

Application by Medworth CHP Ltd for an Order Granting Development Consent for the Medworth Energy from Waste Combined Heat and Power Facility

Agenda for Issue Specific Hearing 7 (ISH7) on Environmental Matters:

Hearing	Date and Time	Location
Issue Specific Hearing 7 (ISH7) on Environmental Matters – waste issues and cumulative effects	Tuesday 27 June 2023 Hearing Starts at 10:00 Arrangements Conference from 09:00	By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.

Agenda

1. Welcome, introductions, arrangements for the Hearing

2. Purpose of the Issue Specific Hearing

The main purpose of the ISH7 is to undertake an oral examination on Environmental Matters, particularly in relation to waste issues and cumulative effects.

Discussions will be informed by written submissions received up to this point of the examination. However, due to the short timeframe between the issuing of this Agenda and Deadline 5, issues or comments submitted to the ExA at Deadline 5 may not be completely reflected on the Agenda. The ExA will, nevertheless, endeavour to review all the information received and pertinent to any hearing prior to the hearing being held.

3. Waste Issues

The purpose of this item is to examine issues linked with Waste, principally the Waste Fuel Availability Assessment (WFAA) (clean) [Ref tbc] and (tracked) version [Ref tbc], which underpins the need for the development, including waste availability, composition and compliance with waste hierarchy and examine if the Development Proposal is of an appropriate type and scale so as not to prejudice the achievement of local or national waste management targets.

This discussion will be informed by written submissions received up to this point of the Examination, with a particular focus on, but not limited to:

- Relevant Representation from Cambs CC and Fenland DC [RR-002]/[RR-003];

- Relevant Representation from UKWIN [RR-055];
- Applicant's Comments on RRs (LAs and Statutory Parties) [REP1-028];
- Cllr. De Walley Deadline 1 Post-Hearing submission [REP1-062];
- Written Summary of Oral Case for Cambs CC Open Floor Hearing 2 [REP1-068];
- Cambs CC and Fenland DC joint Local Impact Report [REP1-074];
- Deadline 1 submission from WisWin [REP1-095];
- Deadline 1 submission from UKWin [REP1-096];
- Applicant's response to ExQ1 [REP2-019];
- Applicant's response to CCC and FDC Local Impact Report [REP2-020];
- Cambs CC and Fenland DC response to ExQ1 [REP2-030];
- Cambs CC and Fenland DC comments on the Applicant's D1 Submissions [REP2-031];
- Cambs CC and Fenland DC Deadline 2 Written Representation [REP2-033];
- Deadline 2 Submission UKWin [REP2-066];
- Statement of Reasons (tracked) [REP3-010] and (clean) [REP3-011]
- Comments on the Written Representations: Part 1 - Statutory Parties [REP3-039];
- Comments on Written Representations: Part 2 – Other Interested Parties - late submission accepted at the discretion of the ExA [REP3-040];
- Comments on the responses to the ExA's Written Questions (ExQ1) [REP3-041];
- Applicant's Comments on Deadline 2 submissions [REP3-042];
- Cambs CC and Fenland DC Deadline 3 Submission - Post-hearing submissions including written submissions of oral cases [REP3-044];
- Deadline 3 Submission from UKWin [REP3-050];
- Deadline 3 Submission from Wisbech Town Council [REP3-052];
- Written Summary of the Applicant's Oral Submissions at ISH3 [REP4-019];
- Comments on the Deadline 3 Submissions: Part 1 Statutory Parties [REP4-022];
- Comments on the Deadline 3 Submissions: Part 2 Other Interested Parties [REP4-023];
- Cambs CC and Fenland DC post hearing submission [REP4-029];
- Cambs CC and Fenland DC Comments on any further information/submission received by Deadline 3 [REP4-031];
- Wisbech Town Council post-hearing submissions [REP4-032];
- UKWIN Comments on any further information/submissions [REP4-040];
- Cambs CC and Fenland DC Deadline 5 Comments on any further information/submissions by Deadline 4 [Ref tbc];
- Applicant's comments on the Deadline 4 Submissions: Part 1 Statutory Parties [Ref tbc];
- Waste Fuel Availability Assessment Rev 3 (clean) [Ref tbc] and (tracked version) [Ref tbc];
- Cambs CC and Fenland DC response to ExQ2 [Ref tbc];
- Applicant's responses to ExQ2 [Ref tbc];
- Wisbech Town Council responses to ExQ2 [Ref tbc];
- Additional Submission from Cambs CC and Fenland DC [AS-014];
- Relevant Representation from several IPs;

- Written Representations submitted throughout the examination by several IPs and APs.

