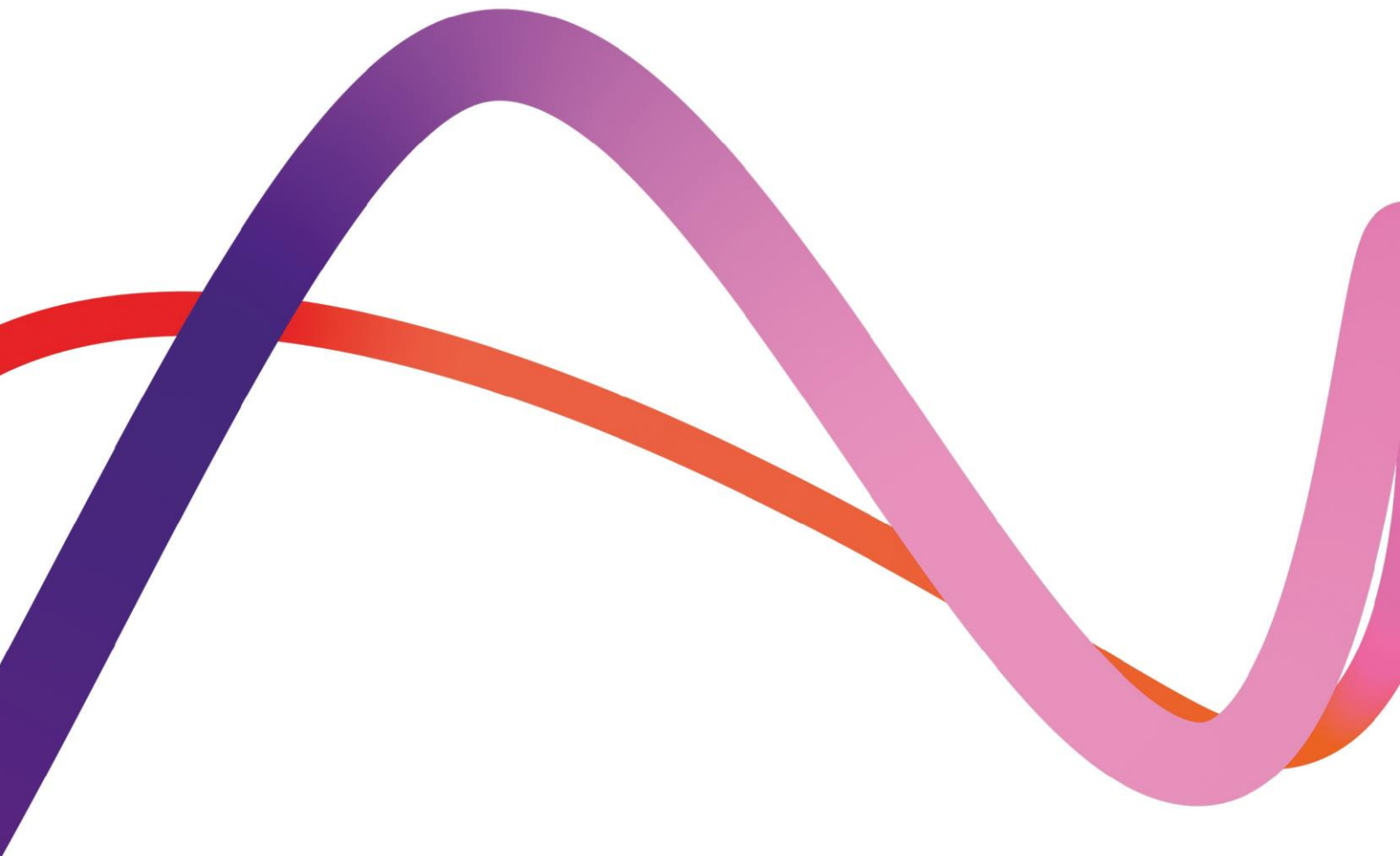


# Medworth Energy from Waste Combined Heat and Power Facility



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July 2023



## **Applicant's comments on the responses to the ExA's Written Questions (ExQ2)**

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# 1. Introduction

## 1.1 Background

1.1.1 Medworth CHP Limited (the Applicant) submitted an application for development consent to the Secretary of State on 7 July 2022 (the Application). The Application was accepted for examination on 2 August 2022. The Examination of the Application commenced on 21 February 2023.

1.1.2 This document, submitted for Deadline 6 (12 July 2023) of the Examination contains the Applicant's comments on the responses to the Examining Authority's (ExA) Second Written Questions (ExQ2) [PD-013] issued by the ExA on 13 June 2023. The responses are those uploaded at Deadline 5. The responses to ExQ2 were made by the following organisations and other interested parties:

- The Borough Council of King's Lynn and West Norfolk (BCKLWN) **[REP5-042]**;- ;
- Cambridgeshire County Council (CCC) and Fenland District Council (FDC) **[REP5-045]**;
- Environment Agency **[REP5-047]**;
- National Highways **[REP5-051]**;
- Natural England **[REP5-052]**;
- Environment Agency **[REP5-055]**;
- Wisbech Town Council **[REP5-054]**;
- Engineering & Factory Supplies Ltd **[REP5-046]**;
- WEP Fabrications Ltd **[REP5-048]**; and
- Hair World UK Ltd **[REP5-050]**.

1.1.3 The Applicant's comments on the responses are presented in the following tables:

- Table 2.1 Comments on the responses from the Borough Council of Kings Lynn and West Norfolk;
- Table 3.1 Comments on the responses from Cambridgeshire County Council and Fenland Borough Council;
- Table 4.1 Comments on the responses from the Environment Agency;
- Table 5.1 Comments on the responses from National Highways;
- Table 6.1 Comments on the responses from Natural England;
- Table 7.1 Comments on the responses from Environment Agency;
- Table 8.1 Comments on the responses from the Wisbech Town Council;

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- Table 9.1 Comments on the responses from Engineering & Factory Supplies Ltd;
- Table 10.1 Comments on the responses from WEP Fabrications Ltd; and
- Table 11.1 Comments on the responses from Hair World UK Ltd.



## 2. Comments on the responses from BCKLWN

**Table 2.1 Comments on the responses from BCKLWN [REP5-042]**

ExQ2	Question	BCKLWN Response	Applicant Comment
<b>GCT.2.4</b>	In response to GCT.1.3, the LBKLN stated that, if not secured by requirement, a S.106 may be required to deliver the Outline Local Air Quality Monitoring Strategy (OLAQMS) which would include: 4x existing NO2 diffusion tubes; Implement a new roadside diffusion tube on the A1101 towards Outwell plus; Provision for Particulate Matter analyser. The Applicant then responded to this issue at Deadline 3 [REP3-041] which highlighted some issues still outstanding. Can the LBKLN, in light of the latest draft Development Consent Order (dDCO) [REP3-007] and the OLAQMS [REP3-034] and [REP3-035] confirm its position in relation to this issue?	BCKLWN is content with the approach that the Outline Air Quality Monitoring Strategy (OLAQMS [REP3-034] - [REP3-035]) is delivered through the draft Development Consent Order (dDCO) [REP3-007] rather than through a S. 106 agreement. The reason being is to prevent separate AQ monitoring schemes being developed by both local authorities (FDC and BCKLWN).	The Applicant can confirm that DCO Requirement 27 [REP5-006] requires the submission of a detailed LAQMS to be substantially in accordance with the OLAQMS [REP4-016]. The LAQMS is to be approved by the relevant planning authorities. The OLAQMS states that the LAQMS must be prepared in consultation with the relevant host authorities.
<b>AQHH.2.2</b>	The Applicant's Outline Local Air Quality Monitoring Strategy (LAQMS) [REP3-034] and [REP3-035] states that in para 2.1.4 that the data collected will	This question was for Applicant and FDC only, however access to the Outline AQMS data as agreed was to be provided jointly to both Fenland DC and BCKLWN as both will be	Noted. The Applicant can confirm that the OLAQMS Rev 4 [REP4-016] has now been agreed with FDC and BCKLWN. This is confirmed within the SOCG (Rev2) between the Applicant and the Host Authorities (Volume 9.4) [REP5-023].

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ExQ2	Question	BCKLWN Response	Applicant Comment
	be published quarterly on the Applicant's website and, if requested, issued to the relevant planning authority. In goes on to say, in para. 2.1.5 that the Applicant agrees to share by remote secure access the information collected by the LAQMS. Does Fenland DC agree with the wording included here?	impacted by the plume. We were therefore content with the wording within 2.1.5 on this basis.	



### 3. Comments on the responses from CCC and FDC

**Table 3.1 Comments on the responses from CCC and FDC [REP5-045]**

ExQ2	Question	CCC & FDC Response	Applicant Comment
<b>General &amp; Cross-Topic Questions</b>			
<b>GCT.2.2</b>	Can the Applicant and HLAs provide an update on any S.106 Agreements and how these have been progressed? Can the LHAs also clarify, in relation to any outstanding issues proposed to be covered in a S.106 Agreement, how likely are these to be resolved before the end of the Examination and, if not, would these result in an objection to the Proposed Development?	The Applicant provided CCC with a draft S106 heads of terms on 13 June 2023. CCC are currently reviewing the proposed head of terms and will provide feedback to the Applicant accordingly. Discussions are ongoing.	Agreed Heads of Terms (Volume 15.8) have been submitted at Deadline 6 and the Applicant's and CCC's respective solicitors are negotiating the draft agreement. The Applicant is confident that the agreement can be completed prior to the end of the Examination.
<b>GCT.2.3</b>	A significant number of issues remain unresolved on a significant number of the SoCGs [REP4-012] and [REP4-017]. Can the Applicant, HLAs and Statutory Undertakers please provide an update on how likely are outstanding issues and areas of disagreement to be resolved before the end of the Examination and, if not, would	It is CC and FDC's intention to continue to work with the Applicant to resolve as many outstanding issues and areas of disagreement as possible before the end of Examination. However, the Councils have set out below the current position in relation to each of the issues which remain unresolved.  <b><u>Air Quality, Noise and Vibration</u></b>	Submitted at Deadline 6 the draft SOCG Rev 3.1 (Volume 9.5) between the Applicant and the Host Authorities] demonstrates the progress which has been made to reach common ground.  <b><u>Air Quality, Noise and Vibration</u></b> The Applicant is in agreement with the Council's that the relevant management plans have now been agreed and that there are no unresolved issues between the parties on these topics.  <b><u>Climate Change and Carbon</u></b> Whilst the conclusions to be drawn from the assessment presented within ES Chapter 14 Climate (APP-041) are unlikely to be agreed





ExQ2	Question	CCC & FDC Response	Applicant Comment
	these result in an objection to the Proposed Development?	<p>Outstanding areas of disagreement for the outline management plans for air quality, noise and vibration have been addressed. Specific details for relevant management plans for the operation of the site will be further discussed and secured via discharge consent procedures.</p> <p><b><u>Climate Change and Carbon</u></b> There are some issues in relation to greenhouse gas emissions where disagreement between the Councils and the Applicant are unlikely to be resolved before the end of Examination.</p> <p><b><u>Highways and Transport</u></b> All items identified as being 'under discussion' for the Traffic and Transport section of the SoCG currently remain at that status. Further discussions with the Applicant are required before CCC can advise it has reached agreement</p> <p><b><u>Landscape and Visual</u></b> Negotiations are ongoing regarding a s106 public access, ecological and community mitigation package to offset the adverse impact of the Proposed Development on the landscape and local communities, which the Councils anticipate will be completed by the close of the</p>	<p>between the parties, the Applicant has been working closely with CCC to agree the assessment approach, including the scenarios/sensitivity testing and the resulting documentation is submitted at Deadline 6 (Volume 15.7). It is confident that these will be agreed prior to the end of the Examination.</p> <p><b><u>Highways and Transport</u></b> The Applicant has continued to discuss matters with CCC and FDC and the wording of the management plans which are to be submitted at Deadline 6 are understood to be agreed between the parties such that there remain no unresolved issues, for example concerning NMUs or highway condition surveys.</p> <p>With regard to CCCs technical review of the proposed signalisation to the junction of Cromwell Road/New Bridge Lane the Applicant met with CCC on 6 July. CCC requested some additional modelling of the signals and this will be undertaken and submitted to CCC. Once agreed, the revised modelling will be submitted into the examination should the change request be accepted.</p> <p><b><u>Landscape and Visual</u></b> Agreed Heads of Terms for a Draft s106 Agreement have been submitted at Deadline 6. Discussions are also ongoing in respect of a separate community benefit agreement as set out in the Outline Community Benefits Strategy (Volume 7.14) submitted at Deadline 6.</p> <p>The SOCG submitted at Deadline 6 confirms that there will remain a difference of opinion between the parties with regard to the conclusions of the assessment of significant effects relating to landscape and visual impacts.</p> <p><b><u>Minerals and Waste</u></b> The parties have agreed the wording of requirement 14 Waste Hierarchy and Requirement 29 Origin of Waste set out in Schedule 2 to the draft DCO.</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>Examination. However, the Councils are of the view that, whilst this package is welcome and will serve to recognise the adverse impact of the development in this regard, it cannot make it fully acceptable in planning policy terms.</p> <p>The Applicant provided CCC with a draft S106 heads of terms on 13 June 2023. CCC are currently reviewing the proposed head of terms and will provide feedback to the Applicant accordingly.</p> <p><b><u>Minerals and Waste</u></b>                      With regards to Requirement 14 – Waste Hierarchy, proposed additional criteria: CCC is optimistic that agreement can be reached with the Applicant on the wording of the additional proposed criteria prior to the end of the Examination.</p> <p>With regards to the Additional Requirement – Priority for the management of local waste and wider catchment restriction: CCC is optimistic that agreement can be reached with the Applicant on the wording of the additional proposed criteria prior to the end of the Examination.</p>	<p>The Applicant notes CCC's reference to its previous submissions on waste need. The Applicant's position is that the need for the Proposed Development, compliance with the waste hierarchy and proximity principle and evidence that the Proposed Development will not result in over capacity at a local and national level are clearly set out in the <b>Waste Fuel Availability Assessment (Rev 3.0) (Volume 7.3) [REP5-020]</b>.</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>Notwithstanding the Councils' intention to continue to work with the Applicant to resolve the outstanding issues where possible, to answer the question regarding whether any unresolved matters would result in an objection to the Proposed Development, we would refer the ExA to our comments made in previous submissions (specifically [RR-002] paragraphs 2.3 and 2.4) which set out the overall stance of the Councils.</p>	
<b>GCT.2.5</b>	<p>In response to GCT.1.3, Cambs CC stated that S.106 agreement was required to secure: Compliance with Construction Traffic Management Plan with a review after 3 month and implementation of any updates to plan following review (unless this is sufficiently dealt with in the DCO); Section 278 agreement to include s.38 dedication provisions - To be agreed and completed prior to commencement of works; Highway works to include upgrading and widening of existing highway; streetlighting scheme in accordance with design brief and technical approval; signalling for construction traffic and post</p>	<p>The Applicant and CCC have continued to meet since ISH2. The Applicant has engaged CCC on the matter of s278 obligations and these are currently under negotiation. CCC's comments on the Applicant's draft s278 terms were returned to the Applicant on 31 May, which include the:</p> <ul style="list-style-type: none"> <li>• Works description;</li> <li>• Provisions for commuted sums payments; and</li> <li>• Provision for the dedication of land as public highway.</li> </ul> <p>CCC still awaits further engagement on the matter of predevelopment condition surveys, but would note that the most recently published version of the outline CTMP [REP4-</p>	<p>The Applicant discussed further amendments to the OCTMP ahead of Deadline 5. The text included within the OCTMP (Rev 5) [REP5-011] was agreed with CCC with a confirmation email provided to the Applicant on 14/06/23.</p> <p>The Applicant has made progress in its discussions with Network Rail in respect of the CHP connection in the alignment of the disused March to Wisbech Railway. The provisions required to ensure that the CHP connection does not restrict the railway from being reinstated form part of the agreement that the Applicant and Network Rail are seeking to enter into. The Applicant is confident that agreement can be reached prior to the end of Examination.</p>



## 11 Applicant's comments on the responses to the ExA's Written Questions (ExQ2)

ExQ2	Question	CCC & FDC Response	Applicant Comment
	<p>construction; Provisions for payment of commuted sums; The ongoing maintenance of highways in ownership of Fenland DC; Highway reinstatement provisions; and Implementation of Wisbech Rail Options Assessment Report. Cambs CC also confirmed ExQ2: 05 June 2023 Responses due by Deadline 5: 16 June 2023 Page 6 of 23 ExQ1 Question to: Question: that the Council's legal support department have been liaising with the Applicant's lawyers and are awaiting heads of term to be drafted for comment. The Applicant then responded to this issue at Deadline 3 [REP3-041] which highlighted some issues still outstanding. Can Cambs CC please provide an update on any outstanding issues?</p>	<p>007] does not fully satisfy the concerns previously raised.</p> <p>In addition, CCC is awaiting further information regarding the integration between the developers' proposals and the Wisbech rail reconnection. The main locations for this are the level crossing of New Bridge Lane, the pipe bridge of Weasenham Lane and the potential for a high pressure pipeline in the rail corridor. CCC wishes to avoid a situation in which these proposals make it more difficult, both technically and/or financially, for whichever organisation delivers the rail reconnection</p>	
<b>GCT.2.7</b>	<p>In response to GCT.1.12, the Applicant stated that its approach to 'hard to reach groups' was agreed with the relevant host authorities and undertaken consistent with its Statement of Community Consultation. It included making consultation documents available in large copy print,</p>	<p>In the HLAs 'adequacy of consultation' responses, no concerns were raised, and consider this was a proportionate and adequate approach.</p>	<p>The Applicant notes CCC's confirmation that the Applicant's approach to consultation with "hard to reach groups" was proportionate and adequate.</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
	audio, or Braille on request. A translation service was also available on request. Can the HLAs please confirm that they are happy with this approach and believe it is proportionate and adequate?		
<b>Principle and Nature of Development (inc. Waste Recovery Capacity and Management Waste Hierarchy)</b>			
<b>PND.2.1</b>	In para. 13.4.4 of the LIR [REP1-074] Cambs CC states that it is a signatory, alongside Peterborough City Council, of a Memorandum of Understanding between the Waste Planning Authorities of the East of England (March 2019), which seeks to provide for net-sufficiency in waste management capacity. Can Cambs CC please confirm if all Waste ExQ2: 05 June 2023 Responses due by Deadline 5: 16 June 2023 Page 7 of 23 ExQ1 Question to: Question: Planning Authorities of the region have signed-up to this agreement and also provide further information regarding what is understood by self-sufficiency, i.e. within the region or within each one of the Waste Planning Authorities.	The Memorandum of Understanding between the Waste Planning Authorities of the East of England (March 2019) lists the following authorities as parties to the Memorandum: Cambridgeshire County Council; Peterborough City Council; Suffolk County Council; Norfolk County Council; Essex County Council; Thurrock Council; Southend-on-sea Borough Council; Hertfordshire County Council; Central Bedfordshire Council; Bedford Borough Council and Luton Borough Council.  CCC can confirm that Cambridgeshire County Council, Peterborough City Council, Essex County Council (which works jointly with Southend on Sea Borough Council on their last waste local plan) and Hertfordshire County Council all confirmed that they had signed the Memorandum of	It is recognised that the concept of 'net self-sufficiency' is a principle often adopted by Waste Planning Authorities at a Local Plan level to seek to ensure that the 'burden' of providing waste management capacity across a region is not unduly shouldered by any one authority. It is also recognised that Cambridgeshire County Council was a signatory to a Memorandum of Understanding (MoU) between the Waste Planning Authorities (WPA) of the East of England in March 2019, which sought to underpin effective co-operation and collaboration between the WPAs in addressing strategic cross-boundary issues that relate to planning for waste management, and essentially sought agreement that each WPA would plan on the basis of net self-sufficiency (and not rely on other WPAs for their capacity needs). However, key points to note about the MoU are: <ul style="list-style-type: none"> <li>• It is an agreement reflecting a spirit of co-operation and is not legally binding.</li> <li>• It notes at paragraph 6.5 that: "<i>Paragraph 3 of the NPPW [National Planning Policy for Waste] further states that waste planning authorities should:</i> <ul style="list-style-type: none"> <li>○ <i>consider the need for additional waste management capacity of more than local significance and reflect any requirement for waste management facilities identified nationally.</i>"</li> </ul> </li> <li>• The MoU was for a three-year period from 8th April 2019, and so expired on 8<sup>th</sup> April 2022.</li> </ul>



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>Understanding between the Waste Planning Authorities of the East of England (March 2019). CCC does not have record on file of other authorities having formally signed it, but understands that Suffolk County Council and Norfolk County Council also signed the Memorandum. Additionally, both the adopted Suffolk Minerals and Waste Local Plan (Adopted July 2020), and the emerging Norfolk Minerals Waste Local Plan (for which, the Regulation 19 consultation was held September – December 2022), are planned on the basis of net self-sufficiency, and in accordance with the Memorandum.</p> <p>CCC is working to establish the status of Memorandum within the three Bedfordshire Unitary Authorities (which work jointly on minerals and waste planning policy matters) and Thurrock Council. The Council is also currently seeking to confirm with the Secretary of the East of England Waste Technical Advice Body, as to whether they hold any further information. Any further information of relevance will be submitted to Examination if it becomes available.</p> <p>The concept of net self-sufficiency was introduced in paragraph 14.13</p>	<p>The concept of net self-sufficiency is one that is reflected in the extant Cambridgeshire Minerals and Waste Local Plan (adopted July 2021). Specifically, Policy 3 <i>Waste Management Needs</i>, sets out the County Council's commitment to achieving net self-sufficiency. However, the same policy also states that <i>"The net capacity figures.....are not ceilings for recycling, treatment or recovery of waste."</i></p> <p>Importantly, there was considerable discussion of this issue at the Minerals and Waste Local Plan Examination. Indeed, at paragraph 101 of the Inspector's report, it is noted that <i>"in principle, the Councils are supportive of proposals for additional capacity where this would drive waste management up the waste hierarchy."</i> It is also noted at paragraph 102 of the same report that: <i>"MM17 also provides for additional text to Policy 3 that confirms that the net capacity figures in the table are not ceilings for recycling, treatment or the recovery of waste. In addition, three criteria are added that identify that waste management proposals would be supported where they assist in closing any identified gap or any future gap identified in the annual monitoring of the Plan or moves waste capacity already identified in the table contained within Policy 3 up the waste hierarchy."</i></p> <p>It has been clearly demonstrated that the Proposed Development would move residual waste up the waste hierarchy as it would recover heat and power from residual material that is presently managed at the bottom of the hierarchy via landfill. In this context, the Proposed Development is neither contrary to the provisions of Minerals and Waste Local Plan Policy 3 nor at odds with the provisions in the now lapsed MoU. The Applicant also notes that the Proposed Development's compliance with CCC local policies was confirmed by CCC during Issue Specific Hearing 3, under agenda item 5 (Relevant Planning Policy) – please see Cambridgeshire County Council's written summaries of oral representations [REP4-029].</p>

## 14 Applicant's comments on the responses to the ExA's Written Questions (ExQ2)



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>of CCC's Relevant Representation [RR-002] and is repeated below:</p> <p><i>'14.13 Paragraph 3 of the National Planning Policy for Waste (NPPW) requires Waste Planning Authorities to identify in their Local Plans sufficient opportunities to meet the identified needs of their area for the management of waste streams. Having acknowledged that there will be a degree of cross-boundary movement of waste for a given area, the waste management capacity of an amount of waste which is equivalent to the amount arising in that Waste Local Plan area will be provided. This does not necessarily mean that the capacity must be of the type of waste arising in the area. Cambridgeshire are Page 7 of 32 signatories to the Memorandum of Understanding between the Waste Planning Authorities of the East of England (March 2019), which sets out that the signatories seek to provide for net self-sufficiency in waste management capacity. This means that the signatories can plan in confidence that they only are required to meet the need of their area, unless it has been explicitly raised by another authority; and that by planning to provide for the needs of only that area, there is an appropriate distribution of waste</i></p>	



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p><i>management facilities in locations proximate to the waste arisings.'</i></p> <p>For clarity, net self-sufficiency is being applied at a waste plan level in the Memorandum, either for individual waste planning authority areas, or in combination with other areas where joint planning is taking place. It means that when preparing a waste local plan, sufficient waste management capacity is provided for the individual area's need, but the capacity planned does not necessarily mean that it will be exactly the right 'mix' of capacity required. For example, an area may benefit from more landfill capacity, but lack recovery or recycling facilities, which are in another area – this is particularly the case with more specialised waste streams or forms of waste management.</p>	
<b>PND.2.9</b>	<p>Under Revised Draft NPS EN-3: 2.5.64-2.5.70 of the National Policy Statement Tracker [REP3-031], states that an Applicant's assessment should examine the conformity of the proposed development with the waste hierarchy and set out the effect of the scheme on the relevant waste plan and the extent to which the generating station contributes to the</p>	<p>The Councils note that the question is directed to the Applicant, but wish to reiterate the Councils' position in relation to conformity with local plan policy, which was introduced in CCC's Relevant Representation [RR-002] and expanded upon in the Councils' Local Impact Report [REP1-074]; as well as Issue Specific Hearing 3. CCC wishes the ExA to note that:</p>	<p>The Proposed Development accords with the waste hierarchy because in considering the availability of waste at the local (and national) level, the updated <b>Waste Fuel Availability Assessment (WFAA) (Rev 3.0) (Volume 7.3) [REP5-020]</b> has focussed on the availability of suitable residual household, industrial and commercial (HIC) waste that is currently managed at the bottom of the waste hierarchy i.e., landfilled. The updated <b>WFAA (Rev 3.0) (Volume 7.3) [REP5-020]</b> also considers the local need for residual waste management, as set out in extant local planning policies – these are policies which have full cognisance of the need to achieve enhanced waste prevention, recycling and recovery levels. In this way, the local assessment set out in the updated <b>WFAA (Rev 3.0) (Volume 7.3)</b></p>





