

## Comments on the Applicant's D3 Submissions

This document sets out the comments by Cambridgeshire County Council (**CCC**) and Fenland District Council (**FDC**) (together, **the Councils**) on the Applicant's Deadline 3 (**D3**) submissions. The tables below set out the document in question that the Councils are commenting on, together with the relevant paragraph or reference number.

Except where expressly stated otherwise below, the Councils reiterate and rely on their comments submitted to the ExA at previous deadlines.

### 2.2 Land Plan - Rev 4 [REP3-003]

Topic	Paragraph Number	Councils' Comment
Land boundaries – amendment to Order Limits	General	CCC was made aware on 16 May 2023 that the Applicant intends to make a request for non-material changes to the Application for Development Consent, in order to change the Order Limits at the junctions of New Bridge Lane with (respectively) Cromwell Road and Salters Way. CCC is in discussions with the Applicant about this matter and is considering the impact that changing the Order Limits would have in relation to the extent of the affected highways.

### 2.3 Works Plan - Rev 2 [REP3-004]

Topic	Paragraph Number	Councils' Comment
Works boundaries – amendment to Order Limits	General	As per the Councils' response to [REP3-003] above, CCC was made aware on 16 May 2023 that the Applicant intends to make a request for non-material changes to the Application for Development Consent, in order to change Order Limits at the junctions of New Bridge Lane with (respectively) Cromwell Road and Salters Way. CCC is in discussions with the Applicant about this matter and is considering the impact that changing the Order Limits would have in relation to the extent of the affected highways.

### 2.4 Access and Rights of Way Plan - Rev 4 [REP3-005]

Topic	Paragraph Number	Councils' Comment
Highway boundary – amendment to order limits	General	CCC was made aware on 16 May 2023 that the Applicant intends to make a request for non-material changes to the Application for Development Consent, in order to change the Order Limits at the junctions of New Bridge Lane with (respectively) Cromwell Road and Salters Way. CCC is in discussions with the Applicant about this matter and is considering the impact

		that changing the Order Limits would have in relation to the extent of the affected highways. The highway boundaries in this location are currently being considered and CCC will continue to engage with the Applicant in respect of this matter.
Highway boundary	Sheet 2	The highway boundary within the Order Limits on Weasenham Lane is not shown correctly in the vicinity of accesses A1 and A2. The Applicant has been engaging with CCC on this matter and it is anticipated that future iterations of the Plans will be corrected.

### 3.1 Draft Development Consent Order (Tracked) - Rev 3 [REP3-006]

Topic	Paragraph Number	Councils' Comment
<b>Part 2 – Work Provisions</b>		
Traffic regulation measures	Article 17	<p>CCC queries whether the Applicant believes that Article 17(c) and (d) of the Draft Development Consent Order (dDCO) grant it the authority (subject to the consent of the Traffic Authority) to institute permanent traffic regulation measures that are not in any other way specified in the dDCO, such as the permanent closure of a street to vehicular traffic. This is of particular relevance to the Applicant's design for the improvements to New Bridge Lane, where it is proposed to install a bollard which would have the effect of restricting vehicular traffic to the east of accesses A8 and A9.</p> <p>The DCO should be utilised to minimise any requirement for additional legal processes to be undertaken. If the Applicant is not confident that such a traffic regulation measure could be implemented without a further Traffic Regulation Order being issued by the Traffic Authority (Cambridgeshire County Council), it is requested that this part of the dDCO is reconsidered, and the requisite amendments made.</p>
<b>Schedules</b>		
Work No. – landscape and biodiversity measures	Schedule 1	<p>The dDCO does not include a specific works no. for landscape and biodiversity. Instead it states that:</p> <p><i>“In connection with and in addition to Work Nos 1, 1A, 1B, 2A, 2B, 3, 3A, 3B, 4A, 4B, 5, 6A, 6B, 7, 8, 9 and 10 and, to the extent that it does not otherwise form part of those Work Nos, further associated development within the Order limits including.... (i) hard and soft landscaping; (j) biodiversity enhancement measures and environmental mitigation measures...”</i></p>

