Medworth Energy from Waste
Combined Heat and Power Facility

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Applicant's response to ISH3 Action Point 10: Position Statement on Site Selection and Alternatives

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Executive Summary

The Applicant has prepared this position statement in response to the ExA's ISH3 Action Point 10. The purpose of this statement is to identify legislation and national policy relevant to the site selection process and the consideration of alternatives and to identify where such legislative requirements and policy have been addressed within the DCO application documentation.

The Applicant's key document regarding site selection and alternatives is ES Chapter 2 Alternatives (Volume 6.2) [APP-029] which is supported by figures and appendices. The chapter establishes the key policy tests and then explains the site selection process and reasonable alternatives considered by the Applicant, which are relevant to the Proposed Development and its specific characteristics, including an indication of the main reasons for the selection of the option chosen. Beginning with site selection process it explains the essential and preferable siting criteria used by the Applicant to identify the EfW CHP Facility Site. The Applicant's siting criteria are consistent with national policy guidance provided within NPS EN-3 and the Draft NPS EN-3 (March 2023).

Further details on the consideration of alternative technologies are set out in the Technical Note: Alternative Technology (Volume 12.8) [REP4-027].

National policy identifies certain technology or environmentally specific areas where additional consideration of alternatives may be required. With regard to the Proposed Development these include the use of the sequential test in relation to flood risk. The Applicant undertook a sequential test, which included consideration of and discounted alternative sites.

In certain circumstances national policy requires a consideration of alternatives in relation to biodiversity, particularly concerning European Protected Sites. In this case, the nature and location of the Proposed Development is such that the Applicant was able to screen out the need for a habitats regulations assessment and it was not necessary to consider alternative solutions.

National policy identifies certain technology or environmentally specific areas where additional consideration of alternatives may be required. With regard to the Proposed Development these include, but are not necessarily restricted to the use of the sequential test (in relation to flood risk) and in certain circumstances the potential to require a consideration of alternatives in relation to biodiversity, particularly concerning European Protected Sites.

The Applicant undertook a sequential test (which included consideration of alternative sites) and concluded that the nature and location of the Proposed Development is such that it was able to screen out the need for a habitats regulations assessment.

The Applicant has complied with the guidance related to compulsory acquisition.

This position statement demonstrates that the Applicant's approach to site selection and the consideration of alternatives is consistent with applicable legislation, national policy and guidance.

Contents

1. Introduction

1.1 Overview of the Proposed Development

1.1.1 Medworth CHP Limited (the Applicant) is applying to the Secretary of State (SoS) for a Development Consent Order (DCO) to construct operate and maintain an Energy from Waste (EfW) Combined Heat and Power (CHP) Facility on the industrial estate, Algores Way, Wisbech, Cambridgeshire. Together with associated Grid Connection, CHP Connection, Access Improvements, Water Connections, and Temporary Construction Compound (TCC), these works are the Proposed Development.

1.1.2 The Proposed Development will recover useful energy in the form of electricity and steam from 625,600 tonnes of non-recyclable (residual), non-hazardous Municipal and Commercial and Industrial waste each year. Generating over 50 megawatts, the electricity will be exported to the grid. The EfW CHP Facility will have the capability to export steam and electricity to users on the surrounding industrial estate.

1.1.3 The Proposed Development is a Nationally Significant Infrastructure Project (NSIP) under Part 3 Section 14 of the Planning Act 2008 (hereafter referred to as the '2008 Act') by virtue of the fact that the generating station is located in England and has a generating capacity of over 50 megawatts (see section 15(2) of the 2008 Act). It, therefore, requires an application to be submitted for a DCO.

1.2 The Applicant and the project team

1.2.1 The Applicant is a wholly owned subsidiary of MVV Environment Limited (MVV). MVV is part of the MVV Energie AG group of companies. MVV Energie AG is one of Germany's leading energy companies, employing approx. 6,500 people with assets of around €5 billion and annual sales of around €4.1 billion. The Proposed Development represents an investment of approximately £450m.

1.2.2 The company has over 50-years' experience in constructing, operating, and maintaining EfW CHP facilities in Germany and the UK. MVV Energie's portfolio includes a 700,000 tonnes per annum residual EfW CHP facility in Mannheim, Germany.

1.2.3 MVV Energie has a growth strategy to be carbon neutral by 2040 and thereafter carbon negative, i.e., climate positive. Specifically, MVV Energie intends to:

- reduce its direct carbon dioxide (CO_2) emissions by over 80% by 2030 compared to 2018;
- reduce its indirect CO_2 emissions by 82% compared to 2018;
- be climate neutral by 2040; and
- be climate positive from 2040.

1.2.4 MVV's UK business retains the overall group ethos of 'belonging' to the communities it serves whilst benefitting from over 50 years' experience gained by its German sister companies.

1.2.5 MVV's largest project in the UK is the Devonport EfW CHP Facility in Plymouth. Since 2015, this modern and efficient facility has been using around 265,000 tonnes of municipal, commercial and industrial residual waste per year to generate electricity and heat, notably for Her Majesty's Naval Base Devonport in Plymouth, and exporting electricity to the grid.

1.2.6 In Dundee, MVV has taken over the existing Baldovie EfW Facility and has developed a new, modern facility alongside the existing facility. Operating from 2021, it uses up to 220,000 tonnes of municipal, commercial and industrial waste each year as fuel for the generation of usable energy.

1.2.7 Biomass is another key focus of MVV's activities in the UK market. The biomass power plant at Ridham Dock, Kent, uses up to 195,000 tonnes of waste and non-recyclable wood per year to generate green electricity and is capable of exporting heat.

1.3 The Proposed Development

1.3.1 The Proposed Development comprises the following key elements:

- The EfW CHP Facility;
- CHP Connection;
- Temporary Construction Compound (TCC);
- Access Improvements;
- Water Connections; and
- Grid Connection.

