



Please reply to
c/o Devonport EfW CHP Facility, Creek Road, Plymouth, PL5 1FL

Tracey Williams
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Medworth CHP Limited
Registered Office:
Devonport EfW CHP Facility
Creek Road
Plymouth
PL5 1FL

www.mvvuk.co.uk

Tim Marks

T [REDACTED]

Managing Directors:
Paul Carey
Peter Knapp
M ke Turner

Registration Number:
13130012

16th May 2023

Dear Ms Williams

EN010110 – Application by Medworth CHP Limited (“the Applicant”) for a Development Consent Order (“DCO”) for the Medworth Energy from Waste Combined Heat and Power Facility (“Medworth EfW CHP Facility”)

Notification of the Applicant’s intention to submit a request for changes

- 1.1 The Applicant has applied to the Secretary of State for a Development Consent Order (DCO) to construct operate and maintain an Energy from Waste (EfW) Combined Heat and Power (CHP) Facility on the industrial estate, Algores Way, Wisbech, Cambridgeshire. Together with associated Grid Connection, CHP Connection, Water Connections, and Temporary Construction Compound (TCC), these works are the Proposed Development. The DCO Application was accepted on 2 August 2022 and the Examination commenced on 21 February 2023.
- 1.2 The purpose of this letter is to notify the Examining Authority that the Applicant will be making a request for non-material changes to the Application. In summary these changes are:
 - 1.2.1 Minor amendments to the Order Limits within the boundary of the existing public highway at the junction of Cromwell Road and New Bridge Lane to facilitate the carrying out of the Access Improvements to the public highway forming part of Work No.4A; and
 - 1.2.2 Minor amendments to the Order Limits within the boundary of the existing public highway at the junction of New Bridge Lane and Salters Way to install proposed drop kerbs to the existing pavement forming part of Work No.4A.

1.3 The Applicant notes that, in respect of both proposed changes, these have been identified as a result of recent technical discussions with highways officers Cambridgeshire County Council (CCC) on the specification of Work No.4A following written and oral submissions at Issue Specific Hearing (ISH) 2 and Compulsory Acquisition Hearing 2 by CCC as part of the Examination. As CCC has only recently engaged with the Applicant on the design of Work No.4A, the Applicant does not consider that it would have been possible to identify and make these changes at an earlier stage in the process. The changes are explained in more detail below.

2. **Change 1: Minor Amendments to the Order Limits within the boundary of the existing public highway at the junction of Cromwell Road and New Bridge Lane to facilitate the carrying out of the Access Improvements to the public highway forming part of Work No.4A (the “Cromwell Road Junction Signal Scheme”)**

2.1 The proposed HGV access to the Medworth EfW CHP Facility is located off New Bridge Lane. During construction and operation of the EfW CHP Facility, and as secured via Requirements 11 and 12 of Schedule 2 to the draft DCO [REP3-007], HGVs will travel from the A47 along Cromwell Road, turning right, eastwards, onto New Bridge Lane at this junction.

2.2 Figure 10.1iv of the Outline Construction Traffic Management Plan [REP1-010] and Figure 3.19iv of ES Chapter 3 Description of the Proposed Development - Figures 3.19 i-iv (Rev2) [REP1-009] submitted at Deadline 1 set out the general arrangement of the proposed signal scheme at the Cromwell Road and New Bridge Lane Junction. This figure identified the proposed location of the primary and secondary signal heads (traffic lights), kerb realignment and the indicative road marking scheme.

2.3 Following discussions with highway officers at CCC, the Applicant and CCC have agreed, subject to a junction assessment and stage one safety audit, a revised signal scheme (as shown on the plan attached to this letter).

2.4 In order to facilitate the revised signal scheme, the Applicant proposes to extend the Order Limits to include additional areas of the existing public highway as shown indicatively coloured orange on the plan attached to this letter. As the Applicant will only be undertaking highway works to the existing public highway pursuant to Article 11 of the draft DCO [REP3-007] in these additional areas, no compulsory acquisition powers are required over these additional areas.

