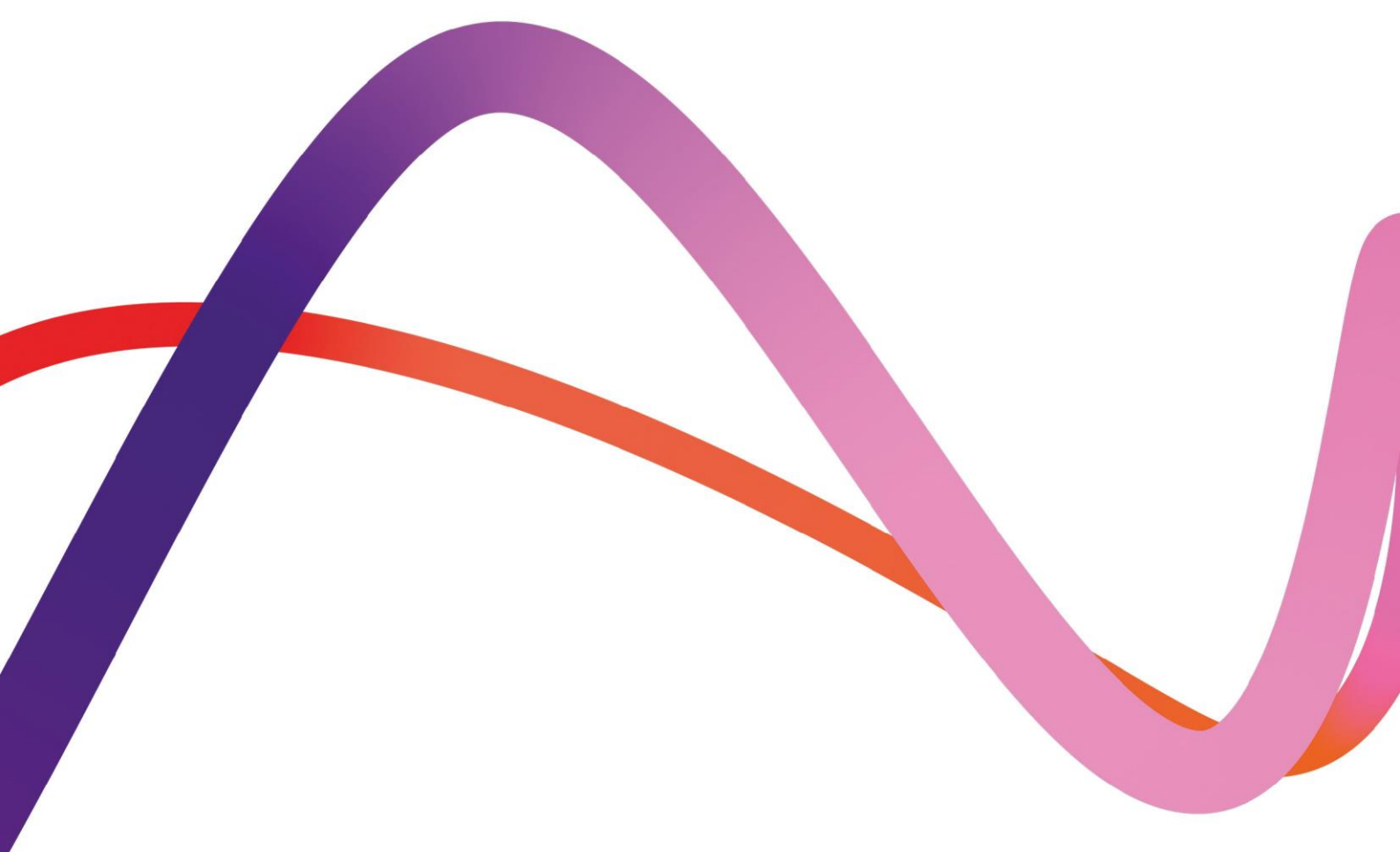


Medworth Energy from Waste Combined Heat and Power Facility



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Applicant's comments on the Written Representations: Part 1 Statutory Parties

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1. Introduction

1.1 Background

1.1.1 Medworth CHP Limited (the Applicant) submitted an application for development consent to the Secretary of State on 7 July 2022 (the Application). The Application was accepted for examination on 2 August 2022. The Examination of the Application commenced on 21 February 2023.

1.1.2 This document, submitted for Deadline 3 (25 April 2023) of the Examination contains the Applicant's comments on the Written Representations submitted by statutory parties at Deadline 2. The responses were made by the following organisations:

- The Borough Council of Kings Lynn and West Norfolk [REP2-028];
- Cambridgeshire County Council and Fenland District Council [REP2-033];
- Environment Agency [REP2-034];
- Historic England [REP2-036];
- National Highways [REP2-037]; and
- Network Rail [REP2-039].

1.1.3 The Applicant's comments on the responses are presented in the following tables:

- **Table 2.1:** Comments on the written representation from the Borough Council of Kings Lynn and West Norfolk;
- **Table 3.1:** Comments on the written representation from Cambridgeshire County Council and Fenland Borough Council;
- **Table 4.1:** Comments on the written representation from the Environment Agency;
- **Table 5.1:** Comments on the written representation from Historic England;
- **Table 6.1:** Comments on the written representation from National Highways; and
- **Table 7.1:** Comments on the written representation from Network Rail.

1.1.4 The Applicant's comments on the Written Representations submitted by other Interested Parties are presented separately in the **Applicant's comments on the Written Representations – Part 2 (Volume 11.3)**.



2. Comments on the written representation from BCKLWN

Table 2.1 Comments on the written representation from the Borough Council of Kings Lynn and West Norfolk

ID	Topic/Para	Representation	Applicant Comment
WN01	Noise, Vibration and Dust	Appropriate noise and vibration safeguarding conditions are necessary, as detailed in our Relevant Representation (RR) and Local Impact Report (LIR) submissions. In summary, a further assessment of the vibration impacts on residential properties during the connection to the grid at Walsoken substation would be welcomed; a separate Construction Management Plan for the works involved in the connection to the Walsoken substation is requested; a detailed and robust site Construction Environmental Management Plan should be provided; a condition to restrict construction related delivery times/vehicle movements is sought; an updated Noise Management Plan should be submitted prior to commencement of operations; further assessment of the vibration impacts on residents during the connection to the grid at Walsoken substation, would be welcomed; and the provision of the new access route via the Cromwell Road link should be opened as early as possible to help reduce the impact on West Norfolk.	<p>The Applicant considers that the measures proposed in the Outline Construction Environmental Management Plan (Volume 7.12) (Rev 3) secured in Requirement 10 of the draft DCO (Volume 3.1) (Rev 3) to be sufficient to mitigate noise and vibration impacts during construction. The specific details of the mitigation measures for construction noise and vibration will be confirmed as part of the detailed design post DCO consent once construction details have been confirmed by the EPC contractor. The noise and vibration management section of the final CEMP will be updated accordingly to include any specific noise and vibration management measures required. In the unlikely event that there is any material change from the assessment results reported in ES Chapter 7: Noise and Vibration (Volume 6.2) [APP-034], i.e. where the predicted thresholds of significance are exceeded, additional mitigation measures will be agreed with the relevant planning authorities.</p> <p>The Outline Construction Environmental Management Plan (Volume 7.12) (Rev 3) secured in Requirement 10 of the draft DCO (Volume 3.1) (Rev 3) covers the construction of the EfW CHP Facility and all associated buildings and infrastructure forming part of the DCO including the Grid Connection and Walsoken Substation. The Applicant does not consider it would be appropriate to separate the construction management measures for the Grid Connection and Walsoken Substation as there would be significant duplication and it is important that all management measures are cognisant of each other.</p> <p>The construction working hours are outlined in Section 3.7.5 – 3.7.8 of ES Chapter 3 Description of the Proposed Development (Volume 6.2) [APP-030]. This confirms that HGV movements into and out of the Temporary Construction Compound would occur within these hours. These hours set out in the Outline CEMP (Volume 7.12) (Rev 3) secured in Requirement 10 of the draft DCO (Volume 3.1) (Rev 3).</p> <p>Construction vehicle routes are specified in the Outline Construction Traffic Management Plan (Volume 6.4) [REP1-011], secured in Requirement 11 of the draft DCO (Volume 3.1) (Rev 3).</p>



ID	Topic/Para	Representation	Applicant Comment
			<p>The impact on Receptors within the Borough of Kings Lynn and West Norfolk from vehicle noise related to the development is assessed in Table 7.15 of ES Chapter 7: Noise and Vibration (Volume 6.2) [APP-034]. The assessment concludes that roads with KLWN residents adjacent are subject to negligible increases in traffic noise and therefore not significant. Construction traffic routes avoid low flow roads in west Norfolk and specifically avoid the A1101 Elm High Road/Churchill Road corridor, as identified in Table 6A.4 of the outline Construction Traffic Management Plan (Volume 6.4 ES Chapter 6 Traffic and Transport Appendix 6A) (Rev 3).</p> <p>The construction phasing is described in Section 3.8 ES Chapter 3 Description of the Proposed Development (Volume 6.2) [APP-030]. The Access Improvements on New Bridge Lane (accessed from Cromwell Road) would take place early in the construction programme (Phase 2), immediately following Phase 1 (Mobilisation and site set up).</p> <p>With regard to the mitigation of operational effects draft DCO (Volume 3-1) [Rev3] includes Requirement 19 that an operational noise management plan be submitted prior to the date of final commissioning of work no 1, 1A, 2A and 2B. This requirement has been updated for Deadline 3 to include for work no 9A which is related to the Walsoken Substation. The Outline Operational Noise Management Plan which will be updated and submitted at Deadline 3 to include for Walsoken does include measures to mitigate both noise and vibration effects should these be considered likely to occur.</p>
WN02	Air Quality	<p>The BCKLWN has highlighted that there remain some discrepancies with the air quality data. Some of these have been rectified in the draft/revised Air Quality Technical Report received from the Applicant on 1 February 2023. However, not all points have been addressed, as highlighted within the LIR. An air quality monitoring scheme is sought, which would include the provision of diffusion tubes.</p>	<p>Subsequent to the submission of the Air Quality Technical Note at Deadline 2, further updates to respond to the points raised by BCKLWN have been included in Environmental Statement Appendix 8B: Air Quality Technical Report Revision: 3.0 (Volume 6.4) [REP2-006]. The Applicant has prepared an Outline Local Air Quality Monitoring Strategy (Volume 9.21) [REP1-055] which it has discussed with KLWN. The Applicant has prepared an updated document which is submitted for Deadline 3.</p>



ID	Topic/Para	Representation	Applicant Comment
WN03	Landscape and Visual	It is key to retain as many mature/important trees as possible, and any mitigation/replacement planting should be in keeping with the wider landscape. Full landscaping details should be secured via condition.	<p>The Applicant respond to this matter at 10.15, page 39, of the Applicant's Response to the NCC and KLWN Local Impact Report (Volume 10.4) [REP2-0201]. The submission and approval of the CEMP, substantially in accordance with the Outline CEMP (Volume 7.12) (Rev 3)), which refers to an Arboricultural Method Statement, is secured in Requirement 10 of the Draft DCO (Volume 3.1) (Rev 3).</p> <p>The Applicant has prepared an Outline Landscape and Ecology Management plan which focuses upon the use of native planting and the maximisation of ecological benefit. The Outline Landscape and Ecology Management Plan (Volume 7.7) (Rev 2) is secured by Draft DCO (Volume 3.1) (Rev 3) Requirement 5.</p>
WN04	Hydrology	Flood risk issues at the grid connection in Walsoken will need to be addressed, to avoid harm to the locality. This should include an appropriate flood emergency plan during both the construction and running phases	<p>The Walsoken Substation is mapped in the Environment Agency's Flood Map for Planning as being at risk to tidal flooding due to its location in Flood Zone 2, however, this zone does not account for the presence of flood defences in the River Nene. The Environment Agency's Nene Tidal Hazard mapping (included in the Flood Risk Assessment (Volume 6.4 of the ES) [APP-084]) shows that the substation will remain entirely dry during the design flood event associated with tidal overtopping of the flood defences (1 in 200yr plus climate change to 2115) and also during the 1 in 1000yr plus climate change event in 2115. The substation is also not at residual tidal flood risk during breach of the flood defences in both the 1 in 200yr event (present day) and 1 in 1000yr plus climate change event in 2115. The EA's Surface Water Flood Risk Map also shows limited/very low risk of flooding from surface water run-on across the substation. On the basis that the substation is not at risk of tidal (up to 1 in 1000yr plus climate change event) or surface water flooding and the substation design would be resilient to flooding (subject to the detailed design, if required the substation will comply with ETR 138 Resilience to Flooding of Grid and Primary Substations), there is no requirement to manage flood risk through an appropriate Flood Emergency Management Plan.</p>
WN05	Contaminated Land	Based on the information provided, and that the environmental measures, including further investigation are followed, the BCKLWN considers that the contaminated land risks should be acceptable within Norfolk.	Comments noted.



ID	Topic/Para	Representation	Applicant Comment
WN06	Conclusion	<p>In summary, there are a significant number of objections to the proposal from local residents, and additionally the Council has a motion to object to the principle of this proposed development.</p> <p>On the basis of the comments above, and those technical comments raised within our RR and LIR submissions, the BCKLWN considers that the proposal will result in some direct and indirect impacts to the BCKLWN residents, and these should be carefully considered by the Inspectors during the Examination process.</p>	<p>Comments noted. The Environmental Statement (Volumes 6.1-6.4) identifies the environmental effects arising from the Proposed Development including the effects arising from those works which would be located within KLWN. Whilst effects upon Receptors within KLWN have been identified the conclusions reached are that these will not be significant.</p>
Cllr Alexandra Kemp's Representation			
AK01	Over Capacity of Incinerators & Breach of Proximity Principle	<p>Both Norfolk host authorities, Norfolk County Council and the Borough Council of King's Lynn and West Norfolk have adopted In Principle Objections to MVV's proposed incinerator facility on the West Norfolk border.</p> <p>There is an over-supply of incinerators in the East of England, Norfolk's residual waste reduced last year, there is no need for this facility and, if it were built, it would breach the Proximity Principle, as waste would be brought from areas of high density to the Fens an area of low density and the area that includes half of England's most fertile farmland.</p>	<p>The WFAA (Volume 7.3) [REP2-009] has assessed both the local requirement for the EfW CHP Facility as well as the national need. This has concluded that there is insufficient residual waste management capacity available to ensure that non-recyclable waste can be managed as far up the waste hierarchy as possible (i.e., diverted from landfill) and in a manner which complies with the proximity principle (i.e., treating waste as close as possible to its point of arising).</p> <p>More specifically, the updated WFAA (Volume 7.3) [REP2-009] submitted at Deadline 2 demonstrates that in 2021, over 220,000 tonnes of 'in scope' household and commercial waste was disposed of to landfill in Cambridgeshire alone. Furthermore, it is noted the capacity assessment which underpins the Cambridgeshire Waste Local Plan relies on all 200,000 tonnes per annum capacity of the Waterbeach MBT facility as final disposal capacity. This is simply not the case as a significant proportion of the 200,000 tonnes throughput of this facility emerges from the plant as refuse derived fuel., This must then either be sent for recovery or disposed of in landfill. Rather, it is considered a conservative assumption of 50% of MBT input emerges from the plant as refuse derived fuel. With these two points in mind, it is considered that over 320,000 tonnes per annum of residual waste from Cambridgeshire alone could be</p>



