

Medworth Energy from Waste Combined Heat and Power Facility

PINS ref. EN010110
Document Reference: 12.2a
Revision 1.0
Deadline 4
May 2023



Written Summary of the Applicant's Oral Submissions at ISH3

**We inspire
with energy.**



Contents

Table 1.1	Written Summary of the Applicant's Oral Submissions at ISH3	3
Table 1.2	ISH 3 Action Points: Applicant's response	33

Appendix A	Letters of Support	
------------	--------------------	--



Table 1.1 Written Summary of the Applicant's Oral Submissions at ISH3

Item	ExA Question/ Context for Discussion	Applicant's Response
Agenda item 1 - Welcome, introductions, arrangements for the hearing		
1	The Examining Authority ("ExA") opened the hearing, introduced themselves and invited those parties present to introduce themselves.	<p data-bbox="1068 496 1178 525"><u>Applicant</u></p> <p data-bbox="1068 560 1901 588">The following parties introduced themselves on behalf of the Applicant:</p> <ul data-bbox="1115 616 2029 903" style="list-style-type: none"> • Gary McGovern, Partner, Pinsent Masons LLP • Ms Claire Brodrick, Legal Director, Pinsent Masons LLP • Paul Carey, Managing Director, MVV • Tim Marks, Head of Planning, MVV • James Ashton, Head of Engineering, MVV • Dr Swen Grossgebauer, Head of Head of Innovation and Proposals, MVV • David Kenyon, Technical Director, WSP • Claire Brown, Technical Director, WSP • David Hulme, Associate Director, WSP <p data-bbox="1068 938 1946 967"><u>Cambridgeshire County Council (CCC) and Fenland District Council (FDC)</u></p> <ul data-bbox="1115 970 1532 1062" style="list-style-type: none"> • Mr Andrew Fraser-Urquhart KC • Mr Matthew Breeze • Mr Nick Harding <p data-bbox="1068 1098 1227 1126"><u>Other Parties</u></p> <ul data-bbox="1115 1129 2083 1382" style="list-style-type: none"> • Emma Barnett, representing Wisbech Town Council • Hannah Wood-Handy, representing the Borough Council of King's Lynn and West Norfolk • Shlomo Downen and Josh Downen, representing United Kingdom Without Incineration Network (UKWIN) • Joseph Howlett, representing Wisbech Without Incineration (WisWin) • Councillor Michael de Whalley of the Borough Council of King's Lynn and West Norfolk, appearing in a personal capacity



