

Cambridgeshire County Council and Fenland District Council

Application by Medworth CHP Limited for an Order Granting Development Consent
for the Medworth Energy from Waste Combined Heat and Power Facility

Planning Inspectorate Reference: EN010110

Written Representation

March 2023

1 Introduction

- 1.1 Cambridgeshire County Council (CCC) and Fenland District Council (FDC) are host authorities for Medworth CHP Limited's application for a Development Consent Order (DCO) for Medworth Energy from Waste Combined Heat and Power Facility, alongside Norfolk County Council and the Borough Council of King's Lynn and West Norfolk Council. CCC and FDC ('the Councils') are submitting a joint Written Representation and we understand that the other two host authorities will be submitting individual Written Representations to ensure that the Examining Authority (ExA) is fully informed of the matters of concern to those authorities.
- 1.2 All four host authorities will continue to work together to best inform the Examination, and, where appropriate, submit joint responses. CCC and FDC provided joint Relevant Representation (RR) [**RR-002** and **RR-003**] and Local Impact Report (LIR) [**REP1-070** and **REP1-074**] submissions to the ExA in order to provide a succinct and coherent presentation of the issues and avoid undue duplication.
- 1.3 This document containing the joint Written Representation of CCC and FDC provides an overview of the concerns of the Local Authorities and their submissions on the overall merits of the application. It should be read alongside the detailed technical submission that forms the joint LIR. The matters raised in the joint RR by CCC and FDC remain relevant and should also be referred to.
- 1.4 This Written Representation is based on the Councils' current understanding of the information contained in the DCO application submission at the time of writing. The Council's position on individual topics may therefore change and/or be supplemented as the Examination progresses, particularly if there is meaningful engagement with the Applicant on key topics of concern.
- 1.5 The Councils' stance remains the same as it was at Deadline 1. The Councils have taken updated submissions into account where time has allowed but reserve the right to comment on the revised and additional documentation submitted at Deadline 1.
- 1.6 CCC and FDC do not support the proposal as it currently stands and consider that development consent should not be granted. The Councils are of the view that it is not possible to mitigate some of the impacts of the development and that the planning and environmental harm that will remain is not acceptable.
- 1.7 The Councils acknowledge that the proposed Scheme would provide some benefits to the local area. These include:
 - the recovery of Energy from waste;
 - the diversion of waste from landfill; and
 - local economic benefits including the creation of additional jobs and sourcing of local materials and contractors.
- 1.8 Notwithstanding the above, the Councils would emphasise to the ExA that they are of the opinion that any potential benefits of the Scheme are not sufficient to outweigh the significant adverse effects that the proposed development would have on the town of Wisbech, the Fenland District, and the County of Cambridgeshire.

- 1.9 The main topics of concern for the Councils, which are discussed in more detail in sections 3 to 10 below, are as follows:
- Landscape and visual impacts;
 - Climate change;
 - Traffic and public access (including the volume of HGV traffic);
 - The impact of the development on the Cromwell Road/New Bridge junction;
 - Heritage assets;
 - Air Quality matters;
 - Biodiversity; and
 - Waste provision sustainability.
- 1.10 The Councils welcome this opportunity to remind the ExA of the two separate motions that were individually and independently approved by the elected members of CCC and FDC to oppose the proposed development. The full details of these motions are contained in section 2.3 of CCC and FDC's RR and related Appendices. The ExA is asked to note the extent to which these motions highlight the strength of local feeling and concern regarding the proposal and also that such motions have been approved by all 3 tiers of local government in Cambridgeshire: Wisbech Town Council, Fenland District Council, and Cambridgeshire County Council.
- 1.11 CCC would also like to emphasise that the oral submission made by Cllr Lorna Dupre, Chair of Cambridgeshire County Council's Environment and Green Investment Committee, at Open Floor Hearing 2, sets out the Council's position in relation to our strong opposition of the scheme [REP1-068].