ID	Topic/Para	Representation	Applicant Comment
		<p>This Application would also breach County Policy. Norfolk adopted a No Incineration in Norfolk policy in 2015 to protect its residents from air pollution, after a multinational attempted to build an incinerator in the ward of South Lynn, causing great anguish amongst the residents of my Division and throughout West Norfolk. In the Borough Council poll in 2011, 65,000 residents voted no to incineration. Norfolk County Council voted to terminate the South Lynn incinerator contract for planning failure in 2014.</p>	<p>accommodated by the Proposed Development. This would fully accord with the principles of net self-sufficiency and proximity.</p> <p>The remainder could also readily be sourced from neighbouring Waste Planning Authorities such as Norfolk and Hertfordshire without compromising the deliverability of their respective Waste Local Plans. As the updated WFAA (Volume 7.3) [REP2-009] submitted at Deadline 2 sets out, despite earlier studies underpinning their Waste Local Plans noting significant shortfalls in HIC capacity, more recent studies in Norfolk and Hertfordshire are concluding no shortfalls in capacity – this is despite no new HIC treatment capacity coming on stream in these WPA's, and exportation of approximately 876,000 tonnes of HIC waste each year to other WPAs. In this regard, whilst the emerging Local Plans in these neighbouring areas are failing to recognise any need for additional HIC disposal capacity, the data does not reflect this. It is therefore concluded that the Proposed Development could meet a localised need for capacity (in compliance with the proximity principle) whilst not compromising the deliverability of the areas' Waste Local Plan.</p> <p>A final point to note relates to Norfolk's adopted a 'No Incineration in Norfolk' policy in 2015. The political aspiration for Norfolk to not host an energy recovery facility is noted, however, this does not align with the authority's existing waste management strategy, which places a very heavy reliance on the disposal of its local authority collected waste (LACW) to out of county energy from waste facilities. The latest DEFRA data for 2021/22 (ENV18 - Local authority collected waste: annual results tables 2021/22 - GOV.UK (www.gov.uk)) indicates that of all LACW not sent for recycling / composting, 76% (over 185,000 tonnes) was sent for final disposal via incineration (both with and without energy recovery). The majority of this material was sent to the Rookery South EfW in Bedfordshire – some considerable distance from Norfolk and not in accordance with the proximity principle.</p>
AK02	Democracy	<p>In May 2022 I tabled a Motion at Norfolk County Council, and the whole County Council voted unanimously to oppose this Application for an incinerator on the West Norfolk border in Wisbech. I have also tabled successful Motions at the Borough Council, which also has an In-Principle Objection to the Application.</p>	<p>The need and national policy support for new EfW Facilities has been reiterated in the revised draft National Policy Statements published by the Department for Energy Security and Net Zero on 30 March 2023.</p> <p>The Human Health Risk Assessment in Environmental Statement Appendix 8B: Air Quality Technical Report Revision: 3.0 Annex G (Volume 6.4) [REP2-006] considers the effects of accumulation. It states at paragraph 1.5.3 that it considers substances that have the potential to cause effects through long term, cumulative exposure. It is concluded that for the “<i>maximally exposed individual, exposure to dioxins, furans and dioxin-like PCBs is not significant.</i>”</p>



ID	Topic/Para	Representation	Applicant Comment
		<p>The All Parliamentary Group on Air Pollution called for a Moratorium on all new incinerators in the UK in 2021, based on the following evidence on the risk to human health and farming from incinerators:</p> <p>Prof. Vyvyan Howard found that, even though incinerator filters stop small particulates like PM2.5 they allow ultrafine particulates into the local environment which at scale constitute a significant health hazard. Ruggero Ridolfi MD found heavy metals in the toenails of children living near incinerators linked with childhood leukemia, and Kirsten Bouman's found dioxins in chicken eggs up to 10 kilometres away. This means that health impacts will occur in and beyond the poorer neighbourhoods where the government have largely granted 50 development consent orders for new incinerators.</p> <p>Dr Dominic Hogg explained, for every tonne of plastic that is extracted from mixed waste and redirected into a closed-loop recycling stream, about 4 tonnes of CO2 are saved.</p>	<p>The effects on farming as a Receptor have been also considered in the Environmental Statement Appendix 8B: Air Quality Technical Report Revision: 3.0 Annex G (Volume 6.4) [REP2-006]. The impact that dioxins and furans accumulated has on food grown at a farm situated in close proximity to the facility was assessed. The assessment considered the most plausible pathway for exposure for the individuals considered (Farmer and resident) and considered that these would not be significant.</p> <p>With regards to heavy metals, as detailed in the Environmental Permit application, in practice, the majority of heavy metals form particles, or are adsorbed onto the surface of other particulate matter and, consequently, are removed by the fabric filter. As identified in the Environmental Permit application, research on similar facilities has demonstrated that particulate matter removal efficiencies of 99.99% can be achieved using fabric filters, even for ultrafine particulate matter. Heavy metals will be monitored in chimney emissions every quarter for the first 12 months and 6 monthly thereafter, whilst heavy metals in incinerator bottom ash and air pollution control residues will be monitored at a frequency of 2 samples per month in the first 12 months then every 3 months thereafter.</p> <p>Unlike the other metals, mercury is present in the flue gases as a vapour. It will be removed from the flue gas through the injection of powdered activated carbon before the dry sorption reactor. In powdered form, the activated carbon provides a large surface area for efficient adsorption of mercury. The Applicant is proposing to monitor mercury emissions using periodic extractive techniques in preference to continuous monitoring. To determine whether periodic monitoring techniques are suitable, the Environment Agency's mercury monitoring protocol will be followed. Six, separate (i.e., samples taken on different days) extractive mercury results will be obtained during commissioning or, alternatively, a minimum of two tests per month will be taken until six results are available. If results are shown to be consistently below the level identified in the Environment Agency's mercury monitoring protocol, mercury will be monitored using periodic techniques on a quarterly basis for the first 12 months and every six months thereafter.</p> <p>The Environment Agency confirmed to the Applicant via email on 23 March 2023 that the permit application had been duly made. Written confirmation is awaited.</p> <p>The EfW CHP Facility provides an option for the management of residual waste, remaining after the removal of recyclables, this moves the management of waste higher up the waste hierarchy than the alternative 'without Proposed Development' scenario where waste is sent</p>



ID	Topic/Para	Representation	Applicant Comment
AK03	Mental Health and Physical Health Impact on Deprived Communities	<p>The Applicant's Human Health Report at Appendix 16, chose to exclude all consideration of the effect on the mental health of my residents in South and West Lynn of this Application, ignoring the anguish of this community's 5-year long battle between 2010 and 2014 to stop the South Lynn ("Willows") Incinerator. The public is aware of the health effects of air pollution and of the danger of uncaptured emissions from incinerators of dioxins and particulates and the link to cancer, respiratory and circulatory disease and even dementia.</p> <p>We now know that there are 40,000 early deaths a year from air pollution.</p> <p>My residents live in a ward within 10% most deprived areas in England, many live within the highest indices of income deprivation and experience poorer health outcomes than other neighbourhoods.</p> <p>MVV'S Human Health Report Appendix 16 said it would not consider the impact of this application on my residents' mental health, because health was not a planning consideration at the time of the Willows Incinerator Application.</p> <p>This was disrespectful to the community of South and West Lynn and shows that</p>	<p>to landfill. Materials capable of being recycled should have been removed from the residual waste before it is sent to the Proposed Development and consequently any CO2 savings related to recycling will have been made.</p> <p>ES Chapter 16 Health (Volume 6.2) [APP-043] includes consideration of likely significant effects in relation to both physical and mental wellbeing. It followed a methodology which adopted Public Health England's 21 wider determinants of health and wellbeing and began with a screening exercise for the consideration of such effects. The methodology adopted was developed following comments received from Public Health England in a letter dated September 2020 in which it also welcomed the proposal to include for a screening of effects upon mental health (see ES Chapter 16 Health Appendix 16A Summary of Consultation Responses Volume 6.4 APP-089).</p> <p>The assessment concluded that effects upon health and wellbeing would not be significant. The UKHSA (successor to Public Health England), agreed with this conclusion (see SOCG between Medworth CHP Ltd and the UK Health Security Agency, Volume 9.8 REP2-013).</p> <p>The spatial scope of the Human Health Risk Assessment is set out within Section 4.1 ES Chapter 8 Air Quality Appendix 8B Annex G: Human Health Risk Assessment (Volume 6.4) [REP2-006].</p> <p>The Applicant's reasons for locating the Proposed Development within the Medworth ward are set out within ES Chapter 2 Alternatives (Volume 6.2) [APP-029]. In summary these are the local need, the proximity of potential customers for heat and electricity, the proximity and availability of the grid connection and access to the strategic highway network. The relative deprivation of the ward was not a factor in the determination of location. The Applicant has prepared an Outline Employment and Skills Strategy (Volume 7.8) [APP-099] which aims to support local training and access to jobs during construction and operation.</p>



ID	Topic/Para	Representation	Applicant Comment
		<p>MVV does not consider human health seriously.</p> <p>Yet again, an incinerator is being proposed that will affect deprived areas. The Medworth ward is also a very deprived ward, Incinerators are 3 times as likely to be build in poorer wards, where the health effects are masked by deprivation.</p> <p>This Application should be refused as it would perpetuate health inequalities and is the opposite of levelling up.</p>	
AK04	<p>Temperature Inversion Traps Air Pollution and Affects Human Health</p>	<p>The Application has not taken into account the specific meteorological conditions around the Wash - and the surrounding communities I represent - which increase the potential for adverse air pollution and human health impacts. The Wash, downwind of MVV'S proposed incinerator, is maritime and vulnerable to temperature inversion, which traps pollution near the ground in King's Lynn, often for days, causing a pollution haze and sparking respiratory difficulties in the local population.</p>	<p>ES Chapter 8 Air Quality (Volume 6.2) [APP-035] presents the air quality modelling. Some of the air quality data has been updated in Environmental Statement Appendix 8B: Air Quality Technical Report Revision: 3.0 (Volume 6.4) [REP2-006].</p> <p>As detailed in these documents, in order to undertake a robust air quality assessment, five years of ratified meteorological data is required for air dispersion modelling. The nearest synoptic weather station that provides model-quality monitored meteorological data is located at RAF Marham, approximately 27km to the east of Wisbech. Due to this distance, data from this station is not considered to be representative of conditions within Wisbech. To account for local meteorological conditions, the dispersion model used five years of hourly sequential meteorological data from the Met Office's Numerical Weather Prediction (NWP) model interpolated for the specific location of the Proposed Development. This approach has been discussed and agreed with the Host Authorities.</p> <p>The Applicant's assessment has been to consider the meteorological conditions of the location of the Proposed Development rather than at the Wash. The Proposed Development is the locations where the air pollution which is being assessed is expected to originate from. The air quality assessment considers the impact of the dispersion of air pollution from the incinerator.</p> <p>Notwithstanding the above, and as detailed in paragraph 8.6.11 and subsequent paragraphs of ES Chapter 8: Air Quality (Volume 6.2) [APP-035], the air quality effects of the Proposed Development on the Nene Washes and Ouse Washes have been considered as they are within</p>



ID	Topic/Para	Representation	Applicant Comment
			15km of the Site as they are internationally designated as sites of ecological interest. As detailed in Table 8.35, effects are expected to be negligible.
AK05	Vulnerability of the Wash to Air Pollution	<p>The Applicant's reports do not acknowledge the existing vulnerability of the Wash to current sources of air pollution that affect human health. The Wash habitually suffers from air pollution from sand carried on the winds from the Sahara 2,000 miles away, particularly in the Spring, which mixes in the air with local agricultural and industrial pollution and also from industrial airborne pollution, carried across the North Sea, from the Ruhr industrial area in West Germany. This created a yellow haze in Clenchwarton in April 2014 for 2 weeks and residents attending the Parish Council found it hard to breathe. The pollution level in Norfolk was at the top of the Government Pollution index It is not credible for the Applicant to conclude that air pollution from its incinerator 11 miles away could only be negligible or insignificant, when sand carried on the wind from over 2,000 miles away can have an adverse respiratory effect. Negligible or insignificant amounts of toxins can have a serious effect on human health. South and West Lynn and Clenchwarton are settlements along the banks of the River Ouse, and 15 km, as the crow flies, from Wisbech. Dust is even carried from the port of Lynn on the east side of the River Ouse across the River Bank to West</p>	<p>As detailed in paragraph 8.6.11 and subsequent paragraphs of ES Chapter 8 Air Quality (Volume 6.2) [APP-035], the air quality effects of the Proposed Development on the Nene Washes and Ouse Washes have been considered as they are within 15km of the Site. As detailed in Table 8.35, effects are expected to be negligible.</p> <p>As detailed in paragraph 8.5.8 and subsequent paragraphs of ES Chapter 8 Air Quality (Volume 6.2) [APP-035], background concentrations of a range of pollutants have been accounted for in the dispersion modelling process. These background concentrations (including long-range transport) are added to local pollution sources to predict total concentrations of each pollutant.</p>



ID	Topic/Para	Representation	Applicant Comment
		Lynn and covers car windscreens. The powerful carry factor of air pollution is being ignored by MVV.	
AK06	Wrong Meteorological Comparison	The applicant's predictions of negligible impact on the environment and to human health from its emissions are based on readings from Marham, which is inland. This is inappropriate.	See response to AK04 above.
AK07	Prevailing Winds	The applicant's reports take no account of the strong prevailing south westerlies from Wisbech to the River Ouse and the Wash and the carry factor of elements from the incinerator plume to King's Lynn , the first town after Wisbech, across the open, flat Fen landscape. The ferocious strength of the winds around the Wash have caused habitual floods in King's Lynn over the past millennium, including the International Disaster, the Great Flood of 1953 in which 15 residents in South Lynn were sadly drowned. King's Lynn was the locus of the Storm Surge in 2013.	See response to AK04 and AK05 above.
AK08	Risk to Human Health	Incinerators emit dioxins, furans, cadmium, lead , arsenic and plastic compounds PCB's and PAH's harmful to human health, but the incinerator filters do not capture all the particulate matter and cannot capture gases from the combustion process. Once in the atmosphere, secondary particles form. The toxins emitted are forever chemicals that can take years or never to	<p>In the Applicant's experience, a higher quality filtration system results in higher numbers of fine particulates being captured within the air pollution control system and a lower proportion of metals released into the atmosphere. That is, properly designed activated carbon injection, coupled with high quality filter bags results in high efficiency air pollution control. This is evident in the low metal and particulate matter emissions recorded at the Applicant's operational facilities.</p> <p>The air quality assessment in ES Chapter 8 Air Quality (Volume 6.2) [APP-035] presents an assessment of potential metal deposition on land and concludes that the anticipated deposition levels are not significant. As such, effects beyond the Study Area are expected to be not</p>



ID	Topic/Para	Representation	Applicant Comment
		<p>decompose and will enter the soil, water and air and residents' lungs.</p> <p>The 90 ft high incinerator chimney is designed to raise emissions high above the local population but the toxic material in the plume will be carried by air agitation and eventually descend and it is likely the south westerlies will carry particulate matter towards West Norfolk and the open farmlands of South Lynn, on the north boundary of MVV'S 15 km " Plume Study Area".</p>	<p>significant. The methodology applied considered guidance from the Environment Agency in assessing impacts from metals to ensure robust assumptions are made in terms of anticipated metal emissions. The metal concentrations considered represent worst case emissions, irrespective of the filtration system applied.</p> <p>The Human Health Risk Assessment in Environmental Statement Appendix 8B Air Quality Technical Report Revision: 3.0 Annex G (Volume 6.4) [REP2-006] considers the effects of accumulation. It states at paragraph 1.5.3 that it considers substances that have the potential to cause effects through long term, cumulative exposure. It is concluded that for the "<i>maximally exposed individual, exposure to dioxins, furans and dioxin-like PCBs is not significant.</i>"</p>
AK09	Precautionary Principle	I ask the Planning Inspectorate to follow the All Parliamentary Group on Air Pollution's stance on no new incinerators, and the Precautionary Principle, and refuse this Application.	Noted.



