

Response to ExA's Second Written Questions (ExQ2)

This document sets out the response to the Examining Authority (ExA)'s Second Written Questions and requests for information (ExQ2) by Cambridgeshire County Council (**CCC**) and Fenland District Council (**FDC**) (together, **the Councils**). The table below sets out the topic, question number and CCC / FDC's response.

Question Number	Question For	Question	Cambridgeshire County Council (CCC) and Fenland District Council (FDC) Response
General & Cross Topic Questions			
GCT.2.2	Applicant HLAs	<p>Can the Applicant and HLAs provide an update on any S.106 Agreements and how these have been progressed?</p> <p>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?</p>	<p>The Applicant provided CCC with a draft S106 heads of terms on 13 June 2023. CCC are currently reviewing the proposed head of terms and will provide feedback to the Applicant accordingly. Discussions are ongoing.</p>
GCT.2.3	Applicant HLAs Statutory Undertakers	<p>A significant number of issues remain unresolved on a significant number of the SoCGs [REP4-012] and [REP4-017].</p> <p>Can the Applicant, HLAs and Statutory Undertakers please provide an update on how likely outstanding issues and areas of disagreement are to be resolved before the end of the</p>	<p>It is CCC and FDC's intention to continue to work with the Applicant to resolve as many outstanding issues and areas of disagreement as possible before the end of Examination. However, the Councils have set out below the current position in relation to each of the issues which remain unresolved.</p> <p><u>Air Quality, Noise and Vibration</u></p>

		<p>Examination and, if not, would these result in an objection to the Proposed Development?</p>	<p>Outstanding areas of disagreement for the outline management plans for air quality, noise and vibration have been addressed. Specific details for relevant management plans for the operation of the site will be further discussed and secured via discharge consent procedures.</p> <p><u>Climate Change and Carbon</u></p> <p>There are some issues in relation to greenhouse gas emissions where disagreement between the Councils and the Applicant are unlikely to be resolved before the end of Examination.</p> <p><u>Highways and Transport</u></p> <p>All items identified as being ‘under discussion’ for the Traffic and Transport section of the SoCG currently remain at that status. Further discussions with the Applicant are required before CCC can advise it has reached agreement</p> <p><u>Landscape and Visual</u></p> <p>Negotiations are ongoing regarding a s106 public access, ecological and community mitigation package to offset the adverse impact of the Proposed Development on the landscape and local communities, which the Councils anticipate will be completed by the close of the Examination. However, the Councils are of the view that, whilst this package is welcome and will serve to recognise the adverse impact of the development in this regard, it cannot make it fully acceptable in planning policy terms.</p> <p>The Applicant provided CCC with a draft S106 heads of terms on 13 June 2023. CCC are currently reviewing the proposed head of terms and will provide feedback to the Applicant accordingly.</p>
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GCT.2.5	Cambs CC	<p>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</p>	<p>The Applicant and CCC have continued to meet since ISH2. The Applicant has engaged CCC on the matter of s278 obligations and these are currently under negotiation. CCC’s comments on the Applicant’s draft s278 terms were returned to the Applicant on 31 May, which include the:</p> <ul style="list-style-type: none"> • Works description; • Provisions for commuted sums payments; and • Provision for the dedication of land as public highway.

		<p>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.</p> <p>Cambs CC also confirmed 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.</p> <p>Can Cambs CC please provide an update on any outstanding issues?</p>	<p>CCC still awaits further engagement on the matter of pre-development condition surveys, but would note that the most recently published version of the outline CTMP [REP4-007] does not fully satisfy the concerns previously raised.</p> <p>In addition, CCC is awaiting further information regarding the integration between the developers' proposals and the Wisbech rail reconnection. The main locations for this are the level crossing of New Bridge Lane, the pipe bridge of Weasenham Lane and the potential for a high pressure pipeline in the rail corridor. CCC wishes to avoid a situation in which these proposals make it more difficult, both technically and/or financially, for whichever organisation delivers the rail reconnection.</p>
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GCT.2.7	HLAs	<p>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.</p> <p>Can the HLAs please confirm that they are happy with this approach and believe it is proportionate and adequate?</p>	<p>In the HLAs 'adequacy of consultation' responses, no concerns were raised, and consider this was a proportionate and adequate approach.</p>
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Principle and Nature of Development (Inc. Waste Recovery Capacity and Management Waste Hierarchy)			
PND.2.1	Cambs CC	<p>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.</p> <p>Can Cambs CC please confirm if all Waste Planning Authorities of the</p>	<p>The Memorandum of Understanding between the Waste Planning Authorities of the East of England (March 2019) lists the following authorities as parties to the Memorandum: Cambridgeshire County Council; Peterborough City Council; Suffolk County Council; Norfolk County Council; Essex County Council; Thurrock Council; Southend-on-sea Borough Council; Hertfordshire County Council; Central Bedfordshire Council; Bedford Borough Council and Luton Borough Council.</p> <p>CCC can confirm that Cambridgeshire County Council, Peterborough City Council, Essex County Council (which works jointly with Southend on Sea Borough Council on their last waste local plan) and Hertfordshire County Council all</p>

