Medworth Energy from Waste
Combined Heat and Power Facility

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# Applicant's comments on the Deadline 3 Submissions: Part 1 Statutory Parties

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# Contents

# 1. Introduction

## 1.1 Background

1.1.1 Medworth CHP Limited (the Applicant) submitted an application for development consent to the Secretary of State on 7 July 2022 (the Application). The Application was accepted for examination on 2 August 2022. The Examination of the Application commenced on 21 February 2023.

1.1.2 This document, submitted for Deadline 4 (25 May 2023) of the Examination contains the Applicant's comments on Deadline 3 submissions. The responses were made by the following organisations:

- Statutory Parties:
  - Anglian Water **[REP3-043]**;
  - Cambridgeshire County Council (CCC) and Fenland District Council (FDC **[REP3-044 to REP3-046]**;
  - Wisbech Town Council **[REP3-052]**.
- Other Interested Parties:
  - Jenny Perryman **[REP3-047]**;
  - Mervyn Sargeant Hair World UK Ltd **[REP3-048]**;
  - Oliver Mackie of James Mackie UK Ltd **[REP3-049]**;
  - United Kingdom Without Incineration Network (UKWIN) **[REP3-050]**; and
  - Wayne Cook **[REP3-051]**.

1.1.3 This document (Part 1) contains the Applicant's response to Deadline 3 submissions from Statutory Parties in the following sections:

- Section 2: Comments on Deadline 3 submissions from CCC and FDC;
- Section 3: Comments on Deadline 3 submissions from Anglian Water; and
- Section 4: Comments on Deadline 3 submissions from Wisbech Town Council.

1.1.4 The Applicant's response to Deadline 3 submissions from Other Interested Parties is presented in a separate document (Part 2).

# 2. Comments on the Deadline 3 Submissions from CCC and FDC

**Table 2.1 Comments on the Deadline 3 Submissions from CCC and FDC [REP3-044]**

| Topic/Para | Representation | Applicant Comment |
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| **6.4 ENVIRONMENTAL STATEMENT APPENDIX 88: AIR QUALITY TECHNICAL REPORT (TRACKED CHANGES) (REV 3.0) [REP2-007]** | | |
| **Modelled road network/ 5.1.2** | The updated text indicates that the modelled road network is based on the extent of changes in traffic that would be considered significant in the Traffic and Transport chapter (Chapter 6) of the Environmental Statement [APP-033]. In terms of air quality, a change of 25 Heavy Duty Vehicles (HOV) or 100 Light Duty Vehicles (LDV) as Annual Average Daily Traffic (AADT) in an Air Quality Management Area (AQMA) could require air quality modelling, whereas these changes would not be identified as significant in the Traffic and Transport chapter.<br><br>Therefore, it is still a requirement for the Applicant to determine whether there are any locations, beyond the modelled road network, where changes in traffic flow may exceed the criteria set out in the Institute of Air Quality Management and Environmental Protection UK guidance on 'Land-Use Planning & Development Control: Planning For Air Quality' (January 2017)[1]. | The Applicant has committed to the imposition of HGV movement restrictions such that they would not travel through an AQMA. Vehicles would access the EfW CHP Facility site via the A47, Cromwell Road, Weasenham Lane, Algores Way or via New Bridge Lane only during construction and via A47, Cromwell Road, New Bridge Lane during operation. The route restrictions are secured via **Draft DCO [REP3-007]** Requirements 11 (CTMP) and 12 (OTMP). The Air Quality assessment models the road network referenced above.<br><br>There is no specific requirement in the assessment process to determine if there are any locations, beyond the modelled road network, where changes in traffic flow may exceed the criteria set out in the IAQM and EPUK guidance on 'Land-Use Planning & Development Control: Planning For Air Quality' (January 2017). This is because the links selected are where the greatest changes in traffic flows would occur and the receptors selected are either near to these links or representative of the urban area. The potential changes in air quality as a result of the Proposed Development are therefore representative of the maximum impacts that would occur. Extending the assessment to include additional links would not change the conclusions of the assessment. |

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| **7.3 WASTE FUEL AVAILABILITY ASSESSMENT (TRACKED CHANGES) (REV 2.0) (REP2-0101)** | | |
| **Updated WFAA/general** | The update to the Waste Fuel Availability Assessment (WFAA) with updated data is welcomed.<br><br>It is noted that the waste fuel availability as reported in this assessment is broadly similar to that described in the first version. | Noted. |
| **Term 'Waste Management Areas" 3.2.4 and throughout document** | The term "Waste Management Area", whilst understandable is ambiguous. The areas referred to in this this assessment are based on areas identified within the Environment Agency's Waste Data Interrogator as Waste Planning Authority (WPA) areas. | The term 'waste management areas' is only used in paragraph 3.2.4 of the updated **WFAA [REP2-009].** The Applicant confirms that this term refers to the spatial areas covered by Waste Planning Authorities. The updated **WFAA (Volume 7.3) [REP2-009]** is based upon a collection of Waste Planning Authorities, which together form the Study Area for the WFAA. |
| **Milton Keynes (Travel Distance)<br>Page 26 Graphic 3** | It is noted Milton Keynes (Unitary Authority / Waste Planning Authority) is identified on this map, where it was not in the first version. Milton Keynes appears to not be within the two-hour travel distance, as shown on Page 23 Graphic 2, but is listed as being within the Table 3.1 (and has been since the first version of the WFAA). Clarification is requested to establish if Milton Keynes is within the two-hour travel time study area, or if it should be excluded. | Milton Keynes was omitted from Graphic 2 of the original **WFAA (Volume 7.3) [APP-094]** in error. Graphic 2 of the **WFAA Rev 2 [REP2-009]**, shows that Milton Keynes sits immediately outside the indicative 2-hour drive time. However, as explained in paragraph 3.2.4 to 3.2.8 of the WFAA REP2-009], the application of a 2 hour-drive time is a tool that has been used to guide the definition of an appropriate Study Area for the assessment. Specifically, paragraph 3.2.7 of the WFAA [REP2-009] states:<br><br>*"It is noted that the application of a two-hour travel time pulls in all Waste Planning Authorities (except Milton Keynes, Thurrock and Southend) which make up the former East of England planning region. As waste data is generally presented on a 'regional' basis (see later sections of this WFAA), it has been considered appropriate to use the former East of England planning region (hereafter referred to simply as the East of England) as the basis for this WFAA."*<br><br>In this regard it can be confirmed that Milton Keynes does form part of the **WFAA [REP2-009]** Study Area. |

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| **Total Local Authority Collected Waste 2020/2021 - Typographical Errors Table 4.1** | There appears to be some typographic errors in this table. The ONS data for 2020/20212 has a figure of 314,669 for total local authority collected waste (tonnes) for Cambridgeshire and not the 414,668 which is reported in the WFAA. The 118,407 should also be changed to 18,408 (314,669 minus 296,261). Likewise, Lincolnshire currently reads 337,169 and should instead read 337,196. The row for Essex County Council (including Southend on Sea and Thurrock), appears to only include Essex and Thurrock, see table below for details:<br><br>Local Authority / Total local authority collected waste (tonnes) / Household - total waste (tonnes)<br>Essex County Council / 713590 / 684334<br>Southend-on-Sea Borough Council / 83025 / 78790<br>Thurrock Council / 83292 / 77345<br>Total / 879,907 / 840,469<br><br>(e.g., 684334 plus 77345 equals 761679, which is the figure reported for household waste for Essex, Southend on Sea and Thurrock in the WFAA). | Noted. These typographical errors have been identified and will be addressed in a further updated version of the WFAA, which will be submitted at Deadline 5. In addition to picking up on these errors, the further updated WFAA will:<br>• Summarise the headline results of the 2021/22 LACW management data; and<br>• Draw conclusions on what, if any, impact this has on the findings of the updated **WFAA [REP2-009]**.<br><br>Notwithstanding the commitment to produce an updated version of the WFAA at Deadline 5, early analysis of the 2021/22 LACW management data shows that in terms of household waste arisings, the national picture is that there was an increase in total amount of waste generated in 2021/22 of 2.4%.<br>• In terms of LACW management, the national picture is that the recycling rate remained almost static at 44.1%; whilst there was a slight increase in the amount of LACW going to landfill and a corresponding decrease in that being sent to Energy from Waste facilities.<br>• In terms of arisings, the WFAA Study Area picture is that there has been an increase of approximately1.5% in LACW arisings in 2021/22.<br><br>In terms of LACW management, the data shows that the East of England and the Study Area places a significant reliance on landfill– with LACW being landfilled almost three times the national average in the East of England.<br><br>The 2021/22 data provides the most up to date position in respect of LACW, and analysis has shown that trends reported in the updated **WFAA [REP2-009]** remain a valid interpretation of the waste management picture in the Study Area. |

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| **Norfolk County Council Table 4.6** | The in-scope waste available for Norfolk is in the region of 41,000 tonnes per annum (WFAA Table 4.4). | The Applicant confirms that this figure is correct and is derived from the Environment Agency's Waste Data Interrogator Tool (2021). Table 4.4 of the updated **WFAA [REP2-009]** details the amount of 'in scope' household, industrial and commercial (HIC) waste within the Study Area that was deposited to non-hazardous landfill in 2021. For Norfolk, this was 40,832 tonnes. |
| **Cambridgeshire and Peterborough Table 4.7** | See Table 12 Permitted waste management capacity - not operational as of June 2019 in the Cambridgeshire and Peterborough Waste Needs Assessment November 2019 (submitted as Appendix A – CLA.D3.OS.A.AA Waste Needs Assessment). For the purposes of the capacity assessment, the capacity figure for PGEL / PREL that was used was 540ktpa, which was the original capacity detailed under permission 08/01081/ELE.<br><br>Discharge of Condition decision 18/01259/DISCHG (2019) states the maximum capacity is 595ktpa. The other 35ktpa arose from a permitted but not yet constructed anaerobic digestion plant at West Fen Farm (see permission 2001/18/CW). In summary, 540ktpa plus 35ktpa equals 575ktpa (shortfall: 80ktpa plus surplus: 495ktpa) | Noted. The explanation for how the reported shortfall of 80,000 tonnes per annum capacity in the Cambridgeshire and Peterborough Minerals and Waste Local Plan (adopted July 2021) was calculated is welcomed. It can be confirmed that this clarification has no impact on the conclusions of the **WFAA [REP2-009]** as an 80,000 tonnes per annum shortfall was used in the updated **WFAA (Volume 7.3) [REP2-009]** calculations. |
| **Norfolk Table 4.7** | The table states:<br><br>"*Table 2 (page 9) in the 2022 Capacity Assessment details the existing waste management capacity in Norfolk. Of the 3.534 million tonnes, approximately927,000 tonnes of waste is transfer capacity only – 616,000 tonnes of which is for non-hazardous waste. Transfer capacity cannot be regarded as management capacity as it simply moves the waste on to somewhere else for treatment/ disposal.* | The Applicant disagrees with the suggestion that the assessed shortfall in waste management capacity for Norfolk should be either zero or show a surplus. The Applicant's review of the Norfolk Minerals and Waste Local Plan Waste Management Capacity Assessment has identified that Norfolk does not have sufficient capacity for existing or future forecast growth.<br><br>As outlined on pages 49-50 (Table 4.6) of the **WFAA [REP2-009]**, the conclusion of the Norfolk needs assessment is based on the approach, taken by the Waste Local Plan, that the transfer of waste out of the WPA area is an effective means of managing |

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| | *With this in mind, for the purposes of this WFAA, the transfer tonnage (616,000 tonnes per annum) for non-hazardous waste has been included as a shortfall of capacity in Norfolk. This figure remains significantly below the requirements indicated in earlier iterations of the emerging plan."*<br><br>The WFAA asserts that transfer capacity should be excluded from the capacity identified in Table 2 of the Norfolk Minerals and Waste Local Plan Waste Management Capacity Assessment (2022)[3]. Table 2 summarises tonnages received at sites in Norfolk breaking it down by "Site Category" and "Facility Type". The WFAA seeks to exclude the "Site Type" of "Transfer". It should be noted that within the Transfer Site Type the Facility Category are then broken down into different waste streams followed by Waste Transfer / Treatment. The "Site Category" field in the WDIs is known to be unreliable and unrepresentative of the operations that are taking place on the site; it generally reflects permitting regime that the site was originally permitted under, but not the complete range of activities on site.<br><br>The issue of double counting waste (i.e., waste that moves through transfer stations), can be accounted for in several ways when undertaken assessments such as these. As detailed on page 40 of that report, the commercial and industrial waste arisings calculation was achieved by identifying all waste originating from Norfolk and subtracting Local Authority Collected Waste. Consequently, both the capacity and the arisings include consideration of transfer movements. Removing a large value of capacity which has already been accounted for in the arisings, and is based on a broad and unreliable "Site | waste. This cannot be the case as the waste being transferred out of Norfolk must ultimately be 'managed' in another WPA area. In any event, where waste is transferred it cannot be considered to have been self-sufficiently managed within Norfolk.<br><br>As the final destination for this waste can vary year on year (according to contractual arrangements), it is unreasonable and unworkable to suggest that other WPA's capacity assessments will take account of the waste that is despatched from Norfolk for final treatment. The approach taken by the Waste Local Plan is also contrary to established national planning policy, which states that it should be the aim of each WPA to manage all its own waste, as well as the Memorandum of Understanding between the Waste Planning Authorities of the East of England (March 2019), which seeks to provide for net self-sufficiency in waste management capacity. Finally, waste transfer to another area cannot constitute self-sufficiency as it is inherently reliant on waste management facilities in other areas. The **updated WFAA (Volume 7.3) [REP2-009]** has therefore assessed the extent to which this waste, currently being transferred out of Norfolk can be considered for the Proposed Development and can be quantified and included as available residual waste without being 'double counted'.<br><br>To avoid the issue of 'double counting', the updated **WFAA [REP2-009]** has excluded the capacity listed in the 'Site Category' column of Table 2 of the Norfolk need assessment (page 9) as 'Transfer'. The data presented in Norfolk's need assessment is the same that is used by the Waste Planning Authority to underpin their emerging Waste Local Plan. The Applicant is not relying on its own interpretation of the Environment Agency's Waste Data Interrogator tool but seeks only to review and rely upon the conclusions from within Norfolk's Waste Local Plan to identify the residual waste available for the Proposed Development.<br><br>The Applicant does not accept the suggestion that the location of the EfW CHP Facility site reflects that there is no need for |

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| | Category", is an unrealistic distortion of the Norfolk Assessment.<br><br>This is further reflected by the quantity of suitable fuel arising from Norfolk (Table 4.4 WFAA), which is in the region of 41,000 tonnes, and the fact the Applicant did not choose to locate their facility in Norfolk if there was such an under provision of capacity in that area.<br><br>The Norfolk Assessment concludes that the Planning Practice Guidance (paragraph reference ID: 28-007-20141016) sets out how the self-sufficiency and proximity principles apply to individual Waste Planning Authorities. It states that although it should be the aim for each waste planning authority to manage all of its own waste, *"there is no expectation that each local planning authority should deal solely with its own waste to meet the requirements of the self- sufficiency and proximity principles".* It is also considered that sufficient capacity currently exists to meet the growth forecast.<br><br>The assessed shortfall should be either zero or show a surplus; as this figure is already being either recovered or disposed of elsewhere. | additional waste management capacity within Norfolk. The EfW CHP Facility site has been identified based on a number of essential criteria, of which a local need for waste management capacity is one. The Applicant is not aware of any suitable alternative site within Norfolk that could accommodate the Proposed Development, but nevertheless notes the proximity of the site to the Norfolk boundary which means that the Proposed Development is well placed to manage Norfolk's waste. |
| **Norfolk**<br>**Table 4.7 Summary** | States that "Data clearly indicates that there remains no final treatment/recovery capacity in Norfolk". This is inaccurate, as there are a number of recovery and treatment facilities located in Norfolk. As above the shortfall / surplus for Norfolk should read zero, or a surplus. | Noted. Whilst it is acknowledged that Table 2 of Norfolk County Council's *Minerals and Waste Local Plan: Waste Management Capacity Assessment* (2022) includes a number of final treatment/ recovery facilities in Norfolk, the majority of these are not suitable for the management of residual non-hazardous HIC waste.<br><br>Of the 19 facility types listed in Table 2, there is only one 'facility type'– *non-hazardous waste transfer and treatment* – which would appear to provide the capacity required for the |

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| | | management of non-hazardous HIC residual waste. This facility type appears twice in Table 2 of the Norfolk Capacity Assessment – once under the 'site category' of 'Transfer' and once under 'Treatment'. The table indicates that between 2017 and 2020 such facilities managed between approximately 81,000 tonnes and approximately 90,000 tonnes of residual HIC waste. However, over the same period, 616,000 tonnes was simply transferred out of Norfolk for management elsewhere.<br><br>As such, whilst there may be limited treatment and recovery capacity in Norfolk, there is no significant residual HIC waste treatment capacity in the county. The 3.53 million tonnes of capacity detailed in Table 2 would not treat the same waste as the Proposed Development as it relates to capacity offered by:<br>• three Anglian Water wastewater treatment facilities (approximately 1 million tonnes per annum);<br>• an Animal By-Products incinerator (approximately 400,000 tonnes per annum);<br>• a paper and pulp re-processing facility (approximately 500,000 tonnes per annum); and<br>• transfer stations (approximately 800,000 tonnes per annum).<br><br>The remaining capacity is provided by metal recycling sites; anaerobic digestor/ composting facilities; a materials recycling facility (MRF); a waste electrical and electronic equipment (WEEE) facility; inert waste transfer; and a chemical treatment facility for hazardous waste. |
| **Grand Total Table 4.7 Summary** | The totals presented range from -1,102,252 to -1,329,259. It is assumed that the 1,164,052 figure is a typographic error, and it should be (negative) -1,164,052. | Noted. It can be confirmed that the total given in the fourth column of Table 4.7 should be a negative and therefore should read -1,164,052.<br><br>It is not accepted that the Norfolk shortfall should be zero (see comments above). As such, the shortfall of between -1,102,252 |

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| | A total of 616,000 tonnes of these values arises from the Applicant's assessment of Norfolk's shortfall, and this represents between 46% and 56% of those total figures. Assuming the Norfolk shortfall be zero, this returns a range of-486,252 and -713,259.<br><br>For reference, the Norfolk assessment identifies that there is likely to be a maximum of 3.65 million tonnes of waste from all waste streams, and that there is 3.534 million tonnes of capacity, with an additional 4.863 million cubic metres of permitted inert landfill void, and 1.422 million cubic metres of non-hazardous landfill void. | to -1,164,052 for 2030 and -1,267,459 to -1,329,259 for the period up to and beyond 2035 remain valid.<br><br>In terms of the conclusions of the Norfolk assessment, as outlined on pages 49-50 (Table 4.6) of the **WFAA [REP2-009]**, the Norfolk assessment relies on the transfer of waste out of the WPA area constituting a means of self-sufficiently managing waste. As explained above [in respect of the Norfolk County Council's *Minerals and Waste Local Plan: Waste Management Capacity Assessment* (2022), the Applicant does not accept that the transfer of waste can be considered to be the management of waste as it simply moves the need for management into other regions. As such, the Applicant has established 616,000 tonnes of waste is being transferred out of Norfolk, and will not have been included in the waste management plans of neighbouring areas as the waste does not originate in those regions. This waste has therefore been assessed in the WFAA as being available for treatment at the Proposed Development. |
| **Typographical error 4.2.14** | There appears to be a typographical error that attributes 695,000 tonnes of capacity to Peterborough Green Energy, which should read 595,000. | Noted. It can be confirmed though that this typographical error does not affect the conclusions of the updated **WFAA [REP2-009].** This is because the correct throughput figure has been used in the calculations of the WFAA – most notably, Appendix C of the WFAA contains the correct figure. |
| **7.10 OUTLINE FIRE PREVENTION PLAN (TRACKED CHANGES) (REV 2.0) [REP2-012]** | | |
| **Consultation with Cambridgeshire Fire and Rescue Service General** | Noted that we are not yet at a detailed design stage. The Cambridgeshire Fire and Rescue Service (CFRS) would encourage early consultation under the Regulatory Reform (Fire Safety) Order 2005 and in line with Building Regulations and Fire Safety Procedural Guidance (July 2020) published by the National Fire Chiefs Council, Local Authority Building Control and the Association of Consultant Approved | At the detailed design stage, the Applicant and EPC Contractor shall engage with the Cambridgeshire Fire and Rescue Services (CFRS) to ensure the EfW CHP Facility, including the administration building, meet all required fire safety design standards. A commitment to engage with CFRS is secured in Section 3.5.22, 4.4.3, 4.6 of the **Outline CEMP [REP3-022]** which is itself secured by Requirement 10 of the **Draft DCO (Volume 3.1) [REP3-007]**. |

