

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

Agenda for Issue Specific Hearing 2 (ISH2) on the draft Development Consent Order (dDCO):

Hearing	Date and Time	Location
Issue Specific Hearing 2 (ISH2) on the draft Development Consent Order (dDCO)	Wednesday 12 April 2023 Hearing Starts at 10:00 Seating available at venue from 09:00 and virtual Arrangements Conference from 09:00	The Boathouse Business Centre, 1 Harbour Square, Wisbech PE13 3BH and By virtual means using Microsoft Teams

Agenda

1. Welcome, introductions, arrangements for the Hearing

2. Purpose of the Issue Specific Hearing

The main purpose of the ISH2 on the dDCO is to undertake the examination of the dDCO articles and schedules.

3. Articles and Schedules of the dDCO (excluding Articles 3, 11, 12, 13, 25, 28 and 32 and Schedules 2, 6, 7, 10 and 11)

The ExA will ask the Applicant to a very brief overview of each part of the DCO. The ExA will then ask questions in respect of the DCO powers, seeking responses, where appropriate, from the Applicant, Fenland District Council (FDC), Cambridgeshire County Council (CCC), Norfolk County Council (NCC) and Borough Council of King's Lynn & West Norfolk (BCKLWN), National Highways and other Interested Parties (IPs).

IPs will also be invited to ask questions of clarification in relation to DCO Articles and Schedules.

3. Article 3 and Schedule 2

The ExA will ask CCC to explain and expand on its comments on the dDCO, included in the CCC and FDC Comments on the Applicant's D1 Submissions [REP2-031]. The Applicant will be asked to respond.

3. Articles 11, 12 and Schedule 11

The ExA will ask CCC to explain and expand on its comments on the dDCO, included in the CCC and FDC Comments on the Applicant's D1 Submissions [REP2-031]. The Applicant will be asked to respond.

4. Article 12 and Schedule 6

The ExA will ask CCC to explain and expand on its response to ExQ1 DCO.1.6 [REP2-030]. The Applicant will be asked to respond.

The ExA will ask CCC and FDC to explain and expand on its response to ExQ1 DCO.1.27 [REP2-030]. The Applicant will be asked to respond.

5. Article 13 and Schedule 7

The ExA will ask the Applicant to explain how the temporary prohibition or restriction of use of streets and public rights of way will be implemented and justification for powers under Art.13(5).

6. Article 25

The ExA will ask the Applicant to explain its position and intention in relation to Art. 25(1), particularly in relation to the power to impose new restrictive covenants.

7. Articles 28 and 32 and Schedule 10

The ExA will ask the Applicant to explain its position and intention in relation to Art. 28, particularly in relation to the power to override easements and other rights.

The ExA will ask the Applicant to explain its position and intention in relation to Art. 32, particularly in relation the broad powers requested and why these do not appear to be confined, in all cases, to the plots and purposes listed in Schedule 10.

8. Schedule 11 Protective Provisions

The ExA will ask the Applicant for an update on progress between parties regarding protective provisions; an explanation of any important differences of view and a timescale for resolution.

9. Schedule 13 Documents and Plans to be Certified

The ExA will ask for comments from Interested Parties (IPs), Affected Parties (APs) and Other Interested Parties in relation to the Documents and Plans to be Certified, including, but not limited to, the carbon capture and export readiness reserve space plan. The Applicant will be asked to respond.

10. Consents, licences and other agreements

The ExA will ask the Applicant to provide an update of progress and timescales for completion. The ExA will then ask questions, including discussing section 106 agreements and if there is an indicative timescale for finalising them.

11. Statements of Common Ground relevant to the DCO

The ExA will ask the Applicant to provide an update of progress and timescales for completion.

12. Review of issues and actions arising

13. Any other business

14. Closure of the Hearing

Attendees

The ExA would find it helpful if the following parties could attend this Hearing:

- the Applicant;
- Fenland District Council (FDC);
- Cambridgeshire County Council (CCC);
- Borough Council of King's Lynn and West Norfolk (BCKLWN);
- Norfolk County Council (NCC);
- National Highways;
- Statutory Undertakers.

All IPs are invited to attend the ISH and make oral representations. However, this is subject to the ExA's power to control the Hearing. Participants may be legally represented if they wish, but the Hearing will be conducted to ensure that legal representation is not required.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the Hearing. The details set out above are indicative and the ExA may find it necessary to include additional Agenda items or to amend the order in which the items are dealt with.

Anyone wishing to attend the Hearing who has not already advised in person, who has not already advised the Case Team of this, should do so as soon as possible.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage of the National Infrastructure Planning website](#) closer to the Hearing date. IPs and members of the public who wish to observe the Hearing can therefore view and listen to the Hearing using the livestream, or view and listen to the recording, after it has concluded.

Arrangements Conference

Parties who have registered to attend (both in person and virtually), and Invitees, will receive an email shortly before the Hearing containing a joining link and telephone number to enable participation virtually as necessary. If attending virtually please join the Arrangements Conference promptly. The Case Team will admit you from the virtual Lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the Hearing to start promptly.

Procedure at ISH

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. The hearing will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing, it may be necessary to prioritise matters and defer others to written questions.

The agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

Please contact the Case Team if you have any questions regarding the arrangements for the hearing or how to participate:

Email: medworth@planninginspectorate.gov.uk

Tel: 0303 444 5000