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To: The Applicant, all Interested Parties,
Affected Persons, Category 3 Persons
and Other Persons

Our Ref: EN010110

Date: 28 July 2023

Dear Sir/Madam

**Planning Act 2008 (as amended) – Section 89; and The Infrastructure Planning
(Examination Procedure) Rules 2010 (as amended) – Rule 8(3) and Rule 9**

**Changes to an Application by Medworth CHP Limited for an Order Granting
Development Consent for the Medworth Energy from Waste Combined Heat and
Power Facility**

**Procedural Decisions following submission of non-statutory consultation and
Amended Examination Timetable**

We are writing to advise you of Procedural Decisions made by the Examining Authority (ExA) and changes to the Examination Timetable for the Medworth Energy from Waste Combined Heat and Power Facility. These follow from a change request made by the Applicant dated 05 June 2023 (Examination Library references [AS-017] to [AS-030]) and subsequent advice provided to the Applicant by the ExA on the 13 June 2023 [\[PD-016\]](#) requesting non-statutory consultation to be carried out on the proposed change. All documentation referred to herein has been published under the 'Documents' tab on the [project webpage](#) of the National Infrastructure Planning website.

You have received this letter because the law requires that where an Examination Timetable is changed, all persons already involved in the Examination together with all persons entitled to be notified of the acceptance and Examination arrangements for the application, must be notified. The ExA's decision on the change request and reasoning for the Procedural Decision are set out below.

1. Background

Section 2.2 of the Applicant's Change Application Report [\[AS-028\]](#), dated 05 June 2023, provided a summary of the two changes proposed by the Applicant to the Development Consent Order.

Change 1: Minor Amendments to the Order Limits within the boundary of the existing and future public highway at the junction of Cromwell Road and New Bridge Lane to facilitate the carrying out of the Access Improvements to the public highway forming part of Work No.4A (the “Cromwell Road Junction Signal Scheme”)

Change 2: Minor amendments to the Order Limits within the boundary of the existing public highway at the junction of New Bridge Lane and Salters Way to install proposed drop kerbs to the existing pavement forming part of Work No.4A (the “Salters Way Junction Pavement Works”)

On the 13 June 2023, the ExA published a Procedural Decision following the request to make changes to the application [\[PD-016\]](#).

In its Procedural Decision [\[PD-016\]](#) the ExA acknowledged that, as the CA Regulations 2010 were not engaged, the Applicant was not required to carry out statutory consultation on the change request. Nevertheless, the ExA was of the opinion that, in the absence of compelling evidence demonstrating that all known directly affected parties were aware of the changes, reasonable and proportionate non-statutory consultation should be carried out before the change request could be accepted, particularly in light of the proposed changes representing an expansion of the Order land and, therefore, an expansion of its powers.

The ExA acknowledged, in its Procedural Decision [\[PD-016\]](#), that the proposed changes were not so material as to constitute a materially different project or, when considered individually or cumulatively, the proposed changes did not lead to the project being different in nature or substance to that which was originally accepted for examination on the 02 August 2022.

Following from this advice and after a period of consultation on the proposed changes, the Applicant, on the 19 July 2023, submitted to the ExA a Non-Statutory Consultation Report [\[AS-034\]](#) for the ExA’s consideration in support of its change request.

2. The ExA’s reasoning

The ExA has reviewed all of the information provided in relation to the change request, including the change request documents dated from 05 June 2023 (Examination Library references [AS-017] to [AS-030]) and the Non-Statutory Consultation Report [\[AS-034\]](#) submitted on the 19 July 2023. The ExA has assessed the Applicant’s request in line with paragraphs 109 to 115 of the DCLG Guidance [Planning Act 2008: Examination of Applications for Development Consent](#) and the [Planning Inspectorate’s Advice Note 16 \(AN16\)](#).

The Non-Statutory Consultation Report [\[AS-034\]](#) submitted on the 19 July 2023 provides all of the relevant information requested on the consultation, including evidence of notices and materials used, summary of the representations received and the Applicant’s response to the representations. Having reviewed the Non-Statutory Consultation Report [\[AS-034\]](#), the ExA is satisfied that it meets the requirements set out in the ExA’s Procedural Decision [\[PD-016\]](#).

The ExA also notes, as set out in the Non-Statutory Consultation Report [\[AS-034\]](#), that none of the six statutory bodies who responded to the consultation have objected to the proposed changes and that no objections were received in relation to the use of temporary possession powers to deliver the signalisation of the Cromwell Road/New Bridge Lane junction or to extend the Order Limits to enable dropped kerbs to be installed at the junction of New Bridge Lane and Salters Way. Furthermore, no request has been made for additional hearings in relation to the changes.

