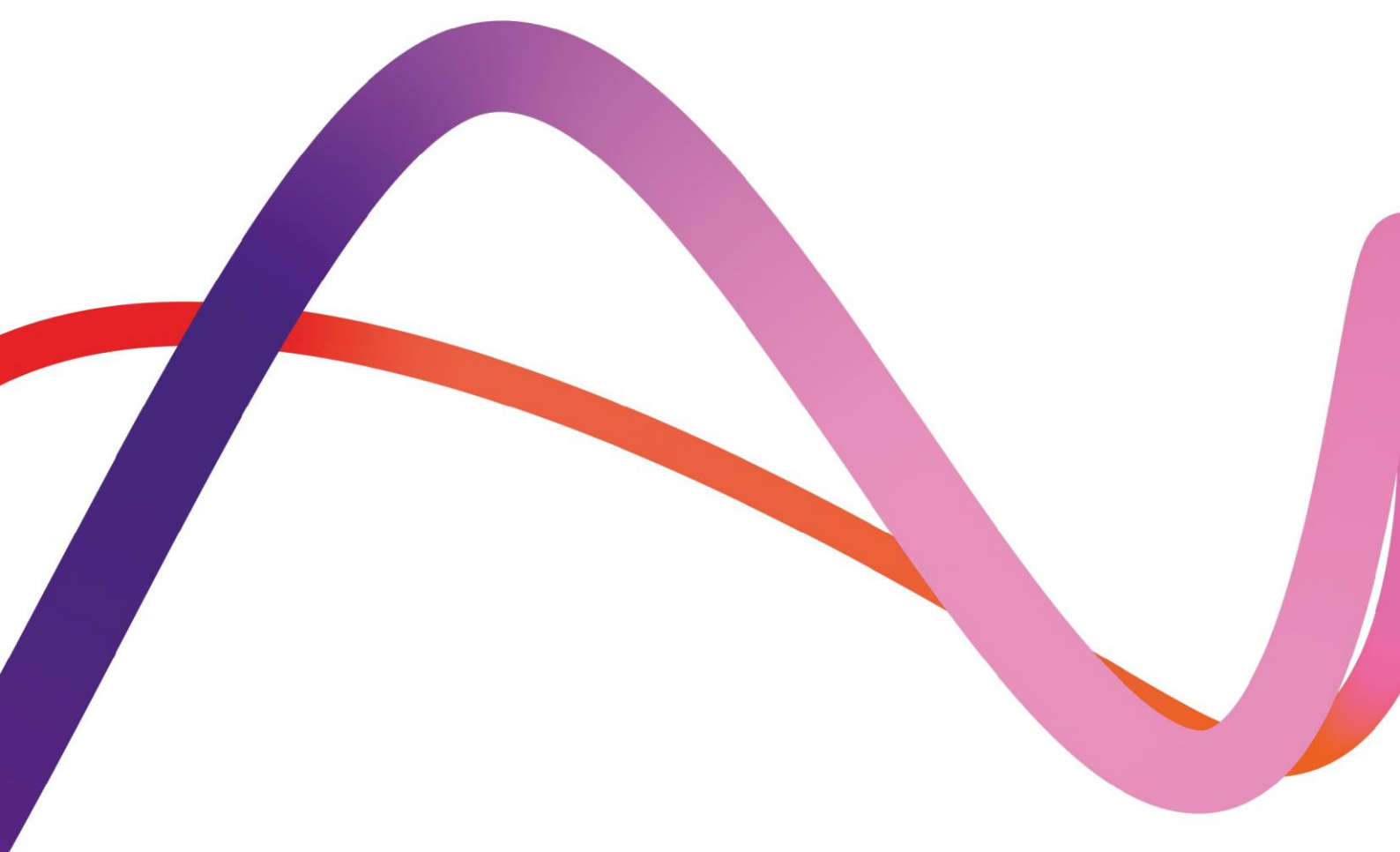


Medworth Energy from Waste Combined Heat and Power Facility



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Applicant's comments on the Deadline 4 Submissions: Part 2 Other Interested 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 and Fenland District Council **[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 2) contains the Applicant's response to Deadline 3 submissions from the Other Interested Parties in the following tables:

- Table 2.1 Comments on Deadline 4 submissions from Cambridge Friends of the Earth;
- Table 3.1 Comments on Deadline 4 submissions from CPRE Cambridgeshire and Peterborough;
- Table 4.1 Comments on Deadline 4 submissions from Dr Ursula Waverley;
- Table 5.1 Comments on Deadline 4 submissions from Jenny Perryman;
- Table 6.1 Comments on Deadline 4 submissions from Joseph Howlett, WisWin;

- Table 7.1 Comments on Deadline 4 submissions from Lesley Morton; and
- Tables 8.1 to 8.6 Comments on Deadline 4 submissions from United Kingdom Without Incineration Network (UKWIN).

1.1.4 The Applicant's response to Deadline 4 submissions from Statutory Parties is presented in a separate document (Part 1) in **Volume 14.4a**.



2. Comments on Deadline 4 submissions from Cambridge Friends of the Earth

Table 2.1 Comments on Deadline 4 submissions from Cambridge Friends of the Earth [REP4-035]

ID	Topic/Para	Response	Applicant Comment
FOE01	Recycling more efficient than incineration Paragraphs 1-3 of REP4-035	The proposal represents a lack of ambition with respect to recycling. Recycling provides a more efficient means of recovering embodied energy from waste than incineration. The Applicant acknowledges the potential for incomplete combustion of the waste stream, as paper and plastic would be recovered from the Bottom Ash. Landfill would still be required as incineration leaves 25% by volume of the original waste as bottom ash.	The Applicant disagrees with the sentiments expressed by the IP. Recyclable paper and plastic is not present and therefore cannot be recovered from the IBA. IBA is exported for recycling at suitably licenced facilities; it is not landfilled, see Applicant's response to the ExA's Written Questions (ExQ1) – Appendix 10.2B Technical Note: IBA and APCr Sites and Capacity [REP2-019] .
FOE02	Incineration by products, recycling and disposal Paragraphs 3-5 of REP4-035	The Applicant did not deny that dioxins may be present in the bottom ash. The Applicant stated that only Fly Ash (approximately 3% by volume) would be landfilled. It also stated that bottom ash could be recycled into building materials, but recycling such contaminated material is a bad idea.	The Applicant provided a response to the types, amount, storage and export of hazardous waste generated by the EfW CHP Facility in the response to ExA question PND.1.2, Applicant's response to the ExA's Written Questions (ExQ1) [REP2-019] .
FOE03	CO ₂ Emissions Paragraph 6 of REP4-035	With regards to CO ₂ emissions, we quoted figures (included in our Written Submission) which showed that electricity generation from	Reference is made to previous responses (Applicant's comments on Written Representations: Part 2 – Other Interested Parties [REP3-040]), where it is noted that other forms of electricity generation (such as a modern gas fired power



ID	Topic/Para	Response	Applicant Comment
		waste incineration produced higher CO2 emissions than either gas or coal.	<p>station), may be less carbon intensive than electricity generated by the EfW CHP facility, although the Applicant does not agree that electricity generated by the EfW CHP facility would be less carbon intensive than electricity generated by coal. This is apparent below in the comparison of UK Government figures for carbon dioxide emissions estimated for UK fuels, with emissions calculated for the Medworth EfW CHP Facility, reported in ES Chapter 14 (Volume 6.2) [APP-041]:</p> <p><u>Department for Energy Security & Net Zero¹</u> <i>Coal = 1,002 g/kWh</i> <i>Natural Gas = 372 g/kWh</i> <i>Nuclear = 0 g/kWh</i> <i>Renewables = 0 g/kWh</i> <i>Other = 795 g/kWh</i> <i>Overall average = 198 g/kWh</i></p> <p><u>Medworth EfW CHP Facility</u> <i>EfW CHP Facility (without offset for electricity generation) = 621 g/kWh</i> <i>EfW CHP Facility (with offset for electricity generation) = 439 g/kWh</i></p> <p>In terms of GHGs the Proposed Development uses residual waste to generate electricity. The most appropriate basis for comparison of the net change in GHG emissions compared to a baseline is the use of landfill for disposing of residual waste (as described in Section 14.5 of ES Chapter 14 Climate (Volume 6.2) [APP-041]). It is acknowledged that as a standalone entity the Proposed Development results in net carbon emissions when considering emissions from the EfW combustion processes compared to avoided emissions for energy generated by the EfW</p>

¹ Department for Energy Security & Net Zero: Fuel Mix Disclosure Data Table (Updated 19 April 2023)



ID	Topic/Para	Response	Applicant Comment
FOE04	Feasibility of CO ₂ Offsetting Paragraph 6 of REP4-035	We also queried the feasibility of offsetting the CO ₂ produced from the 565,000 tons of waste which the Applicant stated would be burnt per annum, given the accepted figure of 1 ton of CO ₂ produced per ton of waste burnt.	<p>CHP Facility. However, the GHG assessment in Section 14.9 of ES Chapter 14: Climate Change (Volume 6.2) [APP-041] indicates a net reduction in emissions in the 'with Proposed Development' scenario compared to a 'without Proposed Development' scenario.</p> <p>The Applicant does not agree that the value of '1 ton of CO₂ produced per ton of waste burnt' should be applied to the Proposed Development. Based on the GHG assessment for the Medworth EfW CHP facility in ES Chapter 14 (Volume 6.2) [APP-041] the gross CO₂ emissions for the Proposed Development (not including offsetting emissions for electricity generated) would be: 0.44 tCO₂e per tonne of residual waste treated, which would be reduced to net emissions of 0.31 tCO₂e per tonne of residual waste treated when offsetting emissions for electricity generated by the EfW CHP facility.</p> <p>Further to this, as the Proposed Development uses residual waste to generate electricity the most appropriate basis for comparison of a net change in GHG emissions compared to a baseline is the use of landfill for disposing of residual waste (as described in Section 14.5 of ES Chapter 14: Climate Change (Volume 6.2) [APP-041]).</p> <p>The GHG assessment in Section 14.9 of ES Chapter 14: Climate Change (Volume 6.2) [APP-041] indicates a net reduction in emissions for the EfW CHP Facility ('with Proposed Development' scenario) compared to Landfill ('without Proposed Development' scenario).</p>



3. Comments on Deadline 4 submissions from CPRE Cambridgeshire and Peterborough

Table 3.1 Comments on Deadline 4 submissions from CPRE Cambridgeshire and Peterborough [REP4-036]

ID	Topic/Para	Response	Applicant Comment
INCREASING FLOOD RISK DUE TO CLIMATE CHANGE			
CPRE01	Estimates in sea level rise and increased flood risk	<p>We now have significant additional information about a major issue arising from climate change which we believe is highly relevant to this application and to the practicability, viability and safety of the proposed installation.</p> <p>Newly published research into the increasing likelihood of rapid sea-level rise due to uncontrolled melting of South Polar ice and Greenland ice leads to the conclusion that current official estimates of projected sea level rise, and hence flood risk, are too low and that serious flooding of the Fens is almost inevitable sooner rather than later.</p> <p>The current official estimates of sea level rise are based on either IPCC 2014 (1m by 2100) or IPCC 2019 (1.1m by 2100). Neither of these take into account recent findings, including: the accelerated melt rate of the Greenland ice sheet, leading to an estimated additional 10 inches of sea level rise; the increasing risk of the collapse</p>	<p>The Applicant's approach to the assessment of tidal flood risk has been agreed with the Environment Agency as set out in Table 3.11 of the Statement of Common Ground between Medworth CHP Limited and the Environment Agency [REP4-010].</p> <p>The potential for sea level rise to increase tidal flood risk is presented in detail in Section 4.3 of the FRA (Appendix 12A Volume 6.4 [APP-084]). A precautionary approach has already been taken and appropriate measures have been included as part of the Proposed Development to address residual risks.</p> <p>The FRA has considered climate change allowances in excess of those referred to by the IP to the extent that they are applicable to the estimated 40-year operational lifetime of the Proposed Development to 2066.</p>



ID	Topic/Para	Response	Applicant Comment
		<p>of the Thwaites glacier in the Antarctic, leading to an estimate of up to 10 feet of sea level rise; or the estimated potential 0.5m sea level rise from the Pine Island ice shelf. There are also warnings published by the British Antarctic Survey website, the United Nations (on satellite telemetry). The South East of England is sinking at around 1mm per year. The evidence indicates a significant increase of flood risk to the Fens, including Wisbech.</p> <p>Our conclusion is that the flood risk to the proposed plant is increasing steadily and at a higher rate than predicted by IPCC 2014 or IPCC 2019 which are currently used to define flood risk when designing flood protection measures. Consequently, we advise that the highest levels of caution be taken.</p>	



4. Comments on Deadline 4 submissions from Dr Ursula Waverley

Table 4.1 Comments on Deadline 4 submissions from Dr Ursula Waverley [REP4-047]

ID	Topic/Para	Response	Applicant Comment
UW01	Assessment of waste need	Given recent approvals for new facilities in Suffolk (a new V C Cooke incinerator at Benacre Road, Bccles and the SUEZ EfW plant at Great Blakenham) – has the Applicant taken this capacity (which falls within its 2 hour drive time) into account in assessing the need for its proposed Medworth facility?	The Applicant confirms that the capacity that would be provided by the facility at Great Blakenham (a 295ktpa facility operated by SUEZ) has been accounted for in the WFAA assessment of operational capacity. The Facility at Benacre Road (SCC/0063/22W) was approved in May 2023 and is capable of taking up to 24,000 tonnes per annum of non-hazardous RDF). This very small facility has not been taken into account, however the Applicant confirms that it does not affect the conclusions of the WFAA.
UW02	Fuel composition and output generation	There have been reports that the SUEZ EfW plant at Great Blakenham may have to take more waste from further afield because it is not able to generate as much heat as expected given the composition of the waste. As the technology of EfW plants remains unchanged in 2023, has there been any assessment of similar problems at existing EfW facilities	<p>Changes in the composition of residual waste result in changes in calorific value. A reduction in calorific value, for example due to higher moisture content or reduced plastic volumes, means any EfW facility could take more residual waste up to its mechanical limit. This is normal and is not regarded as a problem.</p> <p>The Draft DCO (Volume 3.1) Rev 4 submitted at Deadline 5 now includes a new Requirement 28 on Waste Origin. 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</p>