2 Decision-making framework

- 2.1 The Councils are conscious that the ExA will be fully conversant with relevant provisions of national policy. This WR therefore contains only a brief overview of those provisions. The central statutory provisions are contained in Section 104 of the Planning Act 2008.
- 2.2 Subsection 104(3) provides that the Secretary of State must decide the application in accordance with any relevant national policy statement, except to the extent that one or more of subsections (4) to (8) applies.
- 2.3 Subsection 104 (7) applies if the Secretary of State (SoS) is satisfied that the adverse impact of the proposed development would outweigh its benefits.
- Content of relevant National Policy Statements:
- 2.4 EN-1 – The Councils fully accept that EN-1 sets out that there is an urgent need for new electricity generation schemes (see EN-1 paragraph 3.3.1) and that there is an urgent need for renewable electricity projects (see EN-1 paragraph 3.4.5).
- 2.5 However, EN-1 also sets out a series of environmental effects which must be considered and makes plain (either in express words or implicitly, that such effects are capable of justifying a refusal of development consent). In particular, landscape and visual impacts are considered at paragraph 5.9.15 with a clear indication that

landscape and visual harm are capable alone of justifying a refusal and that the existence or otherwise of existing infrastructure of similar magnitude of impact is a highly material consideration for the ExA (paragraph 5.9.19).

- 2.6 NPS EN-3 also draws attention to such factors in its policy section on EfW proposals.

3 Landscape and Visual

- 3.1 An area of particular concern for the Councils is the landscape and visual impact that the proposed development would have on the town of Wisbech, if consent is granted by the SoS. As detailed in the LIR, the Councils are of the view that the impact is of sufficient magnitude that it cannot be mitigated.
- 3.2 Whilst the Councils agree that methodology used by the Applicant to assess the landscape and visual impact of the proposed development is acceptable, the Councils are of the opinion that the embedded environmental measures described in Section 9.7 of the ES [APP-036] are neither sufficient nor appropriate to mitigate and address the likely significant effects of the scheme.
- 3.3 As set out in section 5.2.6 of the Councils' LIR, although the Applicant's Landscape and Visual Impact Assessment (LVIA) defines some of the effects of the scheme as 'non-significant', this is a technical criterion relevant to the Environmental Statement. The Councils wish to highlight that the categorisation of an effect as 'non-significant' does not mean that there will be no effect, or that such effects should be disregarded. The Councils' view is that although a number of the LVIA effects are defined as 'non-significant', they will, both individually and cumulatively, still lead to a substantial negative visual impact in the immediate vicinity of the proposed site and also on surrounding areas.
- 3.4 As established in sections 5.3.8 – 5.3.10 of CCC and FDC's LIR, the Councils are of the view that the Magnitude of Change that the proposed development would have on the town of Wisbech, and surrounding area has been underestimated by the Applicant and does not adequately capture the scale of the facility.
- 3.5 The Councils are of the view that the landscape character of the immediate vicinity, wider town and surrounding satellite villages would be greatly impacted by the proposed development and that these impacts would increase over time as the facility's size progresses through the 36-month construction timeframe, being fully realised once the chimneys are erected and the full mass comes into existence. Furthermore, the landscape and visual impact of the scheme will be amplified during operation of the facility when the height of the plume, anticipated by the Applicant at 69m above the chimneys with a maximum potential length of 582m, is factored in. These impacts are set out in sections 5.3.5, 5.4.16, and 5.4.17 of CCC and FDC's LIR.
- 3.6 The Councils would like to emphasise that due attention must be given to what they consider to be significant landscape and visual impacts on the southern side of the A47. The LVIA appears to have taken the A47 as an arbitrary boundary for landscape effects and concluded that there were no landscape effects south of the A47. As such, the Applicant has not adequately considered the full extent of landscape

impacts, as the A47 cannot be arbitrarily concluded to be the boundary of those effects. As noted in paragraph 5.2.2 of the LIR, the Councils consider that Significant effects to the character of the Wisbech Settled Fen LCA have been underassessed and that Significant effects extend further into the landscape surrounding the site than as identified within the LVIA, extending out across the rural hinterland landscape to the south of Wisbech towards the surrounding rural villages.

