Medworth Energy from Waste
Combined Heat and Power Facility

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Written Summary of the Applicant's Oral Submissions at ISH5

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Contents

Table 1.1 Written Summary of the Applicant's Oral Submissions at ISH5

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Agenda item 1 - Welcome, introductions, arrangements for the hearing		
1	The Examining Authority ("ExA") opened the hearing, introduced themselves and invited those parties present to introduce themselves.	<u>The Applicant</u> The following parties introduced themselves on behalf of the Applicant: a) Mr Gary McGovern, Partner, Pinsent Masons LLP b) Ms Claire Brodrick, Senior Associate, Pinsent Masons LLP c) Paul Carey, Managing Director, MVV d) Tim Marks, Head of Planning, MVV e) John Wade, Head of Construction, MVV f) James Ashton, Head of Engineering, MVV g) Giles Hine Principal Consultant - Noise and Vibration, WSP h) Neil Furber, Associate Director, LVIA, HCUK i) Dr Ana Braid, Principal Consultant - Water, WSP Mr McGovern noted that the witness that was due to speak on agenda item 6 is no longer able to do so. <u>Host Authorities</u> The following parties introduced themselves: a) Andrew Fraser-Urquhart KC for Cambridgeshire County Council and Fenland District Council (the Councils) b) Andrew Sierakowski for Norfolk County Council c) Ralph Cox for Norfolk County Council d) Tessa Saunders, Spatial Planning Advisor for Anglian Water e) Yvonne Smith, Senior Sustainable Development Office, Water Management Alliance for King's Lynn Internal Drainage Board

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		Interested Parties The following parties introduced themselves: a) Barry Fogarty b) Cllr Peter Human, Chairman, Wisbech Town Council c) Graham Moore for Hundred of Wisbech Internal Drainage Board d) Hannah Wood-Handy for the Borough Council of King's Lynn and West Norfolk
2	The main purpose of the ISH5 is to undertake an oral examination on Environmental Matters, particularly in relation to landscape and visual effects, noise and vibration, water environment and cumulative effects.	N/A
3 – Landscape and Visual		
3a	The ExA will ask the Applicant to present its approach to landscape and visual effects as detailed in Chapter 9 of the ES, Landscape and Visual [APP-036], focusing particularly on the scope of the assessment, assessment methodology (including significance), likely significant effects and mitigation measures.	It was agreed that this agenda item would be deferred to the next set of hearings (reserved for the week commencing 26 June 2023). Mr McGovern noted in relation to the Applicant's comments in REP1-028, that there was a meeting held between the Applicant's landscape witness and Cambridgeshire County Council's landscape witness in October. One of the actions from that meeting was for the host authority's landscape witness to clarify which assessment conclusions they disagreed with, and this clarification is still awaited. Mr McGovern requested for this to be designated as an action before the hearings in June. This was accepted by Mr Fraser-Urquhart KC.

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4 – Noise and Vibration		
4a	The ExA will ask the Applicant to present, in broad terms, its approach to noise and vibration issues as detailed in Chapter 7 of the ES, Noise and Vibration [APP-034], focusing particularly on the scope of the assessment (particularly identification of potential receptors), assessment methodology (including significance), assessment of noise and vibration effects and mitigation measures.	Mr Hine for the Applicant confirmed that the noise assessment was carried out using standard EIA methodology. The Applicant looked at: • the study area; • the relevant policies; • the technical guidance; • the sensitivity of receptors; • the significance, that is a result of both the magnitude of effect and the sensitivity of the receptor; and • any mitigation measures required. The policies considered were the National Policy Statement for Energy (NPS EN-1), the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE), the Planning Practice Guidance: Noise (PPG-N) and the relevant county and district local planning policies. Scoping was undertaken with significant stakeholder engagement. The initial monitoring exercise was consulted on with both Fenland District Council (FDC) and the Borough Council of King's Lynn and West Norfolk (BCKLWN). Both rounds of comments made by FDC and BCKLWN were addressed and a consensus was reached on the agreed monitoring locations for undertaking the baseline exercise. <u>Study Area</u> When deriving the study area, the Applicant used technical guidance along with professional experience to identify the relevant study area. The construction noise study area was set at 300m. This was based on the Design Manual for Roads and Bridges on construction noise (DMRB LA 111).

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		The construction vibration study area was 100m and the operational noise study area was 1km from the site boundary, based on professional judgment. The construction and operational traffic study area was set at 50 metres from the road, in accordance with DMRB LA 111. In response to a question from the ExA on Figure 7.1 [APP-051] asking the Applicant to talk through the construction noise and vibration study area, Mr Hine noted that Figure 7.1 takes a 300m buffer from the redline boundary to determine the receptors within that study area for construction noise. The 300m buffer follows the road junction from Cromwell Road and New Bridge Lane up to the site access. The 100m detailed area is the vibration study area which relates to vibratory rollers along with the pilling for the site itself, but given that the pilling is rotary board pilling, there would be no vibration off site. In response to a question from the ExA on Figure 7.1 asking the Applicant to clarify the reason for the different areas which correspond to the Temporary Construction Compound, Mr Hine explained that the Temporary Construction Compound will be in operation throughout the construction period and so the noise generated is considered as construction noise. The Applicant has undertaken predictions of noise levels within the Temporary Construction Compound and assessed it. In relation to the boundaries for the Access Improvements and Water Connection (the black and blue lines on Figure 7.1), Mr Hine explained that the boundary for the access is 300m and this goes from Cromwell Road to the site entrance. The Water Connection is 300m and goes from the site access to the A47. These boundaries are important as they generally have the highest levels of construction noise and vibration closest to receptors. The ExA asked the Applicant to confirm the process of identifying the noise sensitive receptors shown in Figure 7.14. Mr Hine explained that the Applicant took the 1 km distance from the redline boundary as the study area and identified the closest receptors to the operational site. These receptors incorporated residential, industrial, commercial and educational receptors. The Applicant identified the receptors through a combination of desktop mapping and Mr Hine's professional experience.

