

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

**Agenda for Issue Specific Hearing 4 (ISH4) on Environmental Matters:**

<b>Hearing</b>	<b>Date and Time</b>	<b>Location</b>
<b>Issue Specific Hearing 4 (ISH4) on Environmental Matters</b>	<b>Wednesday</b> <b>17 May 2023</b>  <b>Hearing Starts at 10:00</b>  Virtual Arrangements Conference from 09:00	<b>By virtual means using Microsoft Teams</b>  Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.

**Agenda**

**1. Welcome, introductions, arrangements for the Hearing**

**2. Purpose of the Issue Specific Hearing**

The main purpose of the ISH4 is to undertake an oral examination on Environmental Matters, particularly in relation to traffic and transport, air quality, and climate change (including carbon mitigation and carbon capture).

**3. Traffic and Transport**

The purpose of this item is to examine the Proposed Development in relation to traffic and transport, mainly: traffic generation; assessment of traffic and transport effects at the construction and operational phases; traffic management and highway safety; the Outline Construction Traffic Management Plan; the Outline Operational Travel Plan; the Outline Operational Traffic Management Plan and the effects of the Proposed Development on the accessibility of other premises.

This discussion will be informed by written submissions received up to this point of the Examination, with a particular focus on, but not limited to:

- Chapter 6 of the ES, Traffic and Transport [APP-033];
- Chapter 6 Traffic and Transport Figures [APP-050];
- Transport Assessment [APP-073];
- Outline Operational Travel Plan [APP-074];
- Relevant Representation from Cambs CC and Fenland DC [RR-002];
- Relevant Representation from Norfolk County Council [RR-004];
- Applicant’s Comments on RRs (LAs and Statutory Parties) [REP1-028];

- Cambs CC and Fenland DC joint Local Impact Report [REP1-074];
- Applicant's response to ExQ1 [REP2-019];
- Applicant's response to CCC and FDC Local Impact Report [REP2-020];
- Cambs CC and Fenland DC response to ExQ1 [REP2-030];
- Cambs CC and Fenland DC comments on the Applicant's D1 Submissions [REP2-031];
- Cambs CC and Fenland DC Deadline 2 Written Representation [REP2-033];
- Network Rail Infrastructure Limited Written Representations [REP2-039];
- Letter from Cambridgeshire County Council in relation to ISH2 [AS-014];
- Access and Rights of Way Plan (Rev.4) [REP3-005];
- Outline Construction Traffic Management Plan (tracked) [REP3-014] and (clean) [REP3-019];
- Outline Construction Environmental Management Plan (tracked) [REP3-022] and (clean) [REP3-023];
- Outline Operational Traffic Management Plan (tracked) - Rev 3 [REP3-024] and (clean) [REP3-025];
- Comments on the Written Representations: Part 1 - Statutory Parties [REP3-039];
- Comments on the responses to the ExA's Written Questions (ExQ1) [REP3-041];
- Applicant's Comments on Deadline 2 submissions [REP3-042];
- Cambs CC and Fenland DC Deadline 3 Submission - Post-hearing submissions including written submissions of oral cases [REP3-044];
- Cambs CC and Fenland DC Deadline 3 Submission - Response to ISH2 and CAH2 Action Points [REP3-046];
- Additional Submission from Cambs CC and Fenland DC [AS-014];

The ExA will ask the Applicant to set out, in broad terms, its transport strategy for the construction and operational stages of the Proposed Development. The ExA will also ask the Applicant to explain the role of the Outline Operational Travel Plan, Outline Construction Environmental Management Plan, Outline Construction Traffic Management Plan and the Outline Operational Traffic Management Plan. The ExA will also ask for the Applicant to introduce the reasoning behind any changes done, in relation to transport and traffic, to the documents submitted at Deadline 3, namely Outline Construction Traffic Management Plan (tracked) [REP3-014] and (clean) [REP3-019], Outline Construction Environmental Management Plan (tracked) [REP3-022] and (clean) [REP3-023] and the Outline Local Air Quality Monitoring Strategy (tracked) [REP3-034] and (clean) [REP3-035].

The ExA will then ask questions of the Applicant in relation to the methodology used (including sensitivity of receptors), particularly to explain what traffic surveys were carried out, when and the work that was carried out in order to identify a suitable Study Area for the construction and operational stages.

The ExA will ask the Applicant to explain what work has been carried out in order to accommodate for future rail network changes, namely the potential reopening of the disused March to Wisbech Railway Line.

The ExA will ask the Applicant to explain the Assessment of Traffic and Transport Effects for the Construction and the Operational phases, the Significance of residual effects and proposed mitigation measures.

The ExA will then give the Local Host Authorities (LHAs) and Interested Parties (IPs) the opportunity to comment, highlighting particular areas of disagreement between the parties. The ExA will particularly be looking for comments from CCC and FDC in line with concerns identified in the Cambs CC and Fenland DC joint Local Impact Report [REP1-074] which might not have been adequately addressed yet by the Applicant, as well as those identified in Cambs CC and Fenland DC Deadline 2 Written Representation [REP2-033] and Letter from Cambridgeshire County Council in relation to ISH2 [AS-014], Cambs CC and Fenland DC Deadline 3 Submission - Post-hearing submissions including written submissions of oral cases [REP3-044] and Cambs CC and Fenland DC Deadline 3 Submission - Response to ISH2 and CAH2 Action Points [REP3-046].