		<p>The Councils are unclear what these landscape and biodiversity measures are, given that they are not discussed in the Landscape and Ecological Management Plan [REP3-020]. The Councils therefore seek further clarification on this matter.</p> <p>If landscape and biodiversity measures only relate to specific Work No. (e.g. Works No. 1/2/9), the Councils recommend that this would be better reflected in the dDCO by including landscape and biodiversity within the relevant Work No. to provide greater clarity – rather than a generic list at the end.</p>
Requirement 5 – Landscape and Ecological Management Plan	Schedule 2	As set out above, Schedule 1 suggests the landscape and biodiversity measures relate to a wide range of Work Nos. The Councils therefore seek clarification as to why the Landscape and Ecological Management Plan [REP3-020] will only provide information for Work No. 1, 1A, 1B, 2A, 2B and 9.
Requirement 6 - Biodiversity net gain	Schedule 2	<p>The Councils welcome the update to Requirement 6. However, the amendments do not address the Councils' concerns set out at set out at paragraphs 7.3.23 and 7.3.23 of its Local Impact Report [REP1-074]. Requirement 6 should:</p> <ol style="list-style-type: none"> <li>Set a minimum level of BNG to be achieved (e.g. 10% BNG);</li> <li>Set a minimum 30-year habitat management period (both on and off-site); and</li> <li>Should secure Requirement monitoring data to be submitted to the local planning authority, in accordance with the monitoring period / intervals set out in the approved BNG Strategy.</li> </ol>
Requirements	Schedule 2, paragraph 7	CCC notes that paragraph 7 has been updated to clarify that the Applicant must obtain approval from the Highway Authority for the design of any proposed amendments to accesses or highway layouts prior to commencing the works.
Waste Hierarchy and Waste Proximity	Schedule 2 – Requirements	In relation to Requirement 14 Waste Hierarchy, and a future proposed requirement in relation to Waste Proximity, it is understood that the Applicant intends to provide an updated dDCO in due course, at which point the Councils will comment accordingly.
Air quality monitoring	Schedule 2	Schedule 2 requires an Air Quality Monitoring Strategy to be submitted. The Councils would request that this is extended to become a Management Strategy, to also include the management of data, identification of exceedances, procedures for investigation and mitigation options, in line with meeting National Air Quality Objectives.

Public and private highways	Schedules 3 to 7	CCC is grateful for the amendments to schedules 3, 4, 5, 6 and 7, which now show the public or private status of the highways that are affected by the Applicant's proposed works.
Public vs private maintenance of accesses	Schedule 6 Parts 1, 2 and 3	CCC notes the amendments to Schedule 6 Parts 1, 2 and 3, which clarify the intended maintaining authority for new and amended accesses.  However, it is noted that the revised Schedule 6 Part 3 does not address CCC's earlier comments that parts of accesses A1 and A2 fall within the bounds of the highway on Weasenham Lane. Therefore, part of the restored accesses will be required to be maintained by CCC under its Local Highway Authority responsibilities. It is requested that the Applicant reviews this part of the schedule in light of highway boundary information it has obtained from CCC.
Temporary stopping up of highways	Schedule 7	CCC queries the use of the term 'Temporary Stopping Up' of highways. 'Stopping Up' usually refers to the full and final removal of highway rights. CCC suggests that temporary 'closure' might be a more appropriate term, as referred to in the Outline CTMP <b>[REP3-019]</b> .
Protective Provisions	Schedule 11	The current draft of the DCO does not include any protective provisions for the benefit of CCC. As was noted in paragraphs 3.20 and 3.21 of CCC's Relevant Representation <b>[RR-002]</b> , CCC requires provisions to protect its right to inspect any works to amend highways or accesses that affect the highway during and upon completion of construction. CCC also requires the Applicant to obtain certification that the works are of an adoptable standard before they can be considered maintainable at the public expense. As of 17/05/2023, CCC has been provided with the Applicant's first draft of a series of protective provisions, which it is grateful for. These will be reviewed and CCC intends to respond in observance of the appropriate examination deadline.

#### 4.1 Book of Reference (Tracked) - Rev 5 **[REP3-008]**

Topic	Paragraph Number	Councils' Comment
Parties with interest in land identified in Land Plans	12/2a, 12/3a, 12/3b, 16/1a(ii), 16/1b(i), 16/3a	CCC notes that the Book of Reference has been updated, as requested, to include references to CCC's interest as Highway Authority or reputed owner, for the land parcels 12/2a, 12/3a, 12/3b, 16/1a(ii), 16/1b(i), 16/3a, as identified in the Land Plans.

#### 6.4 Environmental Statement - Chapter 3 - Description of the Proposed Development - Appendix 3B - Outline Lighting Strategy (Tracked) - Rev 2 **[REP3-012]**

Topic	Paragraph Number	Councils' Comment
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External lighting	1.1.1	The Councils welcome updated text to confirm works will be in accordance with BCT / ILP Guidance Note 08/08. The Councils are satisfied that bats will not be adversely impacted by the external lighting scheme.
External lighting	1.1.11	It is requested that clarification of the terms used in Table 3B.1. The Table refers to the maintained illuminance in specified work areas. This term differs from the relevant health and safety guidance HSG38 <sup>1</sup> , and it is therefore requested that the term 'maintained' is defined or the terms are consistent with those defined in the guidance.

#### 6.4 Environmental Statement - Chapter 6 - Traffic and Transport - Appendix 6A Outline CTMP (Tracked) - Rev 3 [REP3-014]