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		Mr Hine confirmed that the number of receptors in Figure 7.3 corresponds with Figure 7.14. The ExA noted paragraph 7.6.42 and asked the Applicant to confirm the process for deciding which effects were scoped out. Mr Hine noted most items of noise and vibration were originally scoped into the assessment, with the exception of operational vibration effects from fixed or mobile plant at the EfW CHP Facility, CHP Connection or Grid Connection. There are no significant sources of operational vibration proposed at the EfW CHP Facility, CHP Connection or Grid Connection. As such, it is unlikely that any effects, significant or otherwise, would arise due to operational vibration, either from fixed or mobile plant or any activity occurring at the Proposed Development, with the exception of heavy vehicle movements in very close proximity to residential Receptors on New Bridge Lane where there are currently minimal or no heavy vehicle movements. <u>Assessment Methodology for Significant Effects</u> Mr Hine explained that the methodology is split between construction noise, construction vibration, operational noise, operational vibration of traffic and traffic noise for vehicles accessing the site. For construction noise, the Applicant used British Standard BS5228 – the approved code of practice for construction noise and which sets out the methodology for assessing magnitude and determining the significance of construction noise. The construction vibration was primarily qualitatively assessed. At the outset when impact pilling was an option, quantitative assessments at the eye hospital were also undertaken, which is a particularly sensitive receptor due to their need to conduct eye surgery. However, with the Applicant's decision to move to continuous piling this is no longer necessary and the Applicant is confident that the eye clinic's anti-vibration slab would mitigate any vibrations. Mr Hine noted that due to Cromwell Road already experiencing high levels of HGVs, the extra traffic was not a significant increase in noise or vibration terms under DMRB and is therefore confident that this receptor is protected against noise and vibration.

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		In response to the ExA's question as to how the different levels of sensitivity have been established and what they mean, Mr Hine noted that there is a project wide significance matrix, and the Applicant has tried to distil the approach taken to noise and vibration assessments to match that matrix. However, the Applicant is guided by the outcomes of the assessment, so the Applicant has looked at the various effect thresholds under the NPSE and the PPG-N, which looks at the significant health effects. Additionally, in BS8233, there are guidance levels for ambient noise for various types of establishments, including offices. The methodology was designed such that a significant effect would be found if noise levels created a situation where they were contributing an exceedance of that guideline level. In response to Councillor Peter Human, who noted that the effects on the eye hospital had not been given enough importance, Mr Hine confirmed that the Applicant has not minimised the importance of the eye clinic - it is a high sensitivity receptor, and the Applicant has liaised with the owners of the site specifically to minimise effects of noise and vibration. The Applicant has looked at the sound insulation properties of the operating theatre, the anti-vibration slab the clinic is constructed on and the code of practice for construction vibration that has a mechanism for impact assessment of piling. Testing in situ has not been undertaken but the Applicant is confident that with continuous pilling being undertaken, vibration will not have any impacts. The decision to move to a continuous piling technique was primarily driven by the sensitivity of the eye hospital. Mr Wade, on behalf of the Applicant, described the difference between the two piling techniques, being percussive / impact piling and continuous piling. The significant difference between them is that impact pilling causes more vibration. Mr Hine noted that in relation to traffic vibration, there are significant numbers of HGVs accessing Cromwell Road that already pass the eye hospital. It was considered that the eye hospital was already constructed with those baseline levels in mind and, because there is only a negligible increase in noise and vibration as a result of the Proposed Development, the existing construction of the eye hospital will mitigate any noise and vibration caused by the Proposed Development.

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		In response to the ExA requesting further detail on the significance of Tables 7.34 and 7.35 of [APP-034], Mr Hine explained that BS4142 is a standard that has been used for several years and takes the concept of a background noise level (being the underlying noise without the Proposed Development) and the specific noise level (noise level predicted from the Proposed Development). The site and local area were characterised as industrial at the nearest receptors, given the significant noise generated from the Cold Store and the wider Algores Way Industrial Estate. Therefore, there hasn't been a rating penalty applied to the specific levels. The exception to this is during the daytime at the receptors along New Bridge Lane, where it has been determined that the addition of HGV traffic represents a significant difference to the character of the sound levels that are experienced at receptors 2 and 3 (which represent 9 and 10 New Bridge Lane). In response to the ExA querying why receptors R1-R10 are included on Figure 7.14, which shows all of the residential receptors, but not R11-R15, Mr Hine noted that R11-R15 are receptors in relation to the CHP Connection and are receptors for construction noise (as they are not affected by operational noise given the nature of the works) and R1-R10 are operational noise receptors. The ExA noted that Figure 7.5 shows the operational noise study area, but R13 was not included as part of the assessment. Mr Hine explained that there are receptors that have been included in the assessment that are closer to the works than R13 that are not significant and so the assessment was not drawn out further. This approach was agreed during the scoping stage, as set out in Table 7.1 of [APP-034], on Page 7-4 (Issue raised: 'Noise emissions during construction and operational phases on dwellings referred to as 'Other nearest Receptors to the Energy from Waste CHP Facility'), and is confirmed in the 'Data Gathering Methodology' section of [APP-034], at paragraph 7.4.2, under the heading 'Study Area', and again in the 'Scope of the assessment' section of [APP-034], at paragraph 7.6.6, under the heading 'Potential Receptors'. As receptors closer to the site were determined as not significant, it was not necessary to consider R13 further. Mr Hine noted that this is a standard approach to noise assessment. The ExA queried why R16, R25 and R27 in Figure 7.38 have been determined as not significant. Mr Hine noted that in terms of the eye hospital (R16), they are subject to high levels of sound insulation and hence the assessment of the effects is not significant. The other two receptors, being R25 and R27, are situated within a very noisy industrial area

