



Application by Medworth CHP Limited for the Medworth Energy from Waste Combined Heat and Power Facility
The Examining Authority's written questions and requests for information (ExQ2)
Issued on 5 June 2023

The following table sets out the Examining Authority's (ExA's) second round of written questions and requests for information – ExQ2. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as **Annex C** to the Rule 6 letter of 24 January 2023. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with an alphabetical code and then has an issue number and a question number. For example, the first question on general matters is identified as GEN.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact Medworth@planninginspectorate.gov.uk and include 'Medworth EfW ExQ2 Response' in the subject line of your email.

Responses are due by Deadline 5: 16 June 2023.



Abbreviations used:

AP(s)	Affected Person(s)	IP(s)	Interested Parties
AQMAs	Air Quality Management Areas	LIR	Local Impact Report
Art	Article	LEMP	Landscape and Ecology Management Plan
ASI	Accompanied Site Inspection	LVIA	Landscape and Visual Impact Assessment
BCKLWN	Borough Council of King's Lynn and West Norfolk	NE	Natural England
BoR	Book of Reference	NMP	Noise Management Plan
CA	Compulsory Acquisition	Norfolk CC	Norfolk County Council
Cambs CC	Cambridgeshire County Council	NPS	National Policy Statement
CEMP	Construction Environmental Management Plan	NSIP	Nationally Significant Infrastructure Project
dB	Decibel	OMP	Odour Management Plan
DLUHC	Department for Levelling Up, Housing and Communities	OP(s)	Other Person(s)
DCO	Development Consent Order	PA2008	The Planning Act 2008
EfW	Energy from Waste	PRoW	Public Right of Way
EIA	Environmental Impact Assessment	RR(s)	Relevant Representation(s)
EM	Explanatory Memorandum	SAC	Special Area of Conservation
ES	Environmental Statement	SPA	Special Protection Area
ExA	Examining Authority	SoC	Statement of Commonality
Fenland DC	Fenland District Council	SoCG(s)	Statement of Common Ground
FS	Funding Statement	SoR	Statement of Reasons
GHG	Greenhouse Gas	SoS	Secretary of State
HLAs	Host Local Authorities	TP	Temporary Possession
HRA	Habitats Regulations Assessment	WFAA	Waste Fuel Availability Assessment



The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[Examination Library](#)

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Issue reference. question number, eg GCT.2.1 – refers to General and Cross-Topic question 1 in this table.



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ExQ1	Question to:	Question:
GENERAL & CROSS TOPIC QUESTIONS		
GCT.2.1	Applicant	The implementation of any Carbon Capture will require further works. Can the Applicant please confirm how it seeks to achieve these?
GCT.2.2	Applicant HLAs	Can the Applicant and HLAs provide an update on any S.106 Agreements and how these have been progressed? Can the LHAs also clarify, in relation to any outstanding issues proposed to be covered in a S.106 Agreement, how likely are these to be resolved before the end of the Examination and, if not, would these result in an objection to the Proposed Development?
GCT.2.3	Applicant HLAs Statutory Undertakers	A significant number of issues remain unresolved on a significant number of the SoCGs [REP4-012] and [REP4-017]. Can the Applicant, HLAs and Statutory Undertakers please provide an update on how likely are outstanding issues and areas of disagreement to be resolved before the end of the Examination and, if not, would these result in an objection to the Proposed Development?
GCT.2.4	BCKLWN	In response to GCT.1.3, the LBKLWN stated that, if not secured by requirement, a S.106 may be required to deliver the Outline Local Air Quality Monitoring Strategy (OLAQMS) which would include: 4x existing NO2 diffusion tubes; Implement a new roadside diffusion tube on the A1101 towards Outwell plus; Provision for Particulate Matter analyser. The Applicant then responded to this issue at Deadline 3 [REP3-041] which highlighted some issues still outstanding. Can the LBKLWN, in light of the latest draft Development Consent Order (dDCO) [REP3-007] and the OLAQMS [REP3-034] and [REP3-035] confirm its position in relation to this issue?
GCT.2.5	Cambs CC	In response to GCT.1.3, Cambs CC stated that S.106 agreement was required to secure: Compliance with Construction Traffic Management Plan with a review after 3 month and implementation of any updates to plan following review (unless this is sufficiently dealt with in the DCO); Section 278 agreement to include s.38 dedication provisions - To be agreed and completed prior to commencement of works; Highway works to include upgrading and widening of existing highway; streetlighting scheme in accordance with design brief and technical approval; signalling for construction traffic and post construction; Provisions for payment of commuted sums; The ongoing maintenance of highways in ownership of Fenland DC; Highway reinstatement provisions; and Implementation of Wisbech Rail Options Assessment Report. Cambs CC also confirmed