2.5 As the Applicant is not proposing to include in the draft DCO a provision authorising the compulsory acquisition of additional land (as defined in the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended) (the “CA Regulations 2010”), the CA Regulations 2010 are not applicable to Change 1.

2.6 The Applicant proposes to amend the drafting of Work No.4A in Schedule 1 of the draft DCO and Table 2 of Schedule 4 to the draft DCO [REP3-007] to specifically refer to the proposed signal heads for clarity.

3. **Change 2: Minor amendments to the Order Limits within the boundary of the existing public highway at the junction of New Bridge Lane and Salters Way to install proposed drop kerbs to the existing pavement forming part of Work No.4A (the “Salters Way Junction Pavement Works”)**

3.1 Figure 3.19ii of ES Chapter 3 Description of the Proposed Development - Figures 3.19 i-iv (Rev2) [REP1-009] submitted at Deadline 1 identified the provision of two new dropped kerbs

at the junction of New Bridge Lane and Salters Way. The Applicant notes that the proposed dropped kerbs were included to enable pedestrians to safely cross Salters Way.

- 3.2 During the technical discussions with the highway officers at CCC it was identified that the proposed dropped kerbs were located outside of the existing Order Limits.
- 3.3 In order to facilitate the construction of the proposed dropped kerbs to Salters Way Junction, the Applicant proposes to extend the Order Limits to include additional areas of the existing public highway as shown indicatively coloured orange on the plan attached to this letter. As the Applicant will only be undertaking highway works to the existing public highway pursuant to Article 11 of the draft DCO [REP3-007] in these additional areas, no compulsory acquisition powers are required over these additional areas.
- 3.4 As the Applicant is not proposing to include in the draft DCO a provision authorising the compulsory acquisition of additional land (as defined in the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended) (the "CA Regulations 2010"), the CA Regulations 2010 are not applicable to Change 2.

4. **Materiality**

- 4.1 For the reasons set out above, the Applicant's view is that Change 1 and Change 2 are minor in nature and would not be so substantial as to constitute a materially different project, whether viewed individually or taken together. The Applicant believes, for the reasons set out below, that the change application could be accommodated within the Examination timetable.

5. **Timing and Procedure**

- 5.1 Subject to the matters discussed below, it is intended that this application would be submitted on 5 June 2023, following preparation of the Changes Application document which would include:
- 5.1.1 before and after/track changed (as appropriate to the relevant document) extracts of the key documents that will change as a result of the Change 1 and Change 2;
 - 5.1.2 a schedule setting out the full list of documents that would change as a result of Change 1 and Change 2; and
 - 5.1.3 environmental appraisals relating to Change 1 and Change 2, confirming that there is no material change to the conclusions of the Environmental Statement and that there is no change to the HRA No Significant Effects Report.
- 5.2 It is the Applicant's initial view that Change 1 and Change 2 will lead to the conclusions set out in paragraph 5.1.3 as the changes are very minor and located wholly within existing public highway boundary. There would be a potentially beneficial impact (but not so great as to be new significant positive impacts of the Scheme) due proposed signal scheme at the junction on Cromwell Road enabling priority right-hand turns for traffic approaching from the A47 onto New Bridge Lane.
- 5.3 The Applicant considers that if the Changes Application was submitted on 5 June 2023, this could be accommodated without the need to change to Examination timetable:
- 5.3.1 On the assumption that the Change Application is accepted on 9 June 2023 (noting that it is possible for the ExA to accept a changes application promptly (see the

change application for Drax BECCS as an example which was accepted within 5 days)), any comments on the Changes Application could be submitted at Deadline 6 on 12 July 2023. Given the minor nature of the changes and considering that they have been agreed with the relevant planning authority, the Applicant considers this would be sufficient time for the submission of any comments on the Changes Application;

