

Medworth Energy from Waste Combined Heat and Power Facility – Written Summaries of Oral Representations Made by CCC and FDC at Issue Specific Hearings 3, 4 and 5

This document summarises the oral representations made by Cambridgeshire County Council (**CCC**) and Fenland District Council (**FDC**) (together, **the Councils**) at the Issue Specific Hearing 3 (ISH3) on Tuesday 16 May 2023, Issue Specific Hearing 4 (ISH4) on Wednesday 17 May 2023 and Issue Specific Hearing 5 (ISH5) on Thursday 18 May 2023, in relation to the application for development consent for Medworth Energy from Waste Combined Heat and Power Facility (the Scheme) by Medworth CHP Limited (the Applicant).

This document does not purport to summarise the oral submissions of parties other than CCC and FDC, and summaries of submissions made by other parties are only included where necessary in order to give context to CCC and FDC's submissions in response, or where CCC and FDC agreed with the submissions of another party and so made no further submissions themselves.

The document contains three separate tables – Table 1.1. for Written Summaries of Oral Representations Made at ISH3, Table 1.2. for Written Summaries of Oral Representations Made at ISH4 and Table 1.3. for Written Summaries of Oral Representations Made at ISH5. Each table is structured according to the order of items in the agenda for the Hearings published by the Examining Authority (ExA) on Tuesday 2 May 2023.

Table 1.1. Written Summaries of Oral Representations Made at ISH3 on Tuesday 16 May 2023

Agenda Item	The Councils' Submission
1. Welcome, Introductions, Arrangements for the Hearing	
2. Purpose of the Issue Specific Hearing	
3. Waste Matters, Size and Need	<p>Mr Andrew Fraser-Urquhart KC noted that the Councils would want the ability to comment on the updated WFAA which the applicant intends to submit at Deadline 5.</p> <p>Mr Fraser-Urquhart KC introduced CCC's Principal Policy Officer County Planning, Minerals & Waste, Mr Matthew Breeze, who holds the following qualifications:</p> <ul style="list-style-type: none"> • Masters degree of Planning in Town and Country planning • Chartered Member of the Royal Town planning Institute <p>Mr Breeze explained the following points:</p> <p>Errors in Table 4.2 Waste Needs Assessment including Transcription errors by the applicant</p> <p>In the Councils' Deadline 3 submission it was noted that there are errors in Table 4.2 of WFAA version 1. The Applicant has provided corrected and updated figures in the WFAA version 2. The errors that were identified were that the tonnages were not filtered by the list of waste codes as described in the heading, and in fact, included all chapter 19 and 20 wastes. This was then filtered wastes with a basic waste category of "Household Industrial Commercial", and excluded sites with a site type of mobile plant or In/On Land. This error appears to have then compounded by a transcription error, with some entries reflecting the tonnages based on the criteria Mr Breeze set out, some reflecting the tonnages of other areas, and some which did not relate to any areas within the study area.</p>

With these errors in the first version of table 4.2, comparison between the two is meaningless.

The total for the Table 4.2 using the corrected method in the WFAAv2 on the WDI 2019 data is in the region of 9.56 million tonnes of waste. This is a 0.27 million tonnes lower than the 9.83 million tonnes cited for 2021 in the WFAAv2.

Waste hierarchy

On the topic of the waste hierarchy the Council made representations starting in the Council's Relevant Representation **[RR-002]** requesting additional criteria to Schedule 2 - Requirement 14 - Waste Hierarchy Scheme. This matter is unresolved but the Applicant's comments that this is being looked at are welcomed. It is the Councils' view that it is important that the future operator not only be seeking to prevent waste that could be treated further up the waste hierarchy from being accepted at this facility, but also being seen to do this too. Given the nature of this facility, this is more likely to be achieved through company policies and how the operator interacts with its clients, helping them to reduce and recycle more waste, so that they don't send as much to be recovered.

This is in the context that, if constructed, the applicant may not always be the operator of the facility in the future.

Proximity Principle

On the topic the proximity principle, the Council has proposed a draft requirement and it is our understanding that applicant has agreed to the principle of the requirement. The Council is in the process of agreeing the wording and hope to present this to the ExA soon. The Council's initial proposal is set out on page 23 of **[REP3-044]** and, subject to nuances, is broadly formed of three parts: a requirement that a specified percentage of waste is sourced within 75 km (which reflects an approximation of the Waste Planning Authorities within a 1 hour travel time.); a requirement that a specified percentage of the waste must be sourced

with a list of the waste planning authority areas listed in the WFAA; and that no more half of the waste can be sourced from a single waste planning authority area, this last one is to ensure that the facility is not monopolised by one area to the exclusion of closer areas.