Item	ExA Question/ Context for Discussion	Applicant's Response
Agenda item 2 – Purpose of the Issue Specific Hearing		
2	The main purpose of the ISH3 was to undertake an oral examination of Environmental Matters in relation to waste matters, size, need, alternatives, the design of the Proposed Development and compliance with relevant planning policies.	N/A
Agenda item 3 – Waste matters, Size and Need		
3	The ExA asked the Applicant to set out its approach to the updated Waste Fuel Availability Assessment (WFAA) (clean) [REP2-009] and (tracked version) [REP2-010].	<p>Ms Brown of WSP, on behalf of the Applicant, explained that in compliance with the provisions of national planning policy, a stand-alone Waste Fuel Availability Assessment (WFAA) was prepared which seeks to establish that:</p> <ul style="list-style-type: none"> • there is sufficient fuel available to the Proposed Development • the Proposed Development would accord with the principle of moving waste up the management hierarchy • the Proposed Development would not prejudice the achievement of local or national waste management targets. <p>The original version of the WFAA [APP-094] was submitted with the DCO application and an updated version was submitted at Deadline 2 - [REP2-009 (clean); REP2-010 (tracked)].</p> <p>Ms Brown explained that the updated WFAA [REP2-009] was prepared to reflect further data that had been published since the first version of the WFAA was produced. Most notably, this included:</p> <ul style="list-style-type: none"> • UK Statistics on Waste, Defra (published May 2022 update). • UK Energy from Waste Statistics - 2021, Tolvik Consulting Ltd (May 2022). • Defra's 2020-21 Local Authority Collected Waste (LACW) data. <p>In response to a query from the ExA in relation to plans for further updates to the WFAA, Ms Brown explained that a newly updated version of the WFAA would be submitted at Deadline 5. This will include analysis of two new data sources:</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<ul style="list-style-type: none"> • <i>UK Energy from Waste Statistics 2022</i>, Tolvik Consultancy, published in the week prior to this hearing; • Department for Environment, Food and Rural Affairs (DEFRA) annual results of local authority collected waste (LACW) management for the financial year 2021/22 published on 24 March 2023 - the date Rev 2 of the WFAA was submitted to the Planning Inspectorate. <p>Mr McGovern, on behalf of the Applicant, noted that the examination timetable provides for the ExA's third written questions on 21 July 2023, and this would enable questions to be asked in respect of revision 3 of the WFAA.</p> <p>Ms Brown advised that the Applicant had been able to review the LACW data. This data shows a marginal increase in the amount of waste being produced and dealt with at the landfill – which is at the bottom end of the waste hierarchy. No significant differences in data compared to the data used in the WFAA were observed.</p> <p>Ms Brown explained that the Applicant has not had an opportunity to review the Tolvik report in advance of this hearing and cannot comment on how this may affect the conclusions of the WFAA.</p> <p>The Applicant confirmed that this new data will be considered and analysed as part of the revised WFAA to be submitted at Deadline 5.</p>
	<p>The ExA asked the Applicant to explain how it had taken into consideration comments previously made in relation to its methodology.</p>	<p>Ms Brown explained that the Applicant had considered comments received in relation to the methodology of the WFAA [REP2-009 (clean); REP2-010 (tracked)]. The Applicant considered that the methodology set out in the WFAA is robust and represents the worst-case scenario of waste fuel availability on a local and national level, as well as considering the impact of aspirational Government recycling targets being met. As such, the Applicant has not sought to make any significant changes to the methodology.</p> <p>Although the overarching methodology has been maintained for the updated WFAA, in response to comments previously made by consultees, the Applicant expanded the scope of the updated WFAA to include additional analysis in respect of:</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<ul style="list-style-type: none"> • the achievement of the Government's aspirational target of halving residual waste by 2042 (as set out in the Government's Environmental Improvement Plan, 2023); and • the potential for residual waste to be directed to alternative management means such as being used in the production of sustainable aviation fuel (SAF) and as a fuel for cement kilns. <p>Ms Brown reiterated that the WFAA has sought to provide a narrative and an assessment of the effects of Government targets on the overall analysis of need.</p> <p>Ms Brown highlighted the key conclusions of the revised WFAA being:</p> <ul style="list-style-type: none"> • at a national level, total waste generated increased by 2.4%. There was a small increase in the amount of waste going to landfill and a corresponding decrease in waste sent to EfW facilities; • at a national level, recycling levels remained almost static, at 44.1%; • within the WFAA Study Area, waste generated increased by approximately 1.5% (based on the updated LAWC data); and • the East of England and the WFAA Study Area continues to place a significant reliance on landfill, with local waste authorities sending almost three times the national average to landfill. <p>In light of this, the Applicant is confident that the conclusions in the revised WFAA remain accurate and that there is, in all circumstances, a need for the Proposed Development.</p>
<p>The ExA asked the Applicant to confirm that the capacity of the Medworth EfW CHP Facility does not exceed the waste available.</p>		<p>Ms Brown confirmed that this is the case. The basis of the WFAA [REP2-009 (clean); REP2-010 (tracked)] is to look at the quantities of residual waste being treated at the bottom of the waste hierarchy, currently being directed to landfill, that is available to divert higher up the waste hierarchy.</p> <p>The quantity of suitable, residual waste being sent to landfill far exceeds the waste management capacity that the Proposed Development would offer.</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
	<p>The ExA asked the Applicant to respond to comments from Ian Ralls, on behalf of Cambridge Friends of the Earth, about the rate of recycling and the products of incineration.</p>	<p>Mr Carey explained that 25% of the waste processed at the EfW CHP Facility is removed as incinerator bottom ash (IBA). This can be recycled and reused in its entirety. Approximately 3% by weight of the waste processed by the EfW CHP Facility is removed as Air Pollution Control Residues (APCr) [<i>post hearing note: Section 3.5.45 of the ES Chapter 3 [APP-030] confirms the APCr is approximately 5% of the total waste be volume</i>]. APCr is currently disposed of in specialist landfill. However, technology is in research and development which seeks to enable the recycling of this material in the future.</p> <p>Mr Carey further explained that IBA from EfWs is routinely recycled across the UK, including at both of MVV's existing facilities in Plymouth and Dundee. The process involves the removal of metals, including the removal of non-ferrous metals, all of which are now free of plastics and paper that may have been previously attached. The mineral based aggregate material that is left is then screened and graded by size. This is then utilised as a secondary aggregate construction material in drainage, roads projects and other similar projects. This is common practice for EfW facilities in the UK.</p> <p>In response to a question from the ExA querying the steps taken by the Applicant to secure contracts for the recycling of IBA, Mr Carey explained that the Applicant has had discussions with a number of companies serving MVV's existing facilities and is confident that there is sufficient capacity in the market to negotiate such contracts for the Proposed Development closer to the time of need, i.e., once consent for the Proposed Development has been granted.</p>
	<p>The ExA asked the Applicant to respond to a query from Emma Barnett, on behalf of Wisbech Town Council, relating to clarification of the reduction in the baseline figures for potentially suitable waste as set out in paragraph 4.1.13 of the WFAA, Revision 2.</p>	<p>Ms Brown explained that the updated LACW, published by Defra, is national data. This shows an increase in waste and the volume of waste being sent to landfill. The data is a high-level indication of trends. Ms Brown confirmed that more detail will be included in the updated WFAA to be submitted at Deadline 5.</p> <p>Ms Brown further clarified that Table 4.2 of the WFAA [REP2-009; REP2-010] is derived from Household, Industrial and Commercial (HIC) waste arisings for the defined List of Waste (LoW) codes. The codes include certain categories of potentially suitable waste. In the WFAA [REP2-009; REP2-010], the Applicant has refined the list of waste codes that could be taken by the Proposed Development, resulting in the volume of potentially suitable waste being reduced from 17.9 million tonnes to 9.8 million tonnes.</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>Recognising that this constitutes a significant change in the quantity of potentially suitable waste, the Applicant will be providing the details of how it has interrogated the publicly available waste data, in order for Interested Parties to review how the data has informed the WFAA.</p> <p>However, Ms Brown explained that whilst the broader identification of potentially suitable waste has changed, the conclusions relating to how much 'in scope' residual waste was sent to landfill and therefore treated at the bottom of the waste hierarchy has remained stable, being revised slightly downwards from 2.5 million tonnes to 2.4 million tonnes of waste. The level of waste fuel available for the Proposed Development has therefore remained stable.</p>
	<p>The ExA asked the Applicant to respond to comments from Shlomo Downen, on behalf of UKWIN, relating to the recycling of incinerator bottom ash for use in road and drainage schemes; and that the updated Tolvik report includes an increase in the use of residual waste for cement kilns.</p>	<p>Mr Carey explained that the use of IBA in road and drainage works displaces the need for virgin materials to be used in the construction process, therefore providing an environmental benefit.</p> <p>In answer to a further query from Mr Downen on residual waste use in cement kilns, Ms Brown explained that the updated WFAA [REP2-009; REP2-010] relies on analysis in the Tolvik Report (May 2022) report. The 2022 Report includes, for the first time, the capacity offered by cement kilns as part of the total EfW capacity. Accordingly, where the WFAA refers to the EfW capacity figure, this includes capacity provided by cement kilns.</p> <p><i>[Post hearing note: the updated WFAA submitted at Deadline 5 will set out in more detail the capacity provided by cement kilns].</i></p>
	<p>The ExA asked the Applicant to respond to a question from Cllr de Whalley relating to future increases in recycling rates.</p>	<p>Ms Brown explained that the WFAA [REP2-009; REP2-010] addresses recycling targets. The Applicant's position is that even if the Government's ambitious recycling target of 65% for municipal and 'municipal like' commercial and industrial waste is realised by 2030, there would still be a minimum of 1.6 million tonnes of residual HIC waste capacity in the UK being managed in landfill, at the bottom of the waste hierarchy. The Applicant is seeking to move this waste up the waste hierarchy by recovering energy at the EfW CHP Facility.</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
	<p>The ExA asked the Applicant to respond to points raised by Mr Breeze, on behalf of Cambridgeshire County Council, regarding Table 4.2 of the WFAA.</p>	<p>Mr McGovern confirmed that the Applicant will discuss Table 4.2 of the WFAA [REP2-009; REP2-010] with Mr Breeze and consider these discussions when preparing the next update of the WFAA to be submitted at Deadline 5.</p>