- 5.3.2 The Applicant considers that the date of ExA's third written questions on 21 July 2023 provides the ExA with sufficient time to consider the Changes Application and prepare any questions;
 - 5.3.3 Responses to the Third Written Questions are scheduled for 4 August 2023, providing Interested Parties with the same amount of time to respond to questions; and
 - 5.3.4 If considered necessary, this would allow for matters to be explored during an ISH held during the weeks commencing 7 or 14 August 2023 (noting also that the submission of this letter will enable the principle of the Changes Application to be discussed at the ISH on 17 May 2023, and there is potential for the Changes Application to also be discussed during hearings held during the reserve week, commencing 26 June 2023).
- 5.4 The timescales set out above are based on the assumption that no separate non-statutory consultation is considered necessary in advance of the submission of the Changes Application.
- 5.5 The Applicant considers that non-statutory consultation is not necessary for the following reasons:
- 5.5.1 The proposal to access the EfW CHP Facility from Cromwell Road onto New Bridge Lane and the need for road widening and junction improvement works to the Cromwell Road junction, New Bridge Lane and Salters Way formed part of the Proposed Development consulted on at statutory consultation pursuant to s.42, s.47 and s.48 of the Planning Act 2008;
 - 5.5.2 Stakeholders, persons with an interest in land and the local community had the opportunity to comment on the need for road widening and junction improvement works to the Cromwell Road junction, New Bridge Lane and Salters Way (Work No.4A) during the s56 notification process;
 - 5.5.3 The principle of the signal scheme at Cromwell Road (Change 1) and the proposed dropped kerbs at Salters Way (Change 2) are already part of the Proposed Development (see Figure 10.1iv of the Outline Construction Traffic Management Plan [REP1-010] and Figure 3.19iv of ES Chapter 3 Description of the Proposed Development - Figures 3.19 i-iv (Rev2) [REP1-009] submitted at Deadline 1;
 - 5.5.4 Change 1 and Change 2 relate to the development of the technical design of Work No.4A and are being made as a direct result of feedback received through the Examination process by local highway authority;
 - 5.5.5 Change 1 and Change 2 would involve minor extensions to the Order Limits (to carry out highway works pursuant to Article 11 of the draft DCO), no compulsory acquisition powers are required over these additional areas;

- 5.5.6 As the Applicant is not proposing to include in the draft DCO a provision authorising the compulsory acquisition of additional land (as defined in the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended) (the “CA Regulations 2010”), the CA Regulations 2010 are not applicable to Change 1 or Change 2;
 - 5.5.7 Mindful of the *Wheatcroft* and *Holborn Studios* principles and the ‘impact to business and residents’ criteria in the DCLG Guidance on changes to DCOs, the Applicant considers that businesses and residents have already had the opportunity to raise any concerns relating to the traffic impacts of the Proposed Development and the proposed access onto New Bridge Lane from Cromwell Road during statutory consultation, in their relevant representations and during the Examination to date and many businesses and residents have done so. To the extent that any business or resident has any particular concerns relating specifically to Change 1 and/or Change 2, they will be able to make submissions in respect of Change 1 and/or Change 2 during the Examination process;
 - 5.5.8 This is a step that is open to the ExA, in light of Step 2 in Figure 1 of PINS Advice Note 16, that refers to the ExA considering the *need* for consultation as well as its ‘scale and nature’; and
 - 5.5.9 In light of the recent experience on other DCOs, such as the Sunnica Energy Farm, Thurrock Flexible Generation Plant and, in particular, Net Zero Teesside Project. During the Net Zero Teesside Project, numerous changes were made throughout the pre-Examination and Examination period; once Examination commenced, non-statutory consultation was not required by the ExA in respect of that DCO.
- 5.6 The Applicant has discussed the principle of the Changes Application with the relevant planning authority (in this case CCC as the waste planning authority, in addition to being the highway authority), CCC is considering the matter internally but has not raised any concerns with this approach to date.
- 5.7 In the event that the ExA considers that non-statutory consultation is necessary for Change 1 and/or Change 2, the Applicant considers that such consultation:
- 5.7.1 Should not require a public exhibition of event, given the minor nature of Change 1 and Change 2;
 - 5.7.2 Should involve only local newspapers (i.e., not a national newspaper);
 - 5.7.3 Should involve the same ‘Core Consultation Zone’ as was used at statutory consultation but be limited to the administrative area of CCC as neither Change 1 nor Change 2 are relevant to the Grid Connection which extends into Norfolk County Council;
 - 5.7.4 Should not involve writing to land interests as Change 1 and/or Change 2 relate solely to land that forms part of the existing public highway; and
 - 5.7.5 Should involve writing to relevant prescribed consultees (including statutory undertakers) that have an interest/responsibilities relating to Change 1 and/or Change 2.
- 5.8 The Applicant suggests that the timing of any such consultation and its impacts on the Examination timetable would be as follows:

- 5.8.1 In light of the anticipated discussion of the principle of the Changes Application at Issue Specific Hearing 4 on 17 May 2023 (Agenda Item 3), and the requirements for newspaper notices, it is considered likely that any consultation would need to take place in the period 7 June 2023 to 5 July 2023;
- 5.8.2 Submission of the Changes Application following that consultation would then take place by 9 July 2023;
- 5.8.3 In the period between now and 9 July 2023, the current Examination deadlines and events could take place as currently programmed (noting that hearings are scheduled to take place in the week commencing 26 June 2023);
- 5.8.4 On the assumption that the Change Application is accepted on 14 July 2023 (noting that it is possible for the ExA to accept a changes application promptly (see the change application for Drax BECCS as an example which was accepted within 5 days)), any comments on the Changes Application could be submitted at a new Deadline 6A on 28 July 2023, given the minor nature of the changes and the consultation exercise, the Applicant considers this would be sufficient time for the submission of any comments on the Changes Application;
- 5.8.5 Responses to any comments submitted at Deadline 6A could be submitted at the existing Deadline 7 on 4 August 2023; and
- 5.8.6 Following acceptance of the Changes Application, and to the extent that the ExA considered it necessary to hold an ISH on either Change 1 and/or Change 2, there would be sufficient time to hold an ISH prior to the end of the Examination on 21 August 2023.
- 5.9 As stated above, the Applicant considers that a consultation is not required for reasons and further notes that the proposed timetable amendments set out in paragraph 5.8 would mean that the end of Examination would have tighter timescales as a consequence.
- 5.10 However, whilst the Applicant's position is that consultation is not required, it has sought to demonstrate that whether a consultation is required or not, this could be accommodated within the Examination timetable.
- 5.11 The Applicant would therefore welcome a response from the ExA to the matters set out in this letter in relation to the proposed Changes Application.

Yours sincerely

Digitally signed
by Paul Carey
Date: 2023.05.16
17:28:19 +01'00'

Digitally signed
by Tim Marks
Date: 2023.05.16
17:25:32 +01'00'

Paul Carey
Managing Director

Tim Marks
Head of Planning

Enc. Indicative plans



BRIDGE LANE

CROMWELL ROAD

B 198

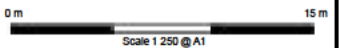
Cromwell Road

New Bridge Lane

- Key
- Order limits
 - Highways boundary
 - Proposed scheme kerb line
 - Additional area required within highway boundary

- Notes:
1. Newbridge lane Topographical Survey undertaken by MFM Land Surveys and Engineering Services Ltd between 6-9 November 2019.
 2. Outside the extents of the topographical survey this scheme has been developed using OS basemapping.

