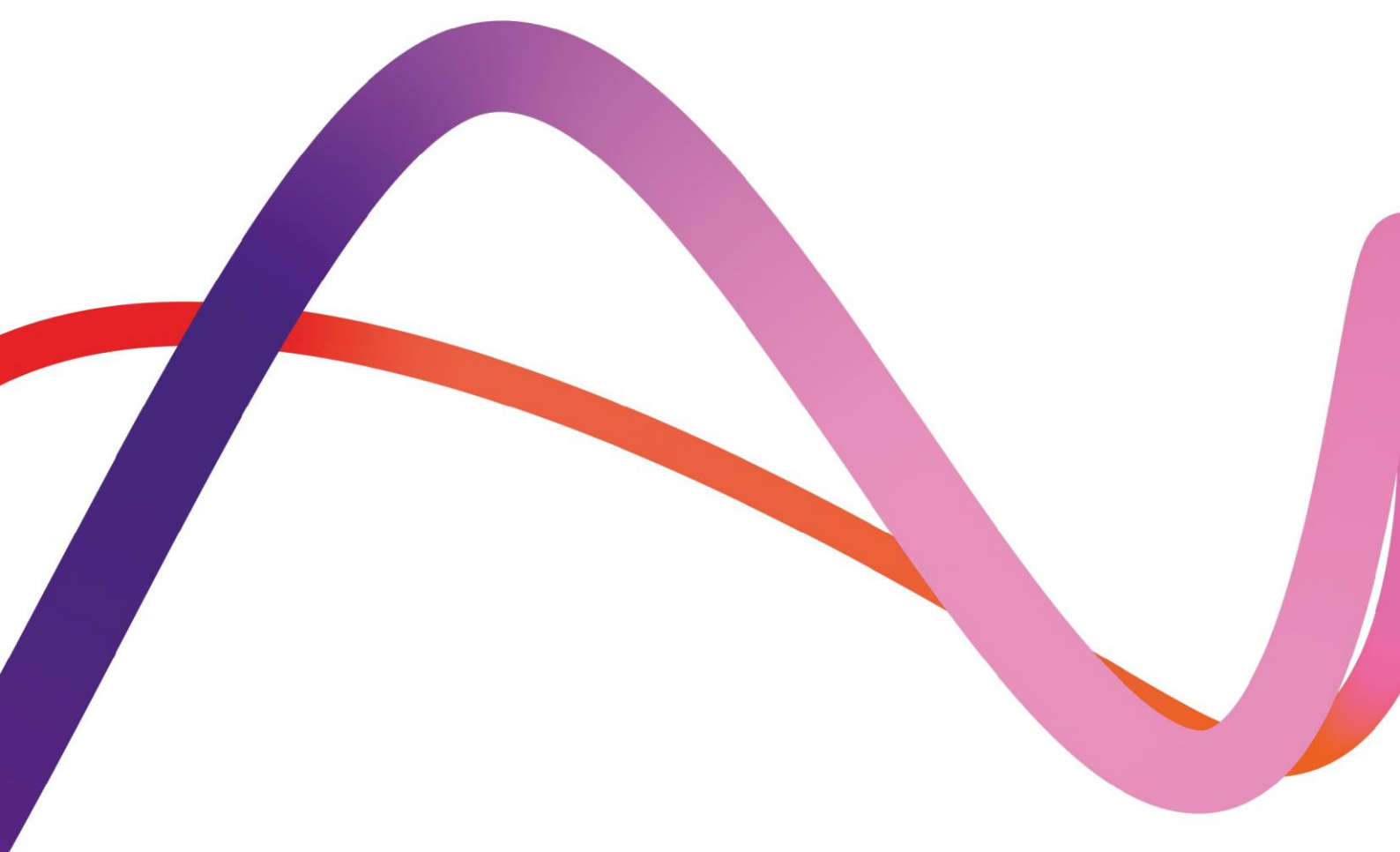


# Medworth Energy from Waste Combined Heat and Power Facility



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## **Applicant's comments on the Deadline 4 Submissions: Part 1 Statutory Parties**

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# 1. Introduction

## 1.1 Background

1.1.1 Medworth CHP Limited (the Applicant) submitted an application for development consent to the Secretary of State on 7 July 2022 (the Application). The Application was accepted for examination on 2 August 2022. The Examination of the Application commenced on 21 February 2023.

1.1.2 This document, submitted for Deadline 5 (16 June 2023) of the Examination contains the Applicant's comments on Deadline 4 submissions. The responses were made by the following organisations:

- **Statutory Parties:**

- ▶ Anglian Water [REP4-034];
- ▶ Cambridgeshire County Council (CCC) and Fenland District Council (FDC) [REP4-028 to REP4-031];
- ▶ Network Rail Infrastructure Limited [REP4-033];and
- ▶ Wisbech Town Council [REP4-032].

- **Other Interested Parties:**

- ▶ Cambridge Friends of the Earth [REP4-035];
- ▶ CPRE Cambridgeshire and Peterborough [REP4-036];
- ▶ Dr Ursula Waverley [REP4-047];
- ▶ Jenny Perryman [REP4-044];
- ▶ Joseph Howlett, WisWin [REP4-045];
- ▶ Lesley Morton [REP4-046];and
- ▶ United Kingdom Without Incineration Network (UKWIN) [REP4-037 to REP4-042].

1.1.3 This document (Part 1) contains the Applicant's response to Deadline 4 submissions from Statutory Parties in the following sections:

- Section 2: Comments on Deadline 4 submissions from CCC and FDC;
- Section 3: Comments on Deadline 4 submission from Anglian Water;
- Section 4: Comments on Deadline 4 submission from Wisbech Town Council; and
- Section 5: Comments on Deadline 4 submission from Network Rail Infrastructure Limited.

1.1.4 The Applicant's response to Deadline 4 submissions from Other Interested Parties is presented in a separate document (Part 2) – **Volume 14.4b**.



## 2. Comments on the Deadline 4 Submissions from CCC and FDC

**Table 2.1 Comments on the Deadline 4 Submissions from CCC and FDC- Post-hearing submissions including written submissions of oral cases (CLA.D4.ISH3-5.S) [REP4-029] and Appendix C Waste Emissions Calculations (CLA/D4/ISH3-5.S.AC) [REP4-028]**

Topic/Para	Summary of Representation	Applicant Comment
<b>WRITTEN SUMMARIES OF ORAL REPRESENTATIONS MADE AT ISH3 – TABLE 1.1 [REP4-029]</b>		
<b>3. Waste Matters, Size and Need</b>		
Table 4.2 Waste Needs Assessment, including Transcription errors by the Applicant	<p>In the Councils' Deadline 3 submission it was noted that there are errors in Table 4.2 of WFAA version 1. The Applicant has provided corrected and updated figures in the WFAA version 2. The errors that were identified were that the tonnages were not filtered by the list of waste codes as described in the heading, and in fact, included all chapter 19 and 20 wastes. This was then filtered wastes with a basic waste category of "Household Industrial Commercial", and excluded sites with a site type of mobile plant or In/On Land. This error appears to have then compounded by a transcription error, with some entries reflecting the tonnages based on the criteria Mr Breeze set out, some reflecting the tonnages of other areas, and some which did not relate to any areas within the study area.</p> <p>With these errors in the first version of table 4.2, comparison between the two is meaningless.</p>	An updated and corrected version of the Table 4.2 has been provided in revision 3 of the <b>WFAA (Volume 7.3)</b> submitted at Deadline 5.



Topic/Para	Summary of Representation	Applicant Comment
	<p>The total for the Table 4.2 using the corrected method in the WFAAv2 on the WDI 2019 data is in the region of 9.56 million tonnes of waste. This is a 0.27 million tonnes lower than the 9.83 million tonnes cited for 2021 in the WFAAv2.</p>	
Waste Hierarchy	<p>On the topic of the waste hierarchy the Council made representations starting in the Council's Relevant Representation [RR-002] requesting additional criteria to Schedule 2 - Requirement 14 - Waste Hierarchy Scheme. This matter is unresolved but the Applicant's comments that this is being looked at are welcomed. It is the Councils' view that it is important that the future operator not only be seeking to prevent waste that could be treated further up the waste hierarchy from being accepted at this facility, but also being seen to do this too. Given the nature of this facility, this is more likely to be achieved through company policies and how the operator interacts with its clients, helping them to reduce and recycle more waste, so that they don't send as much to be recovered.</p> <p>This is in the context that, if constructed, the applicant may not always be the operator of the facility in the future.</p>	<p>The Applicant has worked with CCC to agree the wording and some additional provisions have been added to Requirement 14 in the version of the draft DCO submitted at Deadline 5 to address CCC's concerns.</p>
Proximity Principle	<p>On the topic the proximity principle, the Council has proposed a draft requirement and it is our understanding that the applicant has agreed to the principle of the requirement. The Council is in the process of agreeing the wording and hope to present this to the ExA soon. The Council's initial proposal is set out on page 23 of [REP3-044] and, subject to nuances, is broadly formed of three parts: a requirement that a specified percentage of waste is</p>	<p>The Applicant has worked with CCC to agree the wording of new Requirement 28 (waste origins). This new requirement ensures that at least 17.5% of the waste must originate from within 75km of the Proposed Development, and at least 80% of the waste accepted at the Proposed Development must originate from the Study Area, In this way, the Proposed Development will be available to provide final waste management for the immediate local area and waste planning authorities in the Study Area (as set out in the WFAA (Volume 7.3), Revision 3 provided at</p>



Topic/Para	Summary of Representation	Applicant Comment
	<p>sourced within 75 km (which reflects an approximation of the Waste Planning Authorities within a 1 hour travel time.); a requirement that a specified percentage of the waste must be sourced with a list of the waste planning authority areas listed in the WFAA; and that no more half of the waste can be sourced from a single waste planning authority area, this last one is to ensure that the facility is not monopolised by one area to the exclusion of closer areas.</p> <p>This is designed to prevent the worst potential excesses and to provide a 'long stop'. It is the view of the Council that this requirement is essential to provide a backstop to ensure that the proximity principle is observed, even if minimally.</p>	<p>Deadline 5). This Requirement ensures that the Proposed Development complies with the proximity principle and also ensures that the capacity the Proposed Development provides will be available to all local waste planning authorities.</p>
<p>Spatial distribution of waste and impact</p>	<p>The Council has made representations in relation to the WFAA, most of which are contained within the Council's LIR [REP1-074] and D3 submissions [REP3-044 – REP3-046]. Whilst there are a number of points of dispute in relation to some of the figures presented, there is common ground is that Table 4.3 (Local Authority Waste from Study Area disposed to non-hazardous landfill), and Table 4.4 (HIC waste from Study Area disposed to non-hazardous landfill) (page 38 and 39) are an accurate reflection of the tonnages as recorded in the Environment Agency's Waste Data Interrogator. If this waste in Table 4.4 is diverted to this facility, there is sufficient fuel for the plant to operate, even if there was to be a decline in the amount of waste being sent to landfill. Whilst the Council may dispute some of the other figures presented, any alterations to correct them would have no impact on these two tables.</p>	<p>The Applicant welcomes the County Council's broad agreement of the data set out in Tables 4.3 and 4.4 of the updated <b>WFAA (Volume 7.3) [REP2-009] (Rev 3.0)</b> and notes that further updates to Table 4.3 have been set out in (Rev 3.0) of the WFAA, submitted at Deadline 5, to reflect DEFRA's May 2023 publication of the 2021/22 Local Authority Collected Waste (LACW) data.</p> <p>In terms of the scale and location of the Proposed Development, the Applicant has demonstrated via the updated <b>WFAA (Volume 7.3) [REP2-009] (Rev 3.0)</b> – and its previous iterations – that the Proposed Development is located in a region that, when compared to the national position, places a much greater reliance on landfill – indeed, for local authority collected waste, when compared to the national average of 8% landfill, only 4 out of the 16 Waste Planning Authorities in the Study Area (Peterborough, Rutland, Suffolk and Peterborough) had a rate of landfilling less than the national average. Moreover, for several areas (Bedford, Cambridgeshire Essex, Leicester and Leicestershire) the landfill rate is more than three times the national average – and overall has seen an increase from 2021/21 to 2021/22. For all household,</p>



Topic/Para	Summary of Representation	Applicant Comment
	<p>These tables also accurately reflect the spatial distribution of available waste being sent to landfill. There are some nuances regarding waste currently being recovered at existing facilities, but where this facility might in fact be closer to the arisings. Broadly speaking, however, table 4.4 is reflective of the current and future waste suitable to fuel this facility.</p> <p>The development is presented as a regional facility, which with a capacity of 625ktpa, with a minimum requirement for 523.5ktpa, and will need to source this waste on a regional basis. This is a large facility and is disproportionately large for the local need and the community that is being asked to host it.</p> <p>The development of this facility in this location will result in waste traveling further distances, than if it were to be located closer to the main concentrations of waste.</p> <p>These are in Essex / Hertfordshire to the south, which accounts for 1.2 million tonnes, and Northamptonshire and Leicestershire to the west, which accounts for 0.4 million tonnes of the available 2.4 million tonnes. The spatial distribution is illustrated in the Map in the Local Impact Report [REP1-074 page 93]. More localised energy recovery facilities as envisioned in the relevant waste local plans in the region would not have the same scale of negative effects as this facility.</p> <p>Conversely, if this and the Peterborough Green Energy project are both developed this will concentrate 1.2 million tonnes of recovery capacity in a relatively small geographic area, and it would be sufficient to accommodate well over half of all the waste in the study area.</p>	<p>industrial and commercial (HIC waste), the updated <b>WFAA (Volume 7.3) [REP2-009] (Rev 3.0)</b> has shown that almost 2.4 million tonnes of suitable HIC waste generated within the WPAs within the spatial scope were sent to non-hazardous landfill in 2021. Even excluding Essex, which sent over 1 million tonnes of waste to landfill, more than 1 million tonnes of in scope waste was sent to landfill from the next six highest HIC landfilling areas. This includes Cambridgeshire itself, which at over 220,000 tonnes of HIC waste each year going into landfill, is the third highest area for reliance of landfilling (after Essex and Leicestershire).</p> <p>Located at the heart of a region that traditionally places a significant reliance on managing residual waste at the bottom of the waste hierarchy (i.e., landfill), the Applicant is of the view that the Proposed Development is well located to ensure that residual HIC waste can be managed further up the waste management hierarchy. It would also offer a deliverable facility – unlike the consented Peterborough Green Energy project, which has remained unbuilt for almost 15 years.</p>



Topic/Para	Summary of Representation	Applicant Comment
	<p>The pattern of waste that we see now, will be affected by future recovery capacity provision and government and market interventions in waste production, all of which have a level of uncertainty attached. As an energy plant, it will require a steady and reliable source of fuel to maintain its supply of electricity. In the future, should residual waste reduce, or other plants be permitted more locally to existing waste sources, the negative effects associated with the facility will be amplified as it must look further and further for fuel. Whilst this proposal provides a significant benefit in recovery capacity, it also comes with all the disbenefits that come from concentrating this capacity in one location.</p> <p>On this topic the Council asks the ExA to give very careful consideration to the disbenefits that come from centralising capacity in what is a largely rural and spread-out region and attribute the appropriate weight in their determination of this application.</p>	
Comments on the entry for Norfolk in Table 4.6 of the Waste Fuel Availability Assessment	<p>The Council has made comments at Deadline 3 [REP3-044 Pages 2-5] on Table 4.6 in respect of the entry for Norfolk County Council. It is important to understand the context in which the waste needs assessments on which this table is based are written.</p> <p>When preparing waste local plans, waste planning authorities undertake waste need assessments. Fundamentally, the question that is asked when undertaking these assessments is how much waste is being generated, and how much capacity is there now and in the future. This is often separated by waste stream and level within the waste hierarchy. Following the identification of need and capacity, if there is insufficient capacity, the report identifies the quantity of additional capacity required. In local plans</p>	<p>The Applicant does not consider that they are unfairly altering the conclusions of the Norfolk Need assessment. Indeed, the updated <b>WFAA (Volume 7.3) [REP2-009] (Rev 3.0)</b> – and its previous iterations reflects extant Norfolk policy, which reports a significant shortfall (~700,000 tonnes per annum) in HIC residual waste management capacity. Further discussion around the need assessments underpinning the emerging replacement plan is also included in the updated WFAA (Volume 7.3) [REP2-009] (Rev 3.0). However, as these later assessments (2019 and 2022) are 'untested' and range from reporting a very significant shortfall in waste recovery capacity to more recently stating that there is no shortfall (despite now new capacity coming on stream in Norfolk), it is considered that very little weight can be applied to the conclusions of these 'untested' need assessments.</p>





Topic/Para	Summary of Representation	Applicant Comment
	<p>this is normally reflected in like for like or capacity at a higher level in the waste hierarchy. Consequently, what you are seeing in Table 4.6 is the conclusions that many areas, particularly those with landfill have sufficient or only a small shortfall in capacity.</p> <p>It is the Councils' view the applicant is trying to unfairly alter the conclusions of the Norfolk Waste Needs Assessment to support their application; and more broadly Table 4.6 and 4.7, owing to the lack of context, does not show what the applicant reports it to show. That is, in the absence of understanding the question on which the Waste Needs Assessments are based, the reason for the conclusions that they reach and why they in practice only show a small requirement for additional capacity.</p>	
<p><b>4. Alternatives and Design Options</b></p>		
<p>Reasons for excluding Peterborough Green Energy and Essex Rivenhall sites</p>	<p>Mr Matthew Breeze explained that in Issue Specific Hearing One the Applicant detailed that sites in Norfolk and Wisbech were principally identified as being suitable, and that the Peterborough Green Energy and Essex Rivenhall Sites were not suitable. However, within the Alternatives Chapter (2) of the ES, there is no reference to these sites, nor the reason for their exclusion.</p>	<p>ES Chapter 2 Alternatives describes the site selection process undertaken by the Applicant, how it is consistent with national policy (ES Chapter 2 paragraph 2.3.2) and in conclusion, how the selected site performs. The PGEL or Rivenhall sites are not suitable for the Proposed Development as they are not available to the Applicant (as they are being developed by others). They do not present the same potential for CHP and they therefore do not meet the Applicant's essential site criteria. The PGEL site is not close to any significant heat demand and there is also the smaller, existing, Peterborough EfW facility that could meet any such loads more competitively. The Applicant's parent company did look at the Rivenhall site in 2017/18 but concluded that since the planning conditions required the facilities that would provide the stated heat demand to be constructed coterminous as part of the overall scheme, this was not a commercially viable project. It should be noted that subsequently the project has been taken over by Indaver. As far as the Applicant is aware, Indaver are in</p>