This is designed to prevent the worst potential excesses and to provide a 'long stop'. It is the view of the Council that this requirement is essential to provide a backstop to ensure that the proximity principle is observed, even if minimally.

Spatial distribution of waste and impact.

The Council has made representations in relation to the WFAA, most of which are contained within the Council's LIR [REP1-074] and D3 submissions [REP3-044 – REP3-046]. Whilst there are a number of points of dispute in relation to some of the figures presented, there is common ground is that Table 4.3 (Local Authority Waste from Study Area disposed to non-hazardous landfill), and Table 4.4 (HIC waste from Study Area disposed to non-hazardous landfill) (page 38 and 39) are an accurate reflection of the tonnages as recorded in the Environment Agency's Waste Data Interrogator. If this waste in Table 4.4 is diverted to this facility, there is sufficient fuel for the plant to operate, even if there was to be a decline in the amount of waste being sent to landfill. Whilst the Council may dispute some of the other figures presented, any alterations to correct them would have no impact on these two tables.

These tables also accurately reflect the spatial distribution of available waste being sent to landfill. There are some nuances regarding waste currently being recovered at existing facilities, but where this facility might in fact be closer to the arisings. Broadly speaking, however, table 4.4 is reflective of the current and future waste suitable to fuel this facility.

The development is presented as a regional facility, which with a capacity of 625ktpa, with a minimum requirement for 523.5ktpa, and will need to source this waste on a regional basis. This is a large facility and is disproportionately large for the local need and the community that is being asked to host it.

The development of this facility in this location will result in waste traveling further distances, than if it were to be located closer to the main concentrations of waste. These are in Essex / Hertfordshire to the south, which accounts for 1.2 million tonnes, and Northamptonshire and Leicestershire to the west, which accounts for 0.4 million tonnes of the available 2.4 million tonnes. The spatial distribution is illustrated in the Map in the Local Impact Report [REP1-074 page 93]. More localised energy recovery facilities as envisioned in the relevant waste local plans in the region would not have the same scale of negative effects as this facility.

Conversely, if this and the Peterborough Green Energy project are both developed this will concentrate 1.2 million tonnes of recovery capacity in a relatively small geographic area, and it would be sufficient to accommodate well over half of all the waste in the study area.

The pattern of waste that we see now, will be affected by future recovery capacity provision and government and market interventions in waste production, all of which have a level of uncertainty attached. As an energy plant, it will require a steady and reliable source of fuel to maintain its supply of electricity. In the future, should residual waste reduce, or other plants be permitted more locally to existing waste sources, the negative effects associated with the facility will be amplified as it must look further and further for fuel. Whilst this proposal provides a significant benefit in recovery capacity, it also comes with all the disbenefits that come from concentrating this capacity in one location.

On this topic the Council asks the ExA to give very careful consideration to the disbenefits that come from centralising capacity in what is a largely rural and spread-out region and attribute the appropriate weight in their determination of this application.

Comments on the entry for Norfolk in Table 4.6 of the Waste Fuel Availability Assessment

The Council has made comments at Deadline 3 [REP3-044 Pages 2-5] on Table 4.6 in respect of the entry for Norfolk County Council. It is important to understand

	<p>the context in which the waste needs assessments on which this table is based are written.</p> <p>When preparing waste local plans, waste planning authorities undertake waste need assessments. Fundamentally, the question that is asked when undertaking these assessments is how much waste is being generated, and how much capacity is there now and in the future. This is often separated by waste stream and level within the waste hierarchy. Following the identification of need and capacity, if there is insufficient capacity, the report identifies the quantity of additional capacity required. In local plans this is normally reflected in like for like or capacity at a higher level in the waste hierarchy. Consequently, what you are seeing in Table 4.6 is the conclusions that many areas, particularly those with landfill have sufficient or only a small shortfall in capacity.</p> <p>It is the Councils' view the applicant is trying to unfairly alter the conclusions of the Norfolk Waste Needs Assessment to support their application; and more broadly Table 4.6 and 4.7, owing to the lack of context, does not show what the applicant reports it to show. That is, in the absence of understanding the question on which the Waste Needs Assessments are based, the reason for the conclusions that they reach and why they in practice only show a small requirement for additional capacity.</p>
<p>4. Alternatives and Design Options</p>	<p>Mr Matthew Breeze explained that in Issue Specific Hearing One the Applicant detailed that sites in Norfolk and Wisbech were principally identified as being suitable, and that the Peterborough Green Energy and Essex Rivenhall Sites were not suitable. However, within the Alternatives Chapter (2) of the ES, there is no reference to these sites, nor the reason for their exclusion.</p> <p>The Councils believe that it is important that the Applicant provides the reasons to explain why the other sites were not progressed and that this is documented and presented to the Examination, so that there is a clear justification for the selection of this site.</p>