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		and therefore the noise from the Proposed Development is not such that it would be a departure from what these industrial locations are currently subjected to. In response to the ExA's question as to whether the Applicant should look at the additional noise created notwithstanding the current noise in the area, Mr Hine noted that the assessment was undertaken on an absolute noise level basis which does not consider the underlying noise, but the Applicant has provided a very stringent requirement against which to assess that. The decision on methodology was discussed at length and agreed with the local authorities as a robust and precautionary approach. *[Post hearing note: It should be noted that the significance at nearby commercial receptors was established for construction phase works, not operational. It is therefore considered that the mitigation as set out in paragraphs 6.3.9 – 6.3.12 of the **Appendix 7B [APP-076]** will be secured through the Construction Noise and Vibration Management Plan and **Appendix F** of the **Outline Construction Management Plan [REP3-023]**, will avoid significant effects at these nearest low and negligible sensitivity commercial receptors.]* Mr Marks noted that in addition to the discussion with FDC's environmental health officers, the Applicant developed **Appendix F** of the **Outline CEMP [REP3-023]**, being the Construction Noise and Vibration Management Plan, to provide for engagement with local businesses and other users to engage with them in relation to any noise complaints. **Appendix 7D** of the **Outline Operational Noise Management Plan [REP3-016]**, contains similar procedures and mechanisms to ensure any adverse noise effects to business users on the industrial estate can be discussed with the operator. In response to the ExA requesting the Applicant to submit information regarding the agreement with FDC, Ms Brodrick noted that she believes this is already in the information supplied and will provide the references, or if not there, the information itself. *[Post Hearing Note: The Applicant is submitting updated versions of **Appendix F** of the **Outline CEMP [REP3-023]** and **Appendix 7D** of the **Outline Operational Noise Management Plan [REP3-016]** at Deadline 4, to address FDC comments. An updated SoCG with the Host Authorities **[REP1-038]** will be provided at Deadline 5, which will set*

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		out the status of agreement on both the construction and operational noise management plans.] In response to the ExA asking why R26 and R28 do not feature in Figure 7.38, Ms Brodrick explained that the standard practice in noise assessments is starting with the receptors closest to the site, and moving away until you find receptors where noise levels were acceptable. Because of this, it was not necessary to consider educational establishments that were further away than other receptors that had been found to have not significant effects. Receptor 27 is the closest education receptor to the Proposed Development and because the effects are considered not significant to this receptor, it is not necessary to consider educational establishments located further away. The Applicant agreed to explain the methodology in Table 7.36, Table 7.37 and Table 7.38 in more detail, including the reasons why certain receptors are listed and others are not, for Deadline 5. *[Post Hearing Note: the Applicant's methodology has been explained for Deadline 4, see Table 1.2 ISH5-1 below].* In response to the ExA's request for the Applicant to talk through the information in Figure 7.3, Mr Hine noted the redline shows the Order limits for the Grid Connection and the 300m study area has been applied to that Order limit. Long term and short-term monitoring locations have been used and, in response to the ExA asking why there was no long term monitoring for the Walsoken Substation, Mr Hine noted that switch gear going into the substation is not considered noise generating equipment and so long term monitoring was not considered necessary. Ms Brodrick noted that notwithstanding the conclusions of the ES, the Applicant had amended the **Outline Operational Noise Management Plan [REP3-016]** and the **draft DCO [REP3-007]** to provide for noise management measures to be put in place in relation to the substation. Mr Hine confirmed that the monitoring locations and the nature of short term and long term monitoring has been agreed with both CCC and FDC. In response to the ExA's request of the Applicant to explain Figure 7.39, particularly where construction noise is confirmed to be a significant effect, Mr Hine confirmed that receptors where construction noise was deemed significant were receptors in close proximity to the EfW Facility and that this has been dealt with through the mitigation in