1.3.2 A summary description of each Proposed Development element is provided below. A more detailed description is provided in **ES Chapter 3: Description of the Proposed Development (Volume 6.2)** of the ES. A list of terms and abbreviations can be found in **Chapter 1 Introduction, Appendix 1F Terms and Abbreviations (Volume 6.4)**.

- EfW CHP Facility Site: A site of approximately 5.3ha located south-west of Wisbech, located within the administrative areas of Fenland District Council and Cambridgeshire County Council. The main buildings of the EfW CHP Facility would be located in the area to the north of the Hundred of Wisbech Internal Drainage Board (HWIDB) drain bisecting the site and would house many development elements including the tipping hall, waste bunkers, boiler house, turbine hall, air cooled condenser, air pollution control building, chimneys and administration building. The gatehouse, weighbridges, 132kV switching compound and laydown maintenance area would be located in the southern section of the EfW CHP Facility Site.

- CHP Connection: The EfW CHP Facility would be designed to allow the export of steam and electricity from the facility to surrounding business users via dedicated pipelines and private wire cables located along the disused March to Wisbech railway. The pipeline and cables would be located on a raised, steel structure.
- TCC: Located adjacent to the EfW CHP Facility Site, the compound would be used to support the construction of the Proposed Development. The compound would be in place for the duration of construction.
- Access Improvements: includes access improvements on New Bridge Lane (road widening and site access) and Algores Way (relocation of site access 20m to the south).
- Water Connections: A new water main connecting the EfW CHP Facility into the local network will run underground from the EfW CHP Facility Site along New Bridge Lane before crossing underneath the A47 (open cut trenching or horizontal directional drilling (HDD)) to join an existing Anglian Water main. An additional foul sewer connection is required to an existing pumping station operated by Anglian Water located to the northeast of the Algores Way site entrance and into the EfW CHP Facility Site.
- Grid Connection: This comprises a 132kV electrical connection using underground cables. The Grid Connection route begins at the 132kV switching compound in the EfW CHP Facility Site and runs underneath New Bridge Lane, before heading north within the verge of the A47 to the Walsoken Substation on Broadend Road. From this point the cable would be connected underground to the Walsoken DNO Substation.

1.4 Purpose and Structure of this Document

1.4.1 This document is a position statement on alternatives and it has been written in response to the ExA's ISH3 Action Point 10. Its' role is to identify the relevant policy and legislative tests which require or guide the consideration of alternatives. This document provides a summary of the Applicant's response to the tests but it does not seek to add to the information that is already before the ExA, most importantly, the Environmental Statement.

1.4.2 The position statement begins at Section 2 with the matter of site selection and focuses upon the reason why the site was selected and how this selection was guided by the relevant policy and legislation. This section also addresses the issue of alternative technologies for dealing with residual waste, further detail on which was provided by the Applicant within its Deadline 4 submission, **Technical Note: Alternative Technology (Volume 12.8) [REP4-027].**

1.4.3 Section 3 considers the Grid Connection and in particular the alternative locations for the point of connection, the alternative technological choices considered and the reasons for selection.

1.4.4 The position statement concludes with Section 4.

2. Site Selection

2.1 Introduction

2.1.1 The Applicant's approach to site selection is set out within **ES Chapter 2 Alternatives (Volume 6.2) [APP-029].** This chapter establishes the relevant legislative requirements and national policy guidance in relation site selection and consideration of alternatives as well as the level of detail to be provided and advice to the decision-maker on the weight to be given to the availability or otherwise of other, potential alternatives.

2.2 MVV market experience

2.2.1 The Applicant has previously explained at ISH1 **(Written summary of the Applicant's Oral Submission at ISH1 (Volume 9.23) [REP1-057])** how it has been aware of the EfW CHP Facility Site for a number of years and, at the same time, the opportunities presented by other sites in the region (and elsewhere across the UK). As part of its 'normal course of business' operations, MVV is constantly monitoring the market for residual waste and the opportunities that might be available to move its treatment higher up the waste hierarchy and away from landfill.

2.2.2 Within Cambridgeshire and Norfolk, the Applicant has long been aware of EfW proposals at sites such as Rivenhall and Peterborough Green Energy (PGEL). However, as explained at ISH1 and ISH3 (see **Written summary of the Applicant's Oral Submissions at ISH3 (Volume 12.2a) [REP4-019],** the PGEL site was not available as it was owned by another developer and whilst it has planning consent, this is for a type of facility that differs to that which the Applicant would wish to develop. Furthermore, the Applicant was and remains of the opinion that there is an insufficient potential market for CHP at PGEL.

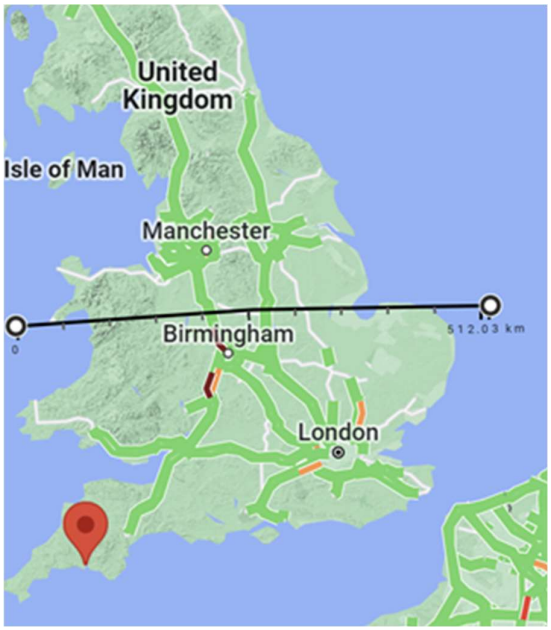
2.2.3 The Rivenhall site is currently in the process of commissioning. Located in Essex the Applicant was aware of the proposals to develop the site, but it was already in the ownership of a different developer and as such, not available to the Applicant. Furthermore, the Applicant does not consider the additional facilities that are required to operate at the site to be commercially viable. A third site, Saddlebow, Kings Lynn was refused planning permission for an EfW facility and therefore considered to be inappropriate for a similar type of facility that would have been proposed by the Applicant. The Applicant was also aware that Cambridgeshire County Council had refused an application for the Waterbeach EfW, which was also refused by the Secretary of State on appeal, primarily on heritage grounds.