ID	Topic/Para	Response	Applicant Comment
UW03	Implications for reducing plastics in waste	Mr Carey stressed that the composition of waste would determine burning capacity and therefore the volume of waste needed. How does the Applicant intend to maintain electricity capacity as the amount of plastic waste reduces?	<p>from within the Study Area, This Requirement will therefore ensure that the Proposed Development complies with the proximity principle and the Applicant is confident that it can achieve the necessary calorific value using local waste sourced in accordance with Requirement 28.</p> <p>By increasing the tonnage of residual waste in the event of lower caloric values the same energy input will be maintained, thus maintaining the same electrical output. If the calorific value increased, waste tonnages would be reduced to maintain the same energy throughput.</p>



5. Comments on Deadline 4 submissions from Jenny Perryman

Table 5.1 Comments on Deadline 4 submissions from Jenny Perryman [REP4-044]

ID	Topic/Para	Response	Applicant Comment
MATTERS ARISING IN ISH1 PART 3: DEMAND FOR THE EXPORT OF HEAT FROM THE PROPOSED DEVELOPMENT			
JP01	MVV's existing facility in Plymouth	In order to give an indication of "a good demand for heat" and provide comparative figures:	
	Pages 1 – 2 of REP4-044	<ul style="list-style-type: none"> i. What is the average supplied requirement from the Devonport Naval Base and Dockyard? ii. What is that supplied requirement as a percentage of the facility's total capability? 	<ul style="list-style-type: none"> i. 6.25 MW_{th} ii. 24%
JP02	Demand for heat and power from Proposed Development	MVV's second selection criteria (after identifying a capacity gap) is looking for a site with true potential for a good demand for heat.	The Applicant has commissioned a Combined Heat and Power Assessment [APP-097] , which was carried out by independent consultants. This indicates potential heat demand from using publicly available sources. The ability to supply heat to specific users will depend on a number of factors, such as total heat demand, peak heat demand, heat specification (temperature, pressure, water /steam, condensate return), distance from the Proposed Development etc. The inclusion of the former March-Wisbech railway land within the Order limits will secure that land for the CHP Connection in order to supply heat to any business whose boundary is adjacent to the CHP Connection Corridor. If heat is to be supplied to any other businesses in the area, not located adjacent
	Pages 1 -2 of REP4-044	<p>At the outset, to gauge that this specific location had a good demand for heat, and, more importantly, that a sufficient level of interest existed in order to fully satisfy their second site selection criteria:</p> <ul style="list-style-type: none"> i. How many companies expressed sufficient interest at the outset to provide details of their then current heat/power usage? 	



ID	Topic/Para	Response	Applicant Comment
		<p>ii. What was the average requirements of each of these potential customers? Total demand would suffice to avoid any claims of commercial confidentiality</p> <p>iii. What was the combined requirement as a percentage of this PD's total capability?</p> <p>iv. In the intervening years since the initial contact (around 2014), what increase or decrease of interest has there been?</p>	<p>to the CHP Connection Corridor, the necessary infrastructure would be subject to a separate planning application or amendment to the development consent order.</p> <p>The Applicant will not divulge the contents or details of any commercially sensitive discussions with, nor reveal the names of, any potential heat offtakers. Existing energy usage data has been requested from a few potential heat offtakers, and some has been received. It should be recognised that unless and until the DCO is granted, and recognising that heat would not be available until the Proposed Development has been commissioned (i.e., the first supply of heat is unlikely to be before mid-2027), it is unlikely that meaningful commercial discussions on heat supply will take place whilst the DCO application is being examined and determined. It should also be recognised that heat could be supplied in the future to offtakers that do not exist today but who may develop new industrial facilities in the area because of the availability of heat from the Proposed Development.</p> <p>In order to comply with national planning policy there is no requirement to have secured heat offtake agreements in advance of the grant of the DCO. There is a requirement to be able to supply heat at a future date through the initial design of the Proposed Development and this has been included, for example by including in the design of the steam turbine the ability to extract steam at appropriate pressures and temperatures. As required under Issue Specific Hearing 4, Action Point 6, the Applicant has submitted at Deadline 5 a Technical Note: Combined Heat and Power Carbon Capture Delivery Readiness (Volume 14.7).</p>



ID	Topic/Para	Response	Applicant Comment
JP03	Benefits to nearby companies – engagement Page 1 of REP4-044	<p>If there are significant benefits for nearby companies to use the PD's heat/power, would the Applicant help us to understand why no one has bitten their hand off to take it, given any company could provisionally agree to take it if the DCO is granted, without any legal commitment issues?</p> <ul style="list-style-type: none"> i. How many potential customers have been contacted in total? ii. What reasons have they given not to, or what reasons have they given for their reluctance? (For example: prohibitive upfront costs or they simply don't want this PD on their doorstep) 	The Applicant refers the IP to response to JP02.
JP04	Landowner negotiations Pages 1-2 of REP4-044	If the site was recognised in 2010, but it took until 2017 for the land owner to be satisfied with the partnership with the applicant, why did it take the owner of the site seven years before he would even start negotiating? What aspects was he so dissatisfied with and gave him cause for concern?	There were no aspects of the development that gave the landowner cause for concern. Such commercial negotiations often take a considerable amount of time from inception to conclusion.
MATTERS ARISING IN ISH4 PART 4: DEMAND FOR THE EXPORT OF HEAT FROM THE PROPOSED DEVELOPMENT			
JP05	Site selection criteria/alternatives and need for the development Pages 1 – 3 of REP4-044	Heat demand does not appear to have been a site selection criteria at the outset, so anywhere could have fitted the bill for the proposed facility. Questions regarding heat demand are important to gauge the need for the facility at this location and of the size and scale proposed. The Applicant has not demonstrated the level of heat	Environmental Statement Chapter 2, Alternatives (Volume 6.2) [APP-029] explains that proximity to heat and electricity customers was an essential siting criterion for the Proposed Development (see Section 2.3) and that Wisbech was identified as a location possessing the highest number of large heat loads and more specifically to the centre and south of the town. Further to Issue



ID	Topic/Para	Response	Applicant Comment
		<p>demand, both in terms of the actual level of demand and the willingness of potential users to become customers.</p> <p>Referring to 'heat supply' agreements at this stage appears to be very misleading. Any potential user with a serious interest could easily have provided an expression of interest or signed draft heads of terms with the Applicant without any comeback. If they have not done so since 2014, it suggests there is no interest and the site is not in the right location for the proposed development. There is a world of difference between a facility that is capable of supplying heat and electricity and one that does, just as there is a world of difference between potential users, interested users and heat customers. It would appear that the Applicant's 'essential criteria' for site selection was not complying with company policy to have heat customers, but simply complying to what could be deemed an 'essential criteria' in planning policy, by having the potential to supply heat... and the site they wanted merely having potential users.</p> <p>Even if there were a capacity gap, the Applicant has not demonstrated any legitimate need for the development to be located on this site, in flood zone 3 and in a small market town with inadequate infrastructure, road and rail links and situated within the sparsely populated area of the flat, low-lying Fends. It has not considered alternative sites.</p>	<p>Specific Hearing 3, Action Point 10, the Applicant has also submitted at Deadline 5 a Position Statement on Alternatives (Volume 14.6) which sets out how the Applicant has complied with the relevant policy and legal tests concerning site selection and the consideration of alternatives.</p> <p>The Applicant also refers the IP to response to JP02.</p>



ID	Topic/Para	Response	Applicant Comment
JP06	<p>CHP Connection and Project Benefits</p> <p>Page 4 of REP4-044</p>	<p>The Applicant considers the CHP Connection a key project benefit. Simply including a CHG connection and being located close to companies with heat demands but no interest since 2014, should carry next to no weight in its favour. It also adds a negative effect to the weighting for GHG emissions.</p>	<p>The Applicant's refers the IP to the; Applicant's comments on Written Representations: Part 2 – Other Interested Parties [REP3-040]. At ID REP2-052, Table 2.1 the Applicant provided the IP with a response to climate matters.</p>
WASTE HIERARCHY			
JP07	<p>Waste capacity and the proximity principle and competition with other EfW facilities</p> <p>Page 5 – 6 of REP4-044</p>	<p>Whilst the applicant is basing their 'need' case on landfill, to accord with NPS, that does not appear to reflect the actual position regarding need or the applicant's intentions.</p> <p>Norfolk's waste is not currently going to landfill in Bedfordshire, 180,000 tonnes goes to the EfW incinerator at Rookery Farm. Essex waste could be sent to Rivenhall. For this proposed development to incinerate waste that is currently incinerated elsewhere, no matter where it's done, is not serving a capacity gap and neither is it moving waste up the hierarchy. How does Norfolk Waste being sent past Wisbech differ from Essex waste being sent past Rivenhall? Sending waste to the integrated waste management facility at Rivenhall would be treating the waste further up the waste hierarchy than straight incineration at Medworth.</p> <p>Instead, the reliance is on competing on price, but that in itself does not suggest that the proposed development is serving a capacity gap, neither</p>	<p>The updated WFAA (Volume 7.3) (Rev 3.0) provided at Deadline 5)– and its previous iterations – is clear. The assessment of fuel availability is based entirely on how much waste can be diverted from landfill (or from being exported for management in Europe). No assumptions are made, or reliance placed upon the extent to which the Proposed Development could divert residual waste from other energy recovery facilities. In this regard, the updated WFAA (Volume 7.3) (Rev 3.0) provided at Deadline 5) – has concluded that within the Study Area, there is a shortfall of ~1.5 million tonnes of non-landfill HIC residual waste management capacity in the period up to 2035. Nationally, the shortfall equates to ~3.5 million tonnes. Against this backdrop, 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.</p> <p>The Applicant's refers the IP to the; Applicant's comments on Written Representations: Part 2 – Other Interested Parties [REP3-040]. At ID REP2-052, Table 2.1 the Applicant provided the IP with a response to waste</p>



ID	Topic/Para	Response	Applicant Comment
		<p>does sourcing waste from Norfolk or Essex suggest waste is being landfilled and that the proposed development will treat waste further up the hierarchy. Rookery Farm takes Norfolk's waste because they competed for it on price. Competing against other facilities for waste contracts on price for waste that could be treated more locally to its point of origin, as in the case of Essex, not only breaches the proximity principle but removes feedstock from other EfW facilities, necessitating them to look for sources further afield. IT does not add energy to the grid either, it replaces it. The Applicant's intention is not about diverting waste from landfill, but sourcing waste from Norfolk, Essex and other local authorities across the east of England through financial competition, for waste going to other EfW incinerators.</p>	<p>need (including waste hierarchy and proximity). The Applicant has also included a new Requirement within Schedule 2 of the draft DCO (Volume 3.1), Rev 4 provided at Deadline 5, that requires 17.5% of the waste to originate from within 75km of the EfW CHP Facility site, and for a minimum of 80% of the waste to originate from within the Study Area identified in the Waste Fuel Availability Assessment (Rev 3) (Volume 7.3) submitted at Deadline 5.</p> <p>Concerning the IP's concerns on waste need and proximity; the Applicant refers the IP to the updated Waste Fuel Availability Assessment (Rev 3) (Volume 7.3) submitted at Deadline 5.</p>
JP08	<p>Recycling opportunities for Norfolk waste</p> <p>Page 6 of REP4-044</p>	<p>Whilst Norfolk clearly need to pull their finger out, if they were tempted by price to send their waste, with its high recyclable content to the proposed Medworth facility, it would be burning waste down the hierarchy given Norfolk's need, opportunity and intentions to recycle more. A recent 2021/22 analysis of Norfolk's waste showed 36% of general waste was organic waste such as food waste, 25-30% of all plastics found in general waste could be recycled, with 56% of glass in general waste being glass bottles.</p>	<p>The Applicant refers the IP to response to JP07.</p> <p>In addition to this, whilst the Applicant is unclear as to the source of the IP's data on household waste composition in Norfolk, the Applicant refers the IP to Appendix E of the updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5), which notes that of the 7 districts in Norfolk, all collect dry mixed recycling (which includes plastics) and x3 separately collect food waste.</p>
JP09	<p>Waste Hierarchy Draft DCO requirement</p>	<p>For the Applicant to use Cory Environmental's case for Riverside to justify its proposed waste</p>	<p>The Applicant refers the IP to response to JP07 in respect of waste availability.</p>



ID	Topic/Para	Response	Applicant Comment
	Page 6 of REP4-044	<p>hierarchy requirement is beyond belief. The Cory scheme already had the disposal contract for London boroughs, they were disposing that waste in their own landfill sites so knew first-hand the tonnages they were dealing with; and Cory had their own clearly proven and demonstrable need. Cory could therefore demonstrate that it would be treating the same contracted waste further up the waste hierarchy, as well as using the river to transport waste and incorporating on site materials recycling, to treat waste further up the hierarchy before burning the residual.</p> <p>The Applicant has based its case on another entirely different DCO in order to satisfy planning policy for their own development.</p>	<p>The draft DCO (Volume 3.1), Rev 4 provided at Deadline 5, includes a Requirement in Schedule 2 to maintain the waste hierarchy. The drafting is based on a similar requirement in the Riverside Energy Park Order 2020. In paragraph 4.9 of the Secretary of State's decision letter on the Riverside project, the Secretary of State agreed with the ExA that the requirement would "<i>ensure the Development will not breach the principals of the waste hierarchy</i>". The Applicant considers that the Riverside project is directly comparable to the Proposed Development on the issue of ensuring compliance with the waste hierarchy. Therefore, the Applicant's position is that Requirement 14 of the draft DCO is an appropriate and enforceable mechanism for ensuring that the Proposed Development is fully compliant with the waste hierarchy.</p>
JP10	MRF provision Page 6 of REP4-044	<p>Why did the applicant not include an upfront MRF in their own proposal? It should have been a necessary requirement of a facility of this size and carry weight over one that simply burns everything, which in itself leans this proposed development to go against the waste hierarchy.</p>	<p>The proposed technology does not require an upfront materials recovery facility (MRF). MRFs operating on residual waste have, in practice, little effect, as demonstrated by the Waterbeach MBT facility in Cambridgeshire. Please see Alternative Technology Report [REP4-027].</p>
CARBON CAPTURE AND STORAGE			



