

Medworth ISH3_16 May_PT3

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FULL TRANSCRIPT (with timecode)

00:00:05:08 - 00:00:07:28

Can I check if people can still hear me?

00:00:08:26 - 00:00:11:04

Yes, we can. Thanks. Yes, we can.

00:00:12:00 - 00:00:13:20

Thank you very much. Yes.

00:00:18:13 - 00:00:24:19

I will now resume this hearing then. It's now 3:15 and.

00:00:27:03 - 00:00:53:02

We were an item for when we had a break, which is alternatives and design. And I still have some questions for the applicant in terms of design alternatives, particularly terms of massing options and cladding options. But I'm actually happy to, considering the time in considering the following items. I'm actually happy to. Um.

00:00:54:21 - 00:01:22:26

Put those in writing at a later stage. But I was going to, in that case, just propose that perhaps I ask then. Now, if the local host authorities would like to make any further comments in relation to the points that we have discussed and these items, particularly in terms of alternatives and design.

00:01:25:10 - 00:01:30:12

So, yes, briefly, Mr. Briggs has a couple of comments, if that's all right from you.

00:01:30:16 - 00:01:33:06

Yes, please. Thank you, Mr. Briggs.

00:01:35:11 - 00:01:57:21

Thank you. This is purely on the matter of location. We note in issue specific hearing one, the applicant explained that sites in Norfolk and Wisbech were principally identified as being suitable, and the Peterborough Green Energy and Essex River Hall sites were not suitable. However, within the alternatives, Chapter two of the environmental statement, we don't seem to have any reference to these sites or their reasons for exclusion.

00:01:59:10 - 00:02:08:16

We believe that's important. The applicant provides reasons why other sites were not progressed and that this is documented to the examinations. There is clear justification for selection of the site.

00:02:08:24 - 00:02:14:13

And in terms of environmental reasons, which is what they should have been dismissed on. Yes.

00:02:15:09 - 00:02:46:13

For reasons, but also in terms of heat networks. And there are many similarities between the Peterborough Green Energy site, which has permission at the moment and this site in terms of its context. So and as just a brief second point, the applicant also referred to this site as being preferable to make the best use of heat. The energy from Waste Park would produce, we note, and as previously noted by others, that no agreements for heat use have been submitted with the application, nor there is the ability to transport heat without the agreement of other landowners at this point in time.

00:02:46:27 - 00:02:47:15

That's all.

00:02:48:22 - 00:02:52:29

Thank you very much for those comments. Can I ask the applicant to respond, please?

00:02:55:09 - 00:03:35:24

Claire project for the applicant just in respect of the availability of other sites that were referred to at issue specific hearing one. Obviously when we're looking at available sites, we're looking at sites that are available for the applicant to carry out a proposed development. The Peterborough site, um, is was not available because it was obviously owned by another entity and had existing planning permission for a different type of facility that did not include the type and the nature of the scale that the the applicant is seeking to develop here.

00:03:36:06 - 00:03:58:21

Mr. Carey can provide some further detail on on those those sites. But I think in terms of the actual site selection process, the applicant was looking for a site that was available for the proposed development rather than sites that are owned or being brought forward by others for a similar type of development.

00:03:59:21 - 00:04:06:13

Um. Thank you. Mr. Kerry, would you like to add anything to Ms.. Broderick's answer?

00:04:07:21 - 00:04:46:21

Yeah. So Paul Carey for the applicant. So just concerning the two sites that were just mentioned, we are aware of them. I have been to both sites and had a look over them. The Peterborough site is not really ideally located from a heat point of view inasmuch that excuse me, there are not the same sort of concentration of heat users immediately on the doorstep of that facility and not really any in in the immediate vicinity. Plus there's also a smaller energy from waste plant more closely centred to those those potential heat loads, heat demands.

00:04:46:23 - 00:05:17:00

So should they ever be realised that that would be a better suited to supplying heat to those buildings? Um, but also and I don't really want to start revealing again commercially confidential discussions, but I have attempted to reach out to the owners of that site. But it's a Malaysian company and it's been proved very difficult to make contact with the people in Malaysia. Um, regarding Rivendell, I also have visited that site.

00:05:17:23 - 00:05:53:24

The planning permission for that project in our view was one that was not commercially viable because it required the development of not just the energy from Waste facility, but also a number of other facilities that would have taken some of the heat from that, um, that energy from waste plant, including, for example, a new paper recycling facility, the people who are developing that are ignoring those planning obligations and not building out those other facilities.

00:05:53:26 - 00:06:20:24

And I think there's a bit of a dispute you might want to ask Essex County Council to opine on that, but they are rather challenging the the the position that the owners of that site have now taken to build it, not in compliance with the planning permission. So we do look at alternative sites and we chose not to go ahead with those two for the reasons I've just explained.

00:06:21:03 - 00:06:51:03

All right. Thank you very much for that intervention, Mr. Kerry. I think that also partially the problem that we are facing today in terms of alternatives is actually the fact that the information, at least to me, it seems to be a little bit dispersed. I do wonder if the applicant agrees with that and if the applicant does agree. I do wonder if the applicant has any suggestions in terms of perhaps bringing that information together in a more straightforward way so that it can be analysed.

00:06:54:19 - 00:06:56:00

It's a question for the applicant.

00:06:57:12 - 00:07:29:12

Player project for the applicant, and we can certainly provide a position statement that sets out how the applicant believes it's complied with the necessary policy tests and any other applicable legal tests, such as the requirements under the Environmental Impact Assessment regulations and combine that with the information on compliance with sequential test, which obviously is a separate issue, will be discussing the hydrology hearing agenda.

00:07:29:14 - 00:08:05:25

But as I said, to bring that all together within with within one document, that's something that can be that can be provided by the applicant that would also bring together as well some of the additional sort of background commercial information that Mr. Kerry's provided in these hearings, which obviously don't form part and don't normally form part of the information provided in in in a sort of equivalent chapter of an environmental statement, but has obviously been helpful, I think, in terms of clarifying the work that actually has been undertaken by the applicant behind the scenes before the application was prepared.

00:08:05:27 - 00:08:16:21

So we can definitely put that all together in a position statement for you. But think in light of the timescales, that would be a deadline five deliverable, not something that we could achieve for next week.

00:08:17:10 - 00:08:47:15

Yes, that's that's fine. And I think that that would be very helpful. Mrs. Broderick So can actually get an action note, please, on that specific issue for the applicant to prepare by deadline five, a position statement to draw some of the information in terms of alternatives and provides a little bit more context in terms of the selection process, particularly environmental considerations, and why those were dismissed based on such considerations. Um.

00:08:49:04 - 00:08:56:21

Mr. Breese. Is there any other issue that you would like to raise?

00:08:58:29 - 00:09:01:23

Are we not on this item? Thank you.

00:09:02:17 - 00:09:05:03

Okay. Thank you very much. Um.

00:09:07:22 - 00:09:24:07

Now, can I ask, um, representatives from the Borough Council of Kingsland and West Norfolk. Um, as well, if there are any other issues that you would like to raise and alternatives.

00:09:25:17 - 00:09:29:08

Thank you, sir. Hannah Wood handy for the Borough Council. It's nothing further to add. Thank you.

00:09:29:17 - 00:09:41:20

Thank you very much. Right. Um. I, um. I would like to just very quickly just to highlight that, um.

00:09:43:12 - 00:10:25:24

I think that the written representation that I have mentioned before, but Honorable Stephen Barclay also raised some queries and some issues that I think are relevant to this specific topic. And as I have mentioned before, am aware that a substantive response in writing has already been provided to those issues by the applicant. But is it possible for us to just confirm that and confirm that the applicant is satisfied with its response to those issues? And particularly looking at issues raised in appendix four of Rep 206 for which I think had the most relevant appendix with issues for this specific item.

00:10:30:03 - 00:11:22:10

Project for the applicant? Yes. The applicant considers that it has responded in detail to those submissions in its deadline three response, which was Rap 3040. We've also been through the majority of the points during this hearing. In terms of the site selection process. The reason for the size of the proposed facility and consideration of other technologies and processes, how that will impact on wider recycling aspirations and also on the CHP connection, We've we've spoken in in some detail about the status of discussions relating to CHP and potential users.