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		that the Council's legal support department have been liaising with the Applicant's lawyers and are awaiting heads of term to be drafted for comment. The Applicant then responded to this issue at Deadline 3 [REP3-041] which highlighted some issues still outstanding. Can Cambs CC please provide an update on any outstanding issues?
GCT.2.6	Applicant	In response to GCT.1.10 (sic), the Applicant has stated that "whilst the Applicant did not seek an independent design review outside of the consultation process, it has evidenced and explained the design for the EfW CHP Facility within the accompanying Design and Access Statement (DAS) [APP-096]." Nevertheless, as recognised by the Applicant in its response, PS EN-1 paragraph 4.5.5 states that Applicants and the IPC (now Secretary of State) should consider taking independent professional advice on the design aspects of a proposal. How does the Applicant consider that it has taken independent professional advice on the design aspects of the proposal?
GCT.2.7	HLAs	In response to GCT.1.12, the Applicant stated that its approach to 'hard to reach groups' was agreed with the relevant host authorities and undertaken consistent with its Statement of Community Consultation. It included making consultation documents available in large copy print, audio, or Braille on request. A translation service was also available on request. Can the HLAs please confirm that they are happy with this approach and believe it is proportionate and adequate?
GCT.2.8	IPs	Applicant has updated the BoR [REP3-009] by including all landowners abutting Algores Way as parties with a Category 2 interest in respect of rights of access. IPs are asked to confirm their inclusion in the BoR.
GCT.2.9	Applicant	The ExA has requested the Applicant, in Action CA2-5 to consider and provide an update as to whether there are any other appropriate steps that could be taken to engage with those businesses that rely on access via Algores Way (particularly those that are directly affected by the Applicant's proposals for plots 13/4c(ii), 13/4d and 14/4a as set out in the Land Plan (Rev 4) [REP3-003]). Can the Applicant please provide an update.
PRINCIPLE AND NATURE OF DEVELOPMENT (Inc. WASTE RECOVERY CAPACITY AND MANAGEMENT WASTE HIERARCHY)		
PND.2.1	Cambs CC	In para. 13.4.4 of the LIR [REP1-074] Cambs CC states that it is a signatory, alongside Peterborough City Council, of a Memorandum of Understanding between the Waste Planning Authorities of the East of England (March 2019), which seeks to provide for net-sufficiency in waste management capacity. Can Cambs CC please confirm if all Waste

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		<p>Planning Authorities of the region have signed-up to this agreement and also provide further information regarding what is understood by self-sufficiency, i.e. within the region or within each one of the Waste Planning Authorities.</p>
PND.2.2	Applicant	<p>The Applicant's response to the ExA's Written Questions (ExQ1) – Appendix 10.2B Technical Note: IBA and APCr Sites and Capacity [REP2-019] sets out the Applicant's consideration of potential locations for (including capacity) IBA and APCr treatment/disposal facilities. Can the Applicant please clarify if the permitted capacity included in Table 2.1 Summary of IBA (Incinerator Bottom Ash) treatment facilities and capacity is the overall capacity of the facilities listed, or it is capacity that is not being used at this point in time? Can the Applicant also confirm how confident it is, and why, that those facilities listed will have capacity to treat the IBA created by the Proposed Development?</p> <p>Can the Applicant please clarify if the permitted capacity included in Table 3.1 Summary of APCr (Air Pollution Control residues) treatment/disposal facilities and capacity is the overall capacity of the facilities listed, or it is capacity that is not being used at this point in time? Can the Applicant also confirm how confident it is, and why, that those facilities listed will have capacity to treat/dispose of the APCr created by the Proposed Development?</p>
PND.2.3	Applicant	<p>The ExA notes that a further update on the Waste Fuel Availability Assessment (Rev.2.0)[REP2-009] is expected at Deadline 5. Nevertheless, the latest version of the WFAA [REP2-009] includes, in Appendix C Energy from Waste Capacity Data, a series of tables that include other EfW facilities that the Applicant believes are relevant to assess local and national fuel availability. In relation to local fuel availability, can the Applicant confirm if the East of England region and the East Midlands region correspond to the to the East of England Waste Planning Authorities (WPAs) and the East Midlands (WPAs) deemed "in-scope" as set out in several other tables in the report, as for example Table 4.2 HIC arising for the defined LoW codes 2021 (tonnes)? And if not would be Applicant be able to provide this information in relation to consented and operational capacity, consented and under construction capacity, consented and not built capacity, and "in Planning capacity"?</p>
PND.2.4	Applicant	<p>The Applicant states that Table 4.4 Household, Industrial and Commercial (HIC) waste from Study Area disposed to non-hazardous landfill (tonnes) show that over 2.4 million tonnes of suitable HIC waste generated within the WPAs within the spatial scope were</p>

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		sent to non-hazardous landfill in 2021. Most notably, Essex sent over 1 million tonnes of waste to landfill. Considering that the vast majority of Essex County Council is outside of the "study area", why does the Applicant believe that counting the totality of waste generated within Essex County Council would fit in with the spatial scope as defined by the Applicant?
PND.2.5	Applicant	Appendix C Energy from Waste Capacity Data of the WFAA [REP2-009] states that the consented and under construction capacity identified in East of England is 595 million tonnes and in the East Midlands in 530 million tonnes, therefore capacity of 1,125 million Tonnes with a high likelihood of being materialised within the study area. How confident is the Applicant that there will be a suitable amount of HIC waste within the study area to support the Proposed Development?
PND.2.6	Applicant	Appendix C Energy from Waste Capacity Data of the WFAA [REP2-009] states that the consented and not built capacity identified in East of England is 595 million tonnes and in the East Midlands in 1,099 million tonnes, therefore a capacity of 1,694 within the study area. How confident is the Applicant that there will be a suitable amount of HIC waste within the study area to support the Proposed Development if the already consented EfW facilities are built?
PND.2.7	Applicant	Appendix C Energy from Waste Capacity Data of the WFAA [REP2-009] states that the 'in planning' capacity identified in East of England is 150 million tonnes and in the East Midlands in 1,650 million tonnes, therefore a capacity of 1,800 within the study area. How confident is the Applicant that there will be a suitable amount of HIC waste within the study area to support the Proposed Development if the already consented EfW facilities are built?
PND.2.8	Applicant	Action ISH1-AP4 [EV-015] requested for the Applicant to submit a written response on how the revised WFAA has taken into account the Government's target for Residual Waste reduction, particularly the 2027 and 2042 targets, the baseline year calculations and forecast of available residual levels of waste, as well as the Government's Net Zero Strategy. Can the Applicant please confirm where it has addressed these issues or, if these have not been addressed in the most recent version of the WFAA [REP2-009], can the Applicant please confirm these will be addressed in the next iteration of the WFAA expected in Deadline 5.

