph 4.1.5 of National Policy Statement EN-1, relating to the delivery of energy infrastructure, states that Development Plan Documents, (such as Minerals and Waste Local Plans) may be both important and relevant considerations. Policy 3: Waste Management Needs of the MWLP sets out that Cambridgeshire County Council and Peterborough City Council seek to achieve net self-sufficiency in respect of waste management provision, the policy goes on to set out the capacity gap that the Plan seeks to meet in a table. The information within this table is based on the WNA2019 and it, and the supporting text demonstrate that for the Plan Period (2021 – 2036), the Plan Area is net self-sufficient in respect of Local Authority Collected (also known as Municipal) Waste (LACW), Commercial and Industrial (C&I) waste, and Construction, Demolition and Excavation Waste (CDEW); albeit relying on the disposal of some waste to landfill. The Policy initially presents the situation without the PREL Energy Park / Peterborough Green Energy Project (PGEL) being built, with PGELs capacity reflected in brackets underneath the relevant capacity figures, under Other Recovery – Treatment and energy recovery processes etc. Policy 3 goes onto state that:

...The net capacity figures in the table above are not ceilings for recycling, treatment or recovery of waste. As such, proposals will, in principle (and provided they are in accordance with Policy 4: Providing for Waste Management), be supported if any of the following scenarios apply: ...  
(c) it moves waste capacity already identified in the above table up the waste hierarchy.

- 14.7 The text in Policy 3 criteria (c) refers to moving waste capacity identified in the table up the waste hierarchy. This can be interpreted as either displacing existing capacity, for example, a recovery facility becomes a recycling facility with the same capacity; or, that the waste managed by the facilities that provides that capacity is treated higher up the waste hierarchy than presented in that table, which would be more in keeping with the National Planning Policy for Waste. The Council uses the second interpretation, this also reflects national policy. And this is also reflected in paragraph 3.39 which states that:

...the Councils are supportive, in principle, of proposals to move waste as high up the hierarchy as possible to ensure that opportunities to move as much waste away from landfill can be achieved over the plan period.

In this context, the support of criterion (c) is dependent on moving waste that would otherwise be disposed of further up the waste hierarchy, likewise criteria (a) required the development to:

“... assist in closing a gap identified in the table, provided such a gap has not already been demonstrably closed...”

- 14.8 Consideration of these criteria is complicated by the proposed PGEL which is a 595ktpa energy recovery facility that, if constructed, would result in the Plan Area being able to recover that waste. Planning permission has been granted and although work has been done on site which constitutes implementation of the permission, the bulk of construction has not commenced. There is a condition attached to the permission (condition 28) for PGEL which states that a minimum of 80% of the feedstock must originate from (a) an area within 32km radius of the site; or (b) an area within the administrative boundary of Peterborough; or (c) an area within the administrative boundary of Cambridgeshire. PGEL is referred to as Storeys Bar Road, Fengate, Peterborough in Appendix C of the Waste Fuel Availability Assessment (page unnumbered) and is included in the total of consented and not built capacity within the study area.
- 14.9 If the PGEL project were to be abandoned, then the applicant’s proposals could foreseeably meet criteria (c) of Policy 3, and potentially contribute to criteria (a). The applicant’s documentation (WFAA [APP-094] Page 36 Table 4.4) identifies 236,031 tonnes of suitable waste originating from within Cambridgeshire. The Council has not yet reviewed the exact content of this figure, but assuming that this is material that cannot be treated further up the waste hierarchy, this would still result in a significant overprovision of recovery capacity, well beyond the net self-sufficiency provided for within the MWLP, and would require the importation of waste from surrounding areas to the value of at least 390,000 tonnes (or 350,000 allowing for Peterborough). These figures do include LACW (Municipal) waste, as well as C&I waste, both of which may be subject to existing contracts of various lengths. The Council will further expand on the potential sources of waste and the distances involved in transporting this waste in the LIR.
- 14.10 The proposed facility is envisioned to be of a regional scale ,sourcing waste from the East of England and the East Midlands. For any waste facility, Policy 1 of the MWLP: Sustainable Development and Climate Change, is a key consideration. Given the scale of this facility, and the potential impact of moving the waste involved, Policy 1, Section 4.8 Climate Change of NPS EN-1 and NPPF paragraphs 153 – 158 (Planning for climate change), should all be key considerations in any decision. This will be expanded on in the LIR.
- 14.11 The support of Policy 3 is contingent of being in accordance with Policy 4: Providing for Waste Management, which is comprised of two elements, the first requires the movement of waste up as far up the waste hierarchy of possible, and the second sets out the criteria for suitable locations for waste facilities, it states.