		<p>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>	<p>confirmed that they had signed the Memorandum of Understanding between the Waste Planning Authorities of the East of England (March 2019). CCC does not have record on file of other authorities having formally signed it, but understands that Suffolk County Council and Norfolk County Council also signed the Memorandum. Additionally, both the adopted Suffolk Minerals and Waste Local Plan (Adopted July 2020), and the emerging Norfolk Minerals Waste Local Plan (for which, the Regulation 19 consultation was held September – December 2022), are planned on the basis of net self-sufficiency, and in accordance with the Memorandum.</p> <p>CCC is working to establish the status of Memorandum within the three Bedfordshire Unitary Authorities (which work jointly on minerals and waste planning policy matters) and Thurrock Council. The Council is also currently seeking to confirm with the Secretary of the East of England Waste Technical Advice Body, as to whether they hold any further information. Any further information of relevance will be submitted to Examination if it becomes available.</p> <p>The concept of net self-sufficiency was introduced in paragraph 14.13 of CCC’s Relevant Representation [RR-002] and is repeated below:</p> <p><i>“14.13 Paragraph 3 of the National Planning Policy for Waste (NPPW) requires Waste Planning Authorities to identify in their Local Plans sufficient opportunities to meet the identified needs of their area for the management of waste streams. Having acknowledged that there will be a degree of cross-boundary movement of waste for a given area, the waste management capacity of an amount of waste which is equivalent to the amount arising in that Waste Local Plan area will be provided. This does not necessarily mean that the capacity must be of the type of waste arising in the area. Cambridgeshire are</i></p>
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			<p><i>signatories to the Memorandum of Understanding between the Waste Planning Authorities of the East of England (March 2019), which sets out that the signatories seek to provide for net self-sufficiency in waste management capacity. This means that the signatories can plan in confidence that they only are required to meet the need of their area, unless it has been explicitly raised by another authority; and that by planning to provide for the needs of only that area, there is an appropriate distribution of waste management facilities in locations proximate to the waste arisings.”</i></p> <p>For clarity, net self-sufficiency is being applied at a waste plan level in the Memorandum, either for individual waste planning authority areas, or in combination with other areas where joint planning is taking place. It means that when preparing a waste local plan, sufficient waste management capacity is provided for the individual area’s need, but the capacity planned does not necessarily mean that it will be exactly the right ‘mix’ of capacity required. For example, an area may benefit from more landfill capacity, but lack recovery or recycling facilities, which are in another area – this is particularly the case with more specialised waste streams or forms of waste management.</p>
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.	<p>The Councils note that the question is directed to the Applicant, but wish to reiterate the Councils’ position in relation to conformity with local plan policy, which was introduced in CCC’s Relevant Representation [RR-002] and expanded upon in the Councils’ Local Impact Report [REP1-074]; as well as Issue Specific Hearing 3. CCC wishes the ExA to note that:</p> <ol style="list-style-type: none"> 1) Policies 3 and 4 of the Cambridgeshire and Peterborough Minerals and Waste Plan are both contingent on moving waste as far up the waste hierarchy as possible. To do this, waste management proposals must demonstrably contribute towards

		<p>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?</p>	<p>sustainable waste management, by moving waste up the waste hierarchy; and proposals for disposal must demonstrate that the waste has been pre-treated and cannot practicably be recycled. CCC proposed additional criteria in relation to Requirement 14, and the Applicant and CCC are currently seeking to agree wording to additional criteria that would ensure the above test is met.</p> <p>2)</p> <p>As raised in paragraph 14.13 of the Council's Relevant Representation [RR-002], as a regional facility this will have a more than local impact, and this impact is likely to affect the deliverability of any waste local plan which this facility may source waste from, particularly when large tonnages are involved. There is an absence of any assessment of the effect that this development will have on the deliverability of identified capacity in waste planning areas outside of Cambridgeshire and Peterborough. CCC considers that waste local plans in the areas outside of Cambridgeshire and Peterborough should be considered relevant waste plans. This is reflective of the Government's approach to the Waste Plan for England (2021)¹ which is comprised of, and implemented through, itself waste local plans, and several other plans and strategies.</p>
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Air Quality and Human Health

¹ Department for Environment, Food and Rural Affairs (2021) *Waste Management Plan for England* [Online] Available at: <https://www.gov.uk/government/publications/waste-management-plan-for-england-2021> (Accessed: 13 June 2023)

AQHH.2.2	Applicant Fenland DC	<p>The Applicant's Outline Local Air Quality Monitoring Strategy (LAQMS) [REP3-034] and [REP3-035] states that in para 2.1.4 that the date collected will be published quarterly on the Applicant's website and, if requested, issued to the relevant planning authority. In 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.</p> <p>Does Fenland DC agree with the wording included here?</p>	<p>FDC agrees with the wording. A concern was previously raised regarding the frequency of monitoring and publishing data. The Applicant has addressed this with the addition of paragraph 2.1.7 in the latest version of the Outline LAQMS [REP4-016] with a commitment to report and investigate exceedances.</p>
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Biodiversity, Ecology and the Natural Environment			
BIO.2.3	Cambs CC and Fenland DC	<p>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?</p>	<p>The proposed scheme will deliver a biodiversity net loss, as identified in the Biodiversity Net Gain Assessment [REP3-017].</p> <p>The Applicant has committed to resolving this matter, as well as providing a minimum 10% BNG, and monitoring / manage the scheme for the operational lifetime of the Proposed Development – as set out in paragraphs 4.2.1 and 4.2.15 of the Outline Biodiversity Net Gain Strategy, Annex C [REP3-017]. This approach is acceptable, providing that a detailed BNG scheme and its delivery are secured through Requirement 6 (see response to BIO.2.4, below). The Councils met with the Applicant to discuss the approach to selecting off-setting BNG sites. The Councils welcome updates to the Outline BNG Strategy (expected to be submitted at Deadline 5) to prioritise</p>

