

## Comments on the Applicant's D6 Submissions

This document sets out the comments by Cambridgeshire County Council (**CCC**) and Fenland District Council (**FDC**) (together, **the Councils**) on the Applicant's Deadline 6 (**D6**) submissions. The tables below set out the document in question that the Councils are commenting on, together with the relevant paragraph or reference number.

Except where expressly stated otherwise below, the Councils reiterate and rely on their comments submitted to the ExA at previous deadlines.

### 3.1. Draft Development Consent Order (Tracked) [REP6-003]

Topic	Paragraph Number	Councils' Comment
Protective provisions	Schedule 11 Part 9	The Councils note an error to the paragraph referencing in paragraph 116.
Protective provisions	Schedule 11 Part 9 Paras 112-113	CCC has made representations directly to the Applicant that it requires some alteration to the text of paragraphs 112 and 113. Specifically, specific wording should be included to the effect that CCC is entitled to undertake an accompanied site visit to review the completed works, and that the arrangement and undertaking of such a visit should not have the effect of reducing the allocated timeframe for certification of the works by CCC.
Protective provisions	Schedule 11 Part 9	<p>The protective provisions still contain no recognition of CCC's request to include clauses relevant to Section 59 of the Highways Act 1980. CCC remains concerned that extraordinary levels of HGV traffic generated during the operation of the Proposed Development have the potential to cause excess damage to the highway, and requires that a mechanism should be in place within the DCO to ensure that costs for any repairs that are attributable to the Proposed Development can be recovered from the operator.</p> <p>CCC recognises that the Applicant may not wish to commit to an unquantified sum by way of compensation for damage caused to the highway by the heavy vehicles associated with the operation of the Proposed Development. CCC notes that Section 59(3) of the Highways Act 1980 provides for a sum to be agreed at the outset between the Highway Authority and the Applicant, thus facilitating resolution at this stage.</p>

#### 6.4 Environmental Statement - Chapter 11 - Biodiversity - Appendix 11M Biodiversity Net Gain Assessment - (Tracked) - Revision 5 [REP6-008]

Topic	Paragraph Number	Councils' Comment
BNG Strategy - Summary	Paragraph 2, C1 (Appendix C)	The Councils welcome confirmation within the BNG Strategy that river habitats for BNG will focus on delivering habitat for local water vole population. This adequately addresses the Councils' previous concerns regarding lack of compensation for loss of water vole habitat.

#### 6.4 Environmental Statement - Chapter 6 Traffic and Transport - Appendix 6A Outline CTMP (Tracked) - Revision 6 [REP6-011]

Topic	Paragraph Number	Councils' Comment
Local Access Strategy	4.4.3	The definition of 'Vulnerable road users' should include carriage drivers, who are a lawful type of user.
Signage and terms of permissive access over the former New Bridge Lane level crossing	7.4.8	The Councils note that the Applicant intends to address its recommendation made at Deadline 6 [REP6-037] regarding agreement with the County Council over signage and the terms of arrangement for permissive access over the former level crossing, and awaits the amended document.
Liaison Group	7.4.41	The Councils welcome the additional commitment relating to the inclusion of local user groups and other groups to be invited to join the Liaison Group.  The Councils would comment that the 'EAST, CPICS, and other Emergency Services' heading does not very well reflect the intention set out in paragraph 7.4.41 and suggests that the Applicant should provide a more applicable heading, which will help navigation of the CTMP.

#### 7.14 Outline Community Benefits Strategy (Tracked) - Revision 2 [REP6-016]

Topic	Paragraph Number	Councils' Comment
Community Mitigation Package	1.2.10	The Councils are content that the Strategy accurately reflects what has been agreed with the Host Authorities with respect to PROW users/NMUs and local communities in the Community Mitigation Package.
Community Fund	2.5.3	The Councils are content that the Strategy accurately reflects what has been agreed with the Host Authorities with respect to the Community Fund.
LEMP and BNG Strategy	2.8.4	The Councils note the scheme will deliver a measurable net gain in biodiversity value (minimum of 10% Biodiversity Net Gain) through detailed design to be secured through Requirements 5 and 6 (LEMP & BNG Strategy).