ExQ2	Question	CCC & FDC Response	Applicant Comment
	<p>recovery targets in relevant strategies and plans. Can the Applicant please provide an update on how the Proposed Development meets the requirements of the policy, particularly in relation to effect of the scheme on the relevant waste plan?</p>	<p>1) Policies 3 and 4 of the Cambridgeshire and Peterborough Minerals and Waste Plan are both contingent on moving waste as far up the waste hierarchy as possible. To do this, waste management proposals must demonstrably contribute towards sustainable waste management, by moving waste up the waste hierarchy; and proposals for disposal must demonstrate that the waste has been pre-treated and cannot practicably be recycled. CCC proposed additional criteria in relation to Requirement 14, and the Applicant and CCC are currently seeking to agree wording to additional criteria that would ensure the above test is met.</p> <p>2) As raised in paragraph 14.13 of the Council's Relevant Representation [RR-002], as a regional facility this will have a more than local impact, and this impact is likely to affect the deliverability of any waste local plan which this facility</p>	<p>[REP5-020], which concludes a minimum 1.3 million tonnes shortfall in residual waste management capacity in the Study Area, has full regard to the need to treat the management of residual HIC waste further up the waste management hierarchy.</p> <p>In addition, Requirement 14 of Schedule 2 of the <b>draft DCO (Volume 3.1), (Rev 4) [REP5-005]</b> submitted at Deadline 5, imposes a binding obligation on the Applicant to comply with the waste hierarchy.</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>may source waste from, particularly when large tonnages are involved. There is an absence of any assessment of the effect that this development will have on the deliverability of identified capacity in waste planning areas outside of Cambridgeshire and Peterborough. CCC considers that waste local plans in the areas outside of Cambridgeshire and Peterborough should be considered relevant waste plans. This is reflective of the Government's approach to the Waste Plan for England (2021)<sup>1</sup> which is comprised of, and implemented through, itself waste local plans, and several other plans and strategies.</p>	
<b>Air Quality and Human Health</b>			
<b>AQHH.2.2</b>	<p>The Applicant's Outline Local Air Quality Monitoring Strategy (LAQMS) [REP3-034] and</p>	<p>FDC agrees with the wording. A concern was previously raised regarding the frequency of</p>	<p>Noted. See Applicant's response to AQHH2.2 in Table 2.1 above.</p>

<sup>1</sup> Department for Environment, Food and Rural Affairs (2021) Waste Management Plan for England [Online] Available at: <https://www.gov.uk/government/publications/waste-management-plan-for-england-2021> (Accessed: 13 June 2023)



ExQ2	Question	CCC & FDC Response	Applicant Comment
	<p>[REP3-035] states that in para 2.1.4 that the data collected will be published quarterly on the Applicant's website and, if requested, issued to the relevant planning authority. In goes on to say, in para. 2.1.5 that the Applicant agrees to share by remote secure access the information collected by the LAQMS. Does Fenland DC agree with the wording included here?</p>	<p>monitoring and publishing data. The Applicant has addressed this with the addition of paragraph 2.1.7 in the latest version of the Outline LAQMS [REP4-016] with a commitment to report and investigate exceedances.</p>	
<p><b>Biodiversity, Ecology and the Natural Environment</b></p>			
<p><b>BIO.2.3</b></p>	<p>Considering REP4-011 – Statement of Common Ground with Natural England, which outlines agreement on all points, can Cambs CC and Fenland DC please comment on the Applicant's approach to BNG?</p>	<p>The proposed scheme will deliver a biodiversity net loss, as identified in the Biodiversity Net Gain Assessment [REP3-017]. The Applicant has committed to resolving this matter, as well as providing a minimum 10% BNG, and monitoring / manage the scheme for the operational lifetime of the Proposed Development – as set out in paragraphs 4.2.1 and 4.2.15 of the Outline Biodiversity Net Gain Strategy, Annex C [REP3-017]. This approach is acceptable, providing that a detailed BNG scheme and its delivery are secured through Requirement 6 (see response to BIO.2.4, below). The Councils met with the Applicant to discuss the</p>	<p>The Applicant can confirm that it has continued to meet with the host authorities to discuss the matter of BNG and that the Outline BNG Strategy submitted at Deadline 5, <b>ES Chapter 11 Biodiversity Appendix 11M Biodiversity Net Gain Rev 4 tracked [REP5-015]</b> was drafted in consultation with them and addressed the matters which were outstanding.</p> <p>Subsequent to Deadline 5, the parties have continued to discuss the matter of BNG and the Applicant has agreed to make a further amendment to <b>ES Chapter 11 Biodiversity Appendix 11M Biodiversity Net Gain Rev 4 tracked [REP5-015]</b> which will be submitted as Rev 5 for Deadline 6.</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>approach to selecting off-setting BNG sites. The Councils welcome updates to the Outline BNG Strategy (expected to be submitted at Deadline 5) to prioritise land that is locally available, to prioritise benefits to the Wisbech area.</p> <p>The Councils have set out a public access – ecological package (see response to SPC.2.3, above) to assist the Applicant identify potential local sites to deliver BNG off-setting, as well as wider health / social benefits</p>	
<b>BIO.2.4</b>	<p>Can the Applicant and Cambs CC and Fenland DC please comment on how proposed requirement 6 would work in practice, in securing a minimum 10% biodiversity net gain. I would like to draw particular attention to documents RR-002, RR-003, REP1-074 and REP4-031 Table 3.1 which seek the rewording of Requirement 6 to capture the requirement for off-site compensation for loss of biodiversity value along with the implementation of the scheme and management/monitoring</p>	<p>In the Councils' LIR [REP1-074], we have sought an update to the wording of Requirement 6 to specify that the Outline BNG Strategy should deliver a minimum of 10% BNG and manage for lifetime of scheme. This aligns with 5.4.22 of the Draft National Policy Statement for Energy (EN-1)<sup>2</sup>, which states:</p> <p><i>“The Secretary of State should consider what appropriate requirements should be attached to any consent and/or in any planning obligations entered into, in order to ensure that any mitigation or</i></p>	<p>Requirement 6 of the <b>Draft DCO (Volume 3.1) [REP5-005]</b> was updated at Deadline 5 to include at Requirement 6(2) reference to securing a minimum of 10% BNG.</p>

<sup>2</sup> Department for Business, Energy & Industrial Strategy (2021) Draft Overarching National Policy Statement for Energy (EN-1) [Online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1015233/en-1-draft-for-consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015233/en-1-draft-for-consultation.pdf) (Accessed: 13 June 2023)



ExQ2	Question	CCC & FDC Response	Applicant Comment
	<p>until habitats have reached their target condition. Can all parties provide suggested wording for how the requirement could address these issues?</p>	<p><i>biodiversity net gain measures, if offered, are delivered and maintained. Any habitat creation or enhancement delivered for biodiversity net gain should generally be maintained for a minimum period of 30 years.</i>"</p> <p>The Councils refer the ExA to the following example:</p> <p>Requirement 8 – Draft Development Consent Order for Sunnica Energy Farm [EN010106 REP10-005]<sup>3</sup> which sought to deliver on-site BNG through the Landscape and Ecological Management Plan, stating that the plan must detail “<i>how the plan will secure a minimum of 10% biodiversity net gain during the operation of the authorised development...</i>”</p> <p>The Councils have met with the Applicant, and are supportive of the Applicant’s proposed re-wording of Requirement 6 to include “details of how the strategy will secure a minimum of 10% biodiversity net gain”, to be submitted to the ExA at deadline 5.</p>	

<sup>3</sup> Sunnica Energy Farm (2023) 'Volume 3 – 3.1. Draft Development Consent Order' (Rev 05) [Online] Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010106/EN010106-005541-3.1%20DCO%20%5bClean%20SI%20Template%5d.pdf> (Accessed: 13 June 2023)



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>It is understood that the length of the management / monitoring period will be defined within the BNG Strategy itself, rather than the wording of Requirement 6. This allows for some flexibility on the management term which will then reflect the duration of the operation period, and also the decommissioning phase.</p> <p>The Councils note the Outline Biodiversity Net Gain Strategy commits to a management and monitoring period which “would continue for the operational lifetime of the Proposed Development which is beyond the 30-year period that is a prerequisite of BNG”. The Councils consider this approach acceptable, with further details secured as part of the detailed BNG Strategy (secured under Requirement 6).</p>	
<b>BIO.2.5</b>	<p>Can Cambs CC and Fenland DC please comment on the Outline Decommissioning Plan section 6.0 [REP4-024] submitted into the examination at deadline 4 with regards to biodiversity and whether this satisfies their concerns raised in REP2-033.</p>	<p>The Councils are satisfied that the Outline Decommissioning Plan satisfies concerns raised in [REP2-033]. The Outline Decommissioning Plan demonstrates how biodiversity features, including biodiversity net gain habitats, will be protected during the decommissioning phase. This is subject to further details being secured through the Decommissioning Plan under Requirement 28 – Decommissioning.</p>	<p>Noted. The <b>Outline Decommissioning Plan Rev 1 [REP4-024]</b> was submitted at Deadline 4.</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
<b>Draft Development Consent Order</b>			
<b>DCO.2.1</b>	Action IHS2-12 [EV-032] asked for the Applicant to consider current drafting of Requirement 7 of Schedule 2 and to provide further explicit reference within the requirement of the works proposed and the approved details, in line with Cambs CC's comments. In its response to IHS2-15 [REP3-038], the Applicant stated that the amendments had been made to address this issue in the dDCO [REP3-006]. Can Cambs CC please confirm that it is content that the amendments as drafted address their concerns on this point?	CCC can confirm it is content with the amendments to Requirement 7 of Schedule 2.	Noted.
<b>DCO.2.2</b>	In response to action ISH2-13 [REP3-038], the Applicant has stated that prior to Deadline 3, it met CCC to discuss highway matters on the 13 April 2023 and is liaising with them regarding predevelopment condition surveys and s278 obligations. Can the Applicant and Cambs CC please update the ExA on any developments following from Deadline 3?	The Applicant and representatives of CCC have met on more than one occasion since ISH2. The Applicant has engaged CCC on the matter of s278 obligations and these are currently under negotiation. CCC's comments on the Applicant's draft s278 terms were returned to the Applicant on 31 May. CCC still awaits further engagement on the matter of predevelopment condition surveys, but would note that the most recently published version of the outline CTMP [REP4-007] does	<p>The <b>Outline CTMP Rev 5 [REP5-011]</b> was updated for Deadline 5 to include additional management measures with regard to highway condition surveys. The amendments were agreed with CCC as relevant highway authority in emails dated 14 June 2023.</p> <p>The Applicant provided further comments and amendments to the draft s278 agreement and this was sent to CCC on 20 June 2023. These have been discussed with CCC and the Applicant is waiting for comments on the draft agreement to be returned.</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
		not fully satisfy the concerns previously raised.	
<b>DCO.2.3</b>	<p>Action IHS2 (sic) [EV-032] asked for the Applicant to review its position in relation to the A47 and review which Table of Schedule 6 of the DCO [REP3-006] it should be included in. In its response to IHS2-15 [REP3-038], the Applicant stated that “The Access and Public Rights of Way Plan (Volume 2.4) (Rev3) [REP1-003] shows the location of the various permanent and temporary accesses required to facilitate the Proposed Development. Access A11 is located at the southern end of New Bridge Lane and abuts the A47. (...) Access A11 is required temporarily for the construction of the Grid and Water connections only. No permanent access is being constructed in this location; all HGV traffic to the facility will use the existing roundabout between the A47 and Cromwell Road, before turning right onto New Bridge Lane and accessing the facility via the permanent access being constructed at the location indicated by A8 on the Access</p>	<p>CCC can confirm it is content for access A11 to remain in Part 3 of Schedule 6 of the DCO.</p>	<p>Comment noted.</p>





ExQ2	Question	CCC & FDC Response	Applicant Comment
	<p>and Public Rights of Way ExQ2: 05 June 2023 Responses due by Deadline 5: 16 June 2023 Page 14 of 23 ExQ1 Question to: Question: Plan. The Applicant has included access A11 within Part 3 of Schedule 6, as the works to restore the temporary access will be maintained by the street authority. Can Cambs CC please confirm that they are happy with the response and the inclusion of access A11 within Part 3 of Schedule 6 of the DCO [REP3-006]?</p>		
<b>DCO.2.4</b>	<p>Action IHS2-15 (sic) [EV-032] asked for the Applicant to refine and clarify Tables in Schedule 6 "Access" with Cambs CC, in relation to consents regarding access, particularly Table 4 and Table 5. In its response to IHS2-15 [REP3-038], the Applicant stated that the amendments had been made to address this issue in the dDCO [REP3-006]. Can Cambs CC please confirm that it is content that the amendments as drafted address their concerns on this point?</p>	<p>CCC is partially content with the amendments made to Schedule 6, with the exceptions that:</p> <ul style="list-style-type: none"> <li>(i) Access A3 is currently listed in Part 2 as being the responsibility of the Street Authority "to the extent that such access is or will be located outside the public highway". This implies that part of Access A3 might be within the public highway and therefore CCC questions whether A3 should also be listed in Part 1 of Schedule 6; and</li> <li>(ii) Accesses A1 and A2 are partially within the Highway</li> </ul>	<p>The use of the drafting "<i>to the extent that such access is or will be located outside the public highway</i>" for access A3 is intentional. The Applicant has based the location of access point A3 (as shown on the <b>Access and Rights of Way Plan [REP5-004]</b>) on data provided by CCC as to the boundary of the publicly adopted highway. The drafting has been included to make it clear that the relevant powers in the draft DCO only relate to the unadopted section of Algores Way in the unlikely event that there is any discrepancy between the boundary shown on the plan and the boundary on the ground.</p> <p>Amendments were made to Part 1 of Schedule 6 to the draft DCO submitted at Deadline 5 [REP5005] to address CCC's point in respect of access A1 and A2.</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>(on the basis of CCC's road records) and CCC requests that the Applicant considers whether they should also be listed in both Part 1 and Part 3 of Schedule 6.</p>	
		<p>CCC requests that the Applicant please provide clarity on the above matters</p>	
<b>DCO.2.10</b>	<p>In light of ExQ2 DCO 2.10, the ExA would like to ask Fenland DC to also provide if it has had any negotiations with the Applicant in relation to businesses affected by the Proposed Development in relation to access, and if not, why not?</p>	<p>There have been no negotiations between the Applicant and businesses affected by the Proposed Development. The individual businesses have been consulted on the Proposed Development by the Applicant and those that had concerns will have responded and the Examination Authority will be aware of the content. FDC (on behalf of the local business community) has expressed the general concern about disruption to access for businesses during the construction phase and the ongoing additional maintenance impacts arising from the development. FDC does not see what the merit is of it negotiating with the applicant as it is a matter that should be resolved between the applicant and the businesses. It is for the Examining Authority / Secretary of State to determine if the impacts are outweighed by any perceived</p>	<p>As mentioned at CAH3, the Applicant met with business owners on Algores Way on 29 June 2023 to listen to their concerns and answer any questions. The Applicant has updated the Outline CTMP and Outline OTMP submitted at Deadline 6 with additional provisions to specifically address their concerns.</p> <p>The Applicant refers to the <b>Planning Statement [APP-091]</b> which sets out why the Applicant considers that the benefits of the Proposed Development outweigh any impacts.</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>benefits of the development. It is not considered that the construction management plan could satisfactorily address the disruption concerns.</p>	
<b>DCO.2.11</b>	<p>Art. 12(1) of the draft DCO [REP3-006] states that "Those parts of each means of access specified in Part 1 of Schedule 6 (access) to be constructed or altered under this Order must be completed to the reasonable satisfaction of the highway authority and must be maintained by and at the expense of the undertaker for a period of 12 months from completion and from the expiry of that period by and at the expense of the highway authority". How does the Applicant propose to address construction and maintenance of new or altered means of access for private roads not adopted by the highway authority? The Applicant is also asked to consider how Art. 12 (2)(3) will also apply in such cases. Cambs CC and Fenland DC are also asked to comment.</p>	<p>In respect of new or altered accesses included in Part 1 of Schedule 6, CCC has required the Applicant to provide protective provisions and to enter into an appropriate legal agreement under the Highways Act 1980. It is envisaged that any other street authority (such as a private street manager) would have its own requirements and may require other legal agreements to be made by the Applicant. CCC cannot comment on what protections individual private street managers may request or require.</p> <p>FDC is the owner of a length of unadopted road on Algores Way. The Applicant proposed to undertake a series of improvements to the road, but the road would remain in the ownership of FDC. The standard of construction of any alterations should be appropriate. FDC has previously identified the need for before and after condition surveys, with any defects needing to be made good.</p>	<p>The Applicant refers to its response to DCO.2.11 [REP5-032].</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
DCO.2.12	Art. 12(3) states that “Those restoration works carried out pursuant to article 11(3) (power to alter layout, etc., of streets) identified in Part 3 of Schedule 6 (access) which are not intended to be a public highway must be completed to the reasonable satisfaction of the street authority and must be maintained by and at the expense of the street authority.” Does Cambs CC and Fenland DC have any comments on this article, particularly in relation to liability of maintenance? Please also see ExA's Schedule of Changes to the dDCO.	<p>CCC understands the term ‘street authority’ to refer to the relevant private owner (street manager) of any affected highway, where that Highway is not maintainable at the public expense.</p> <p>CCC as Highway Authority would not undertake to assume the maintenance liability for infrastructure that will not be a public highway. Therefore, CCC requests that this article be amended accordingly.</p> <p>FDC refers the ExA to its comments in relation to ExQ2 DCO.2.11.</p>	The Applicant refers to its response to the ExA's Schedule of Changes to the draft DCO [REP5-034].
DCO.2.13	Does Fenland CC or Cambs CC have any comments to make to Art. 14 use of private roads? Does the Article offer sufficient protections to other users and the person liable for the repair of the private roads?	CCC cannot comment on the requirements or protections that the owners of private roads may have or request. The Councils note, as the Applicant has stated, that a similar Article has been used in other Development Consent Orders, including the case of the Lake Lothing Third Crossing DCO. It can therefore be said that the principle is well established. The Councils have no further comments to make.	The Applicant notes that CCC and FDC have no further comments on this point.
<b>Landscape and Visual</b>			



ExQ2	Question	CCC & FDC Response	Applicant Comment
LV.2.2	Please highlight all of the specific viewpoints or locations, including public rights of way, where there is disagreement with the LVIA, particularly focusing on where you believe there are significant effects?	As noted in their LIR [REP1-074], CCC expressed concerns regarding the level of harm caused by the proposed development on both the landscape and visual resources. Taking each aspect in turn:	See responses to each point in turn below.
		<p><u>Visual:</u> The conclusion (LVIA ES Chapter 9, para 9.12.3 [APP-036] correctly confirms significant effects arise for Recreational Users of Nene Way, as does Table 9.172 Effects on recreational visual receptors (page 9-142); however, Table 9.14 Summary of Viewpoint Analysis (9-75-9-98) incorrectly states Not Significant for Viewpoint 13 on the same receptor.</p>	<p>Nene Way: Assessment of Visual effects</p> <p>It is usual that the magnitude of change and consequently significance of effect would vary along a route, particularly a long distance route such as the Nene Way. The effects experienced by users on the Nene Way will clearly vary along the route and have been recorded correctly. The ES text and summary tables present the maximum effect i.e., a Moderate and Significant effect, however the viewpoint assessments record a finer grain of detail where effects vary from specific viewpoint locations along the route.</p> <p>At Viewpoint 13 (page 9I-129 of <b>Appendix 9I: Viewpoint Assessment - Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079]</b>) a low magnitude of change is recorded during the Operational Phase which is assessed as Moderate adverse and Not Significant at this location, where the distance to the EfW CHP Facility is 3km and views are partially filtered by intervening tree cover as demonstrated in the photomontage at Figure 9.29b.</p> <p>At Viewpoint 7 from the Nene Way (page 9I-16 of <b>Appendix 9I: Viewpoint Assessment - Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079]</b>) the Moderate adverse effect during the Operational Phase is assessed as Significant at this location where the distance to the EfW CHP Facility is much closer at 1.3km, and there is limited screening provided by intervening planting as demonstrated in the photomontage at Figure 9.23b.</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
			<p>At Viewpoint 3 from the Nene Way (page 9I-9 of <b>Appendix 9I: Viewpoint Assessment - Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079]</b>) the Minor adverse effect during the Operational Phase would be Not Significant where the distance to the EfW CHP Facility chimneys would be only 0.63km, although intervening buildings would provide screening of all proposed built structures including the chimneys as demonstrated in the wireframe at Figure 9.19b <b>[APP-058]</b> with only the occasional visibility of the periodic plume.</p>
		<p>There are a huge number of visual effects of varying Magnitudes of Change (MoC) and therefore Significance, both Significant and Non-Significant Effects. Whilst CCC considers that the assessment largely demonstrates clear Significant Adverse Effects, it notes the following:</p>	<p><u>Quantification of Visual effects</u></p> <p>CCC state that there are a “huge number” of visual effects. As previously stated in the Applicants comments on the Written Representations Part 1 Statutory Parties (submitted at Deadline 3) [REP3-039], the Applicant draws attention to the purpose of identifying significant environmental effects arising from a proposed development, in order to address the requirements of the EIA Regulations 2017, as set out at paragraph 7 of Schedule 4. The EIA Regulations and policies in NPS EN-1 and NPS EN-3 set no requirement to avoid or prevent all significant effects arising from a nationally significant infrastructure project. Following mitigation, any remaining significant adverse environmental effects are weighed in the planning balance against the benefits of the proposed development.</p> <p>The Applicant’s LVIA, based on a methodology agreed with FDC and CCC, concluded that whilst there would be some significant visual effects arising from the EfW CHP Facility, these would be restricted to some individual properties and localised parts of several recreational routes and highways, as reported in Tables 9.16, 9.17 and 9.18 of <b>ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036]</b>.</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>The Council considers that the community of Wisbech St Mary will be affected by the development. Although the assessment for Viewpoint 15 (in page 9-33) states “<i>representative of views available to residents</i>”, the viewpoint photography (Figure 9.31a and b) is taken behind the tallest row of trees. It is considered that there will be locations where the views are clearer in between tree cover and thus parts of the community will have Significant Effects (Table 9.14 currently shows non-significant, where a Moderate MoC results in Moderate (and Significant) Effects on the community.</p> <p>In addition, the receptor covering Bevis Lane (Lords Lane/Bevis Lane (page 9-164) exaggerates the level of tree cover, which is not continuous or tall in all locations (as noted above for Wisbech St Mary). There are sections of road from where there will be more open views of the Proposed Development. This will result in a Medium MoC and Moderate (and Significant Effects).</p>	<p><u>Wisbech St. Mary: Assessment of visual effects:</u></p> <p>The location of all viewpoints 15 were agreed with CCC. CCC now question the location of Viewpoint 15 although their analysis is inaccurate and may not have been informed by a site visit. This conclusion is reached because the Applicant notes that were the viewpoint to be taken further north along Bevis Lane and closer to the centre of the village, then tree planting adjacent to the carriageway would screen views towards the Proposed Development. If viewpoint 15 was located further south along Bevis Lane and further from the village it would not be representative of views experienced by residents of nearby scattered dwellings.</p> <p>The Applicant disagrees with CCC's assertion that Moderate and Significant effects would be available to residents of Wisbech St. Mary and concludes that the detailed assessment of visual effects set out in pages 9J81-9J83 of <b>Appendix 9J of Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079]</b> would be Minor adverse and Not Significant during both construction and operation phases.</p> <p>Distinction is drawn between outlying properties beyond the main settlement, which Viewpoint 15 represents, and the main settlement of Wisbech St. Mary where site visits indicate that views are typically more heavily screened. The Applicant does not recognise the presence of more open views claimed by CCC associated with the settlement, however it is claimed that a Medium magnitude of change and Moderate effect that is Significant would be experienced. The Applicant suggests that the reason for the different assessment conclusions set out by CCC must relate to less sensitive minor road users (of medium sensitivity) some distance from the settlement where residents would be of high sensitivity. Notwithstanding this observation the CCC assessment that the magnitude of change would be Medium from minor roads beyond the settlement is strongly disputed and has no evidence base. Whilst minor roads at this location were not agreed with CCC to be scoped into the assessment</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
			<p>as there would be no potential for significant effects, restricted views are available and the magnitude of change is assessed as Very Low and where slightly less restricted views are available the magnitude of change would be Low. In both scenarios no significant effects could occur upon the visual amenity of medium sensitivity road users, where the proposed development would be over 2.6km distant. .</p>
		<p>CCC notes and agrees that, amongst others, Significant Effects have been identified for High Sensitivity receptors along the Nene Way, rights of way at Crooked Bank/ Narrow Drove/ Broad Drove (West of Begdale), as well as Sustrans NCR63, noting these are all located broadly south-west of the Proposed Development, within 5km of the Site. However, the Council is concerned that the likely effects in a similar radius to the south and south east has been under assessed or omitted from the assessment. These include:</p> <p>South east of the Site within 5km, users of Needham Bank, Bar Drove, Kirkham Lane, Gosmoor Lane are not included, suggesting no effects identified. CCC considers these will result in a range of Medium to Low MoC and Moderate (Significant) to Minor Significance.</p> <p>Friday Bridge area (page 9-130) – Whilst it is acknowledged that for</p>	<p>In terms of CCC's claims of missing receptors that are relevant to the assessment, the Applicant draws attention to the agreement of viewpoint locations (with grid references) and visual receptors groups prior to submission of the ES as part of the Stage 2 Statutory Consultation (28 June to 13 August 2021): the PEIR. The scope of the LVIA was subject to extensive consultation with the Council as set out in Appendix 9A of <b>Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079]</b>. There have been no comments to indicate that there were any relevant missing receptors, viewpoints or inappropriate photography until June 2023. The Applicant notes that CCC confirmed at ISH6 that no additional viewpoints were being requested.</p> <p><u>Minor roads east of Friday Bridge and Elm: Assessment of visual effects:</u></p> <p>CCC identify Needham Bank, Bar Drove, Kirkham Lane and Gosmoor Lane that 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. CCC asserts, without any evidence, that people using the routes, presumably road users with a Medium sensitivity, could experience a Medium to Low Magnitude of change, as a result of the EfW CHP Facility.</p>





ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>many receptors there may be no view, those residents living on the west side of the village (west edge of B1101, Fridaybridge Rd), CCC disagrees with the assessment of “Very Low” and considers that part of the community (western edge) will experience at least a Low MoC, resulting in Moderate (and Significant Effects at both construction and Operation (Yr 1 and 15).</p> <p>This is particularly evident, given the open nature of PRow Byway 72/9 which runs along Back Lane from Elm and adjoins the northern edge of Friday Bridge, but has not been assessed. The Council considers the effect on this Right of Way to be at Page 19 of 32 least a Low MoC and therefore of Moderate (and Significant) Effects both during construction and operation (Yrs 1 and 15).</p> <p>South of Friday Bridge – the assessment (para 9.5.48, page 9-49) acknowledges as a location where settlement pattern is “<i>particularly dispersed or almost absent</i>”. Accordingly, with an absence of tree cover, the landscape is relatively open in places, such that there are clear views across the landscape towards</p>	<p>Notwithstanding the clear conclusion by CCC that the sensitivity of these receptors is Medium (as if it were to be High then the effect would be Major) CCC go on to state that minor routes are fundamental to connecting public rights of way, noting that of the four roads identified by 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 to the public footpath connecting Elm and Collett’s bridge for most residents would be available from the B1101 that passes through the centre of the village with surfaced footways.</p> <p>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 (<b>Figures 9.24 and 9.25 – APP-058 and APP-059</b>) demonstrate no screening from intervening settlements and a Medium magnitude of change during the operational phase. At Viewpoint 19 (<b>Figure 9.35 - APP-060</b>) at Outwell (6.4km from the EfW CHP Facility) a Very Low magnitude of change is recorded. Using Viewpoints 8, 9 and 19 as a guide it is predicted that the magnitude of change from the minor roads between the A1101 and the eastern edge of Elm and Friday Bridge which lie approximately equidistant between Viewpoint 8/9 and Viewpoint 19, would range from Low to Very Low. As Medium sensitivity receptors, the effect would range from Minor to Negligible and Not Significant. As there is clearly no potential for significant effects upon views experienced by road users, it is not necessary to scope these minor road users into the assessment.</p> <p>As a sense check, reference is made to the assessment undertaken in the ES from the PRow at Elm (Collett’s Bridge) noting that this PRow connects to Gosmoor Lane i.e. the closest of the four minor roads that CCC have identified as “missed” receptors. The assessment summarised at section 9-150 of the LVIA ES Chapter <b>[APP-079]</b> concluded that during the construction and operational phases there would be a Very Low magnitude of change and a Minor</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>Wisbech and the Site. In this area there are roads (for example Laddus Drove) and footpaths along Laddus Bank (FP 72/14, 72/15 running between Longbeach Farm and Maltmas Farm with particularly open views towards the development that have not been assessed. The Council considers these receptors will experience at least a Low MoC with Moderate (and Significant) Effects for the PRow and Minor (non-Significant) Effects for the roads.</p> <p>These are important receptors in understanding that effects including Significant effects remain south of Begdale and Elm in the range of approximately 5km from the Site.</p> <p>In addition, the Council considers that the change on viewpoint 7 (Table 9.14 Summary of Viewpoint Analysis and recorded in wireframe photography, Figures 9.23 a and b) should be assessed as a Moderate MoC (not Low), resulting in Major (and Significant) Effects during operation (Y 1 and 15).</p> <p>Overall, it should be remembered that many roads, lanes and droves are not only vehicular routes, but they are also used by cyclists, runners and walkers too, and are</p>	<p>effect that is Not Significant. The assessment records the role of intervening built development in Elm in partially screening the EfW CHP Facility.</p> <p>CCC assert significant visual effects from the Friday Bridge area in the absence of detailed assessment (or any request to provide viewpoints from this area). Views from short sections of PRow within or closely associated with settlements are covered as part of the overall settlement assessment, where the nature of views are similar, noting a high sensitivity is typically assessed for both residential and recreational receptors. PRow Byway 72/9 which runs from Back Lane from Elm and adjoins the northern edge of Friday Bridge is a short section of PRow adjacent to an overhead line on wooden poles with part of the route following the curtilage of dwellings. The detailed assessment from Friday Bridge in the ES is set out at Appendix 9J at page 9J60 <b>Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079]</b> that records for the Construction Phase:</p> <p><i>“Residents ‘northern views from properties at the western end of the settlement are screened by three nearby narrow belts of trees, two of which are coniferous.....</i></p> <p><i>When the three narrow belts of trees are considered, the latter group of visual receptors are unlikely to experience ground level views of construction activity. It would be likely that any views available to visual Receptors would be confined to oblique views from west-facing, first-floor windows in two storey properties on the northern and western side of B1101. These oblique views would be over separation distances of 2.6 km to 3.2 km. Most visual Receptors in the community of Friday Bridge would have no views.”</i></p> <p>At the Operational Phase the assessment states at <b>Appendix 9J Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079]</b>:</p> <p><i>“The rationale set out for the construction phase, including review of the ZTVs, would be applicable</i></p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>fundamental to enable the public in accessing and connecting the rights of way and countryside access for health and wellbeing.</p>	<p><i>throughout the operation phase with even the top of the chimneys only potentially being visible in northwestern or northern views to a very small proportion of visual Receptors within this community. In those views, visual Receptors would always see the chimneys in the same field of views as several of the closer 45-48m high steel lattice pylons that support the 400kV overhead electricity transmission line. The occasional visible plume may be visible to slightly more visual Receptors but over separation distances of 2.6 km to 3.2 km, its temporary and very sporadic visual role would be limited."</i></p> <p><u>Viewpoint 7:</u></p> <p>CCC agree with the Applicant that the visual effect is Significant but state that they consider the magnitude is Medium not Low. Whilst the difference in magnitude of change assessment, is largely academic given that both parties identify a significant visual effect during the operational phase, the Viewpoint assessment in <b>Appendix 9I Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079]</b> sets out the rationale for the judgements made at pages 9I16 to 9I17 where the proposal would be seen obliquely and beyond intervening modern built development.</p>
		<p><u>Landscape/Townscape Receptors:</u> <i>Table 9.15 Summary of Significance of Adverse Effects: Landscape and Townscape Receptors</i></p> <p>Wisbech Settled Fen (Ref 9-99): Significant localised effects are acknowledged within the detailed rationale text; however, the table summary refers to 'Not Significant'</p>	<p><u>Landscape/Townscape Receptors.</u></p> <p>CCC request that the localised Significant adverse effects on the Wisbech Settled Fen LCA set out in the detailed assessment should also be acknowledged in the significance column of Summary Table 9.15 of <b>ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036]</b>. The Applicant draws attention to the fact that localised significant effects are acknowledged twice in the rationale column of Table 9.15. The Applicant disagrees with CCC's request to amend the Significance column because a) the localised significant effects have</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>on the basis it considers the whole LCA. This should be amended to confirm Moderate and Significant at both Construction and Operation (Yr1 and 15) to fully and correctly acknowledge the Significant effects of the proposed scheme on part of the local character, but the rationale should then acknowledge the wider effects on character are more limited.</p> <p>The Fens LCA (Ref 9-100): The Councils consider that a Medium Magnitude of Change (not Low) will occur locally on the landscape, as suggested in the Applicant's rationale this does not extend far enough. The Councils suggest that the Medium MoC will change the character of the local landscape, given the extensive number and nature of views and experience of the proposed scheme that is imposed on the local area.</p> <p>TCA8: Wisbech Retail Development (Ref 9-114): As set out in the Councils' LIR [REP1-074] (at para 5.2.3, 5.3.8 and 5.3.9, 5.3.10), the Councils disagree with the assessment of Low Magnitude of Change and Negligible (Not Significant). The introduction of a highly prominent new building would be at a far greater scale/volume than</p>	<p>clearly and unambiguously been acknowledged in the table and b) the predominant effect that applies to the overwhelming majority of the Wisbech Settled Fen LCA is Moderate and Not Significant.</p> <p>CCC 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, (reproduced in <b>Appendix A</b>) which indicates four scales:</p> <ol style="list-style-type: none"> <li>1) At a site level,</li> <li>2) the immediate setting of the site,</li> <li>3) the scale of the landscape character areas within the proposal lies, and</li> <li>4) on a larger scale influencing several landscape character areas.</li> </ol> <p>CCC assert that there would be significant effects upon The Fens LCA by claiming the magnitude on the whole LCA is Medium, rather than Low. With reference to paragraph 5.50 of GLVIA 3 (see <b>Appendix A</b>), the assessment of geographical landscape effects at a site level, the immediate setting of the site and the character area in which the proposal lies is not relevant for the Fens LCA. It is only the indirect effects at the larger scale influencing other landscape character areas where it is relevant to consider the magnitude of change resulting from the Proposed Development. The photomontages at Viewpoints 18, 22, 23, 25 and 30 within the Fens LCA, illustrate the baseline landscape character and the limited impact the addition of 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 <b>Volume 6.4 ES Chapter 9 Landscape and Visual Appendices [APP-079]</b>, with the operation Year 1 assessment concluding:</p> <p><i>"It is assessed that whilst the magnitude of landscape change could be moderate in the tiny part of the LCA west of Begdale, across the</i></p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>almost every building in the local townscape (and surrounding landscape). The Councils consider the MoC to be Medium, and of Minor Significance. Although the Applicant in their rationale (page 9-114) suggests the contrast would be “partly reduced by the detailed design including its cladding”, the Councils consider this is very difficult to achieve, as set out in 5.4.24 of the LIR report.</p>	<p><i>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. The overall result would be a low magnitude of change across the Fens LCA that would be not significant.”</i></p> <p>In relation to TCA8: Wisbech Retail Development both CCC and Applicant agree that the effects of the Proposed Development would be Not Significant on this host TCA and as set out at paragraph 3.33 of GLVIA 3 (see <b>Appendix A</b>), a series of thresholds of landscape effects is not essential provided it is made clear whether effects are considered significant or not. The Applicant disagrees with CCC that the detailed design of the EfW CHP Facility including cladding would have no role in partly reducing the contrast of scale with existing buildings. Clearly a highly prominent and contrasting cladding design with potentially dark colours would have a much greater visual impact than paler colours at higher elevations. Considerations of a 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. This mitigation measure has been successfully implemented on many similar scale buildings across the country.</p> <p>The rationale for the assessment conclusion states at 9-114 of <b>ES Chapter 9 Landscape and Visual (Volume 6.2) [APP-036]</b>.</p> <p><i>The operational EfW CHP Facility would become the dominant or a prominent built element within the closest parts of the TCA, although its presence would not represent an uncharacteristic attribute. Although it would possess a noticeably larger scale than existing built development (except for the cold store), this contrast would be partly reduced by its detail design including its cladding. The EfW CHP Facility’s operation would intensify the townscape role already played by large-scale warehousing along the southern edge of this TCA.</i></p>
		<p><u>Summary:</u></p>	<p>Summary:</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>In summary, considering the extent and nature of effects evident across the landscape (including views), the Councils are of the opinion that the landscape effects of Moderate Significance (considered to be Significant Effects) extend in an arc in the open landscape from the edge of Wisbech St Mary extending round to the A1101 at approximately 5km radius</p>	<p>CCC state that all Moderate effects would be Significant, however this assertion is made without clear and accessible explanation as to why they consider the magnitude of change would be different, in places, to the assessment set out by the Applicant. The lack of narrative text from CCC including clear judgements made about significance are lacking and do not comply with paragraphs 3.35 to 3.36 of GLVIA 3 – See Appendix A) which states there should not be an over-reliance on matrices or tabular summaries of effects.</p> <p>CCC in their response only refer to summary tables in the ES and not the detailed assessments contained in appendices. Consequently, it is unclear whether they have fully considered the detailed assessment. CCC 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>In conclusion, the landscape and visual assessment was undertaken following a methodology that complies with best practice guidance and was agreed with CCC. The landscape and visual assessment conclusions accord with national policies that recognise nationally significant infrastructure projects will likely have adverse effects and reasonable mitigation has been provided where possible and appropriate.</p>
<b>Planning Policy</b>			
<b>PP.2.1</b>	<p>Under Revised Draft NPS EN-1: 3.3.39 – 3.3.40 of the National Policy Statement Tracker [REP3-031], it states that “The proposed plant must not compete with greater waste prevention, re-use, or recycling, or result in over-capacity of EfW treatment at a national or local</p>	<p>As discussed at Issue Specific Hearing 3, it is common ground between the Councils and the Applicant that the proposal is for a regional scale facility, and that it will provide significantly more capacity than is required at a local (waste planning authority area) level. Furthermore, it is common ground</p>	<p>The Applicant welcomes the Council's agreement that the updated <b>WFAA (Rev 3.0) (Volume 7.3) [REP5-020]</b> accurately reflects the likely availability of waste fuel that is currently being sent to landfill at this time, and that there is presently sufficient residual waste available for the Proposed Development.</p> <p>In terms of what happens in the event there is insufficient fuel to keep one or more lines of the Proposed Development running and whether the Proposed Development has sufficient flexibility within its</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
	<p>level". In light of this and considering the overall objectives of the Waste Hierarchy, can the Applicant please provide an update on how the Proposed Development will not compete with targets for waste prevention? IPs and LHAs are also invited to comment on this issue</p>	<p>that Table 4.4 of the Waste Fuel Availability Assessment (WFAA) [REP2-010] accurately reflects the likely availability of waste fuel that is currently being sent to landfill at this time.</p> <p>The Applicant has set out their assessment of likely future waste arisings in the WFAA. Predicting the future of waste arisings is difficult, so to date beyond identifying where there were omissions, the Council has focused, with reference to the Peterborough Green Energy Limited Project (PGEL / PREL), on the question of over provision in the present or near future.</p> <p>It is clear from the report that presently there is sufficient material, whether this continues will depend on a number of factors. From the information available today, it is certainly very difficult to forecast the likely waste arisings of 30 years' time. The Councils would therefore suggest the ExA may wish to consider this question from another angle:</p> <p>Ultimately, there are two scenarios, one in which there is sufficient fuel and one in which there is not. The likelihood of each is unknown, and it is likely to be difficult to prove that</p>	<p>operational parameters to handle a scenario where the available waste falls below that required to run the whole facility - two key points must be made:</p> <ul style="list-style-type: none"> <li>• The updated <b>WFAA (Rev 3.0) (Volume 7.3) [REP5-020]</b> has demonstrated that there will be sufficient residual waste for the Proposed Development. As such, the Applicant is confident that a situation where there is insufficient fuel will not arise.</li> <li>• Even in the unlikely event that there was insufficient fuel, the Applicant can confirm that the Proposed Development could operate effectively with one line. Please see Applicant's response to ISH7 Action Point (Volume 15.3)</li> </ul>



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>either scenario is not theoretically possible in future. This proposal is, in policy terms, for a renewable energy facility, and as such the Applicant does not have to demonstrate that there is a need for waste to be disposed of this way, but that there is and will be sufficient waste to fuel the facility. The permit and requirements are reasonably specific as to the material that the facility can take, consequently the likelihood of the use of material which is suitable for management further up the waste hierarchy is limited.</p> <p>The question that the Councils wish the Applicant and the ExA to consider is, what happens in the event there is insufficient fuel to keep one or more lines of the facility running? And does the proposed development have sufficient flexibility within its operational parameters to handle a scenario where the available waste falls below that required to run the whole facility?</p>	
<b>PP.2.6</b>	<p>The BCP was adopted by FDC in April 2015. Can the Applicant please provide further information in relation on how it believes that the Proposed</p>	<p>The proposal will see the site partly built out for business purposes and also the improvement of part of Newbridge Lane with a revised junction with Cromwell Road. These</p>	<p>The Applicant welcomes CCC's observation that the Proposed Development would not be in conflict with the BCP.</p> <p>Neither CCC nor FDC have spoken with the Applicant concerning pro-rata contributions to BCP infrastructure. FDC does not have a</p>





ExQ2	Question	CCC & FDC Response	Applicant Comment
	Development will meet, and where possible assist, the objectives of the South Wisbech Broad Concept Plan? Fenland DC is also invited to comment on this topic.	are features of the South Wisbech Broad Concept Plan (BCP). There does not appear to be any conflict between the proposal and the adopted BCP. That being said, no evaluation has been made as to whether, from a development value / transportation perspective, the development needs to make a pro-rata contribution to the wider infrastructure proposed in the BCP, such as the new junction on the A47.	Community Infrastructure Levy (CIL) in place. The Applicant's assessments have identified the infrastructure improvements necessary to accommodate the Proposed Development and all are included within Schedule 1 to the draft DCO.
<b>Socio-Economic &amp; Population</b>			
<b>SPC.2.3</b>	REP4-031 Table 7.7 Comments on Outline LEMP [REP3-020] States 'The Councils also request s106 monies to enable the provision of additional links within the PROW network for the benefit of affected local communities.' Can Cambs CC please set out specifically what they are looking for in this instance? how this meets the tests set out in NPS EN-1 para 4.1.8? and whether this can be secured within the timescales of the examination? Can Cambs CC confirm whether they would be raising a material objection without it? Can the Applicant please comment in this regard.	CCC, FDC and Norfolk County Council (NCC) seek the following public access - ecological mitigation package:  1) One or more sites to be taken forward by the Applicant as part of the DCO Requirement for additional BNG combined with public access, which should be of a permanent nature. Five potential sites have been suggested, as identified on the map at Appendix A to this submission [CLA.D5.EXQ2.AA]. These sites fall within urban extension areas identified in Policies LP7 – Urban Extensions, and LP8 –	The Applicant has continued to meet with CCC and FDC since 7 June 2023 to discuss a community benefits package which would include for the combination of BNG with public access where all parties agree that this would be appropriate.  Agreed Heads of Terms (Volume 15.8) have been submitted at Deadline 6 and the Applicant's and CCC's respective solicitors are negotiating the draft agreement. The agreed mechanism to investigate suitable public access into future areas of biodiversity net gain is stated in Schedule 2 of the Heads of Terms. The Applicant is confident that the agreement can be completed prior to the end of the Examination.  The Applicant and CCC met with Network Rail on 22 June 2023 to discuss the grant of permissive rights across the Disused March to Wisbech Railway. Subsequent correspondence has sought to agree the signage and the Applicant, CCC and Network Rail are progressing this matter (to be funded by the Applicant) and parties are confident



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>Wisbech, of the adopted Fenland Local Plan<sup>4</sup>.</p> <p>Criteria (g) of LP7 requires each urban extension to “provide, commensurate with the scale of the urban extension, a network of open spaces and green infrastructure for amenity, play, sport and recreation, including allotments, local nature reserves, woodlands, green spaces, wildlife corridors and stepping stones for the migration, dispersal and exchange of wild species. Such provision should respond positively to the wider area to ensure enhanced linkages and networks”.</p> <p>Under Policy LP8, both East Wisbech (strategic allocation) and South Wisbech (broad location for growth) require: “Existing areas of high quality woodland, including some mature orchards, should be retained and enhanced to serve as multifunctional public open space areas with amenity, biodiversity and community food value.”</p> <p>Whilst there is some development interest in the areas at present, delivery in the short to medium term is questionable and the sites present excellent opportunities for both</p>	<p>that agreement as to the wording and positioning of the signage can be reached prior to the end of the Examination.</p>

<sup>4</sup> Fenland District Council (2014) *Fenland Local Plan* [Online] Available at: [https://www.fenland.gov.uk/media/10010/Fenland-Local-Plan-May-2014/pdf/Fenland\\_Local\\_Plan1.pdf?m=637261883246530000](https://www.fenland.gov.uk/media/10010/Fenland-Local-Plan-May-2014/pdf/Fenland_Local_Plan1.pdf?m=637261883246530000) (Accessed: 13 June 2023)



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>biodiversity and as community facilities. Sites 1, 3 and 4 are old orchards and so have particular interest, as this is a special type of habitat that needs conserving.</p> <p>In addition to the suggested private sites (which are not exclusive to any others that might be put forward), FDC, NCC and CCC have estate in the area and may be interested in developing part of the land for habitat creation. However, ideally the site (whether private or public) needs to be as close as possible to the urban area of Wisbech rather than remote from it, in order to bestow the maximum public health and wellbeing and community benefits from it, as well as to better promote sustainable travel. There is land in the vicinity, such as to the south of Site 3, which has the potential for a small nature park and would make an excellent wider community facility if the suggested Restricted Byway were also to be created, enabling circular access via New Bridge Lane and Halfpenny Lane. The sum would be greater than the parts.</p> <p>2) S106 monies for:</p> <ul style="list-style-type: none"> <li>• A new Restricted Byway link between NBL and Halfpenny Lane north of A47, providing a</li> </ul>	



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>circular leisure route for pedestrians, cyclists and other NMUs close to the development site for the local community, shown by the dashed blue line on the NMU Mitigation map in Appendix A to this submission [CLA.D5.EXQ2.AA] and for</p>	
		<ul style="list-style-type: none"> <li>Improvements and enhancements to the existing PROW network for the communities south of A47 – Page 25 of 32 being the four Parishes of Wisbech; Wisbech St Mary; Elm in Cambs and Emneth in Norfolk.</li> </ul>	
		<p>Given the adverse impact of this NSIP on the wide swathe of landscape and its communities south of the site, the Councils consider it reasonable to request £100,000 for each of the four parishes affected – giving a total of £400,000.</p>	
		<p>The paths shown on the NMU Mitigation Map [CLA.D5.EXQ2.AA] are initial suggestions, but actual routes would be determined through consultation with local communities and statutory user groups.</p>	



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>The Councils met with the Applicant on 7 June 2023, and understand that it would be amenable to a contribution in principle, subject to agreeing the amount and the terms of a s106 agreement.</p> <p>The Applicant provided CCC with a draft S106 heads of terms on 13 June 2023. CCC are currently reviewing the proposed head of terms and will provide feedback to the Applicant accordingly.</p> <p>3) The establishment of formal permissive rights across the disused railway crossing on New Bridge Lane, through agreement with Network Rail, with accompanying signage funded by the Applicant.</p> <p>The Councils understand that the Applicant is prepared to use reasonable endeavours to secure a permissive right of access for owners and occupiers of land adjacent to, and NMUs using, New Bridge Lane subject to the width restriction imposed by the agreed bollards – with appropriate signage to confirm such rights. CCC has provided suggested wording for the signage. The Councils consider that, although it appreciates that the permission is in the gift only of Network Rail, this is a simple request</p>	



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>that would bestow a significant benefit for local communities.</p> <p>The signage and any agreement should be in place upon completion of the proposed works to the crossing as part of the New Bridge Lane improvement works, prior to the commencement of operation.</p> <p>4) A S106 Legacy Fund has also been discussed with the Applicant to help address CCC's concerns over planning policy requirements. Negotiations are ongoing.</p> <p>With regard to NPS EN-1 para 4.1.8, the Councils understand that, had this guidance been available to the Applicant two years ago when they were drafting their proposal, they would have been able to take it into account for implementing mitigation along the lines proposed at element 1 of the Councils' list. However, unfortunately, the Councils understand that the draft DCO is now too advanced for it to be amended to accommodate this provision. This would have been the Councils' preferred approach, as it would create greater certainty and would significantly reduce the burden on the Councils involved in delivering the NMU enhancements. The problem faced is that any land</p>	



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>that might be put forward for BNG or over which public rights might be created will all be outside the Order Limits, which would require a material change to the DCO. The Applicant would also need time to approach any third parties concerned. If this option is not available to the Applicant, it is critical that the mitigation package is securely devised and that it includes recovery of all the Councils' costs incurred in implementing it.</p> <p>The Councils would like to see the Applicant committed to making efforts to include private sites such as those suggested Page 27 of 32 in its assessment, as they are closer to the urban area in the immediate vicinity of the development than most land owned by public authorities, and thus have greater potential to benefit a wider range of outcomes, such as public health and sustainable travel for a greater number of people.</p> <p>The Councils are of the view that the whole package needs to be agreed before they are able to remove their objection regarding adverse impact of the Proposed Development on NMUs and local communities.</p>	



ExQ2	Question	CCC & FDC Response	Applicant Comment
		<p>As previously stated, the Applicant provided CCC with a draft S106 heads of terms on 13 June 2023. CCC are currently reviewing the proposed head of terms and will provide feedback to the Applicant accordingly.</p>	
<b>Traffic and Transport</b>			
<b>TT.2.2</b>	<p>Cambs CC in its LIR [REP1-074] states, under 2.10 Transport Assessment: Construction Phase Impacts, that “the construction phase will have the most significant daily weekday impact on the network, with a maximum of 643 2-way daily vehicles and 14 HGV movements in each peak hour”. Nevertheless, it is not clear from the information provided in the LIR how the impact of the additional traffic has been modelled in relation to the overall capacity of the proposed vehicle route. Paragraphs 2.10.7 and 2.10.8 appear to not raise concerns regarding overall capacity. Can Cambs CC please confirm that it believes that the existing road network will have overall</p>	<p>The Applicant has not specifically modelled the link capacity of the Local Highway Network. However, it is confirmed that CCC are of the view that the local CCC-controlled road network has sufficient capacity to cater for the maximum volumes of construction traffic anticipated by the Applicant. CCC suggest that the ExA approach National Highways to confirm their views pertaining to capacity on the A47 and Cromwell Road/A47 junction.</p>	<p>Comment noted. The scope of the Transport Assessment was agreed with the relevant highway authorities.</p> <p>National Highways in its Deadline 5 submission [REP5-051] confirmed that it is satisfied with the Applicant’s assessment of the A47/Cromwell Road junction in that it does demonstrate that there is sufficient capacity to accommodate the Proposed Development.</p>





ExQ2	Question	CCC & FDC Response	Applicant Comment
	capacity to accommodate the additional traffic anticipated by the Applicant?		
TT.2.3	Following from ExQ2 TT.2.2 above, under 2.11 Transport Assessment: Operational Phase Impacts [REP1-074], Cambs CC states that, as per the Applicant's assessment, the operational phase will see an additional 362 2w ay day weekdays traffic movements with 43 vehicles (27 HGV) movements in the A< peak and 22 (10 HGV) movements in the PM peak hour. Can Cambs CC please confirm that it believes that the existing road network will have overall capacity to accommodate the additional traffic anticipated by the Applicant?	<p>As above, the Applicant has not specifically modelled the link capacity of the Local Highway Network. However, it is confirmed that CCC are of the view that the local CCC controlled road network has sufficient capacity to cater for the maximum volumes of construction traffic anticipated by the Applicant.</p> <p>CCC suggest that the ExA approach National Highways to confirm their views pertaining to capacity on the A47 and Cromwell Road/A47 junction.</p>	Comment noted. Please see Applicant's response to TT.2.2 above.
TT.2.4	Cambs CC Deadline 1 Submission [REP1-067] stated that "It is considered that significant works would be required to bring the street to current adoptable standards by a third- ExQ2: 05 June 2023 Responses due by Deadline 5: 16 June 2023 Page 22 of 23 ExQ1 Question to: Question: Fenland DC party promoter for	CCC states that the works would be subject to detailed review and inspection, however, typically they are likely to comprise: review of construction via intrusive cores; review of drainage / adoption by Anglian Water Services; CCTV of gullies / connections; replacement of damaged kerbs; relocation of gullies from bellmouths; repair to damaged footways / carriageways; resurfacing	<p>The Applicant will undertake pre and post construction condition surveys of the highway, including the unadopted section of Algores Way.</p> <p>Following consultation with the Highway Maintenance Team at CCC, Section 7.2.22 to 7.4.27 of the Applicant' Outline CTMP Rev 5 reflects these discussions and was submitted at Deadline 5 [REP5-011].</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
	<p>the County to consider potential adoption". Can the Highways Authority provide further details regarding what those works would be? And can the Applicant, Fenland DC and Cambs CC provide an update on the status of any negotiations in relation to this the potential adoption of the road and also any works required in order to facilitate such an adoption?</p>	<p>of said footways / carriageways; review of street lighting specification / column locations and luminaires in relation to current specification; associated legal processes to secure adoption (S37/ S38 Highways Act 1980).</p> <p>There are no active discussions in this respect between CCC and FDC.</p>	
<b>TT.2.5</b>	<p>In response to ExQ1 TT.1.6 [REP2-030], Cambs CC raised concerns regarding the impact of the Proposed Development on the proposed new roundabout on the A47 as set out on the adopted South Wisbech Broad Concept Plan. Does Cambs CC still have concerns in relation to this, particularly considering that an access between the proposed A47 roundabout and New Bridge Lane does not seem to be proposed judging from the Wisbech South Broad Concept Plan?</p>	<p>The Wisbech South Broad Concept work predates the work carried out for the Wisbech Access Strategy. There is currently no funding available, and no further work being carried out on the development of the Wisbech Access Strategy schemes</p>	<p>Comment Noted. The Applicant's traffic and transport assessment (ES Chapter 6 Traffic and Transport) [APP-033] does consider potential future changes to the Highway Network in paragraphs 6.5.66 to 6.5.74. It notes at 6.5.73 that National Highways confirmed that other than those mentioned, no further highway improvement schemes should be included within the baseline.</p>
<b>TT.2.6</b>	<p>Emerging revised draft policy NPS EN-1 states that "The SoS should only consider preventing</p>	<p>Discussions with the Applicant are ongoing with regard to offsite infrastructure comprising the</p>	<p>Following meetings with CCC the Applicant submitted the signalisation modelling and RSA for review on 25 May 2023. Despite follow-up communications no comments were received until ISH6.</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
	<p>or refusing development on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe.” Does Cambs CC believe that the Proposed Development would have an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe?</p>	<p>junction works at New Bridge Lane and Cromwell Road, and the New Bridge Lane widening. CCC are reviewing the submitted Junction modelling and Road Safety Audit.</p> <p>The achievement of an acceptable outcome to the above is critical to the acceptance of the development. CCC are not currently in a position to confirm that the impact on the Local Highway Network would not be viewed as ‘severe’ and thus cannot (at present) confirm that the proposed junction improvements are acceptable.</p> <p>CCC will continue working with the Applicant to resolve any remaining issues that might stem from the modelling and Road Safety Audit review</p>	<p>Following ISH6 the Applicant again contacted CCC to see if it was possible to meet to discuss the design. A meeting was arranged for 6 July 2023 and the Applicant is preparing some additional modelling of the signalisation scheme at the request of CCC.</p> <p>The Applicant’s assessment did not identify a need to provide a signalised junction at Cromwell Road/New Bridge Lane because the modelling undertaken by the Applicant and reported <b>within ES Chapter 6 Traffic and Transport Appendix 6B Transport Assessment [APP-073]</b> demonstrates that the Proposed Development would not have a significant effect upon the highway network. The Applicant’s willingness to design and implement a signalised junction is in order to reach common ground with CCC as highway authority.</p>
TT.2.7	<p>The Applicant has notified the ExA of its intention to submit a request for changes to the Proposed Development [PD-012]. In response to this, Cambs CC has submitted a letter [AS-016] in relation to the Applicant’s request which highlights that part of the additional land requested by the Applicant to be included in the Development Consent Order has not been dedicated as</p>	<p>CCC is continuing to investigate this matter internally, and will provide an update to the Applicant and the Examination as soon as further information and clarification becomes available.</p>	<p>The Applicant refers to its Written Summary of Oral Submissions at ISH7 and CAH3 submitted at Deadline 6 on this issue.</p>