	<p>The applicant also referred to this site being preferable as being able to make use of the heat that the EFW would produce. The Councils note, that as has been previously noted by others, no agreements for heat use have been submitted with the application, nor an ability to transport the heat without the agreement of other landowners.</p>
<p>5. Relevant Planning Policy</p>	<p>Mr Matthew Breeze made the following points in relation to policy:</p> <p>Clarification in relation to the Peterborough Minerals and Waste Site Specific Proposals Plan</p> <p>The agenda refers to the Peterborough Minerals and Waste Site Specific Proposals Plan. It is believed that this is a typographical error and was intended to refer to the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals Plan. The Site Specific Proposals Plan was superseded by the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021. Any reference to the SSP likely arose from consultation responses prior to July 2021 such as the reference to the SSP that can be identified is contained within Chapter 2 of the ES (Alternatives).</p> <p>Minerals and Waste Local Plan Locational Policy</p> <p>The relevant policies are listed in paragraph 1.1.2 of the Council's Local Impact Report [REP1-074].</p> <p>Policy 3 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (CPMWLP) sets out the need for waste management facilities in the Plan Area and Policy 4 sets out the spatial strategy. Other policies listed in the Local Impact Report are still relevant, but are not the focus of this question and will be addressed at other times during this Examination.</p> <p>It is important to understand the context in which the plan was written. As set out in Policy 3 the plan area, has, except for some hazardous waste management capacity, sufficient capacity to manage the waste produced within the plan area. 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,</p>

however, contain Policy 4 that sets the spatial strategy of the Cambridgeshire and Peterborough Minerals and Waste Local Plan, in the event of any speculative applications.

Waste Management Areas are existing waste management sites which are safeguarded under Policies 10 and 16 and are depicted on the Minerals and Waste Policies Map. Under Policy 4, intensification is supported, but only within the red line boundary. In terms of their relevance to this application, a large part of the proposed development site is within a waste management area. As the proposal will provide a significant increase in waste management capacity, it is proposing a use that is compatible with the WMAs safeguarded status.

Policy 4 was addressed under 14.11 of the Council's Relevant Representation

Policy 4, subject to specific exceptions for certain development, such as being completely within the red line boundary of an existing waste site, directs waste management development to suitable employment areas within the settlements listed within the policy, of which Wisbech is one. It supports development in these areas within the settlement boundary. The term 'settlement boundary' is defined within the policy. In the first instance this relates to a settlement boundary in the relevant local plan, but as there is no settlement boundary defined within the Fenland Local Plan for Wisbech, this reverts to existing built up area. Much of the proposed development is located within the existing safeguarded waste management operation and can be considered to be within the existing built-up area. A portion of the site, in the south-eastern corner, lies outside of this area. By the strictest interpretation of the policy, the proposal does not meet Policy 4 as it is expanding outside of the settlement boundary. However, the area in question is being proposed for allocation to provide a mix of employment uses, including uses within classes B and E(g) within the emerging Fenland Local Plan (under Policy LP37 reference: LP37.01), and there are planning permissions for employment uses to the south of New Bridge Lane. So, even though the proposal does not fit the strict letter of the policy, it could be reasonably argued that it does meet the spirit of the policy.

Policy 4 also requires that the waste should be moved up the waste hierarchy as far as possible, not just one or two steps. The proposed additional criteria to Requirement 14 Waste Hierarchy Scheme, would help addresses this requirement, and assist in demonstrating compliance with Policy 4.

Mr Fraser-Urquhart KC confirmed that the list of policies in Annex 2 of the Councils' LIR [REP1-074] was still up to date, and that the Councils would submit the full text of these at Deadline 4.

Mr Nick Harding, Head of Planning at Fenland District Council, holds the following qualifications:

- BSc in Town and Regional Planning
- Corporate member of the RTPPI
- Diploma in Management

Mr Harding made the following points:

In the area where his development is proposed to be located, it can be seen from the Fenland Local Plan map that the site is adjacent to what's known as a broad location for growth in the policy. The Councils will submit to examination a plan of these areas alongside this document at Deadline 4.

