

**1. In regard to the question I made in the written submission of my oral case - Is this A Nationally Significant Infrastructure Project - Mr Carey kindly confirmed the Applicant's intention has not been to supply over 50MWe to the grid - but 47.9: (emphasis mine)**

*"we very much look for sites that **have true potential** for this thing called CHP, combined heat and power, **for us, energy from waste and combined heat and power are one and the same thing we don't look to separate them.**"*

## **2. "Why Wisbech"**

Mr Carey explained he'd recognised Wisbech as a site and identified it as meeting the criteria they use since 2010. Mr Booth followed up on "Why Wisbech" with a very tenuous attempt to validate a genuine site selection process:

*"just to say and record that having first identified the site in 2010 and then having subsequently identified or entered into an option agreement in 2019, it's right to say that the applicant has at all times continued to evaluate its site selection process."*

### **Have Mr Carey's comments furnished the Inspector with the truth?**

**For a site with "a good demand for heat" he said it was either Wisbech or Norwich.**

*"So we're very much looking for sites that have this ability to enable combined heat and power with a good demand for heat rather than a trickle of heat. So that's very much what we look for. As I said, we look for these across the country. And when it comes to that heat demand, there is a lot of information out there available, and using that information, one could easily recognize that it was either Norwich, one area in further to the east, or Wisbech where those heat demands were. So that really was what drew us in the first place."*

Yet the Planning Application shows an apparent contradiction for that "good demand for heat:"

*6.1.2 The heat consumption in 2020 and estimated consumption in 2050 by non-domestic and domestic sectors for the East of England, as extracted from the NCA, is presented in Table 6.1 Heat consumption in the East of England. This shows that:*

- i. heat consumption is greatest in the domestic sector;*
- ii. heat demand from the non-domestic and domestic sectors is below the national average;*

As for Wisbech or Norwich for heat demand, Mr Carey has not made it clear why a very small, Fenland market town, with a compact footprint, poorly served with road infrastructure, would be selected over the huge, sprawling city of Norwich, with its many industrial areas and growing housing population?

What "true potential" for heat demand is there near this site in Wisbech that warrants this size of CH&P EfW facility - given MVV Devonport are still looking for a local heating scheme because its plant, less than half the size of this PD, has so much excess after supplying the Naval Dockyard?

Mr Inspector, in 2010 Norwich wasn't even an option - by then NCC had already made two attempts to build an EfW facility in Norwich, finally settling for an unopposed MBT/AD plant, which was eventually cancelled in 2009 due to spiralling costs, around the time the King's Lynn tendering began.

Given that Norfolk didn't need two EfW plants, Norwich would not even need a second look, so along with just naming a couple of places where EfW incinerators are already planned to be built, this does not constitute "has at all times continued to evaluate its site selection process."

*"We also looked at the site at King's Lynn, which at the time had just finished going through a planning process which was rejected by Norfolk County Council, having awarded a waste contract to this company called Enfinium they're called now, it was then called Wheelabrator, but it was clear that that site was not going to be a suitable site. It was a little bit further east, but if it had gone through that planning process and failed, it didn't seem right to try that again."*

*“I recognised this site way back in 2010, I have been with the company that long, and I met the owner of the land, but it took me until 2017 before he became satisfied that we were the right partner for that site.”*

If the site at King's Lynn had just been rejected by Norfolk CC when this was “looked at” then it would have been some time after April 2014 when the contract was cancelled, not 2010. The site itself did not fail on planning, the contract was cancelled because it was no longer deemed financially viable after the PFI was withdrawn by Defra in October 2013.

In 2010 when Mr Carey appears to be claiming to have first recognised the site in Wisbech and started 7 years of talks with the owner, Norfolk were in the process of selecting the preferred bidder for their 279,000tpa EfW facility in King’s Lynn, just 15 miles away.

This seems highly unlikely, so perhaps Mr Carey would explain why they would be spending so much time considering a site in such close proximity to one that was clearly intending to be built?