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PND.2.9	Applicant LHAs	Under Revised Draft NPS EN-3: 2.5.64-2.5.70 of the National Policy Statement Tracker [REP3-031], states that an Applicant's assessment should examine the conformity of the proposed development with the waste hierarchy and set out the effect of the scheme on the relevant waste plan and the extent to which the generating station contributes to the recovery targets in relevant strategies and plans. Can the Applicant please provide an update on how the Proposed Development meets the requirements of the policy, particularly in relation to effect of the scheme on the relevant waste plan?
AIR QUALITY AND HUMAN HEALTH		
AQHH.2.1	Applicant	The Applicant has stated, in response to TT.1.4 of the ExA's Written Questions (ExQ1) [REP2-019] that in the event of a waste delivery being received outside of the normal operating hours, the circumstances will be logged by the control room operators and the vehicle parked up onsite. The vehicle will not be weighed and unloaded until normal operational hours for the acceptance of waste resume. Since the vehicle won't be unloaded, can the Applicant please explain how it has taken into consideration the odour implications of this approach?
AQHH.2.2	Applicant Fenland DC	The Applicant's Outline Local Air Quality Monitoring Strategy (LAQMS) [REP3-034] and [REP3-035] states that in para 2.1.4 that the data collected will be published quarterly on the Applicant's website and, if requested, issued to the relevant planning authority. It goes on to say, in para. 2.1.5 that the Applicant agrees to share by remote secure access the information collected by the LAQMS. Does Fenland DC agree with the wording included here?
BIODIVERSITY, ECOLOGY AND THE NATURAL ENVIRONMENT		
BIO.2.1	Applicant	Can the Applicant provide the ExA with a copy of: Appendix 10.2C Biodiversity net gain - next steps which includes a record of stakeholder engagement as mentioned in para 4.2.11 of ES Chapter 11 Biodiversity Appendix 11M Biodiversity Net Gain Assessment REP3-017?
BIO.2.2	Applicant	Can the Applicant also update on progress of discussions regarding the delivery strategy for BNG?

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ExQ1	Question to:	Question:
BIO.2.3	Cambs CC and Fenland DC	Considering REP4-011 - Statement of Common Ground with Natural England, which outlines agreement on all points, can Cambs CC and Fenland DC please comment on the Applicant's approach to BNG?
BIO.2.4	Applicant Cambs CC and Fenland DC	Can the Applicant and Cambs CC and Fenland DC please comment on how proposed requirement 6 would work in practice, in securing a minimum 10% biodiversity net gain. I would like to draw particular attention to documents RR-002, RR-003, REP1-074 and REP4-031 Table 3.1 which seek the rewording of Requirement 6 to capture the requirement for off-site compensation for loss of biodiversity value along with the implementation of the scheme and management/monitoring until habitats have reached their target condition. Can all parties provide suggested wording for how the requirement could address these issues?
BIO.2.5	Cambs CC and Fenland DC	Can Cambs CC and Fenland DC please comment on the Outline Decommissioning Plan section 6.0 [REP4-024] submitted into the examination at deadline 4 with regards to biodiversity and whether this satisfies their concerns raised in REP2-033.
BIO.2.6	Applicant	Can the Applicant provide a worst-case assessment of effects to water vole from the ditches not able to be surveyed with a clear identification of the assumptions made?
BIO.2.7	Applicant	Can the Applicant provide an update on discussions with the Middle Level Commissioners regarding potential enhancement of on-site IDB ditches and off-site compensation for water vole? Can they also confirm whether detailed water vole mitigation will be included within a revised LEMP?
BIO.2.8	Applicant	Further to REP4-031 Table 3.1 - Can the Applicant explain why Requirement 5 specifies the landscape and ecology management plan for Work No. 1, 1A, 1B, 2A, 2B and 9 only?
CLIMATE CHANGE		
CE.2.1	Applicant	Can the Applicant confirm its understanding of the position in respect of how this scheme complies with the latest Climate Change obligations?
CE.2.2	Applicant	The basis of the GHG assessment appears to be an assumed composition of the waste fuel - what would be a maximum adverse case composition and how does that affect the assessment?