		The Councils welcome the Applicant's commitment for the Community Liaison Manager to identify opportunities to maximise the involvement of local organisations.
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### 7.15 Outline Operational Traffic Management Plan (Tracked) - Revision 4 [REP6-018]

Topic	Paragraph Number	Councils' Comment
Site Familiarisation and Liaison	2.5.1	The Councils welcome the inclusion of PROW, NMU and other relevant user groups.

### 15.3 Written Summary of the Applicant's Oral Submissions at ISH7 - Revision 1 [REP6-025]

Topic	Paragraph Number	Councils' Comment
Origin of Waste Requirements, source of percentage figures.	Page 7, Item 3c	<p>In relation to the statement: <i>"In response to the ExA querying the suitability of the 17.5% number in relation to Waste Area 1, Mr Turner on behalf of the Applicant advised that this was put forward by CCC."</i></p> <p>CCC wishes to make a factual correction. CCC proposed figures of 20% and 90% respectively for the relevant waste areas in the proposed requirement. The Applicant proposed 17.5% and 80%, and the Council agreed in the spirit of co-operation.</p>
Technical Note: ISH7 Action Point 4 Cumulative Effects	Appendix B	<p>Appendix B provides the Applicant's justification as to why the installation of the noise barrier would reduce the impact of noise from the installation and associated traffic to bring it within levels above the background level that are considered as insignificant. At this point of the application, information provided regarding the noise levels and characteristics of the noise are theoretical, so this conclusion has been made on assumptions and the use of available information. Paragraph 1.3.6 states the acoustic fence will reduce the noise and <i>"would result in a maximum change of +2dB for weekday daytime over baseline conditions"</i>.</p> <p>As part of the Applicant's twin-tracked environmental permit application, a bespoke Operational Noise Impact Assessment<sup>1</sup> has been submitted. This document has provided additional information regarding the effectiveness and attenuation predicted to be achieved by installing a noise barrier in replacement of the wooden fence at 10 New Bridge Lane. This</p>

<sup>1</sup> Medworth Energy from Waste Combined Heat and Power Facility – Environmental Permit Application: Operational Noise Impact Assessment (August 2022) Available at: [https://consult.environment-agency.gov.uk/psc/pe13-2tg-medworth-chp-limited/supporting\\_documents/Application%20Bespoke%20%2041310WOODXXXXRPN0006\\_S0\\_P01.pdf](https://consult.environment-agency.gov.uk/psc/pe13-2tg-medworth-chp-limited/supporting_documents/Application%20Bespoke%20%2041310WOODXXXXRPN0006_S0_P01.pdf) (Accessed: 28 July 2023)

		<p>calculation was made assuming that the noise sources would not include any characteristics that are tonal, intermittent, impulsive, or readily distinctive against the current acoustic environment. Due to this assumption the calculation applied a zero-penalty rating. The Councils cannot determine, with the information provided at this stage, that the noise sources would not include any of these characteristics of noise and disagree that the noises introduced by this development will not be distinctive and in the case of HGV movements noise would be intermittent. Where characteristics of noise are predicted to be experienced, a penalty rating of +3 to +9dB may be applied to the rating level.</p> <p>Without a penalty rating, the outcome results in a 3dB increase in noise levels after the installation of the barrier. The calculation then added a noise correction due to the current typical background noises for this location being described to currently include industrial type noise sources. This determined that the noise change would be perceived at an increase of +2dB due to the introduced noises being in keeping with the local area.</p> <p>At this point of the application process, the noise barrier design has not been provided. Therefore, there has been no consideration if the introduction of a noise barrier itself will change the current noise exposure 10 New Bridge Lane experiences from the A47. The installation of the noise barrier may result in an increase of road traffic noise from the A47 experienced at 10 New Bridge Lane due to a reflective surface resulting in noise build up and impacting on areas of 10 New Bridge Lane which were previously screened from noise sources such as the rear of the property.</p> <p>With the assumptions made regarding the characteristics of the noise and the design brief of the acoustic barrier yet to be provided within the planning process, the Councils do not have sufficient information to justify that the noise will be mitigated to a level where it will no longer be significant to 10 New Bridge Lane.</p>
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### 15.5 Applicant's Comments on the Responses to the ExA's Written Questions (ExQ2) [REP6-027]

