

# Borough Council of King’s Lynn and West Norfolk

## Relevant Representations

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## **1. INTRODUCTION**

Throughout the pre-submission period the Borough Council of King's Lynn and West Norfolk (BCKLWN) has worked closely with the other host local authorities: Norfolk County Council (NCC), Cambridgeshire County Council (CCC), and Fenland District Council (FDC). The four local authorities have submitted separate responses to the applicant's non-statutory and statutory consultations.

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.

## **2 SUMMARY**

The BCKLWN have been involved in pre-application discussions with the applicant. However, there remains some areas where queries remain. The Council seeks these matters be resolved prior to any consent being given to the scheme and are outlined in Sections 3 of these representations onwards.

At the Council meeting on 25 February 2021, a motion was passed to object to the principle of the proposal for an energy from waste facility in Wisbech. It is important to note that this remains in place and is unaffected by this specific technical consultation response.

Appendix 1 includes comments received from BCKLWN Councillors to be included as part of this current submission.

Appendix 2 includes the Planning Committee Report of 7<sup>th</sup> November 2022.

Appendix 3 includes a summary of Additional Representations relating to Medworth EfW received following the publication of the Planning Committee report and prior to the meeting of 7<sup>th</sup> November 2022.

Appendix 4 includes the Committee minutes of 7<sup>th</sup> November 2022 relating to Medworth EfW.

## **3 KEY CONCERNS/ISSUES**

The following chapters provide the key concerns and comments identified by technical officers:

- Traffic and Transport
- Noise and Vibration
- Air Quality
- Landscape and Visual
- Historic Environment
- Biodiversity
- Hydrology
- Geology, Hydrogeology and Contaminated Land
- Climate Change
- Socio-Economics, Tourism and Land Use
- Health
- Major Accidents and Disasters
- Cumulative Impacts
- Other matters

### **3.1 Traffic and Transport**

NCC are leading on this for Norfolk and will be commenting separately.

### **3.2 Noise and Vibration**

Following a detailed review of the documentation, a Microsoft Teams Meeting/consultation was held with the applicant and the noise consultants on Friday 14 October.

I can confirm that I am satisfied with the outcome of the assessments and conclusions drawn in the above documentation and that this work has been undertaken in accordance with all relevant legislation and technical guidance.

I do support the concerns raised by Fenland District Council in relation to the consideration, assessment and understanding of the supporting documentation by the layman (residents and businesses within Fenland and West Norfolk, councillors etc), to enable interpretation of the documents in more basic terms as to how the proposal will impact on them, if applicable. The assessment is necessarily complex, and the applicants have signposted the location of summary details, however, a simpler presentation for the non-expert reader to enable easier identification of the outcomes of this technical assessment would be welcomed. This is also applicable with future technical documents.

### **3.3 Construction Noise / Dusts**

Having looked at the routing of construction vehicles and the likely numbers in terms of impacts to residents of this district, we feel that a suitably worded planning condition to restrict construction related delivery times/vehicle movements and produce a detailed and robust site construction environmental management plan can be attached at the relevant point.

Noting the requirement for connection to grid (Walsoken substation) work to be undertaken during designated night-time hours, to avoid impacts to traffic flows on the A47, we would wish to see a separate construction management plan for this phase of the project specifically, which should include (as already discussed and agreed with the applicants during a West Norfolk noise and vibration consultation session) direct resident notification of dates and times of works, and likely operations. Such a document would aggregate all measures currently documented in the submitted Volumes/Chapters to mitigate noise.

References within the reviewed documentation refer to documents submitted in support of the application, specifically the Outline Construction Environment Management Plan (OCEMP), and it is clear that this is 'outline'. Site specific measures are to be further specified in the full document secured via the planning process as pre-commencement documents. These should be in accordance with the relevant legislation and technical guidance and should include easy to understand, yet detailed, explanation of the measures which will be implemented to address each identified impact and evidence/calculations/supporting statements to verify the predicated impact outcome of the implementation of each mitigation measure at each receptor).

Requiring the new access route via the Cromwell Road link as early as possible in the development scheme would greatly reduce the impact on West Norfolk (and Fenland residents) as the route is almost completely through commercial land, passing approximately four dwellings. This would be welcomed as a condition.

### **3.4 Operational Noise**

It is acknowledged that there should be no noticeable impact from the operation of the site on West Norfolk residents. Fenland District Council officers confirm that they have liaised with the applicant with regards to the Walsoken substation, and the applicant has confirmed that there are no known noise implications from any connection associated infrastructure at the substation,

or as a result of the connection. Notwithstanding this, and the Outline Noise Management Plan (ONMP), we would expect an updated NMP to be submitted for approval by all the relevant consultees prior to the operation of the installation on the site, which should include assessment of the Walsoken substation. (This document should be produced in accordance with the relevant legislation and applicable technical guidance, presented in a logical and easy to interpret format, identify all noise impacts and the significance of these at each receptor, include detailed explanations of the measures which will be implemented to address each identified impact, and evidence/calculations/supporting statements to verify the impact outcome of the implementation of each mitigation measure at each receptor).

### 3.5 Vibrations

Further assessment in terms of vibration impacts on residential properties during the connection to grid at Walsoken substation is welcomed at any later stage/s, given the information provided at this stage.

Any mitigation required could be incorporated into the CEMP for the grid connection phase.

### 3.6 Air Quality

To help understand background air quality and monitor changes in traffic we have already established diffusion tube (NO<sub>2</sub>) monitoring points in the area. As confirmed at the earlier scoping opinion PINS had recommended that all air quality monitoring locations should be identified on a plan. There is also Dept. of Transport traffic survey points along parts of the network<sup>1</sup> that show actual daily movements.

#### 3.6.1 Background

Air quality refers to the National Air Quality Strategy (NAQS) and its standards for parameters including Nitrogen Dioxide (NO<sub>2</sub>), Particle Matter (PM) within size fractions of less than 10 and 2.5 microns (PM<sub>10</sub> & PM<sub>2.5</sub>), Sulphur Dioxide (SO<sub>2</sub>), Benzene, 1-3 Butadiene, Lead etc. In accordance with the statutory Local Air Quality Management (LAQM) framework the focus of attention is on the pollutants most likely to lead to exceedances such as NO<sub>2</sub>, PM<sub>10</sub> and SO<sub>2</sub>. We are also required to work towards reducing PM<sub>2.5</sub> emissions.

Other pollutants such as dioxins, the heavy metals (other than Lead), PCB's etc. are all considered under the Human Health Risk Assessment (HHRA) which has been submitted as supplemental to the air quality assessment. Whilst health matters are a matter for public health consultee(s), there are published health damage costs<sup>2</sup> associated with the air quality standards that have not been discussed with the HHRA. These costs, as explained by the Institute of Air Quality Management (IAQM) can still be considered and used to help offset residual impacts once all standard or 'embedded' mitigation has been deployed.

The impacts on the NAQS are therefore relevant to planning and the National Planning Policy Framework (NPPF) but the other pollutants such as those within the HHRA are not considered in detail by the NPPF as they form part of an Environmental Permit (EP) application to the Environment Agency (EA). This application in effect runs in parallel with this DCO application. An EP is required to comply with the Industrial Emission Direction (IED) and the Waste Incineration Directive (WID).

The impact of emissions on ecological receptors is also outside of Environmental Quality's scope and is a matter for other statutory consultees such as Natural England

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<sup>1</sup> DfT Traffic Survey Points; <https://roadtraffic.dft.gov.uk/#10/52.6747/0.6338/basemap-localauthorities-countpoints>

<sup>2</sup> Defra, <https://www.gov.uk/government/publications/assess-the-impact-of-air-quality/air-quality-appraisal-damage-cost-guidance>

### 3.6.2 Operational Phase

Receptors to the pollutants extend into this Council's area around the eastern part of the air quality study area.

The plume is presented spatially by NO<sub>2</sub> concentration contours for emissions from the chimney only (section 6.2.2) with both annual and short-term means within Figures 8.5 and 8.6 presented. As can be seen there are two areas affected from the plume as it disperses back towards ground level. The plume extends for the most part in a NE direction from the site but with a slight deflection towards the A47.

Air dispersion modelling shows the largest contribution to emissions is from the chimney (0.78 µgm<sup>-3</sup> NO<sub>2</sub>) with only a small component arising from associated operational traffic (0.01 µgm<sup>-3</sup> NO<sub>2</sub>). This occurs close to the junction between Algores Way / Weasenham Lane, which is located in Wisbech (not West Norfolk).

This area is also associated with largest Process Contribution (PC) from particulate matter (0.08 µgm<sup>-3</sup> PM<sub>10</sub> and 0.05 µgm<sup>-3</sup> PM<sub>2.5</sub>). Highest ground level SO<sub>2</sub> PC concentration is however located at Receptor R5 just SW of the site.

As precautionary, receptor locations have been selected to extend beyond the plume area towards Elm, Emneth and also Broadend Rd and where a below ground grid connection is proposed at the Walsoken substation. The air quality management areas in King's Lynn and villages of West Walton, Walton Highway fall outside of lowest emission contour (0.3 µgm<sup>-3</sup> as NO<sub>2</sub>) and therefore study area. Outside of this area impacts are considered as insignificant. The study area is however extended by 15km from the chimney in accordance with EA guidance to take account of ecological receptors. Choice of receptor locations appears to be representative.

In terms of impacts during the operational period the emissions have been modelled based on an opening year of 2027 against its respective baseline with emissions from traffic and the stack combined. As noted within our Technical Queries that are outstanding there are numerous minus traffic input values that have been used for the air quality modelling which does not appear to be possible.

The EfW plant will be supported by an emergency back-up generator, which has been modelled based on emergency use of up to 2 hours per month and no more than 60-hours annually. Operational periods in excess of these periods can potentially be a matter for the Environmental Permit with conditions for their control. Modelling of routine generator testing however appears to be missing from the modelling.

Abnormal events will be detected by an automatic monitoring system for pollutants with an averaging period of 1-hour as set out in Chapter 8, triggering an interlock to prevent further waste being charged. For other pollutants during these events emission rates have been calculated. This is designed to ensure compliance with the EA permit and Article 46(6) of the IED. Abnormal events include failure of a filter bag with a potential impact on PM / Metals, lime dosing (acid gases) or the urea dosing (an impact NO<sub>x</sub>).

In terms of cumulative impacts from other point sources, especially larger Part A1 permitted processes in Wisbech that are regulated by the EA, the applicant has explained previously and as documented in Appendix 8A that these installations operating prior to 2020 were below reporting thresholds and at a level considered insignificant. As these emissions are incorporated within Defra's background these emissions have therefore been assessed indirectly.

In terms of the changes in concentrations as a result of this development they are presented within Appendix 8B Annex H against each receptor and by parameter (Table H1 for the construction and Tables H2-H29 for operational period).

### 3.6.3 Construction phase

It is understood that HGV movements will be precluded from accessing the site via Elm High Rd i.e. within this Council's area, so the track out of dusts appears outside of scope.

Impacts from the construction period relate more to the extent of LDV and the measures to prevent HGV from accessing Elm High Rd.

### 3.6.4 Summary of the overall air quality impacts being reported by Medworth

In terms of overall impacts they are summarised below:

*Impacts in terms of the pollutants from chimney and traffic have been assessed as not significant at all modelled receptors including those in West Norfolk. This is based on Institute Air Quality Management (IAQM) guidance i.e. process contribution will be less than 1% of the NAQS objectives.*

*For the majority of all pollutants, the modelling is predicted to be less than 5% of the long-term emission limits and less than 10% of the short-term limits.*

### 3.6.5 Technical Queries

In reaching the above conclusions we have reviewed the predicted emissions that fall under scope of LAQM and against the NAQS standards and whilst the methodology is acceptable in principle, there remains a number of matters that need further clarification. These include matters associated to air quality for transport related issues, dispersion modelling, health damage costs and a suitable air quality monitoring scheme.

We have submitted these Technical Queries already to the applicant and await a response:

### 3.6.6 Air Quality Transport issues:

At the construction stage a new access route via New Bridge Lane is planned to open from weeks 5-25 of the construction (civils) project. Once opened it is proposed (Section 6.6.68 to 70) that 65% of the construction vehicles (mostly HGV's) would enter / exit from this road with a wheel wash located at the exit.

The TA adds that some construction traffic will still need to access the site via the existing Algores Way i.e. the northern approach but these HGV vehicles be routed via Cromwell Rd – Weasenham Lane – Algores Way and therefore negating construction HGV movements within this Council's area along Elm High Rd. According to the Chapter 6 Transport Assessment (TA; Section 6.5.106) restrictions will however only apply to prevent movements along (Elm High Rd) once the site is operational.

All of the relevant road links that were assessed as part of the air quality study are shown in Figure 5.1 within Appendix 8B. As exposure to air quality pollutants occurs daily, so the significance of traffic movements is similarly based on changes occurring daily than necessarily just from peak movements.

The TA explains in Sections 6.5.57 to 6.5.61 that traffic growth factors are all positive and then provides breakdown of changes by HGV vehicle movements as a proportion of the total for all of the road links within the model shown by Figure 5.1 within the following tables:

Table 6.6 (2021 Baseline)  
Table 6.27 (2024 Construction) and,  
Table 6.32 (2027 Operational)

Some of the road links within the TA are shown with zero change where for example HGV movements are not proposed.

The transport dataset was then supplied for the air quality assessment with input values presented in Appendix 8B Tables D1 and D2 for the 18 modelled road links as Average Annual Daily Traffic (AADT) to estimate the emissions.

However, we have noted that a *significant proportion of the HGV movements that have been used as input to the air quality model are shown as a **negative change** i.e. a betterment within Table D2 and at odds with explanation given within the TA. This does not appear to be possible given the local positive traffic growth factors.*

The concern is if significant negative traffic input values have been used then the air quality impact could be a significant underestimate. It is noted for example that max. PC for NO<sub>2</sub> as modelled was only 0.01µgm<sup>-3</sup> when compared to stack contribution of 0.78 µgm<sup>-3</sup>.

Examples include Road Link 3 (Cromwell Rd) that is the main route into the site shows minus 506 HGV vehicles per day when compared to the baseline. Similarly, Road Link 4 (Weasenham Lane) shows another betterment of minus 541 HGV per day.

Similarly, as set out within the CTMP as mitigation, that all HGV will be Euro V or above (2008 or better) but is not clear how this will be achieved or enforced. A condition can be agreed.