ExQ2	Question	CCC & FDC Response	Applicant Comment
	<p>highway land owing to a number of unresolved issues. Can the Applicant and Cambs CC please confirm what are the impacts of this issue on the Proposed Development, particularly on the deliverability of the required junction design?</p>		
<b>TT.2.10</b>	<p>Fenland DC has confirmed, in response to ExQ1 TT.1.11 [REP2-030] that they are the owners of a stretch of Algores Way that runs from the intersection of Algores Way with Anglia Way, up to the existing Alboro Development Limited site, corresponding approximately to plots 13/4c, 13/4d and 14/1a of the Land Plans [REP3-003]. Not all of the businesses that use this current stretch of road to access its premises appears to have formal rights of way or any other legally binding arrangement with Fenland DC which would offer them a significant degree of legal protection. Can Fenland please comment on this and confirm on what basis of the current arrangement for access?</p>	<p>FDC built the road in order to facilitate development on either side. It is not known if the sale of the land either side of the road made provision for access rights. However, given the objective of the Council in building the road, it would have been perverse to not allow access either formally or informally. If there was no formal right of access given, this would have been acquired through the passage of time. The Applicant could not remove these acquired access rights. There is scope for the detailed design of the improvements to be submitted for approval so that it can be ensured that access to the exiting premises is retained.</p>	<p>The Applicant welcomes FDC's comments that all premises along the unadopted section of Algores Way, including the EfW CHP Facility Site, will have acquired rights through the passage of time.</p> <p>Notwithstanding this, the Applicant considers that it remains necessary to ensure the deliverability of the Proposed Development to include the power to compulsorily acquire new rights of access over the unadopted section of Algores Way in order to formalise this acquired right, as FDC has, to date, declined to enter into any voluntary agreement.</p>
<b>Water Environment</b>			



ExQ2	Question	CCC & FDC Response	Applicant Comment
WE.2.1	<p>Cambs CC in AS-014 Highlighted requirement 8 in relation to the drainage of the temporary construction compound. This matter was not raised in ISH5 by Cambs CC as an area of concern. Can Cambs CC please clarify any outstanding concerns relating to the drainage of the proposed development and how they would wish these matters to be resolved within the timescales of the examination?</p>	<p>The concern was regarding the inclusion of Work Order 5 in Requirement 8. It is understood, as this is related to the construction compound, that this will be covered under Requirement 10 for the CEMP. Therefore, there are no further concerns from the LLFA regarding the wording of condition 8.</p>	<p>Comment noted.</p>



## 4. Comments on the responses from the Environment Agency

**Table 4.1 Comments on the responses from the Environment Agency [REP5-047]**

ExQ2	Question	Environment Agency Response	Applicant Comment
CA.2.8	In response to action CA2-8, as set out in the Written Summary of the Applicant's Oral Submissions at ISH 2 CAH 1 & 2 [REP3-037], the Applicant was advised by the EA that the Environmental Permit application was considered of "high public interest" and therefore EA felt that extra consultation with the public needed to take place. Can the Applicant and the EA please provide an update as this does not appear to be reflected in the SoCG with the EA [REP4-010]?	The Environment Agency informed the applicant by letter, dated 14/4/23, that the application was considered high public interest. The proposal has generated significant public interest during the DCO Examination, and it is expected that the environmental permit application will also generate significant public and media interest, requiring the need for increased engagement. The application will be advertised for 6 weeks on Citizen Space, inviting comments from the public between 21 <sup>st</sup> June 2023 and 2 <sup>nd</sup> August 2023. Six week consultations are standard for high public interest energy from waste applications. Briefing notes will be sent to local MPS and councils, and a local newspaper advert will be placed to publicise the consultation. Additionally, the Environment Agency will be posting on social media to reach as many people and local groups as possible, and giving a better opportunity for participation. Statutory consultees will be contacted as usual. The additional consultation	Comments noted. This confirms the Applicant's understanding of the position, as set out in its <b>Deadline 5 Cover Letter, Volume 14.1 [REP5-031]</b> .

**54** Applicant's comments on the responses to the ExA's Written Questions (ExQ2)



ExQ2	Question	Environment Agency Response	Applicant Comment
		should not affect the timescale of the permit determination.	



## 5. Comments on the responses from National Highways

**Table 5.1 Comments on the responses from National Highways [REP5-051]**

ExQ2	Question	National Highways Response	Applicant Comment
CA.2.4	In response to Action CA2-7 the Applicant has submitted [REP4-026] Response to CAH2 Action Point 7 - Rev 1 where it states that one plot identified by Ms Smith fell within the Order limits (shown as Plot 10/1a on Land Plan Revision 4 [APP-006]). However, this land is in the registered ownership of National Highways and forms part of the A47. The Applicant does not consider that Ms Smith has an interest in this land based on the ExQ2: 05 June 2023 Responses due by Deadline 5: 16 June 2023 Page 12 of 23 ExQ1 Question to: Question: evidence available. None of the other land identified by Ms Smith falls within the Order limits. Has this been confirmed by National Highways?	<p>National Highways confirm the land identified as Plot 10/1a on Land Plan Revision 4 [APP-006] is within the land ownership of National Highways</p> <p>The land identified is one of 42 plots of land owned or occupied by National Highways which compulsory acquisition powers to acquire new rights are sought. Our previous objections and concerns have been addressed in earlier submissions to the application and subsequent discussions with the applicant.</p>	Comment noted.
TT.2.1	In ExQ1 [PD-008] the ExA asked question TT.1.15, directed to National Highways, in relation the need for National Highways to agree the results of the	National Highways agree with the outputs of the modelling in respect of the effects of the proposal on the A47 / Cromwell Road / Redmoor Lane Roundabout. The scheme is	The Applicant notes National Highway's confirmation that the modelling in respect of the effects of the Proposed Development on the A47/Cromwell Road/Redmoor Road roundabout is agreed.





ExQ2	Question	National Highways Response	Applicant Comment
	<p>modelling and the conclusions reached by Cambs CC in respect of the effects of proposal on the A47/Cromwell Road/Redmoor Lane roundabout. Can National Highways please comment on this point?</p>	<p>considered unlikely to have a severe impact on the SRN.</p>	



## 6. Comments on the responses from Natural England

**Table 6.1 Comments on the responses from Natural England [REP5-052]**

ExQ2	Question	Natural England Response	Applicant Comment
PP.2.7	Considering the Government's targets for halving the waste that ends up at landfill or incineration by 2042, can the Applicant please explain how the Proposed Development will contribute to the Government's Strategy? Natural England are also asked to comment and update the ExA on government targets and their status.	Government targets on waste do not fall within Natural England's statutory remit, therefore we have no comments to offer. The Examining Authority should contact the Environment Agency, as the lead authority on waste, for advice on this matter.	Comments noted. The Applicant refers to its response to ExQ2 PND2.8 [REP5-032].



## 7. Comments on the responses from the Environment Agency

**Table 7.1 Comments on the responses from the Environment Agency [REP5-055]**

ExQ2	Question	Environment Agency Response	Applicant Comment
PP.2.7	Considering the Government's targets for halving the waste that ends up at landfill or incineration by 2042, can the Applicant please explain how the Proposed Development will contribute to the Government's Strategy? Natural England are also asked to comment and update the ExA on government targets and their status.	The Environmental Improvement Plan 2023 sets out targets and commitments to minimise residual waste and achieve a sustainable economy. The balance of this target in connection with the proposed development is a matter for the Examining Authority to consider as part of its decision making. Consideration of government targets is not a requirement under the Environmental Permitting (England and Wales) Permitting regulations 2016, and will therefore not form part of our ongoing environmental permit determination. The statutory responsibility for delivery of waste diversion, reuse and recycling targets lies with Cambridgeshire County Council as the Waste Disposal Authority and Fenland District Council as the Waste Collection Authority. In summary, this matter does not lie within the Environment Agency's statutory remit and we are therefore unable to comment on it.	Comments noted. The Applicant refers to its response to ExQ2 PND2.8 [REP5-032].



## 8. Comments on the responses from Wisbech Town Council

**Table 8.1 Comments on the responses from Wisbech Town Council [REP5-054]**

ExQ2	Question	Wisbech Town Council Response	Applicant Comment
PP.2.1	Under Revised Draft NPS EN-1: 3.3.39 – 3.3.40 of the National Policy Statement Tracker [REP3-031], it states that “The proposed plant must not compete with greater waste prevention, re-use, or recycling, or result in over-capacity of EfW treatment at a national or local level”. In light of this and considering the overall objectives of the Waste Hierarchy, can the Applicant please provide an update on how the Proposed Development will not compete with targets for waste prevention? IPs and LHAs are also invited to comment on this issue	<p>As stated in previous submissions, it is Wisbech Town Council's contention that the proposed plant will compete with greater waste prevention, re-use and recycling and will result in over-capacity of EfW treatment at a national and local level.</p> <p>Setting aside the serious concerns with the definition of the waste catchment area outlined in previous submissions, the suggestion that there will be 2.4m tonnes of waste going to landfill (paragraph 6.2.1 of the Waste Fuel Availability Assessment - REP2-010) over the 40 year operational life of the proposed plant is highly misleading and does not take into account the Government's commitment to reduce residual waste by 21% in the short term (i.e. by 31st January 2028) and by 50% by 2042 set out in the Environmental Improvement Plan. Neither does it take into account consented capacity at Rookery South, Rivenhall or Newhurst, which collectively amount to 1.53m tpa.</p>	<p>As stated in previous submissions, the fundamental focus of the updated <b>WFAA (Rev 3.0) (Volume 7.3) [REP5-020]</b> is on the availability of <b>suitable residual waste</b> (i.e., that part of the waste stream that is left over after waste reduction, reuse and recycling measures are accounted for) that is currently managed at the very bottom of the waste hierarchy – in other words, landfilled. In this regard, the Proposed Development would not compete or prejudice with waste reduction, re-use or recycling objectives.</p> <p>Furthermore, the updated <b>WFAA (Rev 3.0) (Volume 7.3) [REP5-020]</b> explicitly considers the extent to which there will be a need for the Proposed Development if current, aspirational Government residual waste reduction targets are met as set out in the Government's May 2023 Environmental Improvement Plan (EIP) – see paragraphs 5.2.21 to 5.2.25. Specifically, the updated WFAA has considered:</p> <ul style="list-style-type: none"> <li>• The implications of achieving the EIP's interim target (2) of reducing the total mass of residual waste to a level not exceeding 25.5 million tonnes by the beginning of 2028; and</li> <li>• The implications of achieving the EIPs longer term 'stretch' target of halving residual waste produced per person by 2042 (equating to no more than 287kg per capita).</li> </ul> <p>In respect of the first bullet point, the updated <b>WFAA (Rev 3.0) (Volume 7.3) [REP5-020]</b> concludes that should the Government's EIP interim target (2) be achieved, by 2028 there would be a shortfall in residual waste management capacity in England of 3.5 million tonnes.</p>



ExQ2	Question	Wisbech Town Council Response	Applicant Comment
		<p>The Applicants are due to update the WFAA at Deadline 5. It is essential that the overall conclusions included at Section 6, appropriately consider the implications of the EIP targets as well as currently consented capacity within the study area on the future availability of residual waste.</p> <p>As the amount of residual waste reduces, it will inevitably generate spare capacity in currently operational facilities, further reducing the need for the Medworth EfW CHP facility. The Applicant will therefore need to compete for waste from areas significantly beyond the waste catchment (contrary to the proximity principle) by reducing the gate fee to a level which undermines the achievement of targets for waste prevention.</p> <p>In order to obtain finance to construct and operate the plant, it is likely that the Applicant will need to rely on long term waste contracts which are often not flexible enough to deal with changes in waste arisings and composition which therefore also may compromise targets for waste prevention.</p>	<p>Looking ahead to 2042 – it is concluded that should Government residual waste reduction targets be achieved; it is anticipated that there will be around 17.7 million tonnes of residual waste in England that requires management. Current predictions are that there are 17.9 million tonnes of available capacity in England. However, by 2042, it is inevitable that a large proportion of the existing capacity will be decommissioned and/or require upgrading – particularly the older/ smaller non-R1 compliant facilities (see paragraphs 5.2.24 to 5.2.26 in the updated WFAA). With this in mind, it is considered that even in the event of the EIP stretch target of halving residual waste by 2042 being achieved, there remains a clear need for the modern, CHP enabled, and carbon capture facilitated capacity offered by the Proposed Development.</p> <p>These conclusions take full account of capacity offered by Rookery South, Rivenhall and Newhurst. In terms of the Rookery South, Rivenhall and Newhurst point: The updated <b>WFAA (Volume 7.3) (Rev 3.0) [REP5-020]</b> takes full account of the capacity offered by the consented (and under construction) facility at Rivenhall in Essex and the Newhurst EfW in Leicester. Even considering this new capacity, the updated <b>WFAA (Volume 7.3) [REP5-020]</b> continues to conclude that there is insufficient residual waste management capacity available to ensure that residual, non-recyclable waste can be managed as far up the waste hierarchy as possible (i.e., diverted from landfill) and in a manner which complies with the proximity principle (i.e., treating waste as close as possible to its point of arising).</p> <p>In light of the above, it is considered that the Proposed Development <b>would not prejudice the achievement of waste management targets.</b></p> <p>Finally, in terms of the comment relating to the need for the Applicant to rely on long term contracts to finance the proposed development, the facility will look to secure Local Authority and commercial</p>



ExQ2	Question	Wisbech Town Council Response	Applicant Comment
			<p>operator contracts for waste supply. Regarding Local Authority contracts, the Applicant will need to submit a compliant bid for Local Authority tenders which come to market. The Local Authority dictate what, how much and for how long, and Local Authorities will take account of any changing needs they may have. Commercial contracts will typically be of a shorter duration and again, suppliers will normally only negotiate for what they feel they have control over for a given length of time.</p>



## 9. Comments on the responses from Engineering & Factory Supplies Ltd

Table 9.1 Comments on the responses from Engineering & Factory Supplies Ltd [REP5-046]

ExQ2	Question	Engineering & Factory Supplies Ltd Response	Applicant Comment
CA.2.5	<p>In response to action CA2-1, as set out in the Written Summary of the Applicant's Oral Submissions at ISH 2 CAH 1 &amp; 2 [REP3-037], the Applicant has states that it has sent two letters, one on the 10 February 2023 to all businesses along Algores Way, Europa Way and Anglia Way and another one on 22 March 2023 to all newly identified business interests along Algores Way in order to inform businesses of the Proposed Development and the on-going Examination. IPs are asked to comment and confirm reception of letters.</p>	<p>I am replying to the questions set out to the IP's in the Medworth Application Document that effects businesses on Algores Way.</p> <p>I would like to confirm that we have <b>NOT RECEIVED</b> any letters or correspondence as outlined in the document on the below attached link.</p> <p><a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010110/EN010110-001683-230605%20Medworth%20EfW%20ExQ2%20FINAL.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010110/EN010110-001683-230605%20Medworth%20EfW%20ExQ2%20FINAL.pdf</a></p>	<p>With respect to [REP5-046], a copy of the S48 Notice (notice ref number 166) was placed at Algores Way between 28/6/21 and 13/8/21. Please see location plan at Appendix C.</p> <p>Site notices and Section 56 notices for unknown interests and unregistered land were erected on 30/09/22. This included 3 sites notices at locations G010, G009 and G008 and an unregistered land notice at location U002 along Algores Way. Please see location plan at Appendix D.</p> <p>Letters, dated 10/02/23, providing further clarification on the powers being sought in the draft DCO, with respect to Algores Way, were hand delivered to all businesses on along the full length of Algores Way (including both the adopted and unadopted sections), Europa Way and Anglia Way.</p> <p>The Applicant notes that Relevant Representation [RR-035] was made by Engineering and Factory Supplies Ltd. in November 2022 and Relevant Representation [RR-364] was made by Ms E Jefferis also in November 2022 [RR-364] indicating their awareness of the DCO application for the Proposed Development.</p> <p>Further details are set out in the Applicant's response to CAH2 Action Point 6 [REP5-036].</p>



## 10. Comments on the responses from WEP Fabrications Ltd

**Table 10.1 Comments on the responses from WEP Fabrications Ltd [REP5-048]**

ExQ2	Question	WEP Fabrications Ltd Response	Applicant Comment
TT.2.8	<p>The Outline Construction Transport Management Plan (CTMP) [REP4-006] and [REP4-007] contains a series of provisions, under point 7.4 General Construction Traffic Management/Mitigation, to secure access to all businesses and users of routes affected by the construction of the Proposed Development. Can the Applicant confirm to what extent have these measures been discussed with and approved by regular users and specifically businesses located along Algores Way and are they seeking any changes to the CTMP?</p>	<p>MVV have never contacted my business or any other business on Algores Way re the outline CTMP, in fact this is the first I have ever heard about it. We have NOT been contacted, we have NOT approved anything and we have NOT been given the opportunity to change anything. MVV need to prove that they have discussed and agreed this with all businesses – I can confirm they haven't.</p>	<p>With respect to <b>REP5-048</b> (Helen Pentelow/WEP Fabrications) a copy of the S48 Notice (notice ref number 166) was placed at Algores Way between 28/6/21 and 13/8/21. Please see location plan at Appendix C.</p> <p>Notices pursuant to s56 of the Planning Act 2008 were served on all persons listed in the BoR, and this included WEP Fabrications, using the Royal Mail signed for service. Ms Pentelow signed for receipt of the notice on 29/09/22. Site notices and Section 56 notices for unknown interests and unregistered land were erected on 30/09/22. This included 3 sites notices at locations G010, G009 and G008 and an unregistered land notice at location U002 along Algores Way. Please see location plan at Appendix D.</p> <p>Letters, dated 10/02/23, providing further clarification on the powers being sought in the draft DCO, with respect to Algores Way, were hand delivered to all businesses on along the full length of Algores Way (including both the adopted and unadopted sections), Europa Way and Anglia Way. Receipt of this letter was acknowledged by Ms Pentelow. Further details are set out in the Applicant's response to CAH2 Action Point 6 <b>[REP5-036]</b>.</p>
CA.2.5	<p>In response to action CA2-1, as set out in the Written Summary of the Applicant's Oral</p>	<p>The letter which MVV say they sent on 10 Feb 2023 was only prompted by them being contacted by Mr Benton at TVS Group with queries he had about potential compulsory purchase of Algores Way. It is obvious that</p>	<p>See response to TT.2.8 and the Applicant's response to CAH2 Action Point 6 <b>[REP5-036]</b>.</p>





ExQ2	Question	WEP Fabrications Ltd Response	Applicant Comment
	<p>Submissions at ISH 2 CAH 1 &amp; 2 [REP3-037], the Applicant has states that it has sent two letters, one on the 10 February 2023 to all businesses along Algores Way, Europa Way and Anglia Way and another one on 22 March 2023 to all newly identified business interests along Algores Way in order to inform businesses of the Proposed Development and the on-going Examination. IPs are asked to comment and confirm reception of letters.</p>	<p>a letter would not have been sent if MVV hadn't been contacted. Prior to 10 Feb 2023 there were absolutely no letters sent to any business on Algores Way or Europa Way since the application started. As previously stated at the Boathouse meeting, letters were also not received on 22 March. MVV can quite easily state they sent them without any proof they were sent because they think this will satisfy the Planning Inspector. I will reiterate again most businesses on Algores Way &amp; Europa Way have not received any letters, in fact I know of only 2 that did.</p>	
CA.2.6	<p>In response to action CA2-5, as set out in the Written Summary of the Applicant's Oral Submissions at ISH 2 CAH 1 &amp; 2 [REP3-037], the applicant has stated that it had engaged directly with some representatives of businesses located along Algores Way and that it offered to meet with them but such a meeting hadn't occurred yet. Can the Applicant please provide the ExA with an update?</p>	<p>The applicant has engaged with only 2 out of the 70+ businesses on Algores Way and Europa Way – one being Mr Benton from TVS Group and one being Oliver Mackle. It is important to note that conversations with these two companies took place only because they contacted MVV. MVV have NOT at any point made contact with any of the businesses on Algores Way and has not engaged with any other businesses on any matters relating to the incinerator. At the recent meeting in April 2023 with the businesses at the Boathouse regarding compulsory purchase of Algores Way, Mr Carey offered to meet with businesses after the meeting had finished so this was not recorded. He came up to a few of us and offered to meet. This was the first time this had ever been suggested. We are currently arranging a meeting in Wisbech which hopefully will take place on</p>	<p>We would also draw the ExA's attention to the Applicant's response to CAH2 Action Point 6 [REP5-036]. Since submitting this response, the Applicant met with business owners along Algores Way on 29/6/2023, see <b>Appendix B</b></p> <p>As a result of this meeting the Outline CEMP and Outline OTMP have been updated to reinforce the Applicant's commitments to minimise disruption to businesses close to the EfW CHP Facility Site. The updated management plans are submitted at Deadline 6.</p>



ExQ2	Question	WEP Fabrications Ltd Response	Applicant Comment
		29/6/23. I would like to mention that Mr Carey offered to meet with businesses, and later asked if he could bring 2 members of his team. I have suggested that this may not be possible due to space limitations as it is more important that there is space for businesses and not Mr Carey's team!	



## 11. Comments on the responses from Hair World UK Ltd

**Table 11.1 Comments on the responses from Hair World UK Ltd [REP5-050]**

ExQ2	Question	Hair World UK Ltd Response	Applicant Comment
GCT.2.8	Applicant has updated the BoR [REP3-009] by including all landowners abutting Algores Way as parties with a Category 2 interest in respect of rights of access. IPs are asked to confirm their inclusion in the BoR.	My company trading as Hair World UK Ltd is affected but is not listed in the BOR, I can only see my personal name listed as the owner of the property which is affected. The company itself will be impacted by any road closure and should be consulted regarding works and measures planned to allow continued trading.	<p>With respect to <b>REP5-050</b> (Malcolm Sargeant). Mr Sargeant was included in the BoR Rev.5 submitted at Deadline 3 [<b>REP3-009</b>] under Categories 1,2, and 3 and Part 3 for plots 13/4cii, 13/4d and 14/1a covering the extent of Algores Way.</p> <p>The Applicant received an electronic feedback form from Mr Sargeant on 12/07/2021 in response to the statutory consultation.</p> <p>A copy of the S48 Notice was placed at 166 Algores Way between 28/6/21 and 13/8/21. Please see location plan at Appendix C.</p> <p>Site notices and Section 56 notices for unknown interests and unregistered land were erected on 30/09/22. This included 3 sites notices at locations G010, G009 and G008 and an unregistered land notice at location U002 along Algores Way. Please see location plan at Appendix D.</p> <p>Letters, dated 10/02/23, providing further clarification on the powers being sought in the draft DCO, with respect to Algores Way, were hand delivered to all businesses on along the full length of Algores Way (including both the adopted and unadopted sections), Europa Way and Anglia Way.</p> <p>Letters dated 22/03/23 were sent to all newly identified persons with a property interest that may be affected by the Applicant's proposals; this included Mr Sargeant. The letter detailed the arrangements along Algores Way during the construction period including confirmation that access to business and properties along Algores Way would be maintained during construction.</p>



ExQ2	Question	Hair World UK Ltd Response	Applicant Comment
			Further details are set out in the Applicant's response to CAH2 Action Point 6 [REP5-036].
CA.2.5	In response to action CA2-1, as set out in the Written Summary of the Applicant's Oral Submissions at ISH 2 CAH 1 & 2 [REP3-037], the Applicant has states that it has sent two letters, one on the 10 February 2023 to all businesses along Algores Way, Europa Way and Anglia Way and another one on 22 March 2023 to all newly identified business interests along Algores Way in order to inform businesses of the Proposed Development and the on-going Examination. IPs are asked to comment and confirm reception of letters.	No discussions have been made with Hair World UK Ltd regarding construction traffic plans in Algores Way. I confirm that we have not received two letters, only one hand delivered letter and currently some business are trying to organise a meeting with Mr Carey.	Mr Sargent (representing Hair World UK Ltd) attended the meeting with the Applicant and other business owners on Algores Way on 29 June 2023.
TT.2.8	The Outline Construction Transport Management Plan (CTMP) [REP4-006] and [REP4-007] contains a series of provisions, under point 7.4 General Construction Traffic Management/Mitigation, to secure access to all businesses and users of routes affected by the construction of the Proposed Development. Can the Applicant confirm to what	Is Medworth compensating for any loss of business when the roads are closed for these works? There appears to be substantial works planned on two occasions directly opposite our entrance shown on the plan below in green. How long is the intended work being carried out for and what is Medworth intending to put in place regarding the free access to allow the continuation of our business during these works?	Mr Sargent (representing Hair World UK Ltd) attended the meeting with the Applicant and other business owners on Algores Way on 29 June 2023.  Powers set out in Article 13 in the draft DCO are being sought to enable the Applicant to temporarily close or restrict traffic on the unadopted section Algores Way in case this is required to facilitate the construction of the new Algores Way entrance (Work No. 4B). However, Article 13(3) requires the Applicant to provide reasonable access for non-motorised users and vehicles accessing premises that would otherwise have no access. In addition, the power in Article 13 needs to be read in conjunction with the requirements set out in the



ExQ2	Question	Hair World UK Ltd Response	Applicant Comment
	<p>extent have these measures been discussed with and approved by regular users and specifically businesses located along Algores Way and are they seeking any changes to the CTMP?</p>	<p>There is shown a temporary stop up order for Algores Way, on the plan shown below, this has not been explained or discussed with Hair World UK Ltd.</p>	<p>Outline CTMP which requires the Applicant to maintain access to and notify Algores Way businesses.</p>

# Appendix A Extracts from the Landscape Institute and Institute of Environmental Management & Assessment: Guidelines for Landscape and Visual Impact Assessment

# Guidelines for Landscape and Visual Impact Assessment

Third edition

Landscape Institute and  
Institute of Environmental  
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**Step 2: Combining the judgements**

- 3.28 The next step is to combine the separate judgements on the individual criteria. The rationale for the overall judgement must be clear, demonstrating:
- how susceptibility to change and value together contribute to the sensitivity of the receptor;
  - how judgements about scale, extent and duration contribute to the magnitude of the effects; and
  - how the resulting judgements about sensitivity and magnitude are combined to inform judgements about overall significance of the effects.
- 3.29 Combining judgements should be as transparent as possible. It is common practice to arrive at judgements about the significance of effects simply by combining the judgements about the sensitivity of the receptor and the magnitude of the effect. This can be useful but is also an oversimplification unless it is made clear how the judgements about sensitivity and magnitude have themselves been reached.
- 3.30 There are several possible approaches to combining judgements, including:
- **Sequential combination:** The judgements against individual criteria can be successively combined into a final judgement of the overall likely significance of the effect, with the rationale expressed in text and summarised by a table or matrix.
  - **Overall profile:** The judgements against individual criteria can be arranged in a table to provide an overall profile of each identified effect. An overview of the distribution in the profile of the assessments for each criterion can then be used to make an informed overall judgement about the likely significance of the effect. This too should be expressed in text, supported by the table.
- 3.31 Both of these methods have been advocated by different EIA guidance documents and both can meet the requirements of the Regulations provided that the sequence of judgements is clearly explained and the logic can be traced. The approach adopted in an LVIA will often be influenced by the overall approach in an EIA and the EIA co-ordinator will often seek internal consistency within a project.