Topic/Para	Summary of Representation	Applicant Comment
		<p>dispute with Essex County Council as to the application of the planning conditions that require the heat demand elements of the project to be built at the same time as the EfW elements. Indaver have disputed these are necessary, but Essex County Council has set a deadline for the heat demand elements to be built by 2026.</p>
Justification for site selection	<p>The Councils believe that it is important that the Applicant provides the reasons to explain why the other sites were not progressed and that this is documented and presented to the Examination, so that there is a clear justification for the selection of this site.</p>	<p>Please see the Applicant's response above. The justification for site selection is set out within <b>ES Chapter 2 Alternatives [APP-029]</b>. The Applicant has provided a further position statement (<b>Volume 14.5</b>) at Deadline 5, to set out how the Applicant has complied with relevant policy and legal tests regarding site selection, the consideration of alternatives and what considerations led to the selection of the proposed site.</p>
Agreements for heat use	<p>The applicant also referred to this site being preferable as being able to make use of the heat that the EFW would produce. The Councils note, that as has been previously noted by others, no agreements for heat use have been submitted with the application, nor an ability to transport the heat without the agreement of other landowners.</p>	<p>The EfW CHP Facility Site would be located within an industrial area, characterised by the presence of large users of heat. This is recognised at a national level in the DBEIS CHP development Map (see <b>ES Chapter 2 Alternatives Graphic 2.1 [APP-029]</b>). The Applicant is confident that it will be able to source customers for heat and power once consent for the Proposed Development has been granted. The CHP Connection is included within the Proposed Development to enable the Applicant to transport the heat to customers. The Applicant has prepared a Combined Heat and Power Assessment (Volume 7.6) [APP-097] and will submit a Technical Note: Combined Heat and Power and Carbon Capture Delivery Readiness (Volume 14.7) for Deadline 5.</p>
<h3>5. Relevant Planning Policy</h3>		
Clarification in relation to the Peterborough Minerals and Waste Site Specific Proposals Plan	<p>The agenda refers to the Peterborough Minerals and Waste Site Specific Proposals Plan. It is believed that this is a typographical error and was intended to refer to the Cambridgeshire and Peterborough Minerals</p>	<p>Comment noted. The SSP was referred to within <b>ES Chapter 2 Alternatives [APP-029]</b> Table 2.1 Summary of EIA Scoping Opinion responses in relation to the assessment of alternatives at that point in time. The Local Plan was also taken into account as</p>



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	<p>and Waste Site Specific Proposals Plan. The Site-Specific Proposals Plan was superseded by the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021. Any reference to the SSP likely arose from consultation responses prior to July 2021 such as the reference to the SSP that can be identified is contained within Chapter 2 of the ES (Alternatives).</p>	<p>part of the policy consideration presented within the Planning Statement (Volume 7.1) [APP-091].</p>
<p>Minerals and Waste Local Plan Locational Policy</p>	<p>The relevant policies are listed in paragraph 1.1.2 of the Council's Local Impact Report [REP1-074].</p> <p>Policy 3 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (CPMWLP) sets out the need for waste management facilities in the Plan Area and Policy 4 sets out the spatial strategy. Other policies listed in the Local Impact Report are still relevant, but are not the focus of this question and will be addressed at other times during this Examination.</p> <p>It is important to understand the context in which the plan was written. As set out in Policy 3 the plan area, has, except for some hazardous waste management capacity, sufficient capacity to manage the waste produced within the plan area.</p> <p>This does rely on landfill capacity, but as there is sufficient capacity; consequently, the plan does not allocate any new waste management sites. The Plan does, however, contain Policy 4 that sets the spatial strategy of the Cambridgeshire and Peterborough Minerals and Waste Local Plan, in the event of any speculative applications.</p> <p>Waste Management Areas are existing waste management sites which are safeguarded under Policies 10 and 16 and are depicted on the Minerals</p>	<p>Comment noted. The Applicant welcomes CCC's confirmation that the Proposed Development is compatible with the WMAs safeguarded status.</p> <p>With regard to Policy 3 the Applicant responded to the matter of compliance with the policy within its Applicant's Response to the CCC and FDC Local Impact Report (Volume 10.3) [REP2-020].</p> <p>Whilst the policy considers that there is sufficient capacity to manage waste produced, this is reliant upon existing and future void space for landfill. The Proposed Development would provide an opportunity to move the management of this waste up the waste hierarchy and away from landfill, consistent with national policy.</p>



Topic/Para	Summary of Representation	Applicant Comment
	<p>and Waste Policies Map. Under Policy 4, intensification is supported, but only within the red line boundary. In terms of their relevance to this application, a large part of the proposed development site is within a waste management area. As the proposal will provide a significant increase in waste management capacity, it is proposing a use that is compatible with the WMAs safeguarded status.</p>	
Policy 4 relevance	<p>Policy 4, subject to specific exceptions for certain development, such as being completely within the red line boundary of an existing waste site, directs waste management development to suitable employment areas within the settlements listed within the policy, of which Wisbech is one. It supports development in these areas within the settlement boundary. The term 'settlement boundary' is defined within the policy. In the first instance this relates to a settlement boundary in the relevant local plan, but as there is no settlement boundary defined within the Fenland Local Plan for Wisbech, this reverts to existing built up area. Much of the proposed development is located within the existing safeguarded waste management operation and can be considered to be within the existing built-up area. A portion of the site, in the south-eastern corner, lies outside of this area. By the strictest interpretation of the policy, the proposal does not meet Policy 4 as it is expanding outside of the settlement boundary. However, the area in question is being proposed for allocation to provide a mix of employment uses, including uses within classes B and E(g) within the emerging Fenland Local Plan (under Policy LP37 reference: LP37.01), and there are planning permissions for employment uses to the south of New Bridge Lane. So, even though the proposal does not fit the strict letter of the policy, it</p>	<p>The Applicant welcomes CCC's interpretation that the Proposed Development does meet the 'spirit' of Policy 4. Indeed, the south-east portion of the site referred to by CCC is understood to relate mainly to the site for the TCC. As such this land would not be the subject of permanent development and would be reinstated at the end of the construction phase. The only permanent land take outside of the existing WMA at the EfW CHP Facility would be the area to be used for the on-site substation, gatehouse/weighbridge.</p> <p>The movement in the treatment of residual waste from landfill to EfW would represent a move up the waste hierarchy. Policy 3 Waste Management Sites establishes the criteria for the consideration of new proposals as opposed to Policy 4 which provides the broad spatial strategy for the location of new waste management development; and criteria which will direct proposals to suitable sites, consistent with the spatial strategy. Policy 3 states that proposals will in principle be supported if any of three criteria apply with criteria (c) referencing the movement of waste capacity up the waste hierarchy – and therefore, not as far as possible.</p> <p>The Inspectors Report on the Examination of the Local Plan (March 2021) concerning Policy 4 and the support to be given to moving waste up the hierarchy noted at paragraph 124 that <i>'Energy from waste is one form of such movement and sits towards the top of the hierarchy'</i>.</p>



Topic/Para	Summary of Representation	Applicant Comment
	<p>could be reasonably argued that it does meet the spirit of the policy.</p> <p>Policy 4 also requires that the waste should be moved up the waste hierarchy as far as possible, not just one or two steps. The proposed additional criteria to Requirement 14 Waste Hierarchy Scheme, would help addresses this requirement, and assist in demonstrating compliance with Policy 4.</p> <p>Mr Fraser-Urquhart KC confirmed that the list of policies in Annex 2 of the Councils' LIR [REP1-074] was still up to date, and that the Councils would submit the full text of these at Deadline 4.</p>	<p>Discussions have been undertaken with CCC to agree the drafting of the waste hierarchy requirement and an amended Requirement 14 is included within the draft DCO submitted at Deadline 5 which is understood to address CCC's concerns.</p>
<p>Compliance with the Fenland Local Plan 2014 and status of the emerging Local Plan 2021-2040</p>	<p>Mr Nick Harding, Head of Planning at Fenland District Council, made the following points:</p> <p>In the area where his development is proposed to be located, it can be seen from the Fenland Local Plan map that the site is adjacent to what's known as a broad location for growth in the policy. The Councils will submit to examination a plan of these areas alongside this document at Deadline 4.</p> <p>By virtue of the fact that some of the site is already developed and in use as a waste site, one could say it already falls within the indicative urban area. The remainder of the site is within an area shown as a broad location for growth and the plan policy states this location needs to provide business related development, residential development, and the improvement of East-West road links, including New Bridge Lane.</p>	<p>The Applicant is of the opinion that the Proposed Development, principally the EfW CHP Facility Site, is compatible with the adopted Local Plan given that it is located substantially within a site allocated as a WMA. That part of the site which lies outside the defined WMA, and which would be permanently occupied (see response to 'Policy 4 relevance' above) consists of an on-site substation and gatehouse/weighbridge, uses which on their own could be considered to be compatible with what is defined as a 'business' and 'industrial' area.</p> <p>The current status of the Emerging Local Plan is noted. Nonetheless, the Plan shows the Council's current intention to maintain the WMA status for the EfW CHP Facility Site and to continue promoting employment and non-residential uses on the land which surrounds it.</p> <p>The supplementary document providing further information on these points submitted as Appendix B to the Councils' Deadline 4 submissions referred to by the Council [REP4-028] comprises extracts of the relevant local plan policies. The Applicant has</p>



Topic/Para	Summary of Representation	Applicant Comment
	<p>The Inspector asked Mr Harding whether he could provide any further information on what was meant by 'business-related policy' – Mr Harding noted that the policy was not specific on this front and uses the phrase 'for business-related purposes'.</p> <p>The local plan policy indicates that for a development proposal to come forward, a broad concept plan has to be adopted and in place. A broad concept plan for this location was adopted in 2015 by FDC, and in relation to the south-eastern portion of the site that sits on new Bridge Lane, this is considered to be an extension of the existing industrial area with 'industrial area' also being ill-defined.</p> <p>The broad concept plan identified that New Bridge Lane would become a route which links Cromwell Road to the West through a new roundabout junction that would be formed on the A47.</p> <p>Mr Fraser-Urquhart KC asked Mr Harding whether, given to the ambiguities and loose definitions in the policy, he regarded this proposal as being in conflict or in conformity with the plan. Mr Harding responded that a significant part of the proposal falls within the minerals and waste consultation area so some of it is compatible, but whether the expansion of the site into what is defined as business and industrial areas is deemed to be compatible is another matter, one on which it is difficult to reach a conclusion – concluding that it is not wholly incompatible when compared to the two adopted policy documents.</p> <p>On the topic of the Emerging Fenland Local Plan, Mr Harding noted that the site is shown within the minerals and waste local plan consultation area, an area that currently sits outside the existing waste</p>	<p>considered relevant local plan policies within the Planning Statement (Volume 7.1) [APP-091].</p>



Topic/Para	Summary of Representation	Applicant Comment
	<p>operation and is identified as being for employment and non-residential use under Policy LP37. This policy says that the development area should be used for a mix of employment uses including Class E and Class G. However, as the emerging Local Plan is only at Reg 18 stage at this point in time little weight can be given to it.</p> <p>A supplementary document providing further information on these points is submitted as Appendix B to the Councils' Deadline 4 submissions [CLA.D4.ISH3-5.AP.AB].</p>	

**WRITTEN SUMMARIES OF ORAL REPRESENTATIONS MADE AT ISH4 – TABLE 1.2 [REP4-029]**

**3. Traffic and Transport**

Protective Provisions	<p>CCC raised concerns at paragraph 2.4.1 of the LIR [REP1-074] about the absence of provisions in the DCO that would protect the right to review and approve the design of highway improvements, the right to inspect works during construction and upon completion of works, and the requirement for the applicant to obtain certification that completed works are satisfactory. CCC have also subsequently raised concerns about the Council's ability to recover its costs from the applicant for involvement in this work.</p> <p>The first point about the review and approval of design was addressed by the applicant and there have been some amendments to the text of DCO schedule 2 to accommodate the Council's comments at ISH2.</p>	<p>The Applicant has entered into discussions with CCC in relation to protective provisions and a draft Section 278 Agreement, with the aim of reaching agreement before the end of the Examination. The Section 278 Agreement provides for the inspection of works during construction and upon completion of works and the requirement to obtain certification that the completed works are satisfactory.</p> <p>Protective provisions for the benefit of CCC have also been included in the draft DCO submitted at Deadline 5 which give CCC the power to inspect the works.</p> <p>The Applicant considers that all of CCC's concerns can be sufficiently addressed through the powers in the draft DCO, discharge of Requirements, protective provisions and the Section 278 Agreement.</p>
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Topic/Para	Summary of Representation	Applicant Comment
	<p>However, the other items appear to be unaddressed at this time.</p> <p>Discussions are underway regarding entering into a section 278 (HA1980) agreement, which would grant permission to the applicant to work within the public highway in accordance with the Council's terms. However, until agreement is formally reached between the parties, CCC feels that it is not adequately protected by the current draft of the DCO. The Council needs to be satisfied that any highway amendments are safe, offer the best utility to the public, and are constructed in a way that minimises ongoing maintenance burden.</p> <p>To satisfy those concerns requires a framework of overarching protections to be inserted to the DCO. This would not remove the need to enter into a section 278 agreement, but it would establish a minimum baseline for the interactions between the Council and the applicant on this matter.</p> <p>There was a short discussion about protective provisions during ISH2, and CCC recalls that an action was identified by the examining authority for some progress to be made on this by the applicant – however, to the Council's knowledge, engagement on this matter is still an outstanding matter. Engagement with the applicant more generally has been largely positive to date and the Councils would expect that this matter could be resolved through discussion.</p>	
<p>Impact of extraordinary traffic during construction and operation of the facility on condition of the highway</p>	<p>CCC raised concerns in sections 2.4.1 and 2.5.3 of the LIR [REP1-074] that the increased heavy goods traffic generated by the development has the potential to cause excessive damage to the highway. The applicant's responses on this issue can be seen</p>	<p>The Applicant is in discussions with CCC in relation to the Section 278 Agreement, with the aim of reaching agreement before the end of the Examination.</p>





Topic/Para	Summary of Representation	Applicant Comment
	<p>in document [REP2-020]. The applicant does not accept the Council's concerns, and states that it does not feel the proposed number of HGV journeys to the development site represent extraordinary levels of traffic.</p> <p>However, upon review of the Environmental Statement Chapter 6 [APP-033], tables 6.27 and 6.32, the applicant's own analysis predicts a marked increase in HGV movements on some of the roads affected by the development, during both construction and operation of the facility.</p> <p>For example, during the construction phase, New Bridge Lane is anticipated to see a 68% increase in HGV movements on the expected traffic levels for 2024, and during operation there is anticipated to be a 149% increase on expected levels for 2027. Meanwhile Cromwell Road, which is outside the DCO boundary, but which provides the key link from the A47 trunk road into the development site, sees respective increases of 19% and 27% for the equivalent phases of development.</p> <p>By their own analysis the applicant is demonstrating that certain roads affected by the development will see significant new numbers of HGV journeys. Although the applicant earlier made reference to the increased levels of traffic being equivalent to existing use, this does not consider the cumulative effect of adding substantial numbers of new journeys, and it could reasonably be anticipated that this increase could result in additional wear to the carriageway.</p> <p>In the outline CTMP [REP3-014] the applicant states at paragraphs 7.4.21 and 7.4.22 that inspections will be undertaken before, during and after construction</p>	<p>The draft Section 278 Agreement provides that inspections will be undertaken during the construction period and requires the Applicant to carry out a condition survey of the highway in accordance with CCC's specifications at the Applicant's cost in relation to highway works to Cromwell Road and New Bridge Lane.</p> <p>The Applicant maintains its position that the Proposed Development will not result in extraordinary levels of traffic.</p> <p>The Applicant does not consider it to be necessary or appropriate for the DCO to duplicate the statutory compensation process set out in section 59 of the Highways Act 1980.</p> <p>The Applicant's transport assessment reported within ES Chapter 6 Traffic and Transport (Volume 6.2) [APP-033] whilst predicting the increase in HGV movements referred to by the Councils concluded that these would not be significant in EIA terms. Mitigations in the form of an Outline CTMP, Outline OTMP and Outline Travel Plan are proposed.</p> <p>With regard to the Councils' reference to the cumulative effect of adding substantial numbers of new journeys, the Applicant's transport assessment does include for the use of agreed growth factors and committed sites (as agreed with CCC). This represents a cumulative assessment.</p> <p>Notwithstanding the above and without prejudice to the Applicant's position set out above, the Outline CTMP has been updated for Deadline 5 with the agreement of CCC to address the issue of highway condition surveys.</p>



