

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 5 (ISH5) on Environmental Matters:

Hearing	Date and Time	Location
Issue Specific Hearing 5 (ISH5) on Environmental Matters	Thursday 18 May 2023 Hearing Starts at 10:00 Arrangements Conference from 09:00	By virtual means using Microsoft Teams 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 ISH5 is to undertake an oral examination on Environmental Matters, particularly in relation to landscape and visual effects, noise and vibration, water environment and cumulative effects.

3. Landscape and Visual

The purpose of this item is to examine the Proposed Development in relation to landscape and visual effects, mainly: assessment methodology; construction and operational effects and mitigation.

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 9 of the ES, Landscape and Visual [APP-036];
- Chapter 9 Landscape and Visual Appendices [APP-079];
- Chapter 7 of the ES, Noise and Vibration [APP-034]
- Planning Statement [APP-091] and the Planning Statement Executive Summary [APP-092];
- Design and Access Statement [APP-096];
- Outline Landscape and Ecological Management Plan [REP3-021];
- Relevant Representation from Cambs CC [RR-002] and Fenland DC [RR-003];

- Relevant Representation from Borough Council of Kings Lynn and West Norfolk [RR-001];
- Applicant's Comments on RRs (LAs and Statutory Parties) [REP1-028];
- Cambs CC and Fenland DC joint Local Impact Report [REP1-074];
- Borough Council of Kings Lynn and West Norfolk Local Impact Report [REP1-064]
- 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 KLWN's Local Impact Report [REP2-021];
- 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]
- Applicant's comments on Deadline 2 submissions [REP3-042]

The ExA will ask the Applicant to present its approach to landscape and visual effects as detailed in Chapter 9 of the ES, Landscape and Visual [APP-036], focusing particularly on the scope of the assessment, assessment methodology (including significance), likely significant effects and 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]. The ExA would wish to focus in particular on specific locations or viewpoints where the LHA disagree with the findings of the Landscape and Visual Impact Assessment (LVIA) findings. The ExA would also wish to focus on 10 New Bridge Lane in relation to visual effects.

The ExA would also be looking for comments from BCKLWN in line with concerns identified in the Borough Council of Kings Lynn and West Norfolk Local Impact Report [REP1-064] in relation to landscape and visual effects.

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

4. Noise and Vibration

The purpose of this item is to examine the Proposed Development in relation to noise and vibration, mainly: baseline assessment and methodology; construction and operational effects; mitigation and monitoring.

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 7 of the ES, Noise and Vibration [APP-034];
- Chapter 7 Noise and Vibration Figures [APP-051];

- Chapter 7 Noise and Vibration Appendices [AS-010];
- Outline Operational Travel Noise Management Plan (tracked) [REP1-012] and (clean) [REP1-013];
- Relevant Representation from BCKLWN [RR-001];
- Relevant Representation from Cambs CC and Fenland DC [RR-002];
- Relevant Representation from Environment Agency [RR-014];
- 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];
- 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 KLWN's Local Impact Report [REP2-021];
- CBKLWN Written Representation [REP2-028];
- 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 Written Representation [REP2-033];
- Outline Construction Environmental Management Plan (tracked) [REP3-022] and (clean) [REP3-023];
- Comments on the Written Representations: Part 1 - Statutory Parties [REP3-039];
- 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].

The ExA will ask the Applicant to present, in broad terms, its approach to noise and vibration issues as detailed in Chapter 7 of the ES, Noise and Vibration [APP-034], focusing particularly on the scope of the assessment (particularly identification of potential receptors), assessment methodology (including significance), assessment of noise and vibration effects and mitigation measures.

The ExA will then ask the Applicant to explain the role of the Outline Operational Travel Noise Management Plan (clean) [REP1-013] and how the Applicant proposes to control and monitor construction noise, particularly in light of the Outline Construction Environmental Management Plan [REP3-023].

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], BCKLWN Local Impact Report [REP1-064] and CBKLWN Written Representation [REP2-028] which might not have been adequately addressed yet by the Applicant, mainly in relation to construction noise and dust and operational noise.

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 - Post-hearing submissions including written submissions of oral cases [REP3-044].

The ExA will then invite IPs to comment on any issues covered under this agenda point.

