

**Medworth ISH5\_18 May\_PT1**

Created on: 2023-05-18 09:36:33

Project Length: 00:28:28

File Name: Medworth ISH5\_18 May\_PT1

File Length: 00:28:28

FULL TRANSCRIPT (with timecode)

00:00:05:05 - 00:00:09:07

Good morning. Can I just confirm that everybody can hear me, please?

00:00:13:25 - 00:00:16:21

And can everybody see me as well?

00:00:19:05 - 00:00:23:18

If I could just get confirmation that my camera and mic are both working.

00:00:24:00 - 00:00:25:11

I can see you, Mr. Pinto.

00:00:25:15 - 00:00:27:00

Thank you very much. Thank you.

00:00:30:13 - 00:00:35:20

Good morning, everyone. Can I confirm? Everyone can hear me clearly and see me clearly?

00:00:37:09 - 00:00:37:27

I can.

00:00:38:18 - 00:01:11:04

Thank you. Can I also confirm with Glynn Bowerman that the live streaming and recording of this event has commenced? Please. I can see a thumbs up there. Thank you very much for those people watching the live stream. Can I also advise that should we at any point adjourn proceedings this morning? We will have to stop the live stream in order to give us clear recording files. As a result, at the point at which we recommence the meeting and restart the live stream, you will need to refresh your browser page to view the restarted stream. I will remind you of this again should we need to adjourn.

00:01:11:16 - 00:01:48:07

It is now 10:00 and it's time for this hearing to begin. I would like to welcome you all to this issue specific. Hearing number five on environmental matters in relation to an application made by Medway CHP Limited, who we will refer to as the applicant for an order granting development consent for the Medway Energy from Waste Combined Heat and Power Facility. The development proposed comprises the construction operation and maintenance of the energy from waste combined heat and power facility with associated grid connection, CHP connection, water connections, access improvements and temporary construction compound.

00:01:48:24 - 00:02:08:08

Thank you all for attending this hearing. Good morning. And my name is Clare Makinson. I'm a chartered town planner employed by the Planning Inspectorate, and I've been appointed by the

Secretary of State for levelling up housing and communities to be part of the panel to examine this application. I'm now going to ask my fellow panel member to introduce himself.

00:02:09:04 - 00:02:24:15

Thank you very much, Mr. Makinson. My name is Andre Pinto. I am a charter town planner employed by the Planning Inspectorate and have been appointed by the Secretary of State for levelling up housing and communities to be the lead member of the panel to examine this application.

00:02:25:20 - 00:03:02:13

Together, we constitute the examining authority and we will be reporting to the secretary of State for energy security and net zero with a recommendation as to whether the development consent order should be made. The case manager for this project is Tracy Williams. Tracy is being supported today by Mr. Simon Ridgewood, Miss Caroline Hopewell, Hopewell and Miss Phoebe Chalice. If you have any queries about the examination process or the technology we're using for virtual events, there should be your first point of contact. Their contact details can be found at the top of any letter you've received from us or on the project page of the National Infrastructure website.

00:03:02:26 - 00:03:07:29

I'll now hand over to Mr. Pinter, who will talk us through the rest of agenda item one.

00:03:10:22 - 00:03:47:00

Thank you very much, Mrs. Makinson. I will now deal with a few housekeeping matters. Today is a virtual event being held onto Microsoft's team platform. For those people observing or participating through teams in order to minimize background noise. Can you please make sure that you stay muted unless you are speaking? If you are participating virtually and you wish to speak, it's relevant pointing to proceedings. Please use the hand up function. Please be patient as we may not get to you immediately, but we will invite you to speak at the appropriate time.

00:03:47:06 - 00:04:21:13

I would also like to remind people that the chat function has been deactivated, so please don't try to use this at any point. If you don't manage to ask your question or raise your point at the relevant time, there will be an opportunity at the end of the meeting to raise this and the agenda Item eight Any other business? I don't think we have anyone on telephone today, but if we do, you should clearly state your name if you wish to make a comment. Once you have indicated that you wish to speak, please be wait to be invited before making a contribution.