ID	Topic/Para	Response	Applicant Comment
JP11	<p>Uncertainty regarding the status of carbon capture and storage proposals</p> <p>Page 7 of REP4-044</p>	<p>The applicant is exploring the feasibility of carbon capture only through the mechanism of planning requirements. It has no desire to pay for it and will not make any commitments without Government handouts of taxpayers' money or the requirement through legislation. The Applicant has admitted that a lot depends on the way the government chooses to support these projects and that it can't commit to doing something specific over reserving the land on which a carbon capture plant could be built.</p>	<p>The Applicant refers the IP to further information on their carbon capture readiness position submitted in response ID CC50 in the Applicant's comments on Deadline 2 submissions [REP3-042] and to further information submitted at Deadline 5 (Volume 14.7) in response to ISH4 Action point 6.</p>
GREENHOUSE GAS EMISSIONS			
JP12	<p>Validity of baseline assumptions</p> <p>Page 7 of REP4-044</p>	<p>Using a baseline case of landfill is disingenuous, as the Applicant has acknowledged that waste could be sourced from that which is already going or will be going to another WfE site. The baseline load without the Medworth development in this location is zero, the proposed development will bring large quantities of waste currently (or through future proximity eg. Rivenhall) being burnt around the east of England to one single location in Wisbech, adding a significant concentration of greenhouse gas emissions, which did not exist before. This would create a potentially significant negative effect to local authorities.</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 (Volume 7.3) identifies that landfill disposal is the reasonable alternative scenario for the management of residual waste proposed to be used at the EfW CHP Facility. Therefore, the climate chapter (ES Chapter 14 Climate (Volume 6.2) [APP-041]) considers a 'without Proposed Development' where waste is collected and transported to available landfill sites to be the appropriate baseline for assessment.</p>
JP13	<p>Waste composition</p> <p>Page 7 of REP4-044</p>	<p>If the size of the proposed Medworth facility is relative to the amount of commercial and industrial waste that the Applicant intends to</p>	<p>It is recognised that the composition of waste is unknown and variable, so the GHG assessment (Chapter 14 Climate Change (Volume 6.2) [APP-041]) uses the most</p>



ID	Topic/Para	Response	Applicant Comment
		<p>source, then there will be more uncertainty around the composition and therefore the emissions. Commercial and industrial waste has a very unknown element and potentially higher levels of commercial and industrial waste does not appear to have been considered adequately.</p>	<p>appropriate information currently available regarding waste composition and determination of associated emissions for landfill and the EfW CHP Facility. This is based on WRAP 2017 residual waste composition², Defra guidance on landfill emissions modelling³ and the operating parameters for the EfW CHP Facility.</p> <p>It is acknowledged that variation in residual waste composition affects the estimation of GHG emissions associated with EfW and LFG processes, so the GHG assessment also includes a sensitivity analysis of waste composition and GHG emissions (Appendix 14C (Volume 6.4) [APP-088]), which considered relevant scenarios for increased recycling and a consequent reduction in recyclable materials entering residual waste. The analysis indicates that with increased recycling the EfW CHP Facility would provide a net saving on GHG emissions compared to landfill. The three cases considered for residual waste composition in the sensitivity analysis are:</p> <ul style="list-style-type: none"> • Current residual waste (Core Case): based on WRAP 2017 residual waste composition, assuming this accounts for a recycling rate of 45%² • Reduced Recyclables: assuming a further 20% reduction in recyclable materials (paper, card, plastics, glass, metals, food, garden, wood and textiles) in the WRAP 2017 residual waste composition (in line with UK Government policy to achieve a 65% recycling for municipal solid waste by 2035⁴).

² WRAP (2020). National Municipal Waste Composition, England 2017, Table 3.

³ Defra (2014). Review of Landfill Methane Emissions Modelling (WR1908)

⁴ HM Government (2018). England's National Waste Strategy. OUR WASTE, OUR RESOURCES: A STRATEGY FOR ENGLAND.



ID	Topic/Para	Response	Applicant Comment
			<ul style="list-style-type: none"> Reduced Food and Plastics: assuming a 90% reduction in food and plastic in the WRAP 2017 residual waste composition, along with a 20% reduction in other recyclable materials (as for the Reduced Recyclables scenario). <p>There is uncertainty on how waste composition could change in the future, so the sensitivity analysis provides an indication of the broad direction and scale of the impact of emissions attributable to the EfW CHP Facility compared to landfill.</p> <p>Further to Issue Specific Hearing 4, Action Point 7, the Applicant is in discussion with Cambridgeshire County Council to agree appropriate waste composition scenarios for further sensitivity analysis. The results will be provided at Deadline 6.</p>
JP14	<p>Waste carbon content and calorific value</p> <p>Page 7 of REP4-044</p>	<p>The Cory Riverside's carbon report should not have been used in comparing the Applicant's calculations of indicative carbon content and calorific values of the main waste types found in residual waste. With a dedicated front end recycling, the calorific value for Cory Riverside will be very different from that for the Medworth proposal which will burn recyclable materials with a higher carbon content. Cory Riverside is not a meaningful comparison.</p>	<p>As noted in the above response for JP13, the WRAP 2017 residual waste composition² has been used as the basis for the assessment and the determination of carbon content and calorific values. The WRAP data is the most recent national survey of waste for England and is considered to be the most appropriate information currently available for the ES.</p> <p>Reference to the Cory Riverside EfW Facility⁵ (in Section 14.8 of the ES Chapter 14 Climate Change (Volume 6.2) [APP-041]) is included along with two other publicly available sources of information on the carbon content of</p>

⁵ Carbon Trust (2017). Cory Riverside Energy: A Carbon Case, Carbon Trust Peer Review.



ID	Topic/Para	Response	Applicant Comment
JP15	Diesel requirements and carbon calculations Pages 7-8 of REP4-044	<p>The Applicant doesn't appear to have made any allowance for the diesel used by the proposed development. Based on the maximum throughput of 625,000 tonnes, it is anticipated that there would be a requirement for 161,613 litres of diesel to be imported to the Medworth site each month, over the 40+ year lifespan of the proposed development. From a greenhouse gas perspective this fossil fuel element cannot be considered clean combustion yet it has not been acknowledged.</p> <p>Running in CH&P mode, more fuel will be required and more greenhouse gases emitted. Simply having a CH&P connection does not make the proposed development more efficient.</p>	<p>residual waste (Defra Carbon Modelling of UK Waste Streams⁶ and Zero Waste Scotland technical report on the climate change impacts of burning municipal waste in Scotland⁷), as a comparative sense check on the waste composition used in the assessment. As reported in the ES, use of the WRAP data to determine carbon content for residual waste aligns well with each of these information sources.</p> <p>The use of fuel for auxiliary burners and the associated emissions is reported in Table 14.27 of the ES Chapter 14 Climate Change (Volume 6.2) [APP-041]). As reported in Table 14.27, the quantity of gas oil to be used in the auxiliary burners is calculated to 1,745,424 litres per year, which would amount to 4,815 tCO₂e per year. This value has been included in the emissions for the EfW CHP Facility.</p>

⁶ DEFRA (2006), Carbon Balances and Energy Impacts of the Management of UK Wastes, Defra R&D Project WRT 237, Table B1.7 Input Waste Fraction Properties.

⁷ Zero Waste Scotland, (2020), The climate change impacts of burning municipal waste in Scotland - Technical Report, Table 2 The estimated composition and carbon content of municipal waste in Scotland in 2018



ID	Topic/Para	Response	Applicant Comment
INCINERATOR BOTTOM ASH & AIR POLLUTION CONTROL RESIDUES			
JP16	<p>Arrangements for treatment and disposal of incinerator by-products</p> <p>Page 8 of REP4-044</p>	<p>Fly Ash (APCR) is extremely hazardous waste, containing heavy metals, dioxins etc. Incinerator Bottom Ash (IBA) has the potential to be contaminated with hazardous materials. As both are by-products of the proposed development, disposal and treatment are of significant relevance. The Applicant must be able to demonstrate that these by-products can be safely and responsibly treated within an acceptable distance of the site. MVV Plymouth was sending its IBA to Holland for processing until recently, they may still be, which is not consistent with the proximity principle.</p>	<p>Prior to the development of a local network, IBA from MVV's Devonport facility was exported abroad. However, this is no longer the case and MVV use a local facility.</p> <p>Concerning suitable locations for processing IBA and APCr, the Applicant's refers the IP to the; Applicant's response to the ExA's Written Questions (ExQ1) – Appendix 10.2B Technical Note – IBA and APCr Sites and Capacity [REP2-019].</p>
WATER SUPPLY AND DRAINAGE			
JP17	<p>Insufficient water supply to serve the proposed Medworth facility</p> <p>Pages 8-9 of REP4-044</p>	<p>According to Anglian Water, there is currently insufficient water supply available in the Fenland Water Resource Zone to meet the maximum daily demand for the proposed development (in the range of 0.12 – 0.29 Megalitres/day). Site fires are an unknown entity and the amounts of water that could be required on top of the submitted water demands over the next 40+ years is incalculable.</p> <p>These are serious matters affecting everyone in Anglian Water's area and cannot be allowed to be mitigated out because Anglian Water stand to gain a huge financial interest in it going ahead.</p>	<p>Concerning Anglian Water's written representation [REP3-043], the Applicant refers the IP to the response in Table 3.1, Applicant's comments on the Deadline 3 Submissions: Part 1 Statutory Parties [REP4-022].</p> <p>Following a detailed review, Anglian Water has now confirmed that sufficient supplies will be available to meet the demand requirements for the Proposed Development. The latest position is set out the Applicant's Deadline 5 submission Applicant's Comments on Deadline 4 Submissions – Part 1 Statutory Parties (Volume 1.4a) (see Table 3.1).</p>



ID	Topic/Para	Response	Applicant Comment
		<p>The Applicant should have aware that the area has one of the lowest rainfalls in the country and have had years to accurately supply figures as to their requirements, with the latest produced just last month. To accept any further revised figures the Applicant puts forward to appease Anglian Water would be morally wrong and unacceptable.</p>	<p>A Technical Note entitled Water Supply Availability Statement (Volume 14.8) and an updated draft Statement of Common Ground between Medworth CHP Limited and Anglian Water Rev 2 (Volume 9.10) are also submitted at Deadline 5, both of which reflect the position now agreed with Anglian Water.</p>
JP18	<p>Discharges Page 9 of REP4-044</p>	<p>Emergency discharges by Anglian Water are all too frequent and the water from the proposed development will put an additional strain on an already inadequate system and any discharges into watercourses from the proposed development could have catastrophic consequences for the environment.</p>	<p>The Applicant refers the IP to response to JP17.</p> <p>The updated Outline Drainage Strategy (Volume 6.4) [REP1-017] (submitted at Deadline 5) has been developed to manage surface water run-off from the Proposed Development during the construction and operational phases in a sustainable manner, in accordance with the requirements of National Policy Statement (NPS) EN-1 and Draft EN-1 for energy, and the National Planning Policy Framework (NPPF) to manage surface water flood risk on-site, ensuring flood risk is not increased elsewhere, and where possible, reduces flood risk overall. Any pumped groundwater during construction will also be managed as part of this drainage strategy. A sustainable drainage system for the Proposed Development has been incorporated in the design to meet the water quality treatment requirements set out in the CIRIA sustainable drainage system Manual C753. The approach for the Outline Drainage Strategy was developed through extensive pre-application consultation with the Lead Local Flood Authorities, King's Lynn IDB and Hundred of Wisbech IDB and confirmed in the Draft Statement of Common Ground (SoCG) submitted at Deadline 1 – the Middle Level Commissioners is REP1-047; Kings Lynn IDB is REP1-048. The Applicant has also</p>



ID	Topic/Para	Response	Applicant Comment
			agreed the SoCG with the Environment Agency which was submitted at Deadline 4 [REP4-010] and expects to agree common ground with the IDBs for Deadline 6.
PLANNING, WEIGHT AND BENEFITS			
JP19	Needs case Page 9 of REP4-044	The Applicant has not demonstrated a need at this location or a need for heat outputs.	The Applicant disagrees with the IP's position and refers to the response at JP07.
JP20	Policy accordance Page 9 of REP4-044	The Applicant has not demonstrated compliance with the proximity principle, the waste hierarchy or that the size of the facility and competing for waste would not prejudice recycling.	The Applicant disagrees with the IP's position and refers to the response at JP07.
JP21	Benefits- carbon capture Page 9 of REP4-044	The Applicant has not demonstrated a commitment to deliver carbon capture unless it is required or funded by the taxpayer.	The Applicant disagrees with the IP's position and refers to the response at JP11.
JP22	Benefits- net carbon emissions Page 9 of REP4-044	The Applicant has not demonstrated how the proposed development would contribute less carbon.	It is acknowledged that as a standalone entity the Proposed Development results in net carbon emissions when considering emissions from the EfW combustion processes compared to avoided emissions for energy generated by the EfW CHP Facility. However, the GHG assessment in Section 14.9 of ES Chapter 14 Climate Change (Volume 6.2) [APP-041] shows that there would be a net reduction in carbon emissions for the EfW CHP facility (the 'with Proposed Development' scenario) when



ID	Topic/Para	Response	Applicant Comment
			compared to Landfill (the 'without Proposed Development' scenario).
JP23	Benefits – for Wisbech Page 9 of REP4-044	The Applicant has not demonstrated any benefits for Wisbech.	The Applicant disagrees and refers the IP to the; Applicant's comments on Written Representations: Part 2 – Other Interested Parties [REP3-040] . At ID REP2-052 , Table 2.1 the Applicant provided the IP with a response on Project Benefits. The Applicant has also been in discussion with the Local Host Authorities to agree a sum of money to support local projects. The parties are currently preparing an agreed set of Heads of terms which will be submitted for Deadline 6.
JP24	Impacts Page 9 of REP4-044	The Applicant has not demonstrated that the by-products of IBA and APC would be handled and treated responsibly.	The Applicant disagrees with the IP's position and refers to the response at JP16.