	<p>The ExA asked the Applicant questions in relation to how the availability of waste has determined size and capacity of the proposed EfW CHP Facility so as not to prejudice the achievement of local or national waste management targets or undermine advances in recycling.</p>	<p>Ms Brown explained that the Medworth EfW CHP Facility will focus on meeting residual waste management needs, diverting material from landfill only. The Applicant has assessed both the current position and the potential future availability of residual waste on the assumption that Government recycling and waste reduction targets are met.</p> <p>Mr Carey added that the size of the facility was determined to be appropriate as there is more than sufficient waste being transferred to landfill which could be diverted up the waste hierarchy. The Medworth EfW CHP Facility comprises two boilers of 100MW of thermal capacity each. There are larger facilities in the UK than the Proposed Development, including two EfW plants in Ferrybridge, north of Leeds, with a thermal capacity approximately 24% higher than this.</p> <p>Mr Carey further stated that the capacity proposed enables the Proposed Development to process up to 625,600 tonnes of waste per annum, although this will depend on the calorific value of the waste. A higher calorific value will result in a reduced tonnage of waste throughput. The capacity of the Proposed Development is a maximum and the Applicant believes the capacity is sufficient based on landfill statistics.</p>
	<p>The ExA asked, by reference to paragraph 1.1.2 of the WFAA, how confident the Applicant was that the electricity outputs described would be reached and whether calculations have been produced to determine the minimum amount of waste required to produce these outputs.</p>	<p>Mr Carey confirmed that the Applicant is very confident that the outputs will be achieved. If electricity is produced alone, 53MW of electricity would be generated for the Grid. If steam is produced simultaneously, then there will be a natural reduction in the amount of electricity being produced. However, the combined heat and power mode will be the most efficient use of the waste fuel.</p> <p>Mr Carey further explained that the Applicant has produced a firing diagram in Graphic 14.2 of the ES Chapter 14: Climate, [APP-041] which broadly sets out the tonnage requirements for different calorific values which depends on the waste composition.</p> <p>The calorific value of waste, and therefore the energy produced by an EfW CHP Facility, is dependent on the composition of the waste. As food and putrescible waste is removed, the calorific value will increase, resulting in the energy output of the EfW CHP</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>Facility being achieved with a lower tonnage of waste input. By contrast, a reduction in the quantity of non-recyclable plastics will result in a reduction in the calorific value of the waste and a greater volume of waste will be required for the energy output of the EfW CHP Facility to be achieved.</p> <p>When calorific value is at its highest, the Medworth EfW CHP Facility will require approximately 523,500 tonnes of waste to reach a thermal capacity of 100MW.</p> <p>The range in the amount of waste required for the Proposed Development is therefore 523,500 to 625,600 tonnes.</p>
	<p>The ExA asked the Applicant to identify any local businesses in need of steam.</p>	<p>Mr Carey explained that whilst the Applicant is not prepared to disclose commercially sensitive information at this time, the Applicant is confident that users for the steam will be found. The Applicant has had a number of discussions with potential local users of steam and has included pipelines to facilitate this usage as part of the Proposed Development. Final commercial discussions will necessarily be reserved for post-consent negotiations, however, there remains significant commercial incentives for a large user to receive steam or licence-exempt electricity from EfW CHP Facilities, rather than using fossil fuel gas or importing electricity from the Grid. Mr Carey confirmed that some initial conversations had been held in relation to the supply of steam.</p> <p>Mr Carey added that there will always be capacity for the electricity produced by the EfW CHP Facility to be exported to the Grid, and this is able to displace fossil fuel energy generation and increase energy security.</p>
	<p>The ExA asked the Applicant to respond to questions from Mr Howlett, on behalf of WisWin, in relation to potential users of the steam line to be constructed alongside the disused March to Wisbech Railway.</p>	<p>Mr Carey reiterated that it would not be appropriate to reveal confidential commercial discussions in a public hearing.</p> <p>Ms Brodrick added that at paragraph 4.6.12 of the adopted National Policy Statement EN-1, and paragraph 4.7.19 of the revised draft EN-1 circulated in March, provide for a situation where it may be possible to reach an agreement to supply CHP within the lifetime of the facility. In such circumstances, the Secretary of State may impose a requirement for a generating station to become CHP-ready in preparation for future use. This allows for the scenario where there are not yet existing customers, but future</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
	<p>The ExA asked the Applicant to explain in more detail the review of Waste Planning Authority requirements (Table 4.6 of Waste Fuel Availability Assessment (clean) [REP2-009]) and the summary of WPA forecasted future residual waste requirements (Table 4.7 of Waste Fuel Availability Assessment (clean) [REP2-009]). The ExA then asked questions in relation to origin and composition of waste and in relation to certainty of availability of waste from all the different waste authorities within the proposed catchment area (2-hour travel time of heavy good vehicles).</p>	<p>customers are available. The Proposed Development is designed to be CHP ready. Requirement 25 of Schedule 2 to the Draft Development Consent Order [REP3-006] includes an obligation on the Applicant to provide reporting on the availability of CHP. The Proposed Development is therefore compliant with NPS EN-1 which provides for the current situation.</p> <p>Ms Brown explained that the key changes relating to the update of baseline provision in the WFAA [REP2-009; REP2-010] would be outlined along with other changes following the publication of the updated WFAA at Deadline 5.</p> <p>Ms Brown explained that, in terms of local need, the study area has been broadly defined by a 2-hour drive time. However, where this defined area then enters a waste planning authority area, the Applicant has included the entirety of that area within the Study Area. This is because data is collected in this manner and future local waste management needs are planned at a local waste planning authority level. This allowed the Applicant to apply published national and local planning sources to reflect updated evidence bases.</p> <p>In response to ExA questioning on the suitability of the 2-hour travel time in the WFAA, Ms Brown reiterated that this distance is indicative tool rather than a hard boundary. Waste often flows across local authority and regional boundaries, including be transported further afield. This distance was principally based on commercial judgment that exporting waste beyond two hours becomes increasingly expensive.</p> <p>Mr Carey added that cost is an important consideration in the waste industry. Much waste is carried by private companies on behalf of public authorities. Each company is responsible for disposing of the waste in a location that makes commercial sense when considering the combined transport costs and variable gate fee charged by the receiving facility. Whilst this process is largely driven by economic considerations, the two-hour drive time is a guide only, not an absolute limit on where waste may be drawn from.</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
	<p>The ExA asked for evidence of engagement and confirmation of reported anticipated capacity from local waste authorities.</p>	<p>Mr Carey explained that the WFAA demonstrates that waste is available in the market. However, the Applicant does not intend to commence commercial discussions for waste contracts until consent for the Proposed Development has been granted. The commercial discussions will be undertaken with third party waste contractors, rather than waste planning authorities directly.</p> <p>Mr Carey further stated that the Applicant has had expressions of interest from third parties transporting waste on behalf of the local authorities. These third parties are contractually required to transport waste from across the entirety of an authority's designated area, therefore further explaining the reasoning for the Study Area to extend beyond the 2-hour travel time in places.</p> <p>Mr Carey clarified that the WFAA includes household waste arisings that are collected by local authorities, but also industrial and commercial waste from a variety of sources. The Applicant would not enter into contracts directly with local authorities, but instead would be a sub-contractor to a third-party waste contractor tendering for the local authority waste contracts.</p> <p>Mr Carey confirmed that the Applicant is in discussions with CCC regarding a waste catchment requirement and is optimistic that an agreement can be reached on the drafting.</p> <p>Mr Carey confirmed that the Applicant will provide evidence of letters of support from waste companies that will redirect waste to the Medworth EfW CHP Facility if consent is granted. Appendix A provides letters of support received to date.</p>
	<p>The ExA asked the Applicant to respond to queries from Ms Barnett, on behalf of Wisbech Town Council, relating to: the proximity principle; other facilities under construction; the Environmental Improvement Plan targets; and issues associated with surplus.</p>	<p>Ms Brown firstly explained that the fundamental basis of the WFAA [REP2-009] methodology is that it looks at the amount of available 'in scope' waste, namely that which is transferred to non-hazardous landfill. The amount of material (household, industrial and commercial waste) categorised in this way is listed in Table 4.4, on an authority-by-authority basis. 1.1 million tonnes are currently being sent to landfill in Essex, however, there remains 2.4 million tonnes of this waste, generated outside of Essex, that is being sent to landfill. The Applicant noted that this significantly exceeds the capacity of the Medworth EfW CHP Facility.</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>Ms Brown stated, in relation to the proximity principle, that waste material crosses waste planning authority boundaries and this is recognised when planning for local need. For example, waste planning authorities provide for the net equivalent of waste arisings in their area. The Applicant's Study Area broadly corresponds with the East of England region. There are cases of waste travelling much further afield, with currently almost 200,000 tonnes of material being exported from this region, that would instead be retained and processed domestically. The Applicant is satisfied that the two-hour drive time radius does comply with the proximity principle.</p> <p>Mr Carey added that, as a practical example, the mechanical and biological treatment (MBT) plan located in Essex failed, and the biological treatment plant in Cambridgeshire is not functioning adequately. <i>[Post hearing note – further details of failed MBT (and advanced thermal treatment (ATT) projects are provided in the Technical Note: Alternative Technologies (Volume 12.8) submitted at Deadline 4].</i> It was feasible that the contractor that wins the tender to handle waste in Essex may send some of the waste to the Rivenhall facility and a portion of their waste to the Medworth EfW CHP Facility. A contractor would not necessarily take all waste to one location.</p> <p>The Applicant has included the Rivenhall development in Appendix C of the WFAA [REP2-009; REP2-010]. Norfolk waste is currently transported past the proposed site in Wisbech to Bedfordshire; this contract is for 7-years and the Applicant would be in a position to form part of a tender for that waste contract to enable the waste to be treated closer to its point of origin in compliance with the proximity principle.</p> <p>Ms Brown further explained, in relation to Environmental Improvement Plan (EIP), that the WFAA addresses future developments, relying on the Tolvik market analysis (2023) which includes a series of residual waste scenarios for 2030. The WFAA focuses on two of the recycling target assumptions, namely:</p> <ul style="list-style-type: none"> • A combined 2030 recycling rate of 60%: this scenario is predicted to generate 24.5 million tonnes of residual waste requiring treatment in the UK; and • The more ambitious 'Circular Economy' target of a 65% combined recycling rate: this aligns with the Government recycling target in the EIP, and this scenario it is predicted to generate 20 million tonnes of residual waste requiring treatment.