2.2.4 In 2017, the owner of the EfW CHP Facility Site concluded that the Applicant was the right partner to move forward with to develop an EfW facility. Mr Carey, Project Director at MVV and the Applicant, explained that negotiations continued into 2019, when the option agreement was entered into. Mr Carey emphasised in his oral submissions at ISH1 and ISH3 that, based on his extensive knowledge and experience of the waste management industry, that he was confident there was no

better alternative to the EfW CHP Facility Site for an EfW CHP facility in the East of England.

2.2.5 Given MVV's overarching business strategy to develop high efficiency EfW CHP facilities, for the last 10 years it has concentrated its search focus for sites with potential heat demand on that part of the UK below a line broadly stretching east-west through Derby/Nottingham as it considers that this area has sufficient residual waste available that could be treated further up the waste hierarchy. The EfW CHP Facility Site is located near to sufficient potential heat demand and below the line of search.

Graphic 3.1: MVV Indicative Area of Search



Technology

2.2.6 At ISH3 **(Written Summary of the Applicant's Oral Submissions at ISH3, (Volume 12.2a) [REP4-019]** Mr Carey explained that the Applicant's parent companies in Germany have a wealth of experience of alternative waste treatment technologies and have kept abreast of developments over the last 60 years. The Applicant committed to submitting a **Technical Note: Alternative Technologies at Deadline 4 (Volume 12.8) [REP4-027].**

2.2.7 The Technical Note provides additional detail as to why the Applicant has selected energy from waste and excluded alternative treatment technology. The note describes alternatives technologies which include pyrolysis and gasification, mechanical and biological treatment (MBT) and ATT (advanced thermal treatment). It identifies in Table 2.1 the gasification and pyrolysis facilities that have failed in the UK, whilst Table 2.2 sets out the ATT projects which have subsequently converted to conventional EfW. Table 2.3 identifies the MBT facilities that have failed in the UK. The Applicant concludes that conventional EfW is an established, proven and reliable technology which can respond to changing characteristics in waste size and composition. It confirms that other technologies have often failed to meet expected

performance standards and targets and that in the case of MBT the majority of outputs require further treatment or landfilling.

2.3 Legislation and Policy

2.3.1 Legislation relevant to the consideration of alternatives is to be found within the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 whilst the primary national policy relevant to a nationally significant infrastructure project (NSIP) is to be found within the National Policy Statements (NPSs).

2.3.2 National Policy for the consideration of alternatives sites is set out within NPS EN-1 with guidance on some of the factors that may influence the site selection and design of biomass and waste combustion facilities presented within NPS EN-3. Section 104(3) of the Planning Act 2008 requires the Secretary of State to determine the DCO application in accordance with the relevant NPSs.

2.3.3 Consideration of whether the Proposed Development is in accordance with the relevant NPSs must be undertaken in addition to consideration of the planning balance under s104(7) of the Planning Act 2008.[1]

2.3.4 Other national policy which the Secretary of State may consider as important and relevant includes the National Planning Policy Framework (NPPF) and associated planning guidance.

2.3.5 Policy guidance on the factors to be taken into consideration in the context of a grid connection is provided within NPS EN-5. This is covered within Section 3.

Table 2.1 Site Selection Policy and Legislation regarding alternatives

Policy reference	Summary	Applicant's response and relevant Application document
Infrastructure Planning (Environmental Impact Assessment) Regulations 2017		
14. (2)	(2) An environmental statement is a statement which includes at least— d) a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment;	**ES Chapter 2 Alternatives (Volume 6.4) [APP-029]** describes the main reasons for the option chosen and the reasonable alternatives considered by the Applicant in the context of the Proposed Development and which are relevant to its specific characteristics. This includes the approach taken to site selection for the EfW CHP Facility and for the Grid Connection (both the cable connection and the location of the Applicant's substation). The environmental considerations given to the site selection process for the EfW CHP Facility are established in paragraphs 2.3.1 to 2.3.3. These are that it would be located: • in an area of need (the environmental benefits of moving residual waste up
Schedule 4	(2) A description of the reasonable alternatives (for example in terms of development design, technology, location, size and	

[1] See (*R. (on the application of Aquind Ltd) v Secretary of State for Business, Energy and Industrial Strategy* [2023] EWHC 98 (Admin))

Policy reference	Summary	Applicant's response and relevant Application document
	scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.	the waste hierarchy and away from landfill); • be in a location in proximity to potential heat and electricity customers (to benefit from the generation of renewable, low carbon energy); • in proximity to the existing national transmission or local distribution network, - a short connection reduces transmission losses and potentially reduces the scale of environmental effects over a longer connection; • is of sufficient size – so as to enable the efficient operation of the site and to accommodate future environmental measures such as CCR; • has good access to the strategic highway in order to reduce the length that vehicles have to travel along the local highway network, reducing the potential for congestion and the effects arising from air and noise emissions; • can help to deliver the regeneration proposals of others – the Access Improvements would be consistent with the WAS. Preferable siting criteria include: • a brownfield site, thereby reducing the requirement for greenfield land; • a site allocated for waste related uses – such that the environmental effects of waste activities have already been considered by the relevant local planning authority; • a site free of environmental designations thereby reducing the potential for significant environmental effects. ES Chapter 2 Alternatives also describes the alternatives considered with regard to site layout and access, land for carbon capture, a potential on-site substation and land to accommodate a future road crossing of the disused March to Wisbech Railway. Alternatives to the building design, the selection of additional land for the TCC, design of the CHP Connection and Grid Connection are also described and the environmental consideration identified.