Topic	Paragraph Number	Councils' Comment
<i>General and Cross-Topic Questions</i>		
Signalisation of Cromwell Road / New Bridge Lane Junction	GCT.2.3	The Applicant has noted the meeting of 6 July 2023 that took place with CCC in relation to the re-design of the Cromwell Road/New Bridge Lane junction. CCC acknowledges that additional modelling information with regard to the signals will be provided by the Applicant.

		<p>However, the Applicant has not noted a key concern raised by CCC at that meeting – that the powers of acquisition to be included in the DCO, in relation to land currently owned by Tesco, may not be sufficient to ensure that all new infrastructure at the junction can be adopted by CCC as highway maintainable at public expense.</p> <p>CCC understands that the Applicant is engaging its solicitors on this matter, but has yet to receive any further information or proposal from the Applicant. CCC will continue to engage constructively with the Applicant in pursuit of an acceptable outcome on this issue.</p>
<i>Principle and Nature of Development (inc. Waste Recovery Capacity and Management Waste Hierarchy)</i>		
Principle and Nature of Development (inc. Waste Recovery Capacity and Management Waste Hierarchy)	PND2.1	<p>The Memorandum of Understanding (MoU) between the Waste Planning Authorities (WPA) of the East of England is currently being reviewed by the East of England Waste Technical Advice Body (formed of all East of England Waste Planning Authorities), with a view to updating the Memorandum. It is expected that the commitment to net self-sufficiency will remain in the new version.</p> <p>All planning authorities are under a Duty to Co-operate in respect of strategic matters, of which waste management capacity is one such topic. Memoranda and Statements of common ground such as these are the mechanisms by which that is largely achieved, and regular review is not unusual.</p>
<i>Socio-Economic and Population</i>		
Community Mitigation	SPC.2.3	<p>The Councils are content that the Applicant's response accurately reflects the current position that has now been negotiated. However, the Councils would note that there is now only 3 weeks left of the Examination, which does not leave long to complete the s106 Agreement and to agree the position and wording of the signage.</p>

#### 15.6a Applicant's Comments on the Deadline 5 Submissions: Part 1 Statutory Parties [REP6-028]

Topic	Paragraph Number	Councils' Comment
<i>6.4. Environmental Statement – Chapter 6 – Appendix 6A Outline CTMP – Rev 4 [REP4-007]</i>		
Temporary highway closures	7.2.5	The Councils are content that this point has been addressed in the Outline CTMP.