“In line with Objective 2 of this Plan, the Councils aim to actively encourage, and will in principle support the sustainable management of waste, which includes encouraging waste to move as far up the waste hierarchy as possible, whilst also ensuring net self-sufficiency over the Plan area. In order to ensure this aim can be

met, waste management proposals must demonstrably contribute towards sustainable waste management, by moving waste up the waste hierarchy; and proposals for disposal must demonstrate that the waste has been pre-treated and cannot practicably be recycled. Proposals which do not comply with this spatial strategy for waste management development must also demonstrate the quantitative need for the development.”

In this context, the applicant is presenting this development as a power station that requires waste for fuel, and they have sought to demonstrate that there is adequate fuel available. However, they have not addressed the requirement of Policy 4 that the waste should be moved up the waste hierarchy as far as possible. Consequently, even though the proposal may meet the second element of Policy 4 in terms of location, it does not currently meet the first, which in turn means that the proposed development is not in accordance with Policy 3 or Policy 4 of the MWLP. The Council recognises that until the nature of waste changes, some recovery capacity will be required, but in respect of this part of Policy 4 the Council is seeking that the applicant demonstrate that waste that could be treated further up the waste hierarchy would not be recovered.

- 14.12 Noting the above, the Council also wishes to highlight a tension in the project between seeking to reduce the distance that waste travel by sourcing waste that could be managed further up the waste hierarchy or bringing in waste over longer distances that is only suitable for recovery. The Council would like to explore the implications of this and how it could be resolved through the Examination.

#### Net self-sufficiency

- 14.13 Paragraph 3 of the National Planning Policy for Waste (NPPW) requires Waste Planning Authorities to identify in their Local Plans sufficient opportunities to meet the identified needs of their area for the management of waste streams. Having acknowledged that there will be a degree of cross-boundary movement of waste for a given area, the waste management capacity of an amount of waste which is equivalent to the amount arising in that Waste Local Plan area will be provided. This does not necessarily mean that the capacity must be of the type of waste arising in the area. Cambridgeshire are signatories to the Memorandum of Understanding between the Waste Planning Authorities of the East of England (March 2019), which sets out that the signatories seek to provide for net self-sufficiency in waste management capacity. This means that the signatories can plan in confidence that they only are required to meet the need of their area, unless it has been explicitly raised by another authority; and that by planning to provide for the needs of only that area, there is an appropriate distribution of waste management facilities in locations proximate to the waste arisings. An over provision in one area is likely to result in other areas being unable to meet the requirement to provide for net self-sufficiency, or alternatively to result in an overprovision of waste management capacity, should it be planned for, but there be an overprovision in another area.

#### Site selection

- 14.14 Volume 6.2 ES Chapter 2 Alternatives (page 7), it states that an essential siting criteria for the facility was a requirement for additional EFW capacity and that:
- “CCC also had the second highest amount of HIC waste from commercial sources disposed to non-hazardous landfill in the East of England (approximately 236,000 tonnes of waste suitably for use as fuel in an EFW). A current shortfall in HIC treatment capacity was therefore identified in Cambridgeshire, together with a



predicated shortfall up to 2035 and beyond (excluding permitted but non-operational capacity).”

