



Please reply to
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16 June 2023

Dear Ms Williams

**Planning Act 2008 (AS AMENDED), Infrastructure Planning
(Examination Procedure) Rules 2010**

**EN010110 - Application by Medworth CHP Limited for an Order Granting
Development Consent for the Medworth Energy from Waste Combined
Heat and Power Facility (Medworth EfW CHP Facility)**

Response to Deadline 5 (Friday 16 June 2023)

This letter sets out Medworth CHP Limited's ('the Applicant') response to the Examining Authority's (ExA) request for submissions at Deadline 5, as set out in the Rule 8 letter issued by the ExA on 2nd March 2023.

Submitted Documents

Table 1.1 (enclosed) lists the documents submitted by the Applicant at Deadline 5, including those requested by the ExA within their Rule 8 letter and additional supporting documents. The reason for each document submitted is explained in Table 1.1.

Where appropriate, track-changed versions of existing documents are submitted to provide an understanding of the precise changes made.

Draft Development Consent Order (DCO)

The Applicant has submitted an updated Draft DCO (Revision 4) (16 June 2023) to address comments raised in submissions made at Deadlines 3 and 4 and in the Issue Specific Hearings 3-5 held on 16, 17 and 18 May. In particular, new and amended requirements have been incorporated in response to ISH3 Action Point 4 and to address matters arising through engagement on statements of common ground.

Statements of Common Ground

The Applicant has submitted, at Deadline 5, a Final Signed SoCG with Walsoken Parish Council together with updated draft SoCGs agreed with the Host Authorities, Anglian Water and the King's Lynn Internal Drainage Board. The Applicant continues to work with the above mentioned parties and it is confident that final, signed SOCGs will be submitted for Deadline 6. Furthermore, the Applicant continues to liaise with the Hundred of Wisbech IDB, Network Rail and National Highways with a view to submitting their updated SoCGs at Deadline 6. Wisbech Town Council has confirmed that it will work with the Applicant to agree a SoCG for Deadline 6, once it has had the opportunity to review the Waste Fuel Availability Assessment (WFAA) that has been updated for Deadline 5.

Applicant's responses to action points arising from Issue Specific Hearings 3 – 5

A number of Action Points arising from ISH3-5 were due to be addressed by Deadline 5.

In the case of ISH3, the Applicant has submitted an updated WFAA (Revision 3) at Deadline 5, which addresses action points 1, 2, 5, 7 and 8. The Applicant and CCC have an agreed position statement on waste origin and waste hierarchy (appended). The position statement has concluded with agreed wording for a new Requirement 28 on Waste Origin and an amended Requirement 14 on Waste Hierarchy; these been incorporated in the updated Draft DCO (Volume 3.1) (Revision 4) to address Action Point 4. In addition, a Position Statement on Alternatives (Volume 14.6) has been submitted, as required by Action Point 10. The Applicant considers that it has now addressed all the actions from ISH3. It notes that Action Points 3 and 9 from ISH3 were addressed by the Applicant at Deadline 4 in the Written Summary of the Applicant's Oral Submissions at ISH3 (Volume 12.2a) [REP4-019] and in the Technical Note on Alternative Technology (Volume 12.8) [REP4-027].

For ISH4, the Applicant has been engaging with Cambridgeshire County Council (CCC) on outstanding matters relating to highways, public rights of way, biodiversity and protective provisions. Good progress has been made, including with negotiations on a S278 Agreement and the position in relation to Action Points 2 and 3 is now reflected in an updated Draft SoCG with the Host Authorities submitted at Deadline 5. The updated Draft DCO (Volume 3.1) (Revision 4) includes protective provisions for the benefit of Cambridgeshire County Council and an amended Requirement 6 on Biodiversity Net Gain, as well as an amended Requirement 22 (the latter in response to ISH4 Action Point 6). In addition, the Applicant has submitted a Technical Note: 'Combined Heat and Power and Carbon Capture Delivery Readiness' (Volume 14.7) at Deadline 5 to address ISH4 Action Point 6. Two action points from ISH4 remain outstanding. Firstly, Action Point 4, the Applicant has agreed wording for signage for NMUs during construction with CCC and is seeking a meeting with Network Rail to review. Secondly, for Action Point 7, the Applicant has made good progress with CCC to agree appropriate waste composition scenarios for further sensitivity analysis and will report the results of this at Deadline 6. The Applicant awaits receipt of UKWIN's written question required under Action Point 9.