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ExQ1	Question to:	Question:
CE.2.3	Applicant	In light of question CE.2.2. To what extent can the composition of waste fuel as assumed in the Applicant's assessment be sourced from within the study area considering both now and in the future?
CE.2.4	Applicant	Considering REP4-037 UKWIN's D4 comments on REP3-040 - Can the Applicant set out clearly the assumptions that have been used to ascertain both their gross and net GHG calculations for the lifetime of the proposed development, for example, all waste diverted from landfill for the full 40 years, composition of such waste materials and displacement of energy generated for the grid. To what extent is the Applicant confident that the assumptions are reasonable?
COMPULSORY ACQUISITION/TEMPORARY POSESSION		
CA.2.1	Applicant	Statement of Reasons, paragraph 5.4 reads: "This is explained in Section 7". Should read Section 6.
CA.2.2	Applicant	Compulsory Acquisition Schedule Table 1.2 identifies those affected persons who have interests listed in the Book of Reference but where the Applicant does not consider it necessary to enter into a voluntary agreement as the affected person is not a landowner or a tenant, nor do they have the benefit of restrictions on the use of the Order Land that would be extinguished, suspended or interfered with by the Proposed Development. Can the Applicant please explain why it believes that those affected persons listed in Table 1.2 do not have the benefit of restrictions on the use of the Order Land that would be extinguished, suspended or interfered with by the Proposed Development considering, as identified in Table 1.2, that several of those affected persons are identified as having a right of access over the unadopted section of Algores Way, which the Applicant proposes to acquire new rights over?
CA.2.3	Applicant	Can the Applicant please explain the need for Art6(a) disapplication of legislative provision section 24 (restriction on abstraction) of the Water Resources Act 1991(a)?
CA.2.4	Applicant National Highways	In response to Action CA2-7 the Applicant has submitted [REP4-026] Response to CAH2 Action Point 7 - Rev 1 where it states that one plot identified by Ms Smith fell within the Order limits (shown as Plot 10/1a on Land Plan Revision 4 [APP-006]). However, this land is in the registered ownership of National Highways and forms part of the A47. The Applicant does not consider that Ms Smith has an interest in this land based on the

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ExQ1	Question to:	Question:
		evidence available. None of the other land identified by Ms Smith falls within the Order limits. Has this been confirmed by National Highways?
CA.2.5	IPs	In response to action CA2-1, as set out in the Written Summary of the Applicant's Oral Submissions at ISH 2 CAH 1 & 2 [REP3-037], the Applicant has states that it has sent two letters, one on the 10 February 2023 to all businesses along Algores Way, Europa Way and Anglia Way and another one on 22 March 2023 to all newly identified business interests along Algores Way in order to inform businesses of the Proposed Development and the on-going Examination. IPs are asked to comment and confirm reception of letters.
CA.2.6	Applicant IPs	In response to action CA2-5, as set out in the Written Summary of the Applicant's Oral Submissions at ISH 2 CAH 1 & 2 [REP3-037], the applicant has stated that it had engaged directly with some representatives of businesses located along Algores Way and that it offered to meet with them but such a meeting hadn't occurred yet. Can the Applicant please provide the ExA with an update?
CA.2.7	Applicant	Submission of S.56 notices from Royal Mail were discussed at the previous set of Hearings. Can the Applicant please confirm if these were submitted at Deadline 4? And if yes, where can these be found?
CA.2.8	Applicant EA	In response to action CA2-8, as set out in the Written Summary of the Applicant's Oral Submissions at ISH 2 CAH 1 & 2 [REP3-037], the Applicant was advised by the EA that the Environmental Permit application was considered of "high public interest" and therefore EA felt that extra consultation with the public needed to take place. Can the Applicant and the EA please provide an update as this does not appear to be reflected in the SoCG with the EA [REP4-010]?
CUMULATIVE EFFECTS		
CE.2.1	Applicant	In para 18.5.1 of Chapter 18 of the ES [APP-045] of the Applicant states the topics that have been deemed out of scope by the Applicant in relation to interrelated effects. Can the Applicant please explain the reasons why, particularly in relation to Chapter 6: Traffic and Transport?
CE.2.2	Applicant	Table 18.10 of Chapter 18 of the ES [APP-045] summarises effects where different topics have identified the same Receptors and indicates the presence of likely cumulative significant effects. Some of the identified receptors (namely 9&10 New Bridge Lane) and PRow include one significant effect and at least 1 Non-Significant effect (both construction

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		and operational phases). Can the Applicant please explain their rationale behind this particularly how a significant impact plus a non-significant can be considered, overall, not significant?
CE.2.3	Applicant LHAs	Paras 18.6.1 and 18.6.2 of Chapter 18 of the ES [APP-045] refer to the Long list and short list of projects considered by the Applicant. The projects included in the Cambs CC and Fenland DC response to ExQ1 [REP2-030] and BCKLWN response to ExQ1 [REP2-027] seem to differ slightly from those previously identified by the Applicant. Can the Applicant please confirm their approach to this and how those projects will be taken into consideration?
DRAFT DEVELOPMENT CONSENT ORDER		
DCO.2.1	Cambs CC	Action IHS2-12 [EV-032] asked for the Applicant to consider current drafting of Requirement 7 of Schedule 2 and to provide further explicit reference within the requirement of the works proposed and the approved details, in line with Cambs CC's comments. In its response to IHS2-15 [REP3-038], the Applicant stated that the amendments had been made to address this issue in the dDCO [REP3-006]. Can Cambs CC please confirm that it is content that the amendments as drafted address their concerns on this point?
DCO.2.2	Applicant Cambs CC	In response to action ISH2-13 [REP3-038], the Applicant has stated that prior to Deadline 3, it met CCC to discuss highway matters on the 13 April 2023 and is liaising with them regarding predevelopment condition surveys and s278 obligations. Can the Applicant and Cambs CC please update the ExA on any developments following from Deadline 3?
DCO.2.3	Cambs CC	Action IHS2 (sic) [EV-032] asked for the Applicant to review its position in relation to the A47 and review which Table of Schedule 6 of the DCO [REP3-006] it should be included in. In its response to IHS2-15 [REP3-038], the Applicant stated that "The Access and Public Rights of Way Plan (Volume 2.4) (Rev3) [REP1-003] shows the location of the various permanent and temporary accesses required to facilitate the Proposed Development. Access A11 is located at the southern end of New Bridge Lane and abuts the A47. (...) Access A11 is required temporarily for the construction of the Grid and Water connections only. No permanent access is being constructed in this location; all HGV traffic to the facility will use the existing roundabout between the A47 and Cromwell Road, before turning right onto New Bridge Lane and accessing the facility via the permanent access being constructed at the location indicated by A8 on the Access and Public Rights of Way