00:11:22:19 - 00:12:02:22

One of the points that was raised in that which it might be worth mentioning in this in this hearing in case it doesn't come up tomorrow, was just to clarify that the the CHP connection has been designed to run up the currently disused march to Wisbech railway and that's included within the application. That land is currently owned by Network Rail and the applicant is in discussions with Network Rail for the voluntary agreement to install the connection along that route.

00:12:03:03 - 00:12:34:26

What we did want to mention was that the CHP connection would not prevent or impede the re-opening of the disused to much to speak railway should that come forward. And Chapter three of the environmental statement, which is App 049, includes some figures which demonstrate how the CHP connection can be accommodated within the railway corridor. Should a railway come forward in the future, whether that's a full railway or some kind of light rail solution.

00:12:34:28 - 00:13:06:24

We obviously do have the applicants head of engineering here today in the hearing. Should you have any specific questions on the CHP connection that we would be happy happy to answer if there are any technical queries that you might have. We've obviously also got the applicant's architect, Mr. David Hulme, who's available virtually online, who has joined the hearing today to be able to talk about the design elements.

00:13:06:26 - 00:13:28:22

I know that you mentioned that you were going to put some of those questions in writing, but I just wanted to point out that that the architect is available for this hearing today. Should you have any specific architectural questions that you think might be more appropriately handled orally in this hearing, which I just wanted to remind you that he was available for questions.

00:13:29:12 - 00:14:00:19

Thank you for that, Mrs. Broderick. That's very useful. And as I've mentioned, I do have some questions in terms of design of proposal and options considered for the design. But I do I do think that, um, the next item is an item that I think will probably require some discussion as well in terms of relevant planning policy and am mindful of the time today. And as I have said, we our aim is to finish at 430 if we have to wait five.

00:14:01:03 - 00:14:30:24

Um, so what perhaps would suggest is that we, um, we then address some of the key issues that I think are really worth discussing and the item five and obviously there are other issues and the item that I would like to address as well in terms of design. But perhaps what I would suggest is that we come back and revisit it at the end of the day to day, if we have time for that, if the applicant is in agreement with that.

00:14:33:18 - 00:14:36:03

Project for the applicant. Yes, that sounds like a sensible approach.

00:14:36:22 - 00:14:37:09

Thank you.

00:14:40:01 - 00:14:58:25

Uh, before move us on to the next item. Then. I would also like to ask UK win if they would like to make any um, comments, particularly in relation to alternative technologies, because I do know that you have mentioned that on your representations to us.

00:15:00:05 - 00:15:06:15

Thank you very much, sir. In light of the timing, I would say we have nothing to add today. Thank you very much.

00:15:06:18 - 00:15:20:08

Okay. Thank you very much. Right. Can I ask if there is anyone else on the line that has any points that they would like to raise under this specific agenda item? Item four.

00:15:25:15 - 00:15:50:17

I don't see any hands raised. So what I propose then in that case, I'll move on to item five relevant planning policy. So in this item I want to examine the relevant planning policy context, namely how the proposed development responds to the local adopted planning policy, adopted Cambridgeshire and Peterborough Minerals and Waste Site specific proposals Plan Development Plan document 2012 and um.

00:15:55:17 - 00:16:07:26

A series of different documents I have also mentioned on the agenda can. Just check with all participants that. Um.

00:16:10:15 - 00:16:23:25

You are that you don't have any further documents that you think are key to this specific issue to be added to item five from the list that was circulated with the agenda.

00:16:30:08 - 00:16:32:11

I don't see any hands raised.

00:16:33:13 - 00:16:33:28

Um.

00:16:34:20 - 00:16:37:03

So first of all, um.

00:16:42:22 - 00:17:16:05

I wanted to ask a specific question in terms of to the applicant, in terms of legislation and in policy. So obviously, Chapter five of the. Yes, that that is AP 032 sets out the applicant's assessment to get relevant topics in the national planning statements. And can I just very briefly just confirm that the applicant believes that the proposed development has been carried out in accordance with the relevant adopted NPS? Just looking at the adopted at the moment.

00:17:18:06 - 00:17:26:02

So David came for the applicant? Yes, sir. As you mentioned, that the planning statement that's out

00:17:27:18 - 00:17:49:21

the describes the proposed development. Identifies the the impacts both positive and negative. Taking the information from the environmental statement and then compares those with with the existing the adopted NPS and finds in conclusion that the application is compliant with national policy.

00:17:50:19 - 00:18:35:11

Thank you very much. And obviously I have asked at the beginning of this examination for the applicant to prepare a document tracker in terms of the emerging national policies in compliance with it as well, which the applicant has actually provided on several different occasions to the examination. Uh, really same question. So can the applicant actually confirm, um, talk us through its approach in terms of the emerging relevant in pieces and how it has addressed emerging policy and if the applicant has um, identified any particular areas of concern for the applicant in terms of how this proposed development respond to the emerging NPS.

00:18:38:21 - 00:19:11:07

So David came for the applicant. So the the switch that was submitted at deadline, one considered both the adopted and the draft as it existed at that time. It's 2021. And you're correct, sir, that subsequently and in March this year government produced a new set of of this for consultation and the more recent tracker has now been updated to to reflect those new MPs.

00:19:11:22 - 00:19:51:18

And the approach that the tracker takes is first and foremost to consider the performance of the application against the adopted national policy statements. And then secondly, where emerging policy may differ or provide different emphasis, um, then it that that difference is reflected in the second table and the document and a comparison against the development and conclusions drawn reported within the document in terms of the emerging 2023 draft NPS.

00:19:51:27 - 00:20:25:00

Um, fundamentally, um, the policy remains the same as the adopted so support is maintained for energy from waste developments. There remains an encouragement for CHP. Um, and the issue of carbon capture, which we will discuss tomorrow, um, has moved on. But to the extent that is not a requirement of any facility, um, but there's increasing recognition of the importance of being carbon capture ready.

00:20:25:15 - 00:20:56:02

Um, as I said, we, we've gone through all the various generic impact assessments which are commonly reported in and one, um, and reviewed those within the emerging draft NPS versus the

adopted NPS and again commented where there may be difference. Fundamentally the topics remained the same. Um, landscaping, visual, historic environment, etcetera.

00:20:56:12 - 00:21:14:16

Um, and where that emphasis is difference, we've reported accordingly. But again, just just to conclude really fundamentally the proposed development, um, as far as the planning assessment is concerned, remains consistent both with the adopted and the emerging draft.

00:21:15:04 - 00:21:15:19

So

00:21:17:01 - 00:21:37:15

thank you very much for that. Um, I would then in that case, just like us to actually take us to the latest version of the national policy statement tracker, that would be rep 1052. Um, and I will try and share the document as well.

00:21:39:21 - 00:21:50:04

A Clare project. The applicant Just to clarify your referring to the version that was submitted at deadline three, the tracker at deadline three, which is

00:21:51:20 - 00:22:07:06

rep 3-031. So we wasn't quite sure if you were referring to the deadline one or the deadline three version that superseded that. So it's should be rep 3-031.

00:22:07:13 - 00:22:16:10

Yes. Thank you for that clarification. Absolutely. It's REP 3031. The deadline. The deadline three submission.

00:22:18:22 - 00:22:21:12

So we'll try and share that.

00:23:02:18 - 00:23:07:23

And just to confirm that you that I'm showing the document.

00:23:08:17 - 00:23:11:18

Yes. Yes, Mr. Pinto, We can see the document.

00:23:12:06 - 00:23:43:12

Thank you very much. Um, can I ask the applicant, particularly to particularly in relation to, um, climate change adaptation, which is the area that I think I am showing now, can actually ask the applicant to please talk us through in terms of the emerging policy here and how the proposal actually meets, um, in how we measures against emerging policy.

00:23:50:03 - 00:23:55:24

Clare project for the applicant. We're just finding the relevant passage in our own our own documents. We'll be with you in a second.

00:23:55:28 - 00:23:58:00

I think it is between page.