One of the main reasons for the site selection is, therefore, predicated on the PGEL facility not being constructed. The Chapter goes on to identify waste need from surrounding counties, which would also provide a fuel supply. It is not documented if sites other than those in Wisbech were considered, and if so, which sites those were. This is particularly key for, what is proposed to be a facility accepting waste on a regional scale, and the potential long distance vehicle movements and associated carbon emissions.

- 14.15 If both the proposed development and PGEL are constructed, this would result in approximately 1.2 million tonnes per annum of recovery capacity, in the Peterborough and Wisbech areas, which are 25km apart. This would result in a more than significant overprovision of waste recovery capacity, that can only be supplied by road. In the event PGEL was not subject to a catchment restriction, it is likely that it would operate within a similar area to this proposal. Therefore, the Council believes it would assist the Examination, if the applicant were to produce:
- a) a map or series of maps showing the location of waste currently being disposed of to landfill, the key road linkages, and the location of existing and permitted EFWs and their capacities (if the existing and permitted were distinguished on the map this would also be helpful).
  - b) A statement explaining how the proximity principle will operate in practice, e.g., what is there to prevent the operator accepting a contract to manage waste from locations outside the study area such as London?

Compatibility with surrounding land uses

- 14.16 Policy 18: Amenity Consideration of the MWLP seeks to protect the amenity of surrounding uses. Although some of the surrounding uses are detailed in Volume 7.5 Design and Access Statement, this provides more of an illustration of character of the local area, and is not a comprehensive land use survey. With the instruction of Land planning Use Class E (Commercial, Business and Service), there is the potential for incompatible uses to be introduced into sites that were historically industrial in nature (B2/B8/B1). Land within Use Class E Commercial may be used for any of the following uses and changing between the uses within Use Class E is not considered to be development and therefore does not require planning permission.

Use Class E – Commercial, Business, and Service –

Use, or part use, for all or any of the following purposes –

- a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public, (shops & Post Offices etc.)
- b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises, (cafes & restaurants)
- c) for the provision of the following kinds of services principally to visiting members of the public—
  - (i) financial services, (banks & building societies)
  - (ii) professional services (other than health or medical services), or (estate & employment agencies etc.)
  - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,

- d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner, (Doctors, clinics & health centres, acupuncture clinic etc.) ,
- f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- g) for—
  - (i) an office to carry out any operational or administrative functions, (Offices)
  - (ii) the research and development of products or processes, or
  - (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, or grit. (Light Industrial)

14.17 The land planning use of most of the units in the immediate area appear to mainly be B2/B8, but some may be considered Use Class E and a local assessment would be required to establish the local land uses. Examples may include the Brewers Decorator Centre, 92 Boleness Rd, PE13 2RB, or Taymor Plumbing Supplies, 2 Algores Way, PE13 2TQ, which could be considered Use Class E. Another incompatible use, may be the Cambian Education Foundation Learning Centre, Unit 3, Anglia Way, PE13 2TY but further more in depth assessments may be required.

14.18 Without a baseline of surrounding land uses, it is difficult to ascertain what the permitted uses are and, if any of the uses listed under Use Class E could be established in close proximity to the proposed development, without the need of planning permission. Furthermore, the implications of potential for interactions between the land uses, is not possible to assess. For example, assessments based on activities currently undertaken near to the site may not remain accurate if there were to be a significant increase in the number of members of public visiting a nearby location (which could be achieved within a Class E land use). In this context the effect of paragraph 187 which sets out the ‘Agent of Change’ may also be relevant, where significant effects are identified.