Topic/Para	Summary of Representation	Applicant Comment
	<p>so that the condition of the accesses can be monitored. This is welcomed but CCC does have some concerns about how this has been worded, for instance referring to ‘accesses’ rather than ‘highways’, while there is also no express commitment to undertake condition surveys of highways that are outside of the DCO boundary, but which are affected by the scheme – most notably, Cromwell Road, which as noted will see an increase in HGV journeys of over a quarter during operation of the EFW site.</p> <p>Lastly on this matter, the Council is entitled under section 59 of the Highways Act 1980 to seek compensation for the costs of repairing damage caused by excessive levels of traffic. This right would apply during construction, but also throughout the operational lifespan of the development. This has not been acknowledged in either the outline CTMP or the outline OTMP [REP3-024]. It would be of reassurance to the Council if the applicant were to make a commitment to covering the costs of any reactive maintenance that becomes necessary as a result of the increased traffic caused by the development.</p> <p>Mr. Ashman agreed that further engagement is required on this matter, confirming that from the Council’s perspective, the traffic levels show increases, and the Highway Act 1980 does not define extraordinary.</p>	
<p>Public Rights of Way (PROW) and Non-Motorised Users (NMUs)</p>	<p>Mrs. Rhodes explained that NMUs do not necessarily distinguish between the local road network and rights of way, and use roads as connection routes to rights of way.</p>	<p>The Applicant will continue to discuss with Network Rail whether it is willing to improve the current situation and grant permissive rights for members of the public to pass and repass over the former crossing of the Disused March to Wisbech Railway.</p>



Topic/Para	Summary of Representation	Applicant Comment
	<p>New Bridge Lane is currently a quiet area with limited transport due to bollards on the level crossing, and has been a good route for NMUs to use.</p> <p>PROW closure:</p> <p>In the CTMP [REP3-014] 7.2.5 the terminology is incorrect and needs changing to public rights of way and to refer to byways (Halfpenny Lane – Wisbech 21/Elm 6).</p> <p>An outstanding matter for the Councils is regarding New Bridge Lane and NMUs, The Councils are content in principle that access will be maintained for NMUs during construction but need clarification that this includes access over the crossing otherwise NMUs will lose a safe connective route. This is particularly important for active travel, leisure, and health-giving opportunities for local communities. Wisbech has poor health outcomes so this is a particular concern. The Councils would like the status of the disused crossing to be addressed. Highways rights were removed in 1981, but the public have had access to it over the last 40 years. The councils ask that the applicant seeks agreement with Network Rail that access will be retained and clarified to be permissive so that the public are clear - the councils do not want public access to be removed.</p> <p>Mrs. Rhodes also mentioned the Councils concerns regarding landscape and Visual impacts on NMUs, which were deferred to a hearing in which landscape and Visual matters would be discussed.</p> <p>Mr. Fraser-Urquhart KC noted that the owners and tenant of 10 New Bridge Lane are not the only landowners whose ability to access their land may be</p>	<p>However, it will be for Network Rail to decide whether this is possible.</p> <p>The Applicant is also discussing with Network Rail the access rights of other landowners (in addition to 10 New Bridge Lane) to access their land and property from New Bridge Lane and across the Disused March to Wisbech Railway. It is confident that the necessary agreement can be put in place with Network Rail prior to the end of the Examination.</p> <p>With regard to the comment concerning the CTMP, the Applicant has updated the document for Deadline 5 to correct the terminology.</p> <p>Concerning NMUs and securing improvements to the local network, the Applicant refers to their response to GCT.2.2, ExQ2 (Volume 14.2)</p>



Topic/Para	Summary of Representation	Applicant Comment
	<p>impacted by this scheme, noting that FDC own some of the land along this road.</p> <p>Mrs. Rhodes summarised that the Councils key concern is that the development along New Bridge Lane as a result of this proposed development would negatively impact the experience of NMUs, and as such the councils seek a minor improvement to clarify access that has been existing by permission of the landowner for the last 40 years. Permissive agreement should be agreed with permissive terms in place, to encourage and support wider public health aims for local communities.</p>	
<b>4. Air Quality</b>		
Local Air Quality Monitoring Strategy	<p>The Councils request that the LAQMS provides more detailed information including the availability of data to the HLAs, interpretation of data, and process for the notification of exceedances. If an exceedance is identified the Councils would like this document to outline the commitment for source identification, resolution and emission reduction associated with this installation and its associated activities.</p> <p>In response to this request, the Applicant noted on page 47 of [REP3-042] that they had updated the Outline LAQMS to include the submission of quarterly reports. It is the Councils' view that quarterly reports are insufficient as this would not allow the councils to respond to any issues in a timely manner. The Councils request that there is a requirement to report exceedances to the Councils immediately, and for the applicant to submit details of the incident including what the source was, the response and measures taken to avoid similar incidents in the future.</p>	<p>To address this matter, prior to Deadline 4 the Applicant and IP discussed and agreed additional wording. The updated wording is included at section 2.1.7 of the <b>Outline Local Air Quality Monitoring Strategy (LAQMS) (Rev 3) [REP4-016]</b>. Therefore, the Applicant understands this matter is resolved.</p>



Topic/Para	Summary of Representation	Applicant Comment
<b>5. Climate Change including Carbon Mitigation and Carbon Capture</b>		
Carbon capture storage	<p>Following the Applicant's explanation of their intentions regarding Carbon Capture Storage (CCS), Mr. Fraser-Urquhart KC noted that the extent of the obligation resting on the applicant regarding CCS is to allocate land, not to use it for anything else, and to report regularly. There is no obligation for the applicant to use best endeavours to bring about CCS, and therefore any benefits that may be thought to be attached to CCS is speculative. The Councils are of the view that there is no obligation on the developer to undertake CCS in the DCO even if it becomes feasible. The applicant could still decline to do CCS, and the Councils wish weight to be given to this when considering whether the applicant's current CCS position can be viewed as a benefit. Mr. Fraser-Urquhart KC noted that without a legal obligation to retrofit technology and equipment to make it CCS ready, the likelihood of the applicant retrofitting the facility years down the line was less likely.</p>	<p>Concerning carbon capture and the Applicant's approach, the Applicant refers to their response to GCT.2.1, ExQ2 (Volume 14.2). In terms of delivery, the Applicant's Technical Note: Combined Heat and Power and Carbon Capture Delivery Readiness (Volume 14.7) submitted for Deadline 5 summarises the measures embedded in the design and implemented prior to Final Commissioning of the EfW CHP Facility.</p> <p>The Applicant is policy compliant in terms of being decarbonisation ready both in terms of the adopted NPS EN1 and emerging policy in the Revised Draft NPS EN1 and the Proposed Development is designed to facilitate CCS as secured by Requirement 22 and 23 of the draft DCO.</p>
Emission calculation assumptions	<p>Mr. Fraser-Urquhart KC outlined the Council's concerns that all of the applicant's assumptions regarding emissions are based on a baseline that for the entire 40- year duration of the project, all of the waste if it were not burnt would go to landfill. This is a sweeping assumption. Mr. Fraser-Urquhart KC also noted the problem with the applicant basing their avoided emissions calculations on the UK grid as it is now, when it is likely to decarbonize over the lifetime of the scheme. As the dependence on fossil fuels is reduced over time, this scheme would be replacing carbon neutral forms of generation. The use of the</p>	<p>The EfW CHP Facility provides for the management of residual waste, remaining after the removal of recyclables, which moves the management higher up the waste hierarchy than the alternative 'without Proposed Development' scenario where waste is sent to landfill. The Waste Fuel Availability Assessment <b>(Volume 7.3) [REP2-010]</b> identifies that landfill disposal is the reasonable alternative for the management of residual waste proposed to be used at the EfW CHP Facility. Therefore, the climate chapter <b>(ES Chapter 14 Climate (Volume 6.2) [APP-041])</b> considers a 'without Proposed Development' scenario where waste is collected and transported to available landfill sites to be the appropriate baseline for assessment.</p>



Topic/Para	Summary of Representation	Applicant Comment
	composition of the UK grid as it is currently is highly dubious and overestimates the degree of benefit.	<p>In <b>ES Chapter 14 Climate (Volume 6.2) [APP-041]</b> for the Core Case the Applicant considers the scenario where the EfW CHP Facility would displace electricity generated by the UK grid rather than electricity generated by CCGT (using natural gas fossil fuel), and has provided further sensitivity analysis in line with forecasts for decarbonisation of UK grid electricity generation, which is likely to also account for carbon capture associated with various forms of power generation, including CCGT.</p> <p>Further to this, the Applicant has provided additional analysis to evaluate the impact of decarbonisation of the power sector over the lifetime of the EfW CHP Facility in Technical Meeting Note (TNCC01) (provided at <b>Appendix 9.2c (Part 9) [REP1-036]</b>). The Technical Meeting Note (TNCC01) indicates that, compared to the results presented in the ES, considering current forecasts for decarbonisation of UK grid electricity generation, the net savings in GHG emissions compared to LFG would be reduced from 2,571 ktCO<sub>2</sub>e to 414 ktCO<sub>2</sub>e over its lifetime. However, as identified in the ES Core Case and the previous sensitivity analysis for the ES, this additional sensitivity analysis for lifetime grid mix decarbonisation shows that GHG emissions will still be lower in the 'with Proposed Development' case compared to the 'without Proposed Development' case, albeit at a reduced scale.</p>
Waste Emission calculations Appendix C of REP4-028 (covering letter) CLA/D4.ISH3-5.S.AC	CCC has completed waste emissions calculations using the Waste Emissions Calculator for local authorities, from Local Partnerships.	In response to <b>ISH 4, action point No.7 [EV-059]</b> , the Applicant is in discussion with Cambridgeshire County Council (CCC) to agree appropriate waste composition scenarios for further sensitivity analysis, with the aim of submitting this analysis at Deadline 6. This will include further commentary regarding the effect of waste composition on the assessment of GHG emissions for the Proposed Development.
Compatibility with net zero pathway	<p><u>Scale of greenhouse gas emissions</u></p> <p>Firstly, the overall scale of greenhouse gas emissions. These are estimated by the applicant to</p>	<p><u>Scale of greenhouse gas emissions</u></p> <p>It is acknowledged that as a standalone entity the Proposed Development results in net carbon emissions when considering</p>



Topic/Para	Summary of Representation	Applicant Comment
	<p>be about 11 million tonnes over the 40-year lifetime of the plant (273,326 tonnes CO<sub>2</sub>e per year according to the applicant, in [APP-041] (ES Ch14), Table 14.27 on p57). Embodied carbon from construction materials will also be a large source of GHG emissions itself, estimated by the applicant at over 48,000 tonnes CO<sub>2</sub>e, although this is considerably outweighed by the emissions from the operational phase, the vast majority of which are from burning the fossil carbon content of the waste material (such as plastics).</p> <p><u>Waste composition</u></p> <p>Secondly, greenhouse gas emissions from Energy-from-waste plants such as this vary hugely dependent on the waste composition. In general, fossil carbon waste (such as plastics) doesn't generate any greenhouse gas emissions in landfill, but do lead to high emissions if burned. Whereas biogenic carbon waste (such as paper, food and garden waste) generates high emissions if landfilled, as it breaks down into methane, but fewer emissions if burned (as the combustion process converts methane to carbon dioxide) (although recycling or composting would be even better).</p> <p><u>Without development scenario</u></p> <p>Thirdly, CCC would challenge the description and the baseline of the 'without development' scenario, as we cannot assume that without the development, all of the waste would go to landfill for the entire 40 years of operation. Waste volumes could reduce, and/or alternative waste treatment methods could be used. Such alternatives could include reducing the overall volume of waste through circular economy principles</p>	<p>emissions from the EfW combustion processes compared to avoided emissions for energy generated by the EfW CHP Facility. However, the GHG assessment in <b>Section 14.9 of ES Chapter 14: Climate Change (Volume 6.2) [APP-041]</b> indicates a net reduction in emissions in the 'with Proposed Development' scenario compared to a 'without Proposed Development' scenario. Relative to the 'without Proposed Development' case, the Proposed Development is estimated to result in a net decrease in GHG emissions equivalent to approximately 2,571ktCO<sub>2</sub>e over its lifetime (see <b>Section 14.9 of ES Chapter 14 Climate Change (Volume 6.2) [APP-041]</b>).</p> <p><u>Waste composition</u></p> <p>Please see previous responses to comments, provided at <b>Section 2: Comments on the Deadline 3 Submissions from CCC and FDC (Volume 12.3) [REP4-022], Table 2.1, 'Waste composition 9.4.4 objection 1, and 9.4.6, 9.4.7, 9.4.8, 9.4.9 and 9.4.10'</b>.</p> <p><u>Without development scenario</u></p> <p>The EfW CHP Facility provides for the management of residual waste, remaining after the removal of recyclables, which moves the management higher up the waste hierarchy than the alternative 'without Proposed Development' scenario where waste is sent to landfill. The Waste Fuel Availability Assessment (<b>Volume 7.3) [REP2-010]</b> identifies that landfill disposal is the reasonable alternative for the management of residual waste proposed to be used at the EfW CHP Facility. Therefore, the climate chapter (<b>ES Chapter 14 Climate (Volume 6.2) [APP-041]</b>) considers a 'without Proposed Development' scenario where waste is collected and transported to available landfill sites to be the appropriate baseline for assessment.</p> <p>See paragraph 9.4.22 and 9.4.23 in <b>Section 10 of Applicant's Response to the CCC and FDC Local Impact Report [REP2-</b></p>



Topic/Para	Summary of Representation	Applicant Comment
	<p>and behaviour change, increasing the proportion of residual waste that is recycled or composted, use of Mechanical-Biological Treatment (MBT), and increased capture rates of landfill gas. Moreover, even if it did all go to landfill, emissions from landfill would also vary a lot depending on the waste composition and how sites are managed. So the baseline 'without development' scenario is very uncertain. This project cannot be regarded as replacing an existing development – there is no particular existing development either on that site or elsewhere that this proposal is replacing. In any case, when you compare two scenarios that both have very high carbon emissions, and state that one is lower than the other, that is not the same thing as having below net zero carbon. 'Less bad' not does equal good. The IEMA guidance also says that only projects that actively reverse risk of severe climate change rather than only reduce, can be regarded as beneficial.</p> <p><u>Avoided emissions from electricity</u></p> <p>Fourthly, the figure the applicant uses for avoided emissions from electricity generation is incorrect. This benefit is much smaller than claimed in the applicant's Environmental Statement. This is because the applicant has used a single constant carbon intensity of electricity in their calculations, whereas in fact avoided emissions will gradually reduce each year, as the UK electricity grid is forecast to decarbonise over time. When this is taken into account, (as shown in the applicant's own technical note in appendix 9.2C of document [REP1-036], Table A.3) the carbon impact of the proposed development is much worse – by more than 2.8 million tonnes CO<sub>2</sub>e, compared to the figure originally claimed by the applicant. This</p>	<p><b>020]</b>, which address the issues raised regarding the assessment of significance of GHG emissions in accordance with published IEMA guidance.</p> <p><u>Avoided emissions from electricity</u></p> <p>Please see the Applicant's previous response to comments at paragraph 9.4.4, Objection 2 in <b>Section 10 of Applicant's Response to the CCC and FDC Local Impact Report [REP2-020]</b>.</p> <p>In response to <b>ISH 4, action point No.7 [EV-059]</b>, the Applicant is in discussion with Cambridgeshire County Council (CCC) to agree appropriate waste composition scenarios, and avoided emissions for further sensitivity analysis, with the aim of submitting this analysis at Deadline 6. This will include further commentary regarding the effect of waste composition on the assessment of GHG emissions for the Proposed Development.</p>





Topic/Para	Summary of Representation	Applicant Comment
	<p>technical note from the applicant provides some revised calculations which state that the amount of GHG emissions offset by electricity generation would be only 326 kt CO<sub>2</sub>e in total over 40 years (based on the Treasury Green Book data table 1, forecast of electricity grid carbon intensity from 2026 to 2065, on a grid-average, generation-based basis). This is only about 10% of the benefit, compared to the 3,203 ktCO<sub>2</sub>e previously claimed in the applicant's original Environmental Statement.</p>	
<b>7. Any Other Business – Notification of change letter</b>		
Resolution of highway design issues	<p>The change application is based on an assumption on the applicant's part that all of the issues relating to Cromwell Road / New Bridge Lane junction have been resolved, and whilst progress has been made through discussions with the Highway Authority, not all issues have been resolved.</p>	<p>Comment noted. Discussions are ongoing with CCC on this matter and the Applicant understands that the technical design is agreed in outline with CCC. Outstanding issues concern the extent of highway land and the requirement for third party land to accommodate the design and in order to resolve this matter the Applicant submitted a change request [AS-028]. The ExA's letter of 13/06/23 has set out the steps to be taken for this request and the amendment proposed to be accepted into the examination.</p>
Land ownership issues	<p>The application is made on the basis that all the land within the revised order limits is highways land. There are technicalities relating to interactions between parts of that land which is assumed by the applicant to be highways land, and Section 106 agreements with the landowners. The Council's highways officers will engage with the applicant as soon as possible to resolve some of these issues where possible.</p>	<p>Comment noted. The Applicant has held meetings with CCC and has proposed a way forward to resolve the issue. The Applicant's change request [AS-028] specifically addressed this point.</p>
<b>WRITTEN SUMMARIES OF ORAL REPRESENTATIONS MADE AT ISH5 – TABLE 1.3 [REP4-029]</b>		
<b>3. Landscape and Visual and Cumulative effects</b>		



Topic/Para	Summary of Representation	Applicant Comment
Deferral to reserve hearing	<p>Mr. Fraser-Urquhart KC explained that the Councils were unable to contribute to this item due to the unforeseen unavailability of their Landscape and Visual consultant. Noting that the Councils raise significant issues in relation to Landscape and Visual matters and that these constitute a core part of their overall case, the preferred course of action would be to suspend this item from the agenda entirely and reconvene on this matter on one of the reserve hearing days in the week commencing 26th June. The Councils noted that in the interest of fairness and completeness, this matter could not and should not be dealt with wholly through a written process. The Councils adopt the same stance for Item 6, Cumulative Effects, due to the unavailability of the Applicant's key witness, and due to the nature of cumulative effects this matter would be best heard towards the end after all the individual matters and environmental impacts have been discussed in their own right.</p> <p>Following contributions from the Applicant, Norfolk County Council, and the Inspectors, the hearing was temporarily adjourned before the decision was made to defer Items 3 and 6 to a future hearing in June.</p>	<p>Comment noted and the Applicant will continue to work with CCC to seek clarification on points of disagreement as regards the landscape assessment, in line with ISH5 Action Point 5.</p>
<b>4. Noise and Vibration</b>		
Outline Operational Noise Management Plan [REP1-013]	<p>REP1-013 Outline Operational Noise Management Plan, paragraph 6.1.5, states actions the applicant would take to mitigate complaints substantiated by the Environment Agency. The Local Authority have a duty to investigate complaints of noise and vibration therefore it is requested that this is altered to include complaints substantiated from all relevant authorities including the Local Authority.</p>	<p>Comment noted. The OONPM was updated at Deadline 4 to recognise the role of the relevant authorities. See <b>[REP4-005]</b>.</p>



Topic/Para	Summary of Representation	Applicant Comment
Outline Construction Environmental Management Plan [REP3-023]	REP3-023 Outline Construction Environmental Management Plan paragraph 2.3.2 identify receptor 2 could be impacted by vibration from the use of vibratory rollers and paragraph 3.3 states that where needed vibration monitoring will be considered. The Councils request that chapter 4 (Construction Noise Monitoring) is expanded to include vibration monitoring and details the equipment and procedure they will use to manage the impacts of vibration on receptors.	Comment noted. The OCEMP was updated at Deadline 4 [REP4-005] to include for an expanded section ( <b>Sub-section 4.3</b> ) on the matter of vibration monitoring requirements.
<b>8. Any Other Business – Landscape and Visual – List of Areas of Disagreement</b>		
Provision of comments and list of areas of disagreement	<p>The Councils had intended to respond to Landscape and visual comments in the applicant's Deadline 3 submissions at Deadline 4, but due to the aforementioned unavailability of our Landscape and Visual consultant, it is unlikely that this deadline can be met. The Councils requested the ability to defer production of those comments to a later deadline, noting that the councils would provide a list of areas of disagreement as called for by the Applicant in relation to Landscape and Visual matters in document REP1-028, and in advance of the reserve hearing.</p> <p>The Inspector agreed these comments could be published at Deadline 5.</p>	Comment noted.