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| | Inspectors, and stated good practice by MHCLG (now Department for Levelling Up Housing and Communities).<br><br>Areas that will require further discussion and clarification to include:<br>1. Water supplies - access and facilities for Fire and Rescue Service;<br>2. Fire suppression;<br>3. Containment of firefighting water run-off; and<br>4. Fire Detection and warning. | The Applicant's **Outline Fire Prevention Plan Rev 2 (Volume 7.10) [REP2-011 (Clean); REP2-012 (Tracked)]**, secured by **Draft DCO Requirement 17 [REP3-007]** includes consideration of the following matters:<br><br>• 3.2 – Training<br>• 10.1 – Fire detection<br>• 11.1 – Fire suppression<br>• 13.1 – Water supplies<br>• 14.1 - Containment of fire water<br>• 15.1 – Procedures |
| **Fire Risk Assessment General** | CFRS would like to highlight that a suitable and sufficient fire risk assessment of the premises must be carried out in accordance with article 9 of the Regulatory Reform (Fire Safety) Order 2005. The documentation and any necessary safety measures must be in place on the first day that the premises are occupied.<br><br>Further detail will be required on:<br>1. Training frequency and content ; and<br>2. Detailed Fire procedures. | See Applicant's response to "consultation with Cambridgeshire Fire and Rescue Services", above. |
| **9.8 STATEMENT OF COMMON GROUND BETWEEN MEDWORTH CHP LIMITED AND THE UK HEALTH SECURITY AGENCY (REV 2.0) [REP2-0131** | | |
| **Baseline provision of Health Care Facilities 3.4.2** | UKHSA/OHID are not the appropriate body to agree the baseline of provision - this is a matter for the Cambridgeshire and Peterborough Integrated Care System (ICS). However, it is noted that the ICS have agreed the baseline in the Statement of Common Ground between the Applicant, the East of England | Comment noted. CPICS are joint signatories to the SOCG. |

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| | Ambulance Service NHS Trust and the ICS [REP2-014]. | |
| **10.2 RESPONSE TO THE EXA'S WRITTEN QUESTIONS (EXQ1) (REV 1.0) [REP2-019]** | | |
| **General and Cross Topic Questions, p.4-12** | | |
| **Consultation with Gypsy and Travellers at New Bridge Lane Travellers Site GCT.1.13** | The Councils are concerned that the residents of the New Bridge Lane Traveller site are not included within the Book of Reference [REP1-001]. It is requested that the Applicant provides an explanation as to why they consider the residents/occupiers to not constitute Category 1, 2, or 3 Persons. In general, the Traveller community have poorer health outcomes compared to other communities and should be included in the process. | Please refer to the Applicant's response to GCT.1.13 in the Applicant's Response to the ExA's Written Questions **[REP2-020]**.<br><br>The Book of Reference complies with Regulation 7 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and includes the details of Category 1, 2 and 3 persons as defined in section 57 of the Planning Act 2008.<br><br>Category 1 interests are those of owners, lessees, tenants and occupiers.<br>Category 2 interests are those with an interest in land, such as an easement or the power to sell the land.<br>Category 3 interests are those persons entitled to make a relevant claim, for example under Part 1 of the Land Compensation Act 1973.<br><br>The New Bridge Lane Traveller site is located outside of the Order Limits and is adjacent to the public highway. Having undertaken diligent inquiries, the Applicant is satisfied that the site and its residents do not qualify as having Category 1, 2 or 3 interests in the Order Land and therefore are not included in the Book of Reference.<br><br>Notwithstanding this, the residents of the Traveller site were identified as being part of the local community, falling within the Zone A consultation zone, and were consulted accordingly under section 47 of the Planning Act 2008 as set out in the Consultation |

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| | | Report (Volume 5.1) [APP-018]. The Applicant recognises the importance of engaging with communities, such as the traveller community, that have traditionally been seldom heard, and has worked with the local authorities to identify and consult with the traveller communities in the area to ensure they were included in the process. |
| **PRINCIPLE AND NATURE OF THE PROPOSED DEVELOPMENT, P.13-16** | | |
| **Design**<br>**GCT.1.10** | It is recognised that the development has to be of a scale and mass in order to accommodate the 'machinery' necessary. However, the proposed design mitigation that is proposed to make the buildings / structures as possible seem to be cursory at best. The poor appearance of the development is impactful on the appearance and attractiveness of the town as a whole. | The design of the Proposed Development evolved through a series of design iterations. These were considered against the extent to which they would meet the design principles which include that the Proposed Development would be responsive to its setting, durable and adaptable, functional and fit for purpose. The **Design and Access Statement [APP-096]** explains the design process and alternatives considered with an explanation for those chosen. The Applicant considers that the design of the EfW CHP Facility and the Administration Building is an appropriate response to the design principles listed. The Applicant notes that CCC and FDC have not provided any evidence to support their assertion that the Proposed Development would have an impact on the appearance or attractiveness of the town as a whole. |
| **AIR QUALITY AND HUMAN HEALTH, P.17-27** | | |
| **Air Quality Data Capture Issues and COVID-19**<br>**AQHH.1.2** | Although the methodology for addressing data capture issues with the 12 months of passive monitoring of Air Quality (October 2020-December 2021) is sound, it may not have given an accurate background level as this period of monitoring was affected by COVID-19 lockdowns and associated restrictions. | Further detail on the $NO_2$ diffusion tube results collected before and after the COVID-19 lockdowns was provided in **Deadline 3 Submission –Comments on Deadline 2 submissions [REP3-042]**. The diffusion tube data show that, whilst 2020 $NO_2$ concentrations were generally lower than those in 2019 and 2021 as a result of COVID-19 lockdowns, there is a general downward trend in concentrations. 2022 $NO_2$ concentrations were lower than 2021 concentrations at all sites. The data collected in 2021 in the survey for the Proposed Development is therefore considered to |

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| | Although this has been acknowledged within the ES Chapter 6 Traffic and Transport [APP- 033], it has not been carried through to the Health Impact Assessment [APP-043] or the Applicant's response to AQHH1.2 of the ExA's Written Questions (ExQ1). | be in the expected range and therefore appropriate for the assessment. |
| **Dust monitoring AQHH.1.17 and AQHH.1.18** | The ExA's question relates specifically to monitoring of nuisance dust during the construction phase. The Councils note here that the Applicant's response is based on the Outline Local Air Quality Monitoring Strategy (LAQMS) [REP1-055], which only considers monitoring of pollutant concentrations in air from 12 months prior to final commissioning. The LAQMS does not address monitoring of nuisance dust during the construction phase. Dust nuisance monitoring during the construction phase is required by the CEMP [REP1-024], although the details have not been agreed with CCC/FDC at this stage. | A revised version of the CEMP was provided as **Deadline 3 Submission - Outline Construction Environmental Management Plan (Clean) - Rev 3 [REP3-023].** Monitoring arrangements will be agreed with the Local Authorities prior to the commencement of construction in line with the final CEMP secured by DCO Requirement 10. |
| **BIODIVERSITY, ECOLOGY AND THE NATURAL ENVIRONMENT, P.28-31** | | |
| **810.1.4 Page 30** | The Applicant's response does not explain why the design has not embedded Biodiversity Net Gain within the Scheme adequately, so that it does not result in a net loss of biodiversity. Similarly, the response does not explain why off-site compensation to address this issue had not been identified in detail prior to the Examination.<br><br>The Applicant's response does not address the Councils' concerns that the Scheme does not adequately compensate for loss and fragmentation of water vole habitat, as set out in our Local Impact Report, paragraphs 7.3.12 - 7.3.16 and 7.4.12 - | The Applicant has met with the Host Authorities to discuss opportunities for BNG throughout the development of the DCO Application, and subsequently, during the examination. It has enquired as to whether there are local opportunities to deliver BNG but no opportunities are available at present. The Applicant's last meeting on 31 March 2023 resulted in amendments to the BNG Strategy (**Appendix 11M Biodiversity Net Gain Assessment Rev3 [REP3-017]**) which responds to the matters which were discussed and sets out further details of the BNG strategy and the Applicant's commitment to providing BNG.<br><br>The steps that the Applicant is undertaking to identify mechanisms to deliver off-site BNG measures are documented in |

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| | 7.4.14 [REP1-074] and the Councils' response to document [REP2-020] below. | **Appendix 10.2C of ExA's Written Questions (ExQ1) – Appendices [REP2-019].**<br><br>The **Outline Landscape and Ecology Management Plan Rev 2 [REP3-021]** was updated for Deadline 3 to provide greater clarity on habitat provisions within the EfW CHP Facility Site for water voles. The Applicant is in the process of discussing the feasibility of enhancing on-site ditch habitat for water voles with the Middle Level Commissioners.<br>The **Outline Construction Environmental Management Plan Rev 3 [REP3-023]** including **Appendix D Outline Ecological Mitigation Strategy** was updated for Deadline 3 to provide greater clarity regarding water vole mitigation. |
| **CLIMATE CHANGE, P.32-35** | | |
| **Climate Change Table 2.5, CE1.4** | The Councils disagree with the Applicant's assertion that the Proposed Development will have "net GHG emissions below zero". The Councils would like to reiterate their previous comments relevant to this issue, included in the Climate Change section of the joint Local Impact Report [REP1-074]. | Please see previous responses to comments, provided at **Section 10: Climate Change** of **Applicant's Response to the CCC and FDC Local Impact Report [REP2-020].** |
| **Climate Change Table 2.5, CE1.5** | The Councils disagree with the Applicant's assertion that the Proposed Development will result in "a net decrease in GHG emissions of approximately 2,571ktC02e over its lifetime". The Councils would like to reiterate their previous comments relevant to this issue, included in the Climate Change section of the joint Local Impact Report [REP1-074]. | Please see previous responses to comments, provided at **Section 10: Climate Change** of **Applicant's Response to the CCC and FDC Local Impact Report [REP2-020].** |

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| **LANDSCAPE AND VISUAL, P.68-71** | | |
| **Impact on NMUs and local communities**<br>**LV 1.3-1.6** | Whilst the ExA questions were aimed at specific addresses around the application site, the Councils would re-emphasise their concern about the significant adverse visual and noise impact of the development on non-motorised users (NMUs) from local communities using New Bridge Lane arising from the change to the immediate landscape both during construction operational phases.<br><br>As raised in the joint Local Impact Report [REP1-074], NMUs are sensitive noise and visual receptors, but no mitigation measures have been presented that will address this adverse impact such as to ensure that NMUs will feel able to continue to use the lane as they currently do, and to be encouraged to do so in future. This is important in order to ensure that the Applicant meets the requirements of NPPF paragraph 100, Cambridgeshire CC's Rights of Way Improvement Plan (ROWIP)4 and Priority 2 of the Cambridgeshire & Peterborough Health & Wellbeing Integrated Care Strategy.<br><br>The Councils request that the Applicant reconsiders the impact on NMUs against these policies and provides measures to address the adverse impact. The Councils welcome the proposed measures to improve the environment along New Bridge Lane during the operational phase, but consider that it will not be possible to fully mitigate the impact on NMUs and local communities due to the introduction of significant HGV movements along New Bridge Lane, and because the new road layout will effectively reduce the quality of the NMU experience by confining users to a narrow pavement. | The Applicant updated the **Outline CTMP [REP3-013]** and **Outline OTMP [REP3-025]** to respond to comments made previously by the Councils with regard to NMU usage along New Bridge Lane. The Outline CTMP now includes greater consideration of NMU safety, requiring the Applicant to maintain access along New Bridge Lane during construction providing it is safe to do so. It also includes for the screening of the main construction site with the materials to be used, height and appearance to be agreed with the relevant highway authority. The screening will mitigate construction noise from the EfW CHP Facility construction site.<br><br>The Applicant notes that the Councils recognise that measures proposed by the Applicant will improve the environmental impacts along New Bridge Lane during the operational phase, although it notes that full mitigation may not be possible. The Applicant has set out previously (see response to CCC points 5.13 and 5.14, **Applicant's comments on the Written Representations Part 1 Statutory Parties [REP3-039]**) the measures which it will take during the operational phase to improve access along New Bridge Lane for NMUs. In addition to the measures listed within its response, the Applicant also proposes the provision of an NMU crossing point at the EfW CHP Facility access in addition to a regular review of NMU usage across the frontage of the site and a commitment to report any incidents (for example) to the liaison group together with recommendation for any additional mitigation measures should these be agreed as necessary.<br><br>The visual effects that would be experienced by recreational users in the wider landscape to the west and south of the EfW CHP Facility are acknowledged in **ES Chapter 9 Landscape and Visual [APP-036]**, however given the extent of recreational opportunities available in the wider area, the Applicant considers the significant visual effects that would be experienced by people using different recreational routes would be localised. As |

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| | There will also be considerable visual impacts on the wider landscape broadly west and south of the development, particularly affecting recreational users along the Nene Way, south of Wisbech (please refer to 5.3.11 of the Councils' LIR [REP1-0741); Halfpenny Lane, Wisbech; The Still at Leverington; and on the existing PROW and local road network around Elm (please refer to 5.3.6 of the Councils' LIR [REP1-0741). Experience from other DCO developments is that NMUs and other recreational users are significantly impacted by the urbanisation of their landscape, which may adversely affect their enjoyment of their use of the network to the extent that they no longer wish to use it. This can negatively impact mental health and wellbeing, and could cause some to drive to other locations further away to seek the same satisfaction.<br><br>The Councils therefore request that the Applicant provides additional mitigation through provision of new, high quality NMU access nearby, for example through monies to improve existing rights of way and local roads that provide NMU connectivity in the vicinity of the development, and to create new access to the natural environment in the locality for the health and wellbeing of the local community.<br><br>Part of this mitigation could include clarification of the NMU access over the level crossing, as set out in more detail at the Council's response to the Applicant's Response to the CCC and FDC Local Impact Report [REP2-020] under Traffic and Transport, 2.4.3. | summarised at Section 9.12 **ES Chapter 9 Landscape and Visual [APP-036]** significant effects would be restricted to users of a section of the Nene Way south of Wisbech, part of Sustrans NCR63, Halfpenny Lane, the PRoWs west of Begdale and the PRoW 'The Still', south of Leverington. Whilst the EfW CHP Facility would have a significant effect upon visual amenity at these locations, the proposals would be seen in the context of established modern development. In views from the south, this development includes existing industrial buildings on the southern edge of Wisbech.<br>The Applicant's **Community Benefits Strategy [APP-105]** sets out its commitment to work with local communities to identify and deliver a range of benefits which could include the establishment of a community fund, enhancement of public amenity to improve wellbeing and support for local initiatives such as Active Fenland's Wellbeing walks for example. Monies could therefore be made available to promote improved NMU connectivity with a view to improving health and wellbeing.<br><br>The Applicant sought to clarify the position regarding NMU access over the former level crossing in its response the Council's written representation, paragraph 5.10, within the **Applicant's comments on the Written Representations Part 1 Statutory Parties [REP3-039]**). The rights as they currently exist will be maintained such that New Bridge Lane will continue to be an adopted highway either side of the area under Network Rail's ownership (the disused March to Wisbech Railway). The Applicant (or Network Rail) will display signs, similar to that already present on the Network Rail land and with the agreement of Network Rail, to explain to members of the public that the present situation is maintained, which is that there is no public right to pass and repass.<br><br>Notwithstanding this, the Applicant will continue to liaise and negotiate with Network Rail to see if it is prepared to grant a greater degree of access over its land, such as a formal permissive right as suggested by CCC. However, the Applicant |

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| | | notes that it is ultimately for Network Rail to determine whether it wishes to grant such a permissive right or maintain the current position. |
| **NOISE AND VIBRATION, P.75-77** | | |
| **NMUs and local communities General** | NMUs are sensitive visual and noise receptors in the landscape. The Council refers to its response made under LV 1.3-1.6 above in respect of inadequate mitigation for the adverse impact during construction and operation of the development on NMUs and local communities using New Bridge Lane. | **Construction**<br>Non-motorised users (NMUs) may need to pass by construction works during significantly noisy works – notably breaking of the road with hydraulic hammers.<br><br>Considering the relatively low number of NMUs accessing New Bridge Lane that would have to pass the works, it will be possible to pause particularly noisy construction activity to allow NMUs to pass by the works without significant noise exposure. This will be reflected within the final **Construction Noise and Vibration Management Plan (CNVMP)** and has been updated within **Appendix F** to the **CEMP [to be submitted at Deadline 4.** No additional mitigation will be required for other impacts, other than the measures set out within the Outline CEMP and Outline CNVMP, which include the use of acoustic screening to include site hoardings, selection of appropriate plant and machinery etc will be employed.<br><br>Screening of the construction activities will also provide visual mitigation.<br><br>**Operation**<br>NMUs accessing the section of New Bridge Lane between the site entrance and Salters Way will experience transient noise from vehicle passbys. This will not be significant and will be similar to, or less than, the noise currently experienced on the section of road between Salters Way and Cromwell Road. No additional noise mitigation is required. |

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| | | Visually, and as recognised by the Councils in their response LV 1.3-1.6, the Applicant's proposals to improve the environment along New Bridge Lane, which will include for the landscaping of the EfW CHP Facility site frontage will improve the appearance over that which currently exists. |
| **PLANNING POLICY, P.78-84** | | |
| **Waste Hierarchy PP.1.2** | The Councils would draw attention to their Written Representations [REP2-033]. A short summary is set out below.<br><br>The Councils remain concerned by the lack of detail in Requirement 14. In the Councils' Relevant Representation (RR) [RR-002], paragraph 14.21, three additional criteria are requested:<br><br>"(#) Details of operational procedures that seek to ensure that waste suitable for recycling and reuse is not received at the facility. These procedures are to be regularly reviewed and improved, where possible;<br><br>(#) A record of the tonnages of material considered suitable for recycling and reuse that has been diverted further up the Waste Hierarchy; and,<br><br>(#) A record to be kept of how these procedures have been regularly reviewed (on an annual basis at a minimum), what changes were made, and how these have reduced the amount of waste potentially suitable for recycling and reuse being received at the facility."<br><br>As currently drafted, the requirement will establish that waste of the appropriate waste codes is being managed at the site, and this will move waste up the | Discussions are ongoing with CCC regarding the drafting of Requirement 14. The Applicant is satisfied that Requirement 14, combined with the operational constraints within the Environmental Permit will ensure that only residual waste is treated at the EfW CHP Facility, and not waste that could be reused or recycled. There is precedent for this approach in the Riverside Energy Park Order 2020, specifically Requirement 16 in Schedule 2 of that Order.<br><br>With respect to the specific points raised by the Councils:<br><br>(1) The Applicant is an experienced operator of EfW CHP facilities and has a number of operational procedures in place to ensure that waste suitable for recycling and reuse is not received at its facilities. These would be implemented at the proposed EfW CHP facility and include:<br><br>• Duty of Care audits of supplier sites are undertaken prior to receiving their waste and periodically thereafter. Amongst other things, these audits check the types of waste and (where waste is being segregated for recycling) the segregation arrangements at the suppliers to ensure that only residual waste is being bulked up for transportation to our facilities.<br>• Acceptable and unacceptable waste types are specified within our contracts. Suppliers delivering non-conforming |

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| | waste hierarchy from disposal to recovery. However, it does not seek to prevent waste becoming residual waste in the first instance, and as a result it does not preclude waste that could be treated further up the waste hierarchy being received at this site. For example, if the operator agreed to collect mixed black bag waste from a customer, this would be within the classification of 20 03 01 mixed municipal waste. As an operator, they can ensure that their customer is only offered segregated collection, or processed collection, to ensure that recyclable material is being removed from residual waste.<br>The requested additional criteria will ensure that the operator does this and can be seen to do this this in a way that can be monitored. The requested additional criteria set out in the Councils' RR [RR-002] are reasonable, proportional, and necessary to ensure that the waste hierarchy is maintained. | waste are notified and the waste is either turned away if identified at the weighbridge, or quarantined for collection by the supplier.<br>• Declaration of waste type on waste transfer note at weighbridge. Weighbridge operator checks the EWC code against declared waste type on arrival at the weighbridge and prior to tipping.<br>• Declaration on waste transfer note that suppliers have complied with the waste hierarchy. Waste transfer note checked at the weighbridge.<br>• Waste is only accepted in accordance with waste types permitted by the Environmental Permit.<br>• Implementation of waste acceptance procedures contained in our accredited Integrated Management System (IMS) including procedures for non-conforming deliveries (copies can be provided if required).<br>• Quarantining of waste vehicles for random checks including compliance with acceptable EWC codes.<br>• CCTV coverage of the tipping hall, all tipping bays, waste, and reception bunkers. Recordings are stored for 90 days.<br><br>(2) Recyclable materials are valuable, consequently it would not be in the commercial interest of suppliers to bring them to the proposed EfW CHP facility for thermal treatment. For those suppliers who deal with both recyclables and residual waste, the Applicant could, where practicable and reasonable to do so, request them to provide information on tonnages of material that they have separated and sent for recycling.<br><br>(3) Procedures are regularly audited both internally on a quarterly basis and externally as required to maintain accreditation. The Applicant's IMS is accredited to ISO standards 9001, 14001, 45001 and 50001, and is designed to drive improvement in practices and procedures across all areas of the business. Records are |

