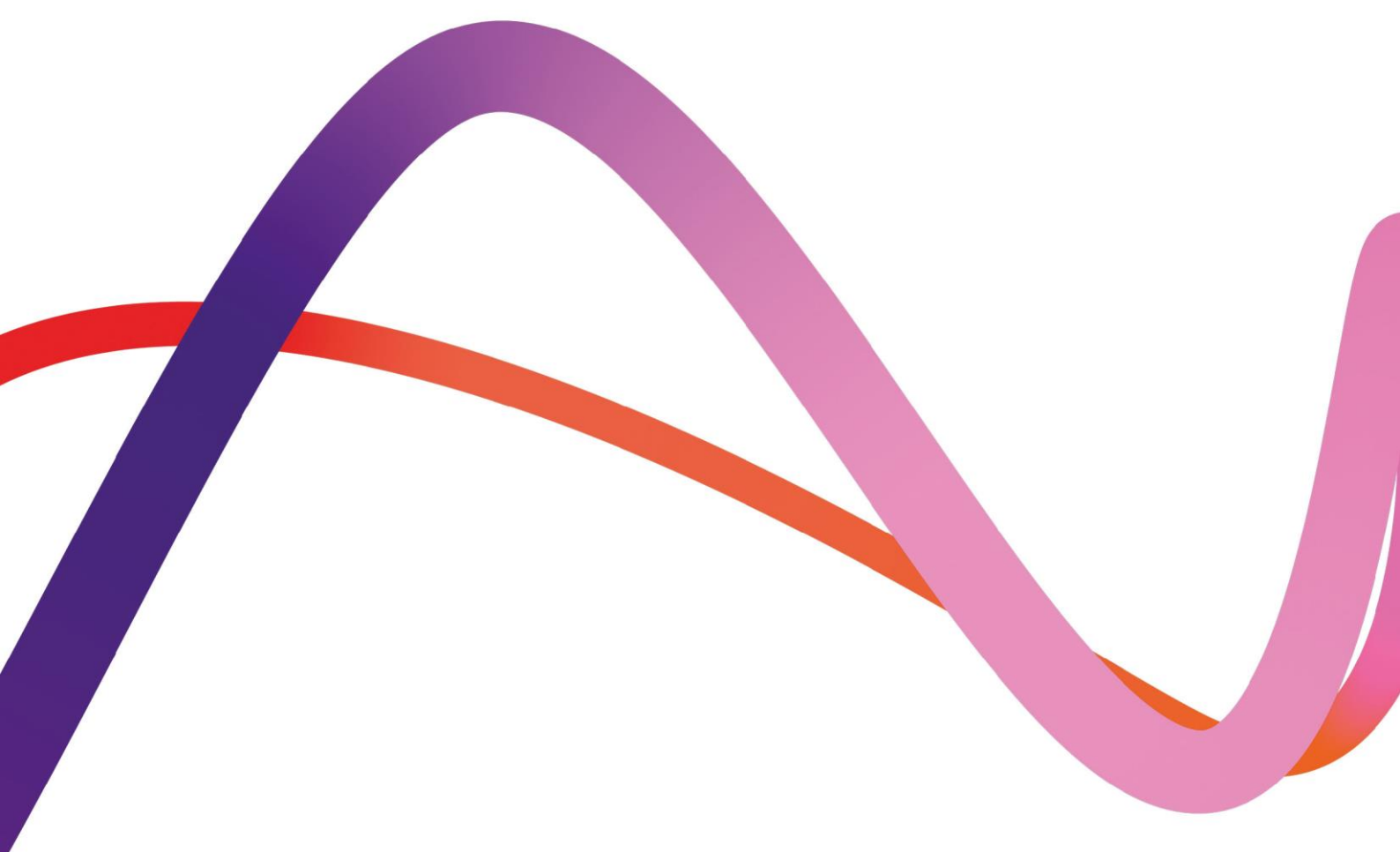


Medworth Energy from Waste Combined Heat and Power Facility

PINS ref. EN010110
Document Reference: 15.2
Revision 1.0
July 2023



Written Summary of the Applicant's Oral Submissions at ISH6

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1 Written Summary of the Applicant's Oral Submissions at ISH6

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Table 1.1 Written Summary of the Applicant's Oral Submissions at ISH6

Item	ExA Question/ Context for Discussion	Applicant's Response
Agenda item 1 - Welcome, introductions, arrangements for the hearing		
1	<p>The Examining Authority (“ExA”) opened the hearing, introduced themselves. The ExA set out the practicalities and technicalities behind a virtual hearing using Microsoft Teams.</p> <p>The ExA then invited parties present to introduce themselves.</p>	<p><u>Applicant</u></p> <p>The following parties introduced themselves on behalf of the Applicant:</p> <ul style="list-style-type: none"> • Gary McGovern, Partner, Pinsent Masons LLP for the Applicant • Claire Brodrick, Legal Director, Pinsent Masons LLP for the Applicant • Paul Carey, Managing Director, MVV • Tim Marks, Head of Planning, MVV • David Kenyon, Technical Director, Planning, WSP for the Applicant • Neil Furber, Associate Director, LVIA, HCUK for the Applicant • Bev Coupe, Technical Director, WSP for the Applicant • Grace Smith, Associate Director, WSP for the Applicant • Chris Formaggia, Technical Director, WSP for the Applicant <p><u>Host Local Authorities (HLAs)</u></p> <ul style="list-style-type: none"> • Andrew Fraser-Urquhart, KC, Francis Taylor Building Chambers, representing Cambridgeshire County Council (CCC) and Fenland District Council (FDC) • Emily Smith for Norfolk County Council <p><u>Other Intertest Parties (IPs)</u></p> <ul style="list-style-type: none"> • Ms Jenny Perryman • Ms Valerie Macrae, Local Resident

3 Written Summary of the Applicant's Oral Submissions at ISH6



Item	ExA Question/ Context for Discussion	Applicant's Response
2	<p>The main purpose of the ISH6 is to undertake an oral examination on Environmental Matters, particularly in relation to landscape and visual effects, biodiversity (if required) and traffic and transport.</p> <p>The ExA explained that the hearing would be a structured discussion and would follow the agenda that was published on the PINS website on 19th June 2023.</p>	N/A
<h3>3 Landscape and Visual</h3>		
3a	<p>The ExA explained that the purpose of this item is to examine the Proposed Development in relation to landscape and visual effects, mainly:</p> <ul style="list-style-type: none"> • assessment methodology, • construction and operational effects and • mitigation. <p>The ExA set out that the documents listed in the ISH6 agenda published on 19th June 2023 (the “Agenda”) would form the basis of the questions asked to the Applicant. The ExA explained she would not read these out given how</p>	<p>Mr Neil Furber, for the Applicant began by explaining that the scope of the LVIA was subject to extensive pre-application discussions with CCC/FDC’s appointed landscape consultants which led to the agreement on:</p> <ul style="list-style-type: none"> • the extent of the study area, • the number and location of photographic viewpoints (30 viewpoints in total), • the type of visualisation required for each viewpoint (largely photo montages that were survey-verified), and • Type 4 verification (which is a certain standard of accuracy for best practice). <p>Mr Furber then explained that a record of all pre-application consultation can be found within Appendix 9A of Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079]. Following the ES, further consultation was held post submission which led to the issue of a number of cross-sections and clarification Zones of Theoretical Visibility (ZTV) which were included in the Deadline 1 Submission - 9.2 Applicant’s response to the Relevant Representations – Part 9 Appendices [REP1-036].</p> <p>The Study Area for the LVIA is shown in Figure 9.1: LVIA Study Area [APP-053] and illustrates that the Study Area extends to a 17km radius in all directions from the centre of the EfW CHP Facility Site. The Study Area encompasses the EfW CHP Facility itself, CHP Connection, Access Improvements, TCC and Water Connections.</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
	<p>many documents there are however, he set out some references that were not available at the time the agenda was published. The ExA confirmed that all parties agreed with the key documents listed in the Agenda for agenda item 3.</p> <p>The ExA asked the Applicant to present its approach to landscape and visual effects as detailed in Chapter 9 of the ES, Landscape and Visual [APP-036], focusing particularly on the scope of the assessment, assessment methodology (including significance), likely significant effects and mitigation measures. The ExA explained they were happy for the Applicant to share on screen any relevant figures.</p>	<p>The approach adopted in defining a single Study Area consistent for all project components allows the assessment of landscape and visual receptors within the Study Area, where likely significant effects are predicted as a result of one or more project components. The spatial scope of the LVIA covers the area of the Proposed Development, together with the ZTVs that have formed the basis of the Study Area.</p> <p>Mr Furber explained that for the construction period, the LVIA is undertaken at the period during the construction when the greatest level of construction activity is being undertaken.</p> <p>With regard to the operational period, the LVIA is undertaken for the first winter following the commencement of operations of all the principal components of the Proposed Development i.e., winter 2026. Whilst it is considered that there would be minimal variation between winter and summer conditions, winter allows the assessments to take account of any increase in visibility due to seasonal leaf loss and aligns the assessment to the baseline photography which has captured the winter scenario. The Applicant has assessed the maximum potential magnitude in all cases, in both the visualisation material and in writing.</p> <p>Mr Furber then set out the temporal scope of the assessment. The landscape and visual effects associated with the decommissioning phase are expected to be of a similar or lower level to those reported for the construction phase works, albeit with a lesser duration of one year. The likely significance of effects relating to the construction phase assessment reported in the LVIA chapter is therefore applicable to the decommissioning phase.</p> <p>Mr Furber moved on to discuss the Potential Landscape Receptors. There are 3 main categories of landscape Receptors, being:</p> <ol style="list-style-type: none"> 1. Landscape elements – located within the Order limits and may be subject to direct (physical) landscape change; 2. Landscape character within the Study Area – which is defined at national and local level through Landscape Character Areas (LCAs) and which may experience direct or indirect effects; and 3. Landscape designations – however, it should be noted that there are no national or local landscape designations within the Study Area.