**Table 2.2 Comments on the Deadline 4 Submissions from CCC and FDC – Response to ISH3, ISH4 and ISH5 Action Points (CLA.D4.ISH3-5.AP.R) [REP4-030]**

Action Point No.	Deadline	Action	CCC and FDC Response	Applicant's Comments
<b>RESPONSE TO ISH3 ACTION POINTS – TABLE 1.1 [REP4-030]</b>				
2	Deadline 4	The Applicant to communicate with CCC to identify errors in tonnages in Table 4.2 and to incorporate these into the updated WFAA due to be published by Deadline 5.	CCC can confirm that an informal virtual conversation was held between Mr Matthew Breeze (of CCC) and Mr Mike Turner (of the Applicant) on Monday 22nd May 2023, where the topic of Table 4.2 of WFFA v1 was discussed.	To assist the preparation of the updated WFAA to be submitted at Deadline 5, a meeting took place on 22 May 2023 between the Applicant and CCC. The updated WFAA submitted at Deadline 5 has addressed these points.
11	Deadline 4	To submit list with full text of relevant policies from local plans listed in their LIR.	Please refer to Appendix A [CLA.D4.ISH3-5.AP.AA] for details of the relevant CCC policies extracted from the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021). If required, the full Plan and policies map is available on CCC's website.  Please refer to Appendix B [CLA.D4.ISH3-5.AP.AB] for details of the relevant FDC policies extracted from the Adopted Fenland Local	References noted.



Action Point No.	Deadline	Action	CCC and FDC Response	Applicant's Comments
			Plan (2014), the Adopted South Wisbech Broad Concept Plan (2015) and the Emerging Local Plan. If required, links to the relevant Plans are provided in the Appendix.	
<b>RESPONSE TO ISH4 ACTION POINTS – TABLE 1.2 [REP4-030]</b>				
2	Deadline 5	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.	CCC will respond to this Action Point at Deadline 5.	Comment noted. The Applicant and CCC have entered into discussions on the protective provisions which is reflected within the SOCG to be submitted at Deadline 5., This records that agreement has been reached on the DCO schedules. The draft DCO submitted at Deadline 5 has been updated to include protective provisions for the benefit of CCC.
3	Deadline 5	Applicant to work with CCC on negotiations of Section 208 Agreement, particularly financial contributions to the maintenance of roads.	CCC will respond to this Action Point at Deadline 5.	Comment noted. The Applicant and CCC have entered into discussions on the Section 278 Agreement, with the aim of reaching agreement before the end of the Examination.
4	Deadline 5	Applicant to involve FDC and CCC in its discussions with Network Rail to secure permissive rights Non-Motorised Users access via New	CCC and FDC will respond to this Action Point at Deadline 5.	Comment noted. The Applicant is in ongoing discussions with Network Rail on this point.



Action Point No.	Deadline	Action	CCC and Response	FDC	Applicant's Comments
		Bridge Lane during construction and operation, and for the Applicant to update ExA accordingly.			
<b>RESPONSE TO ISH5 ACTION POINTS – TABLE 1.3 [REP4-030]</b>					
5	Deadline 5	To provide clarification on points of disagreement with the Applicant's landscape assessment as actioned in previous meeting with the applicant.	CCC will respond to this Action Point at Deadline 5.		Comment noted.



**Table 2.3 Comments on the Deadline 4 Submissions from CCC and FDC – Comments on the Applicant's D3 Submissions (CLA.D4.OS.A.C) [REP4-031]**

Topic/Para	Representation	Applicant Comment
<b>2.2 LAND PLAN (REV 4) [REP3-003]</b>		
Land boundaries – amendment to Order Limits	CCC was made aware on 16 May 2023 that the Applicant intends to make a request for nonmaterial changes to the Application for Development Consent, in order to change the Order Limits at the junctions of New Bridge Lane with (respectively) Cromwell Road and Salters Way. CCC is in discussions with the Applicant about this matter and is considering the impact that changing the Order Limits would have in relation to the extent of the affected highways.	Comment noted. Revision 4A of the Land Plan, showing the proposed change to the Order Limits, was submitted to the ExA on 5 June 2023 [AS-019]. The Applicant can confirm that discussions with CCC relating to the change request are ongoing. The Applicant's change request [AS-028] specifically addressed the point relating to the extent of the highway maintainable at public expense.
<b>2.3 WORKS PLAN (REV 2) [REP3-004]</b>		
Works boundaries – amendment to Order Limits	As per the Councils' response to [REP3-003] above, CCC was made aware on 16 May 2023 that the Applicant intends to make a request for non-material changes to the Application for Development Consent, in order to change Order Limits at the junctions of New Bridge Lane with (respectively) Cromwell Road and Salters Way. CCC is in discussions with the Applicant about this matter and is considering the impact that changing the Order Limits would have in relation to the extent of the affected highways.	Comment noted. Revision 2A of the Works Plan, showing the proposed change to the Order Limits and works, was submitted to the ExA on 5 June 2023 [AS-020]. As noted above, the Applicant can confirm that negotiations with CCC are ongoing. The Applicant's change request [AS-028] specifically addressed the point relating to the extent of the highway maintainable at public expense
<b>2.4 ACCESS AND RIGHTS OF WAY PLAN (REV 4) [REP3-005]</b>		
Highway boundary – amendment to order limits	CCC was made aware on 16 May 2023 that the Applicant intends to make a request for nonmaterial changes to the Application for Development	Comment noted. Revision 4A of the Access and Rights of Way Plan, showing the proposed change to the Order Limits and access, was submitted to the ExA on 5 June 2023 [AS-021]. As



Topic/Para	Representation	Applicant Comment
	<p>Consent, in order to change the Order Limits at the junctions of New Bridge Lane with (respectively) Cromwell Road and Salters Way. CCC is in discussions with the Applicant about this matter and is considering the impact Page 2 of 19 that changing the Order Limits would have in relation to the extent of the affected highways. The highway boundaries in this location are currently being considered and CCC will continue to engage with the Applicant in respect of this matter.</p>	<p>noted above, the Applicant can confirm that negotiations with CCC are ongoing. The Applicant's change request [AS-028] specifically addressed the point relating to the extent of the highway maintainable at public expense.</p>
Highway boundary – Sheet 2	<p>The highway boundary within the Order Limits on Weasenham Lane is not shown correctly in the vicinity of accesses A1 and A2. The Applicant has been engaging with CCC on this matter and it is anticipated that future iterations of the Plans will be corrected.</p>	<p>The Applicant has engaged with CCC and updated the plan accordingly. The revised plan is submitted at Deadline 5.</p>
<p><b>3.1 DRAFT DEVELOPMENT CONSENT ORDER (TRACKED) (REV 3) [REP3-006]</b></p>		
Article 17 – Traffic regulation measures	<p>CCC queries whether the Applicant believes that Article 17(c) and (d) of the Draft Development Consent Order (dDCO) grant it the authority (subject to the consent of the Traffic Authority) to institute permanent traffic regulation measures that are not in any other way specified in the dDCO, such as the permanent closure of a street to vehicular traffic. This is of particular relevance to the Applicant's design for the improvements to New Bridge Lane, where it is proposed to install a bollard which would have the effect of restricting vehicular traffic to the east of accesses A8 and A9. The DCO should be utilised to minimise any requirement for additional legal processes to be undertaken. If the Applicant is not confident that such a traffic regulation measure could be implemented without a</p>	<p>Article 17 allows, with the consent of the traffic authority, the undertaker to regulate traffic on roads (defined as a public highway maintained by and at the expense of the traffic authority) to the extent that is necessary for the purposes of or in connection with, or in consequence of, the construction of the authorised development. The Article gives effect to any permission, prohibition or restriction on stopping, parking, waiting, loading or unloading of vehicles on any road, the use of any road and the vehicular access to any road, the revocation, amendment or suspension in whole or in part any order made and other provision as to the direction or priority of vehicular traffic on any road. In addition to obtaining the consent of the traffic authority, Article 17(2) sets out the notification and advertisement process that must be followed before such powers are exercised. The details of the proposed traffic regulation measures would be set out in those</p>





Topic/Para	Representation	Applicant Comment
	<p>further Traffic Regulation Order being issued by the Traffic Authority (Cambridgeshire County Council), it is requested that this part of the dDCO is reconsidered, and the requisite amendments made</p>	<p>notices/advertisements. The Applicant is content that the draft DCO provides the required powers to institute permanent traffic regulation measures.</p>
<p>Schedule 1 – Work No. – landscape and biodiversity measures</p>	<p>The dDCO does not include a specific works no. for landscape and biodiversity. Instead it states that:</p> <p>“In connection with and in addition to Work Nos 1, 1A, 1B, 2A, 2B, 3, 3A, 3B, 4A, 4B, 5, 6A, 6B, 7, 8, 9 and 10 and, to the extent that it does not otherwise form part of those Work Nos, further associated development within the Order limits including.... (i) hard and soft landscaping; (j) biodiversity enhancement measures and environmental mitigation measures...;”</p> <p>The Councils are unclear what these landscape and biodiversity measures are, given that they are not discussed in the Landscape and Ecological Management Plan [REP3-020]. The Councils therefore seek further clarification on this matter.</p> <p>If landscape and biodiversity measures only relate to specific Work No. (e.g. Works No. 1/2/9), the Councils recommend that this would be better reflected in the dDCO by including landscape and biodiversity within the relevant Work No. to provide greater clarity – rather than a generic list at the end.</p>	<p>Work No. 2B in Schedule 1 of the dDCO (Rev 4) provides that it includes hard and soft landscaping and biodiversity enhancement measures and environmental mitigation measures. The Outline Landscape and Ecology Strategy illustrates what these measures are and indicates their proposed location within the EfW CHP Facility Site. The Outline Landscape and Ecology Management Plan (REP3-020) provides a framework for the delivery of detailed management operations for the EfW CHP Facility Site, including landscape design intentions and ecological objectives.</p> <p>However, the Applicant has also inserted landscape and biodiversity measures within the list of associated development within Schedule 1. This is to ensure that the Applicant has the power to provide such measures where required throughout the authorise development. This approach has precedent in a number of DCOs, including the Riverside Energy Park Order 2020.</p>
<p>Schedule 2 – Requirement 5 – Landscape and Ecological Management Plan</p>	<p>As set out above, Schedule 1 suggests the landscape and biodiversity measures relate to a wide range of Work Nos. The Councils therefore seek clarification as to why the Landscape and Ecological Management Plan [REP3-020] will only</p>	<p>Paragraph 1.4.1 of the LEMP [REP3-020] sets out that its purpose is to establish a clear over-arching objective of seeking to create and manage new habitats on the EfW CHP Facility Site. The EfW CHP Facility Site corresponds with Work No. 1, 1A, 1B, 2A, 2B and 9 recognising at paragraph 1.4.2 that proposed native tree and hedgerow planting for the Walsoken</p>



Topic/Para	Representation	Applicant Comment
	provide information for Work No. 1, 1A, 1B, 2A, 2B and 9.	<p>Substation would accord with the objectives and methods for the creation and management of habitats as outlined within the document. Therefore, the LEMP will only provide this detail in relation to Work No. 1, 1A, 1B, 2A, 2B and 9.</p> <p>The Outline LEMP at paragraph 1.4.3 explains the approach to be taken to the reinstatement of land in connection with other elements of the Proposed Development (being the remainder of the Grid Connection, the TCC, CHP Connection, Access Improvements and Water Connections) which would be to reinstate like for like. Habitat composition and species mixes would vary on a location-by-location basis.</p> <p>The Outline LEMP should be read in conjunction with the Outline CEMP, which includes measures for protecting landscape and ecological features during the construction phase.</p>
Schedule 2 – Requirement 6 – Biodiversity net gain	<p>The Councils welcome the update to Requirement 6. However, the amendments do not address the Councils' concerns set out at set out at paragraphs 7.3.23 and 7.3.23 of its Local Impact Report [REP1-074]. Requirement 6 should:</p> <ul style="list-style-type: none"> <li>a. Set a minimum level of BNG to be achieved (e.g. 10% BNG);</li> <li>b. Set a minimum 30-year habitat management period (both on and off-site); and</li> <li>c. Should secure Requirement monitoring data to be submitted to the local planning authority, in accordance with the monitoring period / intervals set out in the approved BNG Strategy.</li> </ul>	The Applicant refers to the response at BIO.2.4 ExQ2 (Volume 14.2).
Schedule 2, paragraph 7 - Requirements	CCC notes that paragraph 7 has been updated to clarify that the Applicant must obtain approval from the Highway Authority for the design of any	Comment noted.



Topic/Para	Representation	Applicant Comment
	proposed amendments to accesses or highway layouts prior to commencing the works.	
Schedule 2, Requirements – Waste Hierarchy and Waste Proximity	In relation to Requirement 14 Waste Hierarchy, and a future proposed requirement in relation to Waste Proximity, it is understood that the Applicant intends to provide an updated dDCO in due course, at which point the Councils will comment accordingly.	Comment noted. Since Deadline 4, the Applicant can confirm that negotiations with CCC took place and the Requirement 14 has been updated in the version of the draft DCO submitted at Deadline 5 (Rev 4).
Schedule 2, Requirements – Air quality monitoring	Schedule 2 requires an Air Quality Monitoring Strategy to be submitted. The Councils would request that this is extended to become a Management Strategy, to also include the management of data, identification of exceedances, procedures for investigation and mitigation options, in line with meeting National Air Quality Objectives.	To address this matter, prior to Deadline 4 the Applicant and IP discussed and agreed additional wording. The updated wording is included at section 2.1.7 of the <b>Outline Local Air Quality Monitoring Strategy (LAQMS) (Rev 3) [REP4-016]</b> . Therefore, the Applicant understands this matter is resolved.
Schedules 3 to 7 – Public and private highways	CCC is grateful for the amendments to schedules 3, 4, 5, 6 and 7, which now show the public or private status of the highways that are affected by the Applicant's proposed works.	Comment noted.
Schedule 6, Parts 1, 2 and 3 – Public vs private maintenance of accesses	CCC notes the amendments to Schedule 6 Parts 1, 2 and 3, which clarify the intended maintaining authority for new and amended accesses. However, it is noted that the revised Schedule 6 Part 3 does not address CCC's earlier comments that parts of accesses A1 and A2 fall within the bounds of the highway on Weasenham Lane. Therefore, part of the restored accesses will be required to be maintained by CCC under its Local Highway Authority responsibilities. It is requested that the Applicant reviews this part of the schedule in light of highway boundary information it has obtained from CCC.	Accesses A1 and A2 are the CHP Construction access from Weasenham Lane. The accesses link private land (Network Rail) to the public highway. The Applicant acknowledges that part of the highway works to create the accesses would be on the public highway and that as such this will fall to be adopted and maintained by CCC as the relevant highway authority. Schedule 6 to the Draft DCO (Volume 3.1) submitted at Deadline 5 has been updated accordingly.