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| | | kept in the form of audit reports, action and improvement plans. Actions to address any non-conformances are recorded on the Applicant's compliance software and closed out only after receipt of evidence that the non-conformance has been addressed. |
| **Waste Technology PP.1.5** | It is noted that the Applicant addresses the different types of available technology but does not detail considerations regarding the scale of Energy Recovery Facility (ERF) being proposed, and the merits and disadvantages of the of ERF facilities of different sizes. Given the amount of waste in the immediate local area, the Councils would query whether a smaller facility might be more appropriate. | The Medworth EfW CHP Facility will focus on meeting residual waste management needs, diverting material from landfill only. The Applicant's **WFAA [REP2-009]** 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. The WFAA demonstrates the need for the EfW CHP Facility and at the proposed tonnage. A smaller (capacity) EfW CHP facility would not meet the waste management needs identified in the **WFAA [REP2-009]**.<br><br>The size of the Proposed Development was guided by the need for additional waste management capacity in the local area, as identified in the **WFAA [REP2-009]**.<br><br>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.<br><br>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. |

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| **SOCIO-ECONOMIC, POPULATION AND CUMULATIVE EFFECTS, P.85-89** | | |
| **Training Establishments SPC.1.6** | There are other training establishments which should be considered and engaged in relation to facilitating training and employment opportunities, including ARU Peterborough. | The Applicant is willing to engage with additional training establishments to those listed within the **Outline Employment and Skills Strategy [APP-099]**. The Applicant invited all Host Authorities to contribute to the drafting of the document. NCC was the only authority to engage. The Applicant remains open to the Host Authorities identifying additional training establishments for the Applicant to consider. |
| **TRAFFIC AND TRANSPORT, P.90-94** | | |
| **Baseline traffic surveys TT.1.1** | CCC can confirm that the undertaking of surveys in 2021 was accepted for the purposes of undertaking the Transport Assessment work. | Noted. |
| **Access and Rights of Way Plans TT.1.13** | The Applicant has updated the Access and Rights of Way Plans [REP1-005] to show the boundaries of the public highway that fall within the DCO boundary. This is welcomed by the Councils.<br><br>It is noted that where the DCO boundary does not include the full extent of a highway, the highway is only shown to extend as far as the DCO boundary, when in fact the highway boundary may be considered to be at another point outside the DCO red line. The Applicant is engaging with CCC on this matter. | Noted. Following further discussions with CCC the **Access and Rights of Way Plans [REP3-005]** were updated at Deadline 3. |
| **10.3 APPLICANT'S RESPONSE TO THE CCC AND FDC LOCAL IMPACT REPORT (REV 1.0) [REP2-020]** | | |
| **Highways Asset Management: Construction Phase Impacts** | CCC reiterates that it requires appropriate processes for the certification of the design and construction of any amendments to the local highway network, with | The Applicant has sent a draft a s278 Agreement, that will govern the highway works to be undertaken as part of the Proposed Development, and a draft set of protective provisions to CCC. The |

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| 2.4.1 | acceptance by the Highway Authority of the infrastructure to be contingent upon this certification. It is requested that these provisions be included within the DCO.<br><br>It is noted that there was discussion of this requirement at ISH2 on 12 April 2023 and that the Examining Authority instructed the Applicant to liaise with CCC to explore the drafting of protective provisions within the DCO that would address the Council's concerns. CCC welcomes this opportunity for engagement.<br><br>CCC does not accept that 'Appendix 9.2A: Technical Meeting Note Traffic and Transport – Algores Way (Applicant's response to the Relevant Representations – Part 9 Appendices' [REP1-036] demonstrates *"that the number of vehicles which currently use the site is not too dissimilar to the number proposed by the Applicant during construction"*. In the opinion of CCC, the comparators used within the Note are selective and inappropriate in some areas. The Note draws conclusions based upon the levels of traffic *permitted* to use the existing site with those *actually expected* to be generated in the construction and operational phases of the Proposed Development. The existing site is not seen to be generating traffic at the maximum permitted levels. Furthermore, there are extensive comparisons between existing traffic levels on Algores Way with those expected. However, only Algores Way can be used at present, whilst construction and operational traffic will be able to use Cromwell Road and New Bridge Lane.<br><br>The arbiter of the damage caused by the extraordinary traffic generated during the | Applicant is waiting to receive comments from CCC on the draft documents.<br><br>The Applicant has also had numerous discussions with CCC as to the preferred design layout of Cromwell Road junction signals and New Bridge Lane.<br><br>The Applicant's **Appendix 9.2A: Technical Meeting Note Traffic and Transport – Algores Way (Applicant's response to the Relevant Representations – Part 9 Appendices' [REP1-036]** includes consideration both of the permitted number of vehicles that could use Algores way to serve the existing, consented operations at the proposed EfW CHP Facility Site and those that were last recorded in 2020. Whilst the latter were less than the maximum permitted they would still constitute a significant proportion of the total number generated by the Applicant during the construction of the Proposed Development.<br><br>With regard to any damage caused as a result of construction activities, the Applicant updated the Outline CTMP for Deadline 3 **(Outline CTMP [REP3-014])** to confirm that inspections of the adjoining highways will take place, before, during and after construction with any works necessary to repair the highways implemented either by the Applicant or funded by the Applicant and implemented by the relevant highway authority.<br><br>The Applicant further refers to the conclusions of the **Environmental Statement Chapter 6 Traffic and Transport [APP-033]**, namely that the increase in traffic associated with the Proposed Development will not cause any significant impacts. |

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| | construction phase will need to be the "before", "during" and "after" highway condition surveys, irrespective of the content of the Technical Note. | The Applicant notes the reference to 'extraordinary' traffic by CCC refers to section 59 of the Highways Act 1980 that provides a mechanism for a highways authority to recover expenses caused by extraordinary traffic. The Applicant does not consider that the Proposed Development will generate any "extraordinary" traffic, as contemplated by section 59 of the Highways Act 1980, and that were this the case it would be reflected in significant impacts being identified within the Environmental Impact Assessment.<br>The Applicant is confident that its assessment is accurate and that there will be no significant impacts caused by the traffic movements associated with the Proposed Development and, consequently, no need for CCC to consider any action under section 59 of the Highways Act 1980. The Applicant does not propose to recreate this existing regime for the recovery of costs due to 'extraordinary' traffic within the draft DCO as it considers the existing regime to be wholly fit for purpose. |
| **Highways Asset Management: Construction Phase Impact on NMUs and other rights of access**<br>**2.4.3** | The Applicant has addressed CCC'S question in respect of its intentions for the former level crossing on New Bridge Lane. Having an understanding that the Applicant, in discussion with Network Rail (NR) as owner of the level crossing, does not intend to re-create highway rights over the level crossing, assists CCC in assessing the impact of the works on the highway network and the rights of highway users.<br><br>CCC needs to be satisfied that the Applicant's agreement with Network Rail is sufficient in protecting the rights of those private and public users of New Bridge Lane who require, or may require, use of the level crossing during and after construction of the development. This should include the granting of permissive rights of access to NMUs, and protecting the right of access for those landowners and any other parties (such as the Internal Drainage Board or statutory undertakers) who have an interest in land to the east of the level crossing. Whilst public rights | There is currently no designated public right of way, nor any permitted right of access, over the disused March to Wisbech railway as it crosses New Bridge Lane. The Applicant is in discussions with Network Rail regarding rights of access for the Applicant and those authorised by it and the owners and occupiers of land that, due to the change in layout of New Bridge Lane, will become accessible only over the disused railway. This includes the owners and occupiers of 10 New Bridge Lane and land to the south of New Bridge Lane that is owned by FDC (the only properties that is currently accessed via New Drove). The option of including permissive rights of access for non-motorised users over the railway land in this location is also being discussed with Network Rail.<br><br>Article 17 of the draft DCO includes the ability to make traffic regulation measures that restrict the vehicular access to any road which would include the placement of a new bollard. |

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| | have not formally existed over the crossing since 1981, in practice the NMUs have had access over it for almost 40 years, providing an important safe route between communities within Wisbech away from busy roads. The provision of a specific permissive access agreement would add clarity for all existing and potential users of the 'opened' level crossing and would help to ensure that relevant public access and health policy requirements are met. CCC should be a party to this agreement. The permissive access would then be shown on the Council's webmap so that information about the status of the access was clear and available to the public.<br><br>The Applicant notes in its response to CCC that a bollard is proposed to be placed to the east of the proposed access into the EFW CHP facility. It is implicit that this is intended as a measure to prevent New Bridge Lane from becoming a through-route by virtue of the opening of the level crossing. While it is noted that this is simply a re-location of the existing restriction some 100m eastward, it does change the point on the highway at which the restriction becomes practically effective. To make such a change would require a traffic regulation measure in the DCO; something that is not currently included. This will require rectification if the Applicant wishes to introduce a new restriction on motor vehicles, and further engagement with CCC is requested on this matter. CCC notes here that the issue was discussed with the Applicant on 13 April 2023, and the Applicant has indicated further engagement will be forthcoming.<br><br>Further, the introduction of this new bollard does have an impact on how users of the highway, not least the owners/occupiers of land, can take access to the eastern side of the level crossing. Effectively, the | |

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| | ability to access the eastern side of the level crossing is currently enshrined for all types of user *as of right* by the presence of public highway rights, with users able to take access to this section of New Bridge Lane via New Drove. The introduction of a bollard to the east of the EFW CHP facility entrance would remove this right for motorists because the draft DCO does not create an alternative route for a public vehicular access by re-introducing highway rights over the former level crossing (as noted above, access across the former level crossing is by NR's permission).<br><br>It follows that the public's *as of right* ability to use the (approx.) 100m of impacted highway with a motor vehicle is removed. CCC needs to be satisfied that the public right of access is not unreasonably diminished and that the affected landowners/occupiers are content with the effect that the proposed changes will have on their ability to access land in which they have an interest. Further engagement with the Applicant on this matter is requested. It is again noted here that CCC discussed this with the Applicant on 13 April 2023. | |
| **Level of Damage to the Highway**<br>**2.4.5** | Notwithstanding the Applicant opining that *"there should be little or no additional damage to the condition of the highway caused by the construction of the Proposed Development"*, the condition surveys (to the adopted and unadopted [FDC owned] highway) will be required to determine the level of damage caused by the extraordinary traffic. | The Applicant updated the Outline CTMP for Deadline 3 **(Outline CTMP [REP3-014])** to confirm that inspections of the adjoining highways will take place before, during and after construction with any works necessary to repair the highways implemented either by the Applicant or funded by the Applicant and implemented by the relevant highway authority.<br><br>The Applicant notes that the relevant highway authority has a mechanism to recover the cost of any 'extraordinary' damage to the highways that can be demonstrated to have been caused by the Proposed Development under section 59 of the Highways Act 1980. The Applicant does not accept that the EfW CHP Facility will generate any 'extraordinary' traffic during construction, |

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| | | operation and maintenance, or decommissioning. Nevertheless, it notes that there is an existing legal mechanism for recovery of expenses and does not propose to recreate this regime within the draft DCO. |
| **Highways Asset Management: Construction Phase Impacts on NMUs and local communities**<br>**2.4.6** | The Applicant's response has not sufficiently addressed CCC's concern about the protection of access for NMUs of New Bridge Lane during the construction phase. Details on how this will be done are not included within the Outline Construction Traffic Management Plan (CTMP) [REP1-011], and the draft CTMP itself (which has been shared with CCC directly by the Applicant) does not include sufficient reassurances.<br><br>CCC is engaging with the Applicant to seek amendments to the CTMP that would meet the requirements of the Council and the needs of NMUs affected by the proposed works. Until such time that the requested amendments are incorporated, CCC will not consider that its concerns have been satisfied.<br><br>The Outline Construction Environmental Management Plan (CEMP) [REP1-022] makes no reference to the impact that construction works will have on NMUs using New Bridge Lane, in terms of their status as visual and noise receptors. Any mitigation strategy should demonstrate consideration of NMUs that use New Bridge Lane and appropriate mitigation measures should be proposed where necessary.<br><br>Section 4.3 of the Outline CEMP, while providing details of the construction site fencing and hoarding, does not make any mention of how those measures may be used to mitigate the impact of construction on NMUs using New Bridge Lane. CCC requests further | The Applicant updated the **Outline CTMP [REP3-013]** and **Outline OTMP [REP3-025]** to respond to comments made previously by the Councils with regard to NMU usage along New Bridge Lane. The Outline CTMP now includes for the specific recognition of NMUs and for greater consideration of NMU safety, requiring the Applicant to maintain access along New Bridge Lane during construction providing it is safe to do so for example. It also includes for the screening of the main construction site with the materials to be used, height and appearance to be agreed with the relevant highway authority. A draft of the document submitted at Deadline 3 was shared with CCC and amended following comments received.<br><br>In particular, it now addresses the mitigations identified by CCC in Council's response to the **Applicant's Response to the CCC and FDC Local Impact Report [REP2-020**], namely that it:<br><br>• Recognises closures of PROW and linking local roads, especially New Bridge Lane, as a last resort;<br>• Requires agreement of any closures with the relevant highway authority;<br>• Requires agreement of alternative routes during any closures, including signage and location of signage; and,<br>• Includes for the preparation of a communications plan with key stakeholders (that has been designed in consultation with the Councils to ensure that appropriate stakeholders are included and that appropriate timescales are proposed for notifications and consultations). |

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| | information on the Applicant's intentions for this. The Council refers to its recommendations regarding additional mitigation that could be provided to offset the adverse impact of the development under its response to the Applicant's response to ExAQ1, LV 1.3-1.6 [REP2-019]. and in the Council's response to the Applicant's Response to the CCC and FDC Local Impact Report (Rev 1.0) [REP2-020] at 2.4.3. | It is hoped that the document now addresses CCCs concerns but the Applicant is willing to enter into further discussion with regard to any other reasonable measures which the Councils may consider appropriate. |
| **Highway Asset Management: Operational Phase Impacts 2.5.3** | The Applicant appears to be confusing comments made by CCC regarding the effect of traffic volumes and the appropriateness of network capacity with those associated with the damage to the network that operational traffic will cause.<br><br>It remains CCC's position that the future effects of operational traffic on the local highway network, specifically the ongoing damage that it will cause to the network, will need to be assessed and appropriate upgrading of the structural and surfacing courses of the roads undertaken to preclude this damage. Such works would be required to be funded by the Applicant. | The s278 Agreement will provide for the ongoing maintenance of New Bridge Lane following the completion of the Access Improvements by the Applicant. The Applicant notes that CCC has not provided any evidence as to why it is necessary, reasonable or proportionate for the Applicant to fund the upgrade of the wider highway network based on the traffic movements for the Proposed Development.<br><br>As stated above, the Applicant notes that the relevant highway authority has a mechanism to recover the cost of any 'extraordinary' damage to the highways that can be demonstrated to have been caused by the Proposed Development under section 59 of the Highways Act 1980. The Applicant does not accept that the EfW CHP Facility will generate any 'extraordinary' traffic during construction, operation and maintenance, or decommissioning. Nevertheless, it notes that there is an existing legal mechanism for recovery of expenses and does not propose to recreate this regime within the draft DCO. |
| **Highway Asset Management: Decommissioning Phase Impacts 2.6.2** | The Applicant makes reference to the provision of new/amended highway asset information and commuted sums to CCC via the Section 278 process, as well as the provision of a 12-month maintenance period. It is welcomed that the Applicant is committed to this and CCC anticipates further constructive engagement on this matter. | Noted. The Applicant has sent a draft a section 278 agreement to CCC for comment.<br><br>The Applicant sought to clarify the position regarding NMU access over the former level crossing in its response the Council's written representation, paragraph 5.10, within the **Applicant's comments on the Written Representations part 1 Statutory Parties [REP3-039]**). This stated that the rights as they currently |

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| | Should a permissive path agreement for NMUs over the level crossing, it will be important that provision is made for access to remain beyond the life of the development until such time as a decision is made on the reopening or otherwise of the railway line, in order to maintain this important NMU access for local communities. | exist will be maintained such that New Bridge Lane will continue to be an adopted highway either side of the area of Network Rail's ownership (the disused March to Wisbech Railway). The Applicant (or Network Rail) will continue to display signs, with the agreement of Network Rail, to explain to members of the public that the present situation is maintained, which is that there is no public right to pass and repass. The Applicant will however continue to liaise and negotiate with Network Rail regarding the grant of permissive rights to non-motorised users. |
| **Highway Development Management: Construction Phase Impacts 2.7** | It was agreed at ISH2 on 13th April 2023 to convene a meeting to review the proposed works. A meeting is to be held between Medworth CHP Ltd and CCC on 27th April 2023.<br><br>Heads of Terms for the S278 Agreement are currently being negotiated; requirements need to be reflected in protective provisions. | The Applicant can confirm that it met with CCC on 27 April 2023 to discuss revisions to its submitted designs for the Access Improvements. Following the meeting, the Applicant has agreed to revise the designs which will include for the signalisation of the Cromwell Road/New Bridge Lane junction. The revisions will require an increase to the Order limits to include additional highway land at the junction. The Applicant submitted notification of its intention to make a change request to the ExA on 16 May 2023. |
| **30mph speed limit proposal for New Bridge Lane 2.7.23** | The Applicant's proposal to reduce the speed limit on the area of New Bridge Lane affected by its works is welcomed. However, there are currently no clauses in the draft DCO which introduce the relevant traffic regulation measures to alter the speed limit. Including such measures in the draft DCO would provide clarity to the public over the Applicant's intentions and would circumvent the requirement to undertake a separate order-making process to alter the speed limit. Any requirement to complete separate order-making processes may impact on the timescales for delivery of other elements of the proposed works. | The **Draft DCO [REP3-007],** submitted at Deadline 3, includes at article 17(f) the express power to impose a 30 mile per hour speed limit over New Bridge Lane. |

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| **Forecast flows used to model the effects of construction and operational traffic 2.10.6** | CCC are not in dispute that the forecast flows as set out in ES Chapter 6 Traffic and Transport Appendix 6B Transport Assessment (Volume 6.4) [APP-073], referred to by the Applicant are agreed. However, the variance of flows across the hourly periods has not been considered in the above document. | The Applicant responded to these matters at 2.11.6 page 41, of the **Applicant's Response to the CCC and FDC Local Impact Report [REP2-020]**. |
| **Cromwell Road/New Bridge Lane Junction – Transport Assessment 2.10.7 and 2.10.8** | The Assessment Work and modelling carried out in ES Chapter 6 Traffic and Transport Appendix 6B Transport Assessment (Volume 6.4) [APP-073] referred to by the Applicant, does not adequately consider the safety issues that may arise as a result of the proposed volumes of HGVs turning across opposing traffic lanes. This concern, and that stated in the above response to 2.10.6, underpins CCC's request for the junction to be signalised in association with this proposal.<br><br>A meeting was held on the 13th April 2023 in which CCC's signals team gave their verbal comments on the design of the signalised junction. CCC's signals team explained to the Applicant that their proposed concept junction design relies on 'gap seeking' right turns.<br><br>Vehicles turning right are still required to cross the opposing lane, whilst southbound traffic on Cromwell Road is travelling through the junction. This design will not therefore alleviate the concerns of CCC in respect of the conflict caused by HGVs turning across opposing traffic lanes.<br><br>CCC have produced a design for a signalised junction which does not rely on 'gap seeking' right turns. That is to say that the southbound traffic on Cromwell Road is held at a red signal when vehicles are turning right into Newbridge Lane. This signalised junction | The Applicant can confirm that it met with CCC on 27 April 2023 to discuss revisions to its submitted designs for the Access Improvements. Following the meeting, the Applicant has agreed to revise the designs which will include for the signalisation of the Cromwell Road/New Bridge Lane junction. The revisions will require an increase to the Order limits to include additional public highway land at the junction. The Applicant submitted a Change Notification to the ExA on 16 May 2023 and intends to submit the Change Application no later than 5 June 2023. |