Signage on Network Rail land	7.4.8	The Councils refer to its response to the Environmental Statement - Chapter 6 Traffic and Transport - Appendix 6A Outline CTMP (Tracked) - Revision 6 [REP6-011] submitted within this document.
Highway Condition Surveys	7.4.21	The Councils are content that their concerns have been addressed.
<i>7.12 Outline Construction Environmental Management Plan (Tracked) – Rev 4 [REP4-009]</i>		
Landscape and Visual	ID Ref 7	<p>The Councils agree with the Applicant's statement regarding the s106 Agreement. The Councils note that there are now only 3 weeks left of the Examination to agree the S106 Agreement but will continue to work with the Applicant and seek to complete it within the Examination.</p> <p>The Councils note the comment made by the Applicant regarding the temporary fence, but would still question the Applicant's view that "<i>users of the footway are not considered to have the potential to be significant</i>". As has been highlighted in previous submissions, New Bridge Lane is an important route for NMUs from the local community to avoid Weasenham Lane and Cromwell Road. NMUs can easily be discouraged from active travel habits by relatively short-term adverse interventions, particularly in Wisbech where health outcomes are low, and the mental impact of the adverse experience can be considerably more far-reaching in duration than the physical time that the effect is experienced. The Councils position is that it cannot agree this point, but considers that the Community Mitigation package is being agreed in recognition of this and other adverse impacts of the Proposed Development on NMUs and local communities.</p>
Impact on NMUs and Local community – noise and vibration	ID Ref 13	The Councils cannot see how the additional noise and disturbance caused during the construction phase by additional HGVs accessing the site would not result in significantly greater noise and vibration being experienced by NMUs along New Bridge Lane. The Councils refer to their comments made at 5.8. above.
Traffic and Transport – Impact on NMUs and other rights of way access	ID Ref 14	The Councils welcome the amendment to the DCO incorporating the TRO provision.
<i>12.2b Written Summary of the Applicant's Oral Submissions at ISH4 – Rev 1 [REP4-020]</i>		

Construction materials	ID Ref 8	<p>The Councils note that proxy information on waste arisings has been used to estimate the quantities of construction materials required, and hence the carbon emissions associated with the construction phase of the Proposed Development.</p> <p>Carbon emissions from construction should be recalculated based on quantities of materials required from design information once this is known, or at a stage in the design process where a reasonable estimate of the likely types and quantities of materials can be made.</p>
Climate change methodology and assumptions	ID Ref 8 Appendix A – Cory Riverside Energy case	<p>This case study provides some interesting comparisons but also has some important differences to the Proposed Development. Firstly, the purpose of the Cory Riverside study was to investigate the carbon impact of an existing plant and compare to a theoretical alternative, and was not for planning purposes. Secondly, much of the focus of the Cory Riverside study was on the transport of waste by barge on the River Thames, which is not applicable to the proposed site in Wisbech.</p>
<i>12.3 Comments on the Deadline 3 Submissions: Part 1 Statutory Parties – Rev 1 [REP4-022]</i>		
Biodiversity, Ecology and the Natural Environment	ID Ref 10	<p>The Councils now consider that the Water Vole issue is resolved.</p>
<i>Table 3.2 Comments on Deadline Submissions from CCC and FDC – CCC and FDC Response to ISH4 and ISH5 Action Points [REP5-044]</i>		
Outstanding highway matters	Item 1 (Action Point 2)	<p>The Applicant has noted the meeting of 6 July 2023 that took place with CCC in relation to the re-design of the Cromwell Road/New Bridge Lane junction. CCC acknowledges that additional modelling information with regard to the signals will be provided by the Applicant. However, the Applicant has not noted a key concern raised by CCC at that meeting – that the powers of acquisition to be included in the DCO, in relation to land currently owned by Tesco, may not be sufficient to ensure that all new infrastructure at the junction can be adopted by CCC as highway maintainable at public expense.</p> <p>CCC understands that the Applicant is engaging its solicitors on this matter, but has yet to receive any further information or proposal from the Applicant. CCC will continue to engage constructively with the Applicant in pursuit of an acceptable outcome on this issue.</p>

### 15.7 Applicant's Response to ISH4 Action Point 7 Technical Note: Climate Additional Sensitivity Assessment [REP6-030]