6. Comments on Deadline 4 submissions from Joseph Howlett, WisWin

Table 6.1 Comments on Deadline 4 submissions from Joseph Howlett, WinWin [REP4-045]

ID	Topic/Para	Response	Applicant Comment
WW01	Inadequate consideration of alternatives Paragraphs 2-3 of REP4-045	<p>From the very earliest submissions from MVV they have stated that their selection of Wisbech for the EfW CHP was based on the location meeting their essential criteria and that no alternative site was needed for consideration!</p> <p>Bear in mind that Mr. Carey has stated that Wisbech has been under consideration for many years and their earliest consultation material, dated 2021, confirms that no alternative considered. How have they been allowed to progress to this late state of planning review with such an arrogant attitude?</p> <p>Two of the four site selection criteria have been ridiculed.</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 (Volume 9.2 [REP1-029]). In summary, the Applicant considered a range of site selection criteria when selecting the location of the Proposed Development. This is explained in Section 2.3.1 to 2.3.3 ES Chapter 2 Alternatives [APP-029] and ES Chapter 3 (Volume 6.2) [APP-030] and in the further information submitted at Deadline 5 (Volume 14.6) in response to ISH3 Action Point 10.</p>
WW02	Needs case Paragraph 6 of REP4-045	<p>We understand that the efficiency of the plant is reduced considerably if there are no steam customers. The element of steam customers has been shown to be a tissue of lies. Lamb Weston and Nestle Purina have both stated publicly that they are not prepared to deal with MVV because the location for the incinerator is considered inappropriate.</p>	<p>The Applicant disagrees with the sentiments expressed by the IP and refer to the response at JP02.</p>



ID	Topic/Para	Response	Applicant Comment
WW03	Community benefits Paragraphs 4 – 8 of REP4-045	The proposed development will not deliver any benefits for the community of Wisbech. WisWin has questions about landownership and who will benefit from the proposed development.	<p>Matters relating to the community benefits for the Proposed Development have been raised by other IPs and responded to by the Applicant. The Applicant has prepared an Outline Community Benefits Strategy (Volume 7.14) [APP-105]. In summary. The Applicant's offer includes:</p> <ul style="list-style-type: none"> • Establishment of a local liaison committee; • Employment of a Community Liaison Manager; • A visitor area within the Administration building; • Guided site tours; • Educational events including on waste reduction, promotion of the waste hierarchy, and STEM subjects; • Establishment of a community fund. The amount and scope to be agreed in discussion with the Liaison Committee, local authorities, and local community groups; • Establishment of a sponsorship fund; • Ecological enhancement and enhancement of public amenity to improve wellbeing; • Support for local initiatives that improve wellbeing, such as Active Fenland's 'Wellbeing Walks' and other networking groups and CICs described above; and • Support to other events and organisations, such as those described above, with the aim of reducing litter and supporting further environmental improvements in the local area. <p>In addition, the Applicant is in the process of agreeing with the Local Host Authorities a number of measures to improve and to create public rights of way and to establish a community fund. Further details on these commitments including the means by which they will be secured and delivered will provided at the appropriate Deadline.</p>



ID	Topic/Para	Response	Applicant Comment
WW04	Impacts Paragraph 4 of REP4-045	<p>Issues deserve more scrutiny, given the damage that the proposed development will have on Wisbech and surrounding villages.</p> <p>The proposal will cause job losses from established businesses on the Weasenham Estate, particularly from adjacent food processing enterprises.</p> <p>Health considerations for the general community and in particular students at Thomas Clarkson Academy have been dismissed by the Environment Agency, the body that has failed to keep our rivers clean and so cannot be relied upon.</p>	<p>Matters relating to the impact on existing and future businesses have been raised by other IPs and responded to by the Applicant. For example, see the Applicant's response to points raised previously on the local economy (Summary of Oral Submissions made by Interested Parties at Open Floor Hearings 1 and 2 and the Applicant's Response Table 2.4 [REP1-056]).</p>
WW05	Inadequate infrastructure Page 2 6 of REP4-045	<p>Consideration should be given to the fact that a large number of solar generators are unable to contribute to generation in this Country due to poor infrastructure.</p>	<p>The Electricity Grid Connection Statement (Volume 7.2) [APP-093] confirms that UKPN provided a connection offer to the Applicant on 04 March 2021 which was accepted on 27 May 2021. In the context of a connection offer and in accordance with NPS EN-1 paragraph 4.9.1, the Applicant is therefore able to demonstrate that there is no reason why the Grid Connection forming part of the Proposed Development would not be deliverable. The Applicant does not consider the implied grid connection issues for other developers to be relevant to the examination of the Proposed Development as NPS EN-1 confirms that there is an urgent need for all forms of renewable energy generation.</p>



7. Comments on Deadline 4 submissions from Lesley Morton

Table 7.1 Comments on Deadline 4 submissions from Lesley Morton [REP4-046]

ID	Topic/Para	Response	Applicant Comment
LM01	Residential privacy and safety	Resident of No. 10 Newbridge Lane is concerned about loss of privacy and safety. The Applicant is asked to provide a fence to protect the owner's privacy and the safety of their property.	<p>The Applicant is in ongoing discussions with the owner of No.10 New Bridge Lane regarding the design of the acoustic fence. The proposed 3.0m high acoustic fence replaces an existing 1.2m high fence, therefore provides added security and safety for the occupant of the property, see Figure 5.1, Appendix 7D Outline Operational Noise Management Plan [REP3-014]. The Applicant draws the attention of the IP to Section 5.1.2 of Appendix 7D which states:</p> <p><i>“An acoustic fence will be provided to 10 New Bridge Lane to reduce daytime sound levels from fixed plant and waste delivery vehicles. A diagram indicating the proposed location of the acoustic fence is provided in Figure 5.1 Proposed acoustic fence to 10 New Bridge Lane. The Applicant will engage with the owner and occupier of 10 New Bridge Lane to discuss the detailed design of the acoustic fence and agree installation and maintenance access agreements. The agreed details, which will also include the height, materials and noise attenuation calculations will be set out in a report which will be forwarded to the relevant planning authority for its agreement prior to the commencement of its construction”.</i></p>



ID	Topic/Para	Response	Applicant Comment
LM02	Traffic generated vibration and visual impacts	Lorry traffic will cause a lot of vibration which would damage the structural integrity of the property and would lead to headlights being shone into the property at all hours, particularly in the winter.	<p>The operation of the Proposed Development is not anticipated to result in any significant effects on sensitive receptors during operation with respect to loss of amenity, noise and vibration as confirmed in ES Chapter 7 Noise and Vibration (Volume 6.2) [APP-034] and ES Chapter 16 Health (Volume 7.2) [APP-043]. Embedded mitigation including the Outline Operational Noise Management Plan (Volume 6.4) [REP4-004] secured in Requirement 19 of the draft DCO (REP3-007) would ensure that the effects are not significant.</p> <p>The presence of the IDB drain between 10 New Bridge Lane and the proposed road traffic on New Bridge Lane will act as a vibration barrier between the road and the house. Furthermore, vibration from road traffic is only generated in significant levels that would affect the structural stability when the receiving structure is situated at the kerbside and there are discontinuities in the road, such as potholes. A well-maintained road, free of discontinuities will not be a significant source of vibration and even if it were, the IDB drain would substantially reduce the transmission of groundborne vibration from the road into the building structure.</p> <p>The headlights from the lorries would be at a height where any direct light to the dwelling of 10 New Bridge Lane would be fully screened by the acoustic fence at 3m high.</p> <p>The Applicant therefore disagrees that there will be the effects suggested by the IP.</p>



ID	Topic/Para	Response	Applicant Comment
LM03	Odour/Vermin	The smell from stored waste and the possibility of attracting rats will have a huge impact on quality of life.	<p>Odour: The matters raised in relation to potential odour have been raised by other IPs and responded to by the Applicant. For example, see the Applicant's response to RR-079 (Volume 9.2) [REP1-029].</p> <p>In summary, the environmental impacts of the Proposed Development including those that could affect the local community, such as odour, have been assessed and reported in the ES and summarised in the Non-Technical Summary (Volume 6.1) [APP-027]. The Applicant has prepared an Outline Odour Management Plan (Volume 7.11) (Revision 2.0) [REP1-021-112], secured in Requirement 16 of the Draft DCO (Volume 3.1) (Rev 3) [REP-007] which details all sources of odour, control measures, monitoring, including a complaints procedure, and reporting.</p> <p>Pest and vermin control: The matters raised in relation to potential pests and vermin have been raised by other IPs and responded to by the Applicant. For example, see the Applicant's response to REP2-058 [REP3-040].</p> <p>Paragraph 3.5.47 of ES Chapter 3 Description of the Proposed Development (Volume 6.2) [APP-030] sets out the approach to monitoring and controlling pests, insects and vermin.</p>



ID	Topic/Para	Response	Applicant Comment
LM04	Wildlife impacts	Concern that the proposed development will harm wildlife.	<p>The matters raised in relation to impacts on biodiversity have been raised by other IPs and responded to by the Applicant. For example, see the Applicant's response to RR-082 [REP1-029].</p> <p>In summary, ES Chapter 11: Biodiversity (Volume 6.2) [AS-008] provides an assessment of effects on the natural environment including protected sites, habitats and species. No potential negative significant effects have been identified. Mitigation would be secured via the Outline Landscape and Ecology Management Strategy (Figure 3.14) [APP-049] and the Landscape and Ecology Management Plan (Rev 2) secured by Requirement 5, Schedule 2, Draft DCO [REP3-007]. The Applicant is also committed to biodiversity net gain and has prepared a strategy which is updated and submitted at Deadline 5 (ES Chapter 11 Biodiversity Appendix 11M, Volume 6.4 (Rev4)). This states that the Applicant will achieve a minimum 10% net gain. This commitment is secured by the draft DCO Requirement 6 submitted at Deadline 5 as Revision 4.</p>



8. Comments on Deadline 4 submissions from United Kingdom Without Incineration (UKWIN)

Table 8.1 Comments on Deadline 4 submissions from United Kingdom Without Incineration (UKWIN) [REP4-040]– UKWIN's D4 Comments on REP3-031- the Applicant's National Policy Statement Tracker

ID	Topic/Para	Summary of Response	Applicant Comment
REVISED DRAFT EN-1 (MARCH 2023)			
UK01	<p>Compliance with paras. 3.39 and 3.3.40 of EN-1 – avoidance of over-capacity</p> <p>Paragraphs 1 – 14 of REP4-040.</p>	<p>It could be simultaneously true that, at one point in time, there is “insufficient residual waste management capacity available to ensure that our non-recyclable waste can be managed as far up the waste hierarchy as possible” and that proposed capacity which would operate in the future could result in over- capacity. This is because EfW capacity is increasing whilst the quantity of residual waste is falling (and Government measures and targets mean residual waste is expected to fall further).</p> <p>Indeed, there is a significant amount of EfW capacity under construction and ‘in development’, including capacity which has planning consent, and Government proposals anticipate significant falls in residual waste arisings.</p> <p>Even if there was a permanent shortfall in residual waste treatment capacity, and UKWIN</p>	<p>The Applicant has prepared an updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5), which continues to clearly conclude that the Proposed Development will not result in an over- supply of EfW capacity at either the local/ regional level or national level – and is therefore fully compliant with the relevant provisions of NPS EN-1 and EN-3.</p> <p>Furthermore, the updated version of the WFAA (Volume 7.3) (Rev 3) provided at Deadline 5) explicitly considers the extent to which there will be a need for the Proposed Development if current, aspirational Government residual waste reduction targets are met as set out in the Government's May 2023 Environmental Improvement Plan (EIP) – see paragraphs 5.2.21 to 5.2.25. Specifically, Rev 3.0 of the WFAA has considered:</p> <ul style="list-style-type: none"> • The implications of achieving the EIP's interim target (2) of reducing the total mass of residual waste to a level not exceeding 25.5 million tonnes by the beginning of 2028; and



ID	Topic/Para	Summary of Response	Applicant Comment
		<p>does not believe this is the case, that would not justify the approval of 'unlimited' additional capacity in circumstances where that proposed new capacity greatly exceeds that shortfall.</p> <p>The Applicant's WFAAs adopted flawed methodologies and assumptions. Once the Government's various waste targets are taken into account, the proposed Medworth development would create or exacerbate EfW overcapacity at a local, regional and national level, even if now other new incinerators enter construction. The level of overcapacity would be even higher if some of the capacity with is 'in development' but not yet under construction, goes ahead.</p> <p>As such, the Medworth scheme would conflict with paragraphs 3.3.39 and 3.3.40 of EN-1 (March 2023) and their counterparts in EN-3.</p>	<ul style="list-style-type: none"> The implications of achieving the EIPs longer term 'stretch' target of halving residual waste produced per person by 2042 (equating to no more than 287kg per capita). <p>In respect of the first bullet point, the updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5) concludes that should the Government's EIP interim target (2) be achieved, by 2028 there would be a shortfall in residual waste management capacity in England of 3.5 million tonnes.</p> <p>Looking ahead to 2042 – it is concluded that should Government residual waste reduction targets be achieved; it is anticipated that there will be around 17.7 million tonnes of residual waste in England that requires management. Current predictions are that there are 17.9 million tonnes of available capacity in England. However, by 2042, it is inevitable that a large proportion of the existing capacity will be decommissioned and/or require upgrading – particularly the older/ smaller non-R1 compliant facilities (see paragraphs 5.2.24 to 5.2.26 in the updated WFAA). With this in mind, it is considered that even in the event of the EIP stretch target of halving residual waste by 2042 being achieved, there remains a clear need for the modern, CHP enabled, and carbon capture facilitated capacity offered by the Proposed Development.</p>
UK02	Identification of relevant waste management policy context	Pages 45-46 of the Applicant's National Policy Statement Tracker omits consideration of Goal 5 of the EIP and DEFRA's 11 July 2022 statement	The Applicant disagrees with the IP.



