

Response to ISH4 and ISH5 Action Points

This document provides Cambridgeshire County Council (**CCC**) and Fenland District Council's (**FDC**) (together, **the Councils'**) responses to the Action Points addressed to CCC and/or FDC arising from the Issue Specific Hearing 4 (ISH4) held on 17th May 2023 and the Issue Specific Hearing 5 (ISH5) held on 18th May 2023, with regards to the Medworth Energy from Waste (EfW) Combined Heat and Power (CHP) Facility.

The Action Points arising from the Issue Specific Hearing 3 (ISH3), held on 16th May 2023, were previously addressed by the Councils in their D4 submission [**REP4-030**].

Tables 1.1 and 1.2 below set out responses to actions addressed to CCC and/or FDC.

Table 1.1 – Response to ISH4 Action Points

Action No.	Party	Action	Deadline	Response
2	Applicant Cambs CC	Applicant and CCC to engage on outstanding issues in relation to Highways issues – including Protective Provisions, particularly payments for highway damage, and to update ExA and SoCG to reflect this.	Deadline 5	<p>The Applicant has engaged CCC on the following matters:</p> <ul style="list-style-type: none"> • Draft Heads of Terms for a Section 278 agreement (Highways Act 1980) for works within the highway. CCC returned its comments to the Applicant on 31 May 2023. The Applicant provided CCC with an updated 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. • Draft Protective Provisions proposed for inclusion in the DCO. CCC's consideration of the Applicant's first draft is ongoing. • Design of highway works affecting New Bridge Lane, and the proposed pipe bridge over Weasenham Lane.

				<ul style="list-style-type: none"> • Highway extents affected by the Applicant's proposed non-material amendment to the DCO. CCC has worked with the Applicant to clarify the effect that the location of the highway boundary may have on the Applicant's proposed changes to the DCO boundary, and has advised the Applicant of its position with regard to the content of the application for a non-material amendment. • Improvements to the Cromwell Road / New Bridge Lane Junction, specifically CCC's requirement that the junction design incorporates full signalisation. <p>CCC is continuing its discussions regarding the above matters with the Applicant. Drawings and traffic modelling relating to the New Bridge Lane Cromwell Road Junction, New Bridge Lane widening and associated works, together with a Stage 1 Road Safety Audit were submitted to CCC on 25 May 2023 by the Applicant, and are continuing to be considered by the CCC at present.</p>
3	Applicant Cambs CC	Applicant to work with CCC on negotiations of Section 208 Agreement, particularly financial contributions to the maintenance of roads.	Deadline 5	<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 about the inclusion of further matters in the S106.</p> <p>In relation to a Section 278 Agreement, discussions are still ongoing.</p>
4	Applicant Network Rail Cambs DC Fenland DC	Applicant to involve FDC and CCC in its discussions with Network Rail to secure permissive rights Non-Motorised Users access via New Bridge Lane during construction and	Deadline 5	<p>The Councils proactively wrote to the Applicant on 6 June 2023, setting out their suggestions for a public access-ecological mitigation package, which included the establishment of permissive rights over the former level crossing. The Councils</p>

		operation, and for the Applicant to update ExA accordingly.		<p>would comment that they consider this matter to be part of the NMU mitigation package sought.</p> <p>The Councils understand from a meeting held with the Applicant on 7 June 2023 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.</p> <p>The Councils appreciate that such permission is in the gift only of Network Rail, but considers that this is a simple request that would bestow a significant benefit for local communities, whilst still enabling Network Rail to retain control over rights over the crossing.</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>The Councils remain willing to attend a meeting with Network Rail and the Applicant to progress this matter.</p>
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Table 1.2 – Response to ISH5 Action Points

Action No.	Party	Action	Deadline	Response
5	Cambridgeshire County Council	To provide clarification on points of disagreement with the Applicant's landscape assessment as actioned in	Deadline 5	As noted in its LIR [REP1-074], the Council expressed concerns regarding the level of harm caused by the proposed development on both the landscape and visual resources. Taking each aspect in turn:

		<p>previous meeting with the applicant.</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 (9-75-9-98)</i> 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 the Council 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 Development. This will result in a Medium MoC and Moderate (and Significant Effects).</p>
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			<p>The Council 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. The Council 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), the Council 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 least a Low MoC and therefore of Moderate (and Significant) Effects both during construction and operation (Yrs 1 and 15).</p>
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			<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> <p><u>Landscape/Townscape Receptors:</u> <i>Table 9.15 Summary of Significance of Adverse Effects: Landscape and Townscape Receptors</i></p>
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			<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 Council considers 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 Council 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 Council disagrees 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 Council considers 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 including its cladding</i>", the Council consider this is very difficult to achieve, as set out in 5.4.24 of the LIR report.</p> <p><u>Summary:</u></p>
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				<p>In summary, considering the extent and nature of effects evident across the landscape (including views), the Council is 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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