DRAFT



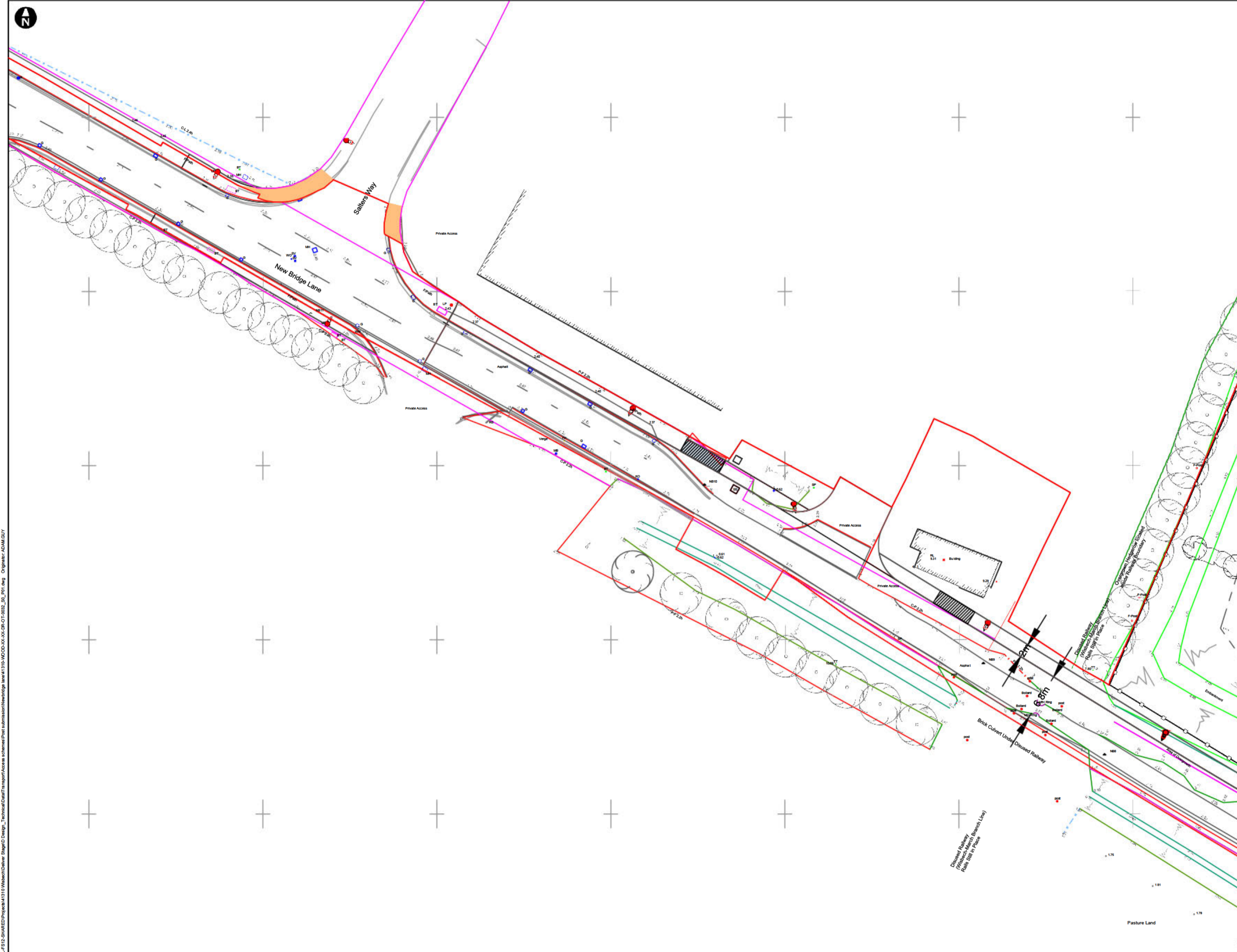
© Crown copyright. All rights reserved. Licence number AL10001776.

Medworth CHP Limited
Medworth Energy from Waste Combined Heat and Power Facility DCO

Indicative additional area of existing public highway

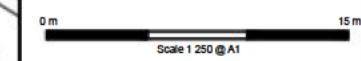
May 2023





- Key
- Order limits
 - Highways boundary
 - Additional area required within highway boundary

DRAFT



© Crown copyright. All rights reserved. Licence number AL100001776.

Medworth CHP Limited
Medworth Energy from Waste Combined
Heat and Power Facility DCO

Indicative additional area of existing
public highway

May 2023