Furthermore, as can be seen within the traffic input data as presented within Tables D1 whilst vehicle splits (% of cars, LGV, HGV, Buses / Coaches and Motorcycles) is presented in Table D2, the proportion of LGV is excluded from the baseline (Table D1). This means that LDV can only be assumed based on difference between Total AADT and % HDV. Default vehicle splits have therefore been used. We have not agreed to this methodology. It is not clear whether additional controls as part of CTMP need to be agreed / conditioned for LDV movements.

We also observed that HDV % are only given in Table D1 (includes buses / coaches & HGV) but which have differing emission factors. This was picked up previously by CCC and therefore appears outstanding. Traffic (HGV) input values need to be reflective of the TA and to use appropriate emission factors.

There is also the matter of slippage in timescales during construction and ensuring worse case construction traffic is used in the air quality model especially as the TA shows HGV's as >100vpd between months 8 and 23 i.e. for greater than a year with peak predicted to occur in month 14 (187 HGV and 456 LDV). Given the extent of minus values used as input it is unclear whether worse case inputs have been utilised.

More generally, as Elm High Rd (A1101) forms a continuum with Churchill Rd in Fenland DC where the AQMA commences and links to a large secondary school (Thomas Clarkson School) we would like additional clarification as to whether proposed mitigation (signage) is sufficient to prevent this cut-through being used.

### 3.6.7 Air Quality Modelling

**Model verification / bias adjustment:** Modelling is based on verification using a bias adjustment of 0.69 and which is much lower than the national factors derived from longer and potentially more representative period. *As the bias adjustment factor is used as part of verification it causes a potential significant underestimate of the results. We would like to know why a higher factor was not used.*

Bias was calculated based on a triplicate co-location study for a period of only 4-months against a reference analyser employed for c. 6-months at Thomas Clarkson Academy from June 2021 i.e. 55% PM<sub>10</sub> data capture in 2021 (as shown in Table B2).

As an example comparison of Medworth site 11 and this Council's site 101 (placed in similar locations over same timescale);

BCKLWN Site 101 NO<sub>2</sub> bias adjusted (0.84; from 32 studies) annual mean **25.9 µg/m<sup>3</sup>**  
Medworth Site 11 NO<sub>2</sub> bias adjusted (0.69; from 4 months) annual mean **21.5 µg/m<sup>3</sup>**

It should also be noted that there appears a typo in the preparation method for the NO<sub>2</sub> diffusion tubes i.e. using 50% TEA preparation in water. The method employed by Gradko involves acetone not water.

**Meteorological Data (point source):** Careful consideration needs to be given to the selection of meteorological data. This is recognised to be especially important for modelling of point sources. Data selected has to be representative of the area under study<sup>3</sup>. For point sources this typically this means referring to 5-years of data and selecting worse case. In this instance the dispersion modelling has been based on Numerical Weather Prediction (NWP) data from 2015 to 2019 and selecting worse case as 2015. However, the statutory guidance (LAQM TG-22<sup>4</sup>) explains that when using NWP data that it should be compared to results from standard meteorological observation data (OBS). No such comparison or sensitivity analysis has been performed (to be agreed).

**Meteorological Data (traffic):** We could not locate explanation relating to choice of meteorological data for the modelling of traffic emissions.

**Baseline Predicted Environmental Concentrations (PEC):** We could not locate PEC data within Tables 8B6.1 or 8.26. This is necessary to confirm impacts.

**Benzene Environmental Assessment Level:** We could not locate this parameter. Only VOC's were presented.

**Cumulative Impacts:** To ensure emissions are assessed as worse case there can be instances where the impacts are combined. Routine testing of the diesel back-up generator appeared to be missing from the modelling and underestimating the combined NO<sub>2</sub> result. We also found errors when combining emissions for example PM<sub>10</sub> and PM<sub>2.5</sub> annual means as traffic contributions were higher than PC. Combined results should be checked.

It should be noted that we are not aware of any additional developments of potential significant concern to alter traffic movements (cumulative) that are not already in the local plan and therefore included within local growth factors.

### 3.6.8 Health Damage Costs:

Noting the comments regarding negative traffic input values for road links we gather that the HHRA that was submitted as supplemental to the air quality assessment, was based on a methodology of assessing risks for parameters *other than* the ambient air quality standards. Its conclusions are therefore outside of scope.

However, there are published health damage costs associated with the air quality standards based on the mass emitted of PM<sub>2.5</sub> and NO<sub>x</sub> but which do not appear to have been considered within any of the Chapters. We feel this is a potential significant omission.

IAQM's methodology is based on calculating mass and comparing this to the health damage costs based either on low-medium-high degree of sensitivity<sup>5</sup>.

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<sup>3</sup> Environment Agency; <https://www.gov.uk/guidance/environmental-permitting-air-dispersion-modelling-reports#explain-meteorological-data-and-surface-characteristics>

<sup>4</sup> Defra, LAQM TG-22, <https://laqm.defra.gov.uk/air-quality/featured/uk-regions-exc-london-technical-guidance/>

<sup>5</sup> Defra, Air Quality Appraisal; Damage Cost Guidance: <https://www.gov.uk/government/publications/assess-the-impact-of-air-quality/air-quality-appraisal-damage-cost-guidance>



These health damage costs can be compared to any residual risks after taking into account the standard or 'embedded' mitigation being proposed.

*When comparing the standard mitigation proposed (as listed below) there is a significant residual risk that is not specified such as the new duty on both Councils of preparing air quality strategies as set out with LAQM PG-22<sup>6</sup> with measures that facilitate an improvement in air quality. A contribution towards this work is therefore sought.*

**Standard or 'embedded' mitigation explained in the ES includes:**

**Chimney Height:** Adequate to disperse pollutants;

**Abatement:** This is specified as Selective Non-Catalytic emission reduction which involves selective reduction of nitrogen oxides with ammonia / urea without a catalyst. The technique is based on the reduction of NOx to nitrogen by reaction with ammonia / urea at a high temperature. In a general this results in NOx reduction rate of between 30-50%.

However, a catalyst-based system is not proposed within Chapter 8. This can achieve much higher NOx reduction (by 80-95%<sup>4</sup>) and whilst a matter for the permit, a discussion on the technology is missing from the report.

**Carbon capture retrofit ready;** This is not part of existing mitigation.

**Permit:** Conditions to be regulated by the Environment Agency through environmental permit.

**Management Plans:** Relevant construction / dust / traffic management plans; Mitigation is set out within Table 8.5 Chapter 8 which includes option for real-time air quality monitoring which is welcomed (see below).

**Engine technology:** In Section 7.4.13, Outline CTMP it mentions that all road-based construction traffic to be Euro V or above i.e. 2008 models or above (see comments above).

**Workplace Travel Plans:** Staff / workplace travel plan; appointment of a TP coordinator.

We would welcome a TP being adopted, but conscious of targets being emission based i.e. trip reduction and how this will be achieved and the transparency of this data. A condition to be agreed.

**Electric Vehicle Charging:** Whilst the parking is within FDC we would welcome a condition to secure EV charging especially due to limitations within Approved Document S (AD-S) of the Building Regulations. There appears to be 5 electric vehicle charging spaces shown in Figure 6.2 (Plan for the site). EV charging is considered an important part of the mitigation and to help future proof the scheme but is not mentioned within Chapter 8 or 19.

AD-S will only require slow charging (<7kW) and furthermore sections 6.2 to 6.12 (Standards) are all optional.

A condition is necessary to ensure the charging is safe, accessible and convenient in accordance with section 112(e) of the NPPF, AQAP, emerging local policy LP14/18 and NCC's revised parking standards (July 2022). To be agreed.

**Appointment of a Community Liaison Manager;** unclear on remit of role (to be agreed). This was not set out within Chapter 8.

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<sup>6</sup> Defra, LAQM PG-22; <https://laqm.defra.gov.uk/air-quality/featured/england-exc-london-policy-guidance/>

### 3.6.9 Air Quality Monitoring:

Mitigation is set out in Table 8.25 in Chapter 6 includes option for real time air quality monitoring scheme.

The real time AQ monitoring is to be agreed but noted as suggested only for particulate matter emissions. Recommend indicative real-time analyser(s) for NO<sub>2</sub> and PM. We would be happy to agree the terms of this condition and agree location for monitoring equipment.

Dust effects are explained from sections 8.9.18 to 8.9.58 with dust buffers shown in Figure 8.4. Track out of dust is assessed for example for 350m from site access in Algores Rd so buffers do not extend along Elm High Rd. HGV's loads to be covered as standard mitigation etc.

*To agree a suitable condition in conjunction with Fenland DC for suitable real time AQ monitoring scheme prior to construction with provision for remote interrogation and downloading.*

#### **Environmental Quality update following the Air Quality Technical Meeting:**

An air quality technical meeting with Medworth CHP Ltd was held on the 31st of October 2022. This summary report provides a brief update of the discussions underway. Ahead of the meeting we were invited to submit technical queries. Background information to these queries is listed within Appendix 3 of BCKLWN Draft Relevant Representations.

The focus of our queries primarily concerns emissions from traffic due to concerns with transport data and that these emissions are combined with those from the stack and reported cumulatively.

Stack emissions will be primarily controlled through the Environment Permit (EP) and we were informed that this application has been submitted to the Environment Agency. Other concerns related to some of the assumptions with the air quality assessment plus clarification on the extent of mitigation being proposed.

These points are set out below:

#### Transport:

In terms of the transport related matters we have not agreed with the negative traffic input values used, as this does not appear to be consistent with Chapter 6. A spreadsheet with the negative values was provided to help explain extent.

Queries were also raised regarding appropriate emission factors used and properly taking into account relative vehicle proportions through appropriate construction traffic management plan. Air quality information is dependent on raw transport data, and which has been agreed to be checked. Where any amendments are required, these can be included within an Air Quality Technical Addendum to the ES.

Controls relating to management of construction traffic as set out within the outline CTMP can be revised that also take account other technical meetings.

#### Air quality modelling / assessment:

In relation to the air quality modelling it was agreed the Air Quality Addendum will consider:

Correction factor;

Meteorological data; and,

Other input parameters (benzene, baseline PEC's etc.).

#### Mitigation:

Quantifying extent of mitigation being proposed by comparison to health damage costs was noted as not raised at earlier consultations (PIER). The concern however is from residual risks that may not have been considered.

We also requested additional information regarding abatement technology. Medworth explained that this additional information is likely to form part of the Best Available Technology (BAT) information in support of application to EA for EP.

In terms of electric vehicle (EV) charging infrastructure it was noted that this is to be secured under Schedule 1 of Draft DCO. Concern was raised regarding future provision EV for waste vehicles.

Workplace Travel Plan: We have received a response which explains that this forms part of DCO Requirement 15 with objectives and targets set out within Outline Operational Travel Plan.

Community Liaison Manager: unclear on role / remit. We have a received a response explaining the position and how this will be secured.

Air Quality Monitoring:

Additional air quality monitoring is agreed to be discussed further.

### **3.7 Landscape and Visual**

NCC are leading on this for Norfolk and will be commenting separately.

No objections to the Arboricultural Method Statement approach as outlined in the Outline CEMP. The retention of as many mature/important trees is key, and any mitigation/replacement planting should be in keeping with the wider landscape. Full details of landscaping should be secured via condition.

### **3.8 Historic Environment**

The only listed buildings within the area included on the plan: 'Figure 10.1 Designated heritage assets within a 2km study area', are a good distance away from any of the pipeline works which I understand will be largely underground. The plant will mainly impact upon the setting of heritage assets within Wisbech (and FDC/CCC will comment on that aspect), and will not significantly impact upon the setting of heritage assets in West Norfolk. Therefore, there will be no significant impact on the setting of these heritage assets within this Borough.

NCC will comment separately with respect to archaeology.

### **3.9 Biodiversity**

NCC are leading on this for Norfolk and will be commenting separately.

### **3.10 Hydrology**

There are no drainage impacts likely from the grid connection and infrastructure at Walsoken substation. As the operational plant lies outside this district, in Wisbech, we have no concerns over site drainage. Surface water drainage of the site compound, which could contain contaminants, as well as foul water drainage, will be covered by the EA permitting regime, and full details will need to be submitted for the appropriate assessment and agreement in advance of the proposal being completed and operational.

In west Norfolk the flood risk issues at the grid connection point will need to be addressed. This should include an appropriate flood emergency plan during both the construction phase and also the running phases.

NCC will be commenting separately on the proposal.

### 3.11 Geology, Hydrogeology and Contaminated Land

We have reviewed the Environmental Statement Chapter 13: Geology, Hydrogeology and Contaminated Land, June 2022. A large part of the proposed grid connection scheme falls within the borough council's area. Due to the distance to the EfW CHP facility site, those sections of the report do not refer to receptors within the borough council area, so this response is related to the CHP connection. The ES sets out potential land contamination constraints within the study area of the CHP Connection. A buffer of 250m has been applied to represent a zone of influence for land contamination. The Grid Connection will be a linear underground cable with above ground connections to the EfW CHP and Walsoken Substation.

The 250m zone of influence is shown on Figure 13.1iii: Potential land contamination constraints within the Study Area CHP Connection, Access Improvements and Temporary Construction Compound. Table 13.8 Lists the Reports and desktop data, reports of walkover surveys and ground investigation, including:

MVV (2020) Wisbech Phases 1 and 2 Geo-environmental Desk Study and Interpretative Report, July 2020

Wood (2021) MVV, Medworth Grid Connection Phase 1 Geo-environmental Desk Study, Draft Report, May 2021 (Grid connection area)

Wood (2021) MVV, Wisbech Phases 1 and 2 of the EfW Facility site.

Section 13.5 Describes the baseline for the EfW site and grid connection and summarises potential sources of contamination, also shown on Figure 13.1. Potential sources of contamination for the grid connection are listed as:

- a) Historical landfill at former Wisbech Canal
- b) Localised made ground (including A47 embankment, former railway line, and onsite fly tipping at New Bridge Lane) (cross boundary source)
- c) Walsoken Substation (cross boundary source)
- d) Offsite: Former petrol filling stations
- e) Natural peat deposits (source of ground gas including methane)
- f) Offsite: Pollution incident at the drainage ditch north of the site
- g) Offsite: refuse tip dating from 1967 (also the site of the former Walsoken brick and tile works).

The borough council's contaminated land inspection of the Wisbech Canal site is referenced. The applicant should note that the Walsoken site has also been inspected and the report is available on our web page (titled Broad End Road) [www.west-norfolk.gov.uk/contaminatedlandpart2a](http://www.west-norfolk.gov.uk/contaminatedlandpart2a)

Relevant receptors are scoped in within Table 13.12 for further assessment for Geology, Hydrogeology and Contaminated Land. Table 13.13 lists likely significant effects for Geology, Hydrogeology and Contaminated Land Receptors.

