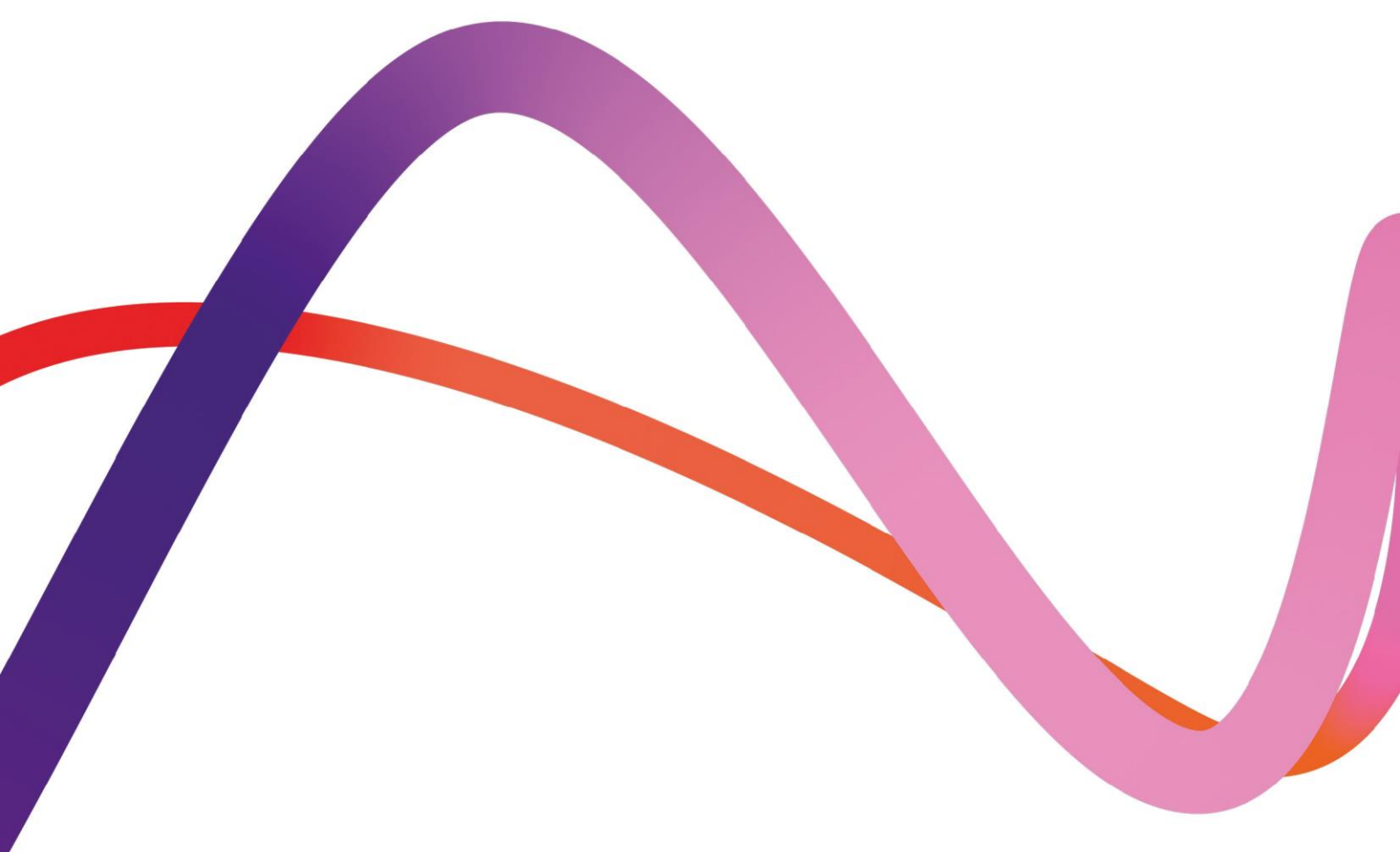


Medworth Energy from Waste Combined Heat and Power Facility



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Applicant's comments on the responses to the ExA's Written Questions (ExQ1)

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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 responses to the Examining Authority's (ExA) First Written Questions (ExQ1) issued by the ExA on 2 March 2023. The responses are those uploaded at Deadline 2. The responses were made by the following organisations:

- The Borough Council of Kings Lynn and West Norfolk (REP2-027);
- Cambridgeshire County Council and Fenland District Council (REP2-030);
- Norfolk County Council (REP2-040);
- Environment Agency (REP2-35); and
- Natural England (REP2-038).

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

- Table 2.1 Comments on the responses from the Borough Council of Kings Lynn and West Norfolk;
- Table 3.1 Comments on the responses from Cambridgeshire County Council and Fenland Borough Council;
- Table 4.1 Comments on the responses from Norfolk County Council;
- Table 5.1 Comments on the responses from the Environment Agency; and
- Table 6.1 Comments on the responses from Natural England.



2. Comments on the responses from BCKLWN

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

ExQ1	Question	Response	Applicant Comment
GCT.1.3	<p>Can the Applicant please set out what considerations it has given to the need to develop a S.106 agreement with the Host Local Authorities (HLAs)? And, if the Applicant feels there is a need for one, what are the topics and issues that the S.016 Agreement should cover?</p> <p>Can the HLAs (Cambs CC, Fenland DC, BCKLWN and Norfolk CC) confirm their position in relation to the need for a S.106 agreement and confirm if any discussions or consideration has been given to this?</p>	<p>If not possible to secure by a requirement, a S.106 may be required to deliver the outline air quality monitoring strategy. This would include:</p> <ul style="list-style-type: none"> • 4x existing NO2 diffusion tubes • Implement a new roadside diffusion tube on the A1101 towards Outwell plus, • Provision for Particulate Matter analyser. 	<p>The Draft DCO (Volume 3.1) [REP1-007] includes Requirement 27 (Local air quality monitoring strategy). This requires the Applicant to submit a local air quality monitoring strategy for approval prior to the date of commissioning and thereafter that it be implemented as approved. The Applicant is of the opinion that the requirement (as amended at Deadline 3 – see below) provides sufficient guarantees to the relevant planning authority and therefore a S106 agreement is not required to address this matter.</p> <p>In light of KLWN's comments on the Outline Local Air Quality Monitoring Strategy (Volume 9.21) [REP1-055] and the ExA's action points ISH2-3, ISH2-4 and ISH2-7, the Applicant met officers on the 18 March 2023. FDC were invited but no response was received. At this meeting it was agreed that, <u>either</u> the LAQMS is secured by a DCO Requirement (the current proposal) <u>or</u> a financial contribution towards extending the host authority's local air quality monitoring scheme is secured by a S.106 contribution. The level of financial contributions is to be proportionate to the commitments within the updated Outline LAQMS and raw data/reports to be shared with the Applicant. The Applicant awaits a response from KLWN, in consultation with FDC on which option they wish to proceed with. Other matters confirmed with KLWN and included within the</p>



ExQ1	Question	Response	Applicant Comment
			<p>Outline LAQMS (Revision 2) (Volume 9.21) include:</p> <ul style="list-style-type: none"> • Section 2.1 (General) – date to be published quarterly, shared with relevant planning authorities and quality controlled; • Section 2.2 (Monitoring period) – Implementation to be changed from one year prior to the commencement of final commissioning to prior to the commencement of the authorised works. The updated approach generates approximately 36 rather than 12 months of background data before final commissioning of the EfW CHP Facility; • Section 2.3 (Equipment) To monitor PM10 and PM2.5 within the administrative area of KLWN, inclusion of a particulate monitor; and • Section 2.4 (Locations for the equipment) allows for diffusion tube to be located at the roadside. The final locations to be agreed during preparation of the LAQMS, secured by DCO Requirement. <p>The Draft DCO (Volume 3.1) will be updated for Deadline 3 to make it clear that the Outline Local Air Quality Monitoring Strategy (Volume 9.21) (submitted at Deadline 3) must be submitted and approved prior to the commencement of the authorised development.</p>
AQHH.1.4	Are the HLAs in agreement with the Applicant's list of identified AQMAs and its	We agree with the Applicant's list of identified AQMAs and its approach to the AQMAs. AQMAs in BCKLWN are	Noted.



ExQ1	Question	Response	Applicant Comment
	<p>approach to AQMAs? If not, please explain why.</p>	<p>declared due to nitrogen dioxide from traffic but are outside of the area affected as confirmed by the air dispersion modelling.</p>	
AQHH.1.17	<p>Energy from waste facilities can release emissions such as particulate matter, nitrogen oxides, and sulfur dioxide. These emissions can contribute to air pollution and have negative impacts on human health and the environment.</p> <ul style="list-style-type: none"> • What work has the Applicant carried out to try and minimise any emissions? • Are the HPA and the EA satisfied that the Applicant has complied with relevant National Policy Statements in relation to minimizing air pollution in energy infrastructure development through the use of best available techniques, monitoring and management of emissions, and compliance with relevant air quality standards and regulations? 	<p>In terms of the work to try and minimise any emissions from the chimney these are matters primarily for environmental permit as part of the Best Available Technology (BAT) assessment. Regarding additional traffic emissions, especially from HGV movements they will need to be minimised by restrictions as set out within respective traffic management plans and implemented through DCO Requirements 11 and 12. This will go some way to help to minimise effects along the more sensitive Elm High Rd (A1101) access as it links to Churchill Rd (in Fenland DC) where an AQMA is declared.</p> <p>In terms of the air quality monitoring as explained in this Council's LIR we are in discussion with the applicant to agree a suitable air quality monitoring scheme. The Response to the Examining Authority's Written Questions Planning Inspectorate reference: EN010110 IP Reference: 20033403 applicant has indicated that as part its response to offsetting that it would be receptive in agreeing scope for an air quality monitoring scheme prior to commencement.</p>	<p>The Applicant agrees that emissions from the chimney will be regulated through the Environmental Permit (EP) process. The Applicant was informed that its' application for an EP was duly made on 23 March 2023 although written confirmation is still awaited. An assessment of the Best Available Technology (BAT) for the plant is included in the EP submission.</p> <p>The Applicant agrees that HGV and traffic movements and related impacts will be appropriately controlled and mitigated through the Construction Traffic Management Plan, Operational Traffic Management Plan and Travel Plan secured by DCO Requirements 11, 12 and 15 of the DCO [draft DCO, REP1-007].</p> <p>In respect of air quality monitoring, please see response to GCT.1.3 above.</p>



ExQ1	Question	Response	Applicant Comment
CA.1.12	<p>At ISH1 the Applicant has confirmed that, depending on clarification from Cambs CC and Fenland DC regarding their intention for the unadopted highway section of Algores Way (plots 13/4c, 13/4d and 14/a Land Plan [AS-004]) might lead to a revision of the Land Plans and the rights sought over the land.</p> <ul style="list-style-type: none"> Does the Applicant believe that this would trigger the need for further consultation on this change? Would Cambs CC and Fenland DC and the Host Authorities like to comment on this point? 	<p>No comment, as this outside our Borough.</p>	<p>Noted.</p>
NV.1.1	<p>Chapter 7 of the ES Noise and Vibration [APP-034] states, in para. 7.5.2 that the influence of COVID-19 on the measurement data was considered by comparison with monitoring data acquired in 2019 (prior to the pandemic) and with noise mapping data which indicates expected levels of road noise during daytime and night-time. The comparisons indicated that differences in sound levels were generally within ± 3 dB, indicating that the 2021 monitoring data were not unduly affected by variations in local conditions due to the pandemic, and are therefore representative of current baseline conditions.</p> <p>Do the Host Authorities agree with this approach and the conclusions reached by the Applicant?</p>	<p>Agree with the applicant's approach and conclusions.</p>	<p>Noted. This agreement will be reflected in the next iteration of the Statement of Common Ground with the Host Authorities.</p>