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| | design was prepared as part of the Wisbech Access Transport Study. A copy of this plan (ref: 5100905-SKA-HGN-CR2-DR-CH-0001-S1) is submitted as Appendix B to this document [**CLA.D3.OS.A.AB**], as requested by the Inspector at ISH2.<br><br>However, the implementation of this junction required land currently outside the current DCO boundary and thus cannot currently be secured as part of this DCO application. Further to the meeting held on 13th April 2023, the Applicant is looking to produce a satisfactory junction design which removes the conflict between right turning vehicles and the opposing traffic on Cromwell Road within the DCO land. This will be discussed in a further meeting on 27th April 2023. | |
| **Public rights of way: Construction and Operational Phase Impacts on NMUs and local communities**<br>**2.16 and 2.17** | CCC has engaged directly with the applicant regarding the impact of its proposed works on the PROWs, Wisbech Byway 21 and Elm Byway 6. These two PROW adjoin the A47 at opposite sides of the carriageway, and therefore in order to continue from one PROW onto the other it is essential to cross the A47. It is noted that the draft DCO boundary does not include any part of these two PROW, however, the proposed linear construction works in the A47 corridor would indirectly affect these two PROW by creating a temporary severance in the ability to cross from one to the other.<br><br>The works on the A47 are therefore inseparable from the two PROW, and yet no indication of this is present in the draft DCO. CCC welcomes the ongoing engagement with the Applicant regarding this matter and is seeking to agree amendments to the CTMP and OTMP to ensure the impact on these PROW is suitably mitigated. Further work is required in order | CCCs recognition that the Proposed Development does not include for the crossing of any PRoWs is welcomed.<br><br>The Applicant updated the **Outline CTMP [REP3-013]** for Deadline 3 to provide greater recognition that the Grid Connection within the verge of the A47 will cross between the Wisbech Byway 21 and Elm Byway 6. New paragraph 7.2.5 sets out the measures which the Applicant will take to ensure that access will be retained across the A47 verge at all times also recognising the need to close the route for 1-2 evenings in order to excavate the trench for the Grid Connection cable. The Applicant commits to providing a programme for the undertaking of all works requiring temporary closure of any highway (including any that have a direct impact on an adjoining NMU route or public right of way) that shall contain the timings for undertaking works in the locations referred to above will be first submitted to and agreed with the relevant highway authority. A communications plan will also be developed in consultation with the relevant highway authorities and local authorities. |

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| | for the Council to be satisfied that adequate protective provisions are in place.<br><br>With respect to NMU access along New Bridge Lane, the Council appreciates that this is an unclassified road rather than a PROW, but the context is that Wisbech and the surrounding fenland area have very poor provision of PROW due to their historic nature, and so local roads can provide important connectivity for NMUs where no other facilities exist. This access therefore needs to be seen within the broader policy framework envisaged by NPPF para 100, the Defra 25 year Environment Plan, the ROWIP and the Joint Health & Wellbeing Integrated Care Strategy, working together. As noted in the Council's response to the Applicant's response to ExAQ1 LV 1.3-1.6, the Council welcomes the proposed measures to improve the environment along New Bridge Lane during the operational phase as set out at 2.17.4, p48 of the Applicant's response, but considers that such measures will not be able to completely mitigate the adverse impact of the development on NMUs and the local community.<br><br>The Outline Operational Traffic Management Plan (OTMP) [REP1-025] does not address the impact that operational traffic will have on NMUs using New Bridge Lane, post-construction. In particular, the section of New Bridge Lane that is to the east of the former level crossing, would, under the Applicant's design (shown in the Figures section of the Outline CTMP [REP1-011]), result in a narrow rural lane that is quietly trafficked becoming a ~7m wide carriageway with a 2m footway alongside it. All green verges in this section appear to be removed. The physical nature of this part of the road will be transformed and it will be opened to use by HGVs. | It is noted that the Councils welcome the proposed measures to improve the environment along New Bridge Lane during the operational phase (see Impacts on NMUs and Local Communities LV1.3-1.6 above). Measures to ensure the safety of NMUs have been enhanced within the **Outline OTMP [REP3-025]** was amended and submitted at Deadline 3 in response to comments received from CCC. This document now includes for additional signage to be placed along the highway, confirming that the current access position will be maintained, namely that there is no formal permissive right of access across the Disused March to Wisbech Railway. The Outline OTMP also provides for the provision of a crossing point at the EfW CHP Site entrance off New Bridge Lane. Regular communication with the liaison group |

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| | NMUs will be corralled from a quiet rural road with spacious verges onto a 2m footway running adjacent to an HGV route, with no apparent off-carriageway provision for cycles. Consideration of equestrian users is absent.<br><br>A signage strategy for NMU traffic is also absent. This is of particular concern in relation to the former level crossing, where it is important that NMUs are not given any impression that the works have diminished their ability to pass and repass. CCC requests that it is consulted on the wording of any signage in this location to ensure that NMUs are not discouraged from using the route. Further to this, rather than relying upon private agreements with Network Rail, it would be preferable if a public permissive agreement for access across the level crossing were reached. This would provide reassurance to the Council and to public users that the ability to use the route has not been diminished. The Council requires involvement in the making of such an agreement. The Council refers to its additional comments regarding the access over the level crossing at 2.4.6 above.<br><br>Further, the Council notes that there will also be wider visual landscape impacts affecting recreational users of a number of existing PROW and local roads broadly south and west of the development. Therefore, the Council seeks additional mitigation, as set out in its response to the Applicant's response to the ExAQ1 LV 1.3-1.6. There is scope for such mitigation to help meet the problem of insufficient BNG provision through a solution that involves the provision of appropriate habitat which includes public access provision within the vicinity of the development and local community affected. The Outline Landscape and Ecology Management Plan | will also be used to report any potential issues and identify, agree and implement any additional mitigation or management measures.<br><br>It should be noted that the Council's own plans for New Bridge Lane as set out in the Wisbech Access Strategy, together with its proposals to develop the fields to the south of New Bridge Lane for employment uses would change the existing character of the highway.<br><br>The Applicant would be willing to discuss opportunities to deliver BNG with public access within the vicinity of the Proposed Development but it is aware of FDC's plans to allocate land between the A47 and the EfW CHP Facility for employment uses and that as such the opportunity to undertake BNG close to the Proposed Development Site could be limited. For example, there is land that is in the control of FDC that could be used for BNG but it is allocated for employment in the draft Local Plan. The Applicant has identified this land for temporary possession, required to accommodate the Temporary Construction Compound (TCC) during the construction of the EfW CHP Facility.<br><br>The Applicant has met with the Councils to discuss opportunities for BNG throughout the development of the Application, and subsequently, during the examination. It has enquired as to whether there are local opportunities to deliver BNG but no opportunities are available at present. The Applicant's last meeting on 31st March 2023 resulted in amendments to the BNG Strategy (**Appendix 11M Biodiversity Net Gain Assessment Rev3 [REP3-017]**) which responds to the matters which were discussed.<br><br>The Applicant's **Community Benefits Strategy [APP-105]** sets out its commitment to work with local communities to identify and deliver a range of benefits which could include the establishment of a community fund, enhancement of public amenity to improve |

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| | [APP-098] should be amended to reflect the adverse impact on recreational use of PROWs and local communities within the wider landscape, and should propose appropriate mitigation. The Council would welcome engagement with the Applicant to discuss this further. | wellbeing and support for local initiatives such as Active Fenland's Wellbeing walks for example. Monies could therefore be made available to promote improved NMU connectivity with a view to improving health and wellbeing. |
| **NOISE AND VIBRATION, P.53-58** | | |
| **NMUs and local communities General** | The Council refers to its comments on the Applicant's response to ExAQ1 LV 1.3-1.6. | The Applicant's comments are similarly provided in response to ExA Q1 LV 1.3-1.6 above. |
| **Calculations of mitigation outcomes 3.3.5 and 3.4.5** | If the Applicant deems it too onerous to provide calculations to demonstrate the effectiveness of mitigation measures to every receptor, the Councils request that justification is provided to demonstrate the chosen locations are representative should a selected location be chosen. The Councils would also request that a review of these locations would be required should complaints be received. | The Applicant agrees that justification for choosing representative receptors will be provided to the Councils and where validated complaints are received, a review of locations where mitigation is provided will be undertaken. The **Outline CNVMP in the Outline CEMP [REP3-022]** and **Outline ONMP [REP1-013]** will be updated at Deadline 4 to include this commitment. |
| **AIR QUALITY, P.59-64** | | |
| **Low Emissions Strategy 4.2.3 and 4.2.4** | The Applicant's response states that a Low Emission Strategy is not required because none of the adverse effects would be significant. However, the relevant clause of Policy LP34, Air Quality, is to have "*an adverse effect on the air quality factors that led to the affected AQMA being designated*" and does not require the adverse effect to be significant. The ambition of any Low Emission Strategy would however need to be proportionate to the scale of the impacts. | A Low Emission Strategy is not considered to be required as emissions will be managed and monitored as agreed through the Environmental Permitting process. All EfW facilities in England require an Environmental Permit (EP) from the Environment Agency (EA) to operate. The EP application has been submitted and the Applicant has been informed by the Environment Agency that it was duly made on 23 March 2023. The EP will set the emission limits for the facility and requires an operator to continuously monitor the emissions and submit results to the EA. |

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| **Local Air Quality Monitoring Strategy**<br>**4.4.3** | Noted – the Councils will continue to work with the Applicant to agree the Local Air Quality Monitoring Strategy as it develops. | Noted. |
| **Odour mitigation**<br>**4.4.6** | The additional mitigation that would be required during any periods of abnormal operations, identified by CCC as not listed in the *"environmental measures to be implemented in the ES"*, refers to either carbon filters or biofilters to address potential odour issues when it is not possible to extract air via the combustion stack. This is not addressed in the Applicant's response. | As detailed in the Outline Odour Management Plan [REP1-021], "*during full shutdown negative pressure is maintained by the operation of the shutdown fan (subject to detailed design) which is equipped with a dust and activated carbon filter system to remove odorous compounds*." |
| **BIODIVERSITY, P.98-122** | | |
| **Construction Phase Impacts – Negative: Priority habitat – Open Mosaic Habitat**<br>**7.3.5** | The Councils disagree. At the meeting with the Host Authorities on 16/11/2022, the Applicant stated that the habitat did not meet Open Mosaic Habitat and they would submit information to the ExA to address this point, but this has not been achieved.<br><br>The Councils seek further information to address this point, as set out in the Councils response to Applicant's Comments on the Relevant Representations [REP2-031]. | The Applicant has provided further information in its **Comments on Deadline 2 submissions [REP3-042]** in response ID CC30 page 22-23. |
| **Construction Phase Impacts – Negative: Water Vole**<br>**7.3.13** | The Applicant's position regarding the absence of water vole from ditch D8 is contrary to the assessment contained in the Environmental Statement [APP-038], where paragraph 11.5.61 states the evidence is inconclusive and that *"occasional potential borrows of a size/shape that could be attributed to water vole or brown rat but there was no evidence indicative of use by either species"*. | Mitigation measures to protect water vole would be followed as set out in the **Outline Construction Environmental Management Plan Rev 3 REP3-023]** and **Appendix D Outline Ecological Mitigation Strategy**, which includes pre-works survey to identify if any water vole burrows or field signs are present prior to any works commencing, and would be secured by Requirement 10 of the **Draft DCO (Volume 3.1) [REP3-007].** |

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| | This is based on the findings of the Water Vole Survey report [APP-083].<br><br>Unless the Applicant can provide further evidence (additional surveys) to demonstrate water vole are no longer present on D8, the precautionary principle should be used. It must be assumed that water vole are present on ditch D8 and adequate mitigation for loss of habitat be implemented. | **Appendix 11M Biodiversity Net Gain Assessment Rev3 [REP3-017]** was updated for Deadline 3 to set out the Applicant's outline strategy for BNG which will offset any losses by providing a minimum of 10% gain in ditch habitat, which would be secured by Requirement 6 of the **Draft DCO [REP3-007].**<br><br>The **Outline Landscape and Ecology Management Plan Rev 2 [REP3-021]** was updated for Deadline 3 to provide greater clarity on habitat provisions within the EfW CHP Facility Site for water voles which would be secured by Requirement 5 of the **Draft DCO [REP3-007].**<br><br>The Applicant is in the process of discussing the feasibility of enhancing on-site ditch habitat for water voles with the Middle Level Commissioners. |
| **CLIMATE CHANGE, P.137-157** | | |
| **Policy context 9.2.1** | The Councils disagree with the Applicant's assertion that the Proposed Development has lower GHG emissions relative to the baseline position. | Please see previous responses to comments, provided at **Section 10: Climate Change** of **Applicant's Response to the CCC and FDC Local Impact Report [REP2-020].** |
| **UK Carbon Budgets 9.2.2** | When assessing the contribution of any GHG emissions towards the UK's carbon budgets, actual (gross) GHG emissions should be counted, not net emissions relative to an alternative scenario. | Please see previous responses to comments, provided at **Section 10: Climate Change** of **Applicant's Response to the CCC and FDC Local Impact Report [REP2-020].** |
| **EfW GHG 9.2.3** | EfW is not always lower GHG than landfill – this depends on the composition of the waste. | As noted in paragraph 9.4.9 in **Section 10** of **Applicant's Response to the CCC and FDC Local Impact Report [REP2-020]** the Applicant acknowledges that variation in the composition of waste affects the estimation of GHG emissions associated with EfW and landfill, and identifies that UK Government Policy[1,2] for |

[1] HM Government (2018). England's National Waste Strategy. OUR WASTE, OUR RESOURCES: A STRATEGY FOR ENGLAND
[2] HM Government (2018). A Green Future: Our 25 Year Plan to Improve the Environment.

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| | | recycling targets and reductions in both food and plastics in residual waste has formed the basis for the waste composition scenarios presented in the sensitivity analysis (ES Chapter 14 Climate **Appendix 14C [APP-088]**). This is discussed further in the response below: **Waste composition 9.4.4 objection 1, and 9.4.6, 9.4.7, 9.4.8, 9.4.9 and 9.4.10.** |
| **Construction phase GHG emissions 9.2.4** | The Applicant's response has not addressed the second part of this paragraph, regarding checks, prior to construction, that the final design either matches or improves on the bill of materials used for estimating emissions from construction. | Based on the design information available for the EfW CHP Facility at ES stage, the estimate of embodied GHG emissions for construction materials in **Section 14.9 of ES Chapter 14 Climate Change [APP-041]** is a reasonable approach for determining the scale of construction stage emissions for the ES. The exact bill of materials required to construct the Proposed Development is not available at this stage in the design process, the assessment was based on assumptions on materials required as detailed in **Section 14.8** and **14.9**, and **Appendix 14B Assumptions and Limitations (Volume 6.4) [APP-088]**. Paragraph 9.3.4 in **Section 10** of **Applicant's Response to the CCC and FDC Local Impact Report [REP2-020]**, confirms the measures the Applicant will implement to reduce GHG emissions during construction, including 'Design with a Low Carbon Approach in Mind', where designers must take a fully integrated Life Cycle Assessment (LCA) approach to all design decisions. The EfW CHP Facility is to be BREEAM accredited which weighs highly on sustainability: aim for 'excellent' for the administrative building and the rest of the EfW CHP Facility will achieve a 'very good' score (see **Section 3.4.78, ES Chapter 3 Description of the Proposed Development [APP-030]**). |
| **Waste composition 9.4.4 objection 1, and 9.4.6, 9.4.7, 9.4.8, 9.4.9 and 9.4.10** | The Councils note that the Applicant acknowledges that the composition of waste is unknown and variable, and that variation in residual waste composition affects the estimation of GHG emissions associated with EfW and LFG processes. | The sensitivity analysis of waste composition and GHG emissions in the **ES Chapter 14 Climate Appendix 14C [APP-088]**) considers scenarios where recyclable materials in waste are reduced in-line with UK Government targets and policies.<br><br>The scenario presented in the sensitivity analysis, where both food and plastics are reduced by the same percentage (90%), is |

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| | The Applicant's response has not addressed the Councils' point in 9.4.8 that the Applicant's sensitivity analysis, by simultaneously reducing both food and plastics by the same percentage, has failed to consider the separate impacts of reducing *either* the biogenic carbon content *or* the fossil carbon content.<br><br>The Council maintains that the degree of uncertainty in this matter is such that the claimed benefits cannot be properly relied on. | considered appropriate as this takes into account policies in the National Waste Strategy for England[3] that highlight measures proposed to achieve reductions of both food and plastics in residual waste (such as ensuring that every householder and appropriate businesses have a weekly separate food waste collection, and eliminating avoidable plastic waste over the lifetime of the 25 Year Environment Plan[4]). The scenario has assumed that measures to reduce food (a biogenic carbon source) and plastics (a fossil carbon source) are of equal relevance and are not mutually exclusive.<br><br>As noted in the latest version of the **Waste Fuel Availability Assessment (Clean) - Revision: 2.0 [REP2-009],** there is uncertainty whether the existing UK Government target of achieving 65% municipal waste recycling by 2030 will be achieved. Given the level of uncertainty regarding the extent of recycling in the future and composition of residual waste it is considered that the sensitivity analysis provides a reasonable indication of the broad direction and scale of emissions, in-line with the UK Government's targets and policies.<br><br>However, in response to CCC's comments regarding waste composition for Issue Specific Hearing 4 (17 May 2023) and the ExA's related Action Point 7 ("*Submission of full sensitivity analysis for alternative scenarios to those provided in Appendix 14C of [APP-088] or signposting to existing submissions containing this information. At present in the sensitivity analysis both cases reduce plastics and food waste content and Cambridgeshire County Council wish to see these represented separately*"), for Deadline 5 the Applicant will provide further sensitivity analysis where reductions in food and plastics are considered as separate scenarios, rather than in combination. The Applicant is in the process of arranging to meet with CCC to discuss this matter. |

[3] HM Government (2018). England's National Waste Strategy. OUR WASTE, OUR RESOURCES: A STRATEGY FOR ENGLAND.
[4] HM Government (2018). A Green Future: Our 25 Year Plan to Improve the Environment.

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| **Avoided emissions from electricity generation 9.4.4 objection 2, and 9.4.13, 9.4.14, 9.4.15 and 9.4.16** | The gradual decarbonisation of the UK electricity grid over time, should have been considered as the core (most likely) case, and not just as a sensitivity analysis.<br>The Applicant's Technical Note (TNCC01) [REP1-036] therefore provides a much more realistic scenario of the GHG emissions than the Applicant's original Environmental Statement. This Technical Note shows a difference of only 414 $ktCO_2e$ over the 40-year lifetime, and a benefit nearly ten times smaller than originally claimed. This equates to an average of only 10 $ktCO_2e$ per year. This very small difference is far less than the value of the uncertainty in emissions due to variable waste composition. In the opinion of the Councils, the benefit claimed by the Applicant therefore cannot be relied on. | Please see the Applicant's previous response to comments at paragraph 9.4.4, Objection 2 in **Section 10** of **Applicant's Response to the CCC and FDC Local Impact Report [REP2-020].** |
| **Baseline 'without development' scenario 9.4.4 objection 3, and 9.4.17 and 9.4.18** | The Applicant's response does not change the fact that one cannot be certain what would happen to the waste if the development did not proceed, for the entire 40 years lifetime.<br><br>The Applicant's response acknowledges that variation in waste composition affects GHG emissions, but has not acknowledged that there are also other factors that could change the GHG emissions from the alternative landfill scenario – such as the proportion of gas captured and flared. | As described in **Section 14.9 of ES Chapter 14 Climate Change) [APP-041]**, the evaluation of GHG emissions for the landfill scenario is based on established Defra guidance on landfill methane emissions modelling for a UK scenario[5]. The ES has already adopted a conservative approach with respect to GHG emissions for baseline scenario, as the assessment assumes a high landfill gas (LFG) capture rate of 68% identified for large modern landfills in the Defra guidance (i.e., the greater the LFG capture rate the less methane is released to the atmosphere). The Defra guidance identifies that the presumed LFG collection efficiency for UK landfills is actually lower than that used in the ES, at 52%. If this lower value had been used in the ES, then the GHG emissions attributable to the alternative landfill scenario would be greater than the current estimate, as more of the methane in the LFG would be released to the atmosphere. |

[5] Defra (2014). Review of Landfill Methane Emissions Modelling (WR1908).