### **Why did Mr Carey fail to mention that MVV bid for Norfolk’s EfW facility in King’s Lynn?**

In August 2009, MVV were third in the short-list of 4 from 10 pre-qualification questionnaires in June. At the February 19<sup>th</sup> 2010 meeting, following bid evaluations, MVV failed to make it to the final two preferred bidders by quite a wide margin, for both sizes - variant 225,000tpa / standard 260,000tpa.

| Company    | Amey Cespa                       | Cory / Wheelabrator              | MVV (+variant bid)               | Resources from Waste  |
|------------|----------------------------------|----------------------------------|----------------------------------|---|
| Technology | Energy From Waste (incineration) | Energy From Waste (incineration) | Energy From Waste (incineration) | Mechanical Biological Treatment and Gasification (thermal without oxygen) |

|                    |            | Cory Wheelabrator | Amey Cespa    | MVV Variant   | MVV Standard  | Resources From Waste |
|--------------------|------------|-------------------|---------------|---------------|---------------|----------------------|
| <b>Grand Total</b> | <b>100</b> | <b>78.25%</b>     | <b>71.24%</b> | <b>60.75%</b> | <b>50.07%</b> | <b>31.07%</b>        |

|                         |            |               |               |               |               |               |
|-------------------------|------------|---------------|---------------|---------------|---------------|---------------|
| <b>Quality</b>          | <b>50%</b> | <b>38.00%</b> | <b>32.75%</b> | <b>24.63%</b> | <b>26.06%</b> | <b>21.29%</b> |
| Technical               | 12.5%      | 10.84%        | 7.31%         | 8.69%         | 8.69%         | 4.50%         |
| Environmental           | 12.5%      | 8.91%         | 8.52%         | 6.69%         | 6.63%         | 4.59%         |
| Partnership             | 7.5%       | 6.00%         | 5.18%         | 3.00%         | 3.00%         | 4.58%         |
| Collection Authorities  | 7.5%       | 4.50%         | 4.50%         | 2.25%         | 3.75%         | 3.00%         |
| Planning and regulatory | 7.5%       | 6.00%         | 5.25%         | 3.00%         | 3.00%         | 3.75%         |
| Property                | 2.5%       | 1.75%         | 2.00%         | 1.00%         | 1.00%         | 0.88%         |

|                               |            |               |               |               |               |              |
|-------------------------------|------------|---------------|---------------|---------------|---------------|--------------|
| <b>Affordability and Cost</b> | <b>40%</b> | <b>33.05%</b> | <b>31.35%</b> | <b>31.62%</b> | <b>18.31%</b> | <b>3.26%</b> |
|-------------------------------|------------|---------------|---------------|---------------|---------------|--------------|

|                           |            |              |              |              |              |              |
|---------------------------|------------|--------------|--------------|--------------|--------------|--------------|
| <b>Commercial</b>         | <b>10%</b> | <b>7.20%</b> | <b>7.14%</b> | <b>4.50%</b> | <b>5.70%</b> | <b>6.52%</b> |
| Financial Robustness      | 3%         | 2.10%        | 2.10%        | 1.20%        | 1.80%        | 1.80%        |
| Deliverability of funding | 3%         | 2.40%        | 2.10%        | 0.90%        | 1.50%        | 2.10%        |
| Legal and Contractual     | 2%         | 1.20%        | 1.44%        | 1.40%        | 1.40%        | 1.52%        |
| Economic Standing         | 1%         | 0.80%        | 0.80%        | 0.70%        | 0.70%        | 0.70%        |
| Overall Integrity         | 1%         | 0.70%        | 0.70%        | 0.30%        | 0.30%        | 0.40%        |

5.7 The ranking following the evaluation is detailed below:

1. Cory Environmental Management Ltd / Wheelabrator Technologies Inc.
2. AmeyCespa (Amey UK plc / Cespa SA).
3. MVV Umwelt GmbH (variant bid).
4. MVV Umwelt GmbH (standard bid).
5. Resources From Waste (United Utilities plc / Laing O'Rourke plc / John Laing Investments Ltd).

Given the repeated references to Norfolk's waste in this Planning Application and its location a couple of miles from the Norfolk border, it rather appears the Applicant selected this site because at the time, it was over-confident of getting Norfolk County Council's waste and the site was available.

Since then, in May 2022, the Leader of Norfolk County Council has registered the County's objection to the Proposed Development following a motion unanimously passed by Full Council.

Officers advise, Members decide, and they will be mindful that the public removed the large Conservative majority the last time an EfW issue involved West Norfolk.