ExQ1	Question	Response	Applicant Comment
PP.1.2	<p>As stated in para 3.3.2 of the [APP-095] Project Benefits Report, "NPS EN-3, in its consideration of waste combustion generating stations states, at paragraph 2.5.64 that stations 'need not disadvantage reuse or recycling initiatives where the proposed development accords with the waste hierarchy' ". How does the Applicant feel that the present Development Proposal meets the Waste hierarchy?</p> <p>The HLAs are asked to also comment on this point.</p>	<p>We support the County Councils' response as the waste planning authorities for the area, as this relates to the waste hierarchy.</p>	<p>Noted.</p>
SPC.1.2	<p>A long and short list of developments for the purpose of the assessment of cumulative effects has been included in in Appendix 18A of the Cumulative Effects Assessment Appendices [APP-090]. Can the HLAs and affected Statutory Undertakers please confirm if they agree with the lists provided?</p>	<p>Below is a list of large-scale developments near the proposed site, within the BCKLWN. These sites are missing from the Long and Short Lists in Appendix 18A. These have either recently been approved, are pending a decision, or are in the process of being appealed.</p> <p>22/00357/FM - Grantham to Bexwell Pipeline Scheme - Hybrid Planning Application for the proposed Grantham to Bexwell Pipeline Scheme with full planning consent sought for 95 kilometres of pipeline and 4 kilometre spur, and outline consent for associated above ground infrastructure at Elton and Welby Heath with all matters reserved except for access. – Decision Pending.</p> <p>22/02245/RMM - Drain From Bexwell To Bury St Edmunds, 562498 303555,</p>	<p>The long-list and short-list was issued to the host authorities on 14 February 2022 for their comment and agreement. On 24 February 2022 the Borough Council of Kings Lynn and West Norfolk responded and suggested three additional applications, two of which were added to the long list as ID29 and ID58. The third had recently been refused and as such was not included.</p> <p>The council had subsequently confirmed within its relevant representation (RR-001, Section 3.16) that it had no further comments to make on the matter of cumulative impacts other than with regard to individual (ES) topic chapters. However, the Applicant has reviewed the list provided and has the following comments:</p> <p>a) 22/00357/FM submitted 14 February 2022 with a nearest point 4km from the Application Site.</p> <p>b) 22/02245/RMM reserved matters. The initial application 21/01580/FM is included in the long list</p>



ExQ1	Question	Response	Applicant Comment
		<p>Norfolk - RESERVED MATTERS APPLICATION WITH SOME MATTER RESERVED FOLLOWING OUTLINE CONSENT 21/01580/FM: Proposed hybrid for the proposed Bexwell to Bury St Edmunds Pipeline Scheme with full planning consent sought for a proposed 70 kilometre pipeline and associated above ground infrastructure at Gazeley, Isleham and Woodditton; and outline consent for above ground infrastructure at Bexwell, Kentford Ladys Green and Rede with all matters reserved except access – Decision Pending.</p> <p>19/00812/RMM - The Barn, Bucksholt Road, Walsoken PE14 7AR - Reserved Matters Application: Industrial Units – Approved.</p> <p>22/01756/FM - Land S of Sandy Lane and N And S of Walsoken, Footpath Usrn 80483456, Sandy Lane, Walsoken - Hybrid application. Full planning permission for the erection of 325 dwellings with access off Sandy Lane, highways layout, public open space, landscaping and associated infrastructure. Outline planning permission for a Community Hub/local centre comprising convenience store 300 m², other retail services/health 200 m², parking/servicing, play areas/open space, 60 bedroom care home/extra care accommodation and C3 residential</p>	<p>as ID33. The reserved matters application was submitted on 19 December 2022. This site is approximately 17.5km from the Application Site.</p> <p>c) 19/00812/RMM approved on 10 September 2019 and located 4.7km from the Application Site.</p> <p>d) 22/01756/FM submitted 30 August 2022 and located 2km from the Application Site.</p> <p>e) 22/02265/FM submitted on 21 December 2022 and located 9.2km from the Application Site.</p> <p>f) 22/02021/F submitted 08 November 2022 and located 8.6km from the Application Site.</p> <p>g) 22/00438/FM submitted 28 February 2022 and located 9.1km from the Application Site.</p> <p>h) 21/01442/FM is included in the long list as ID57.</p> <p>i) 22/01616/FM submitted 11 August 2022 and is located 8.6km from the Application Site.</p> <p>j) 22/01490/FM submitted 20 July 2022 and is located 20.8km from the Application Site.</p> <p>k) 22/00704/FM submitted 31 March 2022 and is located 38.3km from the Application Site.</p> <p>l) 22/01987/FM submitted 22 November 2022 and is located 21km from the Application Site.</p> <p>m) 21/01432/FM is included as ID36.</p> <p>Of the applications identified above, h) and m) (ID36 and ID57) were included within the Applicant's long</p>



ExQ1	Question	Response	Applicant Comment
		<p>development with all matters reserved apart from access – Decision Pending.</p> <p>22/02265/FM - Land Opposite Walpole Sub Station, Walpole Bank, Walpole St Andrew - Proposed development of an energy storage installation and associated development to allow for the storage, importation and exportation of energy to the National Grid – Decision Pending.</p> <p>22/02021/F - Land Opposite Walpole Sub Station, Walpole Bank, Walpole St Andrew - Erection of a Renewable Battery Energy Storage System and associated infrastructure including access and landscaping – Decision Pending.</p> <p>22/00438/FM - Land Opposite Walpole Sub Station, Walpole Bank, Walpole St Andrew - Development of an energy storage installation and associated development to allow for the storage, importation and exportation of energy to the National Grid – Approved.</p> <p>21/01442/FM - Land At East Marsh S of Gunthorpe Road W of Flowers Farm And Frenchs Road, The Marsh, Walpole St Andrew - Installation of a solar farm and battery storage facility with associated infrastructure – Refused – Appeal in Progress.</p>	<p>list (ES Chapter 18 Cumulative Effects Assessment Appendices, Volume 6.4 [APP-090]) and have been considered, whilst a third b) is a reserved matters application related to an outline permission which was included (ID33) and therefore considered.</p> <p>Of those that remain, six were submitted following the submission of this DCO application on 7 July 2022. There are therefore four applications which were current prior to the submission of the DCO application but where not requested by the council for consideration.</p> <p>a) 22/00357/FM, this had been submitted at the time that the Applicant contacted the Borough Council of Kings Lynn and West Norfolk to agree the long and short lists but it was not requested. The application, submitted by Anglian Water Services Limited, seeks to increase water supply in the East of England. As a pipeline, at 4km south of the Proposed Development at its closest point the potential for cumulative effects extends to potential for construction effects in combination with the construction of the Proposed Development only and would be within the ZOI for landscape and visual, historic environment and biodiversity (bats, national and internationally designated sites) considerations. Construction effects would be short-term and the ES accompanying the application identifies no biodiversity or landscape significant effects. The Application's ES concludes that historic environment effects during construction would be limited to archaeology with the these being direct effects to specific receptors and as such, separate to those archaeological receptors identified by the Applicant</p>



ExQ1	Question	Response	Applicant Comment
		<p>22/01616/FM - Land At Rose Hall Farm, Walpole Bank, Walpole St Andrew - Installation of a Synchronous Condenser facility with associated infrastructure access and landscaping – Approved.</p>	<p>within ES Chapter 10 Historic Environment (Volume 6.2) [APP-037]. Significant cumulative effects are not predicted.</p>
		<p>22/01490/FM - PIL Membranes PCL Ceramics Porelle, Estuary Road, King's Lynn - The installation of a single wind turbine with a maximum blade tip of 100 m, with access and associated infrastructure – Decision Pending.</p>	<p>c) 19/00812/RMM, had been approved in 2019 and as such it was reasonable for the Applicant to assume that it had been implemented (and hence form part of the baseline).</p>
		<p>22/00704/FM - Land At Sedgeford Hall Estate, Fring Road, Sedgeford - Construction and operation of a solar farm comprising an array of ground-mounted solar photovoltaic ("PV") panels and containerised batteries and associated infrastructure – Refused – Appeal in Progress.</p>	<p>g) 22/00438/FM and k) 22/00704/FM were submitted following the Applicant's cut-off (end of March 2022) but could have been requested by the council if it had considered there to be a potential for cumulative effects. As (g) is at 9.1km from the Proposed Development it would not give rise to cumulative construction effects because it is located outside the maximum ZOI for such effects to occur. With regard to operational cumulative effects the relevant ZOIs are for Air Quality (nature conservation sites potentially affected by nitrogen deposition), and biodiversity (air quality) only. A proposed battery storage facility would not generate significant nitrogen emissions during its operation. Significant cumulative effects are therefore not predicted.</p>
		<p>22/01987/FM - Land SE of Poplar Farm, Harps Hall Road, Walton Highway - Installation, operation, and decommissioning of solar farm comprising an array of ground mounted solar PV panels and battery storage system with associated infrastructure including inverters and a substation compound as well as fencing, security cameras, cabling and biodiversity enhancement measures – Decision Pending.</p>	<p>At 38.3km from the Application Site, k) 22/00704/FM lies outside the maximum ZOI (Table 18.6, ES Chapter 18 Cumulative Effects Assessment, Volume 6.2 [APP-045]) adopted by the Applicant.</p>

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ExQ1	Question	Response	Applicant Comment
		<p>22/02086/FM - Alfred G Pearce, Castle Road, Wormegay - Installation of solar farm – Decision Pending.</p> <p>21/01432/FM - Estuary Farm, Edward Benefer Way, King's Lynn - Erection of an up to 49.99 MW Solar PV Array and circa 15 MW battery storage, comprising ground mounted solar PV panels, battery storage, vehicular access from the site entrance with internal access tracks, landscaping and associated infrastructure including security fencing, CCTV cameras, client storage containers and grid connection infrastructure, including transformer and substation buildings and off-site cabling – Approved.</p>	



3. Comments on the responses from CCC and FDC

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

ExQ1	Question	Response	Applicant Comment
GCT.1.3	Can the Applicant please set out what considerations it has given to the need to develop a S.106 agreement with the Host Local Authorities (HLAs)? And, if the Applicant feels there is a need for one, what are the topics and issues that the S.016 Agreement should cover? Can the HLAs (Cambs CC, Fenland DC, BCKLWN and Norfolk CC) confirm their position in relation to the need for a S.106 agreement and confirm if any discussions or consideration has been given to this?	<p>The Councils' current position is that a S.106 agreement is required to secure the following:</p> <ul style="list-style-type: none"> • Compliance with Construction Traffic Management Plan; review after 3 months; implementation of any updates to plan following review (unless this is sufficiently dealt with in the DCO); • Section 278 agreement to include s.38 dedication provisions. To be agreed and completed prior to commencement of works. Highway works to include upgrading and widening of existing highway; streetlighting scheme in accordance with design brief and technical approval; signalling for construction traffic and post construction; • Provisions for payment of commuted sums; 	<p>The Draft DCO (Volume 3.1) [REP1-007] includes Requirement 11. This requires the Applicant to submit a construction traffic environmental management plan (CTMP) for approval to the relevant planning authority prior to the commencement of the relevant stage of the authorised development. The Applicant has updated the draft CTMP (Volume 7.12) [REP1-024] for Deadline 3 in consultation with CCC to provide for a review after the first three months of construction and for the incorporation of any updates required. The Applicant is of the opinion that the requirement provides sufficient guarantees to the relevant planning authority.</p> <p>Discussions are ongoing with CCC regarding a S278 Agreement to cover the points raised relating to the submission of detailed designs, 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 and shall continue to engage with the Highways Authority to conclude these discussions.</p> <p>Concerning the Wisbech Rail Options Assessment Report, the Applicant has set out within the agreed draft Statement of Common Ground between Medworth CHP Limited and Network Rail [PDA-002], that both parties understand that the reopening of the disused March to Wisbech Railway remains under consideration and it has not yet been determined whether the proposed railway services would consist of a light rail, heavy rail or busway service. The Applicant is in discussions with Network Rail regarding the terms of an agreement which would commit the Applicant to funding an appropriate crossing of the disused March to Wisbech Railway should it be reopened in the</p>

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ExQ1	Question	Response	Applicant Comment
		<ul style="list-style-type: none"> The ongoing maintenance of highways in ownership of Fenland DC; Highway reinstatement provisions; and Implementation of Wisbech Rail Options Assessment Report. <p>Cambridgeshire County Council's Pathfinder legal support have been liaising with the Applicant's lawyers and are awaiting heads of term to be drafted for comment.</p>	future. As such the Proposed Development would not prejudice the implementation of the Wisbech Rail Options Assessment Report.
GCT.1.8	Could Cambs CC and/or Fenland DC please confirm if the Cambian Education Foundation Learning Centre (CEFLC) referred to in its RR is the premises located along Anglia Way also known as Cambian Wisbech School? And if not, could the location of the CEFLC premises be confirmed?	The Councils can confirm that CEFLC is the same premises as Cambian Wisbech School and is located at 6 Anglia Way.	Noted.
GCT.1.9	Cambs CC and Fenland DC RR raises concerns regarding Cambian Education Foundation Learning Centre (CEFLC) and Riverside Meadows Academy (RMA). Nevertheless, no comments have been submitted in relation to two other facilities that appear to be	The Councils can confirm that Trinity School is the same premises as Riverside Meadow Academy. As stated in the response to GCT.1.8, the Councils can also confirm that CEFLC is the same premises as Cambian Wisbech School.	Noted.