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| | | In response to CCC's comments regarding waste composition for Issue Specific Hearing 4 (17 May 2023) and the ExA's related Action Point 7 ("*Submission of full sensitivity analysis for alternative scenarios to those provided in Appendix 14C of [APP-088] or signposting to existing submissions containing this information. At present in the sensitivity analysis both cases reduce plastics and food waste content and Cambridgeshire County Council wish to see these represented separately*"), for Deadline 5 the Applicant will provide further sensitivity analysis with plastic and food waste considered separately. |
| **Carbon capture and storage (CCS)**<br>**9.4.4 objection 4, and 9.4.19 and 9.4.20 and 9.4.24** | The Councils maintain that the Proposed Development will lead to a very large quantity of GHG emissions released to the atmosphere, irrespective of what might happen without the development, and that the only way that a EfW plant could be compatible with net zero emissions is to install and operate CCS from day one of operation. | See paragraph 9.4.4, Objection 4, 9.4.19, 9.4.20 and 9.4.24 in **Section 10** of **Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020]**, which address the Applicant's approach for implementation of CCS. |
| **Significance of GHG emissions**<br>**9.4.22 and 9.4.23** | The Councils strongly disagree with the Applicant's assertion from their Environmental Statement Chapter 14 [APP-041] that the Proposed Development would result in a net decrease in GHG emissions of 2,571 kt $CO_2e$ over its lifetime. As discussed above in response to comments on avoided emissions to electricity generation, and acknowledged by the Applicant in their Technical Note [REP1-036], the difference between the two scenarios is much more likely to be nearer to the much smaller 414 kt $CO_2e$ over the 40 years.<br><br>In any case, the total GHG emissions is highly uncertain, but likely to be very large, estimated by the Applicant to be around 11 million tonnes CO2e in total. This cannot be regarded as beneficial. | See paragraph 9.4.22 and 9.4.23 in **Section 10** of **Applicant's Response to the CCC and FDC Local Impact Report [REP2-020]**, which address the issues raised regarding the significance of GHG emissions. |

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| **HEALTH, P.162-167** | | |
| **Operating Hours 11.3.7** | The Applicant's response has not addressed the question - *"What are the health impacts of operating 07.00-20.00?"*. The response given focuses on receiving waste outside normal operating hours, whereas the gap identified in the Health Impact Assessment [APP-043] is to consider health impacts *within* normal operating hours. | CCC originally set out a comment at 11.3.7 in their LIR rather than a question – "*The proposed operating hours of the plant of 07.00 to 20.00 are long and may generate Mental Health impacts on local residents. The hours of operation have not been assessed as a health impact and consideration of this should have been included in the application*.".<br><br>The previous responses made by the Applicant in **Applicant's Comments on the Relevant Representations – Part 1 Local Authorities and 3(a) Statutory Parties (Volume 9.2) [REP1-028]** (page 63) and **Applicant's Response to the CCC and FDC Local Impact Report [REP2-020]** made the point that potential impacts on health had been considered in the context of the EfW CHP Facility being operational 24 hours and not just during the normal operating hours when waste would be accepted (i.e. consideration had been given to potential impacts associated with normal operating hours and any impacts outside of those hours). The responses did not therefore just focus on impacts outside of normal operating hours. It is acknowledged that the previous responses did not explicitly refer to impacts on mental health, but this was implicit as **ES Chapter 16 Health [APP-043]** considered the potential for impacts on both physical and mental health. It is also noted that the comment at 11.3.7 refers to 'mental health' in the first sentence but the second sentence refers to 'health impacts' which is assumed to refer to both mental and physical health. As set out in the previous responses, the Applicant did not identify any health impacts (including mental health impacts) associated with the operation of the EfW CHP Facility.<br><br>This position was reaffirmed by the UKHSA who note within its relevant representation **[RR-023]** that it is satisfied that the Proposed Development would not result in any significant adverse impact on public health. |

| Topic/Para | Representation | Applicant Comment |
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| **WASTE POLICY MATTERS, P.170-186** | | |
| **Policy Context 13.2.1** | The Councils disagree with the Applicant's statement that CPMWLP Policy 19, restoration, and aftercare is not relevant to the Proposed Development. As set out in the Policy, it is relevant to time-limited waste management proposes. The Councils note that the Applicant stated at ISH2 that a draft outline decommissioning plan, which indicates that there is an intension that at the end of the life of the facility it will be safely decommissioned. CPMWLP Policy 19 is the relevant policy to determine if the proposed decommissioning meets local policy. | An **Outline Decommissioning Plan (Volume 12.4)** has been submitted at Deadline 4. |
| **Operational Phase Impacts 13.4.3 (Para 1)** | The Applicant's response misinterprets how capacity was calculated for the CPMWLP (Policy 3) and tries to imply that there are 330,000 tonnes of available residual waste; which as set out in Table 4.4 of the Waste Fuel Availability Assessment (WFAA) [REP2-010] has for all of Cambridgeshire been assessed to be in the region of 220,000 tonnes. The Waterbeach Waste Management Park is controlled under several waste management permits, one for each of the different activities undertaken, as such, the management at the different levels of the waste hierarchy are separately recorded. Any suitable material arising from the Waterbeach processes is already identified within the Table 4.4 of the WFAA. | The updated **WFAA [REP2-009]** submitted at Deadline 2 demonstrates that in 2021, over 220,000 tonnes of 'in scope' household and commercial waste was disposed of to landfill in Cambridgeshire alone. Furthermore, it is noted the capacity assessment which underpins the Cambridgeshire Waste Local Plan relies on all 200,000 tonnes per annum capacity of the Waterbeach MBT facility as final disposal capacity. This is simply not the case as a significant proportion of the 200,000 tonnes throughput of this facility emerges from the plant as refuse derived fuel. This must then either be sent for recovery or disposed of in landfill. Rather, it is considered a conservative assumption of 50% of MBT input emerges from the plant as refuse derived fuel. With these two points in mind, it is considered that over 320,000 tonnes per annum of residual waste from Cambridgeshire alone could be accommodated by the Proposed Development. This would fully accord with the principles of net self-sufficiency and proximity. The available capacity set out in CPMWLP (Policy 3) is based upon the Cambridgeshire Waste Needs Assessment (November 2019), which in Table 11 '*Estimated existing non-hazardous waste management capacity (million tonnes per annum')*, appears to rely on all of the MBT capacity offered by Waterbeach, and not make any allowance for the fact that a significant |

| Topic/Para | Representation | Applicant Comment |
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| | | proportion of the MBT throughput end up as RDF requiring further management. |
| **Operational Phase Impacts 13.4.3 (Para 2)** | As per previous comments, the PGEL consent is, beyond the requirements set out in the Order, not technology-specific; and those requirements do not specify it must use Advanced Combustion Technology. | Noted. |
| **Operational Phase Impacts 13.4.3 (Para 3)** | The Applicant has only identified 220,000 tonnes of available fuel from the Cambridgeshire and Peterborough Areas in the WFAA. By sourcing waste from further afield, it will undermine any proposals in those areas for more localised recovery facilities, as the waste will not be available. | The **WFAA [REP2-009]** has assessed both the local requirement for the EfW CHP Facility as well as the national need. This has concluded that there is insufficient residual waste management capacity available to ensure that non-recyclable waste can be managed as far up the waste hierarchy as possible (i.e., diverted from landfill) and in a manner which complies with the proximity principle (i.e., treating waste as close as possible to its point of arising).<br><br>More specifically, the updated **WFAA [REP2-009]** submitted at Deadline 2 demonstrates that in 2021, over 220,000 tonnes of 'in scope' household and commercial waste was disposed of to landfill in Cambridgeshire alone. Furthermore, it is noted the capacity assessment which underpins the Cambridgeshire Waste Local Plan relies on all 200,000 tonnes per annum capacity of the Waterbeach MBT facility as final disposal capacity. The Applicant notes that this is misleading as a significant proportion of the 200,000 tonnes throughput of this facility emerges from the plant as refuse derived fuel. This must then either be sent for recovery or disposed of in landfill. Rather, it is considered a conservative assumption of 50% of MBT input emerges from the plant as refuse derived fuel. With these two points in mind, it is considered that over 320,000 tonnes per annum of residual waste from Cambridgeshire alone could be accommodated by the Proposed Development. This would fully accord with the principles of net self-sufficiency and proximity. |

| Topic/Para | Representation | Applicant Comment |
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| | | The remainder could also readily be sourced from neighbouring Waste Planning Authorities such as Norfolk and Hertfordshire without compromising the deliverability of their respective Waste Local Plans. As the updated **WFAA [REP2-009]** submitted at Deadline 2 sets out, despite earlier studies underpinning their Waste Local Plans noting significant shortfalls in HIC capacity, more recent studies in Norfolk and Hertfordshire are concluding no shortfalls in capacity – this is despite no new HIC treatment capacity coming on stream in these WPA's, and exportation of approximately 876,000 tonnes of HIC waste each year to other WPAs. In this regard, whilst the emerging Local Plans in these neighbouring areas are failing to recognise any need for additional HIC disposal capacity, the data does not reflect this. It is therefore concluded that the Proposed Development could meet a localised need for capacity (in compliance with the proximity principle) whilst not compromising the deliverability of the areas' Waste Local Plans. |
| **Operational Phase Impacts 13.4.3 (Para 4)** | The available data only provides a picture of events of what has happened, and cannot be assumed, without additional information, to reflect future trends. In the case of Hertfordshire there has in recent years been a dispute between CCC and the operator appointed to manage Hertfordshire's municipal waste. It is the Councils' understanding that this dispute has been resolved and that there will be a change in the pattern of waste movements in that area soon. The tonnage identified as being available from Hertfordshire in Table 4.4 of the WFAA is 209,000 tonnes.<br><br>The tonnage identified as being potentially available from Norfolk in Table 4.4 of the WFAA is 40,000 tonnes. If all this material, which is unlikely, was to be managed at the facility it would account for less than 7% of the facilities required fuel. | The **WFAA [REP2-009]** has sought to reflect predicted future trends in waste management needs by reflecting the requirements of Waste Local Plans in the Study Area. These plans have been the subject of public examination and seek to reflect future requirements – taking account of population change and the need to achieve progressively increasing waste reduction and recycling targets.<br><br>In addition to this, the **WFAA [REP2-009]** submitted at Deadline 2 considers the need for the Proposed Development in the context of how much residual waste will require management in the future. In other words, the achievement of national targets for the recycling and reuse of waste have already been taken into account when considering how much residual waste is likely to require management in the future. In particular, the updated **WFAA [REP2-009]** reflects a municipal recycling rate of 55-60%, future baseline levels of HIC residual waste are estimated to be between 21.0 and 24.5 million tonnes by 2030 – thereby resulting |

| Topic/Para | Representation | Applicant Comment |
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| | | in a shortfall of capacity of between 1.6 and 5.1 million tonnes per annum. The adoption of these recycling scenarios also sits well with the provisions of the recently published Environmental Improvement Plan (EIP) 2023, which seeks the total mass of residual waste not exceeding 25.5 million tonnes by the beginning of 2028. As such, even if residual waste reduction targets are achieved, it is concluded that there remains a minimum national capacity shortfall of 1.6 million tonnes.<br><br>In the context of the Proposed Development accepting available residual waste from Hertfordshire, the Applicant is unaware of any anticipated changes in waste movements that are to take effect shortly. Instead, the Applicant notes that the recently produced Waste Needs Assessment for the Hertfordshire Mineral and Waste Local Plan 2040 (June 2022), sets out, at Table 20, that up to the period 2004, there is **no planned** non-hazardous landfill capacity in Hertfordshire. However, at Table 21, the assessment notes that there will be a need to send up to 280,000 tonnes of residual non-hazardous waste to landfill in 2025 (falling to approximately 100,000 tonnes per annum by 2035). This supports the Applicant's assumption that looking ahead, Hertfordshire will continue to place a significant reliance on landfill as a means of disposing its residual waste. |
| **Operational Phase Impacts 13.4.6** | See the Council's response to 13.4.3 (Para 2) above.<br><br>Owing to the way PGEL consent was granted, significant changes can be made to the permission through applications to vary the conditions of the permission without the requirement for a new planning application. | Noted. However, there is no evidence to suggest that the consented PGEL facility will be constructed, nor any amendments made to it. Indeed, the site is presently on the market. |
| **Operational Phase Impacts 13.4.8** | The response does not address a scenario where there may be insufficient residual fuel for the facility, either because there is a lack of waste, or because the facility cannot commercially source the waste. | An updated version of the WFAA was produced at Deadline 2 – see **WFAA [REP2-009].** This provides a clear and robust case of need – and one which is based upon a range of up to date, publicly available, credible and rigorously examined data sources, |

| Topic/Para | Representation | Applicant Comment |
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| | Given that this facility is being promoted as a power plant fuelled by waste, the minimum amount of waste to produce a steady supply of energy is an important consideration to ensure that the facility can deliver the level of power that makes the facility a Nationally Significant Infrastructure Project. | including new EfW capacity that may come on stream, such as that proposed at Boston. The WFAA has continued to conclude that there is insufficient residual waste management capacity available to ensure that non-recyclable waste can be managed as far up the waste hierarchy as possible (i.e., diverted from landfill) and in a manner which complies with the proximity principle (i.e., treating waste as close as possible to its point of arising). The updated **WFAA [REP2-009]** therefore continues to demonstrate that there is a need for a EfW CHP Facility of 625,600 tonnes per annum handling residual waste; that is waste which remains following the removal of recyclable and reusable waste from the waste stream. The Proposed Development is in accordance with the waste hierarchy in that it would divert residual waste from landfill and to a facility which is designed to extract energy from it. |
| **Operational Phase Impacts 13.4.11** | See the Councils' response to 13.4.3 (Para 1) above. The 330,000 figure does not appear in the WFAA (v1 or v2). The figure cited in Table 4.4 for Cambridgeshire is 220,090. | Table 4.4 of the updated **WFAA [REP2-009]** notes that there in 2021, 220,090 tonnes of 'in-scope' household, industrial and commercial (HIC) waste was disposed of to landfill in Cambridgeshire. The Applicant's response to **Waste Provision Sustainability 10.1 in Applicant's comments on the Written Representations Part 1 Statutory Parties,** further noted that it was likely that an additional approximately 100,000 tonnes of residual waste emerged from the county's Waterbeach MBT facility. As it is likely that this 100,000 is managed as refuse derived fuel at another EfW facility (out of county), it is considered that the Proposed Development would provide a more proximate means of waste management not only for the in-scope waste sent to landfill in Cambridgeshire, but also the refuse derived fuel emanating from the Waterbeach MBT facility i.e. approximately 320,000 tonnes in total (220,000 tonnes of landfilled material + 100,000 tonnes of refuse derived fuel from Waterbeach). The Applicant acknowledges the typographical error in the WFAA and confirms that this will be corrected in a further revised WFAA to be submitted at Deadline 5; this is a typographical error only and its correction does not impact the calculations underpinning the WFAA. |

| Topic/Para | Representation | Applicant Comment |
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| **Operational Phase Impacts 13.4.14** | In the WFAA v1 the figures for Essex did not include Southend on Sea and Thurrock. They are included in WFAA v2. | Noted and agreed. |
| **Operational Phase Impacts 13.4.19** | This facility is being promoted as a Nationally Significant Infrastructure Project for renewable energy. The need from the facility derives from ensuring that there is adequate fuel for the facility. Any benefit in terms of waste management capacity should be considered a benefit of the development, but not a justification for its existence. If it were to be promoted as a waste management facility, it should be promoted as such through the regular planning process. | Section 15 of the Planning Act 2008 establishes the NSIP threshold for a generating station. It states that a generating station that is in England, that does not generate electricity from wind, that is not offshore and that has a capacity of over 50MW would fall to be considered under section 14, i.e. it is a nationally significant infrastructure project.<br><br>With an installed generating capacity of 60MW the Proposed Development is an NSIP and the Applicant has sought consent under the Planning Act 2008. |
| **Operational Phase Impacts 13.4.20** | To address the topic of the proximity principle, prior to the ISH2 hearing on 11 April 2023, the Council proposed a requirement by email to the Applicant. The wording of the proposed requirement is below. Please note, this is a suggested draft prepared by the Council for the Applicant's consideration, and it may be subject to further discussions and modification. The ExA will be informed of any progress in relation to this matter.<br><br>*Suggested approach to Schedule 2 - Additional Requirement Requested (Priority for the management of local waste and wider catchment restriction)*<br><br>*At least 20% of the waste imported to the facility shall be originate from within a 75km radius of the facility as the crow files. The origin of this waste must be within this area. Waste received at a transfer station from outside this area before being sent to the facility, is not conserved to have originated this area.* | The Applicant confirms that it is in discussions with CCC regarding the drafting of a further requirement in relation to the area from which waste may be sent to the EfW CHP Facility. The Applicant is confident that the drafting can be agreed and anticipates that the requirement will be included in the next revision of the draft DCO. |

| Topic/Para | Representation | Applicant Comment |
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| | *Not less than 90% of the waste imported to the Facility per annum shall originate from a catchment area which shall comprise of Cambridgeshire, Peterborough, Milton Keynes, Leicestershire, Essex, Central Bedford, North Northamptonshire, West Northamptonshire, Luton, Norfolk, Rutland, Leicester City, Bedford, Lincolnshire, Hertfordshire and Suffolk. For the avoidance of doubt, waste being processed through any waste transfer station within the defined catchment area shall be regarded as arising from within the catchment area.*<br><br>*Waste received from any one Waste Planning Authority area in any given year shall not exceed 50% of the overall capacity of the facility.*<br><br>*After Service Commencement, the operator shall maintain a written record at the site of the quantities and origin of the waste treated by the Facility and on written request of the Waste Planning Authority provide an annual report for the preceding 12 months within 10 Working Days of the written request of such from the Waste Planning Authority. The report shall as a minimum identify:*<br><br>*a) The Facility throughput – the total tonnage of waste processed;*<br>*b) Waste catchment - the point of origin of the waste, including tonnages received from the catchment area and from the rest of the UK;*<br>*c) Residual site based waste arisings – total tonnage of residual waste produced and thermally treated at the facility.* | |

| Topic/Para | Representation | Applicant Comment |
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| **Decommissioning Phase Impacts 13.5.4** | See the Council's response to 13.2.1 above. | Please see the Applicant's response to 13.2.1, above. |
| **Decommissioning Phase Impacts 13.5.6** | The proposal for an Outline Decommissioning Environmental Management Plan is noted and welcomed. | The Outline Decommissioning Plan has been provided at Deadline 2 |
| **10.7 CARBON CAPTURE AND EXPORT READINESS RESERVE SPACE PLAN [REP2-024]** | | |
| **CCS Readiness Plan** | The Councils would find it helpful to understand the Applicant's process and reasoning for determining the size of the area required to be reserved for future CCS. | A detailed evaluation of the various CCS processes including the use of specialist software to provide indicative technical and dimensional parameters has been carried out. In addition, advice was taken from a specialist contractor contributed to the appropriate design information for the determination of the area required for a CCS plant on the EfW CHP Facility Site. |
| **10.8 Applicant's Response to the Host Authorities Summary of Relevant Representations (Rev 1.0) [REP2-025]** | - | - |
| **FIGURE 3.14 OUTLINE LANDSCAPE AND ECOLOGY STRATEGY [REP2-026]** | | |
| **Outline Landscape and Ecology Strategy – revision 2 Figure 3.14** | The Councils welcome the inclusion of the *"Area omitted from biodiversity gain and reserved for potential rail embankment"* within Figure 3.14. | Noted. |