By virtue of the fact that some of the site is already developed and in use as a waste site, one could say it already falls within the indicative urban area. The remainder of the site is within an area shown as a broad location for growth and the plan policy states this location needs to provide business related development, residential development, and the improvement of East-West road links, including New Bridge Lane.

The Inspector asked Mr Harding whether he could provide any further information on what was meant by 'business-related policy' – Mr Harding noted that the policy was not specific on this front, and uses the phrase 'for business-related purposes'. The local plan policy indicates that for a development proposal to come forward, a broad concept plan has to be adopted and in place. A broad concept plan for this location was adopted in 2015 by FDC, and in relation to the south-eastern portion of the site that sits on new Bridge Lane, this is considered to be an extension of the existing industrial area with 'industrial area' also being ill-defined.

	<p>The broad concept plan identified that New Bridge Lane would become a router which links Cromwell Road to the West through a new roundabout junction that would be formed on the A47.</p> <p>Mr Fraser-Urquhart KC asked Mr Harding whether, given to the ambiguities and loose definitions in the policy, he regarded this proposal as being in conflict or in conformity with the plan. Mr Harding responded that a significant part of the proposal falls within the minerals and waste consultation area so some of it is compatible, but whether the expansion of the site into what is defined as business and industrial areas is deemed to be compatible is another matter, one on which it is difficult to reach a conclusion – concluding that it is not wholly incompatible when compared to the two adopted policy documents.</p> <p>On the topic of the Emerging Fenland Local Plan, Mr Harding noted that the site is shown within the minerals and waste local plan consultation area, an area that currently sits outside the existing waste operation and is identified as being for employment and non-residential use under Policy LP37. This policy says that the development area should be used for a mix of employment uses including Class E and Class G. However, as the emerging Local Plan is only at Reg 18 stage at this point in time little weight can be given to it.</p> <p>A supplementary document providing further information on these points is submitted as Appendix B to the Councils' Deadline 4 submissions [CLA.D4.ISH3-5.AP.AB].</p>
6. Review of Issues and Actions Arising	
7. Any Other Business	
8. Closure of the Hearing	

Table 1.2. Written Summaries of Oral Representations Made at ISH4 on Wednesday 17 May 2023

Agenda Item	The Councils' Submission
1. Welcome, Introductions, Arrangements for the Hearing	Mr. Andrew Fraser-Urquhart, KC introduced himself and explained he would introduce officers at the relevant items.
2. Purpose of the Issue Specific Hearing	
3. Traffic and Transport	<p>Mr. Fraser-Urquhart KC provided an overview of the Councils outstanding points of concern:</p> <ul style="list-style-type: none"> • Public Rights of Way (PROWs) in the context of Non-Motorised users (NMUs) • Certification of works • impact of the highway fabric by the extraordinary levels of highway traffic • the land take and junction improvements at New Bridge Lane and Cromwell Road, including the construction works along New Bridge Lane itself. <p>Mr. Daniel Ashman, CCC's Highway Records Manager with over 7 years' experience in the field, introduced himself. The following points were made on behalf of CCC:</p> <p>Protective Provisions</p> <p>CCC raised concerns at paragraph 2.4.1 of the LIR [REP1-074] about the absence of provisions in the DCO that would protect the right to review and approve the</p>

design of highway improvements, the right to inspect works during construction and upon completion of works, and the requirement for the applicant to obtain certification that completed works are satisfactory. CCC have also subsequently raised concerns about the Council's ability to recover its costs from the applicant for involvement in this work.

The first point about the review and approval of design was addressed by the applicant and there have been some amendments to the text of DCO schedule 2 to accommodate the Council's comments at ISH2.

However, the other items appear to be unaddressed at this time.

Discussions are underway regarding entering into a section 278 (HA1980) agreement, which would grant permission to the applicant to work within the public highway in accordance with the Council's terms. However, until agreement is formally reached between the parties, CCC feels that it is not adequately protected by the current draft of the DCO. The Council needs to be satisfied that any highway amendments are safe, offer the best utility to the public, and are constructed in a way that minimises ongoing maintenance burden.

To satisfy those concerns requires a framework of overarching protections to be inserted to the DCO. This would not remove the need to enter into a section 278 agreement, but it would establish a minimum baseline for the interactions between the Council and the applicant on this matter.

There was a short discussion about protective provisions during ISH2, and CCC recalls that an action was identified by the examining authority for some progress to be made on this by the applicant – however, to the Council's knowledge, engagement on this matter is still an outstanding matter. Engagement with the applicant more generally has been largely positive to date and the Councils would expect that this matter could be resolved through discussion.