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		the CEMP. Section 7.10 of the **ES Chapter 7: Noise and Vibration [APP-034]** provides that all significant effects have been mitigated, apart from at R2, which has now been acquired by the Applicant. The mitigation for most of the receptors relates to management practices, but for R3 it was determined that engineered mitigation was the only suitable mitigation available, which resulted in the acoustic barrier proposed for R3. The Applicant put various dimensions of the barrier into the model and opted for a 3m fence, providing the best dimensions for noise reduction whilst taking into account the visual effects.
4b	The ExA will then ask the Applicant to explain the role of the Outline Operational ~~**Travel**~~ **[sic]** Noise Management Plan (clean) [REP1-013] and how the Applicant proposes to control and monitor construction noise, particularly in light of the Outline Construction Environmental Management Plan [REP3-023].	Mr Marks explained that the **Outline CEMP [REP3-023]** encompasses a number of measures to mitigate potential impacts, including a section on noise and vibration. Appendix F considers measures implemented during construction to minimise impacts and if there is a noise source that raises complaints, there are measures in place for such complaints to be reported, with a complaints procedure to be followed. In addition, the Outline CEMP provides a commitment to set up a community liaison group and invite local businesses and host authorities, the Environment Agency and other interested organisations to be part of it to ensure an open dialogue to appraise any concerns or issues. **Appendix D** to the **Operational Noise Management Plan [REP1-013]** provides for control measures to adequately control noise and vibration during operation. These measures are secured through DCO Requirements.
4c	The ExA will then give the Local Host Authorities (LHAs) and Interested Parties (IPs) the opportunity to comment, highlighting particular areas of disagreement between the parties. The ExA will particularly be looking for comments from BCKLWN in line with their Relevant Representation [RR-001], BCKLWN Local Impact Report [REP1- 064] and CBKLWN Written Representation [REP2-028] which might not have been adequately addressed yet by the Applicant, mainly in relation to construction noise and dust and operational noise.	The Applicant notes that BCKLWN's environmental health officer confirmed that they have been liaising with FDC in relation to the **Outline CEMP [REP3-023]** and BCKLWN agreed with the comments raised by the Applicant in the hearing.

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4d	The ExA will also ask for comments from CCC and FDC in line with concerns identified in the Cambs CC and Fenland DC joint Local Impact Report [REP1-074] which might not have been adequately addressed yet by the Applicant, as well as those identified in Cambs CC and Fenland DC Deadline 2 Written Representation [REP2-033] and Cambs CC and Fenland DC Deadline 3 Submission - Post-hearing submissions including written submissions of oral cases [REP3-044].	Mrs Hardwood, on behalf of FDC, stated that the **Outline ONMP [REP3-016]** in paragraph 6.15 states that actions will be taken to mitigate complaints substantiated by the Environment Agency and raised that the LPA also have a duty to investigate complaints. It was requested that the Outline ONMP is extended to include reference to LPAs as well as the Environment Agency. Mr Marks confirmed that this was accepted. This has been updated in Rev 4 submitted at Deadline 4. In response to comments from Mrs Harwood that that the **Outline CEMP [REP3-023]** does not state the methodology for monitoring vibration, Mr Marks noted that the document referred to is only an outline, and the Applicant would set out the detailed measures in the final version submitted for approval preconstruction. However, the Applicant agreed to update the Outline CEMP to make the methodology clearer, which is now reflected in Rev 4 submitted at Deadline 4.
4e	The ExA will then invite IPs to comment on any issues covered under this agenda point.	N/A
5. Water Environment		
5a	The ExA will ask the Applicant to set out in broad terms their approach to flood risk including their approach to the sequential test and exception test and how the essential infrastructure located in Flood Zone 3a would be designed and constructed to remain operational and safe in times of flood. The ExA will then ask the Applicant to provide an update on the Statement of Common Ground with the Environment Agency [REP3-026] with regard to hydrology.	Dr Braid, on behalf of the Applicant, summarised the Applicant's approach to flood risk. The Flood Risk Assessment **(FRA) (Appendix 12A FRA Volume 6.4 [APP-084]**) was prepared in accordance with NPS EN-1, EN-3 and EN-5, the National Planning Policy Framework, and all other relevant national and local policy and guidance. The Applicant has undertaken extensive consultation with Environment Agency, Lead Local Flood Authorities, Middle Level Commissioners and Water Management Alliance to discuss the assessment approach and embedded measures. The approach for flood risk in

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		particular was agreed with the Environment Agency and confirmed in the Draft Statement of Common Ground (SoCG) submitted at Deadline 3 **[REP3-026]** and which has since been approved by the Environment Agency and an updated version will be submitted at Deadline 4. All potential sources of flooding have been considered, including the risks posed to and from the Proposed Development, over the full development lifetime. Tidal flooding from the River Nene represents the greatest potential flood risk posed to the Proposed Development. This is associated with parts of the Proposed Development, including essential infrastructure within the EfW CHP Facility, being located in Flood Zone 3a. The assessment was based on flood mapping and detailed tidal flood modelling information provided by the Environment Agency. Where a risk has been identified, sufficient flood risk management measures, in line with best practice, have been proposed. These measures include raising finished floor levels for the EfW Facility above the modelled flood level, stand-off distances from edge of IDB drains and appropriate design of watercourse crossings to maintain existing flow conveyance. The assessment concludes that the Proposed Development, with the proposed flood risk management measures, would not be subject to an unacceptable level of flood risk, nor would it increase flood risk elsewhere. The approach taken in this FRA is considered to be proportionate to the risk and appropriate to the scale, nature and location of the project.
5b	The ExA will ask the Applicant to set out their approach to water supply and foul (trade) effluent including an update on the Statement of Common Ground with Anglian Water [REP1-044], and specifically in regard to Anglian Water [REP3-043] which describes the current insufficient water supply available within the Fenland Water Resource Zone to meet the maximum daily demand. The ExA will then give Anglian Water the opportunity to comment in relation to [REP1-044] and [REP3-043].	Mr Marks advised that in relation to Anglian Water, since receiving their representations at Deadline 3, the Applicant has continued to engage with Anglian Water in a positive way and has continued to review in detail the water requirements of the Proposed Development. The Applicant is intending to provide more detail to Anglian Water to the in the form of a technical note. The Applicant believes that it has identified a solution and this will be discussed with Anglian Water. In response to ExA's question as to when a resolution on the water supply issue will be resolved, Mr Marks noted that the Applicant will continue to engage, prepare the technical note and continue discussions with Anglian Water. Mr Marks noted it has come to light that the current water supply to the site is highly likely to be sufficient for the Proposed Development, but the Applicant will continue to