00:04:21:22 - 00:04:59:21

Please also speak loudly and clearly, especially those on the telephone. We'll seek to allocate sufficient time to each issue to allow its proper consideration. We propose that the day will be split into three sessions each of approximately an hour and a half to two hours. At completion of the session at around 1130, we would have a break of approximately half an hour before resuming at 12 and continuing until 130. The final session of the day will take place between two between 215 until 345 and will, however, be accessible about these times.

00:05:01:00 - 00:05:26:15

As we are conducting this event virtually rather than as a physical, face to face event, the dynamics will be different to those participating and observing. By this mean that you may see me looking away from the camera and not looking directly at the speaker. This is because we may be writing notes or looking at the material on screens, but we'll be paying close attention to what is happening.

00:05:29:26 - 00:05:59:29

In addition to the live stream, a recording of today's meeting will be made available on the Met with energy from Waste Combined Heat and Power Facilities section of the National Infrastructure

Planning website as soon as practicable after the meeting has finished. With this in mind, please ensure that you speak clearly into a microphone stating your name and who you are representing each time before you speak. If you are attending virtually and don't want your image to be recorded, please turn off your camera because the digital recordings that we make are retained and published.

00:06:00:01 - 00:06:35:26

They form a public record that can contain your personal information. Into which the general data protection regulations apply only in the rarest of circumstances. Might we ask you to provide personal information of the type that most of us would prefer to keep private or confidential? Therefore, to avoid the need to edit digital recordings, please try your best not to add information to the public sector records that you would wish to be kept private or that is confidential. If you feel that personal information is necessary, please provide this in a written document that we can redact before publication.

00:06:36:00 - 00:07:09:01

The planning Inspectorate's practice is to retain and publish recordings for a period of five years from Secretary of State's decision. A link to the planning Inspector's Privacy Notice was provided in the Rule six letter. I assume that everybody here today has familiarize themselves with this document which establishes how the personal data of our customers is handled in accordance with principles set out in data protection laws. This meeting will follow the agenda as published on the 2nd of May of 2023, and it would be helpful if you had a copy of this in front of you.

00:07:09:14 - 00:07:12:02

Does anyone not have access to the agenda?

00:07:18:01 - 00:07:53:24

I don't see any hands up, so I'll continue. So to briefly summarize the agenda, item one is welcoming introductions. Item two will cover the purpose of the specific hearing. Item three will cover landscaping visual effects. Item four will cover noise and vibration. Item five will cover water environment. Item six will cover cumulative effects. Item seven will review the issues and actions arising. Eight Any other business in nine will be the closure of the hearing. We will conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to.

00:07:53:28 - 00:08:23:18

But if the discussions can't be concluded, then it might be necessary for us to prioritize matters into defer other matters through written questions. Likewise, if you cannot answer the question being asked or require time to get information requested, then please can you just indicate that you need to respond in writing and we will advise you when it would be best to submit a response or issue in writing to us. Does anyone have any questions on what I have just set out?

00:08:27:15 - 00:08:56:20

But I don't see any hands up. So I will now move us on to introductions. I am going to ask those of you who are participating in today's meeting to introduce yourselves. When asked each organization's name, Could you please introduce yourself, setting your name and who you are representing and which agenda items you wish to speak on. If you are not representing an organization, please confirm your name, Summarize your interest in the application and confirm the agenda item upon which you wish to speak.

00:08:58:11 - 00:09:13:09

Please could everybody also state how they wish to be addressed, i.e. Mr., Mrs., Miss or Miss? And can I then please start by asking the applicant and they provide their advisors to introduce themselves, Please.

00:09:15:10 - 00:09:31:12

Good morning, sir. My name is Gary McGovern of Pinsent Masons LLP, appearing today for the applicant and joined today by one witness who is joining us by teams. But I'll allow the others who are with me in the room to introduce themselves first. Thank you. Thank you.