In the case of ISH5, the Applicant responded to its relevant Action points at Deadline 4, please see the Written Summary of the Applicant's Oral Submissions at ISH (Volume 12.2c) [REP4-021]. Only one action from ISH5 remains outstanding and the Applicant understands that CCC will be providing its points of disagreement on the landscape assessment at Deadline 5.

Applicant’s response to the Compulsory Acquisition Hearings 1 and 2 action points

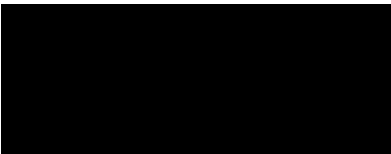
The Applicant responded to the various action points from the Compulsory Acquisition Hearings 1 and 2 in its Deadline 4 submissions, Volume 12.5 (CAH1 action point 4) [REP4-025] and Volume 12.7 (CAH2 action point 7) [REP4-026]. Two points remain for action at Deadline 5, notably to provide evidence that all three guarantors were willing to support the capital costs of the Proposed Development (CAH1 Action Point 4) and to provide evidence in relation to recorded delivery letters to businesses along Algores Way (CAH2 Action Point 6). The relevant information in respect of both action points has been submitted at Deadline 5, see Volume 12.5 (revision 2) and Volume 14.5.

Environmental Permit Update

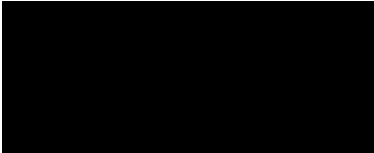
The Environment Agency has confirmed that it will be consulting on the permit application (as an application of high public interest) between 21 June 2023 and 2 August 2023. The application is to be advertised and statutory consultees will be contacted in the usual manner. This consultation is not expected to affect the timescale for the determination of the permit application. The Applicant will continue to engage with the Environment Agency and to update the ExA on the progress of the application during the remainder of the DCO examination.

If you have any questions concerning the Applicant’s Deadline 5 submission, please do not hesitate to contact our planning agent David Kenyon, WSP Ltd.

Yours sincerely



Paul Carey
Managing Director



Tim Marks
Head of Planning

Enc: Table 1.1: Applicant’s Deadline 5 documents
Position Statement on waste origin and waste hierarchy



Table 1.1 Applicant's Deadline 5 documents

Reference	Document	Revision	Reason
Volume 1 Application Forms			
1.5	Guide to the application (clean)	Rev 8	This document provides confirmation of the latest versions of documents relevant to the Examination (excluding the Applicant's Change Application documents submitted on 05 June 2023).
1.5	Guide to the application (tracked)	Rev 8	As above.
Volume 2 Plans			
2.3	Works Plan	Rev 3	To correct an error on Rev 2 of the Works Plan which inadvertently omitted information for the main EfW site on Sheet 1i of 4, previously shown on Rev 1.
2.4	Access and Public Rights of Way Plan	Rev 5	Updated to address comments made by Cambridgeshire County Council at Deadline 4 [REP4-031] relating to the position of the highway boundary/extent of highway maintainable at the public expense along Weasenham Lane.
Volume 3 Draft Development Consent Order			
3.1	Draft Development Consent Order (clean)	Rev 4	As requested by the ExA within their Rule 8 letter. Updated in response to ISH3 Action Point 4, to include a new Requirement 28 on Waste Origin and an amended Requirement 14 on Waste Hierarchy. In addition, to include an amended Requirement 6 on Biodiversity Net Gain, an amended Requirement 22 on Carbon Capture, an amended Requirement 25 on Combined Heat and Power, Protective Provisions for the benefit of Cambridgeshire County Council, and amendments to Schedule 1 to include landscape and biodiversity measures within Associated Development and to Schedule 6 regarding the public highway.
3.1	Draft Development Consent Order (tracked)	Rev 4	As above.
Volume 6 Environmental Statement			
6.2	ES Chapter 12 Hydrology (clean)	Rev 2	To provide clarification in Table 12.10 (as requested by the King's Lynn Internal Drainage Board) as to the need for consent under Byelaw 3 should any temporary dewatering discharge be required to a watercourse within the relevant Internal Drainage Board district. To confirm in Table 12.10 that appropriate treatment of any