**It would appear that having decided upon a site, a size to maximise their profits and bypass the planning process, the Applicant then had to justify its location.**

In an announcement: "Medworth: Engagement with Cambs & Norfolk CC & Fenland DC Meeting 16th December 2019" which included details and FAQs, the Applicant stated (emphasis mine):

*"Waste companies will want to deal with waste as close to its source as possible, to control transport costs. If approved, waste for the Medworth EfW CHP facility will come from the east of England region. This will enable MVV to ensure that the facility provides a regional solution to a regional problem."*

*"When **considering developing a facility**, we calculate the amount of waste being produced that is currently either being sent to landfill or exported overseas."*

Aside from being contradictory, sourcing waste from 13 authorities across a vast swathe of the country doesn't accord with the proximity principle. Clearly the applicant is unfamiliar with journey times and the 2-hour travel is disingenuous – many places would be impossible.

Whilst MVV have identified a "potential catchment for the Proposed Development" they do not appear to have managed to identify a single actual customer.

**In the Project Benefits Report in reference to Norfolk:**

### **Supporting the principle of proximity**

*Currently NCC has a contract to export its residual waste to Great Blakenham near Ipswich but with the majority now being transported to an energy from waste facility in Bedfordshire. This is a journey of 90+miles, dependent upon the locations from which the waste is transported within Norfolk, and a distance that is substantially further than one that would take waste to the Proposed Development. The WFAA also records the amount of waste which is presently exported overseas contrary to the principle of proximity and recent government objectives to improve self-sufficiency.*

*The Proposed Development therefore combines the project benefit of a location which enables the utilisation of heat in proximity to suitable potential heat customers with one which is closer than current management facilities to certain sources of waste arisings.*

Given that the Applicant has included 4 'potential' authorities in Bedfordshire in its catchment area, and Wisbech long being used as a Norfolk transfer station, there appears to be an element of hypocrisy with this Proposed Development.

The Applicant also appears to be admitting that parts of its potential catchment to source waste for the Proposed Development is also contrary to the principle of proximity that it claims about Norfolk.

As such, the Applicant helps to demonstrate that the project does not accord with the statutory requirement of Article 16 of the Waste Framework Directive.

**Will the Proposed Development primarily generate new energy to export to the grid?**

No. Whilst it would create new energy capacity, [this Planning Application strongly suggests it would not be generating new energy.](#) For example, taking Norfolk's waste away from an existing EfW plant in Bedford would remove that grid generation, MVV would simply be generating energy previously produced by another EfW facility.

National energy policy provides a clear direction that notwithstanding the energy benefits which arise from EfW, an EfW's facility's primary purpose is to move waste up the waste hierarchy, and away from landfill. Not to simply remove another EfW facility's feedstock.

In relation to the RDF Norfolk exports overseas, the amount has greatly reduced – in general local authorities in the UK send their waste to Europe for incineration because doing so is cheaper than disposing of it here. Lower prices in Europe reflects those countries' need to feed their incinerators with waste because they have higher recycling rates and are tied into district heating systems.

Councils have a fiscal duty to their taxpayers, and having cut council budgets to the bone over successive years, the government should recognise that opportunity councils are taking and not penalise them further.

For the Applicant to imply the exporting of RDF reflects a need for more incinerators to be built in the UK is disingenuous.

Continuing with Norfolk County Council **Table 4.7 Summary of WPA forecasted future residual waste requirements** - *No capacity gap is identified - just forecasts for LACW and C&I capacity requirements*

From that, the Applicant concludes a need:

*However, the latest data clearly indicates that there remains no final treatment/recovery capacity in Norfolk. Therefore, capacity gap data presented in this table relies on the figure set out in 2013 of 703,000 tonnes per annum of recovery infrastructure needed.*

2013 is not the latest data, the Norfolk Minerals and Waste Local Plan (May 2022) confirms sufficient capacity already exists to accommodate the forecast growth in waste arisings over the Plan period to 2038.

Moreover, NCC also states: **Appendix D - Future Waste Management Plan Overview (emphasis mine):**

*"In order to help drive the management of waste up the waste hierarchy, additional plants to recover value from waste will also be needed. **Norfolk will be a leader in waste prevention and increasing the recycling of resources** and recovery of energy from waste. Large and medium-sized facilities for minerals extraction and waste management will be preferentially located close to the Norwich Policy Area, Great Yarmouth urban area, King's Lynn **or** Thetford."*

It is not for MVV or anyone else to assume NCC has a capacity gap, or to determine which of the four will be Norfolk's preferred location. Moreover, to make the claim "**Norfolk will be a leader in waste prevention and increasing the recycling of resources ...**" NCC clearly have a plan, and therefore for MVV to include or even chase NCC's waste, it must be considered that they would be attempting to source waste away from recycling, that they would then treat further down the waste hierarchy.