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		engage and update Anglian Water in relation to this. The additional water supply is required in relation to the Applicant delivering steam to a user; the EfW CHP Facility site would need the additional water supply however this water supply would be offset by a corresponding reduction in water use at the end user. In response to the ExA's question, referring to document [APP-030], paragraph 3.4.62, asking under what circumstances steam customers would not return the condensate, Mr Carey advised that this is dependent, for existing heat users, on their existing processes – these existing processes will determine whether they can return condensate. Mr Carey confirmed that the amount of condensate would not change and there would be no net difference in the amount of water required. For new customers, not already using steam on site, the Applicant would work with them to design their systems to maximise the condensate return to avoid water wastage. In response to the ExA asking whether the higher rate of discharge to the foul sewer is part of the discharge rate of the peak flow of 2.50 litres per second, Mr Carey advised that this was a technical question and a response would be provided after the hearing. However, Mr Carey noted that any discharges into the drain from the Proposed Development would be fairly clean water. The Applicant tries to avoid wasting water and the flow rates in the Environmental Statement are a worst-case scenario. For example, if the EfW CHP Facility needed to empty the boiler, it would not put the water down the drain, but would store it in a separate tank so it could be reused. Mr Carey confirmed that, from the discussions with Anglian Water, no issues or concerns relating to the foul sewer had been identified. *[Post-Hearing Note: see the Applicant's response to Action Point ISH5-4 in Table 2.1].*
	The ExA will ask the Applicant to set out their approach to the Outline Drainage Strategy [REP1-017] and progress on the Statements of Common Ground with the Lead Local Flood Authorities (LLFA) [REP1-038], Kings Lynn Internal Drainage Board (KLIDB) [REP1-048] and Hundred of Wisbech Internal Drainage Board (HWIDB) [REP1-047] specifically highlighting outstanding issues.	Dr Braid summarised the Applicant's approach to the Outline Drainage Strategy **[REP1-017]** and the progress of the Statements of Common Ground, stating that it has been developed to manage surface water runoff from the Proposed Development during the construction and operational phases in a sustainable manner, in accordance with the requirements of National Policy Statement (NPS) EN-1 and Draft EN-1, and the National Planning Policy Framework (NPPF) to manage surface water flood risk on-site, ensuring flood risk is not increased elsewhere, and where possible, reduces flood risk overall. Any

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		pumped groundwater during construction will also be managed as part of this drainage strategy. The approach for the Outline Drainage Strategy **[REP1-017]** was developed through extensive pre-application consultation with Lead Local Flood Authorities, King's Lynn IDB and Hundred of Wisbech IDB (HWIDB) and confirmed in the Draft Statement of Common Ground (SoCG) submitted at Deadline 1 – the Middle Level Commissioners is **[REP1-047]**; Kings Lynn IDB (KLIDB) is **[REP1-048].** The Applicant has also agreed a draft SoCG with the Environment Agency and this will be submitted after it has been signed, at Deadline 4 or 5. *[Post Hearing note: The signed SoCG with the Environment Agency is submitted at Deadline 4 see Volume 9.7.]* A sustainable drainage system (SuDS) for the Proposed Development has been incorporated in the design to meet the water quality treatment requirements set out in the CIRIA SuDS Manual C753. In summary, the approach for the EfW CHP Facility is to collect, attenuate and treat surface runoff in SuDS before discharge into the adjacent HWIDB maintained drains at greenfield runoff rates. For the construction phase, flows will be treated and attenuated in swales and detention basins. For the operational phase, flows will be treated in swales, detention basin and filter strips and attenuated in underground tanks due to the spatial constraints. The attenuation capacity of the drainage system has been designed for the 1 in 100-year storm event plus climate change in accordance with the Environment Agency's latest guidance[1]. The approach during the construction of the Walsoken substation is to collect, treat and attenuate runoff in a swale and detention basin before discharge into an adjacent drain. The discharge rate and location will be agreed with KLIDB and NCC at detailed design post-DCO consent and prior to construction following a topographical survey and ditch walkover survey. During the operation of the Walsoken substation, runoff will be allowed to infiltrate to ground via permeable paving. Further investigation of the viability of infiltration will be undertaken post DCO consent and prior to construction, through liaison with NCC and

[1] (Environment Agency (2022) Guidance Flood risk assessments: climate change allowances. Published 19 February 2016. Last updated 27 May 2022. Available online: https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances#peak-rainfall-intensity-allowance [accessed 28/11/22].