Topic/Para	Representation	Applicant Comment
Schedule 7 – Temporary stopping up of highways	CCC queries the use of the term 'Temporary Stopping Up' of highways. 'Stopping Up' usually refers to the full and final removal of highway rights. CCC suggests that temporary 'closure' might be a more appropriate term, as referred to in the Outline CTMP [REP3-019].	The term 'temporary stopping-up' is a commonly used term and is referred to in the Town and Country Planning Act 1990 and other granted Development Consent Orders. The Applicant therefore does not consider this change to be required.
Schedule 11 – Protective Provisions	The current draft of the DCO does not include any protective provisions for the benefit of CCC. As was noted in paragraphs 3.20 and 3.21 of CCC's Relevant Representation [RR002], CCC requires provisions to protect its right to inspect any works to amend highways or accesses that affect the highway during and upon completion of construction. CCC also requires the Applicant to obtain certification that the works are of an adoptable standard before they can be considered maintainable at the public expense. As of 17/05/2023, CCC has been provided with the Applicant's first draft of a series of protective provisions, which it is grateful for. These will be reviewed and CCC intends to respond in observance of the appropriate examination deadline.	The Applicant has been in discussions with CCC regarding protective provisions and the draft DCO submitted at Deadline 5 has been updated to include protective provisions for the benefit of CCC.
<b>4.1 BOOK OF REFERENCE (TRACKED) (REV 5) [REP3-008]</b>		
Plots 12/2a, 12/3a, 12/3b, 16/1a(ii), 16/1b(i), 16/3a – Parties with interest in land identified in Land Plans	CCC notes that the Book of Reference has been updated, as requested, to include references to CCC's interest as Highway Authority or reputed owner, for the land parcels 12/2a, 12/3a, 12/3b, 16/1a(ii), 16/1b(i), 16/3a, as identified in the Land Plans.	Comment noted.



Topic/Para	Representation	Applicant Comment
<b>6.4 ENVIRONMENTAL STATEMENT CHAPTER 3 DESCRIPTION OF THE PROPOSED DEVELOPMENT APPENDIX 3B – OUTLINE LIGHTING STRATEGY (TRACKED) (REV 2) [REP3-012]</b>		
1.1.1 – External lighting	The Councils welcome updated text to confirm works will be in accordance with BCT / ILP Guidance Note 08/08. The Councils are satisfied that bats will not be adversely impacted by the external lighting scheme.	Comment noted.
1.1.11 – External lighting	It is requested that clarification of the terms used in Table 3B.1. The Table refers to the maintained illuminance in specified work areas. This term differs from the relevant health and safety guidance HSG381, and it is therefore requested that the term 'maintained' is defined or the terms are consistent with those defined in the guidance.	To address the IP's comments, the Applicant has updated the terminology in Table 3B.1 and Table 3B.2 to reflect the relevant health and safety guidance (HSG381). The updated <b>Outline Lighting Strategy, Appendix 3.B (Volume 6.4)</b> is submitted as a Rev3 at Deadline 5.
<b>6.4 ENVIRONMENTAL STATEMENT CHAPTER 6 TRAFFIC AND TRANSPORT APPENDIX 6A OUTLINE CTMP (TRACKED) (REV 3) [REP3-014]</b>		
7.2.1 to 7.4.8 Road closures and diversions – non-motorised users	<p>CCC is grateful for the Applicant's engagement on the content of the outline CTMP. A number of amendments have been made to accommodate CCC's comments. However, CCC would note that the following changes are still necessary:</p> <p>(a) Paragraph 7.2.5 is headed "short term temporary footpath closures". This should be amended to "short term temporary PROW closures", as the PROW connecting to the A47 at Halfpenny Lane are both recorded as Byways Open to All Traffic.</p> <p>(b) Paragraph 7.4.8 does not give CCC the right to review or comment upon the wording of the signage to be installed at the former level crossing on New</p>	<p>The Applicant has submitted an updated CTMP (contained in ES Chapter 6 Appendix 6A) at Deadline 5 to account for the clarifications sought in respect of points (a) and (b).</p> <p>The Applicant refers to its responses to 7.4.21 to 7.4.24 below in respect of point (c) but can also confirm that the CTMP has been updated in agreement with CCC.</p>



Topic/Para	Representation	Applicant Comment
7.4.21 to 7.4.24 Highway condition surveys	<p>Bridge Lane. It is considered important that non-motorised users are not discouraged from using the route while construction is underway and therefore CCC seeks to ensure that the wording of the sign is not off-putting.</p> <p>(c) The comments below regarding condition surveys (7.4.21 to 7.4.24) should also be integrated to the Outline CTMP.</p> <p>CCC is grateful for the clarifications that the Applicant has added to this section of the Outline CTMP. It should be noted that there is an inconsistency in the words used in these paragraphs, and it is requested that references to "inspections" in paragraphs 7.4.21 and 7.4.22 are replaced with "condition surveys". This would ensure consistency with paragraphs 7.4.23 and 7.4.24, and would remove any ambiguity over CCC's requirement that condition surveys are undertaken.</p> <p>Furthermore, it is not clear from paragraph 7.4.21 whether the highway condition surveys are intended to take place on just the accesses altered/created by the Proposed Development, or all of the highways affected. It is requested that this paragraph is amended to reflect that condition surveys will be required for all highways affected by the scheme, including those outside the Order Limits but which are being used for HGV routing in the vicinity of Wisbech. This should also be applied to any PROW which directly adjoins the DCO area but could be adversely affected by construction works, such as Wisbech Byway 21 and Elm Byway 6, which adjoin the A47. This must include the boundary features, in order to ensure there is no</p>	<p>The Applicant has submitted an updated CTMP (contained in ES Chapter 6 Appendix 6A) at Deadline 5 to account for the clarifications sought. The revised wording has been prepared and agreed with CCC.</p> <p>In addition, the draft Section 278 Agreement provides that the Applicant will carry out a condition survey of the highway in accordance with CCC's specifications at the Applicant's cost in relation to highway works to Cromwell Road and New Bridge Lane.</p>



Topic/Para	Representation	Applicant Comment
	<p>damage to the boundary features which provide habitat and character for those using the path.</p> <p>It is further requested that these provisions be amended so it is clear that the Applicant shall pay for the condition surveys and requisite processing of the data collected.</p> <p>CCC would also request that the wording be amended to stipulate that the works to repair the affected highways be as stipulated by the Highway Authority and be relevant to both the surface and structure of the highway.</p>	
<p><b>6.4 ENVIRONMENTAL STATEMENT TECHNICAL APPENDIX 7D OUTLINE OPERATIONAL NOISE MANAGEMENT PLAN (TRACKED) (REV2) [REP3-015]</b></p>		
1.4 Introduction	<p>This document has been produced in line with the requirements of the environmental permitting application process for the Environment Agency (EA), but also includes actions outside of the scope of the environmental permit. It is noted that the EA will be the primary regulator for the industrial process, however this does not negate the Local Authorities' duty to investigate noise complaints. It is requested that Chapter 1.4 is therefore amended to include the relevant Local Authority in updates and amendments of this document.</p>	<p>Paragraph 1.4.3 of the OONMP has been updated to include reference to the relevant local authority and is submitted as Rev4 for Deadline 5.</p>
6.1.5 Complaints procedure	<p>The relevant Local Authority's statutory duty to investigate complaints should also be acknowledged and it is requested that Chapter 6.1.5 is updated so action will be undertaken in light of complaints substantiated by the EA or Local Authority.</p>	<p>The Outline Operational Noise Management Plan submitted at Deadline 4 [REP4-005] included reference at paragraphs 6.1.1, 6.1.2 and 6.1.6 to the role of the relevant local authority.</p>



Topic/Para	Representation	Applicant Comment
6.5.2 Notifying neighbours of unexpected/emergency/remedial works	To effectively manage complaints, it is requested that the Applicant provides notification of unexpected, emergency and/or remedial works to the relevant Local Authority.	Section 6.5 to the Outline Operational Noise Management Plan does include reference to the notification of neighbours in such circumstances. The document has been updated to include reference to the relevant local authority and is submitted as Rev4 for Deadline 5.
<b>6.4 ENVIRONMENTAL STATEMENT CHAPTER 11 – BIODIVERSITY APPENDIX 11M BIODIVERSITY NET GAIN ASSESSMENT (TRACKED) (REV 3) [REP3-018]</b>		
4.2.11, page C2 – Off-site BNG sites	<p>The Councils request the Applicant prioritises off-site Biodiversity Net Gain (BNG) schemes that provide additional social / environmental benefits for the local community of Wisbech (wherever possible), in accordance with Biodiversity Net Gain 'Principle 9: Optimise Sustainability'.</p> <p>Off-site BNG scheme should provide opportunities to combine both mitigation for NMUs and BNG would help to provide opportunities for local communities to access nature and associated health and well-being benefits. In addition, Fenland has limited access to greenspace and therefore new provisions would help alleviate visitor pressure on existing nature reserves.</p> <p>The Councils have identified some potential candidate sites and will discuss these further with the Applicant.</p>	The Applicant refers to the response at BIO.2.2 ExQ2 (Volume 14.2).
<b>7.7 OUTLINE LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN (TRACKED) (REV 2) [REP3-020]</b>		
Landscape and visual matters - general	As a result of the ExA's decision made at ISH5 regarding deferring Landscape and Visual comments, the Councils reserve the right to make oral and written comments on outstanding	Comment noted.





Topic/Para	Representation	Applicant Comment
1.4.3 Temporary habitat - reinstatement	<p>Landscape and Visual matters at the next ISH and subsequent deadline.</p> <p>The Councils note reference to habitat reinstatement (for wider scheme / temporary construction works), but this has been omitted from the document. For example, the temporary construction compound, CHP connection, grid connection, water connections and access improvements shown on Figure 3.2 [APP-049] and vegetation clearance associated with New Bridge Lane (discussed above, in Council's response to paragraph 3.2 [REP3- 020]). The Councils would expect the document to identify the location, type of habitat and the methodology for how it will be reinstated (e.g. translocation or storage of seedbank / topsoils).</p>	<p>The LEMP <b>[REP3-020]</b> at paragraph 1.4.3 explains the approach to be taken to the reinstatement of land in connection with the TCC, CHP connection, grid connection, water connections and access improvements.</p> <p>With regard to the TCC this is land in the ownership of FDC identified for development. The land would be reinstated to its present condition. The management of soil is set out within the Outline CEMP (Volume 7.12) [REP3-023].</p> <p>The CHP Connection would follow the route for the disused March to Wisbech Railway. There are plans to reinstate the railway in the future which would lead to the likely loss of most vegetation. The Applicant's proposal as set out within the LEMP is to include an access track alongside the CHP Pipeline such that there will be limited land available for replacement planting. The reinstatement will use grass seed the provenance of which the Applicant will discuss and agree with CCC and Network Rail.</p> <p>Grid Connection would be within the highway or within the A47 highway verge. The verge would be reinstated with grass seed.</p> <p>The Outline LEMP paragraph 2.1.32 states that native hedge and trees are proposed to the frontage of the Walsoken Substation adjacent to the highway verge of Broadend Road and that these are illustrated in Figure 3.4: Walsoken Substation (Volume 6.3) [APP-049]. The detailed planting scheme will be set out in the final LEMP submitted for approval pursuant to DCO Requirement 5.</p> <p>The land identified for the HDD to construct the water connection is a commercial orchard. Reinstatement would be with the agreement of the landowner and is anticipated to include the reintroduction of fruit trees where appropriate.</p>



Topic/Para	Representation	Applicant Comment
		<p>Since Deadline 4, the Applicant met representatives from CCC to address these outstanding matters. The Applicant understands this matter is resolved.</p>
1.4.4, page 8 – 5-year management period	<p>The Councils seek clarification as to the location of habitats that “do not form part of the Biodiversity Net Gain (BNG) obligations” which will only be “subject to a 5-year management period”.</p>	<p>Figure 3.14 <b>Outline Landscape and Ecology Strategy (Volume 6.3) [REP2-026]</b> identified, at the request of the ExA, the area of land omitted from the BNG calculation.</p> <p>Since Deadline 4, the Applicant met representatives from CCC to address these outstanding matters. The Applicant understands this matter is resolved.</p>
2.1.21 to 2.1.23 – Habitat constraints	<p>There is no discussion about temporary habitat loss and its reinstatement.</p>	<p>Paragraph 1.4.1 sets out the purpose of the LEMP which is to establish a clear over-arching objective of seeking to create and manage new habitats on the EfW CHP Facility Site. It is not the role of the document to discuss temporary habitat loss and reinstatement other than that it does identify those elements of the Proposed Development where reinstatement would occur. The approach to habitat removal, the handling, separation and storage of soils is set out within the Outline CEMP (Volume 7.12) [REP3-023], Appendix C and Appendix D.</p> <p>Since Deadline 4, the Applicant met representatives from CCC to address these outstanding matters. The Applicant understands this matter is resolved.</p>
3.2 Habitat loss and wider visual landscape impact affecting NMUs	<p>Whilst the scheme aims to provide some soft landscaping along New Bridge Lane, it will not be able to satisfactorily mitigate the loss of the mature trees and other habitat bordering the road as a result of the scheme in order to achieve the road improvements. The road is currently dead-end, due to the bollards at the former level crossing, and</p>	<p>Since Deadline 4, the Applicant met representatives from the host authorities to address these outstanding matters. For further information, the Applicant refers to their responses at BIO.2.2 and GCT.2.2 ExQ2 (Volume 14.2).</p>



Topic/Para	Representation	Applicant Comment
	<p>provides a relatively quiet and pleasant route for NMUs between New Drove and the facilities on Cromwell Road.</p> <p>Further, no meaningful mitigation is proposed that will mitigate the adverse impact on communities within the wider landscape, both within the immediate vicinity of the site and beyond the A47. Therefore, the Councils seek additional mitigation to offset the adverse environmental and visual impact of the scheme on NMUs and local communities, as set out in the Councils' Comments on the Applicant's Deadline 2 submissions (paragraph 2.4.6, page 14) [REP3-044].</p> <p>As set out in the Council's response to [REP3-018] (above), the Councils request that the requirement for the Applicant to provide sites to address habitat loss and BNG requirements in the BNG Strategy prioritises wider social benefits by incorporating public access opportunities for local communities affected by the development. 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>	
3.2.1 – Site-specific design strategy	The Councils require the site-specific design strategy to be updated to cover re-instatement of habitats (associated with temporary losses).	Since Deadline 4, the Applicant met representatives from the host authorities to address these outstanding matters. For further information, the Applicant refers to their responses at BIO.2.2 and GCT.2.2 ExQ2 (Volume 14.2).
Figure 3.14 (Appendix A) – Outline Landscape and Ecology Strategy	Figure 3.14 only shows proposed landscape scheme for a small proportion of the red-line boundary. It does not show temporarily lost /	It is noted that Figure 3.14 was submitted with the DCO Application and the Councils have only now raised this matter as an issue. It was not recorded within the CCC and FDC Joint Local Impact Report [REP1-074].



Topic/Para	Representation	Applicant Comment
	<p>reinstated habitat, nor does it take into account habitat loss associated with highways works.</p> <p>The Councils request that Figure 3.14 is expanded to incorporate the entire red-line boundary and show all:</p> <ol style="list-style-type: none"> <li>a. trees/hedgerow that will be lost (including those associated with highways requirements – e.g. NMU/vehicle access);</li> <li>b. habitats that will be temporarily lost and reinstated; and</li> <li>c. habitats that will be created.</li> </ol>	<p>The purpose of Figure 3.14 is to provide in outline the landscape and habitat creation proposed for the EfW CHP Facility Site. Further detail will be provided in the final landscape and ecology strategy submitted for approval pursuant to DCO Requirement 4.</p> <p>The Applicant undertook a Tree Survey (Volume 7.13) [APP-104] which records all trees with the potential to be affected by the Proposed Development and their condition.</p> <p>Since Deadline 4, the Applicant met representatives from CCC to address these outstanding matters. The Applicant understands this matter is resolved.</p>
<b>7.12 OUTLINE CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (TRACKED) (REV 3) [REP3-022]</b>		
3.5.20 – Community Liaison Manager	The Councils welcome this additional paragraph setting out the role of the Community Liaison Manager and that they will be appointed prior to commencement of the construction phase.	Comment noted.
5.8 – Protection of PROW during construction	The Councils refer to their previous comments made in respect of highway condition surveys for the Outline CTMP, set out in their Comments on the Applicant's D1 Submissions [REP2- 031], with regard to the protection of the byway accesses and boundary features.	Comment noted. The Applicant has agreed revised wording to the CTMP with CCC to address the comments made. This revised Outline CTMP is submitted at Deadline 5.
7.4.21 Highway condition surveys	As discussed at ISH4 on 17 May 2023, the extent of highway condition surveys is to be discussed and agreed between the LHA and the Applicant.	<p>Comment noted.</p> <p>The draft Section 278 Agreement provides that the Applicant will carry out a condition survey of the highway in accordance with CCC's specifications at the Applicant's cost in relation to highway works to Cromwell Road and New Bridge Lane.</p>



Topic/Para	Representation	Applicant Comment
		<p>This commitment is replicated within the Outline CTMP submitted at Deadline 5. The amended text has been agreed with CCC.</p>
<p>Section 4, Annex D – Receptor-specific mitigation</p>	<p>The Councils welcome these updates to the CEMP.</p>	<p>Comment noted.</p>
<p>Appendix F – Construction noise and vibration monitoring</p>	<p>Paragraph 3.3 states that where needed vibration monitoring will be considered. The Councils therefore request that Chapter 4 (Construction Noise Monitoring) is expanded to include vibration monitoring and details the equipment and procedure that the Applicant will use to manage the impacts of vibration on receptors.</p>	<p>The Applicant submitted a revised Outline CEMP (Volume 7.12) at Deadline 4 [REP4-009]. This included for consideration of vibration monitoring within Section (Chapter) 4. Sub-section 4.3 Vibration Monitoring sets out the approach to be taken.</p>
<p><b>7.15 OUTLINE OPERATIONAL TRAFFIC MANAGEMENT PLAN (TRACKED) (REV 3) [REP3-024]</b></p>		
<p>Section 1.4 – Highway condition surveys</p>	<p>In the 'Purpose of this Document' section (Section 1.4), it is explained that the Outline OTMP “considers the anticipated operational HGV vehicle routing to the EfW CHP Facility”. What the document does not do, is make any reference to the impact that such newly introduced traffic will have on the condition of the highway.</p> <p>As explained below with regard to paragraphs 5.5 and 5.6 of the Applicant's Comments on the Written Representations: Part 1 - Statutory Parties [REP3-039], CCC notes that, irrespective of the methodology used by the Applicant to assess the traffic volume changes caused by the development, the Applicant's own analysis shows a marked increase of HGV traffic using the identified HGV</p>	<p>This matter was discussed with CCC at a meeting on 07/06/23 and it is understood that the Highways Act 1980, which allows the highway authority to claim remuneration for the costs of repairing such damage, is now considered sufficient to address this matter.</p>