The ExA will also ask for the Applicant to explain its approach to PRoW as set out in Chapter 6 of the ES, Traffic and Transport [APP-033] and Access and Rights of Way Plan (Rev.4) [REP3-005] and why no direct impacts upon any PRoW were identified.

The ExA will then give the Local Host Authorities (LHAs) and Interested Parties (IPs) the opportunity to comment, highlighting particular areas of disagreement in relation to PRoW between the parties.

The ExA will particularly be looking for comments from CCC and FDC in line with concerns identified in the Cambs CC and Fenland DC joint Local Impact Report [REP1-074] which might not have been adequately addressed yet by the Applicant, as well as those identified in Cambs CC and Fenland DC Deadline 2 Written Representation [REP2-033] and Letter from Cambridgeshire County Council in relation to ISH2 [AS-014], Cambs CC and Fenland DC Deadline 3 Submission - Post-hearing submissions including written submissions of oral cases [REP3-044] and Cambs CC and Fenland DC Deadline 3 Submission - Response to ISH2 and CAH2 Action Points [REP3-046].

IPs will then be invited to ask questions as well on the issues discussed.

#### **4. Air Quality**

The purpose of this item is to examine the Proposed Development in relation to air quality, mainly: baseline assessment and methodology; construction and operations effects on human and ecological receptors; mitigation and monitoring and impact on Air Quality Management Areas.

This discussion will be informed by written submissions received up to this point of the Examination, with a particular focus on, but not limited to:

- Chapter 8 of the ES, Air Quality [APP-035];
- Chapter 8 Air Quality Figures [APP-052];
- Chapter 8 Air Quality Appendices [APP-078];
- Relevant Representation from BCKLWN [RR-001];

- Relevant Representation from Cambs CC and Fenland DC [RR-002];
- Relevant Representation from Norfolk County Council [RR-004];
- Outline Odour Management Plan (tracked) [REP1-020] and (clean) [REP1-021];
- Applicant's Comments on RRs (LAs and Statutory Parties) [REP1-028];
- Borough Council of King's Lynn and West Norfolk (BCKLWN) Local Impact Report [REP1-064];
- Cambs CC and Fenland DC joint Local Impact Report [REP1-074];
- Air Quality Technical Report (tracked) [REP2-007] and (clean) [REP2-006];
- Applicant's response to ExQ1 [REP2-019];
- Applicant's response to CCC and FDC Local Impact Report [REP2-020];
- Applicant's response to NCC and BCKLWN's Local Impact Report [REP2-021];
- Cambs CC and Fenland DC response to ExQ1 [REP2-030];
- Cambs CC and Fenland DC comments on the Applicant's D1 Submissions [REP2-031];
- Cambs CC and Fenland DC Deadline 2 Written Representation [REP2-033];
- King's Lynn Without Incineration Relevant Representation [REP2-054];
- Outline Construction Traffic Management Plan (tracked) [REP3-014] and (clean) [REP3-019];
- Outline Construction Environmental Management Plan (tracked) [REP3-022] and (clean) [REP3-023];
- Outline Operational Traffic Management Plan (tracked) - Rev 3 [REP3-024] and (clean) [REP3-025];
- Outline Local Air Quality Monitoring Strategy (tracked) [REP3-034] and (clean) [REP3-035];
- Comments on the responses to the ExA's Written Questions (ExQ1) [REP3-041];
- Applicant's Comments on Deadline 2 submissions [REP3-042];
- Cambs CC and Fenland DC Deadline 3 Submission - Response to ISH2 and CAH2 Action Points [REP3-046].

The ExA will ask the Applicant to present, in broad terms, its approach to air quality issues as detailed in Chapter 8 of the ES, Air Quality [APP-035], focusing particularly on the scope of the assessment (particularly identification of potential receptors), assessment methodology (including significance), likely significant effects and mitigation measures.

The ExA will then ask the Applicant to explain the role of the Outline Odour Management Plan (clean) [REP1-021], the Outline Construction Traffic Management Plan (tracked) [REP3-014] and (clean) [REP3-019] and the Outline Local Air Quality Monitoring Strategy [REP3-034] in relation to monitoring and mitigation. The ExA will also ask for the Applicant to introduce the reasoning behind any changes done, in relation to air quality, to the documents submitted at Deadline 3, namely Outline Construction Traffic Management Plan (tracked) [REP3-014] and (clean) [REP3-019], Outline Construction Environmental Management Plan (tracked) [REP3-022] and (clean) [REP3-023] and the Outline Local Air Quality Monitoring Strategy (tracked) [REP3-034] and (clean) [REP3-035].

The ExA will then give the Local Host Authorities (LHAs) and Interested Parties (IPs) the opportunity to comment, highlighting particular areas of disagreement between the parties. The ExA will particularly be looking for comments from BCKLWN in line with their Relevant Representation [RR-001] and BCKLWN Local Impact Report [REP1-064] which might not have been adequately addressed yet by the Applicant.