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		by undertaking a soakaway tests, a topographical and ditch walkover survey. If infiltration into the ground is not a viable solution, then surface water flows will be attenuated in a detention basin prior to discharge into an adjacent ditch at a rate of discharge agreed with KLIDB and NCC. The Draft SoCG Rev2 is in discussion with CCC/FDC and with NCC and BCKLWN and it is anticipated that a final approved version will be provided at Deadline 4 or 5. The **Outline Drainage Strategy [REP1-017]** provides sufficient information to confirm that surface runoff will be managed appropriately in order to prevent an increase in flood risk both on and off site, and to prevent pollution of the local water environment. Modelling undertaken by the Applicant demonstrates that sufficient attenuation capacity will be provided on site to limit the discharge of runoff into adjacent ditches to greenfield runoff rates. The Simple Index Approach was used to show that surface runoff will be treated appropriately prior to discharge to ensure that it will not cause pollution of the local environment, in line with the requirements of the CIRIA SuDS Manual C753. The on-site attenuation capacity during construction includes indicative groundwater pumping rates from deeper excavations which will be confirmed at the detailed design stage. If the aquifer pumping tests at the detailed design stage indicate that the dewatering rates are higher than the preliminary calculations indicate, then sufficient space is available in the southern area of the EfW CHP Facility Site to increase the capacity of the attenuation basins, as required. This will ensure that pumped groundwater from the deep excavations is appropriately stored within the site therefore preventing any risks of flooding on site.
5d	The ExA will then give the LLLFA, KLIDB, HWIDB and Interested Parties (IPs) the opportunity to comment, highlighting particular areas of disagreement between the parties.	The Applicant notes that no comments or concerns were raised by CCC or FDC. In response to Ms Smith's concern, on behalf of KLIDB, that the Applicant should make sure that the culverts underneath the A47 are feasibly replaceable in the future, Mr Marks confirmed that the Applicant understood this was the remaining issue between the parties. The Applicant will be meeting with KLIDB shortly in order to reach an agreement on this point.

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		In response to comments from HWIDB that outstanding issues were resolvable within Examination, and a query from the ExA as to whether the Applicant agreed with this, Mr Marks advised that the Applicant had a high level of confidence that all outstanding issues could be resolved prior to the end of the Examination. In summary, Mr Marks confirmed that the Applicant has concluded its discussions with the Environment Agency, has one matter of detail outstanding with the Water Management Alliance, and is awaiting comments from HWIDB on the draft protective provisions. The Applicant believes that all of these matters will be resolved during the Examination.
5e	IPs will then be invited to ask questions on the issues discussed.	No comments
6. Cumulative effects		
6a	The ExA will ask the Applicant to present, in broad terms, its approach to cumulative effects detailed in Chapter 18 of the ES, Cumulative Effects [APP-034], focusing particularly on inter-related effects assessment, the inter-project effects assessment and the conclusions reached.	It was agreed that this agenda item would be deferred to the next set of hearings (reserved for the week commencing 26 June 2023).
7. Review of issues and actions arising		
		N/A
8. Any other business		

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		Mr McGovern noted that further to discussions in ISH3 in relation to waste matters where a proposed DCO waste catchment requirement was discussed, the Applicant has been working on the drafting of the requirement and confirmed that it would be sent to CCC on 18 May 2023. The Applicant notes that Mr Fraser-Urquhart KC requested to defer the production of comments on the landscape elements of the Applicant's Deadline 3 submissions, due to the unavailability of the landscape witness. The ExA accepted the approach and asked for the comments, alongside the list of specific LVIA assessments that the Council disagreed with, by Deadline 5.
9. Closure of Hearing		
	The ExA thanked the parties for their contributions and closed the hearing.	N/A

Table 1.2 ISH 5 Action Points: Applicant's response

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<tr><th>Ref</th><th>Party</th><th>Action Point</th><th>Deadline</th><th>Applicant's Response</th></tr>
<tr><td>ISH5-1</td><td>Applicant</td><td>Applicant to provide further information regarding justification and reasoning for including Residential Receptors R11 to R15 in their assessment set out in Tables 7.34, 7.35, 7.36 and 7.37 [APP-034]</td><td>Deadline 5</td><td>This Action relates to the operational noise assessment for Receptors R11 – R15. The table below provides addresses for these receptors.

<table><tr><th>ID</th><th>Receptor</th></tr><tr><td>R11</td><td>25 Cromwell Road</td></tr><tr><td>R12</td><td>27 – 37 Cox Close</td></tr><tr><td>R13</td><td>23 Victory Road</td></tr><tr><td>R14</td><td>Bruce Close</td></tr><tr><td>R15</td><td>50 – 60 Weasenham Lane</td></tr></table>
Residential receptors R12 – R15 were agreed to be scoped out of the assessment of operational noise during the scoping stage.

The first 5 rows (underneath the header row) of Table 6.5 of the Scoping Report sets out those receptors to be included in the assessment of operational noise from the EfW CHP Facility. Row 6 of Table 6.5 of the Scoping Report sets out those receptors where assessments of operational noise are not required. Row 6 of Table 6.5 of the Scoping Report is reproduced below, with headers, explaining those receptors which are not to be included in the assessment of operational noise, and the basis for this:

<table><tr><th>Receptor Group</th><th>Assessment of Effects due to Construction & Operation
(All traffic noise assessments subject to confirmation of vehicular access route and provision of appropriate data)</th></tr></table></td></tr>
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Other Nearest Receptors to the Energy from Waste CHP Facility 27 to 37 Cox Close, 23 Victory Road, Bruce Close, 50 – 60 Weasenham Lane, 125 New Drove.	No assessments required – traffic effects most unlikely as receptors are not near to main routes or are already represented by other receptors requiring assessment.
North, North East and East of Energy from Waste CHP Facility Site. 450m, 900m, 1000m, 850m & 500m, respectively.	Assessment of site noise emissions not required as assessment at closer receptors will ensure appropriate control of site noise emissions at these receptors also.