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		<p>Mr Furber then explained the position on potential visual Receptors. The ZTVs (shown in Figure 9.2i [APP-053]) show the locations in the Study Area from where views of the Proposed Development may theoretically be available to visual receptors. Visual receptors are people and include residential, recreational and vehicular visual receptors. This is detailed further in Chapter 9 of the ES [APP-036].</p> <p>Mr Furber then moved on to discuss the Assessment Methodology. The methodology for the LVIA follows best practice guidance (GLVIA3) published by the Landscape Institute as set out in Table 9.6 of Volume 6.2 ES Chapter 9 Landscape and Visual [APP-036]. CCC/FDC's appointed landscape consultants have confirmed through both pre and post application consultation that the LVIA methodology, for the assessment and for ZTV production and visualisations is acceptable.</p> <p>The level of landscape and visual effects is determined with reference to landscape or visual sensitivity and the magnitude of landscape or visual change experienced. As agreed with the local authorities, whether or not a moderate level of effect is considered to be significant will depend on professional judgement.</p> <p>The key potential effects of the Proposed Development can be categorised into effects on:</p> <ol style="list-style-type: none">1. the character of the landscape;2. the townscape character of the town of Wisbech; and3. views from numerous different locations within the Study Area (visual receptors which include residential areas, footpaths, cycleways and roads where people will have a view of the proposed development). <p>The LVIA concluded that the likely significant landscape and visual effects would occur for the following receptors as reported in Section 9.12 of Volume 6.2 ES Chapter 9 Landscape and Visual [APP-036]:</p> <ol style="list-style-type: none">1. Locally significant effects within the Wisbech Settled Fen LCA which lies closest to the EfW CHP Facility. This is considered the extent of significant landscape effects.



Item ExA Question/ Context for Discussion

Applicant's Response

2. In terms of visual impacts:

- Residents of 10 New Bridge Lane;
- Residents of 25 Cromwell Road;
- Parts of the community of Begdale;

3. In terms of recreational users:

- Recreational users of the Nene Way – south of Wisbech;
- Recreational users of Sustrans NCR 63;
- Recreational users of Halfpenny Lane (which is designated byway)
- Recreational users of PRowS in a cluster west of Begdale: Crooked Bank/Narrow Drove/Broad Drove;
- Recreational users of a single PRow referred to as 'The Still', south of Leverington for the operational phase (Year 1 and 15) only;

That concludes the significant effects on recreational users.

4. In terms of vehicle receptors;

- Vehicular users of the A47 eastbound traffic (to Wisbech); and
- Vehicular users of the B198 Cromwell Road (on the section southwest of town centre where it joins the A47, with reference to viewpoint 5).

Mr Furber explained that the assessment concluded a Moderate level of effect for four of these receptor groups (Nene Way south of Wisbech, Sustrans NCR 63, PRow The Still and B198 Cromwell Road southwest of the town centre) which was judged to be significant. Through the application of professional judgement, the Applicant



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		<p>considered there would be a significant effect at a moderate level. This is in accordance with the methodology set out in Appendix 9B of Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079] and aligns with best practice guidance at paragraphs 2.23 to 2.26 of GLVIA3 which highlight the importance of professional judgement.</p> <p>Mr Furber moved on to discuss mitigation. With regard to mitigation, paragraph 5.9.8 of NPS EN-1 states <i>“Virtually all nationally significant energy infrastructure projects will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.”</i> Mr Furber emphasised that the key point is to minimise harm (it is not required eliminate the harm), and to provide reasonable mitigation where possible.</p> <p>Paragraph 4.5.4 of NPS-EN-1 states: <i>“In considering applications the [Secretary of State] should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy.”</i></p> <p>All mitigation measures that are relevant and implementable have been embedded into the Proposed Development as set out in Tables 9.12 and 9.19 of ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036] which would be implemented through Requirements 2, 4, 5, 18 and 19 of the draft DCO (Volume 3.1) (Rev 4) [REP5-006]. No additional mitigation measures are proposed at this stage to further reduce the landscape and visual effects because all relevant and implementable measures have been already embedded into the development proposals and are considered likely to be effective and deliverable.</p> <p>NPS EN-1 recognises at paragraph 4.5.3: <i>“whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area.”</i> Mr Furber wished the draw the ExA's attention to the Design and Access Statement (Volume 7.5) [APP-096]. This documents the design process and the options considered, adopted and dismissed in terms of mass, scale, roof profile and cladding materials to minimise the visual impact of the EfW CHP Facility building. Mr Furber emphasised that a large amount of work was undertaken to arrive at the draft design.</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>It is inevitable that some significant landscape and visual effects would remain given the scale of the Proposed Development which is determined by the functionality of the various components and is not unusual for an EfW power station. Mr Furber explained from his work on other projects this is normal and to be expected. Other forms of development located in the Study Area have resulted in significant landscape and visual effects that cannot be fully mitigated including onshore wind farms and 400kV pylons. Mr Furber noted that such development has also established vertical infrastructure as a feature in the landscape. Mature trees typically reach heights of 15-20m and consequently planting within the Order limits would not eliminate views of the upper parts of the EfW CHP Facility buildings. However, as the ExA will be aware from the site visit the role in a flat landscape of existing shelter belts and other forms of vegetation in restricting views shouldn't be underestimated and this has formed a careful part of the assessment in determining where there would or would not be visibility of the Proposed Development.</p>
<p>The ExA asked the Applicant to explain how the significant effects factored into the choice of location and alternatives that were considered.</p>	<p>Mr Furber explained that it was a case of having a selected site that is constrained in terms of physical location and noting that the horizontal limits of deviation are also limited. The Proposed Development represents an efficient use of land. In the Design and Access Statement, the Applicant has looked at configurations of the building and alternatives have been considered. Mr Furber drew attention to the location of the Proposed Development on a brownfield site which is on the edge of an existing industrial estate, that contrast with theoretical alternative sites in open countryside settings, or locations that could be closer to residential areas, with both scenarios potentially resulting in greater landscape and visual effects respectively, compared with the Proposed Development. Whilst there are some significant effects on individual residential properties, the separation distance between the site and the main population of Wisbech is clearly apparent both in two-dimensional form and from the viewpoints as you travel through the Study Area.</p> <p>Ms Brodrick, for the Applicant, added that further detail is set out in the Applicant's Response to ExQ2, LV.2.1 [REP5-032].</p>	
<p>The ExA asked the Applicant to explain how the Proposed Development is justified in the presence of the significant effects identified.</p>	<p>Mr Furber explained that this was a question of planning balance which involves identifying where the significant effects are located. Mr Furber explained from his previous experience of four other EfW projects, that the significant effects here are very localised in terms of landscape impact due to the location of the Proposed Development on an existing industrial site. In terms of visual Receptors those that would be significantly affected are fairly small in number considering the scale of the Proposed Development. Mr Furber concluded that it is a question of those significant but localised, adverse landscape and visual effects being weighed in the planning</p>	



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>balance against the need for, and benefits, of the Proposed Development.</p> <p>Ms Brodrick added that the Applicant's position is that the benefits of the Proposed Development outweigh the significant effects identified, and referred the ExA to the Project Benefits Report [APP-095] and the Planning Statement [APP-091].</p> <p>Mr Kenyon, for the Applicant, explained that the Planning Statement looks at the benefits of the Proposed Development and the impacts and takes into account both the conclusions of the LVIA and all other reported assessments in the ES. The Planning Statement views these in light of existing and emerging policy, primarily the NPSs but local policy as well. In doing so, it considers the need for the development and the environmental effects that arise. It is inevitable that there will be effects, however, it is a case of balancing the positive and negative effects in order to come to a conclusion.</p> <p>In terms of hierarchy of considerations it is the national level that is considered first and there are no national or local landscape designations within the Study Area. It is therefore only local impacts to consider, which although they are important, they must be considered in the context of the national need for EfWs set out in the NPS. The conclusion is that the localised effects of the Proposed Development are not so significant to outweigh the benefits and the national need for the Proposed Development.</p>
3b	<p>The ExA then gave the Local Host Authorities and Interested Parties the opportunity to comment, highlighting particular areas of disagreement between the parties. The ExA explained that there were looking for comments from CCC and FDC in line with concerns identified in the CCC and FDC joint Local Impact Report [REP1-074] which might not have been adequately addressed yet by the Applicant, as well as those identified in CCC and FDC Deadline 2 Written Representation [REP2-033] and CCC</p>	<p>In response to comments from Mr Flatman for CCC as to the height of the Proposed Development and visual impacts, Mr Marks, for the Applicant, confirmed that the Proposed Development was not twice the height of the Cold Store. The Cold Store is 33 metres high AOD (Above Ordnance Datum). In comparison, the maximum height of the Proposed Development is set out in Schedule 14 of the draft DCO (Volume 3.1) [REP5-006] within which there is table of maximum and minimum design parameters. The boiler house which is only one element of the Proposed Development is up to 52 meters but there are other elements that are lower than the Cold Store. For example, the tipping hall is 8.5 metres.</p> <p>In response to comments from Mr Flatman regarding the site being constrained and the loss of vegetation, Mr Furber, for the Applicant, explained that it was agreed that landscape features could be scoped out of the ES because the tree survey identifies them as mostly poor to moderate condition, meaning the loss of that vegetation does not cause any concern in EIA terms. Mr Furber continued to explain that, even if there was a larger area available for more tree planting, this would not have any additional impact on screening because the trees couldn't reach the height where they would completely screen the proposed development from some viewpoint locations.</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
	<p>and FDC response to ExQ2 [rep5-045]. The ExA asked for a particular focus on specific locations or viewpoints where the LHA disagree with the findings of the Landscape and Visual Impact Assessment (LVIA) findings.</p>	<p>The views from New Bridge Lane, when the hedgerow and tree planting grows, will restrict views to the lower and middle levels of the building and that would have an impact between year 1 and year 15.</p> <p>Mr Furber explained there was a misconception from CCC of the role of ZTVs in LVIA. Mr Furber explained that 'ZTV' is a Zone of Theoretical Visibility. This should not be conflated with visual impact (effects). ZTVs should be read in conjunction with the visualisations.</p> <p>Mr Furber explained that there are locations where the Proposed Development would be fully or partially screened by intervening tree cover. ZTVs are a somewhat crude tool which can be used to help identify locations where there might be an effect but the LIDAR data used in the computer model to generate the ZTVs does not fully account for screening from tree cover or hedgerows. Therefore, there needs to be caution regarding the weight in the assessment that is attributed to the ZTVs. Mr Furber confirmed that it was clearly inaccurate to suggest Receptors within the ZTV would 'always experience' the Proposed Development.</p> <p>Mr Furber further confirmed that the Applicant had undertaken 4 years of consultation in relation to the viewpoints with the Councils, resulting in full agreement as to the locations of the viewpoints. Mr Furber explained that he had also undertaken further field work to remind himself as to the additional effects most recently raised by CCC. Mr Furber also noted that CCC had referenced conclusions within the ES but had not engaged with any of the detailed analysis set out in the visual appendices.</p> <p>In respect of Wisbech St Mary, the location of viewpoint 15 had been agreed with CCC. The viewpoint was taken as being representative of views from scattered dwellings outside of the main settlement. Mr Furber commented that, having agreed the viewpoint with the Council, it is very odd that it is now being debated. Mr Furber questioned CCC's claims that the effects are significant as they appeared to be only an assertion without any evidence to support the use of professional judgement.</p> <p>Mr Furber then referred to the users of minor roads east of Friday Bridge and Elm that were raised by CCC as potential receptors where significant effects would be experienced. The roads identified (of Needham Bank, Bar Drove, Kirkham Lane and Gosmoor Lane) are minor roads between the A1101 and the eastern edge of Elm and Friday Bridge. The routes do not have designated public access for recreational users i.e. no nationally or regionally promoted routes and the routes do not accommodate public rights of way. The routes typically have a narrow grass verge between the surfaced carriageway and arable agricultural land. In places tree and shrub planting lie close to the carriageway and have been trimmed back.</p>