Policy reference	Summary	Applicant's response and relevant Application document
Habitats Directive/ The Conservation of Habitats and Species Regulations 2017		
The legal tests for derogation	These include: Where is cannot be ascertained that the proposal will not adversely affect the integrity of a European site, alternative solutions must be considered.	This legal test does not apply to the Proposed Development. The Applicant undertook a HRA Screening which is presented within **Volume 5.3 Habitats Regulations Assessment No Significant Effects Report (NSER) - Rev 2 [AS-007].** The document identifies the likely impacts upon European Sites of the project either alone or in combination with other projects or plans. It concludes that there is no potential for Likely Significant Effects to occur in relation to potential effects as a result of the Proposed Development upon any of the qualifying features of the Nene Washes SPA, SAC and Ramsar Site, Ouse washes SPA, SAC and Ramsar Site and The Wash SPA and Ramsar Site. There is therefore no requirement to undertake an appropriate assessment and hence no requirement for a derogation and consideration of alternative solutions. The document's conclusions are supported by Natural England (**SOCG between the Applicant and Natural England Volume 9.9 REP4-011**) at Table 3.5.
NPS EN-1 2011 (adopted)		
Paragraph 4.4.1 and 4.4.2	From a policy perspective this NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option. However: - applicants are obliged to include in their ES, as a matter of fact, information about the main alternatives they have studied. This should include an indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects and including, where relevant,	Please see response to Infrastructure Planning (EIA) Regulations 2017 above.

Policy reference	Summary	Applicant's response and relevant Application document
	technical and commercial feasibility; - in some circumstances there are specific legislative requirements, notably under the Habitats Directive, for the [Secretary of State] to consider alternatives. These should also be identified in the ES by the applicant; and - in some circumstances, the relevant energy NPSs may impose a policy requirement to consider alternatives (as this NPS does in Sections 5.3, 5.7 and 5.9).	- The consideration of alternatives in relation to the Habitats Directive is addressed in the Applicant's response to the Habitats Directive cited above. - Section 5.3 (Biodiversity and Geological conservation) is covered below as are 5.7 (Flood Risk). In respect of 5.9 (Landscape and Visual), the EfW CHP Facility Site is not located within a national landscape designation (such as a National Park or Area of Outstanding Natural Beauty) and as such the policy relating to alternatives in paragraph 5.9 is not engaged.
4.4.3	Where there is a policy or legal requirement to consider alternatives the applicant should describe the alternatives considered in compliance with these requirements. Given the level and urgency of need for new energy infrastructure, the IPC should, subject to any relevant legal requirements (e.g. under the Habitats Directive) which indicate otherwise, be guided by the following principles when deciding what weight should be given to alternatives: • the consideration of alternatives in order to comply with policy requirements should be carried out in a proportionate manner; • the [Secretary of State] should be guided by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security	ES Chapter 2 Alternatives is considered to provide a proportionate response to the consideration of alternatives. Following submission of the application, the Applicant has supplemented ES Chapter 2 with a proportionate consideration of alternative technologies (**Volume 12.8 REP4-027**) and the reasons why an alternative technology was not chosen for consideration. The Applicant's **Technical Note: Alternative Technology (Volume 12.8 REP4-027)** explains why the use of alternative technologies is not considered to be commercially viable. The Applicant does not consider that the alternative technologies suggested by interested parties during the Examination constitute a reasonable alternative to the Proposed Development for the reasons set out in **Applicant's Technical Note: Alternative Technology (Volume 12.8 REP4-027**).

Policy reference	Summary	Applicant's response and relevant Application document
	and climate change benefits) in the same timescale as the proposed development; • where (as in the case of renewables) legislation imposes a specific quantitative target for particular technologies or (as in the case of nuclear) there is reason to suppose that the number of sites suitable for deployment of a technology on the scale and within the period of time envisaged by the relevant NPSs is constrained, the [Secretary of State] should not reject an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site, and it should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals; • alternatives not among the main alternatives studied by the applicant (as reflected in the ES) should only be considered to the extent that the [Secretary of State] thinks they are both important and relevant to its decision; • as the [Secretary of State] must decide an application in accordance with the relevant NPS (subject to the exceptions set out in the Planning Act 2008), if the [Secretary of State] concludes that a	

Policy reference	Summary	Applicant's response and relevant Application document
	decision to grant consent to a hypothetical alternative proposal would not be in accordance with the policies set out in the relevant NPS, the existence of that alternative is unlikely to be important and relevant to the [Secretary of State's] decision; • alternative proposals which mean the necessary development could not proceed, for example because the alternative proposals are not commercially viable or alternative proposals for sites would not be physically suitable, can be excluded on the grounds that they are not important and relevant to the [Secretary of State's] decision • alternative proposals which are vague or inchoate can be excluded on the grounds that they are not important and relevant to the [Secretary of State's] decision; It is intended that potential alternatives to a proposed development should, wherever possible, be identified before an application is made to the [Secretary of State] in respect of it (so as to allow appropriate consultation and the development of a suitable evidence base in relation to any alternatives which are particularly relevant). Therefore, where an alternative is first put forward by a third party after an application has been made, the [Secretary of State] may place the onus on the person proposing the alternative to provide the evidence for its suitability as such and the	