ID	Topic/Para	Summary of Response	Applicant Comment
	Paras 22-24 of REP4-040	<p>to Parliament that EfW should not compete with greater waste prevention, re-use or recycling and that proposed new plants must not result in over-capacity of EfW at a local or national level</p> <p>The Medworth proposal goes against these key waste policy statements, not least because of its potential to harm recycling at the top tiers of the waste hierarchy.</p>	<p>The National Policy Statement Tracker Volume 9.18 [REP3-031] references the policy as set out within the Revised Draft NPS EN-1 at paragraphs 3.3.39-3.3.40 and makes reference to the guidance that proposed plants should not compete with greater waste prevention, re-use, or recycling or result in over-capacity of EfW at a national or local level. The Applicant states explicitly that the Proposed Development will not compromise recycling rates as it uses residual waste which it goes on to reference the findings of the WFAA (Volume 7.3) [REP2-009] which concluded that the Proposed Development would not result in over-capacity of EfW treatment at a national or local level. The WFAA has been updated for Deadline 5.</p>
UK03	<p>Achievement of legally binding targets to halve residual waste</p> <p>Paras 16 – 21 of REP4-040</p>	<p>The Applicant fails to comment on one of the most relevant paragraphs of the March 2023 Draft EN-1, i.e, paragraph 4.2.29, which references 13 legally binding targets through the Environment Act 2021. Of particular relevance is the target to halve residual waste per person by 2042 relative to a 2019 base year and the associated interim targets set out in the Environmental Improvement Plan (EIP) to reduce municipal waste by 24% per person by 2027 and to reduce municipal waste by 29% per person by 2027.</p> <p>The fact that the plant would process residual waste does not mean that it could not compromise recycling rates.</p> <p>The EfW capacity proposed at Medworth does not accord with the achievement of the legally</p>	<p>The Applicant disagrees with the IP. The WFAA accounts for relevant and reasonable representations from a range of IPs, including the Environmental Improvement Plan (EIP). Submitted at Deadline 5, the updated WFAA (Rev 3) (Volume 7.3) addresses the EIP at section 5.2.21 to 5.2.26. In addition to this, see the response to UK01 above.</p>



ID	Topic/Para	Summary of Response	Applicant Comment
EN-3 (2011)			
UK04	<p>Achievement of local and national waste management/recycling targets</p> <p>Paras 25-33 of REP4-040</p>	<p>The applicant's assessment of compliance with EN-3 paragraphs 2.5.64 – 2.5.70 is flawed. The Applicant states that 'the Proposed Development would only use residual waste as a fuel source. This is waste that would otherwise be landfilled. EfW moves waste up the waste hierarchy and away from landfill'. However, UKWIN considers that it would make no sense for the Government to have stated in 2.5.70 of EN-3 that the SoS should be satisfied that proposed waste generating stations accord with the waste hierarchy and not prejudice the achievement of local and national waste management targets, if, as the Applicant suggests, all residual waste would otherwise be landfilled.</p> <p>The Applicant's apparent interpretation of Government waste policy is at odds with the SoS's Wheelabrator Kemsley North decision, which found that the project would divert a significant proportion of waste from recycling rather than landfill despite the Kemsley applicant's claim that their proposed incinerator was only intended to treat non-recyclable</p>	<p>In considering the availability of waste at the local (and national) level, the updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5) has focussed on the availability of suitable residual household, industrial and commercial (HIC) waste that is currently managed at the bottom of the waste hierarchy i.e., landfilled. The updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5) also considers the local needs for residual waste management, as set out in extant local planning policies – these are policies which have full cognisance of the need to achieve enhanced waste prevention, recycling and recovery levels. In this way, the local assessment set out in the updated WFAA (Volume 7.3) ((Rev 3) provided at Deadline 5) which concludes a minimum 1.3 million tonnes shortfall in residual waste management capacity in the Study Area, has full regard to the need to treat the management of residual HIC waste further up the waste management hierarchy.</p> <p>In terms of the Government's recently introduced targets to minimise the amount of residual waste generated – the Applicant has had full regard to the achievement of these targets – see the response to UK01 and UK03 above.</p>



ID	Topic/Para	Summary of Response	Applicant Comment
		<p>residual material that would otherwise be landfilled.</p> <p>The Applicant's assumption that feedstock to be treated at Medworth would inevitably otherwise be landfilled is incorrect and out of line with Government policy and thinking. Much of what is currently treated as 'residual waste' is actually recyclable or compostable.</p> <p>The Government has introduced targets to increase recycling and to reduce residual waste because much of the material in the residual waste stream should be reduced, reused or recycled and not either landfilled or sent to EfW. The Medworth development could hamper the achievement of these targets by creating local, regional and/or national EfW overcapacity, diverting from recycling rather than diverting from landfill.</p>	<p>In addition, Requirement 14 of Schedule 2 of the draft DCO (Volume 3.1), Revision 4 submitted at Deadline 5, imposes a binding obligation on the Applicant to comply with the waste hierarchy.</p>
UK05	<p>Achievement of the Waste Hierarchy</p> <p>Paras 34 – 48 of REP4-040</p>	<p>Given the high level of EfW capacity which is currently operational or under construction, it is possible that the new EFW capacity proposed for Medworth would take waste that would otherwise be treated at other EfW facilities, encouraging those other EfW facilities to lower their gate feeds, further undermining the waste hierarchy. Economic viability is a factor that can influence decisions about waste generation and management as acknowledged in DEFRA's Guidance on Applying the Waste Hierarchy. If EfW overcapacity were to impact on the wider</p>	<p>The updated WFAA (Volume 7.3) ((Rev 3)) provided at Deadline 5)– and its previous iterations – is clear. The assessment of fuel availability is based entirely on how much waste can be diverted from landfill (or from being exported for management in Europe). No assumptions are made, or reliance placed upon the extent to which the Proposed Development could divert residual waste from other energy recovery facilities. Furthermore, account is taken of the availability of other (non-EfW) such as co-incineration at cement kilns, mechanical biological treatment capacity and capacity offered by the emerging sustainable aviation fuels market. In this regard, the</p>



ID	Topic/Para	Summary of Response	Applicant Comment
		<p>waste market (through lower EfW gate fees undercutting gate fees at recycling facilities) then the proposed development at Medworth could potentially have an adverse effect on prevention, re-use and/or recycling at local, regional and national levels, once material quality, sorting, collection and extraction costs for recycling are also taken into account.</p> <p>DEFRA's Resources and Waste Strategy Monitoring Report states that a substantial quantity of material appears to be going into the residual waste stream, where it could have at least been recycled or dealt with higher up the waste hierarchy. The Applicant's failure to understand how residual waste might contain recyclable material perhaps explains why their proposal does not include mixed waste sorting and why their WFAAs do not adequately assess the Government's various recycling and waste reduction targets.</p> <p>The Applicant has not provided evidence to demonstrate the proposed development's conformity with the waste hierarchy (including taking account of the effect on the scheme on the relevant waste plans) and the achievement of local or national waste management targets as expected by EN-3.</p>	<p>updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5) – has concluded that within the Study Area, there remains a shortfall of ~1.5 million tonnes of non-landfill HIC residual waste management capacity in the period up to 2035. Nationally, the shortfall equates to ~3.5 million tonnes. Against this backdrop, 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.</p> <p>The Applicant's refers the IP to the; Applicant's comments on Written Representations: Part 2 – Other Interested Parties [REP3-040]. At ID REP2-052, Table 2.1 the Applicant provided the IP with a response to waste need (including waste hierarchy and proximity). The Applicant has also included a new Requirement within Schedule 2 of the draft DCO (Volume 3.1), Revision 4 provided at Deadline 5, that requires 17.5% of the waste to originate from within 75km of the EfW CHP Facility site, and for a minimum of 80% of the waste to originate from within the Study Area identified in the WFAA (Volume 7.3) (Rev 3) submitted at Deadline 5.</p> <p>Concerning the IP's concerns on waste need and proximity; the Applicant refers the IP to the updated WFAA (Volume 7.3) (Rev 3) submitted at Deadline 5.</p> <p>In terms of the IPs concerns that the WFAA does not adequately assess the Government's various recycling and waste reduction targets – see the response to UK01 and UK03.</p>



ID	Topic/Para	Summary of Response	Applicant Comment
REVISED DRAFT EN-3 (MARCH 2023)			
UK06	<p>Compliance with policy on waste prevention, re-use, recycling and avoidance of over-capacity</p> <p>Paras 49 -57 of REP4-040</p>	<p>The Applicant has not directly addressed the issue of compliance with paragraph 3.7.7 of the Revised Draft EN-3 relating to waste prevention, re-use, recycling and avoidance of over-capacity at the national or local levels. The Applicant's assessment also skips over paragraphs 3.7.29 and 3.7.55 of EN-3 which require EfW plants to be 'fit for the future' and place a burden on the applicant to demonstrate that proposals to not result in over-capacity. The Applicant has not carried their burden of proof, a failure which supports the case for refusing the DCO application.</p>	<p>The Applicant disagrees with the IP. The need for the Proposed Development has been demonstrated in the updated WFAA. Submitted at Deadline 5, the updated WFAA (Volume 7.3) (Rev 3) accounts for relevant and reasonable representations from a range of IPs and confirms the need for the Proposed Development to drive residual waste up the waste hierarchy.</p> <p>The Proposed Development is compliant with the Adopted and Revised Draft EN-3. The Applicant refers the IP to the National Policy Statement Tracker [REP3-031] and Planning Statement [APP-091].</p> <p>Concerning EN-3 (Revised Draft, March 2023) paragraph 3.7.7 and 3.7.55 – the WFAA demonstrates the need for the Proposed Development to treat residual waste and does not result in over-capacity.</p> <p>Similarly with regard to Revised Draft EN-3 paragraph 3.7.29, the points raised within that paragraph are repeated in other parts of the NPS (future fitness, that the Proposed Development would not compete with greater waste prevention, re-use or recycling) and are addressed by the NPS Tracker, see response to UK02 above and to Page 80 of the NPS Tracker for example.</p>



ID	Topic/Para	Summary of Response	Applicant Comment
UK07	Compliance with long-term recycling targets Paras 58 – 64 of REP4-040	The Applicant has failed to address paragraph 3.7.45 of EN-3 which requires applicants to demonstrate how their proposal is compatible with and supports long-term recycling targets, taking into account existing capacity already in development. The Applicant's WFAAs fail to adequately assess capacity against arisings and its approach to assessing impact on recycling targets is flawed. The proposal is not compliant with paragraph 3.7.45 of EN-3 and does not support the Government's long-term recycling targets	The Applicant refers the IP to the response at UK06.



Table 8.2 Comments on Deadline 4 submissions from United Kingdom Without Incineration (UKWIN) [REP4-037]– UKWIN's D4 Comments on REP3-040 (the Applicant's comments on the Written Representations: Part 2)

ID	Topic/Para	Response	Applicant Comment
CLIMATE CHANGE			
UK08	Climate Change Spreadsheets Paras 4 – 25 of REP4-037	UKWIN request for the Applicant's climate change modelling data spread sheet to be issued.	The Applicant issued the requested excel spreadsheet to UKWIN and CCC on 25 May 2023.
UK09	Link between NCV/thermal input and MW/MWh output Paras 26 – 43 of REP4-037	UKWIN asserts the EfW CHP Facility would only generate 51MW gross.	<p>The Applicant cannot comment on the alleged (by UKWIN) underperformance of other EfW facilities compared to the capacities stated at their planning and permit applications. In the Applicant's case, its parent company's facility at Devonport achieves electricity outputs in fully condensing mode very close to 100% of the capacity stated at the planning stage. It also operates in combined heat and power mode with similar levels of actual performance.</p> <p>Based on its own operational experience the Applicant considers that 60MWe of electricity generation (with 55MWe output to the grid accounting for parasitic load) for the Medworth EfW CHP Facility is realistic for operation of a modern, efficient EfW facility.</p> <p>Consideration of further variations in waste composition for the sensitivity analysis will be addressed in response to Issue Specific Hearing 4, action point No.7 [EV-059], which will confirm the electricity generating outputs</p>



ID	Topic/Para	Response	Applicant Comment
			<p>associated with variations in NCV and waste throughputs for residual waste. The results of this further analysis will be provided at Deadline 6.</p> <p>Reference is also made to the Applicant's response to UKWIN's comment, UK07 in Deadline 4 Submission – 1 2.3b comments on the Deadline 3 Submissions: Part 2 Other Interested Parties - Rev 1 [REP4-023], where it was highlighted that for the purposes of the Climate Data Appendix the decision to assume a fixed total waste throughput for variations in the composition and NCV of waste being treated was made to ensure the evaluation of GHG emissions for the EfW CHP facility considered the maximum possible throughput of waste, i.e., up to 625,600 tonnes/yr for a worst-case scenario. However, the design allows for variations in NCV and throughput volumes for residual waste, whilst maintaining constant steam production and a consistent gross power production close to 60 MWe throughout. As stated in the ES Chapter 14: Climate Change (Volume 6.2) [APP-041], for UK residual waste the NCV of 9.53 MJ/kg for the core case is within the design range for the EfW CHP Facility, which the firing capacity diagram indicates would be acceptable at a waste throughput of around 608,000 tonnes per annum (equivalent to approximately 38 tonnes/hr (Mg/h) for one operating stream on the firing capacity diagram), which represents a 3% reduction on the maximum throughput volume of 625,600 tonnes per annum.</p> <p>As stated in Deadline 4 Submission – 1 2.3b comments on the Deadline 3 Submissions: Part 2 Other Interested Parties - Rev 1 [REP4-023], the Applicant confirms that the maximum quantity of waste that would</p>