Topic/Para	Representation	Applicant Comment
	<p>route to the EfW CHP Facility from the A47. CCC anticipates that such an increase in traffic could have a deleterious impact on the condition of the affected highways.</p> <p>The Outline OTMP should note the potential for such deterioration, acknowledge CCC's right to recover its costs for repairing damage caused by excess traffic (established by Section 59 Highways Act 1980), and ensure there is a commitment to funding any such repairs that are found to be necessitated as a result of the development. This matter was raised by CCC at Issue Specific Hearing 4 (17 May 2023) and CCC will be pleased to engage with the Applicant about it.</p>	
<p>2.6.1 to 2.6.3 – Non-motorised users</p>	<p>CCC welcomes the engagement offered by the Applicant regarding this document and notes the minor changes the Applicant has made to these paragraphs to accommodate CCC's requests. However, the Applicant does not appear to have addressed the comments made by the Councils on the Applicant's response to the Joint Local Impact Report, set out at page 17 of the Councils' Comments on the Applicant's Deadline 2 Submissions [REP3-044]. Notwithstanding the provision of a pavement for pedestrians, the NMU experience along New Bridge Lane will generally be worsened by the development given their confinement to that 2m strip and the lack of any dedicated provision for cyclists within the more intensely trafficked environment and the extension of vehicular traffic beyond the level crossing. It is important there is good provision for all NMUs to encourage active travel and leisure and health-giving usage. The Councils request that the</p>	<p>Since Deadline 4, the Applicant met representatives from the host authorities to address these outstanding matters.</p> <ul style="list-style-type: none"> <li>• For further information on NMU and the proposed mitigation, the Applicant refers to their responses at GCT.2.2 ExQ2 (Volume 14.2).</li> <li>• Concerning public access over the disused railway, the Applicant and CCC have agreed to use reasonable endeavours to raise the matter with Network Rail to secure the permissive right of access for NMU. However, it is acknowledged this is not in the gift of the Applicant.</li> </ul>



Topic/Para	Representation	Applicant Comment
	<p>Applicant addresses this matter and would welcome further engagement.</p> <p>Similarly, the Councils are disappointed that the Applicant has not addressed its concerns regarding public access over the disused railway level crossing, set out at page 12 of the Councils' Comments on the Applicant's Deadline 2 Submissions [REP3-044]. This matter was discussed at ISH4 on 17 May 2023. The Councils welcome the ExA's request for the Applicant to engage in tripartite discussions with the Councils and Network Rail to resolve the matter.</p>	
<b>9.21 OUTLINE LOCAL AIR QUALITY MONITORING STRATEGY (TRACKED) (REV 2) [REP3-034]</b>		
Management Strategy - general	<p>The Councils would request that this Monitoring Strategy is extended to become a Management Strategy to also include the management of data, identification of exceedances, procedures for investigation and mitigation options in line with meeting the national air quality objectives</p>	<p>See the Applicant's response to Schedule 2, Requirements – Air quality monitoring above.</p>
2.1.4 – General Commitments	<p>It is noted that the data will be published and decimated on a quarterly basis. In order to effectivity investigate and mitigate any exceedance or data issues, this is undertaken on a minimum of a monthly basis.</p>	<p>See the Applicant's response to Schedule 2, Requirements – Air quality monitoring above.</p>
<b>11.3 APPLICANT'S COMMENTS ON THE WRITTEN REPRESENTATIONS: PART 1 STATUTORY PARTIES (REV 1) [REP3-039]</b>		
<b>Landscape and Visual 3.2 to 3.9</b>		



Topic/Para	Representation	Applicant Comment
Landscape and Visual comments - General	As a result of the ExA's decision made at ISH5 regarding deferring Landscape and Visual comments, the Councils reserve the right to make oral and written comments on outstanding Landscape and Visual matters at the next ISH and subsequent deadline.	Comment noted.
3.2, 3.4, 3.6, 3.7 and 3.8 – Impact on local communities and users of the PROW and local road network	The Councils set out their expectations in general terms for mitigation of the adverse impacts of the proposed development on NMUs and local communities at page 8 of its Comments on the Applicant's Deadline 2 Submissions [REP3-044]. The Councils note that the Applicant requests at page 17 that CCC and FDC specify the additional or revised measures they consider are necessary to inform the Examination. The Councils will be writing to the Applicant with specific suggestions as to options they could consider to offset the adverse impact of the development ahead of the postponed hearing on the subject.	Since Deadline 4, the Applicant met representatives from the host authorities to address these outstanding matters. For further information, the Applicant refers to their responses at BIO.2.2 and GCT.2.2 ExQ2 (Volume 14.2).
<b>Climate Change 4.1 to 4.8</b>		
4.2 – Climate change – total GHG emissions	In the first paragraph of Section 4.2, the Applicant has repeated their claim from the ES Chapter 14 Climate [APP-041] that “the Proposed Development is estimated to result in a net decrease in GHG emissions equivalent to approximately 2,571ktCO <sub>2</sub> e over its lifetime.” However, (in Table A.3 of 9.2C Applicant's response to the Relevant Representations – Part 9 Appendices [REP1-036]), this figure is not correct – the most significant reason for which is that those original calculations used a single constant carbon intensity of UK electricity for the entire 40-year period. This will never be the case, as it ignores the forecast	See response in Section 5 of <b>Table 2.1</b> above.





Topic/Para	Representation	Applicant Comment
	<p>decarbonisation of the UK electricity grid over time. When the forecast decarbonisation of the UK electricity grid over the proposed lifetime of the plant operation (2026 to 2066) is taken into account, the carbon impact of the Proposed Development is much worse – by more than 2.8 million tonnes CO<sub>2</sub>e, compared to the figure originally claimed by the Applicant in their Environmental Statement. The implications of this error have been discussed by the Applicant in Table A.3 of 9.2C Applicant's response to the Relevant Representations – Part 9 Appendices [REP1-036]).</p> <p>In the second paragraph of 4.2, the Applicant states that “the Proposed Development has net GHG emissions below zero, causing an indirect reduction in atmospheric GHG emissions”. However, the Councils would query this statement. Just because a proposal may result in fewer emissions than an alternative ‘without development’ scenario, does not mean that the net GHG emissions of the proposal are ‘below zero’. To be clear, the two scenarios presented by the Applicant (with and without the proposed development) both result in estimated GHG emissions of millions of tonnes CO<sub>2</sub>e, even if one may be slightly less than the other. To have net emissions of below zero, something must remove more GHGs from the atmosphere than it emits, which is not the case for either scenario. A net reduction in emissions compared to an alternative scenario, is not equal to ‘net emissions below zero’.</p> <p>In any case, this project cannot be regarded as replacing an existing development, since there is no particular existing development, either on that site or elsewhere, that this proposal is replacing. The appropriate baseline to which to compare the</p>	



Topic/Para	Representation	Applicant Comment
	development is therefore, at best, highly questionable.	
4.8 – Climate change	The Applicant has repeated their assertion that the proposed development would have a “beneficial significant effect”. The Councils disagree with this conclusion.	See response in Section 5 of <b>Table 2.1</b> above.
<b>Traffic and Public Access 5.1 to 5.15</b>		
5.5 and 5.6 – Highway condition surveys	<p>In its response to CCC’s concerns about extraordinary levels of HGV traffic, the Applicant has stated that it “does not accept that the Proposed Development would have a disproportionate effect upon the condition of roads causing extensive damage. The percentage increases of HGVs is not such that significant effects have been identified whilst the current condition of New Bridge Lane particularly at its junction with Cromwell Road is extremely poor already.”</p> <p>Firstly, CCC would contend that just because the surface of a carriageway is considered to be “extremely poor” by the Applicant, that does not mean that the effect of extraordinary traffic on the road should be dismissed.</p> <p>Secondly, the Applicant’s own assessment of the percentage increase of HGVs resulting from the development, as detailed within Environmental Statement Chapter 6, Traffic and Transport [APP-033], does show a marked increase in HGV movements on specific roads required by the development. At Tables 6.27 and 6.32 of that document, the following changes to the number of HGVs are noted:</p>	<p>The Applicant has met with CCC and has agreed the revised wording to the CTMP to resolve the matter which has been raised. The revised Outline CTMP is submitted at Deadline 5.</p> <p>In addition, the draft Section 278 Agreement provides that the Applicant will carry out a condition survey of the highway in accordance with CCC’s specifications at the Applicant’s cost in relation to highway works to Cromwell Road and New Bridge Lane.</p>



Topic/Para	Representation	Applicant Comment
	<p>For New Bridge Lane, a 68% increase on 2024 base expectations is anticipated during construction, and a 149% increase on 2027 base expectations during operation, while for Cromwell Road the respective figures are 19% and 27%.</p> <p>Whilst it is accepted that New Bridge Lane is being reconstructed to facilitate access to the EfW CHP facility and that the impact on the pre-existing condition of New Bridge Lane is therefore offset, it remains the case that a considerable amount of the traffic using the newly constructed road will be HGVs accessing the EfW CHP site, and it is possible as a result that the road surface may deteriorate more quickly than a less heavily-trafficked road.</p> <p>Regarding Cromwell Road, the figures quoted above reveal an increase in the number of HGVs using the road during the operational lifespan of the EFW CHP facility of more than one quarter over the expected 2027 traffic levels. Therefore, it could reasonably be anticipated that this level of traffic may result in additional wear to the carriageway, and CCC is entitled under Section 59 of the Highways Act 1980 to claim remuneration for the costs of repairing such damage. It is requested that the DCO [REP3-007] or the Outline CTMP [REP3-014] are revised to include a statement that the Applicant will undertake to compensate CCC where deterioration of the carriageways required for the construction and operation of the facility is found to be a result of the development.</p> <p>Thirdly, the Applicant's response to CCC refers to its commitment to undertake condition surveys as</p>	



Topic/Para	Representation	Applicant Comment
	<p>detailed in the Outline CTMP [REP3-014]. However, paragraphs 7.4.21 and 7.4.22 of that document do not clearly state that all highways affected by the development will be subject to condition surveys, rather, the words used appear to place the emphasis on accesses. This should be rectified. There is also no commitment in the Outline CTMP to undertake condition surveys for highways that are outside the Order Limits but which are affected by the scheme. The prime example of this is the section of Cromwell Road that connects New Bridge Lane to the A47, and which will be the primary route taken by HGVs to access the EfW CHP site. The condition surveys should also include the accesses to Byway No. 21 Wisbech and Byway No. 6 Elm, including the boundary features, in order to ensure there is no damage to the boundary features which provide habitat and character for those using the path.</p>	
5.7 – Design, inspection and certification of amended highways and accesses	<p>The Applicant's response refers only to the approval by CCC of the design of its proposed works. This is unsatisfactory. As outlined above with regard to Schedule 11 (Protective Provisions) of the dDCO [REP3-006], CCC requires some form of protection of its interests in the construction and completion of new highways to be included within the DCO. CCC notes that the Applicant has opened discussions regarding the insertion of protective provisions and has supplied a first draft for CCC's review. The draft provisions are under consideration at this time and CCC will continue to engage with the Applicant on this matter.</p>	<p>Comment noted. Protective provisions for the benefit of CCC, have been included in the draft DCO submitted at Deadline 5.</p>



Topic/Para	Representation	Applicant Comment
5.8 – Revised details in respect of works to New Bridge Lane and relationship to IDB drain	Following the meeting between CCC and the Applicant on 27 April 2023, revised details are awaited in respect of the works to New Bridge Lane and the relationship to the IDB drain, including cross section of works to show how the street can be upgraded without affecting land outside the Order Limits.	Drawings have been provided to CCC which include the information requested. Once agreed between the parties these will be included within a revision to the Outline CTMP (Volume 6.4) for Deadline 5.
5.10 and 5.12 – New Bridge Lane Level Crossing - NMUs	The Councils refer to their comments on paragraph 2.6.1 - 2.6.3 of the Outline Operational Traffic Management Plan - Rev 3 [REP3-024], set out above in this document.	Please see Applicant's response to 2.6.1-2.6.3.
5.11 – New Bridge Lane Level Crossing – private access	<p>CCC acknowledges that the Applicant does not intend to alter the current status of any rights over the level crossing. However, the Applicant's proposed design for the improvements to New Bridge Lane would alter the way in which certain landowners are able to take vehicular access to their premises, by closing New Bridge Lane to vehicles further to the east adjacent to accesses A8 and A9. This would force landowners to access their property via the opened level crossing, over which it is not intended to create a highway right.</p> <p>Therefore, in order to ensure that highway users are protected, CCC must understand the details of any agreement between the Applicant and Network Rail pertaining to access rights over the level crossing, and must be satisfied that public users and the affected landowners are not disadvantaged by such an agreement or the physical changes to the highway layout.</p>	The Applicant will provide CCC with updates as discussions with Network Rail progress in relation to the access rights over the disused level crossing.



Topic/Para	Representation	Applicant Comment
5.13 – New Bridge Lane NMU route	The Councils do not consider that it is appropriate to compare the impact of any possible future development of New Bridge Lane associated with other industrial developments or the 'with rail' options. The Applicant's development and the mitigation proposed must be considered on its own merits. Whilst the mitigation offered is welcomed, it will not be sufficient to completely mitigate the adverse impact of the development towering over NMUs using the route.	Since Deadline 4, the Applicant met representatives from the host authorities to address these outstanding matters. For further information, the Applicant refers to their responses at GCT.2.2 ExQ2 (Volume 14.2).
5.14 – 5.15 – New Bridge Lane NMU connectivity and public health	As a result of the ExA's decision made at ISH5 regarding deferring Landscape and Visual comments, the Councils reserve the right to make oral and written comments on outstanding Landscape and Visual matters at the next hearing ISH and subsequent deadline.	Comment noted.
<b>Cromwell Road/New Bridge Lane Junction, 6.1 to 6.5</b>		
6.1, 6.2, 6.3 6.4 – Road Safety Audit	The Applicant's response is noted. Further design and assessment work including a Stage 1 Road Safety Audit is being undertaken by the Applicant for review by CCC.	As of 02 June 2023, CCC has undertaken an initial review of the Applicant's proposed signalised junction arrangements. The modelling, signal staging, and phasing, along with the Stage 1 Safety Audit will be reviewed by CCC in due course. Whilst subject to confirmation, the Applicant understands there are no in principle objections to the conceptual layout. The Applicant continues to engage with CCC on this matter.
<b>Biodiversity, 9.1 to 9.14</b>		
9.1, 9.2, 9.7-9.10 – Biodiversity Net Gain	The Councils welcome the update to Requirement 6. However, the amendments do not fully address the Councils' concerns set out at paragraphs 7.3.23 and 7.3.24 of the Local Impact Report [REP1-074].	Since Deadline 4, the Applicant met representatives from the host authorities to address these outstanding matters. For further information, the Applicant refers to their responses at BIO.2.2 and GCT.2.2 ExQ2 (Volume 14.2).



Topic/Para	Representation	Applicant Comment
	<p>See the Councils response to [REP3-006] for further details (above).</p> <p>If off-site BNG is required, the Councils expect priority to be given to local sites that deliver wider social / environmental benefits for the local community. Therefore, the Councils would request that opportunities to combine mitigation for BNG, landscape/visual and NMU provisions be explored. See Councils' responses to [REP3-018] and [REP3-20] for further details (above).</p>	
9.2 – 9.6 – Water Vole	<p>The Councils position still stands.</p> <p>The Councils await the outcomes of discussion with Middle Level Commissioners about potential enhancement of on-site IDB ditches and off-site compensation for water vole, see response to [REP3-042] (below).</p>	<p>Since Deadline 4, the Applicant met representatives from the host authorities to address these outstanding matters. The Applicant understands there are no outstanding matters in relation water voles. For further information, the Applicant refers to their responses at BIO.2.2 and GCT.2.2 ExQ2 (Volume 14.2).</p>
9.2, 9.11 – Priority habitat – open mosaic habitat on previously developed land	<p>The Councils are satisfied that Open Mosaic Habitat (priority habitat) is not affected by the scheme. Issue resolved.</p>	<p>Comment noted.</p>
<b>Waste Provision Sustainability, 10.1 to 10.7</b>		
10.1 – 10.7 – Waste Provision Sustainability - General	<p>The Applicant's comments are noted. Since the submission of those comments, the Applicant and CCC held a meeting, and the topic was also explored during ISH3. CCC is cautiously optimistic that agreement in relation to alteration to Requirement 14 – Waste Hierarchy Scheme, and an additional requirement in relation to waste proximity can be reached.</p>	<p>The Applicant has worked with CCC to agree the wording and the draft DCO submitted at Deadline 5 includes additional provisions relating to waste hierarchy in Requirement 14 and a new Requirement 28 relating to waste origin.</p>



Topic/Para	Representation	Applicant Comment
	During ISH3 CCC presented to the ExA a summary of its concerns regarding the spatial distribution of waste and the local impact of concentrating waste management capacity, and a written submission to accompany the oral submission has been submitted alongside this document [CLA.D4.ISH3-5.S]. The Council will await the publication of the written submissions from other parties in relation to ISH3 before commenting further.	
<b>11.4 APPLICANT'S COMMENTS ON THE RESPONSES TO THE ExA's WRITTEN QUESTIONS (ExQ1) [REP3-041]</b>		
<b>Compulsory Acquisition/Temporary Possession, CA.1.4 to CA.1.12</b>		
CA.1.4 and CA.1.5 – Land plans and Book of Reference	CCC notes the Applicant's comment and is grateful for the amendments made to the Book of Reference.	Comment noted.
<b>Draft Development Consent Order, DCO.1.6 to DCO.1.27</b>		
DCO.1.27 – Schedule 6	CCC notes the Applicant's comment and anticipates continued engagement to ensure matters of detail related to Schedule 6 are clarified and updated as necessary.	Comment noted and amendments have been made to Schedule 6 of the draft DCO submitted at Deadline 5.
<b>Planning Policy, PP.1.2 to PP.1.4</b>		
P1.2 Waste hierarchy and Requirement 14	Discussions between the Applicant and CCC in relation to Requirements 14 are ongoing at this time.	Comment noted. See Applicant's response Waste Provision Sustainability, 10.1 to 10.7.
P1.4 – Spatial distribution of waste	This matter was discussed during ISH 3, and it is CCC's understanding that there are actions in	The Applicant has submitted an updated <b>WFAA (Rev 3) (Volume 7,3)</b> at Deadline 5, which addresses CCC's