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ExQ1	Question to:	Question:
		Plan. The Applicant has included access A11 within Part 3 of Schedule 6, as the works to restore the temporary access will be maintained by the street authority. Can Cambs CC please confirm that they are happy with the response and the inclusion of access A11 within Part 3 of Schedule 6 of the DCO [REP3-006]?
DCO.2.4	Cambs CC	Action IHS2-15 (sic) [EV-032] asked for the Applicant to refine and clarify Tables in Schedule 6 "Access" with Cambs CC, in relation to consents regarding access, particularly Table 4 and Table 5. In its response to IHS2-15 [REP3-038], the Applicant stated that the amendments had been made to address this issue in the dDCO [REP3-006]. Can Cambs CC please confirm that it is content that the amendments as drafted address their concerns on this point?
DCO.2.5	Applicant UKWIN	The Applicant is asked to check drafting of proposed DCO requirement in relation to moving waste up the hierarchy, as considered for the North Lincolnshire Green Energy proposal and Riverside Energy Park in light of UKWINs submission [REP3-050], [REP4-037] and REP4-038] and how it may impact the wording of Requirement 14 of the proposed dDCO.
DCO.2.6	Applicant	In response to CA.1.9 [REP2-019] the Applicant has confirmed that no Crown Land or Special Category Land forms part of the Order land. Nevertheless, the BoR does include statutory undertaker's land. Particularly in light of Pt 7 Chapter 1 of the 2008 Act (specifically ss 138) does the Applicant still believes that no Special Category Land forms part of the Order land?
DCO.2.7	Applicant	Can the Applicant please provide further information, particularly in relation to plots 13/4c, 13/4d and 14/1 of the Land Plan [REP3-003] and in light of Art. 25(1) and (2) and Art. 28, how can the ExA be legally assured that the Applicant will not impose new restrictive covenants or override existing easements and other rights which are being used by existing businesses located along Algores Way leading to, for example, loss of access, particularly considering that, at present, the wording of Schedule 8 includes "any other works"?
DCO.2.8	Applicant	The provisions included in the draft DCO are broad (please see ExQ2 DCO.2.8). Even though the Applicant may have currently no intention of using these provisions to restrict access/use of Algores Way by other parties, the ExA view is that the current wording of

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ExQ1	Question to:	Question:
		the DCO may give them the ability to do so. Can the Applicant please clarify how this will be legally prevented within the DCO?
DCO.2.9	Applicant	Art. 10 and 11, which provide the Applicant with power to carry out street works and powers to alter layout, etc., of streets are applicable to both Algores Way and New Bridge Lane. Particularly considering that part of Algores Way remains unadopted at the moment, it appears that only those restrictions included in the Outline Operational Traffic Management Plan (OTMP) [REP3-024] and [REP3-025] Outline Construction Transport Management Plan (CTMP) [REP4-006] and [REP4-007] will offer some protection to users of Algores Way. Considering that the measures included in the OTMP [REP3-024] and [REP3-025] are very vague, how can the ExA be ensured, legally and through the DCO, that current users of Algores Way continue to be able to access its premises as they currently do? Also the Applicant is asked to confirm what protections will be included in the OTMP to cover the operational phase of the development.
DCO.2.10	Fenland DC	In light of ExQ2 DCO 2.10, the ExA would like to ask Fenland DC to also provide if it has had any negotiations with the Applicant in relation to businesses affected by the Proposed Development in relation to access, and if not, why not?
DCO.2.11	Applicant Cambs CC Fenland DC	Art. 12(1) of the draft DCO [REP3-006] states that "Those parts of each means of access specified in Part 1 of Schedule 6 (access) to be constructed or altered under this Order must be completed to the reasonable satisfaction of the highway authority and must be maintained by and at the expense of the undertaker for a period of 12 months from completion and from the expiry of that period by and at the expense of the highway authority". How does the Applicant propose to address construction and maintenance of new or altered means of access for private roads not adopted by the highway authority? The Applicant is also asked to considered how Art. 12 (2)(3) will also apply in such cases. Cambs CC and Fenland DC are also asked to comment.
DCO.2.12	Applicant Cambs CC Fenland DC	Art. 12(3) states that "Those restoration works carried out pursuant to article 11(3) (power to alter layout, etc., of streets) identified in Part 3 of Schedule 6 (access) which are not intended to be a public highway must be completed to the reasonable satisfaction of the street authority and must be maintained by and at the expense of the street authority." Does Cambs CC and Fenland DC have any comments on this article, particularly in relation to liability of maintenance? Please also see ExA's Schedule of Changes to the dDCO.