ID	Topic/Para	Response	Applicant Comment
			be treated by the EfW CHP facility is 625,600 per annum, irrespective of potential variations in waste composition.
CONFORMITY WITH GUIDANCE			
UK10	UKWIN's EIA assessment guidance Paras 44 -64 of REP4-037	The Applicant's assessment approach is not in conformity with UKWIN's Good Practice guidance: by not being transparent and open to scrutiny, by only carrying out a limited sensitivity analysis and failing to consider food waste separately and impacts on food and biowaste collection, by ignoring the biogenic carbon that can be sequestered in landfill, by failing to consider real world performance such as generator failure and the potential for sub-optimal operation, by assuming that waste would otherwise be sent untreated to landfill if not managed at the proposed development; and by failing to acknowledge the high carbon intensity of its electricity outputs. If the Applicant had followed the Guidance, then the climate benefits would be much less certain than claimed and that there is a realistic potential for the proposed facility to perform worse than landfill, with respect to climate impacts.	<p>The Applicant notes that UKWIN is an anti-incineration campaign group. In preparing the DCO Application, the Applicant has suitably accommodated relevant adopted Government policy and guidance, see ES Chapter 14 Climate Volume 6.2 [APP-041] Tables 14.1-14.3 and Tables 14.6 and Table 14.8.</p> <p>Reference is made to the Applicant's responses for UK10 and UK30 in Deadline 4 Submission – 1 2.3b comments on the Deadline 3 Submissions: Part 2 Other Interested Parties - Rev 1 [REP4-023], where it is confirmed that established methodologies have been used to determine GHG emissions for the core case presented in the ES Chapter 14: Climate Change (Volume 6.2) [APP-041], and the scenarios presented in the sensitivity analysis (Appendix 14C (Volume 6.4) [APP-088]).</p> <p>As noted in the response above for UK08, in addition to information summarising input data, source references and methodologies provided originally in ES Chapter 14: Climate Change (Volume 6.2) [APP-041] and Appendix 14B (Volume 6.4) [APP-088], the Applicant has now provided the climate change spreadsheets with formulae and internal links directly to UKWIN (at Deadline 4).</p> <p>The original sensitivity analysis accompanying the ES (Appendix 14C (Volume 6.4) [APP-088]) sought to be</p>



ID	Topic/Para	Response	Applicant Comment
			<p>proportionate in terms of the variables contributing to the assessment of greenhouse gas emissions, i.e. waste composition with increased recycling; offsets for UK energy supplies, including UK grid decarbonisation; and implementation of CHP for the EfW CHP facility. However, it is acknowledged that alternative scenarios may be considered, particularly with regard to waste composition, so in response to ISH 4, Action Point No.7 [EV-059], additional scenarios for sensitivity analysis are being discussed and agreed with CCC and results will be provided for Deadline 6.</p> <p>The Applicant has not ignored that biogenic carbon is sequestered by landfill. Reference is made to the Applicant's response to UKWIN's comment UK26 in Deadline 4 Submission – 1 2.3b comments on the Deadline 3 Submissions: Part 2 Other Interested Parties - Rev 1 [REP4-023], where it is confirmed that the exclusion of biogenic carbon is in line with Defra's model⁸ for evaluating sensitivity factors related to CO2 emissions from EfW and landfill.</p> <p>The Applicant considers that operational parameters used in the ES Chapter 14: Climate Change (Volume 6.2) [APP-041], for the Medworth EfW CHP facility are appropriate for a modern, efficient EfW facility, and that waste to be treated by the Medworth EfW CHP facility would be the residual waste that remains after treatment to remove recyclable material (as evidenced by the WFAA (Volume 7.3), with revision 3 submitted at Deadline 5 being the latest version.</p>

⁸ Defra (2014). Energy recovery for residual waste. A carbon based modelling approach.



ID	Topic/Para	Response	Applicant Comment
UK11	IEMA - Consideration of alternatives Paras 65 – 77 of REP4-037	The Applicant has failed to address other potential alternatives that exist for managing the waste instead of incineration, including reduction, re-use and recycling and other possibilities such as pre-treatment prior to landfill or diverting waste to produce Sustainable Aviation Fuel. As a	<p>As referenced in previous responses (Applicant's comments on Written Representations: Part 2 – Other Interested Parties [REP3-040]), it is noted that other forms of electricity generation (such as a modern gas fired power station), may be less carbon intensive than electricity generated by the EfW CHP Facility. However, as the Proposed Development uses residual waste to generate electricity the most appropriate basis for comparison of the net change in GHG emissions compared to a baseline is the use of landfill for disposing of residual waste (as described in Section 14.5 of ES Chapter 14 (Volume 6.2) [APP-041]). This is consistent with the waste hierarchy which encourages the movement of waste treatment away from landfill.</p> <p>It is acknowledged that as a standalone entity the Proposed Development results in net carbon emissions when considering emissions from the EfW combustion processes compared to avoided emissions for energy generated by the EfW CHP Facility. However, the GHG assessment in Section 14.9 of ES Chapter 14: Climate Change (Volume 6.2) [APP-041] indicates a net reduction in emissions in the 'with Proposed Development' scenario compared to a 'without Proposed Development' scenario.</p> <p>The updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5)– and its previous iterations – is clear. The assessment of fuel availability is based entirely on how much waste can be diverted from landfill (or from being exported for management in Europe). No assumptions are made, or reliance placed upon the extent to which the</p>



ID	Topic/Para	Response	Applicant Comment
		<p>consequence the Applicant's assumption that sending waste to landfill is not a 'realistic worst-case baseline' as expected in the IEMA guidance and any claimed carbon saving should be given less weight. The Applicant has not disputed that there are alternative fates and these failures, (including a failure to give credit for biogenic carbon sequestration in landfill) undermine their GHG assessment and compliance with IEMA guidance.</p>	<p>Proposed Development could divert residual waste from other energy recovery facilities. Importantly though, account is taken of the availability of other (non-EfW) such as co-incineration at cement kilns, mechanical biological treatment capacity and capacity offered by the emerging sustainable aviation fuels market. Even taking account of this additional capacity the updated WFAA (Volume 7.3) ((Rev 3) provided at Deadline 5 – has concluded 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.</p> <p>See Applicant's previous response in Table 4.1 of Comments on Written Representations: Part 2 – Other Interested Parties (Volume 11.3) [REP3-040], addressing issues raised by UKWIN with regard to conformity with IEMA guidance, confirming that the approach to quantifying GHG emissions from the construction, operation and decommissioning of the Proposed Development has been undertaken in line with the latest IEMA guidance for assessing GHG emissions⁹ and the infrastructure life-cycle modules set out in PAS 2080: Carbon Management Infrastructure¹⁰.</p> <p>Reference is also made to previous responses regarding the consideration of potential alternatives in Table 4.1 of Applicant's comments on Written Representations: Part 2 – Other Interested Parties [REP3-040], and</p>

⁹ IEMA (2022). Environmental Impact Assessment Guide to: Assessing Greenhouse Gas Emissions and Evaluating their Significance – 2nd Edition.

¹⁰ The Green Construction Board, Construction Leadership Council (2016). PAS 2080:2016 Carbon Management in Infrastructure.



ID	Topic/Para	Response	Applicant Comment
			<p>Table 2.1 of Applicant's comments on the Deadline 3 Submissions: Part 2 Other Interested Parties [REP4-023]. The responses highlight that the Applicant's proposals are to provide an option 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. As set out in the Applicant's Technical Note: Alternative Technology (Volume 12.8) [REP4-027], it is the Applicant's view that pre-treatment/sorting systems, for example, mechanical and biological treatment (MBT) have been shown not to work as intended, and it is most unlikely that they will become more common in years to come. The Technical Note demonstrates that alternative technologies such as gasification have not performed in line with expectations or have operated for a limited period of time, or in the case of MBT, have struggled to meet intended performance targets with outputs requiring further treatment or landfilling. EfW is an established and proven technology which can be adopted and modified to meet increasingly stringent environmental targets (such as CCS).</p> <p>As described in the response for UK01 in Table 2.1 of Applicant's comments on the Deadline 3 Submissions: Part 2 Other Interested Parties [REP4-023], whilst it is acknowledged that there are emerging technologies and initiatives (such as production of Sustainable Aviation Fuel (SAF)) which may contribute to the achievement of future patterns of sustainable waste management, such initiatives are embryonic in stage and yet to be proven. There is a significant question mark over the ability of emerging technology such as that proposed</p>



ID	Topic/Para	Response	Applicant Comment
UK12	Decarbonisation of the electricity grid Paras 78 -83 of REP4-037	The Applicant's approach to accounting for the decarbonisation of the electricity grid is unsatisfactory and goes against the PAS 2080 principles. The Applicant's assumption that new incineration capacity would displace electricity generated through CCGT is out of step with current DEFRA guidance and DECC guidance. The Applicant does not compare their plant against abated CCGT.	<p>to generate SAF to provide capacity to accommodate future residual waste. Furthermore, the use of residual waste to create SAF would not result in the management of that waste being driven further up the waste management hierarchy than use of the waste at the Proposed Development.</p> <p>See Applicant's previous response for UK31 in Table 2.1 of Applicant's comments on the Deadline 3 Submissions: Part 2 Other Interested Parties [REP4-023], where it is confirmed that in the ES 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 Appendix 9.2c (Part 9) [REP1-036]). 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 ktCO₂e to 414 ktCO₂e 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</p>



ID	Topic/Para	Response	Applicant Comment
			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.
UK13	Transparent Assessment Para 84 of REP4-037	The Applicant has not responded to UKWIN's representations regarding the failure to follow aspects of the IEMA and PAS 2080 guidance and has failed to provide a working spreadsheet.	See responses above for UK08 regarding the provision of climate change spreadsheets with formulae and internal links at Deadline 4, and for UK11 regarding conformity with IEMA and PAS 2080 guidance.
UK14	Biogenic carbon sequestration Paras 85 – 90 of REP4-037	The Applicant has misunderstood UKWIN's representation, by maintaining that it has made allowance for non-fossil carbon sequestered in landfill instead of addressing UKWIN's point that sequestered biogenic carbon is not actually emitted as methane nor emitted as biogenic CO ₂ , whereas with incineration, all of the biogenic carbon would be converted to CO ₂ . The Applicant has not appropriately accounted for biogenic CO ₂ on both sides of the equation and has failed to either credit landfill with avoided GHG emissions or penalise EfW for relative net increases in GHG emissions. The Applicant did not make a deduction in relation to the non-fossil carbon that is sequestered in the landfill. If the calculations were adjusted to properly account for this, they would have shown that the GHG impact of landfill is reduced by 171,846 tonnes per annum, making the proposed incinerator significantly worse than landfill in this respect. The Applicant has ignored rather than meaningfully engage on these issues	Please see Applicant's previous responses for UK26 and UK27 in Table 2.1 of Applicant's comments on the Deadline 3 Submissions: Part 2 Other Interested Parties [REP4-023] . The assessment of methane emissions for landfill in ES Chapter 14: Climate Change (Volume 6.2) [APP-041] assumes that rather than all non-fossil (biogenic) carbon being turned into methane, only a proportion of the non-fossil carbon in residual waste is turned into methane. Therefore, allowance has been made for the proportion of non-fossil carbon sequestered in landfill, which has been deducted from the landfill emissions. To clarify, this means that rather than 100% of non-fossil carbon being converted to LFG in a landfill, the methodology has excluded 50% of non-fossil carbon present in residual waste from the calculation of emissions attributable to GHG emissions for landfill. This is in-line with Defra's model ¹¹ for evaluating sensitivity factors related to CO ₂ emissions from EfW and landfill, which assumes a proportion of biogenic carbon in residual waste would be locked away (sequestered) in the landfill. The Defra

¹¹ Defra (2014). Energy recovery for residual waste. A carbon based modelling approach.



ID	Topic/Para	Response	Applicant Comment
		and its assessment approach conflicts with section 5.2 of the IEMA guidance.	model also considers scenarios for EfW where CO2 emissions from biogenic carbon sources are included and excluded, noting that the conventional approach is to exclude biogenic carbon sources from CO2 emissions for EfW. The conventional approach has been adopted in the ES. The Applicant understands that the figure of 171,846 tCO2 per annum relates to the 50% of non-fossil carbon sequestered in landfill. However, as noted above this carbon has been excluded from the calculation of GHG emissions attributable to the generation of LFG for landfill.
UK15	Carbon intensity and impact on decarbonisation of electricity supply Paras 91 – 94 of REP4-037	The Applicant does not dispute UKWIN's calculations which show that the Medworth EfW facility could generate electricity with a carbon intensity of 621 tonnes of fossil CO ₂ e per gigawatt hour of electricity generated. This is a higher level of carbon intensity than unabated CCGT and the current and future grid average, indicated that the Medworth proposal would hamper Government efforts to decarbonise the electricity grid supply. The Applicant has failed to demonstrate that its proposal would not have a significantly higher carbon intensity than other forms of energy production.	Reference is made to the responses above for UK10, and previous responses (Applicant's comments on Written Representations: Part 2 – Other Interested Parties [REP3-040]), where it is noted that other forms of electricity generation (such as a modern gas fired power station), may be less carbon intensive than electricity generated by the EfW CHP facility. However, as the Proposed Development uses residual waste to generate electricity the most appropriate basis for comparison of the net change in GHG emissions compared to a baseline is the use of landfill for disposing of residual waste (as described in Section 14.5 of ES Chapter 14 (Volume 6.2) [APP-041]). It is acknowledged that as a standalone entity the Proposed Development results in net carbon emissions when considering emissions from the EfW combustion processes compared to avoided emissions for energy generated by the EfW CHP Facility. However, the GHG assessment in Section 14.9 of ES Chapter 14: Climate Change (Volume 6.2) [APP-041] indicates a net reduction in emissions in the 'with Proposed



ID	Topic/Para	Response	Applicant Comment
			<p>Development' scenario compared to a 'without Proposed Development' scenario.</p> <p>See also the above response for UK12, which confirms that in the ES 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>
UK16	<p>Climate change benefits</p> <p>Paras 95 – 111 of REP4-037</p>	<p>There is considerable doubt about the Applicant's claimed GHG benefits. The Applicant acknowledges the significant variability in waste composition and that its assessment is predicated on a set of assumptions regarding the potential alternative fate of waste arisings. The GHG benefits are highly sensitive to the assumptions applied and benefits cannot be ascertained with any great certainty. As with the Wheelebrator Kemsley North proposal, claimed GHG benefits should carry little weight. As in the case of ClientEarth, R v Secretary of State for BEIS in the Court of Appeal [REP4-041] the adverse impacts of GHG emissions from a development can be given significant or even decisive weight in the planning balance and are capable of being treated as a freestanding reason for refusal or a contributory reason in combination with other potential adverse impacts, including conflict with</p>	<p>It is recognised that GHG emissions associated with EfW and Landfill are affected by the composition of residual waste. Although there is inevitably uncertainty regarding the future composition of residual waste, this is considered to be a function of the effectiveness of existing waste management systems and policies to achieve recycling targets rather than the assumptions applied. It is therefore appropriate that the sensitivity analysis accompanying the ES (Appendix 14C (Volume 6.4) [APP-088]) evaluates the potential impacts associated with this uncertainty, which as reported indicate that GHG emissions will still be lower in the 'with Proposed Development' case compared to the 'without Proposed Development' case.</p> <p>Variation in waste composition was also recognised at Issue Specific Hearing 4, resulting in Action Point No.7 [EV-059], requesting that further sensitivity analysis is provided. The scenarios are being discussed and agreed</p>



