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Dear Sir

**Planning Act 2008****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**

I refer to The Examining Authority's further written questions and requests for information (ExQ3), issued on 21 July 2023.

This letter sets out the responses from Norfolk County Council (NCC) to the matters identified as being addressed to the NCC in column 2 of the table included in ExQ3. To assist the Examining Authority the text below includes the question number, the question and sets out NCC's response. The questions addressed to NCC include GCT.3.3, GCT.3.4 and CE.3.1, and accordingly the responses provided below respond only to these questions.

General & Cross Topic QuestionsQuestion: GCT.3.3

*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.*

## NCC Response:

NCC and BCKLWN have concluded a Statement of Common Ground with the Applicant (Applicant's Document Ref. Vol 9.4a, Revision 4.0), which was agreed and signed by NCC on 1<sup>st</sup> August 2023. This has been submitted to the Examining Authority by the Applicant.

The matters not agreed are set in the tables contained in each chapter of the Statement of Common Ground. NCC's overview of its outstanding objections are as follows:

### Chapter 4 Draft DCO - Table 4.2 Agreement Log: Draft DCO

#### 4.2.3 NCC: No agreement on Deemed Consent.

NCC Position: Whilst NCC welcomes the Applicant's agreement to the 12 week determination period and the offer to enter into a PPA to cover costs, NCC considers that the other points are not agreed, i.e. that non-determination should be treated as a deemed refusal, that the timescales for requests for further information and consultation should be broken down, or that the other proposed limitations on the ability of the relevant authority to request further information should be limited at the end of the time limits, or that the submission of further information should be treated separately from the initial application.

NCC email 12 July 2023 - "We [NCC] have discussed this and have concluded that we wish to maintain our position. Whilst you [the Applicant] refer to the DCO deemed consent provisions for the Great Yarmouth Third River Crossing, our experience with that project (which was not the scale and did not raise the complexity of issues that the Medworth EfW EHP Facility would), and other DCO applications, is that the deemed consent provisions with similar limited timescales proposed are not adequate to enable them to work effectively from a local authority perspective, particularly where there are more complex issues involved which may take consultees some time to respond to or where additional information may be required".

### Chapter 9 Landscape and Visual - Table 9.3: Agreement Log: Landscape and Visual Impact

#### 9.3.4 NCC: Not Agreed

NCC Position: As set out in the Councils' Joint Local Impact Report (LIR) [REP1-064] NCC is concerned that the full extent of the stack and plume has not been included on the visualisations and that the Zone of Theoretical Visibility (ZTV) and viewpoint 16 may not represent the likely degree of visibility, especially on the villages to the east within NCC's area. The ExA will be notified if NCC's position changes.

#### 9.3.7 NCC: Not Agreed.

NCC Position: As set out in its relevant representation [RR-004], NCC agrees that the landscape impacts of the grid connection in Norfolk are likely to be minimal. However, NCC has raised concerns about the scope of the assessment with regards to the stack and likely plume that could impact views from Norfolk and the wider landscape potentially to a greater degree than reported in the assessment conclusions. The ExA will be notified if NCC's position changes.

### 9.3.8 NCC: Not Agreed.

Paragraph 10.13 of the Joint LIR [REP1-065] emphasises that NCC's primary concern is the impact the stack and plume on residential receptors situated on the edge of villages to the east and other remote dwellings and that these effects would be difficult to mitigate given their height/scale. The ExA will be notified if NCC's position changes.

### 9.3.9 NCC: Not Agreed.

See above. Whilst neither authority has raised issues specifically on breaching the Residential Visual Amenity Threshold (RVAT), the Joint LIR [REP1-064] explains the councils' position and concerns regarding the impact of the Proposed Development, most notably the effects of its stack and plume on residential receptors within villages within Norfolk. The ExA will be notified if NCC's position changes.

### Question GCT.3.4

*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.*

### NCC Response:

NCC confirms that there are no "matters subject to further discussion".

### Cumulative Effects

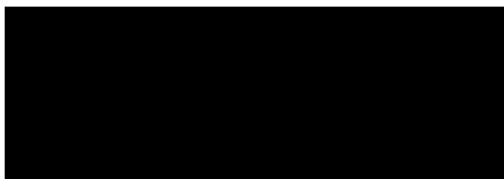
### Question CE.3.1

*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.*

### NCC Response:

NCC confirms that it has no comment to make on this matter as it did not submit a list of projects at Deadline 3.

Yours sincerely



Nick Johnson  
Head of Planning