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>Ms Brown clarified that even if the more ambitious target is achieved, there would remain a minimum waste management capacity shortfall of approximately 1.6 million tonnes of residual HIC capacity in the UK.</p>
	<p>The ExA asked the Applicant to respond to questions from Ms Barnett, on behalf of Wisbech Town Council, in relation to the inclusion of Rivenhall EfW Facility in the WFAA scenarios, response to Government targets and proximity.</p>	<p>Ms Brown explained that two analyses of capacity were relied upon in the WFAA [REP2-009; REP2-010]. The analysis in Appendix C relates to the Applicant's own assessment, in which the capacity that will be offered by the Rivenhall EfW Facility is included. The other analysis is derived from Tolvik data. The Applicant will review the recent 2023 update to the Tolvik report to confirm that the Rivenhall EfW Facility is included in that analysis.</p> <p>The updated WFAA to be submitted at Deadline 5 will clarify this position.</p> <p>The WFAA [REP2-009; REP2-010] includes a narrative in relation to the achievement of a 50% reduction in residual waste (being the target for 2042). This target is considered with the 65% recycling target. The Applicant recognises that this target is for some 20 years' time, and that it cannot be assumed that existing capacity will remain at the same levels. The WFAA [REP2-009; REP2-010] concludes that there would a remain a need for the Medworth EfW CHP Facility even in the event the 50% waste reduction target is met.</p> <p>In relation to proximity, Ms Brown confirmed that the analysis of local assessment is based on waste local plan evidence, which are themselves based on the understanding that waste flows across boundaries. The waste planning authorities in the East of England have a memorandum of understanding that recognises waste flows between areas, and includes a commitment from each authority to provide for the waste management capacity that is the net equivalent to the waste arisings in their area.</p>
	<p>The ExA requested CCC and FDC make any comments and provided the Applicant with an opportunity to reply.</p>	<p>Mr Fraser-Urquhart KC, on behalf of CCCC and FDC, summarised issues raised by the Local Host Authorities in relation to:</p> <ol style="list-style-type: none"> (1) ensuring waste is managed as high up the waste hierarchy as possible, in addition to public visibility of this management; (2) the proximity principle; and (3) the distance over which waste travels to reach the Medworth EfW CHP Facility.