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		<p>Notwithstanding the clear conclusion by CCC that the sensitivity of these road receptors are Medium (as if they were High then the effect would be Major), Mr Furber disagreed that these minor routes are fundamental to people on foot using them to connect to public rights of way, noting that of the four roads identified by the CCC, only Gosmoor Lane connects a settlement (Elm) with the wider public rights of way network and open countryside. Notwithstanding this observation, more convenient and safer access than Gosmoor Lane, connects people to the public footpath linking Elm and Collett's Bridge for most residents i.e. via the B1101 that passes through the centre of the village with surfaced footways.</p> <p>Mr Furber highlighted that there is no disagreement from CCC with the magnitude of change recorded at the much closer viewpoints 8 and 9 (~1.5km from the EfW CHP Facility) where the photomontages (Figures 9.24 and 9.25 – [APP-058] and [APP-059]) demonstrate no screening from intervening settlements and a Medium magnitude of change during the operational phase. Yet at more than twice the distance away, CCC appear to be claiming to the same magnitude of change.</p> <p>With reference to the Viewpoint 8 photomontage at Figure 9.24 (the ExA showed this on the screen), Mr Furber explained the difference between the existing and the proposed view which has the Proposed Development behind and to the left of the Cold Store approximately 1.5 km from the site. The minor roads at Friday Bridge are more than twice that distance from the Proposed Development, however the line of sight to the EfW CHP Facility is similar to Viewpoints 8 and 9. With intervening vegetation, and the Proposed Development being set back from the Cold Store, visual effects would not be considered significant. Mr Furber expressed his surprise that CCC are suggesting the magnitude from the minor roads at Friday Bridge could be considered at the same level as Viewpoint 8 and also to be considered a significant adverse effect.</p>
	<p>The ExA invited the Council to respond to the Applicant's comments.</p>	<p>Mr Flatman responded to Mr Furber's comments and suggested that Viewpoint 8, that he had previously referred to was not in the same alignment as views from the minor roads east of Friday Bridge as they are southeast, not south, of the Proposed Development.</p> <p>Mr Furber responded and drew the ExA's attention to Figure 9.14i which shows the viewpoint locations [APP-053, page 21] (the ExA showed this on the screen). Mr Furber drew the ExA's attention to Figures 9.24B [APP-058] and 9.25B [APP-059], the locations of Viewpoint 8 and 9, in comparison to the view direction from minor roads east of Friday Bridge. Mr Furber drew attention to the location of the Proposed Development behind the Cold Store and how it would occupy a smaller horizontal extent than the Cold Store. The majority of the EfW CHP Facility</p>



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		<p>components are lower than the Cold Store in these photomontages. At a distance of 1 to 1.5 km to the south and southeast the visual effect would be significant, however, Mr Furber explained from a location that would be 3 to 4 km distant in a similar direction (i.e. users of the minor roads east of Friday Bridge) there is no reasonable conclusion that can be reached that the effects at that range would be significant.</p> <p>Mr Furber explained that a highly prominent and contrasting cladding design with potentially dark colours would have a much greater visual impact than paler colours at higher elevations of the proposed EfW CHP Facility buildings. Considerations of gradation of colour/cladding, and/or lower built elements being a different colour/cladding to assist in partly breaking up the built volume would partly reduce the perceived scale.</p> <p>Mr Furber commented that the contextual relation to other buildings is also important - people are already looking towards an industrial estate on the edge of Wisbech. Mr Furber stated that he had strong objections to the suggestion by CCC that the Proposed Development is somehow a “unique impact” in the landscape because the design of the Proposed Development has made explicit reference to existing developments in the locality including the nearby Cold Store. In addition, there are other vertical features including wind turbines and pylons, so to imply this is a unique impact or building is not correct.</p> <p>Mr Furber then responded to CCC's assertion regarding the A47 being a landscape feature. Mr Furber explained that CCC are conflating landscape and visual impacts. Landscape character is the pattern of features in a landscape and visual perception is one of the aspects. Beyond the A47, the conclusion supports that those effects would be localised. GLVIA3 is clear on how landscape effects should be assessed. CCC's request to alter the conclusions of the impact on the Wisbech Settled Fen LCA to be Moderate and Significant would not comply with the approach to assessing the geographical area over which landscape effects will be felt as described in best practice guidance at paragraph 5.50 of GLVIA 3, which indicates four scales:</p> <ol style="list-style-type: none"> 1) at a site level; 2) the immediate setting of the site; 3) the scale of the landscape character areas within the proposal lies; and 4) on a larger scale influencing several landscape character areas. <p>Mr Furber explained that the LVIA has assessed the impact of the Proposed Development at the first three scales and the 4th scale does not apply. There is no evidence for the Council's conclusion that the magnitude would be Medium on the whole landscape area. Reference to viewpoints 18, 22, 23, 25 and 30 within the Fens LCA,</p>



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	<p>EXA asked CCC and FDC to confirm that the Councils are happy with the viewpoints or whether they would prefer additional viewpoints to be included.</p>	<p>demonstrated the limited indirect impact the Proposed Development would have to the baseline landscape character. The detailed assessment is set out in Appendix 9G at pages 9G11 to 9G14 of Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079]. It was concluded that whilst the magnitude of landscape change could be moderate in the very small part of the LCA west of Begdale, across the vast majority of the Fens LCA its character and key characteristics would remain largely unchanged, with magnitudes of change varying from low to no change, which are not significant.</p> <p>In response to CCC's suggestion that cladding would not have any role in reducing the scale of the EFW CHP Facility, Mr Furber explained that the Design and Access Statement and photomontages showed that using contrasting cladding design, with darker colours at the base and bands of colour, could assist in partially breaking up the perceived massing of the building. This approach is seen in many warehouses and large buildings and is an established mitigation technique to partially reduce the perceived scale of large buildings.</p> <p>Mr Furber explained that CCC have stated that all Moderate effects would be Significant, however this assertion is made without a clear explanation as to why they consider the magnitude of change would be different in places to the assessment set out by the Applicant. The narrative text from CCC, including clear judgements made about significance, are lacking and do not comply with paragraphs 3.35 to 3.36 of GLVIA3 which states there should not be an over-reliance on matrices or tabular summaries of effects. CCC in their response only refer to summary tables in the ES and not the detailed assessments contained in the ES appendices. Consequently, it is unclear whether CCC's comments have had regard to the detailed assessment. CCC appear to have also failed to clearly distinguish between the significant effects that are likely to influence the eventual decision and those of lesser concern.</p> <p>The Applicant notes that Mr Flatman agreed that there were not significant effects across the whole of the landscape character area.</p> <p>The Applicant notes that Mr Fraser-Urquhart, on behalf of CCC and FDC, confirmed the Councils were content with the locations of the viewpoints.</p> <p>The Applicant notes that Mr Fraser-Urquhart, on behalf of CCC and FDC, confirmed the Councils were content with the locations of the viewpoints.</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
3c	The ExA asked the Applicant to comment on 10 New Bridge Lane in relation to visual effects.	<p>Mr Furber, for the Applicant, explained that given the concerns of the Host Authorities landscape consultants and the concerns that the Host Authorities previously made in relation to 10 New Bridge Lane and the Residential Visual Amenity Threshold (RVAT), following the 21 October 2022 meeting, cross sections were prepared and submitted (Figure CS1 and CS2) (the ExA showed these Figures on the screen). These were issued to the Host Authorities and their consultant on 02 November 2022 and a copy was provided as part of the Deadline 1 submission (Volume 9.2 Part 9 Appendices) [REP1-036] (page 12 and 13)). The reasons this material was prepared was to help clarify the relationship between the EfW CHP Facility and 10 New Bridge Lane and also to compare a similar bungalow on New Bridge Lane (Potty Plants) and look at its relationship with the existing Cold Store building. Mr Furber added that whilst every assessment is undertaken on its own merits, it is helpful to look at a comparison to assess whether there is likely to be an overbearing effect on visual amenity or not.</p> <p>Figure CS1 illustrates a lower line of sight from 10 New Bridge Lane towards the top of the boiler house as the maximum height of the main mass of the proposed building which is 55 meters AOD or 52 meters from ground level with the vertical LoD. The top line of sight is taken to the taller and more slim line chimneys, which compared to the building would have less potential to be overbearing as they are slimline in nature. The first page of Figure CS1 illustrates the relationship and distances between New Bridge Lane and the chimneys, with a minimum separation distance of 107.7 meters to the proposed chimneys and 122.9 meters to the tallest part of the EfW CHP Facility building.</p> <p>Mr Furber moved on to discuss Figure CS2, where the top section is a magnified section of the cross section in Figure CS1 and the angle of the view lines from 10 New Bridge Lane have been annotated. The bottom section is a cross section taken from the bungalow at Potty Plants that lies close to the Cold Store. The Cold Store is 33 meters AOD and whilst not as tall as the Proposed Development, is significantly closer to Potty Plants (than the Proposed Development is to 10 New Bridge Lane) with a 63.8 meters separation distance, i.e., roughly half the distance in terms of proximity of 10 New Bridge Lane to the buildings that would comprise the Proposed Development.</p> <p>When considering the how much of the horizontal extent of the view is occupied by large-scale built form from Potty Plants it is clear from the section location plan on Figure CS2 that the Cold Store would form an extensive part of the view. In CS1, it is evident that the horizontal extent of the view of the Proposed Development that would be visible from 10 New Bridge Lane would be much narrower and would be primarily visible across the access road, above the proposed acoustic fence. Further to the south of the section line on the inset plan of Figure CS2, the existing trees and scrub outside the Order limits would filter or screen views of the Proposed</p>