14.19 The Council is of the view that it would assist the Examination if the applicant were able to provide:

- a) A survey of the local area to identify the local land uses and set out the worst-case scenario for the land uses currently permitted. And update any relevant assessments, to reflect how the area could develop within the current permitted uses;

or

- b) An explanation as to the sensitivity of the different uses within Use Class E, and how land use conflict would be resolved if a sensitive activity within Use Class E was established in close proximity to the EfW

Comments regarding the Draft Development Consent Order (DCO) Text in relation to Waste Policies matters [APP-013]

14.20 The Council welcomes and is content that the “relevant planning authority” is the Waste Planning Authority for the area (Cambridgeshire County Council). However, the Council has several concerns regarding the Draft DCO text. These are set out below:

Schedule 2 - Requirement 14. Waste Hierarchy Scheme

14.21 The details to be included within the Waste Hierarchy Scheme, under Requirement 14, appear to require little more than any Environmental Permit would require. As the European Waste Catalogue (EWC) codes permitted by the Environmental Permit will include wastes that could be recycled or reused. Reporting tonnages of such waste being incinerated would not achieve the objective of moving waste further up the Waste Hierarchy. It is therefore requested that the following additional criteria are interested between criteria (d) and (e) of section 2 of Requirement 14:

- “(#) Details of operational procedures that seek to ensure that waste suitable for recycling and reuse is not received at the facility. These procedures are to be regularly reviewed and improved, where possible;
- (#) A record of the tonnages of material considered suitable for recycling and reuse that has been diverted further up the Waste Hierarchy; and,
- (#) A record to be kept of how these procedures have been regularly reviewed (on an annual basis at a minimum), what changes were made, and how these have reduced the amount of waste potentially suitable for recycling and reuse being received at the facility.”

Schedule 2 – Requirement 23. Combined heat and power

14.22 The Council notes that this requirement relates to the submission of a Combined Heat and Power Review within 18 months of commissioning of the facility. As above, it is queried whether the active use of heat is required for the facility to meet the required R1 status to be considered a ‘recovery’ operation. If it is, this requirement may not be adequate.

Schedule 2 - Requirement 22. Community liaison manager

14.23 It is requested that this requirement is altered to require a Community Liaison Manager be in post at the very latest prior to construction. This helps ensure that there is a single point of contact during the construction and operation of the facility and can maintain community relations through the entire life of the facility.

Schedule 2 - Additional Requirement Requested (Operational Environmental Management Plan)

14.24 Presently, there are matters which are not covered by the existing Requirements and management plans that the Council believe could be accommodated through an additional requirement, the production of such a document would also aid in the future regulation of the plant.

14.25 The Council is therefore requesting that an Outline Operational Environmental Management Plan is prepared which would include the requirement for the submission of a Final Operational Environmental Management Plan, prior to completion of commissioning. This document will:

1. Provide a summary of all the restrictions or conditions placed on the plant and signposting to the relevant management plan or other documents, where relevant.
2. Address the following topics that are not otherwise covered within the documentation or proposed requirements:
  - a. Operational procedures and measures undertaken by the site operator to minimise greenhouse gas emissions and operational procedures to ensure adaptation to future climate changes;
  - b. Commitments to educational outreach and ensuring the facility can be visited for educational purposes related to climate change; and,

- c. Detail of the community benefit activities, procedures, monitoring arrangements and outcomes in line with the Outline Community Benefits Strategy.

(The Outline Community Benefits Strategy is not presently referred to in the Draft Requirements.)

Schedule 2 - Additional Requirement Requested (Priority for the management of local waste and wider catchment restriction)

- 14.26 The Council is concerned that there is a possibility that the operator could, through reasonable commercial contractual arrangements, find the facility receiving waste from locations further afield than the Host Authority areas and, when a more local contract arises, the operator may be unable to accept it owing to prior commitments. The Council would be keen to see a requirement that addresses the following:
1. Priority for the treatment of waste within the host Planning Authorities area, followed by those areas nearest to the facility, before seeking waste from those more distant. The exact mechanism for this to be the subject of discussion during this Examination.
  2. A wider catchment restriction to prevent the importation of waste over unreasonable distances, again to be subject to discussion during the Examination.