The approach for environmental assessment is in line with current best practice guidance, particularly the use of Land Condition Risk Management (LCRM) and both the construction and operational phase are considered. A suitable method is proposed for assessing significance of effects of contamination on relevant receptors.

Based on the information provided I can agree that, providing the environmental measures, including further investigation (as set out in the Table 13.24 summary of environmental measures) are followed, the risks will be acceptable and no significant effects from land contamination are anticipated.

### **3.12 Climate Change**

NCC will be commenting separately.

This is clearly a key topic that will be discussed in some detail at the Examination. It is noted that Cambridgeshire County Council and their consultants have raised some very detailed and specific queries that will need to be fully considered and addressed at Examination.

### **3.13 Socio-Economics, Tourism and Land Use**

There are no specific comments on tourism. The underground cabling would be located within the highway verge. Given the cabling would be underground it is not envisaged it would affect the existing land uses.

NCC are leading on this for Norfolk and will be commenting separately.

### **3.14 Health**

Public health at NCC will be commenting separately on this.

National health and technical guidance on Energy from Waste plants and emissions will be provided by the UK Health & Safety Agency (formerly Public Health England). They have been consulted as part of this process.

### **3.15 Major Accidents and Disasters**

NCC will lead on this for Norfolk and will be commenting separately.

Additionally, it is recommended comments are sought from Norfolk Fire and Rescue Service, Norfolk Constabulary and Eastern Region Special Operation's Unit.

### **3.16 Cumulative Impacts**

No further comments from a BCKLWN view, other than set out in the individual topic chapters.

### **3.17 Other Matters**

#### **3.17.1 Odour/Nuisance**

The main emission source during the operational phase will come from the stack, with modelling identifying receptor R107 (Northeast of the site, in Wisbech/Fenland). The prevailing wind for this district is South Westerly. Best practice has been followed with the Air Dispersion Modelling undertaken and the accompanying results. The area of study was a 15km zone from the location of the chimney emissions. Receptor locations in the villages of West Walton, Walton Highway, Elm and Emneth have been screened out. A negligible impact from the stack emissions is noted for receptors R67 in Elm and R76 in Emneth. Odour emissions would be controlled via the EA permit.

At this time, based on the submitted information, we have no concerns regarding odour impacts.

#### **3.17.2 Lighting**

The operational site lies outside this district and lighting is to be positioned such that it should not impact off-site.

We have no concerns, but we would support Fenland DC and recommend full details are required via condition, when appropriate.

### 3.17.3 Waste Policy Matters

Waste policy matters, including waste availability and composition, net self-sufficiency, and site selection, have been covered in the relevant representations of Cambridgeshire County Council, as the specialist waste planning authority for the area. This will be the subject of a Local Impact Report and will be covered in detail at the Examination.

Any waste policy issues affecting Norfolk, will be covered by NCC, as the specialist waste planning authority for our area.

## **APPENDIX 1: BCKLWN Councillor comments**

### Councillor Blunt

I want to share my thoughts for your consideration re the Medworth Planning application before you this morning.

Firstly, why this site on the edge of Wisbech.

If I was considering an Energy from waste site, I would consider firstly is their sufficient waste to feed the plant, located close to the proposed site. Secondly is their sufficient demand to use the Energy being generated.

On the first point, by the need to transport several lorry loads of waste to the site every day, there is clearly not enough waste generated locally to need the site in Wisbech. Therefore, look for sites where sufficient waste is generated to feed the demand now and in the future.

On the second point is their enough demand locally for the energy generated either steam or power. This area has a limited demand for the steam to be used in local factories and the power generated will be fed into the National Grid and be used anywhere the need arises. Therefore, there is no real reason why the plant needs to be built here, build it where the demand for steam is high.

Next have alternative sites been considered by the applicant. Based on the lack of need for the site in Wisbech, has the applicant considered sites where there is a local need for incinerating waste. Has the applicant considered any sites where the demand for the steam generated by the plant is high either now or in the future?

Thirdly the impact on people of the surrounding area including Wisbech and West Norfolk.

The fact that the A47 that will be used to bring waste to the site is currently heavily congested seems have been ignored. When travelling north the traffic on the stretch of the A47 from the Tesco roundabout to the Elme House roundabout is regularly at a complete standstill.

This the main southern entrance into Norfolk from the Midlands. It is a route for business traffic and visitors supporting the economy of Norfolk.

Has any consideration be given that within 1 mile there are several schools. The Thomas Clarkson Academy, Meadowgate Academy, Elm road Primary School, Ramnoth Road Junior, Wisbech Grammar School, Peckover Primary School Orchard Church of England School. That is where the majority of the children of Wisbech are educated.

All these schools are north of the proposed site and in the direction of the prevailing winds from the proposed site.

I could go on so please councillors consider my comments when making your decision.

Finally, I think we should be looking at methods that encourage solutions that reduce the production of waste and encourage the use of renewables and therefore reduce the need for such a plant to be built.

### Councillor Rust

I am very much opposed to the application to locate an incinerator in Wisbech. An incinerator would have a detrimental impact on the health and well being of the people in that area in West Norfolk. There would be increased traffic which would negatively impact on the air quality which would worsen the health of the residents in both Wisbech and West Norfolk. There are areas in our borough which house the most disadvantaged people in the vicinity and the placement of an incinerator would worsen their already deprived lives.

### Councillor Squire

I'd like to make the following comments to add to our submission of comments regarding the Medworth incinerator please:

As a local councillor living less than 5 miles from the proposed site, it is an area I know extremely well. Traffic going in and out of the Medworth site will not just affect the traffic on the A47 in the immediate vicinity, but issues will extend along the A1101 on both sides of the Elm Hall Roundabout on the A47.

Currently, at certain times of the day, traffic will be backed up for at least a mile along the A1101 with drivers trying to reach the Elm Hall Roundabout. The A47 from the Cromwell Road junction can be at a virtual standstill when travelling to the Elm Hall Roundabout.

It will often take me more than half an hour to get the few miles from where I live to that A47 roundabout, along the A1101, due to sheer volume of traffic. This is not unusual, it is an every day occurrence and it is worse in summer when the A47 is the main route for holiday traffic heading towards the coast. At present this means that the small village roads are often used as a rat run for drivers trying to avoid sitting in stationary traffic around the area of the roundabout.

Any extra traffic coming in and out along that section of the A47 is going to make the matter even worse and that is even assuming queuing drivers will even let the vehicles out. The road system is not fit for purpose as it is, without any additional stresses on it.



## Report to Planning Committee – 7 November 2022

Consideration of a request for representation on the Relevant Representations for the proposed Energy from Waste (EfW) Combined Heat and Power (CHP) facility generating electricity and steam, (and associated grid connections) on land at Algores Way, Wisbech;

<b>Proposal:</b>	Plans to develop a new Energy from Waste (EfW) Combined Heat and Power (CHP) facility generating electricity and steam, (and associated grid connections) on land at Algores Way, Wisbech.
<b>Location:</b>	Wisbech, Cambridgeshire
<b>Applicant:</b>	Medworth CHP Ltd
<b>Case Officer:</b>	Lorna Gilbert
<p><b>SUMMARY</b></p> <p><b>Members will be aware that at the Council meeting on 25 February 2021, a motion was passed to object to the principle of the proposal for an energy from waste facility in Wisbech.</b></p> <p><b>It is important to note that this remains in place and is unaffected by this specific technical consultation response.</b></p> <p>This is a Nationally Significant Infrastructure Project (NSIP), so it is considered by the Planning Inspectorate (PINS) and ultimately determined by the Secretary of State. The applicants are seeking what is know as a Development Consent Order (DCO), which is effectively the equivalent of planning permission.</p> <p>The Planning Inspectorate (PINS) has invited the council to submit a Relevant Representations (RR) response, to the submission of the Medworth EfW, CHP Facility and associated grid connections application. This is a specific stage in the development Consent Order process.</p> <p>The deadline for comments to PINS is Tuesday 15<sup>th</sup> November 2022. In order for comments to be taken into account, those making representations will need to register as an interested party.</p> <p>PINS will consider comments it receives from the RR stage, which will help to inform the topics and questions to be dealt with at the examination stage.</p> <p>Medworth CHP Ltd (the applicant) submitted their application to PINS for a Development Consent Order (DCO) in July 2022. This was accepted for examination by PINS on 2 August 2022. The Council has been invited to provide a response on the RR stage which is part of the current pre-examination stage. This is an opportunity for local authorities to provide a summary of what the local authority agrees and/or disagrees with in the application, what they consider the main issues to be and their impact. The content of the RR is used by PINS to inform their initial assessment of the key issues for examination.</p> <p>The borough council is one of four host authorities, as the plant and infrastructure are sited within each council area. The other authorities are Fenland District Council (FDC), Cambridgeshire County Council (CCC), and Norfolk County Council (NCC). The main plant and infrastructure is located within FDC and CCC's area, with the underground cabling connecting to a substation in Walsoken, in west Norfolk.</p>	

## Key Issues

Technical Officers have considered the information submitted as part of the DCO application and these comments have informed the Relevant Representations (RR) produced.

It should be noted that the effects considered are only in relation to impacts on the borough, as specific impacts within Wisbech and Cambridgeshire will be dealt with by FDC and CCC.

Officers consider the technical comments in Appendix 3 should be submitted to PINS as part of the Relevant Representations consultation.

## Recommendation:

It is recommended:

- a) To note that the technical representations made in compliance with these statutory duties, will not prejudice the council's continued objection in principle to the application, or any future views;and
- b) To endorse the technical Relevant Representations in Appendix 3 for submission to PINS.

## 1.0 BACKGROUND

- 1.1 Medworth CHP Ltd are proposing an Energy from Waste (EfW) combined heat and power facility on land on the Algores Way Industrial Estate, to the west of Algores Way in Wisbech. The proposed development is the construction, operation, maintenance and decommissioning of an Energy from Waste (EfW) Combined Heat and Power (CHP) facility. The proposal is considered to be a nationally significant infrastructure project (NSIP) under section 15 (2) of the Planning Act 2008 (as amended), by virtue of the fact that the generation capacity of the proposed development exceeds 50MW.
- 1.2 As an NSIP application (for which a Development Consent Order (DCO) is required) the proposed EfW plant will be determined by the Secretary of State. Responsibility for accepting and examining the NSIP application lies with the Planning Inspectorate (PINS) on behalf of the Secretary of State.
- 1.3 The Borough Council of King's Lynn and West Norfolk (BCKLWN) along with NCC, CCC and FDC are host authorities, and have a role in offering local technical knowledge throughout the process.
- 1.4 **During the Full Council Meeting of the BCKLWN on the 25<sup>th</sup> February 2021, a Motion was agreed to oppose the principle of the proposal for an energy from waste facility in Wisbech. The full motion was:**
  1. **This Council recognises the democratic mandate given to it by the people of West Norfolk in their overwhelming opposition to the King's Lynn incinerator proposal. In keeping with this position and in recognition of this Council's principled opposition to that scheme, this Council does not support the construction of a waste incinerator in Wisbech.**
  2. **This Council supports Wisbech Town Council, Fenland District Council and Cambridgeshire County Council in their stated opposition to the Wisbech waste incinerator.**

- 3. That in doing so we do not negate the need for a technical or planning response, that we will make to the Secretary of state as part of the formal consultation process.**
- 1.5 The Planning Inspectorate (PINS) has invited the council to submit a Relevant Representations (RR) response, to the submission of the Medworth EfW, CHP Facility and associated grid connections application. This is a specific stage in the development Consent Order process. It is important to note that this is a separate and specific technical response required at this stage, from the wider council objection to the proposal.
- 1.6 Appendix 1 sets out the six stages involved with a NSIP application and Appendix 2 clarifies the role of the local authority at each of the stages (excluding the decision). PINS guidance is clear that a local authority and the local community are consultees in their own right. In this context, local authorities in particular must conduct themselves in line with the National Policy Statements and the relevant guidance.
- 1.7 Medworth CHP Ltd submitted their application for a DCO in July 2022. PINS accepted the application for examination on 2 August 2022. The Relevant Representations (RR) stage is part of the current pre-examination process. This is the first time comments on an application can be submitted to PINS for consideration by their inspector/inspectors. For local authorities, the Relevant Representation (RR) should include a summary of what the local authority agrees and/or disagrees with in the application, what they consider the main issues to be, and their impact. The RR stage is used to help PINS Inspectors identify the key issues for examination. It is not meant to provide a detailed in-depth case, rather a summary of the issues raised at this stage. The issues to be discussed at the Examination will be the subject of further detailed representations, including Local Impact Reports.
- 1.8 Since the consultation process started, there have been a series of technical meetings on specific topics in the Environmental Statement that accompanies the application, with the relevant technical officers from the host authorities and the applicant. Some of these are ongoing, and further comments may need to be reported in late correspondence
- 1.9 A draft of BCKLWN's relevant representation produced by officers is attached as Appendix 3 of this report. It should be noted that there has been different specialist inputs from the other host authorities as necessary, and in the council's case and impact upon west Norfolk specifically, some of the issues will be covered by officers of Norfolk County Council.
- 1.10 Notwithstanding the very clear stated position of the Borough Council (motion to oppose the proposal), the council should still engage meaningfully in the technical / legal stages, and it should be noted that we may be disadvantaged at later stages if we do not.
- 1.11 It should be noted that the applicant has also submitted an Environmental Permit (EP) application, which is being considered separately. The incineration of non-hazardous waste with a capacity of 1 tonne or more per hour is a Part A (1) activity controlled through an Environmental Permit (EP) issued by the Environment Agency.
- 1.12 The main aims of the EP are to control emissions to air, emissions to water, emissions to land, energy efficiency, efficient use of raw material and water, and accident management. The Environment Agency will consider health as part of the decision to issue the EP.
- 1.13 The EP is separate but complimentary to the planning system. The planning system controls the development and use of land. The EP is concerned with preventing pollution through the use of measures to prohibit or limit the releases of substances to the environment to the lowest practicable limit. The EP will ensure that ambient air and water quality meet standards that guard against impacts to the environment or human health.
- 1.14 The council will be consulted separately on the Environmental Permit (EP).