Reference	Document	Revision	Reason
			pumped water will be provided before discharge to adjacent ditches.
6.2	ES Chapter 12 Hydrology (tracked)	Rev 2	As above.
6.4	ES Chapter 3 Description of the Proposed Development Appendix 3B Outline Lighting Strategy (clean)	Rev 3	The term 'required maintained illuminance' is substituted with the term 'measured illuminance' for clarity and to address comments made by Cambridgeshire County Council in their Deadline 4 submission REP4-031.
6.4	ES Chapter 3 Description of the Proposed Development Appendix 3B Outline Lighting Strategy (tracked)	Rev 3	As above.
6.4	ES Chapter 6 Traffic and Transport Appendix 6A – Outline CTMP (clean)	Rev 5	Updated to address comments made by Cambridgeshire County Council at Deadline 4 [REP4-031] regarding the terminology for public rights of way, clarity on highway condition surveys, signage for NMUs at the former level crossing during construction and a new Figure 10.1ix to show a cross-section of New Bridge Lane including the proposed kerb arrangement.
6.4	ES Chapter 6 Traffic and Transport Appendix 6A – Outline CTMP (tracked)	Rev 5	As above.
6.4	ES Chapter 7 Noise and Vibration Appendix 7D Outline Operational Noise Management Plan (clean)	Rev 4	Updated in response to comments made by Cambridgeshire County Council at Deadline 4 [REP4-031], to clarify the role of local authorities and their duty to investigate noise complaints.
6.4	ES Chapter 7 Noise and Vibration Appendix 7D Outline Operational Noise Management Plan (tracked)	Rev 4	As above.
6.4	ES Chapter 11 Biodiversity Appendix 11M Biodiversity Net Gain (clean)	Rev 4	Updated in response to comments made by Cambridgeshire County Council at Deadline 4 [REP4-031] and subsequent engagement, to clarify the local authorities' role in the approval of the final BNG Strategy secured under requirement 6 of the Draft DCO and priorities in the delivery of BNG measures, including the targeting of off-site River units for enhancing local water vole habitats.
6.4	ES Chapter 11 Biodiversity Appendix 11M Biodiversity Net Gain (tracked)	Rev 4	As above.
6.4	ES Chapter 12 Hydrology Appendix 12F Outline Drainage Strategy (clean)	Rev 3	To clarify terminology, as requested by the King's Lynn Internal Drainage Board, by substituting the term 'temporary swale' for 'temporary drainage ditch', substituting 'straw bales' for 'hay bales' and to clarify that if surface water discharge into ditches is required,