Topic	Paragraph Number	Councils' Comment
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<p>Selection of scenarios for sensitivity analysis, considering UK electricity grid decarbonisation</p>	<p>1.2.4, and Table 2.2 (and Figures 3.1, 3.2, 3.3 and 3.5, 4.1.3.</p>	<p>As the Applicant has acknowledged in paragraph 1.2.4, CCC's view is that only those scenarios that consider the future decarbonisation of the UK electricity grid are relevant. This would be scenario numbers 8, 9, 10, 11, 12, 13, 15, 17, 19, 21, 23, and 24 to 31, as described in Table 2.2. these scenarios have been illustrated with striped or chequered bars in the graphs that follow.</p> <p>Whilst it would be reasonable to consider the possibility that the grid may decarbonise faster or slower than thought, it will never be the case that the grid carbon would remain the same for 40 years. For that reason, consideration of grid decarbonisation should have been the core case from the outset.</p> <p>CCC would therefore suggest that scenario numbers 1 to 7, 14, 16, 18, 20 and 22, as described in Table 2.2, can be ignored in this analysis.</p> <p>In Figure 3.5, the impact of this point is illustrated. Where scenarios 1 and 7 fail to take into account the impact of grid decarbonisation, they falsely give the impression that EfW would be a lot lower carbon than landfill. Whereas, in fact, when the likely grid decarbonisation is taken into account as in scenario 8, the difference in emissions between EfW and landfill is very small, and could be outweighed by other variables such as waste composition.</p>
<p>Combined Heat and Power (CHP) avoided emissions from heat</p>	<p>Table 2.2, scenarios 14 and 15 and 29, as well as CHP section on page 37</p>	<p>Unlike electricity, the carbon intensity of natural gas will remain pretty much the same over time, although the proportion of biogas in the mains gas grid may change. However, the extent to which gas will be the main heating fuel in future is unknown.</p> <p>To CCC's knowledge, no forecasts of heat decarbonisation are published by the UK government. In the absence of this forecast, the Applicant's assumption that the latest emissions factor for natural gas will remain constant until 2035, at which point electricity will replace gas as the main source of heating thereafter, is a reasonable one, although it seems more likely that the change will be more gradual rather than all in 2035. However, the uncertainty of this assumption must be acknowledged.</p>
<p>Results of sensitivity analysis</p>	<p>Table 3.1 and Figures 3.1, 3.2 and 3.3.</p>	<p>CCC notes that from the Applicant's sensitivity analysis for the nineteen scenarios that it considers may be relevant – see comment above in relation to Table 2.2 – the estimated lifetime gross emissions for the proposed EfW facility range from 7,074 ktCO<sub>2</sub>e to 12,185 ktCO<sub>2</sub>e, whilst the estimated lifetime net emissions for the EfW facility range from 3,625</p>



		<p>ktCO<sub>2</sub>e to 11,870 ktCO<sub>2</sub>e. This is also illustrated by the striped and chequered bars in Figures 3.1, 3.2 and 3.3.</p> <p>This emphasises that the carbon footprint of the Proposed Development could vary a lot and is very much dependent on some of the variables considered in the analysis, including waste composition and whether/when CCS is adopted.</p>
Comparison to landfill	Table 3.1 and Figures 3.2 and 3.3 and 3.7	<p>CCC has previously commented that it is uncertain what would happen if the Proposed Development did not proceed, and that we cannot know whether <i>all</i> of the waste would <i>definitely</i> go to landfill, for the <i>entire 40 years</i> of operation, and stands by that position that the ‘without development’ scenario is an unknown – considering that the Proposed Development is not a replacement for any particular treatment plant or site.</p> <p>Nonetheless, it is interesting to note that greenhouse gas emissions from landfill are also uncertain, and vary depending on several factors, particularly the composition of the waste and the landfill gas capture rate. This is demonstrated by the Applicant’s scenario numbers 8 to 13 and 17 and 19, which show that gross lifetime emissions from landfill in different scenarios could range from 5,411 ktCO<sub>2</sub>e to 17,032 ktCO<sub>2</sub>e (also shown in Figure 3.7).</p>
Impact of waste composition on emissions	3.3.4 to 3.3.7 (page 27-28) and Figure 3.4, 4.1.3 to 4.1.4.	<p>As mentioned above, CCC believes that scenarios 1 to 6 can be ignored as they are based on incorrect assumptions.</p> <p>Scenarios 8 to 13 demonstrate that the emissions could vary considerably depending on the composition of the waste.</p> <p>Scenarios 12 and 13 in particular demonstrate that reducing plastics would reduce the emissions from EfW, whereas reducing food waste would mean reduced emissions from the alternative landfill option, as expected.</p>
Impact of CHP on emissions	3.3.11 to 3.3.1 and Figure 3.6	<p>As mentioned above, CCC believes that scenarios 1 and 14 can be ignored as they are based on incorrect assumptions. Scenario 15 shows that adoption of CHP would have a small benefit, when compared to scenario 8 (baseline without CHP). The benefit is much greater when combined with Carbon Capture and Storage (scenario 29).</p>
Impact of CCS on emissions	3.3.5 to 3.3.6 (page 35) and Figure 3.8, 4.1.7 (page 38)	<p>As mentioned above, CCC believe that scenarios 1, 20 and 22 can be ignored as they are based on incorrect assumptions.</p>