Policy reference	Summary	Applicant's response and relevant Application document
	[Secretary of State] should not necessarily expect the applicant to have assessed it.	
Paragraph 5.7.9	In determining an application for development consent, the [Secretary of State] should be satisfied that where relevant: • the Sequential Test has been applied as part of site selection; • a sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk;	The Applicant's sequential test is reported within **ES Chapter 12 Hydrology Appendix 12A Flood Risk Assessment (Volume 6.4) [APP-084]** and further details are set out in the **Applicant's response to the ExA's Written Question WE1.2 [REP2-019].**
Paragraph 5.7.12	The [Secretary of State] should not consent development in Flood Zone 2 in England or Zone B in Wales unless it is satisfied that the sequential test requirements have been met. It should not consent development in Flood Zone 3 or Zone C unless it is satisfied that the Sequential and Exception Test requirements have been met. The technology-specific NPSs set out some exceptions to the application of the sequential test. However, when seeking development consent on a site allocated in a development plan through the application of the Sequential Test, informed by a strategic flood risk assessment, applicants need not apply the Sequential Test, but should apply the sequential approach to locating development within the site.	The Applicant's sequential and exception tests are reported within **ES Chapter 12 Hydrology Appendix 12A Flood Risk Assessment (Volume 6.4) [APPP-084].**
Paragraph 5.7.13	Preference should be given to locating projects in Flood Zone 1 in England or Zone A in Wales. If there is no reasonably available site in Flood Zone 1 or Zone A, then projects can be located in Flood Zone 2 or Zone B. If there is no reasonably available site in	The Proposed Development is a nationally significant energy infrastructure project. It has been subjected to the sequential and exceptions test (see **ES Chapter 12 Hydrology Appendix 12A Flood Risk Assessment (Volume 6.4) [APP-084]).**

Policy reference	Summary	Applicant's response and relevant Application document
	Flood Zones 1 or 2 or Zones A & B, then nationally significant energy infrastructure projects can be located in Flood Zone 3 or Zone C subject to the Exception Test. Consideration of alternative sites should take account of the policy on alternatives set out in Section 4.4 above.	
Paragraph 5.7.15	The Exception Test is only appropriate for use where the sequential test alone cannot deliver an acceptable site, taking into account the need for energy infrastructure to remain operational during floods. It may also be appropriate to use it where as a result of the alternative site(s) at lower risk of flooding being subject to national designations such as landscape, heritage and nature conservation designations, for example Areas of Outstanding Natural Beauty (AONBs), Sites of Special Scientific Interest (SSSIs) and World Heritage Sites (WHS) it would not be appropriate to require the development to be located on the alternative site(s).	The Applicant's essential siting criteria are such that sites with national landscape, heritage and nature conservation designations are removed from consideration, see **ES Chapter 2 Alternatives ES Chapter 2 Alternatives (Volume 6.4) [APP-029]**.
Draft NPS EN-1 March 2023 (additional provisions to the adopted EN-1)		
Paragraph 4.2.23	The Secretary of State should not refuse an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site, and it should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals.	**ES Chapter 2 Alternatives ES Chapter 2 Alternatives (Volume 6.4) [APP-029]** explains the Applicant's approach to site selection. No other suitable sites have been identified by the Applicant or put forward by interested parties.
Paragraph 5.8.21	The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate	The Applicant's sequential test is reported within **ES Chapter 12 Hydrology Appendix 12A Flood Risk Assessment (Volume 6.4) [APP-084]** and further details are set out in the **Applicant's response to the ExA's Written Question WE1.2 [REP2-019].**

Policy reference	Summary	Applicant's response and relevant Application document
	development in low-risk areas, the Sequential Test should go on to compare reasonably available sites with medium risk areas and then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.	
Paragraph 5.8.23	Consideration of alternative sites should take account of the policy on alternatives set out in Section 4.2 above. All projects should apply the Sequential Test to locating development within the site.	**ES Chapter 2 Alternatives ES Chapter 2 Alternatives (Volume 6.4) [APP-029]** explains the Applicant's approach to site selection. The Applicant's sequential test is reported within **ES Chapter 12 Hydrology Appendix 12A Flood Risk Assessment (Volume 6.4) [APP-084].**
NPS EN-3 2011 (adopted)		
Factors influencing site selection by applicants **Paragraph 2.5.22**	Applicants will usually have assured themselves that a viable connection exists before submitting the development proposal to the [Secretary of State] and where they have not done so, they take that commercial risk.	The Applicant has secured a viable connection to the local distribution network (**Electricity Grid Connection Statement (Volume 7.2) [APPP-093]).**
2.5.25	Applicants should locate new biomass or waste combustion generating stations in the vicinity of existing transport routes wherever possible. Although there may in some instances be environmental advantages to rail or water transport, whether such methods are viable is likely to be determined by the economics of the scheme. Road transport may be required to connect the site to the rail network, waterway or port. Therefore, any application should incorporate suitable access leading off from the main highway network. If the existing access is inadequate and the applicant has proposed new infrastructure, the [Secretary of State] will need to be satisfied that the impacts of the new infrastructure are acceptable as set out in Section 5.13 of EN-1.	**ES Chapter 2 Alternatives ES Chapter 2 Alternatives (Volume 6.4) [APP-029]** explains the Applicant's approach to site selection. It includes for proximity to the strategic road network as an essential siting criteria. Paragraphs 2.3.15 to 2.3.17 of **ES Chapter 2 Alternatives ES Chapter 2 Alternatives (Volume 6.4) [APP-029]** explain how the initial site layout for the EfW CHP Facility was reconfigured to accommodate a future opening of the disused March to Wisbech railway whilst paragraphs 2.3.28 to 2.3.31 explain the alternatives considered to identifying additional land (to include land for a future railway connection). Table 2.4 provides an environmental and planning, technical and land and commercial factors comparison of the alternatives. The Applicant is confident that acceptable access from the strategic highway network can be delivered.