			<p>land that is locally available, to prioritise benefits to the Wisbech area.</p> <p>The Councils have set out a public access – ecological package (see response to SPC.2.3, above) to assist the Applicant identify potential local sites to deliver BNG off-setting, as well as wider health / social benefits.</p>
BIO.2.4	Applicant Cambs CC and Fenland DC	<p>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.</p> <p>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.</p> <p>Can all parties provide suggested wording for how the requirement could address these issues?</p>	<p>In the Councils' LIR [REP1-074], we have sought an update to the wording of Requirement 6 to specify that the Outline BNG Strategy should deliver a minimum of 10% BNG and manage for lifetime of scheme. This aligns with 5.4.22 of the Draft National Policy Statement for Energy (EN-1)², which states:</p> <p><i>“The Secretary of State should consider what appropriate requirements should be attached to any consent and/or in any planning obligations entered into, in order to ensure that any mitigation or biodiversity net gain measures, if offered, are delivered and maintained. Any habitat creation or enhancement delivered for biodiversity net gain should generally be maintained for a minimum period of 30 years.”</i></p> <p>The Councils refer the ExA to the following example:</p> <p>Requirement 8 – Draft Development Consent Order for Sunnica Energy Farm [EN010106 REP10-005]³ which sought to deliver on-site BNG through the Landscape and Ecological Management Plan, stating that the plan must detail <i>“how the</i></p>

² Department for Business, Energy & Industrial Strategy (2021) *Draft Overarching National Policy Statement for Energy (EN-1)* [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015233/en-1-draft-for-consultation.pdf (Accessed: 13 June 2023)

³ Sunnica Energy Farm (2023) 'Volume 3 – 3.1. Draft Development Consent Order' (Rev 05) [Online] Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010106/EN010106-005541-3.1%20DCO%20%5bClean%20SI%20Template%5d.pdf> (Accessed: 13 June 2023)

			<p><i>plan will secure a minimum of 10% biodiversity net gain during the operation of the authorised development...</i></p> <p>The Councils have met with the Applicant, and are supportive of the Applicant's proposed re-wording of Requirement 6 to include "<i>details of how the strategy will secure a minimum of 10% biodiversity net gain</i>", to be submitted to the ExA at deadline 5.</p> <p>It is understood that the length of the management / monitoring period will be defined within the BNG Strategy itself, rather than the wording of Requirement 6. This allows for some flexibility on the management term which will then reflect the duration of the operation period, and also the decommissioning phase.</p> <p>The Councils note the Outline Biodiversity Net Gain Strategy commits to a management and monitoring period which "<i>would continue for the operational lifetime of the Proposed Development which is beyond the 30-year period that is a prerequisite of BNG</i>". The Councils consider this approach acceptable, with further details secured as part of the detailed BNG Strategy (secured under Requirement 6).</p>
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.	<p>The Councils are satisfied that the Outline Decommissioning Plan satisfies concerns raised in [REP2-033].</p> <p>The Outline Decommissioning Plan demonstrates how biodiversity features, including biodiversity net gain habitats, will be protected during the decommissioning phase. This is subject to further details being secured through the Decommissioning Plan under Requirement 28 – Decommissioning.</p>

Draft Development Consent Order			
DCO.2.1	Cambs CC	<p>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.</p> <p>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?</p>	<p>CCC can confirm it is content with the amendments to Requirement 7 of Schedule 2.</p>
DCO.2.2	Applicant Cambs CC	<p>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.</p> <p>Can the Applicant and Cambs CC please update the ExA on any developments following from Deadline 3?</p>	<p>The Applicant and representatives of CCC have met on more than one occasion since ISH2. The Applicant has engaged CCC on the matter of s278 obligations and these are currently under negotiation. CCC's comments on the Applicant's draft s278 terms were returned to the Applicant on 31 May.</p> <p>CCC still awaits further engagement on the matter of pre-development condition surveys, but would note that the most recently published version of the outline CTMP [REP4-007] does not fully satisfy the concerns previously raised.</p>
DCO.2.3	Cambs CC	<p>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</p>	<p>CCC can confirm it is content for access A11 to remain in Part 3 of Schedule 6 of the DCO.</p>

		<p>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 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.</p> <p>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]?</p>	
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	CCC is partially content with the amendments made to Schedule 6, with the exceptions that:

		<p>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].</p> <p>Can Cambs CC please confirm that it is content that the amendments as drafted address their concerns on this point?</p>	<p>(i) Access A3 is currently listed in Part 2 as being the responsibility of the Street Authority <i>“to the extent that such access is or will be located outside the public highway”</i>. This implies that part of Access A3 might be within the public highway and therefore CCC questions whether A3 should also be listed in Part 1 of Schedule 6; and</p> <p>(ii) Accesses A1 and A2 are partially within the Highway (on the basis of CCC’s road records) and CCC requests that the Applicant considers whether they should also be listed in both Part 1 and Part 3 of Schedule 6.</p> <p>CCC requests that the Applicant please provide clarity on the above matters.</p>
DCO.2.10	Fenland DC	<p>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?</p>	<p>There have been no negotiations between the Applicant and businesses affected by the Proposed Development. The individual businesses have been consulted on the Proposed Development by the Applicant and those that had concerns will have responded and the Examination Authority will be aware of the content. FDC (on behalf of the local business community) has expressed the general concern about disruption to access for businesses during the construction phase and the ongoing additional maintenance impacts arising from the development. FDC does not see what the merit is of it negotiating with the applicant as it is a matter that should be resolved between the applicant and the businesses. It is for the Examining Authority / Secretary of State to determine if the impacts are outweighed by any perceived benefits of the development. It is not considered that the construction management plan could satisfactorily address the disruption concerns.</p>
DCO.2.11	Applicant Cambs CC Fenland DC	<p>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</p>	<p>In respect of new or altered accesses included in Part 1 of Schedule 6, CCC has required the Applicant to provide protective provisions and to enter into an appropriate legal agreement under the Highways Act 1980. It is envisaged that</p>

		<p>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”.</p> <p>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?</p> <p>The Applicant is also asked to consider how Art. 12 (2)(3) will also apply in such cases. Cambs CC and Fenland DC are also asked to comment.</p>	<p>any other street authority (such as a private street manager) would have its own requirements and may require other legal agreements to be made by the Applicant. CCC cannot comment on what protections individual private street managers may request or require.</p> <p>FDC is the owner of a length of unadopted road on Algores Way. The Applicant proposed to undertake a series of improvements to the road, but the road would remain in the ownership of FDC. The standard of construction of any alterations should be appropriate. FDC has previously identified the need for before and after condition surveys, with any defects needing to be made good.</p>
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DCO.2.12	Applicant Cambs CC Fenland DC	<p>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.”</p> <p>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.</p>	<p>CCC understands the term ‘street authority’ to refer to the relevant private owner (street manager) of any affected highway, where that Highway is not maintainable at the public expense.</p> <p>CCC as Highway Authority would not undertake to assume the maintenance liability for infrastructure that will not be a public highway. Therefore, CCC requests that this article be amended accordingly.</p> <p>FDC refers the ExA to its comments in relation to ExQ2 DCO.2.11.</p>
DCO.2.13	Fenland DC Cambs CC	<p>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?</p>	<p>CCC cannot comment on the requirements or protections that the owners of private roads may have or request.</p> <p>The Councils note, as the Applicant has stated, that a similar Article has been used in other Development Consent Orders, including the case of the Lake Lothing Third Crossing DCO. It can therefore be said that the principle is well established. The Councils have no further comments to make.</p>

Landscape and Visual			
LV.2.2	Cambs CC and Fenland DC	<p>Please highlight all of the specific viewpoints or locations, including public rights of way, where there is disagreement with the LVIA, particularly</p>	<p>As noted in their LIR [REP1-074], CCC expressed concerns regarding the level of harm caused by the proposed</p>

