



The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: AC/2023/131480
Your ref: EN010110
Date: 24 March 2023

Dear Sir/Madam

APPLICATION FOR DEVELOPMENT CONSENT ORDER - MEDWORTH ENERGY FROM WASTE COMBINED HEAT AND POWER FACILITY - WRITTEN REPRESENTATION ON BEHALF OF THE ENVIRONMENT AGENCY

Please find enclosed the Written Representation on behalf of the Environment Agency in relation to the above application for a Development Consent Order (DCO).

The Environment Agency's Role

We are a statutory consultee on all applications for development consent orders. We have a responsibility for protecting and improving the environment, as well as contributing to sustainable development.

We have three main roles:

We are an environmental regulator – we take a risk-based approach and target our effort to maintain and improve environmental standards and to minimise unnecessary burdens on business. We issue a range of permits and consents.

We are an environmental operator – we are a national organisation that operates locally. We work with people and communities across England to protect and improve the environment in an integrated way. We provide a vital incident response capability.

We are an environmental advisor – we compile and assess the best available evidence and use this to report on the state of the environment. We use our own monitoring information and that of others to inform this activity. We provide technical information and advice to national and local governments to support their roles in policy and decision-making.

One of our specific functions is as a Flood Risk Management Authority. We have a general supervisory duty relating to specific flood risk management matters in respect of flood risk arising from Main Rivers or the sea.

Written Representation Overview

We would not agree to disapplication of our Flood Risk Activity Permits, and therefore ask that paragraph 6 (2) is removed from Part 2 Work Provisions – Disapplication of legislative provisions. No approach has been made to apply protective provisions, nor has it been inserted in the DCO.

We have provided below a summary of our position on flood risk, environmental permitting, pollution prevention and the draft DCO.

Please do not hesitate to contact me if you require any further information.

Yours faithfully,

Miss Eleanor Stewart
Sustainable Places - Planning Specialist

Email Planning.EastAnglia@environment-agency.gov.uk

Flood Risk

We have reviewed Environmental Statement Chapter 12 Hydrology, including Appendix 12A: Flood Risk Assessment and the Outline Flood Emergency Plan (OFEP). We are satisfied that the submitted flood risk information is sufficient to provide the Examining Authority with the correct flood risk information to inform their decision making.

The applicant has divided the site into less vulnerable, water compatible and essential infrastructure, all of which are appropriate in flood zone 3. Essential infrastructure should be designed to remain operational during times of flood. The site is located within flood zone 3, but this does not take into account any flood defences. As such the development area is classified as flood zone 3a. Table 2 of the Planning Practice Guide indicates that these development types are appropriate in flood zone 3a, provided the sequential and exception tests are passed for the elements that require them.

The site is located downstream of the Dog-in-a-Doublet sluice which is the tidal limit of the Nene. The site is therefore tidally influenced. The loss of floodplain storage is less likely to be a concern in areas benefitting from appropriate flood risk management infrastructure or where the source of flood risk is mainly tidal. The Wisbech flood defences are designed to a 0.5% (1 in 200 year) level. The Environment Agency has produced Hazard Mapping for the Wisbech area, which shows no overtopping of defences for the 2115 0.5% annual event probability and the 0.1% (plus climate change scenario).

In the unlikely event that a breach were to occur, the Hazard Mapping indicates potential breach, depths between 0 and 0.7m for the 2115 0.1% scenario. A large proportion of the site falls within the 0 – 0.25 depth of flooding from a breach for the 2115 0.1%, with a smaller area in the 0.5-1m (to the south). In terms of development, only the access road, less vulnerable and water compatible elements are located in this area. The site (as with most sites in the Fens) is relatively flat, and the provision of floodplain compensation is not usually a requirement as this would exclude a significant number of planning applications from being brought forward. The development site is a brownfield site and located within an area of industrial developments which should not have an impact on any residential properties should a breach occur.

The Nene Tidal Hazard mapping does date from 2011. The mapping was undertaken using tidal flood levels which has an increase of 1141mm applied to the year 2115 to account for climate change. The applicant has assessed the impacts of climate change within the FRA (section 4.3.2 – 4.3.5) in line with the current National Guidance ([Flood risk assessments: climate change allowances - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/flood-risk-assessments-climate-change-allowances) updated July 2020). Based on the 40 year lifetime of the development, this assessment is appropriate.

Please note that the Environment Agency have not assessed the flood risk associated with aspects which do not fall within our remit, such as surface water and impacts on the IDB drains.

Environmental Permitting

The Environment Agency acts as the Competent Authority and regulates relevant activities under the Environmental Permitting (England and Wales) Regulations 2016. The applicant has submitted a permit application, and as at the 24/3/2023 the application is currently being assessed for 'duly making'. This process checks that all relevant documents are in place prior to determination. As part of the Permitting process, we will consider Air Quality, Visual Impact, Noise, and the Combined Heat and Power Assessment.

Draft DCO

We note that we are not named as a consultee on the following Requirements. Engagement is ongoing with the applicant, and we look forward to further engagement to establish where this is necessary.

- 8 Drainage Strategy
- 9 Contamination and groundwater
- 10 Construction Environmental Management Plan
- 13 Flood emergency management plan
- 14 Waste hierarchy scheme
- 16 Odour management plan
- 19 Noise management
- 23 Combined heat and power

Pollution Prevention

Surface water drainage has the potential to provide a pathway for pollution to enter the Hundred of Wisbech watercourse. Pollution prevention measures installed should be monitored and maintained appropriately and only clean, uncontaminated water should be discharged. Surface water discharges during the construction phase of the development will need to comply with the Temporary dewatering from excavations to surface water: RPS 261. Details can be found here:

<https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water/temporary-dewatering-from-excavations-to-surface-water>. If the conditions of the RPS cannot be met a water discharge activity permit may be required.