Scoping opinion ID 4.2.3 states:
"The Inspectorate notes that the 'Other nearest receptors to the Energy from Waste CHP Facility' are a minimum of 450m from the EfW CHP Facility site, with intervening structures which would attenuate noise emissions. An assessment of noise emissions is proposed for closer receptors. The Inspectorate is content that significant effects on 'Other nearest receptors' are unlikely to occur and that noise emissions from the EfW CHP Facility to 'Other nearest receptors to the Energy from Waste CHP Facility' can be scoped out of the assessment."

On the basis of the above, it is considered appropriate information has been provided regarding the justification to scope out Receptors R12 – R15 from the assessment of operational noise. The outstanding Receptor, R11, is addressed below.

Receptor R11 lies approximately 550m west-south-west of the boundary of the EfW CHP Facility. Receptor 11 was scoped out of the assessment of operational noise on the same basis as receptors R12 – R15, i.e., because there are closer receptors, in a similar direction from the EfW CHP Facility, which were included in the assessment of operational noise, and that assessment at the closer receptors will ensure appropriate control of site noise emissions at R11 also.

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<tr><td></td><td></td><td></td><td></td><td>Receptors R1 and R6 lie in a similar direction from the EfW CHP Facility and were included in the operational noise assessment. R1 lies approximately 320m west of the boundary of the EfW CHP Facility and R6 lies approximately 380m south-south-west of the boundary of the EfW CHP Facility. On the basis that both R1 and R6 are in a similar direction from the EfW CHP Facility as compared to R11, but are closer to the EfW CHP Facility than R11, it is considered that the assessment of site noise emissions at R1 and R6 will ensure appropriate control of site noise emissions at R11 also.</td></tr>
<tr><td>ISH5-2</td><td>Applicant</td><td>Applicant to provide further justification and reasoning in relation to their analysis of the effects of noise and vibration at operational phase for R26 and R28 – both identified as having a "moderate" indicative significance of effects</td><td>Deadline 5</td><td>This Action relates to operational noise impacts at educational receptors R26 and R28. Justification and reasoning is requested in relation to the analysis of operational noise effects at R26 and R28 which are indicated as 'moderate'.

Assessment of operational noise effects at R26 and R28 were scoped out on the basis that educational receptor R27 is the closest educational receptor to the EfW CHP Facility and is also in a similar direction from the EfW CHP Facility. A summary of the directions and distances of these receptors from the boundary of the EfW CHP Facility is provided in the table below.

<table>
<tr><th>Receptor ID</th><th>Receptor</th><th>Direction from EfW CHP Facility</th><th>Approximate distance from EfW CHP Facility Boundary</th></tr>
<tr><td>R26</td><td>TBAP Unity Academy, Algores Way/ Weasenham Lane</td><td>north-east</td><td>620 m</td></tr>
<tr><td>R27</td><td>Cambian Education Foundation Learning Centre, Anglia Way</td><td>north-east</td><td>200 m</td></tr>
<tr><td>R28</td><td>Thomas Clarkson Academy</td><td>north-east</td><td>750 m</td></tr>
</table>
* Note: Table 7.14 of ES Chapter 7 Noise and Vibration (Volume 6.2) [APP-034] incorrectly identifies these 3 receptors as being to the north-west of the Proposed Development instead of to the north-east.</td></tr>
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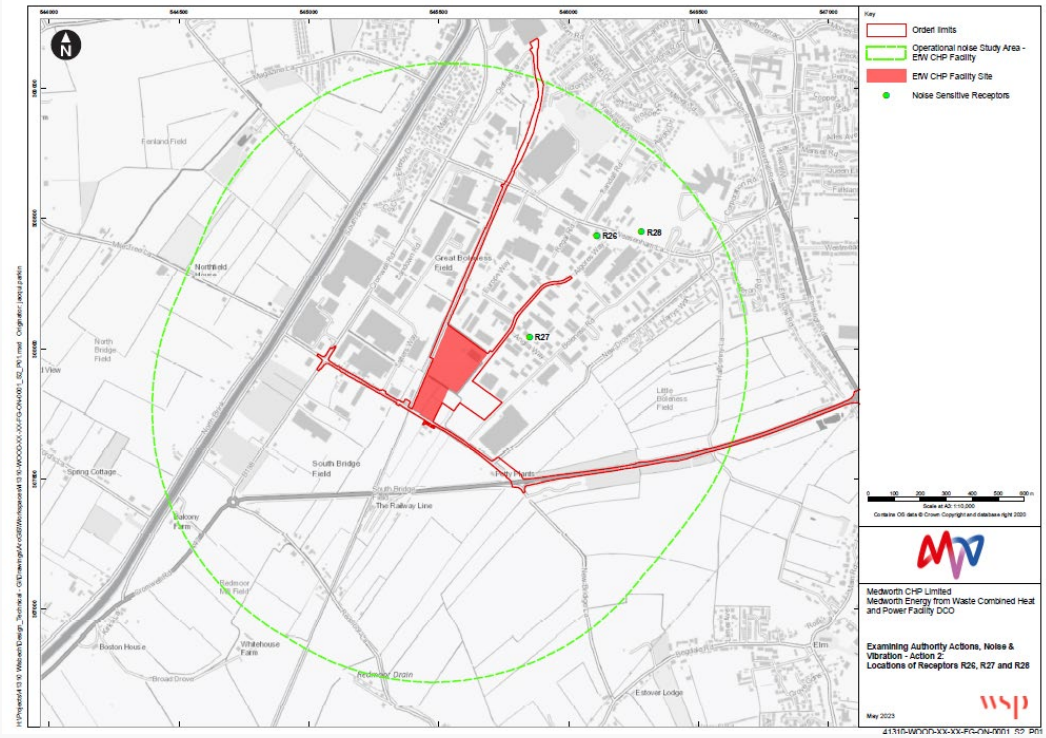
The information in the table above indicates that R26 and R28 are around three to four times further away from the EfW CHP Facility than R27. A figure is provided below which shows that Receptors R26, R27 and R28 all lie a similar direction from the EfW CHP Facility, but that R26 and R28 are at a much greater distance from the EfW CHP Facility than R27 (See figure below).