3. Comments on the written representation from CCC and FDC

Table 3.1 Comments on the written representation from Cambridgeshire County Council and Fenland District Council

Topic/Para	Representation	Applicant Comment
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.	Noted. The Applicant's application is supported by an Environmental Statement (Volumes 6.1-6.4). The ES assesses the effects arising from the Proposed Development, identifies mitigation and those effects that are potentially significant. The Planning Statement (Volume 7.1) [APP-091] assesses the performance of the Proposed development against relevant national policy and other policy as appropriate. It uses the conclusions reported within the ES to identify the extent to which the Proposed development is compliant. It concludes that the planning balance is supportive and that consent should be granted.
1.7	The Councils acknowledge that the proposed Scheme would provide some benefits to the local area. These include: <ul style="list-style-type: none"> • 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. 	Noted.
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.	The Planning Statement (Volume 7.1) [APP-091] concludes with the consideration of the planning balance. It draws on the planning assessment presented within the document, and in accordance with the requirements of the 2008 Act, it assesses, first, the extent to which the Proposed Development is in accordance with NPS EN-1, NPS EN-3 and NPS EN-5 (and, where appropriate, revised policy contained in the draft NPSs current at that time) before considering other important and relevant matters, including compliance with the NPPF and local planning policy. It appraises the benefits and adverse impacts of the Proposed Development before concluding that the planning balance is firmly in favour of the Proposed Development and in accordance with the presumption in favour of development advanced in NPS EN1 and Draft NPS EN-1 2021. The Applicant has updated the NPS Tracker (Volume



Topic/Para	Representation	Applicant Comment
		<p>9.18) [REP1-052] for Deadline 3 to include for consideration against the Draft NPS 2023.</p>
<p>1.9</p>	<p>The main topics of concern for the Councils, which are discussed in more detail in sections 3 to 10 below, are as follows:</p> <ul style="list-style-type: none"> • 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. 	<p>Noted.</p>
<p>Content of relevant National Policy Statements: 2.5</p>	<p>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).</p>	<p>NPS EN-1 paragraph 5.9.15 states:</p> <p><i>The scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure. The [Secretary of State] should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project.</i></p> <p>It sets out policy acknowledgement that NSIPs by their nature can often give rise to visual effects but that this in itself should not be a reason to refuse them. Instead, it is important to balance the effects against the project benefits.</p> <p>NPS EN-1 paragraph 5.9.19 states:</p> <p><i>It may be helpful for applicants to draw attention, in the supporting evidence to their applications, to any examples of existing permitted infrastructure they are aware of with a similar magnitude of impact on sensitive receptors. This may assist the [Secretary of State] in judging the weight it should give to the assessed visual impacts of the proposed development.</i></p>



Topic/Para	Representation	Applicant Comment
		<p>The Applicant recommends that this paragraph is read together with paragraph 5.9.18 which acknowledges that:</p> <p><i>All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites.</i></p> <p>The test for the Secretary of State therefore is to consider whether such effects outweigh the benefits of the project. Paragraph 5.9.19 suggests the use of precedent in order to help when judging the weight to be applied to the visual impact.</p> <p>The Planning Statement (Volume 7.1) [APP-091] considers the landscape and visual effects of the Proposed Development at Section 4.11. It concludes:</p> <p><i>When determining the acceptability of the Proposed Development in the context of the landscape and visual assessment, it is important to recognise that NSIPs will often give rise to landscape and visual effects and that a judgement is therefore required as to whether the scale and significance of such effects is sufficient to outweigh the benefits of the project. This is expressly recognised in NPS EN-1 (paragraph 5.9.18). Given the need for the Proposed Development set out in Section 4.2, the fact that there would be no significant effects on landscape and townscape and the relatively small number of significant visual effects identified, the balance is considered to be firmly with the Proposed Development.</i></p>
<p>Landscape and Visual 3.2</p>	<p>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.</p>	<p>The Applicant notes that CCC and FDC agree the methodology for the LVIA is acceptable and shall reflect this fact in the next iteration of the Host Authority SoCG.</p> <p>Paragraph 5.9.8 of NPS EN-1 states <i>“Virtually all nationally significant energy infrastructure projects will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.”</i></p> <p>Paragraph 4.5.4 of NPS-EN-1 states: <i>“In considering applications the [Secretary of State] should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy.”</i></p>



Topic/Para	Representation	Applicant Comment
		<p>Table 9.19 of ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036] describes the landscape and visual environmental measures embedded within the Proposed Development which would be implemented through Requirements 2, 4, 5, 18 and 19 of the Draft DCO (Volume 3.1) (Rev 3).</p> <p>NPS EN-1 recognises at paragraph 4.5.3: <i>“whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area.”</i></p> <p>The Design and Access Statement (Volume 7.5) [APP-096] documents the design process and the options considered, adopted and dismissed in terms of mass, scale, roof profile and cladding materials to minimise the visual impact of the EfW CHP Facility building.</p> <p>The Applicant requests that CCC and FDC specify the additional or revised embedded measures they consider are necessary to inform the examination, taking into account the NPS EN-1 direction that mitigation measures should be “reasonable” and adopted “where possible”.</p> <p>The Applicant concludes that some significant landscape and visual effects would be inevitable given the scale of the Proposed Development which is not unusual for an EfW power station. Other forms of development located in the Study Area have resulted in significant landscape and visual effects that cannot be fully mitigated including wind farms (Ransonmoor, Coldham/Coldham Extension Stags Holt and Grange Wind Farms) and 400Kv pylons. Mature trees typically reach heights of 15-20m and consequently planting within the Order limits would not eliminate views of the upper parts of the EfW CHP Facility buildings or the chimneys, and this new built form is predicted to have localised long-term significant landscape and visual effects as concluded in Section 9.12 of ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036].</p>



Topic/Para	Representation	Applicant Comment
Landscape and Visual 3.3	<p>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 'nonsignificant', 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</p>	<p>The Applicant draws attention to the purpose of identifying <u>significant</u> environmental effects arising from a proposed development, in order to address the requirements of the EIA Regulations 2017, as set out at paragraph 7 of Schedule 4 Regulation 18(3), which states:</p> <p><i>"A description of the measures envisaged to avoid, prevent, <u>reduce</u> or, if possible, offset <u>any identified significant adverse effects</u> on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases."</i></p> <p>(<u>underlined</u> – Applicants added emphasis)</p> <p>The EIA Regulations and policies in NPS EN-1 and NPS EN-3 set no requirement to avoid or prevent all significant effects arising from a nationally significant infrastructure project. Following mitigation, any remaining significant adverse environmental effects are weighed in the planning balance against the benefits of the proposed development.</p> <p>The Applicants LVIA, based on a methodology agreed with FDC and CCC (see 3.2 above), concluded that whilst there would be some significant visual effects arising from the EfW CHP Facility, these would be restricted to some individual properties and localised parts of several recreational routes and highways, as reported in Tables 9.16, 9.17 and 9.18 of ES Chapter 9 Landscape and Visual (Volume 6.2 [APP-036]).</p> <p>The approach suggested by CCC and FDC, where non-significant LVIA effects from different receptors are combined to become "substantial" is not supported by best practice guidance, including the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (2013) published by the Landscape Institute and IEMA. No evidence has been provided by FDC or CCC to support their assertion of "<i>substantial negative visual impact</i>" deriving from a combination of non-significant LVIA effects. The Applicant requests that CCC and FDC confirm whether this assertion represents the professional view of a suitably qualified landscape officer or consultant.</p> <p>The cumulative landscape and visual effects (both intra and inter project effects) are set out in ES Chapter 18 Cumulative Effects Assessment (Volume 6.2) [APP-</p>



Topic/Para	Representation	Applicant Comment
Landscape and Visual 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.	<p>045]. There is no comment from CCC or FDC that they disagree with the methodology or conclusions of the landscape and visual cumulative assessment. No evidence has been provided by CCC and FDC to support the assertion that effects arising from the proposed development from different receptors can be considered “cumulatively” to result in a “substantial negative visual impact.”. As above, the Applicant requests that CCC and FDC confirm whether this assertion represents the professional view of a suitably qualified landscape officer or consultant.</p> <p>It would be helpful, as previously requested, if CCC and FDR could specify which receptors (townscape and visual) where they assess that the magnitude has been underestimated and to what extent, using the Applicants LVIA methodology that has been agreed to be acceptable (see 3.2 above). The implications of any changes to assessed magnitude upon the determination of significant effects should be clarified in order to identify any material differences to the Applicant's assessment as set out in ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036].</p> <p>The Landscape and Visual Assessment is reported in ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036]. The chapter assesses the potential for significant effects upon receptors including the townscape character within the centre of Wisbech and its suburbs and concludes that these would not be significant. The assessments are accompanied by photomontages in Figures 9.17 to 9.24 of ES Chapter 9 Landscape and Visual (Volume 6.3) [APP-058], Figures 9.25 to 9.32 of ES Chapter 9 Landscape and Visual (Volume 6.3) [APP-059], Figures 9.33 to 9.39 of ES Chapter 9 Landscape and Visual (Volume 6.3) [APP-060] and Figures 9.40 to 9.46 of ES Chapter 9 Landscape and Visual (Volume 6.3) [APP-061] illustrating what the Proposed Development would look like from 30 locations (agreed with the Local Authorities) at various directions and distances to the Site. The assessment concluded that whilst there would be some significant visual effects arising from the EfW CHP Facility, these would be restricted to some individual properties and localised parts of several recreational routes and highways, as reported in Tables 9.16, 9.17 and 9.18 of ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036].</p>



Topic/Para	Representation	Applicant Comment
Landscape and Visual 3.5	<p>and 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.</p>	<p>It would be helpful as previously requested, if CCC and FDR could specify which receptors (townscape and visual) where they assess that the magnitude has been underestimated and to what extent, using the Applicants LVIA methodology, that is agreed (see 3.2 above). The implications of any changes to assessed magnitude upon the determination of significant effects should be clarified in order to identify any material differences to the Applicants assessment as set out in ES Chapter 9 Landscape and Visual Volume 6.2 [APP-036].</p> <p>The LVIA assessed the effects of the Proposed Development on 19 local landscape character areas/types all of which lie within NCA 46 - The Fens. The assessment concluded that there would be the potential for locally significant effects within the Wisbech Settled Fen LCA closest to the EfW CHP Facility. No other significant landscape effects were identified as reported in paragraphs 9.9.2 to 9.2.20 of ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036].</p> <p>The assessment concluded that whilst there would be some significant visual effects arising from the EfW CHP Facility, these would be restricted to some individual properties and localised parts of several recreational routes and highways, as reported in Tables 9.16, 9.17 and 9.18 of ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036].</p> <p>The presence of the plume is considered as part of the assessment in ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036] under assumed maximum height parameters. Due to the changeable and temporary nature of a visible plume, the presence of which requires the combination of a variety of favourable meteorological conditions (which are more likely at night when cooler temperatures prevail), and the likelihood that the plumes would be visible for a maximum of 7.2% of the time during any year, the plumes would be very infrequently visible. The LVIA acknowledges that the plumes may draw Receptors' attention and emphasise the presence of the chimneys. However, the detailed analysis of its potential scale and periods of visibility leads to the conclusion that the very infrequent, often small-scale and temporary presence of the plume would not give rise to any significant landscape or visual effects.</p>



Topic/Para	Representation	Applicant Comment
Landscape Visual 3.6	<p>and 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.</p>	<p>In light of the preceding assertions, it is not clear whether CCC and FDC are using the term “significant” as a technical criterion relevant to the EIA process in this assertion or not.</p> <p>In any event, the Applicant disagrees that the A47 has been considered as an “<i>arbitrary boundary to the geographical extent for landscape effects</i>” and the Councils incorrectly state that the LVIA concludes “<i>there would be no landscape effects south of the A47</i>”.</p> <p>Pages 9G6 and 9G7 of ES Chapter 9 Landscape and Visual Appendices (Volume 6.4) [APP-079] describes the rationale for the Medium magnitude of change and Moderate and Not Significant effect on the Wisbech Settled Fen LCA across the LCA as an assessment unit, which extends south of the A47. The assessment reports that a localised high magnitude of change and consequently significant effect on landscape character could occur during construction and operation on the small portion of the LCA located immediately around the EfW CHP Facility along New Bridge Lane and south to the closest section of the A47.</p> <p>The A47 is a busy road corridor frequently flanked by tree cover and is described in the Fenland District Council Wind Turbine Development Policy Guidance (2009) as a “distinctive feature” within the LCA as summarised at 2.2.4 at page 9C8 of ES Chapter 9 Landscape and Visual Appendices (Volume 6.4) [APP-079]. The difference in how the EfW CHP Facility would be perceived in the landscape is illustrated with reference to the photomontages in Figures 9.17 to 9.24 of ES Chapter 9 Landscape and Visual (Volume 6.3) [APP-058], Figures 9.25 to 9.32 of ES Chapter 9 Landscape and Visual (Volume 6.3) [APP-059], Figures 9.33 to 9.39 of ES Chapter 9 Landscape and Visual (Volume 6.3) [APP-060] and Figures 9.40 to 9.46 of ES Chapter 9 Landscape and Visual (Volume 6.3) [APP-061] illustrating what the Proposed Development would look like from 30 locations (agreed with the Local Authorities) at various directions and distances to the Site. At close proximity to the south of the Site and from sections of the A47 (Landscape effects as perceived at Viewpoints 1, 5 and 6) a High magnitude of change and significant indirect effect upon the landscape character of the Wisbech Settled Fen LCA would be experienced. This assessment contrasts with locations south of the A47 within the Wisbech Settled Fen LCA, where the magnitude of change would be Medium or less and the indirect effect on landscape character would be not significant (Landscape effects as perceived at Viewpoints 8, 9, 13, 15, 18).</p>



