

Comments on the Applicant's D4 Submissions

This document sets out the comments by Cambridgeshire County Council (**CCC**) and Fenland District Council (**FDC**) (together, **the Councils**) on the Applicant's Deadline 4 (**D4**) submissions. The tables below set out the document in question that the Councils are commenting on, together with the relevant paragraph or reference number.

Except where expressly stated otherwise below, the Councils reiterate and rely on their comments submitted to the ExA at previous deadlines.

6.4 Environmental Statement - Chapter 6 - Traffic and Transport Appendix 6A - Outline CTMP - Rev 0 [REP4-007]

Topic	Paragraph Number	Councils' Comment
Temporary Highway Closures	7.2.5	When explaining temporary rights of way closures, this paragraph refers to " <i>public footways</i> ". This is incorrect as the closures actually affect Byways Open to All Traffic (Elm 6 and Wisbech 21), which connect Halfpenny Lane to the A47. The paragraph should refer to " <i>short term temporary public right of way closures</i> ", and the correct term should be used throughout this paragraph and elsewhere in the document.
Signage on Network Rail land	7.4.8	CCC requests consultation on the wording of any sign erected on behalf of Network Rail and requests that such a requirement should be included within the outline CTMP. CCC wishes to ensure that such a sign is not inadvertently worded so as to discourage NMUs from passing across the former level crossing.
Highway Condition Surveys	7.4.21	CCC refers to its previous comments in relation to highway condition surveys, which still stand [REP4-031, REP3-044 and REP1-074]. The Council notes that these provisions remain unaltered following such previous comments submitted by CCC.

6.4 Environmental Statement - Technical Appendix - Appendix 7D Outline Operational Noise Management Plan - Rev 3 [REP4-005]

Topic	Paragraph Number	Councils' Comment
Updates to LPA	1.4.3	The Councils note that their request [REP4-031] to amend paragraph 1.4.3 in order to keep the LPA updated on revised versions of the ONMP remains outstanding.
Chapters 5 and 6 additions	5.1.5, 5.1.6 6.1.1, 6.1.2	The Councils note and accept the additions to Chapters 5 and 6 of the ONMP.

7.12 Outline Construction Environmental Management Plan (Tracked) - Rev 4 [REP4-009]

Topic	Paragraph Number	Councils' Comment
Noise and Vibration Monitoring	3.14, 3.1.5, 3.3.2, 4.3.1, 4.3.2, 4.3.3	The Councils note and accept the additions to Appendix F, Chapters 3 and 4 to include details of vibration monitoring in line with relevant guidance.
Landscape and Visual	5.8	The Councils welcome the proposed temporary fence to help mitigate impact of the development on NMUs using New Bridge Lane, although it considers that this will have limited effect once construction traffic is using New Bridge Lane. The Councils are seeking a public access – ecological – community mitigation package to offset the impact of the development in the longer term, which is under negotiation.

12.2b Written Summary of the Applicant's Oral Submissions at ISH4 - Rev 1 [REP4-020]

Topic	Paragraph Number	Councils' Comment
Climate Change – GHG calculation spreadsheets	Appendix B	<p>CCC has been provided with the unlocked Excel spreadsheets that have been used by the Applicant to calculate the numbers in Appendix B.</p> <p>A number of queries arise from this:</p> <ul style="list-style-type: none"> - Does the biogenic and non-biogenic carbon fraction of each waste type take into account the dry matter content? Presumably the weight of waste as received would include water content; - It is unclear how the % of biogenic carbon and non-biogenic carbon given in the applicant's spreadsheet (e.g. cells D4 to E22 of 'Waste composition – Sens' tab of 'GHG Waste Composition (incl sensitivity cases).xlsx) have been arrived at. These %s differ from the values given in the 2006 IPCC guidelines for National Greenhouse Gas Inventories¹ – Vol 5 Ch 2, Table 2.4. For example, the IPCC guidelines for plastics state that the default total carbon content is 75% of the waste (by weight), however the Applicant's spreadsheet states 54.76% for dense plastics and 48.11% for plastic film; - It is also unclear where the Applicant's Net Calorific Values for each waste type (cells F4 to F22) are drawn from;

¹ Intergovernmental Panel on Climate Change (2006) *IPCC Guidelines for National Greenhouse Gas Inventories: Volume 5 (Waste)* [Online] Available at: <https://www.ipcc-nggip.iges.or.jp/public/2006gl/vol5.html> (Accessed: 13 June 2023)