## Table 2.2 Comments on the Deadline 3 Submissions from CCC and FDC REP3-045

| Topic/Para | Representation | Applicant Comment |
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| **TABLE 1.1. WRITTEN SUMMARIES OF ORAL REPRESENTATIONS MADE AT ISH2 ON WEDNESDAY 12 APRIL 2023** | | |
| **3. Articles and Schedules of the dDCO (excluding Articles 3, 11, 12, 13, 25, 28 and 32 and Schedules 2, 6, 7, 10 and 11)** | **Ecology/Biodiversity:**<br><br>The Councils wished to comment on the following Requirements under the heading of Ecology and Biodiversity:<br><br>Requirement 6, Biodiversity Net Gain (RR, 8.3 [**RR-002/RR-003**] / LIR, 7.3.21 [**REP1-074/REP1-070**]); and Requirement 25, Decommissioning (LIR, 7.5.5-7.5.8 [**REP1-074/REP1-070**]).<br><br>The Examining Authority (ExA) advised that these matters should be deferred to a future specific hearing on biodiversity-related matters.<br><br>**Waste:**<br><br>The Councils wished to comment on the following Requirements under the heading of Waste matters:<br><br>Schedule 2, Requirement 14, Waste Hierarchy Scheme (RR 14.21 [**RR-002/RR-003]**); Schedule 2, Requirement 22, Community Liaison management (RR 14.23 [**RR-002/RR-003**]);<br>Schedule 2 – Additional Requirement Requested regarding Operational Environmental management Plan and priority of local waste (RR 14.24-14.26 [**RR-002/RR-003**]); and Schedule 12 – procedure for the Discharge of Requirements (RR 14.27-14.28 [**RR-002/RR-003**]). | **Biodiversity**<br>The Applicant has updated **ES Chapter 11 Biodiversity Appendix 11M Biodiversity Net Gain (Rev3) [REP-018]** It provides more information on the approach for delivering BNG and commits the Applicant to achieving a minimum 10% net gain. The implementation of this strategy will be secured via Requirement 6 of the **Draft DCO (Volume 3.1) [REP3-007]**.<br><br>**Decommissioning**<br>For submission at Deadline 4, the Applicant's **Outline Decommissioning Plan (Volume 12.4)** includes retention of the biodiversity improvements post decommissioning.<br><br>**Waste**<br><br>The Applicant is in continued discussion with the Council with a view to agreeing a DCO requirement which would control where the waste is sourced from. The Applicant is confident that agreement can be reached. |

| Topic/Para | Representation | Applicant Comment |
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| | The ExA noted that waste, and in particular the Waste Fuel Availability Assessment, is a matter on which they have received a great many representations on, and so it will warrant a hearing in its own right.<br><br>The Councils did however reiterate their concerns that over the duration of the project, one or more other incinerator schemes may come into existence locally, which could limit the ability of the Applicant to secure the sufficient tonnages of waste from within the local vicinity, which would likely lead to a more unsustainable pattern of sourcing waste from further afield. The Council wish to propose additional requirements to control where the waste is sourced from.<br><br>The ExA advised this matter would be covered in a future hearing. | |
| | **Hydrology**<br><br>The Councils raised the point that Requirement 13 sets out various works in respect of which a drainage strategy must be submitted and approved, but that it does not include Work Order 5, which is effectively the construction of the facility, with the Councils wishing to ensure that the Construction Environmental Management Plan will contain such a strategy that the period of time is covered in respect of the drainage strategy.<br><br>The ExA again advised that this matter should be deferred to one of the Environmental Hearings. | **Hydrology**<br>Requirement 13 concerns the preparation and agreement of a Flood Emergency Management Plan. Requirement 8 is the relevant requirement with respect to the preparation approval and implementation of a drainage strategy. It does not reference Work No. 5 as this concerns the associated development being the temporary construction compound and laydown area. The outline drainage design for this aspect of the Proposed Development, and the requirement to submit details prior to the commencement of construction, is secured by Requirement 10 (CEMP). |
| | **Air Quality**<br><br>Local Air Quality Monitoring Strategy – Requirement 27 | **Air Quality - Outline Local Air Quality Monitoring Strategy**<br>Since Deadline 3, the Applicant consulted the Host Authorities to conclude discussions on the content of the Outline Local Air Quality |

| Topic/Para | Representation | Applicant Comment |
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| | As matters currently stand, the requirement states *"Prior to the date of final commissioning, a local air quality monitoring strategy must be submitted to the relevant planning authority for approval. The local air quality monitoring strategy submitted for approval must be substantially in accordance with the outline local air quality monitoring strategy."* The Councils' concern relates to the trigger date and its relationship with the ability to establish the baseline. The Councils wish for this requirement to be redrafted to ensure that there would be 12 months of baseline monitoring prior to the commencement of any development and / or any commencement of operations.<br><br>The Councils also raised that the Community Liaison Manager (Schedule 2, Requirement 22) wording currently states must be identified only prior to the date of final commissioning, and again we are concerned that there should be a single point of contact identified that people could go to during the construction and commissioning phases to ensure there is steady chain of accountability. | Monitoring Strategy (LAQMS) and mechanism to secure it, either by 1) DCO Requirement or 2) s106 agreement.<br><br>Submitted at Deadline 4 is the agreed **Outline LAQMS Revision 3. (Volume 9.21).**<br><br>The Applicant and the Host Authorities have agreed to deliver the **Outline LAQMS by DCO Requirement 27 (Draft DCO, [REP3-007];** a s106 agreement is not required. |
| **3. Articles 11, 12 and Schedule 11** | The Councils' points regarding traffic and Transport and Articles 11 and 12 were deferred to CAH2 – please see Table 1.2 below. | Noted |
| **TABLE 1.2. WRITTEN SUMMARIES OF ORAL REPRESENTATIONS MADE AT CAH2 ON THURSDAY 13 APRIL 2023** | | |
| **4. Site specific representations by APs** | CCC is of the view that in two areas, on New Bridge Lane and at the junction of New Bridge Lane and Cromwell Road, where there is to be a new signalised junction, the land which is to be acquired through this order is | The Applicant met with CCC highways to discuss a revised design for the signalisation of the Cromwell Road/New Bridge Lane junction on 27 April 2023. A design has been informally agreed but it will require additional highway land which lies outside of the Order limits. |

| Topic/Para | Representation | Applicant Comment |
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| | insufficient to bring about the development of the highway and the junction to the necessary standards. This is set out in the Councils' Joint Local Impact Report (LIR) [**REP1-074**], paragraph 2.7.19.<br><br>CCC's Highways Development Manager referred to drawings in the Outline CTMP [**REP1-011]** in relation to CCC's concern regarding there being insufficient land take in the DCO to develop New Bridge Lane.<br><br>From a technical perspective, the New Bridge Lane/Cromwell Road signalised junction design cannot be approved by the Local Highway Authority in its current form, due to various geometric and safety issues identified by CCC's signals experts. CCC's Transport Assessment Manager shared a drawing of a similar junction which was produced by CCC on behalf of FDC for the Wisbech Access Study, in order to demonstrate the difference in land take proposed by the Applicant compared to this design. The Council is concerned that there is insufficient land around the junction area to deliver an acceptable form of signalised junction. This plan has been submitted to the Examination as Appendix B [**CLA.D3.OS.A.AB**] to the Councils' Comments on the Applicant's D2 Submissions [CLA.D3.OS.A.C].<br><br>The Council's Highways Teams are in discussion with the Applicant on this matter.<br><br>The Council was asked to submit its comments regarding inaccuracies in the Book of Reference in writing. These comments were previously made in the Councils' response to the ExQ1 [**REP2-030**], in answer to CA.1.4 and CA.1.5. To CCC's knowledge, the Applicant is seeking to address these currently. | The Applicant has submitted a Notification of its intent to submit a Change Application to the Planning Inspectorate on 16 May 2023 and intends to submit the Change Application itself no later than 5 June 2023.<br>The Applicant proposes to submit a change request to the ExA to enable it to amend the Order Limits and thereby deliver the proposed junction. |

## Table 2.3 Comments on the Deadline 3 Submission from CCC and FDC - Response to ISH2 and CAH2 Action Points REP3-046

| Topic/Para | Representation | Applicant Comment |
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| **ISH2-8**<br>**Confirm if it has any further comments that it would like to make in relation to air quality monitoring and a change of focus from monitoring to financial contributions.** | Fenland DC would like to raise the following points;<br>• FDC would like to ensure that the Applicant retains the responsibility for undertaking monitoring their impact on local air quality and community health impacts and any remedial measures as appropriate.<br>• At this time there is insufficient information available to determine the specifications of the additional monitoring that would be required. The Environmental Permit monitoring requirements for the industrial processes and local transport volumes/routes are unknown and this may change and evolve throughout the operation of this development, i.e. where there are substantial changes in the access to waste for this operation or through the development of Best Available Techniques (BATs). This information will be used to inform the requirements of the wider community monitoring and can be detailed determined through the Local Air Quality Monitoring Strategy.<br>• As the Local Authority (LA) is responsible for Local Air Quality Management; the impact of this development will increase the costs of resources and equipment for the LA and consideration of this should be taken into account.<br>• UK air quality standards are changing as the UK works towards emerging air quality targets and monitoring requirements, particularly for PM2.5 monitoring requirements. At this time, the specific requirements of these regulations are unknown and therefore the LA identifies a large risk in calculating the amount of work or costs to this at this time. | Since Deadline 3, the Applicant consulted the Host Authorities to conclude discussions on the content of the Outline Local Air Quality Monitoring Strategy (LAQMS) and mechanism to secure it, either by 1) DCO Requirement or 2) s106.<br><br>Submitted at Deadline 4 is the agreed **Outline LAQMS Revision 3. (Volume 9.21).**<br><br>The Applicant and the Host Authorities have agreed to deliver the Outline LAQMS by DCO Requirement 27 **(Draft DCO, [REP3-007]**; a s106 agreement is not required.<br><br>The Environmental Permit (EP) application has been submitted and the Applicant has been informed by the Environment Agency that it was duly made on 23 March 2023. The EP will set the emission limits for the facility and requires an operator to continuously monitor the emissions and submit results to the EA.<br><br>Alongside this emissions monitoring, the Applicant considers that the monitoring detailed in the revised LAQMS will demonstrate that pollutant concentrations in local communities are within the health-based objectives and provide confidence to the public. |

| Topic/Para | Representation | Applicant Comment |
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| | • A move towards a financial contribution being paid to the LAs (instead of the Applicant undertaking the monitoring) would require the Councils to estimate the cost of equipment, maintenance and officer resource/time. The Councils are not in a position to do this. There would be an unacceptable risk that the cost will have been underestimated and that the Councils are unable to secure the necessary staffing resource to undertake the associated monitoring and related duties.<br>• The LA deems that the aims of creating transparent and publicly available monitoring data could be achieved through a Local Air Quality Monitoring Strategy.<br>• Detailed information on the local air quality monitoring process will be required to enable further comments. The resolution of any issues and impacts would require an agreement that includes access to resources and data sharing. | |
| **ISH2-13 Applicant to engage with CCC an update the ExA in relation to progress with negotiations in relation to pre-development condition surveys, monitoring of the condition of the highway and compensation figures for additional traffic.** | Discussions are ongoing. | - |

| Topic/Para | Representation | Applicant Comment |
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| **ISH2-15**<br>**Schedule 6 "Access" tables to be refined and clarified and applicant to engage with CCC to review consents regarding access, particularly in relation to Tables 4 and 5.** | Discussions are ongoing. | - |
| **CAH2-4**<br>**The Applicant to contact CCC to ensure they have the correct and most up-to-date versions of the plans.** | Discussions are ongoing. | - |

# 3. Comments on the Deadline 3 submission from Anglian Water

**Table 3.1 Comments on the Deadline 3 Submission from Anglian Water REP3-043**

| Topic/Para | Representation | Applicant Comment |
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| **Submission ID: 16039 Para 1** | Anglian Water has engaged with the Applicant throughout the pre-application period with regard to the implications of the project for our network, including water resources, foul drainage and the management of surface water. Following the submission of the Medworth Energy from Waste Combined Heat and Power Facility, and progression of the Statement of Common Ground between Anglian Water and the Applicant, the matter of water resources to meet non-domestic demand has arisen and is a matter that we now seek to bring to the attention of the Examining Authority. | The Applicant met with Anglian Water on 13 March and subsequently on 02 May and 12 May 2023. Anglian Water was able to set out its position with regard to potable water supply and the Applicant was able to clarify its water demand. Following the latter meeting the Applicant has provided additional information to Anglian Water and it is the intention that both parties will meet again ahead of Deadline 5. The Applicant is confident that it will be able to reach agreement with Anglian Water to supply its potable water demand. |
| **Submission ID: 16039 Para 2** | At a meeting with the Applicant on 13th March we identified that through the preparation of the statutory Water Resources Management Plan 2025 - 2050 (WRMP24), there was a risk of insufficient water supplies available to meet the new and expanded water demands for non-domestic uses from planned projects in water resource zones across the Anglian Water region. As a result, we requested further detail regarding water demands for the project. | See response to ID:16039 Para 1. |
| **Submission ID: 16039 Para 3** | The regulatory position is that demands for water for non-domestic purposes are not permitted to jeopardise current and future supplies for domestic purposes, whether to household or non-household premises. This matter was included in the draft | See response to ID:16039 Para 1. |

| Topic/Para | Representation | Applicant Comment |
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| | Statement of Common Ground between Anglian Water and Medworth CHP Limited [EN010110-001133], as a matter still to be resolved. | |
| **Submission ID: 16039 Para 4** | The Applicant provided technical information to Anglian Water on 12th April 2023, which set out the water demands needed for the operation of the Energy from Waste facility. Based on this information, our water modelling and water resource teams have confirmed that there is currently insufficient water supply available in the Fenland Water Resource Zone to meet the maximum daily demand in the range of 0.12-0.29MLD (Megalitres/day) equating to 5-12 t/hr. | See response to ID:16039 Para 1. |
| **Submission ID: 16039 Para 5** | We recognise that water supply was not identified as a critical issue when we engaged with the Applicant prior to the submission of the DCO, and this is a matter that has arisen through the development of the WRMP24 specifically in late 2022 and early 2023 leading to consultation on the Draft WRMP which ended on 29th March 2023. However, the current position means that water supply is now a matter that will need to be brought to the attention of the Examining Authority, with a view to Anglian Water providing further detailed evidence on our non-domestic water supply position by Deadline 4 - 25th May 2023. We will continue to engage with the Applicant to discuss this matter and any options available. | See response to ID:16039 Para 1. |

# 4. Comments on the Deadline 3 submission from Wisbech Town Council

**Table 4.1 Comments on the Deadline 3 Submission from Wisbech Town Council REP3-052**

| Topic/Para | Representation | Applicant Comment |
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| **SUPPLEMENTARY SUBMISSION MADE ON BEHALF OF WISBECH TOWN COUNCIL** | | |
| **Para 1** | Wisbech Town Council has made a separate submission on the revised Waste Fuel Availability Assessment (WFAA) published at Deadline 2. | Noted. See additional Applicant comments below. |
| **Para 2** | The Examining Authority will note that the revised WFAA shows a significant reduction (49%) in waste fuel within the study area. The implications of this change do not seem to have been reflected in the conclusions of the Environmental Statement. Clarification is sought as to whether further information will be required to address this deficiency and if so, the timescales for the submission of this environmental information. | Potentially suitable waste in the Study Area is set out in the **[REP2-009]** and is derived from HIC arisings for the defined List of Waste (LoW) codes (Table 4.2 in the WFAA). In the updated **WFAA [REP2-009]** this has been revised down from 17.9 million tonnes to 9.8 million tonnes – a reduction of 45% from the original version of the WFAA. The reason for there being such a variation between the original and updated versions of the WFAA is that the updated version applied a refined reflection of the LoW codes that the Proposed Development could potentially take.<br><br>The Applicant will be providing its search criteria, applied to publicly available waste data, in order for Interested Parties to review how this data has been used by the Applicant to inform the WFAA.<br><br>However, 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 similar, being revised slightly downwards from2.5 million tonnes to 2.4 million tonnes – and when the exported RDF is added it is concluded that based upon the current pattern of waste arising and management across the spatial scope of this assessment, there is potential for around 2.6 million tonnes of material to be managed further up the waste hierarchy and/or at a |

| Topic/Para | Representation | Applicant Comment |
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| | | location that is more proximate to the point of arising. This is 0.1 million tonnes more than reported in the original WFAA due to small changes in the quantity of RDF being exported from the Study Area. The level of waste fuel available for the Proposed Development has therefore remained stable.<br><br>In terms of the future position (over the next 15 years), taking into account new residual waste targets (which were not available when the original WFAA was written) and new capacity, the **WFAA [REP2-009]** concludes the following indicative capacity shortfalls remain:<br>• Up to 2030 – approximately 1.1 million tonnes per annum – (0.8 million tonnes less than in the original version of the WFAA, or 42% less).<br>• Up to 2035 – approximately 1.3 million tonnes per annum – (0.5 million tonnes less than in the original version of the WFAA, or 28% less).<br><br>With these points in mind, the **WFAA [REP2-009]** continues to demonstrate that the Proposed Development could provide 625,600 tonnes of much needed capacity to fulfil existing and future gaps in residual waste management capacity. |
| **Para 3** | In light of the very substantial change in the evidence base supporting the proposal, Wisbech Town Council has not reviewed the Applicant's responses (REP1-028) to its Relevant Representation (RR- 010) to avoid duplication of effort and limit unnecessary expenditure. Wisbech Town Council reserves the right to comment on the Applicant's revised response to RR-010 in light of the updated evidence contained in the WFAA and any future updates to the Environmental Statement made necessary as a result. | As outlined above, the updated **WFAA [REP2-009]** does not present a substantial change in the evidence base supporting the proposal. |

| Topic/Para | Representation | Applicant Comment |
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| **COMMENTS ON REVISED WASTE FUEL AVAILABILITY ASSESSMENT ON BEHALF OF WISBECH TOWN COUNCIL** | | |
| **Introduction** | | |
| **1.1** | These comments are submitted on behalf of Wisbech Town Council in response to the revised Waste Fuel Availability Assessment submitted by the Applicant at Deadline 2 (24th March 2023) in support of the Development Consent Order (DCO) application for the construction, operation and maintenance of an Energy from Waste (EfW) Combined Heat and Power (CHP) Facility on a site off Algores Way, Wisbech, Cambridgeshire. | Noted. |
| **1.2** | The facility would be capable of processing up to 625,600 tonnes of waste per annum and would have a generating capacity of over 50 MW. | Noted. |
| **1.3** | Wisbech Town Council continue to object to the application principally on the basis that there is no need for the facility to meet residual waste requirements within the Study Area and to include such an over-provision in recovery capacity will jeopardise the achievement of recycling targets and would be contrary to emerging Government policy set out in the National Policy Statement for Renewable Energy Infrastructure (EN-3). | Noted, however, the updated **WFAA [REP2-009]** continues to demonstrate that there is a clear need for the Proposed Development. Most notably there is potential for around 2.6 million tonnes of material to be managed further up the waste hierarchy and/or at a location that is more proximate to the point of arising and the Proposed Development could provide 625,600 tonnes of much needed capacity to fulfil existing and future gaps in residual waste management capacity. |
| **Revised Waste Fuel Availability Assessment (WFAA)** | | |
| **2.1** | The emerging National Policy Statement (NPS) for Renewable Energy Infrastructure (EN- 3) makes it clear that the proposed plant must not result in over-capacity of EfW waste treatment at a national or local level (paragraph 2.10.5). | Noted. The Proposed Development fully complies with the provisions of NPS EN-3. |

| Topic/Para | Representation | Applicant Comment |
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| 2.2 | There is no explanation as to why the Applicant has sought to revise the WFAA. If it was simply to update the information presented previously, the latest figures for Local Authority Collected Waste published by Defra for 2021-2022 should have been used (rather than the 2020-2021 data included in the revised report). | The Applicant has sought to update the **WFAA [REP2-009]** to reflect data that had been published since the first version of the WFAA was produced. Most notably, this included:<br>• UK Statistics on Waste, Defra (published May 2022 update).<br>• UK Energy from Waste Statistics - 2021, Tolvik Consulting Ltd (May 2022).<br>• DEFRA's 2020-21 Local Authority Collected Waste (LACW) data.<br><br>The updated **WFAA [REP2-009]** was submitted to the Planning Inspectorate on the same date that DEFRA published their 2021-22 LACW data. As such, it was not possible to incorporate this data into the updated WFAA.<br><br>The Applicant intends to submit a further revision to the WFAA at Deadline 5, incorporating the 2021-22 LACW data and further data recently published by Tolvik Consulting. |
| 2.3 | It is noted that the figures for HIC arisings in Table 4.2 have reduced significantly. The previous version suggested that there were 17,933,855 tonnes, this is now reduced to 9,831,199 in the current version (a 45% reduction in just two years). However, there appears to be an error in the calculation of the total figure for HIC arisings, with the information included in Table 4.2 including an extra 560,000 tonnes which are unaccounted for. The correct figure should be 9,271,199 and not 9,831,199 (which actually represents a 48% reduction since 2019). | The Applicant acknowledges that this change in HIC arisings is significant. It corresponds to a refinement made in how the waste data is filtered, ensuring that only waste arisings that are suitable as fuel for the EfW CHP Facility are considered in the remainder of the Assessment. Whilst the Applicant has refined the waste fuel that is potentially suitable for the EfW CHP Facility, this has only resulted in a minor change in the quantity of residual fuel that is currently being sent to landfill. This confirms that the newly excluded categories of waste are not being sent to landfill in large quantities.<br><br>Notwithstanding that the Applicant is confident that the WFAA is robust, the Applicant will provide the detail of how it has filtered the publicly available arisings data, in order for interested parties to review how the WFAA accurately records the quantity of waste being sent to landfill that could potentially be treated at the Proposed Development.<br><br>The Applicant confirms that there is no error in the calculation of the total figure for HIC arisings, with the information included in Table 4.2. The data in Table 4.2 relates to industrial and commercial waste, as well as that derived from households. For this reason the data in this table is not comparable to that set out in the previous Table 4.1. Table 4.1 is limited to |

| Topic/Para | Representation | Applicant Comment |
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| | | waste collected by local authorities, which is predominantly household waste. As a result, the data in Table 4.1 does not report the full picture of potential available waste, due to the omission of industrial and commercial waste. |
| **2.4** | An explanation is required for the significant reduction in HIC arisings if the figures are to have any credibility at all. If it simply represents use of more up to date data, then further consideration must be given to the impact of this downward trend on future requirements. It is not appropriate to rely on this data set as representing future requirements if it is subject to such significant change in only two years. | See the above explanation in relation to paragraph 2.3 of this representation. |
| **2.5** | Notwithstanding the above, Wisbech Town Council maintains its previous position that the Applicant is relying on waste from areas significantly beyond the two-hour drive time catchment. This is unsustainable and contrary to the proximity principle which requires waste to be managed as close as possible to its point of origin. | Waste markets in the UK are directly influenced by a range of factors including waste type, availability of management capacity and government fiscal, waste management and planning policies. Whilst waste should be managed as close as possible to its point of origin, the complex range of influencing factors inevitably means there is a flow of material across the country (and beyond). In this context, it is important to recognise that the Proposed Development is likely to draw in waste from a wider area, than simply Cambridgeshire, and that over the life of the Proposed Development, the area from which it will receive waste material is likely to change.<br><br>The local analysis of need has been based on the area that the Proposed Development is most likely to draw waste in from. This has been defined as those Waste Planning Authorities that are within an area approximately a 2-hour drive time from the Proposed Development. It is generally commercially viable to transport non-hazardous household, industrial and commercial waste from up to around 2 hours away, over 2 hours the haulage cost becomes increasingly expensive. However, due to the fluid nature of the UK waste market, there may also be instances where managing waste from further afield represents the best available solution.<br><br>As noted above, the application of the 2-hour drive time used in the **WFAA[REP2-009]** is a tool which has been used to indicate broadly where |