Topic	Paragraph Number	Councils' Comment
Road closures and diversions - non-motorised users	7.2.1 to 7.4.8	<p>CCC is grateful for the Applicant's engagement on the content of the outline CTMP. A number of amendments have been made to accommodate CCC's comments. However, CCC would note that the following changes are still necessary:</p> <ul style="list-style-type: none"> <li>(a) Paragraph 7.2.5 is headed "<i>short term temporary footpath closures</i>". This should be amended to "<i>short term temporary PROW closures</i>", as the PROW connecting to the A47 at Halfpenny Lane are both recorded as Byways Open to All Traffic.</li> <li>(b) Paragraph 7.4.8 does not give CCC the right to review or comment upon the wording of the signage to be installed at the former level crossing on New Bridge Lane. It is considered important that non-motorised users are not discouraged from using the route while construction is underway and therefore CCC seeks to ensure that the wording of the sign is not off-putting.</li> <li>(c) The comments below regarding condition surveys (7.4.21 to 7.4.24) should also be integrated to the Outline CTMP.</li> </ul>
Highway condition surveys	7.4.21 to 7.4.24	CCC is grateful for the clarifications that the Applicant has added to this section of the Outline CTMP. It should be noted that there is an inconsistency in the words used in these paragraphs, and it is requested that references to " <i>inspections</i> " in paragraphs 7.4.21 and 7.4.22 are replaced with " <i>condition surveys</i> ". This would ensure consistency with paragraphs 7.4.23 and 7.4.24, and would remove any ambiguity over CCC's requirement that condition surveys are undertaken.

<sup>1</sup> Health and Safety Executive (2019) 'Lighting at work - HSG38' [Online] Available at: <https://www.hse.gov.uk/pubns/books/hsg38.htm> (Accessed: 22 May 2023)

		<p>Furthermore, it is not clear from paragraph 7.4.21 whether the highway condition surveys are intended to take place on just the accesses altered/created by the Proposed Development, or all of the highways affected. It is requested that this paragraph is amended to reflect that condition surveys will be required for all highways affected by the scheme, including those outside the Order Limits but which are being used for HGV routing in the vicinity of Wisbech. This should also be applied to any PROW which directly adjoins the DCO area but could be adversely affected by construction works, such as Wisbech Byway 21 and Elm Byway 6, which adjoin the A47. This must include the boundary features, in order to ensure there is no damage to the boundary features which provide habitat and character for those using the path.</p> <p>It is further requested that these provisions be amended so it is clear that the Applicant shall pay for the condition surveys and requisite processing of the data collected.</p> <p>CCC would also request that the wording be amended to stipulate that the works to repair the affected highways be as stipulated by the Highway Authority and be relevant to both the surface and structure of the highway.</p>
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#### 6.4 Environmental Statement - Appendix 7D - Outline Operational Noise Management Plan (Tracked) - Rev 2 [REP3-015]

Topic	Paragraph Number	Councils' Comment
Introduction	1.4	This document has been produced in line with the requirements of the environmental permitting application process for the Environment Agency (EA), but also includes actions outside of the scope of the environmental permit. It is noted that the EA will be the primary regulator for the industrial process, however this does not negate the Local Authorities' duty to investigate noise complaints. It is requested that Chapter 1.4 is therefore amended to include the relevant Local Authority in updates and amendments of this document.
Complaints procedure	6.1.5	The relevant Local Authority's statutory duty to investigate complaints should also be acknowledged and it is requested that Chapter 6.1.5 is updated so action will be undertaken in light of complaints substantiated by the EA or Local Authority.

Notifying neighbours of unexpected/emergency/remedial works	6.5.2	To effectively manage complaints, it is requested that the Applicant provides notification of unexpected, emergency and/or remedial works to the relevant Local Authority.
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#### 6.4 Environmental Statement - Chapter 11 - Biodiversity Appendix 11M - Biodiversity Net Gain Assessment (Tracked) - Rev 3 [REP3-018]

Topic	Paragraph Number	Councils' Comment
Off-site BNG sites	4.2.11, page C2	<p>The Councils request the Applicant prioritises off-site Biodiversity Net Gain (BNG) schemes that provide additional social / environmental benefits for the local community of Wisbech (wherever possible), in accordance with Biodiversity Net Gain 'Principle 9: Optimise Sustainability'<sup>2</sup>.</p> <p>Off-site BNG scheme should provide opportunities to combine both mitigation for NMUs and BNG would help to provide opportunities for local communities to access nature and associated health and well-being benefits. In addition, Fenland has limited access to greenspace and therefore new provisions would help alleviate visitor pressure on existing nature reserves.</p> <p>The Councils have identified some potential candidate sites and will discuss these further with the Applicant.</p>

#### 7.7 Outline Landscape and Ecological Management Plan (Tracked) - Rev 2 [REP3-020]

Topic	Paragraph Number	Councils' Comment
Landscape and visual matters	General	As a result of the ExA's decision made at ISH5 regarding deferring Landscape and Visual comments, the Councils reserve the right to make oral and written comments on outstanding Landscape and Visual matters at the next ISH and subsequent deadline.
Temporary habitat - reinstatement	1.4.3	The Councils note reference to habitat reinstatement (for wider scheme / temporary construction works), but this has been omitted from the document. For example, the