00:09:34:00 - 00:09:43:16

Good morning. My name is Claire Broderick. I'm a legal director at Pinsent Masons LLP. For the applicant, I can be referred to as Mr.. Thank you.

00:09:44:03 - 00:09:45:00

Thank you very much.

00:09:45:22 - 00:09:50:29

Good morning. My name is Tim Marks. I'm head of planning at Environment and here for the applicant.

00:09:51:22 - 00:09:52:18

Thank you very much.

00:09:53:15 - 00:10:02:22

Good morning. My name is Paul Carey, managing director of Environment Limited. And the applicant and you may refer to me as Mr. Kerry.

00:10:03:18 - 00:10:04:16

Thank you very much.

00:10:06:02 - 00:10:10:16

So Mr. Neil Furber, the applicant's landscape consultant.

00:10:12:07 - 00:10:13:06

Thank you very much.

00:10:14:24 - 00:10:23:01

Good morning. My name is John Wade, head of construction for Environment. The applicant referred to as Mr. Wade.

00:10:24:12 - 00:10:25:11

Thank you very much.

00:10:28:02 - 00:10:34:26

Good morning. My name is James Ashton. I am head of engineering for and you can address me as Mr. Ashton.

00:10:36:17 - 00:10:37:15

Thank you very much.

00:10:38:07 - 00:10:44:12

Good morning. My name is Mr. Giles Hine, representing the applicant on noise and vibration matters.

00:10:46:18 - 00:10:47:18

Thank you very much.

00:10:49:06 - 00:10:54:19

So that is everyone that's in the room. But if I could invite Ms.. Breed, who's joining my teams to introduce herself now.

00:11:01:24 - 00:11:13:14

Good morning. Good morning. My name is Dr. Anna Bright and I'm representing the applicant on matters covering water environment.

00:11:14:14 - 00:11:15:13

Thank you very much.

00:11:18:03 - 00:11:19:01

So that concludes the.

00:11:19:03 - 00:11:49:16

Introductions from the people that are with us today. But before we pass over to others, there was one preliminary matter that I did want to flag up relating to agenda item six. And unfortunately, the witness that was due to be speaking to Agenda item six on behalf of the applicant has had to leave for urgent family reasons late yesterday afternoon and so isn't with us today, which does affect the ability of the applicant's team to deal with any questions which you may have in relation to Agenda item six.

00:11:49:24 - 00:11:56:16

So I just flagged that up Now for your consideration as to whether that affects how you want to approach Agenda item six today, sir.

00:11:57:27 - 00:12:00:15

Thank you very much for that notification.

00:12:01:00 - 00:12:14:10

I propose that perhaps we continue with introductions for the time being, but will bear that in mind and perhaps we'll address that point closer to the time where we were supposed to address item six, if that is acceptable. Thank you.

00:12:15:03 - 00:12:16:27

Um, I will now.

00:12:16:29 - 00:12:22:27

Like to ask Cambridgeshire County Council please to introduce yourselves.

00:12:25:05 - 00:12:34:27

Good morning, sir. Andrew Fraser, King's counsel for Cambridgeshire County Council and Fenland District Council. Together the councils

00:12:37:06 - 00:13:09:16

subject to a matter, also have to raise on agenda items. I'll be calling on various officers during the course of the day and I'll introduce them as we go on. Um, I do not know, sir, whether you have had notification from your office that we have a very significant problem in being able to proceed on item number three due to our principal witness on that matter, having suffered a family bereavement literally overnight.

00:13:10:08 - 00:13:18:11

Um, and we will need to have a discussion think before embarking on much of the programme as to how we deal with matters in the light of that fact.

00:13:19:06 - 00:13:20:13

Um, thank you.

00:13:20:15 - 00:13:28:27

For that notification. We have received notification and will address that issue when we get to item three right at the beginning.

00:13:29:06 - 00:13:30:28

Thank you, sir. Thank you very much.

00:13:31:14 - 00:13:35:05

Anyone else from your team that you'd like to introduce now, Mr. Frederick?