Policy reference	Summary	Applicant's response and relevant Application document
2.5.27	The [Secretary of State] should not give development consent unless it is satisfied that the applicant has provided appropriate evidence that CHP is included or that the opportunities for CHP have been fully explored. For non-CHP stations, the [Secretary of State] may also require that developers ensure that their stations are configured to allow heat supply at a later date as described in paragraph 4.6.8 of EN-1 and the guidance on CHP issued by BIS in 2006.	The Applicant has considered options for CHP, which is one of its essential siting criteria. The DCO application includes a CHP Connection and the viability of such a connection is demonstrated within the **Combined Heat and Power Assessment (Volume 7.5) [APP-097].** The draft DCO submitted at Deadline 5 includes Requirement 25 which requires the Applicant to regularly investigate the potential for CHP.
2.5.28	The Government's policy and criteria on carbon capture readiness (CCR) for new combustion generating stations with a generating capacity at or over 300MW are set out in Section 4.7 of EN-1.	Paragraphs 2.3.28 to 2.3.31 **of ES Chapter 2 Alternatives ES Chapter 2 Alternatives (Volume 6.4) [APP-029]** explain the alternatives considered to identifying additional land (to include land for CCR). Table 2.4 provides an environmental and planning, technical and land and commercial factors comparison of the alternatives. The **draft DCO Rev 4** [submitted at Deadline 5 includes Requirement 23 which requires the Applicant to regularly investigate the potential for CCR.
Draft NPS EN-3 March 2023		
Paragraph 3.7.7	The proposed plant must 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.	With regard to relevance to site selection, the Proposed Development would be located in an area of need. The **WFAA (Volume 7.3)** – to be updated as REV 3 for Deadline 5 – demonstrates that there is a need for the Proposed Development to treat residual waste in the local area higher up the waste hierarchy.
Paragraph 3.7.13	Guidance on CHP is set out Section 4.7 of EN-1, which sets out the requirements on applicants either to include CHP or present evidence in the application that the possibilities for CHP have been fully explored.	**ES Chapter 2 Alternatives (Volume 6.4) [APP-029]** describes the site selection process. The essential siting criteria include that the site be in a location in proximity to potential heat and electricity customers (to benefit from the generation of renewable, low carbon energy). The Applicant has included for the construction and operation of a CHP Connection and it has included within the draft DCO (submitted at Deadline 5, Requirement 25 which requires apparatus to be installed to facilitate CHP and the regular submission of a CHP review report.

Policy reference	Summary	Applicant's response and relevant Application document
National Planning Policy Framework		
Habitats and Biodiversity **Paragraph 180**	When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;	The Applicant's assessments have not identified any residual significant harm to biodiversity, therefore it is not necessary to consider alternative sites. The Proposed Development is not located on land designated for its biodiversity value. The EfW CHP Facility Site is located primarily on brownfield land with limited biodiversity value. Surveys have identified the presence or absence of protected species and habitats and wherever possible the more sensitive areas of the site are to be protected from development. The **Landscape and Ecology Strategy (Volume 6.3) [REP2-026]** has been prepared to deliver new landscaping with biodiversity benefit. The Applicant is also proposing a brown roof to the Administration Building and Gatehouse. The Applicant considered alternatives to the point of connection to the grid and the preferred alternative reduces the length of the connection (instead of Walpole, Walsoken was chosen) which reduces the potential for effects upon biodiversity. The Grid Connection would run underground within the highway and highway verge which would also reduce the potential for effects upon biodiversity.
Planning and Flood Risk **Paragraph 162**	Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test.	The Applicant's sequential test is reported within **ES Chapter 12 Hydrology Appendix 12A Flood Risk Assessment (Volume 6.4) [APPP-084]** and further details are set out in the **Applicant's response to the ExA's Written Question WE1.2 [REP2-019].**
Paragraph 163	If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.	The Applicant's exception test is reported within **ES Chapter 12 Hydrology Appendix 12A Flood Risk Assessment (Volume 6.4) [APP-084].**
Paragraph 166	Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if	Please see response to Paragraphs 162 and 163 above.

Policy reference	Summary	Applicant's response and relevant Application document
	relevant aspects of the proposal had not been considered when the test was applied at the plan.	
Planning Practice Guidance; Flood Risk and Coastal Change August 2022		
Paragraph 024	Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites: • Within medium risk areas; and • Then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.	The Applicant's sequential test is reported within **ES Chapter 12 Hydrology Appendix 12A Flood Risk Assessment (Volume 6.4) [APP-084].** Paragraph 7.1.1 explains how the Proposed Development passes the sequential test (accepting that when identified, the site was allocated for waste management uses). It includes for consideration of other, alternative waste management areas (Cambridgeshire and Peterborough Minerals and Waste Local Plan (Policy 10)) within Wisbech. The Applicant demonstrates that the other sites are either too small or too remote from potential CHP customers. Further details are set out in the Applicant's response to the ExA's Written Question WE1.2 [REP2-019] The EfW CHP Facility Site is classified as medium risk (Flood Zone 3a).
Paragraph 027	The Sequential Test should be applied to 'Major' and 'Non-major development' proposed in areas at risk of flooding, but it will not be required where: • The site has been allocated for development and subject to the test at the plan making stage (provided the proposed development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site, now or in the future which would have affected the outcome of the test). • The site is in an area at low risk from all sources of flooding, unless the Strategic Flood Risk Assessment, or other	The EfW CHP Facility Site was allocated in the development plan for waste management uses when the site was selected by the Applicant. The allocation was removed in July 2021 when the Cambridgeshire and Peterborough Minerals and waste Local Plan was adopted. The site is now shown as a waste management area. Further details are set out in the Applicant's response to the **ExA's Written Question WE1.2 [REP2-019].**

Policy reference	Summary	Applicant's response and relevant Application document
	information, indicates there may be a risk of flooding in the future. • The application is for a development type that is exempt from the test, as specified in footnote 56 of the National Planning Policy Framework.	
As above	For nationally or regionally important infrastructure the area of search to which the Sequential Test could be applied will be wider than the local planning authority boundary	The Applicant's sequential test is reported within **ES Chapter 12 Hydrology Appendix 12A Flood Risk Assessment (Volume 6.4) [APP-084].**
Paragraph 028	'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.	The Applicant selected the EfW CHP Facility Site because it was available to be developed and complied with the Applicant's essential and preferable siting criteria.