<sup>2</sup> Chartered Institute of Ecology and Environmental Management (2016) *Biodiversity Net Gain: Good Practice Principles for Development*. Available at: <https://cieem.net/wp-content/uploads/2019/02/Biodiversity-Net-Gain-Principles.pdf> (Accessed: 22 May 2023)



		temporary construction compound, CHP connection, grid connection, water connections and access improvements shown on Figure 3.2 [APP-049] and vegetation clearance associated with New Bridge Lane (discussed above, in Council's response to paragraph 3.2 [REP3-020]. The Councils would expect the document to identify the location, type of habitat and the methodology for how it will be reinstated (e.g. translocation or storage of seedbank / topsoils).
5-year management period	1.4.4, page 8	The Councils seek clarification as to the location of habitats that " <i>do not form part of the Biodiversity Net Gain (BNG) obligations</i> " which will only be " <i>subject to a 5-year management period</i> ".
Habitat constraints	2.1.21-2.1.23	There is no discussion about temporary habitat loss and its reinstatement.
Habitat loss and wider visual landscape impact affecting NMUs	3.2	<p>Whilst the scheme aims to provide some soft landscaping along New Bridge Lane, it will not be able to satisfactorily mitigate the loss of the mature trees and other habitat bordering the road as a result of the scheme in order to achieve the road improvements. The road is currently dead-end, due to the bollards at the former level crossing, and provides a relatively quiet and pleasant route for NMUs between New Drove and the facilities on Cromwell Road.</p> <p>Further, no meaningful mitigation is proposed that will mitigate the adverse impact on communities within the wider landscape, both within the immediate vicinity of the site and beyond the A47. Therefore, the Councils seek additional mitigation to offset the adverse environmental and visual impact of the scheme on NMUs and local communities, as set out in the Councils' Comments on the Applicant's Deadline 2 submissions (paragraph 2.4.6, page 14) [REP3-044].</p> <p>As set out in the Council's response to [REP3-018] (above), the Councils request that the requirement for the Applicant to provide sites to address habitat loss and BNG requirements in the BNG Strategy prioritises wider social benefits by incorporating public access opportunities for local communities affected by the development. The Councils also request s106 monies to enable the provision of additional links within the PROW network for the benefit of affected local communities.</p>
Site-specific design strategy	3.2.1	The Councils require the site-specific design strategy to be updated to cover re-instatement of habitats (associated with temporary losses).



Outline Landscape and Ecology Strategy	Figure 3.14 (Appendix A)	<p>Figure 3.14 only shows proposed landscape scheme for a small proportion of the red-line boundary. It does not show temporarily lost / reinstated habitat, nor does it take into account habitat loss associated with highways works.</p> <p>The Councils request that Figure 3.14 is expanded to incorporate the entire red-line boundary and show all:</p> <ol style="list-style-type: none"> <li>trees/hedgerow that will be lost (including those associated with highways requirements – e.g. NMU/vehicle access);</li> <li>habitats that will be temporarily lost and re-instated; and</li> <li>habitats that will be created.</li> </ol>
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#### 7.12 Outline Construction Environmental Management Plan (Tracked) - Rev 3 [REP3-022]

Topic	Paragraph Number	Councils' Comment
Community Liaison Manager	3.5.20	The Councils welcome this additional paragraph setting out the role of the Community Liaison Manager and that they will be appointed prior to commencement of the construction phase.
Protection of PROW during construction	5.8	The Councils refer to their previous comments made in respect of highway condition surveys for the Outline CTMP, set out in their Comments on the Applicant's D1 Submissions [REP2-031], with regard to the protection of the byway accesses and boundary features.
Highway condition surveys	7.4.21	As discussed at ISH4 on 17 May 2023, the extent of highway condition surveys is to be discussed and agreed between the LHA and the Applicant.
Receptor-specific mitigation	Section 4, Annex D	The Councils welcome these updates to the CEMP.
Construction noise and vibration monitoring	Appendix F	Paragraph 3.3 states that where needed vibration monitoring will be considered. The Councils therefore request that Chapter 4 (Construction Noise Monitoring) is expanded to include vibration monitoring and details the equipment and procedure that the Applicant will use to manage the impacts of vibration on receptors.

#### 7.15 Outline Operational Traffic Management Plan (Tracked) - Rev 3 [REP3-024]

Topic	Paragraph Number	Councils' Comment
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<p>Highway condition surveys</p>	<p>Section 1.4</p>	<p>In the 'Purpose of this Document' section (Section 1.4), it is explained that the Outline OTMP "<i>considers the anticipated operational HGV vehicle routing to the EfW CHP Facility</i>". What the document does not do, is make any reference to the impact that such newly introduced traffic will have on the condition of the highway.</p> <p>As explained below with regard to paragraphs 5.5 and 5.6 of the Applicant's Comments on the Written Representations: Part 1 - Statutory Parties <b>[REP3-039]</b>, CCC notes that, irrespective of the methodology used by the Applicant to assess the traffic volume changes caused by the development, the Applicant's own analysis shows a marked increase of HGV traffic using the identified HGV route to the EfW CHP Facility from the A47. CCC anticipates that such an increase in traffic could have a deleterious impact on the condition of the affected highways.</p> <p>The Outline OTMP should note the potential for such deterioration, acknowledge CCC's right to recover its costs for repairing damage caused by excess traffic (established by Section 59 Highways Act 1980), and ensure there is a commitment to funding any such repairs that are found to be necessitated as a result of the development. This matter was raised by CCC at Issue Specific Hearing 4 (17 May 2023) and CCC will be pleased to engage with the Applicant about it.</p>
<p>Non-motorised users</p>	<p>2.6.1 to 2.6.3</p>	<p>CCC welcomes the engagement offered by the Applicant regarding this document and notes the minor changes the Applicant has made to these paragraphs to accommodate CCC's requests. However, the Applicant does not appear to have addressed the comments made by the Councils on the Applicant's response to the Joint Local Impact Report, set out at page 17 of the Councils' Comments on the Applicant's Deadline 2 Submissions <b>[REP3-044]</b>. Notwithstanding the provision of a pavement for pedestrians, the NMU experience along New Bridge Lane will generally be worsened by the development given their confinement to that 2m strip and the lack of any dedicated provision for cyclists within the more intensely trafficked environment and the extension of vehicular traffic beyond the level crossing. It is important there is good provision for all NMUs to encourage active travel and leisure and health-giving usage. The Councils request that the Applicant addresses this matter and would welcome further engagement.</p>

