

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 3 (ISH3) on Environmental Matters:

Hearing	Date and Time	Location
Issue Specific Hearing 3 (ISH3) on Environmental Matters	<p>Tuesday 16 May 2023</p> <p>Hearing Starts at 10:00</p> <p>Virtual Arrangements Conference from 09:00</p>	<p>By virtual means using Microsoft Teams</p> <p>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.</p>

Agenda

1. Welcome, introductions, arrangements for the Hearing

2. Purpose of the Issue Specific Hearing

The main purpose of the ISH3 is to undertake an oral examination of Environmental Matters in relation to waste matters, size, need, alternatives, the design of the Proposed Development and compliance with relevant planning policies.

3. Waste matters, Size and Need

The purpose of this item is to examine issues linked with Waste, Size and Need, principally the Waste Fuel Availability Assessment (WFAA) (clean) [REP2-009] and (tracked) versions [REP2-010], which underpins the need for the development, including waste availability, composition and compliance with waste hierarchy and examine if the Development Proposal is of an appropriate type and scale so as not to prejudice the achievement of local or national waste management targets.

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:

- Planning Statement [APP-091] and the Planning Statement Executive Summary [APP-092];
- Relevant Representation from Borough Council of King's Lynn and West Norfolk (BCKLWN) [RR-001];
- Relevant Representation from Cambs CC and Fenland DC [RR-002];
- Relevant Representation from UKWIN [RR-055]
- Applicant's Comments on RRs (LAs and Statutory Parties) [REP1-028];

- Cllr. De Walley Deadline 1 Post-Hearing submission [REP1-062];
- BCKLWN Deadline 1 Post-Hearing submission [REP1-065];
- Written Summary of Oral Case for Cambs CC Open Floor Hearing 2 [REP1-068];
- Cllr Alexandra Kemp Deadline 1 Post Hearing Submission [REP1-071];
- Cambs CC and Fenland DC joint Local Impact Report [REP1-074];
- Deadline 1 submission from WisWin [REP1-095];
- Deadline 1 submission from UKWin [REP1-096];
- Waste Fuel Availability Assessment (clean) [REP2-009] and (tracked version) [REP2-010];
- 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];
- Written Representation Rt Hon Stephen Barclay MP [REP2-064];
- Deadline 2 Submission UKWin [REP2-066];
- Statement of Reasons (tracked) [REP3-010] and (clean) [REP3-011];
- Comments on the Written Representations: Part 1 - Statutory Parties [REP3-039];
- Comments on Written Representations: Part 2 – Other Interested Parties - late submission accepted at the discretion of the ExA [REP3-040];
- 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];
- Deadline 3 Submission from UKWin [REP3-050];
- Deadline 3 Submission from Wisbech Town Council [REP3-052];
- Additional Submission from Cambs CC and Fenland DC [AS-014];
- Relevant Representation from several IPs;
- Written Representations submitted at Deadline 2 by several IPs and APs.

The ExA will ask the Applicant to set out, in broad terms how the Applicant has identified a need for the development and how the proposed waste combustion generating station is in accordance with the waste hierarchy and of an appropriate type and scale so as not to prejudice the achievement of local or national waste management, drawing heavily on the information set out in the Statement of Reasons (tracked) [REP3-010] and (clean) [REP3-011] and Waste Fuel Availability Assessment (clean) [REP2-009] and (tracked version) [REP2-010].

The ExA will then ask the Applicant to set out its approach to the updated Waste Fuel Availability Assessment (WFAA) (clean) [REP2-009] and (tracked version) [REP2-010], how it has taken into consideration comments previously made in relation to its methodology.

The ExA will then ask the Applicant to explain in more detail the review of Waste Planning Authority requirements (Table 4.6 of Waste Fuel Availability Assessment

(clean) [REP2-009]) and the summary of WPA forecasted future residual waste requirements (Table 4.7 of Waste Fuel Availability Assessment (clean) [REP2-009]). The ExA will then ask questions in relation to origin and composition of waste and query the Applicant in relation to certainty of availability of waste from all the different waste authorities within the proposed catchment area (2 hour travel time of heavy good vehicles).

The ExA will then ask for evidence of engagement and confirmation of reported anticipated capacity from those local waste authorities.

The ExA will ask questions in relation to how the availability of waste has determined size and capacity of the proposed EfW facility and how it has informed energy outputs.

