

Response to ISH6 and ISH7 Action Points

This document provides Cambridgeshire County Council (**CCC**) and Fenland District Council's (**FDC**) (together, **the Councils**) responses to the Action Points addressed to CCC and/or FDC arising from the Issue Specific Hearing 6 (ISH6) on Monday 26 June 2023 and the Issue Specific Hearing 7 (ISH7) on Tuesday 27 June 2023 in relation to the application for development consent for Medworth Energy from Waste Combined Heat and Power Facility (the Scheme) by Medworth CHP Limited (the Applicant).

The document contains two separate tables – Table 1.1. for Response to ISH6 Action Points and Table 1.2. for Response to ISH7 Action Points.

Table 1.1 – Response to ISH6 Action Points

Action No.	Party	Action	Deadline	Response
1	Cambs CC and Fenland DC and Applicant	Written clarification of how the Local Community Mitigation Package in REP5-045 meets the statutory tests for planning obligations i.e. NPPF paragraph 57 and confirmation that the S106 agreement will be complete within the Examination timetable.	Deadline 6	<p>The Councils have carefully considered the impact of the Proposed Development upon local communities within the vicinity of the scheme. The Proposed Development is on the southern fringe of Wisbech town, which is set within the open Fenland landscape characterised by fine Georgian architecture but as an area has few public rights of way (PROW), low levels of biodiversity, poor access to nature and poor public health outcomes. The PROW that do exist are therefore highly valued and they are exceptionally sensitive to any negative impact upon them.</p> <p>Paragraph 100 of the NPPF requires planning decisions to protect and enhance public rights of way and countryside access, and to take the opportunity to provide better facilities for users such as new links in the PROW network.</p> <p>The Councils consider that there will be moderate to significant visual adverse impact upon local communities and users of the public rights of way (PROW) network in the immediate vicinity and within a 5km radius in a sweep from the SW to SE of the Proposed Development that cannot be mitigated so as to make the Proposed Development acceptable in planning terms. The adverse visual impact will create a significantly greater sense of industrialisation of the southern side of Wisbech, affecting people's enjoyment of their rural landscape with its broad Fenland views, which is likely to impact upon their mental and physical wellbeing. The Proposed Development will also result in a significant adverse impact on the physical environment along New Bridge Lane for non-motorised users (NMUs) due to</p>

			<p>changes in road layout and the introduction of HGVs servicing the site during operation. This could discourage local residents from using the route on foot and bicycle for functional and leisure purposes, similarly impacting their wellbeing.</p> <p>The proposed Local Community Mitigation Package will help to offset this adverse impact by providing:</p> <ul style="list-style-type: none"> • Improvements and enhancements to the public rights of way network and local road NMU connectivity for the four parishes within the 5km radius directly visually impacted in the SW – SE sweep south of the Proposed Development. This would be delivered by a dedicated project officer who will identify 1-2 new paths per parish through consultation with the local community and undertake the requisite legal processes to create them. The person will also work with the Councils’ Rights of Way Officers and local communities to identify and undertake improvements to the existing network, improving local connectivity for NMUs. • The establishment of permissive rights for NMUs over the former level crossing on New Bridge Lane to formalise longstanding usage and resolve uncertainty for NMUs, enabling safer NMU access to Cromwell Road facilities for communities in the New Drove area. • A commitment to securing public access within the ecological site(s) to be provided as part of the Applicant’s Biodiversity Net Gain requirements as close to the Proposed Development site as possible, for the health and wellbeing of local communities directly affected. <p>The Councils consider that this Mitigation Package is more than proportionate to the scale of the development, taking into account the deprived nature of the area and paucity of PROW in the area. The Mitigation Package is necessary in order to go</p>
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5	Applicant Cambs CC	To continue to engage in relation to road maintenance and potential contributions and update the ExA until an agreement has been reached.	Deadline 6	<p>Discussions between the Applicant and Cambridgeshire Highways Authority are ongoing. The latest position is that as part of the proposed off-site S278 Works certain commuted maintenance sums will need to be provided to the County Council for highway infrastructure works deemed to be extraordinary, and to address a potential future maintenance burden to the Authority, as outlined in the Councils' adopted Commuted Maintenance Sum Policy.</p> <p>Such sums may include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • Retaining structures i.e, adjacent the drains on New Bridge Lane; • Culverts and other structures beneath the highway requiring technical approval/ AIP; • Traffic signals maintenance/ replacements and commissioning; • Non-standard kerb types;

				<ul style="list-style-type: none"> • Drainage intervention such as pollution or flow control devices; and, • Barriers/ bollards or other lockable devices. <p>The nature and value of the sums will depend upon the detailed design of the off-site infrastructure, technical approvals, and the subsequent approved tender value for the works. Accordingly, it is not possible to determine what the sums may comprise, or the value during the DCO Examination. However, it is key that the need for such sums is reflected in the suite of legal documents that are associated with and support the decision.</p> <p>For the avoidance of doubt, commuted sums do not relate to standard infrastructure (i.e. kerbs/ asphalt/ street lighting etc), and excludes payment of technical fees for approvals (i.e. inspections/ agreement management/ signals assessments/ structural Approval in Principle etc).</p> <p>In relation to the potential damage to highways through the period of construction, this lies outside of the Commuted Sum process. MVV has accepted in the CTMP (REP5-012) that streets comprising New Bridge Lane, Cromwell Road, Weasenham Lane and Algores Road (private street), will be subject to Condition Surveys and remedial works, where there is reasonable evidence that the deterioration is related to the construction period and/or traffic associated with the site, will be rectified by the applicant. Again, it is not considered reasonable or possible to anticipate the nature and extent of any such damage in advance of the works, or establish what figure would be adequate to address the necessary remediation.</p>
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Table 1.2 – Response to ISH7 Action Points

Action No.	Party	Action	Deadline	Response
5	Cambs CC	As part of its post-hearing submission, Cambs CC to submit cumulative effect extracts from judgment of Mr. Justice Burton on The Queen on the Application of Leicestershire CC v SoS CLG.	Deadline 6	This case has been submitted as Appendix A of the Councils' Deadline 6 submissions [CLA.D6.ISH6-7.AA].
7	Cambs CC BCKLWN Fenland DC	To confirm agreement with the Long and Short List now included in the Applicant's proposal.	Deadline 6	Fenland District Council is happy with the Applicant's approach to their short and long list of projects, and Fenland District Council is also in agreement on how these have been included and addressed as part of the proposal i.e. that no significant inter-project effects would occur as a result of the Proposed Development (as set out in the SoCG).