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ExQ1	Question to:	Question:
DCO.2.13	Fenland DC Cambs CC	Does Fenland CC or Cambs CC have any comments to make to Art. 14 use of private roads? Does the Article offer sufficient protections to other users and the person liable for the repair of the private roads?
ENVIRONMENTAL IMPACT ASSESSMENT		
		No questions at this time.
GEOLOGY AND LAND USE		
		No questions at this time.
HISTORIC ENVIRONMENT		
		No questions at this time.
LANDSCAPE AND VISUAL		
LV.2.1	Applicant	Can the Applicant please explain how the significant effects identified in the LVIA factored into the choice of alternative locations for the proposed development?
LV.2.2	Cambs CC and Fenland DC	Please highlight all of the specific viewpoints or locations, including public rights of way, where there is disagreement with the LVIA, particularly focusing on where you believe there are significant effects?
LV.2.3	Applicant	Can the Applicant explain how they have used best available techniques (BAT) to minimise visible plumes from the proposed development? In the event that plumes are generated by the proposed development, what requirements might be appropriate to mitigate such effects?
LV.2.4	Applicant	Can the Applicant highlight how they have taken into account the landscape and visual impact of visible plumes?
MAJOR ACCIDENTS AND DISASTERS		
		No questions at this time.
NOISE AND VIBRATION		
NV.2.1	Applicant	Table 7.14 of Chapter 7 of the ES: Noise and Vibration [APP-034], lists the potential noise sensitive Receptors identified by the Applicant. The ExA notes that the Helping Hands Group, located at 10 Algores Way, does not seem to have been included. Can the Applicant

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ExQ1	Question to:	Question:
		please explain how it has analysed the impact of the proposed development, in relation to noise and vibration, on this facility?
NV.2.2	Applicant	Table 7.14 of Chapter 7 of the ES: Noise and Vibration [APP-034] includes R26 TBAP Unity Academy (Trinity School), located at the corner of Weasenham Lane and Algores Way. This receptor has been identified as an Educational Receptor, therefore of medium sensitivity. As highlighted throughout the Examination, the Applicant has confirmed that, until the proposed New Bridge Lane access route is finalised, construction traffic will be directed via Algores Way. Considering the sensitivity of this receptor and the predicted construction phase increase in traffic noise (Table 7.15 of [APP-034]), can the Applicant please provide further justification for why no significant effects have been identified for this receptor, or any sensitive receptors?
NV.2.3	Applicant	Table 7.15 Predicted construction phase increase in traffic noise of Chapter 7 of the ES: Noise and Vibration [APP-034] states that there is a predicted traffic noise increase in Algores Way of 1.1 Decibels (dB) and on New Bridge Lane of 2.0 dB. Considering the sensitivity of some receptors located along Algores Way and New Bridge Lane, particularly residential and educational receptors, how confident is the Applicant that no significant effects will be experienced by any of the identified sensitive receptors, with the exception of 9 New Bridge Lane (which is now in the possession of the Applicant) and 10 New Bridge Lane?
NV.2.4	Applicant	Table 7.31 Summary of significant effects due to construction noise at non-residential Receptors [APP-034] does not mention the effects of construction noise on R26 TBAP Unity Academy (Trinity School) and on the Helping Hands Group, which has not been identified as a Receptor as far as the ExA can see. Considering the proximity of R26 and of the Helping Hands Group to Algores Way and considering that most of the construction traffic, at least until access via New Bridge Lane is created, will be channelled via Algores Way, can the Applicant please provide further detail on why these receptors are not identified in Table 7.31 as receptors significant confirmed?
NV.2.5	Applicant	Para. 7.9.11 of Chapter 7 of the ES: Noise and Vibration [APP-034] states that, with regard to R3 (10 New Bridge Lane) it is considered unlikely that any building damage would occur due to construction vibration as any moderate effects would be of short duration, and that moderate effects are therefore Not Significant. Can the Applicant please clarify why moderate effects on a medium sensitive receptor are considered not

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ExQ1	Question to:	Question:
		significant? Can the Applicant also please confirm how it proposes to monitor any building damages to the property (which according to the Applicant cannot be ruled out), what how compensation can be sought and where such mechanisms, if needed are set out within the dDCO?
NV.2.6	Applicant	Para 7.9.20 of Chapter 7 of the ES: Noise and Vibration [APP-034], states, with regard to residential Receptors on New Bridge Lane and Weasenham Lane, that on the basis the exceedance of the predicted increase above the threshold for a low impact is small, and potential effects would be short-term only, it is considered that the potentially significant effects identified are Not Significant. Considering that during the construction phase the Applicant predicts an increase to around 292 HGV movements a day on New Bridge Lane between Cromwell Road and the proposed Site access, can the Applicant please explain why it believes that the exceedance of the predicted increase above the threshold is small?
NV.2.7	Applicant	Para. 7.9.22 of Chapter 7 of the ES: Noise and Vibration [APP-034] states that for educational receptors, as the exceedance above the threshold for a Low effect is small, and effects would be temporary, and as the increase in road traffic noise level would be most unlikely to cause any effects at the schools, or interfere with their normal operation, it is considered that the potentially significant effects identified are Not Significant. Can the Applicant please explain further why it considers that the "increase in road traffic noise level would be most unlikely to cause any effects at the schools, or interfere with their normal operation"?
NV.2.8	Applicant	Para. 7.9.29 of Chapter 7 of the ES: Noise and Vibration [APP-034] states that "The dwelling at R1 is approximately 10m from the carriageway edge and would be subject to an approximate doubling of HGV movements on New Bridge Lane during the construction phase. On the basis that HGV movements would approximately double, it is considered that effects due to vehicle induced vibration at R1 would tend to be of Negligible magnitude". Can the Applicant please provide further reasoning on how it has arrived to this conclusion?
NV.2.9	Applicant	Para. 7.9.46 of Chapter 7 of the ES: Noise and Vibration [APP-034], in relation to operational traffic vibration, states that dwelling at R1, which is approximately 10m from the carriageway edge, will experience an increase of HGV vehicles from around 173 movements per day to 457 with the Proposed Development. This is more than double the number of HGVs. Can the Applicant therefore please explain why it states that "Based on