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>Mr McGovern responded that the Applicant has had productive discussions on the wording of a new Requirement in Schedule 2 of the draft DCO [REP3-006 (Tracked); REP3-007 (Clean)] relating to proposed catchment areas. Mr McGovern added that the Applicant hoped to share the revised wording with CCC shortly, with a view to submitting the new Requirement as part of a revised draft DCO submitted at Deadline 5.</p> <p>In relation to the drafting of Requirement 4, relating to the waste hierarchy, the Applicant is working with CCC to agree wording. The Applicant will be sharing revised drafting with CCC shortly, and is aiming to include agreed drafting in a revised draft DCO to be submitted into examination at Deadline 5. The Applicant notes the ExA's request that the drafting of Requirements should contain clear mechanisms for monitoring and enforcement.</p> <p><i>Post-hearing note: The Applicant confirms that the revised drafting of both Requirements was sent to CCC for consideration on 18 May 2023.</i></p> <p>In respect of the distance that waste may travel to the Proposed Development, Mr Carey explained that the Applicant had met with Mr Breeze and colleagues from CCC and is optimistic that the wording of the new Requirement can be agreed. As the Proposed Development is a regional facility, its capacity is larger than a local facility. Mr Carey added that the reason a regional facility is required is in part due to recent refusals by Norfolk County Council and CCC in respect of EfW facilities proposed at other sites. Had either of these projects been permitted, it would have been harder to demonstrate the need for the Proposed Development in this area.</p> <p>In respect of other facilities that may come forward in the area, Mr Carey confirmed that this is currently entirely speculative. In respect of the Peterborough Green Energy project, this was granted consent 10 years ago but construction has not commenced. Mr Carey had been unable to find a contact for that project. The Applicant is confident that should consent be granted, it would always be able to secure the waste required for the Medworth EfW CHP Facility from within the Study Area of the WFAA [REP2-009; REP2-010].</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
	<p>The ExA then asked for comments from the Borough Council of King's Lynn and West Norfolk.</p>	<p>The Applicant notes that Ms Wood-Handy confirmed that the Borough Council of King's Lynn and West Norfolk had no additional comments.</p>
	<p>The ExA asked the Applicant to set out how it has taken into consideration the Written Representation submitted by the Rt Hon Stephen Barclay MP [REP2-064], particularly in relation to information submitted in Appendix 2.</p>	<p>Ms Brown explained that the Applicant's full response to the Rt Hon Stephen Barclay MP is set out in full in Section 3 of the Applicant's comments on Written Representations: Part 2 – Other Interested Parties (Volume 11.3) [REP3-040].</p> <p>In response to the suggestion that the Proposed Development would undermine Government ambitions to halve residual waste production, Ms Brown explained that the WFAA [REP2-009; REP2-010] has considered the implications of achieving the Government's Environmental Improvement Plan's (EIP) longer term 'stretch' target of halving residual waste produced per person by 2042 (equating to no more than 287kg per capita). In the eventuality that these targets of 50% are reached by 2042, the Applicant is confident that there remains a need for the Medworth EfW CHP Facility due the targets being on a per capita basis and increases in population levels taken from the current Office for National Statistics predictions. The Applicant had also factored into its assessment that it is not feasible to rely on all current capacity being available in 2042, this being a significant number of years into the future.</p> <p>In response to comments that it would be more logical to initially consider the national picture to assess EfW need, Ms Brown explained that the ordering of the assessments in the WFAA [REP2-009; REP2-010] has been presented to reflect the provisions of paragraph 2.5.66 of National Policy Statement for Renewable Energy Infrastructure (EN-3), which requires that applicants prepare "<i>an assessment that examines the conformity of the scheme with the waste hierarchy and the effect of the scheme on the relevant waste plan or plans where a proposal is likely to involve more than one local authority</i>". Extant national policy refers only to assessment at a localised level – the need for national assessment is introduced by the revised draft NPS EN-3, which states that a new EfW must not result in over capacity of EfW waste at a national or local level (paragraph 3.7.7). Given the consultation status of this guidance, the WFAA [REP2-009; REP2-010] has presented the requirements of extant guidance first i.e., the localised assessment, followed by the potential requirements of the draft, emerging policy, i.e., national assessment. Furthermore, the ordering of the assessment reflects</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>the proximity principle, i.e., the need to manage waste as close as possible to its point of arising.</p> <p>In response to the suggestion that the assessment should reflect the availability of updated data (Tolvik May 2022) and alternative data sources (HMRC landfill tax data), Ms Brown noted that revision 2 of the WFAA [REP2-009; REP2-010] relies upon updated sources:</p> <ul style="list-style-type: none"> • UK Statistics on Waste, Defra (published May 2022 update); • UK Energy from Waste Statistics - 2021, Tolvik Consulting Ltd (May 2022); • UK Residual Waste: 2030 Market Review, produced by Tolvik Consulting Ltd on behalf of the Environmental Services Association (November 2017); and • Overview of Statistics for RDF Export from England, Footprint Services (November 2022). <p>A further updated version of the WFAA will be submitted at Deadline 5.</p> <p>Reference to the data set out in the HMRC Environmental Taxes Bulletin was noted. However, no further analysis of this data had been carried out by the Applicant because the data does not provide the level of granularity required to be able to apply the data to the Study Area.</p>
<p>The ExA provided the Applicant with an opportunity to respond to submissions from UKWIN.</p>		<p>In response to the statement made by Mr S Downen, on behalf of UKWIN, that the Tolvik Report does not include cement kilns as operational capacity, Ms Brown stated that it was the Applicant's understanding that the data included material sent to cement kilns for the first time. The Applicant confirmed that it would review the capacity statistics from the Tolvik report and confirm whether this included cement kilns.</p> <p><i>[Post hearing note: The Applicant confirms that this review of the Tolvik report will form part of the updates to the WFAA, to be submitted at Deadline 5]</i></p> <p>In response to statements from UKWIN that the Proposed Development would displace waste that could have been treated at the Rivenhall EfW, Mr Carey clarified that contractors may decide to send some waste to the Rivenhall EfW Facility and some to the Medworth EfW CHP Facility, but that such a decision would lie with the contractor and not the Applicant. Mr Carey reiterated that this was a feasible and realistic scenario</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>based on how the waste industry operates and is a matter for the waste contractor and Essex CC.</p> <p>In response to statements from UKWIN that the WFAA should use a recycling rate of up to 75% previously referred to in a consultation document, Ms Brown explained that the Government's EIP published earlier this year set out the commitment to halve residual waste by 2042, and on page 150 referred to achieving a municipal recycling rate of 65% by 2035.</p> <p>In response to statements from UKWIN that the Applicant had not taken into account treatment capacity from cement kilns, biomass and MBT facilities, Ms Brown explained that the Applicant had analysed alternative treatment capacity in the WFAA, including the use of lime kilns, mechanical/biological treatment and sustainable aviation fuels. These types of facilities are, however, very limited in the Study Area.</p> <p>In terms of sustainable aviation fuel, Ms Brown explained there are viability issues and all pilot projects sit outside of the Study Area; this had previously been explained in detail in the WFAA [REP2-009; REP2-010] and will be referred to again within the WFAA to be submitted at Deadline 5. Furthermore, cement kilns are limited in number across the country and only one exists in the Study Area, with no available information regarding its capacity. The Applicant intends to address this as part of its revised WFAA, to be submitted at Deadline 5. Only MBT exists as an alternative treatment method in the study area.</p> <p>Mr Carey advised that cement kilns cannot take residual waste as collected by local authorities. It needs to be processed to a very high specification with a very low moisture content in a highly sophisticated facility of which there are currently very few. It is not possible to compare cement kilns with an EfW CHP Facility taking untreated local authority residual waste.</p> <p>In response to comments from UKWIN on the amount of refused derived fuel required for a cement kiln, Mr Carey confirmed that the production of refuse derived fuel involved a reduction in the overall tonnage of waste due to the removal of moisture. However, Mr Carey reiterated that there are very few cement kilns within the Study Area and they</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>cannot take residual waste without it being processed first, for which there also no facilities in the region.</p> <p>In response to comments from UKWIN relating to the pathway of waste reduction during the intervening years prior to 2042, Ms Brown highlighted that if there is a demonstrable need for the development both currently and in 2042, then it is implicit that there will still be a need for the development during the intervening years. The Applicant confirmed that it will set out its approach to the 2035 and 2042 targets, and the intervening years, in more detail in the updated WFAA to be provided at Deadline 5.</p>
	<p>The ExA asked the Applicant to respond to questions from Ms Barnett, on behalf of Wisbech Town Council, relating to the clarity and testing of data in Table 4.7 of the WFAA.</p>	<p>Ms Brown explained that Table 4.7 of the WFAA [REP2-009; REP2-010] is the Applicant's reflections on the planning authorities' requirements, with significant narratives provided alongside each local plan. There is an extensive narrative for both Norfolk and Hertfordshire, based on a very recent shift in the draft plans from identifying a significant deficit in waste management capacity to finding no need for waste management capacity. Ms Brown highlight that these new evidence bases have not been tested at a local plan level.</p>
	<p>The ExA asked if the Applicant had contacted local authorities to check the figures in Table 4.7 of the WFAA [REP2-009].</p>	<p>Ms Brown added that the data has been derived from publicly available data sources and evaluated. Where there is movement of waste across local authority boundaries, the Local Plan should make provision for the net equivalent of waste arisings. This means that, if a local authority has a net waste arisings figure of X tonnes, the policy expectation is that they provide waste management capacity of X tonnes in the local plan. The local authority should not assume that transfer of waste out of the county negates the need to make provision for waste management capacity.</p> <p>The Applicant agreed to amend the title of Table 4.7 to clarify that it includes the Applicant's own reflections on the waste arisings, underpinned by the status of those untested evidence bases. The Applicant will also make it clear in Table 4.7 which data has been tested and which has not. This will form part of the updated WFAA to be provided at Deadline 5.</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
	The ExA asked the Applicant to respond to queries from Matthew Breeze, on behalf of CCC, in relation to the interpretation of Norfolk County Council's data in Table 4.6.	Ms Brown stated that in the interests of time, the Applicant would fully address the interpretation of Norfolk's position in the updated version of the WFAA to be submitted at Deadline 5.
Agenda item 4 – Alternatives and Design options		