00:23:58:02 - 00:23:59:15

11 and page 12.

00:24:06:13 - 00:24:13:27

Sir David Kenyon for the applicant. So if you'd just like me to summarize, possibly the, um,

00:24:15:13 - 00:24:24:03

the MPs, what the MPs says, and this is page 11. So. So this is the, it's the adopted end as opposed to the draft.

00:24:24:23 - 00:24:26:03

Apologies. Um.

00:24:26:17 - 00:24:28:23

Should be sharing the draft.

00:24:40:06 - 00:25:10:27

I think I need to actually search the document in a little bit more time. But my question is, and perhaps it might be more useful if I just asked the question is, can the applicant please tell us how in relation to new requirements linked with climate change and emerging environmental guidance, how does the proposal measure against those new requirements?

00:25:13:13 - 00:25:44:13

David Kenyon for the applicant. Yes, sir. I can do that for you. Um, so if we just look at the context here. So 2011, when the NPS were initially adopted, um, greenhouse gas emissions, particularly in the context of the environmental impact Assessment regulations, were not a, um, didn't not form part of, of of the regulations for consideration. Subsequently, um, I think it was 2017. But I'm sure Mr. Brodrick will correct me if I'm wrong.

00:25:44:26 - 00:26:28:27

Um, they were brought in along with some other topics as well for consideration. And I think, um, obviously that's also been reflected in the more up to date MPs that we have before us now the draft for 2023. So if you take the draft from 2023, the first thing it asks for is that applicants must consider, um, greenhouse gas assessments as part of their environmental statement. And that has been done, as you'll be aware, sir. Chapter 14 Climate EPI zero 41 UM provides or reports upon the carbon assessment that has been undertaken, um, on the whole life cycle of the developments.

00:26:29:18 - 00:27:03:27

Um, I think it's also important to add that it's not just about undertaking that assessment. Policy also asks for our request that applicants consider the opportunity to embed what it terms nature based or technological solutions to mitigate and to offset emissions, um, to, to the climate. And that's the atmosphere, I should say. Um, and again, the applicant has done that. So within chapter 14, there are essentially two parts to that chapter.

00:27:04:13 - 00:27:39:18

There's the part which considers emissions to atmosphere the greenhouse gas emissions. But the other part is about climate resilience and adaptation and how the the proposed development has been designed both to be resilient to climate change, um, and to adapt to it as well. So I mentioned earlier on the context of design. Um, there are measures to, to recycle water. There are measures known as sustainable urban drainage systems to sort of mitigate the flow from higher rainfall events.

00:27:39:29 - 00:28:13:11

Um, there are solar panels on the administration building, um, a lot of detailed elements. Um, in addition, obviously we've spoken earlier about carbon capture and there is land put aside for that as well. So in both aspects, both the calculation of greenhouse gas emissions and the adaptability and the

resilience the applicant has undertaken, um, the measures that are encouraged or required within that emerging NPS.

00:28:13:22 - 00:28:15:15

Um, I'm just going to see if there's anything else.

00:28:17:26 - 00:28:26:26

Thank you. Thank you for that response. Um, while you do that, can I just bring in Mr. Ian Rouse that I believe wants to participate on this point?

00:28:27:28 - 00:28:58:18

Uh, yes. With regards to CO2 emissions, I'm quite amazed that they mention the word offsetting. To be perfectly honest, I mean, as they said, they're going to be burning 565,000 tonnes of waste a year. I think that's correct. And we've got evidence here from UK with UK without incineration that says that for every tonne of waste burn, more than a tonne of CO2 is released into the atmosphere. How on earth are they going to offset 565,000 tonnes of carbon dioxide? We've also got some other figures here as well.

00:28:59:18 - 00:29:34:22

Friends of the Earth, my organisation estimate that 33% more greenhouse gases released during incineration of waste and then during the use of a traditional gas fired power station. Um, I've got another the Energy Justice Network. This is a US based organisation suggests, um, the figures are more like 2.5 times more CO2 released during incineration compared to a coal fired power station. So all, um, I think maybe those figures need to be considered with regards to CO2 emissions from the incinerator.

00:29:34:24 - 00:29:35:09

Thank you.

00:29:36:01 - 00:29:40:10

Right. Can I ask the applicant to please reply to this point?

00:29:43:05 - 00:30:15:27

Flat project. The applicant and Mr. Kenyon can just clarify one of the points that was made in terms of referenced offsetting. But I just wanted to highlight that we do have climate change as a specific agenda item tomorrow. And the yeah, the applicant's consultant who specializes and who prepared it as part of the preparation of the assessment is available tomorrow to answer any specific technical questions.

00:30:15:29 - 00:30:49:15

Obviously today's hearing considers, I guess, policy compliance that is slightly higher level rather than rather than the detail of the assessment that was undertaken and forms part of the environmental statement. What I just wanted to highlight, obviously, is that the the revised National policy statement, as Mr. Kenyon says, does reiterate government support for further energy from waste facilities.

00:30:49:17 - 00:31:22:20

So the policies in relation to climate change all need to be considered in the context of that overarching support for energy from waste and based on their role as treating waste and in conjunction with some of the other policies that are set out in relation to capacity, which we which we touched on earlier. But I just wanted to make that point clear, that we're talking about these further tests in the context of that overarching support for the facility.

00:31:23:10 - 00:32:06:06

Thank you for that answer. Ms. Broderick. Also, I would like to ask the applicant, so I think that I am sharing now, I think page 80 and page 81 would be grateful if someone could actually confirm that they can see that of the national policy statement tracker and. We have that that's the applicant assessment is on second paragraph of the second column. It says that the proposed plant must not compete with greater waste prevention, reuse or recycling or resulting overcapacity of energy for waste treatment at a national or local level.

00:32:06:08 - 00:32:15:14

So cannot just ask the applicant to please comment on that in light of the application and how it meets that specific policy.

00:32:22:05 - 00:32:26:20

Sir David Kenyon for the applicant. Put glasses on and off. Um,

00:32:28:17 - 00:32:29:10

yes, sir. So.

00:32:31:19 - 00:33:04:00

We've discussed at length most of today, really the warfare, the waste fuel availability assessment, um, and, and the the capacity gap that has been identified within that. So effective. And in summary, um, the wolfer provides the information that enables the, the planning assessment to conclude that the proposed development is compliant with with that reference to over capacity at a national and local level.

00:33:04:02 - 00:33:24:09

In other words, the information presented in the WOLFER demonstrates that there isn't over capacity that the national level or the at the study area level, the local study area which we've discussed earlier and hence is compliant with, with NPS. Um, a draft I should say. Ian. Ian three.

00:33:25:12 - 00:33:25:28

Thank you.

00:33:26:22 - 00:34:01:24

Also wanted to ask a question on the following paragraph which actually states that government policy encourages multi-modal transport and it is expected that applicants will transport materials, fuel and residues by water or rail routes where possible, with road transport expected where this is not feasible or for shorter journeys. Um, I know that. I know that it says encourage and I'm already anticipating some of the comments that you might actually have on this specific policy and know that it's not a clear requirement.

00:34:01:26 - 00:34:16:26

But can I please ask the applicant to provide us with some information in terms of what options were considered in how it meets the requirement in terms of encouraging that multimodal transport?

00:34:19:01 - 00:35:02:29

Sir David. David Kenyon for the applicant. So you're quite correct. It says encourage. We've discussed earlier the sort of the locational criteria that the the applicant used. And clearly the availability of heat customers was was an essential criteria. One of the two essential criteria that the that the applicant use when looking for for a site. That said, we are all aware that the proposed development lies alongside the disused marched to Wisbech railway and land has been set aside within the boundary of the proposed development to facilitate and enable a future rail siding.

00:35:03:01 - 00:35:09:24

Should should that railway come forward and should obviously it be feasible from a from a commercial point of view as well? So

00:35:11:26 - 00:35:31:12

to an extent a little like the carbon capture, but probably a little bit longer term, but there is the opportunity there for the applicant to look, consider and ultimately provide rail or receive waste from rail should that that railway reopen and should it be commercially viable. So.