This will aid in demonstrating the proximity principle is being applied.

Schedule 12 – Procedure for the Discharge of requirements

- 14.27 Section 2 (1) sets out the period of determination for applications made under the requirements and includes a list of start date triggers. It is requested that it is clarified in the text that whichever results in the latest date of determination (a), (b) or (c) is the relevant time for determination.
- 14.28 Section 3 (3), sets out the method and timescales under which further information can be requested by the relevant authority or a consultee. The Council is concerned regarding the inflexibility of these provisions, which could lead to applications being unnecessarily refused.

## 15 Cumulative Impacts (ES Chapter 18)

- 15.1 The Cambridgeshire County Council Education Capital team has concerns regarding the Cumulative Effects Assessment (Chapter 18) of the Environmental Statement, which assesses the inter-related effects of other known potential projects in the area with the proposed development, whilst acknowledging that the methodology used to scope the inter-related effects has been agreed with the host authorities. The Fenland Education Campus (CCC/21/215/FUL) on Barton Road has been identified as one of the projects in the cumulative assessment. The site of the proposed Free School, which is significantly closer has not been assessed. Although this is understandable with the proposals still at feasibility stage and as such not in the public domain. If the Free School site were to be assessed, it should be assessed under the same considerations as the Fenland Education Campus in terms of hydrology, air, noise, landscape and visual, biodiversity, historic environment, socio-economics; land contamination, and construction traffic.
- 15.2 The cumulative assessment factors in the other assessments on air quality, noise and vibration, traffic and transport, climate change, and health. No significant inter-related

cumulative effects were identified subject to the implementation and robustness of the mitigation measures. It is considered that the cumulative assessment has considered the key issues, but concerns are raised with the traffic and transport and air quality assessments as they do not accurately assess the potential impact on the TCA or the proposed Free School site, alongside the wider school sites discussed in sections 3, 4 and 5 of this response.

## 16 Appendix

Appendix 1 – CCC Chief Executive’s Letter to Secretary of State for Business, Energy, and Industrial Strategy

My ref: 20-08-04\_MVV.sjb  
Your ref:

Date: 4 August 2020

Contact: Gillian Beasley  
Telephone: [REDACTED]  
E Mail: [REDACTED]



Gillian Beasley,

The Rt Hon Alok Sharma, MP,  
Secretary of State for Business,  
Energy and Industrial Strategy  
House of Commons  
London  
SW1A 0AA



By e-mail only to



Dear Minister,

**Re: MVV Medworth Energy from Waste Combined Heat and Power Project**

The National Infrastructure Planning team at the Planning Inspectorate has recently registered a proposal for an Energy from Waste scheme at Wisbech (MVV Medworth). Members of Cambridgeshire County Council fundamentally object to the principle of this scheme and on Tuesday 21 July 2020, passed a motion to that effect. In accordance with the agreed motion, I am writing to alert you to the views of Members of the Council on the project.

The following motion was agreed on Tuesday 21 July 2020:

“In light of the current difficulties and restrictions due to Coronavirus it is difficult for the public to hear, to voice and to be heard when they have strong opinions on a subject that affects their lives. Therefore it is vital that we as a council act now to highlight our concerns, so that despite the impacts of Coronavirus the Public are aware that we still are actively opposing this proposal.

This Council understands that there is a proposal to build an Incinerator Facility in Wisbech.

**Incinerators can be wasteful.** They can burn much of what is otherwise recyclable and their demand for fuel can sometimes result in a reduction in recycling due to their need to bid for more and more waste at a specific calorific value to feed the 24 hour combustion process. This means that it is possible for incineration to lead to a reduction in recycling and can discourage efforts to preserve resources. This is contrary to the waste hierarchy that seeks to avoid the production of waste in the first instance, followed by re-use and recycling ahead of any disposal methods.