The ExA will then ask the Applicant to explain the overall conclusions in the WFAA and also any differences identified in relation to Waste Fuel Availability when compared to the previous version of the WFAA. The ExA will then finally ask for the Applicant to confirm how any changes in the amount of waste identified in the WFAA will then inform the rest of the Development Proposal and how will these be taken onboard by the Applicant.

The ExA will give the Local Host Authorities (LHAs) the opportunity to comment.

The ExA will particularly be looking for comments, first of all, from CCC and FDC, in line with their Relevant Representation [RR-002], Written Summary of Oral Case for Cambs CC Open Floor Hearing 2 [REP1-068], Cambs CC and Fenland DC joint Local Impact Report [REP1-074], 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], Additional Submission from Cambs CC and Fenland DC [AS-014], Cambs CC and Fenland DC Deadline 3 Submission - Post-hearing submissions including written submissions of oral cases [REP3-044]. The ExA asks that CCC and FDC concentrate on the main outstanding areas of disagreement.

The ExA will then ask other LHAs to comments, particularly Borough Council of King's Lynn and West Norfolk and the issues raised in Relevant Representation from BCKLWN [RR-001], Cllr. De Walley Deadline 1 Post-Hearing submission [REP1-062] and BCKLWN Deadline 1 Post-Hearing submission [REP1-065], Cllr Alexandra Kemp Deadline 1 Post Hearing Submission [REP1-071]. The ExA asks that the BCKLWN concentrates mainly on outstanding areas of disagreement.

The ExA will also ask Wisbech Town Council to comment, particularly in line with the information submitted in the Deadline 3 Submission from Wisbech Town Council [REP3-052] in relation to the conclusions of the WFAA.

The ExA will then ask the Applicant to set out how it has taken into consideration the Written Representation submitted by the Rt Hon Stephen Barclay MP [REP2-064], particularly in relation to information submitted in Appendix 2.

The ExA will then ask for comments from WisWin and UKWin, in line with Relevant Representation from UKWIN [RR-055], Deadline 1 submission from WisWin [REP1-095], Deadline 1 submission from UKWin [REP1-096], Deadline 2 Submission UKWin [REP2-066], Deadline 3 Submission from UKWin [REP3-050], particularly in relation to size of the Proposed Development and need.

The ExA will then give an opportunity for other IPs to comments on any issues raised under this point of the Agenda.

4. Alternatives and Design options

The purpose of this item is to examine relevant alternatives and design options considered.

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 2 of the ES, Alternatives [APP-029]
- Chapter 2 Alternatives Figures [APP-048];
- Chapter 2 Alternatives Appendices [APP-069];
- Design and Access Statement [APP-096];
- Relevant Representation from BCKLWN [RR-001];
- Relevant Representation from Cambs CC and Fenland DC [RR-002];
- Applicant's Comments on RRs (LAs and Statutory Parties) [REP1-028];
- BCKLWN Deadline 1 Post-Hearing submission [REP1-065];
- 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];
- Written Representation Rt Hon Stephen Barclay MP [REP2-064];
- Deadline 2 Submission UKWin [REP2-066];
- Statement of Reasons (tracked) [REP3-010] and (clean) [REP3-011];
- Comments on the Written Representations: Part 1 - Statutory Parties [REP3-039]
- Comments on Written Representations: Part 2 – Other Interested Parties - late submission accepted at the discretion of the ExA [REP3-040]
- Comments on Deadline 2 submissions [REP3-042];
- Deadline 3 Submission from UKWin [REP3-050];
- Relevant Representation from several IPs;
- Written Representations submitted at Deadline 2 by several IPs and APs.

The ExA will ask the Applicant for an overview of Chapter 2 of the ES, Alternatives [APP-029], particularly focusing on which alternatives the Applicant has considered (in relation to development design, technology, location, size and scale) and the main reasons for the options chosen, including a comparison of the environmental effects of the different options.

The ExA will ask the Applicant to explain the design concept developed for the proposal, what options were considered and the process for selection of the preferred design.

The ExA will also question the Applicant in relation to its response to ExQ1 PP.1.5. [REP2-019] particularly how the Applicant arrived to the conclusions it did and why other systems, such as a system relying on enzymes, have been dismissed.

The ExA will give the Local Host Authorities (LHAs) the opportunity to comment.

The ExA will particularly be looking for comments, first of all, from CCC and FDC, in line with their Relevant Representation [RR-002], Cambs CC and Fenland DC joint Local Impact Report [REP1-074], Cambs CC and Fenland DC response to ExQ1 [REP2-030], Cambs CC and Fenland DC comments on the Applicant's D1 Submissions [REP2-031]. The ExA asks that CCC and FDC concentrate on the main outstanding areas of disagreement.