00:35:33:03 - 00:35:34:10

Thank you. Um.

00:35:38:10 - 00:35:43:17

In terms of that specific answer, if I may actually press the point then And.

00:35:46:05 - 00:35:58:13

Obviously you have covered already in terms of your conversations with the rail network, in terms of being able to pursue that option and.

00:36:00:26 - 00:36:08:22

But guess that can kind of just ask to confirm that, that it is an uncertain option at the moment.

00:36:13:23 - 00:36:46:05

The pull carry for the applicant, sir. So I've personally been involved in almost all of the monthly calls that we have with Network Rail. Excuse me. And we've made it clear to them that should the railway to Wisbech be reinstated and it would need to be reinstated all the way up to the to the past wisdom lane, then we would be very happy if it was as long as it was the heavy rail type to be able to take waste in by rail wagon.

00:36:46:07 - 00:37:17:18

And we've allowed space on our site to have a future rail unloading system. And we've spoken to other people in Network Rail about the best system to use. We do have experience of rail unloading systems in Germany, in the UK. They might be slightly different for for a number of technical reasons. So as far as we're concerned, as a matter of corporate policy, we would like to have a rail siding alongside so that we could bring waste in by rail.

00:37:17:29 - 00:37:28:07

And much depends on whether Network Rail and others are going to decide whether to reinstate that railway and when. And we have no idea when that might be, sir.

00:37:29:07 - 00:37:31:26

Okay. Thank you very much for that.

00:37:32:16 - 00:37:34:23

Um. Okay. Um.

00:37:38:12 - 00:37:50:29

Are there any other comments that anyone else on the line would like to make on this specific point? Before I move on to local policy.

00:37:56:05 - 00:37:59:10

I don't see any hands raised. So actually.

00:37:59:18 - 00:38:01:29

I would now like to.

00:38:02:01 - 00:38:33:17

Turn our attention to Cambridgeshire County Council. And first of all, can I please confirm the status of um, of the Minerals and waste sites specific proposal plan I think was 2012, which has been referenced in some of the documents and the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021, which I understand is now the adopted plan. But I saw some inconsistencies in terms of how these plans were referred to.

00:38:33:19 - 00:38:44:07

So can I just check with Cambridgeshire County Council that the Cambridgeshire and Peterborough Mineral and Waste Local Plan 2021 is the adopted one?

00:38:46:14 - 00:38:51:11

And I'll turn you over to Mr. Brees to deal with this matter. Thank you.

00:38:51:26 - 00:39:22:25

Um, as you say, the agenda refers to the Peterborough members and waste specific proposals Plan That appears to be a typo. Typographical error. The Cambridgeshire and Peterborough Minerals and Waste Site specific proposals plan, which was adopted in 2012, was superseded by the Cambridgeshire and Peterborough Minerals and Waste Local Plan, adopted in July 2021. Any references to the site specific proposals plan likely resulted as of of consultation before July 2021.

00:39:22:27 - 00:39:29:26

So if the applicant was consulting on the project prior to then, any response may have referred to old policy. About right.

00:39:30:15 - 00:39:32:12

Thank you very much. In can.

00:39:32:14 - 00:39:38:29

I ask then in that case according to that specific plan now can I.

00:39:39:01 - 00:39:40:01

Confirm um.

00:39:40:09 - 00:39:53:16

What other designations attached to the application site? And is it an waste? Is it in a waste management area? And if so, what are the key relevant policies that need to be taken into consideration?

00:39:54:09 - 00:40:34:05

Okay. I can confirm that the site is identified as a waste management area. I just wish to take a step back for a second because think some context may be required here. You have set out relevant policies in paragraph one. Point one. Point two of the local impact report Policy three sets out waste management need and Policy four sets out providing for waste management. So that is the locational criteria. It's important to understand the context in which the plan was written and as set out in policy three. The plan area has, with the exception for some hazardous waste management capacity, sufficient capacity to to manage waste, managed waste to produce from within the plan area.

00:40:34:11 - 00:41:14:17

This does rely on landfill capacity, but as there is sufficient capacity. Consequently, the plan does not allocate any new waste management sites. The plan does, however, include policy four, which sets the

spatial strategy of Cambridgeshire and Peterborough Mills Waste local plan in the event of speculative applications to come forward. Waste management areas are existing waste management sites that are safeguarded under policies ten and 16 and are depicted on the Waste and Waste Policies map. They benefit from support of in terms of intensification within their red line boundary under policy four, but only when it's contained within the red line boundary.

00:41:15:08 - 00:42:05:15

In terms of their relevance to this application, a large part of the proposed development site is within a waste management area. Sorry, yes. Or waste management here. And it's the proposal will provide significant increase in the waste management capacity. It is proposing a use that is considered compatible with the safeguarded status of the site so the site is safeguarded as a waste use. It provides a waste management capacity. This would provide additional capacity, so it's therefore compatible. We did address a lot of the policy for under 14.11, our relevant representation, but just in brief policy for subject specific expectations for certain developments such as development being completely within the red line with existing waste site directs waste management sites to suitable employment areas within settlements listed within the policy of which Wisbech is one.

00:42:06:00 - 00:42:44:06

It supports development in those areas within the settlement boundary and the term settlement boundary is defined within the policy. In the first instance this relates to the settlement boundary in the relevant local plan. But as there is no settlement boundary defined within the Fenland local plan for which Wisbech or Wisbech, this reverts to existing built up area. Much of this proposed development is located within the existing safeguarded waste management operation and can be considered to be within the built up area. A proportion of this site in the southeastern corner lies outside of this area, so by the strictest interpretation it doesn't meet policy for as it expands outside the settlement boundary.

00:42:44:08 - 00:43:20:22

However, in the area in question, there is a the area is proposed for allocation within the emerging band of local plan under policy 37 reference 3701 And there are planning permissions for employment uses to the south of Newbridge Range. So even though it may not strictly letter of the policy, it's arguable that it is within the spirit of the possible policy. There is one more point to consider, which is policy three the interlinked with sorry policy, for instance with policy three But one of the requirements is that we should be moved up the hierarchy as far as possible.

00:43:20:24 - 00:43:44:10

And as we've discussed earlier in the day, we've put forward additional criteria which would help address this requirement to ensure compliance with policy. Four Without those additional criteria, it could be argued that Policy four is not being met. There are other policies listed in the local impact report that is, which do require consideration, but those I'm sure you'll come to in due course.

00:43:44:12 - 00:43:54:27

So thank you for that, Mr. Bryce. So am I right in understanding from what you have just explained now that although.

00:43:55:00 - 00:43:55:19

The.

00:43:55:21 - 00:44:15:01

It is your view that although the proposed development does address significant parts of the most relevant policies, you believe that it does not address all of them in its totality? Is that the case and as it stands now at the moment?

00:44:15:25 - 00:44:20:06

At the moment. Yes, you are correct. We we request those additional

00:44:21:25 - 00:44:31:04

criteria and they require. Sorry, can't remember which requirement is off the top of my head, but which moves waste up the hierarchy as high as possible to meet the testing.

00:44:31:26 - 00:44:32:16

Believe it must be the.

00:44:32:18 - 00:44:35:09

Requirements in policy. Three waste management needs.

00:44:37:11 - 00:44:42:12

That that would be the one was referring to the requirement in the. Sorry.

00:44:42:23 - 00:44:44:17

Oh, okay. Right.

00:44:44:27 - 00:45:01:25

Can I ask the applicant to actually comment on this? And I know that obviously you have mentioned that you are working together in order to resolve some of those issues. But can I just ask the applicant to provide us with its view on meeting those policies?

00:45:04:04 - 00:45:22:27

Sir David Kenyon for the applicant. Um, I think in general, there's not a great deal between ourselves and think that was a fair summary in general of the, the policy situation. And I was also going to make the point that the emerging fenland local plan,

00:45:25:02 - 00:46:02:09

as Mr. Perry said, does actually provide settlement boundaries now, and the the proposed development sits within the settlement boundary. I think the area of possibility of disagreement and I think it's probably a minor one because we're working together now on this, this new requirement is that that we would say irrespective of that new requirement, um, we remain compliant with, with policy three and policy for the proposed development does move west up the West hierarchy and is referred to in the inspector's report actually on the, on the local planners moving it to the top of the hierarchy.