## **2.0 DESCRIPTION OF THE PROPOSAL**

- 2.1 Medworth CHP Ltd is applying to the Secretary of State for a Development Consent Order to construct, operate and maintain an Energy from Waste (EfW) Combined Heat and Power (CHP) Facility on the industrial estate, Algores Way, Wisbech, Cambridgeshire, together with associated grid connection, CHP connection, access improvements, water connections and a temporary construction compound.
- 2.2 The EfW CHP Facility site area is approximately 5.3 hectares, and is located within Wisbech, in the administrative areas of Fenland District Council and Cambridgeshire County Council. It is located predominantly on land currently occupied by a waste and aggregates recycling facility and waste transfer station. However, the south-east section of the site (1.3 hectares) is undeveloped scrubland allocated as an urban extension in the Fenland Local Plan, and is allocated as an established employment area in their emerging Local Plan.
- 2.3 The EfW CHP Facility would be designed to allow the export of steam and electricity to surrounding businesses via dedicated pipelines and wire cables located along the disused March to Wisbech railway.
- 2.4 A grid connection route comprises a 132KV electrical connection using underground cables. It would run from the EfW CHP Facility underneath New Bridge Lane, before heading north within the verge of the A47 to the Walsoken Substation on Broadend Road. Much of the cable route and the substation is within the Borough of King's Lynn and West Norfolk.

## **3.0 CURRENT CONSULTATION**

- 3.1 The specific Relevant Representations stage opened for submission to PINS on 4 October 2022 and will close on the 15 November 2022.
- 3.2 Given the public interest in this application, to inform the borough's residents of the consultation and how to get involved, the council has issued two press releases, one on 3 October and a further reminder of the process on 27 October. The council has also emailed all Parish Councils and Councillors on 3 October, and then followed that up on 27 October, with a further reminder, providing details of how to register and comment.
- 3.3 There are also details informing people how to get involved on the planning pages of the BCKLWN's website.
- 3.4 Medworth CHP Ltd has arranged for the publication of the application and the RR period in line with the DCO process requirements. This includes publishing details of the consultation in local and national newspapers.

## **4.0 PLANNING POLICY**

- 4.1 The policy framework for determining an NSIP application is set out in Section 104 of the Planning Act 2008 (as amended), and is set out below:
- 4.2 In deciding the application, the Secretary of State must have regard to:
  - (a) any national policy statement which has effect in relation to development of the description to which the application relates (a "relevant national policy statement");
  - (aa) the appropriate marine policy documents (if any), determined in accordance with section 59 of the Marine and Coastal Access Act 2009;
  - (b) any local impact report (within the meaning given by section 60(3)) submitted to the Secretary of State before the deadline specified in a notice under section 60(2);

- (c) any matters prescribed in relation to development of the description to which the application relates; and
  - (d) any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.
- 4.3 In terms of national policy guidance, this will include the National Policy Statements for Energy and Waste, as well as the National Planning Policy framework (NPPF).
  - 4.4 From a BCKLWN perspective, the most relevant documents are the National Planning Policy Framework (NPPF), King's Lynn & West Norfolk Borough Council's Local Development Framework – Core Strategy (2011), Site Allocations and Development Management Policies Plan (2016); the emerging Local Plan, and the Landscape Character Assessment (2007).
  - 4.5 Norfolk County Council are the waste local planning authority for the county, and the policies of the Norfolk Minerals and Waste Development Framework - Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (Adopted September 2011), will need to be taken into account. The pre-submission Norfolk Minerals and Waste Local Plan is currently out for consultation, and should also be considered.
  - 4.6 From a Cambridgeshire perspective, the documents of relevance are the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021); the Fenland Local Plan (May 2014); the Fenland emerging Local Plan.
  - 4.7 Waste policy matters, including waste availability and composition, net self-sufficiency and site selection, have been covered in the relevant representations of Cambridgeshire County Council, as the specialist waste planning authority for the area. This will be the subject of a Local Impact Report and will be covered in detail at the Examination.
  - 4.8 Any waste policy issues affecting Norfolk, will be covered by NCC, as the specialist waste planning authority for our area.

## **5.0 MAIN ISSUES**

- 5.1 Below is a summary of the main issues raised by technical officers which are included in full in the Relevant Representations (RR) response in Appendix 3. It should be noted that the specialisms on the various topics are spread across the four host authorities. The comments of the host authorities will be in relation to the impact of the proposal upon their areas, and in the council's case it will be west Norfolk.
- 5.2 As required by the NSIP process, the host authorities, including BCKLWN, have been involved in pre-application discussions with the applicant. However, it is clear from the responses that there are some remaining queries that need to be addressed.

## **6.0 SUMMARY OF KEY CONCERNS**

- 6.1 Technical officers have considered the information provided and have highlighted their key concerns. These are listed in order of the applicant's Environmental Statement (ES) chapters. Set out below are summaries of some of the key points, with the comments of technical consultees set out in full attached as Appendix 3.

### **Traffic and Transport (ES Chapter 6)**

- 6.2 Traffic and transport will clearly need to be a key issue discussed at the Examination.
- 6.3 As the local highway authority, NCC are leading on the transport response for Norfolk. With respect to Norfolk only, NCC highlight that given the A47 is a trunk road, the impact to the A47 and its connecting junctions will be assessed by National Highways. County officers

have however assessed the impact on other roads in Norfolk.

- 6.4 In conclusion, NCC states that 'in accordance with paragraph 111 of the NPPF, development can only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Whilst the impact at the Elm High Road roundabout will be fully assessed by National Highways, given the volume of background traffic already using the A47 roundabout, County officers do not regard the impact of an additional 8 vehicles AM Peak and 5 vehicles PM Peak as severe'.

### **Noise and Vibration (ES Chapter 7)**

- 6.5 Officers from the Community Safety & Neighbourhood Nuisance (CSNN) team support the concerns raised by Fenland District Council that it would welcome a simpler presentation for non-expert readers. This is also applicable for future technical documents.

#### Construction noise:

- 6.6 As the connection to grid (Walsoken substation) work is to be undertaken during designated night-time hours, we would wish to see a separate construction management plan for this phase of the project specifically, which should include direct resident notification of dates and times of works, and likely operations. Such a document would aggregate all measures currently documented in the submitted Volumes/Chapters to mitigate noise.

#### Operational Noise:

- 6.7 There should be no noticeable impact from the operation of the site on west Norfolk residents. We would expect an updated Noise Management Plan to be submitted for approval by all the relevant consultees prior to the operation of the installation on the site, which should include assessment of the Walsoken substation.

#### Vibrations:

- 6.8 Further assessment in terms of vibration impacts on residential properties during the connection to grid at Walsoken substation is welcomed at any later stage/s.

### **Air Quality (ES Chapter 8)**

#### Summary of the overall air quality impacts being reported by Medworth

- 6.9 In terms of overall impacts they are summarised below:

- *Impacts in terms of the pollutants from chimney and traffic have been assessed as not significant at all modelled receptors including those in west Norfolk. This is based on Institute Air Quality Management (IAQM) guidance i.e. process contribution will be less than 1% of the NAQS objectives.*
- *For the majority of all pollutants, the modelling is predicted to be less than 5% of the long-term emission limits and less than 10% of the short-term limits.*

- 6.10 In reaching the above conclusions we have reviewed the predicted emissions that fall under scope of Local Air Quality Management (LAQM) and against the National Air Quality Strategy (NAQS) standards and whilst the methodology is acceptable in principle, there remains a number of technical matters that need further clarification.

- 6.11 These include air quality related matters from the additional transport, issues around the dispersion modelling, ensuring health damage costs and also a suitable air quality monitoring scheme. These technical queries have been submitted to the applicant and we

await a response. These queries are set out in full within Appendix 3.

- 6.12 A technical air quality meeting is taking place on 31<sup>st</sup> October 2022. Therefore, any additional comments will be included within the late representations.

### **Landscape and Visual (ES Chapter 9)**

- 6.13 NCC are leading on this for Norfolk and will be commenting separately.
- 6.14 BCKLWN has no objections to the Arboricultural Method Statement approach as outlined in the Outline CEMP. The retention of as many mature/important trees is crucial, and any mitigation/replacement planting should be in keeping with the wider landscape. Full details of landscaping should be secured via requirement/condition.

### **Historic Environment (ES Chapter 10)**

- 6.15 The only listed buildings within the area included on the plan: 'Figure 10.1 Designated heritage assets within a 2km study area', are a good distance away from any of the pipeline works which I understand will be largely underground. The plant will mainly impact upon the setting of heritage assets within Wisbech (and FDC/CCC will comment on that aspect), and will not significantly impact upon the setting of heritage assets in West Norfolk.
- 6.16 Therefore, there will be no significant impact on the setting of heritage assets within this Borough.
- 6.17 NCC (through their Historic Environment Service) will comment separately with respect to archaeology.

### **Biodiversity (ES Chapter 11)**

- 6.18 NCC and their specialists are leading on this for Norfolk and will be commenting separately.

### **Hydrology (ES Chapter 12)**

- 6.19 NCC are the Lead Local Flood Authority (LLFA), and they have provided hydrology comments. They observe that the surface water flood risk along the route of the order limit, indicates that surface water flood risk is localised and with a limited extent. The proposed Walsoken Substation and the Grid Connection are indicated to have a minimal increase in surface water runoff during both the construction and operation phases of the development. Appropriate attenuation approaches are proposed.
- 6.20 In addition, consideration to the dewatering activities associated with the construction phase activities has been provided and standard site management and mitigation approaches are intended to be applied with further detail provided in the Construction Environmental Management Plan (CEMP).
- 6.21 BCKLWN considers there are no likely drainage impacts from the grid connection and infrastructure at Walsoken substation. Surface water drainage of the site compound, which could contain contaminants, as well as foul water drainage, will be covered by the EA permitting regime, and full details will need to be submitted for the appropriate assessment and agreement in advance of the proposal being completed and operational.
- 6.22 BCKLWN request an appropriate flood emergency plan during both the construction phase and also the running phases.

### **Geology, Hydrogeology and Contaminated Land (ES Chapter 13)**

- 6.23 Providing the environmental measures, including further investigation (as set out in the Table 13.24 summary of environmental measures) are followed, the risks will be acceptable

and no significant effects from land contamination are anticipated.

#### **Climate Change (ES Chapter 14)**

6.24 NCC will be commenting separately.

6.25 This is clearly a key topic that will be discussed in some detail at the Examination. It is noted that Cambridgeshire County Council and their consultants have raised some very detailed and specific queries that will need to be fully considered and addressed at Examination.

#### **Socio-Economics, Tourism and Land Use (ES Chapter 15)**

6.26 There are no specific comments on tourism impacts in west Norfolk. The underground cabling would be located within the highway verge. Given the cabling would be underground it is not envisaged it would affect the existing land uses.

6.27 NCC will be commenting separately on this.

#### **Health (ES Chapter 16)**

6.28 Public health at NCC will be commenting separately on this.

6.29 National health and technical guidance on Energy from Waste plants and emissions will be provided by the UK Health & Safety Agency (formerly Public Health England). They have been consulted as part of this process.

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

6.30 NCC will lead on this for Norfolk and will be commenting separately.

6.31 Additionally, it is recommended comments are sought from Norfolk Fire and Rescue Service, Norfolk Constabulary and Eastern Region Special Operation's Unit.

#### **Cumulative Impacts (ES Chapter 18)**

6.32 No comments from a BCKLWN view.

#### **Other Matters**

##### Odour/Nuisance

6.33 Odour emissions would be controlled via the EA permitting regime. Based on the submitted information, no concerns are raised regarding odour impacts.

### **7 NSIP APPLICATION PROCESS AND THE NEXT STEPS**

7.1 The DCO application has been accepted by PINS for examination which will be carried out in public. As part of this pre-application stage the local authorities will be notified of the preliminary meeting to discuss procedural matters. After which an Examination timetable should be set, including deadlines for when information needs to be submitted to PINS. Agreement on any remaining issues should be sought and/or negotiations continued. Reaching agreement on as many issues as possible in advance of the examination is likely to lead to a more focused and expedient examination process.

7.2 During the Pre-Examination and examination stages, the local authorities will:

- Respond to the Inspector/s written questions which are normally based on an initial assessment of the application, (including the principal issues of the proposed scheme), and the representations received from interested parties;



- Prepare and submit to PINS a Local Impact Report (LIR), setting out the likely impacts of the proposed scheme, by using local knowledge and robust evidence, and set out the relevant local planning policy framework and guidance;
- Prepare and submit to the Planning Inspectorate a Statement of Common Ground (SOCG), a joint written statement between the applicant and the BCKLWN and/or other parties or 'host' authorities, setting out matters that they agree or are in disagreement on; and
- If necessary, represent BCKLWN and make oral representation at the issue specific hearing(s) and if necessary, the open floor hearing(s). The subject of the hearings is based on specific elements / issues of the application that are raised during the NSIP process.

7.3 There is also provision in the Planning Act 2008 (as amended) for the applicant to apply for other consents, for example Compulsory Purchase Order (CPO) and drainage consents, deemed by a DCO.

7.4 As noted above the PINS is currently seeking comments on the Relevant Representations consultation for the Medworth EfW and CHP Facility. PINS will have regard to all comments received, including from BCKLWN Technical Officers, which will be submitted during the statutory consultation.

7.5 Individual comments can be submitted via the PINS website. These need to be submitted directly to PINS. The link to both register and comment is found below:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/medworth-energy-from-waste-combined-heat-and-power-facility/?ipcsection=docs>

## **8 CONCLUSION OF THE RELEVANT REPRESENTATIONS STAGE**

8.1 The Council have until 15<sup>th</sup> November 2022 to respond to the Relevant Representations consultation.

8.2 Officers consider the comments in Appendix 3 should be submitted to PINS as part of the Relevant Representations consultation.

8.3 Finally, it is important to note the views expressed about compliance with these statutory duties will not prejudice the council's objection in principle to the application, or any future views.