Topic/Para	Representation	Applicant Comment
Landscape Visual 3.7	<p>and 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.</p>	<p>The Councils offer no explanation or evidence as to why they consider the landscape effects have been underassessed with reference to the agreed LVIA methodology.</p> <p>In response to the Councils' comment that the proposed development "<i>would block out much of the industrial context behind it</i>" the Applicant refers to the fact that the location of the Site within an existing industrial estate has been assessed as having a low sensitivity in Table 9F.8 of ES Chapter 9 Landscape and Visual Appendices (Volume 6.4) [APP-079].</p> <p>Evidence of the visual impact of the proposed EfW CHP Facility on the southern edge of Wisbech and relationship to surrounding buildings and infrastructure is provided in the submitted photomontages and described in ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036] at paragraph 9.9.15: "<i>From areas of LCA sited closest the EfW CHP Facility (to the immediate east and south), the Proposed Development would be incremental to the already prominent role of infrastructure within the host LCA, often appearing as a co-prominent feature with the 33m high cold store and/or steel lattice pylons as evidenced at Viewpoint 8 (Figure 9.24b: Viewpoint 8: Halfpenny Lane Byway (Volume 6.3)) and Viewpoint 6 (Figure 9.22b: Viewpoint 6: Halfpenny Lane Byway north of A47 (Volume 6.3)). The EfW CHP Facility would only occasionally be perceived as the dominant built element in the landscape within this LCA, as indicated by Viewpoint 5 in Figure 9.21b: Viewpoint 5: A47 east of roundabout junction with the B198 (Volume 6.3).</i>"</p> <p>The LVIA photomontages described above do not support the Councils' view that "<i>there is no nearby infrastructure (or, indeed any other development) which has anything remotely approaching the visual impact of the proposed scheme.</i>"</p>
Landscape Visual 3.8	<p>and 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</p>	<p>Please see previous response to these comments, provided at: paragraph 5.4.3 of the Applicant's response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020]. The cross sections prepared (Figure CS1 and CS2) to clarify the relationship between the EfW CHP Facility and 10 New Bridge Lane and to compare a similar bungalow on New Bridge Lane (Potty Plants) with the existing Cold Store building support the ES analysis that the RVAT would not be breached between 10 New Bridge Lane and the proposed EfW main buildings and chimneys.</p>



Topic/Para	Representation	Applicant Comment
	<p>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.</p>	
Landscape and Visual 3.9	<p>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.</p>	<p>The Councils' references to the CCC and FDC LIR should be corrected to LIR paragraph 5.4.20 to 5.4.30.</p> <p>Please see previous response to these comments, provided at: paragraph 5.4.29 of the Applicant's response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020].</p> <p>The significance of effects which have been identified after mitigation is recorded within ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036]. These effects are considered within the Planning Statement (Volume 7.1) [APP-091] against relevant policy. With regard to landscape and visual effects, Planning Statement Chapter 4.11 concludes that '<i>Given the need for the Proposed Development set out in Section 4.2, the fact that there would be no significant effects on landscape and townscape and the relatively small number of significant visual effects identified, the balance is considered to be firmly with the Proposed Development</i>'.</p>
Climate Change 4.1	<p>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.</p>	<p>The Applicant provided a response to these matter in the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020]. MVV and consequently the Applicant's and CCC's aims for Net Zero are aligned.</p> <p>ES Chapter 14 Climate (Volume 6.2) [APP-041] at section 14.9.50 concludes that the Proposed Development will have a positive contribution in supporting carbon reduction targets and ambitions for carbon neutrality and net zero in areas where landfill would otherwise be used for residual waste.</p> <p>Additionally, the Applicant draws the ExA attention to the CCC Climate Change and Environment Strategy 2022 and the supporting document, Cambridgeshire and Peterborough Corporate Energy Strategy (July 2019). The corporate energy strategy includes EfW that utilises residual "black bin" waste as one of the renewable energy opportunities (see page 18). Of the "Two of Our Successes" mentioned in this</p>



Topic/Para	Representation	Applicant Comment
Climate Change 4.2	<p>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.</p>	<p>strategy (page 13), an EfW (without CHP) facility at Fengate Resource Recovery Park is championed as making "a significant contribution to both waste policy and to energy policy".</p> <p>The approach to quantifying GHG emissions from the construction, operation and decommissioning of the Proposed Development has been undertaken in line with the latest IEMA guidance for assessing GHG emissions and the infrastructure life-cycle modules set out in PAS 2080: Carbon Management Infrastructure.</p> <p>Relative to the 'without Proposed Development' case, the Proposed Development is estimated to result in a net decrease in GHG emissions equivalent to approximately 2,571ktCO₂e over its lifetime (see Section 14.9 of ES Chapter 14 Climate Change (Volume 6.2) [APP-041]).</p> <p>In accordance with IEMA guidance (2022) for defining significance it is concluded that the GHG impact of the Proposed Development will have a beneficial Significant effect. The Proposed Development has net GHG emissions below zero, causing an indirect reduction in atmospheric GHG emissions which has a positive impact on the UK Government meeting its carbon budgets/targets.</p> <p>Please see previous responses to comments, provided at Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020] Section 10: Climate Change, Table 10.1/9.4 Operational Phase Impacts/LIR Paragraphs 9.4.22 and 9.4.23.</p>
Climate Change 4.3	<p>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</p>	<p>The points raised by the Councils have been considered. Table 14.15, ES Chapter 14 Climate Change (Volume 6.2) [APP-041] includes that the Proposed Development would maximise potential for reusing or refurbishing materials and apply low carbon solutions to minimise resource consumption.</p> <p>Additional detail on measures from the Applicant to reduce GHG emissions during construction include 'Design with a Low Carbon Approach in Mind', where designers must take a fully integrated Life Cycle Assessment approach to all design decisions.</p> <p>Please see previous response to these comments, provided at: Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020]</p>



Topic/Para	Representation	Applicant Comment
	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.	Section 10: Climate Change, Table 10.1/9.3 Construction Phase Impacts/LIR Paragraph 9.3.4.
Climate Change 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 CO2e 1).	The Applicant responded to this matter at 9.4.3, page 140, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020] . The GHG assessment in Section 14.9 of ES Chapter 14 Climate Change (Volume 6.2) [APP-041] indicates a net reduction in emissions in the 'with Proposed Development' scenario compared to a 'without Proposed Development' scenario.
Climate Change 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 tonnes ² 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	The Applicant responded to these matters at 9.4.4 page 140 to 144, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020] .



Topic/Para	Representation	Applicant Comment
	<p>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.</p>	
	<p>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 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</p>	



Topic/Para	Representation	Applicant Comment
	<p>3.6% net reduction from the Applicant's stated baseline scenario.</p> <p>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.</p> <p>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.</p>	
Climate Change 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.	The Applicant responded to these matters at 9.4.5 to 9.4.12 page 144 to 147, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020] .
Climate Change 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.	<p>Please see previous response to these comments, provided at: Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020] Section 10: Climate Change/Table 10.1/9.4 Operational Phase Impacts/LIR Paragraph 9.4.22 and 9.4.23.</p> <p>The change in GHG emissions associated with the Proposed Development are contextualised against the UK carbon budgets and GHG emissions policy objectives at national, regional and local scales.</p>



Topic/Para	Representation	Applicant Comment
Climate Change 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." 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.	<p>Based on IEMA's core definition of beneficial significance and the assessment outcomes in ES Chapter 14 Climate Change (Volume 6.2) [APP-041], it is considered that compared to the without-project baseline, the EfW CHP Facility would have a beneficial significant effect.</p> <p>Please see previous response to these comments, provided at: Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020] Section 10: Climate Change/Table 10.1/9.4 Operational Phase Impacts/LIR Paragraph 9.4.23.</p>
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).	<p>Noted. The Applicant has prepared a Transport Assessment (ES Chapter 6 Traffic and Transport (Volume 6.3) [APP-073]) which concludes that effects upon the local and strategic road network would not be significant. CCC's Transport Assessment Team comments within the Councils relevant representation (RR-002) concluded at paragraph 3.43 that:</p> <p><i>The Transport Assessment Team would have no concerns over the impact of the applicant's development subject to the (already proposed) enhancements to New Bridge Lane and also the signalisation of the Cromwell Road / New Bridge Lane junction.</i></p> <p>The above comment recognises that the Access Improvements to New Bridge Lane are already proposed by the Applicant whilst a design for the signalisation of the junction with Cromwell Road has been submitted at Deadline 1 with the Applicant seeking to meet with the Council to confirm and finalise the design. Following ISH2, the Applicant and CCC are undertaking a review and shall provide an update to the ExA at Deadline 4. The Applicant is confident the matter can be suitably resolved.</p>
Traffic and Public Access 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	The Councils' concerns are noted but the comments made by local residents are considered to differ from the professional view of the Council's transport team which in its relevant representation (RR-002) concluded at paragraph 3.43 that:



Topic/Para	Representation	Applicant Comment
	<p>additional traffic from the proposal would 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.</p>	<p><i>The Transport Assessment Team would have no concerns over the impact of the applicant's development subject to the (already proposed) enhancements to New Bridge Lane and also the signalisation of the Cromwell Road / New Bridge Lane junction.</i></p> <p>The Applicant's own assessment which is presented in ES Chapter 6 Traffic and Transport (Volume 6.2) [APP-033] considers the effects of the Proposed Development upon baseline and future baseline traffic conditions. It concludes that effects would not be significant.</p> <p>The above comment recognises that the Access Improvements to New Bridge Lane are already proposed by the Applicant whilst a design for the signalisation of the junction with Cromwell Road has been submitted at Deadline 1. Following ISH2, the Applicant and CCC are undertaking a review and shall provide an update to the ExA at Deadline 4. The Applicant is confident the matter can be suitably resolved.</p>
<p>Traffic and Public Access 5.3</p>	<p>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.</p>	<p>The Applicant responded to these matters at 2.10.3 page 39, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020].</p> <p>The Applicant would refer to its response to 5.2 which indicates that CCC does not object to the Proposed Development on highway grounds providing the Access Improvements are implemented and the Cromwell Road/New Bridge Lane junction signalised. Whilst the Applicant's assessment does not indicate a requirement to signalise the junction, without prejudice to its position, it is willing to continue to discuss a scheme for its signalisation with CCC. Following ISH2, the Applicant and CCC are undertaking a review and shall provide an update to the ExA at Deadline 4. The Applicant is confident the matter can be suitably resolved.</p> <p>The Applicant does not agree that construction traffic levels would be significant or extraordinary. ES Chapter 6 Traffic and Transport (Volume 6.2) [APP-033] Table 6.27 records that total construction traffic increases over baseline conditions would only exceed 15% on two of the twelve links assessed (Algores Way at 17.10% and New Bridge Lane at 15.33%) with all other links not exceeding 2.5%.</p>



Topic/Para	Representation	Applicant Comment
Traffic and Public Access 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.	<p>The Applicant's response to the Council's LIR, paragraph 2.10.6 stated that CCC's relevant representation [RR-002] at paragraph 3.36 noted:</p> <p><i>The forecast flows in the Transport Assessment have been agreed by both CCC and NH as being a robust case. The HGV traffic will enter and exit the site via New Bridge Lane only. Some light vehicles (cars and vans) may also use this route with some coming into the site via Algores Way.</i></p> <p>The Applicant therefore understands that there is agreement with the Council on the forecast flows used to model the effects of construction and operational traffic.</p>
Traffic and Public Access 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.	<p>The Applicant does not accept that the Proposed Development would have a disproportionate effect upon the condition of roads causing extensive damage. The percentage increases of HGVs is not such that significant effects have been identified whilst the current condition of New Bridge Lane particularly at its junction with Cromwell Road is extremely poor already. The Outline CTMP (Volume 6.4) [REP1-011] which is secured by Draft DCO (Volume 3.1) (Rev 3) Requirement 11 requires the Applicant to undertake a highway condition survey before, during and after construction of the Proposed Development with a commitment to a programme of works to restore highways to the condition they were in before the construction period began if the results of the survey indicate that this is necessary. The Outline CTMP (Volume 6.4) [REP1-011] commits for the scope and nature of any restoration measures to be agreed with the relevant local and strategic highway authority.</p>
Traffic and Public Access 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.	<p>Discussions are ongoing with CCC regarding Heads of Terms for a S278 Agreement to cover the other points raised relating to certification of completed works, commuted sums and maintenance. The Applicant considers that all of CCC's concerns can be sufficiently addressed through the powers in the Draft DCO, discharge of Requirements and a separate S278 Agreement.</p> <p>As stated above, the Applicant has prepared a Transport Assessment (ES Chapter 6 Traffic and Transport (Volume 6.3) [APP-073]) which concludes that effects upon the local and strategic road network would not be significant. The Applicant does not therefore consider that the threshold for an "extraordinary" level of traffic under Section 59 of the Highways Act 1980 will be met as a result of the Proposed Development during construction or operation.</p>



Topic/Para	Representation	Applicant Comment
Traffic and Public Access 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.	The Applicant has updated Requirement 7 in the Draft DCO (Volume 3.1) (Rev 3) to make it clear that the design of Work No 4A and any other permanent or temporary alterations to accesses to the public highway must be approved by the highway authority. Please also see Applicant's response to 5.6 above.
Traffic and Public Access 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.	It is not entirely clear from the written representation what the specific nature of the concerns relates to. The Applicant has assessed the potential for effects arising from construction and operational traffic to the Proposed Development and has concluded that they would not be significant, as set out in ES Chapter 6 Traffic and Transport (Volume 6.2) [APP-033] . The Applicant responded to the concerns set out in LIR in the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020] .
Traffic and Public Access 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	The Applicant respond to these matters at 2.7.19 page 34, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020] to state that it is in the process of concluding discussions on the protective provisions and consents sought by the Hundred of Wisbech IDB to provide the assurance that its assets, including the drain referenced, would not be detrimentally affected by the Proposed Development, which the Applicant believes to be the case. These provisions will be included in a future update of the Draft DCO.



Topic/Para	Representation	Applicant Comment
	<p>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.</p>	<p>The Applicant is also engaging with CCC to resolve and to finalise the outline design for Access Improvements to New Bridge Lane. A further update will be provided for Deadline 4.</p>
<p>Traffic and Public Access 5.10</p>	<p>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</p>	<p>The Proposed Development will not prejudice the reopening of the Disused March to Wisbech Railway. The submitted Network Rail SOCG (Volume 8.2) [PDA-002] between the Applicant and Network Rail states that Business Clearance was issued by Network Rail via email on 01/04/2022. Discussions are ongoing between the parties regarding the form of agreement required to document the nature and delivery of a new crossing on New Bridge Lane at the Applicant's cost should the reopening of the disused March to Wisbech Railway proceed.</p> <p>With regard to public rights of way, the rights as they currently exist will be maintained such that New Bridge Lane will continue to be an adopted highway either side of Network Rail's ownership (the disused March to Wisbech Railway). Network Rail currently displays a notice under the Highways Act 1980 to state that there is no right of public access across its land. The Applicant will display similar signs, with the agreement of Network Rail to explain to members of the public that the present situation is maintained and that there is no public right to pass and repass.</p>
<p>Traffic and Public Access 5.11</p>	<p>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</p>	<p>See response to 5.10 above.</p>



Topic/Para	Representation	Applicant Comment
	<p>must provide a bridge over the railway line at New Bridge Lane, in the event that the Wisbech to March rail line is reopened.</p>	
<p>Traffic and Public Access 5.12</p>	<p>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.</p>	<p>The Applicant responded to these matters at 2.4.3 to 2.16.6 page 25 to 26, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020].</p> <p>The rights as they currently exist will be maintained such that New Bridge Lane will continue to be an adopted highway either side of Network Rail's ownership (the disused March to Wisbech Railway). Network Rail currently displays a notice under the Highways Act 1980 to state that there is no right of public access across its land. The Applicant will display similar signs, with the agreement of Network Rail, to explain to members of the public that the present situation is maintained and that there is no public right to pass and repass.</p> <p>A scheme for signage will be included within an updated ES Chapter 6 Traffic and Transport Appendix 6A Outline Construction Traffic Management Plan (Volume 6.4) [REP1-011] and Outline Operational Traffic Management Plan (Volume 7.15) (Rev 3) which is submitted at Deadline 3.</p>
<p>Traffic and Public Access 5.13</p>	<p>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.</p>	<p>The Applicant responded to these matters at 2.16.4 to 2.16.6 page 45 to 46, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020].</p> <p>The Applicant notes that whilst New Bridge Lane may be used by NMUs it is not identified by FDC within the Fenland Cycling, Walking and Mobility Aid Improvement Strategy as a 'Core Cycling/Walking Route'. Furthermore, the Council's own plans as set out within the Wisbech Access Strategy (SAR1) (without rail) include for a substantial upgrade to New Bridge Lane requiring the creation of two four-arm roundabouts between the disused March to Wisbech Railway and New Drove with the aim of opening up land south of New Bridge Lane for industrial and commercial development. The 'with rail' option reduces one four-armed roundabout to a three-armed junction. The Applicant concludes that the current character of New Bridge Lane particularly as a quiet route will change significantly should funding for the implementation of the WAS be made available.</p>