		Similarly, the Councils are disappointed that the Applicant has not addressed its concerns regarding public access over the disused railway level crossing, set out at page 12 of the Councils' Comments on the Applicant's Deadline 2 Submissions <b>[REP3-044]</b> . This matter was discussed at ISH4 on 17 May 2023. The Councils welcome the ExA's request for the Applicant to engage in tripartite discussions with the Councils and Network Rail to resolve the matter.
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### 9.21 Outline Local Air Quality Monitoring Strategy (Tracked) - Rev 2 **[REP3-034]**

Topic	Paragraph Number	Councils' Comment
Management Strategy	General	The Councils would request that this Monitoring Strategy is extended to become a Management Strategy to also include the management of data, identification of exceedances, procedures for investigation and mitigation options in line with meeting the national air quality objectives.
General Commitments	2.1.4	It is noted that the data will be published and decimated on a quarterly basis. In order to effectivity investigate and mitigate any exceedance or data issues, this is undertaken on a minimum of a monthly basis.

### 11.3 Comments on the Written Representations: Part 1 - Statutory Parties **[REP3-039]**

Topic	Paragraph Number	Councils' Comment
<i>The following comments relate to the Applicant's comments on the written representation from CCC and FDC, as per Table 3.1 of the document.</i>		
<b>Landscape &amp; Visual, 3.2 to 3.9</b>		
Landscape and visual comments	General	As a result of the ExA's decision made at ISH5 regarding deferring Landscape and Visual comments, the Councils reserve the right to make oral and written comments on outstanding Landscape and Visual matters at the next ISH and subsequent deadline.
Impact on local communities and users of the PROW and local road network	3.2, 3.4, 3.6, 3.7, 3.8	The Councils set out their expectations in general terms for mitigation of the adverse impacts of the proposed development on NMUs and local communities at page 8 of its Comments on the Applicant's Deadline 2 Submissions <b>[REP3-044]</b> . The Councils note that the Applicant requests at page 17 that CCC and FDC specify the additional or revised measures they consider are necessary to inform the Examination. The Councils will be writing to the

		Applicant with specific suggestions as to options they could consider to offset the adverse impact of the development ahead of the postponed hearing on the subject.
<b>Climate Change, 4.1 to 4.8</b>		
Climate change – total GHG emissions	4.2	<p>In the first paragraph of Section 4.2, the Applicant has repeated their claim from the ES Chapter 14 Climate <b>[APP-041]</b> that “<i>the Proposed Development is estimated to result in a net decrease in GHG emissions equivalent to approximately 2,571ktCO<sub>2</sub>e over its lifetime.</i>” However, (in Table A.3 of 9.2C Applicant’s response to the Relevant Representations – Part 9 Appendices <b>[REP1-036]</b>), this figure is not correct – the most significant reason for which is that those original calculations used a single constant carbon intensity of UK electricity for the entire 40-year period. This will never be the case, as it ignores the forecast decarbonisation of the UK electricity grid over time. When the forecast decarbonisation of the UK electricity grid over the proposed lifetime of the plant operation (2026 to 2066) is taken into account, the carbon impact of the Proposed Development is much worse – by more than 2.8 million tonnes CO<sub>2</sub>e, compared to the figure originally claimed by the Applicant in their Environmental Statement. The implications of this error have been discussed by the Applicant in Table A.3 of 9.2C Applicant’s response to the Relevant Representations – Part 9 Appendices <b>[REP1-036]</b>).</p> <p>In the second paragraph of 4.2, the Applicant states that “<i>the Proposed Development has net GHG emissions below zero, causing an indirect reduction in atmospheric GHG emissions</i>”. However, the Councils would query this statement. Just because a proposal may result in fewer emissions than an alternative ‘without development’ scenario, does not mean that the net GHG emissions of the proposal are ‘below zero’. To be clear, the two scenarios presented by the Applicant (with and without the proposed development) both result in estimated GHG emissions of millions of tonnes CO<sub>2</sub>e, even if one may be slightly less than the other. To have net emissions of below zero, something must remove more GHGs from the atmosphere than it emits, which is not the case for either scenario. A <i>net reduction in emissions</i> compared to an alternative scenario, is not equal to ‘<i>net emissions below zero</i>’.</p> <p>In any case, this project cannot be regarded as replacing an existing development, since there is no particular existing development, either on that site or elsewhere, that this proposal is replacing. The appropriate baseline to which to compare the development is therefore, at best, highly questionable.</p>