Topic/Para	Representation	Applicant Comment
	<p>relation to specific content within the WFAA that was disputed during the hearing.</p> <p>CCC previously made comments at Deadline 3 in respect of PGEL and the recovery capacity set out in the Cambridgeshire and Peterborough Minerals and Waste Local Plan [REP3-044]; and it appears the Applicant's comments here were made prior to receiving those comments. The Council will await the publication of the written submissions from other parties in relation to ISH3 before commenting further.</p>	<p>comments regarding PGEL and the recovery capacity set out in the Cambridgeshire and Peterborough Minerals and Waste Local Plan. The Applicant also notes that these issues were addressed in the Deadline 3 and 4 submissions too.</p>
<b>Traffic &amp; Transport, TT.1.3 to TT.1.17</b>		
TT.1.3 – New Bridge Lane access	<p>Following the meeting between CCC and the Applicant on 27 April, revised details for the site access have been prepared by the Applicant which address the concern, and it is assumed these will be submitted to the ExA in due course.</p>	<p>Since Deadline 4, the Applicant and CCC have agreed and updated the Access Improvement drawings. These drawings include revisions which are set out within the change request [AS-028]. However, one issue for which CCC did seek additional information and which is not subject to the request, is the provision of a cross-section of New Bridge Lane to show the proposed kerb design. This detail has been agreed with CCC and is included within the Outline CTMP submitted at Deadline 5 as Figure 10.1viii.</p>
TT.1.8 – Lighting arrangements	<p>CCC notes that a suitable lighting scheme is to be secured through draft S278/Protective provisions. CCC requests that an update on this matter is submitted to the Examination.</p>	<p>The Applicant has entered into discussions with CCC in relation to the Section 278 Agreement, with the aim of reaching agreement before the end of the Examination. The Section 278 Agreement provides for a street lighting design review to review the street lighting comprised in the works.</p>
<b>11.5 APPLICANT'S COMMENTS ON DEADLINE 2 SUBMISSIONS [REP3-042]</b>		



Topic/Para	Representation	Applicant Comment
<b>3.1 Draft Development Consent Order (Tracked) – Rev 2 [REP1-006], CC03 to CC08</b>		
CC08 and C40 – Protective Provisions	CCC notes the update to the Draft DCO. CCC requests that an update on the draft S278/Protective Provisions is submitted to the Examination.	The Applicant has entered into discussions with CCC in relation to the Section 278 Agreement and the protective provisions, with an aim of reaching agreement before the end of the Examination.
<b>6.4 Environmental Statement – Chapter 6 – Traffic and Transport – Appendix 6A – Outline Construction Traffic Management Plan (Tracked) – Rev2 [REP1-010], CC09 to CC10</b>		
CC09 – NMU access over New Bridge Lane former level crossing	The Councils refer to their comments on paragraph 2.6.1 - 2.6.3 of the Outline Operational Traffic Management Plan - Rev 3 [REP3-024], set out above in this document.	The Applicant refers to their response at 2.6.1 to 2.6.3 – non-motorised users.
CC10 and CC28 – Highway condition surveys	As discussed at ISH4 on 17 May 2023, the extent of highway condition surveys are to be discussed and agreed between the LHA and the Applicant.	<p>The Applicant has met with CCC and has agreed the revised wording to the CTMP to resolve the matter which has been raised. The revised Outline CTMP is submitted at Deadline 5.</p> <p>In addition, the draft Section 278 Agreement provides that the Applicant will carry out a condition survey of the highway in accordance with CCC's specifications at the Applicant's cost in relation to highway works to Cromwell Road and New Bridge Lane.</p>
CC10 and CC28 – Damage to the wider highway network	CCC refers to its comment above in respect of the Applicant's Comments on the Written Representations: Part 1 - Statutory Parties [REP3-039], items 5.5 and 5.6. The Applicant has not recognised the impact that the anticipated increases in HGV traffic caused by the proposed development could have on the condition of roads adjoining the Order Limits, and CCC requests that this is rectified, either in the protective provisions of the DCO or the	Please see above. The Outline CTMP now includes additional highways maintained at the public expense and is submitted at Deadline 5.



Topic/Para	Representation	Applicant Comment
	Outline CTMP and Outline OTMP. CCC welcomes the opportunity to engage on this matter, following discussions at ISH 4 on 17 May 2023.	
C27 – NMU provision and enhancement	The Councils refer to their comments on the Outline Landscape and Ecological Management Plan - Rev 2 [REP3-020] and to their comments on paragraph 2.6.1 - 2.6.3 of the Outline Operational Traffic Management Plan - Rev 3 [REP3-024], set out above in this document.	The Applicant refers to its corresponding responses.
<b>9.2 Applicant's Comments on the Relevant Representations – Part 1 Local Authorities and 3(a) Statutory Parties [REP1-028], CC29 to CC46</b>		
CC29 – BNG provision	The Councils refer to their comments on the Biodiversity Net Gain Assessment - Rev 3 [REP3-018], set out above in this document.	Since Deadline 4, the Applicant met representatives from the host authorities to address these outstanding matters. For further information, the Applicant refers to their responses at BIO.2.2 and GCT.2.2 ExQ2 (Volume 14.2).  The Applicant understands this matter is resolved.
CC30 – Open Mosaic Habitat	The Councils consider this matter resolved.	The Applicant agrees with CCC representation.
CC32 – Water Vole – ditch management	The Councils welcome further discussions with Middle Level Commissioners, and expect detailed water vole mitigation to be included within a revised LEMP, in due course.  It will be important that any off-site compensation for protected species (if required) is treated separately to Biodiversity Net Gain (Requirement 6).	Since Deadline 4, the Applicant met representatives from the host authorities to address these outstanding matters. The Applicant understands there are no outstanding matters in relation water voles. For further information, the Applicant refers to their responses at BIO.2.2 and GCT.2.2 ExQ2 (Volume 14.2). The Applicant accepts that regulatory requirements for protected species needs to be treated separately and would be in addition to measures provided to satisfy BNG requirements.
CC34 – Dark Corridors	The Councils consider this matter resolved.	The Applicant agrees with CCC's representation.



Topic/Para	Representation	Applicant Comment
CC36 – Bats - lighting	The Councils consider this matter resolved.	The Applicant agrees with CCC's representation
CC38-39 – Landscape and Visual	As a result of the ExA's decision made at ISH5 regarding deferring Landscape and Visual comments, the Councils reserve the right to make oral and written comments on outstanding Landscape and Visual matters at the next ISH and subsequent deadline.	Comment noted.
<b>9.2 Applicant's Response to the Relevant Representations – Part 9 Appendices [REP1-036], CC47 to CC53</b>		
C44, C46 and CC53 – Waste Need and Policy	The Applicant's comments are noted. Since the submission of those comments the Applicant and CCC held a meeting, and the topic was explored during ISH3. CCC is cautiously optimistic that agreement in relation to alteration to Requirement 14 – Waste Hierarchy Scheme, and an additional requirement in relation to waste proximity can be reached.	Comments noted. See Applicant's response in Waste Provision Sustainability, 10.1 to 10.7.
CC50 – Carbon capture and storage	<p>Although carbon capture and storage may not be a requirement of planning policy in itself, this does not change the fact that it is likely to be necessary in order for an EfW plant to be compatible with net zero GHG emissions.</p> <p>It is noted that "the Applicant has conducted pre-feasibility studies" but it is not clear what the results of those studies were. The Councils assume that a "pre-feasibility" study is not the same as an actual feasibility study.</p>	Concerning carbon capture and the Applicant's approach, the Applicant refers to their response to GCT.2.1, ExQ2 (Volume 14.2). The Applicant will submit the Applicant's Response to ISH4 Action Point 6: Technical Note: Combined Heat and Power and Carbon Capture Delivery Readiness (Volume 14.7) for Deadline 5.
CC52 – Waste Fuel Availability Assessment Representations – Net self sufficiency	CCC previously made comments at Deadline 3 in respect of PGEL and the recovery capacity set out in the Cambridgeshire and Peterborough Minerals	See the Applicant's response to P1.4 above.



Topic/Para	Representation	Applicant Comment
	<p>and Waste Local Plan [REP3-044]; and it appears the Applicant's comments here were made prior to receiving those comments. CCC will await the publication of the written submissions from other parties in relation to ISH3 before commenting further.</p>	
<p><b>9.21 Outline Local Air Quality Monitoring Strategy [REP1-055], CC55 to CC59</b></p>		
<p>CC58 – Response to measured exceedances</p>	<p>The Host Local Authorities (HLA) have asked how the Applicant will commit to investigate and mitigate the sources of emissions leading to measured exceedances of agreed thresholds. This requires immediate response to measured exceedances and therefore the Applicant's suggestion to provide quarterly reports does not address this issue.</p>	<p>See Applicant's response above to Schedule 2, Requirements – Air quality monitoring.</p>



### 3. Comments on the Deadline 4 submission from Anglian Water

**Table 3.1 Comments on the Deadline 4 Submission from Anglian Water [REP4-034]**

Topic/Para	Representation	Applicant Comment
Water supply-demand deficit by 2025 – paragraph 2 of REP4-034	Anglian Water explains that due to a shift in expectations for abstraction licensing by the Environment Agency, there will be a supply-demand deficit in water by 2025. It states that demands for non-domestic water are not permitted to jeopardise current and future supplies for domestic purposes	<p>The Applicant met with Anglian Water on 13 March and subsequently on 02 May and 12 May 2023. Anglian Water was able to set out its position regarding potable water supply and the Applicant was able to clarify its water demand. Following the latter meeting, on the 22 May the Applicant provided additional information to Anglian Water.</p> <p>On the 09 June 2023, at a virtual meeting with the Spatial Planning Advisor, Anglian Water confirmed that following a detailed review, sufficient supplies will be available to meet the demand requirements for the Proposed Development. Anglian Water confirmed this position on 14 June 2023. In summary Anglian Water has confirmed:</p> <ul style="list-style-type: none"> <li>• The ability to supply the day-to-day baseline requirement when the facility is commissioned in Q1 2027 as a result of the strategic interconnector bringing additional supply into the Fenland water resource zone; and</li> <li>• Flow modelling will be required to confirm whether any upgrades are required through Anglian Water's pre-development process.</li> </ul> <p>Submitted at deadline 5, the Applicant's Technical Note and Anglian Water's response are appended to the <b>Water Supply Availability Statement (Volume 14.8)</b>. The agreed position is reflected in the draft <b>Statement of Common Ground between Medworth CHP Limited and Anglian Water Rev 2 (Volume 9.10)</b>.</p>



Topic/Para	Representation	Applicant Comment
Forecast deficit of water for the region will be 443 megalitres per day by 2049/50 – paragraph 3 of REP4-034	Anglian Water states that whilst the dWRMP24 sets out a strategy to tackle the forecast deficit of 443 megalitres of water per day in the region by 2049/50, it will take time for the strategies to have effect.	See response to paragraph 2 above.
Existing supply connection to the site – paragraph 4 of REP4-034	Anglian Water confirms that whilst there is an existing water supply connection to the site with the potential technical capability to serve the 5m <sup>3</sup> /hour required for the project, the issue is having the available water supply to serve the facility, owing to existing and future domestic demands and a declining availability of water resources.	See response to paragraph 2 above.
Technical data on the domestic and non-domestic water requirements of the project - paragraph 5 of REP4-034	The Applicant states that it requires further technical data from the Applicant which establishes the domestic and non-domestic water requirements for the project and any offsets that can be provided by the existing user of the site.	See response to paragraph 2 above.
Other potential water supply options – paragraph 5 of REP4-034	Anglian Water is exploring other potential water supply options and understanding the proposed timing and commissioning of the facility, in terms of when the operational demand is required and the lifetime of the asset.	See response to paragraph 2 above.



## 4. Comments on the Deadline 4 submission from Wisbech Town Council

**Table 4.1 Comments on the Deadline 4 Submission from Wisbech Town Council [REP4-032]**

Topic/Para	Representation	Applicant Comment
<b>Waste Matters, Size and Need</b>		
1.	It is Wisbech Town Council's contention that the development proposal is not in accordance with the waste hierarchy and is not of an appropriate type and scale.	The Applicant disagrees with the sentiments expressed by Wisbech Town Council. The Applicant has been in discussion with CCC with regard to the waste hierarchy and revised wording for DCO Requirement 14 has been agreed with CCC. The draft DCO (Rev 4) is submitted at Deadline 5. The Town Council will have the opportunity to comment on this agreed wording at Deadline 6.
2.	The Waste Fuel Availability Assessment (REP2-010) is based on a 2-hour travel time based on commercial viability. The implication being that it is not commercially viable to transport waste beyond that point. (para 3.2.5). It is certainly more expensive, unsustainable and contrary to the proximity principle i.e. waste should be managed as close as possible to the point of origin.	<p>The Applicant draws Wisbech Town Council's attention to the updated <b>WFAA (Volume 7.3) [REP2-009] (Rev 3.0)</b> submitted at Deadline 5. The rationale for the 2-hour drive time as an <i>indicator</i> for the Study Area is clearly presented in the WFAA (paragraph 3.2.2 onwards) and has been discussed at length both at ISH3 and in various Deadline submissions to the Town Council – most recently Deadline 4, <b>Applicants comments on deadline 3 submissions: Part 1 Statutory Parties [Volume 12.3]</b> – response in relation to paragraph 2.5 (page 68).</p> <p>The Applicant has worked with CCC to agree the wording of new Requirement 28 (waste origins). This new requirement ensures that at least 17.5% of the waste must originate from within 75km of the Proposed Development, and at least 80% of the waste accepted at the Proposed Development must originate from the Study Area, In this way, the Proposed Development will be available to provide final waste management for the immediate local area and waste planning authorities in the Study Area (as set out in the updated <b>WFAA (Volume 7.3) [REP2-009] (Rev 3.0)</b> provided at Deadline 5).</p>





Topic/Para	Representation	Applicant Comment
3.	The baseline position put forward by the applicants relies on a significant proportion of the available waste being transported beyond the 2-hour travel time.	See Applicant's response to para 2.
4.	The waste catchment area has been manipulated by the Applicant in an attempt to justify the facility. As a consequence of this, residual waste will need to be imported significant distances to the proposed facility.	See Applicant's response to para 2. The Applicant considers its approach to identifying the local study area to be robust.
5.	The suggestion that the data on HIC arising in Table 4.2 has been amended simply to reflect the latest data is misleading. The fact of the matter is that the data included in the submitted WFAA (APP-094) was incorrect and included waste that was not in scope. This had a significant effect on the total figure, reducing it from 17.9m tonnes to 9.8m tonnes (the 9.8m tonnes should actually be 9.27m tonnes due to an error in the summing of the data). These significant errors in the data presented to support the application undermine the credibility of the evidence base to the extent that it should not be relied upon.	.The Applicant responded to this point in some detail at both the ISH3 and in the Deadline 4 submissions <b>Applicants comments on deadline 3 submissions: Part 1 Statutory Parties [Volume 12.3]</b> – response in relation to paragraph 2.3 (page 66).
6.	The Applicant's suggestion that there was still 2.4m tonnes of waste going to landfill from the study area that would be available to the proposed facility is again misleading. Firstly, the amount of waste being landfilled is on a downward trend (nationally, the amount of municipal waste landfilled fell by almost 50% between 2010 and 2020 – Waste Data Interrogator, Defra Statistics). The data submitted by the Applicant shows that it has reduced by 15% in the study area in the two years between 2019 and 2021, and therefore the amount of waste going to landfill in 2021 cannot be considered to represent that which would be available to the facility at opening or during its 40 years operational life. Secondly, 48% of this 2.4m tonnes would need to come from Essex, the vast majority of which is far beyond the two-hour drive time, the consequence of which is	The Applicant has prepared and submitted an updated <b>WFAA [Volume 7.3] (Rev 3.0)</b> as part of their Deadline 5 submission. This updated assessment clearly demonstrates that for all household, industrial and commercial (HIC waste), the updated WFAA (Volume 7.3) [REP2-009] (Rev 3.0) has shown that almost 2.4 million tonnes of suitable HIC waste generated within the WPAs within the spatial scope were sent to non-hazardous landfill in 2021. Even excluding Essex, which sent over 1 million tonnes of waste to landfill, more than 1 million tonnes of in scope waste was sent to landfill from the next six highest HIC landfilling areas. This includes Cambridgeshire itself, which at over 220,000 tonnes of HIC waste each year going into landfill, is the third highest area for reliance of landfilling (after Essex and Leicestershire).  Furthermore, the updated <b>WFAA (Volume 7.3) [REP2-009] (Rev 3.0)</b> , at Table 4.3, demonstrates that between 2020/21 and 2021/22, there has been an <b>increase</b> in the amount of local authority collected waste being sent to