ExQ1	Question	Response	Applicant Comment
	<p>linked to education and are located in close proximity to the Development Proposal, namely Cambian Wisbech School and Trinity School. Could Cambs CC and/or Fenland DC please provide further information regarding these premises, particularly if these are active and in educational use, approximate number of school places provided, age range of pupils and, if not Cambs CC, which organisation(s) is(are) responsible for their management?</p>		
AQHH.1.4	<p>Are the HLAs in agreement with the Applicant's list of identified AQMAs and its approach to AQMAs? If not, please explain why.</p>	<p>FDC can confirm that the Applicant has included the correct details for the three Air Quality Management Areas (AQMAs) located in the Wisbech area. As per paragraph 8.5.4. of the Environmental Statement (ES) Chapter 8 [APP-035], FDC also agree that the Wisbech AQMAs No. 1 and 2 should be considered as in place for this application. However, FDC currently have four AQMAs; the aforementioned three in Wisbech, as well as one in Whittlesey (Whittlesey AQMA No.1) – which was declared to manage the sulphur dioxide (SO₂)15 Minute Mean in areas in close proximity to Whittlesey Brickworks. As a</p>	<p>The Applicant notes that the Council has confirmed that the details contained within paragraph 8.5.4. of the ES Chapter 8 (Volume 6.2) [APP-035] are correct.</p> <p>The correct status of the SO₂ continuous monitoring in the Whittlesey area is noted but does not change the assessment and the conclusions of ES Chapter 8. Details of the AQMAs and monitoring are included in Section 3 of Environmental Statement Appendix 8B: Air Quality Technical Report Revision: 3.0 (Volume 6.4) [REP2-006].</p>



ExQ1	Question	Response	Applicant Comment
		<p>significant source of SO2 already in the 15 district, FDC request the approach is taken to include all four AQMAs. It should also be noted that, in contrary to the statement at paragraph 8.5.5. of the ES Chapter 8 [APP-035], the SO2 continuous monitoring in the Whittlesey area is not in the control of FDC, but undertaken by the Brickworks to demonstrate compliance with their Environment Agency regulated Environmental Permit. The Brickworks voluntarily provide annual reports to the Local Authority to support FDC's Local Air Quality Management statutory responsibilities.</p>	
AQHH.1.5	<p>As stated in para. 8.5.4 of Chapter 8 of the ES [APP035], Fenland District Council have been considering revoking the Wisbech AQMA 1 and 2. Can Fenland District Council explain whether the Proposed Development may affect a decision on whether AQMA 1 and AQMA 2 will be revoked and update the ExA if these are still in place?</p>	<p>FDC can confirm that AQMA 1 and 2 are in place and have not been revoked at this time. As stated in paragraph 8.5.4. of the ES Chapter 8 [APP-035], at the time of writing the 2019 Annual Screening Review (ASR) it was identified that the AQMAs should be considered for revocation. Local Air Quality Management Technical Guidance indicates that a revocation should be supported by a detailed assessment or robust evidence, therefore additional monitoring was instigated in late 2019 to produce a detailed study to support this process. This was unable to provide adequate</p>	<p>The details of information required as the Local Air Quality Management (LAQM) process (e.g. monitoring) to justify decisions on revocations, or otherwise, of Air Quality Management Areas (AQMAs) are noted. The Applicant will seek to provide all information possible and relevant to the Proposed Development in order to support FDC's decision making with regard to the AQMA, including the delivery of the Outline Local Air Quality Monitoring Strategy (Volume 9.21) [REP1-055].</p> <p>The current status of the AQMA's and the Council's future plans regarding revocation or variation are noted. To assist the Council, details of the road traffic volumes used in the air quality assessment are provided in Table 8B.D1 and Table 8B.D2 of Environmental Statement Appendix 8B: Air Quality Technical Report Revision: 3.0 (Volume 6.4) [REP2-006].</p> <p>The Applicant will not route HGVs through Wisbech town centre.</p>



ExQ1	Question	Response	Applicant Comment
		<p>data, with 2020 subsequently regarded an unrepresentative year due to lockdown measures. This was advocated by the Local Air Quality Management Technical Guidance (TG22) published in 2022, which states that “compliance being reached in 2020 may not be representative of longterm trends in pollutant concentrations due to the change in activity observed across the UK as a result of COVID 19 and associated lock down measures”. The 2021 ASR identified the industrial profile of Wisbech as changing – including the permitting of two additional sites to incinerate wood waste, resulting in a total of three industrial sites in the Wisbech area known to be operating permitted incinerators. The capacity of these are; one 2.1 MW, two 990KW, two 3 MW and three 146 KW/HR incinerators – resulting in a significant change in known emission sources. The justification to apply for the revocation of AQMA No.1 and AQMA No.2 was the removal of a source of combustion, however the introduction of these incinerators in the area provides a situation where the source has been reintroduced over a wider geographical area and therefore the view to revoke is under review. The addition of these potential sources of</p>	<p>HGV movements will be managed by the measures in the Outline Construction Traffic Management Plan (Volume 6.4) [REP1-011] and Outline Operational Traffic Management Plan (Volume 7.15) [REP1-026] and implemented through DCO Requirements 11 and 12 (draft DCO, Volume 3.1, REP1-007). The Applicant’s assessment presented within ES Chapter 6 Traffic and Transport (Volume 6.2) [APP-033] concludes that the traffic generated by the Proposed development would not ‘constitute a significant and extraordinary level of traffic upon the local road network’.</p>



ExQ1	Question	Response	Applicant Comment
		<p>PM10 and SO2 cover a wide geographical area, therefore further detailed assessment, monitoring and modelling to support revocation has been considered, in line with TG22. In addition, the introduction of a UK objective to meet PM2.5 targets will also form part of the review of the AQMAs in the Wisbech area. The outcome of the application for the Proposed Development in question would be a significant factor in this detailed assessment and proposed modelling. The 2022 ASR identified further additional developments introducing pollutants, as well as the addition of receptors to these areas alongside significant residential developments proposed in the Fenland Local Plan, including:</p> <ul style="list-style-type: none"> • F/YR21/1207/F: Installation of bio-mass boiler with 10.9m high flue, 10.0m high silo, 8.8m high filter, • F/YR22/1256/F: 325 dwellings, Land Northeast of Meadowgate Academy Access from Sandy Lane Walsoken Wisbech Cambridgeshire; • F/YR22/0844/O: 224 dwellings, Land East of Stow Lane Wisbech; 	

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ExQ1	Question	Response	Applicant Comment
		<ul style="list-style-type: none"> • 21/0073/PREAPP: Pre-application for a further 350 dwellings; and • Anticipated application for 200 dwellings at Land East Of 61 – 125 Stow Road, Wisbech. 	
		<p>The Local Authority now finds itself in the position where a variation to the AQMAs is more likely and additional monitoring is being considered. The submission of the application for the Proposed Development has therefore affected the decision to continue with the revocation of AQMA No.1 and AQMA No.2, until a time where a degree of confidence could be achieved through modelling/monitoring or sufficient data has been provided to progress with a variation of the AQMA rather than a revocation.</p>	
		<p>The submission of this application has also resulted in uncertainties with regards to the number of additional vehicles and HGVs. As stated in paragraph 1.4.1. of the Joint Local Impact Report [REP1-074], as Wisbech is between the A17 and A47, vehicles travelling between the two roads often use Wisbech and travel through the town</p>	



ExQ1	Question	Response	Applicant Comment
		<p>centre as there is no alternative route. Therefore, traffic to and from the development site will constitute a significant and extraordinary level of traffic upon the local road network, including: B198 (Cromwell Road), New Bridge Lane, Algores Way and Weasenham Road. From the information available at this time, it is not clear as to the number of additional vehicle movements through the district, as the source of the waste has not been established.</p>	
AQHH.1.17	<p>Energy from waste facilities can release emissions such as particulate matter, nitrogen oxides, and sulfur dioxide. These emissions can contribute to air pollution and have negative impacts on human health and the environment. • What work has the Applicant carried out to try and minimise any emissions? • Are the HPA and the EA satisfied that the Applicant has complied with relevant National Policy Statements in relation to minimizing air pollution in energy infrastructure development through the use of best available techniques, monitoring and management of emissions, and compliance with</p>	<p>The HLAs are not aware of the specific details regarding the process, such as the incineration equipment proposed or abatement systems in place, to assess if it is likely to meet best available techniques (BAT), monitoring, management of emissions and compliance with relevant air quality standards/regulations. The HLAs would like to request a copy of this information when available from the Environmental Permit application to the EA.</p> <p>The Applicant has advised that they are agreeable to maintaining a network of diffusion tubes to be operational 1-year prior to and 4-years post commencement of operations. The HLAs are agreeable to this, and will work with the</p>	<p>The Environment Agency has confirmed the Applicant's application for an Environmental Permit (EP) was duly made on 23 March 2023 with written confirmation awaited. An assessment of the Best Available Technology (BAT) for the plant is included in the EP submission.</p> <p>The BAT Assessment concludes that selective non-catalytic reduction (SNCR) represents the BAT option for the proposed EfW CHP Facility. This is because whilst selective catalytic reduction (SCR) performs better from a NO_x emissions release perspective (NO_x emission reductions achieved with SNCR are expected to be 78% of those achieved with SCR), SNCR has fewer cross media effects than SCR (e.g. ammonia slip and spent catalyst waste streams) and, on its own, will meet the required BAT Associated Emission Levels (BAT-AELs) and prevent an exceedance of environmental benchmarks.</p> <p>The emission concentrations used in the dispersion modelling are presented in Table 8B4.2 of Environmental Statement Appendix 8B: Air Quality Technical Report Revision: 3.0 (Volume 6.4) [REP2-006].</p>