**Waste Incineration is not a truly renewable source of energy.** Incinerator companies are marketing “waste-to-energy” as a source of renewable energy but unlike other renewables the fuel does not come from infinite natural processes. On the contrary, it is sourced from finite resources.

**Burning waste produces emissions.** Burning waste has to be carefully controlled and even the most advanced technologies cannot guarantee the capture of all particulate matter (fine pollutants), so there is still the chance that air, soil and water can be contaminated, with some of the pollutants having the potential to end up entering the food chain.

**Burning waste often creates less employment opportunities than recycling.** Incinerators offer relatively few jobs when compared to recycling. The large footprint of a huge Incinerator could clearly produce more jobs as a regular manufacturing space. Other than at the construction phase, the idea that the Incinerator is a valuable job creator for local people is questionable.

**The World is embracing Zero Waste, and Incineration should be seen as a backwards step.** “Waste-to-energy” is often described as a good way to extract energy from resources, but if the waste burnt is capable of being recycled it works against the circular economy, and against the fundamental principles of the waste hierarchy. For those that are concerned about Climate Change, this proposal could therefore contribute to Climate Change, both from the facility itself and the necessary road mileage required to source the necessary feedstock to run it – all at a time when this Council has declared a climate emergency.

**Wisbech Roads will be heavily affected.** An Incinerator of the size proposed is likely to create hundreds of additional large lorry journeys daily creating significant additional congestion and wear and tear on already busy roads.

**Wisbech Rail is under threat.** Wisbech’s long held hope to re-open its rail line has been championed by the Mayor of Cambridgeshire and Peterborough, the local MP and all local Councils. Millions of pounds have been invested to get to the current point. The proposed location of the Incinerator limits the potential options for a new rail station and may cut off part of the potential route it could take.

In 2019, Wisbech Town Council’s motion to oppose the Incinerator project met with nearly unanimous support, as did the February 2020 Fenland District Council motion. An original local campaign opposing the Incinerator has since been joined by a second Campaign doing the same thing. Rallies, public meetings and large campaigns have taken place, and many Environmental Groups are opposed to incineration due to the issues already discussed. The local public are overwhelmingly opposed to the building of an Incinerator in Wisbech.

The Incinerator proposal is of such a large size that it bypasses the usual Planning route through local Councils and instead will be decided directly at

Government level. This means the County Council will be a statutory consultee, but will not be the decision maker in this instance.

It is important that local people see that the elected councillors of Cambridgeshire County Council understand the strength of public opinion against the Incinerator and that they are willing to stand up and be counted in the campaign to try and prevent it ever happening.

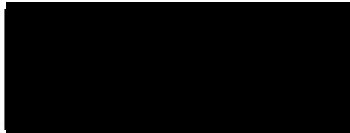
This Council states that:

1. We do not support the construction of an incinerator in Wisbech.
2. We will use all legal powers and avenues available to us to oppose any plans to build any Incinerators in Wisbech.
3. We will write to the Secretary of State to make clear our opposition to these plans.”

Following the aforementioned motion considered at the last County Council meeting it is vitally important that the Cambridgeshire residents can see that their elected representatives understand the strength of public opinion against the Incinerator and that they are willing to stand up and be counted in the campaign to try and prevent it ever happening.

We hope that you will be able to swiftly provide a response acknowledging our opposition to these plans.

Yours sincerely,



Gillian Beasley  
**Chief Executive**



Appendix 2 – FDC Member’s Letter to Secretary of State for Business,  
Energy, and Industrial Strategy

Alok Sharma MP  
Secretary of State for Business, Energy and Industrial Strategy  
House of Commons  
London  
SW1A 0AA

17<sup>th</sup> March, 2020

Dear Mr. Sharma,

The National Infrastructure Planning team at the Planning Inspectorate has recently commenced processing a proposal for an Energy from Waste scheme at Wisbech (MVV Medworth). Members of Fenland District Council fundamentally object to the principle of this scheme and on Thursday, 20 February, passed a motion to that effect. In accordance with the agreed motion, I am writing to alert you to the views of Members of the Council on the project:

- 1. Incinerators are actually wasteful.** They burn much of what is otherwise recyclable and their demand for fuel can sometimes result in a reduction in recycling due to their need to bid for more and more waste. This means that it becomes typical for incineration to lead to a reduction in recycling and discourages efforts to preserve resources and creates incentives to generate more waste.
- 2. Waste incineration is not a renewable source of energy.** Incinerator companies are marketing “waste-to-energy” as a source of renewable energy. But unlike other renewables the fuel does not come from infinite natural processes. On the contrary, it is sourced from finite resources.
- 3. Burning waste produces toxic emissions.** Burning waste is hazardous for citizens’ health and the environment. Even the most advanced technologies cannot avoid the release of vast amounts of pollutants that contaminate air, soil and water and end up entering the food chain. Incinerators are major emitters of carcinogenic pollutants as well, tiny particles of dust that can lead to decreased lung function, irregular heartbeat, heart attacks and premature death.
- 4. Burning waste creates less employment opportunities than recycling.** Incinerators offer relatively few jobs when compared to recycling. The large footprint of a huge incinerator could clearly produce more jobs as regular manufacturing space. The idea that the incinerator is a valuable job creator for local people is bluster. The world is embracing Zero Waste, and incineration is a backwards step. “Waste-to-energy” is often described as a good way to extract energy from resources, but in fact it works against the circular economy, producing toxic waste, air pollution and contributing towards Climate Change.

**5. Wisbech roads will be heavily affected.** An incinerator of the size proposed would create hundreds of additional large lorry journeys daily, creating significant additional congestion and wear and tear on already busy roads.

**6. Wisbech Rail is under threat.** Wisbech's long held hope to re-open its rail line has been championed by the Mayor of Cambridgeshire and Peterborough, the local MP and all local councils. Millions of pounds have been invested to get to the current point. The proposed location of the incinerator limits the potential options for a new railway station and cuts off part of the potential route it could take.

Members of Fenland District Council are not alone in its concerns. In 2019, Wisbech Town Council's motion to oppose the incinerator project met with nearly unanimous support. An original local campaign opposing the incinerator has since been joined by a second campaign, and there are plans to set up an anti-incinerator working party to unite campaigners together. Rallies, public meetings and large campaigns are being organised and are gathering pace.

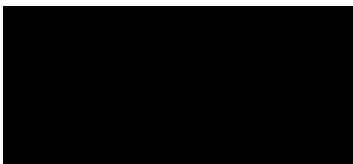
Many environmental groups are also opposed to incineration due to the issues already discussed, and the public is overwhelmingly opposed to the building of an incinerator in Wisbech.

The incinerator proposal is of such a large size that it bypasses the usual planning route through local councils and will instead be decided directly at Government level. This means local people and local councils will potentially have more limited opportunities to make their views known. It is important that local people see that Fenland District Council understands the strength of public opinion against the incinerator and that it is willing to stand up and be counted in the campaign to try and prevent it ever happening.

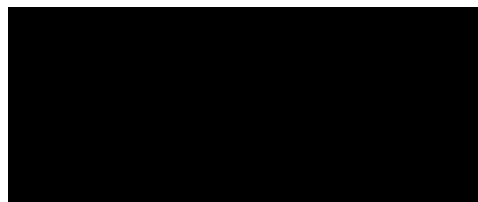
With this in mind, Members of Fenland District Council will take any and all legal avenues and processes available to it to continue to fight on behalf of the residents of Wisbech, the surrounding villages, and Fenland as a whole to challenge this unwelcome scheme every step of the way.

We hope that you will be able to swiftly provide a response acknowledging our opposition to these plans.

Yours sincerely



Councillor Chris Boden  
Leader of Fenland District Council



Councillor Steve Tierney  
Portfolio Holder for Waste and Recycling  
(Strategic) and Communications