## **9 RECOMMENDATION**

9.1 **Officers consider the comments in Appendix 3 should be submitted to PINS as part of the Relevant Representations consultation. It is recommended:**

- c) **To endorse the technical Relevant Representations in Appendix 3 for submission to PINS; and**
- d) **To note that the views expressed about compliance with these statutory duties will not prejudice the council's objection in principle to the application, or any future views.**

## **10 SOURCE DOCUMENTS**

Planning Inspectorate (PINS) National Significant Infrastructure Project (NSIP) Guidance and Advice Notes; <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

NSIP Energy Policy Statements; <https://www.gov.uk/government/publications/national->

policy-statements-for-energyinfrastructure

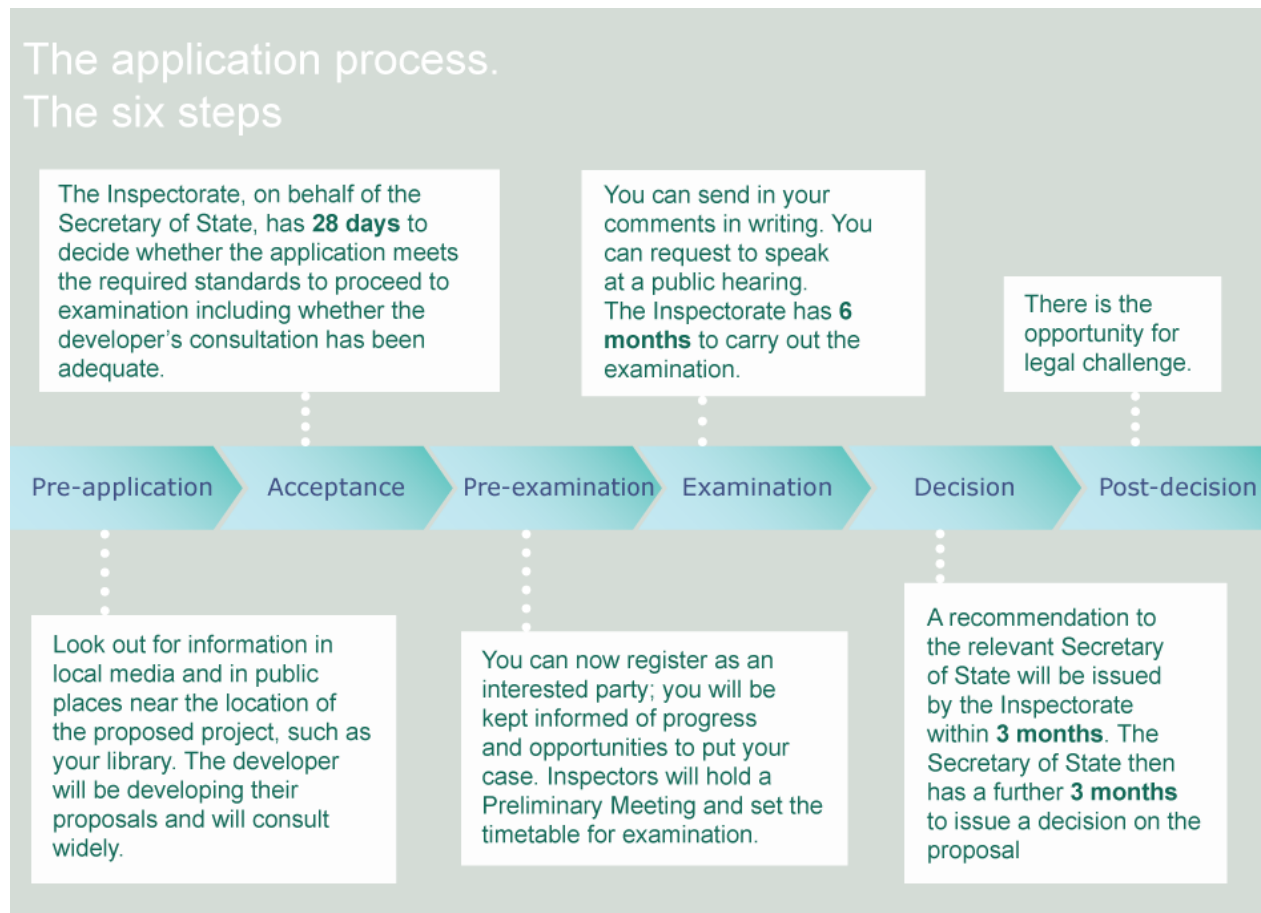
Planning Act 2008 (as amended); <http://www.legislation.gov.uk/ukpga/2008/29/contents>

MVV Medworth website; [REDACTED]

PINS Project Page for MVV Medworth NSIP Project;  
<https://infrastructure.planninginspectorate.gov.uk/projects/Eastern/Medworth-Energy-fromWaste-Combined-Heat-and-Power-Facility/>

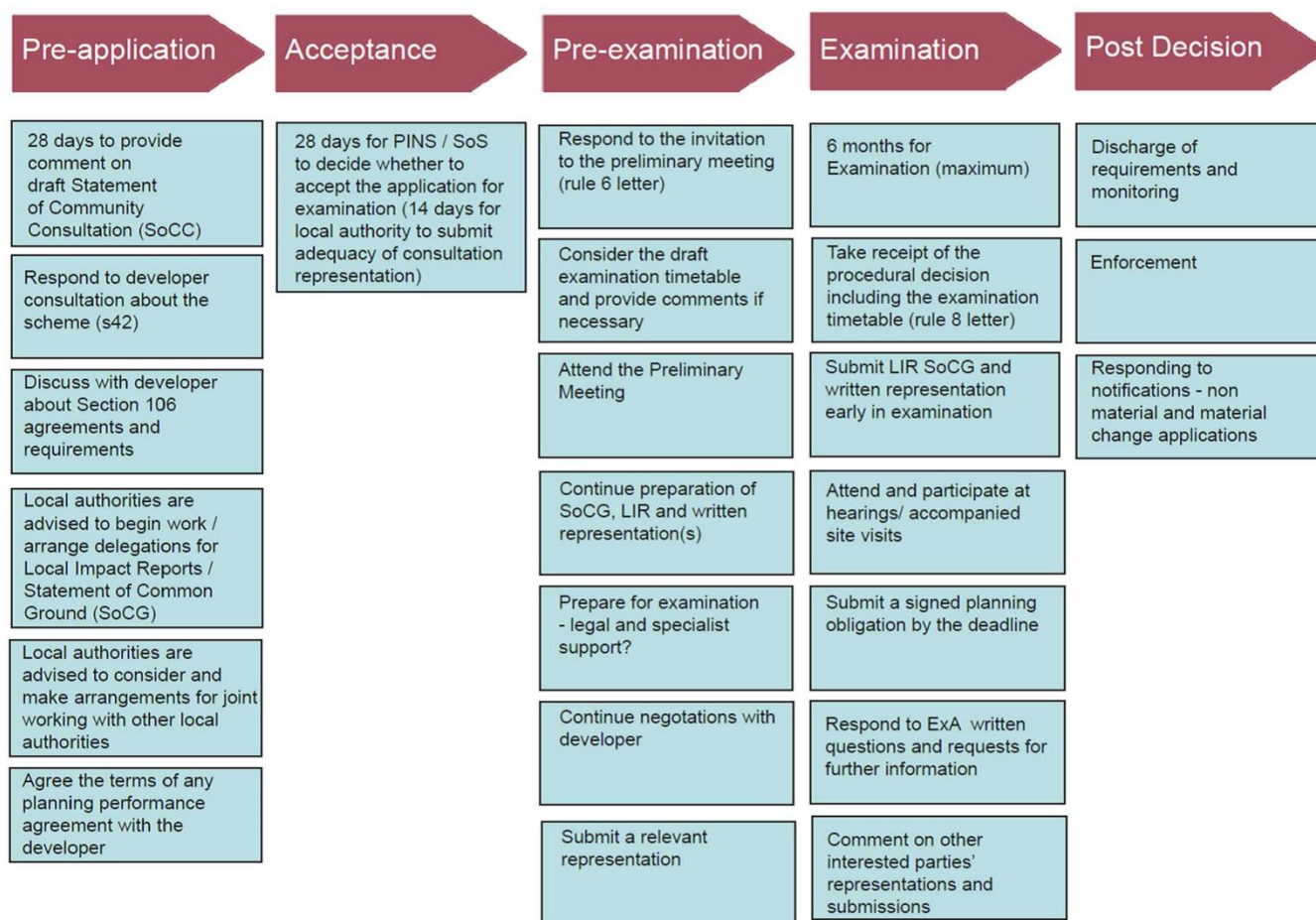
The National Planning Policy Framework (NPPF) (2021)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

**Appendix 1: The six steps of the NSIP DCO process under the 2008 Act**



Source PINS website: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/03/Application-process-diagram2.png>

# The role of local authorities



Source: PINS Advice Note 2: <https://infrastructure.planninginspectorate.gov.uk/application-process/>

## **Appendix 3: BCKLWN Draft Relevant Representations**

### **Contents**

- 1 Introduction
- 2 Summary
- 3 Traffic and Transport (ES Chapter 6)
- 4 Noise and Vibration (ES Chapter 7)
- 5 Air Quality (ES Chapter 8)
- 6 Landscape and Visual (ES Chapter 9)
- 7 Historic Environment (ES Chapter 10)
- 8 Biodiversity (ES Chapter 11)
- 9 Hydrology (ES Chapter 12)
- 10 Climate Change (ES Chapter 14)
- 11 Socio-Economic (ES Chapter 15)
- 12 Health (ES Chapter 16)
- 13 Major Accidents and Disasters (ES Chapter 17)
- 14 Cumulative Impacts (ES Chapter 18)

### **1 INTRODUCTION**

- 9.1 Throughout the pre-submission period the Borough Council of King's Lynn and West Norfolk (BCKLWN) has worked closely with the other host local authorities: Norfolk County Council (NCC), Cambridgeshire County Council (CCC), and Fenland District Council (FDC). The four local authorities have submitted separate responses to the applicant's non-statutory and statutory consultations.
- 9.2 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.

### **10 SUMMARY**

- 10.1 The BCKLWN have been involved in pre-application discussions with the applicant. However, there remains some areas where queries remain. The Council seeks these matters be resolved prior to any consent being given to the scheme.

### **Key concerns**

- 10.2 The following chapters provide the key concerns and comments identified by technical officers:
  - Traffic and Transport
  - Noise and Vibration
  - Air Quality
  - Landscape and Visual
  - Historic Environment
  - Biodiversity
  - Hydrology
  - Geology, Hydrogeology and Contaminated Land
  - Climate Change
  - Socio-Economics, Tourism and Land Use
  - Health
  - Major Accidents and Disasters
  - Cumulative Impacts
  - Other matters

## Traffic and Transport

- 10.3 Both CCC and NCC are leading on transport. Below are NCC's transport comments with respect to Norfolk:
- 10.4 The local highway assessment has been undertaken for two scenarios, one during the construction phase and the second during the operational phase.
- 10.5 To minimise potential impacts on Wisbech, the applicant has ruled out highway connections through the town in both scenarios, with route restrictions placed on the A1101 north of the A47 Elm Road roundabout. This commitment is contained in the Construction and Operational Traffic Management Plans, which are then secured via the Requirements in the DCO. Accordingly, traffic associated with both scenarios entering and leaving Norfolk will do so via the A47(T).
- 10.6 Given the A47 is a trunk road, the impact to the A47 and its connecting junctions will be assessed by National Highways. Nevertheless, County officers have also assessed the impact to the A47/ A1101 Elm High Road roundabout as traffic will disperse south and east into Norfolk via this roundabout.
- 10.7 The EfW will connect to the power grid at the Walsoken Substation, which is accessed from Broadend Road. The applicant's intention is to route the connection cable underground along the A47 verge, pass under the Elm High Road/A47 junction and then continue longitudinally underground along the highway verge of Broadend Road.

### Longitudinal apparatus in the public highway

- 10.8 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 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.

### Construction traffic

- 10.9 The physical works in Norfolk relate solely to laying the underground 132kV cable. As with all roadwork there will be some disruption to residents/businesses in the immediate area in terms of driver delay. However, the associated roadworks will be temporary in nature and managed via the construction traffic management plan. The impact in Norfolk is assessed as minor. Detailed discussions and negotiations will remain on-going throughout the application process, particularly in respect of traffic management.

### Operational traffic

- 10.10 Taking into consideration trip distribution patterns and route restrictions, five routes have been identified to transport waste and residues/consumables to/from the EfW CHP facility, two of which affect Norfolk:

- Route 3: - A47 east to the A1101 Elm High Road roundabout; then south/east to the A1122 then A10.
- Route 4: - A47 east of the A1101 Elm High Road roundabout

- 10.11 The largest impact to the County Road network would be at the Elm High Road junction which exhibits some driver delay from east and west on the A47 in the AM Peak and on the A1011 south of the roundabout. In the PM Peak the situation is reversed with delay on the A1011 north of the roundabout and on the approaches to the junction on the A47.
- 10.12 The assessment indicates that 5% of the HGV traffic will use route 3 and 10% route 4, the other 85% falling outside Norfolk. When calculating the traffic volumes passing through the A1101 Elm High Road roundabout, it works out at 8 vehicles (5 HGV's) routing the junction in the am peak and 5 vehicles (2 HGV's) routing the junction in the PM Peak.

#### Highway Conclusions

- 10.13 In accordance with paragraph 111 of the NPPF, development can only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Whilst the impact at the Elm High Road roundabout will be fully assessed by National Highways, given the volume of background traffic already using the A47 roundabout, County officers do not regard the impact of an additional 8 vehicles am Peak and 5 vehicles Pm Peak as severe.

#### Residential amenity from traffic

- 10.14 This includes such things as noise from traffic, air quality, vibration and general impact on residents quality of life. That assessment falls outside the local highway authorities remit and will be addressed by the Borough Council.

#### **Noise and Vibration**

- 10.15 Following a detailed review of the documentation, a Microsoft Teams Meeting/consultation was held with the applicant and the noise consultants on Friday 14 October.
- 10.16 I can confirm that I am satisfied with the outcome of the assessments and conclusions drawn in the above documentation and that this work has been undertaken in accordance with all relevant legislation and technical guidance.
- 10.17 I do support the concerns raised by Fenland District Council in relation to the consideration, assessment and understanding of the supporting documentation by the layman (residents and businesses within Fenland and West Norfolk, councillors etc), to enable interpretation of the documents in more basic terms as to how the proposal will impact on them, if applicable. The assessment is necessarily complex, and the applicants have signposted the location of summary details, however, a simpler presentation for the non-expert reader to enable easier identification of the outcomes of this technical assessment would be welcomed. This is also applicable with future technical documents.

#### Construction Noise / Dusts

- 10.18 Having looked at the routing of construction vehicles and the likely numbers in terms of impacts to residents of this district, we feel that a suitably worded planning condition to restrict construction related delivery times/vehicle movements and produce a detailed and robust site construction environmental management plan can be attached at the relevant point.
- 10.19 Noting the requirement for connection to grid (Walsoken substation) work to be undertaken during designated night-time hours, to avoid impacts to traffic flows on the A47, we would wish to see a separate construction management plan for this phase of the project specifically, which should include (as already discussed and agreed with the applicants during a West Norfolk noise and vibration consultation session) direct resident notification of dates and times of works, and likely operations. Such a document would aggregate all measures currently documented in the submitted Volumes/Chapters to mitigate noise.