Climate change	4.8	The Applicant has repeated their assertion that the proposed development would have a “beneficial significant effect”. The Councils disagree with this conclusion.
<b>Traffic &amp; Public Access, 5.1 to 5.15</b>		
Highway condition surveys	5.5 and 5.6	<p>In its response to CCC’s concerns about extraordinary levels of HGV traffic, the Applicant has stated that it <i>“does not accept that the Proposed Development would have a disproportionate effect upon the condition of roads causing extensive damage. The percentage increases of HGVs is not such that significant effects have been identified whilst the current condition of New Bridge Lane particularly at its junction with Cromwell Road is extremely poor already.”</i></p> <p>Firstly, CCC would contend that just because the surface of a carriageway is considered to be <i>“extremely poor”</i> by the Applicant, that does not mean that the effect of extraordinary traffic on the road should be dismissed.</p> <p>Secondly, the Applicant’s own assessment of the percentage increase of HGVs resulting from the development, as detailed within Environmental Statement Chapter 6, Traffic and Transport <b>[APP-033]</b>, does show a marked increase in HGV movements on specific roads required by the development. At Tables 6.27 and 6.32 of that document, the following changes to the number of HGVs are noted:</p> <p>For New Bridge Lane, a 68% increase on 2024 base expectations is anticipated during construction, and a 149% increase on 2027 base expectations during operation, while for Cromwell Road the respective figures are 19% and 27%.</p> <p>Whilst it is accepted that New Bridge Lane is being reconstructed to facilitate access to the EfW CHP facility and that the impact on the pre-existing condition of New Bridge Lane is therefore offset, it remains the case that a considerable amount of the traffic using the newly constructed road will be HGVs accessing the EfW CHP site, and it is possible as a result that the road surface may deteriorate more quickly than a less heavily-trafficked road.</p> <p>Regarding Cromwell Road, the figures quoted above reveal an increase in the number of HGVs using the road during the operational lifespan of the EFW CHP facility of more than</p>

		<p>one quarter over the expected 2027 traffic levels. Therefore, it could reasonably be anticipated that this level of traffic may result in additional wear to the carriageway, and CCC is entitled under Section 59 of the Highways Act 1980 to claim remuneration for the costs of repairing such damage. It is requested that the DCO <b>[REP3-007]</b> or the Outline CTMP <b>[REP3-014]</b> are revised to include a statement that the Applicant will undertake to compensate CCC where deterioration of the carriageways required for the construction and operation of the facility is found to be a result of the development.</p> <p>Thirdly, the Applicant's response to CCC refers to its commitment to undertake condition surveys as detailed in the Outline CTMP <b>[REP3-014]</b>. However, paragraphs 7.4.21 and 7.4.22 of that document do not clearly state that all highways affected by the development will be subject to condition surveys, rather, the words used appear to place the emphasis on accesses. This should be rectified. There is also no commitment in the Outline CTMP to undertake condition surveys for highways that are outside the Order Limits but which are affected by the scheme. The prime example of this is the section of Cromwell Road that connects New Bridge Lane to the A47, and which will be the primary route taken by HGVs to access the EfW CHP site. The condition surveys should also include the accesses to Byway No. 21 Wisbech and Byway No. 6 Elm, including the boundary features, in order to ensure there is no damage to the boundary features which provide habitat and character for those using the path.</p>
Design, inspection and certification of amended highways and accesses	5.7	<p>The Applicant's response refers only to the approval by CCC of the design of its proposed works. This is unsatisfactory. As outlined above with regard to Schedule 11 (Protective Provisions) of the dDCO <b>[REP3-006]</b>, CCC requires some form of protection of its interests in the construction and completion of new highways to be included within the DCO. CCC notes that the Applicant has opened discussions regarding the insertion of protective provisions and has supplied a first draft for CCC's review. The draft provisions are under consideration at this time and CCC will continue to engage with the Applicant on this matter.</p>
Revised details in respect of works to New Bridge Lane and relationship to IDB drain	5.8	<p>Following the meeting between CCC and the Applicant on 27 April 2023, revised details are awaited in respect of the works to New Bridge Lane and the relationship to the IDB drain, including cross section of works to show how the street can be upgraded without affecting land outside the Order Limits.</p>