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		<p>Development. In summary, the cross sections demonstrate that the Cold Store is much closer to Potty Plants than the EfW CHP Facility main building would be to 10 New Bridge Lane. Furthermore, the Cold Store occupies a greater vertical proportion of the view than the EfW CHP Facility main buildings in relation to 10 New Bridge Lane. The chimneys of the Proposed Development would occupy a slightly smaller vertical angle of view than the Cold Store from Potty Plants, however chimneys are slimline structures that have a lower potential to be considered overbearing, compared with the much greater bulk of a building. The cross sections support the ES analysis that the RVAT would not be breached between 10 New Bridge Lane and the proposed EfW main buildings and chimneys.</p> <p>Mr Furber added that it was also important to take into account at the main entrance off New Bridge Lane the potential impact of lighting columns has been considered in the outline lighting strategy with proposals to limit light pollution to acceptable levels. In respect to vehicles, views of the movement of vehicles would be substantially mitigated, although not eliminated by the 3m high acoustic fence that would be installed along the northern boundary of 10 New Bridge Lane. There would be some visibility of the upper parts of the HGV but the visual impact of vehicles would be less than on other existing dwellings further west on New Bridge Lane. Consequently, the Applicant did not consider the views of the vehicles would present an overbearing impact on view. The acoustic fence is secured to mitigate the noise impacts and has secondary benefits by partially screening HGVs and lower parts of the proposed EfW CHP Facility building.</p> <p>Following the accompanied site visit on the 11 May 2023 that included review of 10 New Bridge Lane from several locations along New Bridge Lane, the proposed location of the acoustic fence following the existing timber boundary fence enclosing the front garden was confirmed. In addition, the land uses to the rear of the dwelling could be observed from an oblique angle and were confirmed to be agricultural in nature comprising fenced paddocks and an outbuilding. Directly adjacent to the rear of the bungalow and partly enclosed by the L shaped configuration of the dwelling the tenant and landowner confirmed the presence of a small patio area. Following the completion of the accompanied site visit, the Applicant was granted permission by the landowner and tenant to briefly review the configuration of amenity space to the rear garden and this accorded with the previous aerial photograph analysis. In summary, the rear garden patio is enclosed by the dwelling to the north and east and a free-standing storage building is located to the south surrounded by agricultural grassland. The boundary of the patio to the west where it lies adjacent to the hardstanding of the driveway is defined by a timber fence with a trellis and climbing plants. The Applicant's previous judgement that there would be no potential for residents to view the proposed EfW CHP Facility main building and/or chimneys above the bungalow from the amenity space to the rear of the bungalow remains unchanged. In addition, the tenant confirmed that the front door on the north</p>



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		<p>elevation of the dwelling was not in use and the rear door on the southern elevation of the bungalow was the point of access into the dwelling. It is therefore clear that the front of the dwelling and the associated garden area does not have any particular amenity value at present.</p> <p>Ms Brodrick confirmed that no part of Work No. 4A, being the new site access and access improvements on New Bridge Lane, may commence until the acoustic fence has been constructed. The acoustic fence must be maintained until the Proposed Development has been decommissioned, unless otherwise agreed with the relevant planning authority. This is secured by Work No. 10 and Requirement 19(3) of the draft DCO (Volume 3.1) [REP5-006].</p>
	<p>The ExA requested that CCC and FDC respond to the Applicant's comments in relation to 10 New Bridge Lane.</p>	<p>In response to comments made on behalf of CCC and FDC, Mr Furber explained that the RVAA assessed the impact of the chimney, buildings and other developments and the effects on residential amenities. The acoustic fence would have an impact in terms of reducing visibility of the mid and lower part of the vehicles and would shield views of headlights, which was a concern raised. There will be some visibility of the upper parts of HGVs, however this impact would be less than for other dwellings further along New Bridge Lane (closer to the Cromwell Road junction).</p> <p>In response to Mr Flatman's comments regarding continuous traffic movement along New Bridge Lane, Mr Marks, for the Applicant, stated that this was incorrect, there will not be continuous traffic movement associated with the Proposed Development during construction or operation.</p> <p>In response to Mr Flatman's comment about the view lines on the section line being added to coincide with the top of the acoustic fence, Mr Furber explained that is not the purpose of the view lines. Rather the view lines are to demonstrate whether the Proposed Development would be overbearing. The vertical 70 meters that Mr Flatman referred to as being visible above the acoustic fence would be mainly chimneys and would be significantly more distant than views from Potty Plants and of much reduced horizontal extent, as previously described. Comparing the view of a slimline chimney to a solid building is not an appropriate comparison.</p> <p>In response to Mr Flatman's comments about landscape mitigation not being effective, Mr Furber confirmed that the planting was not designed to screen the building but was instead to reduce the views of ground level activity around the Proposed Development. In addition, the planting was to mitigate the views for people using New Bridge Lane.</p>



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		<p>The Applicant notes that Mr Flatman acknowledged that he had not visited 10 New Bridge Lane. Mr Furber explained that there was a misconception by Mr Flatman about the size of the garden element of the property. Mr Furber confirmed that the garden is limited to only the patio and there is no ability to wander from the patio into the larger land holding to obtain the views that Mr Flatman is claiming (as the remainder of the land is in agricultural use). Finally, in response to Mr Flatman's comments regarding the opening of gates, there is no opportunity to have them open as they are automatic and would have to be closed at all times in order to operate effectively as an acoustic fence.</p>
<p>3d</p> <p>The ExA asked CCC to present its approach to the Local Community Mitigation Package submitted at deadline 5. The ExA noted that whilst this item covers landscape and visual, the ExA recognised that the package also cuts across a number of topics including public rights of way and biodiversity net gain.</p> <p>The ExA then asked the Applicant to comment.</p>		<p>Mr Marks confirmed that the general summary provided by Ms Rhodes (on behalf of CCC) as to the current status of discussions regarding the local community mitigation package and s106 agreement was correct.</p> <p>Mr Marks confirmed that the Applicant has agreed the PRoW contribution and establishment of a fund and further details are being discussing with CCC. The Applicant will also be using reasonable endeavours to secure public access to any offsite BNG land.</p> <p>In terms of the permissive rights of way over the Network Rail land, Mr Marks confirmed that the summary provided by Ms Rhodes was a fair reflection of the tripartite meetings with Network Rail and the Applicant will use reasonable endeavours to close this out, subject to Network Rail's approvals process.</p> <p>Mr Marks noted that good progress has been made on the mitigation package, with HoTs continuing to be progressed. The Applicant has engaged significantly on BNG and has shared and agreed the approach set out in the BNG Strategy [REP5-016]. The Applicant has tried to achieve as much BNG as possible on site and has increased the search boundary for local sites to provide offsite BNG. The Applicant first approached CCC over two years ago to identify potential local sites for BNG, however none were forth coming. The recent local sites suggested by CCC were not viable as they were on third party private land or subject to housing planning permission and therefore the Applicant could not move these forwards. As far as the Applicant understands there is no outstanding matters on BNG, with agreement reached on the strategy as provided in the SoCG with the Host Authorities [REP5-023].</p> <p>Mr Marks noted that BNG is an emerging area. Mr Marks confirmed that the Applicant has been investigating the delivery of offsite BNG and has held discussions with the Wildlife Trust and approached the RSPB in an attempt to find sites. The Applicant is keen to find a local site in consultation with the local planning authorities and link this with access for NMUs (as secured in the BNG Strategy). The BNG strategy and mitigation package the Applicant</p>