Topic/Para	Representation	Applicant Comment
		<p>Notwithstanding the above, and with regard to the potential for visual and noise effects the Outline Construction Environmental Management Plan (Volume 7.12) (Rev 3) includes at section 4.3.2 for the design of hoardings around construction activities which will include for the character of the surrounding landscape (e.g., solid hoarding, use of artwork where appropriate, viewing windows, etc). Section 5.8.2 states that in order to reduce visual impacts of construction activity upon surrounding Receptors, a temporary 2.4m high solid fence would be installed adjacent to New Bridge Lane to act as a visual screen. The hoardings would mitigate noise and visual effects to NMUs along New Bridge Lane and the Outline CEMP is secured by Draft DCO (Volume 3.1) (Rev 3) Requirement 10.</p>
Traffic and Public Access 5.14	<p>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.</p>	<p>Noted. Please see response to 5.13 above.</p> <p>In addition, it should be noted that the Access Improvements will include for the provision of new pedestrian crossing points with tactile paving, new street lighting and new footpaths along the length of New Bridge Lane. These measures will improve the facilities available to pedestrians over those which currently exist. ES Chapter 6 Traffic and Transport Appendix 6A Outline Construction Traffic Management Plan (Volume 6.4) (Rev 3) at section 7.2.6 also states that the Applicant will apply to CCC at the start of the construction phase with a request to reduce the speed limit to 30mph either using the powers in the DCO or via a Traffic Regulation Order (S84 of the Road Traffic Regulation Act 1984). It is the intention that this speed limit is made permanent.</p> <p>The Proposed Development, once operational, will include for a landscaped frontage to New Bridge Lane. The Outline Landscape and Ecological Strategy (ES Chapter 3 Description of the Proposed Development Figure 3.14 (Volume 6.3) [REP2-026] identifies species rich neutral grassland, native hedgerows and native trees which will be maintained for ecological benefit and provide an attractive frontage to NMUs passing along New Bridge Lane.</p>
Traffic and Public Access 5.15	<p>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</p>	<p>Noted. Please see response to 5.13 and 5.14 above.</p>



Topic/Para	Representation	Applicant Comment
	<p>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.</p>	
<p>Cromwell Road/New Bridge Lane Junction 6.1</p>	<p>The impact of the proposed development on the Cromwell Road/New Bridge Lane Junction is a key area of concern.</p>	<p>Noted. The Applicant's position remains that the modelling work undertaken and presented within ES Chapter 6 Traffic and Transport Appendix 6B Transport Assessment (Volume 6.4) [APP-073] demonstrates that there is no requirement to signalise the junction of New Bridge Lane with Cromwell Road. However, the Applicant remains willing to work with CCC to conclude the design for its signalisation.</p>
<p>Cromwell Road/New Bridge Lane Junction 6.2</p>	<p>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.</p>	<p>The Applicant responded to these matters at 2.7.4 page 31 to 32, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020] and awaits a response.</p> <p>The Applicant has prepared a design for the signalisation of the junction (ES Chapter 6 Traffic and Transport Appendix 6A Construction Traffic Management Plan Volume 6.4 (Rev 3)). It is seeking to meet with CCC to better understand its concerns and, if necessary, amend the design accordingly. Following ISH2, the Applicant and CCC are undertaking a review and shall provide an update to the ExA at Deadline 4. The Applicant is confident the matter can be suitably resolved.</p>
<p>Cromwell Road/New Bridge Lane Junction 6.3</p>	<p>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.</p>	<p>The Applicant responded to these matters at 2.10.7 page 39 to 40, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020].</p> <p>See response to 6.1 above.</p>



Topic/Para	Representation	Applicant Comment
Cromwell Road/New Bridge Lane Junction 6.4	<p>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.</p>	<p>The Applicant respond to these matters at 2.11.6 page 41, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020].</p> <p>It is also noted that in CCC's relevant representation [RR-002] at paragraph 3.36 it was stated that:</p> <p><i>The forecast flows in the Transport Assessment have been agreed by both CCC and NH as being a robust case. The HGV traffic will enter and exit the site via New Bridge Lane only. Some light vehicles (cars and vans) may also use this route with some coming into the site via Algores Way.</i></p> <p>The Applicant does not agree with the Council's requirement for the signalisation of the Cromwell Road/ New Bridge Lane junction. The assessment work undertaken and presented within ES Chapter 6 Traffic and Transport Appendix 6B Transport Assessment (Volume 6.4) [APP-073] did not conclude that these measures were necessary.</p> <p>The increase in right turning HGV traffic as a result of the operational development is 10 HGVs in the AM peak hour. In the event that more than 1 HGV turns up at the same time, there is sufficient stacking space in the right turn lane, which measures 30m (sufficient for at least 2 HGVs), to accommodate this. Drivers of HGVs will wait for a gap in the southbound Cromwell Road traffic when it is safe to turn before making the turning manoeuvre.</p> <p>This scale of right turning traffic does not warrant a signalised junction as the Junctions 9 analysis has demonstrated that there are sufficient gaps in traffic to allow the right turn traffic.</p> <p>However, and notwithstanding it position the Applicant has prepared an outline design for the signalisation of the junction.</p> <p>Following ISH2, the Applicant and CCC are undertaking a review and shall provide an update to the ExA at Deadline 4. The Applicant is confident the matter can be suitably resolved.</p>



Topic/Para	Representation	Applicant Comment
Cromwell Road/New Bridge Lane Junction 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.	The Proposed Development will not prejudice the reopening of the disused March to Wisbech Railway. The submitted Network Rail SOCG (Volume 8.2) [PDA-002] between the Applicant and Network Rail states that Business Clearance was issued by Network Rail via email on 01/04/2022. Discussions are ongoing between the parties regarding the form of agreement required to document the nature and delivery of a new crossing on New Bridge Lane at the Applicant's cost should the reopening of the disused March to Wisbech Railway proceed.
Heritage 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 towncentre. 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.	Section 10.3 of ES Chapter 10 Historic Environment (Volume 6.2) [APP-037] includes the assessment of effects on Wisbech Conservation Area, which was carried out with reference to the heritage significance of the asset. This assessment was undertaken in accordance with relevant guidance (English Heritage 2017, The Setting of Heritage Assets). The heritage significance of Wisbech Conservation Area, the nature of its setting and contribution to the same and the importance of particular views are set out in Section 10.9 of ES Chapter 10 Historic Environment (Volume 6.2) [APP-037] . This includes a description of the individual character areas within the conservation area including the Brinks, with a photomontage from Elgood's Brewery on North Brink (Figure 9.23b Viewpoint 7, Volume 6.3 ES Chapter 9 Landscape and Visual Figures 9.17 to 9.24 (Volume 6.4) [APP-058]) showing the greatest extent of visibility from within the conservation area. A photomontage from the northern end of North Brink at the Grade I listed Peckover House (Figure 9.26b Viewpoint 10, in ES, Chapter 9, Landscape and Visual Figures 9.25 – 9.32 (Volume 6.3) [APP-058]) in which the EfW CHP Facility buildings would not be visible was also included within the ES. Taking account of the heritage significance of the conservation area as a whole and the identified key views within and out from it, and the context of the existing industrial estate including large logistics buildings, the effect on this asset would not be significant and the historic character of the town would not be superseded.



Topic/Para	Representation	Applicant Comment
Heritage 7.3	<p>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.</p>	<p>The ES Chapter (Volume 6.2 ES Chapter 10 Historic Environment [APP-037]) was prepared with reference to a walkover survey including visits to assets included in the settings assessment. This assessment was undertaken in accordance with relevant guidance (English Heritage 2017, The Setting of Heritage Assets). The approach to describing the significance of the assets was informed by this and guidance and all potential impacts on the significance were fully assessed.</p> <p>In its relevant representation, CCC and FDC commented at 6.15 that ‘considerable weight’ should be given to advice provided by Historic England with regard to the application. The SOCG between Medworth CHP Ltd and Historic England (Volume 9.12) [REP2-015] records at 3.2.8 that the evaluation of effects on the historic environment, as reported in ES Chapter 10, Historic Environment (Volume 6.2) [APP-037] is robust and appropriately justified. It records at 3.2.9 that the Proposed Development will not cause substantial harm to the significance of any designated heritage asset or its significance and that whilst outward view from the southern edge of Wisbech Conservation Area, particularly the southern end of North Brink, are most likely to be altered that these effects would be minor upon the significance of the conservation area. (3.2.10).</p>
Air Quality 8.1	<p>The Councils wish to emphasise that, whilst Chapter 8 of the Applicant’s ES [APP035] 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.</p>	<p>Noted. As detailed in the Institute of Air Quality Management (IAQM) guidance on Land-Use Planning & Development Control: Planning For Air Quality, “<i>Impacts on air quality, whether adverse or beneficial, will have an effect on human health that can be judged as ‘significant’ or ‘not significant’.</i> This is the primary requirement of the EIA regulations, but is also relevant to other air quality assessments”.</p>
Air Quality 8.2	<p>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</p>	<p>The Applicant consulted with the Host Authorities and with Public Health England (now the UKSHA/OHID) when developing the methodology used for the assessment of health impacts, including mental health and wellbeing. A summary of this engagement is presented within ES Appendix 16A (Volume 6.4) [APP-089]. The assessment undertaken by the Applicant is considered robust as evidenced by its subsequent discussions with the UK Health Security Agency at a meeting dated 21/11/2022 attended by CCC and FDC. This followed the Agency’s submission of its</p>



Topic/Para	Representation	Applicant Comment
	<p>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.</p>	<p>relevant representation [RR-023] to the Planning Inspectorate on 15/11/22 which stated the following: <i>We can confirm that: With respect to Registration of Interest documentation, we are reassured that earlier comments raised by us on 17 August 2021 have been addressed. In addition, we acknowledge that the Environmental Statement (ES) has not identified any issues which could significantly affect public health. UKHSA/OHID is satisfied with the methodology used to undertake the environmental assessment. Following our review of the submitted documentation we are satisfied that the proposed development should not result in any significant adverse impact on public health. On that basis, we have no additional comments to make at this stage and can confirm that we have chosen NOT to register an interest with the Planning Inspectorate on this occasion.</i></p> <p>The Applicant continued to engage with the UKHSA and submitted at Deadline 2 the SOCG between Medworth CHP Ltd and the UKHSA (Volume 9.8) [REP2-013]. This document records the UKHSA's agreement with the Study Area, Baseline, Embedded environmental measures, Assessment methodology and conclusion. The Applicant would respectfully request that the ExA take into account the findings and conclusions set out within ES Chapter 16 Health (Volume 6.2) [APP-043] and the views expressed by the UKHSA when considering the application. Consideration should also be given to the advice provided within NPS EN-1 paragraph 4.13.5 which states that:</p> <p><i>Generally, those aspects of energy infrastructure which are most likely to have a significantly detrimental impact on health are subject to separate regulation (for example for air pollution) which will constitute effective mitigation of them, so that it is unlikely that health concerns will either constitute a reason to refuse consents or require specific mitigation under the Planning Act 2008. However, the IPC will want to take account of health concerns when setting requirements relating to a range of impacts such as noise.</i></p>
Air Quality 8.3	<p>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</p>	<p>As discussed in the 2014 Institute of Air Quality Management (IAQM) guidance on the assessment of dust from demolition and construction, <i>The term 'significant effect' has a specific meaning in EIA regulations.</i></p> <p>It is stated that:</p>



Topic/Para	Representation	Applicant Comment
	<p>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.</p>	<p><i>Furthermore, in the case of demolition / construction it is assumed that mitigation (secured by planning conditions, legal requirements or required by regulations) will ensure that a potential significant adverse effect will not occur, so the residual effect will normally be 'not significant'.</i></p> <p>The guidance also recognises that: <i>Even with a rigorous DMP in place, it is not possible to guarantee that the dust mitigation measures will be effective all the time, and if, for example, dust emissions occur under adverse weather conditions, or there is an interruption to the water supply used for dust suppression, the local community may experience occasional, short-term dust annoyance. The likely scale of this would not normally be considered sufficient to change the conclusion that with mitigation the effects will be 'not significant'.</i></p> <p>The Air Quality Assessment has been scoped into the Environmental Impact Assessment it is therefore entirely appropriate that it considers the likelihood of 'significant' and 'not significant' effects occurring.</p>
Air Quality 8.4	<p>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.</p>	<p>The assessment of emissions from construction traffic (as reported within ES Chapter 8 Air Quality (Volume 6.2) [APP-035]) does not report exceedances of statutory limits. The Air Quality Assessment has been scoped into the Environmental Impact Assessment and as such it is entirely appropriate that it considers the likelihood of 'significant' and 'not significant' effects occurring consist with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p>



Topic/Para	Representation	Applicant Comment
Biodiversity 9.1	<p>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, 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.</p>	<p>The Applicant responded to these matters at 7.3 to 7.4 page 101 to 120, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020].</p> <p>The Applicant has updated ES Chapter 11 Biodiversity Appendix 11M Biodiversity Net Gain (Rev2) [AS-009] following a meeting the Council on 31 March 2023. It provides more information on the approach for delivering BNG and commits the Applicant to achieving a minimum 10% net gain. The implementation of this strategy will be secured via Requirement 6 of the Draft DCO (Volume 3.1) which has been updated and submitted at Deadline 3.</p> <p>The Applicant has submitted an updated Outline CEMP (Volume 7.12) [RE1-022] for Deadline 3 which includes and confirms the ecological mitigation to be implemented within Appendix D Outline Ecological Mitigation Strategy. The implementation of the Outline CEMP and Outline Ecological Mitigation Strategy will be secured via Requirement 10 of the Draft DCO (Volume 3.1) (Rev 3).</p>
Biodiversity 9.2	<p>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.</p>	<p><u>BNG and mitigation:</u> Please see response to 9.1 above.</p> <p><u>Water voles:</u> The Applicant responded to these matters at 7.3.12 to 7.3.17 page 104 to 108, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020]. Environmental measures have been embedded into the Proposed Development to avoid and minimise impacts on water voles as set out in Section 11.7 of ES Chapter 11 Biodiversity (Volume 6.2) [AS-008]. These measures include stand-off zones around watercourses and pre-construction surveys and would be secured through the Draft DCO (Volume 3.1) (Rev 3) Requirement 10 (Construction environmental management plan).</p> <p>Please also see response to 9.4 to 9.6 below.</p> <p><u>Priority habitat:</u> The Applicant responded to these matters at 7.3.5 to 7.3.8 page 102 to 103, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020]. The habitat present does not meet the criteria to qualify as priority habitat 'open mosaic habitat on previously developed land' at either a national level (Habitat of Principal Importance listed pursuant to Section 41 of the Natural Environment and Rural Communities Act 2006 (as amended), described by</p>