		<ul style="list-style-type: none"> - The Applicant's 'Assumption 1' (methodology from Cory EfW plan) has a broken web link so this cannot be review at present; - For construction phase emissions, a high proportion of the Applicant's estimated GHG emissions is associated with "Other Materials", so this may not be accurate. It also seems odd to classify waste as a construction material (see cells C10 to D32 of 'Materials – Embodied C' tab in the 'GHG Assessment 1' spreadsheet); - It is unclear what the Applicant's 'BRE Smartwaste' query was, but it appears it might be used to estimate waste generated from the construction process. However, it looks like this has also been used by the Applicant to estimate the quantity of construction materials required in the first place, by working backwards from typical wastage rate. It is unclear how this might be applicable to the 'Other Waste' category. It would be helpful to clarify this, and also whether more accurate materials data might be gained from design information instead; and - The Applicant's assessment of construction 'process emissions' are based on construction spend, which is likely to be an inaccurate method of estimation.
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12.3 Comments on the Deadline 3 Submissions: Part 1 Statutory Parties - Rev 1 [REP4-022]

Topic	Paragraph Number	Councils' Comment
6.4 Environmental Statement Appendix 88: Air Quality Technical Report (Tracked Changes) (Rev 3.0)		
Modelled road network, 5.1.2	Page 3	The Applicant's commitment to the imposition of HGV movement restrictions such that they would not travel through an AQMA, secured via Draft DCO [REP3-007] Requirements 11 (CTMP) and 12 (OTMP), is considered to be sufficient to address any outstanding queries with regards to the modelled road network.
10.2 Response to the ExA's Written Questions (ExQ1) (Rev 1.0)		
<i>Biodiversity, Ecology and the Natural Environment</i>		
810.1.4, Page 30	Page 14	The Councils' original comment still stands regarding the lack of compensation for water vole, as set out in the Local Impact Report [REP1-074] and its comments on the Applicant's D2 submissions [REP3-044]. However, the Councils consider this issue can be resolved through an update to the Outline Biodiversity Net Gain Strategy. Please refer to the Councils' response to "10.3 Applicant's Response to the CCC and FDC Local Impact Report (Rev 1.0)" below for more details.

<i>Climate Change</i>		
Baseline 'without development' scenario 9.4.4 objection 3, and 9.4.17 and 9.4.18	Page 39	<p>The Defra document the Applicant refers to, which assumes a landfill gas capture rate of 68%, is a research report, rather than guidance. The report is dated 2014 and is based on research from 2011, which may therefore be out of date. Nonetheless, this Defra document, which quotes 68% capture rate for “<i>large, operational, modern UK landfills</i>”, also states the range for current operational sites was 55-85% - indicating a large variance. The Councils therefore disagree with the Applicant’s assertion that 68% is a “<i>conservative approach</i>”. Indeed, landfill gas capture rates are variable (from site to site) and generally have improved over time.</p>
<i>Landscape and Visual</i>		
Impact on NMUs and local communities	Page 16	<p>The Councils disagree with the Applicant’s assessment of degree of impact upon NMUs, and would reiterate that NMUs by necessity use local roads to access PROW, and in place of PROW where there are none. Therefore it is incorrect to assume that there would be limited impact on NMUs and local communities simply because the PROW network is limited.</p> <p>The Councils welcome the Applicant’s draft Community Benefits Strategy and its commitment to engage in agreeing a community fund. It considers that this needs to be part of a wider NMU-ecological-community mitigation package. The Council has provided its suggestions and a meeting was held on 7 June, as outlined in its response to ExQ2 SCP 2.3 within document CLA.D5.EXQ2.R, to be submitted at Deadline 5. Negotiations are ongoing.</p> <p>With regard to permissive access over the former level crossing, the Councils welcome the Applicant’s commitment to continue to liaise with Network Rail to seek a grant of permissive rights. The Councils appreciate that such a grant is only in the gift of Network Rail, but given that the Applicant is having to secure rights for itself and for residents who currently access their properties via the highway, and as NMUs are affected by the Proposed Development, it seems more than reasonable that the rights sought should include permissive rights for NMUs. The Council would reiterate that this would not adversely impact in any way on Network Rail’s control of rights over the crossings; rather it would clarify a use that has been occurring for decades. This may help the development to be accepted locally.</p>