*"Currently Norfolk County Council (NCC) transports most of its residual waste to Bedfordshire, which the UK continues to export waste for management abroad. (sic) The Proposed Development therefore delivers project benefits in the context of moving waste up the waste hierarchy and supports the principle of proximity in the treatment of waste."*

This paragraph in the Project Benefits does not make sense - if waste is currently going to an incinerator in Bedford it's not being exported and this PD does not move waste up the waste hierarchy by incinerating it instead.

## **Submission for Open Floor Hearing 1- includes what time prevented saying**

My name is Jenny Perryman, I'm a local resident - local as in about 15 miles away.

This planning application appears disingenuous and lacks candour throughout.

It does not comply with key elements of policy, including the National Policy Statements for Energy, the National Planning Policy Framework for Waste, the UK's adopted Sixth Carbon Budget recommendations and the Paris Agreement.

Given its enormous capacity, this planning application has not made robust arguments to demonstrate a proven need for this waste incinerator, neither has it demonstrated a proven need for the plant to be located in Wisbech, or indeed Cambridgeshire. Moreover, no other locations appear to have been considered.

On entering No 10 Sunak pledged to lead a government with "integrity, professionalism and accountability at every level" of his government.

When accessing the DCO for this Proposed Development, the Inspector and Secretary of State should be mindful that the government's lack of action since it came into power for over a decade is wholly responsible for the shocking, escalating amounts of household and commercial and industrial waste in the UK. Any need for this Proposed Development, covering a large region with a large existing capacity, will be down to the government's failure and its role in inflating that need.

Further, in October 2013 Defra removed Norfolk's PFI for their 279,000tpa EfW incinerator, just 15 miles from this Proposed Development, on the basis that Norfolk's facility was not needed following their latest forecasted future waste arisings. Defra's removal of the PFI directly led Norfolk Council Members to follow the recommendation of the officers and cancel the contract in April 2014 because it was no longer financially viable without the PFI. This resulted in a compensation payment of £34million from Norfolk taxpayers' pockets, which still affects every man, woman and child in the county to this day.

Under these circumstances, it is inconceivable how the Secretary of State could maintain there is a need for such a vast facility just 15 miles from the one his own government's department deemed as not needed.

The Local Authority has not asked for this Proposed Development, The democratically elected representatives of Local and County Councils are opposing it, along with democratically elected constituency MPs.

So by making this facility over twice the size of either of MVV's other two in the UK, the Applicant is bypassing the decision of these democratically elected representatives by going straight to the government to decide on.

However, this government devolved waste and air quality to those authorities opposing this Proposed Development. Devolving is just another way the government off-loads accountability,

Air pollution from any source directly affects air quality and it does not conform to local authority boundaries. It will not just affect the responsibilities of Wisbech or Cambridgeshire, but other local authorities opposing the Proposed Development, who will remain responsible and accountable for their air quality.

The very fact that in February 2023, the government is still failing to take any meaningful action to follow the waste hierarchy, and still favours, supports and makes it as easy as possible for any waste to be incinerated, albeit now done under the guise of generating electricity, shows it puts its own values, concerns and interests and those of corporate lobbyists, above the values, concerns and interests of the people it is supposed to serve.

In tern, publicly funded organisations like the Environment Agency, Natural England, Historic England, the HPA/PHE/UKHSA, FSA (Foods Standards Agency) puts the values, concerns and

interests of the government and its corporate lobbyists, above the values, concerns and interests of the people they are supposed to serve.

Decades of taking the easy way out, bowing down to corporate lobbyists and favouring projects to give a short-term economic boost, results in discrimination.

Discrimination goes through the very core of this Proposed Development for an EfW incinerator.

Whilst discrimination is generally associated with things like particular ethnic/minority groups, there is no hard and fast boundary within which it has to be contained.

