



Application by Medworth CHP Limited for the Medworth Energy from Waste Combined Heat and Power Facility The Examining Authority's further written questions and requests for information (ExQ3)

Issued on 21 July 2023

The following table sets out the Examining Authority's (ExA's) third round of written questions and requests for information – ExQ3. Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as **Annex C** to the Rule 6 letter of 24 January 2023. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with an alphabetical code and then has an issue number and a question number. For example, the first question on general matters is identified as GEN.3.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact Medworth@planninginspectorate.gov.uk and include 'Medworth EfW ExQ2 Response' in the subject line of your email.

Responses are due by Deadline 7: 04 August 2023.



Abbreviations used:

AP(s)	Affected Person(s)	IP(s)	Interested Parties
AQMAs	Air Quality Management Areas	LIR	Local Impact Report
Art	Article	LEMP	Landscape and Ecology Management Plan
ASI	Accompanied Site Inspection	LVIA	Landscape and Visual Impact Assessment
BCKLWN	Borough Council of King's Lynn and West Norfolk	NE	Natural England
BoR	Book of Reference	NMP	Noise Management Plan
CA	Compulsory Acquisition	Norfolk CC	Norfolk County Council
Cambs CC	Cambridgeshire County Council	NPS	National Policy Statement
CEMP	Construction Environmental Management Plan	NSIP	Nationally Significant Infrastructure Project
dB	Decibel	OMP	Odour Management Plan
DLUHC	Department for Levelling Up, Housing and Communities	OP(s)	Other Person(s)
DCO	Development Consent Order	PA2008	The Planning Act 2008
EfW	Energy from Waste	PRoW	Public Right of Way
EIA	Environmental Impact Assessment	RR(s)	Relevant Representation(s)
EM	Explanatory Memorandum	SAC	Special Area of Conservation
ES	Environmental Statement	SPA	Special Protection Area
ExA	Examining Authority	SoC	Statement of Commonality
Fenland DC	Fenland District Council	SoCG(s)	Statement of Common Ground
FS	Funding Statement	SoR	Statement of Reasons
GHG	Greenhouse Gas	SoS	Secretary of State
HLAs	Host Local Authorities	TP	Temporary Possession
HRA	Habitats Regulations Assessment	WFAA	Waste Fuel Availability Assessment



The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[Examination Library](#)

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Issue reference. question number, eg GCT.3.1 – refers to General and Cross-Topic question 1 in this table.



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ExQ1	Question to:	Question:
GENERAL & CROSS TOPIC QUESTIONS		
GCT.3.1	Applicant HLAs	There are outstanding issues that the Applicant and HLAs are working on to resolve via S.106 Agreements. Can the Applicant please provide an update on any progress? Can the HLAs also clarify, in relation to any outstanding issues proposed to be covered via 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?
GCT.3.2	Applicant HLAs	Can the HLAs and the Applicant clarify the role of the proposed Community Mitigation Package in mitigating specific harm from the proposed development and describe the residual effects that would remain following the implementation of the package?
GCT.3.3	Applicant Cambs CC and Fenland DC NNCC Walsoken Parish Council Wisbech Town Council	The Applicant has highlighted a series of "matters not agreed" (marked red in Table 4.1: Summary of Commonality with each party) in the Statement of Commonality [REP6-009]. These seem to highlight areas where there is no reasonable prospect of issues being resolved or agreed before the end of the Examination, or where discussions have stopped. The ExA asks all organisations that are no longer in active discussions with the Applicant but have outstanding issues not agreed, to submit a brief overview of their outstanding objections to the ExA highlighting main points of contention.
GCT.3.4	Applicant HLAs Network Rail Hundred of Wisbech IDB King's Lynn IDB National Highways	The Applicant has highlighted a series of "matters subject to further discussion" (marked yellow in Table 4.1: Summary of Commonality with each party of the Statement of Commonality [REP6-009]). The ExA asks all organisations with any matters not agreed with the Applicant to submit a brief overview of their outstanding objections to the ExA highlighting their main points of contention.
PRINCIPLE AND NATURE OF DEVELOPMENT (Inc. WASTE RECOVERY CAPACITY AND MANAGEMENT WASTE HIERARCHY)		
PND.3.1	Applicant	The SoS for Energy Security and Net Zero has granted development consent for the Boston Alternative Energy Facility (BAEF). In para. 5.1.23 of the WFAA [REP5-019/020] the Applicant states that it is not considered that the BAEF represents an alternative for the management of residual waste being available for the Proposed Development as the BAEF requires refuse derived fuel (RDF) to arrive at the facility by sea or water (not by road), the fuel base for the BAEF is UK material currently being exported to Europe and that only approximately 163,000 tonnes of RDF is identified as coming from the Study