00:46:02:11 - 00:46:40:26

I think we may or may not all agree with that, but we're certainly moving the treatment of waste up the waste hierarchy. And I think the other point to note is in policy three and again, this was um, a request of the inspector examining the local plan. It is made clear that, um, the capacities that are listed in in policy three are not, um, are not ceilings and that if proposals do come forward that do move the treatment of West up the West hierarchy, then they should be encouraged, subject to other policies in the development plan.

00:46:40:28 - 00:46:49:27

So just like to make that point that the numbers within the local planner are not are not a ceiling that should not be breached.

00:46:50:20 - 00:46:51:24

Thank you. Thank you.

00:46:52:04 - 00:46:53:00

Mr. Andrew.

00:46:55:14 - 00:47:30:20

So, yes, just just a point of detail. Um, we've just had mention of moving waste up the hierarchy to Sir, for you to note. Policy four actually requires it to be moved up the hierarchy as far as possible. So as we're moving it up, one step may not be sufficient for policy compliance. Where there is an opportunity to move it's two steps up the hierarchy and that's the salience of the requirement we seek by way of requirement, but upon which we're still, as has been said, still negotiating.

00:47:30:25 - 00:47:34:14

Negotiating. Fine. Thank you. Um, also.

00:47:34:19 - 00:47:35:22

I just wanted to.

00:47:35:24 - 00:47:37:09

Say that annex two.

00:47:37:11 - 00:47:58:06

Of your local impact report rep 1074 includes a list of policies which can County Council has identified as relevant to the consideration of the impact and acceptability of the proposal and is can just get a quick confirmation that that list is still up to date. And if it is, I couldn't.

00:47:58:08 - 00:48:01:08

Actually find the whole.

00:48:01:18 - 00:48:12:16

Policy text and justification for those policies as part of your submission. And I was wondering if that is something that can which county council would be willing to actually submit to examination, please?

00:48:13:14 - 00:48:24:07

Yes, of course, sir. The list. I think the list is still comprehensive, we think. Um, and, yes, we'll, uh, we'll make sure that you've got the full text of all of those policies.

00:48:24:23 - 00:48:41:05

And that would actually be the same case for Fenland local plan 2014, I believe. So Just wanted confirmation that that list is still upset as well and that we can actually have the full text of those policies.

00:48:41:24 - 00:48:51:17

Yes. So we'll hear from Mr. Harding from Finland in due course. Think. But yes, in terms of that list, it's still up to date. And yes, we'll make sure you get the full text of those policies, too.

00:48:52:02 - 00:48:53:25

Okay. On that note.

00:48:53:27 - 00:48:57:07

Then, can I ask Mr. Harding then to actually comment on.

00:48:57:21 - 00:48:59:21

The how the.

00:48:59:23 - 00:49:04:17

Proposal actually fares against Fenland District Council policies?

00:49:06:23 - 00:49:10:09

Yeah. Thank you. Nick Harding from Fenland District Council.

00:49:10:12 - 00:49:16:15

So you should just introduce yourself in terms of qualifications and roles. So we yeah, we have that on record.

00:49:17:19 - 00:49:49:05

Fenland District Council. I'm, I've got a degree in town and country planning and I'm a member of the Royal Town Planning Institute. Um, so the adopted Fenland local plan, um, is not a traditional document, so to speak, in that it doesn't identify settlement boundaries to the likes of, of Wisbech. And in the area where this development proposal is to be located.

00:49:49:08 - 00:50:15:24

It can be seen from the map that goes in the Fenland local plan. That's the site sits on the edge of the urban area, which is shown indicative only on the proposals map and adjacent to it is what's known as a broad location for growth. And in the policy.

00:50:18:28 - 00:50:20:03

Uh, Mr. Harding.

00:50:20:09 - 00:50:23:03

Apologies. We stopped hearing you now.

00:50:24:00 - 00:50:31:15

That's entirely my fault. So we're all working off my microphone and muted. All right. And therefore, Mr. Harding as well. Um.

00:50:31:27 - 00:50:49:23

So the application site is located on the edge of the indicative urban area, as shown in the adopted local plan and also adjacent to or within the what's known as the broad location for growth.

00:50:49:27 - 00:51:10:27

Just for the just for everyone that is on the line. And for the record. Can I just clarify on that point, When you say the edge, is it within the boundary of the is it within the boundary of the town or outside that boundary of town? And understand it's on the edge, but where does the satellite exactly in or out?

00:51:11:26 - 00:51:24:15

Yeah. Given the the way that the local plan has been prepared. The edge of the urban area is shown only inductively, so you can't say so.

00:51:24:17 - 00:51:26:09

There isn't a clear boundary.

00:51:26:11 - 00:51:26:26

Yes.

00:51:27:07 - 00:51:49:25

You must have. Forgive me. I must have muted Mr. Harding when he was making the important point that this this iteration of the local plan, the adopted Fenland local plan, does not have settlement boundaries, as it were, by way of a line on the map. Instead, there's an indicative area of development in the town, and that's what Mr. Harding is just addressing.

00:51:50:13 - 00:51:51:11

Yes. Okay.

00:51:51:13 - 00:51:53:06

Thank you. Thank you for that clarification.

00:51:53:20 - 00:52:09:16

Should perhaps just add at this stage, I was very helpfully prepared with a provided with a briefing note with these various areas shown on the plan will submit that to the examination as part of our written summary of today's proceedings, If that would be helpful.

00:52:09:25 - 00:52:11:27

That would be very helpful. Thank you very much.

00:52:12:27 - 00:52:13:29

Mr. Harding, again, please.

00:52:14:16 - 00:53:13:17

Thank you. So obviously, by virtue of the fact that part of the site is already developed and is in use as a waste site, um one could say that it automatically falls within the urban areas. We can all see it physically, um, on site today, um, the remainder of the site is within an area shown as a broad location for growth. And the plan policy goes on to say that this broad location for growth is going to provide for a variety of things, which includes um, business related development and also some residential development and the improvement of East West Road links, which is going to include new bridge lane.

00:53:15:10 - 00:53:18:03

Well, when you say apologies, Mr. Harding.

00:53:18:12 - 00:53:36:14

Can I just probe that last sentence a little bit more? When you say business related development, um, is there any further information that you can provide as to what you actually mean by business related development? So what type of business would be my question?

00:53:38:02 - 00:53:47:18

The policy isn't specific. It merely uses the phrase predominantly for business purposes. So thank you. Relatively ill defined.

00:53:51:12 - 00:54:37:27

The um. The local plan policy goes on to indicate that, um, for a development proposal to come forward within the broad location for growth, what's known as a broad concept plan has to be adopted and in place and in 2015, um, just such a broad concept plan for this location was adopted by the District Council. And in relation to the southeastern portion of the site which sits alongside Newbridge Lane, that is identified as being an extension to the existing industrial area.

00:54:39:01 - 00:54:48:25

So again, relatively ill defined as to exactly what's included as being an industrial use.

00:54:53:05 - 00:55:15:08

So again that's broad concept plan. Identified that Newbridge Lane would become a route which links Cromwell Road to the West through to a new roundabout junction that will be formed on the A47.

00:55:17:08 - 00:55:27:12

So those are the the key existing adopted policies for this particular area. Turning now to the emerging can.

00:55:27:15 - 00:55:47:12

Can I just ask you a question, just as it were, to summarize this? Um, obviously there are 1 or 2 ambiguities in the local plan and some relatively loose definitions just looking at the matter as a whole and as fairly as you can. Do you regard this proposal as being in conflict with this local plan or in conformity with it?

00:55:48:06 - 00:56:24:15

A significant part of the proposal is on an existing waste operation site and falls within the Minerals and Waste consultation area. So part of the site, as you've heard from my colleague from the County Council, Mr. Breese, is compatible. So it's just that question as to whether or not that expansion of the site into what's defined as being a business area and um, an industrial area is deemed to be compatible.