ExQ1	Question	Response	Applicant Comment
	relevant air quality standards and regulations?	<p>Applicant to identify suitable locations once the transport routes and infrastructure are confirmed. However, the HLAs express concern that diffusion tubes provide an annual mean and accuracy is relatively low, therefore should not be relied upon to provide robust data over short periods of time. The HLAs would therefore emphasise that real time continuous monitoring for NO₂, SO₂, PM₁₀ and PM_{2.5} also covering the construction period would be an effective way to demonstrate compliance with relevant air quality standards, identify issues and measure effectiveness of interventions.</p> <p>The HLAs have responsibilities for Local Air Quality Management, including monitoring and measuring compliance with national air quality objectives. The introduction of a national air quality target for particulates (Environmental Targets (Fine Particulate Matter) (England) Regulations 2023) requires a percentage reduction in fine particulates, therefore the HLAs would want to ensure that sufficient monitoring of National Air Quality Objectives (NAQOs) of NO₂, SO₂, PM₁₀ and PM_{2.5} is in place by this development.</p>	<p>The Outline Local Air Quality Monitoring Strategy (Volume 9.21) [REP1-055] includes the use of both passive diffusion tubes and one automatic continuous monitoring station. The automatic continuous monitoring station will be used to monitor nitrogen oxides (NO_x), sulphur (SO_x) and Particulate Matter (PM) for PM₁₀ and PM_{2.5}. Monitored pollutant concentrations will be assessed against the relevant National Air Quality Objectives. The Outline Local Air Quality Monitoring Strategy has been revised following further discussions with the KLWN (see GCT.1.3 above) and will be submitted at Deadline 3.</p>



ExQ1	Question	Response	Applicant Comment
		The HLAs are therefore unable to comment with any certainty on these points.	
CA.1.4	The Book of Reference (BoR) [APP-015] identifies, on a plot by plot basis, all parties who own or occupy land and/or have an interest in or right over the land affected by the proposal, and/or who may be entitled to make a 'relevant claim' as defined in section 57 of the PA2008. Are any APs or IPs aware of any inaccuracies in the BoR [APP015]? If so, please set out what these are and provide details.	<p>The official address of CCC is recorded incorrectly throughout the Book of Reference [APP-015] and should be amended to refer to the Council's new address at: New Shire Hall, Emery Crescent, Enterprise Campus, Alconbury Weald, Huntingdon, PE28 4YE CCC's interests in land affected by the Proposed Development in its capacity as local highway authority are not fully represented in the Book of Reference. Various land parcels in the Land Plans are not identified in the Book of Reference as being within the public highway, despite, on the basis of information currently available to CCC, being part of the highway. As a result, even though CCC is not the registered owner of the land, its statutory responsibility for the surface rights over the affected parcels is not noted. These parcels are listed below:</p> <ul style="list-style-type: none"> • 12/2a • 12/3a • 12/3b • 16/1a • 16/1b • 16/3a 	<p>CCC's new address is reflected in updated version of the Book of Reference (Volume 4.1) [REP2-004] submitted at Deadline 2.</p> <p>In response to the information provided by CCC, the Applicant has submitted an updated version of the Book of Reference (Volume 4.1) at Deadline 3 to list CCC as the highway authority for the plots listed below:</p> <ul style="list-style-type: none"> • 12/2a • 12/3a • 12/3b • 16/1a • 16/1b • 16/3a <p>An updated Schedule of Changes to the BoR (Rev 3) (Volume 9.19), and updated Land Plans (Rev 4) (Volume 2.2) have also been submitted at Deadline 3 to reflect CCC comments.</p>



ExQ1	Question	Response	Applicant Comment
		<p>Furthermore, CCC is listed in the Book of Reference as the occupier of another land parcel shown in the Land Plans [AS-004] – parcel 11/1c. This parcel represents the path across the middle of the closed New Bridge Lane level crossing. Following recent investigations into the highway extent, and after liaison with Network Rail, it has been confirmed that this part of the level crossing was fully stopped up by the British Railways Act 1981. Therefore CCC's formal interest in that land parcel was extinguished by virtue of the 1981 Act. Nevertheless, the level crossing has, since that time, been used as an informal route for non-motorised users to access the severed eastern and western sections of New Bridge Lane, and CCC therefore retains an interest in protecting the rights of these users in the longer term.</p>	<p>The Applicant submitted an updated the Book of Reference (Volume 4.1) [REP1-001] and Land Plans (Volume 2.2) [REP1-004] at Deadline 1 to reflect Network Rail's ownership of parcel 11/c.</p> <p>With respect to the informal route for non-motorised users please refer to the Applicant's Deadline 2 Submission - Status of Negotiations with Statutory Undertakers - Revision: 1.0 (Volume 10.5) [REP2-022] and in particular to the Applicant's responses at 2.4.3 and 2.4.8. The rights as they currently exist will be maintained and New Bridge Lane will continue to be an adopted highway either side of Network Rail's ownership (the former 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 notify members of the public that the present situation is maintained and that there is no public right to pass and repass.</p>
CA.1.5	<p>Are any APs or IPs aware of any inaccuracies in the Statement of Reasons (SoR) [APP-017] or Land Plans [AS004]? If so, please set out what these are and provide details.</p>	<p>It should be noted that land parcel 11/1b in the Land Plans [AS-004], which is presumably required by the Applicant to facilitate improvements to New Bridge Lane in the area immediately west of the former level crossing, is not shown to extend to the top of the roadside ditch. Information available to CCC suggests that the top of the roadside ditch is the highway boundary and</p>	<p>Following ISH2, the Applicant and CCC have together overlaid topographical survey information with the highway boundary as understood by CCC. Both parties are together undertaking a review of the Access Improvements along New Bridge Lane and shall provide an update to the ExA at Deadline 4. The Applicant is confident the matter can be suitably resolved.</p>



ExQ1	Question	Response	Applicant Comment
		<p>not extending up to that point may affect whether the undertaker can fully deliver its proposed design within the identified land. Discussions have been held with the Applicant's agent in relation to this, including details of the potential inaccuracies with Ordnance Survey data owing to the scale at which mapping is surveyed, but as the Land Plans remain unchanged it is being raised again.</p>	
CA.1.12	<p>At ISH1 the Applicant has confirmed that, depending on clarification from Cambs CC and Fenland DC regarding their intention for the unadopted highway section of Algores Way (plots 13/4c, 13/4d and 14/a Land Plan [AS-004]) might lead to a revision of the Land Plans and the rights sought over the land.</p> <ul style="list-style-type: none"> • Does the Applicant believe that this would trigger the need for further consultation on this change? • Would Cambs CC and Fenland DC and the Host Authorities like to comment on this point? 	<p>Cambridgeshire County Council Response: Please refer to the letter from CCC submitted at Deadline 1 that addresses this matter [REP1-067].</p>	<p>Noted. The Applicant's response to this question is set out at Page 39, Applicant's Response to the ExA's Written Questions (Volume 10.2) [REP2-019].</p>



ExQ1	Question	Response	Applicant Comment
DCO.1.6	<p>Art. 12(2) of the draft DCO [APP-013] states “those parts of each means of access specified in Part 2 of Schedule 6 (access) to be constructed or altered under this Order and which are not intended to be a public highway must be completed to the reasonable satisfaction of the street authority and must be maintained by and at the expense of the undertaker for a period of 12 months from completion and from the expiry of that period by and at the expense of the street authority.” What discussions has the Applicant had with Cambs CC on this matter? Does Cambs CC agree with the requirements set out in this Art.?</p>	<p>CCC’s understanding is that the term ‘street authority’ is defined in Part 1, article 2 of the draft DCO as having the same meaning as in Part 3 of the New Roads and Street Works Act 1991. The 1991 Act defines a “street authority” as being either the Local Highway Authority (where the street is a publicly maintainable highway) or the relevant street manager (where the street is not a publicly maintainable highway), which would generally mean the owner or another third party responsible for maintaining the private street. Therefore CCC anticipates that where there are accesses constructed or altered under this Order which are not intended to be public highway, the Order intends that they must be completed to the reasonable satisfaction of whichever third party is responsible for the street on which the access is located (i.e. the street manager). As a result, such accesses would not be required to be constructed to the reasonable satisfaction of the County Council as Local Highway Authority (LHA), except in cases where they are required to tie-in to the public highway. Noting the above, this point has not been specifically discussed. CCC would request that the Applicant confirm that this is the</p>	<p>Noted and agreed. As discussed at ISH2, the Applicant has updated the Draft DCO (Volume 3.1) which will be submitted at Deadline 3 to distinguish between the part of an access that forms part of the public highway and the part that forms part of a private street.</p>



ExQ1	Question	Response	Applicant Comment
		intention of this article, and that this is discussed further at Examination.	
DCO.1.27	Sch 6 (Access) includes a series of tables that detail those part of the access to be maintained at the public expense, by the street authority and those works to restore the temporary accesses which will be maintained by the street authority. Do the HLAs, particularly the highways authority, agree with this approach and do they have any other comments to make on this Sch?	<p>CCC response</p> <p>Schedule 6, parts 1, 2 and 3 list a series of accesses that the Applicant is proposing will be maintained either at public expense or by the street authority. In respect of each individual access, CCC comments as follows: Accesses A3, A8, A9, A10 and A11 are outside the current highway extent, according to information currently available to the County Council. CCC requests that the Applicant confirm whether it intends for these accesses to be adopted by the LHA (in which case an appropriate legal arrangement will be required), or whether they are intended to be maintained by the private parties who are served by the accesses (i.e. the private street managers). Accesses A4 and A5 are both remote from the current highway maintainable at public expense. As stated in CCC's Relevant Representation [RR-002], it is not possible to create an isolated highway that does not connect to a wider network (see <i>Kotegaonkar v Secretary of State for the Environment, Food and Rural Affairs</i>, 20123). Therefore, the County Council presumes the</p>	<p>Following receipt of confirmation from CCC that it did not wish to adopt Algores Way, Schedule 6 to the Draft DCO (Volume 3.1) [REP1-007] was amended accordingly to confirm that the relevant accesses would be maintained by the street authority (being the private street managers).</p> <p>As discussed at ISH2, the Applicant has updated the Draft DCO (Volume 3.1) submitted at Deadline 3 to distinguish between the part of an access that forms part of the public highway and the part that forms part of a private street.</p> <p>The Applicant has also amended Requirement 7 to the Draft DCO (Volume 3.1) submitted at Deadline 3 to make it clear that any works to the public highway must be approved by the relevant highway authority.</p> <p>Discussions are ongoing with CCC regarding a S278 Agreement to cover the points raised relating to the submission of detailed designs, 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 and shall continue to engage with the Highways Authority to conclude these discussions.</p>



ExQ1	Question	Response	Applicant Comment
		<p>Applicant anticipates that private street managers will maintain accesses A4 and A5, although seeks clarification and confirmation by the Applicant. Accesses A1, A2, A6 and A7 are, according to the information currently available to the County Council, within the existing highway maintainable at public expense. CCC anticipates that the undertaker will be required to conduct any works within the highway to the satisfaction of the County Council, either through an agreed statutory process such as under section 278 Highways Act 1980, or through the insertion of protective provisions into the draft DCO. Such provisions should be negotiated with the County Council but as a minimum would need to ensure the following: i. right of the LHA to review and comment upon and approve (and recover reasonable costs in doing so) in relation to the detailed design of works affecting the existing or proposed public highway;</p> <p>ii. the right to observe and make representation to the undertaker regarding ongoing works that affect the existing or proposed public highway; iii. the ability of the LHA to inspect and approve the completed works within the existing or</p>	



ExQ1	Question	Response	Applicant Comment
		<p>proposed highway; iv. the requirement of the undertaker to obtain certification from the LHA that works are satisfactory and can be adopted as part of the public highway; and v. the provision of a 'maintenance period' of a minimum of 12 months to follow adoption, during which time the LHA can require the undertaker to resolve any defects in the construction of newly completed works to be adopted as part of the public highway. This requirement would also apply to any of the other accesses (A3, A4, A5, A8, A9, A10 and A11) which may require to be connected into the existing highway network.</p>	
		<p>FDC response</p>	
		<p>FDC object to this proposal.</p>	
		<p>Algores Way is a private road, owned and maintained by FDC. Any proposed use should be in conjunction with a programme for the upgrade of the entire length to an adoptable standard approved by the LHA and undertaken at the Applicant's expense. However, it is recognised that CCC does not wish to adopt.</p>	



ExQ1	Question	Response	Applicant Comment
		The FDC section of road should be in a condition such that existing users are not disadvantaged	
HE.1.6	<p>Para 10.9.41 of Chapter 10 of the ES [APP-037] states that, in the context of the Wisbech Conservation Area, the visibility of the chimneys and the upper sections of the tallest EfW CHP Facility buildings would be greatest from the southern part of The Brinks character area.</p> <ul style="list-style-type: none"> • Could the Applicant please provide further information regarding how visible the chimneys and the upper sections of the tallest EfW CHP Facility buildings would be from the Brinks character area and why it believes its impact will be "not significant"? • Could Fenland DC please also comment? 	<p>The southern part of the Conservation Area includes the large property, Elgood Brewery. Opposite this, on the far side of the river, are modern (relatively low rise) factory buildings, residential properties and trees in the foreground. The Proposed Development will be an obvious feature in the more distant views. In light of the distance of the view, and the fact that the Conservation Area and features within it are more extensively appreciated from the far bank of the river and when looking towards town when on The Brinks, the impact on the Conservation Area and its appreciation is not considered to be significant by FDC.</p>	Noted and agreed.
HE.1.7	Could Fenland District Council provide the ExA with a character assessment, if available, in relation to The Brinks character area?	The Wisbech Conservation Area Appraisal (March 2016) is submitted as Appendix B (CLA.D2.EXQ1.R.AB).	The Wisbech Conservation Area Appraisal is identified in the sources of desk top data used to inform the historic environment assessment (Table 10.7 ES Chapter 10 Historic Environment, Volume 6.2 [APP-037]).