Impact of extraordinary traffic during construction and operation of the facility on condition of the highway:

CCC raised concerns in sections 2.4.1 and 2.5.3 of the LIR [REP1-074] that the increased heavy goods traffic generated by the development has the potential to cause excessive damage to the highway. The applicant's responses on this issue can be seen in document [REP2-020]. The applicant does not accept the Council's concerns, and states that it does not feel the proposed number of HGV journeys to the development site represent extraordinary levels of traffic.

However, upon review of the Environmental Statement Chapter 6 [APP-033], tables 6.27 and 6.32, the applicant's own analysis predicts a marked increase in HGV movements on some of the roads affected by the development, during both construction and operation of the facility.

For example, during the construction phase, New Bridge Lane is anticipated to see a 68% increase in HGV movements on the expected traffic levels for 2024, and during operation there is anticipated to be a 149% increase on expected levels for 2027. Meanwhile Cromwell Road, which is outside the DCO boundary, but which provides the key link from the A47 trunk road into the development site, sees respective increases of 19% and 27% for the equivalent phases of development.

By their own analysis the applicant is demonstrating that certain roads affected by the development will see significant new numbers of HGV journeys. Although the applicant earlier made reference to the increased levels of traffic being equivalent to existing use, this does not consider the cumulative effect of adding substantial numbers of new journeys, and it could reasonably be anticipated that this increase could result in additional wear to the carriageway.

In the outline CTMP [REP3-014] the applicant states at paragraphs 7.4.21 and 7.4.22 that inspections will be undertaken before, during and after construction so that the condition of the accesses can be monitored. This is welcomed but CCC does have some concerns about how this has been worded, for instance referring to 'accesses' rather than 'highways', while there is also no express commitment to undertake condition surveys of highways that are outside of the DCO boundary, but which are affected by the scheme – most notably, Cromwell Road, which as noted

will see an increase in HGV journeys of over a quarter during operation of the EfW site.

Lastly on this matter, the Council is entitled under section 59 of the Highways Act 1980 to seek compensation for the costs of repairing damage caused by excessive levels of traffic. This right would apply during construction, but also throughout the operational lifespan of the development. This has not been acknowledged in either the outline CTMP or the outline OTMP [REP3-024]. It would be of reassurance to the Council if the applicant were to make a commitment to covering the costs of any reactive maintenance that becomes necessary as a result of the increased traffic caused by the development.

Mr. Ashman agreed that further engagement is required on this matter, confirming that from the Council's perspective, the traffic levels show increases, and the Highway Act 1980 does not define extraordinary

Public Rights of Way (PROW) and Non-Motorised Users (NMUs)

Mrs. Camilla Rhodes, Asset Information Manager listed her qualifications:

- Master of Land Economy
- Member of the Royal Institution of Chartered Surveyors

Mrs. Rhodes explained that NMUs do not necessarily distinguish between the local road network and rights of way, and use roads as connection routes to rights of way.

New Bridge Lane is currently a quiet area with limited transport due to bollards on the level crossing, and has been a good route for NMUs to use. PROW closure:

In the CTMP [REP3-014] 7.2.5 the terminology is incorrect and needs changing to public rights of way and to refer to byways (Halfpenny Lane – Wisbech 21/Elm 6).

An outstanding matter for the Councils is regarding New Bridge Lane and NMUs, The Councils are content in principle that access will be maintained for NMUs during construction but need clarification that this includes access over the crossing

	<p>otherwise NMUs will lose a safe connective route. This is particularly important for active travel, leisure, and health-giving opportunities for local communities. Wisbech has poor health outcomes so this is a particular concern. The Councils would like the status of the disuse crossing to be addressed. Highways rights were removed in 1981, but the public have had access to it over the last 40 years. The councils ask that the applicant seeks agreement with network Rail that access will be retained and clarified to be permissive so that the public are clear - the councils do not want public access to be removed.</p> <p>Mrs. Rhodes also mentioned the Councils concerns regarding landscape and Visual impacts on NMUs, which were deferred to a hearing in which landscape and Visual matters would be discussed.</p> <p>Mr. Fraser-Urquhart KC noted that the owners and tenant of 10 New bridge Lane are not the only landowners whose ability to access their land may be impacted by this scheme, noting that FDC own some of the land along this road.</p> <p>Mrs. Rhodes summarised that the Councils key concern is that the development along New Bridge Lane as a result of this proposed development would negatively impact the experience of NMUs, and as such the councils seek a minor improvement to clarify access that has been existing by permission of the landowner for the last 40 years. Permissive agreement should be agreed with permissive terms in place, to encourage and support wider public health aims for local communities.</p>
4. Air Quality	<p>Penny Wilson, Technical Director of Air Quality Consultants Limited introduced herself and listed her qualifications:</p> <ul style="list-style-type: none"> - BSC Environmental Science - Member of Institute of Air Quality Management - Member of Institute of Environmental Science <p>In response to Mrs. Wilson's question, Tim Marks confirmed that where they referred to a Local Air Quality Management Strategy, they meant the Local Air Quality Monitoring Strategy (LAQMS).</p>