00:56:24:28 - 00:56:39:18

Um, it's a difficult one to, to reach a conclusion on. I wouldn't have said it's wholly incompatible when compared to terminology used in those two adopted policy documents.

00:56:39:20 - 00:56:41:19

All right. Thank you. I think that's that's helpful, sir.

00:56:42:06 - 00:56:45:01

Yes, it's very helpful. Thank you very much, Mr. Harding.

00:56:45:10 - 00:56:47:01

Um, can I.

00:56:47:14 - 00:56:50:09

Just about to go on to address the emerging plan, sir, if that.

00:56:50:11 - 00:56:52:01

Was the imagined plan. Yes. Okay.

00:56:53:00 - 00:57:41:26

Yeah. Thank you. Um, so not wholly dissimilar. Um, again, the site is shown as being within, um, the minerals and waste local plan consultation area. Um, and also the, uh, area that currently sits outside of the existing waste operation is identified as being, um, for employment, nonresidential use under policy 37 And that policy says that the development area should be used for a mix of employment uses, including Class B and Class E, G.

00:57:43:07 - 00:57:57:00

Um, that's emerging. Local plan is only at regulation 18 stage at this moment in time. So obviously relatively little weight can be given to it for the purposes of decision making. Yes.

00:57:57:22 - 00:57:58:07

Thank you.

00:58:00:09 - 00:58:00:24

Um,

00:58:03:21 - 00:58:04:23

before I go to.

00:58:04:25 - 00:58:05:14

The applicant.

00:58:05:16 - 00:58:07:28

Actually, thank you very much, Mr. Harding.

00:58:08:04 - 00:58:08:27

Um, can I.

00:58:08:29 - 00:58:10:08

Ask, um.

00:58:12:02 - 00:58:18:14

Mr. Rakowski, I believe you are with us from Norfolk County Council.

00:58:20:10 - 00:58:21:11

Yes, sir.

00:58:22:06 - 00:58:22:21

Good.

00:58:22:23 - 00:58:26:17

Good afternoon. Thank you very much. And I ask you.

00:58:26:21 - 00:58:28:12

In line of.

00:58:28:15 - 00:58:32:16

The same question that just posed to Cambridge County Council, can I.

00:58:32:18 - 00:58:33:04

Ask.

00:58:33:14 - 00:58:52:19

How does the proposal fare against the policies of the Norfolk County Council? Um, and yes. And what are your thoughts in terms in terms of the development proposal in relation to those applicable and most relevant policies? Thank you.

00:58:53:04 - 00:59:06:16

So just just for background, just people listening. Um, just to set out my qualifications, I'm a minerals and waste planner. I'm a planning consultant working for Norfolk County Council. Um, I'm a member of the,

00:59:08:04 - 00:59:44:24

um. Yeah. As we've set out the policy position in the local impact report, you'll see from it. So we've really focused on the really the environmental policies because of the brief set out the site is not located in Norfolk, so therefore we hadn't looked at it really against the locational policies, although I should say from the outset there, and this won't surprise you, I suspect that there are no specific allocations or the effect of the part of the site that's in Norfolk, but it's only really covered by it's only really relevant in so far as um, the application area includes the grid link, the grid connection and the, the substation.

00:59:44:26 - 01:00:12:11

So, so there's, there's no specific allocations that are relevant in that context. We haven't really got we haven't gone into detail in terms of waste management policy that's applicable strategic waste management policy that's set out in the Norfolk Minerals and Waste Core strategy because the site isn't in Norfolk. So we've essentially assessed the application against the environmental policies, if you like. It's the other policies against which any development would be assessed. Um.

01:00:14:00 - 01:00:41:00

As we've set out in the in the the the position there, essentially, as we haven't identified the development as being contrary to any development plan policies, but we have picked up a number of detailed points which are really for your consideration in relation to the information that's been submitted with the application. And there are a number of detailed points there. But but we're certainly not in a position where fundamentally we're saying it's contrary to policy. Thank you. That's the that's the overall position.

01:00:41:17 - 01:01:26:12

That's that's really helpful. Thank you very much. And can also ask, um. King's Lynn and West Norfolk Borough Council. I believe we have Hannah Wood handy with us. Ms.. WOOD Handy, Can you also. Same question. So, you know, obviously, considering the location of the development and proximity within the Borough Council, can you actually provide us with a view in terms of how it fares against your local policies? And if there are specific local policies, issues that you would like to raise now in relation to the proposed development?

01:01:27:14 - 01:01:55:14

Uh, thank you, sir. Again, my name is Hannah Wood. Handy for the borough council. I have a B sorry. An MA in town planning. And I'm a member of the TPI Insofar as policies of our development plan, I found no direct conflict with any of the policies relating to the development within our particular area. Again, insofar as the cable route, which is pretty much underground, obviously we've had made various different comments through.

01:01:55:21 - 01:01:56:18

The Connector.

01:01:57:01 - 01:02:09:28

And the Connector. Yes, and we've made comments through the local impact report and relevant reps insofar as landscaping matters, but subject to conditions. Addressing those points, we find no relevant conflict. Right.

01:02:10:09 - 01:02:12:04

Thank you very much for confirming that.

01:02:12:06 - 01:02:12:23

Right.

01:02:12:27 - 01:02:17:08

Can I now ask the applicant if the.

01:02:17:10 - 01:02:20:10

Applicant would like to comment on any of the points that were.

01:02:20:12 - 01:02:21:13

Raised now?

01:02:23:18 - 01:02:58:03

Thank you, sir. David Kenyon for the applicant. Um, just a couple of points. Just bear with me a moment, sir. Um, the first one is the Fenland. Um, from Mr. Harding. And just to reiterate that the site, the facility itself lies within the waste management area shown red in the adopted plan. So it's the site that's identified with a with the red line. Um, and the same site features also in the, in the emerging local plan as well.

01:02:58:05 - 01:03:38:12

And the reason for saying that is is that whilst a larger part of the site and it's a smaller part of the site it's a small part of the site extends beyond that red line boundary. The waste management facility itself is wholly within it. So those parts of the site which sit outside are the weighbridge, for example, the access road, the substation, but the actual sits within that that waste management site. Um, and the whole of, of the and its ancillary associated development um, sits within that wider waste management consultation area which that wide area that Mr.

01:03:38:14 - 01:04:26:13

Briggs referred to earlier in the context of the Cambridgeshire and Peterborough Minerals and Waste Local plan. Um, second, the third point, I suppose the second related point would be that, um, in relation to the emerging local plan, which Mr. Harding explained, is, is seeking to identify and allocate land, including the application site, but also land around it for, for employment purposes. Then um, whilst consistent and has been consistent with that, um, what the proposed development also offers is an opportunity to provide um, heat and power to attract and support some of those new industries looking to relocate in the area as well.

01:04:26:15 - 01:05:04:19

So it's, it's both compatible with the emerging policy and, and could also help implement, you know, some of those allocations coming forward particularly given that since that broad allocation for growth was was identified in 2014 in the local plan. Um as you've seen when you went out on site, no development has really come forward and today it's really so if the if the next plan is going to be successful, then opportunities such as the the proposed development provides in terms of um, a commercial rate for heat and power can only be attractive.

01:05:05:22 - 01:05:36:15

Um, I think that was it in terms of Norfolk and King's Lynn. Um, I've, I agree with the points raised really and, and they reflect effectively the policy assessment that we undertook in the planning statement. So just to refer you back to that again. So the planning statement focuses heavily, as you would expect on the national policy statements, but it does not ignore the local planning policies as well and at each turn at each consideration of generic impacts.

01:05:36:24 - 01:05:55:07

Um, it looks both at the NPS and the relevant local plan policies as well. So I think I think the summaries that you had from, from the officers and you know, it's a fair reflection of the conclusions drawn in the local plan with regard to those to Norfolk and King's Lynn local plan documents. Thank you.

01:05:55:20 - 01:06:07:10

Thank you. Thank you very much. Um, I would actually like to get back to Mr. Harding. Mr. Andrew Fraser, you might actually.

01:06:07:18 - 01:06:11:15

Point me in a different direction, but, um, I was wondering.