ID	Topic/Para	Response	Applicant Comment
		<p>extant and updated NPSs. The adverse impacts of the proposal outweigh the potential benefits and given that claimed climate benefits and waste need are uncertain and/or unproven, the compelling case in the public interest (the test for compulsory acquisition) has not been demonstrated.</p>	<p>with CCC and results will be provided for Deadline 6. Although this may not remove uncertainty or doubt associated with waste composition and associated GHG emissions, it should broaden the range of scenarios being considered for comparison with the ES Core Case.</p> <p>With regard to the planning balance, the Applicant's position is set out within the Planning Statement (Volume 7.1) [APP-091] Section 5. The Applicant considers that it has adequately demonstrated that the benefits of the Proposed Development outweigh any impacts.</p> <p>The Applicant notes that in <i>R (ClientEarth) v Secretary of State for BEIS</i> the Court of Appeal stated that whilst it was possible in a particular case for GHG emissions to have significant or even decisive weight, how much weight is a matter for the decision maker to resolve. It is also noted that the Court of Appeal held that it was lawful for the Secretary of State to determine that GHG emissions would not have determinative weight in that case and that the weight given to GHG emissions was not as strong as the substantial weight given to the positive benefits of the development, including its contribution to meeting the need case set out in the NPSs.</p>
PLANNING POLICY AND NEED			
UK17	<p>Need for the development</p> <p>Paras 112 – 124 of REP4-037</p>	<p>The Applicant has failed to demonstrate that its development would not result in overcapacity at a local or national level or undermine waste recycling and reduction targets. UKWIN's concerns relate primarily to the Applicant's</p>	<p>The Applicant has prepared an updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5), which continues to clearly conclude that the Proposed Development will not result in an over- supply of EfW capacity at either the local/ regional level or national level – and is therefore</p>



ID	Topic/Para	Response	Applicant Comment
		<p>assessment methodology and misuse of the data sources rather than to the data sources themselves. For example, the Applicant uses Tolvik's Review to estimate future waste arisings but ignores the treatment options for those arising set out in the same report.</p> <p>The Applicant assumes that incineration overcapacity cannot harm recycling, but this is not consistent with Government guidance and other relevant planning decisions, such as Wheelabrator Kemsley North. The Applicant has not assessed how recycleable their intended feedstock would be, given that DEFRA has found that only 8% of residual household municipal waste was difficult to recycle or substitute.</p> <p>Draft Requirement 14 fails to address the planning issues raised by the proposed Medworth capacity or meet the tests of precision, necessity and enforceability.</p> <p>There is a legal basis for the Applicant to demonstrate waste need, to justify compulsory purchase and to satisfy the Secretary of State that the benefits would outweigh the disbenefits. A compelling case for need has not been demonstrated.</p>	<p>fully compliant with the relevant provisions of NPS EN-1 and EN-3.</p> <p>Furthermore, the updated version of the WFAA (Volume 7.3) (Rev 3) provided at Deadline 5) explicitly considers the extent to which there will be a need for the Proposed Development if current, aspirational Government residual waste reduction targets are met as set out in the Government's May 2023 Environmental Improvement Plan (EIP) – see paragraphs 5.2.21 to 5.2.25. Specifically, Rev 3.0 of the WFAA has considered:</p> <ul style="list-style-type: none"> • The implications of achieving the EIP's interim target (2) of reducing the total mass of residual waste to a level not exceeding 25.5 million tonnes by the beginning of 2028; and • The implications of achieving the EIPs longer term 'stretch' target of halving residual waste produced per person by 2042 (equating to no more than 287kg per capita). <p>In respect of the first bullet point, the updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5) concludes that should the Government's EIP interim target (2) be achieved, by 2028 there would be a shortfall in residual waste management capacity in England of 3.5 million tonnes.</p> <p>Looking ahead to 2042 – it is concluded that should Government residual waste reduction targets be achieved; it is anticipated that there will be around 17.7 million tonnes of residual waste in England that requires management. Current predictions are that there are 17.9 million tonnes of available capacity in England. However,</p>



ID	Topic/Para	Response	Applicant Comment
UK18	<p data-bbox="398 906 555 963">Avoidance of overcapacity</p> <p data-bbox="398 1002 629 1054">Paras 125 – 176 of REP4-037</p>	<p data-bbox="719 906 1301 995">UKWIN considers that the Applicant has failed to adequately assess whether or not their proposal is likely to cause or exacerbate EfW overcapacity.</p> <p data-bbox="719 1002 1301 1305">UKWIN considers that the assessment is predicated on assumptions that over-state need and under-state the potential for other management alternatives. It states that the Applicant misunderstands UKWIN's point, that waste assumed available for incineration will also be in demand for other uses in the future and thus there would be less waste available as feedstock for the proposed Medworth incinerator than assumed by the Applicant.</p>	<p data-bbox="1323 341 1998 644">by 2042, it is inevitable that a large proportion of the existing capacity will be decommissioned and/or require upgrading – particularly the older/ smaller non-R1 compliant facilities (see paragraphs 5.2.24 to 5.2.26 in the updated WFAA). With this in mind, it is considered that even in the event of the EIP stretch target of halving residual waste by 2042 being achieved, there remains a clear need for the modern, CHP enabled, and carbon capture facilitated capacity offered by the Proposed Development.</p> <p data-bbox="1323 676 1998 794">In addition, Requirement 14 of Schedule 2 of the draft DCO (Volume 3.1), Revision 4 submitted at Deadline 5, imposes a binding obligation on the Applicant to comply with the waste hierarchy.</p> <p data-bbox="1323 906 1998 1305">See response to UK17 above. In addition to this, (and importantly) it should be noted that account is taken of the availability of other (non-EfW) such as co-incineration at cement kilns, mechanical biological treatment capacity and capacity offered by the emerging sustainable aviation fuels market. Even taking account of this additional capacity the updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5) – has concluded 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.</p>



ID	Topic/Para	Response	Applicant Comment
		<p>UKWIN is critical of the following as regards waste generation/availability: the Applicant using 2018 based ONS population forecasts instead of the lower 2020 based projections; its focus on UK-wide arisings rather than focusing only on England; its assumption that all residual waste would be available for EFW incineration (as a binary choice with landfill) without regard to other competing uses such as the upward trend for conversion into SRF for use in cement kilns and the large scale investment into waste-to-SAF (such as the Altolto Immingham Project and other articles detailed in REP4-037 at para 168) or for MBT or biomass uses (none of which are included in Tolvik's 20.7Mtpa figure); reliance on the Tolvik figure of 20.7Mtpa without taking account of changes in the composition that impacts on calorific values.</p> <p>UKWIN is critical of the applicant's approach regarding treatment capacity, including: its assumptions that the closure of older EfW facilities is inevitable (some plants, such as Edmonton, can operate more than 50 years and several existing non-R1 plants have plans in place to secure Environment Agency certification); and insufficient regard to new facilities in the pipeline as Tolvik's 20.7MTPA figure does not include all capacity currently in development (such as at Boston and North Lincolnshire).</p>	<p>The updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5) applies the full 2018 ONS data to predict population levels, rather than the interim 2020. Should the 2020 interim results be applied, this reduces predicted residual waste levels from 17.7 million tonnes (as set out in the updated WFAA) to 17.2 million tonnes (based up a 2042 population of 59,997,119). Regardless of this, the conclusions of the updated WFAA (Volume 7.3) (Rev 3) 0 provided at Deadline 5) remain valid – although predicted national capacity in 2027 is 17.9 million tonnes (as predicted by Tolvik in 2023), inevitably by 2042, a large proportion of the existing capacity will be aging and may have been decommissioned - indeed, the 10 oldest facilities will all be over 40 years old by 2042 and account for 3.2 million tonnes of existing capacity.</p> <p>Moreover, the Applicant draws the IP's attention to the fact that the updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5) includes an England only (rather than UK wide) national assessment.</p>



ID	Topic/Para	Response	Applicant Comment
UK19	<p>Recycling and the circular economy</p> <p>Paras 177 – 192 of REP4-037</p>	<p>The Applicant understates the impacts of future recycling targets, it refers to a 55-60% recycling rate, whereas the UK Government's Waste Management Plan for England adopts a 65% target for municipal waste by 2035 and a 70-75% target for HIC in the May 2022 Environmental Targets. To meet the Government's waste reduction target will involve increasing recycling and reducing waste per capita, both of which will reduce the quantities of residual waste available for use as fuel. The Applicant fails by overstating future waste arisings and understating the impacts of future recycling. This is then compounded by the Applicant overstating how much of these arising would be available as fuel, and how much of this fuel would be available for EfW. It is shocking that the Applicant's needs case is premised on diverting waste from landfill, when, by its own admission, it does not know how much of the waste going to landfill could have been recycled. DEFRA has found that 80% of the residual municipal waste stream was readily recyclable with current technologies or technologies in development and only 8% was difficult to recycle or substitute.</p> <p>Reducing the amount of plastic in incinerator feedstock can increase the effective capacity of UK incinerators by 21-31%, which has an impact on the calorific value of waste and hence the operational capacity of incinerators.</p>	<p>Sections 5.2.2 to 5.2.20 of the updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5) provides detailed justification for the assumed recycling rates adopted. Importantly, the scenario adopted (55% household waste recycled by 2030; 65% of municipal waste recycled by 2030; and a combined recycling rate of 60% by 2030) aligns most closely with extant Government policy. Notably:</p> <ul style="list-style-type: none"> • The scenario adopts a combined household and municipal waste target of 60% by 2030 – extant Government policy requires 65% recycling for municipal waste 5 years after this date (by 2035). • The scenario sits well with the provisions of the recently published Environmental Improvement Plan (EIP) 2023, which seeks the total mass of residual waste in the UK not exceeding 25.5 million tonnes by the beginning of 2028 (the median scenario predicts UK residual waste in 2030 to be 24.5).



ID	Topic/Para	Response	Applicant Comment
UK20	Recyclability of residual waste Paras 193 – 194 of REP4-037	The Applicant claims that it is only targeting waste that is currently landfilled. Even if true, the point is that much of this material could be recycled or composted and should be treated as such instead of being viewed as potential incinerator feedstock.	Refer to Applicant's response to UK04 and UK05 above.
UK21	Incineration diverting from recycling Paras 195 – 200 of REP4-037	The Applicant appears to have acknowledged on page 110 of its Deadline 3 submission [REP3-040] that EfW is capable of harming recycling at a local level, when commenting on the Wheelabrator Kemsley North proposal. This highlights that EWC codes and DCO requirements cannot be relied upon to sidestep the need to consider whether or not a development might result in harm to recycling.	This conclusion of the IP is misleading. REP3-040 (page 109-110) simply notes the findings of the ExA at the Wheelabrator Kemsley North project. The Applicant robustly maintains that reliance that can be placed on EWC codes as a means of ensuring application of the waste hierarchy.



Table 8.3 Comments on Deadline 4 submissions from United Kingdom Without Incineration (UKWIN) – D4 Post-Hearing Submission Including Summary of UKWIN's ISH3 Oral submissions [REP4-038]

ID	Topic/Para	Response	Applicant Comment
WASTE MATTERS, SIZE AND NEED			
UK22	Incinerator Bottom Ash Aggregate terminology Para 5 of REP4-038	The use of incinerator bottom ash (IBA) as aggregate is not correctly defined as 'recycling', as it does not contribute to the achievement of the Government's recycling targets.	The Government's recycling targets are focussed upon the recycling of household and municipal waste. There are no established targets for the recycling of commercial / industrial waste – the waste stream that IBA sits within. However, although there is no established Government target, the re-use of IBA remains a valid (and sustainable) means of obtaining value from a material that would otherwise be landfilled.
UK23	Cement kilns & May 23 Tolvik Report Paras 6 – 15 of REP4-038	<p>There has been an increase in the use of residual waste to power cement kilns. As each tonne of SRF (used to power cement kilns) requires more than one raw tonnage (due to moisture loss), this means that the 493,000 tonnes of SRF used to power cement kilns (identified in the Tolvik report) could have represented more than 650,000 tonnes of residual waste that would not have been available for use as incinerator feedstock.</p> <p>UKWIN consider that the Applicant has not properly accounted for the use of processed waste in the WFAA methodology. It points out that the Applicant has relied on the 19.4MT figure in the 2022 Tolvik report, but the information on co-incineration and cement kilns was not included in Appendix 1 as the Applicant appears to have presumed, but listed separately on Figure 39.</p>	<p>The updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5) includes full consideration of co-incineration at cement kilns – see sections 5.2.32 to 5.2.35 of the WFAA.</p> <p>This concludes that it is not considered that potential capacity offered by co-incineration of residual waste at cement kilns represent a credible or better alternative to the Proposed Development. In any case, even if the 0.5 million tonnes worth of national capacity (and the ~45,000 tonnes of capacity offered by the only cement works in the Study Area) was included in this assessment, the amount of waste that could be handled via co-incineration is so limited that existing and predicted shortfalls in HIC residual waste management capacity remain well in excess of the capacity offered by the Proposed Development</p>



ID	Topic/Para	Response	Applicant Comment
UK24	Sourcing of feedstock Paras 16 -17 of REP4-038	Displacing capacity at rival incinerators, such as Rivenhall in Essex, can hardly be treated as a benefit of the Scheme, as it may force competitors to source their waste from further afield and/or narrow the range of materials considered economic to recycle so as to maintain incinerator feedstock.	The updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5)– and its previous iterations – is clear. The assessment of fuel availability is based entirely on how much waste can be diverted from landfill (or from being exported for management in Europe). No assumptions are made, or reliance placed upon the extent to which the Proposed Development could divert residual waste from other energy recovery facilities. Furthermore, account is taken of the availability of other (non-EfW) such as co-incineration at cement kilns, mechanical biological treatment capacity and capacity offered by the emerging sustainable aviation fuels market. In this regard, the updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5) – has concluded that within the Study Area, there remains a shortfall of ~1.5 million tonnes of non-landfill HIC residual waste management capacity in the period up to 2035. Nationally, the shortfall equates to ~3.5 million tonnes. Against this backdrop, 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.
UK25	Tolvik's 2030 Market Review Paras 18 -24 of REP4-038	The Applicant's claim that Tolvik's 2017 scenario for 2030 aligns with the Government's 65% recycling target is erroneous. This is because the Government's Environmental Targets Public Consultation document of May 2022 states that to meet the target to halve	See UK18 and UK19 and above.