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		has put forward means this is achievable.
	The ExA invited any Interested Parties to comment specifically on Local Community Mitigation Package.	N/A
3f	The ExA invited any Interested Parties, with particular reference to NCC, to ask questions or raise comments on the issues discussed regarding the LVIA.	The Applicant notes that Ms Emily Smith, on behalf of NCC, explained that NCC had no additional comments than those included in the local impact report and confirmed that NCC are continuing to work with CCC regarding the mitigation package.
4 –Biodiversity		
4a	<p>The ExA set out that the purpose of this item is to examine the Proposed Development in relation to biodiversity.</p> <p>The ExA commented that they have reviewed the documents submitted at deadline 5 including the Applicant's and CCC and FDC responses to ExQ2. In light of that review, it appears that outstanding issues relating to biodiversity may be able to be resolved through written representations. Nevertheless, the ExA asked if CCC or FDC have any outstanding issues that they would like to raise at the hearing.</p>	N/A



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4h	The ExA the invited any Interested Parties to comment on any issues raised under this point of the Agenda.	N/A
	The ExA invited any comments from the Applicant.	Mr Marks confirmed there were no further comments the Applicant wished to make.
5 Traffic and Transport		
5a	<p>The ExA set out that the purpose of this item is to examine the Proposed Development in relation to traffic and transport, mainly:</p> <ul style="list-style-type: none"> • traffic generation, • assessment of traffic and transport effects at the construction and operational phases: • traffic management and highway safety, • the Outline Construction Traffic Management Plan, • the Outline Operational Travel Plan, • the Outline Operational Traffic Management Plan and • the effects of the Proposed Development on the accessibility of other premises. <p>The ExA explained he would not read these out given how many documents</p>	<p>Mr Kenyon, for the Applicant, began by explaining that at Deadline 5 the Applicant submitted an updated Outline Construction Traffic Management Plan (OCTMP) (Volume 6.4) [REP5-012] and an updated Outline Construction Environmental Management Plan (OCEMP) (Volume 7.12) [REP5-022]. Updates were also made to the Access and Rights of Way Plan (Rev 5) (Volume 6.4) [REP5-004]. Changes were made to respond to requests made by CCC as set out within the Schedule of Changes (Volume 9.20) [REP5-028].</p> <p>In summary the changes were:</p> <p>OCTMP: the changes made at Deadline 5 related to public rights of way (PRoW) and to the scope of highway condition surveys. These were made in response to comments made by CCC at Deadline 4 (primarily Comments on Applicant's D3 Submissions [REP4-031]) and followed meetings with CCC on 7 June and 14 June 2023. The Applicant met with CCC on a number of occasions regarding NMUs and the extent of the highway condition surveys. Regarding PRoWs, the changes include the way in which footpaths are referred to, reference is now made to PRoW closure (rather than footpaths) and additional clarity is provided on the formal PRoWS that are adjacent to the A47 highway verge (paragraph 7.2.5 of the OCTMP). Reference is now made to the number assigned to each PRoW in the definitive map.</p> <p>Concerning signage, the Applicant has agreed to provide CCC with the wording and positioning of the sign to be placed at the crossing of the disused March to Wisbech Railway for its review and comment before any signage is installed (paragraph 7.4.8 of the OCTMP). Network Rail will determine the positioning of the signage but the Applicant commits to pass the details to CCC to comment. There have already tripartite meetings between the Applicant, Network Rail and CCC, and the Applicant is hoping that will continue to work in partnership.</p>



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	<p>there are however, he set out some references that were not available at the time the agenda was published which included: REP5-045, REP 5-034, REP5-004, REP5-011, REP 5-021, REP 5-022, REP 5-036, REP 5-032, REP 5-051 and REP 5-045. The ExA confirmed that all parties agreed with the key documents listed in the Agenda for agenda item 5.</p> <p>The ExA asked the Applicant to set out the reasons behind the updated Outline Construction Traffic Management Plan and the Outline Construction Environmental Management Plan, in relation to Traffic and Transport, and explain the reasoning behind the changes made to the latest version.</p>	<p>The Applicant met with CCC highways to discuss the scope of the proposed highway conditions surveys. The Applicant has now agreed revised wording with CCC. The agreed wording is reflected within paragraphs 7.4.21 to 7.4.27 of the OCTMP. This now establishes the extent of the surveys (not just the highways but also extended to the public rights of way which abut the Order limits). The Applicant will undertake a condition survey of the surface and boundary features, and the surveys will be undertaken by an independent, jointly approved contractor. Paragraph 7.4.27 provides a mechanism to include for the survey of any diversionary routes used by construction traffic, should diversions be necessary due to a major accident or similar. The mechanism for repair and reinstatement is included.</p> <p>Mr Kenyon, moved on to explain that the Outline Water Management Plan has been updated to respond to issues raised by the KLIDB during the Applicant's engagement on the SOCG. The changes made were to clarify terminology and to confirm that consent will be required from either of the IDBs if the Applicant were to propose any surface water discharge to ditches.</p> <p>The latest version of the Access and Rights of Way Plan (Volume 2.4) [REP5-004] was updated for Deadline 5. The changes made were to reflect the delineation of the highway boundary at Weasenham Lane (provided by CCC) in respect to the OCTMP Figure 10.3i (see above and Comments on Applicant's D3 Submissions [REP4-031]) including, for clarity, an inset plan. The changes concern the location where the railway used to cross Weasenham Lane, CCC provided further mapping and the Applicant has reflected that as best it could in the updated plan.</p>
	<p>The ExA asked the Applicant to set out the overall capacity of the road network including how the Applicant assessed the impact of the Proposed Development and the anticipated increase in HGV traffic. The ExA noted that this question does revisit issues that were covered in the previous hearing and that there will be some overlap.</p>	<p>Ms Coupe, for the Applicant, began by explaining that the Applicant provided two assessment documents, the ES Traffic and Transport EIA and a transport assessment. The EIA assessment was based on the Institute of Environmental Assessment (IEA) publication <i>Guidelines for the Environmental Assessment of Road Traffic</i> (GEART), which considers a number of traffic related environmental effects on receptors:</p> <ul style="list-style-type: none"> • Severance • Driver delay • Pedestrian amenity • Pedestrian delay: • Fear and intimidation; and • Accidents and safety



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		<p>The assessment takes account of the proportional increase in traffic as a result of the Proposed Development itself and the Applicant assessed both constructions and operation. GEART provides two rules that are used to establish whether an environmental assessment of traffic effects should be carried out on Receptors:</p> <ul style="list-style-type: none"> • Rule 1: Include roads where traffic flows are predicted to increase by more than 30% (or where the number of HGVs is predicted to increase by more than 30%) then this would trigger the need for an assessment; and • Rule 2: Include any specifically 'sensitive' areas (for example, a busy high street or school) where traffic flows are predicted to increase by 10% or more <p>A detailed assessment of effects was undertaken for each of the receptor roads where the increase in traffic was higher than 30% for non-sensitive roads or higher than 10% for sensitive roads.</p> <p>The magnitude of change in traffic flows during the peak construction period and operational stage were identified and then there was measurement of the increase of traffic on several receptor locations. Receptor locations were identified and the level of sensitivity was recorded, which enabled the Applicant to know whether Rule 1 or Rule 2 applied. The Applicant then identified whether there was need for further assessment. Where this need was triggered, the Applicant undertook further assessment work and looked at the effect and discussed its significance as a result of the traffic flows.</p> <p>Ms Coupe moved on to discuss the transport assessment, explaining that construction traffic was temporary and the peak month was month 14 (out of a 36 month program). The Applicant then considered the operational effects by assessing the development traffic on specific junctions and the Applicant found no issues at the junctions identified. The conclusion that was reached was that there is sufficient capacity and no detrimental impact as a result of the Proposed Development's traffic.</p> <p>The ExA asked the Applicant if the assessment confirmed that the network would be able to cope with the increase in traffic. Ms Coupe, for the Applicant, confirmed that it would.</p> <p>The ExA asked CCC and FDC whether the Councils agreed with that assessment. The Applicant notes that Mr Fraser-Urquhart, for CCC and FDC, confirmed that he did agree.</p>
	<p>The ExA asked CCC as the local</p>	<p>The Applicant notes that Mr Fraser-Urquhart, for CCC and FDC, confirmed that he did not have any comments to</p>



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	<p>highway Authority where they had any comments noting the response from National Highways response that the scheme is unlikely to have a severe impact on the capacity of the strategic road network.</p>	<p>make in relation to capacity.</p>
<p>5b</p>	<p>With no prejudice to the ExA's position in relation to the request submitted by the Applicant to make changes to the proposal, the ExA asked the Applicant to explain the need for the proposed changes, how it impacts any traffic and transport issues and the consequences of the change not being accepted.</p>	<p>Ms Coupe began by explaining that the Applicant's Traffic and Transport Assessment (Volume 6.2) [APP-033] did not identify a need to provide a signalised junction at the Cromwell Road/New Bridge Lane junction as there was sufficient capacity for the existing junction configuration to accommodate the traffic generated by the Proposed Development during both construction and operation. CCC requested that the junction be signalised due to concerns of road safety because of an increased volume of slow-moving heavy goods vehicles (HGVs) turning right from Cromwell Road (southern arm) into New Bridge Lane.</p> <p>Notwithstanding the Applicant's position as set out within the Environmental Statement, in order to reach common ground with CCC, the Applicant has designed a scheme for the signalisation of the crossroads junction which includes a right turn lane for traffic turning into New Bridge Lane as requested by CCC.</p> <p>The existing junction is largely retained. Where kerb lines have been changed, the changes have been informed by swept path analysis of HGV vehicles. Visibility and intervisibility from the proposed new crossing have been tested. Forward visibility is good along Cromwell Road due to its alignments. The Applicant has also considered how the new junction works with the Tesco Junction to the north.</p> <p>The Applicant has undertaken a scheme design and junction modelling, and a Stage 1 Road Safety Audit (RSA) has been prepared. A Designers Response has been produced on behalf of the Applicant which is included within ES Chapter 6 Traffic and Transport Appendix 6B Transport Assessment Addendum (Volume 3.11) (the TA Addendum) [AS-029].</p> <p>In the event the Change Application were not accepted, the Applicant would be able to implement the original junction design for Cromwell Road and New Bridge Lane under the powers contained in the DCO (which the Applicant considers to be acceptable). However, in the event that CCC requires the updated signalisation scheme to be implemented, the Applicant would need to undertake the works pursuant to a S278 Agreement under the Highways Act 1980. This could require the agreement of Tesco if the adoption of the section of street within its</p>