	<p>The Councils request that the LAQMS provides more detailed information including the availability of data to the HLAs, interpretation of data, and process for the notification of exceedances. If an exceedance is identified the Councils would like this document to outline the commitment for source identification, resolution and emission reduction associated with this installation and its associated activities.</p> <p>In response to this request, the Applicant noted on page 47 of [REP3-042] that they had updated the Outline LAQMS to include the submission of quarterly reports. It is the Councils' view that quarterly reports are insufficient as this would not allow the councils to respond to any issues in a timely manner. The Councils request that there is a requirement to report exceedances to the Councils immediately, and for the applicant to submit details of the incident including what the source was, the response and measures taken to avoid similar incidents in the future.</p>
<p>5. Climate Change including Carbon Mitigation and Carbon Capture</p>	<p>Following the Applicant's explanation of their intentions regarding Carbon Capture Storage (CCS), Mr. Fraser-Urquhart KC noted that the extent of the obligation resting on the applicant regarding CCS is to allocate land, not to use it for anything else, and to report regularly. There is no obligation for the applicant to use best endeavors to bring about CCS, and therefore any benefits that may be thought to be attached to CCS is speculative. The Councils are of the view that there is no obligation on the developer to undertake CCS in the DCO even if it becomes feasible. The applicant could still decline to do CCS, and the Councils wish weight to be given to this when considering whether the applicant's current CCS position can be viewed as a benefit. Mr. Fraser-Urquhart KC noted that without a legal obligation to retrofit technology and equipment to make it CCS ready, the likelihood of the applicant retrofitting the facility years down the line was less likely.</p> <p>Mr. Fraser-Urquhart KC outlined the Council's concerns that all of the applicant's assumptions regarding emissions are based on a baseline that for the entire 40-year duration of the project, all of the waste if it were not burnt would go to landfill. This is a sweeping assumption. Mr. Fraser-Urquhart KC also noted the problem with the applicant basing their avoided emissions calculations on the UK grid as it is now,</p>

when it is likely to decarbonize over the lifetime of the scheme. As the dependence on fossil fuels is reduced over time, this scheme would be replacing carbon neutral forms of generation. The use of the composition of the UK grid as it is currently is highly dubious and overestimates the degree of benefit.

Mrs. Sarah Wilkinson, CCC's Carbon and Energy Manager, listed her qualifications before making the following points:

- MSc in Environmental Management
- Practitioner member of IEMA

CCC is of the view that the proposal as it stands is incompatible with a net zero pathway. The Council has 4 main concerns on this topic, excluding CCS which was discussed earlier in this item.

1. Firstly, the overall **scale** of greenhouse gas emissions. These are estimated by the applicant to be about 11 million tonnes over the 40-year lifetime of the plant (273,326 tonnes CO₂e per year according to the applicant, in [APP-041] (ES Ch14), Table 14.27 on p57). Embodied carbon from construction materials will also be a large source of GHG emissions itself, estimated by the applicant at over 48,000 tonnes CO₂e, although this is considerably outweighed by the emissions from the operational phase, the vast majority of which are from burning the fossil carbon content of the waste material (such as plastics).
2. Secondly, greenhouse gas emissions from Energy-from-waste plants such as this vary hugely dependent on the **waste composition**. In general, fossil carbon waste (such as plastics) doesn't generate any greenhouse gas emissions in landfill, but do lead to high emissions if burned. Whereas biogenic carbon waste (such as paper, food and garden waste) generates high emissions if landfilled, as it breaks down into methane, but fewer emissions if burned (as the combustion process converts methane to carbon dioxide) (although recycling or composting would be even better).