ExQ1	Question to:	Question:
		Area. In light of it having been granted development consent, the Applicant is asked to update the forecasted future residual waste requirements, provide further information on how this new development will affect the need case for the proposal (both national and for the "in study" area) and why it believes that only 163,000 tonnes of waste will come from the Study Area.
PND.3.2	Applicant	The Applicant has stated in the WFAA [REP5-019/020] para. 5.1.23 that because "no waste or RDF may be transported to the facility by road" the BAEF is not an alternative for the management of residual waste being available for the Proposed Development. Why does the Applicant believe, and what evidence can the Applicant provide, to demonstrate that waste from within the "study area" cannot be transported to the BAEF by boat via one of the considered ports, particularly Yarmouth for the "Study Area" case and all other England ports for the national case, therefore reducing the overall amount of waste available for the Proposed Development?
PND.3.3	Applicant	Considering that one of the ports identified as potentially being able to send RDF to BAEF is also located within Waste Area 2 (Yarmouth), how has the Applicant taken into consideration the impact of the consented BAEF on the Proposed Development and the case for study area need?
PND.3.4	Applicant	As stated in PND.3.1 the Applicant considers that the BAEF does not represent an alternative for the management of residual waste being available for the Proposed Development as fuel base for the BAEF is UK material currently being exported to Europe. Nevertheless, the BAEF DCO does not appear to include any requirement limiting waste arriving to the BAEF facility to waste fuel that is different from that being targeted by Proposed Development. How can the Applicant be confident that the waste fuel included in its assessment will not be further impacted by the BAEF and what work has the Applicant carried out in order to establish this?
PND.3.5	Applicant	The proximity principle requires waste to be managed as near as possible to its place of production, because transporting waste has an environmental impact. The Applicant states, in para. 2.3.5 of the WFAA [REP5-019/020] that, to guarantee the Applicant's commitment to compliance with the proximity principle, the Applicant has included in the draft DCO [REP6-003/004] a requirement that guarantees that not less than 17.5% of the waste processed at the authorised development per operational year must originate from within Waste Area 1, which is the area closest to the Proposed Development. Considering

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ExQ1	Question to:	Question:
		that the proposed article allows potentially for 82.5% of its waste to come from areas further than the Waste Area 1, how is this addressing the proximity principle?
PND.3.6	Applicant	DCO Requirements 29: Waste Area Plan [REP6-015] includes a Plan showing Waste Area 1 (75km from the Proposed Development) and Waste Area 2. Considering that the vast majority of the waste anticipated to fuel the Proposed Development could potentially come from Waste Area 2 (with 80% to 100% of the waste coming from this area with potentially only a contribution of 17.5% from Waste Area 1) how does the Applicant guarantee that the Proposed Development will not displace waste from any of the local waste planning authorities included in Waste Area 2 which could be processed closer to its source? The Applicant is asked to provide evidence of this work.
PND.3.7	Applicant	<p>In ExQ2 PP.2.1 the ExA asked the Applicant to comment on how the Proposed Development will not compete with greater targets for waste prevention, re-use or recycling at a national and local level. Applicant referred the ExA to its response to ExQ2 PND.2.8 [REP5-032].</p> <p>In response to ExQ2 PND.2.8 [REP5-032] the Applicant provided additional information in relation to how it addressed the targets included in the Environmental Improvement Plan 2023, particularly how the Proposed Development has taken into account the Government's target for Residual Waste reduction. The Applicant's response concentrates on how it believes there will still be a need for EfW facilities nationally considering the Government's waste reduction targets for 2028 and for 2042. Can the Applicant please address ExQ2 PND.2.8 from a local perspective?</p>
PND.3.8	Applicant	In response to ExQ2 PND.2.8 [REP5-032] the Applicant states that "it is considered that, even in the event of the Environmental Improvement Plan 2023 (EIP) stretch target of having 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". Nevertheless, as highlighted and discussed through the Examination, there is no certainty at this point that the Proposed Development will include an operational carbon capture component. Consequently, how can the Applicant rely on carbon capture as part of its justification for the proposal?
PND.3.9	Applicant	The Applicant estimates a minimum shortfall of 1.3 million tonnes in residual waste management capacity in the Study Area up to 2030, as per para. 4.2.11 of the WFAA [REP5-019/020]. Can the Applicant please demonstrate how the cumulative impact of the