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		<p>ownership has not been completed at that stage. The Applicant is not aware of any reasons why Tesco would refuse consent.</p> <p>Ms Brodrick added that the Applicant had a virtual meeting with representatives from Tesco earlier this morning and they are undertaking further internal investigations. Ms Brodrick explained that Tesco did not have any in principle concerns. Therefore, the Applicant is hopeful that it will have agreement from Tesco before the end of the non-statutory consultation period for the Changes Application on 14 July 2023.</p>
5c	<p>The ExA invited the Local Host Authorities (LHAs) and any other Interested Parties the opportunity to comment on the changes application.</p>	<p>In response to submissions from CCC about the junction requirements and involvement of land belonging to Tesco, Ms Brodrick emphasised that the Applicant did not suggest that safety was not important. It will be for the Secretary of State to decide which submissions to place more weight on where there is conflicting expert evidence. In relation to the land not currently adopted and owned by Tesco, the Applicant is trying to undertake the works it needs and there are different ways within the draft DCO (Volume 3.1) Rev 4 [REP5-006] by which this can be achieved.</p> <p>In respect of plot 12/4b, the Applicant has sought two different ways to carry out the works: it can either use the powers in article 11 in of the draft DCO which apply to works to a street, whether it is privately owned or publicly adopted. The Applicant's view is that this land is laid out as a street so these powers would be available.</p> <p>In addition, the Applicant is seeking temporary possession powers to enable it to enter the land to carry out the works and then the land would be returned to Tesco. The Applicant does not believe it needs to regularise current situation or facilitate the adoption of that land as it is already covered by the existing s106 agreement between Tesco and CCC. The Applicant notes that there are a variety of different measures to facilitate the adoption, including a partial certification or deed of variation to the s106 agreement. The Applicant does not consider that there are any issues in relation to the deliverability of the signalisation scheme proposed as part of the Changes Application.</p> <p>In terms of the issues raised by CCC about the modelling of the junction, the Applicant noted that this was the first time that the Applicant had received feedback on the modelling, despite it being sent on 25 May 2023. It is the Applicant's position that it does not consider there to be any issues with the proposed Changes Application other than some technical details that could be resolved.</p> <p>Ms Brodrick reiterated that the Applicant believes enough land has been included in the Order limits. The Order</p>



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		<p>limits are where actual works are required. There is existing public highway in all directions around the junction so other powers are available. In terms of distances to the stop line in all directions and works to Salters Way, there are different ways in the draft DCO to obtain powers to carry out the works. For Salters Way, the works are to install a dropped kerb to an existing pavement, the Applicant does not consider that that will impact the sub-soil but, in any event, the power contained in article 11 of the draft DCO would be sufficient to enable the works to be undertaken.</p> <p>Ms Brodrick concluded by stating that all of CCC's points are addressed by the proposed Changes Application. The Applicant's approach to compulsory acquisition is set out in the Change Application Report (Volume 13.2) [AS-028]. Section 2.4 sets out the powers of compulsory acquisition and how those interact with the streets powers. That information is already before the examination and was submitted on 5 June 2023.</p>
5e	<p>The ExA then asked the Applicant to present the predicted increases in HGV traffic as set out in Chapter 6 of the ES, Traffic and Transport [APP-033], particularly taking into consideration the information set out in Table 6.27 Construction traffic percentage impact per highways link and Table 6.32 Operational traffic percentage impact per highways link.</p>	<p>Ms Coupe explained the predicted increases in traffic flow takes into account the future base year flow, which is 2024 for construction traffic (during which the peak construction traffic month 14), and 2027 for operational traffic. Table 6.27 is the construction traffic percentage by highway link. This shows the future base year, total vehicles and HGVs, with HGVs identified separately and in the total. The table shows daily traffic movements.</p> <p>For Algores Way, there is a predicted total traffic increase (at peak construction) of 517 (HGV and LV) vehicles, which equates to an hourly average of 43, which is less than one per minute. The highest number of HGVs is on Cromwell Road: 186 vehicles equates to an hourly average of 16 vehicles, which is one every 4 minutes. This level of increase would not have a significant environmental effect.</p> <p>In response to a request from the ExA as to why the impact would not be significant, Ms Coupe explained that the impacts are not significant because the baseline level is very low. On New Bridge Lane, an average 10.5 HGVs an hour is one every 6 minutes and on Algores Way, an average 16 HGVs an hour is one every 4 minutes. The implications of this increase are not great on pedestrians and would not stop people crossing the road or using the road. Furthermore, both Algores Way and New Bridge Lane are 'dead ends', so an increase in traffic as a result of the Proposed Development would not cause driver delay. Algores Way serves an industrial area which has existing HGV flows; the effects are temporary during construction until the New Bridge Lane improvements are completed. The environmental effects identified in the guidelines when looked at in more detail will not be significant.</p>
	<p>The ExA asked the Applicant to explain</p>	<p>Ms Coupe explained that if receptors are identified as Rule 1 receptor routes, then an increase in HGV traffic of</p>



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	<p>why receptor's 1, 2, 3 and 11 – the magnitude of change is above the 30% but it is still considered as not significant.</p>	<p>30% would be taken forward for detailed consideration. Only New Bridge Lane would be above a 30% increase.</p> <p>The ExA asked how the Applicant has reached a conclusion of not significant.</p> <p>Ms Coupe explained that each environmental effect has been dealt with in the traffic and transport assessment [APP-033]. Where the potential increase in traffic triggers the need for further assessment, there is then a review of each of the locations against each environmental effect in turn.</p> <p>In response to a request for further detail on the assessments, Ms Coupe explained that the approach is that, if the Rule is triggered, then there is a more in-depth consideration of each of the environmental effects. The Applicant then decides whether the effect is significant or not. For example, Table 6.28 of ES Chapter 6 Traffic and Transport (Volume 6.2) [APP-033] looks at highway link 1 and goes through each environmental effect in more detail. It considers that the number of vehicles (for example 6 HGVs per hour, which results in 2 HGVs on the link every 20 minutes) will not impact on severance and will not stop people crossing the road.</p> <p>The ExA commented with reference to Table 6.29, link 2, that according to the Applicant's assessment the residual effect was considered not significant.</p> <p>Ms Coupe explained that severance guidelines identify that a change between 60-90% can impact severance. However, this is then broken down to hourly flows and the characteristics of the roads are taken into account. There are industries on the either side, therefore it is less vulnerable to severance. The table at 6.29 does identify a moderate level of effect using the Table 6.26 evaluation matrix which is based on the receptor sensitivity being medium and the change is moderate. That leads to identification of significance. The Proposed Development includes improvements to pedestrian provision; for example, a footway and crossing point at that junction form part of Work No. 4A.</p> <p>The ExA asked the Applicant to explain why the effect is still moderate if the Proposed Development does not have an effect on severance.</p> <p>Ms Coupe advised that the significance evaluation matrix at Table 6.26 sets receptors sensitivity against the magnitude of change. The Applicant did not consider the effect to be significant after mitigation. Ms Brodrick further explained that, once the additional mitigation measures were taken into account, the conclusion is set out in section 6.14 of the ES and this confirms that there would not be any residual significant effects.</p> <p>Ms Brodrick reiterated that Table 6.35 summarises the effects prior to the consideration of additional mitigation. Table 6.12 includes additional mitigation. This is taken into account in the conclusion in 6.14 that, with mitigation,</p>