It is noted that the noise environment at R26 and R28 is dominated by sound from road traffic on Weasenham Lane. Therefore, whilst effects of moderate significance are indicated at R27 (which are not significant), it is considered that likely significant effects

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Based on the above, it is considered that the assessment of operational noise emissions at R27 will ensure appropriate control of operational noise emissions at R26 and R28 also.</td></tr>
<tr><td>ISH5-3</td><td>Applicant</td><td>Applicant to submit information relating to liaison and agreements with Fenland District Council on Noise and provide references to examination library references where information can be found.</td><td>Deadline 5</td><td>Liaison with Fenland District Council on the approach to the Noise and Vibration assessment are set out in the ES Chapter 7 Noise and Vibration [APP-034], in the following locations within the document:

<table>
<tr><th colspan="2">ES Chapter 7 Noise and Vibration [APP-034]: Locations of information detailing liaison and agreement with Fenland District Council on the approach to the noise and vibration assessment</th></tr>
<tr><th>Location in ES Chapter 7 Noise and Vibration [APP-034]</th><th>Page number and Outline of aspects addressed/ agreed</th></tr>
<tr><td>Table 7.1 Summary of EIA Scoping Opinion responses for noise and vibration</td><td>Page 7-5: Local policies referred to when preparing and undertaking the assessment.

Page 7-6: Acquisition and consideration of meteorological data during baseline surveying.

Page 7-7: Data requirements for reporting of BS 4142:2014+A1:2019 assessment.

Page 7-7: Requirement for construction and operational management plans to demonstrate how impacts to receptors will be controlled [updated versions provided in Appendix F Outline Construction Environmental Management Plan [REP3-023] (CEMP) and Appendix 7D Outline Operational Noise Management Plan [REP3-015] (NMP)].</td></tr>
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					Page 7-8: Consideration of the Anglia Community Eye Clinic. Page 7-9: Requirement for the noise impact assessment to include vehicle movements as well as operational equipment.
				Table 7.2 Summary of Stakeholder engagement for noise and vibration	Page 7-9: Basis for scoping out baseline vibration monitoring with agreement of FDC. Page 7-9: Basis for scoping out baseline monitoring at the Anglia Community Eye Clinic. Page 7-9: Details of baseline monitoring: locations, durations & acquisition of meteorological data as set out within the SMP (Survey Monitoring Plan, provided in Annex B of Appendix 7A Baseline Noise Monitoring Report [AS-010]). Confirmation from FDC Page 7-10 – Page 7-11: Comments and queries on revisions of the Survey and Monitoring Plan (SMP, provided in Annex B of Appendix 7A Baseline Noise Monitoring Report [AS-010]). FDC Agreement to baseline surveys going ahead after 12 April 2021. Page 7-11: Alternative survey location for location ST1 agreed with FDC. Page 7-12: Scoping out of assessment of vehicle induced vibration agreed with FDC. Page 7-12: Use of criteria contained in BS 5228-1:2009+A1:2014 and BS 8233:2014 when determining impact magnitude criteria for non-residential premises agreed with FDC.

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				Page 7-13: Agreed with FDC to provide statement confirming baseline surveying conforms with the requirements of the IOA and ANC's 'Joint Guidance on the Impact of COVID-19 on the Practicality and Reliability of Baseline Sound Level Surveying and the Provision of Sound & Noise Impact Assessments'. Page 7-13: Competency requirements for survey personnel agreed with FDC. Page 7-14: HDD and OHL for Grid Connection no longer forming part of Proposed Development, therefore assessment of these elements no longer required agreed by FDC. Page 7-14: Methods, criteria and assessment locations for assessment of construction noise arising from construction of Grid Connection and Water Connection.
ISH5-4	Applicant	Revisit paragraph 3.4.6.2 and update the ExA on potential implications for foul discharge rates and available capacity.	Deadline 5	The foul water discharge rates are based on MVV's operational experience. The Applicant assumes a nominal foul water discharge rate of 1.5t/h (0.417l/s) and a peak flow rate of 9t/h (2.502l/s). It is anticipated that peak flows would be intermittent and not exceed 9t/h under any operational scenario. The Applicant confirms the peak foul water flow is included and correctly described at section 3.4.61 to 3.4.64, in the **ES Chapter 3: Description of the Proposed Development [APP-030]**.

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ISH5-5	Cambridgeshire County Council	To provide clarification on points of disagreement with the Applicant's landscape assessment as actioned in previous meeting with the applicant.	Deadline 5	Action noted, the Applicant awaits confirmation from CCC on the points of disagreement.