The applicant's own sensitivity analysis (in appendix 14C of the Environmental Statement [**APP-088**]) has considered two alternative cases for waste composition (one in which all recyclable materials (paper, card, plastics, glass, metals, food, garden, wood and textiles) are reduced by 20%, and another in which food and plastics are reduced by 90%). However, both of these simultaneously reduce both food waste (which contains biogenic carbon) and plastics waste (which contains fossil carbon) by the same percentage, so the sensitivity analysis has failed to consider the separate impacts of reducing *either* the biogenic carbon content *or* the fossil carbon content. This is important because Table 14.31 (GHG emission estimates during the lifecycle of the Proposed Development case and without Proposed Development case) according to the Applicant, indicates that by far the largest component of GHG emissions (Operational Energy) is subject, due to the uncertainty as to the waste composition, to the greatest uncertainty. Accordingly, these uncertainties have a major impact on the overall emissions.

To test this, Mrs Wilkinson carried out her own analysis of the likely emissions from alternative waste composition scenarios, using a tool CCC developed through the Local Government Association and University College London. For reference, the analysis calculations are submitted as Appendix C to the Councils' Deadline 4 submissions [**CLA.D4.ISH3-5.S.AC**].

As illustrated in Appendix C, the results were that if the plastics content was reduced, then EfW has lower emissions, whereas if food and garden waste content was reduced, then emissions would be lower by sending that waste to landfill. Furthermore, the total emissions varied a great deal with different waste composition scenarios. The composition of the waste is the deciding factor as to which method is lower carbon. The assumptions made regarding the composition of the waste therefore can easily tip the balance as to which method is the lowest carbon. This means that the emissions from the proposed plant in operation are, at best, uncertain, and could be higher or lower depending on the composition of the waste.

It is also worth noting that should the composition of the waste differ, the quantity (in tonnes) of waste required to keep the proposed plant operational could also

change. This is because a lower calorific value of the waste would require a larger quantity of waste, in order to retain the same output of energy.

3. Thirdly, CCC would challenge the description and the baseline of the **'without development' scenario**, as we cannot assume that without the development, *all* of the waste would go to landfill for the *entire* 40 years of operation. Waste volumes could reduce, and/or alternative waste treatment methods could be used. Such alternatives could include reducing the overall volume of waste through circular economy principles and behaviour change, increasing the proportion of residual waste that is recycled or composted, use of Mechanical-Biological Treatment (MBT), and increased capture rates of landfill gas. Moreover, even if it did all go to landfill, emissions from landfill would also vary a lot depending on the waste composition and how sites are managed. So the baseline 'without development' scenario is very uncertain. This project cannot be regarded as replacing an existing development – there is no particular existing development either on that site or elsewhere that this proposal is replacing. In any case, when you compare two scenarios that both have very high carbon emissions, and state that one is lower than the other, that is not the same thing as having below net zero carbon. 'Less bad' not does equal good. The IEMA guidance also says that only projects that actively reverse risk of severe climate change rather than only reduce, can be regarded as beneficial.
4. Fourthly, the figure the applicant uses for **avoided emissions from electricity** generation is incorrect. This benefit is much smaller than claimed in the applicant's Environmental Statement. This is because the applicant has used a single constant carbon intensity of electricity in their calculations, whereas in fact avoided emissions will gradually reduce each year, as the UK electricity grid is forecast to decarbonise over time. When this is taken into account, (as shown in the applicant's own technical note in appendix 9.2C of document [REP1-036], Table A.3) the carbon impact of the proposed development is much worse – by more than 2.8 million tonnes CO₂e, compared to the figure originally claimed by the applicant. This technical

	<p>note from the applicant provides some revised calculations which state that the amount of GHG emissions offset by electricity generation would be only 326 kt CO₂e in total over 40 years (based on the Treasury Green Book data table 1, forecast of electricity grid carbon intensity from 2026 to 2065, on a grid-average, generation-based basis). This is only about 10% of the benefit, compared to the 3,203 ktCO₂e previously claimed in the applicant's original Environmental Statement.</p> <p>Even assuming the applicant's figures are correct, the difference in emissions over 40 years between the 'with' and 'without development' scenarios is thereby very small (413 ktCO₂e (according to the applicant) over 40 years, which is only 3.6% difference an average of 10 ktCO₂e per year).</p> <p>When you combine these four concerns, with this greatly reduced benefit from avoided electricity emissions, combined with the very changeable emissions depending on the waste composition, and the uncertainty of what would happen without the development, the overall uncertainty is such that we cannot know whether GHG emissions will be higher or lower from the development than without it. Both scenarios create very high emissions. What we do know, however, is that we are never going to reach net zero emissions if we burn fossil carbon.</p> <p>The Applicant requested that the Council submits Mrs Wilkinson's full analysis to the Inspectorate – this analysis will be submitted alongside this document at Deadline 4. Mr Fraser-Urquhart KC noted that a summary of Mrs Wilkinson's analysis and figures was presented in 9.4.9 in the Local Impact Report [REP1-074], and that the applicant has already responded to these on page 146 of [REP 2-020].</p>
6. Review of Issues and Actions Arising	
7. Any Other Business	Regarding the applicant's submission of a notification of change letter, Mr. Fraser-Urquhart KC made two points:

	<p>1 – the change application is based on an assumption on the applicant’s part that all of the issues relating to Cromwell Road / New Bridge Lane junction have been resolved, and whilst progress has been made through discussions with the Highway Authority, not all issues have been resolved.</p> <p>2 – the application is made on the basis that all the land within the revised order limits is highways land. There are technicalities relating to interactions between parts of that land which is assumed by the applicant to be highways land, and Section 106 agreements with the landowners. The Council’s highways officers will engage with the applicant as soon as possible to resolve some of these issues where possible.</p>
8. Closure of the Hearing	

Table 1.3. Written Summaries of Oral Representations Made at ISH5 on Thursday 18 May 2023

Agenda Item	The Councils’ Submission
1. Welcome, Introductions, Arrangements for the Hearing	Mr. Andrew Fraser-Urquhart KC explained he would introduce officers at the relevant items, and noted that the Councils would be unable to make an oral submission on Item 3 due to the unforeseen unavailability of the councils landscape

	<p>and Visual consultant, the ExA postponed consideration of L&V matters until week commencing 26th June.</p>
<p>2. Purpose of the Issue Specific Hearing</p>	
<p>3. Landscape and Visual</p>	<p>Mr. Fraser-Urquhart KC explained that the Councils were unable to contribute to this item due to the unforeseen unavailability of their Landscape and Visual consultant. Noting that the Councils raise significant issues in relation to Landscape and Visual matters and that these constitute a core part of their overall case, the preferred course of action would be to suspend this item from the agenda entirely and reconvene on this matter on one of the reserve hearing days in the week commencing 26th June. The Councils noted that in the interest of fairness and completeness, this matter could not and should not be dealt with wholly through a written process. The Councils adopt the same stance for Item 6, Cumulative Effects, due to the unavailability of the Applicant's key witness, and due to the nature of cumulative effects this matter would be best heard towards the end after all the individual matters and environmental impacts have been discussed in their own right.</p> <p>Following contributions from the Applicant, Norfolk County Council, and the Inspectors, the hearing was temporarily adjourned before the decision was made to defer Items 3 and 6 to a future hearing in June.</p>
<p>4. Noise and Vibration</p>	<p>Mrs. Laura Harwood, the Senior Environmental Health Officer at FDC, introduced herself and listed her qualifications:</p> <ul style="list-style-type: none"> • Institute of Acoustics' graduate entry Diploma in Acoustics and Noise Control • MSc in Environmental Health. • Environmental Health Board registered member with the Chartered Institute of Environmental Health.

	<p>REP1-013 Outline Operational Noise Management Plan, paragraph 6.1.5, states actions the applicant would take to mitigate complaints substantiated by the Environment Agency. The Local Authority have a duty to investigate complaints of noise and vibration therefore it is requested that this is altered to include complaints substantiated from all relevant authorities including the Local Authority.</p> <p>REP3-023 Outline Construction Environmental Management Plan paragraph 2.3.2 identify receptor 2 could be impacted by vibration from the use of vibratory rollers and paragraph 3.3 states that where needed vibration monitoring will be considered. The Councils request that chapter 4 (Construction Noise Monitoring) is expanded to include vibration monitoring and details the equipment and procedure they will use to manage the impacts of vibration on receptors.</p>
5. Water Environment	
6. Cumulative Effects	
7. Review of Issues and Actions Arising	
8. Any Other Business	<p>The Councils had intended to respond to Landscape and visual comments in the applicant's Deadline 3 submissions at Deadline 4, but due to the aforementioned unavailability of our Landscape and Visual consultant, it is unlikely that this deadline can be met. The Councils requested the ability to defer production of those comments to a later deadline, noting that the councils would provide a list of areas of disagreement as called for by the Applicant in relation to Landscape and Visual matters in document REP1-028, and in advance of the reserve hearing.</p> <p>The Inspector agreed these comments could be published at Deadline 5.</p>

9. Closure of the Hearing	
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