- 3.7 With respect to visual impact, the juxtaposition between the flat, rural fenland character that forms much of the landscape to the southern edge of Wisbech would be in stark contrast to the sheer mass and scale of the proposed facility. Whilst the Councils accept that the proposal to build an industrial facility on an existing industrial estate may seem appropriate, the site location on the edge of the industrial estate and the size of the facility, which will tower over all the other industrial units and be seen from miles around, means that it would block out much of the industrial context behind it, acting as a waypoint for all users of the A47 approach road into Wisbech. It is to be noted, as per NPS EN-1 paragraph 5.9.19, that there is no nearby infrastructure (or, indeed, any other development) which has anything remotely approaching the visual impact of the proposed scheme.
- 3.8 The Applicant's assessment and conclusions in relation to landscape and townscape character, as set out in Section 9.9 of the ES [**APP-036**], state that the Residual Visual Amenity Threshold (RVAT) would not be breached. As set out in section 5.4.3 of CCC and FDC's LIR, the Councils consider that the RVAT for 10 New Bridge Lane would be breached, with the level of harm to this property being significantly higher than the Applicant has suggested, to the extent that the unacceptability of impact of the scheme on the residents of this property calls into question the overall acceptability of the scheme.
- 3.9 The Councils note in sections 5.20-5.30 of the CCC and FDC LIR that the mitigations proposed by the Applicant are welcome, but they are wholly insufficient to reduce the visual and landscape impact the facility would have, and thus their positive effects will be severely limited.

4 Climate Change

- 4.1 The Councils refer the ExA to sections 1.8 and 1.10 of their LIR for information regarding the Climate Emergency declared by CCC and the Council's ambitions and aims for Net Zero and climate change resilience in order to address this.
- 4.2 The Greenhouse Gas (GHG) emissions from the proposed development are likely to be very large. As set out in sections 9.14 and 9.15 of CCC and FDC's LIR, the Councils are of the view that the emissions-related benefit, or climate-positive impact, that the Applicant deems would be likely from the proposal are overstated, and indeed may not exist at all. The Councils are of the view that the assessment of the acceptability of the development does not rest on discerning whether the GHG emissions are to be judged as 'Significant' or 'Not Significant' for environmental assessment purposes. Rather, the task is to discern the extent, if any, to which the emissions with the development are less than those from no development. This is the

only basis upon which the proper weight to be attributed in a planning balance to any alleged benefit can be assessed.

- 4.3 In terms of construction, embodied carbon from the construction of the proposed plant is a huge source of GHG emissions, estimated by the Applicant at over 48,000 tonnes CO₂e. These emissions would not occur without the development. Therefore, if consent is granted, the Applicant must mitigate these emissions by giving consideration to minimising the use of high-carbon materials such as concrete, steel etc., and instead use of low carbon construction methods and materials such as more use of recycled/reclaimed materials, electrical plant/tools, and locally sourced items. It should also be noted that emissions from the proposal will vary and may increase depending on the location of the Applicant's chosen suppliers and the distance that materials will need to be transported.
- 4.4 The ExA is asked to note, as set out in section 9.4 of CCC and FDC's LIR, the GHG emissions from the operational phase of the proposed plant are hugely significant, estimated at over 280,000 tonnes CO₂e per year, or over 11 million tonnes CO₂e over the 40-year lifetime. The vast majority of these emissions are CO₂ which would be released from burning the fossil carbon content of the waste (such as plastics). This annual figure is higher than the total emissions from landfill in Cambridgeshire in 2020 (217,695 CO₂e¹).
- 4.5 The Applicant's Environmental Statement (ES) states that the 'without development' scenario is that all the waste will go to landfill and seeks to compare the anticipated emissions from the development with this scenario. This leads the Applicant to claim that this will save 2570800 tonnes² CO₂e of GHG emissions.

The Councils have four basic objections to that calculation, which are set out in Section 9.4.4 of the LIR and below:

1. The calculation is fundamentally dependent on the composition of the waste burned in the incinerator. However, the composition of waste is unknown and variable. In general, fossil carbon waste (such as plastics) does not generate any GHG emissions in landfill, but does lead to high emissions if burned. By contrast, biogenic carbon waste (such as paper, food, and garden waste) generates high emissions if landfilled (as it breaks down into methane), but fewer emissions if burned (as the combustion process converts methane to carbon dioxide). Accordingly, the extent of GHG emissions from the proposed development, when compared to landfilling, is entirely dependent on what the mix of those two different components would be, over the lifetime of the scheme. The Applicant's calculations on this matter bring with them such a degree of uncertainty that the claimed benefits cannot properly be relied on.
2. The benefits claimed are dependent on an assumption that the electricity generated by the development will displace electricity generated for the grid by the mix of generation sources in the UK from 2020-21 (which includes a proportion of fossil-fuel burning sources, primarily gas). Leaving aside the fact that this assumption is somewhat at odds with the notion of producing an overall increase in energy generation, the calculations as to the overall composition of