<i>Noise and Vibration</i>		
Impact on NMUs and local communities	Pages 18-19	The Councils note the Applicant's response. The Councils remain of the view that NMUs will experience more noise and vibration during operation of the Proposed Development than is currently the case along New Bridge Lane, due to the additional level of HGV traffic that will be generated. The Councils point out that the limited mitigation possible along New Bridge Lane is one of the reasons that the Councils seek the mitigation package set out in its response within document CLA.D5.EXQ2.R , to be submitted at Deadline 5.
<i>Traffic and Transport</i>		
Highways Asset Management: Construction Phase Impact on NMUs and other rights of access	Page 24	The Councils refer to their response within document CLA.D5.EXQ2.R , ExQ2 TT.2.3, to be submitted at Deadline 5. With regard to the bollard, the Councils note that there will be provision with the DCO for a TRO and that this matter is under discussion.
Highway Asset Management: Decommissioning Phase Impacts 2.6.2	Page 28-29	The Councils refer to their response within document CLA.D5.EXQ2.R , ExQ2 TT.2.3, to be submitted at Deadline 5.
Public rights of way: Construction and Operational Phase Impacts on NMUs and local communities 2.16 and 2.17	Page 31	The Councils welcome the amendments to the CTMP in respect of the crossings over the two byway accesses. However, the Councils still request that the CTMP includes provision for features that form the boundaries to the byway around the accesses to be protected from damage during construction, and for the highway condition surveys to include both the surfaces of these accesses for as far as any works may proceed (including any temporary storage of equipment or materials) and the boundary features.
Operational Traffic Management Plan: NMUs	Pages 32-34	The Councils refer to their response within document CLA.D5.EXQ2.R , ExQ2 TT.2.3, to be submitted at Deadline 5. In addition, the Councils would comment that, whilst there may be plans for employment use of the fields south of New Bridge Lane, it is unlikely that these would have the visual impact of the Proposed Development arising from its extreme height, or the same range of concerns about its environmental impacts.

		The Councils still seek amendment of the Outline Landscape and Ecology Management Plan to reflect the adverse impact on recreational use of PROWs and local communities within the wider landscape. This acknowledgment may help local communities feel that their concerns are being listened to.
10.3 Applicant's Response to the CCC and FDC Local Impact Report (Rev 1.0)		
Low Emissions Strategy 4.2.3 and 4.2.4	Page 34	The response only addresses emissions from the stack. However, the Traffic Management Plans secured via Draft DCO [REP3-007] Requirements 11 (CTMP) and 12 (OTMP) address emissions from traffic.
Construction Phase Impacts – Negative: Water Vole 7.3.13	Pages 35 and 36	<p>The Councils' original comment still stands regarding the lack of compensation for water vole, as set out in the Local Impact Report [REP1-074] and its comments on the Applicant's D2 submissions [REP3-044]. However, the Councils met with the Applicant on 7 June 2023 to discuss this issue and have agreed off-site compensation habitat for water vole can be delivered as part of the Biodiversity Net Gain Strategy.</p> <p>The Applicant is expected to submit to the Examination a revised Biodiversity Net Gain Assessment [REP3-017] at Deadline 5 to confirm that the <i>"off-site River BNG units will be targeted at enhancing local water vole habitats within the Host Authority areas"</i> as part of the Outline Biodiversity Net Gain Strategy (Annex C). The Councils consider this habitat will adequately compensate for the loss of water vole habitat from the site and as such, is expected to fully resolve the Councils' concerns.</p>

12.4 Outline Decommissioning Plan - Rev 1 [REP4-024]

Topic	Paragraph Number	Councils' Comment
Biodiversity	General	The Councils welcome the submission of the Outline Decommissioning Plan from a biodiversity perspective and are satisfied that 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.
Environmental Management Measures	Chapter 6	The Councils' note the contents of the Outline Decommissioning Plan. At present, this is an 'outline' plan covering the relevant areas. The Councils will review the specific management plans at the relevant time. On submission of the management plans for noise, vibration, dust, odour, light and contaminated land, the Councils will comment further to request details of management, monitoring, and mitigation of these topics.

		<p>However, the risk of not preparing a management plan in advance is that key elements may not be considered. For instance, the Councils note in Chapter 5 (Water Connections) that water would be decommissioned in Phase 6. It would be expected that a Dust Management Plan and Extreme Weather Management Plan would require access to water during periods of prolonged heat or no rainfall as part of a Dust Mitigation Strategy.</p>
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