In light of the evidence received, the ExA is therefore satisfied that all parties with an interest in the additional land have had an opportunity to comment on the proposed changes and, having reviewed the responses received, it is also satisfied that no objections have been raised that would result in the proposed changes not being able to be accepted and considered within the remaining examination period.

As stated in the Change Application Report [\[AS-028\]](#), the ExA also acknowledges that the requirement for the proposed changes has arisen as a result of technical discussions between the Applicant and Cambridgeshire County Council (CCC) in relation to the design of Work No. 4A, namely: proposed access improvements to the public highway at junction of Cromwell Road and New Bridge Lane (Change 1); and the installation of proposed drop kerbs to the existing pavement at junction of New Bridge Lane with Salters Way (Change 2).

The proposed changes aim to facilitate works that are already proposed as part of the application originally accepted for examination and, although additional land has now been included and accepted as part of the Order Limits, the nature and impacts of the proposed works remain the same.

The ExA has considered the Applicant's Habitats Regulations Assessment (HRA) report and concludes that the proposed changes would not alter the outcome of the HRA.

Conclusion

As previously acknowledged, the development now being proposed remains, in substance, that which was originally applied for. The ExA is satisfied that, when taken either individually or in combination, the proposed changes would not amount to a different project being proposed (for which a new application would have been required).

The supporting information provided with the proposed changes is of a satisfactory standard for examination. The ExA is also satisfied that sufficient time remains in the Examination for the proposed changes to be properly and fairly examined including the opportunity for written representations to be made and for any representations to be taken into account. In light of the nature and extent of the changes proposed, and the responses received to the consultation presented in the Non-Statutory Consultation Report [\[AS-034\]](#), the ExA is also of the view that additional hearings will not be required in order to properly examine the changes accepted into examination and therefore none are proposed within the Revised Examination Timetable (see Annex A).

The ExA has also given careful consideration to the need to issue written questions or to request further information on the proposed changes, under Rule 17 of The Infrastructure

Planning (Examination Procedure) Rules 2010. However, given their nature and considering the reasoning set above, the ExA does not have, at this point, any further questions on the proposed changes. Nevertheless, the ExA reserves the right to ask written questions or request any information on the proposed changes up until the end of the examination, which is due to be completed on **Monday 21 August 2023**.

Changes to the Examination Timetable

Following our acceptance of the Applicant's request for changes to the Proposed Development, and the necessary consultation arising from the request, it is necessary to amend the Examination Timetable. For the reasons stated above, changes to the timetable are proposed only to accommodate the need for written representations as no oral representations are deemed necessary in this case. This letter provides you with the updated Examination Timetable, which replaces the one that was included in our Rule 8 letter of [\[PD-006\]](#).

The ExA has amended the Examination Timetable at item 22 and has inserted a new item (item 21a. - D7a) to provide Interested Parties with an opportunity to submit written representation on the Applicant's Changes to the Application received on 05 June 2023 (Examination Library references [AS-017] to [AS-030]) and for comments on any written representations to be received by the ExA.

The ExA has issued this advice in line with the [Planning Inspectorate's Advice Note 16](#) (AN 16) and has taken into consideration issues of fairness and natural justice.

If you have any questions about the content of this letter, please contact the Medworth Planning Inspectorate Case Team on Medworth@planninginspectorate.gov.uk.

Yours faithfully,

Andre Pinto

Lead Member of the Panel of Examining Inspectors

Annexes:

A. Revised Examination Timetable

Annex A Revised Examination Timetable

<https://infrastructure.planninginspectorate.gov.uk>

(original timetable with variations **in Red**)

Item	Matters	Date
21.	<p>Deadline 7</p> <ul style="list-style-type: none"> • Response to Further Written Questions (if required) • Final dDCO to be submitted by the Applicant in the SI template with the SI template validation report • Final updated BoR and schedule of changes to BoR • Final Guide to the Application • Final Status of Negotiations CA Schedule • Final NPS tracker • Comments on the REIS and responses to any associated questions (if published) • Comments on any additional information/submissions received by Deadline 6 • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	Friday 04 August 2023
21a.	<p>Deadline 7a (D7a)</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Representations on the Applicant's changes to the Application received on 05 June 2023 (Examination Library references [AS-017] to [AS-030]) 	Friday 11 August 2023
22.	<p>Deadline 8</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on responses to further Written Questions (if required) • Comments on any further information/submissions received by Deadline 7 and Deadline 7a • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	Friday 18 August 2023

23.	The ExA is under a duty to complete the Examination of the application by the end of the period of six months	Monday 21 August 2023
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