Topic/Para	Representation	Applicant Comment
	that waste would need to be transported significant distances. To plan for a facility on the basis that its operation would be dependent on a large proportion of waste being transported significant distances would be contrary to Government policy both in terms of the proximity principle and the commitment to achieving net zero by 2050.	landfill across the Study Area (and not a decrease as the Town Council suggests).
7.	Notwithstanding this, the amount of waste being landfilled in Essex will significantly reduce once the Rivenhall EfW plant is operational in 2025 and as a result of targets included in the Essex Climate Action Commission (Net Zero: Making Essex Carbon Neutral) published in July 2021, to send zero waste to landfill and to achieve a 70% recycling rate by 2030.	The updated <b>WFAA (Volume 7.3) [REP2-009] (Rev 3.0)</b> takes full account of the capacity offered by the consented (and under construction) facility at Rivenhall in Essex. Even considering this new capacity, the updated WFAA (Volume 7.3) [REP2-009] continues to conclude that there is insufficient residual waste management capacity available to ensure that residual, non-recyclable waste can be managed as far up the waste hierarchy as possible (i.e., diverted from landfill) and in a manner which complies with the proximity principle (i.e., treating waste as close as possible to its point of arising)..
8.	Hertfordshire (one of the largest contributors to the landfill total in Table 4.4 of the WFAA after Essex) and also largely outside the two-hour drive time, have made a similar commitment to send no waste to landfill by 2030 and to achieve a 65% recycling rate (Sustainable Hertfordshire Strategy 2020). This will be achieved by updating the specifications in waste and service contracts to avoid waste to landfill and by implementing sustainability and performance criteria into the renewal of waste contracts. This latter point is likely to feature in waste contracts for other Waste Planning Authorities in the future if they are to meet their commitments to becoming carbon neutral.	In terms of the Study Area, the rationale for the 2-hour drive time as an <i>indicator</i> for the Study Area is clearly presented in the WFAA (paragraph 3.2.2 onwards) and has been discussed at length both at ISH3 and in various Deadline submissions to the Town Council – most recently Deadline 4, <b>Applicants comments on deadline 3 submissions: Part 1 Statutory Parties [Volume 12.3]</b> – response in relation to paragraph 2.5 (page 68).
9.	The Applicant's response that even if the waste from Essex was excluded from the calculation, there would still be sufficient waste capable of being diverted from landfill is again misleading. It is not only Essex that is outside the two-hour drive time, the vast majority of Hertfordshire and Northamptonshire is also outside the catchment, and Milton	The Applicant has prepared and submitted an updated <b>WFAA (Volume 7.3) [REP2-009] (Rev 3.0)</b> as part of their Deadline 5 submission. This updated assessment clearly demonstrates that for all household, industrial and commercial (HIC waste), the updated WFAA (Volume 7.3) [REP2-009] (Rev 3.0) has shown that almost 2.4 million tonnes of suitable HIC waste generated within the WPAs within the spatial scope were sent to non-hazardous landfill in 2021. Even excluding Essex, which sent over 1 million



Topic/Para	Representation	Applicant Comment
	<p>Keynes, Luton and Leicester are entirely beyond the two-hour drive time.</p> <p>Assuming the data presented by the Applicant is correct and previous errors are not repeated, the amount of waste going to landfill falls to just over 1m tonnes. As the data included in the WFAA pre-dates the opening of Rookery South ERF in January 2022 (which has a capacity of 585,000tpa), this figure will reduce further.</p>	<p>tonnes of waste to landfill, more than 1 million tonnes of in scope waste was sent to landfill from the next six highest HIC landfilling areas. This includes Cambridgeshire itself, which at over 220,000 tonnes of HIC waste each year going into landfill, is the third highest area for reliance of landfilling (after Essex and Leicestershire).</p> <p>In terms of the Study Area, the rationale for the 2-hour drive time as an <i>indicator</i> for the Study Area is clearly presented in the WFAA (paragraph 3.2.2 onwards) and has been discussed at length both at ISH3 and in various Deadline submissions to the Town Council – most recently Deadline 4, <b>Applicants comments on deadline 3 submissions: Part 1 Statutory Parties [Volume 12.3]</b> – response in relation to paragraph 2.5 (page 68).</p>
10.	<p>Within 2 years, nearly 1m tonnes of further additional ERF capacity (595,000tpa at the Rivenhall ERF in Essex and 350,000tpa at the Newhurst ERF in Leicestershire due to open later this year) will come on stream within the study area, each with their own two-hour drive time catchment and waste market, further reducing the amount of available residual waste.</p>	<p>The updated <b>WFAA (Volume 7.3) [REP2-009] (Rev 3.0)</b> takes full account of the capacity offered by the consented (and under construction) facility at Rivenhall in Essex and the Newhurst EfW in Leicester. Even considering this new capacity, the updated WFAA (Volume 7.3) [REP2-009] continues to conclude that there is insufficient residual waste management capacity available to ensure that residual, non-recyclable waste can be managed as far up the waste hierarchy as possible (i.e., diverted from landfill) and in a manner which complies with the proximity principle (i.e., treating waste as close as possible to its point of arising).</p>
11.	<p>The Applicant states that the contribution made by Rivenhall ERF is included in the WFAA. Whilst it is noted that it is listed in Appendix C, the implications of consented capacity is not reflected in the conclusions in Section 6 of the WFAA. The suggestion at 6.2.2 that there is potential for around 2.6 million tonnes of material to be managed further up the waste hierarchy and/or at a location that is more proximate to the point of arising is entirely misleading. This does not take into account the additional consented capacity at Rookery South, Rivenhall or Newhurst, which collectively amount to 1.53m tpa. The conclusions on the local analysis needs to be updated to reflect this position.</p>	<p>The updated <b>WFAA (Volume 7.3) [REP2-009] (Rev 3.0)</b> takes full account of the capacity offered by the consented (and under construction) facility at Rivenhall in Essex and the Newhurst EfW in Leicester – these facilities are both listed in <b>Appendix C</b> of the updated WFAA and are included in the operational capacity reported by Tolvik (2023). Even considering this new capacity, the updated WFAA (Volume 7.3) [REP2-009] continues to conclude that there is insufficient residual waste management capacity available to ensure that residual, non-recyclable waste can be managed as far up the waste hierarchy as possible (i.e., diverted from landfill) and in a manner which complies with the proximity principle (i.e., treating waste as close as possible to its point of arising).</p>



Topic/Para	Representation	Applicant Comment
12.	The available waste will be reduced further by the commitments in the Environmental Improvement Plan to halve residual waste by 2042 with an interim target of reducing residual waste in total tonnes by 21% by 31st January 2028, less than five years from now.	Section 5.2 of the updated <b>WFAA (Volume 7.3) [REP2-009] (Rev 3.0)</b> considers in detail the effect of achieving the Government's interim residual waste reduction target for 2028 – see Section 5.2 – as well as the 2042 target of halving residual waste. This concludes that even if the 2028 target was achieved, there would remain a shortfall in residual waste management capacity of 3.5 million tonnes in England – a shortfall that is likely to persist in the period up to 2042 as the existing capacity ages and requires decommissioning/ replacement for modern, CHP enabled, and decarbonisation ready capacity.
13.	The Applicant appears to be suggesting that the exportation of waste from anywhere in the study area would be acceptable provided the relevant Waste Local Plan adhered to the principle of self-sufficiency i.e. the concept of each WPA providing enough waste capacity to manage the forecasted waste arising within the Plan area. The principle of self-sufficiency is not disputed and it is acknowledged that waste will flow across WPA boundaries, however the Applicant has not provided any information on the extent to which the WPAs within the study area will be able to achieve self-sufficiency whilst relying on the Medworth EfW CHP to manage its waste and also adhere to the proximity principle.	<p>The assessment provided by the updated <b>WFAA (Volume 7.3) [REP2-009] (Rev 3.0)</b> is based upon a robustly defined Study Area. It acknowledges that waste flows across WPA boundaries and had used evidence presented in extant Waste Local Plans to determine the extent to which the Proposed Development could fulfil the acknowledged need for additional capacity set out by the Waste Planning Authorities. Specifically, the evidence bases which underpin the development planning framework for waste across the spatial scope of the assessment, point to an indicative shortfall of non-landfill HIC residual waste management capacity as follows:</p> <ul style="list-style-type: none"> <li>• Up to 2030 – ~1.3 million tonnes per annum; and</li> <li>• Up to 2035 – ~1.5 million tonnes per annum.</li> </ul> <p>The capacity offered by the Proposed Development would clearly provide a contribution to the established needs of the Local Plans in the Study Area being met.</p>
14.	In order to rely on the importation of waste from the Study Area it would need to be demonstrated that this would not prejudice the WPA from achieving self-sufficiency and that the waste was treated as close as possible to its source.	See Applicant response to para 13.
<b>Impact on Local Plans</b>		
15.	The description of the data in Table 4.7 is misleading. It is not a summary of WPA forecasted future residual waste	2.The updated <b>WFAA (Volume 7.3) [REP2-009] (Rev 3.0)</b> has amended Table 4.7 (and 4.6) to ensure that there is clarity where the Applicant is



Topic/Para	Representation	Applicant Comment
	requirements, it is the Applicant's assessment of forecasted future residual waste requirements based on data provided by WPAs.	directly reporting provisions of an extant Local Plan; or directly reporting the provisions of an emerging Local Plan; or providing commentary/interpretation.
16.	Whilst Norfolk state that there is no capacity gap, the Applicant have included a shortfall of 616,000tpa, on the basis that this is equivalent to the amount of non-hazardous waste that is transferred out of Norfolk for onward treatment and final disposal. If the Applicant considers that it is appropriate to import waste from Essex, it is not clear why it is not appropriate for Norfolk to export waste to other treatment facilities outside the county.	The Applicant does not dispute the appropriateness of Norfolk's ability to export residual HIC waste to out of county treatment facilities. What is questioned, however, is the basis upon which Norfolk is potentially seeking to plan for its future residual HIC requirements and the lack of recognition of the need to achieve net self-sufficiency in this regard.
17.	The analysis of the Waste Local Plan capacity gap takes no account of the Rivenhall Waste Management Facility in Essex or Newhurst Energy Recovery Facility in Leicestershire due to be operational later this year.	<p>Rivenhall Waste Management Facility and Newhurst Energy Recovery Facility are both included in the national assessment (and are set out in both Appendix C of the WFAA and included in the Tolvik (2023) operational capacity data).</p> <p>For the local assessment, the evidence bases for Rivenhall (Essex Waste Local Plan – Capacity Update Report (2018)) and Newhurst (Leicestershire Minerals and Waste Local Plan 2019 + 2022 update) are up to date and as such, have cognisance of these developments. In this regard, the capacity positions for these WPAs reported in the updated <b>WFAA (Volume 7.3) [REP2-009] (Rev 3.0)</b> are up to date and reflect the capacity offered by these developments.</p>
18.	Implementation of the proposed facility would result in significant over-capacity of EfW waste treatment contrary to the emerging NPS and would prejudice the achievement of recycling targets for many years to come.	<p>The Applicant has prepared an updated <b>WFAA (Volume 7.3) [REP2-009] (Rev 3.0)</b> submitted at Deadline 5. This demonstrates conclusively that the Proposed Development will not result in an over-supply of EfW capacity at either the local/ regional level or national level. Indeed, the Proposed Development will offer up to 625,600 tonnes per annum of much needed capacity that would:</p> <ul style="list-style-type: none"> <li>• Deliver implementation of the waste hierarchy – a cornerstone of England's waste management policy and legislative framework - and divert waste from continued management at the bottom of the waste</li> </ul>



Topic/Para	Representation	Applicant Comment
		<p>hierarchy (i.e., landfill) up to having value (in the form of electricity recovered from it); and</p> <ul style="list-style-type: none"> <li>Facilitate management within England of significant quantities of residual HIC waste exported for management abroad. This would allow waste to be managed in accordance with the proximity principle – a further fundamental pillar of England's waste management policy and legislative framework.</li> </ul>
19.	<p>The Applicant's premise that it is not appropriate to rely on data that has not been the subject of examination has been applied inconsistently. The Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document was adopted in November 2012 and the Site Allocations Document in July 2014. The suggestion that it is acceptable to rely on the 2021 assessment (which was not subject to independent examination) but not to rely on the June 2022 analysis on the basis that it has not been independently examined is nonsensical.</p>	<p>The updated <b>WFAA (Volume 7.3) [REP2-009] (Rev 3.0)</b> has amended Table 4.7 (and 4.6) to ensure that there is clarity where the Applicant is directly reporting provisions of an extant Local Plan; or directly reporting the provisions of an emerging Local Plan; or providing commentary/interpretation.</p>
<b>Alternatives</b>		
20.	<p>The Applicant stated that it did not consider alternative sites, which appears contrary to the position advanced at ISH1 when it was suggested that sites in Norwich, Wisbech Essex and Peterborough were looked at. The position needs to be clarified and if alternative sites were considered they need to be documented in the Environmental Statement.</p>	<p>Matters relating to the siting of the Proposed Development have been raised by other IPs and responded to by the Applicant. For example, see the Applicant's response to RR-034 (<b>Volume 9.2) [REP1-029]</b>. In summary, the Applicant considered a range of site selection criteria when selecting the location of the Proposed Development. This is explained in <b>Section 2.3.1 to 2.3.3 ES Chapter 2 Alternatives [APP-029]</b> and <b>ES Chapter 3 (Volume 6.2) [APP-030]</b> and in a Position Statement submitted at Deadline 5 (<b>Volume 14.6)</b> in response to ISH3 Action Point 10.</p>
21.	<p>The Applicant stated that the site was chosen by looking at sites with a capacity gap, a user for heat, proximity to the strategic road network and free from environmental constraints.</p>	<p>See the Applicant's response to paragraph 20 above.</p>



Topic/Para	Representation	Applicant Comment
22.	As the facility is stated to meet a regional need, the purported capacity gap is not specific to the application site – it could be met anywhere within the region. The only justification for the site is the potential for heat use (although no evidence has been put forward to substantiate this) and its proximity to the strategic road network. It does not make for good planning to locate a regional waste facility in Flood Zone 3 on the northern edge of the waste catchment, some distance from a major urban area.	See the Applicant's response to paragraph 20 above. In addition, the Applicant has undertaken a Flood Risk Assessment to include a sequential test and exception test (ES Chapter 12 Hydrology Appendix 12A FRA, Volume 6.4 APP-084). This concludes that the Proposed Development passes the sequential test as well as part 1 of the exception test. The Environment Agency has confirmed that the methodology and approach to the FRA is appropriate and sufficient for determining the purposes of risk (SOCG between the Applicant and Environment Agency, Volume 9.7, REP4-010).
23.	The Applicant made reference to a previous proposal at Waterbeach.	The Secretary of State decision reference is APP/E0535/W/19322512, 15 June 2020.
24.	The Waterbeach Waste Recovery Facility comprised the erection and operation of an energy from waste facility to treat up to 250,000 tonnes of residual waste per annum (application ref: S/3372/17/CW). It was the subject of an appeal which was dismissed by the Secretary of State in June 2020 on the basis that there was potential for a significant tonnage of waste to be transported long distances which would be at odds with the application of the proximity principle.	<p>The Applicant disagrees with Wisbech Town Council's assertion that the Waterbeach appeal was dismissed by the SoS on "proximity principle". Para 40 to 41 of the SoS decision (APP/E0535/W/19322512, 15 June 2020) states:</p> <p><i>"Overall the Secretary of State concludes that the benefits of the appeal scheme are not collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of Denny Abbey Complex, the heritage assets that make up this complex and Cottenham Conservation Area. He considers that the balancing exercise under paragraph 196 of the Framework is therefore not favourable to the proposal.</i></p> <p><i>Having concluded at para 17 above that the plan is up to date and at para 23 above that the harm to the designated heritage assets is at the high end of less than substantial, the Secretary of State has not considered IR597-IR599. Like the Inspector at IR596, he concludes that the planning balance falls against the proposal".</i></p>
25.	This was despite a suggested condition that not less than 70% of the waste imported to the WWRF shall originate from a catchment area comprising Cambridgeshire and Peterborough, along with Milton Keynes, and the following areas; Hertfordshire, Suffolk, Essex, Norfolk, Luton, Bedford,	<p>See the Applicant's response to paragraph 24.</p> <p>The Applicant has also worked with CCC to agree the wording of new Requirement 28 (waste origins). This new requirement ensures that at least 17.5% of the waste must originate from within 75km of the Proposed</p>



Topic/Para	Representation	Applicant Comment
	<p>Central Bedfordshire, Northamptonshire, Rutland and Lincolnshire, including any waste being processed through any waste transfer station within the defined catchment area. The Inspector concluded that this would permit 30% of the waste imported to the WWRF, some 75,000 tpa, to be sourced from outside the defined, but extensive catchment area. Given the distances involved here, there is potential for a significant tonnage of waste to be transported long distances. The cost of transport would be a factor determining the extent that this would be likely to occur in practice, but the potential here would be at odds with the application of the proximity principle.</p>	<p>Development, and at least 80% of the waste accepted at the Proposed Development must originate from the Study Area, In this way, the Proposed Development will be available to provide final waste management for the immediate local area and waste planning authorities in the Study Area (as set out in the WFAA (Volume 7.3), Re 3 provided at Deadline 5).</p>
26.	<p>Waterbeach is located approximately 50km south of Wisbech, to the north east of Cambridge. Despite the fact that it was more centrally located to the proposed catchment area and was more appropriately sized to meet the needs of the region, both the Inspector and the Secretary of State concluded that it would be at odds with the proximity principle and the appeal was dismissed.</p>	<p>See the Applicant's response to paragraph 24.</p>





## 5. Comments on the Deadline 4 submission from Network Rail Infrastructure Limited

Table 5.1 Comments on the Deadline 4 Submission from Network Rail Infrastructure Limited [REP4-033]

Topic/Para	Representation	Applicant Comment
<b>2. Agreement and Protective Provisions</b>	Network Rail confirms that the parties continue to negotiate the terms of an agreement and protective provisions to resolve Network Rail's concerns as set out in its Written Representations [REP2-039]. These negotiations have been positive and the parties are close to reaching a final form of agreement and anticipate completion of this agreement before the end of the Examination.	The representation from Network Rail reflects the Applicant's understanding of the current position.