**Step 3: Judging the overall significance of the effects**

- 3.32 The Regulations require that a final judgement is made about whether or not each effect is likely to be significant. There are no hard and fast rules about what effects should be deemed 'significant' but LVIA's should always distinguish clearly between what are considered to be the significant and non-significant effects. Some practitioners use the phrase 'not significant in EIA terms' to describe those effects considered to fall below a 'threshold' of significance but this can potentially confuse since the phrase has no specific meaning in relation to the EIA Regulations (IEMA, 2011b: 61).
- 3.33 It is not essential to establish a series of thresholds for different levels of significance of landscape and visual effects, provided that it is made clear whether or not they are considered significant. The final overall judgement of the likely significance of the

predicted landscape and visual effects is, however, often summarised in a series of categories of significance reflecting combinations of sensitivity and magnitude. These tend to vary from project to project but they should be appropriate to the nature, size and location of the proposed development and should as far as possible be consistent across the different topic areas in the EIA.

When drawing a distinction between levels of significance is required (beyond significant/not significant) a word scale for degrees of significance can be used (for example a four-point scale of major/moderate/minor/negligible). Descriptions should be provided for each of the categories to make clear what they mean, as well as a clear explanation of which categories are considered to be significant and which are not. It should also be made clear that effects not considered to be significant will not be completely disregarded. 3.34

In reporting on the significance of the identified effects the main aim should be to draw out the key issues and ensure that the significance of the effects and the scope for reducing any negative/adverse effects are properly understood by the public and the competent authority before it makes its decision. This requires clear and accessible explanations. The potential pitfalls are: 3.35

- over-reliance on matrices or tabular summaries of effects which may not be accompanied by clear narrative descriptions;
- failure to distinguish between the significant effects that are likely to influence the eventual decision and those of lesser concern;
- losing sight of the most glaringly obvious significant effects because of the complexity of the assessment.

To overcome these potential problems, there should be more emphasis on narrative text describing the landscape and visual effects and the judgements made about their significance. Provided it is well written, this is likely to be most helpful to non-experts in aiding understanding of the issues. It is also good practice to include a final statement summarising the significant effects. Tables and matrices should be used to support and summarise descriptive text, not to replace it. 3.36

**Mitigation**

Measures which are proposed to prevent, reduce and where possible offset any significant adverse effects (or to avoid, reduce and if possible remedy identified effects), including landscape and visual effects, should be described. The term 'mitigation' is commonly used to refer to these measures; however, it is not a term used in the EIA Regulations although it is used in some specific legislation, such as the Electricity Act 1989, and in guidance. Mitigation measures are not necessarily required in landscape appraisals carried out for projects not subject to EIA procedures, although some local authorities may request them and even if they do not it is nevertheless often helpful to think about ways of dealing with any negative effects identified. 3.37

As EIA practice has evolved the terminology used to refer to mitigation measures has been adapted; for example, it has become common practice to use the term 3.38



value using clearly stated and recognised criteria, but are nevertheless valued at a community level.

5.46 There can be complex relationships between the value attached to landscape receptors and their susceptibility to change which are especially important when considering change within or close to designated landscapes. For example:

- An internationally, nationally or locally valued landscape does not automatically, or by definition, have high susceptibility to all types of change.
- It is possible for an internationally, nationally or locally important landscape to have relatively low susceptibility to change resulting from the particular type of development in question, by virtue of both the characteristics of the landscape and the nature of the proposal.
- The particular type of change or development proposed may not compromise the specific basis for the value attached to the landscape.

5.47 Landscapes that are nationally designated (National Parks and Areas of Outstanding Natural Beauty in England and Wales and their equivalents in Scotland and Northern Ireland) will be accorded the highest value in the assessment. If the area affected by the proposal is on the margin of or adjacent to such a designated area, thought may be given to the extent to which it demonstrates the characteristics and qualities that led to the designation of the area. Boundaries are very important in defining the extent of designated areas, but they often follow convenient physical features and as a result there may be land outside the boundary that meets the designation criteria and land inside that does not. Similar principles apply to locally designated landscapes but here the difficulty may be that the characteristics or qualities that provided the basis for their designation are not always clearly set down.

### Magnitude of landscape effects

5.48 Each effect on landscape receptors needs to be assessed in terms of its **size or scale**, the **geographical extent** of the area influenced, and its **duration and reversibility**.

#### Size or scale

5.49 Judgements are needed about the size or scale of change in the landscape that is likely to be experienced as a result of each effect. This should be described, and also categorised on a verbal scale that distinguishes the amount of change but is not overly complex. For example, the effect of both loss and addition of new features may be judged as major, moderate, minor or none, or other equivalent words. The judgements should, for example, take account of:

- the extent of existing landscape elements that will be lost, the proportion of the total extent that this represents and the contribution of that element to the character of the landscape – in some cases this may be quantified;
- the degree to which aesthetic or perceptual aspects of the landscape are altered either by removal of existing components of the landscape or by addition of new ones – for example, removal of hedges may change a small-scale, intimate landscape into a large-scale, open one, or introduction of new buildings or tall structures may alter open skylines;

- whether the effect changes the key characteristics of the landscape, which are critical to its distinctive character.

### Geographical extent

The geographical area over which the landscape effects will be felt must also be considered. This is distinct from the size or scale of the effect – there may for example be moderate loss of landscape elements over a large geographical area, or a major addition affecting a very localised area. The extent of the effects will vary widely depending on the nature of the proposal and there can be no hard and fast rules about what categories to use. In general effects may have an influence at the following scales, although this will vary according to the nature of the project and not all may be relevant on every occasion:

- at the **site level**, within the development site itself;
- at the level of the **immediate setting** of the site;
- at the scale of the **landscape type or character area** within which the proposal lies;
- on a **larger scale**, influencing several landscape types or character areas.

### Duration and reversibility of the landscape effects

These are separate but linked considerations. Duration can usually be simply judged on a scale such as short term, medium term or long term, where, for example, short term might be zero to five years, medium term five to ten years and long term ten to twenty-five years. There is no fixed rule on these definitions and so in each case it must be made clear how the categories are defined and the reasons for this.

Reversibility is a judgement about the prospects and the practicality of the particular effect being reversed in, for example, a generation. This can be a very important issue – for example, while some forms of development, like housing, can be considered permanent, others, such as wind energy developments, are often argued to be reversible since they have a limited life and could eventually be removed and/or the land reinstated. Mineral workings, for example, may be partially reversible in that the landscape can be restored to something similar to, but not the same as, the original. If duration is included in an assessment of the effects, the assumptions behind the judgement must be made clear. Duration and reversibility can sometimes usefully be considered together, so that a temporary or partially reversible effect is linked to definition of how long that effect will last.

### Judging the overall significance of landscape effects

To draw final conclusions about significance, the separate judgements about the sensitivity of the landscape receptors and the magnitude of the landscape effects need to be combined to allow a final judgement to be made about whether each effect is significant or not, as required by the Regulations, following the principles set out in Chapter 3. The rationale for the overall judgement must be clear, demonstrating how the assessments of sensitivity and magnitude have been linked in determining the overall significance of each effect.

Significance can only be defined in relation to each development and its specific location. It is for each assessment to determine how the judgements about the landscape receptors and landscape effects should be combined to arrive at significance and to

## Appendix B Note of meeting with business owners (29 June 2023)

**From:** xxxxxxxxxxxxxxxxxxxxxxxxx  
**To:** xxxxxxxxxxxxxxxxxxxxxxxxx  
**Subject:** Information following meeting between MVV and Algores Way businesses  
**Date:** 10 July 2023 11:57:00  
**Attachments:** [Information following meeting with MVV.pdf](#)  
[Construction Method Statement - Algores Way.pdf](#)

---

Hi Helen,

Following our meeting during the last round of examination hearings, we have prepared a note with links to the latest documents referenced. I have also extracted the Method Statement for the early construction works as discussed – it is a document within a document so I hope this makes it easier to access.

Thank you for organising your fellow business owners and their representatives and I trust that you will share this information with them.

Kind Regards  
Jane

Jane Ford  
Communications and Community Relations Manager  
MVV Environment Ltd

M: xxxxxxxxxxxxxxxxxxxxx  
[xxxxxxxxxxxxxxxxxxxxxxxx](#)  
[xxxxxxxxxxxxxxxxxxxxxxxx](#)

MVV in the UK: developing and operating resource recovery projects with MVV Umwelt GmbH

MVV Environment Ltd, Devonport EfW CHP Facility, Creek Road, Plymouth, Devon, PL5 1FL -  
Managing Directors: Paul Carey, Peter Knapp, Mike Turner  
MVV Environment Baldovie Ltd, Forties Road, Dundee, DD4 0NS - Managing Directors: Paul Carey,  
Peter Knapp, Mike Turner  
MVV Environment Devonport Ltd, Devonport EfW CHP Facility, Creek Road, Plymouth, Devon, PL5 1FL  
- Managing Directors: Paul Carey, Peter Knapp, Mike Turner  
MVV Environment Ridham Ltd, Ridham Dock Biomass Facility, Lord Nelson Road, Ridham Dock, Iwade,  
Sittingbourne, ME9 8FQ - Managing Directors: Paul Carey, Peter Knapp, Mike Turner  
MVV Environment Services Ltd, Devonport EfW CHP Facility, Creek Road, Plymouth, Devon, PL5 1FL -  
Managing Directors: Paul Carey, Peter Knapp, Mike Turner  
MVV Umwelt GmbH, Otto-Hahn-Str. 1, 68169 Mannheim, Germany - Managing Directors: Dr.  
Christian Hower-Knobloch, Uwe Zickert; Supervisory Board Chairman: Dr. Hansjörg Roll  
[www.mvvuk.co.uk](http://www.mvvuk.co.uk)

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**Meeting between MVV and Algores Way businesses**  
**Held at the Boathouse Business Centre, Wisbech on Thursday 29<sup>th</sup> June 2023**

**Information for businesses on Algores Way**

This information is provided to assist in locating the relevant documents, updates and actions taken by the Applicant as a result of the examination process and further consultation during the examination period. It includes commentary as well as links to the documents in the Examination Library.

**Background**

Background traffic and transportation assumptions for construction and operation are contained in **APP-073** Volume 6.4 ES Chapter 6: Traffic and Transport (Appendix 6B: Transport Assessment), which was submitted in July 2022.

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010110/EN010110-000516-MVV%20Volume%206.4%20ES%20Chapter%206%20Traffic%20and%20Transport%20Appendix%206B%20Transport%20Assessment.pdf>

- Section 5.11 – baseline surveys and consideration of COVID-19 pandemic
- Section 5.11.4 – survey locations

**Outline Management Plans**

The outline management plans have been updated during the Examination, in response to representations from statutory organisations and local concerns from businesses on, for example, Algores Way; notably, following the first round of issue specific hearings, further commitments to engage with local businesses were reinforced. The links below take you to the Deadline 5 versions of the management plans. However, as a result of concerns raised in this meeting by business owners and their representatives, the Applicant will incorporate further commitments at Deadline 6 (12<sup>th</sup> July 2023). Screenshots of the additional commitments (as they will appear in the Deadline 6 submission) and existing commitments to liaison with local businesses are shown below for information, in advance of submission to PINS:

**Additional commitment: Parking Prohibition**

7.4.12 Construction activity on Sundays, public holidays or bank holidays would not take place, other than in exceptional circumstances.

**Vehicle Parking Prohibition**

7.4.427, 4.13 No HGVs or LVs or construction workers' cars associated with the construction of the Proposed Development will be permitted by the Applicant to park along Algores Way, Europa Way, Anglia Way, Salters Way and New Bridge Lane unless in conjunction with any construction works taking place within the highway. Access to businesses will be maintained at all times.

HGV construction vehicle records

**Additional commitment: Construction Workers' Bus Service**



sustainable travel awareness and increase use of sustainable modes of travel.

- Objective 2: To reduce travel by car, particularly single occupancy vehicle (SOV) trips during the construction phase.
- 7.4.347.4 The Applicant will provide buses to transport construction workers staying outside the local area to and from the Proposed Development site during the construction process.

Existing Liaison commitment: with local

## businesses

### Advanced notifications

- 7.4.337.9.1 The Applicant with the EPC Contractor will maintain vehicle and pedestrian access to businesses and properties during construction of the Proposed Development.
- 7.4.347.9.2 The Applicant with the EPC Contractor shall issue advanced notification of temporary works affecting the highway proximate to businesses and properties on:
  - New Bridge Lane Access Improvements: New Bridge Lane, Slaters Way and Cromwell Road;
  - Algores Way Access Improvements: Algores Way;
  - CHP Connection: Weasenham Lane;
  - Grid Connection: New Bridge Lane and Broadend Road;
  - Foul Water Connections: Algores Way;
  - Potable Water Connections: New Bridge Lane (north and south of the A47): and
  - TCC: Algores Way.
- 7.4.357.9.3 Where necessary, the Applicant with the EPC Contractor will contact local businesses and properties to discuss and agree arrangements to ensure access is maintained during the temporary highway works.

If the DCO is approved the Applicant will need to prepare detailed management plans and submit these to the relevant planning authority for review and approval.

- **Outline Construction Environmental Management Plan - Revision 5.0 [REP5-021]**

[https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010110/EN010110-001740-David%20Kenyon%20-%20Other-%20MVV%20Volume%207.12%20Outline%20Construction%20Environmental%20Management%20Plan%20Rev5%20\(tracked\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010110/EN010110-001740-David%20Kenyon%20-%20Other-%20MVV%20Volume%207.12%20Outline%20Construction%20Environmental%20Management%20Plan%20Rev5%20(tracked).pdf)

This document includes commitments to:

- Graphic 2.1: Summarises the suite of plans to be prepared, confirming that a Stakeholder Engagement Plan, Construction Staff Travel Plan and Complaints Procedure will form part of the detailed management plan
- Section 3.5.20 to 3.5.24: Establish a community liaison group, to involve local businesses
- Section 4.2: confirms hours of construction activities
- **Outline Construction Traffic Management Plan Environmental Statement - Chapter 6 - Traffic and Transport Appendix 6A – Revision 5.0 [REP5-011]**

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010110/EN010110-001731-David%20Kenyon%20-%20Other->



<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010110/EN010110-001160-Applicant%20-%20Other%20Volume%207.11%20Outline%20CTMP%20Rev%205%20tracked.pdf>

The Outline CTMP details the proposed mitigation measures to manage traffic generated during the construction phase of the Proposed Development and minimise the likely effects on existing road users and the local community. The primary objectives of the document are as follows:

- Ensure the movement of people and materials in a safe, efficient, timely, and sustainable manner
  - Keep construction traffic to a minimum during peak network periods to reduce the impact on the highway network
  - Ensure that effects and disruption on local communities is minimised
  - Minimise vehicle trips where possible
  - Limit the impacts on the natural and built environment
- **Outline Odour Management Plan (Tracked) - Rev 2 [REP1-020]**

[https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010110/EN010110-001160-Applicant%20-%20Other%20Volume%207.11%20Outline%20Odour%20Management%20Plan%20Rev2%20\(tracked\).pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010110/EN010110-001160-Applicant%20-%20Other%20Volume%207.11%20Outline%20Odour%20Management%20Plan%20Rev2%20(tracked).pdf)

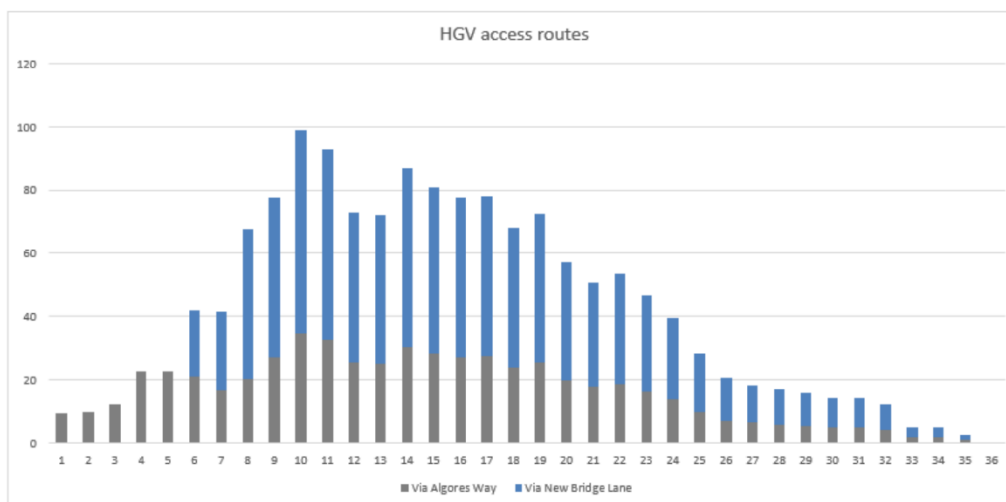
The Outline Odour Management Plan (OMP) will form one of a suite of documents managing operational activities at the EfW CHP Facility. It has been drafted in accordance with controls dictated by MVV's existing Integrated Management System (IMS), which is certified to international standards for Environmental, Health & Safety, Quality and Energy Management. The Outline OMP has been drafted with due consideration given to Environment Agency guidance note 'H4 Odour Management 1' and the associated report template supplied by the National Odour Team, to provide a framework for the provision of information required by the Environment Agency.

**Algores Way Construction Traffic** – following a meeting with Cambridgeshire County Council, the Applicant prepared a technical note on the number of HGV's proposed to use Algores Way during construction. This note was submitted into the Examination in March 2023.

Appendix 9.2A: Technical Meeting Note Traffic and Transport – Algores Way, Applicant's response to the Relevant Representations – Part 9 Appendices [REP1-036]

[https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010110/EN010110-001209-Applicant%20-%20Comments%20on%20Relevant%20Representations%20\(RRs\)%20\(see%20Annex%20H%20of%20this%20letter\)%208.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010110/EN010110-001209-Applicant%20-%20Comments%20on%20Relevant%20Representations%20(RRs)%20(see%20Annex%20H%20of%20this%20letter)%208.pdf)

Figure 2.1 presents the HGV split between Algores Way and New Bridge Lane; this is shown in the screenshot below:



Access route for HGV/day (EfW CHP Facility)	Month																																			
(ONE WAY) Ave HGV vehicles (day)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
Total HGV	10	10	12	23	23	42	41	68	78	99	93	73	72	87	81	78	78	68	73	57	51	54	47	40	28	20	18	17	16	14	14	12	5	5	3	0
Via Algores Way	10	10	12	23	23	21	17	20	27	35	33	25	25	30	28	27	27	24	25	20	18	19	16	14	10	7	6	6	5	5	4	2	2	1	0	
Via New Bridge Lane	0	0	0	0	0	21	25	47	51	64	60	47	47	56	52	50	51	44	47	37	33	35	30	26	18	13	12	11	10	9	9	8	3	3	2	0

In addition to the latest submitted versions of the outline management plans, detailed above, the Applicant has produced a Method Statement for the early construction works. This was submitted at Deadline 4, as an appendix to the Applicant's comments on the Deadline 3 Submissions: Part 2 Other Interested Parties (Vol 12.3b) [REP4-023].

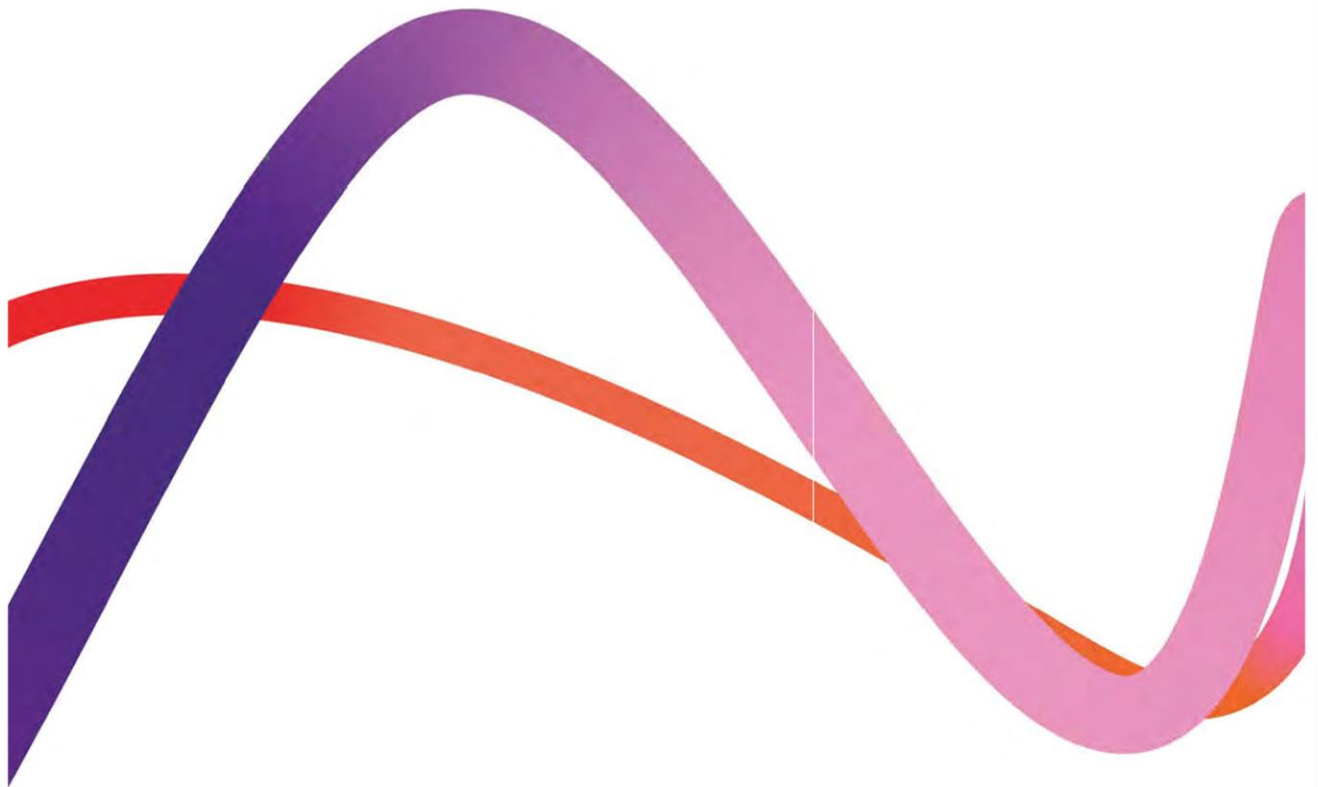
<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010110/EN010110-001651-submissions%20received%20by%20Deadline%203.pdf>

The Method Statement is at Appendix A and has been extracted and attached as a separate document for ease of reference.



**Medworth Energy from Waste  
Combined Heat and Power Facility**

March 2023



**Construction: Early Works  
Method Statement – Algores Way**

**We inspire  
with energy.**



## 2 Construction: Early Works Method Statement – Algores Way

### Issue record

Status	Rev	Description	By	Date	Check	Date
Draft	0	First Issue	GP	02.03.2023	TM	30.03.2023
Current	1	Issued for approval	TM	30.03.2023	GP	30.03.2023



### 3 Construction: Early Works Method Statement – Algores Way

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Appendix A: Figure 3.11i to 3.11iv E/W CHP Facility Temporary Construction Compound Layout  
 Appendix B: Figure 10.2 Algores Way operational access design



4 Construction: Early Works Method Statement – Algores Way

1. Introduction

1.1 Background

1.1.1 Following their presentation at the Open For Hearing (OFH), the Applicant met a representative of James Mackle (U.K.) Limited (JML) on 23 February 2023. The principal concern raised by JML was how the construction of the Proposed Development might affect access to their property off Algores Way (opposite the EFW CHP Facility Site and adjacent to the entrance into the Temporary Construction Compound (TCC), see **Figure 1.1**). It was agreed that the Applicant would provide further details on the construction arrangements affecting Algores Way.

Figure 1.1: Location of JML, Algores Way





## 5 Construction: Early Works Method Statement – Algores Way

### 1.2 Purpose of this Document

1.2.1 This document provides JML with further details of the measure to control construction activities, to be secured by the Development Consent Order (DCO), and an initial construction Method Statement to assist in identifying the works involved with site set-up of the TCC and the early works (first 3-months) involved with the construction of the EfW CHP Facility and Access Improvements that affect Algores Way.