ExQ1	Question	Response	Applicant Comment
			The content of the Wisbech Conservation Area Appraisal has been used to inform the description of the baseline (Section 10.5, ES Chapter 10 Historic Environment, Volume 6.2 [APP-037]), and within the assessment of effects (Section 10.9), including specifically in relation to The Brinks (section 10.9.21 – 10.9.23).
NV1.1	Chapter 7 of the ES Noise and Vibration [APP-034] states, in para. 7.5.2 that the influence of COVID-19 on the measurement data was considered by comparison with monitoring data acquired in 2019 (prior to the pandemic) and with noise mapping data which indicates expected levels of road noise during daytime and nighttime. The comparisons indicated that differences in sound levels were generally within ± 3 dB, indicating that the 2021 monitoring data were not unduly affected by variations in local conditions due to the pandemic, and are therefore representative of current baseline conditions. Do the Host Authorities agree with this approach and the conclusions reached by the Applicant?	This was raised with the Applicant and documented during discussions prior to the preparation of Statement of Common Ground. FDC EHO queried the use of 2019 baseline data presented in Annex G of Appendix 7A [APP-076]. The Applicant's acoustic consultant confirmed that this data was superseded by the baseline data acquired in 2021 presented and discussed in the body of the report, but was useful for validation, as the data was acquired pre-pandemic. At the time of consultation, a pragmatic approach was undertaken and alternative sources of sound levels were considered reasonable to be used, although may need to be followed by validation. This approach was taken in line with guidance issued by the Association of Noise Consultants and the Institute of Acoustics.	Noted.
NV.1.2	Cambs CC and Fenland DC RR, in para 4.10, request that that an updated CEMP is submitted for approval by all	FDC are satisfied with the timescales for the submission of an updated CEMP and operational NMP to be submitted by the end of	Noted.



ExQ1	Question	Response	Applicant Comment
	<p>relevant consultees prior to the commencement of any site clearance, ground preparations, demolition and construction associated with the site. It also requests that an updated NMP is submitted for approval by relevant consultees prior to the operation of the installation on the site. The Examination process anticipates that final updated versions (if needed) of these documents would be submitted by the end of the examination process for the ExA's consideration, with opportunities for the relevant consultees to comment. Could Fenland DC please clarify if this is what it meant by its request? And, if not, could Fenland DC please clarify what are the objectives linked to this request?</p>	<p>the examination process. FDC note that the Outline CEMP [REP1-022] has been updated and includes an outline risk assessment for the use of Non Road Mobile Machinery.</p>	
<p>NV.1.4</p>	<p>The ExA asks for comments, particularly from HLAs, IPs APs and others with an interest in the Proposed Development in relation to Noise and Vibration.</p>	<p>If the Applicant is considering the use of Section 61 prior consent under the Control of Pollution Act 1974, the HLAs request that these applications are submitted at the earliest opportunity, in order to outline the environmental impact and agree mitigation measures from the demolition and construction stage of the development.</p>	<p>Noted. The Applicant will engage with the HLAs at the earliest opportunity should any Section 61 consents be required (see Construction Noise and Vibration Management Plan (Appendix F of the CEMP, Volume 7.12) [REP1-022]).</p>



ExQ1	Question	Response	Applicant Comment
PP.1.2	As stated in para 3.3.2 of the [APP-095] Project Benefits Report, "NPS EN-3, in its consideration of waste combustion generating stations states, at paragraph 2.5.64 that stations 'need not disadvantage reuse or recycling initiatives where the proposed development accords with the waste hierarchy'". How does the Applicant feel that the present Development Proposal meets the Waste hierarchy? The HLAs are asked to also comment on this point.	Please refer to the Councils' Relevant Representations [RR-002 and RR003] paragraph 14.21, which in summary states that as currently drafted, Requirement 14 Waste Hierarchy Scheme places no additional requirements beyond those that would be stipulated within the waste permit. The Requirement as written would not prevent material that could be managed further up the waste hierarchy from being managed at the proposed facility, so long as the waste type was permitted under the permit, which have not yet been specified. The only reference to residual waste is located within criterion 2 (a), which requires the recording of tonnages entering the site.	As discussed at ISH2, the Applicant notes that issues relating to the waste hierarchy will be discussed further at the issue specific hearings on environmental matters in May 2023. The Applicant is liaising with CCC regarding the drafting of DCO Requirement 14 and hopes to be able to agree the drafting with CCC prior to the issue specific hearings.
PP.1.3	Chapter 2 of the ES [APP029] states that "Cambridgeshire County Council (CCC) disposed of approximately 88,500 tonnes of local authority collected Household, Industrial and Commercial (HIC) waste to non-hazardous landfill in 2019/2020 that could be managed further up the waste hierarchy". Cambs CC is asked to comment on this statement	There is insufficient information to confirm how the 88,528 tonnes figure attributed to Cambridgeshire in Table 4.3 of the Waste Fuel Availability Assessment (WFAA) [APP-094] was exactly calculated. However, waste suitable for recovery within that tonnage would be included in Table 4.4 of the WFAA. Any Local Authority Collected Waste (LACW) is likely to be subject to long term contracts, and waste operators will prefer to use their own facilities over their	An updated version of the WFAA was produced at Deadline 2 – see WFAA (Volume 7.3) [REP2-009] . This includes an update to Table 4.3, which now states that 103,158 tonnes of local authority waste from Study Area was disposed to non-hazardous landfill in 2020/21. The data included in Table 4.3 is derived entirely from the WasteDataFlow (WDF), 2020/21 (Q100 data). Table 4.4 of the WFAA (Volume 7.3) [REP2-009] seeks to add to and refine the data presented in Table 4.3 by: <ol style="list-style-type: none"> 1. Including potentially suitable waste from commercial sources (Table 4.3 only considers Local Authority Collected Waste); and



ExQ1	Question	Response	Applicant Comment
		competitors, even if the competitors are closer.	2. Upholding the principles of the waste hierarchy and only consider those elements of the LACW stream that would be suitable for management at the Proposed Development.
PP1.4	<p>CCC also had the second highest amount of HIC waste from commercial sources disposed to non-hazardous landfill in the East of England (approximately 236,000 tonnes of waste suitably for use as fuel in an EfW). A current shortfall in HIC treatment capacity was therefore identified in Cambridgeshire, together with a predicated shortfall up to 2035 and beyond (excluding permitted but non-operational capacity).</p> <ul style="list-style-type: none"> • Cambs CC is asked to comment on this statement. • Cambs CC is also asked to state how the current shortfall in HIC treatment capacity is being addressed in their Waste Local Plan. 	<p>This statement is based on figures in the Waste Fuel Availability Assessment (WFAA) [APP-094] and, by describing the host authority in this way, is presenting a misleading image of the location of waste. The study area for the encompasses the East of England Region, as well as parts of other nearby regions.</p> <p>As set out in paragraph 13.4.12 of the Councils' LIR [REP1-070 and REP1- 074], whilst Cambridgeshire may have sent 236,000 tonnes of commercial waste to landfill, the majority of the waste to be used as fuel for the proposed facility is located around the periphery of the study area in:</p> <ul style="list-style-type: none"> • Essex: (1034.47kt); • Hertfordshire (229.53kt); • Leicestershire (220.43kt); and • Northamptonshire: 188.04kt <p>The Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021) makes adequate provision to ensure that the Plan</p>	<p>An updated version of the WFAA was produced at Deadline 2 – see WFAA (Volume 7.3) [REP2-009]. This has continued to conclude 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>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 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 that 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.</p> <p>The updated WFAA (Volume 7.3) [REP2-009] submitted at Deadline 2 sets out that earlier studies underpinning their Waste Local Plans</p>



ExQ1	Question	Response	Applicant Comment
		<p>Area is net self-sufficient. Policy 3 identifies a small shortfall in HC treatment from 2031 of 57,000 tonnes per annum, rising to 80,000 tonnes per annum in 2036. Policy 3 is generally supportive of treatment facilities that would provide the required capacity. If the Peterborough Green Energy Project (PGEL) is constructed, this capacity would be provided. Alternatively, the County Council is currently considering an application for a recovery facility near Warboys, (reference: CCC/22/151/FUL) which would, if approved, accommodate a large proportion of that shortfall.</p>	<p>noted significant shortfalls in HIC capacity. Despite this, more recent studies in Norfolk and Hertfordshire are concluding no shortfalls in capacity notwithstanding 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, the emerging Local Plans in these neighbouring areas are therefore failing to recognise any need for additional HIC disposal capacity in the face of data which is clearly suggesting the opposite. 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>In terms of the PGEL facility, the Applicant is of the view that there is no reasonable prospect that this facility will be developed for the following reasons:</p> <ul style="list-style-type: none"> • it been undeveloped for over 13 years (the site was granted planning consent in 2009); • the site is currently on the market; • 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>In terms of the recently proposed Thermeco Thermal Treatment Facility near Warboys (reference CCC/22/151/FUL), this proposal is for a facility to manage up to 87,500 tonnes per annum of 'regionally sourced' refuse derived fuel (RDF).</p>



ExQ1	Question	Response	Applicant Comment
			<p>However, the application is for a site that was granted planning permission by Cambridgeshire County Council (reference: H/5002/18/C) in July 2019 for the construction of a heat and power plant comprising biomass energy from waste (fluidised bed combustion) facility (48,000 tonnes per annum) and treatment of wastewater by evaporation treatment plant (65,000 tonnes per annum) and associated infrastructure, which expired in 2022.</p> <p>In calculating the need requirements set out in the extant Cambridgeshire and Peterborough Waste Local Plan (adopted 2021), all consented sites would have been considered when determining the level of future need required – including the Warboys site. Any capacity shortfall identified in the Waste Local Plan would therefore need to be adjusted to reflect the fact that the proposed facility at Warboys is a direct replacement for up to 113,000 tonnes of previously consented waste management capacity.</p> <p>In addition to this, it is noted that the proposed facility at Warboys would only accept RDF - and 20% of this would be derived from the adjacent Woodford Recycling MRF. The updated WFAA (Volume 7.3) [REP2-009] however, clearly sets out that there is sufficient (non-RDF) residual waste that is presently sent to landfill, both in Cambridgeshire and in its surrounding areas, which could not be managed at the proposed facility at Warboys without pre-treatment to create an RDF product. The Proposed Development could manage Cambridgeshire's residual waste that is presently sent to landfill, without the need for waste to be 'created' into an RDF. In this regard, the Proposed Development would provide much needed non-RDF capacity for the management of the locality's residual HIC waste.</p>
SPC.1.2	A long and short list of developments for the purpose of the assessment of cumulative effects has been included in Appendix 18A of the Cumulative Effects Assessment	The following applications have been submitted to the LPA since the Long / Short List was prepared and should be taken into consideration:	The long-list and short-list was issued to the host authorities on 14 February 2022 for their comment and agreement. On 08 March 2022 CCC responded and suggested one additional application, the proposed Wisbech SEMH (Special Education and Mental Health) School (CCC/21/215/FUL). No other amendments to the list were suggested. No response was received from FDC.