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ExQ1	Question to:	Question:
		the above it is considered that effects due to vehicle induced vibration at R1 would tend to be of Negligible magnitude”?
NV.2.10	Applicant	Section 6.11 of Chapter 6 of the ES [APP-033] sets out the Applicant’s assessment of Traffic and Transport Effects for the Operational Phase of the Proposed Development. For Link 2 (New Bridge Lane (east of B198 Cromwell Road)) and Link 3 (B198 Cromwell Road (Between A47 and New Bridge Lane)) of Table 6.32 Operational traffic percentage impact per highways link, the Applicant anticipates an increase in HGVs of 148.68% and 27.19% respectively. Considering this increase and the location of sensitive receptors along New Bridge Lane, can the Applicant please explain its noise assessment?
PLANNING POLICY		
PP.2.1.	Applicant LHAs IPs	Under Revised Draft NPS EN-1: 3.3.39 – 3.3.40 of the National Policy Statement Tracker [REP3-031], it states that “The proposed plant must not compete with greater waste prevention, re-use, or recycling, or result in over-capacity of EfW treatment at a national or local level”. In light of this and considering the overall objectives of the Waste Hierarchy, can the Applicant please provide an update on how the Proposed Development will not compete with targets for waste prevention? IPs and LHAs are also invited to comment on this issue.
PP.2.2.	Applicant	Under Revised Draft NPS EN-1: 4.3.6 of the National Policy Statement Tracker [REP3-031], states that “Opportunities should be taken to mitigate indirect impacts on health by promoting local improvements to encourage health and wellbeing including in respect of potential impacts on vulnerable groups within society”. can the Applicant please provide an update on how the Proposed Development meets the requirements of the policy, particularly in relation to indirect impacts?
PP.2.3.	Applicant	Under Revised Draft NPS EN-1: 4.6.5, 4.6.8 of the National Policy Statement Tracker [REP3-031], states that “Applicants should consider taking independent professional advice on the design aspects of a proposal. In particular, the Design Council can be asked to provide design review for nationally significant infrastructure projects and applicants are encouraged to use this service. Applicants should also consider any design guidance developed by the local planning authority”. can the Applicant please provide an update on how the Proposed Development meets the requirements of the policy?
PP.2.4.	Applicant	Under Revised Draft NPS EN-1: 4.9.5-4.9.12 of the National Policy Statement Tracker [REP3-031], states that “Applicants should demonstrate that proposals have a high level

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ExQ1	Question to:	Question:
		of climate resilience built-in from the outset and should also demonstrate how proposals can be adapted over their predicted lifetimes to remain resilient to a credible maximum climate change scenario. These results should be considered alongside relevant research which is based on the climate change projections". can the Applicant please provide an update on how the Proposed Development meets the requirements of the policy?
PP.2.5.	Applicant	Under Revised Draft NPS EN-1: 5.15.6-5.15.7, 5.15.12-5.15.13 of the National Policy Statement Tracker [REP3-031], states that "The proposed plant must not compete with greater waste prevention, re-use, or recycling, or result in over-capacity of EfW or similar processes for the treatment of waste at a national or local level". can the Applicant please provide an update on how the Proposed Development meets the requirements of the policy, particularly in relation to local levels?
PP.2.6.	Applicant Fenland DC	The BCP was adopted by FDC in April 2015. Can the Applicant please provide further information in relation on how it believes that the Proposed Development will meet, and where possible assist, the objectives of the South Wisbech Broad Concept Plan? Fenland DC is also invited to comment on this topic.
PP.2.7.	Applicant Natural England	Considering the Government's targets for halving the waste that ends up at landfill or incineration by 2042, can the Applicant please explain how the Proposed Development will contribute to the Government's Strategy? Natural England are also asked to comment and update the ExA on government targets and their status.
SOCIO-ECONOMIC & POPULATION		
SPC.2.1	Applicant	ES Chapter 15 [APP-042] section 15.9 considers and assesses any significant effects upon housing, visitor/private rented accommodation, and local services from construction workers. Para 15.5.9 sets out occupancy rates for tourism accommodation in percentages but does not set out the detailed numbers of bedspaces available. Given the absence of actual bedspace numbers, to what extent is the Applicant confident in their statement at 15.9.33 that there is significant capacity in tourism accommodation at the wider regional level?
SPC.2.2	Applicant	Following on from SPC.2.1. As identified in para 15.9.34, the local wards are considered to be of high sensitivity to change. To what extent is the applicant confident that there would be a low demand from temporary construction workers for homes or temporary accommodation at the local level, and very low demand at district and regional level?