		Scenarios 21 (2030 adoption) and 23 (2040 adoption) show that adoption of CCS would deliver a large benefit in reducing emissions from the Proposed Development, compared to the baseline scenario 8 without CCS. Furthermore, the sooner that CCS is adopted, the greater the benefit.
Evaluation of likelihood of the various scenarios	Table 4.2	<p>CCC disagrees with the Applicant's assessment of likelihood for regulations/policy for scenarios 1, 2, 3, 4, 5, 6, 7, 14, 16, 20, 22. CCC's view is that all those scenarios should be regarded as very unlikely. Any scenario that does not consider future grid decarbonisation should be regarded as unlikely with regards to regulations/policy.</p> <p>Given that grid decarbonisation is already a key part of UK government policy to achieve its legally binding commitment to net zero carbon, it is very unlikely that the grid would continue at the current carbon intensity for the next 40 years.</p> <p>CCC's view is that the most highly likely scenarios are 8, 9 and 11.</p> <p>CCC would also regard scenarios 10, 12, 13, 15 as likely.</p> <p>CCC would regard scenarios 17, 19, 21, 23, and 24 to 31 as just as likely as unlikely.</p>
Summary of likely emissions	General	<p>Taking into account the likelihood of the various scenarios and the results of the analysis, CCC considers that the most likely emissions from the Proposed Development would be in the range of 11,011 to 11,243 ktCO<sub>2</sub>e gross, or 10,738 to 10,970 ktCO<sub>2</sub>e net. These figures are very similar to the estimated total emissions for landfill, with the difference being only a very small percentage. With the difference in emissions being so small for the most likely scenarios, alongside considerable uncertainties in the methods of estimation, one cannot know which method of treatment (EfW or landfill) would be lower emissions.</p> <p>However, what one does know is that emissions from EfW can be reduced by reducing the amount of plastics in the incoming waste, operating CHP and operating CCS as soon as possible. These measures are therefore crucial in minimising the impact of the Proposed Development on the climate.</p>
Conclusion	Para 4.1.22, page 49	CCC disagrees with the Applicant's conclusion that " <i>the assessment of GHG emissions presented in the original ES (the ES Case) is considered to be a reasonable and appropriate approach</i> ". For the reasons already given in the above comments, the original ES

		assessment (scenario 1) must be discounted, and scenario 8 should be considered as the baseline.
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#### 15.8 Section 106 Heads of Terms - Revision 2 [REP6-031]

Topic	Paragraph Number	Councils' Comment
Draft s106 Agreement		The Draft s106 Agreement has been provided to CCC, and CCC has provided its proposed amendments to the Applicant and awaits their response. There are several changes that need to be made from those outlined in the Heads of Terms Revision 2 shared by the Applicant in [REP6-031].

#### 15.9 DCO Requirement 29: Waste Area Plan - Revision 1 [REP-TBC]

Topic	Paragraph Number	Councils' Comment
Waste Area Plan	Map	CCC can confirm that the map is the agreed map discussed between Applicant and Council for the Waste Area Plan.