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| | | the Proposed Development is likely to draw waste in from and should not be thought of as a 'hard and fast' catchment area.<br><br>The **WFAA[REP2-009]** has concluded that there is insufficient residual waste management capacity available to ensure that non-recyclable waste can be managed as far up the waste hierarchy as possible (i.e., diverted from landfill) and in a manner which complies with the proximity principle (i.e., treating waste as close as possible to its point of arising).<br><br>More specifically, the updated **WFAA [REP2-009]** submitted at Deadline 2 demonstrates that in 2021, over 220,000 tonnes of 'in scope' household and commercial waste was disposed of to landfill in Cambridgeshire alone. Furthermore, it is noted the capacity assessment which underpins the Cambridgeshire Waste Local Plan relies on all 200,000 tonnes per annum capacity of the Waterbeach MBT facility as final disposal capacity. This is simply not the case as a significant proportion of the 200,000 tonnes throughput of this facility emerges from the plant as refuse derived fuel. This must then either be sent for recovery or disposed of in landfill. Rather, it is considered a conservative assumption of 50% of MBT input emerges from the plant as refuse derived fuel. With these two points in mind, it is considered that over 320,000 tonnes per annum of residual waste from Cambridgeshire alone could be accommodated by the Proposed Development. This would fully accord with the principles of net self-sufficiency and proximity.<br><br>The remainder could also readily be sourced from neighbouring Waste Planning Authorities such as Norfolk and Hertfordshire without compromising the deliverability of their respective Waste Local Plans. As the updated **WFAA [REP2-009]** submitted at Deadline 2 sets out, despite earlier studies underpinning their Waste Local Plans noting significant shortfalls in HIC capacity, more recent studies in Norfolk and Hertfordshire are concluding no shortfalls in capacity – this is despite no new HIC treatment capacity coming on stream in these WPAs, and exportation of approximately 876,000 tonnes of HIC waste each year to other WPAs. In this regard, whilst the emerging Local Plans in these neighbouring areas are failing to recognise any need for additional HIC disposal capacity, the data does not |

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| | | reflect this. It is therefore concluded that the Proposed Development could meet a localised need for capacity (in compliance with the proximity principle) whilst not compromising the deliverability of the areas' Waste Local Plans. |
| **2.6** | The Applicant dismissed the fact that a significant amount of waste would arise from outside the two-hour drive time on the basis that it was simply a tool to indicate broadly where the Proposed Development is likely to draw waste in from and was never intended to act as a catchment area. However, the 'study area' for the WFAA is what the Applicant is relying upon to demonstrate that it will not result in over-capacity of EfW treatment at a local level to justify the need for the facility. | See response above to paragraph 2.5. |
| **2.7** | As set out in RR-010, the flexibility to accept waste from anywhere would be at odds with the requirements in the NPS as there is no safeguards to ensure that the development will not prejudice the achievement of local or national waste management targets if there has been no assessment of the implications for those targets in the first place. This point was not addressed by the Applicant in its response to Wisbech Town Council's Relevant Representation. | The updated version of the **WFAA [REP2-009]** reflects a municipal recycling rate of 55-60%. These ambitious recycling rates take account of the Government's desire to see increasing quantities of plastics (and biodegradable waste) removed from the residual waste stream.<br><br>The **WFAA [REP2-009]** has demonstrated that even with the ambitious recycling rates of 55-60%, future baseline levels of HIC residual waste are estimated to be between 21.0 and 24.5 million tonnes by 2030 – which would still equate to a national shortfall in residual waste management capacity of between 1.6 and 5.1 million tonnes per annum.<br><br>The updated **WFAA [REP2-009]** also considers the effects of achieving the Government's recent aspirational targets to reduce the amount of residual waste generated. This concludes that by 2042, due to the necessary decommissioning of existing capacity and future capacity requirements, there remains a clear need for the capacity offered by the Proposed Development. |
| **2.8** | In its response to Wisbech Town Council's Relevant Representation (REP1-036), the Applicant seeks to justify the ability to accept waste from anywhere noting that waste markets are influenced by a range of factors including availability of | The Applicant's local analysis of need has been based on the waste management areas that the Proposed Development is most likely to draw waste in from. This has been defined by reference to an area approximately a 2-hour drive time from the Proposed Development. It is generally commercially viable to transport non-hazardous household, industrial and |

| Topic/Para | Representation | Applicant Comment |
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| | management capacity and government fiscal, waste management and planning policies. | commercial waste from up to around 2 hours away, over 2 hours the haulage cost becomes increasingly expensive.<br><br>The Applicant further notes that the EfW CHP Facility will accept deliveries of waste that have been collected throughout the waste management area and processed at waste transfer stations for onward movement to the Proposed Development. It is this step, from the waste transfer station to the Proposed Development for which a two-hour drive time is a broad indicator of the distance that is economically viable for waste to be transported. The waste transfer stations may accept waste from across the whole of a waste management area. |
| **2.9** | The fact that waste markets are influenced by a number of factors is not disputed, but the issue is that the Applicant has not sought to consider what implications these factors will have on the availability of waste in the future. It is clear that the general direction of waste management policies is on the reduction of residual waste. The Applicant refers to the Environmental Improvement Plan (paragraph 2.2.32 – 2.2.34) but does not attempt to consider what implications this will have on the amount of waste available for incineration within the Study Area. By 31st January 2028, the EIP requires the amount of residual waste (per person) to be reduced by 24% from 2019 levels and to halve residual waste per person by 2042. | The updated **WFAA [REP2-009]** gives full consideration to the implications of achieving the Government's Environmental Improvement Plan's (EIP) target which seeks the total mass of residual waste not exceeding 25.5 million tonnes by the beginning of 2028; and their longer term 'stretch' target of halving residual waste produced per person by 2042 (equating to no more than 287kg per head of population in England) as set out in the Environmental Improvement Plan and the Environmental Targets (Residual Waste) (England) Regulations 2023. See paragraphs 5.2.21 to 5.2.24 of the updated **WFAA [REP2-009].**<br><br>In this regard, the updated **WFAA [REP2-009]** notes that a fundamental factor is that the EIP neither includes a clear strategy nor puts the required funding in place to set out how a halving of residual waste by 2042 will be achieved - especially given the stagnating municipal recycling rates discussed at length in the assessment.<br><br>Notwithstanding this, the updated **WFAA [REP2-009]** has assessed the 'need case' for the capacity offered by the Proposed Development in the event of such an aspirational target being achieved.<br><br>Current Office for National Statistics (ONS) population predictions are that in 2043, there will be approximately 61,744,098 people in England – and at 287kg of residual waste per head, this equates to 17.72 million tonnes of residual waste for England alone. Whilst current operational and 'in construction' EfW capacity in the UK equates to 19.4 million tonnes (as |

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| | | predicted by Tolvik in 2022), inevitably by 2042, a large proportion of the existing operational capacity will be decommissioned – particularly the older non-R1 compliant facilities. Furthermore, a significant portion of this capacity is located in other parts of the UK (Scotland, Wales and Northern Ireland), for which there will be 'localised' demands, taking account of the residual waste produced by these populations. With this in mind, it is considered that even in the unlikely event of the EIP stretch target of halving residual waste by 2042 being achieved, due to the necessary decommissioning of existing capacity and future capacity requirements, there remains a clear need for the capacity offered by the Proposed Development. |
| **2.10** | As set out in Table 1 below, by only considering available residual waste within the two- hour catchment, and excluding waste under contract to Rookery South, the total amount of Local Authority Collected Waste (LACW) available falls to only 1,843,102 tonnes. When the reduction of residual waste required by the EIP by 2028 is taken into account the figure falls to only 1,252,423, only 29% of the figure suggested by the Applicant. This figure falls to only 612,520 tonnes by 2042 when the requirement to reduce residual waste by 50% comes into play (only 14% of the figure suggested by the Applicant). No account has been taken of improvements in rates of recycling to avoid any potential for double counting with the reduction in residual waste required by the EIP. | The Applicant's updated **WFAA [REP2-009]** takes full account of both the Government's existing and future recycling targets and the more recent aspirational target of halving the amount of residual waste by 2042. The updated **WFAA [REP2-009]** also accounts for the capacity offered by Rookery South energy from waste facility in Central Bedfordshire.<br><br>Importantly, the **WFAA [REP2-009]** submitted at Deadline 2 also considers the need for the Proposed Development in the context of how much residual waste will require management in the future. In other words, the achievement of national targets for the recycling and reuse of waste have already been taken into account when considering how much residual waste is likely to require management in the future. In particular, the updated **WFAA [REP2-009]** reflects a municipal recycling rate of 55-60%, future baseline levels of household, industrial and commercial (HIC) residual waste are estimated to be between 21.0 and 24.5 million tonnes by 2030 – thereby resulting in a shortfall of waste management capacity of between 1.6 and 5.1 million tonnes per annum.<br><br>The adoption of these recycling scenarios also sits well with the provisions of the recently published Environmental Improvement Plan (EIP) 2023, which seeks the total mass of residual waste not exceeding 25.5 million tonnes by the beginning of 2028. As such, even if residual waste reduction targets are achieved, there remains a minimum national capacity shortfall of 1.6 million tonnes. |

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Table 1: Revised Availability of Total LACW within catchment

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| Applicant's Revised Assessment of Total LACW (Table 4.1) | **4,282,279** |
| Less waste outside catchment from Essex (only Uttlesford and Braintree are even partially in the catchment) – 13% of total waste (104,105) | -692,776 |
| Less waste outside catchment from Hertfordshire (only E Herts and N Herts are even partially in the catchment) – 21% of total waste (113,562) | -427,128 |
| Less waste from Luton, Milton Keynes and Leicester City as out of catchment | -356,523 |
| Less waste from West Northamptonshire as out of catchment (In 2021/22 North Northamptonshire accounted for 45% of waste for what was formally Northamptonshire CC) (169,990) | -207,766 |
| Less waste from Bedford, and Central Bedfordshire, Hertfordshire (within catchment) and Norfolk due to municipal waste contracts at Rookery South ERF which opened in 2022 | -754,984 |
| Revised Assessment of Total LACW | **1,843,102** |
| Less 24% of 2019 figure (assumed revised assessment of Total LACW for 2019/20 (see Table 1 of RR-10) i.e. 2,461,163) to meet (EIP target 2028) | -590,679 |
| Less 50% of 2019 figure (assumed revised assessment of Total LACW for 2019/20 (see Table 1 of RR-10) i.e. 2,461,163) to meet (EIP target 2042) | -1,230,582 |

See comments above in relation to paragraph 2.10.

The Applicant considers that the assessment methodology used by Wisbech Town Council is flawed for the following reasons:

- The assessment does not include an adjustment for future population growth – this is important as the Government targets are on a per capita basis.
- The Study Area cannot be refined to include part-only of the waste arisings of a Waste Collection Authority area. This is for two key reasons:
  - firstly, the way in which waste arisings and capacities data is presented, and future requirements planned for, is at a county or unitary authority level. The waste management capacity is considered for the whole area and no further granularity of data is available of used by the authorities; and
  - secondly, the waste industry operates by reference to waste transfer stations where waste, such as that collected from households, is collected before being sent for final management at landfill or an EfW facility. The waste from across a county or unitary authority may be collected at a small number of waste transfer stations. It is these waste transfer stations from which waste will be sent to the Proposed Development.

For these reasons, the Applicant remains confident that the methodology of the WFAA is robust and accurately represents the quantity of residual waste that will be available for the Proposed Development.

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| **Availability of Total LACW within catchment at 2028** | **1,252,423** |
| **Availability of Total LACW within catchment at 2042** | **612,520** |

Table 2: Revised Availability of HIC arisings within catchment

| | |
|---|---|
| Applicant's Revised Assessment of HIC arisings (Table 4.2 – corrected figure) | **9,271,199** |
| Less waste outside catchment from Essex – assume same proportion of LACW i.e. 13% of total (346,061t) | -2,661,661 |
| Less waste outside catchment from Hertfordshire (only E Herts and N Herts are even partially in the catchment – assume same proportion of LACW 21 i.e. 21% of total (208,421t) | -784,060 |
| Less waste from West Northamptonshire as out of catchment (In 2021/22 North Northamptonshire accounted for 45% of waste for what was formally Northamptonshire CC) (436,246t) | -533,190 |
| Less waste from Luton, Milton Keynes and Leicester City as out of catchment | -555,645 |
| Less waste from Bedford, Central Bedfordshire, Norfolk and Hertfordshire (within catchment) due to opening of Rookery South (assume same figure for LACW) | -754,984 |
| Revised Assessment of Total HIC arisings | **3,981,659** |

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| Less 24% of revised HIC arisings at 2021 i.e. 3,981,659 (assumed 2019 data in submitted WFAA is incorrect) to meet (EIP target 2028) | -955,598 |
| Less 50% of revised HIC arisings at 2021 i.e. 3,981,659 (assumed 2019 data in submitted WFAA is incorrect) to meet (EIP target 2042) | -1,990,830 |
| **Availability of Total HIC within catchment at 2028** | **3,026,061** |
| **Availability of Total HIC within catchment at 2042** | **1,990,830** |

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| **2.11** | When the waste catchment is applied according to the two-hour travel time and waste is removed from WPAs with a contract to supply the Rookery South ERF, the availability of waste falls from over 9 million tonnes to less 4 million tonnes (see Table 2 above). Reductions in residual waste required by the EIP will see this figure fall to approximately 3 million tonnes by 2028 and less than 2 million tonnes by 2042. | See the comments in relation to paragraph 2.10 above. The Applicant remains confident that the methodology underpinning the updated **WFAA [REP2-009]** is robust and that the conclusions represent accurately the amount of residual waste that will be available to the Proposed Development.<br><br>The Revised **WFAA [REP2-009]** demonstrates that there is a clear need for the Proposed Development, with around 2.6 million tonnes of material in the East of England being capable of being managed further up the waste hierarchy and/or at a location that is more proximate to the point of arising. The Proposed Development would provide 625,600 tonnes of capacity that would enable treatment of this waste further up the waste hierarchy, as well as helping to fill future gaps in residual waste management capacity. |
| **2.12** | In terms of waste landfilled (Tables 4.3 and 4.4 of WFAA), Essex is responsible for 70% of LACW and 49% of HIC waste and Hertfordshire 14% of LACW and 9% of HIC waste, the vast majority of both authorities being outside the Study Area. The majority of Northamptonshire is also outside the study area and this accounts for 5% of LACW and 4% of HIC waste. If waste is | Notwithstanding that the WFAA is justifiably based upon a defined Study Area which includes Waste Planning Authorities which do not neighbour the host authority of Cambridgeshire, it can be demonstrated that waste is available from localities within close proximity to the Proposed Development. |

| Topic/Para | Representation | Applicant Comment |
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| | removed from those areas completely outside the study area (Milton Keynes, Luton and Leicester) and if it is assumed that the proportion of landfilled waste in Essex, Hertfordshire and Northamptonshire is the same as for LACW, then the amount of HIC waste landfilled in 2021 falls from 2.4 million to only just over 1 million tonnes. | The updated **WFAA [REP2-009]** submitted at Deadline 2 demonstrates that in 2021, over 220,000 tonnes of 'in scope' household and commercial waste was disposed of to landfill in Cambridgeshire alone. Furthermore, it is noted the capacity assessment which underpins the Cambridgeshire Waste Local Plan relies on all 200,000 tonnes per annum capacity of the Waterbeach MBT facility as final disposal capacity. This is simply not the case as a significant proportion of the 200,000 tonnes throughput of this facility emerges from the plant as refuse derived fuel., This must then either be sent for recovery or disposed of in landfill. It is considered a conservative assumption that 50% of MBT input emerges from the plant as refuse derived fuel. With these two points in mind, it is considered that over 320,000 tonnes per annum of residual waste from Cambridgeshire alone could be accommodated by the Proposed Development. This would fully accord with the principles of net self-sufficiency and proximity.<br><br>The remainder could also readily be sourced from neighbouring Waste Planning Authorities such as Norfolk and Hertfordshire without compromising the deliverability of their respective Waste Local Plans. As the updated **WFAA [REP2-009]** submitted at Deadline 2 sets out, there are major discrepancies between the initial studies underpinning the Norfolk and Hertfordshire Waste Local Plans, which identified significant shortfalls in HIC waste management capacity in these areas, and more recent studies in Norfolk and Hertfordshire which conclude that there are no shortfalls in capacity. There is no clear evidence demonstrating this, and the Applicant notes that no new HIC waste treatment capacity is planned to come on stream in these waste planning areas. These areas also export approximately 876,000 tonnes of HIC waste each year to other waste planning areas, indicating there is an existing, large shortfall of waste management capacity in these areas.<br><br>For these reasons, whilst the emerging Local Plans in these neighbouring areas do not identify any need for additional HIC waste management capacity, the evidence base does not support these conclusions. The Applicant also notes that the emerging plans have yet to be tested. The Applicant is therefore confident in its methodology that allocates a shortfall of waste management capacity to the Norfolk and Hertfordshire waste |

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| | | management areas. The Proposed Development would meet this localised need for waste management capacity, in compliance with the proximity principle. |
| **2.13** | All of the local authority RDF exports included in Table 4.5 within the East of England (i.e. Bedford, Central Bedfordshire and Norfolk) and 91% of the total RDF exports from the study area are from authorities with contracts with Rookery South which only opened last year and therefore its impact would not have been evident in the 2020/21 data relied upon by the Applicant. Further assessment is required to consider the effect on RDF exports. | The Rookery South energy from waste facility began operating in January 2022. As illustrated by Graphic 4 in the updated **WFAA [REP2-009]** at the end of 2022, over 1.5 million tonnes of RDF was being exported to waste management facilities located abroad, as compared to 1.7 million tonnes in 2021/22, before the opening of Rookery South. This constitutes only a 12% reduction in the exportation of waste since the Rookery South facility began operating. The 2022 exportation figures are reflected in the updated **WFAA [REP2-009]**. The Applicant considers that the small reduction in RDF export following the opening of Rookery South with its capacity of 545,000 tonnes per annum, further demonstrates the conclusions in the WFAA that there is a significant waste management capacity gap in the region, with the additional capacity offered Rookery South not significantly impacting the quantities of residual waste requiring final management in the region. The Proposed Development would not result in an over capacity of waste management in the region, but would instead provide some of the much needed waste management capacity required to avoid landfilling or exporting waste. |
| **2.14** | The summary of baseline position included at paragraphs 4.1.13 and 4.1.14 of the revised WFAA is entirely misleading. No account has been taken of the targets in the EIP which will have a significant impact on the amount of residual waste available to EfW plants in the area, inevitably creating capacity for additional throughput at existing facilities. | See response to paragraph 2.10 above. |
| **2.15** | Of the 9.8 million tonnes the Applicant claims is available, at the very most, only 3,981,659t would arise within a two-hour drive time of the proposed facility. This is without doubt still a significant overestimate as it assumes all waste from Central Bedfordshire, Suffolk, Leicestershire County Council and Lincolnshire County Council would be available to the Medworth | See responses to paragraphs 2.10 and 2.11 above. |

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| | EfW CHP facility even though less than half of the area of the waste planning authority is within a two hour drive time. | |
| **2.16** | Once the 2042 targets in the EIP are factored in, there would be less than 2 million tonnes of residual waste available in the study area (again a significant overestimate for the reasons set out above). | See response to paragraph 2.10 above. |
| **2.17** | Setting aside the reductions in residual waste required by the EIP, at least 5.3 million tonnes of the 9.8 million tonnes relied upon by the Applicant would need to be transported for more than two hours to reach the facility. This clearly highlights the fact that it is in the wrong place, contrary to the proximity principle and the emerging NPS in that it will lead to an over provision of EfW capacity which will jeopardise the achievement of recycling targets. | See responses to paragraphs 2.10, 2.11 and 2.12 above. |
| **2.18** | The assessment of the impact on climate from the transport of waste (APP-041) considers the proportion of residual waste by origin and distance to the town centres of the largest settlements in each WPA (Table (14.28). | The assessment methodology for the quantification of GHG emissions is clearly described in **Section 14.8** and **14.9** of **Chapter 14: Climate Change [APP-041]**. The assessment includes quantification of emissions from operational transport including HGVs, considering the likely origin of the residual waste. |
| **2.19** | Of the ten WPAs, the largest settlement of only two are within the 2-hour catchment. Norwich is nearly 92 km from the facility and is on the very edge of the 2-hour catchment. Oakham within Rutland district is 71.5km from the facility but is within the 2-hour catchment. | Noted. However, the EfW CHP Facility does not anticipate accepting waste directly from refuse collection vehicles that will have collected household waste in towns and cities beyond the immediate vicinity of the EfW CHP Facility. Such waste will be collected on behalf of the relevant waste planning authority and taken to a waste transfer facility, where it will be processed for onward distribution to the final waste management facility, i.e. the Proposed Development.<br><br>The two-hour travel time area is used to identify waste planning areas where the waste, after collection, is likely to be sent to the Proposed Development on the basis of proximity and economic considerations. |