00:13:40:03 - 00:13:41:00

Sir. No.

00:13:41:23 - 00:13:42:22

Thank you very much.

00:13:49:14 - 00:13:51:17

Now, can I ask.

00:13:51:23 - 00:13:55:11

Representatives from Norfolk County Council, please?

00:14:03:19 - 00:14:05:14

Oh, hello, sir. Can you hear me?

00:14:05:25 - 00:14:07:16

Yes, I can. Good morning.

00:14:09:00 - 00:14:33:02

Apologies. The screen is partly covered up there. Andrew Sher for Norfolk County Council can be addressed as Mr. Schakowsky. I'm just letting us know that in relation to item three, we had hope to have our landscape offices today, but they're unable to attend. So it will be myself this morning and I will only be here to lunchtime. But my colleague Ralph Cox, who may or may not introduce himself, will join this afternoon in my place.

00:14:34:19 - 00:14:36:06

Thank you for that notification.

00:14:38:21 - 00:14:39:06

And.

00:14:42:13 - 00:14:43:10

Can I now.

00:14:43:12 - 00:14:44:23

Ask? Um.

00:14:45:23 - 00:14:51:06

The Water Management Alliance if we have a representative to introduce themselves.

00:14:56:15 - 00:15:07:04

Hello, my name is Yvonne Smith. I'm a senior sustainable development officer for the Water Management Alliance representing Kingsland Internal Drainage Board here today. And you can address me as Miss Smith.

00:15:08:03 - 00:15:09:00

Thank you very much.

00:15:09:02 - 00:15:09:18

Thank you.

00:15:11:11 - 00:15:13:23

That and Anglian Water.

00:15:18:04 - 00:15:31:05

Good morning. Yes, I'm Tessa Saunders, spatial planning advisor for Anglian Water, speaking on the water environment agenda item five. And you can refer to me as Mrs. Saunders. Thank you.

00:15:31:24 - 00:15:32:23

Thank you very much.

00:15:37:08 - 00:15:39:02

Now, Can I?

00:15:40:22 - 00:15:44:09

I'll move on to interested parties believe that we have Mr. Fogerty.

00:15:52:11 - 00:16:04:09

Hi. Good morning. My name is Barry Fogarty. I'm an interested party who lives in one of the Wisbech villages. I'd like to raise a point about cumulative effect can be referred to as Mr. Faber.

00:16:07:23 - 00:16:14:01

Thank you very much. And finally, um. Council. Michael Dooley.

00:16:20:26 - 00:16:28:03

Good morning, sir. I have no intent to speak today and this feel necessary. Thank you very much.

00:16:28:27 - 00:16:31:06

Okay. Thank you very much for that confirmation.

00:16:36:27 - 00:16:37:12

Um.

00:16:38:08 - 00:16:47:04

Is there anyone else that would like to speak today that have not called yet? And if he has. If he has, could you please raise your virtual hand?

00:16:52:12 - 00:16:53:13

Mr. Mole.

00:16:56:25 - 00:17:04:00

Good morning, Mr. Graham. Planning engineer for the middle level Commissioners. I'm representing the hundred of Westbridge.

00:17:05:29 - 00:17:09:11

I intend to contribute to agenda items five and six.

00:17:09:29 - 00:17:11:08

Thank you very much. Apologies.

00:17:15:28 - 00:17:17:17

But anyone else.

00:17:23:00 - 00:17:44:05

Hello, sir. Sorry. Don't know whether you can see my hand raised. My name is Hannah Wood. Handy for the Borough Council of Kingsland, West Norfolk. I intend to just clarify matters on landscaping and in regard to construction noise and the CMP. You can refer to me as Mrs. Wood Handy. Thank you.

00:17:44:25 - 00:17:48:21

Thank you very much, Mr. Sandy. Anyone else.

00:17:52:18 - 00:17:57:05

Miss Wood. Handy, can I ask you to lower your hand, please? It's still raised.