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		<p>the effect is reduced to not significant.</p> <p>Ms Brodrick confirmed that it was.</p> <p>The ExA asked the Applicant to explain why this is appropriate mitigation.</p> <p>Ms Coupe explained that the original proposal was dropped kerbs. There is currently no provision for pedestrians at all. With the signalisation scheme, the dropped kerbs would be part of a formal controlled crossing where pedestrians can cross the road without any traffic. The level of traffic in New Bridge Lane is not high so there are good opportunities for pedestrians to safely cross the road. The signal scheme provides a greater ability for pedestrians to cross New Bridge Lane. Without the controlled crossing, it is still an appropriate crossing. Ms Coupe explained that CCC are in agreement with the methodology as set out in REP5-023.</p> <p>The Applicant notes that the ExA asked if CCC would like to comment on this issue specifically, and they confirmed that they did not.</p>
	<p>The ExA asked the Applicant set out why road closures and diversions are needed.</p>	<p>Mr Kenyon, for the Applicant, explained that any temporary road closures would be to allow construction of the Access Improvements on New Bridge Lane. When widening the road, the works would be undertaken through a partial closure, via a contraflow system. There is also the underground Grid Connection and that will run along New Bridge Lane. There will be a need to a partial closure of New Bridge Lane to allow these works to take place. The CHP Connection follows the disused railway north over Weasenham Lane, and there is a proposal to put the connection on a pipe bridge. It may be necessary to close Weasenham Lane overnight for the final installation of the pipe bridge. Mr Kenyon explained the Grid Connection up towards Walsoken substation would be constructed in the verge of the A47. The northbound carriageway would be closed overnight for approximately 200 metres at a time, with excavators on the carriageway constructing into the verge. The highway would reopen as normal, each morning. This has been agreed with National Highways. Mr Kenyon explained that these are the main areas where there will be a need for temporary closures of the highway during construction of the Proposed Development.</p>
	<p>The ExA asked the Applicant how vehicle access to 10 New Bridge Lane and to Potty Plants will be maintained.</p>	<p>Mr Kenyon explained that this is addressed in the Outline CTMP [REP5-012]. There is a bollard at the disused railway crossing at the moment and 10 New Bridge Lane cannot therefore be accessed from Cromwell Road. Access to New Bridge Lane to the west of the disused railway will not be affected; it is only locations to the east of the railway between the discussed crossing and New Drove that will be affected. The Applicant will have day-to-</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>day contact and liaison with the owner and occupier of 10 New Bridge Lane, in the event that the highway is closed for short sections at any one time. It is possible to place metal plates over the excavations so access can be retained as much as possible. If there is a need to restrict access, then 10 New Bridge Lane would be given advanced notice of this. This is all subject to detail and agreement with CCC.</p> <p>Mr Kenyon also explained that there will be a Community Liaison Group and the Applicant will be required to work with CCC and other interested parties to provide advanced warning of any planned operational changes that may have the potential to affect the free flow of traffic on the surrounding highway network. Mr Kenyon explained that this will be the same as for typical highway works that a local highway authority would undertake.</p> <p>In relation to Potty Plants, access to this premises would not be affected. The new bollards will be between 10 New Bridge Lane and New Drove. The current access to Potty Plants will not change as a result of the bollards as these are located to the east of New Drove that currently provides access to Potty Plants.</p>
	<p>The ExA commented in relation to the Community Liaison Group that there does not appear to be any proposals if access cannot be secured.</p>	<p>Mr Marks, for the Applicant, stated that the purpose of the Community Liaison Group is to ensure people are given advance warning and to engage with landowners. If the landowners need access, then the Applicant can reschedule works. The Community Liaison Group is a forum to work with people in order to minimise the disruption as much as possible.</p> <p>Ms Brodrick referred to Article 13(3) of the draft DCO which states that access for NMU and vehicles is secured at all times for premises without another means of access.</p>
	<p>The ExA asked the Applicant if it had any plans in terms of expanding the Community Liaison Group beyond the owners to include the occupiers of 10 New Bridge Lane.</p>	<p>Mr Carey, for the Applicant, added that the Community Liaison Group would be open to anyone who wants to join. It would be modelled on how the Applicant already does this in Plymouth and Dundee. The Applicant would not rely on the members of the Community Liaison Group to liaise with individual people who might be affected by our work, the Applicant will liaise with them directly.</p> <p>Ms Brodrick referred to paragraph 7.2.3 of the outline CTMP which includes a specific commitment to communicate any highway closures that may affect 10 New Bridge Lane to both the occupier and the owner of the property. Ms Brodrick added that the Applicant is in discussion with Network Rail for 10 New Bridge Lane and FDC, being the only affected landowners, to be granted rights of access. The proposed bollard is removable and the landowners will be given a key so they can maintain access via the current arrangements, if they so choose.</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
	<p>The ExA asked the Applicant to confirm that, under paragraph 7.4.55 of the outline CTMP, pedestrian access to businesses and property will always be maintained.</p>	<p>Mr Carey, for the Applicant, confirmed this was correct.</p>
	<p>The ExA asked the Applicant how loads would be processed if they arrive at the facility outside of the operational hours.</p> <p>The ExA asked the Applicant how they proposed to deal with those vehicles.</p>	<p>Ms Brodrick acknowledged that there may be occasions, such as in emergencies on the road network, that could result in vehicles being unavoidably delayed, but this would be an exception. Waste received outside of normal hours will not be weighed and unloaded until normal operating hours.</p> <p>Mr Carey explained that these vehicles arriving outside of normal operating hours are normally covered with a sheet, with the sides, front and rear of the vehicle being solid metal. The risk of odour escaping would be no more or less than if the vehicles were parked on the public highway. However, Mr Carey emphasised that in his experience this was a very uncommon scenario. He explained that the lorries would be subject to driving restrictions as to when they need to stop; this tends to occur off site on the public highway, and the Applicant has no control over this. Nevertheless, the vast majority of the vehicles will arrive in normal operating hours.</p> <p>The ExA commented that main difference is that a vehicle carrying waste in a layby on a road is that there would be no receptor that would be exposed. If the vehicle enters the Applicant's site and there is no way for the vehicle to unload, the ExA questioned whether that would be the case. The ExA noted that they are different positions.</p> <p>Mr Carey questioned this assumption. An HGV could easily and legally stop outside a residential property. In the Applicant's experience, it is very rare for vehicles to arrive outside of normal operating hours. Mr Carey explained the Applicant has two other 2 facilities in the UK which have been in operation for 5-7 years and this scenario has not occurred. If lorries are to stop, drivers tend to do so on the highway, close to facilities where they can rest and eat.</p> <p>The ExA asked the Applicant if it would be possible to limit the number of vehicles stopping at the EFW CHP Facility, or trigger an assessment if the number was high. The Applicant agreed to consider the ExA's concerns further and respond in writing.</p> <p>Mr Carey further noted that if an HGV arrived outside of normal operating hours, it may have undertake a u-turn and go back to the public highway to find somewhere to park. Given the receptors in the area, it might be more sensible to park on the EFW CHP Facility Site rather than trying to turn around and find somewhere to park in the</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>middle of the night.</p> <p>The ExA clarified if there was room in the access off New Bridge Lane for HGVs to turn around. Mr Carey confirmed that the Applicant's gates and bollards are set back enough to allow for a 3-point turn.</p> <p>The ExA requested the Applicant to confirm in writing that the proposed layout allows for 3 point turn.</p> <p>Ms Brodrick confirmed that the Applicant will review and confirm at Deadline 6. Ms Brodrick drew the ExA's attention to paragraph 2.3.5 of the Outline Operational Traffic Management Plan which deals with compliance and measures to ensure those delivering waste will comply and only delivery waste during normal operating hours. In the event that a delivery occurs outside those hours then this is reviewed with the contractor and measures identified to prevent it from happening again.</p>
	<p>The ExA asked the Applicant to confirm whether those not included in the OCTMP would be able to join the Community Liaison Group.</p>	<p>Mr Kenyon explained that CCC and NCC are aware of the number of organisations the Applicant has spoken to; for example, the EA, East of England ambulance service (EEAST) and fire and rescue service asked to be included. The Applicant has spoken with the EA and EEAST but not yet had any face to face discussions with all of the organisations.</p> <p>Mr Marks explained that list of organisations in paragraph 2.5 reflect representations made during the examination. Those included will be contacted and invited to join plus other members of the community. If an individual or organisation wanted to join the Community Liaison Group then the Applicant will arrange that. The Applicant has already had interest from 14 individual or organisations to join this including FDC. Subject to receiving DCO consent, when the Applicant establishes the Community Liaison Group the Applicant will inform the statutory organisations and Interested Parties inviting people to join.</p>
5m	<p>The ExA invited the Local Host Authorities (LHAs) to comment on any other points in relation to traffic and transport.</p>	<p>In response to a request from CCC to expand the membership of the Community Liaison Group, Ms Brodrick confirmed that the current list of person or groups invited to join the Community Liaison group is just the outline list and CCC can request additional bodies to be added in the final CTMP approved prior to commencement. The Applicant is willing to include a reference to local walking groups to make it clear that this is to be considered when the final CTMP is made.</p> <p>In response to comments from CCC that the Applicant should commit to compensation for damage caused to the public highway network, Ms Brodrick advised that a discussion has taken place and the Applicant has agreed that any damage caused during construction of the Proposed Development will be remedied. In relation to the works to</p>



Item	ExA Question/ Context for Discussion	Applicant's Response
		<p>New Bridge Lane, the highways authority will have to agree that the road has been constructed to a suitable condition. The proposed Section 278 agreement includes more detailed provisions and includes a 12-month period of maintenance obligations on the Applicant. It also includes a commuted sum at the request of CCC, specifically to cover future maintenance costs. Ms Brodrick noted that CCC seemed to be asking for an uncapped indemnity for maintenance in addition to the commuted sum. The Applicant does not consider that to be necessary or proportionate.</p> <p>Ms Brodrick confirmed that the parties are in negotiation in relation to s278 agreement and protective provisions which are currently with CCC for comment.</p>
5n	<p>The ExA invited comments from Interest Parties and made particular reference to inviting comments from Ms Perryman.</p>	<p>In response to a query from Ms Perryman regarding hazardous loads and APC Residues, Ms Brodrick confirmed that the Applicant would respond in writing at Deadline 6.</p> <p>Post-hearing note: The Applicant can confirm that the transportation of APCr which was referred to by Mrs Perryman is undertaken from the EfW CHP Facility in sealed containers. The Applicant has a duty of care to store the residue safely and may only use authorised businesses to collect and transport it to licenced facilities. The vehicle movements associated with APCr movements are calculated and assessed within ES Chapter 6 Traffic and Transportation [APP-033].</p> <p>In response to a question regarding the availability of HGVs for road transport in the future once petrol and diesel vehicles are banned, Mr Carey commented that technologies will have developed by 2040 but that it's impossible to know now which technology will be developed to allow longer distance transport for HGVs. Nevertheless, one of the options would be hydrogen fuelled vehicles and technology may adapt to allow electric vehicles to travel longer distances.</p> <p>Ms Brodrick indicated that some of the issues raised were outside of the scope of the DCO Application. The Applicant has set out the reasons for the location of the Proposed Development and produced a waste fuel availability assessment (Volume 7.3) (Rev 3) [REP5-019 (tracked); REP5-020 (clean)] which sets out why the Applicant considers there will be sufficient residual waste for the Proposed Development. Such waste will need to be collected regardless of the means of transport being used at the time. The Applicant has assessed the worst-case scenario from an emissions perspective which is the continued use of HGVs fuelled by fossil fuels.</p>