ExQ1	Question	Response	Applicant Comment
	<p>Appendices [APP-090]. Can HLAs and affected Statutory Undertakers please confirm if they agree with the lists provided?</p>	<p>Hybrid application for erection of 325 dwellings with outline for community hub/local centre etc. Land North East of Meadowbank Academy, Walsoken Wisbech. Ref no. F/YR22/1256/F received 30 August 2022: Pending.</p> <p>Hybrid application outline for 224 dwellings and full for 101 dwellings etc. Land to the east of Stow Lane Wisbech. Ref no. F/YR22/0844/O received 24 May 2022: Pending.</p> <p>2 Class B8 units and/or self storage unit, offices, drive-thru etc. Site of former Parkside Nurseries, Cromwell Road, Wisbech. Ref no. F/YR23/0044/F: Pending.</p> <p>F/YR22/1260/F Potato processing plant, Weasenham Lane. Erection of pallet store etc. Pending</p> <p>F/YR22/0591/F Site of former 40 Sandall Road, Wisbech. Erection of 10 workshops for B2-general Industrial use etc. Pending.</p> <p>F/YR22/1202/F Westview Industrial Estate Sandall Road Wisbech. Erection of extension to existing industrial building. Pending.</p> <p>F/YR21/1106/F Unit 4 Queens Business Centre 62 Weasenham</p>	<p>Of the applications which the councils consider should now be taken into consideration three were in existence at the time the lists were presented to them whilst F/YR22/0844/O was submitted shortly prior to the submission of the DCO Application.</p> <p>The following were submitted after the submission of the Applicant's DCO Application on 7 July 2022:</p> <p>F/YR22/1256/F was submitted on 30 August 2022 and is 2km from the Application Site.</p> <p>F/YR23/0044/F was submitted on 16 December 2022 and is 0.5km from the Application Site.</p> <p>F/YR22/1260/F was submitted 17 August 2022 and is located 0.6km from the Application Site.</p> <p>F/YR22/1202/F was submitted 12 October 2022 and is located 1km from the Application Site.</p> <p>F/YR22/0986/F was submitted 06 July 2022 and is located 0.75km from the Application Site.</p> <p>Of the applications referenced by the councils, F/YR21/1106/F is retrospective and any environmental effects would therefore be recorded within the baseline assessments undertaken for the Proposed Development.</p> <p>The local plan allocations within which F/YR22/1256/F and F/YR22/0844/O are located were included within the long-list and short-lists prepared and assessed within ES Chapter 18 Cumulative Effects (Volume 6.2) [APP-045].</p> <p>F/YR22/0986/F relates a revised access arrangement with the full proposals for that site subject to an earlier application which was</p>



ExQ1	Question	Response	Applicant Comment
		<p>Lane. Erect 2 industrial units: Pending.</p> <p>F/YR21/1228/F Land west of Market Hall Enterprise Way, Wisbech. Erection of storage building: Retrospective.</p> <p>F/YR23/0044/F Site of former Parkside Nurseries, Cromwell Road, Wisbech. – [repeat of above].</p> <p>F/YR22/0986/F Land at junction of A47 Cromwell Road Wisbech. Formation of a new detailed access arrangement to serve Wisbech Gateway Site. Pending.</p>	<p>included within the long-list and short-lists prepared and assessed within ES Chapter 18 Cumulative Effects (Volume 6.2) [APP-045].</p> <p>The remaining applications are considered small-scale and represent proposals typical to an established industrial estate. They are considered unlikely to give rise to significant effects that in combination with the effects identified within the Environmental Statement (Volumes 6.1-6.4) would be cumulatively significant.</p>
TT.1.3	<p>Cambs CC and Fenland DC RR states in para. 3.3 in relation to New Bridge Lane Access that “Access arrangements to the site/ access to affected premises and properties does not take into account the potential need to turn east from accesses towards the A47, when the aspirations of the South Wisbech Broad Concept Plans are realised, and a link is formed to a new roundabout on the A47 (See FDC Broad Concept Plans - Fenland District Council)”. Nevertheless, the hyperlink provided does not seem to be accessible. Fenland</p>	<p>The South Wisbech Broad Location for Growth – Broad Concept Plan (BCP) is submitted as Appendix C (CLA.D2.EXQ1.R.AC). The BCP was adopted by FDC in April 2015.</p>	<p>ES Chapter 6 Traffic and Transport, Appendix 6D Stakeholder Consultation Table 6D.2 (Volume 6.4) [APP-075] states that National Highways confirmed to the Applicant on 04 March 2021 that a new access from the A47 to New Bridge Lane was not appropriate. This question was asked of National Highways in order to understand the potential for a new roundabout at this location on the A47.</p> <p>The South Wisbech Broad Location for Growth was included within the short-list for cumulative assessment as ID49 (ES Chapter 18 Cumulative Effects, Volume 6.4, APP-090).</p>



ExQ1	Question	Response	Applicant Comment
	DC or Cambs CC is asked to submit the above mentioned document.		
TT.1.6	Cambs CC and Fenland DC RR refers to the aspirations of the South Wisbech Broad Concept Plans in relation to the formation of a link to a new roundabout on the A47. Cambs CC, as the Highway Authority, is asked to explain how the Development Proposal would impact the aspirations set out in South Wisbech Broad Concept Plans	The Broad Concept Plans (BCP) shows the site of the development as being served by the proposed new A47 roundabout. With the development being accessed by alternative means, the viability of the BCP site in relation to the delivery of the new A47 roundabout will be brought into question.	The Applicant is unclear as to the point being made by CCC and notes the lack of any evidence to support the assertions being made. With regard to the prospect of a new roundabout on the A47 please see the Applicant's response to TT.1.3 above.
TT.1.7	Cambs CC and Fenland DC are asked to confirm the status of the South Wisbech Broad Concept Plans.	The Broad Concept Plan (BCP) is submitted as Appendix C (CLA.D2.EXQ1.R.AC). The BCP was adopted by FDC in April 2015.	The Applicant would wish to refer the ExA to the BCP which provides for a new east – west road from New Bridge Lane/Cromwell Road through to Boleness Road and Weasenham Lane. The BCP therefore demonstrates that CCC and FDC have themselves proposed the re-opening of New Bridge Lane across the disused March to Wisbech Railway.
TT.1.8	Cambs CC and Fenland DC RR states in para. 3.7 that “any approvals greater than 2 years old would need to be checked against current streetlighting standards”. The Applicant and Cambs CC are asked to detail how discussions are progressing in relation to lighting arrangements and how	As of 21st March 2023, no discussion has taken place between the Applicant and CCC Street Lighting team with regards to the proposed highway street lighting arrangements. CCC would be happy to discuss this matter with the Applicant and are awaiting contact.	Following a meeting with CCC Highways on 14 November 2022 (at which the matter of signalisation at the junction of Cromwell Road and New Bridge Lane was raised for the first time), the Applicant submitted a scheme to CCC for comment (10 January 2023). A subsequent email issued to see if CCC had any comments to make on the submitted drawings was sent on 01 February 2023 and followed up again on 06 February 2023. This latter email received a reply which stated that CCC would be able to give consideration to the scheme, if it could be submitted. The Applicant reminded CCC of its earlier email



ExQ1	Question	Response	Applicant Comment
	the Development Proposal is being future proofed.		<p>and submission. The Applicant submitted a final email on 15 February 2023. No comments were received.</p> <p>The first comments received from CCC (which included comment on the street lighting) were in the form of the Relevant Representation (RR-002) and expanded upon within the Local Impact Report (REP1-074). In response to the Local Impact Report, the Applicant emailed CCC requesting a meeting to discuss street lighting and other matters relating to the proposed Access Improvements, which was held on 13 April 2023.</p> <p>Following ISH2, the Applicant and CCC are undertaking a joint review of the matters raised and shall provide an update to the ExA at Deadline 4. The Applicant is confident the matter can be suitably resolved.</p>
TT.1.11	Cambs CC and Fenland DC RR states that the County Council has no statutory function in relation to Algores Way beyond Britannia Way. Can Fenland DC please confirm if it is the owner of Algores Way?	FDC can confirm that it is the owner of Algores Way. The extent of the ownership is shown in title plan CB335858 – submitted as Appendix C (CLA.D2.EXQ1.R.AC).	Noted. The Book of Reference records FDC as being the owner of this section of Algores Way.
TT.1.12	Cambs CC and/or Fenland DC are asked to provide the ExA with an update in relation to the status of the on-going negotiations regarding the proposed re-opening of the Wisbech railway line and further justification of why it believes that the Proposed Development would impact or limit the re-opening of the line.	It should be noted that the Cambridgeshire and Peterborough Combined Authority are leading on the March to Wisbech rail reconnection, as opposed to CCC or FDC. As March to Wisbech Rail is still an ongoing development, the full impact of this Proposed Development on any future rail project cannot be fully assessed. However, it should be ensured that	See response to GCT.1.3.



ExQ1	Question	Response	Applicant Comment
		<p>the Proposed Development does not impact on the ability of the strategic infrastructure of March Wisbech Rail future delivery.</p> <p>It is possible that works relating to the Proposed Development could adversely impact the delivery of the railway. For example, as the New Bridge Lane Level Crossing has been formally closed by Network Rail, it is extremely unlikely that they would approve the re-opening of the level crossing if the railway was to reopen, given their commitment to reducing the number of level crossings. Therefore, if the Proposed Development was to impact on this level crossing there is a possibility that it would make reopening the railway harder or more costly in the future.</p>	
TT.1.14	<p>Cambs CC and Fenland DC RR states in para. 3.35 that committed developments in the vicinity of the site have been added to give a robust forecast of the future year base. Cambs CC is asked to provide a list of the committed developments considered and also information regarding timescale for the implementation of each development (if known).</p>	<p>The two specific developments that have been considered as 'Committed' are as follows:</p> <p>F/YR20/0420/F – Land North-East of 25 Cromwell Road Erect a warehouse (B1(a) and B8 use) and 2.4 metre high approx metal palisade fence, and the formation of an attenuation lagoon involving the infilling of an existing dyke. And;</p>	<p>The committed schemes were included within the transport assessment (ES Chapter 6 Traffic and Transport Appendix 6B Transport Assessment, Volume 6.4 [APP-073]) at the request of CCC. The fact that the Transport Assessment for the Proposed Development assumes that both these proposals will have been delivered prior to it being brought into use (at the request of CCC) means that it has assessed a worse case in terms of baseline traffic numbers.</p>



ExQ1	Question	Response	Applicant Comment
		<p>F/YR16/0996/F – Land at junction of Cromwell Road and A47 Proposed Development (4.7 ha) incorporating Class A1, A3/A5, B1 and/or B2 and/or B8 and C1 uses and petrol station with ancillary retails sales kiosk with associated access, car parking and landscaping (Renewal of planning permission F/YR06/0764/O).</p> <p>Neither of the above developments have been delivered and the timescales are unknown. However, the Transport Assessment for the EfW facility assumes that both these proposals will have been delivered prior to the EfW being brought into use.</p>	
TT.1.16	<p>Cambs CC and Fenland DC RR states in para. 3.39 that the Cambs CC Transport Assessment Team are of the view that the increase in slow moving right turning HGV vehicles could potentially cause a more localised capacity and safety issue at the junction. Cambs CC is asked to provide further information regarding this and further explanation on why standard junction modelling cannot accurately predict such an impact</p>	<p>The Transport Modelling submitted uses TRL's 'Junctions' modelling suite. This is a static modelling tool, which uses entry turning flows and basic geometric parameters to calculate the likely queues and delays resulting from conflicts in traffic movements at junctions. The modelling does not consider the movement of vehicles individually but rather treats the opposing movements as 'streams' of traffic. A slow moving HGV turning right into or out of a minor road may cause traffic on the major arm of the junction to have to slow or even stop</p>	<p>TRL's Junctions is an industry standard approach to assessing a priority junction such as the Cromwell Road/New Bridge Lane crossroads and is an appropriate method of assessment of capacity.</p> <p>As shown in Figure 7.3 of ES Chapter 6 Traffic and Transport Appendix 6B Transport Assessment (Volume 6.4) [APP-073], the right turning flows are very low in the AM and PM peak hours:</p> <ul style="list-style-type: none"> • 20 cars/LGVs and 6 HGVs in the AM 2027 baseline scenario and 15 cars/LGVs and 4 HGVs in the PM. • 22 cars/LGVs and 16 HGVs (an average of 1 HGV every 3 minutes and 45 seconds) in the AM 2027 baseline plus development scenario and 15 cars/LGVs and 9 HGVs (an average of 1 HGV every 6 minutes and 40 seconds) in the PM.