00:17:57:28 - 00:17:58:17

Thank you.

00:18:01:28 - 00:18:09:05

If that is all the introductions, then I will now hand over to Mrs. Makinson, who will lead on item two of the agenda. Thank you.

00:18:11:18 - 00:18:51:00

Thank you, Mr. Pinto. Let me briefly explain the purpose of this issue specific hearing. The purpose of this issue specific hearing is to undertake the examination of environmental matters, particularly in relation to landscape and visual effects, noise and vibration, water, environment and cumulative effects. As previously mentioned, it agenda for this meeting was published on the 2nd of May 2023. Today's hearing will be a structured discussion led by the Examining Authority. Please be assured that we are familiar with what you've already submitted to us, so you don't have to repeat in length anything that you've already put in to us in writing.

00:18:51:02 - 00:19:16:10

Submissions carry equal weight regardless of the format in which they are put to us. If you do refer to any documents this morning, it would be helpful if you could give us the request, the correct examination library reference number. Please do try to avoid using acronyms as people who might be watching in the room might not be as familiar with those terms as you are. Are there any comments anyone would like to make on agenda item two?

00:19:18:14 - 00:19:52:29

I can't see any hands raised, so I would like to move us on to agenda item three Landscape and Visual. In this item I will want to discuss the potential the proposed development in relation to landscape and



visual effects, mainly assessment methodology, construction and operational effects and mitigation. Before I start, there are a number of documents that were included in the agenda for this item which will be referring to. I do not intend to read out the list and if everyone is happy, I will assume that people have that available from the agenda.

00:19:53:01 - 00:19:54:24

Is everyone happy with that?

00:19:57:15 - 00:20:23:19

Thank you, everyone. I would like to note at this point, as was mentioned by Mr. Andrew Fraser Urquhart, that a key witness for Cambridgeshire County Council that had raised a number of important and relevant issues in relation to landscape and visual effects is unable to attend the hearing this morning. I therefore recognise that we may need to revisit this item later in the examination, either through written means or via another hearing if needed.

00:20:27:08 - 00:21:00:08

If that's clearer, I will start with my first question, which is to the applicant. Can the applicant please start by commenting on their approach to landscape and visual effects as detailed in chapter nine of the landscape visual that is REF 036 focusing particularly on the scope of the assessment, the assessment methodology, including significance and likely significant effects. If there are any viewpoints from the landscape and visual impact assessment that you would like to share on the screen at this point, then I'm happy for you to share them.

00:21:00:10 - 00:21:17:20

Or if you can state the document, reference and page number clearly first. Or alternatively, let me know the references and I can share them myself on screen for you. Sorry, just to pause there. I do have Mr. Fraser on screen here. Is there a comment you would wish to make at this point?

00:21:18:07 - 00:21:51:06

Absolutely, ma'am. Yes. Okay. Um, as as you've already intimated, our principal and our only landscape witness has become unavailable for completely understandable reasons at very short notice. Yes. On that basis, we are not in any position at all to make a contribution to today's hearing. Yes. And we, as you have already indicated, we raise significant, um, issues relating to landscape and visual impact.

00:21:51:08 - 00:22:27:08

And they are a core part of our overall case, which, as you will know from our written representation and other documents, is of opposition in principle to this scheme. Yes. Now that leaves us with three alternatives as to how this matter is dealt with. The first is and I'm sorry for jumping in early, but this is important that we determine this right from the off. The first is to sort of plough on. Um, with the hearing from the applicant, with the principal opponent of the scheme, i.e.

00:22:27:10 - 00:23:00:24

us not being in any position to contribute. And that will necessarily require either written materials or frankly, in fairness, given that the applicants are presenting their case orally, a further oral opportunity for us to present our case on these matters. Um, now that would have the necessary consequence that the hearing of this topic is spread over two days and those days will necessarily be quite a long way apart.