1.2.2 Where referenced in this document, the DCO Application documents can be accessed via the following link:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/medworth-energy-from-waste-combined-heat-and-power-facility/?ipcsection=docs>

### 1.3 Structure of this document

- Section 2 – Pre-commencement construction commitments
- Section 3 – Initial Construction Method Statement



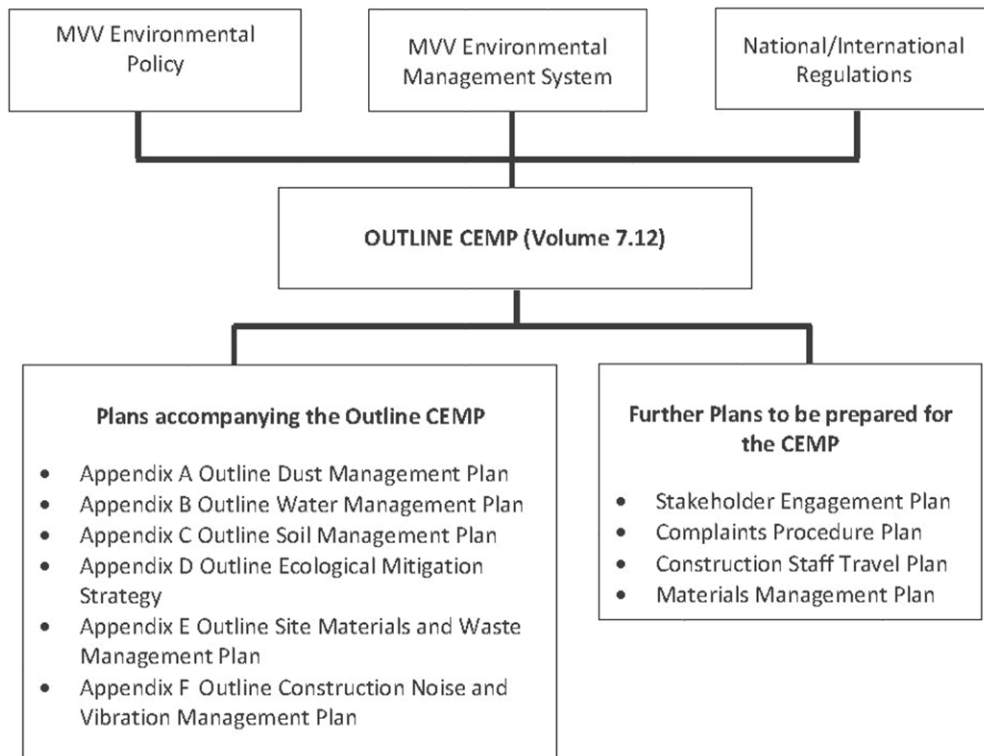
6 Construction: Early Works Method Statement – Algores Way

## 2. Pre-commencement of construction commitments

### 2.1 Construction Environmental Management Plan

2.1.1 An **Outline Construction Environmental Management Plan (CEMP) (Rev 2) (Volume 7.12) [REP1-022]** accompanies the DCO Application. The Outline CEMP states how impacts associated with construction activities will be controlled and monitored. In addition to general controls, including hours for construction and registering with the Considerate Contractor Scheme, **Graphic 1.1** lists specific management plans to be prepared by the Applicant/EPC Contractor.

Graphic 1.1: Management plans to be included within the CEMP



2.1.2 The commitments stated in the Outline CEMP will be developed to produce a detailed CEMP which is secured by **Requirement 10, Draft DCO (Volume 3.1) [REP-107]**.



## 7 Construction: Early Works Method Statement – Algores Way

### 2.2 Construction traffic and access

2.2.1 An **Outline Construction Traffic Management Plan (CTMP) Appendix 6A Outline CTMP (Rev 2) (Volume 6.4) [REP1-010]** accompanies the DCO Application. The **Outline CTMP** states how impacts associated with the movement and access for construction vehicles would be mitigated.

2.2.2 Following oral presentations at the OFH1 and OFH2 from businesses (including JML) on Algores Way, the Outline CTMP was updated to reaffirm or include the following commitments:

- To manage construction traffic at the entrance to the TCC and EfW CHP Facility off Algores Way, a banksperson will be present;
- The Applicant and EPC Contractor will maintain vehicle and pedestrian access to businesses and properties during construction of the Proposed Development.
- The Applicant with the EPC Contractor shall issue advanced notification of temporary works affecting the highway proximate to businesses and properties.
- Where necessary, the Applicant with the EPC Contractor will contact local businesses and properties to discuss and agree arrangements to ensure access is maintained during the temporary highway works.
- A liaison group will be established and local businesses, such as, JML will be invited to attend.
- Outline design for the Access Improvements at the entrance to the EfW CHP Facility on Algores Way.

2.2.3 The commitments stated in the Outline CTMP will be developed to produce a detailed CTMP which is secured by **Requirement 11, Draft DCO (Volume 3.1) [REP107]**.

### 2.3 Compliance

2.3.1 The Applicant will submit the CTMP and CEMP to and for the written approval of the relevant planning authority. The approved CTMP and CEMP will be in place before the commencement of construction and thereafter, for the duration of construction, the Applicant/EPC Contractor must comply with it.



## 8 Construction: Early Works Method Statement – Algores Way

# 3. Outline Construction Method Statement

## 3.1 Introduction

3.1.1 This Method Statement has been produced to assist in defining the early works involved with the construction of the Proposed Development and specifically those aspects that could affect the existing vehicle access into JML, Algores Way, Wisbech. It presents the sequence of events that will occur during the first 3-months of the construction programme and the implementation of the Algores Way Access Improvements.

3.1.2 The main activities involve works at and within EfW CHP Facility Site, the Temporary Construction Compound (TCC), Algores Way and New Bridge Lane Access Improvements and the foul Water Connection (on Algores Way), see **Figure 1.1**.

## 3.2 Prior to mobilisation and site set-up

3.2.1 Pre-commencement surveys, for example, ecological, geo-technical and dilapidation surveys would be undertaken prior to the mobilisation period. Access to the EfW CHP Facility Site and TCC will be via Algores Way.

3.2.2 The EfW CHP Facility Site and TCC will be registered under the Considerate Constructors Scheme, the scheme focusses on respecting the community, caring for the environment, and valuing the workforce. During Phase 1, signage advising of the scheme and providing designated communication routes for members of the public to raise experiences and observations will be erected on the fence line to Algores Way and New Bridge Lane.

## 3.3 Phase 1: Mobilisation and site set-up months 1-3

### General

3.3.1 During Phase 1, the TCC will be established and the EfW CHP Facility Site secured.

### Site security

3.3.2 Boundary fencing will be erected to the full perimeter of the TCC and EfW CHP Facility Site, including all necessary gates and access to provide a secure site boundary.

3.3.3 Once the site is secure, health and safety signage, in accordance with the CDM regulations 2015, will be erected on the boundary and works to create the temporary access road into the TCC from Algores Way will commence.





## 9 Construction: Early Works Method Statement – Algores Way

### Set-up of the TCC

- 3.3.4 Initially a compacted aggregate track will be constructed tying into the junction with Algores Way, this will be tarmaced once the remaining TCC area is complete at approximately month 3 of the works.
- 3.3.5 To create the compacted track, vegetation and topsoil will be removed and stored in bunds within the TCC, a geotextile membrane will be laid followed by compacted aggregate to build up the temporary track.
- 3.3.6 The works to create this track will be carried out from within the boundary of the TCC fence line will not obstruct the use of Algores Way for other users or businesses.
- 3.3.7 Once a suitable track is installed, a gate house will be set up on the entrance to the TCC inbound of the Algores Way entrance. This will allow suitable space for delivery and vehicles to park up prior to entering the TCC and preventing any restrictions on Algores Way for other road users or businesses. The purpose of the gate house is to monitor and record all vehicles entering and exiting the site and monitor the cleanness of delivery vehicles tyres prior to exiting onto Algores Way. This will be carried out via a mobile wheel wash station until the completion of the tarmac road.
- 3.3.8 Works will progress with the removal of the existing topsoil and sub-soil surface to the remaining TCC area, soils will be stored in sealed bunds around the site for re-use in the final reinstatement of the land.
- 3.3.9 Concrete foundations will be created for the installation of the temporary buildings that will house offices, mess, toilets, showers, and stores. The temporary buildings will be delivered to the TCC via Algores Way. Outline details the temporary office and welfare buildings to be erected at the TCC are provided in **Figures 3.22i to 3.22vii, ES Chapter 3 (Volume 6.3) [APP-049]**.
- 3.3.10 Temporary drainage including an oil interceptor will be installed to collect water run off prior to being discharged into the local Internal Drainage Board network at greenfield run off rates.
- 3.3.11 **Figure 3.11i to 3.11iv (see Appendix A)** display the site layout, including access and drainage arrangements for the duration construction. Note that on completion of construction the TCC will be reinstated to its original state; grassland.
- 3.3.12 Finally, the remaining area of the TCC will be tarmaced including the road accessing Algores Way, this will assist in preventing debris being carried over onto Algores Way.
- 3.3.13 For the duration of construction, staff and visitors will access the TCC via Algores Way. To manage construction staff travel arrangements, a Construction Staff Travel Plan will be prepared and secured by the CEMP (See **Graphic 1.1**).



## 10 Construction: Early Works Method Statement – Algores Way

### Demolition and site clearance

- 3.3.14 A gate house will be set-up on the existing gated entrance to the EfW CHP Facility Site. The purpose of the gate house is to monitor and record all vehicles entering and exiting the site and monitor the cleanliness of vehicles tyres prior to exiting onto Algores Way. This will be carried out initially for the first few months via a mobile wheel wash station until a long-term wheel wash facility is completed.
- 3.3.15 At the EfW CHP Facility Site, the existing waste transfer station buildings, structures and hardstanding will be demolished and removed from site. Where possible, materials will be reused, for example, crushed aggregates and concrete under strict compliance with the approved Materials and Waste Management Plan; a requirement of the CEMP.
- 3.3.16 Existing underground structures will be exposed and removed prior to the main earthworks activity commencing. Again, where possible concrete will be crushed and reused as recycled aggregates on site.
- 3.3.17 Remaining topsoil will be stripped from the site and stored on the western boundary of the EfW CHP Facility Site adjacent to the current disused March to Wisbech railway. The bunds with a maximum height of 4m, will store topsoil for future reinstatement in landscape areas, temporary drainage measures would be in place to prevent untreated run-off into the surrounding surface water drainage network.
- 3.3.18 Earthworks will commence to create a working platform designed to provide a reliable and stable surface on which piling rigs and other heavy plant can operate safely. The installation of this platform, generally created using geotextile membranes and crushed aggregate, will be applied over most of the EfW CHP Facility Site.
- 3.3.19 During the earthworks activity the temporary surface water runoff system will be installed. This includes the installation of French drains, perimeter swales and three detention basins. This will allow the controlled discharge of surface water runoff into the Internal Drainage Board network at greenfield run-off rates. Details of the construction phase drainage strategy are described in the **Outline Drainage Strategy, Appendix 12F (Volume 6.4) [REP1-017]**.

### 3.4 Phase 2: Access Improvement works months 2-7.

#### Algores Way Access Improvements

- 3.4.1 Whilst utilising the existing access into the EfW CHP Facility Site i.e., the current access into the waste transfer station, the Algores Way Access Improvements works will commence. **Figure 10.2 (Appendix B)** presents the outline design for the Algores Way Access Improvements.
- 3.4.2 Prior to the construction of the Algores Way Access Improvements, detailed design drawings and specifications of the works will be issued to the relevant highways authority for approval. Once approved the works will commence.



## 11 Construction: Early Works Method Statement – Algores Way

- 3.4.3 These works will involve excavations, installation of subbase aggregates, installation of new kerb lines, excavation and installation of new underground services and a build-up of tarmac layers to create the new “bell mouth” entrance.
- 3.4.4 The majority of the works will be carried out from within the EfW CHP Facility Site, maintaining full availability of Algores Way to the neighbouring users. Should any restrictions be required within the highway for temporary works such as saw cutting the existing road surface to create the tie in, and any making good of the surface of Algores Way, consultations will be carried out with the local businesses (including JML) and the highway authority to provide details of the works and intended durations, together with any appropriate traffic management measures, such as, temporary signals and signage. During any restrictions, access will always be maintained to the other users and businesses on Algores Way, and disruption will be kept to a minimum.

### New Bridge Lane Access Improvements

- 3.4.5 At around month 2 the New Bridge Lane Access Improvements works will commence; this enables the new main access entrance to be created whilst still maintaining access to the EfW CHP Facility Site via Algores Way.
- 3.4.6 Prior to the construction of the New Bridge Lane Access Improvements, detailed design drawings and specifications of the works will be issued to the relevant highway authority for approval. Once approved the works will commence. **Environmental Statement Chapter 3: Description of the Proposed Development (Volume 6.2) [APP-030]** provides further details of the Access Improvements to New Bridge Lane.

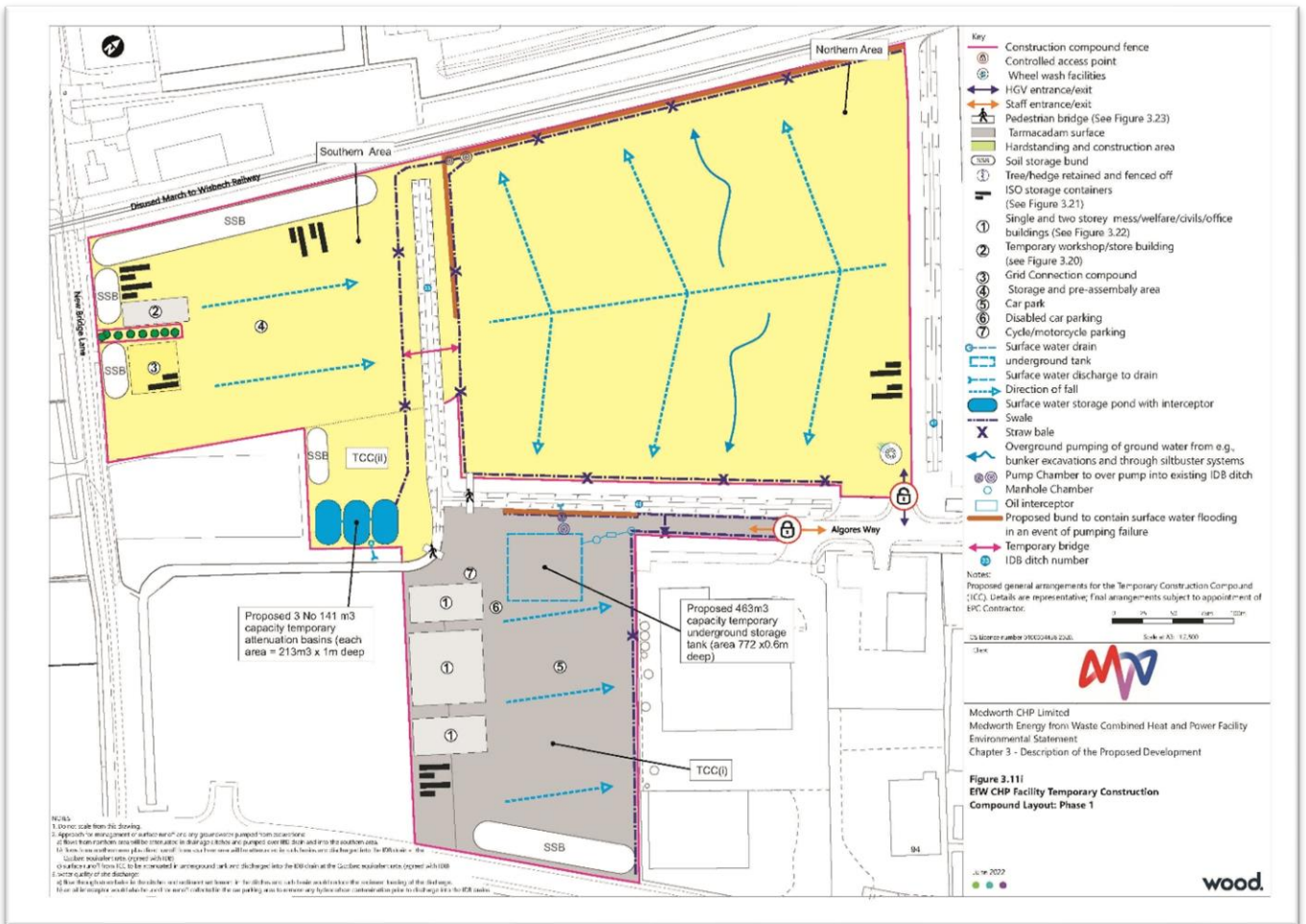
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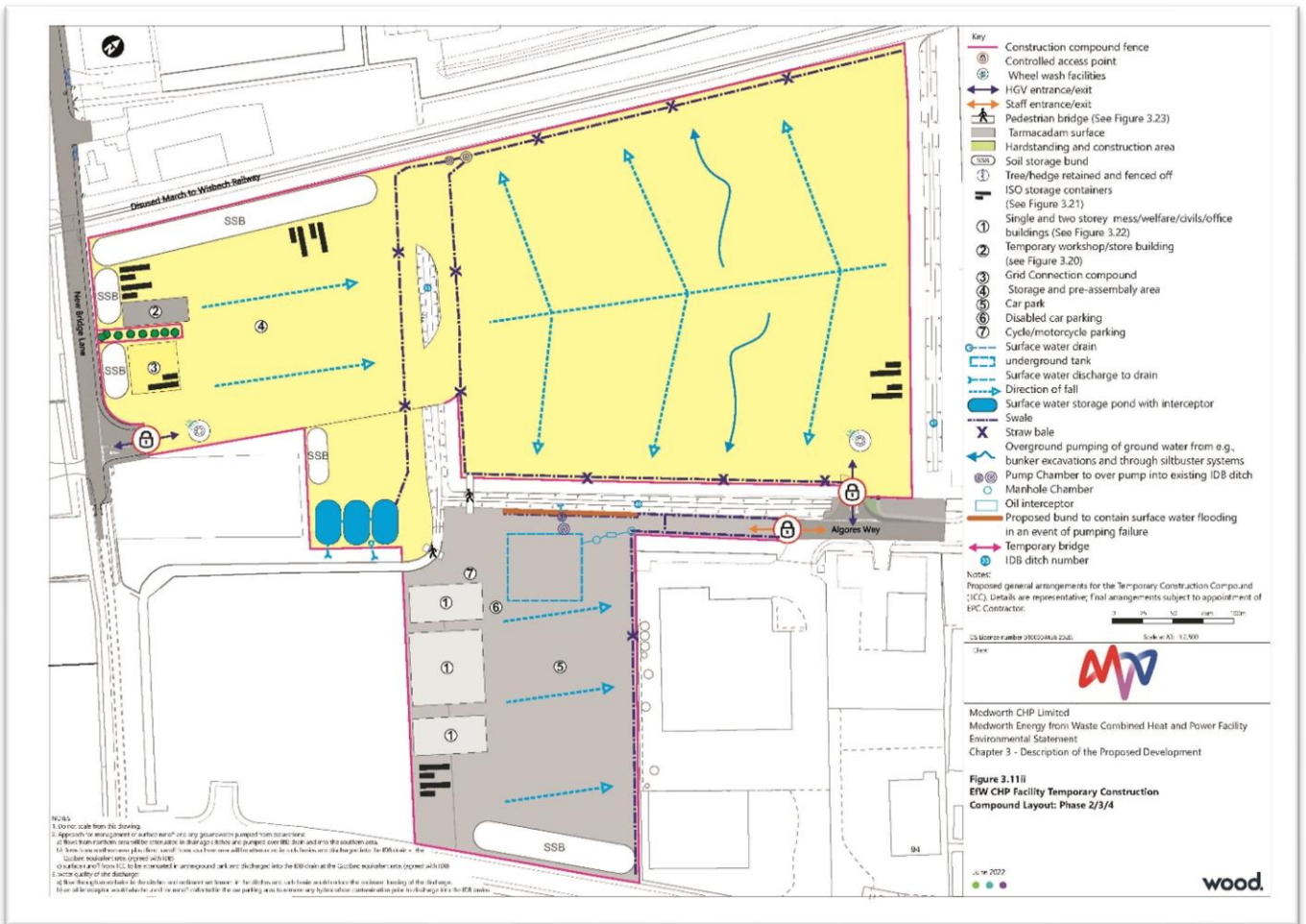
- 3.4.7 Once the Access Improvement works are completed, New Bridge Lane will be the principal access route for HGVs to the EfW CHP Facility Site, however the Algores Way entrance will continue to be used for the duration of construction.