		<p>focusing on where you believe there are significant effects?</p>	<p>development on both the landscape and visual resources. Taking each aspect in turn:</p> <p><u>Visual:</u> The conclusion (LVIA ES Chapter 9, para 9.12.3 [APP-036] correctly confirms significant effects arise for Recreational Users of Nene Way, as does <i>Table 9.172 Effects on recreational visual receptors</i> (page 9-142); however, <i>Table 9.14 Summary of Viewpoint Analysis</i> (9-75-9-98) incorrectly states Not Significant for Viewpoint 13 on the same receptor.</p> <p>There are a huge number of visual effects of varying Magnitudes of Change (MoC) and therefore Significance, both Significant and Non-Significant Effects. Whilst CCC considers that the assessment largely demonstrates clear Significant Adverse Effects, it notes the following:</p> <p>The Council considers that the community of Wisbech St Mary will be affected by the development. Although the assessment for Viewpoint 15 (in page 9-33) states “<i>representative of views available to residents</i>”, the viewpoint photography (Figure 9.31a and b) is taken behind the tallest row of trees. It is considered that there will be locations where the views are clearer in between tree cover and thus parts of the community will have Significant Effects (<i>Table 9.14</i> currently shows non-significant, where a Moderate MoC results in Moderate (and Significant) Effects on the community.</p> <p>In addition, the receptor covering Bevis Lane (Lords Lane/Bevis Lane (page 9-164) exaggerates the level of tree cover, which is not continuous or tall in all locations (as noted above for Wisbech St Mary). There are sections of road from where there will be more open views of the Proposed</p>
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			<p>Development. This will result in a Medium MoC and Moderate (and Significant Effects).</p> <p>CCC notes and agrees that, amongst others, Significant Effects have been identified for High Sensitivity receptors along the Nene Way, rights of way at Crooked Bank/ Narrow Drove/ Broad Drove (West of Begdale), as well as Sustrans NCR63, noting these are all located broadly south-west of the Proposed Development, within 5km of the Site. However, the Council is concerned that the likely effects in a similar radius to the south and south east has been under assessed or omitted from the assessment. These include:</p> <p>South east of the Site within 5km, users of Needham Bank, Bar Drove, Kirkham Lane, Gosmoor Lane are not included, suggesting no effects identified. CCC considers these will result in a range of Medium to Low MoC and Moderate (Significant) to Minor Significance.</p> <p>Friday Bridge area (page 9-130) – Whilst it is acknowledged that for many receptors there may be no view, those residents living on the west side of the village (west edge of B1101, Fridaybridge Rd), CCC disagrees with the assessment of “Very Low” and considers that part of the community (western edge) will experience at least a Low MoC, resulting in Moderate (and Significant Effects at both construction and Operation (Yr 1 and 15).</p> <p>This is particularly evident, given the open nature of PRoW Byway 72/9 which runs along Back Lane from Elm and adjoins the northern edge of Friday Bridge, but has not been assessed. The Council considers the effect on this Right of Way to be at</p>
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			<p>least a Low MoC and therefore of Moderate (and Significant) Effects both during construction and operation (Yrs 1 and 15).</p> <p>South of Friday Bridge – the assessment (para 9.5.48, page 9-49) acknowledges as a location where settlement pattern is “<i>particularly dispersed or almost absent</i>”. Accordingly, with an absence of tree cover, the landscape is relatively open in places, such that there are clear views across the landscape towards Wisbech and the Site. In this area there are roads (for example Laddus Drove) and footpaths along Laddus Bank (FP 72/14, 72/15 running between Longbeach Farm and Maltmas Farm with particularly open views towards the development that have not been assessed. The Council considers these receptors will experience at least a Low MoC with Moderate (and Significant) Effects for the PRoW and Minor (non-Significant) Effects for the roads.</p> <p>These are important receptors in understanding that effects including Significant effects remain south of Begdale and Elm in the range of approximately 5km from the Site.</p> <p>In addition, the Council considers that the change on viewpoint 7 (<i>Table 9.14 Summary of Viewpoint Analysis and recorded in wireframe photography, Figures 9.23 a and b</i>) should be assessed as a Moderate MoC (not Low), resulting in Major (and Significant) Effects during operation (Y 1 and 15).</p> <p>Overall, it should be remembered that many roads, lanes and droves are not only vehicular routes, but they are also used by cyclists, runners and walkers too, and are fundamental to enable the public in accessing and connecting the rights of way and countryside access for health and wellbeing.</p>
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		<p><u>Landscape/Townscape Receptors:</u> <i>Table 9.15 Summary of Significance of Adverse Effects: Landscape and Townscape Receptors</i></p> <p>Wisbech Settled Fen (Ref 9-99): Significant localised effects are acknowledged within the detailed rationale text; however, the table summary refers to 'Not Significant' on the basis it considers the whole LCA. This should be amended to confirm Moderate and Significant at both Construction and Operation (Yr1 and 15) to fully and correctly acknowledge the Significant effects of the proposed scheme on part of the local character, but the rationale should then acknowledge the wider effects on character are more limited.</p> <p>The Fens LCA (Ref 9-100): The Councils consider that a Medium Magnitude of Change (not Low) will occur locally on the landscape, as suggested in the Applicant's rationale this does not extend far enough. The Councils suggest that the Medium MoC will change the character of the local landscape, given the extensive number and nature of views and experience of the proposed scheme that is imposed on the local area.</p> <p>TCA8: Wisbech Retail Development (Ref 9-114): As set out in the Councils' LIR [REP1-074] (at para 5.2.3, 5.3.8 and 5.3.9, 5.3.10), the Councils disagree with the assessment of Low Magnitude of Change and Negligible (Not Significant). The introduction of a highly prominent new building would be at a far greater scale/volume than almost every building in the local townscape (and surrounding landscape). The Councils consider the MoC to be Medium, and of Minor Significance. Although the Applicant in their rationale (page 9-114) suggests the contrast would be "<i>partly reduced by the detailed design</i>"</p>
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			<p><i>including its cladding”, the Councils consider this is very difficult to achieve, as set out in 5.4.24 of the LIR report.</i></p> <p><u>Summary:</u> In summary, considering the extent and nature of effects evident across the landscape (including views), the Councils are of the opinion that the landscape effects of Moderate Significance (considered to be Significant Effects) extend in an arc in the open landscape from the edge of Wisbech St Mary extending round to the A1101 at approximately 5km radius.</p>
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Planning Policy			
PP.2.1	Applicant LHAs IPs	<p>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”.</p> <p>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?</p> <p>IPs and LHAs are also invited to comment on this issue.</p>	<p>As discussed at Issue Specific Hearing 3, it is common ground between the Councils and the Applicant that the proposal is for a regional scale facility, and that it will provide significantly more capacity than is required at a local (waste planning authority area) level. Furthermore, it is common ground that Table 4.4 of the Waste Fuel Availability Assessment (WFAA) [REP2-010] accurately reflects the likely availability of waste fuel that is currently being sent to landfill at this time.</p> <p>The Applicant has set out their assessment of likely future waste arisings in the WFAA. Predicting the future of waste arisings is difficult, so to date beyond identifying where there were omissions, the Council has focused, with reference to the Peterborough Green Energy Limited Project (PGEL / PREL), on the question of over provision in the present or near future.</p> <p>It is clear from the report that presently there is sufficient material, whether this continues will depend on a number of factors. From the information available today, it is certainly very</p>