Topic/Para	Representation	Applicant Comment	
		<p>the UK Biodiversity Action Plan Priority Habitat Descriptions) or at a local level (Cambridgeshire and Peterborough County Wildlife Site habitat definitions).</p> <p>Please also see response to 9.11 to 9.13 below.</p> <p><u>Decommissioning works:</u> The Applicant responded to these matters at 7.5.3 to 7.5.8 page 121 to 122, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020]. The assessment conclusions presented in Table 11.15 of ES Chapter 11 (Volume 6.2) [AS-008] are applicable to the decommissioning phase of the Proposed Development, which concludes that there are no significant effects on ecological features</p>	
Biodiversity	9.3	<p>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.</p>	<p>Please see response to 9.2 above.</p>
Biodiversity	9.4	<p>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</p>	<p>The Applicant responded to these matters at 7.3.12 page 104 to 105, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020].</p> <p>All ditches which would be directly affected by the Proposed Development were surveyed for water vole. Ditches along the A47 are likely to be suboptimal for water vole due factors such as road run-off and litter. HSSE risks associated with surveying along the verge of a busy A-road preclude safe access for surveys.</p> <p>The submitted Natural England SoCG (Volume 9.9) [REP1-043] between the Applicant and Natural England confirms agreement that "<i>The habitat and species surveys carried out and reported in ES Appendices D-L (Volume 6.4) [APP-081 to APP-083] are appropriate and sufficient for determining the baseline conditions, in accordance with relevant and current good practice</i>" and that "<i>there are currently no protected species constraints (such as bat roosts, water vole burrows or badger setts) within the Order Limits</i>".</p>



Topic/Para	Representation	Applicant Comment
	request that the ExA requires that these surveys are completed during the 2023 survey season, prior to the conclusion of the examination period.	
Biodiversity 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.	<p>The Applicant responded to these matters at 7.3.14 page 105 to 106, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020].</p> <p>The Applicant has submitted an updated Outline CEMP (Volume 7.12) at Deadline 3 which includes and confirms the ecological mitigation to be implemented within Appendix D Outline Ecological Mitigation Strategy. The implementation of the Outline CEMP and Outline Ecological Mitigation Strategy will be secured via Requirement 10 of the Draft DCO (Volume 3.1) (Rev 3).</p>
Biodiversity 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].	The Applicant responded to these matters at 7.3.15 page 106 to 107, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020] . The Applicant has updated the Outline Landscape and Ecology Management Plan (Volume 7.7) [APP-098] which has been submitted at Deadline 3. This includes for additional recognition of water voles and mitigation.
Biodiversity 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	The Applicant responded to these matters at 7.3.20 page 109, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020] . Following a meeting the Council on 31 March 2023, the Applicant has updated ES Chapter 11 Biodiversity Appendix 11M Biodiversity Net Gain (Rev2) [AS-009] . Submitted at Deadline 3 the updated report provides more information on the approach for delivering BNG and commits the Applicant to a minimum 10% net gain. The implementation of this strategy will be secured via Requirement 6 of the Draft DCO (Volume 3.1) (Rev 3) submitted at Deadline 3.



Topic/Para	Representation	Applicant Comment
Biodiversity 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.	Please see response to 9.7 above.
Biodiversity 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.	Please see response to 9.7 above.
Biodiversity 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.	Please see response to 9.7 above.
Biodiversity 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.	The Applicant responded to these matters at 7.3.5 page 102, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020] . Scrub consisting of bramble and shrubs is the predominant habitat type along the disused March to Wisbech Railway within the red line boundary. The priority habitat criteria (Habitat of Principal Importance listed pursuant to Section 41 of the Natural Environment and Rural Communities Act 2006 (as amended), described by the UK



Topic/Para	Representation	Applicant Comment
		Biodiversity Action Plan Priority Habitat Descriptions ¹) requires an area of open mosaic habitat to be at least 0.25ha in size, contain unvegetated loose bare substrate, and show spatial variation in habitats forming a mosaic of one or more early successional communities. Areas of open habitat present within the Site along the disused March to Wisbech Railway are small and localised, and where habitat mosaic exists it is of insufficient size to fulfil the priority habitat criteria.
Biodiversity	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.	Noted. Please see response to 9.11 above.
Biodiversity	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].	Noted. Please see response to 9.11 above.
Biodiversity	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 /	An outline Decommissioning Management Plan is being prepared and will be submitted at a future examination deadline.

¹ BRIG (ed. Ant Maddock) 2008. UK Biodiversity Action Plan; Priority Habitat Descriptions: Open Mosaic Habitats on Previously Developed Land (Updated July 2010). Online, available at: <https://data.jncc.gov.uk/data/a81bf2a7-b637-4497-a8be-03bd50d4290d/UKBAP-BAPHabitats-40-OMH-2010.pdf> [Accessed 17/03/2023].



Topic/Para	Representation	Applicant Comment
Waste Provision Sustainability 10.1	<p>enhancement that will be created during the construction / operational phases, as well as any additional biodiversity mitigation measures identified for the decommissioning phase</p> <p>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.</p>	<p>The WFAA (Volume 7.3) [REP2-009] has assessed both the local requirement for the EfW CHP Facility as well as the national need. This has concluded that there is insufficient residual waste management capacity available to ensure that non-recyclable waste can be managed as far up the waste hierarchy as possible (i.e., diverted from landfill) and in a manner which complies with the proximity principle (i.e., treating waste as close as possible to its point of arising).</p> <p>More specifically, the updated WFAA (Volume 7.3) [REP2-009] submitted at Deadline 2 demonstrates that in 2021, over 220,000 tonnes of 'in scope' household and commercial waste was disposed of to landfill in Cambridgeshire alone. Furthermore, it is noted the capacity assessment which underpins the Cambridgeshire Waste Local Plan relies on all 200,000 tonnes per annum capacity of the Waterbeach MBT facility as final disposal capacity. This is simply not the case as a significant proportion of the 200,000 tonnes throughput of this facility emerges from the plant as refuse derived fuel. This must then either be sent for recovery or disposed of in landfill. Rather, it is considered a conservative assumption of 50% of MBT input emerges from the plant as refuse derived fuel. With these two points in mind, it is considered that over 320,000 tonnes per annum of residual waste from Cambridgeshire alone could be accommodated by the Proposed Development. This would fully accord with the principles of net self-sufficiency and proximity.</p> <p>The remainder could also readily be sourced from neighbouring Waste Planning Authorities such as Norfolk and Hertfordshire without compromising the deliverability of their respective Waste Local Plans. As the updated WFAA (Volume 7.3) [REP2-009] submitted at Deadline 2 sets out, despite earlier studies underpinning their Waste Local Plans noting significant shortfalls in HIC capacity, more recent studies in Norfolk and Hertfordshire are concluding no shortfalls in capacity – this is despite no new HIC treatment capacity coming on stream in these WPA's, and exportation of approximately 876,000 tonnes of HIC waste each year to other WPAs. In this regard, whilst the emerging Local Plans in these neighbouring areas are failing to recognise any need for additional HIC disposal capacity, the data does not reflect this. It is therefore concluded that the Proposed Development could meet a localised</p>



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Waste Provision Sustainability 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.	<p>need for capacity (in compliance with the proximity principle) whilst not compromising the deliverability of the areas' Waste Local Plans.</p> <p>The Applicant responded to this matter at 13.4.3, page 172 to 173, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020].</p> <p>Although the PGEL facility has technically been 'implemented' as far as the planning permission is concerned, in the main, this facility has been undeveloped for over 13 years (the site was granted planning consent in 2009) and the site is currently on the market.</p> <p>Furthermore, the Applicant considers it highly unlikely that the PGEL facility will be developed because the facility is only permitted to use Advanced Combustion Technology and the UK funding market is now reluctant to fund this type of technology. Any changes to the permitted development to accommodate changes to the UK funding market would need to be the subject of a further planning application – at which point factors such as need, and sustainability (e.g., the ability of the facility to achieve R1 status through the recovery of heat and power) must be considered.</p> <p>Notwithstanding the significant reservations about the deliverability of the PGEL facility, the updated WFAA (Volume 7.3) [REP2-009] submitted at Deadline 2 includes the provision that would be offered by this facility and still concludes that up to 2035, there would be a shortfall of ~1.3 million tonnes of HIC non-landfill residual waste management capacity in the Study Area.</p>
Waste Provision Sustainability 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	See response above to 10.1.



Topic/Para	Representation	Applicant Comment
Waste Provision Sustainability 10.4	<p>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</p>	<p>The WFAA (Volume 7.3) [REP2-009] has been based upon all available information at its time of writing in respect of:</p> <ol style="list-style-type: none"> 1. Operational EfWs 2. EfW's under construction 3. EfW's with planning consent but not yet built 4. EfW's in the planning system <p>Taking into account all existing and emerging capacity, the assessment has concluded that there remains a clear need for the residual waste management capacity offered by the Proposed Development.</p> <p>Whilst clearly, other proposals will come forward in the future, these will require assessment against capacity requirements at that time. By the same token, it is also recognised that in the future, some of the capacity relied upon in the WFAA (Volume 7.3) [REP2-009] will reach the end of its operational life and will be decommissioned (and require replacement).</p>
Waste Provision Sustainability 10.5	<p>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.</p>	<p>The Applicant responded to this matter at 13.4.19, page 180 to 181 of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020].</p> <p>See response above to 10.1. The Applicant's WFAA (Volume 7.3) [REP2-009] defines a study area within which the amount of waste that could be treated by the Proposed Development could be sourced. This study area has been used to model the transport emissions which are reported within ES Chapter 14 Climate (Volume 6.2) [APP-041]. The Applicant's assessment does therefore assess the potential for emissions from an area beyond 'more localised', (accepting that this reference is not defined by the host authorities). The Applicant's assessment concludes that the Proposed Development's GHG emissions would be less than the present situation which is to landfill.</p>
Waste Provision Sustainability 10.6	<p>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</p>	<p>The Applicant respond to this matter at 13.4.8, page 174 to 175 of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020].</p>



Topic/Para	Representation	Applicant Comment
Waste Provision Sustainability 10.7	<p>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.</p> <p>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.</p>	<p>The Applicant respond to this matter at 13.4.11, page 174 to 175, of the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020].</p> <p>The Applicant fully supports the reduction of waste, re-use of waste and recycling of waste and it must be stressed that the facility will not prevent recycling.</p> <p>It is considered that the Proposed Development will fully deliver implementation of the waste hierarchy – a cornerstone of England's waste management policy and legislative framework - and divert waste from continued management at the bottom of the waste hierarchy (i.e., landfill) up to having value (in the form of electricity recovered from it).</p> <p>The Proposed Development is designed to accept residual waste, from codes 19 and 20. These are wastes that remain after source separation of recyclables or processing to recover any such viable recyclable material. At the Applicant's other EfW facilities the use of waste codes 19 and 20 prevents the delivery of source segregated or pre-sorted recyclates. The target feedstock is residual waste that is currently being landfilled. As such the facility will move the waste up the waste hierarchy from disposal to recovery.</p> <p>Additionally, (and importantly), the WFAA (Volume 7.3) [REP2-009] submitted at Deadline 2 also considers the need for the Proposed Development in the context of how much residual waste will require management in the future. In other words, the achievement of national targets for the recycling and reuse of waste have already been taken into account when considering how much residual waste is likely to require management in the future.</p> <p>Furthermore, even if it was considered that there were elements of the existing residual waste stream that could be recycled or re-used, without full analysis of that waste which is currently sent to landfill, it is not known what fractions / % of the</p>



Topic/Para	Representation	Applicant Comment
		<p>residual waste stream could potentially be moved further up the hierarchy. The WFAA (Volume 7.3) [REP2-009] submitted at Deadline 2 has taken a reasonable approach to assessing potential fuel levels by reviewing quantities of residual waste that are currently sent to landfill and drawing conclusions around the availability of that material to be diverted to the Proposed Development and result in that material being lifted up the waste management hierarchy.</p> <p>The Applicant also refers to Requirement 14 in the Draft DCO (Volume 3.1) (Rev 3) relating to compliance with the waste hierarchy.</p>
Conclusion 11.1	<p>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.</p>	<p>The Applicant disagrees with the conclusion reached by the Councils. The Applicant's position is set out within the Planning Statement (Volume 7.1) [APP-091]. Section 4 of this document provides the Applicant's planning assessment with Section 5, the planning balance. This section considers compliance with the relevant National Policy Statements, other important and relevant matters such as other national policy and local policy and it assesses the benefits and adverse impacts that would arise as a result of the Proposed Development. It concludes that the benefits of the Proposed Development, in terms of its contribution to meeting the urgent national need for renewable/low carbon electricity supply and the delivery of additional waste management capacity, as well as the wider socioeconomic and environmental benefits it would deliver, clearly outweigh the limited adverse impacts of the scheme and that consent should be granted.</p>
Conclusion 11.2	<p>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.</p>	<p>The Applicant disagrees with the councils' statement. The Proposed Development would be sited within an existing industrial area to the south of Wisbech Town Centre. It would be viewed alongside the existing Lineage Logistics Cold Store. Effects upon the Wisbech Conservation Area and its appreciation would not be significant (this is confirmed by FDC in its response to the ExA question HE.1.6 [REP2-030]). The effects upon townscape and landscape as described and assessed within the ES Chapter 9 (Volume 6.2) [APP-036] are not considered significant.</p>
Conclusion 11.3	<p>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</p>	<p>The Proposed Development would be sited within an existing industrial area in close proximity to the existing, large scale, Lineage Logistics Cold Store.</p> <p>In addition to the conclusions with regard to landscape and townscape effects ES Chapter 9 (Volume 6.2) [APP-036] considers the potential for significant effects.</p>



Topic/Para	Representation	Applicant Comment
	<p>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.</p>	<p>Whilst some significant effects are identified these tend to be receptors in proximity to the EfW CHP Facility Site or users of transport routes, either recreational routes or the A47 and Cromwell Road highways, again receptors in close proximity to the Proposed Development.</p> <p>NPS EN-1 records at paragraph 5.9.15 that:</p> <p><i>The scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure. The IPC should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project.</i></p> <p>For the reasons set out within the Planning Statement (Volume 7.1) [APP-091], the approach of which is summarised in the Applicant's response to 11.1 above, the Applicant considers that the effects are not so damaging such that they are not offset by the benefits.</p> <p>In addition to this, the WFAA (Volume 7.3) [REP2-009] has assessed both the local requirement for the EfW CHP Facility as well as the national need. This has concluded that there is insufficient residual waste management capacity available to ensure that non-recyclable waste can be managed as far up the waste hierarchy as possible (i.e., diverted from landfill) and in a manner which complies with the proximity principle (i.e., treating waste as close as possible to its point of arising).</p>
Conclusion 11.5	<p>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.</p>	<p>Noted. The Applicant's responses to the points raised within the RR and LIR are set out within the Applicant's Comments on the Relevant Representations – Part 1 Local Authorities and 3(a) Statutory Parties (Volume 9.2) [REP1-028] and the Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020].</p> <p>The Councils have not provided evidence to their assertion that effects would be significant. In contrast, the Applicant undertook an assessment of cumulative effects which is reported within ES Chapter 18 Cumulative Effects (Volume 6.2) [APP-045]. This concluded that effects in combination with other developments, or different effects arising from the Proposed development upon single receptors would not be significant.</p>



4. Comments on the written representation from the Environment Agency

Table 4.1 Comments on the written representation from the Environment Agency

Topic/Para	Representation	Applicant Comment
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.	The Proposed Development does not include any activities which require a FRAP in line with the EA&DEFRA (2022) Guidance (Flood risk activities: environmental permits). The Applicant has therefore deleted the disapplication in Article 6(2) of the Draft DCO (Volume 3.1) submitted at Deadline 3.
Flood Risk	<p>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.</p> <p>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</p>	The EA's agreement with the submitted flood risk information and the assessment is noted. This is reflected in the Statement of Common Ground with the EA (Volume 9.7) (Rev 2) submitted at Deadline 3.