ExQ1	Question to:	Question:
		recently allowed capacity of BAEF and the targets included in the EIP have been taken into consideration, particularly at a local level?
AIR QUALITY AND HUMAN HEALTH		
		No questions at this time.
BIODIVERSITY, ECOLOGY AND THE NATURAL ENVIRONMENT		
		No questions at this time.
CLIMATE CHANGE		
		No questions at this time.
COMPULSORY ACQUISITION/TEMPORARY POSSESSION		
		No questions at this time.
CUMULATIVE EFFECTS		
CE.3.1.	LHAs	In response to ExQ2 CE.2.3 [REP5-032] the Applicant stated it has considered the additional lists of projects provided by the LHAs at Deadline 3 and that it was agreed with the LHAs significant inter-project effects would occur as a result of the Proposed Development. The LHAs are asked to confirm if they are content with the Applicant's response.
DRAFT DEVELOPMENT CONSENT ORDER		
DCO.3.1	Applicant	Art. 29 of Schedule 2 Requirements has been included in the latest version of the dDCO [REP6-015] to guarantee the Applicant's commitment to compliance with the proximity principle. Art. 29(1) states that: "Waste originating outside of Waste Area 1 and then transported to a waste loading point located in Waste Area 1 is not considered to have originated in Waste Area 1." Can the Applicant please confirm how this will be implemented and monitored, and who will be responsible to its implementation and monitoring and how implementation and monitoring will be secured?
DCO.3.2	Applicant	Art. 29(2) Schedule 2 Requirements of the dDCO [REP6-015] states that: "Subject to subparagraph (1), waste transported into Waste Area 2 to a waste loading point is considered to have originated in Waste Area 2."

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ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • Can the Applicant please confirm that the text should read ""Subject to sub-paragraph (1), waste transported into Waste Area 2 to a waste loading point is not considered to have originated in Waste Area 2."? • Can the Applicant please also confirm how this will be implemented and monitored, and who will be responsible to its implementation and monitoring and how implementation and monitoring will be secured?
ENVIRONMENTAL IMPACT ASSESSMENT		
		No questions at this time.
GEOLOGY AND LAND USE		
		No questions at this time.
HISTORIC ENVIRONMENT		
		No questions at this time.
LANDSCAPE AND VISUAL		
		No questions at this time.
MAJOR ACCIDENTS AND DISASTERS		
		No questions at this time.
NOISE AND VIBRATION		
		No questions at this time.
PLANNING POLICY		
PP.3.1.	Environment Agency (EA)	In [REP5-055] and in response to ExQ2 PP.2.7, the Environment Agency stated that "consideration of government targets is not a requirement under the Environmental Permitting (England and Wales) Regulation 2016 and will therefore not form part of our ongoing environmental permit determination". Although the ExA does not dispute this, the ExA asks the Environment Agency to confirm the Government's target to halving the waste that ends up at landfill or incineration by 2042 is adopted and in place.
SOCIO-ECONOMIC & POPULATION		

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ExQ1	Question to:	Question:
		No questions at this time.
TRAFFIC AND TRANSPORT		
		No questions at this time.
WATER ENVIRONMENT		
		No questions at this time.