ExQ1	Question	Response	Applicant Comment
		<p>to allow the passage of the HGV across the road. However, TRL's 'Junctions' models cannot, and do not replicate this, and assume that the flows on the major arm of the junction (in this case Cromwell Road) are unimpeded.</p> <p>The 'Junctions' software makes some assumptions in respect of the arrival of vehicles at the junctions, which do not replicate the reality of the situation. Where base surveys flows are entered for a 1-hour period, as is the case with this proposal, the program synthesises a 90 minute flow profile curve with a central 'peak' within the 90 minute period.</p> <p>For future year base, the traffic flows associated with the development will be distributed across the central 60 minute period, in line with this synthesised flow profile. The HGV movements will therefore be spread according to this synthesised profile.</p> <p>There are no allowances in the model for the potential arrival or departure of more than 1 HGV in quick succession, as may well be the case for the proposed EfW facility. Deliveries are dependent on 'slots' at the origin and destination ends of the journey. This variability in timings</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>The Applicant's position is that 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. Signalising the junction would result in unnecessary delay to traffic on both the southbound and northbound traffic on Cromwell Road as a signal sequence would need to allow separate green time for each arm of the crossroads.</p> <p>The synthesised profile in Junctions 9 can present a worst-case scenario as it assumes a traffic peak and does not spread the traffic evenly over the hour.</p> <p>Notwithstanding and without prejudice to the Applicant's position as set out above, it has prepared a design for the signalisation of the Cromwell Road/New Bridge Lane junction (Outline CTMP Figures 10.1v) (Volume 7.12) [REP1-024].</p> <p>Following ISH2, the Applicant and CCC are undertaking a joint review of the Cromwell Road/New Bridge Lane junction's signalisation and shall provide an update to the ExA at Deadline 4. The Applicant is confident the matter can be suitably resolved.</p>



ExQ1	Question	Response	Applicant Comment
		<p>across the peak hour is not taken into consideration in 'Junctions' modelling.</p>	
TT.1.17	<p>Cambs CC and Fenland DC RR states in para. 3.46 that “the commitments in 6.6.133 in relation to a bridge will therefore also need to provide sufficient flexibility to apply to any crossing form identified by either Network Rail, and/or by the Cambridgeshire and Peterborough Combined Authority and Cambs CC in the event that the final solution changes”.</p> <p>Could Cambs CC provide further information regarding potential solutions for the crossing that might offer a viable alternative to the proposed bridge and what it considers “sufficient flexibility”?</p>	<p>It should be noted that the Cambridgeshire and Peterborough Combined Authority are leading on the March to Wisbech rail reconnection, as opposed to CCC or FDC.</p> <p>As March to Wisbech Rail is still an ongoing development, the full impact of this Proposed Development on any future rail project cannot be fully assessed. However, it should be ensured that the Proposed Development does not impact on the ability of the strategic infrastructure of March Wisbech Rail future delivery.</p> <p>It is possible that works relating to the Proposed Development could adversely impact the delivery of the railway. For example, as the New Bridge Lane Level Crossing has been formally closed by Network Rail, it is extremely unlikely that they would approve the re-opening of the level crossing if the railway was to reopen, given their commitment to reducing the number of level crossings. Therefore, if the Proposed Development was to impact on this level crossing there is</p>	See response to GCT.1.3.

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ExQ1	Question	Response	Applicant Comment
		<p>a possibility that it would make reopening the railway harder or more costly in the future.</p> <p>Sufficient flexibility is regarded to be a situation where the Proposed Development does not impact on the ability of the delivery of the March to Wisbech Rail project to come forward in whatever form it does. As work is still ongoing, it is not possible to state what viable alternatives to the proposed bridge might be.</p>	



4. Comments on the responses from Norfolk County Council

Table 4.1 Comments on the responses from Norfolk County Council

ExQ1	Question	Response	Applicant Comment
GCT.1.3	Can the Applicant please set out what considerations it has given to the need to develop a S.106 agreement with the Host Local Authorities (HLAs)? And, if the Applicant feels there is a need for one, what are the topics and issues that the S.016 Agreement should cover? Can the HLAs (Cambs CC, Fenland DC, BCKLWN and Norfolk CC) confirm their position in relation to the need for a S.106 agreement and confirm if any discussions or consideration has been given to this?	Norfolk County Council is not aware of any discussions concerning a S106 Agreement. It is unlikely to require one for the development that falls within Norfolk County but may need to be party to one for the monitoring of the development generally should this be deemed necessary.	Noted.
AQHH.1.4	Are the HLAs in agreement with the Applicant's list of identified AQMAs and its approach to AQMAs? If not, please explain why.	Norfolk County Council defers to King's Lynn and West Norfolk Borough Council, the local authority which has statutory responsibility for reviewing air quality and designating AQMAs.	Noted.
NV.1.1	Chapter 7 of the ES Noise and Vibration [APP-034] states, in para. 7.5.2 that the influence of COVID-19 on the measurement	Norfolk County Council defers to King's Lynn and West Norfolk Borough Council, the local authority which has the expertise and technical	Noted.



ExQ1	Question	Response	Applicant Comment
	<p>data was considered by comparison with monitoring data acquired in 2019 (prior to the pandemic) and with noise mapping data which indicates expected levels of road noise during daytime and night-time. The comparisons indicated that differences in sound levels were generally within ± 3 dB, indicating that the 2021 monitoring data were not unduly affected by variations in local conditions Norfolk County Council defers to King's Lynn and West Norfolk Borough Council, the local authority which has the expertise and technical competence to comment on this issue. due to the pandemic, and are therefore representative of current baseline conditions. Do the Host Authorities agree with this approach and the conclusions reached by the Applicant?</p>	<p>competence to comment on this issue.</p>	
PP.1.2	<p>As stated in para 3.3.2 of the [APP-095] Project Benefits Report, "NPS EN-3, in its consideration of waste combustion generating stations states, at paragraph 2.5.64 that stations 'need not disadvantage reuse or recycling initiatives where the proposed development accords with the</p>	<p>On the basis the Energy from Waste Combined Heat and Power Facility would be within Cambridgeshire, Norfolk County Council defers to Cambridgeshire County Council on this point and has no comments to make.</p>	Noted.



ExQ1	Question	Response	Applicant Comment
	<p>waste hierarchy' ". How does the Applicant feel that the present Development Proposal meets the Waste hierarchy? The HLAs are asked to also comment on this point.</p>		
SPC.1.2	<p>A long and short list of developments for the purpose of the assessment of cumulative effects has been included in in Appendix18A of the Cumulative Effects Assessment Appendices [APP-090]. Can the HLAs and affected Statutory Undertakers please confirm if they agree with the lists provided?</p>	<p>Norfolk County Council would question whether application FUL/2020/0044 needs to be on the list given the application was refused and therefore no development was authorised. Given this and other County Matter developments and permissions that fell within the scope of the current Cumulative Effects Assessment, the developer/decision maker may also wish to consider the following permitted operations and pending applications:</p> <p><u>Crimplesham Quarry, Main Road, Crimplesham (Mick George Ltd)</u></p> <ul style="list-style-type: none"> • Subject to three pending planning applications to prolong restoration operations until 30 April 2024 (references FUL/2022/0059, 0060 & 0061). This site is circa 19 kilometres from the proposed DCO application. 	<p>The long-list and short-list was issued to the host authorities on 14 February 2022 for their comment and agreement. No response was received from NCC. Two of the applications referred to were submitted following the submission of the DCO Application on 7 July 2022:</p> <p>FUL/2022/0059 (and 0060 & 0061) was received on 22 November 2022 and is located circa 21km from the EfW CHP Facility Site.</p> <p>FUL/2022/0064 was received on 14 December 2022 and is located circa 22km from the EfW CHP Facility Site.</p> <p>Of the remaining applications, FUL/2020/0021 was granted consent on 05 August 2021 and FUL/2020/0051 was granted consent on 03 November 2020. As noted above, neither were identified by NCC when the lists were presented to it for comment.</p> <p>It should be noted that all of applications identified by NCC are located beyond 20km from the EfW CHP Facility. This distinction made between the 'EfW CHP Facility Site' and the 'Application Site' is made because 20km represents the maximum Zone of Influence adopted by the Applicant within its cumulative assessment methodology. The distance of 20km represents the maximum distance at which cumulative effects arising from air quality upon designated ecological sites could occur. As such because effects could only arise through the chimney emissions, it is the distance to the EfW CHP Facility which considered appropriate.</p>



ExQ1	Question	Response	Applicant Comment
		<p><u>Grandcourt Quarry, Leziate Works, Leziate (Sibelco UK Ltd)</u></p> <ul style="list-style-type: none"> • Subject to two pending appeals that are being dealt with by the Planning Inspectorate after the applicant appealed on the grounds of non-determination (references APP/X2600/W/21/3289250 & APP/X2600/W/21/3289252). • The original applications, reference C/2/2018/2016 and C/2/2018/2017 sought to permit a further extension to the quarry for the extraction of industrial sand. • This extension is some 20km from the site of the DCO application and was subject to an Environmental Impact Assessment (EIA). 	<p>On the basis of the above, the Applicant is of the opinion that the Proposed Development would not give rise to cumulative significant effects in combination with the applications identified by NCC.</p>
		<p><u>Land east and west of Station Road, Leziate (Sibleco UK Ltd)</u></p> <ul style="list-style-type: none"> • A permission was also granted by the County Council to extract industrial sand from land at Station Road Leziate in August 2021 under reference FUL/2020/0021. • That application was subject to an EIA but the permission has not yet been implemented. That site is 	



ExQ1	Question	Response	Applicant Comment
		<p>some 20km from the site of the DCO.</p> <p>East Winch Quarry, East Winch, <u>King's Lynn (Middleton Aggregates Ltd)</u></p> <ul style="list-style-type: none"> The quarry is currently subject to a number of applications to extend the duration of ancillary works and infrastructure (ref. FUL/2022/0064, 0065, 0066, 0067, 0068, 0069). <p>Whilst these applications are unlikely to have cumulative impacts themselves, the wider quarry authorised under FUL/2020/0051 where the infrastructure is located may need to be considered given that it is authorised to be operational until 2033 and that it is circa 19 kilometres away from the site of the DCO.</p>	
TT.1.1	<p>Chapter 6 of the ES [APP-033] states, in para. 6.5.31 that the baseline traffic surveys were undertaken over a two-weeks between 8 October 2021 to 21 October 2021. In para. 6.5.28 of the same document the Applicant recognises that, due to the ongoing COVID-19 pandemic, the baseline traffic flows could have been skewed</p>	<p>The A47 is a trunk road and the impact to the A47 and its connecting junctions/roundabouts has therefore been assessed by National Highways. Nevertheless, County Council officers also carried out their own impact assessment to the A47/A1101 Elm High Road roundabout (as traffic will disperse south and east into Norfolk via this</p>	<p>Noted.</p>

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ExQ1	Question	Response	Applicant Comment
	and therefore it was agreed with the relevant highways authorities (National Highways, Cambs CC and Norfolk CC) that the baseline traffic flows could be derived from existing historic traffic counts. Can the Applicant please confirm how this work informed the Proposed Development and also how the baseline traffic flows derived from existing historic traffic counts differed from the baseline traffic surveys undertaken between 8 October 2021 to 21 October 2021?	roundabout) but given National Highways hold the traffic flow data.	