The ExA will also ask for comments from CCC and FDC in line with concerns identified in the Cambs CC and Fenland DC joint Local Impact Report [REP1-074] which might not have been adequately addressed yet by the Applicant, as well as those identified in Cambs CC and Fenland DC Deadline 2 Written Representation [REP2-033] and Cambs CC and Fenland DC Deadline 3 Submission - Response to ISH2 and CAH2 Action Points [REP3-046].

IPs will then be invited to ask questions on the issues discussed, including King's Lynn Without Incineration in line with their Relevant Representation [REP2-054].

## **5. Climate Change including Carbon Mitigation and Carbon Capture**

The purpose of this item is to examine the Proposed Development in relation to climate change including carbon mitigation and carbon capture, mainly: the assessment of greenhouse gas (GHG) emissions, including the applicant's methodology and assumptions during construction, operation, and decommissioning; and the approach to carbon mitigation through combined heat and power and carbon capture and storage (CCS).

This discussion will be informed by written submissions received up to this point of the Examination, with a particular focus on, but not limited to:

- Chapter 1 of the ES, Introduction [APP-028];
- Chapter 14 of the ES, Climate Change [APP-041];
- Planning Statement [APP-091] and the Planning Statement Executive Summary [APP-092];
- National Policy Statement Tracker [REP3-031];
- Relevant Representation from Cambs CC [RR-002] and Fenland DC [RR-003];
- Applicant's Comments on RRs (LAs and Statutory Parties) [REP1-028];
- Cambs CC and Fenland DC joint Local Impact Report [REP1-074];
- Applicant's response to ExQ1 [REP2-019];
- Applicant's response to CCC and FDC Local Impact Report [REP2-020];
- Cambs CC and Fenland DC comments on the Applicant's D1 Submissions [REP2-031];
- Cambs CC and Fenland DC Deadline 2 Written Representation [REP2-033];
- Applicants comments on the written representations Part 1 – Statutory Parties [REP3-039]
- Applicants comments on Deadline 2 submissions [REP3-042]
- Rt Hon Stephen Barclay MP Written Representation [REP2-064].
- United Kingdom Without Incineration Network (UKWIN) Written Representation [REP2-066]

- UKWIN Deadline 3 Comments on any further information/submissions received by Deadline 2 [REP3-050]
- Relevant Representation from several IPs;
- Written Representations submitted at Deadline 2 by several IPs

The ExA will ask the Applicant to set out their approach to the assessment of GHG emissions of the Proposed Development during construction, operation, and decommissioning. The ExA will then ask the applicant to set out their methodology for assessing the net GHG emissions when comparing the effects of the Proposed Development with the effects of no development. The ExA will ask the Applicant to explain how the Proposed Development is compatible with a net zero pathway.

The ExA will then give the Local Host Authorities (LHAs) and Interested Parties (IPs) the opportunity to comment, highlighting particular areas of disagreement between the parties. The ExA will particularly be looking for comments from CCC and FDC in line with concerns identified in the Cambs CC and Fenland DC joint Local Impact Report [REP1-074], as well as those identified in Cambs CC and Fenland DC Deadline 2 Written Representation [REP2-033] and Cambs CC and Fenland DC Relevant Representation [RR-002].

The ExA will ask the Applicant to set out their approach to carbon mitigation through combined heat and power and the level of certainty they have that this can be delivered.

The ExA will ask the Applicant to set out their approach to Carbon Capture and Storage (CCS) as part of the proposed development, including the draft DCO requirements [REP3-007] and how these are intended to work in practice.

The ExA will then give the Local Host Authorities (LHAs) and Interested Parties (IPs) the opportunity to comment, highlighting particular areas of disagreement between the parties. The ExA will particularly be looking for comments from CCC and FDC in line with concerns identified in the Cambs CC and Fenland DC joint Local Impact Report [REP1-074], as well as those identified in Cambs CC and Fenland DC Deadline 2 Written Representation [REP2-033] and Cambs CC and Fenland DC Relevant Representation [RR-002].

The ExA will seek comments from UKWIN in relation to concerns identified in their written representation [REP2-066] and Deadline 3 comments [REP3-050] in relation to carbon emissions.

IPs will then be invited to ask questions on the issues discussed.

## **6. Review of issues and actions arising**

## **7. Any other business**

## **8. Closure of the Hearing**

### **Attendees**

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

- the Applicant;
- Fenland District Council (FDC);
- Cambridgeshire County Council (CCC);
- Borough Council of King's Lynn and West Norfolk (BCKLWN);
- Norfolk County Council (NCC);
- National Highways;
- King's Lynn Without Incineration;
- UKWIN;
- Statutory Undertakers;
- IPs who submitted comments on any of the topics proposed to be covered at this Hearing.

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

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

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

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

### **Arrangements Conference**

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

### **Procedure at ISH**

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it

is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

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

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

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

Email: [medworth@planninginspectorate.gov.uk](mailto:medworth@planninginspectorate.gov.uk)

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