¹ <https://www.gov.uk/government/statistics/uk-local-authority-and-regional-greenhouse-gas-emissions-national-statistics-2005-to-2020>

² Environmental Statement EN010110-000458 Vol 6.2 ES Chapter 14. Table 14.31, Net change in GHG emissions

the electricity generation sources do not properly reflect the likely decreasing carbon intensity of those sources over the lifetime of the scheme. When better assumptions are made as these matters, the Applicant themselves accept that the net benefit reduces from 2570800 tonnesCO₂e to 413710 tonnesCO₂e. That represents only a 3.6% net reduction from the Applicant's stated baseline scenario.

3. All the Applicant's calculations are performed against a baseline of all the waste going to landfill in the 'without development' scenario, *for the entire 40 years of operation*. This is a highly questionable assumption, not only because of the UK Government policy to achieve a 65% recycling for municipal solid waste by 2035, but also because there are several other possible scenarios of what could happen without the proposed development.
 4. In the absence of a definitive commitment to install and operate Carbon Capture and Storage (CCS) at the site, the scheme will continue to contribute GHGs to the atmosphere in a way which is not consistent with a trajectory towards net zero by 2050.
- 4.6 More detail on the objections that are outlined above can be found in paragraphs 9.4.5 - 9.4.12 of CCC and FDC's LIR.
- 4.7 Noting the points set out above, the Councils are of the view that the conclusion on whether or not the proposed development would lead to lower carbon emissions than alternative waste treatment scenarios without the development remains uncertain. The Councils consider that the significance of carbon emissions should not be decided by whether these are lower than an alternative landfill scenario, but by whether the emissions from the proposed development align with a Net Zero trajectory.
- 4.8 The Councils do not agree with the conclusion that the Proposed Development will have a 'beneficial Significant effect' and wish to highlight that the Institute of Environmental Management and Assessment (IEMA) guidance states that "Only projects that actively reverse (rather than only reduce) the risk of severe climate change can be judged as having a beneficial effect."³ There is no scenario in which the proposed development can be viewed as actively reversing climate change and so the Applicant's conclusion is unsound.

5 Traffic and Public Access

- 5.1 The Councils are concerned by the increased levels of heavy goods vehicles (HGVs) using the local highway network in all phases of the development (construction, operational and decommissioning).
- 5.2 The Councils would like to emphasise the strength of local concern regarding the potential impact that the scheme would have on the existing road conditions in what is a predominantly rural area, and how the additional traffic from the proposal would

³ IEMA (2022). Environmental Impact Assessment Guide to: Assessing Greenhouse Gas Emissions and Evaluating their Significance – 2nd Edition

add significantly to the existing traffic challenges that the users of Wisbech's main roads already face. The Council's noted the representations made by members of the public at the Open Floor Hearings that any accidents on the A47 and Cromwell Road approach to the town cause significant and lengthy congestion and their serious concerns about increasing traffic in an already congested area.