5. Comments on the responses from the Environment Agency

Table 5.1 Comments on the responses from the Environment Agency

ExQ1	Question	Response	Applicant Comment
AQHH.1.1	Para 8.4.3 of Chapter 8 of the ES [APP-035] states that the spatial extent of the Study Area has been informed by the guidance detailed in Section 8.3 of the same document. As the EfW CHP Facility incorporates a combustion activity with a thermal input exceeding 50MW, in accordance with the Environment Agency's Air Emissions Risk Assessment for an Environmental Permit (EP), the assessment is required to consider nature conservation sites up to 15km from the emission source. Consequently, the Study Area includes an area encompassing 15km from the location of the chimney emissions. Could the EA confirm that it is satisfied with this approach and why it believes that a 15km radius is appropriate for this project?	Guidance 'Air emissions risk assessment for your environmental permit' sets the screening distance for 'Larger combustion plants using more sulphurous fuels with more than 50 megawatt thermal input' as 15km for SACs, SPAs, Ramsar and SSSIs.	As detailed in paragraph 8.4.3 of Environmental Statement: Chapter 8 – Air Quality (Volume 6.2) [APP-035] , the Study Area includes an area encompassing 15km from the location of the chimney emissions.
AQHH.1.2	Table 8B3.6 of Appendix 8A: Stakeholder engagement and consultation comment on Air	As part of the determination process will we check background levels provided against Department for	Project specific air quality monitoring was carried out by the Applicant from 2020-2022 as detailed in paragraph 8.4.1 of Environmental Statement: Chapter 8 – Air Quality (Volume 6.2)



ExQ1	Question	Response	Applicant Comment																																																																						
	<p>Quality [APP-078] includes the air quality monitoring results for 2021 of identified sites in the vicinity of the Proposed Development. The percentage of data capture varies considerably from site to site.</p> <p>How can the Applicant be confident that the data captured is representative of all sites? Does the EA have any comments to make on the data included here?</p>	<p>Environment food & rural affairs background mapping data for local authorities. https://ukair.defra.gov.uk/data/laqm-background-home</p>	<p>[APP-035], however this data was not the only data used to characterise baseline air quality. Monitoring data collected by Fenland District Council (FDC) as part of the Local Air Quality Management (LAQM) was also used, as detailed in Section 3 of Environmental Statement: Chapter 8 – Air Quality Appendix 8B – Air Quality Technical Report [APP-078].</p> <p>The air quality monitoring data used is considered to be appropriate to characterise the existing air quality in the vicinity of the Proposed Development. There are monitoring sites in different situations (e.g. roadside and background) across the geographic area considered in the assessment adopting both automatic monitoring and diffusion tubes.</p> <p>With regards to changes in pollutant concentrations over time, nitrogen dioxide (NO₂) diffusion tube data is provided up to and including 2019 in Table 8B3.4. More recent data are available on the FDC website.</p> <p>Diffusion tube results taken from the 2022 Air Quality Annual Status Report (ASR)¹ and Fenland Air Quality Data – Monthly² are provided below.</p> <table border="1"> <thead> <tr> <th>Site ID</th> <th>2017</th> <th>2018</th> <th>2019</th> <th>2020</th> <th>2021</th> <th>2022</th> </tr> </thead> <tbody> <tr> <td>S3</td> <td>25.7</td> <td>21.1</td> <td>21.6</td> <td>17.7</td> <td>18.1</td> <td>16.7</td> </tr> <tr> <td>S5</td> <td>35.7</td> <td>28.2</td> <td>30.1</td> <td>23.7</td> <td>26.8</td> <td>24.7</td> </tr> <tr> <td>S8</td> <td>20.3</td> <td>29.1</td> <td>28.7</td> <td>23.4</td> <td>23.9</td> <td>23.0</td> </tr> <tr> <td>S12</td> <td>16.1</td> <td>14.8</td> <td>16.6</td> <td>14.3</td> <td>13.3</td> <td>12.2</td> </tr> <tr> <td>S13</td> <td>26.3</td> <td>27.2</td> <td>25.5</td> <td>26.9</td> <td>28.7</td> <td>27.4</td> </tr> <tr> <td>S15</td> <td>33.7</td> <td>29.7</td> <td>30.3</td> <td>24.4</td> <td>25.5</td> <td>25.3</td> </tr> <tr> <td>S16</td> <td>29.7</td> <td>30.6</td> <td>29.6</td> <td>23.5</td> <td>24.6</td> <td>23.6</td> </tr> <tr> <td>S17</td> <td>20.4</td> <td>17.6</td> <td>18.9</td> <td>15.2</td> <td>18.6</td> <td>15.2</td> </tr> <tr> <td>S20</td> <td>29.0</td> <td>27.3</td> <td>26.9</td> <td>21.8</td> <td>24.5</td> <td>23.6</td> </tr> </tbody> </table>	Site ID	2017	2018	2019	2020	2021	2022	S3	25.7	21.1	21.6	17.7	18.1	16.7	S5	35.7	28.2	30.1	23.7	26.8	24.7	S8	20.3	29.1	28.7	23.4	23.9	23.0	S12	16.1	14.8	16.6	14.3	13.3	12.2	S13	26.3	27.2	25.5	26.9	28.7	27.4	S15	33.7	29.7	30.3	24.4	25.5	25.3	S16	29.7	30.6	29.6	23.5	24.6	23.6	S17	20.4	17.6	18.9	15.2	18.6	15.2	S20	29.0	27.3	26.9	21.8	24.5	23.6
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¹ Fenland District Council (2022) 2022 Air Quality Annual Status Report (ASR)

² Fenland District Council (2023) Fenland Air Quality Data - Monthly



ExQ1	Question	Response	Applicant Comment
			These data show that whilst 2020 NO ₂ concentrations were generally lower than those in 2019 and 2021 as a result of Covid-19 lockdowns, there is a general downward trend in concentrations. 2022 NO ₂ concentrations were lower than 2021 concentrations at all sites. The data collected in 2021 in the survey for the Project is therefore considered to be in the expected range and therefore appropriate for the assessment.
AQHH.1.3	Table 8B3.10 of Appendix 8A: Stakeholder engagement and consultation comment on Air Quality [APP-078] refers to where baseline information from a number of pollutants and metals has been derived. Does the Environment Agency agree with the sources included? If not, why not?	As part of the determination process will we check background levels provided against Department for Environment food & rural affairs background mapping data for local authorities. https://ukair.defra.gov.uk/data/laqm-background-home	As detailed in paragraph 8.5.15 of Environmental Statement: Chapter 8 – Air Quality (Volume 6.2) [APP-035] , baseline metal concentrations were informed by measurements undertaken by Defra under the Heavy Metals Network. The Defra background mapping for local authorities is not available for metals but was used where available for other pollutants (e.g. NO ₂).
AQHH.1.12	Cambs CC and Fenland DC RR states in para. 5.37 the Outline OMP should be submitted for approval by the relevant consultees, including but not necessarily limited to FDC, prior to the operation of the installation on the site granted permission. The Environment Agency is requested to comment on this issue in relation to the content of such a document and it's view on the current draft OMP.	The EA undertakes consultation in line with guidance "Environmental permits: when and how we consult". As part of the determination we will assess the odour management plan against our relevant guidance 'H4 Odour Management - how to comply with your environmental permit' to ensure it meet the requirements. Any odour management plan would form part of the permits operating techniques, with permit conditions set to address any issues raised.	Noted. The Outline Odour Management Plan (Volume 7.11) [REP1-021] forms part of the DCO and EP application. The Applicant was advised by the Environment Agency that the EP for the EfW CHP Facility was duly made on the 23 March 2023.



ExQ1	Question	Response	Applicant Comment
AQHH.1.15	The Applicant has determined that there will be no likely significant air quality effects so no monitoring is required for significant effects. However the Applicant would be required to monitor emissions under its Environmental Permit. Can the Applicant confirm if the Environmental Permit will contain a requirement for monitoring levels of heavy metals and will it require the inclusion of actions if monitoring identifies levels which exceed permitted levels? Does the EA have any comments to make on such a requirement?	Permit emission limit values at set in line with Best available techniques for waste incineration. This would include limits for heavy metals.	<p>Noted. 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. Heavy metals will be monitored in incinerator bottom ash and air pollution control residues 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.</p> <p>The Applicant is proposing to monitor mercury emissions using periodic extractive techniques in preference to continuous monitoring. 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.</p>
EIA.1.2	The ES is reliant in numerous aspect chapters on the proposed Environmental Permits (EP) for the delivery of the Proposed Development. The EPs have not yet been agreed with the EA. The existing permits have also not been submitted to the Examination at present. Please can an update be provided as to the stage of the Environmental Permits	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.	The Applicant was advised by the Environment Agency that the EP for the EfW CHP Facility was duly made on the 23 March 2023 and it awaits written confirmation.



ExQ1	Question	Response	Applicant Comment
EIA.1.5	<p>The base configuration was a chimney 3m above the level of the tallest building, this being the minimum requirement of the EA's D1 guidance note. Therefore the assessment parameters ranged between 53m – 150m. The worst case scenario height is considered to be 84m and the limit of deviation is a height of up to 90m. Taking in to account the EA's guidance, the chimney height which has been identified as corresponding to best Available Techniques (BAT) and has been used to model impact of chimney emissions in this assessment is 84m (this is considered a worst case scenario recognising that the Applicant's vertical Limits of Deviation (LoD) includes for chimneys up to 90m in height). Can the Applicant explain why 84m was considered to the worst case scenario, both in terms of visual impact and emissions?</p>	<p>The modelling process used to determine stack height will be assessed as part of the permit determination.</p>	<p>Environmental Statement Appendix 8B: Air Quality Technical Report Revision: 3.0 (Volume 6.4) [REP2-006] Section 6.1 Chimney Height Assessment explains the methodology used to ascertain the chimney height which would correspond with BAT.</p> <p>Through the use of dispersion modelling, a chimney height assessment graph is produced which considers long and short-term NO₂ impacts on human receptors (Graphic 8B6.1 and 8B6.2). This identifies a height of 84m at which there would be no exceedance of NO₂ air quality standards in the long-term and 75m in the short-term. 84m is therefore considered a worst-case scenario for emissions in that it is the minimum height to ensure neither long nor short-term exceedances but, whilst acceptable, it allows for less pollutant dispersion than the height of 90m that is allowed for in the Limits of Deviation (LoD). This is why 84m was used in the air quality assessment.</p> <p>A chimney height of 84m is not worst case for visual impacts. 90m chimneys which being taller would be of greater visual prominence, were assessed in the LVIA (ES Chapter 9 Landscape and Visual, Volume 6.2 [APP-036]) and illustrated on the photomontages and ZTV.</p>
BIO.1.3	<p>Can the NE and the EA confirm they are satisfied with the conclusions and the methodology used in the No Significant Effects Report (NSER)?</p>	<p>We defer to Natural England on this matter</p>	<p>Noted.</p>



6. Comments on the responses from Natural England

Table 6.1 Comments on the responses from Natural England

ExQ1	Question	Response	Applicant Comment
BIO.1.3		Natural England confirm that we are satisfied with the conclusions and the methodology used in the No Significant Effects Report (NSER). We have no further comment to make on this question.	Noted. This position is reflected in the Statement of Common Ground with Natural England (Volume 9.9) [REP1-043] .