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| | | The 2-hour travel time area has been calculated using an algorithm which takes account of the types of road and the speed limits applicable to HGVs. For this reason, the travel time area does not directly correspond with the distance from the Proposed Development. |
| **2.20** | The percentage share of the overall shortfall quoted in Table 14.28 does not tally with the data in the WFAA which certainly does not suggest the 33% of the waste available arises in Norfolk which raises questions over the accuracy of the climate assessment. | The origin of the residual waste has been estimated from the WPA forecasted future residual waste requirements. The assessment in **Chapter 14: Climate Change [APP-041]** is based on **Table 4.1** of Rev 1 of the **Waste Fuel Availability Assessment [APP-094]** submitted at the time of application. Norfolk was estimated to have a 33% share of the overall shortfall after 2030.<br><br>The WFAA has since been revised, with Rev 2 submitted at Deadline 2 **[REP2-009]**. The revised WFAA included revisions to the capacity shortfalls of the planning authorities in **Table 4.1**, which impact on the assumptions on the distance for transportation of waste in the assessment of emissions from operational transport in **Chapter 14: Climate Change [APP-041]**. The revisions would result in a minor reduction in overall distance travelled and associated emissions, this minor reduction is not considered material and does not impact upon the overall conclusions in **Chapter 14: Climate Change [APP-041]**. |
| **2.21** | The figures for waste being sent to non-hazardous landfill are also misleading, reliant to a very significant extent on waste in Essex and Hertfordshire (the vast majority of which are outside the Study Area). Rather than the 2.4 million tonnes suggested by the Applicant, a more realistic assessment would be in the region of 1 million tonnes. | The figures relating to the amounts of household, industrial and commercial (HIC) waste being sent to non-hazardous landfill set out in the updated **WFAA [REP2-009]** are robust and reliable. The data is from the Environment Agency's Waste Data Interrogator – a tool that Waste Planning Authorities have relied upon to develop their own evidence bases which underpin capacity assessments in their respective Waste Local Plans. It is also data that this used by the Regional Technical Advisory Body (RTAB) in their assessments of future need – assessments which further inform Waste Local Plan evidence bases.<br><br>The Applicant will provide detail of the criteria applied to the Waste Data Interrogator data as part of the revised WFAA to be provided at Deadline 5 in order for interested parties to review the data that has informed the assessment. |

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| **2.22** | Notwithstanding the above, the implication that the waste currently landfilled in Essex would be available to the Medworth facility is entirely misleading. No account has been given to the significant additional capacity (595,000 tpa) consented at the Rivenhall EfW plant in Essex which is expected to be fully operational by the end of 2025. | The updated **WFAA [REP2-009]** takes full account of the capacity offered by the consented (and under construction) facility at Rivenhall in Essex. Even considering this new capacity, the updated **WFAA [REP2-009]** continues to conclude that there is insufficient residual waste management capacity available to ensure that residual, non-recyclable waste can be managed as far up the waste hierarchy as possible (i.e., diverted from landfill) and in a manner which complies with the proximity principle (i.e., treating waste as close as possible to its point of arising). |
| **2.23** | The figures for RDF exports are also likely to be significantly influenced by the opening of the Rookery South facility, to the extent that this source of waste is unlikely to make anything other than a very minor contribution to a facility at Medworth. | Please see the response to paragraph 2.13 above. |
| **2.24** | The Applicant should attempt to forecast future requirements based on the changes to waste policy in the EIP and the impact of new facilities within the Study Area that post-date the baseline. | The Applicant has included an assessment of waste fuel availability in the event the waste reduction and recycling targets in the EIP are met. See response to paragraph 2.10 above. |
| **2.25** | It is not clear how the changes to the WFAA affect the conclusions of the Transport Assessment and Environmental Impact Assessment. There remains a disconnect with the assumptions in the Climate Change Assessment which needs to be resolved to have any confidence in the conclusions. | The updates to the WFAA do not result in any changes to the conclusions of the assessment that underpin the Transport Assessment and Environmental Impact Assessment. There are no materially new or different environmental impacts as a result of the updated WFAA as the conclusions remain the same, namely that there is a need for the 625,600 tonnes of residual waste management capacity in the area. |
| **Waste Planning Authority Waste Requirements** | | |
| **2.26** | The Applicant has sought to forecast future residual waste requirements through an assessment of the Waste Local Plan evidence base but have failed to give any consideration to the requirements of the Environmental Improvement Plan to reduce the amount of residual waste by 50% by 2042. This will have a | The Applicant has given full regard to the Government's requirements set out in the Environmental Improvement Plan (EIP) in the updated **WFAA [REP2-009]**. See the above response to paragraph 2.10. |

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| | significant effect on Waste Planning Authority's recovery requirements | |
| **2.27** | In respect of the Bedfordshire and Luton Minerals and Waste Local Plan, the Applicant acknowledges the contribution of Rookery South ERF to forecasted future residual waste requirements, noting that it will result in a surplus of 316,000 tpa. | Noted. |
| **2.28** | It is noted that the Applicants continue to exclude the 495,000 tpa surplus provision identified in the recently adopted Cambridgeshire and Peterborough Minerals and Waste Local Plan (the host authority) when calculating the total requirement. | Whilst the updated **WFAA [REP2-009]** acknowledges that there is a consented energy from waste facility at Peterborough (Peterborough Green Energy Ltd – PGEL), the Applicant considers it highly unlikely that this facility will be developed. This is because:<br>• The site has been undeveloped for over 13 years (the site was granted planning consent in 2009) and is currently on the market.<br>• The facility would use Advanced Combustion Technology and the UK funding market is now reluctant to fund this type of technology. |
| **2.29** | The Applicant's continue to rely on out of date information in the calculation of waste management capacity in Essex. The Non-Hazardous Waste Capacity Update Report (May 2018) states that there was a surplus of consented capacity of 1,454,000 tonnes of non-hazardous waste at 2017, reducing to 1,408,000 tonnes by the end of the Plan period (2035). This includes consented capacity of 823,000 tpa (including a 595,000 tpa waste to energy facility) at the Rivenhall Waste Management Facility which is expected to be fully operational by the end of 2025. Rather than a surplus of 1.4 million tpa, the WFAA records a shortfall of 209,000 tpa. | The updated **WFAA [REP2-009]** fully reflects the findings of the Essex Non-Hazardous Waste Capacity Update Report (May 2018).<br><br>In respect of LACW, Table 3 of this report identifies a capacity requirement of 20,000$m^3$ of additional landfill OR 209,000 tonnes per annum thermal treatment OR a combination of both.<br><br>For commercial and industrial waste, the 2018 update report notes that there is no recovery capacity shortfall for non-hazardous waste management throughout the Plan period (paragraph 2.10, page 26), *unless* non-operational capacity becomes operational, when there would be a projected capacity surplus of 1.454 million tonnes at 2017 reducing to 1.408 million tonnes at the end of the Plan period. This non-operational capacity comprises 0.6 million tonnes per annum at Rivenhall EfW – a facility that was granted planning consent over 10 years ago but remains substantially unconstructed due to delays and issues with its planning consent. For this reason, the status quo of there being no recovery capacity shortfall for commercial and industrial waste has been assumed. |

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| **2.30** | In Hertfordshire, all of the LACW is managed out of county under contracts which run until 2039. The suggestion that Hertfordshire County Council proposes to export approximately 260,000 tpa to facilities outside its boundary for treatment (it currently has a contract with Rookery South which is well within the two hour drive time of the entire county) is considered to amount to an unmet need sufficient to justify a facility at Wisbech (beyond the two hour drive time for the vast majority of the county) is absurd. Rather than a shortfall of 281,000 tpa post 2035, the shortfall should only be 21,000 tpa. | As noted in Table 4.6 and paragraph 4.2.14 of the **WFAA (Volume 7.3) [REP2-009]**, a January 2021 version of a need assessment, which underpinned the emerging Hertfordshire Minerals and Waste Local Plan 2040 concluded significant gaps in capacity –approximately 480,000 tonnes in 2034. This was amended in July 2022 to revise the Plan's approach to achieving net self-sufficiency - acknowledging the Council's intended procurement of contracts to manage Local Authority Collected Waste externally for the majority of the plan period. However, this approach to planning for future waste needs has not been tested in a public arena as being an acceptable or a responsible approach to Hertfordshire planning for their required waste management needs. Although Hertfordshire has decided to export its residual LACW for treatment, this does not negate their obligation to plan for the equivalent waste management capacity need, thereby reflecting the principles of each Waste Planning Authority achieving net self-sufficiency.<br><br>For these reasons, the Applicant remains satisfied that the inclusion of a shortfall of 281,000 tonnes per annum for Hertfordshire is robust and reflects the accurate waste management capacity gap for this area. |
| **2.31** | The Norfolk Minerals and Waste Local Plan Publication document (May 2022) confirms that sufficient capacity already exists to accommodate the forecast growth in waste arisings over the Plan period to 2038. Therefore, it is not considered necessary to allocate any specific sites for waste management facilities in the NM&WLP. The revised WFAA considers this data to be incorrect on the basis that any waste transferred out of Norfolk amounts to an unmet need. Again this is nonsensical as a basis on which to justify at facility at Wisbech (which relies almost entirely on waste being imported significant distances from outside Cambridgeshire). Using the Applicant's logic, the only way this unmet need could be met would be at a facility in Norfolk, therefore the proposed Medworth facility would do nothing to meet this need. | Due to the nature of waste contracts and the need for differing types of facilities to manage specific elements of the overall waste stream, waste will always flow across Waste Planning Authority boundaries. To reflect this, the principle of *net self-sufficiency* is a widely accepted one, required by national policy and adopted by Waste Planning Authorities. All authorities within the East of England are signatories to a Memorandum of Understanding (March 2019), which seeks to provide for net self-sufficiency in waste management capacity.<br><br>As outlined in the updated **WFAA [REP2-009]**, it is not considered that Norfolk is able to demonstrate net self-sufficiency for household, industrial and commercial (HIC) waste given that significant reliance is placed upon the transfer of such waste from Norfolk to other Waste Planning Authority (WPA) Areas. In light of the March 2019 Memorandum, it is not considered feasible to suggest that other WPA's capacity assessments will take account of the waste that is despatched from Norfolk for final treatment. For this |

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| | | reason, the Applicant has included the waste currently exported from Norfolk within the WFAA in order to provide an accurate summary of the waste management capacity gap that the Proposed Development seeks to fill. |
| **2.32** | The Leicestershire Minerals and Waste Local Plan up to 2031 was adopted in 2019. It confirms at paragraph 4.11 that sufficient capacity has already been permitted to handle the waste requiring management. This includes the 350,000tpa Newhurst Energy Recovery Facility near Shepshed being developed by Biffa, Covanta and EQT, which is currently in its construction phase and due for completion in 2023. The shortfall of 23,448 tpa identified in the WFAA would therefore not exist. | Paragraph 4.11 of the Leicestershire Minerals and Waste Local Plan up to 2031 (adopted 2019) states:<br><br>*"Tables 5 to 10 and associated text set out the predicted shortfalls that may arise during the timescales of this Local Plan and predict that, in the main, sufficient capacity has already been permitted to handle the waste requiring management. The sites with planning permission that are not yet operational and would contribute to identified shortfalls are as follows:*<br>• *Coventry Road, Narborough – 75,000tpa C&I recycling;*<br>• *Newhurst Quarry, Shepshed – 350,000tpa C&I & LACW recovery;*<br>• *Sutton Lodge Farm – 35,000tpa C&I and LACW recovery; and*<br>• *Wymeswold Airfield – 14,000tpa C&I recycling."*<br><br>The Plan then goes on to state at Policy W1: Waste Management Capacity:<br><br>*"The County Council will make provision for a sufficient range of waste facilities within the County of Leicestershire to manage the equivalent of the predicted arisings for the County up to and including 2031 and to meet the recycling, composting and recovery targets as a minimum as presented in Tables 5, 6, 7, 8, 9 and 10 at 2020/21, 2025/26 and 2030/31 subject to any new arisings forecasts published in the Council's Annual Monitoring Reports."*<br><br>Specifically, Table 6 of the Local Plan states that there will be a shortfall of 23,488 tonnes per annum of capacity for the recovery of local authority collected waste and commercial and industrial waste, which will require the equivalent of a new facility of 25,000 tonnes. On the basis that this shortfall was identified within the Local Plan, the **WFAA [REP2-009]** has included this shortfall in waste management capacity for Leicestershire. |

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| **2.33** | The Review of the Lincolnshire Minerals and Waste Local Plan (February 2021) allocates sufficient sites in the Sites Location Plan to meet the requirement for energy recovery. | As reported in Table 4.6 of the updated **WFAA [REP2-009]:**<br><br>The review of the Lincolnshire Minerals and Waste Local Plan (February 2021), on page 49, sets out the net changes in waste management capacity and the effect on waste management capacity gap projections.<br><br>For energy recovery, the plan notes that additional capacity is still required to address a growing capacity gap going forward. Although suitable sites are allocated in the Site Locations Plan, it is noted that it will be for market forces and the economics of developing additional EfW that will influence the delivery of additional capacity.<br><br>As outlined on page 49 of the Lincolnshire Minerals and Waste Local Plan and as referenced in Table 4.6 (page 53 of the updated **WFAA (Volume 7.3) [REP2-009],** the following gap in capacity are noted (tonnes per annum):<br>• 2025 – shortfall of 101,604 tonnes per annum<br>• 2031 – shortfall of 110,811 tonnes per annum<br><br>The Local Plan also notes that there is a predicted capacity gap for non-hazardous landfill of approximately 70,290 tonnes per annum in 2020; approximately 100,346 tonnes per annum in 2025; and approximately 132,100 tonnes per annum in 2031. |
| **2.34** | The Northamptonshire Minerals and Waste Monitoring Report 2019 (March 2021) is not referred to in the WFAA, rather it relies on data from 2012. Table 4 of the aforementioned report confirms that there was a surplus in capacity of 43,000tpa of treatment and other forms of recovery. | Table 4.6 of the updated **WFAA [REP2-009]** refers to the latest information available, including the updated Needs Assessment (2020) and the Northamptonshire Minerals and Waste Monitoring Report (2021). |
| **2.35** | The WFAA relies on data from the emerging Rutland Local Plan 2018-2036 which was withdrawn in September 2021. The Local Needs Assessment (September 2018) confirms that the existing contract for municipal waste treatment reduces the future advanced treatment requirements by 8,500tpa, leaving around 20,000tpa. | As set out in Table 4.6 of the updated **WFAA [REP2-009]**, it is acknowledged that whilst the emerging Rutland Local Plan 2018-2036 was withdrawn in September 2021, its reason for withdrawal was not related to any waste planning aspects of the document – but instead to the housing provision contained in the emerging Plan. On this basis, it has been considered that the Local Needs Assessment (September 2018) remains a valid evidence |

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| | | base on which to draw conclusions, with greater reliance being able to be placed on this data than on an older or historical alternative data source.<br><br>Furthermore, the shortfall in future capacity requirements (29,000 tonnes by 2036) is derived directly from Table 5 of the 2018 need assessment. |
| | Table 3: Revised WPA forecasted future residual waste requirements | In line with the comments made above (relating to paragraphs 2.28 to 2.35), the Applicant does not consider that any amendments are required to the reported shortfalls in capacity, as set out in Tables 4.6 and 4.7 of the updated **WFAA [REP2-009].** |

| | *Period up to 2030* | *Period up to 2035 and beyond* |
|---|---|---|
| Bedford City Council Central Bedfordshire Council Luton Borough Council | +316,000 | +316,000 |
| Cambridgeshire County Council Peterborough City Council | +518,000 | +495,000 |
| Essex County Council | +1,408,000 | +1,408,000 |
| Hertfordshire County Council | -10,000 | -21,000 |
| Milton Keynes Council | +193,000 | +193,000 |
| Norfolk County Council | 0 | 0 |
| Suffolk County Council | 0 | 0 |
| Thurrock | 0 | 0 |
| **Total for East of England** | **+2,425,000** | **+2,391,000** |
| City of Leicester | -23,000 | -23,000 |

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|---|---|---|
| Leicestershire County Council | 0 | 0 |
| Lincolnshire County Council | 0 | 0 |
| Northamptonshire County Council | +43,000 | +43,000 |
| Rutland County Council | -20,000 | -20,000 |
| **Total for 'in scope' East Midlands** | **0** | **0** |
| **GRAND TOTAL** | **+2,425,000** | **+2,391,000** |

| | | |
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| **2.36** | The assessment of residual waste forecasts in Waste Local Plans is inaccurate. Far from there being a shortfall in requirements, there is actually a surplus of almost 2,500,000 tpa and this is before the requirements of the Environmental Improvement Plan are taken into account. | In line with the comments made above (relating to paragraphs 2.28 to 2.35), the Applicant does not consider that any amendments are required to the reported shortfalls in capacity, as set out in Tables 4.6 and 4.7 of the updated **WFAA [REP2-009].** |
| **2.37** | Nationally, the Applicant states there will be 17.72 million tonnes of residual waste requiring treatment in 2043, with current EfW capacity at 2022 equating to 19.4 million tonnes, i.e. a surplus of capacity of over 1.5 million tonnes (see paragraph 5.2.24 of revised WFAA). The Applicant is suggesting that despite this surplus, a number of the existing facilities will be decommissioned or require upgrading. No further information is provided on the location of these facilities or their operational capacity. Analysis is required at the study area level rather than the national level, and an indication given as to which facilities are likely to be decommissioned if the conclusions in the WFAA are to be relied upon. | The Applicant is in the process of updating the WFAA, with a further revision to be provided at Deadline 5. The Applicant will provide further details to address this matter within the updated WFAA. |

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| **Conclusion** | | |
| **3.1** | Notwithstanding the serious concerns on the revised WFAA raised above, if the data the Applicant is now relying upon has changed so significantly since it was first published nine months ago, it raises serious questions about its credibility. If waste arisings can reduce by 45% between 2019 and 2021 (with no explanation other than the passage of time) and the shortfall in waste management capacity has reduced by 42% since the Applicant first undertook the assessment nine months ago, the WFAA cannot be considered to represent a robust basis on which to determine the need for a nationally significant waste recovery facility. | Potentially suitable waste in the Study Area is set out in the **WFAA [REP2-009]** and is derived from HIC arisings for the defined List of Waste (LoW) codes (Table 4.2 in the WFAA). In the updated **WFAA [REP2-009]** this has been revised down from 17.9 million tonnes to 9.8 million tonnes – a reduction of 45% from the original version of the WFAA. The reason for there being such a variation between the original and updated versions of the WFAA is that the updated version applied a refined reflection of the LoW codes that the Proposed Development could potentially take.<br><br>The Applicant will be providing its search criteria, applied to publicly available waste data, in order for Interested Parties to review how this data has been used by the Applicant to inform the WFAA. This will be provided as part of an updated WFAA to be submitted at Deadline 5.<br><br>However, it is worth highlighting 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 similar, being revised slightly downwards from2.5 million tonnes to 2.4 million tonnes – and when the exported RDF is added it is concluded that based upon the current pattern of waste arising and management across the spatial scope of this assessment, there is potential for around 2.6 million tonnes of material to be managed further up the waste hierarchy and/or at a location that is more proximate to the point of arising. This is 0.1 million tonnes more than reported in the original WFAA due to small changes in the quantity of RDF being exported from the Study Area. The level of waste fuel available for the Proposed Development has therefore remained stable.<br><br>In terms of the future position (over the next 15 years), taking into account new residual waste targets (which were not available when the original WFAA was written) and new capacity, the **WFAA [REP2-009]** concludes the following indicative capacity shortfalls remain: |

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| | | • Up to 2030 – approximately 1.1 million tonnes per annum – (0.8 million tonnes less than in the original version of the WFAA, or 42% less).<br>• Up to 2035 – approximately 1.3 million tonnes per annum – (0.5 million tonnes less than in the original version of the WFAA, or 28% less).<br><br>With these points in mind, the **WFAA [REP2-009]** continues to demonstrate that the Proposed Development could provide 625,600 tonnes of much needed capacity to fulfil existing and future gaps in residual waste management capacity. |
| **3.2** | The emerging NPS makes it very clear that the proposed plant must not result in over- capacity of EfW waste treatment at a national or local level. It is Wisbech Town Council's contention that the proposed facility will result in over-capacity of EfW waste treatment and as a result will prejudice the achievement of recycling targets contrary to the waste hierarchy and will lead to the transport of waste from significant distances, contrary to the proximity principle. | The Applicant is confident that the Proposed Development fully complies with the provisions of the extant and the revised draft NPS-EN-3, and would not result in the over-capacity of EfW provision on either a local or a national level. |