01:06:12:00 - 01:06:12:15

If.

01:06:12:17 - 01:06:22:00

I understood Mr. Harding's explanation of where we are with, with the local.

01:06:22:02 - 01:06:22:26

Plan, um.

01:06:22:28 - 01:06:36:00

In terms of, of Fenland plan. It seems to me that, that the business. The business related development could also be interspersed with other type of development.

01:06:36:12 - 01:06:36:27

Um.

01:06:37:01 - 01:07:01:29

And I am thinking particularly in terms of recent site inspections that we have done in close proximity to the site where it appears to be some residential developments within the vicinity of the site. So can I just ask for some further clarification on that specific point?

01:07:04:28 - 01:07:14:09

May ask, are you talking in relation to the adopted local plan as opposed to the emerging? Yes.

01:07:15:12 - 01:07:16:18

I'm talking in relation.

01:07:16:20 - 01:07:17:05

To.

01:07:17:08 - 01:07:27:02

In relation to the adopted local plan, because that would be whenever you are deciding on planning applications, that would be the one that you would need to have more white with more white against, I'm guessing.

01:07:28:02 - 01:07:57:13

Okay. So in terms of the adopted local plan that identifies that the majority of what's known as the South Wisbech broad contact plan area would be in business use with residential being located further to the east and that is shown

01:07:59:04 - 01:07:59:26

to be it.

01:07:59:28 - 01:08:03:08

Would that be closer to Cromwell roundabout?

01:08:05:01 - 01:08:25:29

Yeah. So that area in the adopted broad concept plan is shown as being in employment use. So as a point of principle, we wouldn't generally be accepting of any significant residential development in this area.

01:08:26:14 - 01:08:27:21

Thank you for that clarification.

01:08:27:23 - 01:08:33:23

Thank you, Mr. Harding. Right. Yes. Mr. Andrew Fraser. Okay.

01:08:34:11 - 01:09:06:17

So you just, you don't think have the benefit of the policy wording in front of you? Um, but the, the words actually say the area will be predominantly for business purposes, though there is some potential for residential development in the eastern half and then it says very approximately around 100. Right. So that's that's why think you might have observed a mix of business purposes and residential that's useful.

01:09:06:19 - 01:09:14:17

As I said, if we could actually get all of that information submitted to us by the next deadline, that would be particularly helpful. Thank you.

01:09:14:26 - 01:09:19:25

Um, Mr. Darwin, I believe that you would like to intervene on this point now.

01:09:22:17 - 01:10:10:28

Thank you very much, sir. Yes. Shlomo Dhawan for win. I have two matters that wish to raise. Firstly, there's been some discussion about the proposed requirement 14 of the draft DCO, which is intended to secure compliance with the waste hierarchy. This is REC 3-007. We just wanted to flag that on electronic pages 44 to 49 of rep 3050 UK when set out how a similar requirement was recently considered in the North Lincolnshire incident examination for an incinerator of a similar scale.

01:10:11:00 - 01:10:31:27

That examination closed last night and in that case the examining authority determined that the requirement, which was very similarly worded to requirement 14 here, although it was requirement 15 there, did not meet the tests of precision, necessity or enforceability.

01:10:31:29 - 01:10:36:04

So winds down. And I was just going.

01:10:36:06 - 01:10:55:12

To ask you to please, if you can submit that in writing to us, that would be helpful because I'm just I'm just mindful that it seems to me that your point has got to do with specific drafting of articles of the DCO, which obviously is very relevant to the examination.

01:10:55:14 - 01:10:57:03

But but.

01:10:57:05 - 01:11:00:28

Not so much to the specific item that we are discussing now.

01:11:01:12 - 01:11:41:19

Understood, sir. That's fine. And we will put that in our three written submission. I'll move on quickly to the second point, which relates to paragraph 2.5. 70 of the adopted M3, that is M3 2011, which states that quote, proposed waste sorry, proposed waste combustion generating station must be of an appropriate type and scale so as not to prejudice the achievement of local or national waste management targets in England unquote.

01:11:41:23 - 01:12:07:27

And the draft revised M3 2023, paragraph 3.7.7 states that, quote, the proposed recycling plant must not compete. Sorry, the proposed plant, as in plant, must not compete with greater waste prevention, reuse or recycling, or result in overcapacity of waste treatment at a national or local level.

01:12:08:27 - 01:12:12:29

And. Thank you for that point. I actually believe that we might have covered.

01:12:13:01 - 01:12:20:17

That specific point earlier. But can can I ask the applicant to can ask the applicant to please reply?

01:12:20:22 - 01:13:00:23

I can sharpen that a little bit for you before we go on to the applicant. I just wanted to explain that these statements that I quoted imply that the Government's position is that too much capacity could in some circumstances harm or compete with recycling or could be of an inappropriate type of scale and therefore prejudice the movement of waste management of the waste hierarchy. It is safe to assume that policies are advanced for a reason, and if the applicant is assessing compliance with such policies, they will have given some consideration to the rationale for those policies having been adopted or proposed.

01:13:00:25 - 01:13:18:18

So my question for the applicant is could the applicant please provide us with some illustrative examples of how excessive or inappropriate capacity could harm or compete with greater recycling and prevention and prejudice, the achievement of waste management targets?

01:13:19:09 - 01:13:21:06

Thank you. Over to the.

01:13:21:08 - 01:13:22:00

Applicant to please.

01:13:22:02 - 01:13:22:19

Reply.

01:13:27:16 - 01:14:06:18

Clear project for the applicant in relation to the first point, which was just about requirement drafting. Obviously we will take on board any written submissions, but I just wanted to point out that obviously in relation to the application for North Lincolnshire Green Energy that's just closed and the examining authority make a recommendation, it is for the Secretary of State to decide whether or not a requirement meets the necessary tests and a waste hierarchy requirement similar to the one being proposed was considered appropriate and acceptable by the Secretary of State in the quarry, Riverside DCO.

01:14:06:21 - 01:14:51:04

And that is the example that we are using to justify our proposed requirement for this particular project, subject to obviously some further refinement of the drafting, as Cambridgeshire County Council mentioned earlier. But I just wanted to make it quite clear that a waste hierarchy requirement

has already been considered to be acceptable by the Secretary of State In relation to the second point that was made. Whilst we appreciate that that is Wynn's interpretation of the wording in the policies both in the adopted and the revised draft of Iron three, that is not the applicant's position.

01:14:51:06 - 01:15:06:14

We don't believe that is what the policy actually says. That is an implied position that's being put into the drafting there and we don't consider it appropriate or proportionate for the applicant to provide the information that's been requested.

01:15:08:03 - 01:15:10:03

Okay. Thank you for that answer.

01:15:10:16 - 01:15:13:18

Um. Right. Can I just.

01:15:13:20 - 01:15:20:08

Ask if there is anyone else that would like to ask any questions under the specific items or planning policy?

01:15:26:22 - 01:15:28:28

I don't see any hands raised.

01:15:30:10 - 01:15:31:09

Uh, so.

01:15:31:15 - 01:15:35:14

In that case, I propose that we move us on to item six.

01:15:35:27 - 01:15:36:25

Uh, review.

01:15:36:27 - 01:15:55:18

Of issues and actions arising. So obviously, as you have noticed, we have been taking notes of proposed actions as and when they crop up. I don't propose it that I actually go through all of them at the moment, but we will circulate.

01:15:56:02 - 01:15:56:27

The action.

01:15:56:29 - 01:16:08:12

Note following from this set of hearings this week and as soon as possible after after the hearings.
Um, so.

01:16:08:14 - 01:16:08:29

Um.

01:16:09:01 - 01:16:11:09

Any further questions on item six?

01:16:16:01 - 01:16:35:15

I don't see any questions, so I'll move us on to item four then, which is any other business. So I have had no requests in terms of other matters notified to me and this agenda item that people wish to raise at this meeting. But is there any. I can see a hand up, Mr. Andrew. Okay.

01:16:36:22 - 01:16:39:03

So, yes, it's really just following on from the.