6. Review of issues and actions arising

31 Written Summary of the Applicant's Oral Submissions at ISH6



Item	ExA Question/ Context for Discussion	Applicant's Response
	The ExA stated that he does not intend to review the issues and actions from this hearing now, however they will be written into a note and published as soon as practicable	N/A
	7. Any other business	
	The ExA asked if there were any other business.	N/A
	8. Closure of Hearing	
	The ExA thanked the parties for their contributions and closed the hearing.	N/A



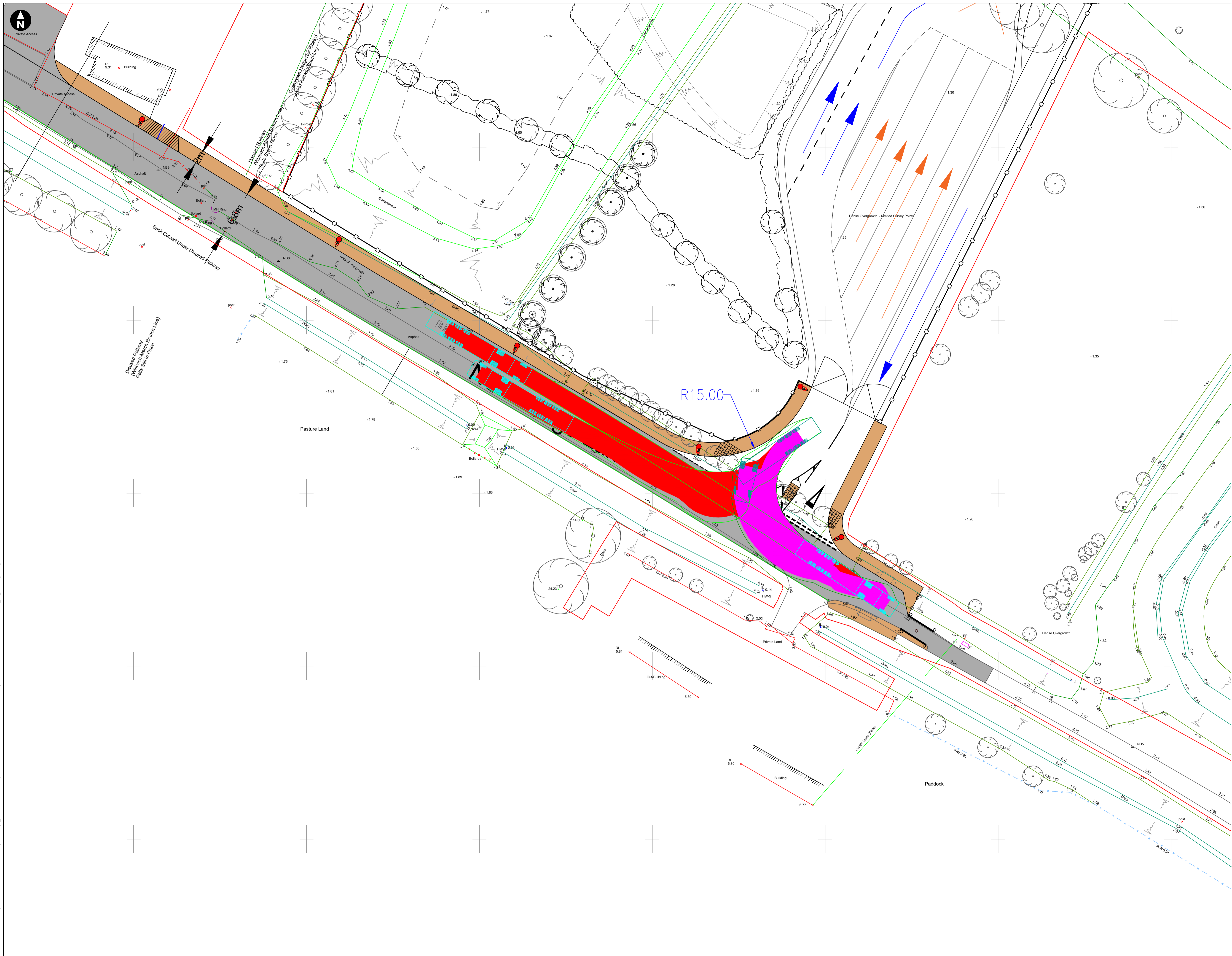
Table 1.2 ISH 6 Action Points: Applicant's response

Ref	Party	Action Point	Deadline	Applicant's Response
1	CCC and Applicant	Written clarification of how the Local Community Mitigation Package in REP5-045 meets the statutory tests for planning obligations ie NPPF paragraph 57 and confirmation that the S106 agreement will be complete within the Examination timetable	6	<p>The Applicant maintains its position with regard to its assessment conclusions on the level of visual impact that will be sustained by users of the PROW network. However, agreed Section 106 Heads of Terms (Volume 15.8) are submitted at Deadline 6 and the Applicant's and CCC's respective solicitors are negotiating the draft agreement. The Section 106 Heads of Terms include the following:</p> <ol style="list-style-type: none"> 1) Schedule 1: Secures the Public Rights of Way and Non-Motorised User Enhancement Contribution; and 2) Schedule 2: Secures the Public Access in Biodiversity Net Gain Land <p>The Applicant understands that CCC will provide confirmation on why the aforementioned matters meet the statutory tests for planning obligations in their response to ISH.1.6.</p> <p>The Applicant is confident that the Section 106 Agreement can be completed prior to the end of the Examination.</p>
2	Applicant	To consider how best to limit and manage the number of vehicles that can access the Proposed Development out of working hours but are unable to empty their cargo.	6	<p>As explained by the Applicant in response to agenda item 5e above, in the Applicant's experience it is very rare for vehicles to arrive outside of normal operating hours. Indeed, it has never happened in the 5-7 years the Applicant has operated its two existing facilities. In the opinion of the Applicant therefore, the most appropriate way of limiting and managing the number of vehicles outside of working hours is via the Outline Traffic Management Plan. In this respect, the Applicant has updated the Outline OTMP for Deadline 6 at Section 2.1. The updated text requires the Applicant to prepare a procedure for the measures to be taken to receive deliveries outside of normal operational hours and that this procedure be first agreed with the relevant local authority prior to the first acceptance of waste at the EfW CHP Facility. Measures may include for the reasons for late arrival to be logged, for the parking of vehicles away from potentially sensitive neighbouring uses and for vehicles to be inspected before acceptance to ensure that they are adequately sheeted and that, if</p>

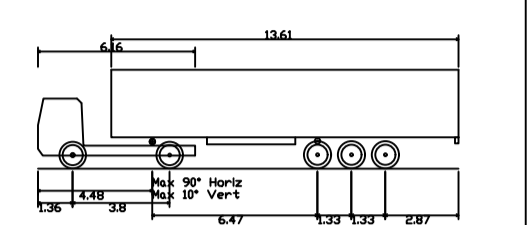


Ref	Party	Action Point	Deadline	Applicant's Response
				<p>not, remedial action is taken. Waste will be required to remain sheeted (covered) until such time as the EfW CHP Facility reopens to deliveries (07.00-20.00). Arrangements for monitoring and reporting will also be provided.</p> <p>The Odour Management Plan (Table 4.1) [REP1-021] provides for additional, complementary measures to ensure that vehicles delivering waste do so during operational hours and are adequately sheeted.</p>
3	Applicant	Consider how the present Application can provide a legal limit on numbers and frequency of vehicles allowed to access the Proposed Development out of working hours, alongside proposed monitoring and reporting mechanisms.	6	<p>The Applicant is of the opinion that few if any vehicles will arrive outside of working hours. If they do, then it will be preferable to accept them into the EfW CHP Facility where they can be managed, as detailed in the response above, rather than restrict their number. As such a limit on the number of vehicles is not proposed.</p> <p>The Outline CTMP referenced in Action Point 2 is enforceable through DCO Requirement 12. Part 2 to Requirement 12 states that the operational traffic management plan must be implemented as approved throughout the operation of the authorised development unless otherwise agreed by the relevant planning authority.</p> <p>The Odour Management Plan is enforceable through DCO Requirement 16.</p>
4	Applicant	Applicant to provide confirmation that vehicles would have enough ground to manoeuvre and turn around whilst the gates are closed.	6	<p>The Applicant has prepared a swept path analysis to confirm that a HGV delivery vehicle can manoeuvre and turn around when the gates are closed. See Figure 1 at the end of this document.</p>
5	Applicant and CCC	To continue to engage in relation to road maintenance and potential contributions and update the ExA until an agreement has been reached.	6	<p>The Applicant has and will continue to engage with CCC Highways on the matter of road maintenance and contributions. It is confident that agreement will be reached before the close of the Examination.</p>

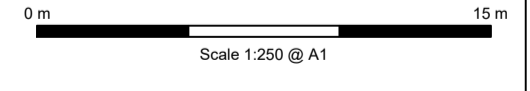
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- Key
- Order limits
 - Proposed access scheme
 - Highways boundary
 - Indicative new street lighting
 - HGV forward manoeuvre
 - HGV reverse manoeuvre



FTA Design Articulated Vehicle (1999)
 Overall Length 16.48m
 Overall Width 2.55m
 Overall Body Height 3.87m
 Min Body Ground Clearance 0.51m
 Max Truck Width 2.47m
 Jack to Jack Time 3.05s
 Kerb to Kerb Turning Radius 6.550m



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Medworth CHP Limited
 Medworth Energy from Waste Combined
 Heat and Power Facility DCO

Vehicle Tracking - EFW site closed

June 2023

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