3. Grid Connection

3.1.1 National policy specific to electricity networks can be found within NPS EN-5, the National Policy Statement for Electricity Network Infrastructure. This section identifies the relevant policy and legislative tests which require or guide the consideration of alternatives in the context of the Grid Connection.

Table 3.1 Grid Connection Policy and Legislation regarding alternatives

Policy reference	Summary	Applicant's response and relevant Application document
NPS EN-5 2011 (adopted)		
Paragraph 2.2.2	The general location of electricity network projects is often determined by the location, or anticipated location, of a particular generating station and the existing network infrastructure taking electricity to centres of energy use. This gives a locationally specific beginning and end to a line. On other occasions the requirement for a line may not be directly associated with a specific power station but rather the result of the need for more strategic reinforcement of the network. In neither circumstance is it necessarily the case that the connection between the beginning and end points should be via the most direct route (indeed this may be practically impossible), as the applicant will need to take a number of factors, including engineering and environmental aspects, into account.	**ES Chapter 2 Alternatives Appendix 2A Grid Connection Options Report (Volume 6.4) [APP-069]** explains the alternatives considered with regard to the point of connection to the grid and the route to be taken. It explains how the identification of the Grid Connection began with the consideration of a combination of underground and overhead to Walpole or to an existing 400kV overhead line and concluded with the selection of a purely underground connection to Walsoken. At each stage in its evolution, the potential for environmental and policy to weigh in favour or against a particular option was considered and the reasons for the choice selected is recorded. With regard to the finalisation of the point of connection to the grid, technical (engineering) aspects are also taken into account (see Section 5.3 of the Grid Connection Options Report).
Paragraph 2.7.1 – 2.7.6	Covering biodiversity and geological conservation and relevant design mitigation but with respect to overhead lines.	At the point at which an overhead connection was considered as an alternative, biodiversity (including geological) consideration were considered (see for example Table 2A Environmental and Planning (Land Use) Appraisal).
Paragraph 2.8.7	The [Secretary of State] should recognise that the Holford Rules, and any updates, form the basis for the approach to routeing new overhead lines and take them into account in any consideration of alternatives and in considering the need for any additional mitigation measures.	**ES Chapter 2 Alternatives Appendix 2A Grid Connection Options Report (Volume 6.4) [APP-069]** Section 2.3 identifies the Holford Rules as inherent to the Preferred Route Alignment Methodology. Having selected an underground connection, the Holford Rules no longer apply.

Policy reference	Summary	Applicant's response and relevant Application document
Paragraph 2.8.9	The [Secretary of State] should, however, only refuse consent for overhead line proposals in favour of an underground or sub-sea line if it is satisfied that the benefits from the non-overhead line alternative will clearly outweigh any extra economic, social and environmental impacts and the technical difficulties are surmountable. It should consider (in summary): • The landscape in which the proposed line will be set; • The additional cost of undergrounding; • The environmental and archaeological consequences.	The Applicant has considered the environmental (including landscape and archaeological) and cost consequences of its underground connection (in comparison to an overhead connection). This is reported within **ES Chapter 2 Alternatives Appendix 2A Grid Connection Options Report (Volume 6.4) [APP-069]** see Section 5.6.
Paragraph 2.8.10	In addition to the principles set out in the Holford Rules the main opportunities for mitigating potentially adverse landscape and visual impacts…. are: • Network reinforcement • Selection of the most suitable type and design of support structure.	The Applicant's Landscape and Visual Assessment contained within **ES Chapter 9 landscape and Visual (Volume 6.2) [APP-36]** includes for the consideration of effects arising from the Grid Connection. It concludes that there would be no significant landscape or visual effects. This recognises the fact that the chosen alternative has been to underground the electrical cable.
Paragraphs 2.9.1 – 2.9.13	Covering noise and vibration and relevant design mitigation but with respect to overhead lines.	The Grid Connection would be underground limiting the potential for operation noise and vibration effects. Policy guidance is concerned with the noise emitted from overhead lines.
Paragraph 2.10.13	Where a statutory consultee on the safeguarding of technical facilities identifies a risk that the EMF effect of electricity network infrastructure would compromise the effective and safe operation of such facilities, the potential impact and siting and design alternatives will need to have been fully considered as part of the application.	Statutory consultees have not raised any concerns or objection with regard to EMF. **ES Chapter 16 Health (Volume 6.2) [APP-043]** paragraphs 16.9.62 to 16.9.71 presents the Applicant's assessment of the potential for effects arising from EMF and electrical fields. Due to the voltage of the connection (132kV) and the fact that it would be underground, effects are not significant.
Draft NPS EN-5 March 2023		
Paragraph 2.9.14 and 2.9.15	Where the nature or proposed route of an overhead line will likely result in particularly significant landscape and/or visual impacts, the applicant should demonstrate that they have given due consideration to the costs	The Applicant has chosen to underground the Grid Connection. The Applicant has considered the environmental (including landscape and archaeological) and cost consequences of its underground connection (in comparison to an overhead connection). This is reported within