			<p>difficult to forecast the likely waste arisings of 30 years' time. The Councils would therefore suggest the ExA may wish to consider this question from another angle:</p> <p>Ultimately, there are two scenarios, one in which there is sufficient fuel and one in which there is not. The likelihood of each is unknown, and it is likely to be difficult to prove that either scenario is not theoretically possible in future. This proposal is, in policy terms, for a renewable energy facility, and as such the Applicant does not have to demonstrate that there is a need for waste to be disposed of this way, but that there is and will be sufficient waste to fuel the facility. The permit and requirements are reasonably specific as to the material that the facility can take, consequently the likelihood of the use of material which is suitable for management further up the waste hierarchy is limited.</p> <p>The question that the Councils wish the Applicant and the ExA to consider is, what happens in the event there is insufficient fuel to keep one or more lines of the facility running? And does the proposed development have sufficient flexibility within its operational parameters to handle a scenario where the available waste falls below that required to run the whole facility?</p>
PP.2.6	Applicant Fenland DC	<p>The BCP was adopted by FDC in April 2015.</p> <p>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?</p>	<p>The proposal will see the site partly built out for business purposes and also the improvement of part of Newbridge Lane with a revised junction with Cromwell Road. These are features of the South Wisbech Broad Concept Plan (BCP). There does not appear to be any conflict between the proposal and the adopted BCP. That being said, no evaluation has been made as to whether, from a development value / transportation perspective, the development needs to make a pro-rata contribution to the wider infrastructure proposed in the BCP, such as the new junction on the A47.</p>

		Fenland DC is also invited to comment on this topic.	
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Socio-Economic & Population			
SPC.2.3	Cambs CC and Fenland DC Applicant	<p>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.’</p> <p>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?</p> <p>Can Cambs CC confirm whether they would be raising a material objection without it? Can the Applicant please comment in this regard?</p>	<p>CCC, FDC and Norfolk County Council (NCC) seek the following public access - ecological mitigation package:</p> <p>1) One or more sites to be taken forward by the Applicant as part of the DCO Requirement for additional BNG <i>combined with</i> public access, which should be of a permanent nature. Five potential sites have been suggested, as identified on the map at Appendix A to this submission [CLA.D5.EXQ2.AA]. These sites fall within urban extension areas identified in Policies LP7 – Urban Extensions, and LP8 – Wisbech, of the adopted Fenland Local Plan⁴.</p> <p>Criteria (g) of LP7 requires each urban extension to <i>“provide, commensurate with the scale of the urban extension, a network of open spaces and green infrastructure for amenity, play, sport and recreation, including allotments, local nature reserves, woodlands, green spaces, wildlife corridors and stepping stones for the migration, dispersal and exchange of wild species. Such provision should respond positively to the wider area to ensure enhanced linkages and networks”</i>.</p> <p>Under Policy LP8, both East Wisbech (strategic allocation) and South Wisbech (broad location for growth) require: <i>“Existing areas of high quality woodland, including some mature orchards, should be retained and enhanced to serve as</i></p>

⁴ Fenland District Council (2014) *Fenland Local Plan* [Online] Available at: https://www.fenland.gov.uk/media/10010/Fenland-Local-Plan-May-2014/pdf/Fenland_Local_Plan1.pdf?m=637261883246530000 (Accessed: 13 June 2023)