- 5.3 The Councils are particularly concerned by the significant and extraordinary level of construction traffic and the impact this will have upon the local road network. The construction phase will have the most significant daily weekday impact on the network, with a maximum of 643 two-way vehicles and 14 HGV movements in each peak hour. The Councils refer to see paragraph 2.10.3 of their LIR for further information on this point.
- 5.4 The Councils are of the view that the full impact of construction traffic on commuting traffic during peak hours for has not been fully assessed or addressed, and refer to paragraph 2.10.6 of their LIR for more information on this matter.
- 5.5 Owing to their weight, these types of vehicles have a markedly disproportionate effect upon the condition of roads and the increase in HGVs on the local road network will cause extensive damage to local roads, including: B198 (Cromwell Road), New Bridge Lane, Algores Way and Weasenham Road.
- 5.6 As noted in the RR and LIR, it will fall to CCC, as the Local Highway Authority, to maintain these roads and the LHA has a duty to make good any such damage. Therefore, CCC will require appropriate recompense for the damage caused by the extraordinary level of traffic that the proposed development will generate. The preferred means of recompense for these impacts would be via the provisions of Section 59 of the Highways Act 1980.
- 5.7 CCC does not consider that the Applicant has yet provided appropriate processes for the certification of the design and construction of the amendments that would be made to the local highway network, and acceptance by the Highway Authority of the infrastructure is contingent upon this certification. Failure to provide infrastructure that is acceptable to CCC as the Local Highway Authority might impose unreasonable financial burdens on the Council in respect of future maintenance liabilities. Whilst it is noted that ongoing discussions are taking place on these matters, failure to adequately address these issues might result in infrastructure being handed over that does not satisfy CCC's requirements regarding road safety.
- 5.8 The Councils' position, as set out in the Traffic and Transport section of the LIR is that there are serious and significant concerns regarding the use of New Bridge Lane for access to the proposed site.
- 5.9 The Councils have provided comment and evidence that there is insufficient land available along New Bridge Lane to achieve a wide enough access road for the facility, as stated in 2.7.19 of the LIR. The new proposed carriageway construction is shown in close proximity to the adjacent drain. The Internal Drainage Board and Local Highways Authority have highlighted that watercourse embankments/culverts along New Bridge Lane would need to be altered significantly in order to provide the necessary stability and protection of the adjacent carriageway as well as to protect the watercourse asset. Failure to consider the full extent of the land take required for the new carriageway and then design amendments accordingly, would result in the proposed works not being achievable. If the access road cannot be constructed with

sufficient width and support, then this could result in safety issues that could impact the residents and businesses in the area.

- 5.10 The Councils are also concerned by the proposed development's potential to prejudice the opening of the Wisbech to March railway, and by the risk it poses to public rights of way. This is noted in the Traffic and Transport section of the LIR.
- 5.11 The Councils request further clarification from the Applicant on their intentions regarding the railway crossing and any agreement they may have reached with Network Rail. If consent is granted, it will be vital that there is a requirement that secures that the Applicant must provide a bridge over the railway line at New Bridge Lane, in the event that the Wisbech to March rail line is reopened.
- 5.12 There is a risk that if the road along New Bridge Lane is improved, it will have the appearance of being a continuous public highway. However, the road will have a severance at the point of the level crossing which has the potential to create confusion for the public and adequately addressing this may require unnecessarily complex maintenance arrangements between the Council, the Applicant, and Network Rail.
- 5.13 Moreover, the Councils are concerned that the conversion of New Bridge Lane from a quiet, countryside fringe route to a significantly more industrialised, noisier environment with increased heavy traffic will have a severe adverse effect on Non-Motorised Users (NMUs). The Councils wish to emphasise that local and national policies and initiatives support maintaining and enhancing active travel routes, the New Bridge Lane rail crossing is currently open to NMUs and the lane provides a safe, quiet access for active travel alternatives between the busier roads within Wisbech, as well as recreational activities that support physical and mental wellbeing.
- 5.14 The Councils note the lane's proximity to the surrounding countryside. New Bridge Lane continues beyond the A47 to an important network of byways and quiet roads in the wider countryside, and has the potential to be a key arterial route out to the countryside and its communities.
- 5.15 If the proposed development is granted consent, NMUs are highly likely to change their travel choices and lifestyle habits and be discouraged from using the route during the construction of the development and beyond. The Councils wish to emphasise how important it is to protect NMU access to support public health outcomes and active travel opportunities.

6 Cromwell Road/New Bridge Lane Junction

- 6.1 The impact of the proposed development on the Cromwell Road/New Bridge Lane Junction is a key area of concern.
- 6.2 If development consent is granted, improvements to the junction in the form of signal control would be necessary. However, CCC's Signals and Safety Audit Team consider that an acceptable form of junction design may not be achievable within the existing highways constraints. The consequence of this junction not being properly

signalised would be that the principal access to the scheme would be unsafe and therefore the proposal itself would be unacceptable.