01:16:41:01 - 01:16:47:26

The fact that the you're proposing to circulate the list of actions, We're quite close to the next deadline. It's deadline for.

01:16:48:27 - 01:16:49:13

The next.

01:16:50:12 - 01:17:07:06

One. Two of them were I think 1 or 2 of them were intended for that deadline. So it would certainly be very helpful for all of us who have to respond to those actions if that list can be got out as as soon as possible after we close this series of hearings.

01:17:07:26 - 01:17:09:15

And as I said, it will be.

01:17:09:17 - 01:17:10:11

Circulated as soon.

01:17:10:13 - 01:17:11:10

As possible.

01:17:11:28 - 01:17:12:20

After.

01:17:13:02 - 01:17:17:14

These hearings. I note that the next deadline will be Thursday.

01:17:17:16 - 01:17:20:05

The 25th of May 2023.

01:17:20:07 - 01:17:23:03

But may I ask, is that any specific action.

01:17:23:05 - 01:17:24:01

Or item.

01:17:24:03 - 01:17:38:16

That we have requested today that you feel that you particularly struggle in order to submit to the next deadline that we have agreed? Because if that is the case, then actually we can look at the subsequent deadline if that's going to be more helpful.

01:17:38:18 - 01:17:42:23

But I would like to know if there are any particular.

01:17:42:25 - 01:17:44:04

Items of concern.

01:17:48:06 - 01:18:24:11

So think think the the concern is more that there'll be a cumulative list of actions, not just from today but from tomorrow and the day after. And given, as you say, that the next deadline is in the middle of next week, that list does need to come out really quite quickly, I think, to give us and others. So I think this is a point which others will will respond to as well to give us and others the chance to get those actions done before deadline For that, there's not to say there's no specific concern at this stage, but it's simply that we're very much aware that, you know, today's effects.

01:18:24:14 - 01:18:28:22

Yes, yes, yes. Okay. We won't go there yet.

01:18:29:05 - 01:18:32:16

Um, that's that's fine. I, I, um.

01:18:32:28 - 01:18:44:07

I understand that we will do, we will endeavour to actually get that list out as soon as possible following from these set of hearings. Uh, any other business.

01:18:45:02 - 01:18:47:24

Um, Claire project for the applicant, if I may?

01:18:48:15 - 01:18:49:27

Yes, please, Miss Broderick.

01:18:51:06 - 01:19:23:27

Um, we just wanted to flag on the assumption there isn't any further business from anybody else. A matter that has been raised with pins. But we wanted to provide sort of a notification in this forum as it does have a bearing on the hearings for tomorrow. But it was to update you to say that further discussions have been had over the last few weeks with Cambridgeshire County Council regarding the nature and extent of some of the proposed highway work.

01:19:23:29 - 01:20:04:08

So that works to the existing public highway on Cromwell Road and on Newbridge Lane. And as a result of those discussions, the design of the junction improvements at Cromwell and Lane have been advanced and are evolving. And in order to facilitate that design, um, the applicant in conjunction with Cambridgeshire County Council have identified some areas of land that should be included within the order limits so that those highway works and the relevant associated highway powers in the DCO can apply to them.

01:20:04:10 - 01:20:38:16

So the applicant will be submitting today a notification letter notifying the examining authority of its intention to submit a change application so as to amend the order limits to include some very small areas of public highway within within the scheme. I'd just like to point out that there will be no additional land for the purposes of the compulsory acquisition regulations and the procedures that are involved as a result of a changes application that involves additional land.

01:20:39:02 - 01:21:11:22

This is just increasing the order limits to include extra areas of public highway. But as we have a traffic hearing on the agenda for the further hearings, we thought it would be helpful just to raise today that that was the applicant's intention to submit that notification letter. We can obviously provide further detail on the works during the traffic section of the agendas, but we thought it would

be helpful to give to give you advance warning that that notification letter will be being submitted today.

01:21:13:11 - 01:21:15:08

Right. Okay. Thank you very much.

01:21:15:10 - 01:21:19:21

And and you mentioned that the notification letter will be submitted to us today.

01:21:22:14 - 01:21:26:03

If the applicant. Yes, that's our intention as soon as this hearing is finished.

01:21:26:22 - 01:21:31:06

Right. Thank you very much for that. Um, and just say that.

01:21:31:08 - 01:21:45:11

From Cambridge's point of view, although there have been discussions, I think this is the first we've heard of a notification letter coming in subject to things that haven't been conveyed to me. But obviously we'll go through this in detail tomorrow at the session.

01:21:47:27 - 01:22:14:27

Club project for the applicant. It may be that the relevant highways offices are not present in in the room with Cambridgeshire County Council. So that might be might be the reasons. But there have been significant discussions with the relevant highways officer at Cambridgeshire County Council and we can obviously pick up with with Cambridgeshire County Council after the hearings finished on that matter. But the plans have all been discussed with with relevant officers at Cambridgeshire County Council.

01:22:16:00 - 01:22:21:09

Yeah. And considering also the topics for the hearings tomorrow.

01:22:21:20 - 01:22:22:06

Um.

01:22:24:09 - 01:22:25:12

Can I ask?

01:22:26:21 - 01:22:40:06

So has the applicant had any further conversations besides with the highways officers on this specific issue? Because obviously counsel for Cambridgeshire County Council does not seem to be aware of the situation.

01:22:40:28 - 01:22:53:01

Well, let's be clear. I mean, I've said there. I know there have been extensive discussions and took instruction from those officers last week in preparation for tomorrow. What I wasn't aware of and don't know if my team is the.

01:22:53:03 - 01:22:53:23

Change.

01:22:54:05 - 01:22:57:08

Is the is the change. Yes, it's probably.

01:22:57:14 - 01:22:59:01
Which is which. Which is.

01:22:59:03 - 01:23:00:16
My question to to.

01:23:00:18 - 01:23:02:18
To the applicant. So.

01:23:04:02 - 01:23:06:05
Is there any.

01:23:06:13 - 01:23:12:15
Possibility that we might encourage a briefing on this specific issue?

01:23:13:16 - 01:23:14:21
Before the hearing.

01:23:16:03 - 01:23:54:20
Clarity of the applicant. We can definitely liaise with Cambridgeshire, but I've been informed that the relevant plans have been sent across to Cambridgeshire County Council and there have been a number of email exchanges in relation to the changes application. So I think there might just be a communication issue in relation to the current status of events. But I just would like to highlight that these are incredibly small changes and but we just wanted to flag that, that um, a notification letter was being submitted today just to be transparent about the process and to give you advance warning.

01:23:54:28 - 01:23:56:25
Thank you. That is appreciated.

01:23:56:27 - 01:24:11:28
We will wait until we received a letter and then we might address this issue at subsequent hearings, maybe this week, once we have had all of us an opportunity to actually look at this information. So thank you very much, Ms.. Broderick.

01:24:12:25 - 01:24:13:21
At any.

01:24:13:23 - 01:24:15:04
Other business.

01:24:19:16 - 01:24:23:08
I don't see any further hands raised. So we'll.

01:24:23:12 - 01:24:23:27
Move.

01:24:24:01 - 01:24:24:19
On.

01:24:24:21 - 01:24:25:06
Then.

01:24:25:08 - 01:24:45:10

To the last item closure of hearing. So thank you all for contributing for a very useful meeting. We will consider all submissions made carefully. Can I just remind all of those who participated today that examining authority would request written submissions of oral cases presented today by.

01:24:45:14 - 01:24:46:26

Post by.

01:24:46:28 - 01:24:52:27

If at all possible, next deadline would be deadline for and that would be Thursday 25th of May.

01:24:52:29 - 01:24:53:14

2023.

01:24:53:19 - 01:25:28:08

And the next hearing in this examination is tomorrow. And it's due to begin at 10 a.m. and it will be for environmental matters. Uh, we will be covering traffic and transport, air quality, climate change, including carbon mitigation and carbon capture. It may also remind everyone that Virtual Arrangements conference will start at 9 a.m.. Um, so the time is now 20 to 5 and three for the met with energy from Waste Limited project is now closed.

01:25:28:10 - 01:25:28:29

Thank you.