Reference	Document	Revision	Reason
			this will be subject to the King's Lynn Internal Drainage Board consent.
6.4	ES Chapter 12 Hydrology Appendix 12F Outline Drainage Strategy (tracked)	Rev 3	As above
Volume 7 Other Documents			
7.3	Waste Fuel Availability Assessment (clean)	Rev 3	Submitted further to ISH3 Action Point 1, to account for new data which became available on the date the previously updated version was submitted, as well as ISH3 Action points 2, 5, 7 and 8, including a review of tonnages in Table 4.2 and data in Table 4.7, taking into account capacity associated with cement kilns and to address and to address targets in the Environment Act.
7.3	Waste Fuel Availability Assessment (tracked)	Rev 3	As above.
7.12	Outline Construction Environmental Management Plan (clean)	Rev 5	In response to issues raised by the King's Lynn Internal Drainage Board KLIDB) to clarify within Appendix B (the Outline Water Management Plan) that any temporary dewatering discharge will require consent under Byelaw 3, to clarify terminology relating to temporary drainage ditches/swales, references to hay and straw bales, references to adopted/maintained drains and to confirm that strike protection will be provided for the culverted drain during construction.
7.12	Outline Construction Environmental Management Plan (tracked)	Rev 5	As above
Volume 9 – Deadline 1 (10 March 2023) Submission			
9.4	Draft Statement of Common Ground with the Host Authorities	Rev 2	This document has been updated to reflect the latest discussions and agreements reached with the Host Authorities.
9.5	Statement of Common Ground with Walsoken Parish Council (signed)	Rev 2	This document has been updated to reflect the latest discussions and final agreements reached with Walsoken Parish Council.
9.10	Draft Statement of Common Ground with Anglian Water	Rev 2	This document has been updated to reflect the latest discussions and agreements reached with Anglian Water.
9.14	Statement of Common Ground with King's Lynn Internal Drainage Board (Signed)	Rev 2	This document has been updated to reflect the latest discussions and agreements reached with the Internal Drainage Board.
9.16	Statement of Commonality of Statements of Common Ground	Rev 5	This document records updates and progress made towards agreeing SoCG.
9.20	Schedule of Changes	Rev 5	This document summarises the changes made to documents submitted with the original DCO application and subsequent examination deadlines, including the various management plans



Reference	Document	Revision	Reason
			and the draft DCO. It explains what has been changed, and the reasons for the changes.
Volume 12 – Deadline 4 (25 May 2023) Submission			
12.5	Applicant's Response to CAH1 Action Point 4 (clean)	Rev 2	In response to CAH1 Action Point 4, to provide copies of letters from three guarantors.
12.5	Applicant's Response to CAH1 Action Point 4 (tracked)	Rev 2	As above.
Volume 14 – Deadline 5 (16 June 2023) Submission			
14.1	Deadline 5 Covering Letter	Rev 1	The covering letter outlines the content of the Applicant's Deadline 5 submission.
14.1	Deadline 5 Covering (redacted)	Rev 1	As above.
14.2	Applicant's Response to the ExA's Written Questions (ExQ2)	Rev 1	As requested by the ExA within their Rule 8 letter. This document sets out the Applicant's response to the ExA's Written Questions (ExQ2) [PD-013].
14.3	Applicant's Comments on the ExA's Schedule of Changes to the draft Development Consent Order	Rev 1	As requested by the ExA within their Rule 8 letter. This document sets out the Applicant's response to the ExA's commentary on, and schedule of changes to, the draft Development Consent Order [PD-014].
14.4a	Applicant's Comments on Deadline 4 Submissions – Part 1 Statutory Parties	Rev 1	As requested by the ExA within their Rule 8 letter. This document sets out the Applicant's responses to the Deadline 4 submissions made by statutory parties.
14.4b	Applicant's Comments on Deadline 4 Submissions – Part 2 Other Interested Parties	Rev 1	As requested by the ExA within their Rule 8 letter. This document sets out the Applicant's responses to the Deadline 4 submissions made by other interested parties.
14.5	Applicant's Response to CAH2 Action Point 6	Rev 1	In response to CAH2 Action Point 6, to provide evidence in relation to recorded delivery letters to businesses along Algores Way identified as Affected Persons.
14.6	Applicant's Response to ISH3 Action Point 10: Position Statement on Alternatives	Rev 1	In response to ISH3 Action Point 10, to provide a consolidated position statement setting out how the Applicant has complied with necessary policy tests and applicable legal tests regarding site selection and the consideration of alternatives.
14.7	Applicant's Response to ISH4 Action Point 6: Technical Note: Combined Heat and Power and Carbon Capture Delivery Readiness	Rev 1	In response to ISH4 Action Point 6, to provide information on the design features of equipment to show that the plant is being designed and specified to allow carbon capture.
14.8	Water Supply Availability Statement	Rev 1	This document provides confirmation of the availability of water supply to serve the Proposed Development.