Topic/Para	Representation	Applicant Comment
	<p>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.</p> <p>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).</p> <p>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).</p> <p>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.</p> <p>The Nene Tidal Hazard mapping does date from 2011. The mapping was undertaken using tidal flood levels</p>	



Topic/Para	Representation	Applicant Comment
	<p>which has an increase of 1141mm applied to the year 2115 to account for climate change.</p> <p>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) updated July 2020).</p> <p>Based on the 40 year lifetime of the development, this assessment is appropriate.</p>	
Environmental Permitting	<p>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</p>	<p>Noted. The Environment Agency confirmed to the Applicant via email on 23 March 2023 that the permit application had been duly made. Written confirmation is awaited.</p>
Draft DCO	<p>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.</p> <ul style="list-style-type: none"> • 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 	<p>The Applicant agrees to add the Environment Agency as a consultee on the referenced draft DCO Requirements. The latest version of the Draft DCO (Volume 3.1) (Rev3), submitted at Deadline 3 reflects the updates.</p>



Topic/Para	Representation	Applicant Comment
Pollution Prevention	<p>• 23 Combined heat and power</p> <p>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.</p> <p>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. If the conditions of the RPS cannot be met a water discharge activity permit may be required.</p>	<p>As set out in the Outline Drainage Strategy (Volume 6.4, Appendix 12F of the ES) [APP-086], only uncontaminated surface water runoff from the EfW CHP Facility buildings, roadways and external areas of hardstanding and uncontaminated groundwater pumped from excavations (during construction) will be discharged into the IDB drains, via SuDS which provide appropriate treatment in line with the CIRIA SuDS Manual C753. A water quality monitoring programme for the discharge of uncontaminated surface water runoff from the Proposed Development into the local drains will be implemented during construction and operation phases to ensure that the measures taken to protect the surface water environment are effective. Details of the water quality monitoring programme will be developed and agreed with the Environment Agency and are likely to include regular monitoring of pH, suspended solids and visible oil/grease against agreed emission limits. The water quality monitoring programme for the construction phase will be agreed before construction at detailed design and will be set out in the Construction Environmental Management Plan (in line with the Outline Construction Environmental Management Plan (Volume 7.12) [REP1-022]) sections 3.5.1 to 3.5.4, which is secured in Requirement 10 of the Draft DCO (Volume 3.1) (Rev 3). The water quality monitoring programme for the operational phase will be agreed at detailed design and will be secured as part of the Environmental Permitting process.</p> <p>As the surface water discharges (temporary dewatering of excavations and surface water runoff) will go over 3 consecutive months, the water discharges will comply with the conditions of a water discharge activity permit to be obtained by the Applicant.</p>



5. Comments on the written representation from Historic England

Table 5.1 Comments on the written representation from Historic England

Topic/Para	Representation	Applicant Comment
Summary	<p>Historic England's written representation considers in more detail the main concern we have already raised in relation to the impact of the Medworth Energy CHP facility on the significance of Wisbech Conservation Area through development within its setting. In coming to this view we have taken into consideration specific historic environment visualisations chapter and the Historic Environment Chapter of the Environmental Statement.</p> <p>We have also put this position in relation to Planning Policy, and we recommend that in determining the application the examining authority should take into consideration the significance of the heritage assets and weigh the harm which would be caused to their significance against the public benefits of the proposed development. Consideration should be given as to whether the applicant has taken all possible steps to avoid the harm, or if this is not deemed possible by the examining authority, to minimise the harm the development would cause.</p>	Noted.



Topic/Para	Representation	Applicant Comment
1.2	<p>In previous correspondence in relation to this project and in our Section 56 Representation we noted that the applicants had provided a thorough and comprehensive Environmental Statement, the contents of which we are in broad agreement.</p> <p>However, we identified that this development had the potential to impact upon the historic environment to some degree. We also stated that specific points would be addressed in our full Written Representation in relation to Historic Environment sections of the Environmental Statement. This letter will therefore provide that additional detail in relation to the impact of the proposed development.</p>	Noted.
1.3	<p>We have previously highlighted that whilst there are no designated heritage assets within the actual site, there are various heritage assets in relative proximity whose settings may be affected. Our records indicate that within 2km there are : 2 conservation areas; 1 registered park and garden; 286 listed buildings and 2 scheduled monuments.</p>	Noted.
1.4	<p>We do not wish to comment on grade II listed buildings or individual non designated heritage assets as these are outside the remit of Historic England. We are content to defer to the Local Planning Authorities and their conservation and archaeological advisors on those matters and we refer the examining authority to their submissions as relevant.</p>	Noted.



Topic/Para	Representation	Applicant Comment
<p>Comments in relation to Environmental Statement: Volumes 6.2, 6.3 and 6.4 Chapter 10: Environmental Statement Chapter 9: Landscape and Visual Impact figures 9.14-9.24 (Vol 3)</p> <p>2.1</p>	<p>As discussed above, Historic England's concerns relate to the impact of the proposed CHP facility on the significance of the Wisbech Conservation Area</p>	<p>Noted.</p> <p>Section 3.2.8 of Table 3.3 of the SoCG agreed between Historic England and Medworth CHP Ltd (Volume 9.12 (Rev 2)), confirms that "The evaluation of effects on the historic environment, as reported in ES Chapter 10 Historic Environment (Volume 6.2) [APP-037] is robust and appropriately justified". It also confirms that effects upon the Wisbech Conservation Area would be minor (3.2.10). As such they would not be significant.</p>
2.2	<p>The conservation area was designated in March 1971 and takes in the town's historic core – including, the medieval parish church, the C18 Brinks, former dockside area, the market place, and the later C19 development. Within the conservation area there are 221 listed buildings including 3 grade I, and 23 grade II*. It also contains a grade II registered park and garden. The council's conservation area appraisal divides the conservation area into 5 character areas, and Historic England's particular interest concerns that which is referred to as Character Area No.1 -The Brinks which is the part of the conservation area that is nearest the development site.</p>	Noted.



Topic/Para	Representation	Applicant Comment
2.3	<p>The Brinks takes in the southern-most part of the town and conservation area including the North and South Brinks, extending westwards from the Town Bridge taking both the north and south sides of the river as it runs south-west and curves southwards towards the edge of the town and out into the fens. The area is characterised by its distinctive, high quality C18 and C19 townscape either side of the river which came about as the newly prosperous merchants and traders began using their wealth to transform the riverside into a fashionable quarter. Many of the buildings in the Brinks area are listed, including 2 at Grade I and 7 at Grade II*, as well a Registered Park and Garden. Together they form an important and pleasing group which enhances the experience of the conservation area as one walks along either side of the river. Most of the views from within the Brinks area are close to mid-range views of the immediate townscape in the context of the riverside setting, but the longer, southerly views from the southernmost parts provide a greater sense of the edge of town hinterland and the low lying Fenland countryside beyond, typifying the character of the wider setting of the conservation area at this point. Viewpoint 7(vol 6.3) of the LVIA demonstrates this</p>	<p>The Brinks character area comprises an area of 18th and 19th century high status housing as well as elements of its commercial use relating to the River Nene and some smaller scale housing.</p> <p>One of the 'key views' identified at page 10 of the Wisbech Conservation Area Appraisal features The Brinks. This is the view to and from the Town Bridge along the River Nene. 'Positive views' within The Brinks are also identified at page 13 of the Wisbech Conservation Area Appraisal and these are also aligned along the river, as well as a view looking north toward Elgoods Brewery, from the south.</p> <p>The Conservation Area Appraisal identifies that open space, including sports pitches, to the north of Chapel Road contribute in a positive way to the setting of the conservation area. In contrast, it does not identify any positive contribution to setting deriving from land to the south of The Brinks or from longer, southerly views toward the Fenland. Whilst the southern part of The Brinks exhibits a greater degree of openness than the northern end, there is still some enclosure and, as shown on VP7 (Figure 9.23b Viewpoint 7, in ES Chapter 9, Landscape and Visual Figures 9.17 – 9.24 (Volume 6.3) [APP-058]), there is no direct view to the surrounding countryside.</p> <p>The contribution to the significance of the conservation area deriving from outward views toward the south can only therefore be considered as minor in the context of The Brinks character area or the conservation area as a whole.</p>
2.4	<p>The application site lies to the south of the town and is approximately 1 kilometre from the southern edge of the conservation area. It lies within an area that has been developed for industrial and commercial with numerous large warehouse type buildings which has eroded the former agricultural landscape from the mid C20 onwards. Whilst this modern development has compromised the historic character of the edge of the town and had</p>	<p>It is agreed that there is minimal inter-visibility between the conservation area and the Proposed Development site. Indeed, there is no ground level inter-visibility between the conservation area and the Order Limits.</p> <p>The site of the EfW CHP Facility is within an area of industrial and commercial buildings which extend north as far as the Nestle Purina factory. This industrial facility directly borders Wisbech Conservation Area and is prominent from much of The Brinks character area, including in southern looking views from North Brink. It is</p>



Topic/Para	Representation	Applicant Comment
	<p>a negative effect upon the wider setting of the conservation area, there is minimal inter-visibility between the conservation area and the application site. In general the heights of the buildings are such that they have minimal impact on views out from this part of the conservation area.</p>	<p>therefore not correct to suggest that current industrial buildings have minimal impact on outward views from this part of the conservation area.</p>
2.5	<p>The proposed CHP facility comprises various components including admin block, workshops, central control room, tipping hall, waste and ash storage bunkers, turbine hall, maintenance buildings and associated electrical, water treatment and M & E infrastructure. We understand that the proposed structures would range in height from between 17 and 50 metres and the chimney would have a height to of 95 metres.</p>	<p>Noted. The Chimneys would have a maximum height of 90m and minimum height of 84m. These upper and lower limits are prescribed within the Draft DCO (Volume 3.1) (Rev3) submitted at Deadline 3. The tallest building on the site would be the boiler house with a maximum height parameter of 52.5m.</p>
2.6	<p>The proposed development would introduce additional bulky and tall structures within the wider setting of the Wisbech Conservation Area which are likely to be apparent in some long views from parts of the North Brinks area of the conservation area, as demonstrated in the visualisation provided (Viewpoint 7(vol 6.3 of the LVIA). The facility is shown appearing substantially taller above the existing rooftops and prominent in this particular view.</p>	<p>The photomontage from VP7 (Figure 9.23b Viewpoint 7, in ES Chapter 9, Landscape and Visual Figures 9.17 – 9.24 (Volume 6.3) [APP-058]) illustrates the greatest degree of visibility of the EfW CHP Facility from within the conservation area. The visibility of the EfW CHP Facility will be much more limited or non-existent from other parts of The Brinks, as illustrated in the photomontage from Peckover House (Figure 9.26b (Viewpoint 10 ES Chapter 9, Landscape and Visual Figures 9.25 – 9.32 (Volume 6.3) [APP-058]) in which the EfW CHP Facility will not be visible. The SoCG with Historic England confirms in ID 3.2.10 (Volume 9.12) [REP2-015]) that the effects on the North Brinks area have been appropriately assessed.</p>
2.7	<p>Whilst we appreciate that this may not be considered to be a key view that is intrinsic to the significance of the conservation area, we believe that the generally unimpacted views out, due to the prevailing lower roof line, makes some contribution</p>	<p>As noted in the response to 2.3, this is not a 'Key View' and any contribution to the significance of the conservation area can only be considered as minor.</p>



Topic/Para	Representation	Applicant Comment
	to the way in which this particular part of it is experienced.	
2.8	We therefore consider that the presence of the facility within the wider setting of the conservation area would, by virtue of its bulk and height, be readily visible in some southerly views out, and would have a somewhat negative effect upon the way this part of it is experienced and enjoyed.	<p>The degree to which the EfW CHP Facility will be visible from within the southern part of The Brinks character area of the conservation area and the degree to which this outward view currently contributes to the significance of the conservation area are considered in the assessment provided at paragraph 10.9.35-44 of the ES (ES Chapter 10 Historic Environment (Volume 6.2) [APP-037]).</p> <p>The Applicant's conclusion is that the Proposed Development would not give rise to a significant effect upon the setting of the conservation area. Historic England also agrees that the Proposed Development will not cause any substantial harm to the significance of any designated heritage asset (including the conservation area) or its setting (ID 3.29 SoCG with Historic England (Volume 9.12) [REP2-015]).</p>
2.9	It is also possible that the facility may be present in views from the upper storeys/roof areas of buildings within the conservation area which may affect the way in which they are experienced to some degree. In particular we wish to draw attention to no.15 South Brink (Formerly listed as Queen's School) which is listed grade II* and lies approximately 1490 metres north of the application site. It is a fine example of an C18 townhouse of high architectural quality. Of note is its fine Doric, pedimented doorcase, and domed cupola, and its distinctive presence within this historic townscape makes a positive contribution to the character and appearance of the conservation area.	<p>It is agreed that the principal contribution to the heritage significance of 15 South Brink provided by its setting is its presence within the historic townscape of The Brinks. This is seen in its architectural quality, how it is seen in relationship to other buildings along South Brink and this is confirmed in Section 3.2.6 of Table 3.3 of the SoCG agreed between Historic England and Medworth CHP Ltd (Volume 9.12) [REP2-015]. This SoCG will be resubmitted as a signed document at Deadline 3.</p> <p>The position of 15 South Brink on the South Brink street frontage is illustrated in a photomontage from Peckover House (Figure 9.26b (Viewpoint 10, in ES Chapter 9, Landscape and Visual Figures 9.25 – 9.32 (Volume 6.3) [APP-058]) and there will be no effect on this view.</p> <p>Historic England agree that the Proposed Development will not cause any substantial harm to the significance of any designated heritage asset or its setting (ID 3.29 SoCG with Historic England (Volume 9.12) [REP2-015]).</p>
2.10	We accept that the building's significance as a heritage asset lies largely in its architectural form and fabric and its historic relationship to its immediate setting. We also accept that its wider	Noted and agreed.