- 10.20 References within the reviewed documentation refer to documents submitted in support of the application, specifically the Outline Construction Environment Management Plan (OCEMP), and it is clear that this is 'outline'. Site specific measures are to be further specified in the full document secured via the planning process as pre-commencement documents. These should be in accordance with the relevant legislation and technical guidance and should include easy to understand, yet detailed, explanation of the measures which will be implemented to address each identified impact and evidence/calculations/supporting statements to verify the predicated impact outcome of the implementation of each mitigation measure at each receptor).
- 10.21 Requiring the new access route via the Cromwell Road link as early as possible in the development scheme would greatly reduce the impact on West Norfolk (and Fenland residents) as the route is almost completely through commercial land, passing approximately four dwellings. This would be welcomed as a condition.

### Operational Noise

- 10.22 It is acknowledged that there should be no noticeable impact from the operation of the site on West Norfolk residents. Fenland District Council officers confirm that they have liaised with the applicant with regards to the Walsoken substation, and the applicant has confirmed that there are no known noise implications from any connection associated infrastructure at the substation, or as a result of the connection. Notwithstanding this, and the Outline Noise Management Plan (ONMP), we would expect an updated NMP to be submitted for approval by all the relevant consultees prior to the operation of the installation on the site, which should include assessment of the Walsoken substation. (This document should be produced in accordance with the relevant legislation and applicable technical guidance, presented in a logical and easy to interpret format, identify all noise impacts and the significance of these at each receptor, include detailed explanations of the measures which will be implemented to address each identified impact, and evidence/calculations/supporting statements to verify the impact outcome of the implementation of each mitigation measure at each receptor).

### Vibrations

- 10.23 Further assessment in terms of vibration impacts on residential properties during the connection to grid at Walsoken substation is welcomed at any later stage/s, given the information provided at this stage.
- 10.24 Any mitigation required could be incorporated into the CEMP for the grid connection phase.

### **Air Quality**

- 10.25 To help understand background air quality and monitor changes in traffic we have already established diffusion tube (NO<sub>2</sub>) monitoring points in the area. As confirmed at the earlier scoping opinion PINS had recommended that all air quality monitoring locations should be identified on a plan. There is also Dept. of Transport traffic survey points along parts of the network<sup>1</sup> that show actual daily movements.

### Background

- 10.26 Air quality refers to the National Air Quality Strategy (NAQS) and its standards for parameters including Nitrogen Dioxide (NO<sub>2</sub>), Particle Matter (PM) within size fractions of less than 10 and 2.5 microns (PM<sub>10</sub> & PM<sub>2.5</sub>), Sulphur Dioxide (SO<sub>2</sub>), Benzene, 1-3 Butadiene, Lead etc. In accordance with the statutory Local Air Quality Management

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<sup>1</sup> DfT Traffic Survey Points; <https://roadtraffic.dft.gov.uk/#10/52.6747/0.6338/basemap-localauthorities-countpoints>



(LAQM) framework the focus of attention is on the pollutants most likely to lead to exceedances such as NO<sub>2</sub>, PM<sub>10</sub> and SO<sub>2</sub>. We are also required to work towards reducing PM<sub>2.5</sub> emissions.

- 10.27 Other pollutants such as dioxins, the heavy metals (other than Lead), PCB's etc. are all considered under the Human Health Risk Assessment (HHRA) which has been submitted as supplemental to the air quality assessment. Whilst health matters are a matter for public health consultee(s), there are published health damage costs<sup>2</sup> associated with the air quality standards that have not been discussed with the HHRA. These costs, as explained by the Institute of Air Quality Management (IAQM) can still be considered and used to help offset residual impacts once all standard or 'embedded' mitigation has been deployed.
- 10.28 The impacts on the NAQS are therefore relevant to planning and the National Planning Policy Framework (NPPF) but the other pollutants such as those within the HHRA are not considered in detail by the NPPF as they form part of an Environmental Permit (EP) application to the Environment Agency (EA). This application in effect runs in parallel with this DCO application. An EP is required to comply with the Industrial Emission Directive (IED) and the Waste Incineration Directive (WID).
- 10.29 The impact of emissions on ecological receptors is also outside of Environmental Quality's scope and is a matter for other statutory consultees such as Natural England

#### Operational Phase

- 10.30 Receptors to the pollutants extend into this Council's area around the eastern part of the air quality study area.
- 10.31 The plume is presented spatially by NO<sub>2</sub> concentration contours for emissions from the chimney only (section 6.2.2) with both annual and short-term means within Figures 8.5 and 8.6 presented. As can be seen there are two areas affected from the plume as it disperses back towards ground level. The plume extends for the most part in a NE direction from the site but with a slight deflection towards the A47.
- 10.32 Air dispersion modelling shows the largest contribution to emissions is from the chimney (0.78 µgm<sup>-3</sup> NO<sub>2</sub>) with only a small component arising from associated operational traffic (0.01 µgm<sup>-3</sup> NO<sub>2</sub>). This occurs close to the junction between Algores Way / Weasenham Lane, which is located in Wisbech (not West Norfolk).
- 10.33 This area is also associated with largest Process Contribution (PC) from particulate matter (0.08 µgm<sup>-3</sup> PM<sub>10</sub> and 0.05 µgm<sup>-3</sup> PM<sub>2.5</sub>). Highest ground level SO<sub>2</sub> PC concentration is however located at Receptor R5 just SW of the site.
- 10.34 As precautionary, receptor locations have been selected to extend beyond the plume area towards Elm, Emneth and also Broadend Rd and where a below ground grid connection is proposed at the Walsoken substation. The air quality management areas in King's Lynn and villages of West Walton, Walton Highway fall outside of lowest emission contour (0.3 µgm<sup>-3</sup> as NO<sub>2</sub>) and therefore study area. Outside of this area impacts are considered as insignificant. The study area is however extended by 15km from the chimney in accordance with EA guidance to take account of ecological receptors. Choice of receptor locations appears to be representative.
- 10.35 In terms of impacts during the operational period the emissions have been modelled based on an opening year of 2027 against its respective baseline with emissions from traffic and the stack combined. As noted within our Technical Queries that are outstanding there are numerous minus traffic input values that have been used for the air quality modelling which

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<sup>2</sup> Defra, <https://www.gov.uk/government/publications/assess-the-impact-of-air-quality/air-quality-appraisal-damage-cost-guidance>

does not appear to be possible.

- 10.36 The EfW plant will be supported by an emergency back-up generator, which has been modelled based on emergency use of up to 2 hours per month and no more than 60-hours annually. Operational periods in excess of these periods can potentially be a matter for the Environmental Permit with conditions for their control. Modelling of routine generator testing however appears to be missing from the modelling.
- 10.37 Abnormal events will be detected by an automatic monitoring system for pollutants with an averaging period of 1-hour as set out in Chapter 8, triggering an interlock to prevent further waste being charged. For other pollutants during these events emission rates have been calculated. This is designed to ensure compliance with the EA permit and Article 46(6) of the IED. Abnormal events include failure of a filter bag with a potential impact on PM / Metals, lime dosing (acid gases) or the urea dosing (an impact NOx).
- 10.38 In terms of cumulative impacts from other point sources, especially larger Part A1 permitted processes in Wisbech that are regulated by the EA, the applicant has explained previously and as documented in Appendix 8A that these installations operating prior to 2020 were below reporting thresholds and at a level considered insignificant. As these emissions are incorporated within Defra's background these emissions have therefore been assessed indirectly.
- 10.39 In terms of the changes in concentrations as a result of this development they are presented within Appendix 8B Annex H against each receptor and by parameter (Table H1 for the construction and Tables H2-H29 for operational period).

#### Construction phase

- 10.40 It is understood that HGV movements will be precluded from accessing the site via Elm High Rd i.e. within this Council's area, so the track out of dusts appears outside of scope.
- 10.41 Impacts from the construction period relate more to the extent of LDV and the measures to prevent HGV from accessing Elm High Rd.

#### Summary of the overall air quality impacts being reported by Medworth

In terms of overall impacts they are summarised below:

- *Impacts in terms of the pollutants from chimney and traffic have been assessed as not significant at all modelled receptors including those in West Norfolk. This is based on Institute Air Quality Management (IAQM) guidance i.e. process contribution will be less than 1% of the NAQS objectives.*
- *For the majority of all pollutants, the modelling is predicted to be less than 5% of the long-term emission limits and less than 10% of the short-term limits.*

#### Technical Queries

- 10.42 In reaching the above conclusions we have reviewed the predicted emissions that fall under scope of LAQM and against the NAQS standards and whilst the methodology is acceptable in principle, there remains a number of matters that need further clarification. These include matters associated to air quality for transport related issues, dispersion modelling, health damage costs and a suitable air quality monitoring scheme.
- 10.43 We have submitted these Technical Queries already to the applicant and await a response:

#### Air Quality Transport issues:

- At the construction stage a new access route via New Bridge Lane is planned to open from weeks 5-25 of the construction (civils) project. Once opened it is proposed (Section 6.6.68 to 70) that 65% of the construction vehicles (mostly HGV's) would enter / exit from this road with a wheel wash located at the exit.
- The TA adds that some construction traffic will still need to access the site via the existing Algores Way i.e. the northern approach but these HGV vehicles be routed via Cromwell Rd – Weasenham Lane – Algores Way and therefore negating construction HGV movements within this Council's area along Elm High Rd. According to the Chapter 6 Transport Assessment (TA; Section 6.5.106) restrictions will however only apply to prevent movements along (Elm High Rd) once the site is operational.
- All of the relevant road links that were assessed as part of the air quality study are shown in Figure 5.1 within Appendix 8B. As exposure to air quality pollutants occurs daily, so the significance of traffic movements is similarly based on changes occurring daily than necessarily just from peak movements.
- The TA explains in Sections 6.5.57 to 6.5.61 that traffic growth factors are all positive and then provides breakdown of changes by HGV vehicle movements as a proportion of the total for all of the road links within the model shown by Figure 5.1 within the following tables:
  - Table 6.6 (2021 Baseline)
  - Table 6.27 (2024 Construction) and,
  - Table 6.32 (2027 Operational)
- Some of the road links within the TA are shown with zero change where for example HGV movements are not proposed.
- The transport dataset was then supplied for the air quality assessment with input values presented in Appendix 8B Tables D1 and D2 for the 18 modelled road links as Average Annual Daily Traffic (AADT) to estimate the emissions.
- However, we have noted that a *significant proportion of the HGV movements that have been used as input to the air quality model are shown as a **negative change** i.e. a betterment within Table D2 and at odds with explanation given within the TA. This does not appear to be possible given the local positive traffic growth factors.*
- ***The concern is if significant negative traffic input values have been used then the air quality impact could be a significant underestimate.*** It is noted for example that max. PC for NO<sub>2</sub> as modelled was only 0.01µgm<sup>-3</sup> when compared to stack contribution of 0.78 µgm<sup>-3</sup>.
- Examples include Road Link 3 (Cromwell Rd) that is the main route into the site shows **minus 506 HGV vehicles per day** when compared to the baseline. Similarly, Road Link 4 (Weasenham Lane) shows another betterment of **minus 541 HGV per day**.
- Similarly, as set out within the CTMP as mitigation, that all HGV will be **Euro V or above** (2008 or better) *but is not clear how this will be achieved or enforced. A condition can be agreed.*
- Furthermore, as can be seen within the traffic input data as presented within Tables D1 whilst vehicle splits (% of cars, LGV, HGV, Buses / Coaches and Motorcycles) is

presented in Table D2, the proportion of LGV is excluded from the baseline (Table D1). This means that LDV can only be assumed based on difference between Total AADT and % HDV. Default vehicle splits have therefore been used. We have not agreed to this methodology. It is not clear whether additional controls as part of CTMP need to be agreed / conditioned for LDV movements.

- We also observed that HDV % are only given in Table D1 (includes buses / coaches & HGV) but which have differing emission factors. This was picked up previously by CCC and therefore appears outstanding. Traffic (HGV) input values need to be reflective of the TA and to use appropriate emission factors.
- There is also the matter of slippage in timescales during construction and ensuring worse case construction traffic is used in the air quality model especially as the TA shows HGV's as >100vpd between months 8 and 23 i.e. for greater than a year with peak predicted to occur in month 14 (187 HGV and 456 LDV). Given the extent of minus values used as input it is unclear whether worse case inputs have been utilised.
- More generally, as Elm High Rd (A1101) forms a continuum with Churchill Rd in Fenland DC where the AQMA commences and links to a large secondary school (Thomas Clarkson School) we would like additional clarification as to whether proposed mitigation (signage) is sufficient to prevent this cut-through being used.

#### Air Quality Modelling

- **Model verification / bias adjustment:** Modelling is based on verification using a bias adjustment of 0.69 and which is much lower than the national factors derived from longer and potentially more representative period. *As the bias adjustment factor is used as part of verification it causes a potential significant underestimate of the results. We would like to know why a higher factor was not used.*

Bias was calculated based on a triplicate co-location study for a period of only 4-months against a reference analyser employed for c. 6-months at Thomas Clarkson Academy from June 2021 i.e. 55% PM<sub>10</sub> data capture in 2021 (as shown in Table B2).

As an example comparison of Medworth site 11 and this Council's site 101 (placed in similar locations over same timescale);

- BCKLWN Site 101 NO<sub>2</sub> bias adjusted (0.84; from 32 studies) annual mean **25.9 µg/m<sup>3</sup>**
- Medworth Site 11 NO<sub>2</sub> bias adjusted (0.69; from 4 months) annual mean **21.5 µg/m<sup>3</sup>**

It should also be noted that there appears a typo in the preparation method for the NO<sub>2</sub> diffusion tubes i.e. using 50% TEA preparation in water. The method employed by Gradko involves acetone not water.

- **Meteorological Data (point source):** Careful consideration needs to be given to the selection of meteorological data. This is recognised to be especially important for modelling of point sources. Data selected has to be representative of the area under study<sup>3</sup>. For point sources this typically this means referring to 5-years of data and selecting worse case. In this instance the dispersion modelling has been based on Numerical Weather Prediction (NWP) data from 2015 to 2019 and selecting

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<sup>3</sup> Environment Agency; <https://www.gov.uk/guidance/environmental-permitting-air-dispersion-modelling-reports#explain-meteorological-data-and-surface-characteristics>

worse case as 2015. However, the statutory guidance (LAQM TG-22<sup>4</sup>) explains that when using NWP data that it should be compared to results from standard meteorological observation data (OBS). No such comparison or sensitivity analysis has been performed (to be agreed).