- 6.3 The Councils are of the view that the existing junction arrangement is simply not suitable to cater for the additional construction, operational and decommissioning traffic that the proposed facility would generate. The large volume of slow-moving HGVs turning right from Cromwell Road into New Bride Lane that would be associated with the development during each phase raises serious safety concerns.
- 6.4 The proposed development may also have traffic implications that have not yet been fully assessed or understood. The Applicant's modelling (Chapter 6 of the ES, Appendix B, Transport Assessment) [APP-073] assumes that operational traffic will be evenly spaced throughout the day however this may not be the case. Delivery and pick-up times from the origin of the waste and the destination of the residuals will be dependent on the operation of those individual sites, which are not matters that would be covered by this application.
- 6.5 Furthermore, the Applicant has assumed that vehicles associated with the development will be permitted to cross the disused Wisbech to March railway line. The Councils request that the Applicant provide copies of correspondence which demonstrates Network Rail has agreed to the crossing of the disused line, otherwise the main access route into the proposed site will not be viable.

7 Heritage

- 7.1 Wisbech is an historic market and port town, renowned for its elegant Georgian, Anglicised-Dutch style architecture. The Councils recognise the desirability of sustaining, protecting, and enhancing the significance of heritage assets and their setting, noting the wider social, cultural, economic, and environmental benefits that conservation of the historic environment can bring. Information and guidance around the County Council's Minerals and Waste Local Plan Policy 21: The Historic Environment can be found in section 6.1 of CCC and FDC's LIR.
- 7.2 The construction of the proposed facility in such close proximity to the historic town centre, and the glimpsed views of the development (and its very functional form) from locations across the town would be contrary to the Georgian heritage in the town centre. Whilst, as noted at paragraph 3.6 above, the proposed facility would be situated within the existing industrial estate, its size and scale would dominate and overpower the contextually grounding industrial buildings around it, and the presence of the facility would stand out against the character of the historic Georgian town-centre. Although there may only be glimpsed views of the highest part of the facility from the town centre, the fact that it will be visible from every route in to Wisbech means that the industrial nature of the facility would alter, and in fact supersede, the historic character of the town.
- 7.3 The Councils would like to re-emphasise the points made in paragraphs 6.13-6.15 of their RR, which outline further concerns regarding the significant impact on the existing heritage assets in Wisbech and lack of consideration given to these.

8 Air Quality

- 8.1 The Councils wish to emphasise that, whilst Chapter 8 of the Applicant's ES [APP-035] concludes that statutory limits for Air Quality are not exceeded and there would be no significant effects from the proposed development, no significant effects in environmental terms does not equate to there being no effects and residual adverse effects would remain to be given due weight by the ExA.
- 8.2 The Councils would also like to highlight that the local residents, when seeing the plume from the facility, will perceive that there is an impact on air quality and the effect of the perception of harm should not be underestimated. This is noted in paragraph 4.4.3 of CCC and FDC's LIR, where it is explained that the perception of such impacts can demonstrably and detrimentally affect mental health and wellbeing. Due to the extent of local concern and opposition to the proposal, the Councils consider that this potential impact on human health must be taken into account and given sufficient weight by the ExA.
- 8.3 In relation to dust and particulate matter emissions from the construction phase of the proposed development, the 2014 Institute of Air Quality Management (IAQM) guidance⁴ on the assessment of dust from demolition and construction and how to identify the risk of impacts and identify appropriate mitigation states that if mitigation measures commensurate with the identified levels of risk are put in place, then the effects will be not significant. However, the Councils wish to emphasise that this use of the terminology 'not significant' relates to the technical guidance, and it should not be assumed that when it is stated that an impact is 'not significant', that there is no negative impact.
- 8.4 The assessment of emissions from the traffic associated with the construction phase of the proposal demonstrates that statutory limits would be exceeded and although the impacts would be defined as negligible using the 2017 IAQM Guidance on Land-Use Planning & Development Control: Planning for Air Quality⁵, this is again a technical qualification that should not be taken to imply that there are no negative impacts. The Councils would urge the ExA to consider all of the impacts from the proposal and give them due consideration in the planning balance, regardless of whether they fall into or outside of the 'Significant'/'Non-Significant' binary classification that is often used as a reference in formal technical assessments.

9 Biodiversity

- 9.1 Paragraphs 7.3 – 7.4 of CCC and FDC's LIR outlines the Councils' concerns regarding biodiversity protection and enhancement (in the form of Net Gain) in full, and the mitigations that would need to be secured, should consent be granted. At this stage of the Examination, where suitable mitigation has not been fully provided,

⁴ [REDACTED]

[REDACTED]

the ExA should take account of the possible adverse effects set out below. It may be that they will be appropriately mitigated by the time the ExA makes its final recommendation to the Secretary of State.