4	The ExA asked the Applicant for an overview of Chapter 2 of the ES, Alternatives [APP-029], particularly focusing on which alternatives the Applicant considered (in relation to development design, technology, location, size and scale) and the main reasons for the options chosen, including a comparison of the environmental effects of the different options.	<p>Ms Brodrick referred the ExA to the Written Summary of the Applicant's Oral Submissions at ISH1 [REP1-057], in which Mr Carey set out the criteria for site selection. More detail is provided in the Applicant's Comments on the Relevant Representations – Part 1 Local Authorities and 3(a) Statutory Parties [REP1-028] and the Applicant's Comments on the Relevant Representations – Part 2 Other Interested Parties and 3(b) Statutory Parties – Representations RR-001 – RR-099 [REP1-029], where a number of interested parties raised comments in relation to the site selection process and the key criteria applied.</p> <p>Mr Kenyon explained that the Applicant's ES Chapter 2 (Volume 6.2) [APP-029] together with Appendix 2A Grid Connection Options Report (Volume 6.4) [APP-069] describes the alternatives considered by the Applicant in terms of site location, technology and design.</p> <p>As explained during ISH1, the Applicant identified a number of essential and preferred siting criteria. The EfW CHP Facility met these criteria as it was located in an area with a waste management capacity gap, close to potential users of heat and electricity and close to the strategic road network. Mr Kenyon added that these three criteria are consistent with the relevant national policy statements.</p> <p>In addition, the Applicant's site selection process sought to identify a brownfield site that was already in use for waste related or commercial activities, or a site allocated for such uses. Finally, the Applicant's preference was for a site free of environmental designations. Mr Kenyon added that the Applicant's criteria reflected the Cambridgeshire and Peterborough Waste Local Plan which actively encourages sites within settlement boundaries and sites which are in employment use or other commercial use.</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>In response to a question from the ExA, Mr Kenyon confirmed that the Applicant did not identify any other available sites that met the essential and preferred criteria.</p> <p>Mr Kenyon set out the design process. He explained that NPS EN-1 provides policy guidance at Section 4.5, which notes that good design is not solely about aesthetics but also includes sustainability. The approach taken to the design of the Proposed Development and in particular its buildings including the alternatives considered is explained within the Environmental Statement, Chapter 2, paragraph 2.3.33 to 2.3.44 and is expanded upon within the Design and Access Statement [APP-096].</p> <p>Four design options for the EfW CHP Facility were considered each proposing different roof profiles, the extent to which plant and machinery should be enclosed and different approaches to cladding styles and materials. This process included reviewing the options from various locations (using photomontage techniques similar to those used in the landscape and visual assessment) and comparing the options with the surrounding area and context within which the site is located.</p> <p>The most appropriate option included a series of flat roofs as this reflected the neighbouring cold store and other commercial buildings in the area. The choice of cladding was one that reflected the predominant style of material in the area.</p> <p>The Applicant carried out statutory consultation and received a number of comments relating to design. Taking into account the comments received a statutory consultation, the Application reassessed and re-evaluated the design of the EfW CHP Facility, in particular looking at how the buildings could be clad and the proportion of cladding to the use of other materials. The Applicant also considered whether over cladding could be used, which is like a "skin" to the building which allows for the use of more tiles to reflect the atmospheric conditions and create images.</p> <p>Mr Kenyon referred to the design of administration building and explained that it had be designed to be as green and sustainable as possible as there was greater flexibility than for the facility itself. For example, as a result of consultation, the Applicant has included a green roof, brown roof and grey water recycling as part of the design of the administration building.</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>Mr Kenyon also referred to the alternatives considered for the temporary construction compound as well as the grid connection. For the grid connection, the Applicant initially looked at an overhead line option to a substation in Walpole approximately 19km from the EfW CHP Facility Site. The design of the grid connection evolved taking into account environmental surveys, topographical surveys and discussions with UKPN. This process led to the grid connection changing to a shorter underground connection to Walsoken substation, thereby removing the landscape and visual impacts associated with an overhead line.</p> <p>Ms Brodrick referred to Graphic 2.1 of the ES Chapter 2: Alternatives [APP-029], and offered for the Applicant to explain the site selection process in more detail that led to the identification of the site as being suitable and why no other sites were identified as being suitable.</p> <p>Ms Brodrick highlighted that the first step taken by the Applicant was to identify an area of the country that had a residual waste management capacity. The East of England was identified as an area with availability for residual waste to be treated further up the waste hierarchy. This was the first step in the site selection process.</p> <p>Based on the essential criteria previously mentioned, the Applicant then identified potential heat users. This next step was based on the national policy position that the provision of combined heat and power is a preferred part of EfW Facilities. The heat load map was used to identify potential users which then led to the identification of the EfW CHP Facility Site.</p> <p>Mr Carey explained that, when taking the energy from waste, if this is just used to generate electricity, only a proportion of the energy is converted into useful energy in the form of electricity. In this 'fully condensing mode', an EfW Facility is approximately 30% efficient. However, if the EfW Facility is supplying steam to a user who is using steam or a user who is using fossil fuel gas to provide its own steam or heat for a building, the energy efficiency is greatly increased.</p> <p>Based upon the Applicant's EfW CHP facility in Plymouth, when electricity production is combined with the supply of heat to the Royal Navy Base and Dockyard, the efficiency of the facility increases to around 50%. There is a clear energy efficiency benefit to</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>providing steam or heat to users as well as electricity (known as combined heat and power). Mr Carey highlighted that it is MVV's policy that all of its EfW facilities will be capable of supplying both electricity and heat to customers.</p> <p>The Applicant therefore looked at the East of England region to identify where there is the largest concentration of large heat loads (being users with a large heat demand). The Applicant identified the southern part of Wisbech industrial area as an ideal opportunity to supply steam to users, due to the significant heat demand in this location.</p> <p>In response to a question from the ExA as to why the industrial businesses in Wisbech were considered suitable, Mr Carey explained that the industries in this area of Wisbech are of the type that would benefit from a CHP connection: ideally CHP is provided for food processing. Mr Carey explained that other suitable industries include paper making and petrochemical industries but those are not relevant in this area. Mr Carey highlighted that in this area there are a large number of food processing heat users that are currently using significant quantities of fossil fuel gas which release carbon dioxide.</p> <p>The Applicant notes that at the hearing the location of the EfW CHP Facility was identified on graphics 2.1 and 2.2 in the ES Chapter 2: Alternatives [APP-029].</p> <p>In response to a question from the ExA on the evidence required to enable the Secretary of State to give weight to the benefits of CHP in the planning balance, Ms Brodrick confirmed that at this stage the Applicant is not able to provide more detailed information on the commercial discussions that have taken place with potential users of heat. Ms Brodrick said that the Applicant would consider the position again but reiterated that the Applicant is confident that it has met the policy requirements set out in the extant and draft National Policy Statements for Energy.</p>
<p>The ExA asked the Applicant to respond to questions from Ms Barnett, on behalf of Wisbech Town Council, in relation to the appropriateness of site selection considering the capacity gap and flood risk, and what is meant by environmental constraints.</p>		<p>Mr Kenyon stated that environmental constraints referred to the site not being designated, for example as an SSSI or in a conservation area. In respect of flood risk, Mr Kenyon noted that the topic was due to be discussed in more detail in future hearings, but broadly, when the site was initially identified, it was allocated for waste uses. The National Planning Policy Framework is clear that the sequential test is not needed for sites that are allocated in the relevant local plan.</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>Ms Brodrick added that the Applicant has been clear that the EfW CHP Facility has been designed to meet the regional waste management capacity gap. Ms Brodrick reiterated that the next stage in the site selection process was the identification of potential users for the CHP, which led to the identification of Wisbech as potentially suitable to meet the identified criteria. In summary, the Applicant was looking for potential combined heat and power users within the East of England region and that led to the identification of the EfW CHP Facility Site as being potentially suitable to meet the essential criteria.</p>
	<p>The ExA asked the Applicant, in relation to its response to ExQ1 PP.1.5. [REP2-019], to explain how it had arrived at its conclusions and why other systems, such as a system relying on enzymes, have been dismissed.</p>	<p>Mr Carey explained that the Applicant's parent companies in Germany have a wealth of experience of alternative waste treatment technologies and have kept abreast of developments over the last 60 years. Mr Carey added that MVA has been in the UK for the last 16 years and has been watching developments in the UK market closely, particularly noting where mistakes previously made in Germany are being repeated.</p> <p>Mr Carey advised that he had requested Mr Ashton (Head of Engineering) and Dr Grossgebauer (Head of Innovation and Proposals) visit the UK's only enzyme based facility to review how it is functioning.</p> <p>Dr Grossgebauer explained that a Technical Note: Alternative Technologies (Volume 12.8) has been prepared and would be submitted for Deadline 4. The Technical Note goes into more detail as to why the Applicant has selected energy from waste and excluded alternative treatment technology.</p>
		<p>In summary, Dr Grossgebauer explained that alternative technology can be separated into thermal technologies, known as advanced conversion technologies or advanced thermal treatment technologies, such as gasification and pyrolysis, and cold systems, which is a mechanical biological treatment (MBT). Neither system has been shown to be feasible at economically treating residual waste.</p> <p>Residual waste is a very inhomogeneous material and its consistency changes over the year. For example, it is wetter in winter and drier in summer, and changes with consumer behaviour and differences in packaging makeup. There are lots of</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>contaminants and chemicals in the waste which makes it difficult to develop novel technologies.</p> <p>Therefore, dealing with residual waste requires a very robust technology in order to cope with these changes in waste characteristics.</p> <p>Gasification and pyrolysis are more sensitive and complex technologies and, whilst it is more efficient, it requires extensive pre-treatment of waste in order to work. This is not feasible for residual waste. A Government Report from 2021 (<i>Advanced Gasification Technologies - Review and Benchmarking Summary report BEIS Research Paper Number 2021/038 (2021)</i>) states that gasification and pyrolysis are not currently suitable to treat waste on a large-scale. More work is required to bring pilot plants up to the standard required for a large-scale treatment facility.</p> <p>In respect of MBT, this process separates material for recycling using a mechanical biological treatment process. Any organic materials are then treated using a biological treatment process such as composting or anaerobic digestion. However, the output streams are highly contaminated. The organic mass outputted as compost type material cannot find a market as it cannot be used on plants due to the plastic particles in it. Similarly, there is no market for the separated plastics which are contaminated with organic particulates and heavy metals.</p> <p>A report from 2022 by the Scottish Government (<i>Alternative Residual Waste Treatment – Biostabilisation, Report for Zero Waste Scotland, Ricardo (2022)</i>) reviewed the data from several MBT facilities. In respect of Waterbeach, 90% of the waste that enters the facility is later sent to landfill for final treatment. This means that 100% of residual waste goes into a MBT facility and 90% comes out and goes to landfill. The Applicant's position is that this system does not work for residual waste. It might work for a specific form of waste, such a waste from manufacturing facilities or a really high specification but not residual waste.</p> <p>Dr Grossgebauer explained that in respect of an enzyme based facility, the waste is washed with water and added enzymes. Dr Grossgebauer compared it to a big washing machine as the enzymes are similar to the ones used in laundry detergent. The enzymes separate the organic materials from the other types of waste, such as plastics,</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>and provide a liquid which is then used to create biogas. However, the biogas output is not sufficient to make the process economical.</p> <p>Solid output from these facilities is separated by material (plastics, glass, metal etc), however most of the solid fraction cannot be recycled. Some plastics may be recyclable, but more than 50% of the treated waste ends up requiring final treatment, such as landfill.</p> <p>These complex and novel technologies only increase recycling by a fraction, but in doing so requires a lot of energy and resources to build, operate and maintain. These processes have an environmental impact, even in respect of something as simple as a mechanical sorting facility.</p> <p>Dr Grossgebauer added that in Germany, the use of gasification and other alternative technologies have not become established despite them being available since 2000. In the UK, there have been more than 30 advanced conversion projects, most of which did not work. This is now being seen with MBT facilities. The Essex MBT facility has been shut down, and 90% of the waste treated at the Waterbeach MBT facility is sent to landfill.</p> <p>In conclusion, the Applicant's position is that all of these technologies heavily under-perform because residual waste is not a specified fuel and alternative technologies need a specific input materials.</p> <p><i>[Post Hearing Note: The Technical Note: Alternative Technologies (Volume 12.8) has been submitted at Deadline 4].</i></p>