- **Meteorological Data (traffic):** We could not locate explanation relating to choice of meteorological data for the modelling of traffic emissions.
- **Baseline Predicted Environmental Concentrations (PEC):** We could not locate PEC data within Tables 8B6.1 or 8.26. This is necessary to confirm impacts.
- **Benzene Environmental Assessment Level:** We could not locate this parameter. Only VOC's were presented.
- **Cumulative Impacts:** To ensure emissions are assessed as worse case there can be instances where the impacts are combined. Routine testing of the diesel back-up generator appeared to be missing from the modelling and underestimating the combined NO<sub>2</sub> result.

We also found errors when combining emissions for example PM<sub>10</sub> and PM<sub>2.5</sub> annual means as traffic contributions were higher than PC. Combined results should be checked.

It should be noted that we are not aware of any additional developments of potential significant concern to alter traffic movements (cumulative) that are not already in the local plan and therefore included within local growth factors.

#### Health Damage Costs:

- Noting the comments regarding negative traffic input values for road links we gather that the HHRA that was submitted as supplemental to the air quality assessment, was based on a methodology of assessing risks for parameters *other than* the ambient air quality standards. It's conclusions are therefore outside of scope.
- However, there are published health damage costs associated with the air quality standards based on the mass emitted of PM<sub>2.5</sub> and NO<sub>x</sub> but which do not appear to have been considered within any of the Chapters. We feel this is a potential significant omission.
- IAQM's methodology is based on calculating mass and comparing this to the health damage costs based either on low-medium-high degree of sensitivity<sup>5</sup>.
- These health damage costs can be compared to any residual risks after taking into account the standard or 'embedded' mitigation being proposed.
- *When comparing the standard mitigation proposed (as listed below) there is a significant residual risk that is not specified such as the new duty on both Councils of preparing air quality strategies as set out with LAQM PG-22<sup>6</sup> with measures that facilitate an improvement in air quality. A contribution towards this work is therefore sought.*

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<sup>4</sup> Defra, LAQM TG-22, <https://laqm.defra.gov.uk/air-quality/featured/uk-regions-exc-london-technical-guidance/>

<sup>5</sup> Defra, Air Quality Appraisal; Damage Cost Guidance: <https://www.gov.uk/government/publications/assess-the-impact-of-air-quality/air-quality-appraisal-damage-cost-guidance>

<sup>6</sup> Defra, LAQM PG-22; <https://laqm.defra.gov.uk/air-quality/featured/england-exc-london-policy-guidance/>

- **Standard or ‘embedded’ mitigation** explained in the ES includes:

- **Chimney Height:** Adequate to disperse pollutants;
- **Abatement:** This is specified as Selective Non-Catalytic emission reduction which involves selective reduction of nitrogen oxides with ammonia / urea without a catalyst. The technique is based on the reduction of NOX to nitrogen by reaction with ammonia / urea at a high temperature. In a general this results in NOx reduction rate of between 30-50%.

However, a catalyst-based system is not proposed within Chapter 8. This can achieve much higher NOx reduction (by 80-95%<sup>4</sup>) and whilst a matter for the permit, a discussion on the technology is missing from the report.

**Carbon capture retrofit ready;** This is not part of existing mitigation.

- **Permit:** Conditions to be regulated by the Environment Agency through environmental permit.
- **Management Plans:** Relevant construction / dust / traffic management plans; Mitigation is set out within Table 8.5 Chapter 8 which includes option for real-time air quality monitoring which is welcomed (see below).
- **Engine technology:** In Section 7.4.13, Outline CTMP it mentions that all road-based construction traffic to be Euro V or above i.e. 2008 models or above (see comments above).
- **Workplace Travel Plans:** Staff / workplace travel plan; appointment of a TP coordinator.

We would welcome a TP being adopted, but conscious of targets being emission based i.e. trip reduction and how this will be achieved and the transparency of this data. A condition to be agreed.

- **Electric Vehicle Charging:** Whilst the parking is within FDC we would welcome a condition to secure EV charging especially due to limitations within Approved Document S (AD-S) of the Building Regulations. There appears to be 5 electric vehicle charging spaces shown in Figure 6.2 (Plan for the site). EV charging is considered an important part of the mitigation and to help future proof the scheme but is not mentioned within Chapter 8 or 19.

AD-S will only require slow charging (<7kW) and furthermore sections 6.2 to 6.12 (Standards) are all optional.

A condition is necessary to ensure the charging is safe, accessible and convenient in accordance with section 112(e) of the NPPF, AQAP, emerging local policy LP14/18 and NCC’s revised parking standards (July 2022). To be agreed.

- **Appointment of a Community Liaison Manager;** unclear on remit of role (to be agreed). This was not set out within Chapter 8.

#### Air Quality Monitoring:

- Mitigation is set out in Table 8.25 in Chapter 6 includes option for real time air quality monitoring scheme.

- The real time AQ monitoring is to be agreed but noted as suggested only for particulate matter emissions. Recommend indicative real-time analyser(s) for NO2 and PM. We would be happy to agree the terms of this condition and agree location for monitoring equipment.
- Dust effects are explained from sections 8.9.18 to 8.9.58 with dust buffers shown in Figure 8.4. Track out of dust is assessed for example for 350m from site access in Algores Rd so buffers do not extend along Elm High Rd. HGV's loads to be covered as standard mitigation etc.
- *To agree a suitable condition in conjunction with Fenland DC for suitable real time AQ monitoring scheme prior to construction with provision for remote interrogation and downloading.*

## **Landscape and Visual**

10.44 NCC are leading on this for Norfolk and will be commenting separately.

10.45 No objections to the Arboricultural Method Statement approach as outlined in the Outline CEMP. The retention of as many mature/important trees is key, and any mitigation/replacement planting should be in keeping with the wider landscape. Full details of landscaping should be secured via condition.

## **Historic Environment**

10.46 The only listed buildings within the area included on the plan: 'Figure 10.1 Designated heritage assets within a 2km study area', are a good distance away from any of the pipeline works which I understand will be largely underground. Therefore, there will be no significant impact on the setting of these heritage assets within this Borough.

10.47 NCC will comment separately with respect to archaeology.

## **Biodiversity**

10.48 NCC are leading on this for Norfolk and will be commenting separately.

## **Hydrology**

10.49 NCC Lead Local Flood Authority (LLFA) have commented on the proposal. Their comments are provided below:

10.50 The cable route is proposed to cross ordinary watercourses that are adopted by the Kings Lynn IDB and therefore under the jurisdiction of the IDB rather than the LLFA. In addition, there are a number of other ordinary watercourses that are not adopted by the IDB and are under the jurisdiction of the LLFA. Should any temporary or permanent works be required in these ordinary watercourses, the LLFA will require the applicant to gain consent prior to undertaking work within these watercourses.

10.51 A review of the surface water flood risk along the route of the order limit, indicates that surface water flood risk is localised and with a limited extent. The proposed Walsoken Substation and the Grid Connection are indicated to have a minimal increase in surface water runoff during both the construction and operation phases of the development. Appropriate attenuation approaches are proposed. In addition, consideration to the dewatering activities associated with the construction phase activities has been provided and standard site management and mitigation approaches are intended to be applied with further detail provided in the Construction Environmental Management Plan (CEMP).

10.52 Further guidance on the information required by the LLFA from applicants can be found at

<https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-watermanagement/information-for-developers>.

10.53 BCKLWN's comments:

10.54 There are no drainage impacts likely from the grid connection and infrastructure at Walsoken substation. As the operational plant lies outside this district, in Wisbech, we have no concerns over site drainage. Surface water drainage of the site compound, which could contain contaminants, as well as foul water drainage, will be covered by the EA permitting regime, and full details will need to be submitted for the appropriate assessment and agreement in advance of the proposal being completed and operational.

10.55 In west Norfolk the flood risk issues at the grid connection point will need to be addressed. This should include an appropriate flood emergency plan during both the construction phase and also the running phases.

### **Geology, Hydrogeology and Contaminated Land**

10.56 We have reviewed the Environmental Statement Chapter 13: Geology, Hydrogeology and Contaminated Land, June 2022. A large part of the proposed grid connection scheme falls within the borough council's area. Due to the distance to the EfW CHP facility site, those sections of the report do not refer to receptors within the borough council area, so this response is related to the CHP connection. The ES sets out potential land contamination constraints within the study area of the CHP Connection. A buffer of 250m has been applied to represent a zone of influence for land contamination. The Grid Connection will be a linear underground cable with above ground connections to the EfW CHP and Walsoken Substation.

10.57 The 250m zone of influence is shown on Figure 13.1iii: Potential land contamination constraints within the Study Area CHP Connection, Access Improvements and Temporary Construction Compound. Table 13.8 Lists the Reports and desktop data, reports of walkover surveys and ground investigation, including:

MVV (2020) Wisbech Phases 1 and 2 Geo-environmental Desk Study and Interpretative Report, July 2020

Wood (2021) MVV, Medworth Grid Connection Phase 1 Geo-environmental Desk Study, Draft Report, May 2021 (Grid connection area)

Wood (2021) MVV, Wisbech Phases 1 and 2 of the EfW Facility site.

Section 13.5 Describes the baseline for the EfW site and grid connection and summarises potential sources of contamination, also shown on Figure 13.1. Potential sources of contamination for the grid connection are listed as:

- (1) Historical landfill at former Wisbech Canal
- (2) Localised made ground (including A47 embankment, former railway line, and onsite fly tipping at New Bridge Lane) (cross boundary source)
- (3) Walsoken Substation (cross boundary source)
- (4) Offsite: Former petrol filling stations
- (5) Natural peat deposits (source of ground gas including methane)
- (7) Offsite: Pollution incident at the drainage ditch north of the site
- (8) Offsite: refuse tip dating from 1967 (also the site of the former Walsoken brick and tile works).

10.58 The borough council's contaminated land inspection of the Wisbech Canal site is referenced. The applicant should note that the Walsoken site has also been inspected and the report is available on our web page (titled Broad End Road) [www.west-norfolk.gov.uk/contaminatedlandpart2a](http://www.west-norfolk.gov.uk/contaminatedlandpart2a)



- 10.59 Relevant receptors are scoped in within Table 13.12 for further assessment for Geology, Hydrogeology and Contaminated Land. Table 13.13 lists likely significant effects for Geology, Hydrogeology and Contaminated Land Receptors.
- 10.60 The approach for environmental assessment is in line with current best practice guidance, particularly the use of Land Condition Risk Management (LCRM) and both the construction and operational phase are considered. A suitable method is proposed for assessing significance of effects of contamination on relevant receptors.
- 10.61 Based on the information provided I can agree that, providing the environmental measures, including further investigation (as set out in the Table 13.24 summary of environmental measures) are followed, the risks will be acceptable and no significant effects from land contamination are anticipated.

### **Climate Change**

- 10.62 NCC will be commenting separately.

### **Socio-Economics, Tourism and Land Use**

- 10.63 There are no specific comments on tourism. The underground cabling would be located within the highway verge. Given the cabling would be underground it is not envisaged it would affect the existing land uses.
- 10.64 NCC are leading on this for Norfolk and will be commenting separately.

### **Health**

- 10.65 Public health at NCC will be commenting separately on this.
- 10.66 Health guidance will be provided by the UK Health & Safety Agency.

### **Major Accidents and Disasters**

- 10.67 NCC will lead on this for Norfolk and will be commenting separately.
- 10.68 Additionally, it is recommended comments are sought from Norfolk Fire and Rescue Service, Norfolk Constabulary and Eastern Region Special Operation's Unit.

### **Cumulative Impacts**

- 10.69 No comments from a BCKLWN view.

### **Other Matters**

#### Odour/Nuisance

- 10.70 The main emission source during the operational phase will come from the stack, with modelling identifying receptor R107 (Northeast of the site, in Wisbech/Fenland). The prevailing wind for this district is South Westerly. Best practice has been followed with the Air Dispersion Modelling undertaken and the accompanying results. The area of study was a 15km zone from the location of the chimney emissions. Receptor locations in the villages of West Walton, Walton Highway, Elm and Emneth have been screened out. A negligible impact from the stack emissions is noted for receptors R67 in Elm and R76 in Emneth. Odour emissions would be controlled via the EA permit.
- 10.71 At this time, based on the submitted information, we have no concerns regarding odour impacts.

## Lighting

- 10.72 The operational site lies outside this district and lighting is to be positioned such that it should not impact off-site.
- 10.73 We have no concerns, but we would support Fenland DC and recommend full details are required via condition, when appropriate.

## Appendix 3

### PLANNING COMMITTEE 7 November 2022

#### SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE PUBLICATION OF THE AGENDA AND ERRATA

##### **Item 8 Page No. 2 of the additional Agenda/Supplementary Documents**

**South Wootton Parish Council (SWPC):** wish to add their opposition to the proposed Incinerator to be located at Algores Way, Wisbech.

SWPC were astonished to read that the Wisbech Incinerator will be twice the size of the King's Lynn one which we opposed and was rejected by the Inspector at a Public Inquiry in 2013. We raised two main issues in opposition to the development, namely, Health and Safety issues and Traffic congestion issues.

There was and is real concern about the potential adverse Health issues associated with the emissions from Waste Incinerators. Toxic compounds such as dioxins and furans are found in the exhaust gases as well as fine particles of PM10, PM2.5 and smaller. These can cause cardiac and respiratory problems as well as cancer. Heavy metals such as Lead and Mercury are present in the residual ash collected at the bottom of the Incinerator. Although we were told that emissions were constantly monitored and meet required standards, this was not the case as there have been many breaches (at 11 other modern Incinerators) in recent times. SWPC are concerned that air pollution from its 95 metre chimney will be down wind of the triple SSI protected Wash area, Kings Lynn, Sandringham and all their inhabitants including South Wootton residents.

There is a general agreement that the amount of waste going to landfill needs to be reduced but less costly, non-hazardous alternatives should be considered such as Mechanical Biological Treatment and Anaerobic Digestion Plants. These can be built at a fraction of the cost of an Incinerator Plant, especially in the case of the Wisbech Plant which would be twice the size of the rejected Kings Lynn Plant.

SWPC believe that the best practice for waste disposal is via a combination of methods, ie, by reducing waste in the first instance, reusing and recycling where possible and composting appropriate material using non-hazardous systems as mentioned above. There is no place for incineration.

South Wootton Parish Council wishes to join with the residents of Wisbech in opposing the location of the Incinerator close to local schools and other public amenities.

##### **CORRECTIONS/ADDITIONS:**

7.6 After the Relevant Representations stage the Council will be asked to submit a Statement of Common Ground and Local Impact Report. It is proposed that this be done jointly with the other host authorities (Cambridgeshire County Council, Fenland District Council and Norfolk County Council) as the local authorities are working closely together. BCKLWN will be able to express their comments.