The ExA will ask the Applicant to provide an update on the latest version of the Waste Fuel Availability Assessment and how the proposed waste combustion generating station is in accordance with the waste hierarchy, the proximity principle and of an appropriate type and scale so as not to prejudice the achievement of local or national waste management, drawing heavily on the information set out in the Statement of Reasons (tracked) [REP3-010] and (clean) [REP3-011] and Waste Fuel Availability Assessment (clean) [Ref tbc] and (tracked version) [Ref tbc].

At this point, the ExA is likely to invite comments from Natural England in relation to the Government's target to half the waste that ends up in landfill or incineration by 2042.

The ExA will then ask questions of the Applicant in relation to the spatial scope (Study Area), mainly the origin and composition of waste, and query the Applicant in relation to certainty of availability of waste from all the different waste authorities within the study area (2 hour travel time of heavy good vehicles).

The ExA's will then give the Local Host Authorities (LHAs) and other IPs the opportunity to comment on these topics.

The ExA will then ask questions in relation to engagement and confirmation of reported anticipated capacity from those local waste authorities.

The ExA will then ask the Applicant to explain the overall conclusions in the WFAA and also any differences identified in relation to Waste Fuel Availability when compared to the previous version of the WFAA.

The ExA will give the Local Host Authorities (LHAs) and other IPs the opportunity to comment.

Drawing from the Applicant's responses to ExQ2 [Ref tbc], the ExA is likely to probe the Applicant further on its answers in relation to Waste matters.

The ExA will invite further comments on waste matters first of all, from CCC and FDC, in line with their Relevant Representation [RR-002], Written Summary of Oral Case for Cambs CC Open Floor Hearing 2 [REP1-068], Cambs CC and Fenland DC joint Local Impact Report [REP1-074], Cambs CC and Fenland DC response to ExQ1 [REP2-030], Cambs CC and Fenland DC comments on the Applicant's D1 Submissions [REP2-031], Cambs CC and Fenland DC Deadline 2 Written Representation [REP2-033], Additional Submission from Cambs CC and Fenland DC [AS-014], Cambs CC and Fenland DC Deadline 3 Submission - Post-hearing submissions including written submissions of oral cases [REP3-044], Cambs CC and Fenland DC post hearing submission [REP4-029], Cambs CC and Fenland DC Comments on any further information/submission received by Deadline 3 [REP4-031] and Cambs CC and Fenland DC response to ExQ2 [Ref tbc]. The ExA asks that CCC and FDC concentrate on the main outstanding areas of disagreement.

The ExA will also ask Wisbech Town Council to comment, particularly in line with the information submitted in the Deadline 3 Submission from Wisbech Town Council [REP3-052], the Wisbech Town Council post-hearing submissions [REP4-032] and Wisbech Town Council responses to ExQ2 [Ref tbc] in relation to the information and conclusions of the WFAA.

The ExA will then ask for comments from WisWin and UKWin, in line with Relevant Representation from UKWIN [RR-055], Deadline 1 submission from WisWin [REP1-095], Deadline 1 submission from UKWin [REP1-096], Deadline 2 Submission UKWin [REP2-066], Deadline 3 Submission from UKWin [REP3-050] and UKWIN Comments on any further information/submissions [REP4-040] particularly in relation to waste matters.

The ExA will then give an opportunity for other IPs to comments on any issues raised under this point of the Agenda.

4. Cumulative Effects

The purpose of this item is to examine the cumulative effects of the Proposed Development.