New bridge Lane Level crossing - NMUs	5.10 and 5.12	The Councils refer to their comments on paragraph 2.6.1 - 2.6.3 of the Outline Operational Traffic Management Plan - Rev 3 <b>[REP3-024]</b> , set out above in this document.
New Bridge Lane level crossing – private access	5.11	<p>CCC acknowledges that the Applicant does not intend to alter the current status of any rights over the level crossing. However, the Applicant’s proposed design for the improvements to New Bridge Lane would alter the way in which certain landowners are able to take vehicular access to their premises, by closing New Bridge Lane to vehicles further to the east adjacent to accesses A8 and A9. This would force landowners to access their property via the opened level crossing, over which it is not intended to create a highway right.</p> <p>Therefore, in order to ensure that highway users are protected, CCC must understand the details of any agreement between the Applicant and Network Rail pertaining to access rights over the level crossing, and must be satisfied that public users and the affected landowners are not disadvantaged by such an agreement or the physical changes to the highway layout.</p>
New Bridge Lane NMU route	5.13	The Councils do not consider that it is appropriate to compare the impact of any possible future development of New Bridge Lane associated with other industrial developments or the ‘with rail’ options. The Applicant’s development and the mitigation proposed must be considered on its own merits. Whilst the mitigation offered is welcomed, it will not be sufficient to completely mitigate the adverse impact of the development towering over NMUs using the route.
New Bridge Lane NMU connectivity and public health	5.14 - 5.15	As a result of the ExA’s decision made at ISH5 regarding deferring Landscape and Visual comments, the Councils reserve the right to make oral and written comments on outstanding Landscape and Visual matters at the next hearing ISH and subsequent deadline.
<b>Cromwell Road / New Bridge Lane Junction, 6.1 to 6.5</b>		
Road Safety Audit	6.1, 6.2, 6.3, 6.4	The Applicant’s response is noted. Further design and assessment work including a Stage 1 Road Safety Audit is being undertaken by the Applicant for review by CCC.
<b>Biodiversity, 9.1 to 9.14</b>		
Biodiversity Net Gain	9.1, 9.2, 9.7-9.10	<p>The Councils welcome the update to Requirement 6. However, the amendments do not fully address the Councils’ concerns set out at paragraphs 7.3.23 and 7.3.24 of the Local Impact Report <b>[REP1-074]</b>. See the Councils response to <b>[REP3-006]</b> for further details (above).</p> <p>If off-site BNG is required, the Councils expect priority to be given to local sites that deliver wider social / environmental benefits for the local community. Therefore, the Councils would</p>



		request that opportunities to combine mitigation for BNG, landscape/visual and NMU provisions be explored. See Councils' responses to <b>[REP3-018]</b> and <b>[REP3-20]</b> for further details (above).
Water Vole	9.2- 9.6	The Councils position still stands. The Councils await the outcomes of discussion with Middle Level Commissioners about potential enhancement of on-site IDB ditches and off-site compensation for water vole, see response to <b>[REP3-042]</b> (below).
Priority habitat – open mosaic habitat on previously developed land	9.2, 9.11	The Councils are satisfied that Open Mosaic Habitat (priority habitat) is not affected by the scheme. Issue resolved
<b>Waste Provision Sustainability, 10.1 to 10.7</b>		
Waste Provision Sustainability – General	10.1-10.7	The Applicant's comments are noted. Since the submission of those comments, the Applicant and CCC held a meeting, and the topic was also explored during ISH3. CCC is cautiously optimistic that agreement in relation to alteration to Requirement 14 – Waste Hierarchy Scheme, and an additional requirement in relation to waste proximity can be reached.  During ISH3 CCC presented to the ExA a summary of its concerns regarding the spatial distribution of waste and the local impact of concentrating waste management capacity, and a written submission to accompany the oral submission has been submitted alongside this document <b>[CLA.D4.ISH3-5.S]</b> . The Council will await the publication of the written submissions from other parties in relation to ISH3 before commenting further.

#### 11.4 Comments on the Responses to the ExA's Written Questions (ExQ1) [REP3-041]

Topic	Paragraph Number	Councils' Comment
<i>The following comments relate to the Applicant's comments on the responses from CCC and FDC, as per Table 3.1 of the document.</i>		
<b>Compulsory Acquisition / Temporary Possession, CA.1.4 to CA.1.12</b>		
Land plans and Book of Reference	CA.1.4 and CA.1.5	CCC notes the Applicant's comment and is grateful for the amendments made to the Book of Reference.
<b>Draft Development Consent Order, DCO.1.6 to DCO.1.27</b>		

Schedule 6	DCO.1.27	CCC notes the Applicant's comment and anticipates continued engagement to ensure matters of detail related to Schedule 6 are clarified and updated as necessary.
<b>Planning Policy, PP.1.2 to PP.1.4</b>		
Waste hierarchy and Requirement 14	P1.2	Discussions between the Applicant and CCC in relation to Requirements 14 are ongoing at this time.
Spatial distribution of waste	P1.4	This matter was discussed during ISH 3, and it is CCC's understanding that there are actions in relation to specific content within the WFAA that was disputed during the hearing.  CCC previously made comments at Deadline 3 in respect of PGEL and the recovery capacity set out in the Cambridgeshire and Peterborough Minerals and Waste Local Plan [REP3-044]; and it appears the Applicant's comments here were made prior to receiving those comments. The Council will await the publication of the written submissions from other parties in relation to ISH3 before commenting further.
<b>Traffic &amp; Transport, TT.1.3 to TT.1.17</b>		
New Bridge Lane access	TT.1.3	Following the meeting between CCC and the Applicant on 27 April, revised details for the site access have been prepared by the Applicant which address the concern, and it is assumed these will be submitted to the ExA in due course.
Lighting arrangements	TT.1.8	CCC notes that a suitable lighting scheme is to be secured through draft S278/Protective provisions. CCC requests that an update on this matter is submitted to the Examination.