7.7 It is proposed that if the application is approved by the Secretary of State then the Development Consent Order requirements (conditions) are dealt with by the relevant County Councils as they would normally deal with requirements for this type of application. BCKLWN would be consulted on any requirements that are relevant to our area.

**Update to Appendix 3: BCKLWN Draft Relevant Representations:**

The following additional comments will be added to the Air Quality section (starting page 18) of Appendix 3: BCKLWN Draft Relevant Representations:

**Environmental Quality update following the Air Quality Technical Meeting:**

An air quality technical meeting with Medworth CHP Ltd was held on the 31<sup>st</sup> of October 2022. This summary report provides a brief update of the discussions underway. Ahead of the meeting we were invited to submit technical queries. Background information to these queries is listed within Appendix 3 of BCKLWN Draft Relevant Representations.

The focus of our queries primarily concerns emissions from traffic due to concerns with transport data and that these emissions are combined with those from the stack and reported cumulatively.

Stack emissions will be primarily controlled through the Environment Permit (EP) and we were informed that this application has been submitted to the Environment Agency. Other concerns related to some of the assumptions with the air quality assessment plus clarification on the extent of mitigation being proposed.

These points are set out below:

a) Transport:

In terms of the transport related matters we have not agreed with the negative traffic input values used, as this does not appear to be consistent with Chapter 6. A spreadsheet with the negative values was provided to help explain extent.

Queries were also raised regarding appropriate emission factors used and properly taking into account relative vehicle proportions through appropriate construction traffic management plan. Air quality information is dependent on raw transport data, and which has been agreed to be checked. Where any amendments are required, these can be included within an Air Quality Technical Addendum to the ES.

Controls relating to management of construction traffic as set out within the outline CTMP can be revised that also take account other technical meetings.

b) Air quality modelling / assessment:

In relation to the air quality modelling it was agreed the Air Quality Addendum will consider:

- Correction factor;
- Meteorological data; and,
- Other input parameters (benzene, baseline PEC's etc.).

c) Mitigation:

Quantifying extent of mitigation being proposed by comparison to health damage costs was noted as not raised at earlier consultations (PIER). The concern however is from residual risks that may not have been considered.

We also requested additional information regarding abatement technology. Medworth explained that this additional information is likely to form part of the Best Available Technology (BAT) information in support of application to EA for EP.

In terms of electric vehicle (EV) charging infrastructure it was noted that this is to be secured under Schedule 1 of Draft DCO. Concern was raised regarding future provision EV for waste vehicles.

Workplace Travel Plan: We have received a response which explains that this forms part of DCO Requirement 15 with objectives and targets set out within Outline Operational Travel Plan.

Community Liaison Manager: unclear on role / remit. We have a received a response explaining the position and how this will be secured.

d) Air Quality Monitoring:

Additional air quality monitoring is agreed to be discussed further.

Norfolk County Council's (NCC) comments will be omitted from the Relevant Representations submission as shown in Appendix 3: BCKLWN Draft Relevant Representations. This is because these will be submitted separately by NCC. The Committee Recommendation will therefore need amending as follows:

## **9 RECOMMENDATION**

**9.1 Officers consider the comments in Appendix 3 should be submitted to PINS as part of the Relevant Representations consultation. It is recommended:**

- a) to note that the views expressed about compliance with these statutory duties will not prejudice the council's objection in principle to the application, or any future views; and**
- b) to endorse the technical Relevant Representations in Appendix 3 for submission to PINS, with the exception of NCC comments as these will be submitted separately by NCC, and with the addition of the Air Quality comments in this late correspondence.**

**Assistant Director's Comments:** SWPC's comments are noted, and have been reported to the committee. The Parish Council will need to submit their comments directly to PINS to ensure they are fully considered. Both the impact on health and SSSI's will be assessed at the Examination by the relevant specialist bodies, rather than by BCKLWN.

It would make sense for BCKLWN to work jointly with the other host authorities on both the Statement of Common Ground and Local Impact Report as it would enable the Councils to pool resources. Additionally, as the County Councils would normally deal with requirements (conditions) for a scheme of this nature, it would be appropriate for them to handle and manage these with input from BCKLWN as necessary.

The Environmental Quality update is noted.

The amendment to the recommendation is considered necessary as NCC's comments will be submitted separately by County.

## Appendix 4 – Committee Minutes 7<sup>th</sup> November 2022

### **Plans to develop a new Energy from Waste (EfW) Combined Heat and Power (CHP) facility generating electricity and steam, (and associated grid connections) on land at Algores Way, Wisbech: Medworth CHP Ltd**

[Click here to view a recording of this item on You Tube](#)

*Councillor de Whalley left the meeting and addressed the Committee in accordance with Standing Order 34.*

The Committee was reminded that at the Council meeting on 25 February 2021, a motion was passed to OBJECT to the principle of the proposal for an energy from waste facility in Wisbech. It was explained that the remained in place and was unaffected by this specific technical consultation response.

The Principal Planner explained that this was a Nationally Significant Infrastructure Projects (NSIP), so it was considered by the Planning Inspectorate (PINS) and ultimately determined by the Secretary of State. The applicants were seeking what was known as a Development Consent Order (DCO) which was effectively the equivalent of planning permission.

The Planning Inspectorate (PINS) had invited the Council to submit a Relevant Representations Response (RR), to the submission of the Medworth EfW, CHP Facility and associated grid connections application. This was a specific stage in the Development Consent process.

The deadline for comments to PINS is Tuesday 15 November 2022. In order for comments to be taken into account, those making representations would need to register as an interested party.

PINS would consider comments it received from the RR stage, which would help to inform the topics and questions to be dealt with at the Examination stage.

The Committee was informed that the Borough Council was one of four host authorities, as the plant and infrastructure were sited within each council area. The other authorities were Fenland District Council (FDC), Cambridgeshire County Council (CCC) and Norfolk County Council (NCC). The main plant and infrastructure was located within FDC and CCC's area, with the underground cabling connecting to a substation in Walsoken in West Norfolk.

The Committee noted the key issues for consideration as set out in the report.

In accordance with Standing Order 34, the following Councillors attended and outlined their concerns to the application:

Councillor A Kemp stated that incinerators emitted a number of harmful substances such as PCBs and PAHs. She explained the effect of exposure to PCBs and exposure to small amounts of these could cause developmental and neurological problems in children. PCBs could also build up in sediment in coastal areas and rivers and the fatty tissue of fish, which could then be transmitted through the food chain. PAHs were a class of widespread environmental carcinogens and there was no legal limit to the emissions which came out of incinerators from pcbs and pahs however much modelling or monitoring there was. She added that the dispersion modelling was uncertain. It did not account for whether the weather was static and whether there was going to be fast and strong winds. The direction of the winds would be south-west prevailing over West Norfolk. There had been no health damage costs

included within the papers put forward by Medworth. She also had concerns over the diesel generator back-up system which could emit harmful diesel.

There had been no consideration of the fact that the area downwind of the incinerator was the 30% most vulnerable and most deprived population area in the whole country. We as a Council had to safeguard the area. There was no need for the incinerator, it was outdated technology and once it was there it would be very difficult to get it stopped if anything went wrong. It was known that breaches did occur and that the deprived population did look for the Council to safeguard them. The Council should continue to tell the Government that this was not acceptable and must not happen.

Councillor de Whalley stated that there was significant public interest in this proposal and was over an extended area and would suggest that pressing the necessity to hold the examination process in public in its entirety. PM 2.5 had been mentioned, they were seldom properly monitored because it was expensive, and done by mass rather than particle numbers, which was a far more informative indicator of the harm that they were causing. There was no need for waste incineration and there was over capacity in this country for waste incinerators and did not want to be in the position of burning other people's waste. It would also harm recycling and the more incinerators would make it harder to reach recycling targets. Co2 capture was unproven technology and was expensive and inefficient.

Councillor Blunt addressed the Committee and outlined his concerns. Firstly, why this site on the edge of Wisbech. If I was considering an Energy from waste site

I would consider firstly is their sufficient waste to feed the plant, located close to the proposed site. Secondly is their sufficient demand to use the Energy being generated. On the first point, by the need to transport several lorry loads of waste to the site every day, there is clearly not enough waste generated locally to need the site in Wisbech. Therefore, look for sites where sufficient waste is generated to feed the demand now and in the future.

On the second point is their enough demand locally for the energy generated either steam or power. This area has a limited demand for the steam to be used in local factories and the power generated will be fed into the National Grid and be used anywhere the need arises. Therefore, there is no real reason why the plant needs to be built here, build it where the demand for steam is high.

Next have alternative sites been considered by the applicant. Based on the lack of need for the site in Wisbech, has the applicant considered sites where there is a local need for incinerating waste. Has the applicant considered any sites where the demand for the steam generated by the plant is high either now or in the future?

Thirdly the impact on people of the surrounding area including Wisbech and West Norfolk

The fact that the A47 that will be used to bring waste to the site is currently heavily congested seems have been ignored. When travelling north the traffic on the stretch of the A47 from the Tesco roundabout to the Elme House roundabout is regularly at a complete standstill. This the main southern entrance into Norfolk from the Midlands. It is a route for business traffic and visitors supporting the economy of Norfolk.

Has any consideration be given that within 1 mile there are several schools. The Thomas Clarkson Academy, Meadowgate Academy, Elm road Primary School, Ramnoth Road Junior, Wisbech Grammar School, Peckover Primary School Orchard Church of England School. That is where the majority of the children of Wisbech are educated. All these schools are north of the proposed site and in the direction of the prevailing winds from the proposed site. Finally, I think we should be looking at methods that encourage solutions that reduce the production of waste and encourage the use of renewables and therefore reduce the need for such a plant to be built.

Councillor Dark addressed the Committee and stated that there was a sad irony that COP27 was being held that day. He added that the Secretary of State was the decision-maker and the Council was not the determining body. However, Officers would put in a technical response. The Council had put a motion forward that it opposed this. Norfolk County Council had also taken a similar stance and other Councils in the surrounding area were doing the same. There was significant community concern regarding this application and concerns of the Parish Councils regarding the narrowness of the consultation which was supported by this Committee. The Council had widely promoted how people could have their say.

He added that he felt that the proposal was not needed and was too large. He was not against business or development. However, with regards to this particular site Norfolk County Council and the Borough Council had sufficiency in the disposal chain. There were also ambitious targets on how to reduce waste and how to increase recycling so the demand for this type of project should be reduced. He asked if the facility was needed and whose waste it would burn, why this location. He felt that there was an insufficiency of data.

The Principal Planner advised that with regards to the A47, National Highways would be commenting separately. Norfolk County Council would also be commenting separately on health grounds and the issue of need. With regards to schools, Cambridgeshire County Council would respond on that together with need.

The Assistant Director explained that technical issues would be dealt with at the Examination which would be held in public. This was an important part of the process which would help to inform the Inspector to set the topics for discussion at the Examination. He advised that anyone wishing to participate had to register their interest to do that. He added that the Council would be working closely with the other host authorities on both the Statement of Common Ground and Local Impact Report as it would enable the Councils to pool resources and use the technical expertise that the Council's had.

The Chairman, Councillor Mrs Spikings expressed concern relating to the impact of traffic on the Elm High Road, which was congested at the present time. She also made reference to Bottom Ash and whether this had been taken into account. She added that the report also made reference to an emergency generator and asked for clarification regarding that.

With regards to if there was a major accident or emergency on site, the Principal Planner advised that Norfolk County Council would be responsible and would comment on this.

The Environmental Health Manager advised that bottom ash would not be processed on the site and would be transported off site, however the location was not known but would likely be in the locality. Also transported off-site in sealed units would be the residue from the air handling plants which would collect the particles and other types of chemicals and would be taken off site and disposed of as land fill.

With regards to the back-up generator and disasters, this would be covered by the Environmental Permit, the back-up generator had been modelled and tested. The back-up generator was there if the site lost electrical power and the site had to do an emergency shutdown. The details would be covered by the Environmental Permit.

Councillor Rust stated that it was clear in the documents that the Borough Council's role was to provide local technical knowledge. Many of the people that lived downwind of the site were the 30% most disadvantaged in the country. She added that whilst Norfolk County Council and Health might be putting forward reports or information about the health in general, it was important that the Council made the case for the residents in the area. She added that it would be significant as hazardous waste and bottom ash would be exported off the site and anything that had to be moved out and transported would present more danger. The health, air quality



and highways issues would all impact on the health of the Borough's residents, and it was up to the Committee and Members to make the strongest possible case for the residents.

The Chairman, Councillor Mrs Spikings referred to page 23 of the report where it referred to cumulative impacts.

Councillor Parish added people got very emotive over the health hazards that the proposal might generate, quite rightly, but explained that West Norfolk's waste was burnt in Suffolk, and what about the health hazards of those people in Suffolk. He made reference to COP27 taking place today, which would be talking about reparation, and this was a similar instance.

Councillor Squire explained that everyone in the room had their waste burnt somewhere else and lorries of waste were sent somewhere else, however with regard to this application it was not just the A47 which was affected but also the A1101. The traffic impact would be significant, and the Council needed to comment on this and not leave it to Norfolk County Council. She added that the traffic was worse in the summer particularly on a Friday. She also explained that the A47 would be at a standstill from the Tesco roundabout to the Elm Hall roundabout. She also had concerns about digging up the verge and how this would affect the traffic. The whole road system needed to be redesigned around there and would not cope with lorries going into the site and bottom ash being removed from the site.

In response to a question from Councillor Holmes, the Principal Planner advised that, as a host authority, it should submit a representation, otherwise it might be difficult to be involved at the Examination stage. It was also important for individual Members to comment and register through the Planning Inspectorate website.

The Assistant Director explained that officers could attach an extra appendix of Members individual comments so that the Inspector would be aware of issues that had been raised. Given the timescales for submission this should be by then end of day on 11<sup>th</sup> November. He added that if Members wished to speak at the Examination, then they would need to register to do so themselves. Details on how to do so had been provided to Members.

Councillor Storey added that the proposal was in the wrong place and was the wrong project at the wrong time.

**RESOLVED:** (1) Officers considered the comments in Appendix 3 should be submitted to PINS as part of the Relevant Representations consultation: It was recommended that:

- (a) To note the views expressed about compliance with these statutory duties would not prejudice the Council's objection in principle to the application, or any future views; and
- (b) To endorse the technical Relevant Representations in Appendix 3 for submission to PINS, with the exception of NCC comments as these would be submitted separately by NCC, and with the addition of the Air Quality comments, as set out in late correspondence.
- (c) That individual Councillors comments would be added as Appendix 4, and should be submitted to officers by end of day on 11 November 2022.