This discussion will be informed by written submissions received up to this point of the Examination, with a particular focus on, but not limited to:

- Chapter 18 of the ES, Cumulative Effects [APP-034];
- Chapter 18 Cumulative Effects Figures [APP-067];
- Chapter 18 Cumulative Effects Assessment Appendices [APP-090];
- Relevant Representation from Cambs CC and Fenland DC [RR-002];
- Applicant's Comments on RRs (LAs and Statutory Parties) [REP1-028];
- Cambs CC and Fenland DC joint Local Impact Report [REP1-074];
- Applicant's response to ExQ1 [REP2-019];
- Applicant's response to CCC and FDC Local Impact Report [REP2-020];
- BCKLWN response to ExQ1 [REP2-027];
- Cambs CC and Fenland DC response to ExQ1 [REP2-030];
- Comments on the Written Representations: Part 1 - Statutory Parties [REP3-039]
- Cambs CC and Fenland DC response to ExQ2 [Ref tbc];
- Applicant's responses to ExQ2 [Ref tbc].

The ExA will ask the Applicant to present, in broad terms, its approach to cumulative effects detailed in Chapter 18 of the ES, Cumulative Effects [APP-034], focusing particularly on inter-related effects assessment, the inter-project effects assessment and the conclusions reached.

The ExA will ask specific questions in relation to the assessment of cumulative effects on 9 and 10 New Bridge Lane and also the assessment of cumulative effects onto businesses located in the proximity of the Proposed Development.

Drawing from the Applicant's responses to ExQ2 [Ref tbc] the ExA is likely to probe the Applicant further on its answers in relation to cumulative effects.

The ExA will then ask the LHAs for confirmation of agreement with the short and long list presented, in line with comments made in the Cambs CC and Fenland DC response to ExQ1 [REP2-030] and BCKLWN response to ExQ1 [REP2-027].

The ExA will then ask the Applicant to particularly provide an overview of the cumulative effects, particularly those in relation to noise and vibration and air quality.

The ExA will then give the Local Host Authorities (LHAs) and Interested Parties (IPs) the opportunity to comment, highlighting particular areas of disagreement between the parties. The ExA will particularly be looking for comments from BCKLWN in line with their Relevant Representation [RR-001] and BCKLWN Local Impact Report [REP1-064] which might not have been adequately addressed yet by the Applicant.

The ExA will also ask for comments from CCC and FDC in line with concerns identified in the Cambs CC and Fenland DC joint Local Impact Report [REP1-074] and Cambs CC and Fenland DC response to ExQ2 [Ref tbc] which might not have been adequately addressed yet by the Applicant.

The ExA will then invite IPs to comment on any issues covered under this agenda point.

5. Review of issues and actions arising

6. Any other business

7. Closure of the Hearing

Attendees

The ExA would find it helpful if the following parties could attend this Hearing:

- the Applicant;
- Fenland District Council (FDC);
- Cambridgeshire County Council (CCC);
- BCKLWN;
- Wisbech Town Council;
- UKWIN;
- Natural England (NE);
- Statutory Undertakers;
- IPs who submitted comments on any of the topics proposed to be covered at this Hearing.

All IPs are invited to attend the ISH and make oral representations. However, this is subject to the ExA's power to control the Hearing. Participants may be legally represented if they wish, but the Hearing will be conducted to ensure that legal representation is not required.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the Hearing. The details set out above are indicative and the ExA may find it necessary to include additional Agenda items or to amend the order in which the items are dealt with.

Anyone wishing to attend the Hearing who has not already advised in person, who has not already advised the Case Team of this, should do so as soon as possible.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage of the National Infrastructure Planning website](#) closer to the Hearing date. IPs and members of the public who wish to observe the Hearing can therefore view and listen to the Hearing using the livestream, or view and listen to the recording, after it has concluded.

Arrangements Conference

Parties who have registered to attend virtually, and Invitees, will receive an email shortly before the Hearing containing a joining link and telephone number to enable participation virtually as necessary. Please join the Arrangements Conference promptly. The Case Team will admit you from the virtual Lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the Hearing to start promptly.

Procedure at ISH

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. The hearing will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing, it may be necessary to prioritise matters and defer others to written questions.

The agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

Please contact the Case Team if you have any questions regarding the arrangements for the hearing or how to participate:

Email: medworth@planninginspectorate.gov.uk Tel: 0303 444 5000