			<p><i>multifunctional public open space areas with amenity, biodiversity and community food value.”</i></p> <p>Whilst there is some development interest in the areas at present, delivery in the short to medium term is questionable and the sites present excellent opportunities for both biodiversity and as community facilities. Sites 1, 3 and 4 are old orchards and so have particular interest, as this is a special type of habitat that needs conserving.</p> <p>In addition to the suggested private sites (which are not exclusive to any others that might be put forward), FDC, NCC and CCC have estate in the area and may be interested in developing part of the land for habitat creation. However, ideally the site (whether private or public) needs to be as close as possible to the urban area of Wisbech rather than remote from it, in order to bestow the maximum public health and wellbeing and community benefits from it, as well as to better promote sustainable travel. There is land in the vicinity, such as to the south of Site 3, which has the potential for a small nature park and would make an excellent wider community facility if the suggested Restricted Byway were also to be created, enabling circular access via New Bridge Lane and Halfpenny Lane. The sum would be greater than the parts.</p> <p>2) S106 monies for:</p> <ul style="list-style-type: none"> • A new Restricted Byway link between NBL and Halfpenny Lane north of A47, providing a circular leisure route for pedestrians, cyclists and other NMUs close to the development site for the local community, shown by the dashed blue line on the NMU Mitigation map in Appendix A to this submission [CLA.D5.EXQ2.AA] and for • Improvements and enhancements to the existing PROW network for the communities south of A47 –
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			<p>being the four Parishes of Wisbech; Wisbech St Mary; Elm in Cambs and Emneth in Norfolk.</p> <p>Given the adverse impact of this NSIP on the wide swathe of landscape and its communities south of the site, the Councils consider it reasonable to request £100,000 for each of the four parishes affected – giving a total of £400,000.</p> <p>The paths shown on the NMU Mitigation Map [CLA.D5.EXQ2.AA] are initial suggestions, but actual routes would be determined through consultation with local communities and statutory user groups.</p> <p>The Councils met with the Applicant on 7 June 2023, and understand that it would be amenable to a contribution in principle, subject to agreeing the amount and the terms of a s106 agreement.</p> <p>The Applicant provided CCC with a draft S106 heads of terms on 13 June 2023. CCC are currently reviewing the proposed head of terms and will provide feedback to the Applicant accordingly.</p> <p>3) The establishment of formal permissive rights across the disused railway crossing on New Bridge Lane, through agreement with Network Rail, with accompanying signage funded by the Applicant.</p> <p>The Councils understand that the Applicant is prepared to use reasonable endeavours to secure a permissive right of access for owners and occupiers of land adjacent to, and NMUs using, New Bridge Lane subject to the width restriction imposed by the agreed bollards – with appropriate signage to confirm such rights. CCC has provided suggested wording for the signage. The Councils consider that, although it appreciates that the</p>
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			<p>permission is in the gift only of Network Rail, this is a simple request that would bestow a significant benefit for local communities.</p> <p>The signage and any agreement should be in place upon completion of the proposed works to the crossing as part of the New Bridge Lane improvement works, prior to the commencement of operation.</p> <p>4) A S106 Legacy Fund has also been discussed with the Applicant to help address CCC's concerns over planning policy requirements. Negotiations are ongoing.</p> <p>With regard to NPS EN-1 para 4.1.8, the Councils understand that, had this guidance been available to the Applicant two years ago when they were drafting their proposal, they would have been able to take it into account for implementing mitigation along the lines proposed at element 1 of the Councils' list. However, unfortunately, the Councils understand that the draft DCO is now too advanced for it to be amended to accommodate this provision. This would have been the Councils' preferred approach, as it would create greater certainty and would significantly reduce the burden on the Councils involved in delivering the NMU enhancements. The problem faced is that any land that might be put forward for BNG or over which public rights might be created will all be outside the Order Limits, which would require a material change to the DCO. The Applicant would also need time to approach any third parties concerned. If this option is not available to the Applicant, it is critical that the mitigation package is securely devised and that it includes recovery of all the Councils' costs incurred in implementing it.</p> <p>The Councils would like to see the Applicant committed to making efforts to include private sites such as those suggested</p>
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			<p>in its assessment, as they are closer to the urban area in the immediate vicinity of the development than most land owned by public authorities, and thus have greater potential to benefit a wider range of outcomes, such as public health and sustainable travel for a greater number of people.</p> <p>The Councils are of the view that the whole package needs to be agreed before they are able to remove their objection regarding adverse impact of the Proposed Development on NMUs and local communities.</p> <p>As previously stated, the Applicant provided CCC with a draft S106 heads of terms on 13 June 2023. CCC are currently reviewing the proposed head of terms and will provide feedback to the Applicant accordingly.</p>
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Traffic and Transport			
TT.2.2	Cambs CC	<p>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”.</p> <p>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.</p> <p>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?</p>	<p>The Applicant has not specifically modelled the link capacity of the Local Highway Network. However, it is confirmed that CCC are of the view that the local CCC-controlled road network has sufficient capacity to cater for the maximum volumes of construction traffic anticipated by the Applicant.</p> <p>CCC suggest that the ExA approach National Highways to confirm their views pertaining to capacity on the A47 and Cromwell Road/A47 junction.</p>
TT.2.3	Cambs CC	<p>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</p>	<p>As above, the Applicant has not specifically modelled the link capacity of the Local Highway Network. However, it is confirmed that CCC are of the view that the local CCC-controlled road network has sufficient capacity to cater for the maximum volumes of construction traffic anticipated by the Applicant.</p>