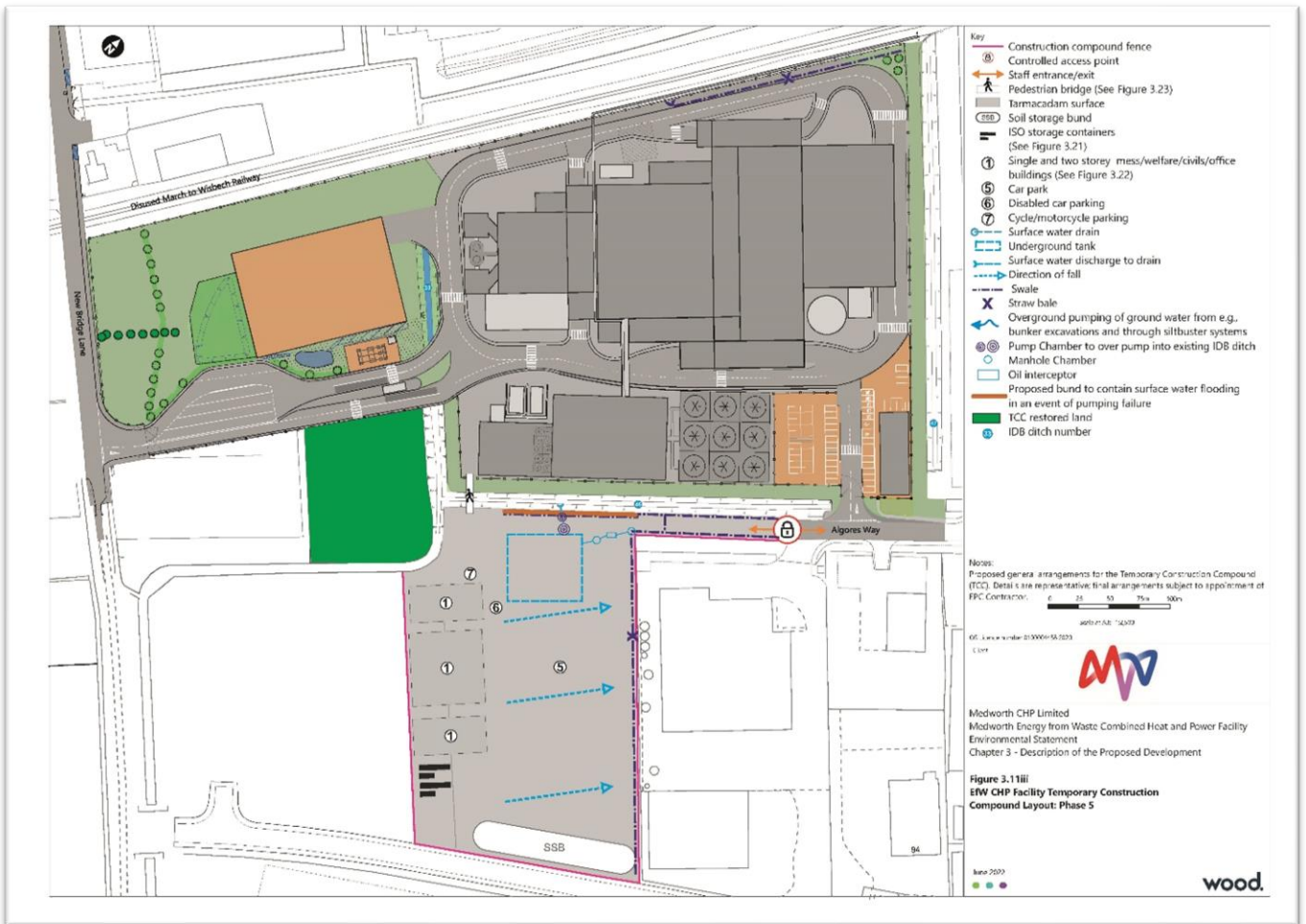


**12** Construction: Early Works Method Statement – Algores Way

## Appendix A: Figure 3.11i to 3.11iv EfW CHP Facility Temporary Construction Compound Layout







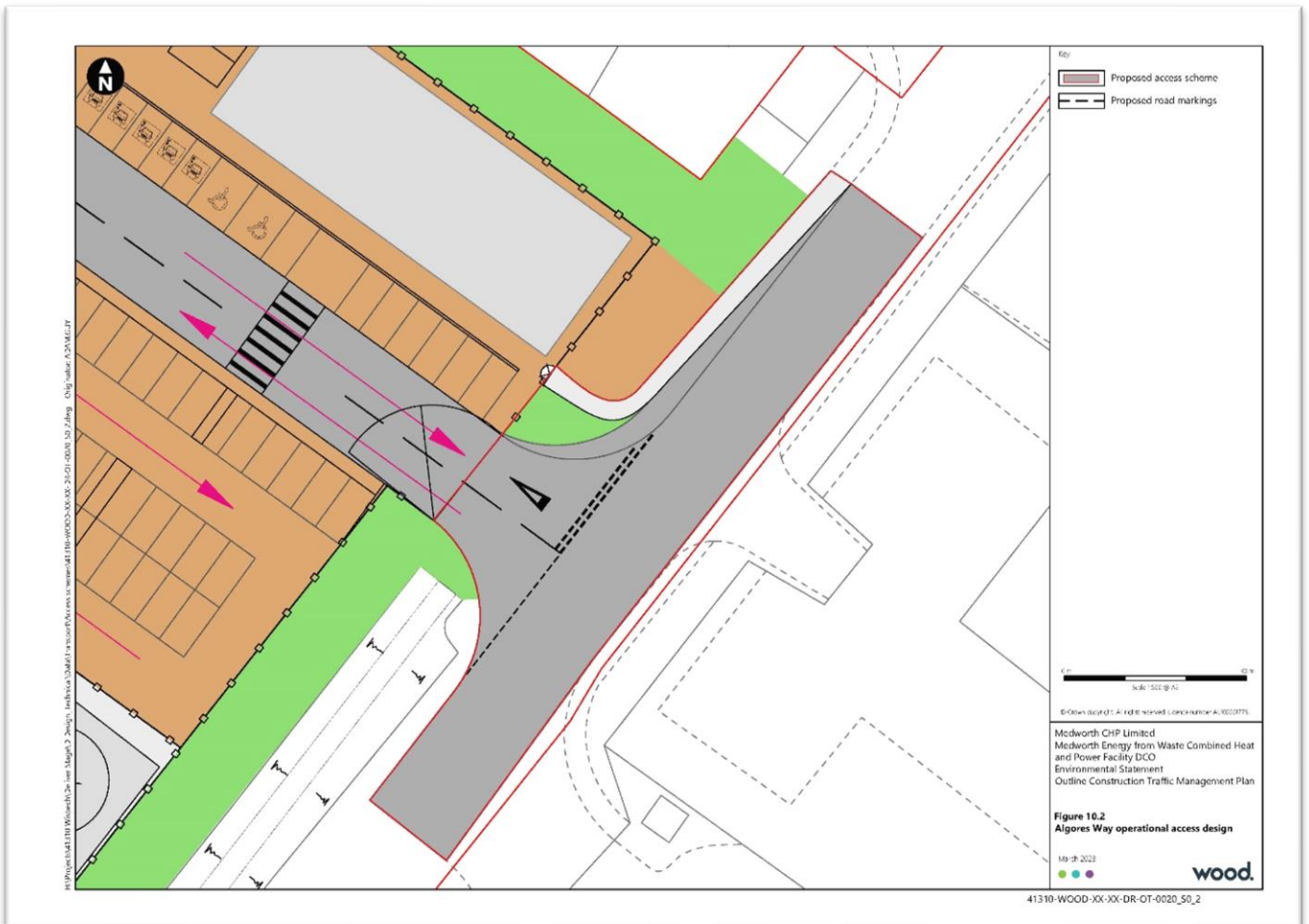






**13** Construction: Early Works Method Statement – Algores Way

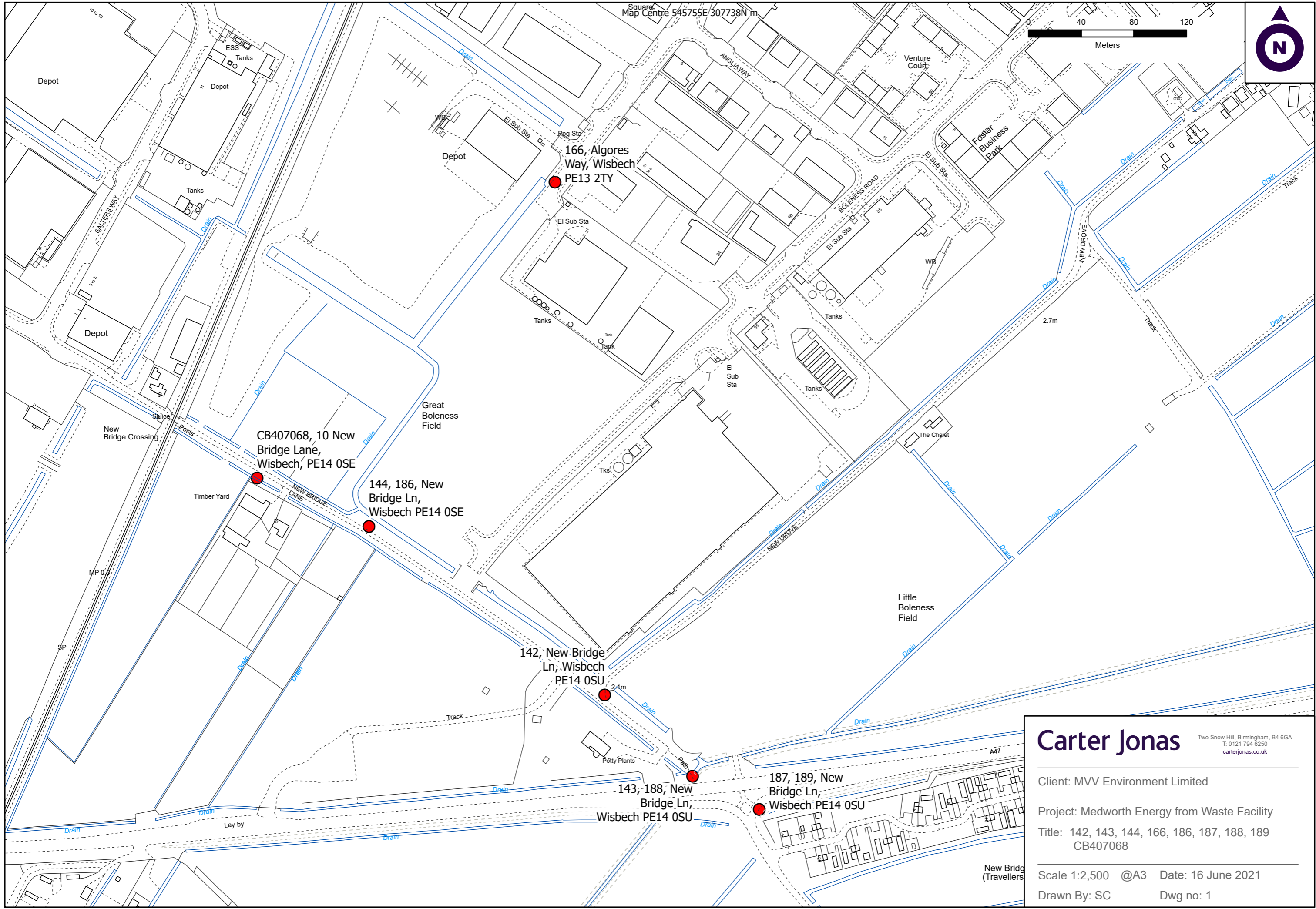
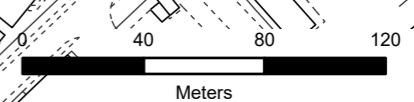
## Appendix B: Figure 10.2 Algores Way operational access design





## Appendix C Local Plan of S.48 Notices

Square  
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166, Algores  
Way, Wisbech  
PE13 2TY

CB407068, 10 New  
Bridge Lane,  
Wisbech, PE14 OSE

144, 186, New  
Bridge Ln,  
Wisbech PE14 OSE

142, New Bridge  
Ln; Wisbech  
PE14 OSU

143, 188, New  
Bridge Ln,  
Wisbech PE14 OSU

187, 189, New  
Bridge Ln,  
Wisbech PE14 OSU

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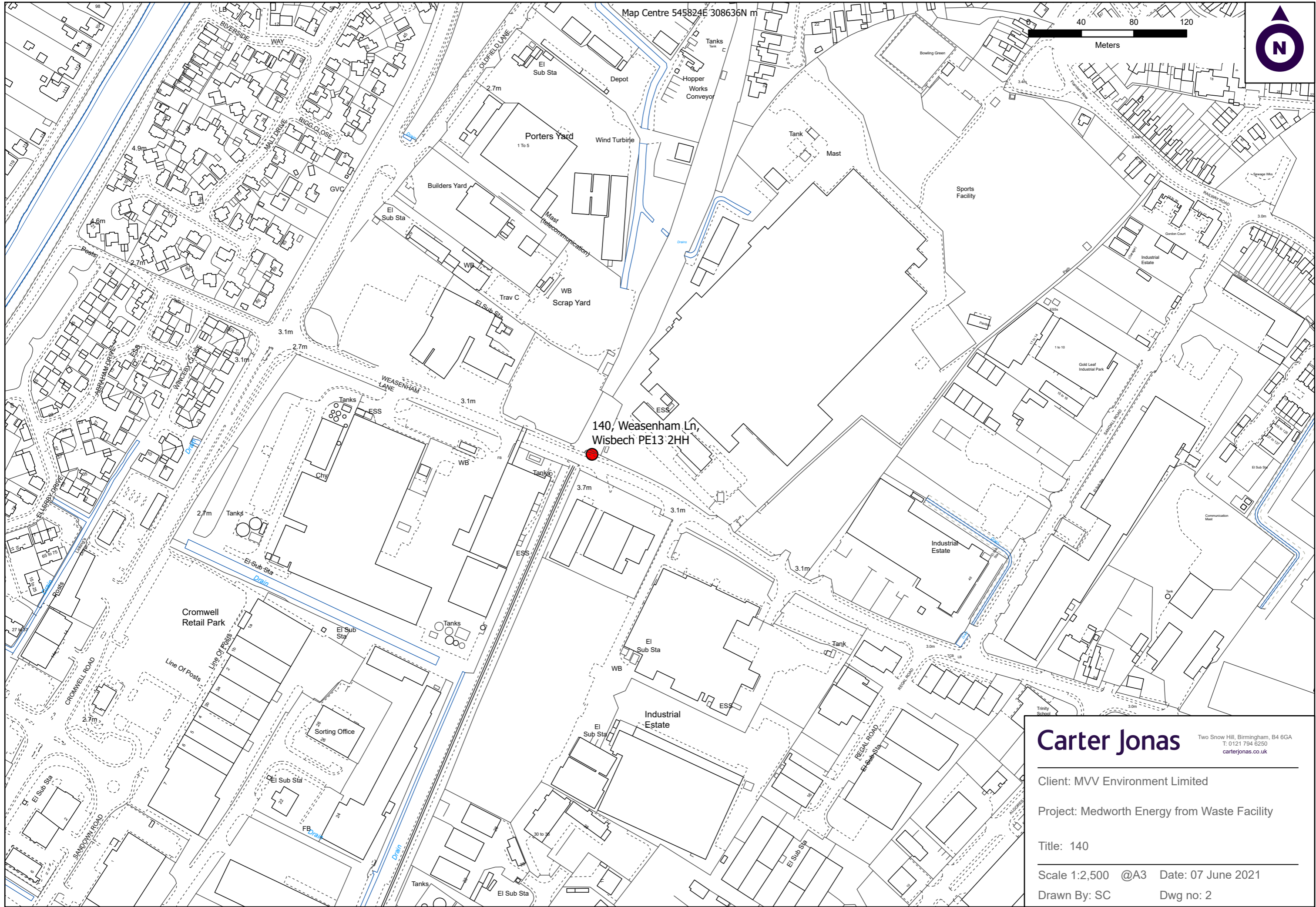
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40 80 120

Meters



140, Weasenham Ln,  
Wisbech PE13 2HH

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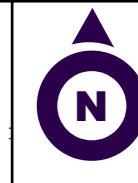
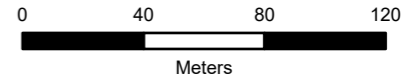
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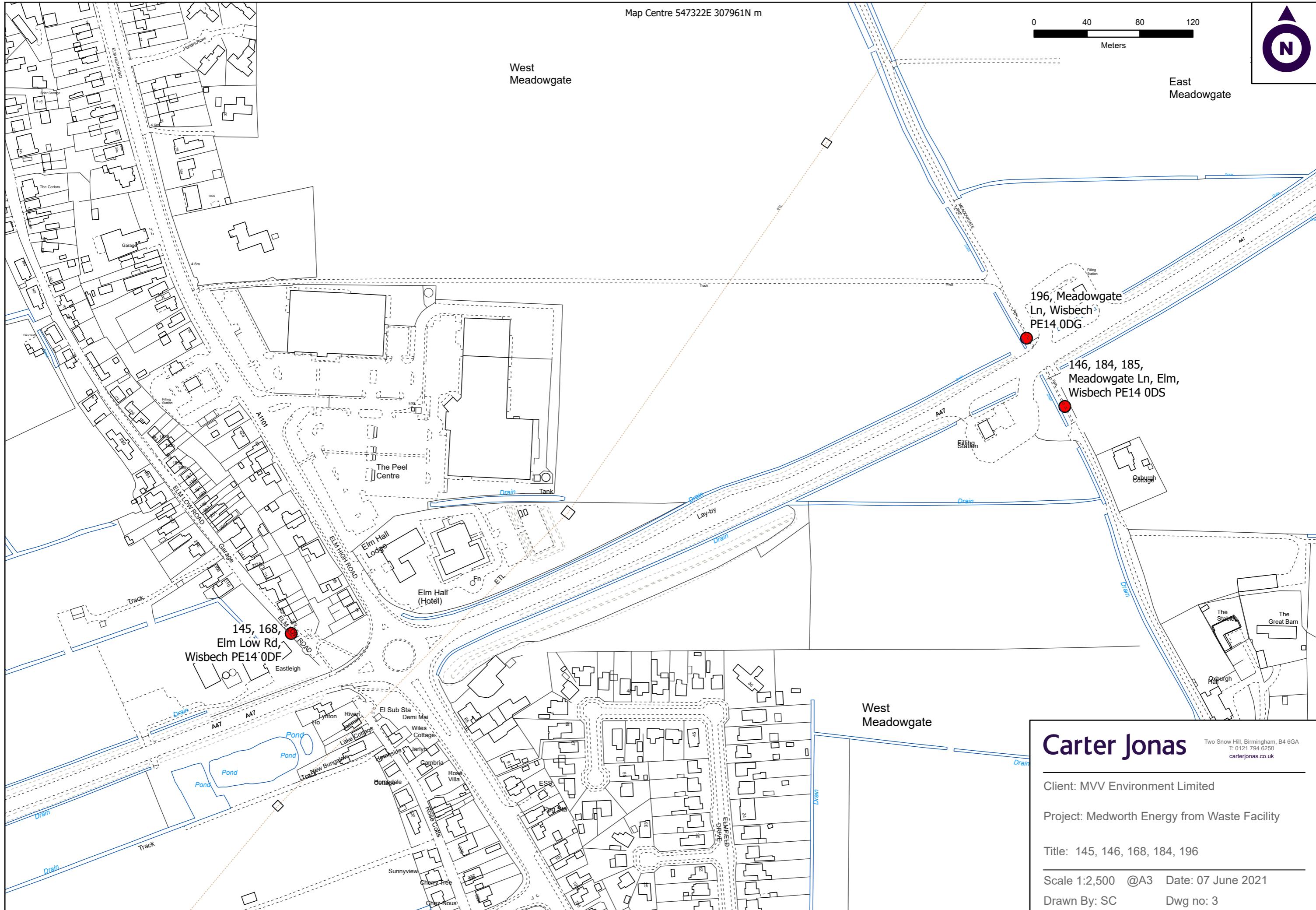
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West  
Meadowgate

East  
Meadowgate



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196, Meadowgate  
Ln, Wisbech  
PE14 0DG

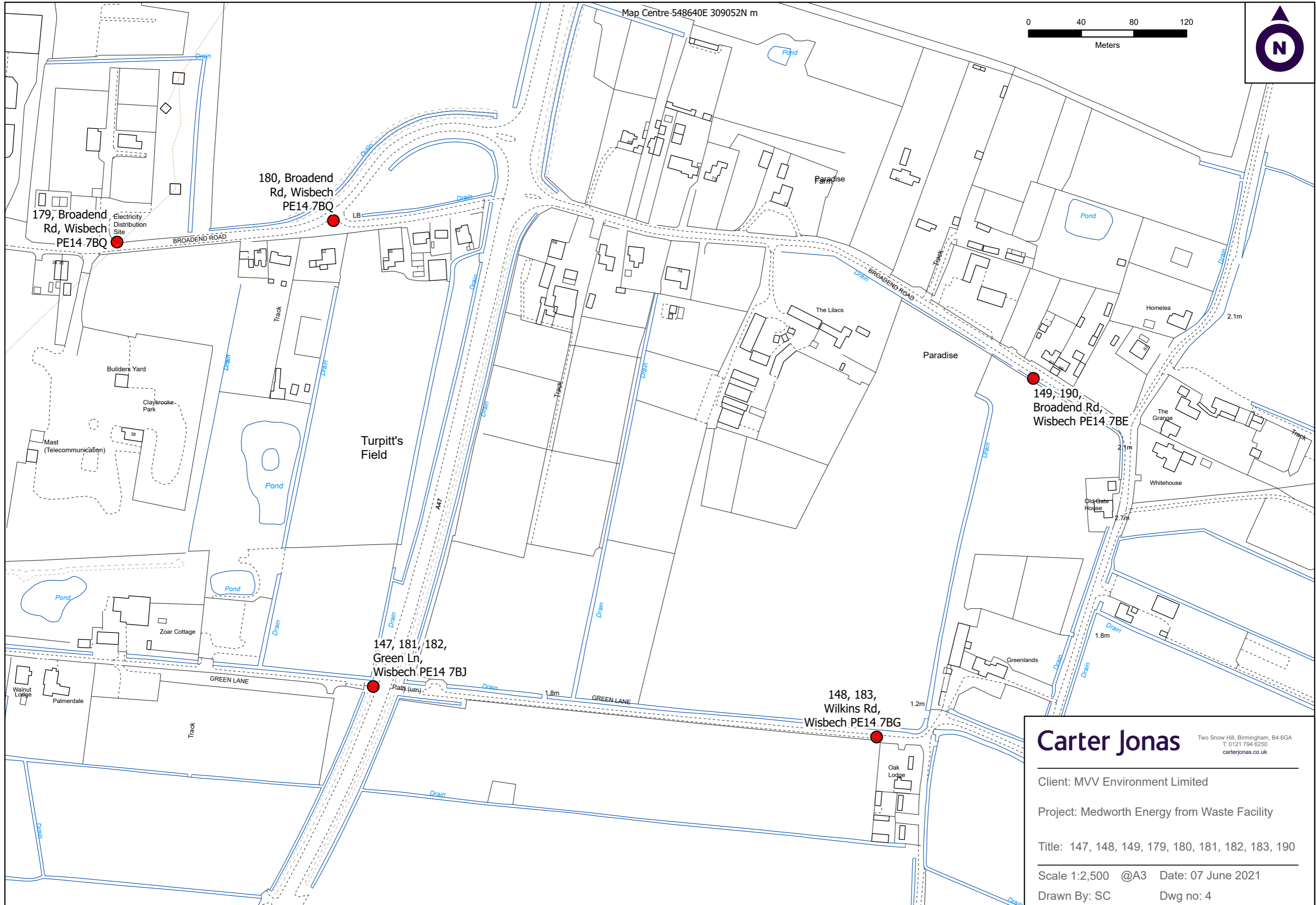
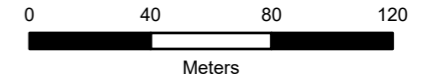
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Wisbech PE14 0DS

West  
Meadowgate

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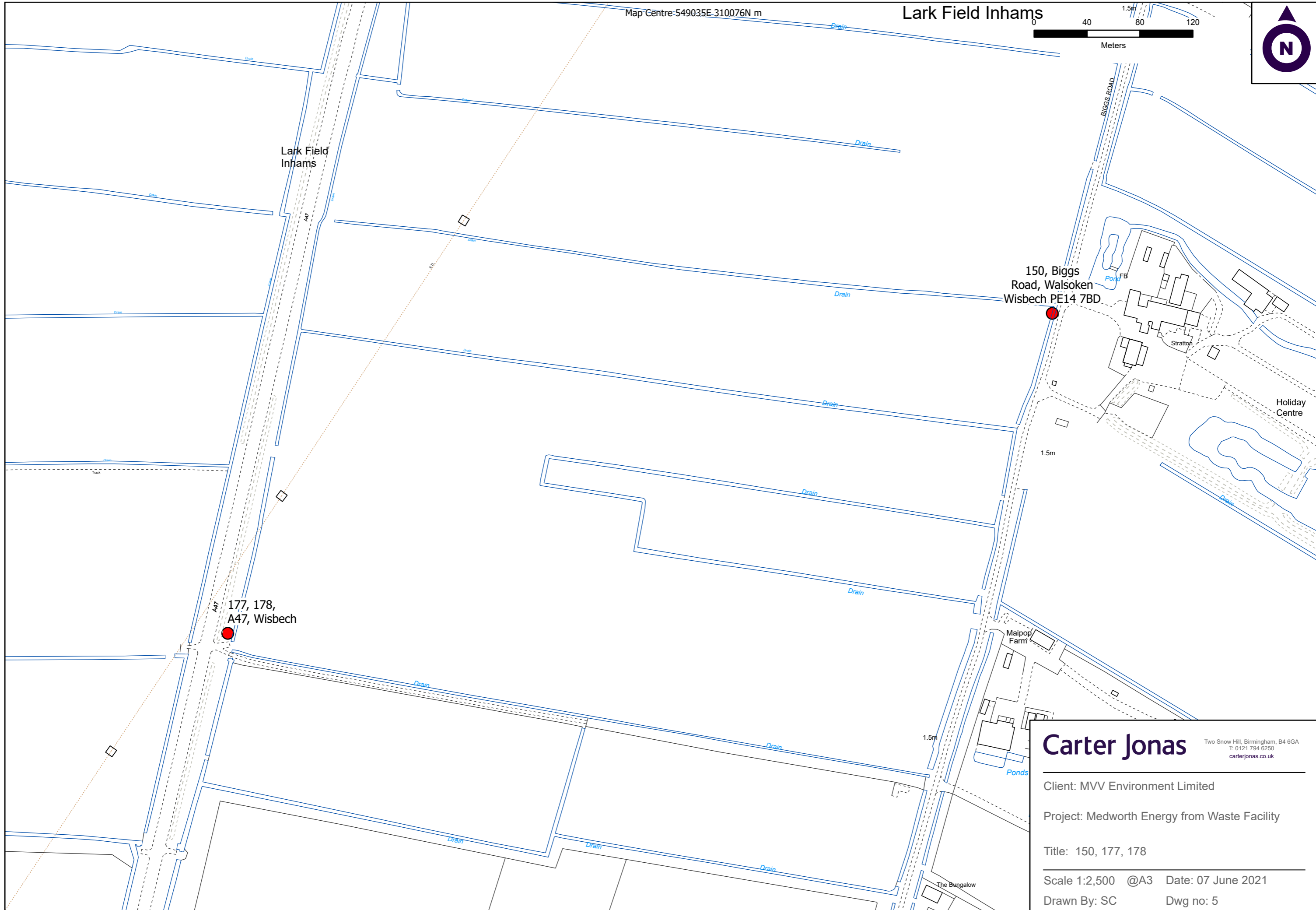
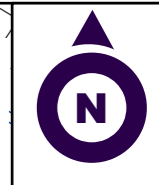
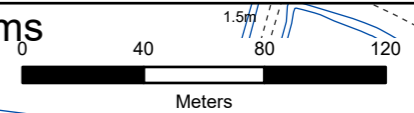
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# Lark Field Inhams