ID	Topic/Para	Response	Applicant Comment
UK26	Achievement of 2042 target	<p>residual waste will require progress beyond the current commitment to achieve a 65% municipal recycling rate by 2035 and would represent a municipal recycling rate of around 70-75% by 2042. Page 30 of the Environmental Targets Consultation document also states that the 'proposed target level is based on modelling the collective impacts of the planned Collection and Packaging Reforms (CPR) on residual waste, as well as considering potential future pathways. These could include policies to separate more waste materials for recycling and to divert waste from residual waste treatment'.</p> <p>The Tolvik report's 2017 scenarios for 2030 are also premised on an assumption of significant increases in waste arisings rather than on the Government's intended reduction in waste arisings, announced post Tolvik's study.</p> <p>Furthermore, Tolvik's 2017 assessment also looked at waste treatment capacity and considered non-incineration capacity, which the Applicant did not.</p> <p>The fact that the Applicant is using the residual waste from Tolvik's work but ignoring the treatment capacity from that works highlights the inconsistency of the Applicant's approach, which is far from the 'worst case scenario' it claims.</p>	The Applicant has prepared an updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5), which continues to



ID	Topic/Para	Response	Applicant Comment
	Paras 25-30 of REP4-038	<p>need to be significantly reducing to meet the Government's target. The Applicant has taken the view that if there is a need in 2042 there is no value in considering intervening years. UKWIN does not endorse this approach or speculation as to the decommissioning of older plants by 2042. The intervening years should be assessed because there would be years prior to 2042 when plants would remain operational and other plants coming into operation that are in the development pipeline. Evidence of operators' intentions to decommission currently operational EfW facilities is required.</p> <p>The Applicant's assessment of 2042 waste also fails to adequately consider how a significant proportion of the residual waste stream is not suitable for incineration.</p>	<p>clearly conclude that the Proposed Development will not result in an over- supply of EfW capacity at either the local/ regional level or national level – and is therefore fully compliant with the relevant provisions of NPS EN-1 and EN-3.</p> <p>Furthermore, the updated version of the WFAA (Volume 7.3) (Rev 3) provided at Deadline 5) explicitly considers the extent to which there will be a need for the Proposed Development if current, aspirational Government residual waste reduction targets are met as set out in the Government's May 2023 Environmental Improvement Plan (EIP) – see paragraphs 5.2.21 to 5.2.25. Specifically, Rev 3.0 of the WFAA has considered:</p> <ul style="list-style-type: none"> • The implications of achieving the EIP's interim target (2) of reducing the total mass of residual waste to a level not exceeding 25.5 million tonnes by the beginning of 2028; and • The implications of achieving the EIPs longer term 'stretch' target of halving residual waste produced per person by 2042 (equating to no more than 287kg per capita). <p>In respect of the first bullet point, the updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5) concludes that should the Government's EIP interim target (2) be achieved, by 2028 there would be a shortfall in residual waste management capacity in England of 3.5 million tonnes.</p> <p>Looking ahead to 2042 – it is concluded that should Government residual waste reduction targets be</p>



ID	Topic/Para	Response	Applicant Comment
			<p>achieved; it is anticipated that there will be around 17.7 million tonnes of residual waste in England that requires management. Current predictions are that there are 17.9 million tonnes of available capacity in England. However, by 2042, it is inevitable that a large proportion of the existing capacity will be decommissioned and/or require upgrading – particularly the older/ smaller non-R1 compliant facilities (see paragraphs 5.2.24 to 5.2.26 in the updated WFAA). With this in mind, it is considered that even in the event of the EIP stretch target of halving residual waste by 2042 being achieved, there remains a clear need for the modern, CHP enabled, and carbon capture facilitated capacity offered by the Proposed Development.</p>
UK27	<p>Summary of UKWIN's Evidence on size and lack of need</p> <p>Paras 31 -58 of REP4-038</p>	<p>The Applicant has overstated the need for the proposed capacity and understated its potential adverse impacts. Allowing the Medworth proposal to go ahead would result in EfW overcapacity, contrary to policy in EN-1 and EN-3 (and associated updates), which acknowledge the potential for EfW to compete with recycling, the role of the planning system in guarding against this and the requirement for applicants to demonstrate need and take account of legally binding targets on waste reduction.</p> <p>A large proportion of the current residual waste stream is recyclable, so there is no need for more capacity to divert from landfill to incineration, instead emphasis should be on diverting waste from both landfill and incineration towards</p>	<p>NPS EN-1 paragraph 3.4.3 bullet point 4 states that:</p> <p><i>Only waste that cannot be re-used or recycled with less environmental impact and would otherwise go to landfill should be used for energy recovery.</i></p> <p>The Applicant understands the policy referenced above and considers that the Proposed Development is entirely consistent with it.</p> <p>Compliance with the waste hierarchy is further secured by Requirement 14 of the draft DCO (Volume 3.1), Revision 4 provided at Deadline 5. This is based on the precedent of the Riverside Energy Park Order 2020 where the Secretary of State was satisfied that such a requirement, in conjunction with the terms of the Environmental Permit,</p>



ID	Topic/Para	Response	Applicant Comment
		<p>reduction, reuse and recycling. The Government's waste and recycling strategy are intended to reduce the amount of waste being treated at EfW plants and the anticipated reductions in residual waste arisings are expected to free up capacity at existing incinerators.</p> <p>The Applicant has failed to adequately consider the Government's Environmental Improvement Plan (EIP) and Jet Zero Strategy on the production of sustainable aviation fuel (SAF). The WFAA fails to account for co-incineration capacity or to consider residual treatment capacity other than through incineration. It downplays Tolvik's high recycling scenario and the fact that Tolvik's analysis was premised on significant future growth in waste arisings, which has been overtaken by events. Historic rates of landfill and RDF export do not mean that the same levels of waste would still be produced in the future, nor that the material would not be recycled or composted, nor that material would be suitable or available for incineration. The WFAA does not reflect that the average amount of domestic incineration capacity in 2020 is significantly below the level of incineration which is now operational or under construction.</p> <p>The Applicant has also failed to consider the impact of changes in waste composition on waste processing capacity, with anticipated reductions in plastic in the residual waste stream potentially significantly increasing the quantity of waste</p>	<p>would ensure that the development was wholly in compliance with the waste hierarchy.</p> <p>Furthermore, the updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5)– and its previous iterations – is clear. The assessment of fuel availability is based entirely on how much waste can be diverted from landfill (or from being exported for management in Europe). No assumptions are made, or reliance placed upon the extent to which the Proposed Development could divert residual waste from other energy recovery facilities. Importantly though, account is taken of the availability of other (non-EfW) such as co-incineration at cement kilns, mechanical biological treatment capacity and capacity offered by the emerging sustainable aviation fuels market. Even taking account of this additional capacity the updated WFAA (Volume 7.3) (Rev 3) provided at Deadline 5) – has concluded 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.</p> <p>Finally, in terms of compliance with the Government's recycling and Environmental Improvement Plan 2023 residual waste targets – see UK18, UK19 and UK26 above.</p>



ID	Topic/Para	Response	Applicant Comment
		<p>capable of being processed at existing English incinerators.</p> <p>The Applicant is overly reliant on Requirement 14 of the draft DCO, the Waste Regulations 2011 and the EWC Codes to protect the waste hierarchy, but none of these can ensure that local, regional or national EfW overcapacity would not adversely impact on the top tiers of the waste hierarchy.</p>	
RELEVANT PLANNING POLICY			
UK28	<p>Requirement 14 of dDCO</p> <p>Paras 60 – 71 of REP4-038</p>	<p>Requirement 14 is intended to secure compliance with the Waste Hierarchy, but a similar DCO requirement for an NSIP in North Lincolnshire was held not to meet the tests of precision, necessity, or enforceability. These same criticisms apply to the Medworth DCO and there is no enforceable form of wording that would ensure compliance with the Waste Hierarchy. The Applicant relies on the precedent in the Cory Riverside expansion scheme, but the decision for North Lincolnshire took Cory Riverside into account, including information not available to the Secretary of State when determining the Riverside NSIP in April 2020. Circumstances have changed since the Riverside NSIP was approved, including publication of the Government's Waste Management Plan for England, proposed changes to EN-1 and EN-3, Government statements about the importance of avoiding EfW overcapacity made in July 2022, the</p>	<p>Please refer to the response to DCO.2.5 in the Applicant's Response to the ExA's Written Questions ExQ2, Volume 14.2, provided at Deadline 5.</p>



ID	Topic/Para	Response	Applicant Comment
UK29	<p>EN-3 policy to avoid overcapacity and harm to recycling</p> <p>Paras 72 – 76 of REP4-038</p>	<p>EN-3 and the draft update to EN-3 imply that the Government's position is that too much EfW capacity could in some circumstances harm or compete with recycling and/or could be of an inappropriate type or scale and so prejudice the achievement of waste management targets. The Applicant appears not to understand these policies. It declares that their proposal is compliant but has declined to provide illustrative examples of how excessive or inappropriate EfW capacity could harm or compete with greater recycling and prejudice the achievement of waste management targets.</p>	<p>The Applicant disagrees with the IP's interpretation of EN3 and Revised Draft EN3. The Applicant must demonstrate that the Proposed Development will not compete with greater waste prevention, re-use or recycling, or result in over-capacity of EfW waste treatment at a national or local level. The WFAA which has been updated for Deadline 5 continues to demonstrate that there is capacity in the amount of residual waste generated within the study area and nationally. This is waste that is left over following recycling and/or re-use.</p>



Table 8.4 Comments on Deadline 4 submissions from United Kingdom Without Incineration (UKWIN) – D4 Post-Hearing Submission Including Summary of UKWIN's ISH4 Oral Submissions [REP4-042]

ID	Topic/Para	Response	Applicant Comment
CLIMATE CHANGE, INCLUDING CARBON MITIGATION AND CARBON CAPTURE			
UK30	Permitting requirements Paras 5 – 7 of REP4-042	The Applicant seems to have implied that the Environment Agency would require carbon capture and storage as part of the permitting regime. The ExA should not assume that the EA would require either the demonstration of Decarbonisation Readiness or the delivery of carbon capture and storage as part of the permitting regime. The Applicant has confirmed that there are currently no regulatory requirements for carbon capture and storage within the context of the EA's permitting regime.	The Applicant refers the IP to further information on their carbon capture readiness position submitted in response ID CC50 in the Applicant's comments on Deadline 2 submissions [REP3-042] . Submitted at Deadline 5, Section 3.0 of the Technical Note Combined Heat and Power and Carbon Capture Delivery Readiness (Volume 14.7) summarises the 3 steps to ensure the EfW CHP Facility is implemented to enable carbon capture.
UK31	Applicant's spreadsheets Paras 8 - 10 of REP4-042	UKWIN point to the sharing of carbon calculation spreadsheets at other planning inquiries but that the Applicant for the Medworth scheme has not provided an unlocked copy of spreadsheets complete with formulae.	The Applicant has issued the requested excel spreadsheet to UKWIN and CCC on 25 May 2023, as confirmed in the response at UK08.
UK32	Waste composition Paras 11 – 14 of REP4-042	UKWIN's Good Practice Guidance (July 2021) appended to REP1-096] establishes the importance of considering changes in waste composition. The Applicant has assessed the impact of biogenic carbon increasing from their core case by around 17 percentage points, but has not assessed an equivalent reduction (to around 40%) to show the impact in the other direction.	The Applicant refers to the response at UK10. Consideration of further variations in waste composition for the sensitivity analysis will be addressed in response to Issue Specific Hearing 4, action point No.7 [EV-059] . Results will be presented at Deadline 6.



ID	Topic/Para	Response	Applicant Comment
UK33	Biogenic carbon sequestration in landfill Paras 15 – 23 of REP4-042	The Applicant, despite their claims, did not make a deduction in relation to the non-fossil carbon which is sequestered in the landfill. This means that the comparative analysis of the carbon performance of the Medworth proposal relative to landfill does not properly account for this. UKWIN consider that if this figure were to be taken into account, the GHG of landfill would be reduced by 171,846 tonnes of CO2 per annum and the Medworth proposal would be significantly worse than landfill with respect to GHG performance. Despite having responded to alternative calculations in its Deadline 3 submission [REP3-040], the Applicant stated at ISH3 that it was not sufficiently familiar with the numbers or methodology used in Stephen Barclay's evidence [REP2-064]. The Applicant asked UKWIN to provide our question about biogenic carbon sequestration in landfill to them in writing as part of our D4 submission, and an agreed action undertaken by the Applicant was that they would respond.	The Applicant has not been able to identify a clear question on biogenic carbon sequestration within the submissions from UKWIN. However, it understands that UKWIN are asking whether or not the Applicant disputes the methodology provided in REP2-064, and whether a revised calculation would result in significant adverse effects. The Applicant refers to its response above to UK14 in Table 8.2 regarding the Applicant's approach to accounting for carbon sequestration in landfill based on standard methodologies. The Applicant does not consider that there would be significant adverse effects.