- 9.2 The Councils are concerned that the proposed scheme does not adequately assess, avoid, mitigate, or compensate the adverse impacts that the proposed development would have on Water Vole and priority habitats. Concerns are raised regarding the impact of the decommissioning works and the ability to secure and achieve Biodiversity Net Gain.
- 9.3 Water Vole is a protected species and also a species of principal importance for the conservation of biodiversity in England (priority habitat). The Councils are concerned by the potential adverse on effects and losses to this species that would result from the proposed development.
- 9.4 The Councils have highlighted their concerns, at paragraph 7.3.12 of the LIR, that the survey work for Water Vole is incomplete. The ditches along the majority of the Grid Connection along the A47 have not been surveyed and therefore, it is not possible to properly determine the level of impact to Water Vole. Although it has been noted that *“these ditches only became included in the 100m ditch area of search following confirmation of the Order limits that occurred after the end of the water vole survey period in 2021”* (paragraph 11.9.141 of 6.2 Environmental Statement Chapter 11 Biodiversity - Rev 2 [AS-008]), the Councils consider this is not a reasonable explanation for lack of survey effort. Therefore, the Councils request that the ExA requires that these surveys are completed during the 2023 survey season, prior to the conclusion of the examination period.
- 9.5 The Councils consider the measures to protect Water Voles at section 4.7 of the CEMP [APP-103] are inadequate, as set out in paragraph 7.3.14 of the LIR.
- 9.6 The Councils are concerned there is no specific provision to provide mitigation / compensation for loss of Water Vole habitat within the Outline Landscape and Ecology Management Plan [APP-098].
- 9.7 The proposed scheme will result in a measurable loss of overall biodiversity value which does not accord with Policy LP16 of the Fenland Local Plan which states all new development will only be permitted if it *“protected and biodiversity on and surrounding the proposal site”*. In addition, policy 20 of the Minerals and Waste Local Plan, which requires all development to deliver measurable biodiversity net gain (BNG) proportionate to the scheme of the development which would be a minimum of 10% BNG, in accordance with policy LP25 of Emerging Fenland Local Plan
- 9.8 The Councils note that biodiversity net gain will be addressed through planning requirements for a Biodiversity Strategy. However, further details are needed to ensure it will be achieved. The Councils also seek the submission of an Outline Biodiversity Strategy to understand what the Biodiversity Strategy will contain.
- 9.9 It is important to note that given the land constraints within the site, only a proportion of BNG would be able to be delivered in-situ by the Applicant. Due to the limited extent of the Applicant’s landholdings a proportion of off-site contributions would be required to meet positive BNG. This would need to be achieved through off-setting via collaboration with independent organisations. The Councils seek that an Outline BNG Strategy be submitted to the examination to demonstrate how this will be achieved.

- 9.10 The Councils also note that there is no requirement to implement the BNG Strategy, a timescale in which to do so or the specified percentage that is to be achieved.
- 9.11 Pages 11-117 to 11-118 of the ES [AS-008] identifies the loss of 0.59 hectares of scrub within the CHP Connector Corridor during construction, 0.43ha of which would be a permanent loss. The Councils consider that this land along this Corridor has been inaccurately attributed as scrub habitat, when it better fits the category of Open Mosaic Habitat on Previously Developed Land, which is a mosaic of different habitats on brownfield sites, rather than scrub.
- 9.12 Open Mosaic Habitat on Previously Developed Land is a habitat of principal importance for the conservation of biodiversity in England and therefore a priority habitat.
- 9.13 The Councils are concerned by the potential for a permanent loss of this priority habitat and therefore seek further clarification from the Applicant if the “scrub” habitat along the CHP corridor meets the criteria for this priority habitat. The Council would seek to ensure that any unmitigated losses on this habitat would be addressed through an amendment to the Outline LEMP [APP-098].
- 9.14 Finally, the Councils are concerned regarding the lack of information and assessment of decommissioning works. Noting that if consent is granted then the resulting DCO would cover the decommissioning of the facility, the Councils consider that an Outline Decommissioning Environment Management Plan (ODEMP) should be submitted. The ODEMP would assist in addressing concerns and include a commitment to the retention and maintenance of the biodiversity mitigation / enhancement that will be created during the construction / operational phases, as well as any additional biodiversity mitigation measures identified for the decommissioning phase.