Policy reference	Summary	Applicant's response and relevant Application document
	and benefits of feasible alternatives to the line. This could include – where appropriate – re-routing, underground or subsea cables and feasibility e.g. in cost, engineering or environmental terms…The ES should set out details of this consideration, including the applicant's rationale for eschewing feasible alternatives to the overhead line, and the mitigation cost-calculation methodology that this rationale may rely upon.	**ES Chapter 2 Alternatives Appendix 2A Grid Connection Options Report (Volume 6.4) [APP-069]** see Section 5.6.
Paragraph 2.9.25	As per NPS EN-5 2.8.9 but with additional reference to: • the potentially very disruptive effects of undergrounding on local communities, habitats, archaeological and heritage sites, soil, geology, and, for a substantial time after construction, landscape and visual amenity; and • the applicant's commitment, as set out in their ES, to mitigate the potential detrimental effects of undergrounding works on any relevant agricultural land and soils, particularly regarding Best and Most Versatile land.	**ES Chapter 2 Alternatives Appendix 2A Grid Connection Options Report (Volume 6.4) [APP-069]** Section 5.6 summarises the environmental benefits of undergrounding the connection. These are that it would: • Avoid any visual impact during operation (all infrastructure would be underground); • Avoid any operational effects upon the landscape, including landscape elements such as trees and hedgerows; • Remove any potential for the operation of the OHL to affect ecological Receptors, e.g., birds; • Avoid any impacts on any agricultural activities on land over which the alternative OHL option would cross; • Minimise ditch crossings and reduce the potential for pollution during construction; • Remove the potential for effects on unrecorded archaeology (it is assumed that any unrecorded archaeology would have been disturbed during the construction of the A47); and • Reduce the potential for EMF and noise potentially resulting from an OHL.
Paragraph 2.10.14 and 2.10.15	The climate-warming potential of SF6 is such that applicants should, as a rule, avoid the use of SF6 in new developments. Where no proven SF6-free alternative is commercially available, and where the cost of procuring a bespoke alternative is grossly disproportionate, the continued use of SF6 is acceptable, provided that emissions monitoring and control measures compliant with the F-gas Regulation and/or its successors are in place.	**ES Chapter 2 Alternatives (Volume 6.4) [APP-029]** Section 2.8 describes the alternatives considered by the Applicant with regard to the electrical equipment to be installed. Paragraph 2.8.4 states that consideration was given to gas, air or to clean air insulated equipment and that clean air switchgear was selected because it avoids the use of SF6 and is of a lower height (3.2m) when compared with the air insulated option which would be up to 6m tall.

Policy reference	Summary	Applicant's response and relevant Application document
Paragraph 2.11.6	The Secretary of State should grant consent for an electricity networks development only if the applicant has demonstrated either that i) the development will not use SF6; or ii(a)) that there is no proven commercially available alternative to the use of SF6, and ii(b)) that a bespoke SF6-free alternative would be grossly disproportionate in terms of cost, and ii(c)) that emissions monitoring and control measures compliant with the F-gas Regulation and/or its successors are in place.	**ES Chapter 2 Alternatives (Volume 6.4) [APP-029] Section 2.8** records that the Applicant has selected equipment that does not use SF6.

4. Compulsory Acquisition

4.1.1 In preparing the DCO Application, and as set out in the **Statement of Reasons [REP3-010],** the Applicant has had regard to the *Department for Communities and Local Government Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (2013)* and the *Department for Levelling Up, Housing & Communities Guidance on Compulsory purchase process and the Crichel Down Rules (updated on 16 July 2019).*

4.1.2 The Guidance requires the Applicant to demonstrate that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored and demonstrate that the Applicant has taken reasonable steps to acquire all of the land and rights included in the Order land by agreement.

4.1.3 In addition to the justification set out in section 5.6 of **Statement of Reasons [REP3-010],** the Applicant refers to the **Written Summary of the Applicant's Oral Submissions at CAH 1 & 2 [REP3-037]** which summarises out how the Applicant has explored all reasonable alternatives to compulsory acquisition. In particular, the Applicant refers to the site selection process and consideration of alternatives set out in **ES Chapter 2 Alternatives (Volume 6.2) [APP-029]** and the **Technical Note: Alternative Technology (Volume 12.8) [REP4-027].**

4.1.4 The Applicant also refers Appendix B to the **Statement of Reasons [REP3-010]** and to the **Compulsory Acquisition Schedule [REP4-013]** which demonstrate the reasonable steps taken by the Applicant to acquire the land and rights by agreement.

4.1.5 The Applicant therefore considers that it has complied with the Guidance.

5. Conclusion

5.1.1 The Applicant has prepared this position statement in response to the ExA's ISH3 Action Point 10. The purpose of this statement is to identify legislation and national policy relevant to the site selection process and the consideration of alternatives and to identify where such legislative requirements and policy have been addressed within the DCO application documentation.

5.1.2 The Applicant's key document regarding site selection and alternatives is **ES Chapter 2 Alternatives (Volume 6.2) [APP-029]** which is supported by figures and appendices. The chapter establishes the key policy tests and then explains the site selection process and reasonable alternatives considered by the Applicant, so far as relevant to the Proposed Development and its particular characteristics, including the main reasons for the selection of the option chosen. Beginning with site selection process it explains the essential and preferable siting criteria used by the Applicant to identify the EfW CHP Facility Site. The Applicant's siting criteria are consistent with national policy guidance provided within NPS EN-3 and the Draft NPS EN-3 (March 2023).

5.1.3 Further details on the consideration of alternative technologies are set out in the **Technical Note: Alternative Technology (Volume 12.8) [REP4-027].**

5.1.4 National policy identifies certain technology or environmentally specific areas where additional consideration of alternatives may be required. With regard to the Proposed Development these include the use of the sequential test in relation to flood risk. The Applicant undertook a sequential test, which included consideration of and discount of alternative sites.

5.1.5 In certain circumstances, national policy requires consideration of alternatives in relation to biodiversity, particularly concerning European Protected Sites. In this case, the nature and location of the Proposed Development is such that the Applicant was able to screen out the need for a habitats regulations assessment and it was not necessary to consider alternative solutions.

5.1.6 The Applicant has complied with the guidance related to compulsory acquisition.

5.1.7 This position statement demonstrates that the Applicant's approach to site selection and the consideration of reasonable alternatives is consistent with applicable legislation, national policy and guidance.