The ExA will then ask other LHAs to comments, particularly Borough Council of King's Lynn and West Norfolk and the issues raised in Relevant Representation from BCKLWN [RR-001] and BCKLWN Deadline 1 Post-Hearing submission [REP1-065]. The ExA asks that the BCKLWN concentrates mainly on outstanding areas of disagreement, if any.

The ExA will then ask for the Applicant to comment on certain issues raised in Appendix 4 of [REP2-064], Written Representation Rt Hon Stephen Barclay MP.

The ExA will then ask for comments from UKWin, in line with the Deadline 2 Submission UKWin [REP2-066] and Deadline 3 Submission from UKWin [REP3-050], particularly in relation to alternative technologies.

The ExA will then give an opportunity for other IPs to comments on any issues raised under this point of the Agenda.

5. Relevant Planning Policy

- Chapter 5 of the ES, Legislation and Policy [APP-032]
- Planning Statement [APP-091] and the Planning Statement Executive Summary [APP-092]
- Relevant Representation from BCKLWN [RR-001]
- Relevant Representation from Cambs CC and Fenland DC [RR-002]
- National Policy Statement Tracker [REP1-052]
- BCKLWN Local Impact Report [REP1-064]
- Cambs CC and Fenland DC joint Local Impact Report [REP1-074]
- Waste Fuel Availability Assessment Clean [REP2-010] and Tracked Changes version [REP2-010]
- Applicant's response to CCC and FDC Local Impact Report [REP2-020]
- Applicant's response to NCC and KLWN's Local Impact Report [REP2-021]
- Written Representation Rt Hon Stephen Barclay MP [REP2-064].

The ExA will ask the Applicant to set out, in broad terms, the key policy context for the development of the proposal and how it has assessed compliance of the Proposed Development with the relevant NPSs, as well as other national policies deemed important and of relevance to the determination of the DCO application, drawing heavily on the information set out in Chapter 5 of the ES Legislation and Policy [APP-032], the National Policy Statement Tracker [REP1-052].

The ExA will ask Cambridgeshire County Council to confirm the local planning policy context, particularly in relation to the status of the Peterborough Minerals and Waste Site Specific Proposal Plan (DPD) (2012) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2036 (2021) (the MWLP).

The ExA will also want to discuss with Cambridgeshire County Council the policies included in the MWLP, how these relate to the Proposed Development and what are the relevant land use allocations, with a particular emphasis on relevant policies for Waste Management Areas.

Considering the proposed catchment area, the ExA will then ask the Applicant how other relevant waste local plans have also been included as part of their assessment and how the proposed development meets their policies for waste management.

The ExA will want to discuss policies included in the Fenland Local Plan (2014) and how these relate to the proposed development, particularly those that define land use allocations. The ExA will also want to confirm the status of the emerging Local Plan and check if there are any proposals that could significantly change the policy context for the Proposed Development.

The ExA will also seek confirmation from King's Lynn and West Norfolk Borough Council (KLWNBC) and Norfolk County Council of the policies that are considered relevant to the Proposed Development, particularly land allocations and confirmation that the Proposed Development would not affect any safeguarded sites or mineral resources. The ExA will then ask for an update on the emerging Borough of King's Lynn and West Norfolk Local Plan Review and the Minerals and Waste Local Plan Review and if there are any proposals that could significantly change the policy context for the Proposed Development.

The ExA will give the Local Host Authorities (LHAs) and Interested Parties (IPs) the opportunity to comment.

The ExA will then ask for the Applicant to comment on certain issues raised in Appendix 1 of [REP2-064], Written Representation Rt Hon Stephen Barclay MP, particularly point 1 to 4 which relate to the Applicant's Planning Statement, how it meets the legislation and policy context and the objectives within national policy.

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);
- Wisbech Town Council;
- Norfolk County Council (NCC);
- Rt Hon Stephen Barclay MP;
- UKWin;
- WisWin;
- 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 virtually, and Invitees, will receive an email shortly before the Hearing containing a joining link and telephone number to enable participation virtually as necessary. Please join the Arrangements Conference promptly. The Case Team will admit you from the virtual Lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the Hearing to start promptly.

Procedure at ISH

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the

evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

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

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

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

Email: medworth@planninginspectorate.gov.uk

Tel: 0303 444 5000