10 Waste Provision Sustainability

- 10.1 The Councils have set out in paragraph 13.1.1 of their LIR their concerns that the proposal will result in a concentration of overprovision of recovery capacity within a relatively small area, which is not compliant with Policies 1, 3 and 4 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) (MWLP). The Councils consider that this overprovision of capacity will undermine the deliverability and effectiveness of the Waste Local Plan in Cambridgeshire and Peterborough, and would also have an impact on nearby waste planning authority areas.
- 10.2 If either this proposal and/or the already permitted and extant PREL Energy Park/Peterborough Green Energy Project (PGEL) are constructed, it would result in 1.2mt of recovery capacity in the Cambridgeshire and Peterborough areas, either of which is sufficient to accommodate the residual waste of Cambridgeshire and Peterborough several times over. This would impact upon the viability of both facilities.
- 10.3 Taking onto account the existing waste recovery in Cambridgeshire, if this proposal is granted consent, then it is very likely to lead to waste being sourced from much further afield than the local area, which would contradict the proximity principle which

is that waste should generally be disposed of as near to its place of origin as possible.

- 10.4 Furthermore, the applicant's assessment of waste availability, and the location of such available waste, is presaged on an assumption that no further EfW will become active (other than those identified in the Waste Fuel Availability Assessment) which might be closer to the sources of, and thus take, waste which is expected to be directed to the proposed scheme. This situation is assumed to persist for the entire life of the scheme. Clearly, this is an unsafe assumption. It is entirely conceivable, if not likely, that other EfW facilities will come forward. This may lead to the proposed scheme having to source waste from further away, thus contradicting the proximity principle and becoming more unsustainable.
- 10.5 The sourcing of waste for the facility from further afield would have negative impacts on emissions, traffic, and the sustainable use of resources. The Councils consider that smaller, more localised facilities would result in a more sustainable outcome.
- 10.6 The current documentation in the application submission does not set out the minimum amount of waste required for the facility to operate. This information is required in order to be able to understand whether there is likely to be insufficient waste to power the power plant in the future. The impact of insufficient fuel is therefore uncertain could be potentially negative if the Applicant has to source waste to use as fuel that would otherwise have been recycled.
- 10.7 The Councils have expressed their concerns in paragraph 13.4.11 of the LIR that there is a tension in the project between seeking to reduce the distance that waste travels by sourcing waste that could be managed further up the waste hierarchy and / or bringing in waste over longer distances that is only suitable for recovery.

11 Conclusion

- 11.1 The Councils are of the view that the disbenefits of the proposed scheme as set out in their RR, LIR and above firmly outweigh any potential benefits it may provide. The impact that the proposal would have on residents of Wisbech and visitors to the town, on local road networks and traffic and on ecology would be significant and long term and the detrimental effect that this will have on the town and the surrounding area cannot be underestimated.
- 11.2 The facility, both during construction and once built would be an ever-present, dominant mass in the landscape and act as a waypoint for Wisbech, which would be at odds with the town centre's Georgian character and would have negative connotations for residents of the town and the surrounding satellite villages.
- 11.3 The sheer size and scale of the operational facility would have an urbanising influence on what is a largely rural landscape. Noting that there is an absence of other large scale or vertical infrastructure precedents in the area the eye would be drawn to the facility from viewpoints within the town but also on the approach roads to the town. The presence of the facility, its impact, and its perceived impact would be emphasised when the plume would be visible. The Councils do not believe the

proposed site is an appropriate location for a facility of this scale and magnitude, particularly when local waste disposal capacity is taken into account.

- 11.4 The residents of the town of Wisbech and all three tiers of local government are strongly opposed to the scheme and have serious and significant concerns about the impact on the people and the area should consent be granted.
- 11.5 The Councils have set out their position, with supporting evidence on why the impacts of the proposed scheme are not considered acceptable. Moreover, the Councils have demonstrated in their RR, LIR and above, that the cumulative impacts of the proposed development cannot be effectively or sufficiently mitigated, and therefore the Councils' view is that the development should not be granted consent.