This planning application discriminates against the waste hierarchy, it discriminates against the environment, it discriminates against local authorities, to whom waste and air quality are devolved, it discriminates against Local Plans, road maintenance, it discriminates against sectors of the population, their health and wellbeing, and it discriminates against all efforts to reduce, reuse and recycle.

### **Above Read Out at Open Floor Hearing 1 Below is the remainder:**

Mr Inspector:

The Local Authority has not asked for this Proposed Development,

The democratically elected representatives of Local Councils are opposing it,

The democratically elected representatives of County Councils are opposing it,

The democratically elected constituency MPs are opposing it,

And the local people are opposing it.

Like any parasite landing, feeding and growing fat off its host, the Applicant's Proposed Development is unwanted in Wisbech.

### **1. Does this truly qualify as a Nationally Significant Infrastructure Project?**

To qualify as a Nationally Significant Infrastructure Project under the Planning Act 2008 it requires a generating capacity of over 50 megawatts.

Throughout this Planning Application the Applicant has repeatedly expressed extremely strong confidence, almost assurances, that the plant would have one or more customers for the CH&P. This point isn't about likelihood it's about intent.

#### **In the Combined Heat and Power Assessment, Table 8.1: Heat and power export**

1. No heat export - Net power exported 55.0
2. Proposed network heat load - Net power exported 47.9
3. Maximum heat export capacity - Net power exported 41.2

Given the applicant's strong confidence of having heat using customers their intended expectation is exporting a maximum 47.9 Mwe net power. Clearly below 50 megawatts.

Moreover, to be able to export over 50Mwe the facility would have to operate without heat export and totally reliant on burning feedstock within a very small calorific window.

#### **From Environmental Statement Chapter 6 Traffic and Transport**

"6.6.81 The EfW CHP Facility would be **designed to handle 523,500** (nominal) tonnes of residual (non-recyclable) waste per annum at 10.9MJ/kg (approximately 625,600 per annum at 9.8MJ/kg). Under low CV and high availability conditions the mechanical throughput could be as high as 625,600 tonnes of waste per annum."

(I also note Rivenhall's 595,000 tpa EfW plant says it will generate 49.9 MW)

Whilst the Applicant claims it will have a generating capacity of over 50 megawatts, there appears to be a very clear intention, repeated throughout this Planning Application, that this proposed development will not be delivering that capacity.

The Proposed Development does not appear to truly or morally qualify as a Nationally Significant Infrastructure Project. It does, however, appear that the Applicant has disingenuously taken this route to ensure the project consent cannot be determined by the local planning authority's democratically elected representatives.

**2. From Environmental Statement Chapter 6 Traffic and Transport 6-48 Residues/Consumables:**

**4. Diesel (import).**

“Based on the maximum throughput of 625,000 tonnes, it is anticipated there would be a requirement for 161,613 litres of diesel to be imported to the site each month.”

**This equates to around 5,387 litres/day**, nearly 2 million litres of diesel per year - presumably for its 40+ year lifespan.

**This cannot be considered clean combustion ...**

How many diesel HGVs is that equivalent to - the known harmful PM2.5 emissions of which are not measured and therefore cannot be accounted for?

**How much of this diesel accounts for energy generation?**

**3. From Environmental Statement Chapter 6 Traffic and Transport 6-60:**

**Table 6.20 Traffic and Transport Receptors scoped out of further assessment**

**6-61 Environmental Statement Chapter 6: Traffic and Transport**

| Receptor | Impact  | Justification   | Agreement   |
|----------|---|---|---|
|          | Dangerous or Hazardous Loads during the operational and construction phases | Further to the production of the EIA Scoping Report and as part of the detailed design process, it has been confirmed that no dangerous or hazardous loads would be required during the construction or operational phases of the Proposed Development. | The traffic and transport EIA Scoping Report set out that it was anticipated that dangerous and hazardous loads would not be required. This has since been confirmed with the details of the nature of traffic set out in this chapter. This was not disputed in the EIA Scoping Opinion. |

It is unclear why the Applicant has scoped out the movement of Fly Ash (APC residues) from further assessment.

The justification given is that “no dangerous or hazardous loads would be required during the construction or operational phases of the Proposed Development.”

Yet Fly Ash is classed as hazardous waste - it contains heavy metals, dioxins, furans and organic micro-pollutants.

If a vehicle is transporting a known hazardous waste then how can it not be deemed to be carrying a hazardous load?