Appendix: Position Statement

Additional DCO Schedule 2 (Requirements) – Explanatory Note

The text below is a draft joint explanatory note prepared by the Applicant and Cambridgeshire County Council (the Council) in support of the additional text that the Applicant and the Council are proposing to the Requirements of the Development Consent Order (DCO).

DCO Schedule 2 - Additional Requirement - Priority for the management of local waste and wider catchment restriction)

During the Examination Cambridgeshire County Council raised concerns that should the Proposed Development be approved, that the proximity principle may not be observed and / or that waste may be sourced from more remote locations ahead of those closer to the Proposed Development. The Applicant and Council have agreed that this concern may be addressed through the imposition of an additional DCO Requirement, which, in the Council's view will provide a basic level of certainty that waste will not travel excessive distances or that local need will not be overlooked in where the EfW CHP Facility sources its waste in the future.

The proposed Requirement does this by requiring that 17.5% of the waste processed to be sourced from within 75km, and not less than 80% to be sourced within the Study Area as set out in the Waste Fuel Availability Assessment (WFAA) (Volume 7.3). To ensure that one waste planning area does not dominate the facility, no more than 50% (312,800 tonnes) of waste shall be sourced from a single waste planning authority area. There is also a monitoring element to this Requirement.

When considering the origin of waste from within the 75km restriction / area it is important that this originates from within that area, and therefore the Requirement specifies that waste moving through a transfer station inside the 75km, after being sourced from outside of the 75km is not considered to have originated within the 75km. This is intentional and is designed to prioritise local waste management. In contrast, the 80% of waste to be sourced from the Study Area, is considered as originating within the area if it has been handled at a transfer station within the Study Area. The latter aligns with the Environment Agency's monitoring regime, that is recorded using waste transfer notes, which use only the last origin (place where the waste arose, or waste handled last) of the waste.

The Applicant and the Council agree that the proposed Requirement is necessary, proportionate and will be effective in ensuring that it will provide a level of certainty that the proximity principle will be adhered to and can be seen to be adhered to. Submitted at Deadline 5, the updated draft DCO Rev 4 (Volume 3.1) includes the agreed wording for this Requirement. The Applicant and the Council ask that the Examining Authority accept this Requirement. The agreed wording is:



DCO Schedule 2 - Additional Requirement (Priority for the management of local waste and wider catchment restriction)

- (1) Not less than 17.5 per cent of the waste processed at the authorised development per operational year must originate from within Waste Area 1 unless otherwise agreed by the relevant planning authority. Waste originating outside of Waste Area 1 and then transported to a waste loading point located in Waste Area 1 is not considered to have originated in Waste Area 1.
- (2) Not less than 80 per cent of the waste processed at the authorised development per operational year must originate from Waste Area 1 and Waste Area 2 unless otherwise agreed by the relevant planning authority. Subject to sub-paragraph (1), waste transported into Waste Area 2 to a waste loading point is considered to have originated in Waste Area 2.
- (3) No more than 20 per cent of the waste processed at the authorised development per operational year must originate from outside of Waste Area 1 and Waste Area 2 unless otherwise agreed by relevant planning authority. Waste sent direct to the authorised development from a location that is not located in either Waste Area 1 or Waste Area 2 will be deemed to originate from outside of Waste Area 2.
- (4) The maximum tonnage of waste received from any one waste planning authority's administrative area within Waste Area 2 must not exceed 312,800 tonnes in any operational year unless otherwise agreed by the relevant planning authority.
- (5) From the date of final commissioning of the authorised development until the authorised development has been decommissioned in accordance with requirement 28 (unless otherwise agreed by the relevant planning authority), the undertaker must maintain a written record, retained at the authorised development, of the quantities and origin of the waste treated by the authorised development for each operational year.
- (6) From the date of final commissioning until the authorised development has been decommissioned in accordance with requirement 28 (unless otherwise agreed by the relevant planning authority), on or prior to 1 February each year, the undertaker must provide to the relevant planning authority a report for the preceding operational year (the "Waste Catchment Report"). The Waste Catchment Report must identify:
 - a) The waste throughput of the authorised development including the total tonnage of waste processed at the authorised development for the operational year;
 - b) Waste catchment including as far as it is reasonably practicable to audit, the waste area for each waste loading point for waste processed at the