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ExQ1	Question to:	Question:
SPC.2.3	Cambs CC and Fenland DC Applicant	REP4-031 Table 7.7 Comments on Outline LEMP [REP3-020] States 'The Councils also request s106 monies to enable the provision of additional links within the PROW network for the benefit of affected local communities.' Can Cambs CC please set out specifically what they are looking for in this instance? how this meets the tests set out in NPS EN-1 para 4.1.8? and whether this can be secured within the timescales of the examination? Can Cambs CC confirm whether they would be raising a material objection without it? Can the Applicant please comment in this regard.
TRAFFIC AND TRANSPORT		
TT.2.1	National Highways Cambs CC	In ExQ1 [PD-008] the ExA asked question TT.1.15, directed to National Highways, in relation the need for National Highways to agree the results of the modelling and the conclusions reached by Cambs CC in respect of the effects of proposal on the A47/Cromwell Road/Redmoor Lane roundabout. Can National Highways please comment on this point?
TT.2.2	Cambs CC	Cambs CC in its LIR [REP1-074] states, under 2.10 Transport Assessment: Construction Phase Impacts, that "the construction phase will have the most significant daily weekday impact on the network, with a maximum of 643 2-way daily vehicles and 14 HGV movements in each peak hour". Nevertheless, it is not clear from the information provided in the LIR how the impact of the additional traffic has been modelled in relation to the overall capacity of the proposed vehicle route. Paragraphs 2.10.7 and 2.10.8 appear to not raise concerns regarding overall capacity. Can Cambs CC please confirm that it believes that the existing road network will have overall capacity to accommodate the additional traffic anticipated by the Applicant?
TT.2.3	Cambs CC	Following from ExQ2 TT.2.2 above, under 2.11 Transport Assessment: Operational Phase Impacts [REP1-074], Cambs CC states that, as per the Applicant's assessment, the operational phase will see an additional 362 2way day weekdays traffic movements with 43 vehicles (27 HGV) movements in the AM peak and 22 (10 HGV) movements in the PM peak hour. Can Cambs CC please confirm that it believes that the existing road network will have overall capacity to accommodate the additional traffic anticipated by the Applicant?
TT.2.4	Applicant Cambs CC	Cambs CC Deadline 1 Submission [REP1-067] stated that "It is considered that significant works would be required to bring the street to current adoptable standards by a third-

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ExQ1	Question to:	Question:
	Fenland DC	party promoter for the County to consider potential adoption". Can the Highways Authority provide further details regarding what those works would be? And can the Applicant, Fenland DC and Cambs CC provide an update on the status of any negotiations in relation to this the potential adoption of the road and also any works required in order to facilitate such an adoption?
TT.2.5	Cambs CC	In response to ExQ1 TT.1.6 [REP2-030], Cambs CC raised concerns regarding the impact of the Proposed Development on the proposed new roundabout on the A47 as set out on the adopted South Wisbech Broad Concept Plan. Does Cambs CC still have concerns in relation to this, particularly considering that an access between the proposed A47 roundabout and New Bridge Lane does not seem to be proposed judging from the Wisbech South Broad Concept Plan?
TT.2.6	Cambs CC	Emerging revised draft policy NPS EN-1 states that "The SoS should only consider preventing or refusing development on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe." Does Cambs CC believe that the Proposed Development would have an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe?
TT.2.7	Applicant Cambs CC	The Applicant has notified the ExA of its intention to submit a request for changes to the Proposed Development [PD-012]. In response to this, Cambs CC has submitted a letter [AS-016] in relation to the Applicant's request which highlights that part of the additional land requested by the Applicant to be included in the Development Consent Order has not been dedicated as highway land owing to a number of unresolved issues. Can the Applicant and Cambs CC please confirm what are the impacts of this issue on the Proposed Development, particularly on the deliverability of the required junction design?
TT.2.8	Applicant IPs	The Outline Construction Transport Management Plan (CTMP) [REP4-006] and [REP4-007] contains a series of provisions, under point 7.4 General Construction Traffic Management/Mitigation, to secure access to all businesses and users of routes affected by the construction of the Proposed Development. Can the Applicant confirm to what extent have these measures been discussed with and approved by regular users and specifically businesses located along Algores Way and are they seeking any changes to the CTMP?
TT.2.9	Applicant	The Outline Operational Traffic Management Plan (OTMP) [REP3-024] and [REP3-025] does not include substantive protective provisions. It is recognised, as stated in paragraph

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ExQ1	Question to:	Question:
	IPs	1.4.2 that "Prior to the date of final commissioning of the EfW CHP Facility, a detailed OTMP, to be in substantial accordance with this Outline OTMP, will be submitted for approval to the relevant planning authority in consultation with the Highways Authority". Nevertheless, can the Applicant please provide confirm to what extent have these measures been discussed with and approved by users and owners of businesses and properties located along New Bridge Lane, and are they seeking any changes to the OTMP?
TT.2.10	Fenland DC Cambs CC	Fenland DC has confirmed, in response to ExQ1 TT.1.11 [REP2-030] that they are the owners of a stretch of Algores Way that runs from the intersection of Algores Way with Anglia Way, up to the existing Alboro Development Limited site, corresponding approximately to plots 13/4c, 13/4d and 14/1a of the Land Plans [REP3-003]. Not all of the businesses that use this current stretch of road to access its premises appears to have formal rights of way or any other legally binding arrangement with Fenland DC which would offer them a significant degree of legal protection. Can Fenland please comment on this and confirm on what basis of the current arrangement for access?
TT.2.11	Applicant	The Applicant's assessment presented within Chapter 6 of the ES [APP-033] concludes that the traffic generated by the Proposed Development would not 'constitute a significant and extraordinary level of traffic upon the local road network'. Nevertheless, the Table 6.27 Construction traffic percentage impact per highways link and Table 6.32 Operational traffic percentage impact per highways link does present significant percentual increases on some of the links identified. Can the Applicant please provide further information regarding its assessment, particularly in relation to impact of construction traffic on Highways Link 1, 2, 3 and 11? And also in relation to impact of operational traffic on Highways Link 2 and 3?
WATER ENVIRONMENT		
WE.2.1	Cambs CC	Cambs CC in AS-014 Highlighted requirement 8 in relation to the drainage of the temporary construction compound. This matter was not raised in ISH5 by Cambs CC as an area of concern. Can Cambs CC please clarify any outstanding concerns relating to the drainage of the proposed development and how they would wish these matters to be resolved within the timescales of the examination?