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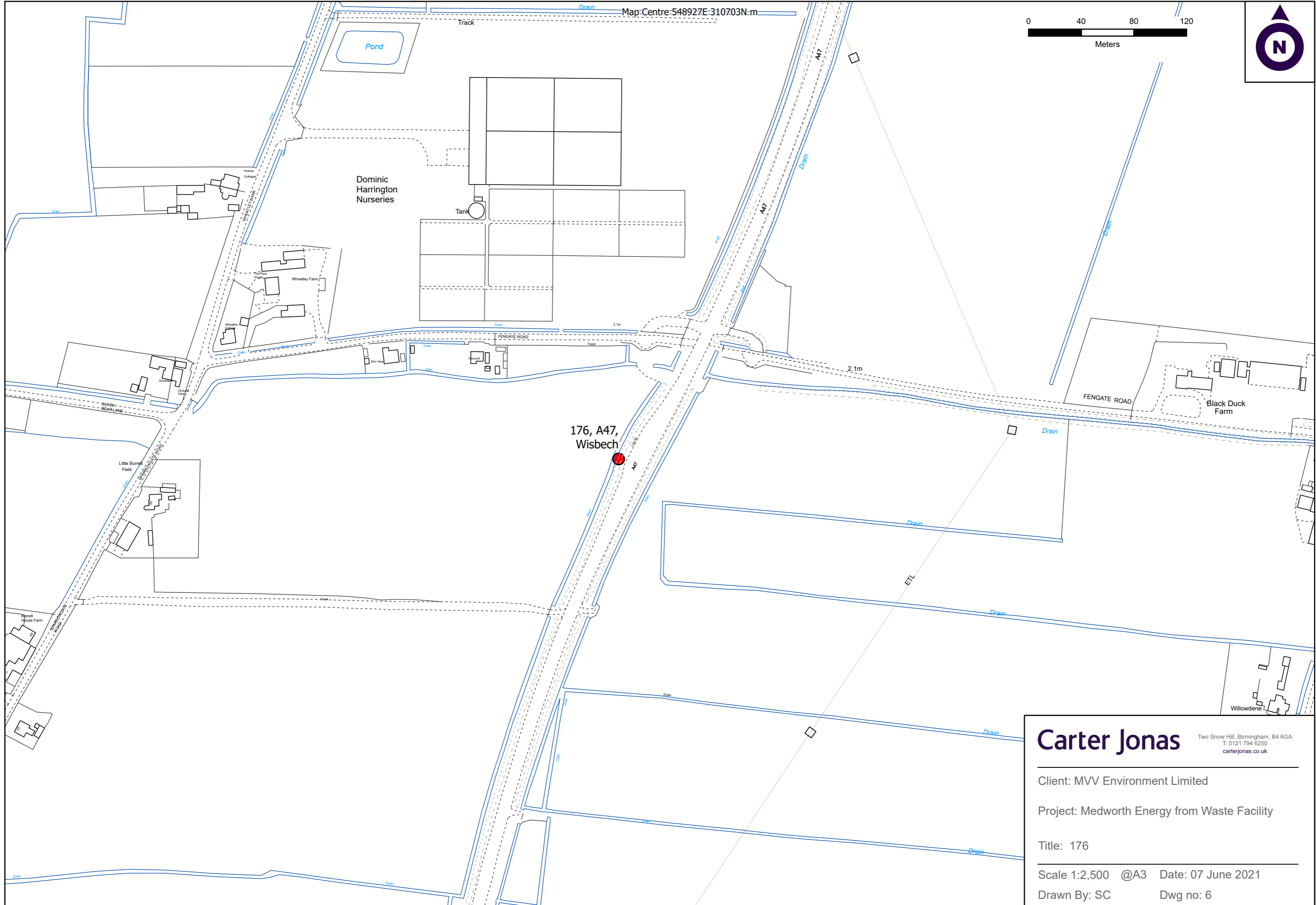
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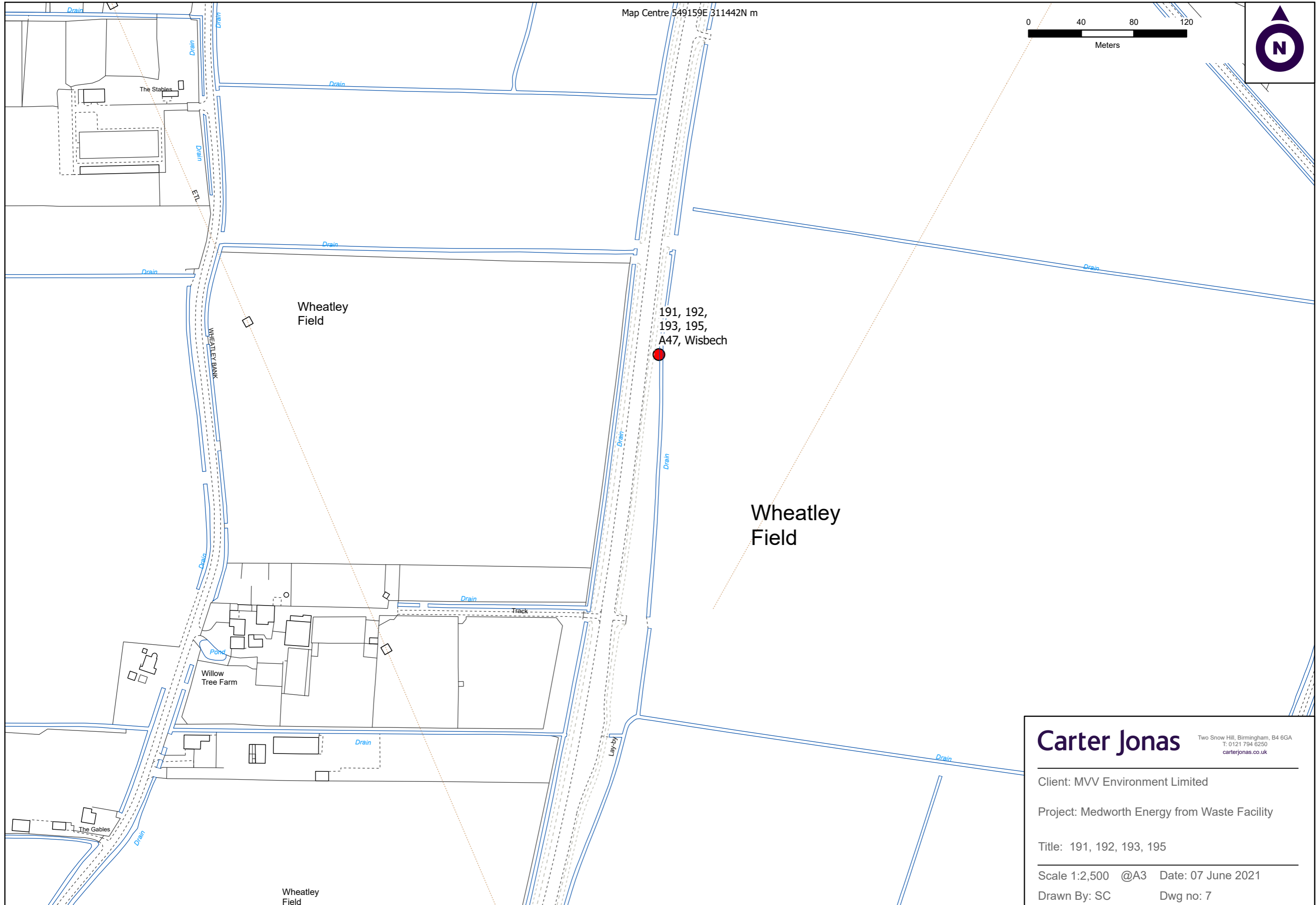
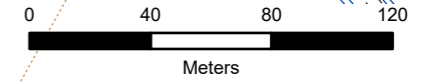
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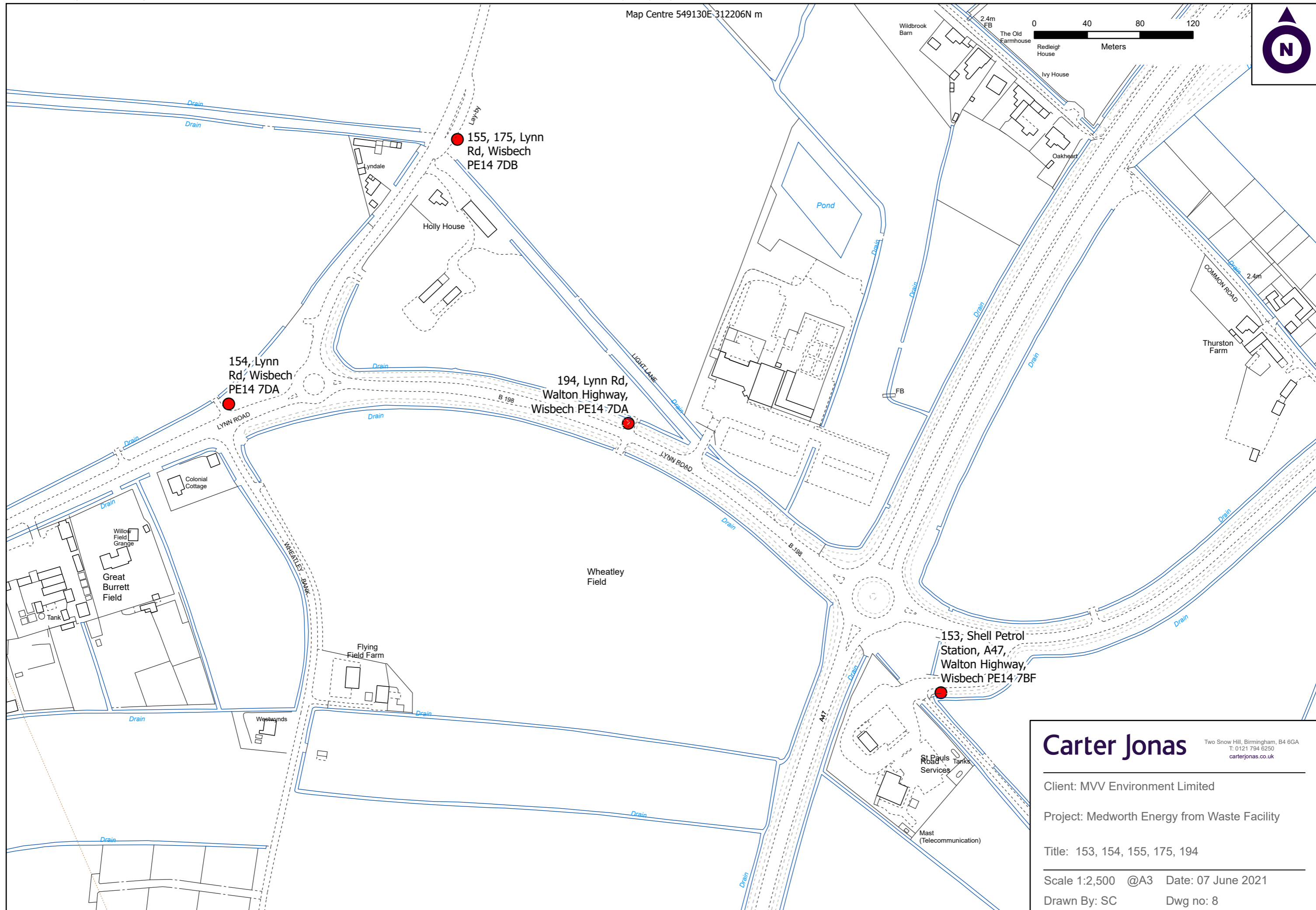
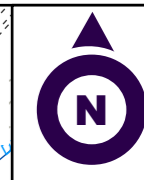
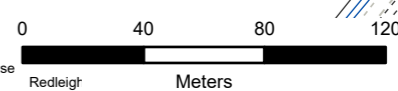
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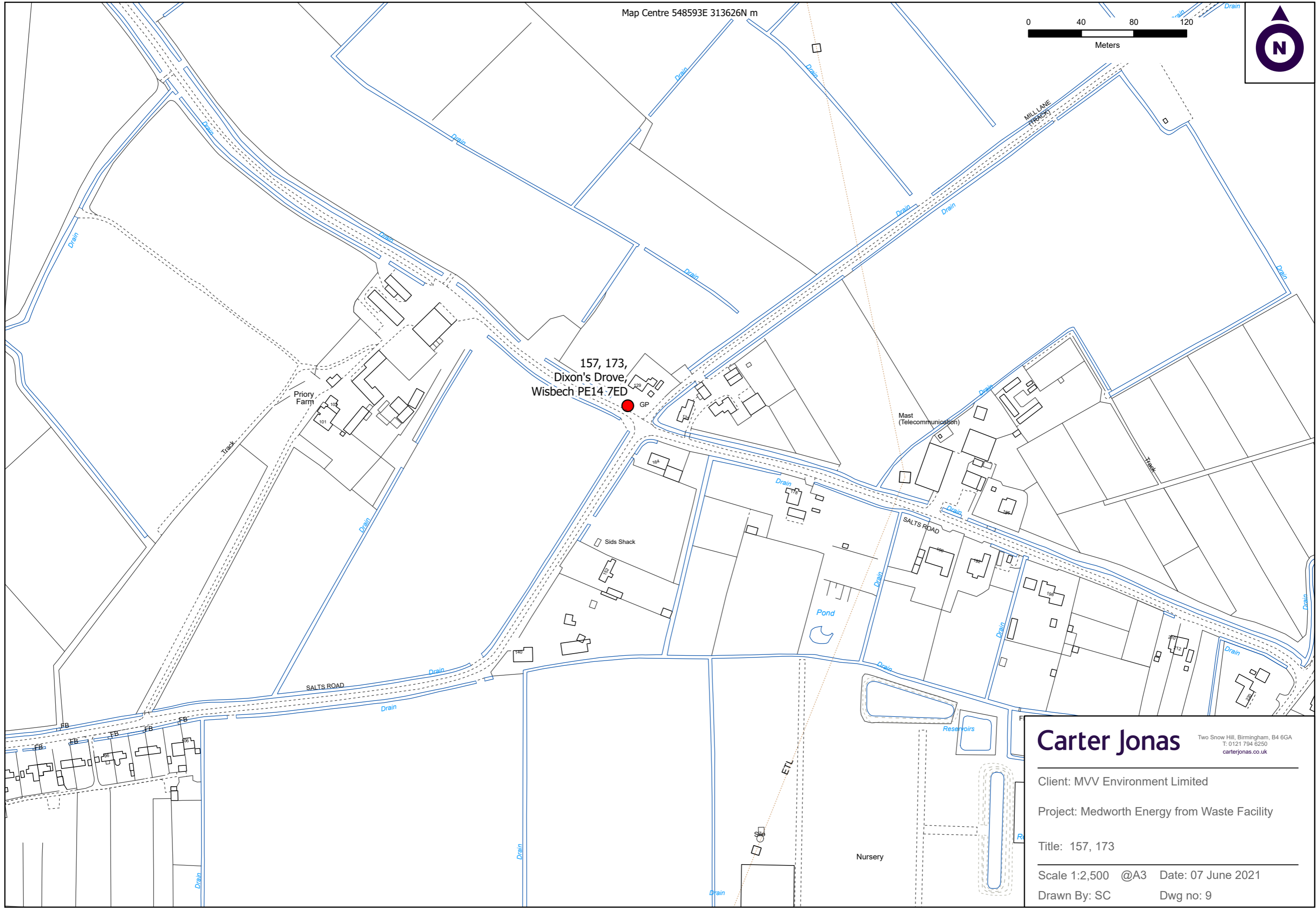
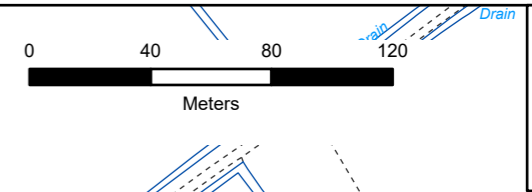
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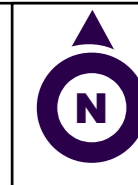
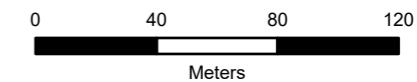
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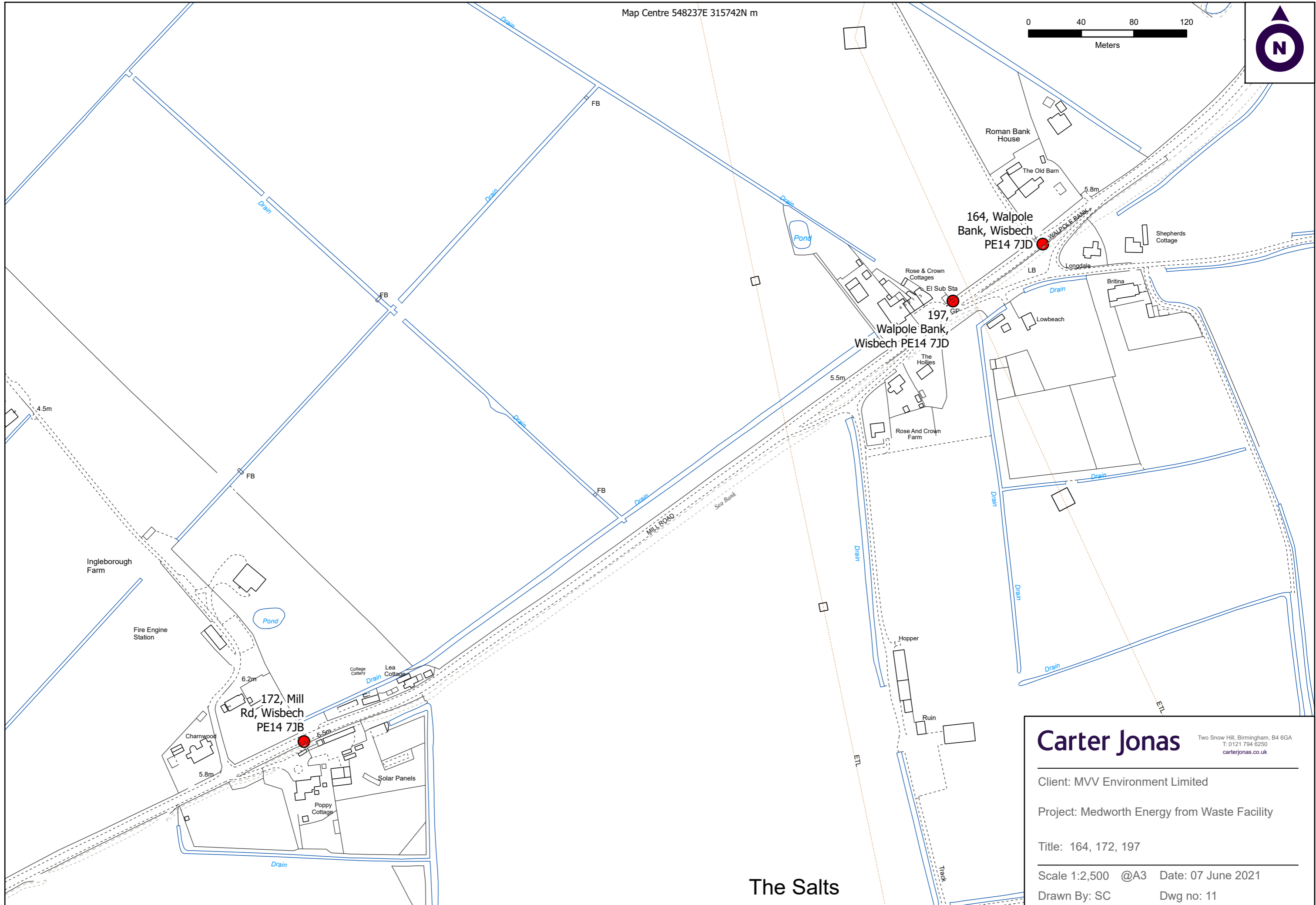
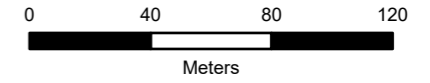
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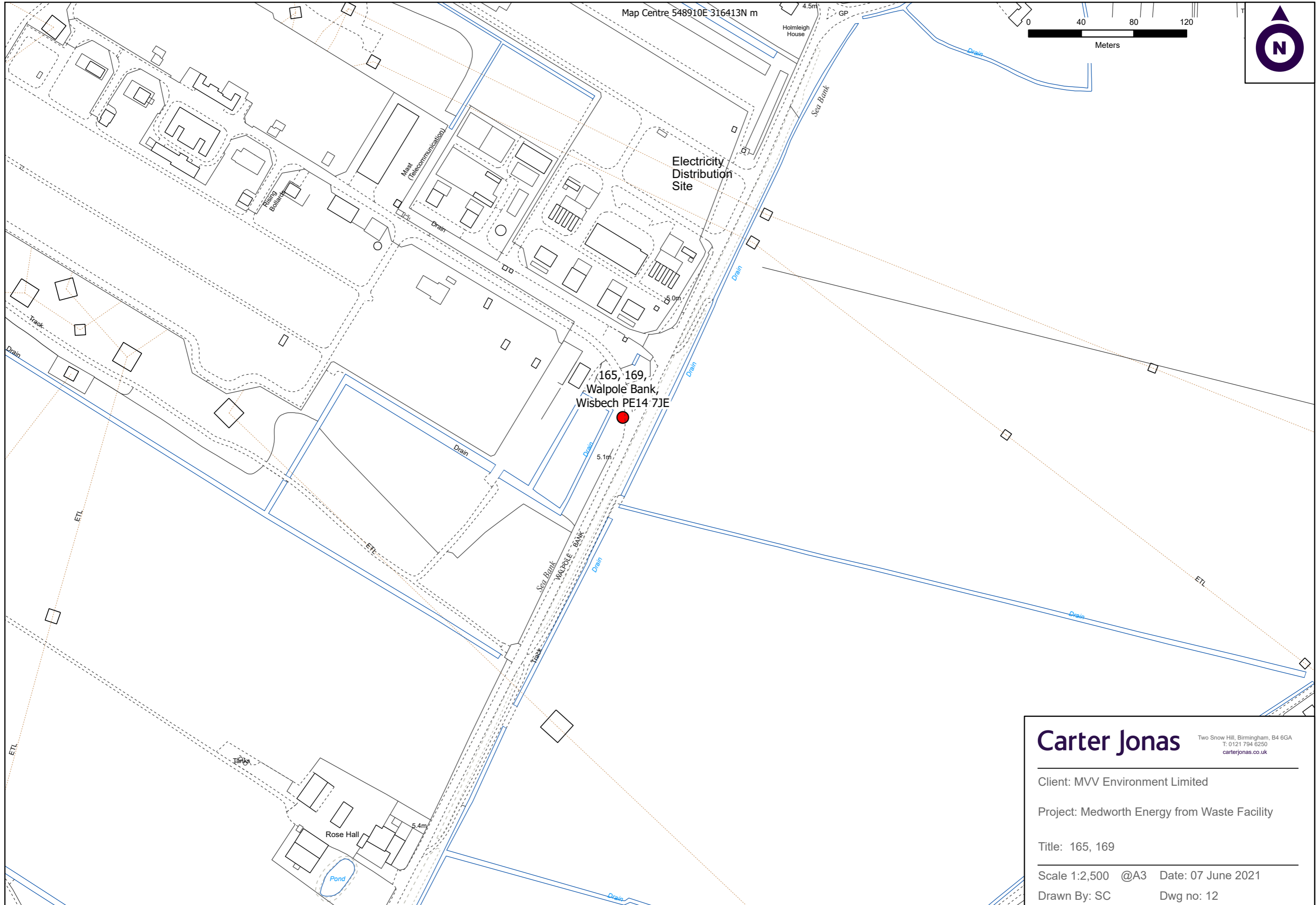
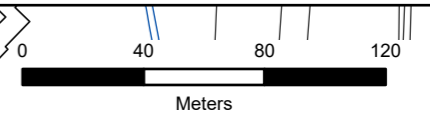


The Salts

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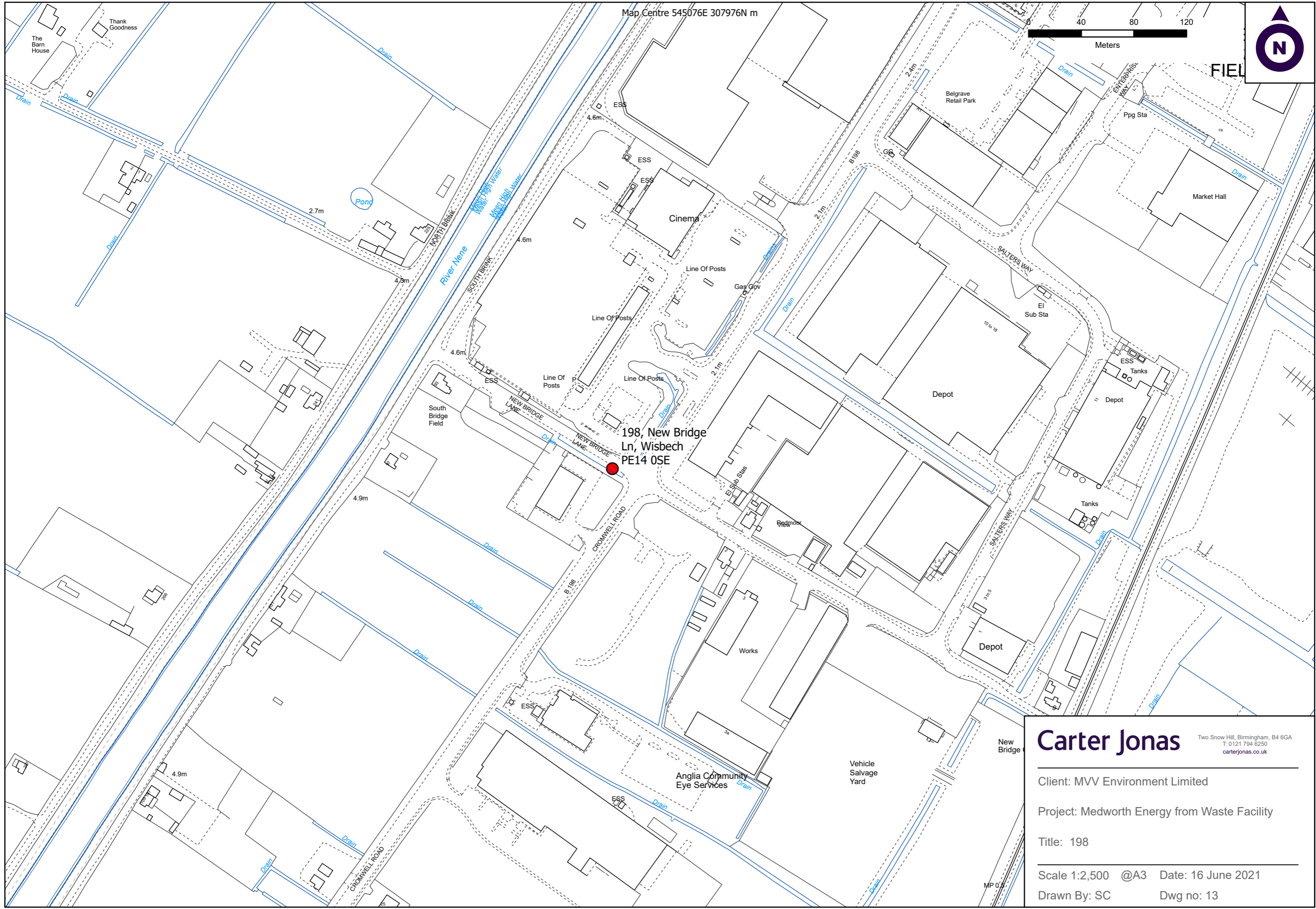
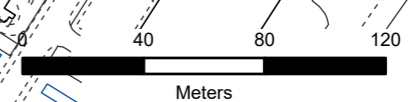
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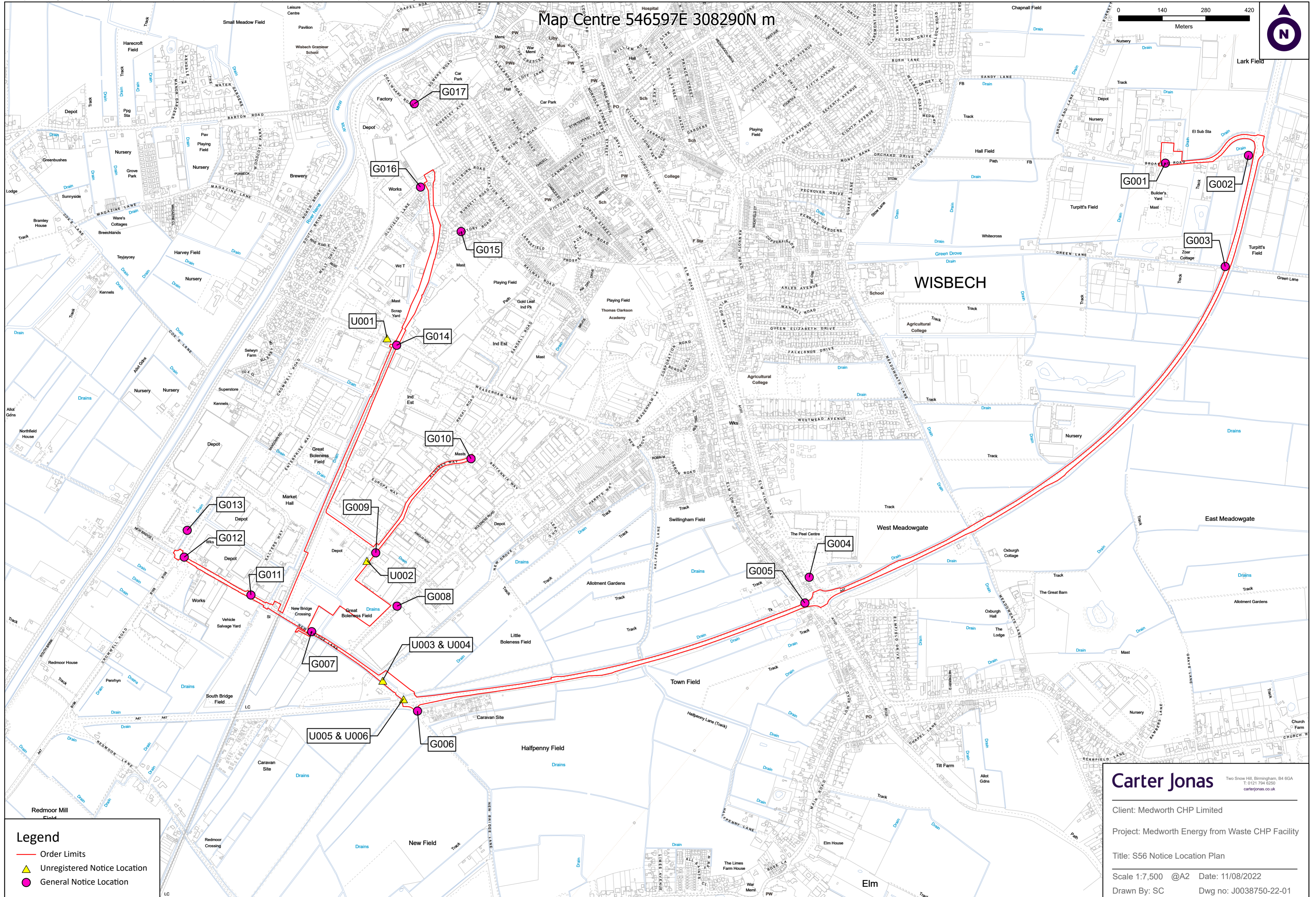
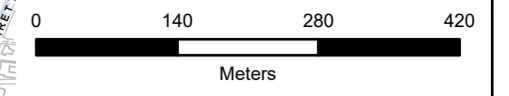


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## Appendix D Local Plan of S.56 Notices

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**Legend**

- Order Limits
- ▲ Unregistered Notice Location
- General Notice Location

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Client: Medworth CHP Limited

Project: Medworth Energy from Waste CHP Facility

Title: S56 Notice Location Plan

Scale 1:7,500 @A2 Date: 11/08/2022

Drawn By: SC Dwg no: J0038750-22-01