authorised development for the operational year, separately totalling tonnages received from Waste Area 1, Waste Area 2 and outside of Waste Area 2; and

c) Total annual tonnage processed at the authorised development from each waste planning authority for the operational year.

(7) The relevant planning authority can request an interim Waste Catchment Report at any time for the preceding twelve-month period. The undertaker must submit an interim Waste Catchment Report to the relevant planning authority within 6 weeks of receiving the request. The interim Waste Catchment Report must cover the 12-month period ending on the last day of the month the written request was made by the relevant planning authority to the undertaker unless otherwise agreed by the relevant planning authority.

Definitions

“throughput” means the tonnage of waste received at the authorised development.

“Waste area” in sub-paragraph (6) (b) means the areas or locations for each waste loading point, disaggregated to the smallest administrative area practicable including but not limited to county, unitary, district borough or postcode area.

“operational year” means the period from 1 January to 31 December

“Waste Area 1” means a 75 kilometre radius from the point that has grid reference [N307892.6931 and E545496.9373]

“Waste Area 2” means the area shown on the Waste Area 2 Plan

“Waste Area 2 Plan” means the document of that name identified in Table 10 of Schedule 13 and which is certified by the Secretary of State as the Waste Area 2 Plan for the purposes of this Order under article 42

“waste loading point” means the location where the waste is loaded onto a vehicle prior to being sent directly to the authorised development

Requirement 14 – Waste Hierarchy: Additional Criteria to be inserted after. “... must include details of—” and before “(a) ...”

During the Examination Cambridgeshire County Council (the Council) raised concerns that the Proposed Development would not accord with Policy 4 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021), which, among other things, requires waste to be moved up the waste hierarchy as high as possible. The Council's principal concern is to ensure that in the future when the EfW CHP Facility is operated, that the Applicant ensures that waste that could be managed further up the waste hierarchy, is diverted away from the facility. This is largely to be achieved through the Applicant's procedures concerning how they interact with their clients, and helps their clients ensure that they are only sending to the facility material that cannot be managed elsewhere.



The Applicant and the Council have agreed that this concern can be addressed through the inclusion of additional criteria in Requirement 14 (Waste Hierarchy), draft DCO Rev 4 (Volume 3.1), which would require: the detailing of any procedures, monitoring arrangements to establish how effective these procedures are, and regular review of procedures to ensure the best results.

The Applicant and Council agrees that this requirement is necessary and proportionate and will be effective in ensuring that Policy 4 of the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) is adhered to and will be seen to be adhered to. Submitted at Deadline 5, Requirement 15 of the updated draft DCO Rev 4 (Volume 3.1) includes the agreed wording. The Applicant and the Council ask that the Examining Authority accept this Requirement. The agreed additional wording is:

Requirement 14 – Waste Hierarchy: Additional Criteria to be inserted after “... must include details of—” and before “(a) ...”

- Details of operational procedures that seek to ensure that waste suitable for recycling and reuse is not received at the authorised development. These procedures are to be annually reviewed and, where practicable, improved;
- A record of the tonnages of any waste identified by the undertaker prior to tipping at authorised development and rejected as it was identified as being suitable for recycling and/or reuse;
- A record of the tonnages of waste considered suitable for recycling and/or reuse that has been diverted further up the Waste Hierarchy by persons who also send waste to be processed at the authorised development, as far as practicable; and,
- A record to be kept of how these procedures have been regularly reviewed (on an annual basis at a minimum), what changes were made, and how these changes will potentially reduce the amount of waste suitable for recycling and reuse being processed at the authorised development.