### 11.5 Comments on Deadline 2 Submissions [REP3-042]

Topic	Paragraph Number	Councils' Comment
<i>The following comments relate to the Applicant's comments on the responses to D1 submissions from CCC and FDC, as per Table 3.1 of the document.</i>		
<b>3.1 Draft Development Consent Order (Tracked) – Rev2 [REP1-006], CC03 to CC08</b>		
Protective Provisions	CC08 and C40	CCC notes the update to the Draft DCO. CCC requests that an update on the draft S278/Protective Provisions is submitted to the Examination.
<b>6.4 Environmental Statement – Chapter 6 – Traffic and Transport – Appendix 6A – Outline Construction Traffic Management Plan (Tracked) – Rev2 [REP1-010], CC09 to CC10</b>		

NMU access over New Bridge Lane former level crossing	CC09	The Councils refer to their comments on paragraph 2.6.1 - 2.6.3 of the Outline Operational Traffic Management Plan - Rev 3 [REP3-024], set out above in this document.
Highway condition surveys	CC10 and CC28	As discussed at ISH4 on 17 May 2023, the extent of highway condition surveys are to be discussed and agreed between the LHA and the Applicant.
Damage to the wider highway network	CC10 and CC28	CCC refers to its comment above in respect of the Applicant's Comments on the Written Representations: Part 1 - Statutory Parties [REP3-039], items 5.5 and 5.6. The Applicant has not recognised the impact that the anticipated increases in HGV traffic caused by the proposed development could have on the condition of roads adjoining the Order Limits, and CCC requests that this is rectified, either in the protective provisions of the DCO or the Outline CTMP and Outline OTMP. CCC welcomes the opportunity to engage on this matter, following discussions at ISH 4 on 17 May 2023.
NMU provision and enhancement	C27	The Councils refer to their comments on the Outline Landscape and Ecological Management Plan - Rev 2 [REP3-020] and to their comments on paragraph 2.6.1 - 2.6.3 of the Outline Operational Traffic Management Plan - Rev 3 [REP3-024], set out above in this document.
<b>9.2 Applicant's Comments on the Relevant Representations – Part 1 Local Authorities and 3(a) Statutory Parties [REP1-028], CC29 to CC46</b>		
BNG provision	CC29	The Councils refer to their comments on the Biodiversity Net Gain Assessment - Rev 3 [REP3-018], set out above in this document.
Open Mosaic Habitat	CC30	The Councils consider this matter resolved.
Water Vole – ditch management	CC32	The Councils welcome further discussions with Middle Level Commissioners, and expect detailed water vole mitigation to be included within a revised LEMP, in due course.  It will be important that any off-site compensation for protected species (if required) is treated separately to Biodiversity Net Gain (Requirement 6).
Dark Corridors	CC34	The Councils consider this matter resolved.
Bats - lighting	CC36	The Councils consider this matter resolved.
Landscape and Visual	CC38-39	As a result of the ExA's decision made at ISH5 regarding deferring Landscape and Visual comments, the Councils reserve the right to make oral and written comments on outstanding Landscape and Visual matters at the next ISH and subsequent deadline.
<b>9.2 Applicant's Response to the Relevant Representations – Part 9 Appendices [REP1-036], CC47 to CC53</b>		

Waste Need and Policy	C44, C46 and CC53	The Applicant's comments are noted. Since the submission of those comments the Applicant and CCC held a meeting, and the topic was explored during ISH3. CCC is cautiously optimistic that agreement in relation to alteration to Requirement 14 – Waste Hierarchy Scheme, and an additional requirement in relation to waste proximity can be reached.
Carbon capture and storage	CC50	<p>Although carbon capture and storage may not be a requirement of planning policy in itself, this does not change the fact that it is likely to be necessary in order for an EfW plant to be compatible with net zero GHG emissions.</p> <p>It is noted that <i>“the Applicant has conducted pre-feasibility studies”</i> but it is not clear what the results of those studies were. The Councils assume that a <i>“pre-feasibility”</i> study is not the same as an actual feasibility study.</p>
Waste Fuel Availability Assessment Representations - Net self sufficiency	CC52	CCC previously made comments at Deadline 3 in respect of PGEL and the recovery capacity set out in the Cambridgeshire and Peterborough Minerals and Waste Local Plan <b>[REP3-044]</b> ; and it appears the Applicant's comments here were made prior to receiving those comments. CCC will await the publication of the written submissions from other parties in relation to ISH3 before commenting further.
<b>9.21 Outline Local Air Quality Monitoring Strategy [REP1-055], CC55 to CC59</b>		
Response to measured exceedances	CC58	The Host Local Authorities (HLA) have asked how the Applicant will commit to investigate and mitigate the sources of emissions leading to measured exceedances of agreed thresholds. This requires immediate response to measured exceedances and therefore the Applicant's suggestion to provide quarterly reports does not address this issue.