00:23:01:00 - 00:23:53:18

And that's inherently, in my submission, unsatisfactory. Um, the other, the other two alternatives are that we take consideration of this matter entirely out of the oral process and deal with it in writing alone. And I would also submit that that is also entirely unsatisfactory. This is the kind of area,

frankly par excellence which would benefit from being considered through an oral process. And the final option is to simply suspend consideration of this agenda item today, accepting that that causes a degree of inconvenience to those parties who have been able to attend with their witnesses and obviously some inconvenience for the examining authority who prepared for a session today.

00:23:54:08 - 00:24:36:13

But we would respectfully submit that that is much the best way of doing it. We do have reserve days for all hearings provided within the program, and we would submit that it is simply better and fairer. And ultimately fairness has to be one of the top priorities in determining how procedural decisions are made. We would respectfully submit that the fairest and most convenient thing to do in these unfortunate circumstances is to take this agenda item entirely off the agenda for today and reconvene, whether it be all virtually or in a hearing session, whichever it doesn't matter.

00:24:36:15 - 00:25:13:09

And hear this as a single chunk on one of the reserve days. I would also add for completeness that we would also adopt that same stance with respect to agenda item six, which is cumulative impact. The reason for that being that as I understand it, the applicants are in difficulty with their witness on that matter. And the nature of cumulative impact is that again, it is obviously best heard right at the end when you've been able to hear the evidence on the individual individual components of a cumulative impact.

00:25:13:11 - 00:25:44:15

And then you can then properly consider the cumulative impact having heard all the other environmental evidence. So we would respectfully suggest that the best and fairest course is to remove agenda items three and six from today's agenda. Hear them on a on the reserve date so that they can be fairly and properly dealt with as they are such important issues. That does obviously mean we can make progress with the other agenda items, but it does mean it obviously, and it is unfortunate. A slightly shorter day, but that's our position, ma'am.

00:25:45:22 - 00:25:53:23

Thank you for that. Can I please ask the applicant, please, if they would wish to put their comments forward on this issue?

00:25:56:04 - 00:26:27:17

Gary McGovern for the applicant. Ma'am, we have some sympathy. I have to say, with the submissions that you've just heard from Mr. Fraser, we would be of the same view that it might be sensible to defer Agenda item six to the reserve dates scheduled for the week commencing 26th June and we would have no difficulty with having further oral session on landscape and visual during the week commencing 26th of June and our witnesses available, I understand, for those dates.

00:26:27:19 - 00:26:58:06

And if it's at all helpful to you today, we would be content to deal with any specific questions or issues that may be raised by the other authorities that don't cut across the issues that Cambridgeshire County Council have addressed. If you wanted to make some headway in landscape and visual matters today, but we do think it would be sensible, as Mr. Fraser suggest, to to pencil in the main discussion on items three and six for the Reserve hearing dates in June. Thank you.

00:26:59:06 - 00:27:07:06

Thank you for that. I can also see Andres from Mr. Schakowsky. Would you like to make a contribution on this matter, please?

00:27:07:20 - 00:27:29:02

Yes. Thank you. Andrew from Norfolk County Council. Our landscape witness wasn't able to attend today, and whilst we weren't envisaging making any substantial comments in view of what's been said, I don't think Norfolk County Council would have any objection to what's being proposed because it might give us an opportunity to bring our landscape officer in to join the discussion if the if item three were to be postponed.

00:27:30:19 - 00:27:35:11

Okay. Is there anyone else would like to make a comment at this point?

00:27:43:04 - 00:27:47:04

Mr. Fraser, look at your hand. Still raised. Is that just left over from the last time?

00:27:48:22 - 00:27:49:24

Yes. Yes. Apologies.

00:27:49:26 - 00:28:19:17

Okay, No problem. Okay. Think obviously, given the the range of concerns that have been identified and the flexibility that is being offered by all parties on this issue, what I would suggest at the moment is it's 1028. I would really like to adjourn for ten minutes if I can, just so I can have a discussion with my colleagues on this issue. And we will re start the hearing at 1040.

00:28:22:16 - 00:28:23:07

Thank you.