5. Water environment

The purpose of this item is to examine the Proposed Development in relation to the water environment, mainly: flood risk, water supply, foul (trade) effluent, surface water and groundwater.

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 12 of the ES, Hydrology [APP-039];
- Chapter 12 Hydrology Appendix 12A Flood Risk Assessment [APP-084]
- Chapter 12 Hydrology Appendix 12B - 12E [APP-085]
- Outline Drainage Strategy [REP1-017]
- Outline Flood Emergency Management Plan [REP1-019]
- Outline Water Management Plan, Appendix B of Outline Construction Environmental Management Plan [REP3-023]
- Planning Statement [APP-091] and the Planning Statement Executive Summary [APP-092];
- Statement of Common Ground with Environment Agency [REP3-026]
- Statement of Common Ground between Medworth CHP Limited and the Host Authorities [REP1-038]
- Statement of Common Ground between Medworth CHP Limited and King's Lynn Internal Drainage Board [REP1-048]
- Statement of Common Ground between Medworth CHP Limited and the Middle Level Commissioners [REP1-047]
- 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];
- Borough Council of King's Lynn and West Norfolk Local Impact Report [REP1-064]
- Applicant's Response to NCC and KLWN's Local Impact Report [REP2-021]
- Applicant's comments on the written representations Part 1 – Statutory Parties [REP3-039]

The ExA will ask the Applicant to set out in broad terms their approach to flood risk including their approach to the sequential test and exception test and how the essential infrastructure located in Flood Zone 3a would be designed and constructed to remain operational and safe in times of flood. The ExA will then ask the Applicant to provide an update on the Statement of Common Ground with the Environment Agency [REP3-026] with regard to hydrology.

The ExA will ask the Applicant to set out their approach to water supply and foul (trade) effluent including an update on the Statement of Common Ground with

Anglian Water [REP1-044], and specifically in regard to Anglian Water [REP3-043] which describes the current insufficient water supply available within the Fenland Water Resource Zone to meet the maximum daily demand. The ExA will then give Anglian Water the opportunity to comment in relation to [REP1-044] and [REP3-043].

The ExA will ask the Applicant to set out their approach to the Outline Drainage Strategy [REP1-017] and progress on the Statements of Common Ground with the Lead Local Flood Authorities (LLFA) [REP1-038], Kings Lynn Internal Drainage Board (KLIDB) [REP1-048] and Hundred of Wisbech Internal Drainage Board (HWIDB) [REP1-047] specifically highlighting outstanding issues.

The ExA will then give the LLLFA, KLIDB, HWIDB and Interested Parties (IPs) the opportunity to comment, highlighting particular areas of disagreement between the parties.

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

6. Cumulative effects

The purpose of this item is to examine the cumulative effects of the Proposed Development.

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 18 of the ES, Cumulative Effects [APP-034];
- Chapter 18 Cumulative Effects Figures [APP-067];
- Chapter 18 Cumulative Effects Assessment Appendices [APP-090];
- Relevant Representation from Cambs CC and Fenland DC [RR-002];
- 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];
- BCKLWN response to ExQ1 [REP2-027];
- Cambs CC and Fenland DC response to ExQ1 [REP2-030];
- Comments on the Written Representations: Part 1 - Statutory Parties [REP3-039].
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The ExA will ask the Applicant to present, in broad terms, its approach to cumulative effects detailed in Chapter 18 of the ES, Cumulative Effects [APP-034], focusing particularly on inter-related effects assessment, the inter-project effects assessment and the conclusions reached.

The ExA will ask specific questions in relation to the assessment of cumulative effects on 10 New Bridge Lane and also the assessment of cumulative effects onto businesses located in the proximity of the Proposed Development.

The ExA will then ask the LHAs for confirmation of agreement with the short and long list presented, in line with comments made in the Cambs CC and Fenland DC response to ExQ1 [REP2-030] and BCKLWN response to ExQ1 [REP2-027].

The ExA will then ask the Applicant to particularly provide an overview of the cumulative effects, particularly those in relation to noise and vibration and air quality.

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.

The ExA will then invite IPs to comment on any issues covered under this agenda point.

7. Review of issues and actions arising

8. Any other business

9. 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;
- Anglian Water;
- Hundred of Wisbech Internal Drainage Board (IDB);
- Kings Lynn Internal Drainage Board (IDB);
- 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