<p>The ExA asked the Applicant to respond to comments made by CCC and FDC.</p>		<p>In response to comments from Mr Breeze, on behalf of CCC, as to why the Rivenhall and PGEL sites were excluded from the site selection process, Ms Brodrick explained that the Applicant was looking for sites that were suitable for carrying out the Proposed Development. The Peterborough site was not available as it was owned by a third party and had existing planning permission for a different type of facility that was not of the type and nature of the Proposed Development. The site selection process looked at</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>sites that were available for the Proposed Development, not for sites that were already owned or brought forward by others for a similar type of development.</p> <p>Mr Carey added that he had visited the two sites in question. The Peterborough site is not located close to a concentration of heat users. Efforts to reach out to the owners have been unsuccessful.</p> <p>In relation to the Rivenhall EfW Facility, it was the Applicant's view that the proposal was not commercially viable. This is due to other facilities that form part of the planning permission, including a new paper recycling factory. The Applicant understands that the current developer may not build out those other facilities but this is a matter for Essex County Council. In summary, Mr Carey confirmed that the Applicant had looked at the two sites but they were not considered to be suitable for the reasons given.</p> <p>The Applicant confirmed that it will prepare a position statement which draws together information on alternatives and provides context to the selection process, including background commercial information, to be submitted at Deadline 5. This will include information on how the Applicant has met policy and legal tests under the Environmental Impact Regulations and compliance with sequential tests.</p>
	<p>The ExA then asked for the Applicant to comment on issues raised in Appendix 4 of [REP2-064], Written Representation Rt Hon Stephen Barclay MP.</p>	<p>Ms Brodrick confirmed that the Applicant's responses to the points made in the representation are set out within Applicant's comments on Written Representations Part 2 – Other Interested Parties (Volume 11.3) [REP3-040] and a number of the points relating to site selection, size, other technologies, recycling rates and the CHP Connection had been discussed in the hearing.</p> <p>With regard to the CHP Connection, Mr Kenyon explained that the CHP Connection had been designed to follow the route of the disused March to Wisbech railway and the land is currently owned by Network Rail. The Applicant is in discussions with Network Rail for a voluntary agreement to install the CHP Connection. Mr Kenyon added that the CHP Connection would not prevent or impede the reopening of the disused March to Wisbech Railway, whether this is a light rail or heavy rail solution. Figure 3.27 of the ES Chapter 3 Description of the Proposed Development [APP-049], demonstrates</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>how the connection would be accommodated within the railway corridor. The Applicant has engaged with Network Rail and the Statement of Common Ground [PDA-002] records that business clearance was issued by Network Rail on 01 April 2022 and that Network Rail does not have an in-principal objection to the CHP Connection being located on its land.</p>
Agenda item 5 – Relevant Planning Policy		
5	<p>The ExA asked if the Applicant believed the policy assessment has been carried out in accordance with the adopted Energy National Policy Statements.</p> <p>The ExA asked the Applicant to set out, in broad terms, the key policy context for the development of the proposal and how it assessed compliance of the Proposed Development with the relevant NPSs, as well as other national policies deemed important and of relevance to the determination of the DCO application, drawing heavily on the information set out in Chapter 5 of the ES Legislation and Policy [APP-032], the National Policy Statement Tracker [REP1-052] and any areas of concern arising from the emerging NPSs.</p>	<p>Mr Kenyon confirmed that the Planning Statement [APP-091] describes the proposed development and identifies the impact, both positive and negative, taking the information from the ES and other documents submitted with the DCO application, and compares these with the adopted NPS. The Planning Statement concludes that the Proposed Development is in compliance with national policy.</p>
	<p>The ExA asked the Applicant to explain its approach to the emerging National Policy Statements, how it has addressed emerging policy, and if the Applicant has any concerns in respect of the emerging policy.</p>	<p>Mr Kenyon confirmed that an NPS Tracker [REP1-052] considered the adopted NPS and the Draft NPS published in 2021. Revised Draft NPS were published in March 2023, and the NPS Tracker [REP3-031] has been updated to consider the Proposed Development against the revised draft NPS.</p> <p>The NPS Tracker considers where emerging policy differs or provides a different emphasis, compares this to the Proposed Development, and reports the conclusions. The 2023 emerging policy remains fundamentally the same as the adopted NPS, with support for EfW and a preference for CHP. There remains support for carbon capture</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
	<p>The ExA asked the Applicant to advise how the Proposed Development meets and measures against the emerging policy on climate change adaptation.</p>	<p>and storage, but this is not a requirement. There is increasing recognition of the importance of being carbon capture or decarbonisation ready.</p> <p>Mr Kenyon explained that when the NPSs were adopted in 2011, greenhouse gas (GHG) emissions were not part of what must be considered in terms of the Environmental Impact Assessment. GHG were included as a topic for consideration in the 2017 Environmental Impact Assessment Regulations. The draft NPS requires a GHG assessment as part of the Environmental Statement. Mr Kenyon confirmed that this had been completed in the ES Chapter 14: Climate [APP-041].</p> <p>Mr Kenyon further advised that the draft NPS requires applicants to consider opportunities to embed nature-based or technical solutions to mitigate or offset emissions. Chapter 14 contains two parts: greenhouse gas emissions and climate resilience and adaptation. The Proposed Development design contains measures to recycle water; sustainable urban drainage systems; solar panels; in addition to land set aside for carbon capture. These measures have been included in the design requirements of the Proposed Development. The Applicant has therefore taken the required measures, both in relation to calculations and resilience planning.</p>
	<p>The ExA asked the Applicant to respond to comments from Ian Ralls, on behalf of Cambridge Friends of the Earth, that EfW produced more CO2 emissions than gas or coal fired power stations.</p>	<p>Ms Brodrick highlighted that the Applicant's climate change consultant would be available at ISH4 to answer specific queries on this topic, but that at the outset, the revised draft NPS reiterates Government support for further EfW facilities. The policies relating to climate change should be considered in relation to this overarching support for EfW as a waste treatment facility.</p>
	<p>The ExA asked the Applicant to comment on the policy requirement that the Proposed Development must not compete with greater waste prevention, re-use or recycling, or result in over capacity of EfW treatment at a local or national level.</p>	<p>Mr Kenyon confirmed that, as discussed under the Waste agenda item, the WFAA [REP2-009; REP2-010] provides the information to demonstrate that there is not an over-capacity on a national or local (Study Area) level. As such, the Proposed Development is compliant with draft NPS EN-3.</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
	<p>The ExA asked the Applicant to comment on the Government policy that encourages multi-modal transport, such as by water or rail routes.</p>	<p>Mr Kenyon explained that, as previously discussed, the site selection process focussed on the local availability of potential heat customers. However, the layout of the EfW CHP Facility has been designed so that land next to the disused March to Wisbech railway could accommodate a railway siding should a full railway be reinstated in the future. There is therefore a potential to transfer waste by rail in the long term, if reinstatement of the railway comes forward and it is commercially viable.</p> <p>Mr Carey explained that he had been involved in the monthly calls with Network Rail and confirmed that the Applicant had made clear to Network Rail that if the railway were to be fully reinstated, then insofar as heavy rail use is available, the Applicant would be pleased to transport waste by rail. The Applicant has designed the layout of the EfW CHP Facility in order to incorporate a future rail siding. However, this will depend on Network Rail's decision on whether to reinstate the disused railway.</p>
	<p>The ExA requested comments from CCC, FDC, NCC and KLWNBC on how the Proposed Development complied with the relevant local policies.</p> <p>The Applicant was given an opportunity to respond to these comments.</p>	<p>Mr Kenyon confirmed to the ExA that only minor differences remain between the positions of the Applicant and CCC.</p> <p>Mr Kenyon advised that the emerging Fenland Local Plan provides for settlement boundaries, with the development site sitting within the settlement boundary. The Applicant remains compliant with Policy 3 and 4 of the Cambridgeshire and Peterborough Waste Local Plan as the Proposed Development appropriately moves waste up the hierarchy. In Policy 3, as specifically referred to by the inspector examining the local plan, the capacities listed are not ceilings, and that if proposals emerge that move waste up the hierarchy they should be encouraged, subject to other considerations within the local plan.</p> <p>Mr Kenyon reiterated that the EfW CHP Facility lies within a waste management area in the adopted plan. This same site is featured in the FDC emerging local plan. Whilst a part of the site extends beyond this boundary, the waste management facility sits within the waste management site. Other parts of the Proposed Development extend beyond the boundary, such as the Walsoken substation. The EfW CHP Facility itself falls within the wider waste management consultation area.</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>Mr Kenyon further explained that in relation to the employment allocation raised by Mr Harding, on behalf of FDC, the Proposed Development was not only in itself consistent with the policy but also supported other industries looking to develop in the area due to the attractive opportunities for CHP.</p> <p>The Applicant welcomed the agreement from NCC and KLWN that the Proposed Development is in compliance with local policies.</p> <p>Mr Kenyon reiterated that whilst the policy focus of the Proposed Development is necessarily compliance with the NPSs, the Applicant has considered local policies in the development of the Proposed Development.</p>
	<p>The ExA requested any further comments from interested parties and provided the Applicant with an opportunity to respond</p>	<p>In response to submissions from Mr S Downen, on behalf of UKWIN, that an equivalent to draft DCO Requirement 14 had been criticised by the ExA on the North Lincolnshire Green Energy Project as not meeting the necessary tests of precision and enforceability, Ms Brodrick confirmed that the Applicant would consider UKWIN's written submissions on this matter. However, Ms Brodrick noted that an ExA makes a recommendation, but it is for the Secretary of State to decide whether to grant consent. In the Riverside Energy Park Order 2020, the Secretary of State decided that a similar Requirement was appropriate and met the necessary tests. The Requirement in that DCO was similar to the requirement for the Proposed Development.</p> <p>In response to comments from UKWIN that the NPS implies that Government policy is that too much EfW capacity could harm or compete with recycling, Ms Brodrick confirmed that the Applicant did not accept or agree with this interpretation of the NPS. The Applicant did not therefore consider it appropriate or proportionate to provide illustrative examples in the manner suggested by UNWIN.</p>
6. Review of issues and actions arising		
		N/A
7. Any other business		