Topic/Para	Representation	Applicant Comment
	<p>setting to the south, which includes the application site makes a lesser contribution to significance, particularly as its character has been negatively affected due to the modern industrial development as noted above.</p>	
2.11	<p>However this building is somewhat unique in having a glazed octagonal cupola feature which is designed specifically for viewing/observation from an elevated position through 360 degrees. Therefore, as well as closer range views up and down the river and towards the town, it also allows for long views to be taken, including to the south. The quality of the views and that which is visible from the cupola does in our opinion, affect how this historic feature is experienced and appreciated.</p>	<p>Section 3.2.7 of Table 3.3 of the SoCG agreed between Historic England and Medworth CHP Ltd (Volume 9.12) [REP2-015], confirms that it is agreed that visibility of the EfW CHP Facility from the cupola will result in a low to moderate degree of change to this view, though overall, effects on the listed building will not be significant.</p>
2.12	<p>The introduction of the tall and bulky structures of the CHP facility are likely to be visible in long views from the cupola. Whilst we accept that these views have already been compromised, we believe that it is somewhat regrettable that the existing negative effect on the visual experience would be compounded.</p>	<p>In the view to the south from the cupola, the EfW CHP Facility will be seen at a distance of 1490m. Approximately 1300m of this view will be across land occupied by existing industrial and commercial buildings which as acknowledged by Historic England contribute to an existing negative effect upon the building.</p> <p>It should be noted that the cupola is one element of the building whose principal elevation and setting is north facing. Furthermore, the building is a private property with no public access to the cupola. Views in other directions from the cupola, including along the River Nene and toward the town centre, will not be affected.</p> <p>The SoCG agreed between Historic England and Medworth CHP Ltd (Volume 9.12) [REP2-015] which will be submitted as signed for Deadline 3 records both parties agreement that the views from the upper floors of the building beyond the existing industrial estates to the southwest do not contribute to an appreciate or understanding of the asset and that overall, the effects on the listed building will not be significant.</p>



Topic/Para	Representation	Applicant Comment
3. Policy context 3.1	<p>In relation to Historic Environment Policy the National Planning Policy Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance, paragraph 199. It continues that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification, paragraph 200. The significance should be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal, paragraph 195. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, paragraph 202.</p>	<p>The Proposed Development is a Nationally Significant Infrastructure Project (NSIP) and so the relevant national policy applicable is the National Policy Statements (NPS) Overarching National Policy Statement for Energy (EN-1). In particular, NPS EN-1 paragraph 5.8.12 states that in considering the impact of a proposed development on any heritage assets, the SoS should take into account the particular nature of the significance of the heritage assets and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between conservation of that significance and proposals for development.</p> <p>Effects on the historic environment are included within the planning balance presented in the Planning Statement (Volume 7.1) [APP-091]. No effects of substantial harm are identified (Historic England have confirmed their agreement to this position in the SoCG (Volume 9.12) [REP2-015]) and thus the planning balance assesses the weight to be given to the 'not significant' (in EIA terms) effects and the benefits of the project. It concludes that effects of Proposed Development are acceptable in the context of the historic environment.</p>
4. Conclusion 4.1	<p>We have provided detailed advice in our written representation about the scheme, the assessment and comments on the documents that have been submitted for examination.</p>	<p>Noted.</p>
4.2	<p>We have some concerns in terms of the impact of the proposed CHP facility on the significance the designated heritage assets as described above.</p>	<p>Section 3.2.8 of Table 3.3 of the SoCG (Volume 9.12) [REP2-015], agreed between Historic England and Medworth CHP Ltd, confirms that "The evaluation of effects on the historic environment, as reported in ES Chapter 10, Historic Environment (Volume 6.2) [APP-037] is robust and appropriately justified" and that the Proposed development will not cause substantial harm to the significance of any designated</p>



Topic/Para	Representation	Applicant Comment
		<p>asset or its setting with effects of minor significance on Wisbech Conservation Area in views out from North Brink/Elgoods Brewery. The Applicant's assessment within ES Chapter 10 Historic Environment (Volume 6.2) [APP-037] concludes these minor effects as 'not significant'. The SOCG records that the effects have been appropriately assessed.</p>
4.3	<p>In relation to these heritage assets, we have concluded that the development would result in harm to these designated heritage assets. We have, however, concluded this would be less than substantial in NPPF terms.</p>	<p>At paragraph 10.9.44 of ES Chapter 10 Historic Environment (Volume 6.2) [APP-037] it is concluded that there will be a Very Low magnitude of effect on Wisbech Conservation Area. This would place any harm to the asset very much at the lower end of the scale of less than substantial.</p> <p>ID 3.2.9 of the SoCG with Historic England (Volume 9.12) [REP2-015], confirms their agreement that the Proposed Development will not cause substantial harm to the significance of any designated heritage asset or its setting.</p>
4.4	<p>Therefore, in accordance with planning policy the harm would need to be weighed against the public benefits of the proposal. As stated in the NPPF any harm requires clear and convincing justification and we would want to be reassured that should the DCO be granted the balancing exercise has been undertaken and that the public benefit can clearly be demonstrated to outweigh this harm.</p>	<p>Effects on the historic environment are included within the planning balance presented in the Planning Statement (Volume 7.1) [APP-091]. This concludes that effects on Proposed Development will not cause substantial harm to the significance of any designated heritage asset or its setting and that those effects which are recorded are outweighed by the public benefit arising from the Proposed Development. Historic England have confirmed their agreement to this position in the SoCG (Volume 9.12) [REP2-015].</p>



6. Comments on the written representation from National Highways

Table 6.1 Comments on the written representation from National Highways

Topic/Para	Representation	Applicant Comment
1.4	The Strategic Road Network affected by the Authorised Development is the A47. The A47 is a key transport link between Lowestoft, Suffolk through Norfolk to the Midlands. The A47 is subject to four separate Development Consent Orders along its route, namely, Thickthorn Junction, Blofield to North Burlingham, North Tuddenham to Easton and Wansford to Sutton. It is confirmed that all the consented schemes will not be impacted by the construction of the authorised development.	Noted. The Applicant welcomes the confirmation that the construction of the Proposed Development will not affect any DCOs along the A47.
1.5	It is critical to the operation of the strategic road network, the safety of the travelling public and to ensure the proper efficient use of public resources that the Authorised Development proceeds in consultation and agreement with National Highways and with the appropriate protections in place, as set out in this submission.	Comments noted.
1.6	The Applicant's draft DCO submitted as part of the DCO application includes the rights to construct the Authorised Development and to interfere with the highways, to temporarily impose traffic regulation orders to provide a safe working environment for construction workers during the construction phase. It should be noted that there is	The Applicant has undertaken a significant number of meetings with National Highways during the evolution of the application for the Proposed Development. These meetings have included discussions on proposals to cross Elm High Road and Broadend Road. Both schemes referenced by National Highways are promoted by CCC and additional discussions have been held with CCC to obtain the designs for the proposed works in order that the alignment of the Grid Connection can be placed compatible with the proposals.



Topic/Para	Representation	Applicant Comment
	a committed scheme at Elm High Road and Broadend Road, including work to the A47. It is currently not understood how the works for both projects will interact, and whether there will be an impact on the SRN. In addition, both developments could be competing for roadspace availability therefore, we recommend that the applicant has early engagement with National Highways' roadspace Booking team.	The Applicant will engage with National Highway's Roadspace Booking Team should the Proposed Development be consented and at the point that the EPC contractor has been appointed.
1.7	National Highways have agreed to submit a Statement of Common Ground (SoCG) with the Applicant. National Highways and the applicant have worked proactively and collaboratively to develop the SoCG. A draft version of the SoCG was submitted to the Examining Authority (ExA) on the 16 March 2023.	Noted. The SoCG between the Applicant and National Highways is Volume 9.15 [REP1-049] .
1.8	The draft DCO includes protective provisions, which manage the interface between the project and the SRN. The protective provisions will form part of the Order. Updated draft protective provisions were sent to the Applicant's solicitor in February 2023 and these remain under negotiations. Comments on the protective provisions are expected to be exchanged next week. It is expected that the parties will be able to reach agreement on technical matters.	The Applicant is in the process of reviewing the draft protective provisions, together with draft bond and warranty documents. The Applicant is confident that agreement can be reached prior to the end of the Examination.
Expansion of Relevant Representation 2.1	National Highways does not object to the principle of the Authorised Development but subject to the incorporation of agreed protective provisions included within the appendices of this written representation in the draft DCO.	Comments noted.



Topic/Para	Representation	Applicant Comment
2.2	In addition, National Highways do not object to (sic)	n/a (text appears to be missing)
2.3	<p>National Highways objects to the compulsory acquisition of 42 plots of land owned or occupied by National Highways (“plots”) in respect of which compulsory acquisition powers to acquire new rights are sought. This is set out within the Relevant Representation submission submitted November 2022. Since the submission, discussions regarding the voluntary acquisition of rights have been ongoing, but, yet to be concluded. The draft protective provisions contain an obligation on the Applicant not to exercise the compulsory acquisition powers along the A47 without National Highway’s prior consent.</p> <p>National Highways objects to the proposal to use open cut trench along the A47 verge. The Authorised Development seeks to provide a new water main connecting the EfW CHP Facility into the Local network. The new connection will run underground from the EfW CHP Facility Site along New Bridge Lane before crossing underneath the A47 to join the existing Anglian Water main. This will be achieved either through open cut trenching or Horizontal direction drilling (HDD). National Highways have concerns and have raised issues regarding the work on the A47 verge for this scheme. Open cut trenching is considered acceptable along the verge, however, additional information is required in relation of the acceptability of the geology of the soils in the area to accommodate HDD works required for the proposed Water Connection</p>	<p>As noted by National Highways, the protective provisions provide that the Applicant will not compulsorily acquire National Highways interests without prior consent.</p> <p>The Applicant has agreed with National Highways that the Grid Connection can be installed using open cut trenching along the verge of the A47 to the Walsoken Substation and notes National Highways has confirmed in its written representation that open cut trenching is acceptable along the verge.</p> <p>To address National Highways objection to open cut trenching across the A47, the Applicant agrees to install the potable Water Connection by HDD. However, and whilst the Applicant is not aware of any relevant programmed works on the A47, in case they come forward or emergency works are required and these coincide with the implementation of the Water Connection, the Applicant would aim to work with National Highways to minimise disruption and install the Water Connection at this time.</p>



Topic/Para	Representation	Applicant Comment
2.4	<p>The draft protective provisions are required by National Highways to safeguard its statutory undertaking, to ensure that powers are exercised when a detailed specification of works has been agreed, to ensure the Applicant complies with road space booking procedures to protect the public and other contractors using the highway, to prevent the extinguishment of existing rights which are required to access and maintain the highway and to provide financial and contractual protections to National Highways.</p>	<p>Noted. The Applicant is in discussions with National Highways on the protective provisions, the Applicant is confident that agreement can be reached before the end of Examination.</p>
2.5	<p>Without these draft protective provisions being secured in the draft DCO, National Highways considers that the Authorised Development, if carried out in relation to the plots owned and occupied by National Highways, will have a significant and serious detrimental impact on the operation of the strategic road network and could prevent National Highways from discharging its statutory licence obligations. Until such protective provisions are secured, National Highways is unable to withdraw its objection to the DCO. National Highways wishes to act proactively and positively to resolve the outstanding issues highlighted within the comments in this document. National Highways will respond to any written questions the ExA wishes to ask and is willing to attend an appropriate hearing to outline the impacts of the Authorised Development on the strategic road network and National Highways</p>	<p>Noted.</p>



7. Comments on the written representation from Network Rail

Table 7.1 Comments on the written representation from Network Rail

Topic/Para	Representation	Applicant Comment
1.2	The Book of Reference identified 13 plots (Plots) as land owned by Network Rail including 12 plots in respect of which compulsory acquisition powers to acquire new rights are sought. The compulsory acquisition powers sought are described in the BoR as being compulsory acquisition and temporary use of land and acquisition of new rights (including restrictions) (Compulsory Powers).	Comments noted.
1.3	Network Rail objects to all compulsory powers in the Order to the extent that they affect, and may be exercised in relation to, Network Rail's property and interests, particular those affecting the ability of Network Rail to safely operate its undertaking. However, Network Rail is willing to enter into agreements with the Applicant to enable the Proposed Development to be carried out while safeguarding Network Rail's undertaking.	The Applicant is in discussion with Network Rail on the protective provisions, framework agreement and property agreements, and is confident that agreement can be reached before the end of Examination. The Applicant is willing to restrict the use of compulsory acquisition powers once voluntary property agreements have been entered into.
1.4	Network Rail also objects to the seeking of powers to carry out works on and/or under operational and non-operational railway land belonging to Network Rail without first securing appropriate protective provisions for Network Rail's statutory undertaking.	Noted. The Applicant is in discussion with Network Rail on the protective provisions and framework agreements, and is confident that agreement can be reached before the end of Examination.
1.5	Network Rail submitted a section 56 representation (RR) on 11 November 2022.	Noted. The Applicant responded to the points raised in the Relevant representation within the Applicant's Comments on the Relevant Representations – Part 1 Local Authorities and 3(a) Statutory Parties (Volume 9.2) [REP1-028] Table 3.3.



Topic/Para	Representation	Applicant Comment
Powers sought by the Applicant and the impact on Network Rail 2.1	The Applicant seeks Compulsory Powers to lay an overground pipeline (CHP Connection) (Works No. 3A and 3B) within land forming part of the disused but operational March to Wisbech railway line (Plots 13/1a, 15/1a, 15/2a, 15/2b, 16/1a, 16/1b, 16/3a and 16/4a) (Railway Corridor). In addition, the Application seeks rights of access over the currently disused level crossing on New Bridge Lane (Works No. 4A) which will form part of the main site access to the Proposed Development (Plots 11/1c, 11/4a, 11/4b, 11/5a, and 11/5b).	Comments noted.
2.2	It is Network Rail's intention to reopen the March to Wisbech railway line for services in the future (Reopening Project) which will necessitate installing kit and operating train services within the Railway Corridor alongside the CHP Pipeline. As part of this, the New Bridge Lane level crossing will also need to be brought back into operation to facilitate the crossing of the railway by pedestrians and vehicles.	Comments noted. The Proposed Development will not prejudice the reopening of the Disused March to Wisbech Railway. The submitted Network Rail SOCG (Volume 8.2) [PDA-002] between the Applicant and Network Rail states that Business Clearance was issued by Network Rail via email on 01/04/2022. Discussions are ongoing between the parties regarding the form of agreement required to document the nature and delivery of a new crossing on New Bridge Lane at the Applicant's cost should the reopening of the disused March to Wisbech Railway proceed.
2.3	Network Rail needs to ensure that the Reopening Project is not prevented from being brought forward due to the Proposed Development. The location of the CHP Pipeline within the Railway Corridor presents challenges due to the need for sufficient offsetting distances between the railway kit and the CHP Pipeline. It also needs to ensure that the CHP Pipeline complies with Network Rail standards to prevent interactions between the railway and the CHP Pipeline and ensure the safety of all users.	Comments noted.
Status of discussions with the Applicant	Prior to and during the course of the Examination, Network Rail and the Applicant have undertaken discussions, and will continue to do so, to ensure that the Proposed Development and the Reopening	Comments noted.



Topic/Para	Representation	Applicant Comment
3.1	Project can coexist. The parties are negotiating the form of protective provisions and a private agreement to facilitate the ongoing relationship between the parties 10-68449378-1\43283-3701 and ensure that Network Rail's interests are protected both with regards to its interests as they exist now and when the Reopening Project is brought forward.	
3.2	The parties are confident that the form of protective provisions and the private agreement can be agreed before the close of the Examination. However, until such time as the private agreement has been completed, Network Rail's objection to the DCO will not be withdrawn.	Comments noted.
3.3	Should sufficient progress regarding the protective provisions and the private agreement to be entered into not be made between the parties in the coming weeks, Network Rail will request to be heard at an appropriate hearing to explain in detail the impacts of the scheme on its operations. Network Rail will of course respond to any Written Questions that the Examining Authority wishes to ask.	Comments noted.