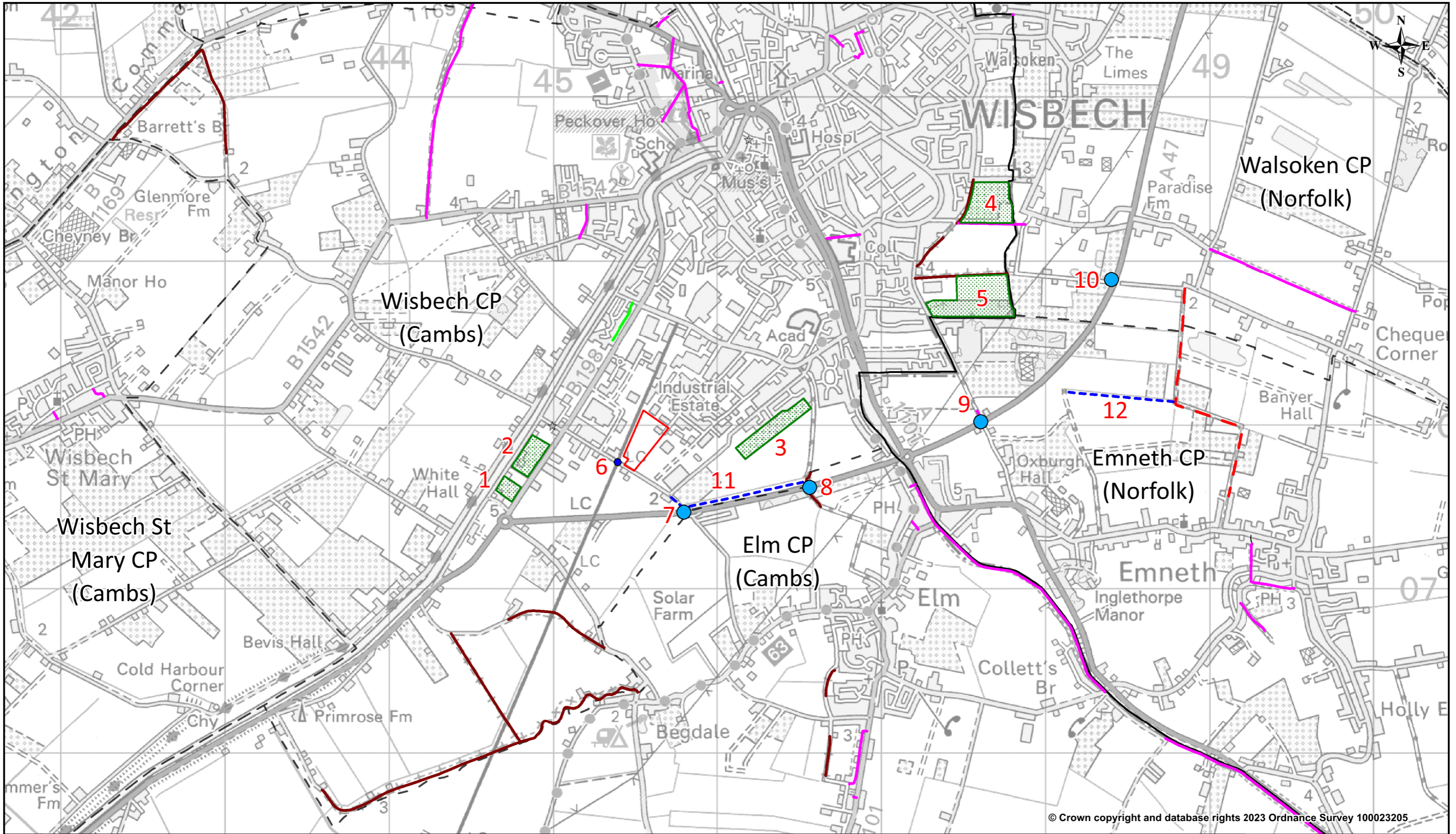
		<p>the A< peak and 22 (10 HGV) movements in the PM peak hour.</p> <p>Can Cambs CC please confirm that it believes that the existing road network will have overall capacity to accommodate the additional traffic anticipated by the Applicant?</p>	<p>CCC suggest that the ExA approach National Highways to confirm their views pertaining to capacity on the A47 and Cromwell Road/A47 junction.</p>
TT.2.4	Applicant Cambs CC Fenland DC	<p>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-party promoter for the County to consider potential adoption”.</p> <p>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?</p>	<p>CCC states that the works would be subject to detailed review and inspection, however, typically they are likely to comprise: review of construction via intrusive cores; review of drainage / adoption by Anglian Water Services; CCTV of gullies / connections; replacement of damaged kerbs; relocation of gullies from bellmouths; repair to damaged footways / carriageways; resurfacing of said footways / carriageways; review of street lighting specification / column locations and luminaires in relation to current specification; associated legal processes to secure adoption (S37/ S38 Highways Act 1980).</p> <p>There are no active discussions in this respect between CCC and FDC.</p>
TT.2.5	Cambs CC	<p>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.</p> <p>Does Cambs CC still have concerns in relation to this, particularly considering</p>	<p>The Wisbech South Broad Concept work predates the work carried out for the Wisbech Access Strategy. There is currently no funding available, and no further work being carried out on the development of the Wisbech Access Strategy schemes.</p>

		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	<p>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.”</p> <p>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?</p>	<p>Discussions with the Applicant are ongoing with regard to off-site infrastructure comprising the junction works at New Bridge Lane and Cromwell Road, and the New Bridge Lane widening. CCC are reviewing the submitted Junction modelling and Road Safety Audit.</p> <p>The achievement of an acceptable outcome to the above is critical to the acceptance of the development. CCC are not currently in a position to confirm that the impact on the Local Highway Network would not be viewed as ‘severe’ and thus cannot (at present) confirm that the proposed junction improvements are acceptable.</p> <p>CCC will continue working with the Applicant to resolve any remaining issues that might stem from the modelling and Road Safety Audit review.</p>
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.	CCC is continuing to investigate this matter internally, and will provide an update to the Applicant and the Examination as soon as further information and clarification becomes available.

		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.2.10	Fenland DC Cambs CC	<p>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.</p> <p>Can Fenland please comment on this and confirm on what basis of the current arrangement for access?</p>	<p>FDC built the road in order to facilitate development on either side. It is not known if the sale of the land either side of the road made provision for access rights. However, given the objective of the Council in building the road, it would have been perverse to not allow access either formally or informally. If there was no formal right of access given, this would have been acquired through the passage of time. The Applicant could not remove these acquired access rights. There is scope for the detailed design of the improvements to be submitted for approval so that it can be ensured that access to the exiting premises is retained.</p>

WE.2.1	Cambs CC	<p>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.</p> <p>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?</p>	<p>The concern was regarding the inclusion of Work Order 5 in Requirement 8. It is understood, as this is related to the construction compound, that this will be covered under Requirement 10 for the CEMP. Therefore, there are no further concerns from the LLFA regarding the wording of condition 8.</p>
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Medworth DCO - Local Community Mitigation Package - Initial Suggestions



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Scale: 1:25000
Date: 15/06/2023
By: CCC

Legend

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|---------------------------|--|----------------------------|--|---|--|---|--|
| Public Footpath | | Parish / County Boundary | | Site 3 - scrub/woodland | | Sites 11 - potential public path and 12 | |
| Public Bridleway | | MVV Energy from Waste site | | Site 4 - former orchard and scrub | | Sites 7, 8 - A47 NMU crossing/NMU link improvements | |
| Byway Open to All Traffic | | Site 1 - former orchard | | Site 5 - field and woodland | | | |
| Restricted Byway | | Site 2 - woodland | | Site 6 - New Bridge Lane level crossing | | | |