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>Ms Brodrick advised that the Applicant had been in discussions with CCC relating to nature and the extent of highway works on Cromwell Road and New Bridge Lane. As a result of those discussions, the Applicant had advanced the junction design and identified, in conjunction with CCC, additional areas of public highway to be included within the Order limits in order to facility the design and so that the highway powers in the draft DCO can apply to them. The Applicant therefore wished to alert the ExA that a Notification of a Changes Application would be submitted following the ISH3 hearing.</p> <p>Ms Brodrick confirmed that these changes would not impact upon the compulsory acquisition powers being sought in the DCO Application the Proposed Development (and therefore would not trigger the Infrastructure Planning (Compulsory Acquisition) Regulations 2010) and would involve an extension to a very limited additional area only.</p> <p><i>[Post Hearing Note: The Notification of the intention to submit a request for changes was submitted to the Planning Inspectorate on 16 May 2023, and is Examination Reference AS-015].</i></p>
	8. Closure of Hearing	N/A



Table 1.2 ISH 3 Action Points: Applicant's response

Ref	Party	Action Point	Deadline	Applicant's Response
ISH3-1	Applicant	The Applicant is to submit a further updated version of the Waste Fuel Availability Assessment (WFAA) to account for new data, which became available on the date the previously updated version.	Deadline 5	Action noted.
ISH3-2	Cambs CC Applicant	The Applicant to communicate with Cambridgeshire County Council to identify errors in tonnages in Table 4.2 and to incorporate these into the updated WFAA due to be published by Deadline 5.	Deadline 4	To assist the preparation of the updated WFAA to be submitted at Deadline 5, see ISH3-1, a meeting took place on 22 May 2023 between the Applicant and CCC.
ISH3-3	Applicant	The Applicant to provide the Examining Authority (ExA) with evidence of Expressions of Interest (EoI) from waste companies and/or Waste Planning Authorities that have demonstrated interest in redirect waste to the Proposed Development.	Deadline 5	Appendix A provides the letters of support the Applicant has received to date.
ISH3-4	Applicant	Applicant is to submit wording for DCO requirements developed with Cambridgeshire County Council in relation to conditions for the regulation of the amount of waste, origin of waste and how it would be moved up the waste hierarchy. Also conditions need to ensure that they include clear mechanisms for monitoring and enforcement.	Deadline 5	Action noted.
ISH3-5	Applicant	The Applicant is to provide further information on capacity and demand especially in respect to cement kilns, and its consideration informed the WFAA.	Deadline 5	Action noted.
ISH3-6	Mr Downen UKWIN	Written Submission to set out sources of data on residual waste reductions and increased recycling as part of summary of oral submission.	Deadline 4	Noted.



Ref	Party	Action Point	Deadline	Applicant's Response
ISH3-7	Applicant	Applicant next update on the WFAA to address the targets set in the Environment Act, including how the Proposed Development will contribute to the achieving of the 2030 targets and the 2042 targets.	Deadline 5	Action noted.
ISH3-8	Applicant	Table 4.7 Summary of WPA forecasted future residual waste requirements in the WFAA should be checked and comments on data sources are to be provided as part of the next iteration of this document.	Deadline 5	Action noted.
ISH3-9	Applicant	To submit the technical note on alternative waste management technologies and approaches considered.	Deadline 5	The Technical Note: Alternative Technologies (Volume 12.8) is submitted at Deadline 4.
ISH3-10	Applicant	The Applicant is to provide a consolidated position statement setting out how applicant has complied with necessary policy tests and applicable legal tests regarding site selection process and consideration of alternatives, including what considerations led to the present site selection and any background commercial information referred to at hearings.	Deadline 5	Action noted.
ISH3-11	Cambs CC Fenland DC Norfolk CC BCKLWN	To submit list with full text of relevant policies from local plans Listed in their LIR.	Deadline 4	Noted.
ISH3-12	UKWIN	Submission in writing regarding comment made in relation to drafting of proposed DCO requirement in relation to moving waste up the hierarchy, as considered for the North Lincolnshire Green Energy proposal and Riverside Energy Park.	Deadline 4	Noted.



Appendix A Letters of Support



Thalia Waste Management Limited
Chancery Exchange
10 Furnival Street
London
EC4A 1AB

Monday 13th February 2023

To whom it may concern,

Thalia Waste Management provides waste management services across sites in North Yorkshire, Milton Keynes, Cambridgeshire, and the Isle of Wight, which include Energy from Waste, Mechanical and Biological Treatment solutions. In total Thalia Waste Management processes circa 800,000 tonnes of waste per annum in the UK.

We submit this letter in support of the proposed Medworth Energy from Waste Combined Heat and Power Facility but we do not represent the views of Cambridgeshire County Council or any of our other customers. Should the proposal be approved Thalia Waste Management has the potential to deliver a proportion of the residual waste required across our portfolio of waste management services. This would be in keeping with our strategy to eradicate the need to use landfill for disposing of waste materials, as well as seeking to move waste that we manage up the hierarchy from disposal to recovery.



Chief Executive Officer

Registered Office: Thalia Waste Management Limited,
Chancery Exchange, 10 Furnival Street, London, EC4A 1AB.
Registered in England & Wales, Company No. 07333225



www.mickgeorge.co.uk	6 Lancaster Way
Email: sales@mickgeorge.co.uk	Ermine Business Park
Tel: 01480 498 099	Huntingdon
Fax: 01480 498 077	Cambridgeshire
	PE29 6XU

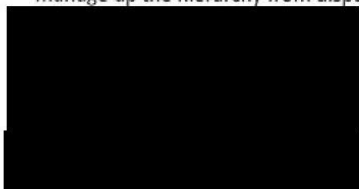
30th March 2023

To Whom it may concern

The Mick George Group business unit operates the best technology across all its sites within East Anglia and the East Midlands. We specialise in a diverse portfolio of Aggregate & Concrete supply, Bulk Excavation, earthmoving services, Demolition including Environmental removal, providing extensive Waste Management service, including skip hire.

Mick George Group provides waste management services in the region including recycling, composting, and the treatment of household, Industrial & Commercial waste, and where possible processes the recyclable materials collected, currently the residual waste is sent to available disposal points.

We submit this letter in support of the proposed Medworth Energy from Waste Combined Heat and Power Facility. Should the proposal be approved Mick George has the potential to deliver a proportion of the residual waste required across our portfolio of waste management services. This would be in keeping with our strategy to eradicate the need to use landfill for disposing of waste materials, as well as seeking to move waste that we manage up the hierarchy from disposal to recovery.



Technical and Waste Director





23rd May 2023

To Whom it may concern

Countrystyle Recycling are one of the largest independent waste management businesses in the Southeast of England, we own and operate our own treatment facilities which boast some of the best technology and covers the majority of the South of England.

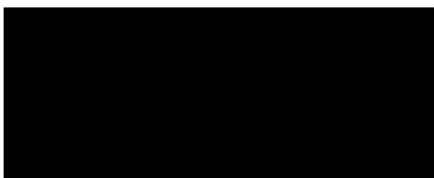
We submit this letter in support of the proposed Medworth Energy from Waste Combined Heat and Power Facility. Should the proposal be approved Countrystyle Recycling could supply residual waste from their process to it for energy recovery.

Countrystyle Recycling provides waste management services in the region including recycling, composting, and the treatment of 'black bag' waste, and processes recyclable materials collected from households, Industrial and commercial businesses.

Countrystyle Recycling currently sends their residual waste to available disposal points, should the Medworth Energy from Waste Facility be approved, subject to an appropriate contract we could send our waste, to this proposed facility.

The diversion of residual waste into Medworth Energy from Waste Combined Heat and Power Facility would be in following with our principle of ensuring waste is responsibly managed as high up the waste hierarchy, energy recovery being preferential to landfill.

Yours sincerely



Chief Executive Officer

Registered Office
Countrystyle Recycling Ltd
Ridham Dock
Iwade, Sittingbourne
Kent, ME9 8SR
Registered in England & Wales
Company Registration Number 05103813

T: 0344 880 7700
E: info@countrystylerecycling.co.uk
W: www.countrystylerecycling.co.uk



